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INITIAL REPORT
ADMINISTRATION OF JUSTICE
SUPPORT PROJECT
Performance Development of Servers Dept.
Contract No. 263 - 0243 - c - 00 - 5134 - 00
Service Department Study
North Cairo Court

Aug. 1998

CONTENTS

- I. Introduction and objectives of the study.
- II. Approach and Methodology.
- III. Implementation status of the project.
- IV. Initial results and findings derived from the field research.

1-1 INTRODUCTION

In accordance with the terms of reference in relation to the contract No. 263 – 0243 – c – 00 – 5134 – 00 assigned to Mostafa Shawki & Co. by AMID EAST with the objective of developing the service department (servers department).

Mostafa Shawki & Co. in cooperation with Hassouna & Abu Ali legal Advisors set up an implementation plan to study the Servers dept at the Cairo North Court as well as other courts associated to the Cairo North Court within the period from August 2 nd to August 24, 1998.

The following report outlines the plan, approach and Methodology and finally the initial results and findings derived.

1-2 Objectives of the study

1. Review and develop the present organization structure for the servers department for the Cairo North Court.

In this respect we have analyzed the present organization structure, authorities and responsibilities for various levels at the Servers department. The study will include the Servers department at the North Court and another courts to be applied on these courts.

2. Determine the working relations between the servers department and other departments at the court develop the salary structure incentives and bonuses. In this respect we will analyze the present salary structure, bonuses, and will develop them taking into consideration that the compensation to be linked to performance taking legal aspects into consideration.
3. Develop policies and procedures related to working procedures, and determine solutions. In this respect we developed a questionnaire addressing various issues and problems. We have recommended solutions to problems raised taking into consideration the legal aspects.

In relation to performance indications we see that it important to determine these indicators but this part was not agreed upon in our contract.

2- Approach and Methodology

2-1 The study determined three main channels

1-The organization where we concentrated on the organization structure which includes:

- a- Organization structure for servers department at the main court and other courts.
- b- Duties and various job levels.
- c- Authorities and responsibilities.
- d- Working relations between servers department and other departments.

2- Working procedures and Methods:

This includes procedures related to servers department taking legal aspects into consideration which will include :

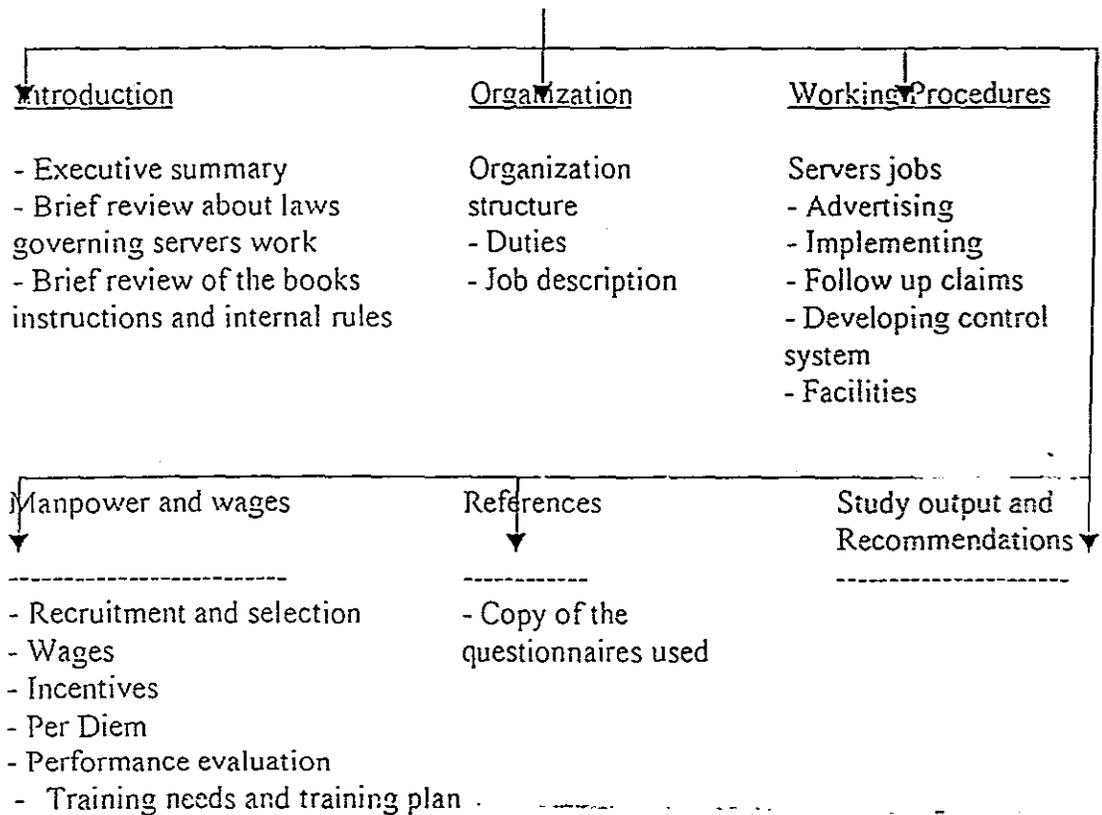
- a- Reviewing laws and ministerial degrees, instructions and books which organize the servers work.
- b- Documents used and registration books .
- c- Working procedures in order to streamline them.
- d- Inspection and controlling servers work.
- e- Facilities available.

3- Manpower and wages for servers:

This included evaluating Manpower wages and incentives, recruitment procedures, progressive discipline in order to maintain a positive working environment in order to meet the servers needs and to be able to measure their performance.

The following illustrates the components of the final report to be prepared.

Developing the Servers Department



2-2 The plan and Methodology of the study

A plan has been established and discussed with Mr. Ahmed Sabry Chief of North Cairo Court and Mr. Ashraf Mostafa Kamal the coordinator as well as the working team from the court.

The plan's basis are as follows:

1. The work has been divided into phases, these are
 - a- The field survey and data gathering from various sources.
 - b- Determining the problems and classifying them, as well as determining general aspects of area's of development and discussing them with the concerned.
 - c- The evaluation of the problems and designing appropriate systems and preparing the initial report.
 - d- Discussing the initial report with the concerned personnel.
 - e- Comments received and amendments on initial report .
 - f- Preparing the final report.
2. Discussing each phase with the concerned parties.
3. Integration as the study will cover all aspects which affect the server's work as the relations, between servers and judges, parque members and lawyers.

2-3 Methodology of the field survey and sources of information

These were various sources of data gathering which included:

1. Meetings with concerned parties.
2. Questionnaires.
3. Studying the law's publications, books, decrees and instructions.

A sample was determined from the servers which included:

1. North Cairo Court.
2. Azbakia Court.
3. Nasr City Court.
4. Mataria City Court.

The study also included the parties which are related to the servers which affect and are affected by it these are

1. Judges.
2. Lawyers.
3. Inspection department within the Minister of Justice.
4. Servers (various levels).

The participation of the Chief Server and General Manager " Inspection " had a great effect on the success of data gathering process receiving ideas and recommendations.

STATUS OF IMPLEMENTATION AND FOLLOW
UP OF THE SCHEDULE

3-1 Meetings with Officials and Concerned Parties

Several meetings were held with officials responsible for servers work which covered all previous mentioned courts, the chief server participated in all meetings.

It was taken into consideration that an initial meeting was held at the court with the working team of the court, the judges under the supervision of the Head of Court, Also meetings were held with servers in different courts, finally a meeting was held with the judges in which problems and recommendations were discussed.

The following table shows the schedule of meetings held:

ITEM	DATE
Initial meeting	5/8/1998
North court	16/8/1998
Azbakia court	17.8/1998
Nasr city	19/8/1998
Mataria city	20/8/1998
Nozha city	23/8/1998
Judges	24/8/1998

3-2 Questionnaires

Questionnaire design

The following factors were taken into consideration when designing the questionnaire:

1. The questionnaire covered 3 channels of the study, organization , work procedures and Manpower.
2. To determine the factors affecting the work climate for servers.
3. The procedural aspects and taking servers opinions in relation to legal constraints.
4. Asking all concerned parties connected with servers work.
5. Five questionnaires were designed, 3 for servers, one for judges and one for lawyers.

The servers questionnaire included the following:

- A. Questionnaire related to organizational issues.
- B. Questionnaire related to work climate.
- C. Questionnaire related to legal aspects in servers work.

The wording of questionnaire was made in simple questions and to use on the selected answer , and not using detailed questions which depend on unlimited answers.

Distributing the Questionnaire:

A sample for questionnaires was determined as follows:

1. Questionnaires for Judges which included 70 judges, 32 questionnaires were collected and the remaining are collected.
2. Servers questionnaire related to organizational issues, this included North Court, Nozha, Azbakia, Heliopolis, 90 questionnaires were distributed the response percent was 75%. The questionnaires were tabulated and analyzed.
3. Work climate questionnaire this included 75 distributed as follows:

Position	No.	Administrative Work	External Work
General Manager Inspection	1	-	-
Chief Server	1	-	-
Deputy chief server	1	-	-
Section sign	7	4	3
Server (1)	8	5	3
Deputy server (1)	9	4	5
Investigation	4	-	4
Server (implementation)	28	15	13
Server (Adv.)	12	7	5
Inspectors	4	-	-
	75	35	33

The response percent age was 95% a number of questionnaires related to inspection were not received until present, lawyers questionnaire which included 40 lawyers these are being collected.

3-3 Tabulating and analyzing questionnaires:

Questionnaires are being tabulated and analyzing part of them took place Tabulation of the organization questionnaire have been completed and results are being analyzed.

Analyzing the data

All data received was reviewed, this included data received from meetings held within the past two weeks as well as results of the organization questionnaire which were tabulated as well as books, pamphlets, reports receives as well as legal aspects.

The study concentrated on determining problems analyzing and classifying them. The solutions will need more time this will start after discussing the initial report and agreeing about classifying the problems and determine the developmental aspects which will come out of this report.

INITIAL FINDINGS RECEIVED FROM The FIELD SURVEY

4-1 Problems and Barriers to the work of servers

The consultants met with various officials at the North Cairo Court in order to determine the work environment that the servers work, and all factors that affect their work.

So a number of problems have been identified as well as barriers which causes delays in taking legal action and low productivity.

The problems have been classified into three channels, this is an initial classification and would be re-considered and we could depend on it to understand factors which affect the servers work.

The following diagram illustrates the problems.

These are some of the problems according to the previous classification.

4-1-1 Problems related to organization and Human factor

1- Problems related to organization and job responsibilities.

From the study we could conclude that:

1. There is no relation between job title and grade.
2. Various grades for one job title exist.
3. No chances for promotion exist with the present levels as an employee could spend average 10 years in one grade .Also there are no rules that govern promotions .
4. Job titles are not officially recognized.
5. Interference between job titles.
6. Interference between job duties.
7. Specialization is not taken into consideration, the server performs several duties as presenting papers in court, Advising notices, implementing , etc.....

2-Problems related to the Human Factor

It was found out that most servers do not possess a degree adequate to the job requirements as Faculty of Law Degree. but they possess the General School Secondary Certificate, also graduates refuse to occupy the servers job.

The legal information related to servers work is inadequate which causes a great deal of problems, the judges also indicate that intermediate Institutes do not provide detailed programs necessary to develop professional servers.

Training

There is no formal training program to develop servers ,the result that the server is not introduced to practical real work situations.

Compensation

Total compensation packages paid to servers are inadequate and are not appropriate in relation to their work. Average total compensation is L.E. 300 monthly for a person of average 10 years experience.

The employees working in the Ministry of Justice are paid more than personnel working in Courts taking into consideration the job complexity of the server which is not to be compared with office work.

Transportation Allowance

It is minimal and not appropriate with the servers work this leads that either the server could not reach the location required or will deliver the notice to the police station.

Job Title

Most servers agreed that the present job title is not adequate giving a bad impression from the public but this is due to the nature of the job rather than job title.

Protection

It was found out that the server is not protected when performing his job, he is always under pressure from influential people which causes unnecessary delays.

3- Problems related to control process on servers work and performance evaluation

1. The job duties of the server are not well defined within the inspectors.
2. Progressive discipline decisions are unfair and show lack of confidence in the server.
3. The server is deprived from incentives for one year if he is penalized by deducting 5 days or more.
4. The large no. of investigations which include a large number of servers due to complaints received causes instability and refusal to work as server.

Inspection Department Problems

1. Not enough stationary.
2. No payment is made for transportation to inspectors.
3. The number of investigations which vary from 3000-5000 annually for each inspector an average of 160 investigations are handled by each, some cases need a month to be completed.
4. The place to perform the work is inadequate.
5. There is no proper filing cabinets.
6. Bad lighting and ventilation.
7. The limited number of investigators available.

4-1-2 Problems related to work location and facilities

1- Work location of servers

The site visits that the consulting group conducted in relation to work location the following was found :-

1. The work location is not appropriate and is very crowded with employees, desks, the location is overcrowded when dealing with the public.
2. There is no waiting place for the public.
3. Corridors are over crowded with filing cabinets and people waiting.
4. Poor ventilation and lighting.
5. Exit and entry from one door causing a lot of disturbance and inconvenience.
6. The interior design of offices does not allow putting counters, this requires to re-design these offices.

2- Filing System

It has been found that there is no filing system inspite of the importance of documents. This causes difficulty in retrieving any document.

The problems are:

1. There are not enough filing cabinets available.
2. There is limited space to place cabinets.
3. Corridors are not appropriate to place cabinets.
4. Filing cabinets are not in good condition.
5. Documents are thrown on the floor over filing cabinets.
6. Filing cabinets are not specified i.e. courts, other departments cabinets all are placed randomly and unorganized.
7. Documents are subject to loss and damage which decreases the chances for control.
8. The absence of using modern methods used in filing.
9. Using Box files which are not appropriate and could cause loss and damage of documents.

3- Installations and office facilities:

Office facilities and stationary are not available as the amount available in the budget is minimal. Each server is required to obtain his own stationary at his own expense e.g. Paper, pens, pencils, envelopes, staplers. The server bears an amount which ranges between L.E. 20 and L.E. 40 per month.

Also printed documents which reached to nearly 32 different kinds of documents that the server has to print at his own expense the cost amounts to L.E 50 pounds per month.

The fact that the server bears all these expenses gives a chance to accept gratuities from outsiders to cover these costs as the total average compensation could not allow the server to bear these expenses.

4-1-3 Problems related to the system under which work is performed

The work of justice servers ("Servers") may be divided into four main categories (1) summons service; (2) execution of judgements; (3) recovery of governmental claims; and (4) protest service.

The preliminary examination and interviews conducted at certain justice service departments indicated the existence of a number of problems and drawbacks in the system which lead to the low performance of service departments and constitute an obstacle in the way of a good functioning of this vital element of the judicial system.

The following paragraphs will illustrate those preliminary findings and state briefly their negative effects.

1- Low level of technical knowledge

- i) When appointed Servers are not required to have suitable qualifications for the job. Rare are those who hold a law degree or a technical middle level degree with specialization in legal matters.
- ii) Servers start their career without special training or previous knowledge of their duties and responsibilities. Knowledge is acquired from the experience of colleagues, which includes acquiring the negative side of such experience.
- iii) Servers maintain that no periodic training is provided for improving their skills.
- iv) Servers need to acquire special skills for the efficient performance of their jobs. As an example, they must be able to assess the value of movables subject to attachments and sales. Training in respect of such aspects, although much needed, is completely lacking.

The result has been the weak technical capabilities of Servers. Insufficient knowledge of the rules governing the performance of their job, was mentioned and, changes in laws and Ministry instructions, do not seem to reach them in a timely fashion.

This leads to the following shortcomings.

- Mistakes are frequent, especially by junior staff.
- Such mistakes lead to that wrong procedures which then need to be corrected. This results in waste of time and additional work load on the Servers.
- Mistakes also result in frequent objections and complaints by litigants and attorneys. Servers consequently face investigations which further disrupt this work.
- Servers are frequently subject to sanctions. This reduces still further their low pay and increases emotional distress.
- Servers refer to frequently to their superiors in regards of summons service, and to the judges in regard of execution service, inquiring about how of resolve problems because of lacks of knowledge and experience. This again leads to waste of time.

2- Work assignment methods not rational

- i) Service work requires of Servers to be outside offices. However, more employees are inside than outside offices because a great part of the staff is female staff who do not carry out field work.
- ii) The daily workload assigned to each Server appears to be beyond his capacities exceeding the highest possible performance norms. Servers are required to serve daily between 30 to 70 summons of different kinds, or to undertake approximately 5 to 15 executions, or to serve 50 to 70 protests.

Hence the following negative aspects :

- Increased work pressure on Servers in the field, which prevents them from completing their tasks.
- Great number of mistakes, and recourse on their part to circumvent the rules in order to discharge the huge amount of work are entrusted with.
- Summons Servers serve approximately 70% of summons administratively, i.e. by depositing the summons at the police station without actually going to the place of residence of the party upon which the summons is served (claiming that such place was shut). Accordingly, service of the summons does not come to the knowledge of the party concerned in a timely manner.

Information indicated on the summons is often short of what is required by law, which exposes it be declared invalid.

- Execution Servers, in order to alleviate their work load, seek excuses to interrupt the execution proceedings claiming legal obstacles that require , postponing the execution until the matter is submitted to the execution judge.
- Governmental claim recovery is frequently undertaken by the Servers without actually effecting an attachment on movable property at the debtor's place of business or residence, relying instead on making attachments on paper in respect of fictitious movables and later reporting that the debtor has illegally disposed of the attached property.
- Protest Servers serve protests administratively, which prevents the party concerned from taking timely action.
- Heavy work pressure makes Servers write in an unreadable manner, thus preventing parties to litigation from being informed of delays and places of action.

3- Shortage in equipment and facilities

This is illustrated briefly by the following :

- i) no means of transportation are provided to Servers, nor do they receive transportation allowances.
- ii) available supplies of registers and forms are inadequate compared to the volume of work.
- iii) office space is severely limited, in poor physical conditions and lacks essential amenities. This results in a permanent feeling over of crowding by both the Servers and the public.
- iv) Offices lack adequate filing cabinets in which papers, documents and valuable can be safely kept. The risk of loss of documents and commercial papers is always present.

- v) No stationery is provided. Servers buy what they need for work at their own expense.
- vi) Funds available to reimburse Servers for expenses incurred during the course of business.

(for mail , notification ,forced execution, etc ...) are insufficient, if available .

The above leads to :

- Slow proceedings , and delays in the absence of registers and forms
- Servers have to meet their expenses by own means. With low salaries , this makes them accept money from litigants .
- Loss of papers and documents belonging to litigants , or exposure to damage. this results in claims from litigants against the Ministry and the Servers, and delays in legal proceedings dependant on the damaged or lost documents .

4- Low remuneration . incentives and allowances :

- a- Official working hours for Servers are from 7 am to 5 p.m. , i.e. ten hours , reaching often twelve hours of actual work . Other State employees work only eight hours , which means that Servers work daily 2 to 4 hours more without additional compensation .
- b- The Servers are given incentives reaching 180 % of monthly salary . However , a Server who has been subject to sanctions during a year totaling five days of deducted salary is deprived of incentives which represent a substantial parties of income .
- c- Servers are constantly on the move while performing their work . However , no transportation means are provided . The official transportation allowance is ridiculously low , so Servers do not bother to claim reimbursement . They therefore bear such expenses, which may reach 90 pounds or more per month in certain areas .
- d- Servers who collect governmental claims meet numerous difficulties in their work , but do not obtain a proportionate share from bonuses set aside for that purpose, other administrative staff receiving the great part.

The above results in the following negative aspects .

- Servers accept donations and gifts from litigants which exposes them to pressure to violate and circumvent established procedures. This open the door of deviation and obstruction in the service of notice , execution of judgements and recovery of claims .
- Servers have reached a state where they have lost interest in work , thus performing with negligence and lack of concern . Performance is ineffective because of absence of incentive to work .

5- Weak control and supervision :

- a- No efficient control system exists to follow up on the performance of Servers.
- b- Control differs as between different categories of Servers .Summons Servers are controlled by the Ministry's inspectors ; whereas execution Servers are in addition subject to the control of the execution judge .

c- The execution judge is not devoted to the supervision of the performance of the execution Servers . This leads to a weakening of his role in this respect and to the following negation aspects :

- The servers found a climate that allows manipulations and deviations
- Servers mistakes are not deducted and hence rectification and cure are not made.
- Mistakes are not being faced which leads to the aggravation of Servers problems.

Summary of Results

Problems and Barriers to performance:

The following illustrates the problems and barriers that servers encounter which was derived from the Diagnostic Study.

Problems and Barriers

Organization and Manpower Channel:

First: Problems related to organization:

1. There is no relation between job title and grade.
2. Some job titles have various grades.
3. The present organization does not allow personnel to be promoted.
4. Job titles are informal and not officially approved.
5. Job duties are not separated.
6. The job duties of senior server and deputy senior server are not separated .
7. Shortage of male employees for external jobs.
8. Excess of female employees in handling Administrative jobs.
9. Inability of Utilizing female employees to handle external (outside) jobs.

Second: Problems related to Manpower and Human Resources:

1. Academic qualifications are inadequate.
2. Limited knowledge of legal aspects laws and regulations.
3. No formal training programs.
4. Compensation packages are inadequate.
5. Servers work extra hours without being compensated.
6. Transportation expenses are not paid.
7. Amounts allocated for transportation expenses are limited, they are utilized within the first month of the year.
8. The job title causes problems to servers as they require changing their title.
9. Not enough protection is provided to servers.
10. Servers are subject to threats in rural areas.
11. Servers are faced with pressure from influential personnel.
12. The society does not trust servers and consider them outlaws.

Third: Problems related to the Control on Servers Work:

1. Inspectors are not aware of servers job duties.
2. Investigation decisions are unfair.
3. Servers are deprived from incentives if they receive a penalty for more than 5 days deduction from their salaries.
4. The large number of investigations, which include most servers, leads to unacceptance of the job.
5. Printouts are insufficient.
6. Transportation allowance is not paid .
7. The number of investigations handled by each inspector reaches 160 investigation per year.
8. There is not a suitable place to perform investigations.
9. There is no place to file documents.

Fourth: Problems related to Work Location and Facilities:

1. The work locations are inadequate as they are considered small ,employees are over crowded in one room.
2. There is no waiting area for the public.
3. There is only one door for exit and entering the room.
4. Difficulty of organizing the desks of employees.
5. Poor ventilation and lightening.
6. The architecture design does not allow to put counters or place desks in a different manner.
7. Cupboards and filing cabinets are not enough.
8. Files used are of poor quality.
9. Modern methods of filing and retrieving information are not used.
10. Printouts are not sufficient to meet the requirements of work.
11. Servers have to print documents at their own expense, they also have to purchase stationary at their own expenses.

Areas of Development:

First: Development in the area of organization and duties:

1. Develop the servers organization chart and job duties.
2. Develop job description and job titles and matching them with grades.

Second: Development in the Area of Manpower and Human Resources:

1. Develop compensation packages, these include bonuses and incentives.
2. Developing the performance appraisal system and tying it to incentives.

Third: Developing Work procedures:

1. Develop external work for notice information and implementation.
2. Develop the recording system and Administrative records.
3. Setting a control system on servers work which includes:
 - a- Control prior to starting the work.
 - b- Control during work.
 - c- Control after completing the work.

This will include regular inspection reports and recommendation to solve inspection problems.

Problems and Barriers
Procedures and Working Methods

First : Technical incompetence of Server

- 1- Academic degrees not suitable
- 2- No formal training .
- 3- No training plan .
- 4- Lack of experience in evaluating .
- 5- Lack of knowledge related to legal matters .This leads to:
 - a- Mistakes which increase the time to accomplish tasks and increase the workload on server .
 - b- A great deal of complaints are received , these complaints are a major cause that the server is deprived from incentives .
 - c- A great deal of referring to Judges and Supervisors .

Second : Work Distribution

- 1- A great deal of employees are assigned to administrative work rather than outside work
- 2- The increase in number of females employees and shortage of male employees needed for outside external assignments .
- 3- Increase of workload on servers capacity . This leads to :-
 - a- Increase of outside work . increase of mistakes and not delivering notices .
 - b- Incomplete information on notices which causes it to be null and void .

Third : Facilities and Stationary are not available – this leads to:-

- 1- Lengthy procedures .
- 2- Servers bear additional financial burdens , and they try to recover these expenses through illegal channels .
- 3- Loss and Damage of Documents which causes that servers are subject to penalties .

Fourth : The poor and limited compensation package which includes bonuses and Allowance causes the following :

- 1- The server is subject to outside pressures , which leads to the delay in work
- 2- Demotivation high turnover .

Fifth : Poor control and supervision leading to :

- 1- Having several control authorities which control servers work and lack of coordination
- 2- Execution judges do not have sufficient time to supervise servers work .

Sixth: Servers face difficulties in dealing with all outside parties which cause an inadequate working climate which affects their performance .