

Judicial System in Jordan

Comparative Report Presentation 2005



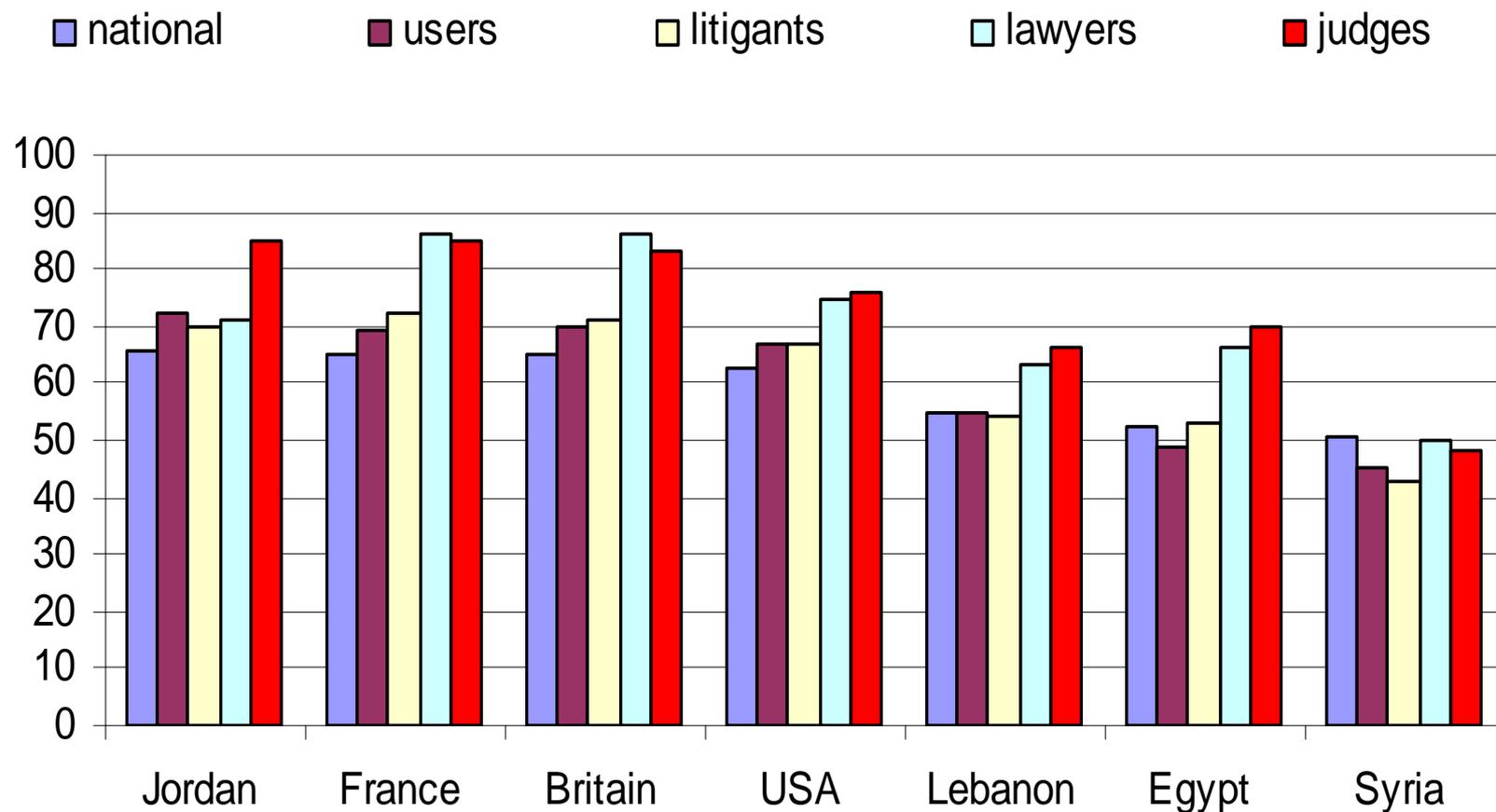
Survey Samples

| Target Group | Sample size |
|---------------------|--------------------|
| National sample | 1506 |
| Litigants | 395 |
| Court users | 392 |
| Lawyers | 390 |
| Judges | 478 |

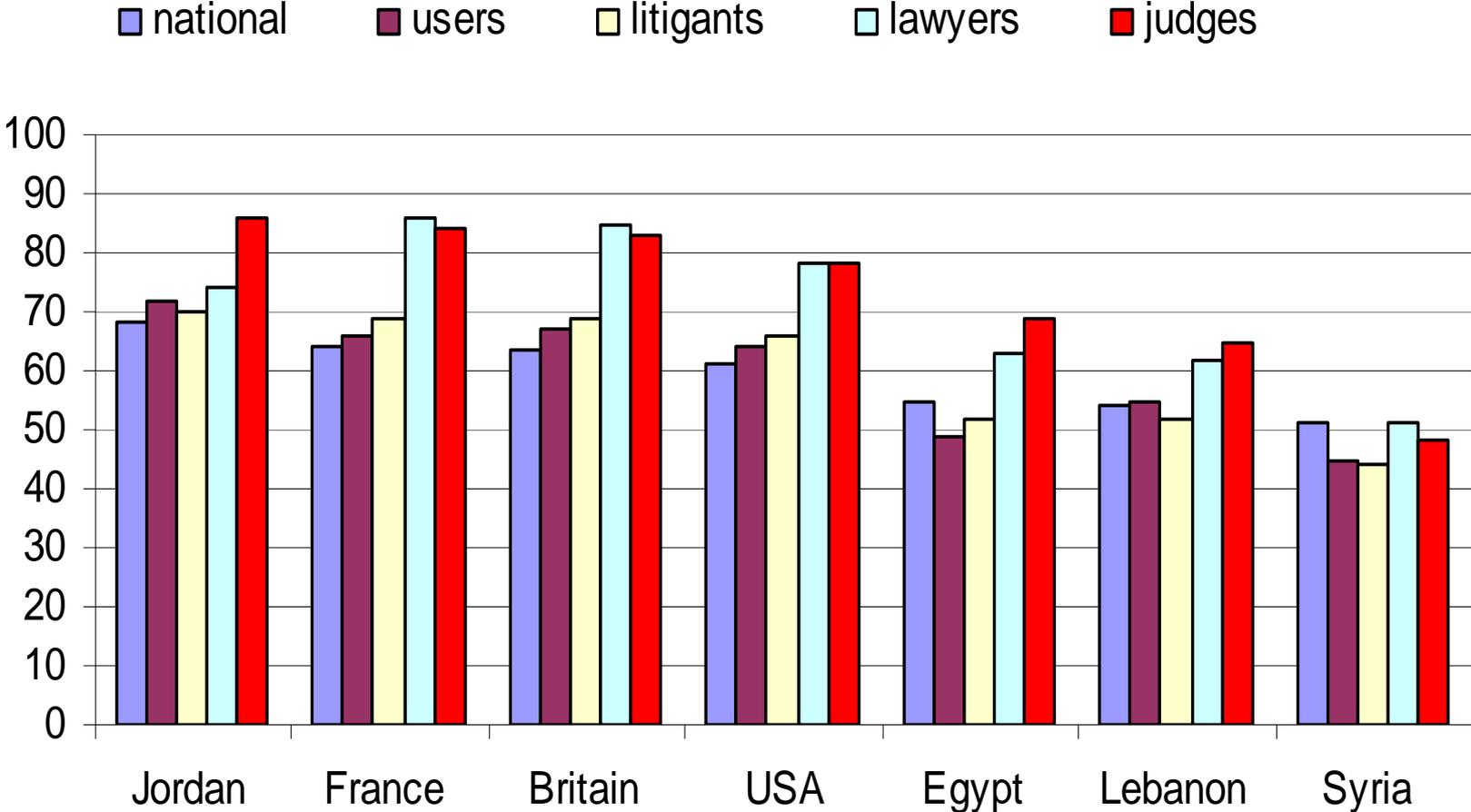
Section I – Judicial Independence



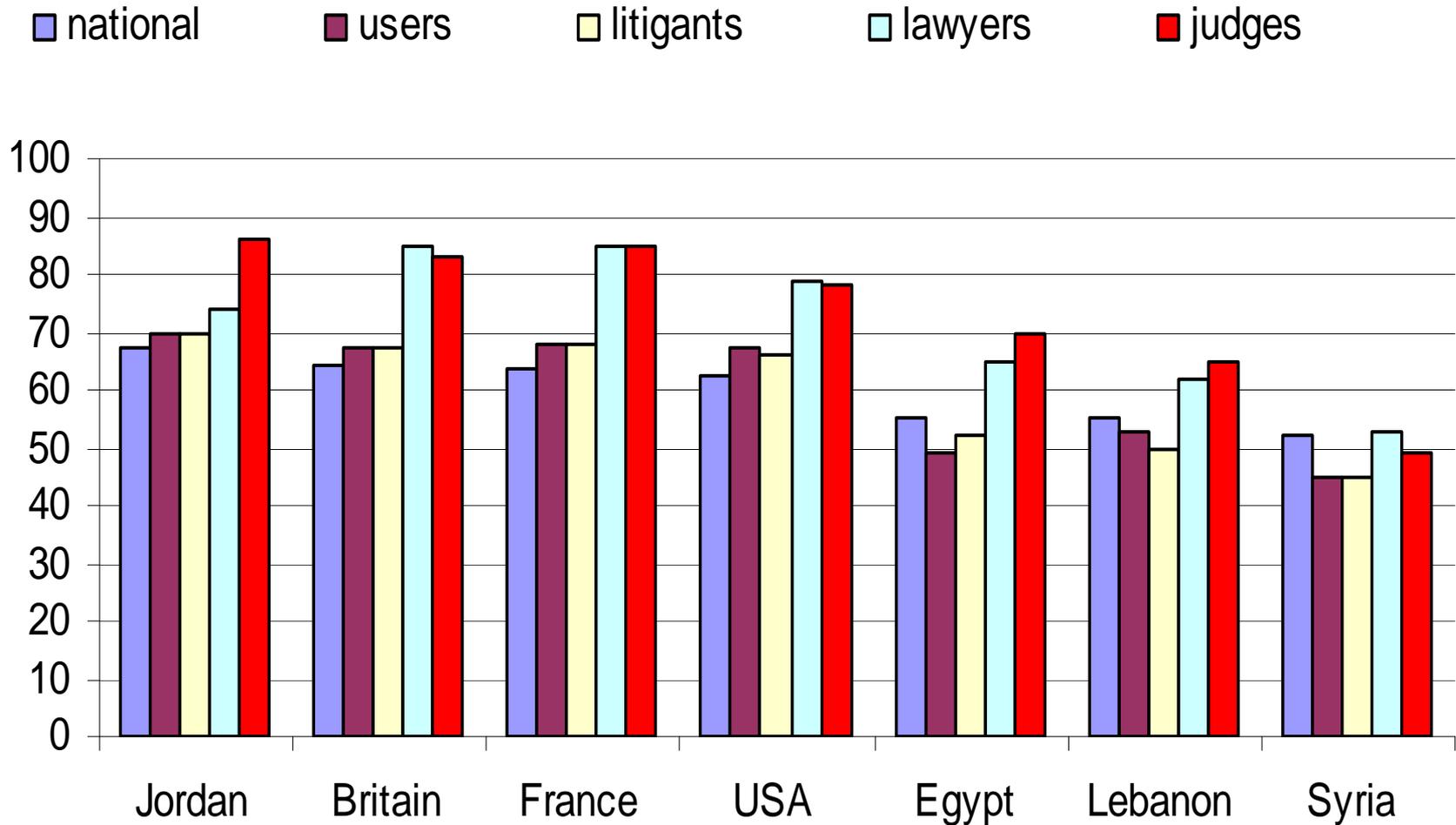
Perceptions pertaining the Fairness of the Judicial system



Perceptions Pertaining the Integrity of Judicial Systems



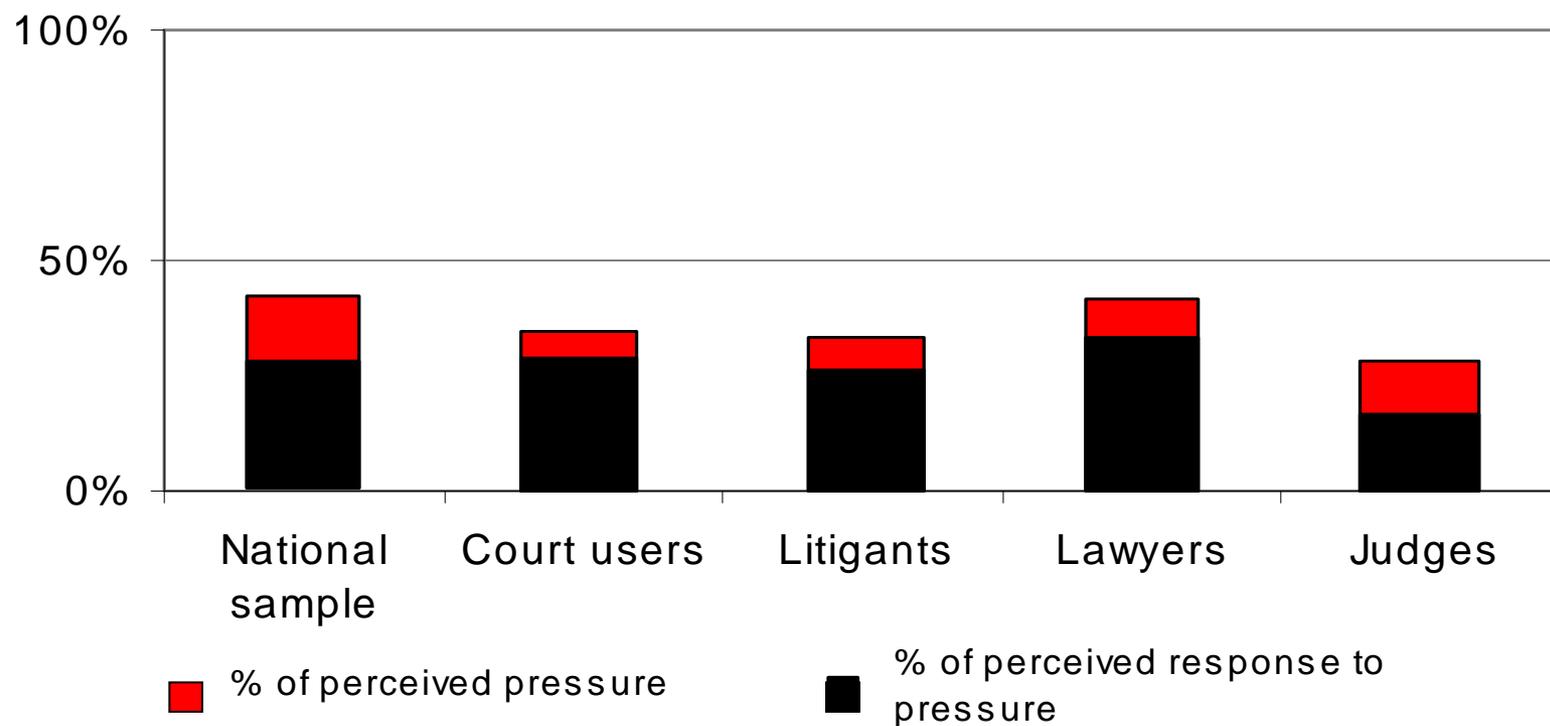
Perceptions Pertaining the Neutrality of Judicial Systems



Influence on the Judiciary & Factors Enhancing Judicial Independence

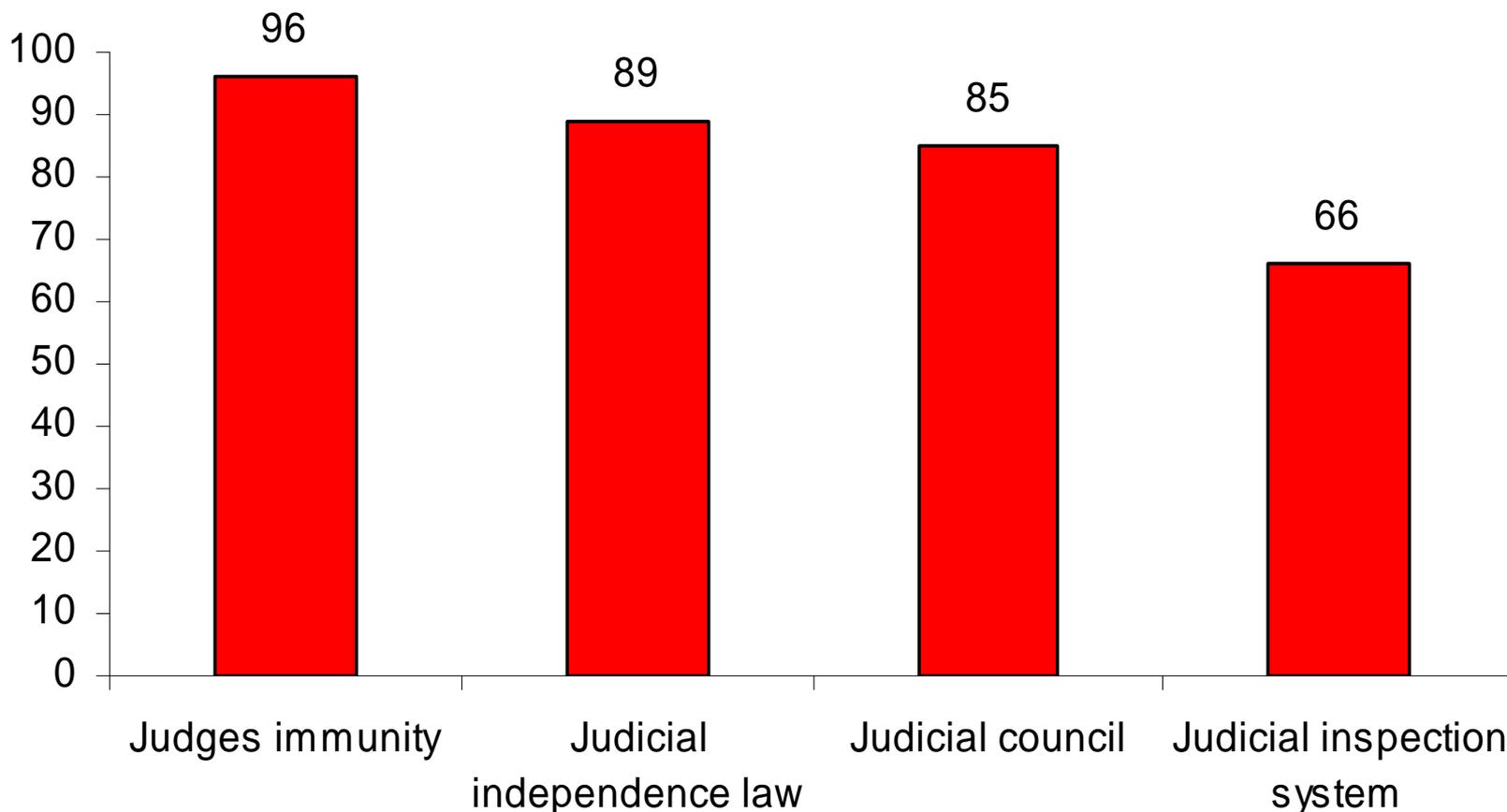


Influence on the Judiciary



- Perception of pressure exerted on judges is rather low but it indicates the existence of a problem.
- There is tendency among AFIC litigants to perceive higher levels of pressure (44%) on judges from various groups and a higher level of responsiveness (38%).

Judges' views on factors enhancing Judicial independence: YES



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Evaluation of Courts Administrative Staff



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Judges & Lawyers Evaluation of Courts Administrative Staff

| | Competence | | Integrity | |
|---------------------|------------|-----------|-----------|-----------|
| | Judges | Lawyers | Judges | Lawyers |
| Court clerks | 69 | 66 | 77 | 73 |
| Notifiers | 35 | 43 | 37 | 41 |
| Messengers | 40 | 43 | 43 | 44 |
| Registration clerks | 62 | 70 | 67 | 72 |
| Archives clerks | 61 | 68 | 67 | 71 |
| Consignments clerks | 65 | 75 | 72 | 77 |
| Accountants | 74 | 86 | 77 | 81 |
| Typists | 67 | -- | 77 | -- |

Judges & Lawyers' Views on Influence Over Courts Staff

- 62% of judges stated that lawyers influence courts' administrative staff, compared to 54% of lawyers

Ways of influence on courts' staff by lawyers

| Ways of influence | Judges % | Lawyers % |
|----------------------------------------------------------------------------|----------|-----------|
| Material influence (financial, briberies, gifts) | 32 | 22 |
| Personal and kinship relations | 21 | 65 |
| Lawyers give employees the impression of having good relations with judges | 8 | 7 |
| Other | 4 | 5 |
| No answer | 35 | 1 |

Public Trust in the Judicial Process and Courts Judgments, Favoritism



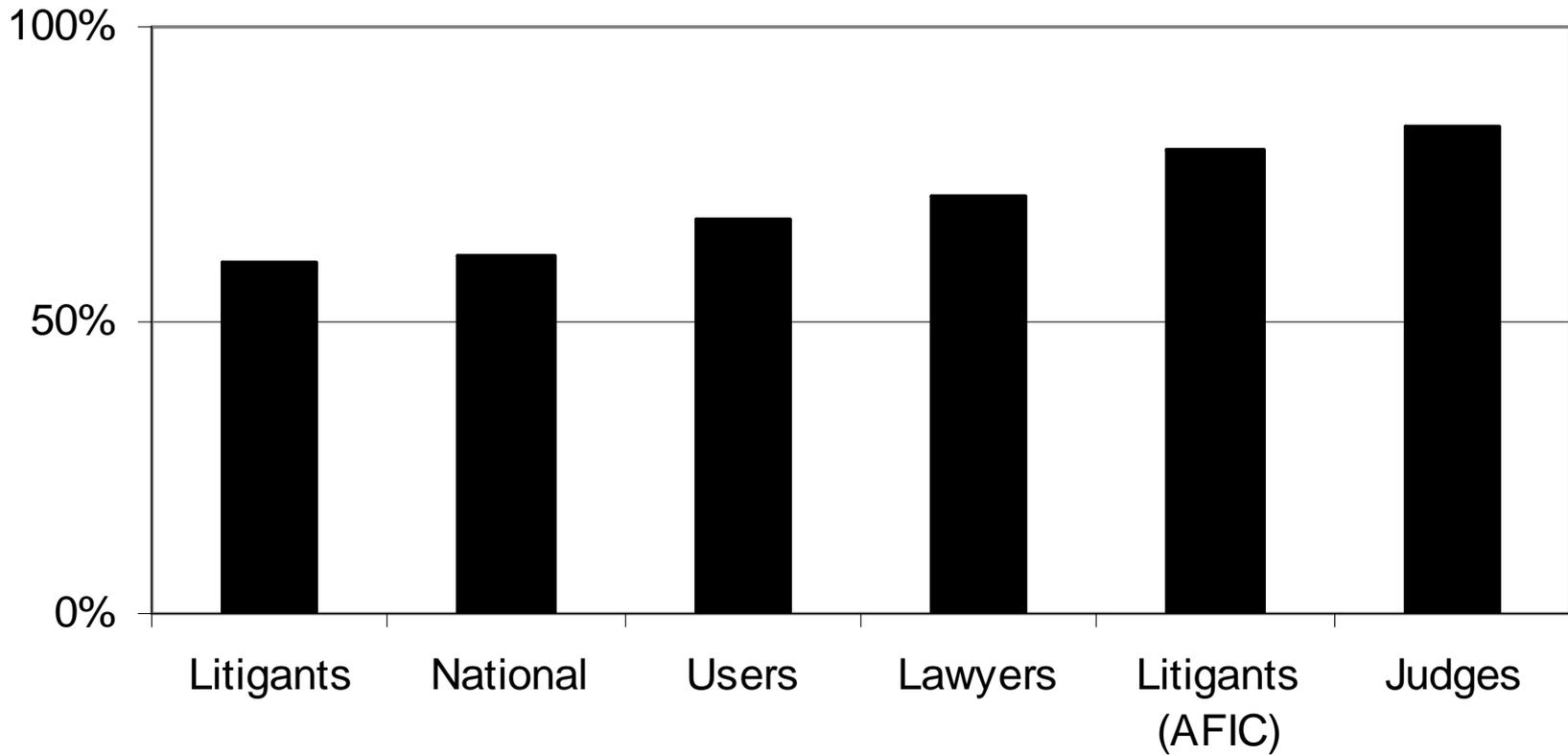
Public Trust in the Judicial Process

| | National | Users | Litigants | Lawyers | Judges | AFIC users | AFIC litigants |
|--------------------|-----------|-----------|-----------|-----------|-----------|------------|----------------|
| Uses courts | 74 | 77 | 78 | 70 | 78 | 83 | 82 |
| Doesn't use courts | 18 | 15 | 16 | 28 | 11 | 12 | 18 |
| NA | 8 | 8 | 8 | 2 | 11 | 5 | -- |

Would go to court as witness

| | | | | | | |
|-----|-----|-----|-----|-----|-----|-----|
| 75% | 85% | 87% | 97% | 94% | 93% | 97% |
|-----|-----|-----|-----|-----|-----|-----|

Fairness of Judgments



Public Trust in the Judicial Process and Courts Judgments, Favoritism



Public Trust in Judges, Public Prosecutors, Lawyers, Police & Court Staff

| Confidence in ... | National | Users | AFIC | Litigants | Lawyers | Judges |
|--------------------------------|----------|-------|------|-----------|-----------|-----------|
| Judges | 76 | 83 | 81 | 81 | 81 | 96 |
| Attorney General investigation | 74 | 78 | 80 | 73 | 75 | 86 |
| Police investigation | 70 | 66 | 80 | 61 | 45 | 44 |
| Court Admin Staff | 64 | 69 | 75 | 65 | 58 | 61 |
| Lawyers | 59 | 57 | 68 | 55 | 65 | 55 |

Favoritism

- Despite the overall high level of confidence in the judicial system there is some concern about the prevalence of favouritism.
- Less than half (45%) of the national sample's respondents felt that there was favouritism during the litigation process. This compares to 65% among litigants and 66% among users.

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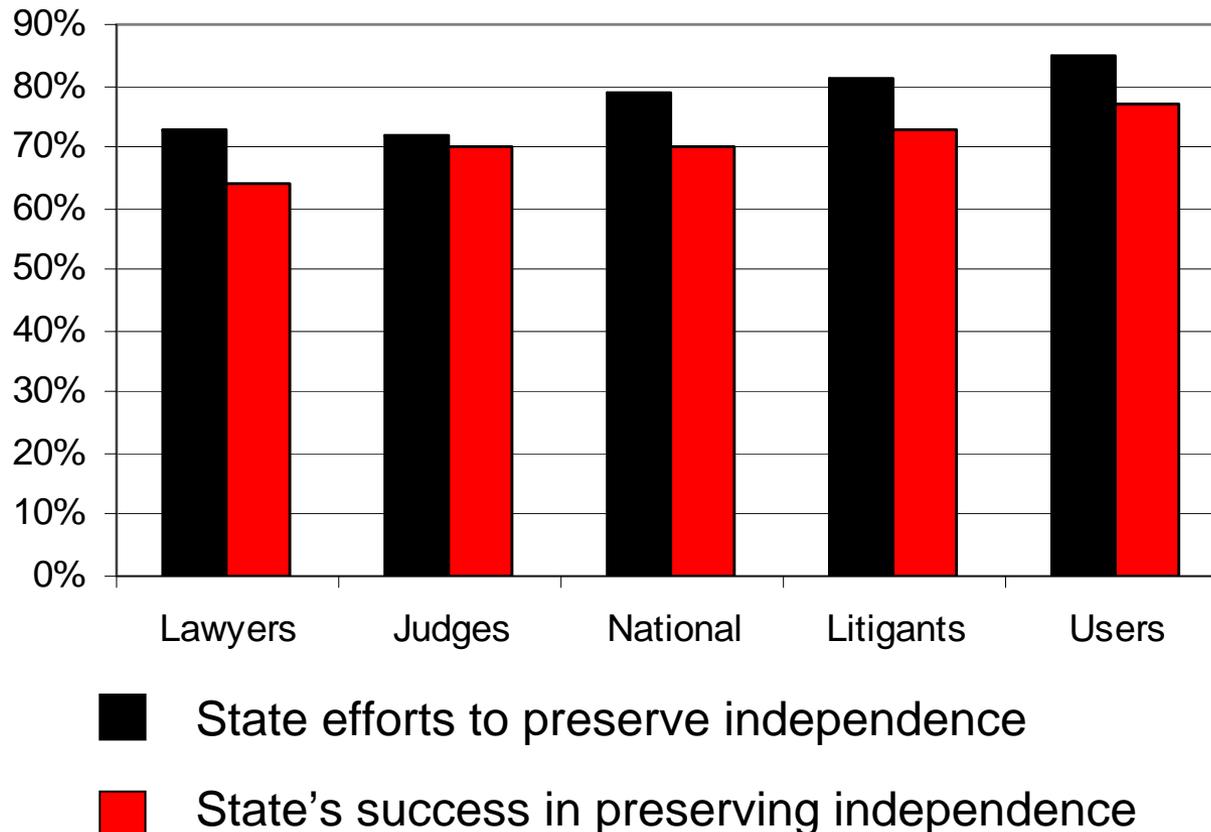
State Efforts to Support and Safeguard Judicial Independence



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State Efforts and Support to Safeguard Judicial Independence

- There is a very strong belief that the state of Jordan “seeks to preserve the integrity / independence of the judicial system



Section II – Processes and Procedures



System Efficiency During Litigation Process: Average Duration for Case Filing

| Time | National | Litigants | AFIC Litigants | Lawyers |
|----------------------------------|------------|-----------|----------------|-----------|
| Up to one hour | 8 | 23 | 17 | 87 |
| More than one hour | 25 | 14 | 18 | 7 |
| Did not the file the case myself | -- | 33 | 15 | -- |
| Could not remember | 67 | 30 | 50 | 6 |
| Average time in minutes | 101 | 80 | 79 | 29 |

Reasons for delay for more than one hour

- Shortage of employees
- Too many users

Duration of the litigation process

| Length | National | Litigants | AFIC litigants | Lawyers |
|--------------------------|----------|-----------|-------------------|-----------|
| Long | 47 | 49 | 58 | 42 |
| Reasonable | 34 | 42 | 42 | 50 |
| Shorter than expected | 17 | 4 | 4 | 8 |
| NA | 2 | 5 | 5 | -- |
| Total | 100 | 100 | 100 | 100 |

Why the litigation took long time?

| Reason | National Mention | | Litigants Mention | | AFIC litigants Mention | | Lawyers Mention | |
|----------------------|------------------|----|-------------------|----|------------------------|----|-----------------|----|
| | Y | N | Y | N | Y | N | Y | N |
| Judge | 37 | 63 | 29 | 69 | 52 | 48 | 24 | 76 |
| Lawyer | 25 | 75 | 22 | 78 | 51 | 49 | 31 | 69 |
| Subpoena procedures | 42 | 58 | 47 | 53 | 49 | 51 | 31 | 69 |
| Absence of witnesses | 43 | 57 | 49 | 51 | 57 | 43 | 30 | 70 |
| Absence of experts | 19 | 79 | 17 | 83 | 17 | 83 | 22 | 78 |
| Absence of parties | 7 | 93 | 7 | 93 | 29 | 71 | -- | -- |
| Other | 6 | 94 | 4 | 96 | 9 | 91 | 7 | 93 |

Integrity of Documents and Files

*Not a significant
problem*

- Documents were not lost from judicial case files
 - National 90%
 - Litigants 95%, AFIC 95%
 - Judges 85%
 - Lawyers 78%
- Documents were not lost from executive case files
 - National 90%
 - Litigants 95%, AFIC 98%
 - Judges 74%
 - Lawyers 84%

Role of Paralegals

| | Used the services of the paralegals | | |  | The paralegals' services were helpful | | |
|-----|-------------------------------------|-------|------------|-------------------------------------------------------------------------------------|----------------------------------------------|-------|------------|
| | National | Users | AFIC users | | National | Users | AFIC users |
| Yes | 63 | 58 | 45 | | 85 | 89 | 89 |
| No | 37 | 42 | 55 | | 15 | 11 | 11 |

Time Efficiency

| Time | National % | Users % |
|----------------------------------------|-------------------|----------------|
| Achieved the objective on the same day | 62 | 73 |
| How long did it take? | | |
| One hour | 42 | 36 |
| Two hours | 27 | 47 |
| Three hours | 16 | 12 |
| Four hours | 6 | 3 |
| Five hours | 6 | 1 |
| More than five hours | 3 | 1 |

Average time in minutes

100

97

% Evaluating Overall Court Procedures During Case Processing

| Item | National | Users | Litigants | AFIC litigants |
|---------------------------------------|-----------|-----------|-----------|----------------|
| Respect shown to parties by employees | 63 | 76 | 75 | 76 |
| Easiness of procedures | 63 | 71 | 69 | 73 |
| Efficiency of employees | 61 | 73 | 70 | 75 |
| Cleanness | 61 | -- | 65 | 73 |
| Showing interest in users' complaints | 57 | 67 | 66 | 74 |
| Queue discipline | 52 | 66 | 65 | 73 |
| Average | 60 | 71 | 68 | 74 |
| Cost of litigation | 57 | 62 | 62 | 76 |

Section III – Courts Facilities and Infrastructure



Court environment

| Facilities | National | Litigants | AFIC litigants | Lawyers | Judges |
|--------------------------------------|-----------------|------------------|---------------------------|----------------|---------------|
| Security inside court | 80 | 89 | 93 | 92 | 72 |
| Availability of information signs | 68 | 73 | 89 | 58 | 53 |
| Cleanness | 71 | 75 | 92 | 74 | 59 |
| Hearing | 81 | 82 | 91 | 71 | 69 |
| Visibility | 87 | 85 | 91 | 82 | 78 |
| Ventilation | 79 | 78 | 83 | 72 | 67 |

Section IV – Gender Preference



% of Respondents Preferring to File their Cases before a Male or Female Judge

| | National | Users | Litigants | Lawyers | AFIC litigants |
|---------------|-----------------|--------------|------------------|----------------|---------------------------|
| Male judges | 43 | 37 | 46 | 23 | 26 |
| Female judges | 11 | 6 | 6 | 5 | 2 |
| No difference | 43 | 46 | 32 | 71 | 58 |
| No answer | 3 | 11 | 16 | 1 | 14 |

Reasons for choosing a male judge

| Reasons | National | Users | Litigants | Lawyers |
|---------------------------------------------------------------------------------|----------|-------|-----------|---------|
| Males are more rational and trustworthy than women / women are emotional | 27 | 30 | 27 | 17 |
| Males have a stronger character | 23 | 24 | 23 | 20 |
| More comfortable dealing with male judges | - | 20 | 25 | -- |
| Males are more experienced | 25 | 13 | 12 | 38 |
| Males have more ability to shoulder responsibility | 19 | | | 3 |
| From a religious / traditional perspective | 6 | 9 | 5 | 17 |
| Other reasons | -- | 4 | 8 | 5 |

Reasons for choosing a female judge

| Reasons | National | Users | Litigants | Lawyers |
|--------------------------------------------------------------|----------|-------|-----------|---------|
| More understanding of female feelings | 47 | 19 | 8 | 32 |
| More comfortable to explain to a female judge | 18 | -- | -- | -- |
| Easier to communicate with | -- | -- | 15 | -- |
| More transparent , fair & less amenable to corruption | 12 | 14 | -- | 36 |
| To give women a better chance in the judicial field | 9 | -- | -- | -- |
| More trustworthy , responsible & knowledgeable | 11 | 20 | 39 | 14 |
| Female judges show interest in the details | -- | 14 | 8 | -- |
| Strong in making decisions | -- | 14 | -- | -- |
| More logical than male judges | -- | -- | 15 | -- |
| To challenge men | -- | -- | -- | 9 |
| Other | 3 | 19 | 15 | 9 |

Section V – Judges



Public Perceptions - Social Status of Judges Compared to Other Public Officials

| Public office holder | Rank 1 = highest | | |
|-----------------------------------------|------------------|-----------|---------|
| | National | Litigants | Lawyers |
| Governor at the ministry of interior | 1 | 1 | 4 |
| Secretary general of a ministry | 2 | 4 | 2 |
| Judge | 3 | 2 | 3 |
| Ambassador | 3 | 5 | 1 |
| Director general of a public department | 5 | 3 | 6 |
| Army officer (colonel and above) | 6 | 6 | 7 |
| University professor | 7 | 7 | 5 |

Judges' Views on Discrimination

| Discrimination in ... | Yes | Most frequently cited reason for discrimination (%) | |
|------------------------|-----|-----------------------------------------------------|----|
| Appointment | 46 | Corruption: nepotism, favoritism, influence | 41 |
| Promotion | 31 | Personal and family relations | 17 |
| Seconding | 44 | Personal relations | 21 |
| Termination of service | 39 | Personal and family relations | 14 |
| Dealing with judges | 53 | Personal and family relations | 23 |

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Judicial Inspection



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Judges' Views - Judicial Inspection

- 62% of judges stated that they were familiar with the inspection measurements
- 62% reported that inspectors apply these measurements.
- 65% stated these measurements ensure an accurate evaluation of judges' conduct.
- judges proposed several ideas to improve the level of fairness of these measurements.

Judges' Suggestions to Improve Judicial Inspection

| Proposed ideas to improve the judicial inspection system | % |
|--------------------------------------------------------------------------|----------|
| Appointing capable inspectors | 22 |
| Amending the measurements of the judicial inspection system | 16 |
| Increasing the number of inspectors and the inspected cases | 10 |
| Seconding chief justices for inspection | 6 |
| Disallow complaints against judges until an investigation is carried out | 6 |
| Other | 10 |
| No answer | 30 |

Judges' Suggestions to Improve Judicial Inspection

- 55% of judges believe that inspecting 5% of cases is a sufficient measure to quality-control judges' judgments.
- Judges who expressed some reservations over the 5% of cases subject to inspection expressed reservations:
 - 20% expressed that the 5% is not representative and does not give a clear picture of judges' performance,
 - 5% of judges stated that each case has its own set of circumstances and it is difficult to capture all its aspects.
 - The majority of judges (71%) did not give answer

Lawyers' Views Re Judicial Inspection– *cont'd*

- 75% believe that the judicial inspection system is insufficient, while 19% stated the opposite.
- Lawyers stating that the inspection system is insufficient gave four reasons:
 1. Low number of inspectors - 44%
 2. Lack of inspectors' experience - 26%
 3. Lack of supervision and follow up - 15%
 4. Corruption and favoritism in the inspection process - 14%.

Lawyers' Views Re Judicial Inspection– *cont'd*

Views whether judicial inspection
Impacts independence



- “inspection enhances judicial system integrity and motivates judges” (33%)
- “because it covers litigation procedures” (32%),
- “because of the high capability of inspectors” (19%).

Judicial Institute of Jordan (JIJ)

- Judges and lawyers' views on whether JIJ is **capable** of qualifying judges:
 - 67% of judges stated that yes it is, compared to 51% of lawyers.
- Their views pertaining to graduates of faculties of law in Jordan whether they are **competent**:
 - 58% of judges said yes they are, compared to 50% of lawyers.
- Evaluation of the level of courses, training, and trainers of the JIJ diploma:
 - Rating of 48% for courses
 - Rating of 43% for practical training
 - Rating of 50% for trainers.

Evaluation of JI training

- Regarding the continuous training programs offered by the judicial institute, judges were asked to evaluate whether these programs help equipping judges with practical judicial skills or not: 70% of judges stated yes they do and 69% also stated that these programs enhance judges' knowledge of new legal developments.

Judges' and Lawyers ranking of the most efficient method of appointing Judges

| Method of judges' appointment | Judges ranking | Lawyers ranking |
|-----------------------------------------------------------------------------|-----------------------|------------------------|
| Acquired diploma from the judicial institute | 1 | 4 |
| Sending court clerks to the judicial institute' diploma course | 2 | 3 |
| Practicing lawyer for four years who must pass the ministry of justice exam | 4 | 2 |
| Practicing lawyer for 10 years | 3 | 1 |

Judges' evaluation of the Ministry of Justice

- Judges show a very low level of satisfaction with the performance of the ministry of justice as a service provider to the judicial system:
 - 29% are satisfied
 - 53% are unsatisfied
 - 18% did not answer
- Despite a relatively high level of dissatisfaction with the Ministry's performance, the majority of judges (57%) stated that the ministry is responsive to the demands of the courts.

Sufficiency of the Number of Courts Staff

| Shortage in ... | Yes | | No | | No answer | |
|------------------------|-----------|-----------|--------|---------|-----------|---------|
| | Judges | Lawyers | Judges | Lawyers | Judges | Lawyers |
| Courts' clerks | 75 | 61 | 15 | 36 | 10 | 3 |
| Typists | 58 | 51 | 27 | 44 | 15 | 5 |
| Notifiers | 79 | 73 | 8 | 25 | 13 | 2 |
| Messengers | 85 | 79 | 7 | 19 | 8 | 2 |
| Archives clerks | 50 | 61 | 23 | 32 | 27 | 7 |

The Judicial Upgrading Strategy 2004 - 2006 (JUST)

- Familiar with JUST
 - Judges 58%
 - Lawyers 55%
- It will lead to the modernization of judicial system:
 - 70% of judges
 - 65% of lawyers
- There is a high **confidence** among judges and lawyers that MOJ is serious about JUST implementation (**74%** confidence level)
- Judges have a higher **confidence** level in the seriousness of the **Judicial Council** in implementing JUST than lawyers: 82% and 76% respectively.

Judges views on obstacles impeding modernization of the judicial system

| Obstacles | % |
|--------------------------------------------------------------------------------------------------------|----------|
| Low income | 22 |
| Lack of practical training | 22 |
| The intervention of MOJ in the courts | 13 |
| Shortage of numbers and experience of courts staff | 12 |
| Lack of time for judges to improve their skills due to the huge number of cases they have to deal with | 6 |
| Corruption (favoritism in sending judges for training courses) | 6 |
| Other | 5 |
| No answer | 24 |

Section VI: Lawyers



Perceptions of Lawyers' capability, integrity, and fees

| | National | Users | Litigants | Lawyers | Judges |
|------------------------------------------------|-----------------|--------------|------------------|----------------|---------------|
| They are capable of representing their clients | 70 | 66 | 65 | 68 | 57 |
| Represent their clients honestly | 66 | 65 | 64 | 73 | 59 |
| Fees are high | 75 | 76 | 74 | 36 | 53 |

Lawyers' Opinion Regarding Relationship with Judges

- 79% believe that judges respect lawyers.
- 86% stated that judges issue judgments only according to the evidence presented before them.
- 62% stated that judges give enough time to lawyers to present their cases and evidences in court.
- However, there is a perception among 59% of lawyers that judges do **favor** some lawyers over others.

Lawyers' views on the procedures of case filing

- 83% stated that procedures of case' filing are easy.
- 86% stated the view that procedures of case' filling are fast.
- In line with other samples, lawyers expressed a view that fees required for case filling are not low: 57% stated that fees are reasonable.

Lawyers' Views on Preference of Judges

- 52% stated that they have no preference for a particular judge.
- Those who prefer to file their cases with a particular judge stated their reasons as follows:
 - “some judges are faster than other in processing cases” - mentioned by 63% of lawyers
 - “personal traits of the judge (tolerance, integrity, neutrality” - mentioned by 28% of lawyers

Exparte Communication

- 81% stated that they never discussed cases with the concerned judge in the absence of the other party
- Those who stated that they did were asked whether these discussions influenced the judge's opinion and only 24% stated yes

Number of finalized cases

- 82% of lawyers believe that the focus on the number of finalized cases (disposition rate of the judge) will negatively impact the quality of judgments
- while a very small minority (5%) stated it has a positive impact on the quality of judgments
- and 12% stated that it has neither positive nor negative impact on the quality of judgments.

Civil case management procedures

- 74% stated that the last finalized case (where a judgment was issued) did not go under the civil case management procedures.
- 46% stated that Civil case Management Procedures reduced the time required for notification
- 51% reduced the time required for gathering evidence
- 51% reduced the time required for defining points of agreement and disagreements.

Computerization of litigation procedures

- 75% believe that the computerization of litigation procedures will not influence judicial independence, while 21% held the opposite view.
- Lawyers stating that the computerization will **influence judicial independence positively** provided two reasons:
 1. It will institutionalize litigation procedures (32%)
 2. It will provide better information for judges (31%)
- Lawyers stating that computerization will **influence judicial independence negatively** stated one reason - fear of hacking (26%)
- 5% stated that the computerization of litigation procedures will not influence judicial independence neither positively nor negatively.

Ministry of Justice and Bar Association

- Lawyers' suggestions to enhance the relationship
 1. Increase the consultative relationship between the two (37%)
 2. Increase scientific meetings between the ministry and the association (34%)
 3. The ministry ought to consider lawyers' opinion on problems relating to the litigation process and their solutions (11%)
 4. Support judicial independence (5%)
 5. The Bar should focus more on profession rather than politics (4%)

Lawyers' Views on Improving the Judicial System

- Increase the number of capable judges (57%)
- Eradicate corruption and provide professional oversight over judges (20%)
- Improve judges' income 12%
- Appoint lawyers as judges 2%

Lawyers' Views on Improving the Level of Courts' Administrative Staff

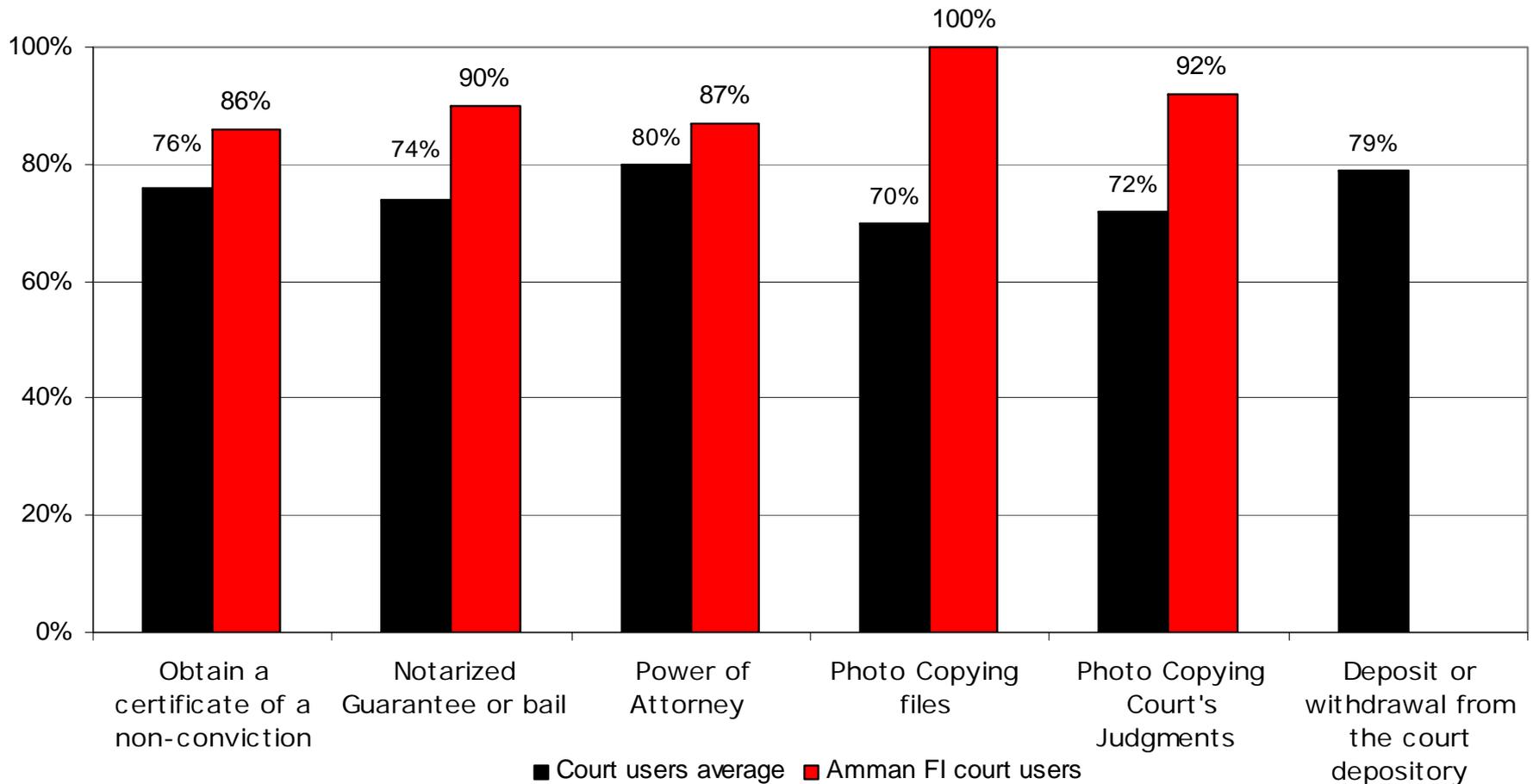
- Train court clerks and messengers to increase their capabilities (57%)
- Eradicate corruption amongst the administrative staff (18%)
- Improve the income of the administrative staff (17%)
- Reform courts' administrative staff (6%)

Summary of Survey Results:

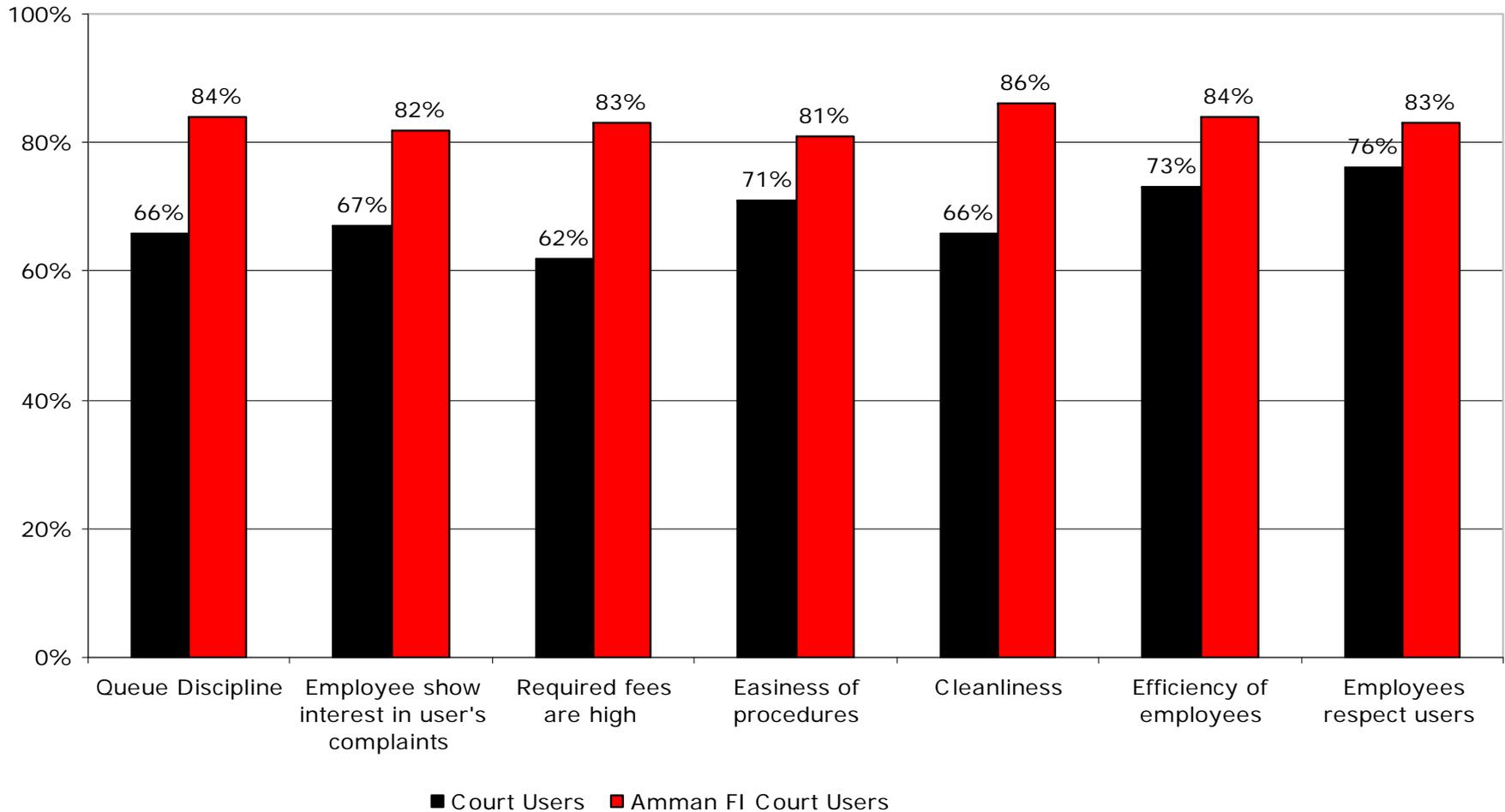
Comparison Between Court Users
and Amman First Instance Court
Users Perceptions and level of
Satisfaction



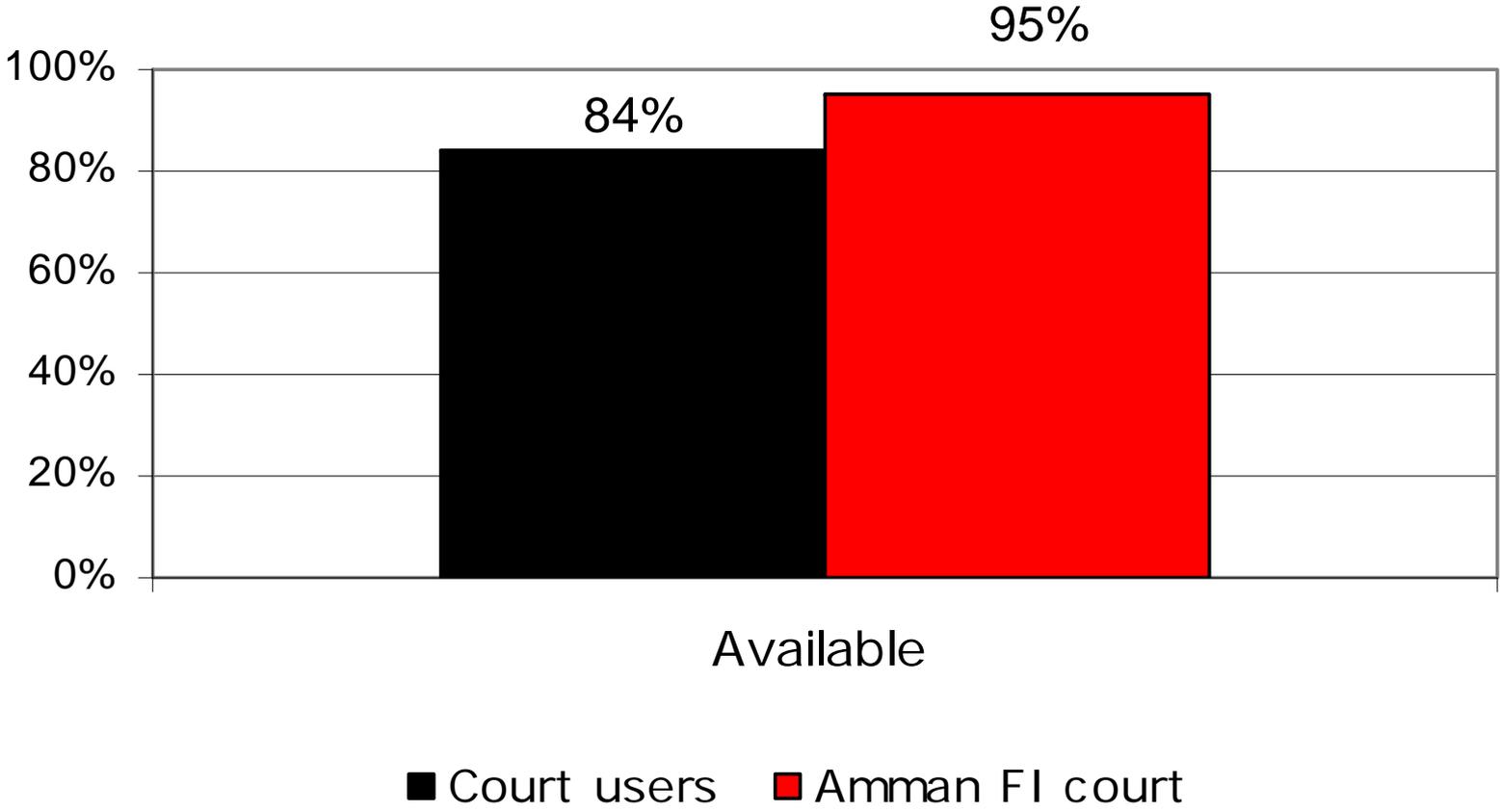
Satisfaction level Pertaining to Court Annexed Services (not litigants)



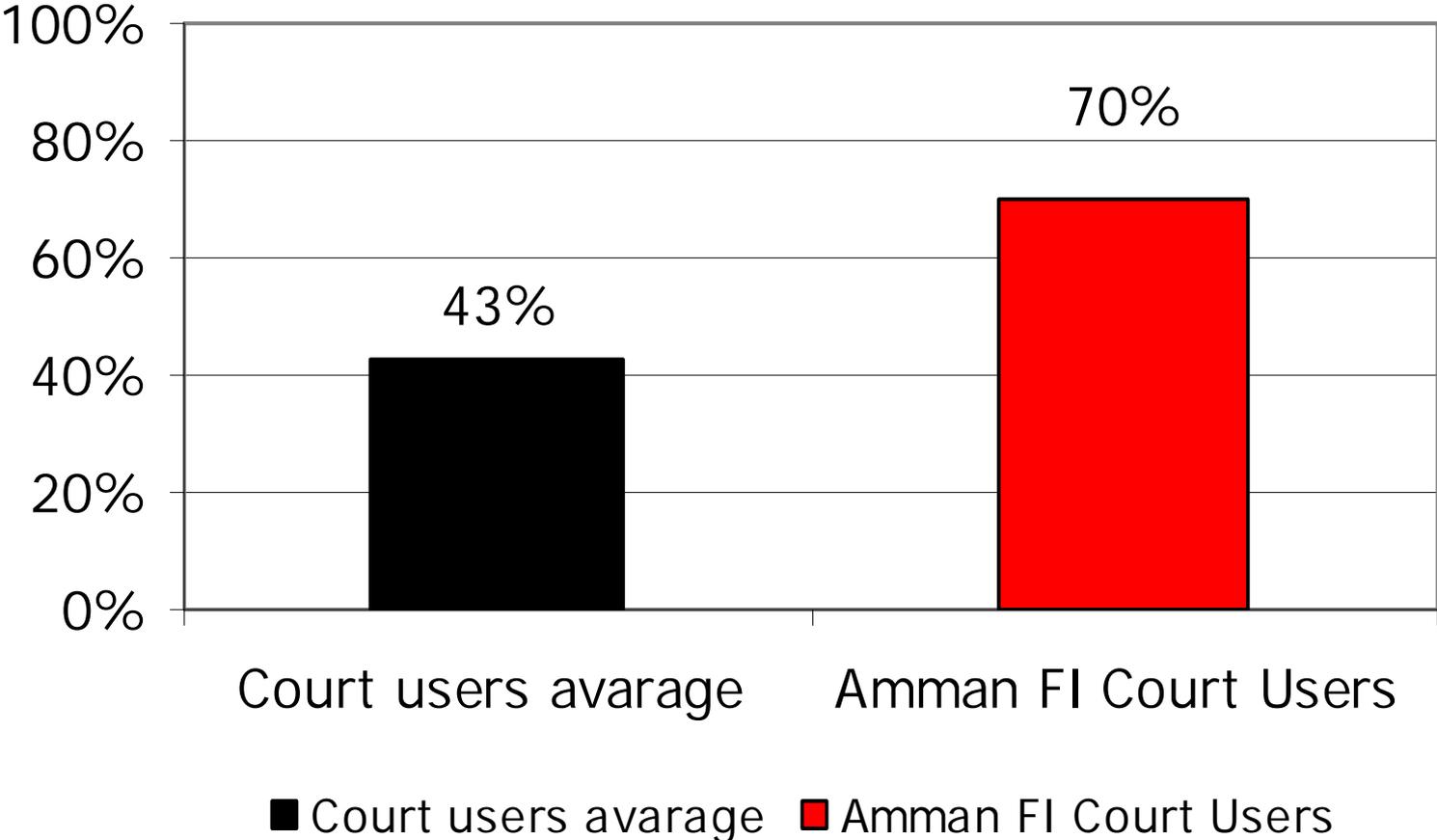
Satisfaction Level Pertaining to Court Procedures (litigants)



Availability of Information to the Public



Availability of Employees for Assistance



Percentage Believing Favoritism is Not Practiced

