



PN-ACT-065

1730 M Street, NW Suite 1100  
Washington, DC 20036-4505  
Main: Tel: (202) 776-9600 Fax: (202) 776-7000  
Direct: Tel: (202) 776-9664 Fax: (202) 776-7064  
Email: [esonnenberg@amideast.org](mailto:esonnenberg@amideast.org)  
Web: <http://www.amideast.org>

---

## Administration of Justice Support Project

Contract # 263-C-00-95-00134-00

Title: Caseflow Management Training Program

Date: February 2002

Author: DT2

Contractor: AMIDEAST

2.82

# NATIONAL CENTER FOR STATE COURTS INTERNATIONAL PROGRAMS

CASE MANAGEMENT TRAINING PROGRAM - EGYPTIAN FIRST INSTANCE COURTS  
February 4 to February 21, 2002

## BRIEFING DOCUMENT

### Background Information

The Administration of Justice Support Project (AOJS) is a USAID/Egypt-funded activity administered by AMIDEAST in partnership with the National Center for State Courts. In collaboration with the Egyptian Ministry of Justice and with USAID, the AOJS Project designs and implements its technical assistance and training activities to assist the Ministry of Justice (MOJ) in accomplishing strategic objectives for judicial and civil court administration reform. Three of AOJS's key Egyptian partner institutions are the National Center for Judicial Studies, the North Cairo Court of First Instance (a pilot court), and the Ismailia Court of First Instance (another pilot court). The AOJS has been working with these MOJ entities since the start of the Project on a variety of technical assistance and training activities. The task identified as Automation and Streamlining of Procedures at Pilot Courts has featured MOJ and AOJS Project staff working together on the reengineering of court work flow procedures and on the development of two court automation systems. These systems are Case Initiation and Receipting (CIRN) and Case Management Application (CMA) and represent pilot programs that target a business-IT alignment.

The CIRN is installed at the "front counter" of the Courts, which is the place where a litigant goes to initiate a civil case against another party. As a customer-oriented IT application, the CIRN calculates the fee that the litigant has to pay to file the case, produces an official payment receipt, and randomly assigns the case to a judicial circuit.

The CMA is a "back office" IT application designed for judges, indexers (data entry specialists), and circuit clerks who manage the work flow processes after a case is initiated. This application allows these judicial and non-judicial court employees to track all events in cases and to prepare a variety of statistical reports about the cases and circuits.

Aligning these "business" processes with IT applications will assist the court management and the MOJ in achieving a more fair and transparent approach to administering justice, in reducing the case initiation-to-disposition time frame, and in addressing the backlog of pending civil cases.

The AOJS Project is currently working with another MOJ work unit, namely the Judicial Information Center and its technical staff, on developing enhanced versions of the CMA and the CIRN. These enhanced versions will be upgrades to the current versions of the applications that are being utilized in the two pilot courts. The new versions will also be utilized during the process involved in replicating the automated systems in the other Courts of First Instance, a process that the MOJ has indicated will start in the coming year.

The AOJS Project is also working with the two pilot courts on developing strategies for ensuring data quality with the CMA so that the various statistical reports that the application produces can be utilized by the Chief Justices and their judges to determine

the ages of court cases and to analyze where unnecessary delay in the work flow processes are occurring.

### **Program Purpose & Training Objectives:**

The purposes of this training program are four-fold:

1. To expose the participants to the technical content, overriding concepts, and terminology of case management/delay reduction, leadership, and change management;
2. To examine relevant research regarding knowledge/content areas listed in #1 above and lessons learned regarding case management/delay reduction in the United States and in other countries;
3. To meet with US judges and court administrators who are implementing/have implemented case delay reduction plans, especially plans that involve the utilization of case management systems for information management/case delay reduction purposes; and
4. To prepare a draft national case delay reduction plan for civil cases for the 22 Courts of First Instance in Egypt.

At the end of this training program, the following objectives should be met:

The participants will have enhanced their understanding and awareness of case management and leadership issues, and be able to:

1. Describe the main concepts of case management, case delay reduction, leadership, and change management;
2. Explain the elements of a case delay reduction plan and how the plan can be implemented, monitored, and evaluated; and
3. Explain how court automation systems can be utilized to monitor the progress of civil court cases in the Courts of First Instance.

By way of further background, we have attached the following documents:

1. "AUTOMATION AND ORGANIZATION DEVELOPMENT IN EGYPT," prepared by Walter Kuencer, In-Country Court Information Systems Consultant to the AOJS Project and David C. Steelman, NCSC Principal Court Management Consultant. This paper is the written background summary for a presentation made during the SEVENTH COURT TECHNOLOGY CONFERENCE (CTC7) in August 2001.
2. "ON THE POSITIVE ROLE OF THE JUDGE IN MANAGING CIVIL AND COMMERCIAL CASES IN EGYPTIAN COURTS OF FIRST INSTANCE", written prepared by David C. Steelman

### **Participants**

The group consists of 16 judges (see attached participants list). One member is a vice president of the Court of Cassation (analogous to an Associate Justice of the U.S. Supreme Court). Seven are Counselors of the Court of First Instance (analogous to the Chief Judge of a U.S. District Court). The remainder are Judges who sit on 3-member panels to hear cases in the Courts of First Instance.

**AUTOMATION AND ORGANIZATION DEVELOPMENT  
IN EGYPT**

PRESENTATION TO SEVENTH NATIONAL COURT TECHNOLOGY CONFERENCE (CTC7)  
Baltimore, Maryland  
August 14-16, 2001

National Center for State Courts

Walter Kuencer, Court Information systems Consultant  
David C. Steelman, Principal Court Management Consultant

This paper will describe a United States Agency for International Development (USAID) project to improve the administration of justice within the Ministry of Justice for the government of Egypt. It will begin with a background description of the project and objectives, describe the activities, products and results, and finally share some lessons learned related to court/case management process re-engineering, development and introduction of technology, and project management.

While the USAID in Egypt has been involved in institutional development and policy work in sectors such as agriculture and public health for a quarter of a century, it is just beginning its institutional partnership with the courts, with the Parliament, and with organizations in civil society.

The Project arose from the findings of the Egyptian Judicial Conference in 1986. The Conference attendees determined that the growing backlog of cases in the national court system was, to a significant degree, the result of inadequate court management and administration. The Conference attendees recommended improved management, improved administration, re-engineering and case flow management automation.

Slow progress on this agenda over the following decade and a growing backlogs in the court caseloads, led the Government of Egypt to solicit USAID assistance. This led to the initiation of the Administration of Justice Support (AOJS) Project. The court leadership, working level judges, the Ministry of Justice, the legal community, the general public, the national media, and the national political leadership of Egypt perceived the need for radical improvements in court management.

The Administration of Justice Support Project began in March of 1996 with the special objective to provide an improved civil legal system in Egypt by achieving two principal intermediate results. The first is improved efficiency in two pilot court systems and the second is the improvement of judges' knowledge and application of Egyptian civil law. Mobilization began in September 1996 and the Project's current end date is the 30<sup>th</sup> of December 2001. The Project is a partnership of NCSC and Amideast Inc.

An early, important, first step with our Ministry counter parts was to re-interpret the project scope of work and agree in plain language on the nature of the problems and the focus of the solutions. The Project thereafter worked according to the premises that:

- There is a serious problem of case delay in Egypt in the area of civil and commercial cases;
- There is a need to upgrade the civil and commercial law skill of Judges in Egypt;
- American Court experience in reducing civil case delay is relevant to Egypt;

The purpose of the Project is to:

- Identify and test on a pilot basis, techniques for reducing delays in the disposition of civil and commercial cases in Egypt;
- Improve Egyptian Judges' knowledge of civil and commercial law.

These agreements helped the Ministry to formulate expectations that the Project could have a reasonable chance of meeting and provided a framework for planning within the Project. They have continued to serve the Project as an appropriateness litmus test for additional counterpart requests and new initiatives suggested from within the Project. With a mandate as broad as 'improve the civil legal system' some boundaries were required.

The project subsequently has been working in three locations: North Cairo Court of First Instance, Ismailia Court of First Instance on the Suez Canal, and the National Center for Judicial Studies in Cairo.

The results of the Project to date are:

- Substantial progress has been made in the rate of civil/commercial law case resolution,
- Knowledge of civil/commercial law by judges is measurably improved,
- Business lawyers perception of the pilot court operations are improved,
- Court case flow procedures are streamlined, information is more accessible and transparent.

These results were achieved as a result of the development and implementation of the following automated systems and re-engineered processes:

- Transaction and workflow system using Lotus/Notes and Domino server on WIN/NT with clients operating in an Arabic Windows environment for court/case management.
- Decision support information and research systems using legal research Internet services and CD-ROM products to access appellate case opinions and national legislative databases.
- Point-of-Sale system for receiving, receipting and reporting financial transactions.
- Office Automation using MS Office, Access, and Exchange for: agency administration; judgment, ruling and electronic publishing center; and computer technology training classrooms.

For a third consecutive year, the average time it took to dispose of cases decreased by about 10%. The project attributes this to an emphasize on the positive role of the judge in affecting case delay.

The Egyptian legal system involves multiple hearings terminating in an assembled file used as a basis for decision. There were no consequences to litigants who failed to perform tasks or submit documents in response to or in preparation for hearings to ready a case for decision. As a result cases were set for hearings 5 to 10 times to accomplish very routine tasks. The whole process was being needlessly churned to get to simple decisions. Judges are now encouraged to exercise case flow management at each hearing on a case. Individual judge panels make decisions as to whether a matter should be postponed and for how long, whether an expert is necessary for resolution of the case, how much time parties need to provide the court with necessary documents and witnesses and many other matters which determine how long the case will take to be decided. Judges now make decisions about these matters which are fair to the parties but which do not unnecessarily prolong the proceedings.

Initial delay reduction results have been the product of changing and shaping judicial attitudes about the importance of addressing this issue along with extensive training and mentoring.

Inadequate case information available to the judges has limited the opportunities for judicial control. Judges have struggled to make good decisions in the face of strong litigant arguments when they had little knowledge of the content, history, or status of the case. Case paper files were disorganized and often illegible. Prior decisions relating to postponements, litigant requests, and the status of pending case events were unavailable to the judges.

An automated management information system was required to provide information in a readily usable form for the diagnosis of delay causing problems by maintaining a case history of past events and monitoring pending events resulting from prior hearing decisions.

An automated case management system was developed and implemented. The application includes a listing of the documents which have been filed, the dates on which they were filed, a listing of each hearing which preceded the current hearing, the purpose for which each hearing was scheduled, the reason for each hearing's postponement, a brief description of each request made by the parties to the court and the disposition of the request. In addition, the electronic case file contains the actions ordered to be performed before the next hearing, deadlines for their performance and, status of the event prior to the hearing date.

The Arabic language case management application (CMA) is built on a Lotus Notes / Domino platform modeled on an existing and successful English language court program. In order to meet a very rapid development and deployment schedule (1 year) the Project opted to begin with a proven, successful model (from the Australian High Court) that combined a user friendly, forms based interface with strong case management information reporting capabilities, and some transaction functions (case numbering, random judge assignment, 1<sup>st</sup> hearing scheduling, common forms output, and event messaging via integrated email capabilities, etc.). In general terms, the application is comprised of case, litigant and event forms. Each of these forms is dynamically displayed as an integrated case history from which all information about the case, litigants, and events are displayed and updated. The CMA defines an event as something that happens in a case, for example, a document having been filed; panel decisions (e.g. request for expert opinions, judgments, service orders, etc.); or something having happened (e.g. a hearing, postponement, etc.). Every event in the case history is either a past event that has happened or a pending event that is expected to happen. The most important information output for judicial case management is generated from the pending events. Considerable labor and time saving statistical gathering and reporting benefits are realized from the past events. Additionally, objects may be attached to any form. Scanned or word processed documents (litigant filings, evidence documents, decisions, judgments, etc.) are attached to the electronic case file for ease of access. This capability provides the courts with an alternative to microfilm and provides a link between the electronic case file and the electronic archiving system being developed by the Ministry. Finally, while the system is currently implemented on discreet domains, the capability exists to replicate the system nationwide as a web enabled application. The success of this option for deployment ultimately depends on the development of an improved national communications infrastructure and system. The decision to implement the chosen technology was based on the applicability of the application to the information requirements to manage delay, ease of customization of the application, ease of use and ease of user training, ease of managing the Lotus environment, and the use of primarily off-the-shelf software.

An English language prototype was built based upon Egyptian Court events and data elements. The prototype was refined based upon court and ministry input. The prototype was converted to an Arabic interface and a group of the best and most experienced court clerks and

administrators were trained. Based upon use during training and Beta trials further refinements were specified and programmed.

The time from prototype to completion of the startup version was 6 months. 180+ end users and technical support personnel have been trained and the system is in full, daily production use for the last 15 months. North Cairo Court is operating on two large servers, eighty-seven client PCs, nine network printers, thirteen local printers and a local area network connecting all devices; Ismailia Court is installed with one large server, thirty client PCs, one network printer, and twelve local printers. A major data entry effort was made to enter all pending cases (approximately 30,000 cases) so that benefits can be reaped from the management information reporting functions and the labor saving functions such as the hearing roll creation. The system is supported by in-house court staff that have been trained on the hardware, software and application platforms. Backup support is provided by the Ministry's centralized Judicial Information Center. Should the Ministry choose to accept this system for nationwide replication the JIC will be the entity charged with that activity.

Three other simple but effective joint technology / process re-engineering initiatives have been implemented by the Project and the Ministry. The first was in response to the objective to improve the judge's knowledge of civil and commercial law. A pilot group of 80 judges were provided laptop computers, Internet and CD-ROM based legal research applications, and training in basic computer usage and word processing. The results were that most judges became proficient in using the legal research tools and began producing written decisions and judgments in word processing. Most judges did not have easy access to updated books of the laws and appeals court decisions. All judges hand wrote decision and judgments with paper and pencil. Because judges in Egypt do not have offices provided in the court or in other Ministry facilities they do their case research and writing at home. The PCs and tools enabled them to have research references available, to more quickly draft documents, and to be able to save and reuse prior documents as templates for future cases.

Hand written court opinions were formerly typed on manual typewriters with several iterations of editing and retyping, resulting in considerable delay in the time between a matter being taken for decision and the issuing of the final signed decision. The simple installation of a 'typing pool' of networked PCs with word processing greatly improved this situation. Many judges jump-start the process by delivering their draft opinions electronically, the typist backlog has disappeared as a result of not retyping entire documents many times over, and the quality of the final documents is improved because changes may be made quickly and easily. The effort to redesign and implement a more streamlined line workflow was as important and more difficult than the installation of the technology.

A final project activity was the compilation of all case related fees and fines, the indexing of these costs to case transaction types, and the relocation of the many staging points for fee assessment, auditing, payment, receipting, and recording related to case filing and fees and fines payments. An application was developed and implemented on point-of-sale PCs at a single front counter in the lobby of the court. This has reduced the time required for these types of transactions from hours to minutes. The standardization of the fees and the assessment process as computer functions gives the litigant greater confidence that the fees are fair and clerks benefit from computer assisted guidance in calculating the fee. Again the technology solution is commonplace, easily implemented and sustainable.

The following are some lessons learned that maybe of value to those conference attendees involved in international court technology projects.

There is an almost universal impulse for the host judiciary to want case management systems developed from the ground up because they believe that their judicial system is unique. I recommend strongly for the alternative of identifying an operating, proven system

that can be customized. It is easier to design with new users of technology when they are working with a product they can see and experiment with than to work from concepts only. Usually time is of the essence and modification is faster than construction from scratch. Finally, you will be asking new users and support staff to do work above and beyond their normal duties to implement and startup a large new system, therefore it had better give good value for their efforts; you are more likely to find that in a mature system than a new system. This decision often leads to another frequent early management decision 'do I have to choose a CMA from a civil code country if my courts are civil code courts?' And vice versa for common law courts. This question can be hotly debated but the answer is 'no'. While the judicial procedures and basis of law may be very different the data and information collection and reporting requirements are strikingly similar. Every legal system's case's have case identifiers (case numbers, titles, case types, status', etc.), litigants (with their personal information and representing attorneys), and case history events (i.e. filing of documents with the court, hearings/trials, decisions and judgments, collection of money, etc.), and the need to take actions according to time standards. These things may be called by different names and occur in different order, but these are just programming issues for the user interface and reporting functions of the system. What things are called and where they appear on the monitor screen should not be confused with the common data and electronic case file functions and reporting of all CMAs. Finally, nowadays you will find that many of the underlying software environments have been enhanced to allow language conversion between similar language families and even for right-to-left and up-and-down written languages.

Another major success factor for technology initiatives is the management environment of the court and judiciary. Technology leaders must see past the capabilities and limitations of computers to the organizational, managerial, legal and interpersonal implications of those tools on court organization. Automation projects fail because of:

- Lack of top management commitment and oversight
- Inadequate planning for development and implementation
- Inadequate user input and feedback on the project as it develops
- Inexperienced implementation managers and court management change agents
- Not anticipating changes in technology during the life of the project
- Unrealistic cost estimates - not accounting for other costs related to the project like communications charges, maintenance, facilities improvements, other equipment, and supplies
- Unrealistic level-of-effort estimates (i.e. for installation, training, data entry of sufficient pending caseload to derive benefits, user and technical support)

It is, therefore, absolutely critical that the judiciary have a reasonable, clearly articulated vision for the future of automation in the courts, and that this vision be updated regularly as circumstances and technologies change. Without such a long-term vision, and without user and technical input to shape and implement that plan, and without top management commitment and a clearly broadcast message that the automation project is important, there is no hope of meaningful progress or results.

In conclusion, the Egyptian Ministry of Justice initially conceived the AOJS project as a request from the United States for modern technology. In satisfaction of that request the project has proved the concepts of the universality of applications across civil and common law systems, the correctness of the decision to modify an existing system to deliver high quality and early benefits rapidly, the easy of renaming interface labels and translation to another language, and finally that a complex modern technical environment can be sustained by new technology users. The greatest achievement of the introduction of technology into the Egyptian courts, however, may be that it was the catalyst for change in the court. The court facility is a more comfortable and well organized work environment because air conditioners and furniture were purchased, rooms were remodeled, sanitation and maintenance improved,

personnel relocated, better signage and litigant traffic control installed all to enable or protect the 'computers'. Work process and workflow was redesigned to accommodate the automated tools. Much of the improvements in case delay came well before any automated management information output was available. The court learned to better manage the paper case files and judicially manage cases because they were getting ready for the computers. Technology was the lever that finally moved the firmly institutionalized and stubbornly held notions of how cases are processed and judged for the better.

# ON THE POSITIVE ROLE OF THE JUDGE IN MANAGING CIVIL AND COMMERCIAL CASES IN EGYPTIAN COURTS OF FIRST INSTANCE

David C. Steelman\*

## Introduction

Since late 1996, the National Center for State Courts has been a subcontractor to Amideast in the "Administration of Justice Support" (AOJS) project sponsored by the United States Agency for International Development (USAID) in collaboration with the Egyptian Ministry of Justice (MOJ). The AOJS project will run through December 2002, and it is intended to promote reform and improvement in both the operation and performance of the civil court system of Egypt. One of the objectives of the project is to reduce delay reduction in civil and commercial cases through administrative reform in two pilot courts (the courts of first instance in North Cairo and Ismailia), including positive action by the judges in those courts to manage the pace of litigation.

In April 1999, judges from the two courts of first instance that served as pilot courts for the AOJS project attended a three-day training conference with selected judges from other districts in Egypt. The conference was sponsored by MOJ and the AOJS project team, and it emphasized the "Positive Role of the Judge." Following the conference, AOJS project team members met regularly with judges in the two pilot courts to address ways that judges in panels hearing civil and commercial cases could act in positive and affirmative ways to achieve prompt and fair decisions in those cases. This article briefly addresses these efforts and the results that have been achieved by the end of calendar year 2000.

## Caseflow Management Areas for Positive Role of Judge

In over two decades of study in trial courts in the United States, researchers and court management consultants have consistently concluded that judge leadership commitment to court control of proceedings is a critical element of successful efforts to manage the pace of litigation.<sup>1</sup> Establishment of appropriate expectations, monitoring of actual performance by case participants, and holding case participants accountable for meeting expectations are basic steps that are critical for the day-to-day management of cases by judges.<sup>2</sup>

Non-family civil and commercial cases are heard in Egypt under the Napoleonic Code, which involves procedures different from those in Anglo-American courts. Key differences include reliance in many Egyptian cases on experts to gather key factual information instead of

---

\* David C. Steelman is a principal court management consultant with the National Center for State Courts. This article is based on a presentation he made at the Seventh Court Technology Conference in Baltimore, Maryland, on August 14-16, 2001. Mr. Steelman would like to acknowledge the assistance of Jim Grabowski and Kelly Gavagan, members of the permanent party for the AOJS project in Cairo, who offered comments on an earlier version of this article.

<sup>1</sup> See Barry Mahoney, Alexander Aikman, Pamela Casey, Victor E. Flango, Geoff Gallas, Thomas Henderson, Jeanne Ito, David Steelman, and Steven Weller, *Changing Times in Trial Courts: Caseflow Management and Delay Reduction in Urban Trial Courts* (Williamsburg, Va.: National Center for State Courts, 1988), p. 198. See also, Maureen Solomon and Douglas Somerlot, *Caseflow Management in the Trial Court* (Chicago: American Bar Association, 1987), pp. 8-9.

<sup>2</sup> See David Steelman, John Goerd, and James McMillan, *Caseflow Management: The Heart of Court Management in the New Millennium* (Williamsburg, Va.: National Center for State Courts, 2000), pp. 105-124.

the adversarial discovery process we see in American courts; and court hearings in Egypt to build a paper record for decision by the court, without trials to a judge or a jury that we see in American civil proceedings as a basis for findings of fact and rulings of law. Despite such differences, however, MOJ leaders have agreed with AOJS team members and consultants that judge leadership and commitment to the active management of court proceedings is essential for reduction and avoidance of delay.

From March 1997 through April 1999, through the National Center's International Programs Division, I served as a court administration consultant to AOJS and MOJ, visiting Egypt five times. In a September 1998 presentation to MOJ leaders,<sup>3</sup> Judge Jeffrey Arnold and I suggested eight ways in which judges can play an important positive role in the management of civil and commercial cases:

1. **Leadership by MOJ and Pilot Court Chief Justices.** As part of their regular and ongoing responsibility, MOJ leaders and the chief justices of courts of first instance should be: (a) to establish appropriate time standards and monitor compliance by the judge panels; (b) to hold judge panels accountable for the timely completion of cases, and (c) to assist the judge panels by providing reasonable means to comply with such expectations.
2. **Time Standards.** Experimental panel judges should actively manage the progress of cases from initiation through final judgment in keeping with the time standards that have been established.
3. **Supervision of Service.** Judge panels should pay special attention to problems of service: In any case with extensive service problems, a "follow-up judge" appointed by the chief justice of the court of first instance should look into the service problems.
4. **Supervision of Case Preparation.** Once both litigants have appeared before the court, panel judges should take active steps with lawyers and litigants to schedule the preparation of cases for final judgment in a timely manner.
5. **Supervision of Expert Work.** The judge panels hearing cases should closely monitor and control the elapsed time necessary for the completion of work by experts.
6. **Holding Case for Final Judgment.** When all documents that the parties consider necessary for the decision of a case have been submitted to the court, the judge panel will enter an order closing the proofs and holding the case for final judgment.
7. **Caseflow Management Information.** As part of their ongoing caseflow management efforts, MOJ, pilot court chief justices and experimental panel judges should regularly review caseflow management information reports: (a) pending caseload information; (b) age of cases at disposition; and (c) reports on open cases.
8. **Education and Training.** To enhance the chances of successful program implementation, MOJ and the pilot courts should provide appropriate training on issues relating to caseflow management for judges, court staff members, and ADR neutrals, as well as promoting training for lawyers.

Considering such suggestions as these, MOJ and the AOJS project team worked together in 1998 and 1999 with experimental panel judges in the pilot courts on specific ways

---

<sup>3</sup> See David Steelman and Jeffrey Arnold, "Experimental Civil Caseflow Management Improvement Plan for North Cairo and Ismailia Pilot Courts" (Cairo, Egypt: Administration of Justice Support Project, manuscript, September 10, 1998, prepared under USAID/Egypt - Contract: 263-C-00-95-00134-00).

for those judges to exercise a more positive role in the management of civil and commercial cases before them.

#### Activities by MOJ and AOJS to Promote Positive Role of Judge

A major step in that direction was the three-day conference on the "Positive Role of the Judge" that was sponsored by the MOJ and AOJS in April 1999. The conference was attended by AOJS pilot court judges and selected judges from other districts in Egypt. I and other speakers at the conference focused on the proposition that judges can and should play a positive, affirmative role in seeing that justice is done promptly in civil and commercial cases. A senior Egyptian appellate judge explained that judges in courts of first instance have ample authority under current Egyptian law to establish and enforce time expectations to achieve prompt and fair decisions in civil and commercial cases. MOJ leaders encouraged the judges attending the conference to use those provisions of the law that can reduce case delay. Judges attending the conference then participated in small group sessions during which they identified specific steps to reduce case delay that they would agree to utilize immediately.

Following the conference, the AOJS project team members worked with MOJ and judges in the two pilot courts to address ways that judges in panels hearing civil and commercial cases could act in positive and affirmative ways to achieve prompt and fair decisions in those cases. To develop a measure of what constitutes timely case processing, they surveyed Egyptian judges and created time standards for each type of civil and commercial case. In the pilot courts, judges in experimental panels took active steps to exercise greater management control over the progress of cases to conclusion. The AOJS project team members have met regularly with the judges in the pilot courts to discuss statistics on timeliness of case processing and emphasize the importance of prompt justice.

Steps directly related to active management of case progress were reinforced by MOJ and the AOJS project team through improvements in computer automation and judicial education. In part to provide information for the management of cases, an automated case management information system has been tailored to the Egyptian court environment, and a pilot court began live operation of the system in October 2000. For use in legal research, judges in the pilot courts received computers in 1999, and in 2000 the AOJS project supplied each judge with CD-ROMs containing the laws of Egypt. To help expedite the completion of judicial opinions formerly written in pencil by judges and typed on manual typewriters, an automated typing pool began operation in June 1999 in the North Cairo pilot court. Finally, the National Center for Judicial Studies (Egypt's judicial training institute) has begun a new judge orientation program in 1999, and training for experienced judges in 2000 included courses on caseload management, general management, and use of computers.

#### Delay Reduction Ideas Developed by Judges in Pilot Courts

During and after the April 1999 conference on the positive role of the judge, there were a number of ideas developed by the judges themselves in the pilot courts. Among the ideas for delay reduction that have been developed by the judges and implemented by one or more experimental judge panels are the following:

- In general, positive judicial control of case progress by reducing the number of postponements, reducing time to submit papers, less reliance on experts, following-up with service, and starting court hearings on time.
- Use of spreadsheets to determine the rental basis in rent disputes and financial conditions in bankruptcy cases, eliminating the need to send cases to experts.
- Creation of a judgment form "template" to eliminate redundant typing.

- Requesting the presence of an expert at court or calling the expert, so that a case would not be transferred to the Expert's Department (with a corresponding loss of court control over case progress).
- Use of photocopies of correspondence with government agencies possessed by the litigants, eliminating the need to order a postponement for the court to obtain originals of the same documents from those agencies.
- In-court review of documents to eliminate the need for a postponement for the court to read those documents.
- Imposition of fines on process servers found to have improperly delayed or avoided service of process.
- Use of floppy disks by judges when they are typing judgments, to eliminate the need for staff members in a court's typing pool to re-type entire documents.
- Use of compact disks for appellate court opinion research and legislative research.
- Immediate determination of simple contract ("signature") cases at the first scheduled court hearing, instead of postponing them for judgment.
- Elimination of service problems by use of in-hand service of process in open court.
- Requiring that any objections to documents be made early in the case process, with failure to do so resulting in disallowance of any such objection at a later time.

#### Results through the End of 2000

The work that the judges in the pilot courts have done under MOJ leadership and with the assistance of the AOJS project team members has already yielded positive outcomes. In 1997, case sampling yielded an average time of 672 days from initiation to disposition for civil and commercial cases – a figure that both MOJ and AOJS feared might be inaccurate. By the end of 1999, however, case-processing times could be measured with more certainty, and the average time to disposition for the pilot court judges was 388 days. At the end of 2000, it was 342 days.

Cases requiring the services of experts account for about one-fifth of all civil and commercial cases, and they consistently take dramatically longer to reach conclusion. Between 1998 and 1999, cases that were sent to experts by experimental panel judges showed a marked decrease (126 days) in the amount of time it took for an expert opinion to be completed and returned to the court. Yet the average time from filing to disposition for expert cases was still 990 days. For expert cases in 2000, the average time to disposition was 944 days. This progress may be attributable to the increased focus on the experts' department by pilot court judges, with and also the attention given these cases by a "follow-up" judge specially assigned by the Chief Justice of the North Cairo court to monitor the status of cases referred to the experts' department.

The results by the pilot court judges also yielded results in cases that they did not refer to experts. In 1999, the average time to disposition for non-expert cases before the experimental panel judges was 223 days. In 2000, it was 202 days. This decrease in average length of cases not sent to the experts could reflect the attempts by the pilot court judges to implement the tools and lessons that the project has presented during extensive training.

## Conclusion

The results achieved by judges in the pilot courts underscore the value of the positive role of the judge in managing the progress of civil and commercial cases in the pilot courts. In addition, they confirm the findings from years of research on court delay in American courts: the lessons of caseload management in America can be applied in such other countries as Egypt. Finally, they show the worth of a cooperative effort between Egyptian court leaders, Egyptian judges in courts of first instance, and American consultants under the effort sponsored by USAID and the Egyptian Ministry of Justice. The MOJ, the experimental panel judges in the pilot courts, and the AOJS project team members all have good reason to be proud of the improved service to the citizens of Egypt that their hard work has produced.