NATIONAL CENTER FOR STATE COURTS
International Programs
2425 Wilson Boulevard, Suite 350
Arlington, VA 22203
www.ncsconline.org

Court Improvement Project
CROATIA

FINAL REPORT
September 2000 – April 2004

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FINAL REPORT

COURT IMPROVEMENT PROJECT
ZAGREB, CROATIA

September 2000 – April 2004

INTRODUCTION

This final report is organized into three main sections:

I. Phase I activities from inception through May 2001, focusing on assessments and planning;
II. Phase II activities from June 2001 through April 2003, focusing on implementation of the original scope of work and workplan; and
III. Phase II activities under an expanded scope of work per a joint donor agreement between the World Bank, European Commission, and USAID, hereinafter referred to as the Integrated Case Management System (ICMS) Agreement.

There was a fundamental change in project scope and deliverables in 2003. This report is organized in the above three sections to guide the reader to chart project progress, understand what was accomplished at each stage, and to distinguish changes in scope of work.

Despite changes in project scope, the overarching objectives of the project continued to be in three priority areas: 1) increasing the capacity of the courts; 2) improving the quality and timeliness of judicial decision-making by strengthening the capabilities of judges to better manage the process of adjudicating cases; and 3) otherwise assisting the MOJ and the courts in formulating and implementing reforms. Each section of this report is divided into five sub-sections, three of which focus on those priority areas:

A. Administration of the Project;
B. Increasing the Capacity of the Courts;
C. Improving the quality and timeliness of judicial decision-making
D. Otherwise assisting the Ministry of Justice (MOJ) and the courts in formulating and implementing reforms; and
E. Monitoring and Evaluation.

This report ends with a Conclusion and Recommendations for follow-up activities.

OVERVIEW

Purpose of the Project

In September 2000 the National Center for State Courts (NCSC) was awarded Indefinite Quantity Contract (IQC) No. AEP 00-00-00011-00, Delivery Order No. 801, from the United States Agency for International Development (USAID) to administer the Court Improvement Project (hereinafter referred to as "the project").[1] This initiative falls under USAID/Croatia's Strategic Objective 2.1, to foster more effective Citizen Participation and Improved Governance; and Intermediate Result 2.1.3.3.1, Court Administration Modernized to Support a More Efficient and Responsive Judiciary. In addition to supporting USAID's objectives, improvements in the Croatian court system are also a precursor to accession into the European Union (EU), which Croatia aspires to join within the next decade.[2]

The original purpose of the project was to provide assistance to municipal courts[3] beginning with the Zagreb Municipal Court (ZMC). The ZMC is the largest court of its jurisdiction in Europe, with a staff of more than 700 judges and court staff. The goals of the project included: increasing the number of cases disposed by the court; more efficient management of operations; automation (including procurement of extensive computer hardware and software) [4] to foster such efficiencies; and – to the extent possible within existing laws and regulations[5] – assist in improving the quality of judicial decision-making. The project was designed with the expectation that reforms within the ZMC would be replicated in other municipal courts throughout Croatia. As the project progressed, however, it became increasingly apparent that functional requirements among all courts, e.g., municipal, county, commercial, high commercial and Supreme Court,[6] were so similar, and the risk of conflict was so great in the donor efforts, that the project was expanded in 2003 to encompass all courts by means of a joint donor agreement.

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[1] The project was conceived as the Municipal Court Improvement Project (MCIP) with an original focus on municipal courts. As discussed later in this report, the scope of the project was changed in 2003 to work with courts at multiple levels and jurisdictions. Since the project was no longer limited to municipal courts, the name of the project was broadened by USAID from MCIP to Court Improvement Project (CIP). To avoid confusion between the two names, this project is referenced in this final report as merely "the project".

[2] Political criteria for EU membership, as defined by the 1993 Copenhagen European Council, provides that: "Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, human rights, *the rule of law* and respect for and protection of minorities" [emphasis added]. The 2001 Strategy Paper of the European Commission (EC) states that: "A predictable and efficient judicial system is…essential for the citizen and business;" [and candidate states] "need an adequate level of…judicial capacity to implement and enforce the acquis."

[3] Municipal Courts are courts of first instance in Croatia.

[4] Namely, an automated case management system.

[5] The Book of Rules, Code of Civil Procedure and Code of Criminal Procedure are discussed throughout this report.

[6] Administrative courts were not included in included in the scope of work, but their functional requirements are similar, as they operate under the same Book of Rules and codes.

Problems Addressed

The greatest impediments to change within the Croatian courts are numerous inefficiencies and redundancies, which are rooted in the Book of Rules (BOR), outdated manual case management processes, and limited use of automation in the courts. For example:

1. Case and party information is collected and stored separately by different divisions within each court.
2. There is limited sharing of information among court divisions, and other division within the court frequently do not benefit from the most up-to-date information on a case. Such information is also valuable to other courts and justice sector institutions.
3. Entries of all case information are done by hand, including being routinely updated from one register to another. Since the court uses multiple tracking ledgers for single court events, the burden of entering and tracking case information is multiplied several-fold. For example, case information is handwritten in at least three different registries within the same day, although often little more than the defendant's name and the case number are replicated in each of the registries.
4. Basic court data, e.g., case number, parties' names and addresses, hearing dates, etc, are written and re-written on multiple versions of pre-printed forms.
5. Whenever any action on a case contemplated, the physical file must be retrieved from its file room, delivered to the judge for review, and then returned for re-filing.
6. For every hearing or session, the judge must record in his or her diary the case number, the parties, and the date and time necessary to conduct the event.
7. Statistical data gathering is cumbersome, with the same data being written and re-written on various statistical forms to meet different data collection needs (by judge, by division, etc.). Most of this is done by one person in the court, who utilizes only basic Excel spreadsheets. Furthermore, the methods of statistical data gathering do not appear to be consistent across all courts.
8. All pending cases two years or older must be re-written from their original registry to the annual register.
9. While the BOR dictates how forms should be made, there is little standardization in practice. As a result there a number of variations in practice among courts that must be addressed in conjunction with the implementation of automation.
10. Existing court rules contribute to delays. The current framework of laws and regulations precludes judges from exercising the desirable control over scheduling of cases and timelines (particularly civil cases).[7]

[7] Much of this problem is due to requirements of the Code of Civil Procedure, which precludes the use of tested remedies, e.g., enabling judges to control cases and scheduling, holding attorneys responsible for

11. There is little access to currently available legal information, such as the most recent case decisions and changes in the laws, to assist the judges in rendering timely and sound legal decisions.

The end result is that these inefficiencies contribute to delay and mounting backlog. Many case decisions are rendered without the benefit of efficient tools, such as templates and document production, and the latest and best case information, such as case history, party contact information, and the latest court decisions and changes in the law. Cases where decisions are rendered suffer further delays as court personnel must gather the appropriate information to close the case.

Project Focus

Zagreb Municipal Court

Among the Croatian courts, the Zagreb Municipal Court (ZMC) faces unique challenges because of its overwhelming size and jurisdiction, inadequate space and facilities, and an insufficient level of personnel and resources. Due to the lack of funds to pay for additional staff and limited space, the judges in all divisions of the ZMC carry a caseload double that of other similar courts in Croatia and of the national norms established by the Ministry of Justice (MOJ).[8] It was determined that the above inefficiencies would best be remedied through a combination of reforms including:

1. Backlog reduction;
2. Changes in the regulatory framework to improved business practices and procedures;
3. Automation, including procurement of computer hardware, a Local Area Network (LAN) and cabling for a modern automated infrastructure, and software for an automated case management system; and

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producing witnesses and parties at scheduled hearings, allowing judges to impose sanctions for no-shows, and adopting rules for limiting discovery. In contrast, the Code of Criminal Procedure includes time standards and some remedies to help judges control the pace of cases. Similarly, commercial court procedures provide judges with more flexibility than for civil cases.

[8] Increasing the number of judges is not practical because of space limitations within the ZMC building, and financial ability for the Government of Croatia to pay the salaries. Another option of decentralizing the court among several facilities is not likely to occur in the foreseeable future due to costs although there are plans to transfer the criminal division to Dubrava in the future. While hours devoted to court business are limited (hearings take place between 8:00 am and 2:00 pm), attempts to use courtrooms in the afternoon are not practical for a number of reasons: judges use the mornings for hearings and afternoons to review their cases; courtrooms are too small to accommodate two judges sharing the same courtroom and the resulting increase in case files; the Bar does not support attending hearings in the afternoons, since they prefer to use that time for meeting with parties and preparing cases; and administrative staff have not been supportive of the proposed extension of the court day in the past (for instance, because of child care concerns). As a result, the court facilities are under-utilized – an additional factor that contributes to case delays, and to inefficiencies in using available human and physical resources.

4. Reorganization, namely through alignment of work processes following automation.

Integrated Case Management System

As NCSC developed the functional specifications for an automated case management system for the municipal courts, the World Bank and USAID were funding a similar project for the Croatian commercial courts. The workflow and functional specifications for the commercial courts was documented by Booz Allen Hamilton (BAH). In addition to the overlapping efforts of USAID and the World Bank, the European Commission was in the process of planning to fund a roll-out of court automation to pilot courts[9] of its own through its CARDS initiative. As a result of these overlapping efforts, it became apparent to the donors and stakeholders that the justice sector would benefit from one joint effort and the synergies from consolidating their efforts in close coordination with the MOJ.

In May 2003, USAID, the World Bank, and the European Commission (collectively referred to as "the donors") agreed to consolidate their efforts through the execution of a joint agreement with the MOJ for an "Integrated Court Case Management System (ICMS)," which is attached at Appendix 1. Through the joint ICMS Agreement, it was agreed that all donors would cooperate in developing a single ICMS for all courts in Croatia. It was agreed that coordination among the three donors would build consensus for the development and adoption of new standards, provide a common system with flexibility for customization to meet the specific needs of individual courts, promote standardization, make available a number of customized reports for the courts and the MOJ to analyze performance at multiple levels of the judiciary and identify solutions for improving court performance, and assist the government to maintain and update its judicial computer system with fewer resources than a plethora of individual systems designed by individual jurisdictions.

NCSC's task under the ICMS Agreement was to lead in the development of functional specifications for the system through the facilitation of meetings of a Joint Working Group established in 2003 by the Ministry of Justice (MOJ)[10] to inform the development, implementation, testing and modifications of the basic automated case tracking applications necessary for the users of each court, and to help change the judicial culture to become more proactive in increasing efficiency in management of cases and reducing backlog. In addition to the Joint Working Group, a smaller Policy Advisory Group was created by the MOJ to address all policy recommendations recommended by the Joint

[9] The pilot courts will be Rijeka Munipal Court, Rijeka Commercial Court, Osijek Municipal Court, Osijek Commercial Court, Split Municipal Court, Split Commercial Court, St. Zelina Municipal Court, Zagreb Municipal Court, and Zagreb County Court.

[10] The Working Group is comprised of court representatives, primarily judges, from the municipal, county, commercial, high commercial, and Supreme Courts. In addition, ad hoc participants, e.g., IT and administrative court staff, were invited to meetings as needed for purposes of defining court processes and needs.

Working Group. It was foreseen that the Joint Working Group and Policy Advisory Committee would continue to exist and serve as the catalyst for continued and sustained court reform efforts following the conclusion of the project.

USAID committed funding for NCSC to lead the meetings of this Joint Working Group and to complete the development of the joint functional specifications, and the project was thereafter renamed the Court Improvement Project to reflect the broader scope of the project.

I. PHASE I

Phase I of the project spanned the period of September 2000 through April 2001. During the first four months, the NCSC team conducted two on-site visits to assess current manual case management processes in the ZMC, including an in-depth needs assessment of existing court operations and practices, collection of data, random sampling of over 1,600 cases, and development of a functional analysis and specification plan for the purpose of improving manual operations and introducing automation. The ZMC leadership displayed an innovative spirit and granted the team wide access to court staff and court records. Special committees, with lead personnel, were designated by the ZMC to help the NCSC to collect and organize information, provide input, and advise on proposed initiatives.

A. Administration of the Project

NCSC completed the registration process as a foreign NGO in January 2001. A Chief of Party was not contemplated under the original scope of work to lead the project, so local administration of the project was assigned to two local professional staff: a Project Coordinator familiar with USAID requirements, and a Legal Coordinator well-versed in the ZMC operations and the Croatian regulatory framework.

With the approval of the MOJ, the ZMC provided office space within its court for NCSC to use free of charge. This arrangement provided a valuable opportunity for the NCSC team to work in direct contact on a day to day basis with ZMC staff, which proved to be highly effective throughout the project.

B. Increasing the Capacity of the Court

By the end of Phase I, NCSC had completed its review and analysis of ZMC operations and emphasis was placed on assisting the court to deal with the principal factors contributing to delay in the processing of cases.[11]

[11] Prime examples being: the unnecessary number of hearings due generally, but not exclusively, to failures to appear; unlimited introduction of new evidence; difficulties holding attorneys and parties

Court Administration Initiatives

The Case Management Needs Assessment, attached at Appendix 2, was completed in Phase I. Based on feedback from the MOJ, NCSC placed priority on initiatives that do not require changes to the law or BOR and that are not driven by automation, including case preparation, judicial assignment practices, records management, flow of case files, and development of statistics. The Functional Specifications Report for Computerization of the Zagreb Municipal Court, attached at Appendix 3, was developed during Phase I and completed in September 2001.

Other initiatives that were suggested or attempted during Phase I included the following.

Documentation of Best Practices in Case Management

The NCSC team observed that some judges in the ZMC expedited certain types of cases within the existing framework of rules and at a rate that exceeded comparative timelines of other judges within the ZMC. During the first two site visits, the NCSC team interviewed such judges and documented the "best practices" they had adopted to achieve the speedier dispositions. This information was captured in a confidential report completed in May 2001, which was shared with division presidents. NCSC had hoped to transfer such information to less experienced judges to assist them in becoming more effective in managing their cases. Ultimately, however, the division presidents asked that the "best practices" not be circulated. The ZMC judges expressed concern that the best practices would have been challenged by some judges and attorneys under a more conservative interpretation of the court rules. Such challenges would have had the effect of undermining those practices NCSC hoped to encourage. However, the division presidents agreed to discuss the best practices in meetings of the division presidents and to seek means of implementing them.

A Posteriori Review of Case Files

The objective of this initiative was to analyze closed case files, document procedural inefficiencies and, if feasible, involve the Bar and the academic community in the review for the purpose of informing and building a constituency for future code reforms. NCSC planned to involve academics and the Bar in the analysis of closed cases to provide them with practical information on difficulties encountered by the judiciary, to document inefficiencies and redundancies, and, if feasible, help increase the constituency base for reforms of the code. In consultation with USAID, however, the decision was made not to

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accountable (e.g., for delay or withholding evidence until later in the case); and a seriously flawed notice serving system.

pursue this approach as such responsibilities were the authority of the MOJ, which was not supportive of changes to the rules.[12]

Bypassing the Postal System

The purpose of this initiative was to find alternatives to using the postal system, such as informing parties and their lawyers about the next hearing date during the prior hearing. Another objective was to overcome the frequent failure of the postal service to deliver notices due to parties not being home or avoiding service. It was hoped that this initiative would have increased the level of attendance at hearings and reduce postponements due to no-shows. However, in the existing regulatory environment, particularly with the existing system of scheduling expert witnesses, it was decided that this activity was also unfeasible.

Purging Old Cases to Reduce Backlog

Another option discussed early in the project was purging old cases to reduce backlog.[13] However, this also was deemed to be undesirable by the MOJ and unfeasible under existing law.

Regulatory Framework

Book of Rules (BOR)

NCSC planned to begin an analysis of the BOR at the beginning of Phase I, but found that a suitable English translation was unavailable. The MOJ agreed to fund an appropriate translation, which was completed in early 2001, and NCSC completed its review and assessment of the BOR in April 2001. Based on NCSC's review, suspension or waiver of certain provisions of the rules was proposed for the purpose of testing alternate, more efficient procedures in pilot chambers.[14] Those early recommendations are attached at Appendix 4. While the President of the Supreme Court was supportive of

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[12] During Phase II, the MOJ did establish a special committee of judges who recommended changes to the Book of Rules. Several members of that committee were a part of NCSC's earlier discussions on proposed changes, so many of the eventual changes were recommended or supported by NCSC. The amended Codes and Civil Procedure and Criminal Procedure were enacted by the Croatia legislature later in Phase II.

[13] This solution was introduced with success by NCSC in Kosovo.

[14] For example, under the existing codes in 2001:

- New evidence could be introduced throughout the life of the case leading to unlimited adjournments, even after final judgment, and grounds for appeals.
- Appeals are routine and quasi-unlimited, since higher court(s) may review decisions not only on the basis of application of the law, but also on the basis of fact.
- Attorneys are under no obligation to provide information to the court. It is the judge's responsibility to investigate the case and the burden of proof is on the judge.
- Even though some provisions exist to hold attorneys accountable for producing evidence and ensuring parties'/witnesses' attendance at hearings, many judges are reluctant to invoke these remedies since such remedies become a basis for appeal.

such changes, the MOJ insisted that reforms must conform to existing legislation, and that it was unprepared to contemplate changes to the BOR. Consultations by NCSC with judges, academics, other implementing partners, and the Bar, confirmed a predominant feeling among stakeholders at the time that there should be no deviation from the existing rules.[15] This position threatened an outcome that the end product of automation in the ZMC would be a new system with the same management practices and procedural inefficiencies as the old system. To achieve the greatest possible efficiencies, the NCSC team began working with its Croatian counterparts to explain the importance of new procedures to streamline operations and reduce duplication of effort and bottlenecks in the system, and to raise support for such changes. Those efforts began bear fruit during Phase II. For example, the COP and the MOJ Deputy Minister reached agreement during Phase II that, at a minimum, the BOR should state that it did not preclude automation, and that none of its provisions were inconsistent with the development and use of automation.

Code of Civil Procedure

Since delays and inefficiencies appeared to be most prevalent in the civil division,[16] NCSC commissioned the translation of the most significant sections of the Code of Civil Procedures. Like the BOR, NCSC suggested a list of desirable improvements to court operations and judicial practices from its review of the code in March 2001.

Automation

In December 2000, NCSC submitted its Automation Plan for the ZMC to USAID. This report provided a basis for understanding users needs and: how the ZMC operated, what the steps were to move and document cases and files under a manual system, what type of data were kept, how and under what circumstances automation added value to court operations (including the development of software), and what would be the functional specifications of such software if developed. Among other outcomes, the plan laid the foundation for drafting functional specifications and the RFP for development of case management software, assuming that the necessary conditions to underwrite such an effort had been met.[17] The plan was modified based on feedback from stakeholders and a follow-up visit, and it was finalized in February 2001. The Automation Plan is attached at Appendix 5.

Computers and Printers

[15] NCSC was rewarded late in the project when the MOJ, in its decision of _____, 2003, agreed to waive specific provisions of the BOR for purposes of testing the ICMS in the prototype courts once developed by the vendor under its World Bank contract. Most of those changes adopted by the MOJ matched early recommendations from NCSC.

[16] Criminal cases are governed by more detailed rules that give judges more authority over the cases and the pace of litigation, since criminal cases must be decided within the statute of limitations.

[17] The MOJ had committed itself to sharing costs with USAID for development of the software.

In the Automation Plan, NCSC recommended that equipment be procured in two stages: 1) in early 2001 for select judges, court library, and standard office and reference applications; and 2) later in the project for court administrative staff, e.g., registry clerks, for implementation of an automated case management system. The purpose of this tiered approach was to delay procurement of computers for administrative staff pending implementation of the automated case management system and to benefit from new computer technologies likely to surface by the time the software development process was completed.[18]
By April 2001, NCSC completed the delivery of the first set of computers and printers for the ZMC. As a result, close to 100% of the courtrooms had at least one computer and printer which resulted in facilitating and improving the efficiency of hearings and production of documents.

Local Area Network

Under NCSC's scope of work, it began the process of installing a Local Area Network (LAN) in the ZMC in preparation of implementation of the automated case management system. The objective of the LAN more specifically was to: increase access to information and improve research capabilities to improve the quality of decision making of judges and impact the rate of reversals on appeal; increase efficiency through information sharing among the ZMC judges and staff; and improve coordination with higher courts via access to the Internet and through sharing of files.[19] The implementation of the LAN was designed to be in accordance with a cost sharing agreement between USAID and the Government of Croatia. Under the cost share agreement, USAID agreed to procure the hardware and the MOJ committed to funding the electrical repairs and upgrades needed for the installation of the LAN, as well as the networking of the computers once the LAN was installed.

In Phase I, NCSC prepared a Request for Bids (RFB) for procurement of the LAN and submitted it to the MOJ for approval. Further implementation issues are discussed in Section II.

[18] Late in the project, after numerous delays in development of the automated case management system, it was determined that it would be advantageous to help administrative staff transition to automation and to introduce some efficiencies pending development of the case management system through introduction of a Document Production System, which is discussed later in this report.
[19] Following evaluation and approval from the MOJ, NCSC negotiated and awarded the ZMC LAN contract in July 2001. Installation of the LAN and wiring of the electrical and computer network infrastructure was completed in 2002.

Automated Forms and Templates

To increase the efficiency of judges and number of hearings per day, NCSC proposed the development of standardized, automated forms and templates.[20] The existing courtroom practice in the ZMC and many other courts was to use memory typewriters for completing forms. This process was time consuming, distracting (because they are noisy), and inefficient since any mistake required manual correction or retyping of the entire document.

The presidents of the civil and criminal divisions and their staff, in consultation with NCSC, developed standard templates for civil and criminal cases, along with information on which forms to use and how to insert information during hearings and how to produce documents. The ZMC technical staff agreed to install those templates on each computer. The NCSC team observed that, shortly after computers were delivered and set up in individual court rooms, many judges and staff began to explore additional possibilities for use of the software - such as storing and indexing court minutes from which they can cut and paste text to prepare decisions. Many members of the ZMC staff were already familiar with computers, through personal use, and helped colleagues in other court rooms on how to apply technology to their daily operations. A number of court room personnel required basic training, however, which was provided (both on-site and off-site) by a consulting firm selected and paid by the MOJ. NCSC developed a training schedule with input from the presidents of the civil and criminal divisions, to include first those least familiar with PC applications. Training was concluded by end of the 2001 calendar year. NCSC proceeded with plans to continue to follow up and document practices, share information with the entire bench and staff, and monitor maximum utilization and consistency in the use of the technology.

Automated Case Management System

Information from the Phase I assessments served as the beginning foundation for development of functional and technical specifications for an automated case management system, and bidding documents for procurement and implementation of the system by the end of Phase II.[21]

[20] Automated templates on the computer accelerate time spent on a given case, thus not only enabling the judge to hear more cases per day and enabling administrative staff to focus on other tasks, but also can help improve the quality of decision-making.
[21] As described later in this report, this activity was changed dramatically in mid-2003.

Statistics

In order to help judges to more effectively monitor performance and manage their individual caseloads, [22] NCSC planned to undertake an initiative to define reports in the new case management system and to track statistics by court and individual judges – to have been implemented when full automation of the court was implemented in Phase II.

Reorganization

From early 2001, the NCSC team engaged in discussions with the ZMC leadership on how to optimize the allocation of limited resources, including personnel and space utilization. Many changes were envisioned for more concrete discussion and action during implementation of the automated case management system in the ZMC later in Phase II. Other discussions focused on improved public access, the court library, and public reception areas and registries, all of which realized significant improvements during Phase II.

C. Improve the Quality and Timeliness of Judicial Decisions

At the beginning of the project, the NCSC team found that judges lacked sufficient information necessary to make well-informed decisions, such as updates of decisions from the County Court and Supreme Court.[23] In Phase I, NCSC began to assist the ZMC to identify sources of information to help the judges to render better informed decisions, including installing computers with access to case decisions, laws and Internet access to search for the latest, relevant information. This is discussed further in Section II as part the project's Phase II activities.

Reducing the Administrative Workload of Judges

Judges are tasked with a number of administrative duties that take time away from their primary function of judging. NCSC's objective was to increase time for judging and thereby increase the number of cases that judges can handle on a daily basis. The report

[22] Information that is not readily available, primarily because of the difficulty in collecting it from the manual records, includes:

- current status of each case;
- last event and date, next event and date;
- number of events scheduled and held;
- adjournment rate;
- final hearings that fail to result in a disposition;
- age of cases at disposition; and
- age of pending cases by case status.

[23] Over the course of the project, the availability of such materials became more widespread, particularly Supreme Court decisions via the Internet through the European Commission's CARDS Project. The ZMC developed an Intranet site for sharing ZMC case decisions.

on Reducing the Administrative Workload of Judges was completed in February 2001, and is attached at Appendix 6. These recommendations were included with others mentioned above that the MOJ was unprepared to accept due to their reluctance to change the BOR.

Legal Research

The NCSC team examined the use of Benchbooks as reference material to judges to increase the efficiency of hearings, case actions, and final disposition. A Benchbook for criminal cases had been developed in June 2001 by ABA/CEELI working with Croatian judges. NCSC explored the idea of developing a Benchbook for civil cases with the ZMC judges, but in light of the level of standardization within the BOR, e.g., detailed rules and prescribed forms for each action, the civil judges were not supportive of this activity. Instead, NCSC began to focus more on standardization of practice and court forms.

Training

Since training activities were under the jurisdiction of the MOJ, NCSC tailored its approach to collaborate closely with the MOJ and other implementing partners. In Spring 2001, NCSC coordinated with the MOJ to train ZMC staff on computers for judges and court staff in the ZMC, who received the first installment of computers during that same period.

D. Monitoring and Evaluation Plan

By December 2000, NCSC developed a Phase I workplan and a list of indicators and baseline data for monitoring and evaluation of the project, including:

- Average number of terminated cases/judge year: This indicator helps track whether productivity is increased, as cases brought to conclusion in a timely way increase in both criminal and civil cases divisions.
- Reduction of pending aged cases (5 years +): Old cases are difficult to handle due to problems retrieving facts and memories of facts, and locating missing information.
- Average time for case disposition: A new database needs to be created with cooperation from the ZMC court. At this time, ZMC data is not reliable. The NCSC team agreed to assist the court in developing the methodology needed for measuring this indicator.
- Rate of reversals in appealed cases.

However, these indicators were based on an expectation that an automated case management system would be implemented by this project for the ZMC. As a result of the ICMS Agreement executed later in the project, the case management system for the

ZMC was not developed by NCSC and, as a result, these indicators were dropped in the third phase of the project.

Development of the Phase II workplans and revised indicators are discussed in Sections II and III.

II. PHASE II

During Phase II, the NCSC team concentrated on exploring approaches for implementation of the automated case management system, developing and submitting the RFP and Software Requirements Specifications (SRS) to the MOJ, and liaising with the MOJ and donors to secure approval for the functional specifications. It had been NCSC's intention to complete the approval process for the RFP early in the fourth quarter of 2002, and to issue an award by the end of that year, but unexpected delays were encountered. These occurred principally at the level of the MOJ as documented in two written communications from the Deputy Minister to NCSC in November and December 2002, in which the Deputy Minister raised a series of questions related to compliance of the planned system with the BOR and Croatian procurement laws.

Despite the setbacks during much of Phase II, the first quarter of 2003 was a period of unexpected, positive developments. The World Bank, European Commission and USAID agreed in enter into a joint agreement for implementation of an Integrated Case Management System (ICMS) in Croatia. In April 2003, a joint donor meeting was held in Croatia to finalize the agreement among the international donors and the MOJ, commercial and municipal court Working Groups were merged, and the activities of the USAID municipal and commercial court projects were consolidated under NCSC. Activities following consolidation of efforts under the ICMS Agreement are discussed in Section III.

A. Administration of the Project

At the beginning of Phase II, USAID determined that the project would benefit from the full-time presence of a seasoned US court administrator familiar with court reform and the introduction of automation in courts. Following a search for qualified candidates, NCSC recommended in September 2001 that Mr. Carlton Blair, Court Administrator in the State Court of Chatham County, Georgia, be hired. The USAID Mission requested an interview with Mr. Blair in October 2001. Following his interview and approval, he took up his assignment in Zagreb in January 2002.

In July 2001, NCSC recruited a part-time IT consultant to assist NCSC locally with all IT activities, including working with other NCSC staff and local vendors and preparing documentation in relation to the competitive bidding for installation of a local area network (LAN). The part-time consultant continued completion of installation of the

LAN. Once development of the case management system began, NCSC had planned to hire a full-time IT staff person to support implementation. Resumes were solicited and interviews conducted by the Chief of Party during the second quarter of 2002, with the intention of hiring the person by the end of 2002. However, as a result of delays and the MOJ's decision to withdraw approval for the system in early 2003 in favor of pursuing the consolidated approach under the ICMS Agreement, NCSC decided that the IT staff position was no longer required.

Newsletters

Over the course of Phase II, the NCSC team prepared project newsletters to familiarize the ZMC staff on project progress. The ZMC judges and court staff commended the newsletters as a means of direct communication between NCSC and the court employees at large to explain the objectives and progress of the project.

B. Increasing the Capacity of the Courts

It had been NCSC's plan to assist in re-engineering the manual case processing system within the ZMC in conjunction with development of the automated case management system. To educate judges and court staff, a document on Introduction to Caseflow Management Principles and Practices was prepared by the NCSC team for the ZMC and MOJ leadership in July 2001. The document is attached at Appendix 7.

By late 2002 it was apparent that, due to continued delays and questions regarding approval of the functional specifications by the MOJ, any work on streamlining manual processes complementary to introduction of automation could not occur until the functional specifications were adopted by the MOJ. NCSC's efforts became focused principally upon laying the foundations for implementing an automated case management information system within the ZMC.

Court Administration Initiatives

Enforcement Division Cases

NCSC and BAH began exploring in the summer of 2002 how they could cooperate to improve processes jointly in the ZMC Enforcement Division. Since the Enforcement Division handles enforcement of all judgments in which a party has failed or refused to pay, its efficiency impacts both municipal and commercial court cases. BAH proposed working closely with NCSC to improve: 1) drafting of enforceable contracts, through training and publication of a series of booklets to teach how to draft enforceable contracts; 2) statistical and qualitative research on common transactions and problems encountered that would feed into public education programs for lawyers, notaries, and business associations to improve documentation and enforcement practices; 3) communication between the municipal and commercial courts; 4) public information,

education and press relations through press releases and other ready-to-publish information for the media to explain court proceedings and how the courts are attempting to solve problems; and 5) filing procedures through identification of new procedures, best practices in other court systems, and new solutions through introduction of better technology. Per the ICMS Agreement, BAH's role diminished and further collaboration was not possible. However, during the final stages of NCSC's contract, committees of the Joint Working Group began to discuss these issues again, along with several others, including: the scope of the Enforcement Division's authority and jurisdiction in relation to their resources, e.g., staff, funding and training; problems in service of process and judgments; and other causes of the Enforcement Division's caseload, such as the large number of minor administrative cases filed by large agencies like the utility and telephone companies.

Study Tour to the United States

In September 2001, World Learning sponsored a study tour to the United States for participants to receive training on court administration, introducing automation in the courts, and change management. Representatives included judicial leaders and middle level court managers from the ZMC's divisions, two representatives from the MOJ, and one representative from the Croatian Bar. The two-week program was designed to teach new concepts on caseflow management and technology through trainings and visits to US courts. The agenda is attached at Appendix 8. The study tour concluded with action planning session, the product of which is attached at Appendix 9. Following the study tour, preliminary efforts focused on the most critical action plans, backlog reduction and procedural changes. Implementation of other action plans was deferred pending further development of the case management system.

Action Plan – Reducing Backlog in the Civil Division

During the study tour in the US, the civil division leadership reviewed how the continued existence of a large backlog of cases would impede proper rollout of an automated CMS and, as a result, made backlog reduction their top priority as an action plan. The action plan included: 1) identifying all 28,000 civil cases older than 5 years per judge; 2) organizing a system for speedy retrieval of all 28,000 case files so that they can be produced within 24-48 hours; 3) utilizing court counselors and law students to assess and record cases and prepare decisions for judges; and 4) instituting an incentives plan to encourage judges to dispose of old cases. The ZMC president was very supportive of these initiatives and adopted the plans as part of his 2002 court plan.

Action Plan – Revising Procedures in the Criminal Division

The criminal division representatives agreed to develop a questionnaire to be distributed to administrative staff, i.e., judges' secretaries and registry personnel, by the end of the year, requesting input on desirable changes to increase efficiency of court operations.

The information, once compiled by the ZMC, as used to help establish priorities for manual procedural changes in preparation for an automated case management system. The head of the criminal division registry agreed to drafted and distribute the questionnaire, and to use the responses to formulating a plan for improving manual operations within the existing rules.

Study Tour Follow-up Meetings

Shortly following the study tour, in October and again in November 2001, members of the NCSC team met with study tour participants to follow-up on activities implementing their action plans and to identify gaps in planning, respond to questions, and further encourage buy-in and support for changes in the ZMC.

Regarding the criminal backlog, the criminal division reported that the questionnaire was conducted and that the response rate was over 70 percent. They further reported that criminal division backlog was reduced by 5% in November 2001. The team met with the court statistician to discuss his participation in efforts to implement the action plan to attack the backlog of cases. They reviewed the methodology to be used to identify criminal cases approaching the statute on limitations. NCSC agreed to assist him through technical assistance to improve the tracking of civil cases and generation of court statistics. Since the implementation of an automated case management system was still many months away, NCSC worked the court statistician to improve the identification of cases and tracking them using basic Excel software. Near the end of Phase II, this assistance included funding advanced training courses in Excel to strengthen capacities to collect and tabulate data. The team met also with the heads of the criminal division and juvenile cases to define their roles and to solicit ideas regarding implementation of the action plans. They confirmed that a meeting with the Public Prosecutors was important to addressing procedural delays in case processing, and that such meeting should involve the president of the criminal division. They requested that such a meeting be held in early 2002 following the arrival of the COP.

Regarding the civil backlog of approximately 28,000 cases the judges developed an incentive plan to motivate judges to address the backlog more aggressively. The team met with the head of the civil division registry and her deputy as well to discuss their roles and progress in addressing the backlog as identified in their action plans. The team met with the newly appointed manager of the civil, criminal and enforcement registries[24] to discuss his role and how his assistance would be helpful in implementation of the action plans from the study tour, such as efforts to compile a list for each judge of the civil division of cases older than 5

[24] NCSC welcomed this as a very positive development for change in the courts in Croatia, as this represents the recognition on the part of the ZMC of the importance of one individual taking on role as administrator of each court. The appointment of this manager was accompanied by other significant reforms, such as the reorganization of the court registries on the first floor, improved court security, and realignment of some staff responsibilities.

years, and working with participants from the study tour to draft a questionnaire for criminal division administrative staff to identify priorities for operational reforms.[25]

Study Visit to Slovenia

In June 2002, with funding through World Learning, NCSC organized a study visit for mid- to high-level ZMC judges and administrative staff, as well as the head of the Information Sub-Department of the MOJ, to visit the IT Division of the Supreme Court of Slovenia. Since introduction of the case management system required ongoing support from a cadre of skilled system users, the study visit was designed to be the first of nine visits to provide technical and management training for judicial officers and administrative staff. The purpose of this visit was to familiarize the participants with automated case management and to prepare them for introduction of the system and revised procedures in their court. The participants viewed the system in use in Slovenia, and received a presentation on the history of development of the case management system there and the current functionalities of the system. Substantial support for the case management system in the ZMC was generated by this visit, so much in fact that it was suggested by the ZMC leadership that the project should consider building on the Slovenian case management system as the basis for the system in Croatia.
This proposal is discussed further under Automation in this section of the report. In summary, the Slovenians were receptive to the idea of contributing their system software to Croatia in exchange for upgrades from Croatia's additional development of the system. Unfortunately, the MOJ opposed this idea. NCSC, in consultation with USAID/Croatia, decided to cancel the follow-on study visits to Slovenia and, instead of using the Slovenian model for training, added a requirement to the RFP that the winning bidder would provide training component in the early stages of development.[26]

Despite the setback of not being able to build on the Slovenian system, the experience of the participants from being exposed to an operational automated case management system, learning from Slovenia's experiences, and building a rapport with the Slovenia judiciary was a positive outcome in and of itself.

Regulatory Framework

Book of Rules (BOR)

As reported above in Section I, the BOR was developed at a time when contemplation of automation in the courts was inconceivable. It therefore contains provisions that are

[25] Due to implementation of the ICMS Agreement in the third phase of this project, all activities of NCSC focused on backlog reduction had to cease in favor of focusing on development of the new functional specifications.
[26] The winning bidder would have been required to produce a model of the system in an off-the-shelf software program such as Access. This model would have served a dual purpose of ensuring the winning bidder's level of understanding of the software requirements prior to writing extensive code, and providing a module for training sessions.

inconsistent with use of automated processes. While there is no specific prohibition to automation, some rules, if followed to the letter, would render introduction of an automated case management system very difficult. In meetings during Phase II, the presidents of the ZMC and the Supreme Court supported an interpretation of the BOR that automation is not precluded.[27] They encouraged NCSC to continue on course without pressing for changes. As a result, NCSC assured that Deputy Minister of the MOJ that there would not need to be immediate changes to the BOR as a pre-requisite to automation. However, the NCSC team reminded the Deputy Minister that some changes would be necessary later and should be implemented as inefficiencies were identified during implementation of the automated system. Prior to finalizing the functional specifications in 2002, each article of the BOR was reviewed by the NCSC team to ensure that there was no conflict between the specifications and the BOR. Secondly, every specification was reviewed to ensure that the specification, either alone or in conjunction with other specifications, yielded a result consistent with the respective BOR provisions.

Code of Civil Procedure

By the end of 2001, an initial set of recommendations for amendments to the Code of Civil Procedure were introduced to the legislature by the specialized Working Group, composed of a number high level ZMC staff and an MOJ representative who had participated in the Study Tour to the US in September 2001. In early 2002, the recommended code revisions were submitted to the Croatian legislature. A new Code of Civil Procedure went into effect on 1 December 2003. The new Code of Criminal Procedure is still under revision.

Automation

Functional Specifications

Even prior to the ICMS Agreement, discussed in Section III, there had been considerable discussion among the project stakeholders with NCSC that an integrated approach was needed. As reported earlier in this report, NCSC cooperated with the MOJ and Supreme Court, which both called for joint efforts and commonalities and interoperability among all courts.

In December 2001, fifteen representatives from the ZMC and MOJ – including judges and administrative staff who participated in the study tour to the US earlier in September 2001 – reviewed the functional specifications. Several live demonstrations were presented to demonstrate how the automated case management system might appear and function. This meeting resulted in the adoption of an initial set of priority functions by the Croatians.

[27] Although there were presidents of other courts in Croatia who disagreed with such an interpretation.

Throughout 2002, NCSC engaged in coordination efforts with the MOJ, other donors, and implementing partners to facilitate exchange of information among all justice sector institutions in Croatia. During the second quarter of 2002, NCSC began coordinating with the commercial court project stakeholders: the World Bank, its Project Management Unit (PMU), and BAH, which had been tasked with developing an automated case management system for the commercial courts. NCSC and BAH agreed to develop a common set of functional specifications for all new court automation projects, and in April 2002, met to conduct joint revision of the functional specifications.

In February 2002, the court presidents of the ZMC and Zagreb County Court (who also was a former MOJ Deputy Minister) met to discuss NCSC's activities. The county court president expressed his desire for a commonality in functions and vertical linkages among the courts, e.g., the appeals process. He also asked whether it was possible to approach the MOJ about consolidating the various court automation initiatives in Croatia into a single, more manageable process, his major concern being to avoid unnecessary duplication of efforts and possible incompatibilities. In July 2002, the NCSC team followed-up to meet with the Deputy President and Chief of the civil division of the Zagreb County Court to review the appellate procedures for cases coming from the ZMC and data requirements of the County Court and what functionalities within the ZMC's system would be beneficial for cases appealed to the County Court.

In May 2002, NCSC designed and formalized a review process that extended beyond the municipal courts and included representatives from the MOJ, commercial court project, and the Supreme Court of Croatia in hopes that a common system for all courts would evolve. There was also early discussion on including the public prosecutor's office in development of the CMS,[28] although it was agreed that discussion of extending the automated system to public prosecutors should be deferred.

Forms and Templates

Substantial effort was expended during Phase II collecting court forms and developing the "data dictionary," i.e., data requirements for various court forms and templates. These data were used to inform much of the final development and standardization of forms and templates was completed near the end of the project and is discussed under Section III.

Local Area Network

As discussed in Section I, NCSC drafted and issued a Request for Bids (RFB) to install the LAN during Phase I. Nine local vendors submitted proposals by the June 2001 deadline. By mid-July 2001, NCSC ranked each proposal and submitted the top bids to the MOJ for selection. In December 2001, the first upgrade of electrical wiring within

[28] Participants at this meeting included: Vesna Abramović, Municipal District Attorney; Brenda Jackson, US Department of Justice; Chuck Howell, USAID/Croatia; and Carl Blair, NCSC Chief of Party.

the ZMC was completed by the MOJ. Installation of the LAN was completed in March 2002, and the electrical upgrades necessary for accommodating the increased electrical requirements were completed by the MOJ in mid-2002. By the end of 2002, the MOJ had completed registration of the ZMC's domain name,[29] assignment of an Internet address, and a subscription was purchased from a local Internet Service Provider (ISP).

Due to lack of staffing within the MOJ, the MOJ did not complete the networking of the computers through the LAN or network configuration, but the ZMC staff were ultimately able to do so directly. However, the ZMC still lacked authority to configure the server, e.g., assigning passwords, designating and assigning categories and levels of access to information on the server, and defining administrative protocols regarding organization and use of information on the server. As a result, the LAN could not be used by individual staff to access and share files from their computers. This problem was not resolved until the end of the project and is discussed further under Section III of this report.

A schedule for training of judges in preparation for accessing the internet was sponsored by the MOJ. It began in mid-December 2001 and continued through the spring of 2002.

Computers

The second tier of procurement of computers for the ZMC administrative staff was postponed pending development of the case management system. The procurement was not completed until near the end of the project in 2004. This is discussed in more detail in Section III.

Case Management System

In the second quarter of 2002, NCSC issued a Request for Information (RFI) to identify potential vendors and IT capacities in Croatia before completing the formal Request for Proposals (RFP) for development and installation of the automated case management system at the ZMC. In June 2002, NCSC's IT Specialist visited Croatia to review responses to the RFI, meet with the MOJ, and to assist in the process of hiring a staff person to assist the COP in CMS development locally.[30] There were seventeen responses to the RFI, which were reviewed by an evaluation committee established by NCSC for this purpose. The committee agreed that, of the seventeen responses, eight vendors displayed the necessary capacities NCSC was seeking for development of the case management system that it envisioned for the ZMC. Based on responses to the RFI and consultations with the ZMC, MOJ and USAID, the NCSC team completed the development of the RFP.

[29] A necessary step to connect the ZMC to the Internet through the LAN.
[30] As reported above under Administration of the Project, NCSC decided not to fill this position due to delays in beginning development of the case management system.

The RFP was approved by the ZMC president in September 2002, and submitted to the MOJ for approval in October 2002.

Review of the Slovenian Case Management System

NCSC had hoped to realize cost efficiencies and to accelerate development of the case management system by building on an existing system. In early 2002, following the first study visit to Slovenia, it became apparent that the Supreme Court of the Republic of Slovenia had created a case management system based on the same basic Book of Rules requirements as Croatia, and had overcome many, if not all, of the same cultural obstacles to automation faced in Croatia. The ZMC leadership expressed great interest in the Slovenian system, and what had been accomplished in the courts as a result of its implementation. As a result, NCSC facilitated discussions between the Supreme Court of Slovenia, USAID, and the Croatian stakeholders to ascertain whether building on the existing Slovenian system was a viable option.

A formal review visit was conducted by NCSC on July 11-12, 2002 to examine the technical aspects of the Slovenian system and the courts' strategic approach toward automation.[31] An Executive Summary of the trip is attached at Appendix 10, and the final *Evaluation of the National Court Case Management System of Slovenia* is attached at Appendix 11.

It was unclear under what terms the Slovenian system would be available to the Government of Croatia, although the President of the Supreme Court of Croatia and other participants on the evaluation visit were supportive of pursuing the possibility. The technical architecture appeared to be an excellent platform for development, growth, and operation of a case management system in the Croatian courts, but it would have required additional functional development to fully implement all of the recommendations made by NCSC and BAH to improve case processing in the municipal and commercial courts. Nevertheless, this would have offered significant savings in time and expense in development of the case management system. However, by late September 2002, the MOJ expressed its unwillingness to pursue this alternative further.

Development Efforts Following the MOJ Decision on the Slovenia System

While stakeholders examined the potential for building on the Slovenian system, the NCSC team continued working on the RFP in the event the Slovenian system proved unfeasible. Following the decision regarding the Slovenian case management system, the

[31] Slovenia made the strategic decision to invest its resources to extend its system geographically, i.e., broadly to many courts, rather than functionally, i.e., a number of functions at once. As a result, the system implemented was "shallow" functionality, but available in all courts at implementation. Croatia's approach appeared to be the opposite, i.e., to rollout a robust system with many functions court by court over a longer period of time. There did appear to be general agreement with Slovenia that the system should be managed centrally, as opposed to being decentralized and managed by each court.

first draft of the RFP was completed and sent to USAID for review in August 2002. Following USAID's approval, NCSC sent the RFP to the ZMC president, MOJ, Supreme Court, PMU and BAH for review, with the goal of issuing the RFP in October 2002 and awarding a contract by Christmas 2002.

The Software Requirements Specifications, attached at Appendix 12, were completed in August 2002. They were approved by the ZMC president in September, and the RFP, attached at Appendix 13, was submitted to the MOJ in October 2002. Following submission, NCSC received two written communications from the MOJ in which a number of questions were raised. Of principal concern to the MOJ was whether the planned system complied with the existing BOR and Croatian procurement law, the latter of which had recently been revised. NCSC provided assurances that the RFP did not presuppose changes to the BOR and, following a number of productive conversations, the Deputy Minister issued the letter of approval for issuance of the RFP in February 2003.

As the project had been scheduled to end in August 2003, NCSC began to explore with USAID the feasibility of a non-cost extension of the project. USAID was supportive of the extension and, following execution of the ICMS Agreement, a formal extension of the project through January 2004 was approved.

Computer Training

NCSC and the MOJ cooperated in coordinating computer training for court staff. This training, funded in large part by the MOJ, was completed in March 2002. During this period, both basic and advanced computer training was provided to 98 judges and 147 secretaries from the ZMC.

Following installation of the first 110 computers and training in the ZMC, there was a marked increase in computer use among ZMC personnel. The court secretary noted a recognition and acceptance among the judges and administrative staff that major changes were taking place in the court that would affect virtually every process. Throughout Phase II, there was a heightened interest among judges in owning personal computers and in accessing the Internet, and an increasing number of judges were using the computers to render their decisions. The impact of this culture change is that judges are freeing more time for hearings and legal research.

Reorganization

Early in Phase II, the ZMC created a manager position to oversee the work of the three court registries.[32] In cooperation with the presidents of the civil and enforcement divisions, Mr. Balent led efforts to prepare the ZMC for introduction of the automated case management systems.

[32] This was a welcome development and indication of the court's recognition of the importance of a person serving in a court administrator capacity to manage the administrative work of the court.

One significant change in the organization of the court was the consolidation of the registry offices for P (general civil) and Pn (labor) cases on the ground floor.[33] Staff and files were centralized in one area next to the main entrance, thus greatly reducing the amount of time spent moving files and tracking them and improving public access and service.

The ZMC also renovated a room on the first floor of the court at its expense to create a court library, which is discussed immediately below under Legal References.

C. Improving the Quality and Timeliness of Judicial Decision-Making

Legal References

Court Library

In April 2002, the ZMC completed renovation of its library, a project initiated by the court at its own expense. Eight computers procured with USAID funds by NCSC earlier in Phase II were installed in the library with printers to assist judges and other court staff to access legal resources on CD Rom and via the Internet for purposes of legal research. Additional software and reference materials were loaded onto each computer, including: a database of ZMC decisions, county court and Supreme Court decisions (discussed below under Opinion Databank), subscriptions to the National Gazette and to ING (a legal research group), and a Guide to Legal Websites prepared by NCSC to provide judges with links to useful legal websites in Croatian, English, Italian and German. A copy of the Guide to Legal Websites is attached at Appendix 14.

Since computers in individual courtrooms could not be connected to the Internet through the LAN due to capacity problems of telephone lines coming into the building, the library's computers have served as the primary source of research outside of the ZMC. As such, the computers were, and continue to be, used frequently for research by court staff.

The court library was of considerable interest to other court staff external to the ZMC. For example, the Director of Informatics and other representatives from the Supreme Court of Croatia visited the library and were impressed with its organization, particularly the links to legal resources developed by NCSC. They copied the index of links on the Supreme Court's web page for use by its own staff.

[33] Prior to that, the P registry office had been divided into an office where registers were maintained, one for maintaining the hearings calendar, one for future action dates, and one for receipts of delivery. The Pn registry had been distributed across five offices that, in addition to the registry books, calendar, future action dates, and receipts of delivery, also had a separate office for maintaining statistics and other miscellaneous activities relating to case maintenance.

ZMC Website

In early 2003, NCSC's COP assisted the ZMC president and Court IT Administrator to develop a new ZMC website. The site can be accessed at: www.opcinski.sud.htnet.hr

Opinion Databank

Zagreb County Court

The NCSC team discussed with the ZMC, Zagreb County Court (ZCC) and MOJ the possibility of making available ZCC decisions in a local opinion bank for the ZMC. NCSC was informed by the ZCC that its opinions were available in electronic format and that the Court was willing to share this information with the ZMC. The opinions, however, were not indexed. NCSC accepted the decisions and successfully developed an index for organizing the cases in a searchable database. As the ZMC receives decisions from ZCC, they scan the most interesting decisions and place them on the server for use on the ZMC's intranet.

Zagreb Municipal Court

During 2002 and early 2003, a civil division judge compiled internal court practices from the civil division from 1990 through 2000. This compilation includes decisions from the Zagreb County Court related to ZMC decisions that were appealed, and the civil division president's review of the decisions. This compilation was installed in the law library and is available on the court's intranet. In addition, the ZMC started distributing information on some current decisions to judges on a monthly basis.

Supreme Court

As a result of the European CARDS Project, an index and database of Supreme Court decisions was created. The ZMC took advantage of this resource and loaded the decisions on its intranet for use by its judges.

D. Otherwise assisting the Ministry of Justice (MOJ) and the courts in formulating and implementing reforms

IT Support

In February 2002, the MOJ created a Systems Administrator position to help coordinate IT assistance with NCSC and other donors and implementing partners. One of goals for the new IT Administrator was to work closely with NCSC on issues relating to the LAN, such as connecting all computers, maintenance, and administration. However, through a series of problems unrelated to the project, they were unable to fill the position, leaving a void in IT support from the MOJ to the courts. As discussed further in Section III, NCSC

and the MOJ met to discuss the problem and the MOJ agreed to transfer IT administration authority to a staff person in the ZMC.

Development of the Functional Specifications

Through mid-2002, NCSC observed little, if any, coordination among IT developers working in the courts of Croatia. As a result, the NCSC team perceived a strong potential for overlap, duplication of effort, and inconsistency from court to court in the implementation of automation. NCSC's concern was shared by the MOJ, which requested that the ultimate case management system be compatible and interoperable with other automated systems then under development, most notably the commercial court system under development by BAH.[34]

The MOJ's Director of IT suggested that, since USAID was financing two interrelated court automation projects in Croatia, it would be appropriate to share an independent consultant to coordinate and oversee the technical aspects of the two projects, thus ensuring the interoperability desired by the Chief Justice. This latter request was relatively easy to meet, as NCSC had been given a subcontract to BAH on the Commercial Court Project. NCSC's IT Specialist began consulting on the Commercial Court Project during the summer of 2002 to assist the PMU to prepare a Project Implementation Plan for managing the Commercial Court Project and to draft the technical specifications to be used for the future RFP for the Commercial Courts. The NCSC team also worked closely with the BAH staff to specify, among other things: common functional standards for general court applications; articles in the BOR that had to be addressed to accommodate automation; and additional factors that would have to be investigated during development and enhancement of systems, such as system inquiry and report generation, integration of court applications into other computer and communications technologies, and other system design considerations.

The Chief Justice of the Supreme Court of Croatia requested that NCSC meet with the Director of the IT Department of the Supreme Court to discuss standardization and interoperability of all court automation projects. The Chief Justice envisioned a role for the Supreme Court in the final approval of functional specifications, and met with the Deputy Minister of the MOJ in July 2002.
NCSC met with the Director of the Department of Internetization, established under the Vice Presidency to develop an overall strategy for automation and a standard IT architecture for interoperability of all governmental entities within Croatia.[35]

In February 2003, a World Bank mission arrived in Zagreb and held a series of bilateral meetings with MOJ officials regarding the judicial reform efforts in Croatia.

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[34] This was prior to NCSC becoming familiar with the plans of the European Commission in Croatia.
[35] The Director was pleased with the functional specifications developed and identified in his national strategic planning document that the model functional standards developed by NCSC and BAH for Croatia should be the standard for all of the Croatian judiciary.

Unbeknownst to NCSC, the World Bank proposed to the MOJ an idea long espoused by NCSC consultants and others, i.e., that there should not be separately developed and implemented case management systems in the commercial and municipal courts. It was the World Bank's recommendation that there should be a single, integrated court case management system that would serve all the courts. Said system should be based upon a single database, with specifically tailored court installations as required to address the size, level, and jurisdictional responsibilities of the differing types of courts. This idea was supported by IT directors for the Government of Croatia, as well as by presidents of the Zagreb Municipal, Commercial and County Courts, and the President of the Supreme Court of Croatia.

During those meetings, the MOJ came to understand and support the concept of an integrated court case management system and signed an agreement with the World Bank to defer release of the NCSC RFP he had previously signed and approved. By February 2003, the World Bank issued a draft document entitled the *Integrated Case Management Automation System for the Croatian Judiciary*. This draft was followed by a series of conference calls among the donors and MOJ to work out the details for proceeding with development, implementation, training and rollout of a single, integrated court case management system. The MOJ agreed that the working groups established for the municipal and commercial court projects should be combined into a single Working Group with the task of amending and consolidating the specifications developed for the commercial and municipal court projects into a single set of functional specifications and technical specifications. NCSC was assigned the role of leading the combined Working Groups and facilitating the process of consolidating the commercial and municipal courts into a single set of functional specifications.

The donors agreed to convene a series of consultations and meetings in Croatia at the end of April to finalize agreements, develop a schedule of events/activities leading up to preparation and publication of a consolidated RFP, and to hold the first in a series of Working Group meetings.

Automation Committee

Along with the broader consultative process among stakeholders, NCSC began working with the ZMC to establish an internal Automation Committee to review and approve the final RFP prior to its submission to the MOJ. The participants on this committee agreed that they should continue to meet regularly to assist in the development of a single, acceptable automation review process. A number of members of this committee were asked to serve on the Joint Working Group appointed by the MOJ one year later.

D. Monitoring and Evaluation

One of the most significant factors bearing on the efficiency of the ZMC is the number of pending cases. At the end of 2000, the number of pending cases (cases older than 5

years) was approximately 27,000 civil and criminal cases combined. NCSC immediately began working with the ZMC leadership to identify and implement innovative solutions for this problem. By the end of 2001, the average number of case dispositions had increased and the number of pending cases older than five years had decreased.

Regarding case dispositions, for civil cases the number of cases disposed per judge in 2000 was 283. By the end of 2001, that number had increased to 322. For criminal cases, the number of criminal dispositions, per judge, increased from an average of 124 in 2000 to 140 in 2001.

Regarding pending cases, by the end of 2001 there was a reduction of 2.42 percent from 2000. In the criminal division, there was a reduction of 7.64 percent, and by the end of 2001 that number was reduced to 5.93 percent of all pending criminal cases.

With implementation of the ICMS Agreement, discussed in Section III, and the decision that NCSC would not implement a case management system in the ZMC, data collection and backlog reduction activities had to cease in favor of focusing on development of the new functional specifications. New criteria for monitoring and evaluation were approved by USAID for the third phase of the project.

III. PHASE II – INTEGRATED CASE MANAGEMENT SYSTEM (ICMS) AGREEMENT

In May 2003, close coordination among three major donors in Croatia – USAID, the World Bank and the European Commission (EC) – was consolidated through execution of a joint agreement with the MOJ, which is attached at Appendix 1. Under the new donor agreement, all three major donors agreed to pool resources to jointly develop an Integrated Case Management System (ICMS).[36] USAID committed funding for NCSC to complete development of joint functional specifications for the system through meetings of a Joint Working Group established for that purpose, as well as to assist technical specialists from the World Bank and the EC to develop the technical specifications for the system.[37] The World Bank agreed to fund the bulk of procurement for the software for testing in four "prototype courts": Zagreb Municipal Court, Pula Municipal Court, Zagreb Commercial Court and Split Commercial Court. Following testing, the EC would fund procurement of hardware for rollout of the system to additional "pilot courts":

[36] "Integrated" refers to joining the various donor automation efforts, i.e., USAID's municipal and commercial court projects, the World Bank loan and its PMU activities, and the European Commission CARDS activities, and that the case management system would capture the functional requirements of all courts in Croatia. In this context, integrated does not mean specifically integrating all justice sector entities, e.g., police, prosecution, etc., in one system, although NCSC recommended in the functional specifications that this development be contemplated as a part of future automation efforts.

[37] In the end, NCSC was not able to assist the technical specialists as had been envisioned at the time of execution of the ICMS Agreement. The World Bank technical specialists were not hired in time. The EC technical specialists arrived in Croatia just prior to the end of NCSC's contract.

Rijeka Municipal and Commercial Courts, Osijek Municipal and Commercial Courts, Split Municipal Court, Zagreb County Court, and St. Zelina Municipal Court.

A. Administration of the Project

The project had originally been scheduled to end in August 2003. As a result of the ICMS Agreement, USAID agreed to extend the project through January 2004 for NCSC to meet all deliverables. Due to demands on NCSC to complete joint functional specifications in accordance with the expectations of the three donors and feedback from the Joint Working Group, a great deal of new development of the functional specifications was completed in the Summer and Fall of 2003. This required a number of consultants traveling in and out Croatia during that period, as well as changes in consultants due to other commitments. Despite these best efforts, the donors agreed that it would not be possible to reach full consensus on the specifications by the January 2004 date. USAID therefore agreed that the project should be extended through April 2004 to accommodate the new timeline agreed upon among the donors for making the necessary revisions in the functional specifications, and also to procure computer equipment, e.g., for the ZMC and Pula Municipal Court, and work with the Joint Working Group to further develop strategies for follow-on activities and sustaining the working group process.

Due to health reasons, NCSC was compelled to replace its original Chief of Party, and he was temporarily replaced by a US judge in May 2003. He was replaced by Katie Fahnestock, who began working on June 13, 2003, and agreed to work through the projected end of the project in January 2004. When the project was extended beyond January to April 2004, Katie Fahnestock informed NCSC that she was unable to commit to the additional time in Croatia. As a result, the Project Manager, David Anderson, was posted to Croatia to serve as Acting COP through the remainder of the project.

B. Increasing the Capacity of the Courts

Court Administration Initiatives

Regulatory Framework

Late in the project, NCSC's earlier efforts in recommending changes in the BOR came to fruition. In its decision of February 25, 2003, attached at Appendix 15, the MOJ agreed to waive specific provisions of the BOR for purposes of testing the ICMS in the prototype courts. Most waived provisions were as recommended by NCSC in its 2001 analysis.

Functional Specifications

In consultations with the donors, NCSC had agreed to deliver a substantially completed draft of the Software Requirements Specifications (SRS)[38] by September 1. To meet this deadline NCSC adopted a revised team approach. The COP organized Working Group, small group and individual meetings, and also began to visit courts to review their processes. The NCSC IT Specialist led the development of the functional specifications documentation, a second Court Administration/IT Specialist led in development of System Requirements Specifications (SRS) documentation to be utilized to facilitate discussions during Working Group meetings. And a subcontractor was brought in to assist in development of data models and other technical materials for the functional specifications.

To complete development of the functional specifications documentation, the NCSC team generated a list of data policy questions that emerged from efforts to unify the functional specifications from the municipal and commercial court projects. Those remaining policy questions were framed for group discussion through the development of model prototype screens, or "screen shots", created in HTML. These screen shots became the basis of Joint Working Group discussions and decisions throughout the months of June, July and August 2003.

By mid-August 2003, the first draft of the functional specifications was released for review by the donors. This draft did not include much of the supplemental documentation on implementation issues, e.g., white papers, intended to be contained in Part A of the functional specifications documentation. While the SRS (Part B material) was most critical for development of technical specifications by the World Bank and EC, the donors decided that they needed to review all of the supplemental materials as well. In the interest of keeping the project on schedule, NCSC and the donor agreed that the donor comments could be translated separately and provided to the Working Group as addenda to the first draft of the functional specifications.

Another early concern of representatives from the World Bank was that they felt the functional specifications should take into account the full range of needs and practices of the commercial courts. To assist the donors in identifying the significant commonalities among the commercial and non-commercial courts, the NCSC team developed a matrix comparing the functional requirements of the various courts. The matrix, which is included in the functional specifications, shows that, functionally, the courts are very much the same. Nevertheless, to capture variations among courts, NCSC conducted additional commercial court visits to review their processes. In addition to the court process review visits to the Split, Veraždin and Osijek Commercial Courts, additional

[38] Essentially, this is Part B of the functional specifications documentation. The SRS embodies the directions to the software developer on what functions the system must perform.

information was captured through committee meetings and individual visits with commercial court judges.

White Papers on Electronic Workflow, Phased Implementation, Support Resources, Training and Data Standards (all of which are contained in Part A of the functional specifications documentation) were expanded, revised, translated and sent to the donors and Joint Working Group in October. Shortly thereafter, the complete Version 1.5, i.e., Parts A and B, was distributed to the donors for comments. In November, the NCSC team performed a detailed analysis of EC and World Bank comments to Version 1.5, and began integrating those in a new Version 1.6. Discussion of the EC's, World Bank's, and PMU's comments were discussed and, based on feedback, NCSC developed a revised outline and timeline for the SRS, and re-assigned tasks among the NCSC team to meet the revised deliverables to complete Version 1.6.

The revisions to Part A of Version 1.6 included:

- an expanded section illustrating functional similarities and differences among the courts;
- a catalogue of sample forms recommended by the Working Group;
- an expanded description of electronic workflow;
- suggested policies and processes relating to electronic workflow, phased implementation, training, support resources, and governance of the system, especially standing committees; and
- sample Registers of Action illustrating the range of activities, events and documents to be supported by the ICMS.

Part B was also revised significantly, including:

- an expanded data model to reflect the full range of functionality required by the atomic specifications (which were expanded also as a result of NCSC's own court visits and internal audits);
- a revised narrative to carefully explain the relationship among the elements comprising the data model;
- new exemplars of the forms recommended by the Working Group to illustrate the tables and data requirements, and the registers and reports required by the Book of Rules;
- carefully revised descriptions of key data objects and their attributes;
- expanded technical sections, i.e., Chapters 3 through 5;
- extensive copy editing and reformatting; and
- elaboration of the data constructs, models and tables, including new narrative to each activity diagram.

The new schedule agreed upon by the donors and the PMU required distribution of Version 1.6 to the donors and the PMU in late November. In follow-up meetings with

the donors and PMU, NCSC focused on resolving issues relating to finalizing the document, e.g., defining at what point the functional specifications would be sufficiently developed to allow for preparation of the technical specifications. It was agreed that comments would be provided by the donors in English by mid-December, and NCSC agreed to prepare an outline of how donor comments had been used to adjust the functional specifications.

It was further agreed in mid-December that there would be three additional Working Group meetings: January 30, February 6, and a final meeting on February 20, 2004. To accommodate this new schedule, USAID agreed to extend the project through April 2004, and to reallocate the budget to cover additional USN time to meet the World Bank's expectations.

In December, the NCSC team focused on preparation of Version 1.7 for printing and distribution to the Working Group in January 2004. Translation issues and formatting occupied the bulk of the team's efforts. To ensure that Version 1.7 was consistent and would meet the needs of technical specialists responsible for developing the technical specifications and Request for Proposal (RFP), NCSC engaged an additional IT expert from NCSC to perform a qualitative review. In addition, the NCSC team corresponded with the World Bank's IT consultant to ensure agreement in approach.

Through the Joint Working Group process in January and February 2004, Version 1.9 of the Functional Specifications was approved on February 20, 2004. As a result of subsequent committee meetings, NCSC completed the final Version 2.1. Parts A, B and C of Version 2.1 are attached at Appendices 27 through 29.

Court Process Review Visits

As a part of the functional specifications development process, NCSC planned a number of court visits to serve several purposes, including: becoming more familiar with the individual courts and their processes; validating the draft functional specifications; and assisting the MOJ in selecting the prototype court(s). Coordination problems prevented visits earlier than fall 2003 due to delays in receiving MOJ approval and summer vacation schedules in the courts. Ultimately, NCSC was unable to visit as many courts as it had planned, but the visits that NCSC was able to organize proved to be very productive.

In August 2003, the NCSC team visited the Commercial Court in Osijek. Hosted by a Joint Working Group member, the visit included conversations with the court secretary, several registrars, judges assigned to the bankruptcy, commercial litigation, and enforcement dockets, as well as a visit to the company register.

In Rijeka, the NCSC team visited the municipal court to review: the case registers, focusing on the use of the comments fields as they are used locally to track key

information such as the pretrial detention status of defendants or use of expert witnesses; the register developed to list the daily hearing schedule of each judge; and the court's backlog reduction efforts.[39] The court also had adopted a successful practice of involving all of its judges in regular meetings, coordination of case scheduling and decision processes, and enlisting the active support and cooperation of its County Court in approving particular dispositions to common case types, thus allowing the judges to develop pattern verdicts.

During the first two weeks of October 2003, the Team Leader of the PMU and the NCSC team visited four courts to gather court process information to identify necessary changes in the functional specifications based on various court practices. The courts visited were: Zagreb County Court; Split Commercial Court; Varazdin Commercial Court; and Pula Municipal Court. Only minor changes were identified in the functional specifications from these visits, largely focusing on functions relating to court exhibits.

Selection of a Subcontractor to Assist with Development of Functional Specifications

To develop process flow models and data models for the functional specifications, NCSC sought the assistance of a local subcontractor. In July 2003, NCSC issued a Request for Proposals to potential subcontractors who had been identified by NCSC through its earlier Request for Information. The proposed scope of work for the subcontract included the following:

- Produce a process flow model of the BOR as it currently exists, detailing any differences between or among court types. Court types include those identified in the BOR. Where processes differ among the courts and case types, produce subsets of the processes. As examples, bankruptcy cases may demonstrate differences in scheduling or hearing types, and juvenile processes may differ from criminal processes in the municipal courts.
- Work with NCSC staff and court officials to build UML class models to accompany the individual functional requirements. NCSC provided information concerning the UML classes. The contractor participated in suggesting classes needed for the high level requirements and worked with court personnel and the NCSC team to build the UML classes.
- Modify the HTML prototype screens (developed to illustrate current case processes) to accommodate suggestions made by the Joint Working Group, and participate in committee meetings, e.g., criminal, civil, appeals, and bankruptcy, as needed.

After evaluation of the bids, the subcontract was awarded to IGEA, a Croatian company based in Veraždin.

[39] From a backlog of 800 cases pending two years ago, the backlog was reduced to 300.

Study Tour to Europe

During the period of June 1-7, 2003, NCSC organized a five-day program in Austria and Slovakia for the Working Group members and officials from the Ministry of Justice.

The overall goal of the program was to combine observation and interaction with peers in the courts and in the MOJ of other nations to identify key attributes of successful automation development programs, and to apply these lessons to help insure success of the Croatian ICMS development effort. The contrast between Austria and Slovakia enabled Working Group members to view the end result of mature, functionally-rich automation efforts, and compare these results to the initial, positive steps taken toward the same goal by a nation in transition. During the study tour, the Joint Working Group met with both court and MOJ personnel to not only assess the operational characteristics of automation in the courts, but the legal and regulatory requirements, guidance, and technical support provided by the ministries. In addition to the technical components and program objectives, the members were exposed to the implications of automation on the legal, regulatory, and governance framework in which courts operate. This provided the opportunity for them to observe and discuss changes and adaptations in manual and technical workflow as it applies to both administrative and legal procedures, and this would be accomplished in Croatia.

The agenda for the study tour is attached at Appendix 16, and a full report is attached at Appendix 17.

Joint Working Group Meetings

Based on requests from Joint Working Group members at the first meeting in May, NCSC made efforts in May and early June to revise its approach by developing models that represent functional specifications for purposes of facilitating discussions at the meetings. To complete development of functional specifications documentation, the NCSC team had already generated a list of data policy questions that emerged from efforts to unify the functional specifications from the municipal and commercial court projects. Remaining policy questions were framed for group discussion through the development of model prototype screens, or “screen shots”, created in HTML. By late June, with the assistance of court administration and IT consultants from NCSC, this new meeting format was fully implemented, and the last meeting in June was extraordinarily successful, with several judges from both the municipal and commercial courts expressing pleasure with the current methodology and level of progress.

The opening meeting for establishment of the Joint Working Group was attended by representatives from the three donors, as well as by the MOJ Deputy Minister. Considerable press interest was generated by the meeting and a press conference was

held following the opening session. The joint press release issued by the donors is attached at Appendix 18.

In early sessions, the Joint Working Group members expressed dissatisfaction with the format of the meeting and asked NCSC for a more visual way of reviewing the work of the Municipal and Commercial Court Working Groups earlier in their respective projects to help them to evaluate the completeness and accuracy of the functional requirements. They also suggested breaking out into smaller task groups for future work and for the task groups to report back to the full group as needed. As a result of this request, NCSC developed a new modeling, or "screenshot" approach for framing discussions. This approach was used in Joint Working Group sessions through October 2003 to present and compare information from the two sets of functional specifications.

To deal with some of the specific details, the members agreed to create four task groups to focus on: Criminal First Instance, Civil First Instance, Appeals and Bankruptcy. The purpose of the task groups was to focus on specific areas of the functional specifications, analyze conclusions reached during the screenshot review process, and to identify details unique to individual case types. Ultimately, a Translation Committee was also formed to resolve key areas where translation problems in legal terminology existed. The outcome of the work of the Translation Committee was development of three glossaries for: 1) judges; 2) court staff, and 3) IT experts, which are attached at Appendices 19, 20, and 21 respectively.

When the task groups completed the initial assignments, the Joint Working Group members were asked to sign onto one or more subcommittees to work on other unresolved issues related to the following areas: Electronic Workflow (Process Reengineering); Support Resources and Training; and Forms (i.e., to define the minimum set of forms required to be automated for each case type). These subject areas related to white papers developed by NCSC for Part A of the functional specifications. The objective of these meetings was to: generate recommendations for consideration by the Working Group, based on the sub-groups' review and discussion on the respective white papers; to discuss whether such implementation strategies might be useful for Croatia; and to determine what modifications to the concepts or language of the white papers were appropriate. The groups were well engaged, producing a set of recommendations and forms that were included in Version 1.6 and subsequent versions of the functional specifications.

Other Working Group sessions focused on NCSC-prepared sample registers of action, tables, and sample forms. In the end, it was agreed to include the samples in the functional specifications, with the notation, however, that individual courts' practices have diverged from what is stipulated in the BOR (which, in fact, allows for variations) and that ongoing efforts at standardization of all forms is necessary. The members agreed that committees must be established to continue working on standardization of forms and court practice, and, by the conclusion of

the project in April 2004, the new committees established by the group had made substantial headway in adopting standardized forms for most case types.

The February 20, 2004 meeting was held to take a vote on approval of the functional specifications as a document from the Joint Working Group on which the technical specialists and a developer could begin working. The meeting was held at the Supreme Court of Croatia and opened by the President of the Supreme Court and the new MOJ State Secretary, both of whom stressed the importance of the automation system for the courts of Croatia. There was very limited discussion on the functional specifications and the members called for the vote. They agreed to voice their approval of the functional specifications as unanimous. The Working Group agreed that an Executive Committee should be created and tasked with overseeing and tracking subsequent revisions to the functional specifications, and other permanent committees should be established. In fact, all members had been contacted in advance to discuss their participation on one of more of the committees and, based on those conversations, a proposed initial committee membership list was distributed to the group. After some discussion, the Joint Working Group agreed to accept the Terms of Reference and structure and membership of the committees. These are attached at Appendices 22 and 23 respectively. While agreement on the need for the Executive Committee was reached, as of the close of the project, the entity to provide for executive Secretariat support to the Committee had not yet been decided upon.

Regarding identification of the prototype court, to be selected using the criteria developed by NCSC and the Joint Working Group, the MOJ announced at the final, full meeting of the Joint Working Group in March 2004 that Pula Municipal Court and Zagreb Municipal Court were named the municipal prototypes, and the Split Commercial Court and Zagreb Commercial Court were named the commercial prototypes.

A detailed summary of the Joint Working Group meetings is attached at Appendix 24.

Procurement

Computers

In November 2003, NCSC began planning the second tier of computer procurement for the ZMC, which is described in detail above in Section I. The NCSC team met with the ZMC president to discuss placement of the equipment and a schedule for delivery. Since NCSC was also tasked by USAID to procure equipment of the municipal prototype court, which would test the ICMS software, the NCSC team also met with the MOJ Assistant Minister to request a decision on the prototype court as soon as possible. To assist the MOJ in making a decision, the criteria for selection of the prototype court that was adopted by the Joint Working Group was provided to the Assistant Minister.

NCSC's plan was to complete all equipment procurement together at the same time. However, shortly after NCSC's visit, elections for the legislature were held that resulted in a change in the governing party. Most of the MOJ leadership was replaced resulting in delay while a new minister was appointed. In February 2004, USAID and NCSC representatives met jointly with the newly appointed State Secretary[40] to press for a decision on the prototype court. NCSC provided her with the criteria for selection of the prototype court that was adopted by the Joint Working Group, as well as white papers on training needs and support resources, to inform her about important Working Group decisions relevant to selection and support to the prototype court. The MOJ's decision was delayed for another month, at which point USAID urged NCSC to proceed with procurement for the ZMC. After initiating the procurement for the ZMC and a final effort by USAID to press for a decision from the MOJ, the Pula Municipal Court was selected and, per USAID's urging, NCSC immediately issued a request for bids.

Zagreb Municipal Court

An additional 65 computers and 4 network printers were installed in the ZMC in late March 2004. As substantial training had been provided to ZMC staff earlier in the project, it was decided that additional training was not necessary.

Pula Municipal Court

Fifty computers and monitors were purchased and installed in the Pula Municipal Court in April 2004, based on an assessment conducted by the NCSC team in February 2004. The court staff was found to be generally already working with computers and well trained as a result of computer training provided by the court approximately one year earlier. Thus, it was decided that additional training was not needed.

In earlier discussions with MOJ, NCSC pointed that the MOJ would be responsible for completing the upgrades in the infrastructure of the court to support the ICMS. To ensure that the MOJ was adequately informed and Pula court prepared for implementation of the ICMS, NCSC visited the court with its subcontractor, IGEA, to assess what work needed to be completed. IGEA prepared a report on recommendations, attached at Appendix 25, which NCSC forwarded to USAID, the president of the Pula Municipal Court, and to the MOJ.

Local Area Network

In February 2004, NCSC and the MOJ met to discuss the problem of networking computers through the LAN. An agreement was reached for the MOJ to transfer IT administration authority to a staff person in the ZMC. The MOJ also agreed to transfer all necessary documentation for administering the network to the ZMC. While the

[40] "State Secretary" was the new title given to the same office that was formerly identified as Deputy Minister. It represents the position just below Minister.

ZMC's IT staff person displayed a good knowledge of IT, he lacked experience and training. To prepare him for the task, and in consultation with USAID, NCSC arranged to utilize project funds to send him to Microsoft certification training to teach him how to manage the ZMC's IT network. This is likely to be model for implementation of automation in individual courts in the future as long as the MOJ continues to suffer from staffing shortages in its IT Department. The courts will require strong IT skills, but experienced IT staff will be expensive. Thus, identifying young skilled individuals who can be trained on the job may be the most economical way to staff the courts and develop a cadre of skilled IT administrators.

Laptops for Working Group

Prior to the municipal and commercial court projects being combined, the World Bank funded the procurement of laptops for the use of Joint Working Group members representing the commercial and high commercial courts. In June 2003, following a number of requests from the other Joint Working Group members, NCSC and USAID agreed that it was strategically important to procure laptops for the members of the Joint Working Group who did not receive laptops to equalize the members, as well as to enable members to receive materials electronic materials, such as the HTML screen shots, to prepare for meetings. The laptops were procured in June 2003 based on the same specifications used by the PMU when it procured the commercial court laptops. By letter to the presidents of courts represented by members of the Joint Working Group, the laptops were given to the courts with the condition that they were to be for the use of the members while they served on the group, and that they would remain the property of the project until its conclusion.

In April 2004, NCSC recommended to USAID that title to the computers be transferred to the respective courts at the end of the project. Approval for the disposition was granted by USAID, and the transfer completed, at the end of April 2004.

Case Management System

Under the ICMS Agreement, responsibility for development of the automated case management system was turned over to the World Bank and EC.

Document Production System

As it became increasingly apparent that there would likely be considerable delays in development of the ICMS, the NCSC team began strategizing on solutions that could be implemented for the ZMC to make more productive use of its computers and LAN pending implementation of the ICMS at the ZMC. The team concluded that introduction of some limited software solutions now would be very beneficial to the ZMC if complementary to the ultimate ICMS introduced.

In consultation with USAID, the decision was made to introduce a document production system in the ZMC, which will over time automate all judge forms used in the court. It was agreed with the forms committees of the Joint Working Group that the forms automated in the ZMC would become the standard for forms on the new ICMS and used by all other courts in the future. Once the ICMS software is developed, case and party information and standardized forms implemented in the ZMC will be migrated to the new ICMS.

The ZMC leadership participated in four meetings with the vendor to ensure that the system met their basic needs. By the end of April 2004, design and development of the system had been completed and training given. The training was divided into two types: basic training to a larger group on how to use the system; and advanced training to a small group on how to design court forms and load them into the system for use by the judges and court staff.

The vendor of the document production system agreed not to license the system so that other courts could benefit from the document production system, provided they had a suitable technical infrastructure (LAN and software) and wanted to implement it.

C. Improving the quality and timeliness of judicial decision-making

Forms and Templates

Following the ICMS Agreement, NCSC activities focused almost exclusively on facilitation of Joint Working Group meetings, development of the functional specifications, and procurements. However, following approval of the functional specifications in late February 2004, committees were established to work on standardization of forms. The objective of the standardization effort was to set the stage for using automated forms to accelerate the time required for disposition and for the retrieval of decisions. A summary of many of the standardization decisions is attached at Appendix 26.

In terms of automating the forms, it was agreed that the Zagreb Municipal Court and Pula Municipal Court should cooperate and agree on a design of standardized forms for the municipal courts, but that the Zagreb Municipal Court would lead the standardization effort based on its significant work to date.

Regarding civil and enforcement judge forms in the commercial courts, the committees agreed that it would be preferable for the commercial courts to use the forms developed by the Zagreb and Pula Municipal Courts for those enforcement and civil cases that are governed by the same Book of Rules provisions. Judges on the Commercial Court Committee agreed to begin considering which forms are common, but no timeline was adopted for final decisions.

Regarding forms developed to date, and in the future, by the committee members, NCSC sent copies of the latest versions to the World Bank and EC representatives, and arranged with the ZMC to store those and any future forms for all courts and case types on its server for future development and use by the ICMS developer.

D. Otherwise assisting the Ministry of Justice (MOJ) and the courts in formulating and implementing reforms

Coordination with the Government of Croatia

NCSC met with the President of the Supreme Court of Croatia and his staff in July 2003 to discuss the Joint Working Group's efforts and timetable. The President expressed strong support for NCSC's efforts and requested that the project take into account in the functional specifications the administrative courts and misdemeanor courts, which have the largest caseload of the Croatian courts – 400,000 cases per year. Following this meeting, the NCSC team met with the president of the High Misdemeanor Court, who expressed interest in the project and suggested that a judge from his court serve as a resource to the Joint Working Group. The PMU agreed to ask the MOJ Deputy Minister to authorize the misdemeanor court to be represented at future Joint Working Group meetings to provide input from the misdemeanor courts' perspective. In the end, NCSC did not have the time or resources to focus in detail on the administrative and misdemeanor courts, but the prevailing opinion among the Joint Working Group members was that the functional requirements are the same and adequately captured in the functional specifications.

The NCSC team met with the MOJ Deputy Minister and the Director of the PMU in September 2003 to discuss project progress and to formally request the MOJ's statistical reports on the courts. These reports are important for development of the functional specifications as they contain data on caseflow for all courts, which are important for developers to know, as well as identifying data from reporting forms that should be captured in the functional specifications. NCSC expressed its and the donors' desire that MOJ experts participate in the development of the white paper on recommendations for support resources that was due for completion in mid-October. The Deputy Minister agreed to assist and urged NCSC to focus on completing the functional specifications as soon as possible, stating that there would be time for "accuracy" and "fine tuning details" later in the process. NCSC agreed, pointing out that the purpose of the functional specifications was not to design the system, but to sufficiently describe what the system needs to do.

Relations with the MOJ further improved with the change in leadership in early 2004, with the appointments of a new Minister, State Secretary and Assistant Ministers.

Coordination with Donors

Donor coordination meetings continued throughout the project, but in 2003 and 2004 NCSC was unable to coordinate with technical specialists from the World Bank and EC as much as earlier planned due to delays in their deployment. In April 2004, however, with the arrival of the Finnish delegation on the EC CARDS Project, NCSC was successful in meeting with them and providing historical material from the project to assist them in planning for development of technical specifications and hardware procurement.

Policy Advisory Committee

The donors jointly pushed for creation of the Policy Advisory Committee (PAC) as a useful vehicle for introducing issues requiring a policy decision from the MOJ. The PAC had been appointed in May 2003, but following the elections and change in administration in late 2004, a new PAC was not appointed, although the first chair of the PAC was replaced in the MOJ. As of the conclusion of the project, a new PAC had not been appointed.

Selection of Prototype Courts

During the first week of May 2003, the NCSC team joined World Bank representatives to visit the Commercial Court and Municipal Court in Split. The purpose of this visit was to assess the potential of those courts serving as prototype courts. No decision was made since selection of the prototype courts was the decision of the MOJ and World Bank. To assist the MOJ in its decision, however, NCSC agreed to develop criteria for selection of a prototype court and to advise the MOJ as to important considerations and possible options. The criteria adopted by the Joint Working Group is contained in Part A of the functional specifications.

E. Monitoring and Evaluation

Workplan

NCSC's final work plan, which was approved in March 2004, built on the research and data gathering activities undertaken from the beginning of the project by NCSC and BAH in their respective municipal and commercial court projects for USAID, and met the revised objectives of USAID, per the ICMS Agreement adopted jointly by the donors in May 2003:

1. Lead, facilitate and moderate the work of the joint integrated court case management Working Group to identify and document principles and functional requirements required for the integrated system, including:

1.1 Requirements for use by all participating courts to include, but not limited to, the standardization of the following:
- Case type
- Case numbering schemes
- Party naming conventions
- Official national identifying scheme for courts, judge, attorneys, etc.
- Case-related events
- Case assignment to a judge
- Identify and document the scheduling scheme for the courts, including timelines
- Recording of hearing (and other case event) outcomes
- Case disposition
- Document generation

1.2 High level data elements and illustrations for the associated requirements;

1.3 Standardized statistical, and other ad hoc reports;

1.4 Recommendations concerning requirements that can help streamline case processing, including:
- Intake
- Filing
- Data collection
- Records management
- Duplicative or overlapping work processes;

1.5 Data needs unique to various courts, including;
- Computer generated forms; and
- Scheduling schemes and timelines

1.6 Recommendations concerning rules, procedures and protocols governing the following:
- Data entry
- Data modifications
- Access to the common database
- Data sharing and data protection protocols
- Data exchange between different courts and what information would be exchanged

2. Utilize expertise of NCSC technical experts, the Working Group, study tour experiences and past project work to:

2.1 Discuss and describe the anticipated electronic workflow in the courts and discuss these changes with the Working Group.
2.2 Discuss and document the anticipated training needs based on the anticipated "new workflow" within the courts and the newly automated procedures, and recommendations for a training plan.
2.3 Identify possible changes to the administrative, procedural and business practice rules (usually referred to as the "Book of Rules") necessary for implementation of electronic workflow. Recommend phased implementation processes for the automated system.
2.4 Prepare, on the basis of the study tour and discussions with the Working Group and MOJ experts, a draft assessment of the automation requirements for Croatia, including the level of resources, staffing, technical support and maintenance required to support and sustain Croatia's automated court case management system over the long run.

3. Within the timeframe of the project, assist Technical Specialists from the World Bank and EU to prepare: technical specifications for the software development of the whole system, including standard proposals for hardware and networking equipment for the nationwide system; and the RFP for software development for the court case management system.

4. Recommend criteria for selection of prototype court site(s).

5. Complete hardware procurement for the ZMC and the prototype municipal court.

5.1 Zagreb Municipal Court
5.2 Prototype Municipal Court
5.3 Laptops for members of the Working Group who have not previously received computers to support their participation in development of the functional specifications

6. Procure software for the ZMC to increase efficiencies pending rollout of the Integrated Case Management System to the ZMC.

NCSC's efforts to document the functional characteristics of the ICMS and to assist with its implementation address several overlapping aspects to building judicial capacity: independence, accountability, and organizational efficiency. These ensure not only that the Croatian judiciary's reforms are realized and sustained, but that USAID's investment has a strong potential for increased returns from ongoing reform.

Deliverables

1. Draft and finalize functional specifications, including:

    a. Joint System Requirements Specifications (SRS) document;
    b. Recommendations and Commentary concerning:
        i. Support resource needs;
        ii. Recommendations on changes to the Book of Rules;
        iii. Training needs;
        iv. Court processes;
        v. Electronic workflow requirements;
        vi. Recommendations for phased implementation of the automated case management system including criteria for the prototype courts;
        vii. National data and systems standards;
        viii. Sustainable Working Group, Policy Group and Committee structures

    c. Process diagrams for the various courts;
    d. National data model;
    e. HTML "screen shots";
    f. Catalogue of forms;
    g. Sample case timeframes;
    h. Sample statistical reports;

2. Expanded Study Tour Report;
3. Quarterly Reports; and
4. Final closeout report highlighting project achievements.

Indicators

The two indicators adopted by NCSC for this phase of the project were:

- Creation by the Working Group of an ongoing Standards Committee that will review processes and make recommendations to the MOJ promoting standardization of court processes and court forms in Croatia, and
- Performance indicator(s) developed for use by the Croatian courts and the MOJ to monitor progress and to increase efficiency and accountability.

NCSC met both indicators. The standardization of committees and forms is discussed above under Functional Specifications and Automation respectively. The following indicators for evaluation of future progress were adopted by the Executive Committee of the Joint Working Group on March 11, 2004:

	Indicator	Definition and Unit of Measurement	Relevance of Indicator	Data Collection Methods / Costs	Interpretation Issues
	Improved Case Management				
1.	a. Court performance standards developed; AND b. Performance of the ICMS courts increased as measured against the established court performance standards.	a. Has the MOJ developed court performance standards? b. Has court performance increased, and does it meet the established standards?	The standards should identify average case disposition times in each type of court. This indicates both efficiency and realism of deadlines.	Assessment, and court statistics. Cost: Low.	Generally, positive change should come from both directions – more realistic guidelines should be developed, and more cases should meet the guidelines. There may be differences by regions or types of cases.
2.	Percentage of cases processed within the time established by the court performance standards?	What is the percentage of cases?	This indicates both efficiency and realism of deadlines.	Court statistics. Cost: Low.	
3.	Percentage of cases where notice was sent and returned (undeliverable).	Notice = notification to parties of any event in the course of the case. What is the percentage of total cases with notices returned, and what is the percentage of notices returned among total notices sent?	This indicates how well the ICMS is tracking addresses and court staff is updating information. This also helps to identify and resolve problems in delivery of notices.	Court records, statistics, and sample survey. Cost: Low.	If possible, it would useful to capture the names and addresses of parties returned, so the information can be updated and instances of repeated returns can be identified.
4.	Average time for case disposition in new cases reduced.	Average time from filing to disposition for all cases in ICMS courts. Avage time from	Timeliness is one of the indicators of better service. Generally, average time should drop. World Bank indicators call for the average time for case	Court statistics. Cost: Low.	In most cases, we should expect the average time to decline since the usual problem is excessive delays, which the ICMS is

		filing to disposition, i.e., cases completed, including appeals, remands, etc. Unit: Measured in number of months and years.	deposition to be decreased by 30% over the course of the project.		intended to help remedy. This indicator is only for new cases — if there is a big backlog, the total case disposition for all cases will continue to skew the results.
5.	Average time for case disposition in old cases.	Average time from filing to disposition, i.e., cases completed, including appeals, remands, etc. Unit: Measured in number of months and years.	This will indicate whether the automation effort is helping courts to dedicate more staff to decreasing the disposition time of old cases. Also an indication of necessary efforts to reduce backlog. World Bank indicators call for the average time for case deposition to be decreased by 30% over the course of the project.	Cost: Low.	If there is a big backlog, it will continue to drain resources and slow the disposition of new cases in the ICMS.
6.	Average number of terminated cases per year.	Terminated = cases completed, including appeals, remands, etc., disaggregated by old (before ICMS) and new cases. Judge Year = 242 working days.	The objective is reduction of case backlog, and to identify whether improvements are being realized in case disposition over time. Should be broken out by old cases and new cases processed in ICMS.	Statistical reports. Cost: Low.	
7.	Percentage of pending cases older than 5 years old.	Terminated = cases completed, including appeals, remands, etc. Age of the case is determined by the date the case was first filed.	The objective is reduction of case backlog. Oldest cases should be attacked first.	Statistical reports. Cost: Low.	
8.	Percentage of incoming cases annually disposed, disaggregated by courts and types of cases.	This measures the period of time from when a case is officially registered by any judicial official to the time it is resolved or dismissed with prejudice. Should be tracked per court and per division. Unit: Percentage per year, and per month.	The ideal percentage is 100%, which means the court is keeping up with demand, and there is not an increasing backlog. The World Bank is also interested in seeing the percentage change in the number of commercial cases filed in the court system.	Official statistics. Cost: Low.	If the court has an existing backlog, the target for disposition per year should be greater than 100% to reduce the backlog problem. Increased commercial filings is an indicator of increased confidence of businesses in the courts.
9.	Percentage of reduction in	This measures	World Bank objectives call for	Official	The ICMS will not

	backlog.	efforts that should be underway among all courts during implementation of the ICMS to reduce backlog at the same time as they are implementing the ICMS. Unit: Percentage per court and per division.	a decrease in backlog by 50% in the commercial courts over the period of their project. The number of completed bankruptcies in the pilot courts should be increased by 30%. Earlier USAID/NCSC standards called for a reduction in backlog in the Zagreb Municipal Court of 10% in the first year, and 20% in the second year.	statistics. Cost: Low.	reduce backlog. In fact, backlog could increase during implementation of the ICMS. Aggressive backlog reduction efforts are essential in parallel with introduction of the ICMS.
10.	A replicable model of court administration and case management tested and evaluated at the prototype courts.	Whether the prototype court testing is successfully completed and evaluated, and a model for an improved system of court administration and case management is adopted by the MOJ?	A new model of court administration and case management is essential to increasing efficiency in the courts in Croatia.	Project reports, and court statistics. Cost: High.	Based on the prototype experience, judges and court personnel are expected to cooperate in the development of the model and to advise the MOJ regarding acceptance of the new model of court administration and case management.
11.	Standardized legal forms developed and approved.	Whether new forms for all divisions, as recommended by the Working Group, are standardized and adopted by the MOJ and the ICMS developer?	Standardization of court forms and practice is essential for all courts in the new ICMS environment.	Project reports. Cost: Medium.	Most of the work is to be completed by Working Group sub-committees per the Working Group Terms of Reference adopted on February 20, 2004.
	Changes in MOJ, Book of Rules, and Procedural Codes				
12.	Percentage of permanent changes to the Book of Rules (BOR) following the prototype stage of ICMS development.	Comparison of provisions of the BOR waived by the MOJ for the prototype courts versus changes adopted permanently. Unit: Percentage.	The target is 100% of a waivers to the BOR for purposes of the prototype courts.	Assessment. Cost: Low.	Should be more than 100%, as all provisions waived by the MOJ for the prototype courts result in increased judicial efficiency, and additional recommendations on the BOR have been identified by the Working Group.
13.	Percentage of Working Group recommendations adopted by the MOJ.	Comparison of recommendations in Part A of the approved functional specifications versus changes adopted permanently. Unit: Percentage.	Adoption by the MOJ includes those actions anticipated to be taken in most instances on behalf of the MOJ by its Policy Advisory Committee.	Assessment. Cost: Low.	
14.	Policy Advisory Committee (PAC) established.	Has the PAC been established, and is it functioning with	The first task of the PAC is to review the approved functional specifications, particularly all	Assessment. Cost: Low.	The PAC is crucial to receiving recommendations

		four active members?	recommendations contained in Part A, and making policy decisions, as required, on behalf of the MOJ.		from the Working Group and making policy decisions on behalf of the MOJ.
	Improved Support Resources				
15.	Increase in budget for MOJ IT support.	Has the budget increased specifically for IT support?	An increase in the overall budget for the judiciary is essential. This measures the MOJ's capacity specifically to sustain the ICMS hardware and software.	Assessment. Cost: Low.	
16.	Number of local IT administrators to manage the network hardware and software in each ICMS court.	How many IT administrators are working in each ICMS court?	Having even rudimentary local IT support is essential to running an institution.	Observation. Cost: Low.	The standard for court environments is one per 130-150 users. In a single court building, the minimum IT support is one per 50 users.
17.	Number of MOJ support staff to manage the network hardware and software needs for all courts.	How many MOJ IT support staff are working within the MOJ?	Having a number of sophisticated IT support staff is essential to maintaining the ICMS. The IT staff must be real experts, not passively trained. The standard for court environments is one per 130-150 users, but also depends on how widely spread are the applications, i.e., number of locations. If the users are spread out, the number would have to change radically. However, in the process of implementing technology or automation into a court, the ration drops radically to about ½ the standard above.	Observation. Cost: Low.	The IT support should be spread across many positions, including: managers, network support, hardware management, contract oversight, application support, training, etc.
18.	Inventory and maintenance system exists for equipment and infrastructure.	Does the system include means for tracking holdings and scheduling regular maintenance and repairs? Are repairs actually done and equipment supplied in a timely fashion? Is all equipment functional?	One of the frequent impediments to efficiency is lack of equipment and loss (breakdowns and age) of that which is provided.	Assessment, interviews and observation. Cost: Low.	Lack of inventory and maintenance schedules can be a critical impediment to efficiency. This indicator should be accompanied by qualitative reports.
19.	Number of breakdowns of hardware or software in ICMS courts.	How frequent are breakdowns per month, day, or year, per ICMS court? If the ICMS is down, what is the average time in minutes, hours, or days that it is down, per ICMS	This is an indicator of how well the ICMS is maintained and is running. The indicator should be 0.	Assessment and statistics. Cost: Low to medium.	Software and hardware problems should be tracked separately.

		court?			
	Improved Training				
20.	Level of use by court staff of the ICMS in each ICMS court.	What percentage of court staff (judges and administrators) that are using ICMS?	This measures the use of automation, per ICMS court, and is a measurement of court staff skills. Should be 100%, and there should be no duplication of manual and automated systems.	Survey of present use of automation in each ICMS court in comparison to automation skills after ICMS introduced in court. Cost: Low.	
21.	Percentage of court staff in each ICMS court trained to use computers and software.	What is the percentage of staff (judges and administrators) that have been trained on use of the computers and software?	Shows degree of commitment to upgrading skills, and transitioning to the automated system. The goal is for all staff to be adequately trained to use the ICMS hardware and software. Entry level courses can be of varying lengths and content – may be classroom training by outside company or MOJ, or by mentoring within the ICMS court.	Personnel or training records. Cost: Low.	Should increase over time. Should also look at the quality of training.
22.	Upgrade the skills of commercial court judges, trustees, and administrators.	How many commercial court judges are trained? How many trustees and administrators are trained?	The trained professionals will have sufficient incentives and opportunities to translate new skills into better performance. A minimum of 140 commercial judges should be trained in the first year. A minimum of 80 trustees and administrators should be trained in the first year.	MOJ and World Bank reports, and personnel and training records. Cost : High.	This is a World Bank indicator.
	Increased Transparency				
23.	The time it takes a party to receive information on the status of a case upon requesting it.	Party may be any person entitled to receive information. What is the average time in minutes, hours, or days?	Indicates the increased responsiveness of the ICMS courts, optimal use of the ICMS, and whether improvements are being experienced by the "court users".	Interviews with users or random visits to courts to request information. Cost: Low to medium.	The goal in terms of response time is immediate to under an hour, depending on the demand. There may be urban/ rural differences to be factored in.
24.	Percentage of parties who report that court documents and procedures were transparent.	Do parties view the system as transparent, disaggregated by plaintiffs, defendants, and attorneys?	Indicates the increased responsiveness of the ICMS courts, optimal use of the ICMS, and whether improvements are being experienced by the "court users".	Interviews with users or random visits to courts to request information. Cost: Low to medium.	This should be most realized in the new ICMS court registries where cases are initially filed.

CONCLUSION

This is a critical moment in the introduction of improved court administration rules and practices, and in the implementation of technology to assist the courts. Croatia's Ministry of Justice has been in a state of flux for the past several years. However, the current administration offers the best hope for success yet. There is stronger level of buy-in from the MOJ now than previously observed, and there is a growing critical mass of support from courts and the MOJ Joint Working Group.

However, there exist also great risks. The reform efforts are still young and ongoing assistance on a regular basis will be required at both the individual court level and at the institutional level within the MOJ.

When the USAID Court Improvement Project ends in April 2004, there will be a void in donor assistance. The European Commission (EC) officially began its court work on April 1, 2004. NCSC has had an opportunity to meet only twice with the EC's contractor, the Finnish government. The Finns will be led by a full-time project manager and administrative assistant, but with a focus on managing a schedule of short-term consultancies for the EC pilot courts. Thus, at this point, there is insufficient time to effectively pass on NCSC's institutional memory or to explain the rationale for all NCSC/Working Group decisions, and there is limited capacity for the EC to continue NCSC's efforts. The World Bank contractor for development of the technical specifications and ICMS software will not be hired for at least several months. The Project Management Unit (PMU) has announced plans to hire a new team to manage the World Bank project, but it will most likely be an entirely new team, and a considerable amount of time will be required to organize the new team and office.

Within the MOJ, a number of policy issues need to addressed, namely appointment of the Policy Advisory Committee and adoption of permanent changes in the Book of Rules.

Potential challenges within the next 1-2 years include:

1. Limited experience and capacity within the MOJ in managing the significant changes that will be required in the role of the MOJ and its system of administration of the courts. These challenges include, among others: allocation of limited resources, distribution of responsibilities, funding, strengthening the independence of the courts, and supporting the rollout of the ICMS.

2. The Policy Advisory Committee (PAC) has not yet been established. The PAC is crucial to reviewing recommendations from the Working Group and making any necessary policy decisions on behalf of the Ministry of Justice. It is important that policy issues are decided by this body instead of remaining under the control of any one person within the MOJ. Membership should be as recommended in early donor correspondence.

3. There has been no formal adoption by the Ministry of Justice of the functional specifications. The MOJ may consider this unnecessary, but it is a question that is being asked by the Finns and likely to be asked by others. The concern is that these functional specifications may not have the support of the MOJ. The formal adoption of the functional specifications would show the MOJ's support and ensure the authority of the functional specifications in the event there is another change in the leadership in the MOJ.

4. The Book of Rules has been waived for purposes of the prototype courts. The challenge remains in making those changes permanent. Soon after the prototype experience, the Book of Rules should be formally amended to encompass all waivers introduced for the prototype courts in addition to additional changes that have been, or will be, recommended to the PAC by the Working Group.

5. The MOJ should address and recommend potential changes in the Codes of Procedure based on the prototype and pilot court experiences. These will require support from the Sabor.

6. Uncertain financial and administrative support for ongoing Working Group meetings. As recommended by the Working Group at its February 20 meeting, the Working Group and its committees require strong financial and administrative support. The PMU offered to fill that role, but the World Bank has not committed to funding that effort. The MOJ has stated that it is willing in principle to support the ongoing work of the Working Group, but it also suffers from limited personnel and financial resources.

7. There will be a need for strong linkages and coordination between the MOJ, the Working Group and the Judicial Training Academy to ensure effective coordination of training.

8. There exists a culture of attorneys still controlling the pace of court proceedings. A fundamental principle of caseflow management dictates that judges control the pace of judicial proceedings. There remains also a great need for the courts to understand how automation can be utilized to increase efficiency.

   The Pula Municipal Court is one of the most promising ICMS prototype courts, but it is not part of the EC or World Bank projects and it has not received any case management training.

   The Zagreb Municipal Court received only basic case management training over two years ago, before the current automation was introduced in the court.

The Working Group members have not received formal trainings in a number of areas that would be beneficial for their ongoing work, e.g.:

a. advanced caseflow management;
b. court performance standards; and
c. technology in the courts.

Although elements of the above have been introduced throughout the meetings of the Working Group in developing the functional specifications, the Working Group members could benefit from ongoing formal training to serve as a resource to the MOJ and enhance the effectiveness of the rollout of hardware and software to their respective courts.

9. Lack of continuity in donor efforts. NCSC successfully completed development of the functional specifications, but ongoing changes in the system of court administration and implementation of the ICMS require ongoing efforts that the EC, World Bank, and PMU are either not ready, or equipped at this time, to take on.

10. Poor IT capacities within the MOJ IT Department, the Project Management Unit (PMU), and individual prototype and pilot courts. IT capacities need to be strengthened on two levels: through new staff within the MOJ to manage IT development; and through the appointment of IT administrators within each automated court. The latter may be a challenge and may have to accomplished through reorganization of staff. It will also require formal authorization from the Ministry of Justice.

11. While the Document Production System has been introduced in the Zagreb Municipal Court, the period of implementation is crucial. The court would benefit from guidance during the period of implementation, which will extend beyond the end of NCSC's contract. The judges and court staff will be installing forms on the system, "practicing" all the systems' functions, and identifying glitches that may require adjustments by the vendor for several months.

RECOMMENDATIONS

1. Prompt establishment of the Policy Advisory Committee.

2. It would benefit the MOJ to adopt a process for rotating members on and off of the Working Group, although NCSC would discourage any changes at this time. Future membership should include representation from judges, court administrators, court IT staff, and other court staff.

3. Completion of infrastructure upgrades as soon as possible at the Pula Municipal Court, as recommended by Dr. Vjeran Strahonja of IGEA.

4. Refinement of the Document Production System at the Zagreb Municipal Court and introduction of the system's functions to the other future prototype courts for use pending implementation of the ICMS.

5. Trainings:
    a. Caseflow management training for the prototype and pilot courts not under the European Commission CARDS Project, and possibly in association with the Finnish government consultants in the EC-funded pilot courts;
    b. Advanced caseflow management training for the Zagreb Municipal Court;
    c. Study Tour to the US or Europe for members of the Working Group and MOJ to be exposed to best practices in caseflow management, e.g.:
        i. The Working Group members to receive additional training on case management, implementing technology in the courts, court performance standards such as time standards, etc.
        ii. Key MOJ representatives to learn more about the above and to analyze the latest trends among civil law countries in administration of justice. This would extend into issues of budgeting; allocation of resources; transparency; independence, and relationships within the justice sector, e.g., among the courts, prosecution, police, etc.
    d. Follow-up visits to assess use and recommend improvements in use of the Document Production System, and to train staff how to better use the system to more effectively improve case management in the Zagreb Municipal Court.

6. The Working Group and Policy Advisory Committee need to implement:
    a. An ongoing process for proposing and adopting changes to the Book of Rules;
    b. Standardization of forms, and implementation of the forms by all courts through the participation of the MOJ and regular Working Group committee meetings;
    c. An ongoing process for measuring performance against the indicators adopted by the Executive Committee;
    d. An ongoing process for guiding development of the ICMS and improvements in the administration of the courts in Croatia.

7. In coordination with the MOJ, development of IT and network administrators within each prototype and pilot court. Since the market salaries for IT staff are too high for the court budgets, this will likely require hiring relatively young or inexperienced staff and putting them through on the job training. The above is the approach recently introduced in the Zagreb Municipal Court.

8. An ongoing process of donor collaboration. This was facilitated almost exclusively by NCSC during the period of its project.

APPENDICES

1. Integrated Case Management System (ICMS) Agreement
2. Case Management Needs Assessment
3. Functional Specifications Report for Computerization of the Zagreb Municipal Court
4. NCSC Recommendations on Suspension on Changes to the Book of Rules
5. Automation Plan for the Zagreb Municipal Court
6. Report on Reducing the Administrative Workload of Judges
7. Introduction to Caseflow Management Principles and Practices
8. Agenda for the Study Tour to the United States
9. Action Plans from the Study Tour to the United States, September 2001
10. Executive Summary – Technical Evaluation of the National Court Case Management System (CMS) of Slovenia
11. Evaluation of the National Court Case Management System (CMS) of Slovenia
12. Software Requirements Specifications for the Zagreb Municipal Court
13. Request for Proposals for Development of an Automated Case Management System for the Zagreb Municipal Court
14. Guide to Legal Websites
15. MOJ Decision to Waive Specific Provisions of the Book of Rules for the Prototype Court, with NCSC Comparative Analysis of its Earlier Recommendations with the 2003 MOJ Decision
16. Agenda of the Study Tour to Europe
17. Report on Study Tour to Europe
18. Press release
19. Glossary for judges
20. Glossary for court staff
21. Glossary for IT
22. Terms of Reference for Joint Working Group Committees
23. Structure and Membership of the Joint Working Group Committees
24. Summary of Joint Working Group Meetings
25. IGEA Report on Recommendations for the Pula Municipal Court
26. Summary of Decisions on Standardization of Forms by the Forms Committees of the Joint Working Group
27. Version 2.1 of the Approved Functional Specification, Part A
28. Version 2.1 of the Approved Functional Specification, Part B
29. Version 2.1 of the Approved Functional Specification, Part C

INTEGRATED COURT CASE MANAGEMENT SYSTEM FOR THE CROATIAN JUDICIARY

SUMMARY:

The Ministry of Justice ("MOJ") and the Croatian Judiciary benefit from various donor financed assistance and co-operation projects in their efforts to enhance and reform the judiciary and its processes. The principal international and bilateral organizations ("donors") in the area of court reform are the World Bank, USAID and the European Commission ("EC"). USAID funded technical assistance for the World Bank's Bankruptcy and Court Administration Project (CBAP) and, at the same time, the Municipal Court Improvement Project (MCIP). EU funds are available through CARDS programmes to support county and municipal courts, but no funds have yet been contracted.

Through communication between the MOJ and the various donors it was recognized that the above mentioned activities have one goal – to increase the efficiency of the Croatian Judiciary through, among other measures, automation of certain court case management functions and processes. The MOJ and the World Bank, USAID and the EC share the desire not to duplicate reform efforts and recognize the need for better co-operation and integration of the efforts that are now run in parallel. The MOJ and the donors have, therefore, agreed to combine their individual court case management reform efforts and support the development of an integrated system that can be overtime introduced in all courts throughout the country, with specific applications developed for different types and/or sizes of courts.

This vision and agreement is documented in an *Action Plan* of February 13, 2003, signed by the MOJ and the World Bank, as well as in the project fiches for CARDS 2002 (annex 3.1.1 to the Financing Agreement signed by the Croatian Government and the European Commission on 17 December 2002) and CARDS 2003 (annex 3.1.2 to the Financing Proposal still to be signed later this year), and in the Object (Article 1) of the December 12, 2000, MOU signed between the MOJ, USAID and the Zagreb Municipal Court president. Apart from the World Bank project-specific parts of the document, the *Action Plan* defines the goal and sets out the agenda for integrating the various court case management automation efforts and outlines the steps that need to be taken to achieve the goal of integrating all development efforts of the individual case management systems. It also outlines the respective roles of the principal donors – the World Bank, the EC and USAID, and provides a framework for defining the

tasks of the National Center for State Courts, a USAID contractor, whose past and future work will be critical for achieving the stated goal. Based on the *Action Plan*, this document, entitled *Integrated Court Case Management Information System for the Croatian Judiciary,* is drafted to provide a more detailed understanding of the respective roles of the three donor agencies and the MOJ. It also provides more details of the tasks of the individual contractors and implementing agencies.

GOVERNMENT (MOJ): The Government's request for developing an integrated court case management system will require a coordinated effort among all the players – the Government (MOJ) and the World Bank, the EC and USAID. The MOJ agreed to play an active role in facilitating and supporting the key tasks needed for defining and agreeing on a common set of functional standards for the new integrated court case management system. To help carry out this work in an effective way, the MOJ has agreed to merge the two existing judicial working groups currently engaged in the identification and preparation of the case management functional specifications for the municipal and commercial courts. The MOJ's initiative in the appointment of the **working group** is most welcome and appreciated. In addition to judges, the donors believe that the new consolidated court case management working group (WG) should include also representatives of the court administrative staff to adequately cover all aspects of the court processes. Members on the WG who have previously participated actively in the World Bank and USAID projects would be welcome. To allow the member judges to dedicate more time to this work, the MOJ has agreed to lessen the current adjudication workloads for judges by 25%. Experts from the World Bank, USAID and the EC would be invited to participate as observers and/or moderators to the WG without having voting rights during the WG proceedings.

To facilitate the process of development of the integrated court case management automation system and to enable an efficient policy and strategic advice to the WG and the experts involved in the process, the donors recommend that a **Policy Advisory Committee** is set up. This Committee would be led by a senior MOJ representative and would include three additional members, one each from the Supreme Court, the High Commercial Court and a municipal court. Among the main tasks of the Committee, the donors recommend to include: giving policy feedback to the WG and experts; reviewing and approving the outputs of the WG; deciding on policy issues that come up during the development of the system; keeping the high political representatives in the MOJ fully informed and appraised of all the developments; and facilitating the decision-making by the MOJ, where necessary and appropriate.

To learn from other experiences and develop a common understanding among WG members on the technical and practical issues involved, the MOJ has agreed that the WG will visit a case management automation pilot court in

Slovakia and a court in Austria. In addition to the WG members, the study tour should be attended by high level court administration and court automation experts from the MOJ. Upon return from this study tour, the National Center for State Courts ("NCSC"), working in close coordination with the World Bank Project Management Unit ("PMU") and the participating experts from the MOJ will prepare a draft assessment of the automation requirements for Croatia, including the level of resources, staffing, technical support and maintenance required to support and sustain Croatia's automated court case management system over the long run (after the initial donor financing seizes).

To make the cooperation with the World Bank and the EC more efficient, the MOJ should rationalize the operation of the PMU and the PIU as the joint central management structure, while respecting their respective roles and responsibilities towards the World Bank and the EC.

In addition to the above, the MOJ has provided a waiver to the standing administrative rules (Book of Rules) for the court(s) that will be built as a prototype to fully enable the testing of a new integrated court case management information system. This initiative by the MOJ is most welcome and appreciated, as it will enable the testing and development of the most appropriate system.

USAID: US AID has funded activities to develop case management systems in the commercial courts (together with the World Bank) and in the Zagreb Municipal Court. USAID financed activities for the commercial courts will be completed soon; the contractor hired will finalize the documentation shortly. USAID, through the NCSC has worked on the development of a case management automation system in the Zagreb Municipal Court. The Government has expressed their overall satisfaction with the work performance of the NCSC. The Government is interested in involving the NCSC in the harmonization and integration process for the two different automated court case management systems. To develop the functional specifications of an integrated system for the courts in Croatia, additional work is necessary. This work will be financed by USAID and carried out by the NCSC. The content of this work is outlined below.

USAID support of the NCSC is subject to the availability of funds to USAID for this purpose through US Government budgetary procedures and will be part of the technical assistance program of the US Government covered by the Bilateral Agreement between the Government of the United States of America concerning Economic, Technical and Related Assistance dated May 6, 1994.

It should be noted that the NCSC, while primarily accountable to USAID, will report on all substantive matters also to the World Bank team, through its Task Team Leader, and to the EC. The NCSC will ensure that all donors are frequently, openly and fully informed of all project developments.

NCSC will focus in particular on the following activities:

1. The NCSC will lead, as well as facilitate and moderate, the work of the joint integrated court case management WG. In this effort, the NCSC will fully cooperate and coordinate with the PMU, both in the preparation of the WG sessions and during actual WG meetings.

2. Review all available existing reports on the Croatian judiciary developed during the preparation and implementation of the World Bank and USAID projects and identify the functional standards and areas of improvement of the new automated court case management system. These will be the basis for discussions with the WG. The outcome of these discussions will be documented by the NCSC.
3. Work, together with the PMU, with the WG to discuss proposals and features of the new automated court case management system. This includes discussions on their past experience with similar projects and a discussion of the system proposed by the Center.
    a. Identify the principles and functional standards required for this integrated system.
    b. Identify and document the common functional standards and differences of both systems. These functional standards should be discussed with the WG and documented.
    c. Describe the functional standards of the integrated system (with details in terms of case type, case numbering scheme, court numbering scheme, timelines, assignment scheme of judges, scheduling schemes and timelines etc.) and a suggestion for phasing the implementation processes. This phasing will be reviewed by the IT specialists hired under the World Bank project and by the EC. If necessary, this information will be augmented or changed based on the technical requirements.
    d. Technical specifications will be based on the functional specifications. Since many technical issues will factor into discussions within the WG, the WG will be called upon to participate in the technical specifications development process as needed.
    e. The NCSC's project reports will be provided to USAID, World Bank and EU on a bi-weekly basis, as well as on an "as needed" basis – in case of developments in the project that the donors need to be informed about. The donors will provide prompt feedback to the NCSC. In case donor views are solicited prior to a WG session, all materials and documents need to be provided to the donors at least three days in advance. All donors will make every effort to provide timely feedback prior to the commencement of the WG sessions.

f. Discuss and describe in detail the anticipated electronic workflow in the courts and discuss these changes with the WG.

g. The documentation for the functional specifications of the integrated system should address the following aspects:

   i. The NCSC documentation (RFP for the Municipal Court system) included large sections with the term “TBD”. These areas have to be identified and documented.

   ii. The RFP also included the term “user defined”. “User defined” by definition, means that the end user will be able to add or delete attributes of an item (e.g. case types). Nevertheless, for the initial phase and as preparation for the IT specialists, all these areas in the Center’s documentation have to be clearly identified.

   iii. Identification of possible changes to the administrative, procedural and business practice rules (usually referred to as the “Book of Rules”) necessary during the roll-out phase of the new system.

   iv. List of computer generated forms organized by court type (attach copies of all forms to be generated by the system in an annex)

   v. List of computer generated reports organized by court type (attach all reports to be generated by the system; specifically elaborate on all statistical reports (current and new reports))

   vi. Provide a sample of register of action (or several, if needed) for the courts and attach to annex.

   vii. Identify and document the scheduling scheme for the courts including timelines;

   viii. Identify and detail data exchange between different courts and what information would be exchanged.

h. Discuss and document with the WG the anticipated training needs based on this anticipated “new workflow” within the courts and the newly automated procedures; develop training plan.

4. Prepare, on the basis of the study tour mentioned above and the subsequent discussions with the WG and MOJ experts, a draft assessment of the automation requirements for Croatia, including the level of resources, staffing, technical support and maintenance required to support and sustain Croatia’s automated court case management system over the long run.

5. Define, together with the WG and the MOJ experts, national data and systems standards.

6. Prepare the final documentation of the integrated system for the IT specialists. Based on this documentation the technical specifications will be prepared.

European Commission: For the integrated system or part of the system to be eligible for financing by the EU certain steps have to be taken. The EC will involve Court Management and IT expert(s) to ensure that the proposed system is approved by the MOJ and eligible for EU financing. The expert(s) will work together with the NCSC IT specialist(s) and the consultant(s) hired under the World Bank project (loan) to review the functional and technical specifications and related materials.

Two options were discussed with respect to the ties between the World Bank and EU financing, through the CARDS programme. Under the first option, the World Bank project would finance the development of a software solution for the common integrated areas (for commercial and municipal courts) and the specific solution for the commercial courts. Then the rest of the World Bank financing would be used for the hardware needs for the six commercial courts selected under the project (HCC and commercial courts in Zagreb, Rijeka, Split, Osijek and Varazdin). Under the second option, the World Bank wound finance the software development for the entire system and the EU would finance the hardware roll-out phase. These two options will be evaluated and recommendation given by the respective above mentioned IT specialists, one hired by the World Bank project and one by the EC. The two institutions will together select the better of the two alternatives.

World Bank: Under the World Bank project for the commercial courts, the World Bank had allocated resources to develop technical specifications for the court case management system and to fund the software development for this system. In light of the above agreement and MOJ's interest to integrate the automated court case management system development for the entire Croatian judiciary, the World Bank will engage an IT specialist ("Consultant") under the project who will prepare technical specifications for an integrated court case management system. In carrying out the below tasks the Consultant will work closely with the NCSC IT expert(s) and the EC IT expert. The Consultant's activities will include:

1. Review of existing reports prepared by the World Bank and the NCSC describing the functional standards of the integrated court case management system. If necessary, review other reports prepared during project preparation.
2. Identification of the technical principles and standards required for this integrated information system.
3. Definition of the technical specifications prepared by the IT specialists should enable the PMU to initiate the bidding process. The report should include:

a. Users and institutions; and data exchange between different institutions;
b. System design” principles – (e.g., one logical system – two physical locations, and centralized or distributed) and elaborate and justify the suggested solution;
c. Data management strategy (archiving, standards, up-dating norms) – develop a strategy for data management including the transition period from the manual to the automated system.
d. Business processes to be computerized (technical specifications narrative description based on identified functional processes)
e. System Study
    i. Functional Decomposition
    ii. Data-Flow modeling (behavior model)
    iii. Data-Structure modeling
    iv. Determine objects and attribute
    v. Options for communications; hardware and software standards to be respected
    vi. Legacy systems to be converted or incorporated
    vii. Data entry requirements including electronic data flow
    viii. Data dictionary
    ix. Describe needed data formats and areas where they will be implemented (e.g. XML, PDF, etc.)
f. Description of data migration (including time-frame); including procedures
g. Describe the management of the overall system – during development and later operations
h. Preparation of RFP for the first phase of implementation.

CASE MANAGEMENT SYSTEM NEEDS ASSESSMENT

General Requirements

The following section summarizes the basic case management functions as they are currently performed by the court and a preliminary discussion of how these functions might be supported by an automated case management system. References are made to governing articles in the Book of Rules of court procedure.

Initial Case Entry – The initial brief or complaint in civil and criminal cases is received by the court's Mailroom. The Mailroom is responsible for checking the brief for completeness, and in civil cases, verifying that filing fees have been paid. Article 148 provides that the official receiving briefs calculate the fees. The initial briefs are categorized (Article 149) according to case type, placed in case file folders and transferred to their respective Intake rooms. Urgent cases are marked. Actual case entry occurs in the Intake rooms. These rooms are divided by case types. Manual registers and indexes are the primary point for the entry of case information in the court's manual system. Article 151 requires the head of the register to complete the register and directory of new briefs on the same day and no later than 48 hours after reception.

New cases are assigned numbers as they are entered into the primary register, which is a chronological/numeric record of all new cases. The case number format specified in Article 154 includes the register abbreviation (case type), sequence number, and year of filing (CT-XXXXXX-YY). Party information is also entered by last name of the defendant into an alphabetical index. The case entry process also involves the logging of case information into a transfer book, which tracks the location of each case by number and the next scheduled event. The court also records information on fee payment in civil cases, number of copies and enclosures, and method of delivery. The case number is added to a statistics card when a judge is assigned. This card is used to track disposition types by judge.

The automated case management system will need to capture information on the type of litigation, primary party information (plaintiff(s), defendant(s), attorneys, and prosecutor in criminal). Civil case entry requires the ability to capture multiple plaintiff's and defendants, and in criminal litigation, all defendants and related charges. The calculation of filing fees could be performed for many cases for users to verify the correct fees have been paid. Additionally, criminal case entry should record the initial charges as they relate to each defendant. Case number assignment can be performed upon entry, as well as automatic scheduling of the initial hearing if desired by the court. Consideration should be given to adding a court location code as part of the case number. This will eventually be needed if the system is implemented at other municipal court locations.

Judge Assignment – The assignment of cases to judges is governed by Articles 32-34 and the Annual Agenda established by the Municipal Court. Judges serve in a specific division

(criminal, civil, execution) and within those divisions cases may be assigned in several ways. Generally, cases are randomly assigned in each division by alphabetical order of judges. Direct assignment of cases occurs when the president judge assigns an individual case to a judge based on the need to expedite the proceeding, the individual judge's ability to handle the issues of the case, or other conditions unique to the case. Some classifications of cases within the divisions are assigned to individual judges. An example of this limited direct assignment practice are trespassing cases, which are assigned to a specialist judge. Once these direct assignments have occurred, cases are then randomly assigned to the available judges within the division. Currently, the president judge of criminal regularly goes to the criminal Intake office to review new files and assign cases. All in-coming civil cases are delivered to the office of the president judge for the civil division, who reviews the files and makes assignments. The files are then returned to the Intake office. A Roman numeric code (ordinal number of the tribunal) for the assigned judge is written on the front of the case file.

Once assigned, there are situations in which a case may be reassigned to another judge. A party may move for reassignment of a judge based on potential conflict, or a judge may initiate the reassignment based on his/her relationship to parties in a case. More commonly, cases are reassigned as a result of the temporary or permanent absence of a judge. The case is then assigned to the next judge on the alphabetical list in that division.

Automated system functionality should support the ability to assign the judge upon case entry or shortly thereafter by direct or random assignment. Specific case types could be assigned to individual judges or groups of judges. Judges could also be assigned a percentage of cases as well to accommodate situations where a judge in not available on a full time basis to try cases. Cases may be reassigned either directly or randomly, and allocations adjusted accordingly.

Register Maintenance & Indexing – A significant amount of effort is involved in maintaining court registers and related indexes. These include the main case register (numeric), transfer log for case tracking, statistical cards, and alphabetical case index. These registers and indexes, in addition to the case file folder, serve as the primary data collection points for case information. They support file tracking, database inquiry, and statistical reporting activities. The current system is highly organized but also quite labor-intensive in nature.

The main register serves as a numeric (case numbers used) index for case files. This register contains primary party information and other data relating to the progress of the case. The register sheets are bound by year. Since the register is used to track major case activities, clerks may be making entries over a substantial period of time. Article 263 provides that data relating to a case may be maintained in the original register for up to two years, after which the entry must be duplicated into a new register. In order to obtain more specific information on the case one must refer to the transfer log to locate the case file, which at any given time could be filed in an Intake cupboard, in the judge's office, or the Traffic Control Room. The court's alphabetical indexing is limited. Cases are listed in the alphabetical index by last name of the defendant under the letter of the surname, in chronological order.

In order to find case information one must know the year the case was filed to easily pinpoint the correct index book. Plaintiff names are not alphabetically indexed, but rather appear in a separate column following the defendant's name. This system makes it difficult to pull a case history on an individual without case numbers, and particularly difficult to locate information when the party is a plaintiff.

The case file serves as the primary source of data regarding the court's actions and party pleadings, as well as the repository for pleadings, and in some cases, evidence. The case jacket contains three sub-registers that provide information on: scheduled hearings and future actions, financial activity, and documents filed in the case. Future hearing dates and scheduled actions are indicated on the front of the jacket. When these events have passed, the date entries are crossed out. These dates are also recorded in the transfer book (located in Intake) and the judge's personal calendar or diary. Notations on financial activity, most commonly filing fees and payments for experts are recorded in a designated sub-register on the front of the file. The register of documents is found on the inside of the case file. This is a chronological list of all documents and their reference numbers. The numbering of documents is described in Articles 155-158. Each document is marked with the business number and receives a sequence number (i.e., 1 for the first document, 2 for the second, etc.) Attachments to a brief or filing are indicated with subset numbers (1.a., 1.b., etc.) As documents are received each page is numbered sequentially, in order to ensure that all documents are in the file and in order of receipt. Labeling of the file cover is governed by Article 153. Data on clients and the case is written on the middle of the file folder cover and the case number on the upper right and bottom left corners.

Article 212 requires that open case files be maintained in the court registry office in designated cupboards which hold case files pending future action. Future actions are defined as either "hearings" or "calendars". The calendar cupboards hold cases which are set for all future actions other than hearings. Examples include the filing of additional briefs, expert witness reports, compliance with court orders, etc. Article 218 specifies that the registry (Intake) office review the cupboards on a daily basis to check expiration of due dates. Files which have reached the due date for further action are pulled and delivered to the judge unless otherwise ordered. The Intake office determines whether the conditions were met (filing of brief, reports received, etc.) and may take the necessary steps to fulfill compliance. The office is obligated under Article 220 to provide for the timely delivery of files to judges upon the receipt of reports, briefs or letters which require action. Cases held in the hearings cupboards are pulled the day prior to the hearing date and logged out for delivery to the respective judge's office. The Intake office also maintains a separate file of delivery receipts. These are maintained by date order, with several years worth kept in the index.

In an automated system the register function can be consolidated into a single chronological record of case events, actions, and pleadings, or "register of actions." Typically, a register of actions contains the following information:

- Case number and type
- Case title or name

- Attorneys of record
- File date
- Offense (criminal) or type of litigation (civil)
- Assigned judge
- Process and notices issued and service (receipt) date
- Date and description of all filed documents, evidence, party association
- Date and description of case events, hearings, etc.
- Date of final adjudication, judge, description
- Dates and description of filing of appeal, return
- Location and description of papers filed apart from case folder
- Date of fees paid and type of fee

Court staff would record pleadings and actions directly through user-defined codes and the system designed to automatically update the register when other case management functions are performed in the system. For instance, the scheduling of an event could be posted automatically to the register without the redundant task of entering this information directly into the register. Likewise, system design can include functionality that allows operators to perform functions such as notice generation from a register entry. Index and database inquiry could be substantially improved in an automated environment with the ability to conduct database inquiries using a variety of common criteria as a common feature.

Since the chronological register can become unwieldy as more and more entries are added, the ability to develop register categories, so that an edited version of the register can be displayed or printed, is a useful feature. As an example, the judge or clerk may wish to review the scheduled events on a case or a list of all pleadings filed to date. Other useful functions in the case register include the ability to associate register entries (such as pleadings) with a particular party, page numbering information for documents, and the ability to print either the full register or a specific category of entries.

File Tracking & Quality Control – At any given time the case file may be in the judge's office, intake room, traffic control room, auxiliary archive, central archive, president judge's files, or checked out by an expert witness. Without an automated record as a backup loosing or misplacing a case file brings the case to a standstill until the file is located or a duplicate prepared. The court maintains logbooks in the Intake rooms and judges' offices as a way of tracking the movement of files and ensuring accountability. Assuming entries are made on a timely basis, it is possible to determine the location of a file by checking the logbooks.

File routing and quality control is also performed by the court's Traffic Control room. The traffic control rooms have the following functions:

1) Case files are delivered to Traffic Control from the courtrooms after the judge has taken action. The judicial secretary notes the transfer in a transfer log. Traffic Control is responsible for double checking work of the judicial secretary. Dates of next scheduled action or event are written on the front of file. The case file is routed to the proper Intake room after this process is completed.

2) When cases are appealed, the backup case file folder is prepared by the judge's secretary. The backup folder and original case file are sent to Traffic Control, which takes out backup file, marks the front of file, and enters information on a tracking log that file is transmitted to the County Court. The original file is sent to the Mailroom for transfer to the County Court. The backup file is returned to the Intake Office for filing.

3) If a notice or other mailing has been prepared by the judicial secretary, the envelopes are separated from case folder by Traffic Control and put in box to go to Outtake. The files are delivered to the appropriate Intake office.

There are at least two possible automated solutions to file tracking. One would be to establish location flags in the case management system that are driven by the entry of codes in the register of actions or some other screen that indicate the location of the file. The entry of these codes would be associated with the individual operator entering them for accountability. A second option would be the development of a bar coding system. Each case file would have its case number in bar code form. As the file moves from one location to another, the case file code is read along with the location code updating the file location indicator. The bar coding application could be integrated with the case management system so that file location information could be displayed on case management screens.

Party maintenance – The court is responsible for notifying parties of future hearings and the service of judgments. The maintenance of accurate and current party information, particularly addresses, is therefore critical. In addition to maintaining address information for notification, party data is collected for enforcement and reporting purposes. Major party types include criminal and civil defendants, prosecutors, civil plaintiffs, witnesses, attorneys, expert witnesses.

Party addresses are found primarily in pleadings filed with the court. The court maintains limited party information in the registers. Address information must be retyped to prepare notices and other documents for delivery to parties. The court prepares and maintains personal information on criminal defendants (adult and juvenile). In criminal cases the court requests offense information from the Ministry of Justice and local police offices.

Parties can be broadly defined in the case management system to encompass all individuals and corporations that are involved in litigation; including plaintiffs, prosecutors, retained attorneys, plaintiffs, defendants, criminal defendants, witnesses and experts. Criminal defendant information should be complete enough for the court to use this information to obtain accurate criminal history information from outside agencies and to meet criminal disposition reporting requirements.

The case management system should provide for the collection of party information, including addresses (primary and secondary), phone numbers, and other personal identifying information. The extent of personal identifying information is typically more extensive in

criminal, where this information is used for records verification and reporting. Users should be able to classify parties according to party type, facilitating inquiry and forms generation functions. Parties that are frequently involved in litigation, such as prosecutors or utility companies as an example, could be entered into the system using an abbreviation that retrieves the complete party record without entry by the clerk.

Calendars & Scheduling – The overall court calendar and rules for the assignment of cases is set by the annual agenda and Book of Rules. Judges maintain their individual calendars and set cases according to their calendar. Article 341 governs the judges calendar or "business diary." The diary is a chronological list of sessions and hearings, by date and time. The diary indicates the case number, parties, and the time necessary for conducting the session or hearing. Due dates for the execution of certain other activities relating to case processing are also noted in the judicial diary.

When a hearing is scheduled the judge must order notices to be sent to appropriate parties. These notices are prepared by the judge's secretary and delivered to the Mailroom for sorting and delivery. Article 175 provides that judges determine the number of hearings to be set according to the complexity of the procedure and the potential duration of the hearing, number of parties, and evidence to be introduced. When a proceeding is postponed the court is required under Article 178 to immediately schedule a future time and date for continuation. The court may inform those present of the next date, preparing a note or transcript to that effect.

The Intake office is responsible for monitoring scheduled events to ensure that case files are delivered to individual judges in advance of the scheduled date. When a hearing date is set the Intake office places the case file in a cupboard corresponding to the day of month of the hearing. The day prior to the hearing date Intake staff review files in the cupboard and pull files for delivery to the judge's office. The file numbers are recorded in a transfer book. Each time a new date is scheduled the old date is crossed out on the file and in the schedule book, and the new one added.

Every pending case should have a next-appearance or review date. Calendar functions in the automated system should include the ability to maintain a calendar matrix for each judge. The matrix determines the number and type of cases and events to be scheduled, their date, time, and duration. Judges define available dates and times in advance on their calendars, blocking out weekends, holidays, writing days, vacation, etc. Calendar functionality could include the ability to set global blocks for all judicial calendars based on the annual agenda.

In addition to the scheduling of hearings and court sessions, the calendar could also serve the function of ensuring that other case management activities are performed. For instance, the judge or Intake office could establish review calendars and schedule cases for various types of reviews. Appropriate "event types" could be developed that serve as markers for ensuring that various activities are performed or conditions met, such as the filing of motions, expert witness reports, supplemental evidence, etc. Once a scheduled event or review date has passed, the next action should be determined and the register of actions updated.

Through a document generation function the court would also be able to print judicial dockets in pre-determined formats to meet the needs of various users, including judges, support staff, prosecutors, and the public. Judges, for instance, would find a more detailed docket with all parties listed and in order of scheduled appearance useful. The register office might prefer the daily docket in case number order to facilitate easier pulling of files.

Document Generation – The preliminary assessment has identified nearly fifty pre-printed forms used for criminal case processing and a dozen for civil. These forms serve a number of purposes for the court, including:

- Communication with parties
- Internal communication between court units
- Internal notes and decisions
- Requests for information from, or action by, external agencies
- Reporting of information to external agencies
- Documentation of court decisions

Most documents prepared by the court are done so using the pre-printed forms and typing in the variable text. The formats of these forms vary from full-page, double-sided versions to half-sheet and card stock forms. Certain documents, such as final judgments, are prepared on special letterhead. Articles 95 and 96 provide for the development of pre-printed forms by the court for frequent activities or tasks, and authorize the development of standardized letters, receipts, and requests. Some judges and their secretaries have developed forms templates in their PC's to facilitate document generation. Many documents, such as final judgments, are not available in pre-printed forms due to their variability. Articles 82 – 87 describe in detail the requirements for the drafting of decisions, verdicts and other orders of the court. These instructions outline the placement of titles, orders, signatures, seals on these documents. Most of the documents issued by the court are prepared in the courtroom by court secretaries using typewriters and PC's.

The implementation of an automated case management system can have a substantial impact on internal and external information exchange. At the most basic level, the generation of documents can be automated to allow users to populate forms templates with information from the case database, eliminating the need for manual entry of much information. Methods in which information can be recorded and transmitted without the creation of printed documents should also be considered. Information exchanges with outside agencies may eventually occur in electronic rather than paper formats, as an example.

The automation of document generation should be proceeded by reconsideration of current forms design and workflow needs. A clear definition of data elements and elements should be established. Where practical, the use of modern forms design techniques can improve the management and clerical efficiency of document preparation. A feature of modern form design is the separation of preprinted and variable (fill-in) information. Properly designed forms are simple and largely self-instructional. Variable information is inserted using a box

design, with space conforming to the amount of information to be inserted. Forms design considers the optimal format for preparation and use. Users should be able to determine the frequency and location of document generation. For instance, a high volume notice form could be generated in a batch run and printed on post card stock to simplify preparation and processing.

Case and Party Status Maintenance – There are a number of situations in which the court must monitor the status of the individual case and/or certain parties. Typically, case or party status is important because of statutory or court rule requirements that require to court to take action as a result of:

- Priority given to certain types of litigation
- Action or non-action by a party in the case
- Completion of certain events in the case life

Article 174 defines certain cases that are classified as urgent for purposes of case processing by law or regulation. In criminal these include defendants in custody, juvenile cases, suppression of drug abuse cases, certain commercial criminal cases, and criminal offenses against the state or foreign citizens. In civil procedure urgent matters include status cases, legal support, property cases, housing and labor, execution and temporary measures, and media damage compensation. The president of the court or division president may also determine that individual cases are urgent based on justifiable circumstances. Judges must give priority to the adjudication of these cases.

When the initial brief in an urgent matter is filed, the mailroom expedites the delivery of these matters to the Intake offices. If a defendant is incarcerated in a criminal case, these cases are placed in a special red case jacket by the Intake office to identify their status. If the defendant is released during the progress of the case, the red jacket is placed inside a regular criminal file folder. Juvenile cases are assigned to judges specializing in these case types. In addition to the priority that certain case types receive the court must expedite action on certain motions or pleadings. These items are also identified by the Mailroom as they are filed and delivered promptly to the judge's office or Intake room.

For routine tracking of compliance and case progress the court utilizes a procedure within the Intake offices similar to that for monitoring hearings. Files are placed in boxes according to the day of the month when the deadline is set. The day following expiration of the date Intake staff pull files to determine if the conditions have been met and forwards the case file to the judge for action, if required.

Various business needs can be identified and integrated into system design that streamline case and party monitoring. Case status indicators can be set and removed directly or via other case activities defined by the user. Case status can be used as criteria for report generation allowing users to develop automated tickler reports that reduce the reliance on manual systems. The ability to define levels of case priority at the individual case or case type level would allow the court to expedite the processing of these matters.

Judgment Phase – Judgments in civil and criminal cases are written or dictated by judges using a word processor or typewriter in the format required by Article 85. Pursuant to Article 268, cases relating to several persons are considered final when the "procedure has been completed and the decision executed and dispatched" as to all parties. The final judgment is served on the parties by mail or in person. The Intake offices maintain a manual record of judgments by type, by judge. The criminal division maintains statistical cards that summarize the outcome of the case. Dispositions are reported to the Ministry of Justice and in juvenile cases to the Office of Social Services. Disposed case numbers are entered by type of disposition on cards for statistical purposes.

In an automated system judgment details should be captured by the case management system and posted to the register. In criminal, final disposition information includes the disposition of all charges relating to all defendants. In civil, judgment information must be captured for each litigant. This includes recording the type of judgment, as well as relevant details of the judgment or sentence. By capturing this detail the court can use this information for statistics and document generation.

Adhesion / Division of Cases – In certain circumstances the court may decide to adhere or merge two or more cases for the purpose of proceeding jointly an reaching a single verdict. Cases may also be joined temporarily for a portion of the proceedings. Articles 165-169 describe the current procedures for merging files, making entries in the register, filing briefs, and other details associated with this process. Similarly, Articles 170-171 provide for the division of files in order to make a particular decision or conduct a separate procedure in a previously adhered matter.

The case management system should allow for files to be combined under the superior case number (usually the oldest number) and a single register maintained for adhered cases. Subordinate file registers and case status indicators will inform users of the consolidated case and these cases disposed and counted as required by court rule. Likewise, when matters are divided the system will allow users to make proper register entries and final dispositions.

Appeals maintenance – When a Municipal Court case is appealed the judicial secretary prepares a backup folder, which is sent along with the original folder to the Traffic Control office. Traffic Control removes the backup folder and enters case information on the front of the file. The file is logged out on a tracking log. The original file is sent to the Mail Room (Outtake) for delivery to the higher court, and the temporary file is returned to the appropriate Intake office for filing.

Although the Municipal Court cannot directly impact the progression of cases on appeal, the court does track the progress and outcome of appeals. This includes the party filing the appeal, appeal date, transmission date, date of decision, date of return, and disposition. Cases which are returned for re-hearing must be assigned a new case number and file. The

court would benefit from the ability to automatically re-enter basic case information in the automated system when a new case number is assigned upon appeal remand, assuming the requirement for the creation of a new case continues.

Milestone tracking – Reliable information on the status of cases and the achievement of various events or stages in the process is an important tool in effectively moving the case to a just and expeditious resolution. This can be achieved by identifying important milestones (events, activities, or changes in status) in the life of a case, and establishing a timeline for the achievement of these milestones. Milestone tracking has two benefits. First, it enhances the court's ability to track individual case progress against pre-established time lines. This is particularly important for cases in which certain events or final adjudication must occur within statutory guidelines. Secondly, the tracking system can provide the court with management information that measures court performance against self-imposed goals for case processing.

Within the automated system the court can establish event and activity markers and monitor case progress based on user-defined timelines. Groups of cases or individual cases can be assigned a pre-designated timeline. Periodic reports could indicate overall progress or list individual cases that are outside desired time guidelines. Milestone tracking would enable the court to set markers and generate progress reports for urgent cases and generally enable the court to monitor its workflow.

Statistics and Reporting – The court statistics department creates and distributes statistical reports as required by Articles 124 – 130 of the Book of Rules, as well as other statistical reports for internal use by the court. Although reports are generated using a PC spreadsheet application, all of the data must be entered from case files, registers, and other documents in order to produce these reports. The effort involved in collecting basic data inhibits more extensive utilization of statistics. In a meeting held with select judges and court staff several additional statistical report needs were identified:

- Hearing information
- Appeals tracking
- Cases scheduled by judge
- Total cases resolved by month and type
- Number of cases resolved and verdict
- Case age report by judge
- Cases closed without appeal

The creation of a database of court case information as part of the case management system will significantly improve the court's ability to generate statistics. Utilizing standard statistical software the court will have the capability to run routine and ad hoc reports against the database to meet its information needs and eliminate the need to re-enter data into a separate database for statistical analysis.

Security – The security and integrity of manual records is maintained by physical containment of court files and documents, tracking logs, the use of stamps and seals, and compliance with various rules for data entry and deletion. Court system security, either manual or automated, should ensure that:

- Only individuals authorized to do so may make entries to the court record
- Alterations or deletion of entries are made by authorized individuals and such changes are documented (audit trail)
- Access to court files and documents is restricted in accordance with laws and regulations governing public access
- The physical safekeeping of documents and entries is ensured
- Backup procedures exist in the event of the loss of a document, file or other court record

In an automated environment system access and use will be controlled by user passwords and further restricted by individual security profiles that determine those functions the user may perform within the system. An automated system could provide security on a number of levels:

> **User** – User security is defined on an individual or job classification level. Court employees or groups of employees are assigned to a certain security status that defines which functions they can perform in the system. This could also include external users such as attorneys or employees of other governmental agencies who could be granted access to certain inquiry functions. When a user performs a function in the system an audit trail is established to link that action with the user.
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> **Function** – Each function that can be performed in a system should be identified and segregated so that security levels can be assigned to that function. For instance, the functions associated with the register of actions could include inquiry, input, and deletion. Ability to perform these functions relating to the maintenance of the register of actions would be restricted to certain user categories or individuals. As an example, only a limited number of individuals, such as Intake supervisors, might be allowed to delete register entries which have been made in error.
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> **Case** – Case-related security can be established on two levels. Certain case types could be assigned a security level that limits access by certain classification of users. For example, access to juvenile cases could be restricted to only court staff that process those cases. If the court needs to restrict access to an individual case because of an order for confidentiality or similar action by the court, the case could assigned a higher security status to restrict access through the case management system.

Archive – Guidelines for closure and archiving of cases are found in Articles 236-254. When a court procedure becomes final the file is reviewed and the judge issues an order for retention in the archives. Retention dates are recorded on the case file. Prior to placing the file in archives registry staff determine the status of fee payment and take appropriate action.

Article 110 requires an official to confirm that all fees have been paid and properly canceled, or that collection efforts have been initiated before certifying the file for storage. This information is stamped on the front of the file. Original documents contained in the file may be returned to clients upon their request, with certified copies substituted in the file. The court maintains an auxiliary archive of closed cases from the current and previous year. These cases are maintained in the Intake offices in a special cupboard. Presently, the Intake offices are retaining the last two years of files in the auxiliary archive, due to space limitations in the central archive. The central archive is maintained for all case types and is separate from the Intake offices. The archives department is responsible for tracking cases removed from archives and ensuring their timely return. Article 244 requires the maintenance of a list of cases removed from the auxiliary or central archives, including the signature of the official who received the file. This record is periodically checked at month–end to determine which files are overdue for return to archives. The department periodically purges files based on retention dates, enters the information on a register, and delivers these files for destruction or storage by a historical archive. Individual files of special significance may be kept in a separate archive in the office of the president.

Archive dates can be captured by an automated case management system at final disposition and used to generate periodic reports of cases eligible for destruction. This will reduce the effort required to keep records destruction current. Cases could be assigned a default archive date based on case type, which could be changed as directed by the judge.

Financial Management - The court collects expert fee payments, execution fees, and fees for judicial travel to view evidence from litigants. A PC-based system is currently used for the collection of civil expert fees. Criminal expert fees paid by the court are handled through the court's budget system, also PC-based. Criminal fines are typically paid outside the court, and the enforcement of unpaid criminal fines is now the domain of the Ministry of Finance.

An integrated financial management program is not envisioned for the case management system given the existence of these systems. However, employees with appropriate security could enter payment arrearage and completion information on the case management system for informational purposes in lieu of paper-based notices. These actions could also set or remove status flags on the case making it easy for judges and staff to determine the financial status of a case.

THE CASE MANAGEMENT PROCESS

THE PHASES OF CASE MANAGEMENT

There are several distinct stages in the case management process. The design and functionality of a case management system should enhance processes in each of these stages:

Case Initiation – The case initiation process is the foundation for record control. Control is established by the assignment of case identifiers, input of case data, creation of the file folder, and assignment of the case to a processing timeline. Accurate and complete information regarding all parties and the nature of the dispute between them is captured. The index created at case initiation is both alphabetical and numeric, providing cross-references between the name of parties and case numbers.

Maintenance – The case maintenance phase includes all activities that occur immediately following the initiation of a new case, through the rendering of a judicial decision regarding the issues at controversy. During this phase additional data is entered into the system that both guides the future of the case and serves as a record of all activities which have been performed to move the case to disposition. The main functions include scheduling events, maintaining calendars, accepting and recording pleadings, generating documents, recording intermediate judicial decisions, adding parties, and monitoring case progress.

Disposition to Closing – As a judicial decision is reached in the case, the court should be able to accurately document the details of the decision. This includes disposition information for each party in civil cases and adjudication of all original charges in criminal. The court should be able to communicate this information accurately and timely to litigants, as well as all parties and organizations entitled to disposition information. In certain cases the court must monitor compliance with terms and conditions of a judgment. The closure of a case is also important for statistics, case management and records retention. Disposition information needs to be captured in a format that facilitates easy retrieval for reports, documents, and statistics.

Post Adjudication - In the final stage of the case management process the court is concerned with activities related to the closing and archiving of the case, maintaining a system for retrieval of archived records, and timely destruction of materials which have reached their maximum retention period. In some instances cases may be reopened, or case information transferred to the execution division for initiation of an execution case.

OBJECTIVES OF CASE MANAGEMENT

Successful case management involves the achievement of several basic objectives. Some fundamental objectives to be achieved in any case management system, manual or automated, include:

i. ***The court is able to track a case from filing to closure*** – Judges and court staff should be able to readily retrieve a case and determine its status and progress at any time during the case life cycle.

ii. ***The court maintains control of case events*** - Judges and court staff control the scheduling of hearings and case events in accordance with statute and rule.

iii. ***The court maintains control over files*** – The court is able to provide for the security of all records and documents (paper and electronic) pertaining to the court case, and is able to locate and properly route this information as needed to adjudicate the issues at controversy.

iv. ***The court receives information feedback necessary to manage its activities*** – Information systems should provide adequate information to allow the court to distribute workloads, prevent scheduling conflicts, manage work flows, and evaluate overall performance.

v. ***The court provides timely and accurate information required by users*** – Litigants and other individuals and organization are able to obtain the information they need from the court to perform their responsibilities relative to the court case.

POTENTIAL BENEFITS OF AUTOMATED CASE MANAGEMENT SYSTEM

The automation of case management functions has several potential benefits to the Zagreb Municipal Court:

- ***Reduction of repetitive data entry and indexing activities***
- ***Improved access to case information by staff and litigants***
- ***Improved work flow and integration***
- ***Increased effectiveness of court activities***
- ***Expanded capability for generation of statistics and reports***

AUTOMATED CASE MANAGEMENT SCENARIOS FOR THE ZAGREB MUNICIPAL COURT

Introduction

The following scenarios are intended to serve as illustrations of how automated case management might be implemented in the Municipal Court. These options represent different ends of a scale of possibilities. The first scenario is an automation solution that essentially mirrors the current manual processes used to initiate a court case. This represents a relatively low cost, and low benefit, solution. The second option is based on the development of a system that includes fairly standard functionality found in case management systems in courts today. The scenario presented is not intended to be a final proposal of how the courts should manage their workflow in an automated environment, but is intended to serve as a basis for further discussion.

Scenario I: Automated Register

One of the options available to the Ministry of Justice and the Zagreb Municipal Court is to develop a simple database through custom development or modification of existing off-the-shelf software. The system would capture information in an electronic format substantially as it does now in using manual data entry tools (registers, indexes, & logs) This includes initial case information as well as dispositions and other data collected for statistical reporting purposes.

Under this scenario the intake offices would enter basic case information as they do now into a database instead of paper registers. Disposition information would also be entered into the system at the conclusion of the case. The register information would be available at all work stations through the court's network. Limited statistical reports could be generated from the database, and the court could print indexes if necessary. The court could eliminate the numeric register and corresponding alphabetical index. Other case management activities would remain substantially the same.

Scenario II: Full-Featured Case Management System

The second scenario assumes the installation of a full-featured case management system that is developed as a custom application for the municipal courts or is a modified version of an existing system. The features and functionality described here are those used by many automated courts to support the basic case management. These automated functions are explained and a hypothetical workflow design is described.

Automated Case Management System (CMS) Functions

The following is a description of typical case management functions. This preliminary design proposes two modules, one for criminal and one for civil, the latter also supporting execution case management. Though two modules are envisioned, many of the functions, such as register management, party records, scheduling, and calendar management could

utilize the same screens and record layouts. The primary differences are in initial data entry (case initiation), case summary, and disposition functions.

CASE INITIATION (CIVIL) – The civil case initiation process involves entering the type of litigation, amount in controversy, attorneys, and all litigant information. Upon performing the case initiation function the system can automatically assign a case number, update the register of actions, create party records, and initiate a summary record. The case initiation function could be programmed to automatically calculate the filing fee, assign a judge to the case, and/or schedule a first hearing.

CASE INITIATION (CRIMINAL) – The clerk initiating a criminal case will enter the case type, prosecuting authority, defendant information, charges associated with each defendant, and attorney of record. The case initiation function will automatically assign a new case number, update the register record, create party records, and create a summary record. Optionally, the initiation function could assign the judge and schedule the first hearing date.

PARTY RECORDS – Each party in the case is identified by a party type. The party record, which is created at initiation, may be updated throughout the life of the case as additional parties (such as expert witnesses) become associated with the case or address information needs to be changed. Party information can be merged with forms to create notices and other documents. A party table is available to capture information on individuals or organizations that frequently do business with the court, such as attorneys, insurance companies, and expert witnesses. A more detailed record for criminal defendants would allow users to enter personal identification information that is required for criminal history record checks and disposition reporting.

REGISTER OF ACTIONS - The register of actions provides a chronological record of all scheduled events, court actions, pleadings, and final dispositions for a case. Information may be posted to the register screen directly using pre-determined codes, or automatically updated when certain functions, such as scheduling, are performed. The individual making the entry is identified through system security. Register codes may be assigned type associations allowing users to select certain register entries for viewing. For instance, the operator could choose to only view scheduled events for a case or view the list of briefs filed. Operators could also have the option of printing a copy of the full register or edited versions, according to need. Register entries could also be used for file location tracking, with the individual receiving or moving a file noting this information in the register. These entries could set a location flag for the case file or current status flags for the case.

CASE SUMMARY - A single screen would be available to view a current summary of case information. This screen displays information that users most commonly need to access quickly, such as case status, primary litigants, next scheduled date, final disposition, file location, etc. Most of the information on the screen is updated from activities performed on other screens.

SCHEDULING - Scheduling of cases is performed at the case level, with the operator selecting a court date for the assigned judge from the next available date or a range of dates. The case may also be scheduled before another judge if necessary. Upon scheduling an event the operator may generate notices to parties, and the judges calendar will be updated. The register of actions and master (summary) screen are also updated when a next event is scheduled. In addition, the scheduling function could include the ability to "dispose" of events. An example would be the ability to indicate the disposition of a hearing, such as adjourned, continued, or final. This information would complement the court's milestone tracking system by providing detailed information on case progress.

CALENDARING - The calendar function is used to set parameters for judicial schedules. The calendar variables include date, time, type of event and number of events for a time slot. Calendars could be viewed and printed for a date or range of dates for each judge, with various calendar formats displaying information as needed by various users.

DISPOSITION MAINTENANCE (CIVIL) - Civil judgments are captured for each litigant in the case. Upon entering a judgment this information is posted to the register of actions. When judgments have been entered as to all litigants the case status is changed to "closed" or "disposed". The retention time for the case file would be set as part of the disposition activity. This could either be a default period based on case type or a period set on an individual case basis.

DISPOSITION MAINTENANCE (CRIMINAL) - The entry of criminal judgments and sentence detail is performed as to each defendant and each charge on a case. Like the civil judgment function, this activity updates the register and master, and changes the case status. The retention time for the case file would be set as in civil.

CASE CONSOLIDATION When cases are ordered consolidated the case consolidation function allows the operator to specify the subordinate case(s) to be consolidated. Register of actions entries could be posted automatically to each case and case status indicators updated. Upon final disposition appropriate disposition information is posted to all cases so that case counts remain accurate.

APPEALS TRACKING – When a case is appealed the court will enter the date of appeal filing, party filing the appeal, transmission date, and listing of documents sent. While on appeal the case status will suspend case aging until the appeal is returned to Municipal Court. When returned, the court would capture return date and disposition. The court may wish to generate periodic reports to monitor the status of cases on appeal for case management purposes.

DATABASE INQUIRY / SEARCH - Each module (criminal and civil) could be designed with a data base inquiry function to inquire on case information based on criteria unique to either module. Inquiry criteria typically include the date of filing, party type and name, case type and number, case status, location of file, assigned judge, hearing date, etc. From the inquiry one can select the format of the case information to be viewed, such as the register, summary, or parties.

DOCUMENT GENERATION – The document generation function allows the court to design forms and merge case data and free form text to create documents. The ability to specify the printer for output allows users to direct printing to a variety of paper types. Batch control could be available to defer the generation of high volume forms to batch runs.

STATISTICS AND REPORTING – A variety of options are available for generating court statistics, including the development of a custom statistical reporting program or third-party packages. The court would benefit from the ability to develop standardized statistical reports that can generated on a regular schedule or by request, to meet routine statistical needs. Additionally, the court should be able to design and run ad hoc reports as needed for internal management purposes.

SYSTEM ADMINISTRATION – Much of the setup and maintenance of an automated system can be controlled by users through system administration functions. A case management system is not static and should be designed to allow for user's to adapt to changing needs and requirements for data collection and case processing. One of the important aspects of system administration is the set up and maintenance of system codes. The following are examples of codes that would be developed, though the list is not exhaustive:

Case Type - code for case ID and reporting purposes
Type of Litigation – description of type of civil litigation
Court Location – court code and description for case ID
Judge – code for judge/tribunal
Violation Type – category of criminal offense for reporting purposes
Offense – number and description of criminal offense
Event Code description for various types of events
Docket – codes for entering descriptive register of action information
Docket Category – user-defined categories for docket codes
Party Type – type of litigant for identification and association
Disposition Type – category of disposition for reporting purposes
Disposition (description) – general description of the disposition
Sentencing Detail – shortcuts for entering sentence information
Case Status – status of the case in proceedings
File Location – describes the physical location of the case file

Automated Case Management Activities

Figure 1 provides a summary of how case management activities associated with each phase might be distributed in the court. The existing Mailroom area could be divided into a criminal and civil office, which would be responsible for case initiation and the docketing of all new briefs and pleadings filed with the court. This area would also be the primary point of contact for the public for case information. Open case file and document maintenance would occur in the registry (Intake) offices. Judges' offices would be responsible for

calendar maintenance, though the scheduling of hearings on the system and printing of notices could occur in either location. The automated system would eliminate the need to maintain sub-registers on the case file folders. In addition, folders could be maintained in chronological order without the need to organize case files by future action dates.

Figure 1: Distribution of Case Management Activities

Case Management Phase:	**CASE INITIATION**	**CASE MAINTENANCE**	**DISPOSITION TO CLOSING**	**POST ADJUDICATION**
Location of Activities:	Mailroom (initiation office)	Registries, judges' offices	Registries, judges' offices	Registries, archives, statistics
Activities Performed:	Case initiation Docketing of briefs & pleadings Database inquiry	File/register maintenance Scheduling Calendar maintenance Docketing Document generation Milestone tracking Database inquiry	File/register maintenance Entry of judgments Document generation Database inquiry Compliance monitoring	Appeals tracking Archives maintenance Return of evidence Reports & statistics Milestone tracking File purging

Case Initiation:

Two options would be available for case initiation. The current process for receiving and checking initial pleadings could continue, with the Mailroom staff handing off the initial complaint and file to Intake for entry into the case management system. Alternatively, the Mailroom could become the point of case initiation. The advantage of case initiation in the Mailroom is that the system could automatically verify filing fees and the clerk could provide the complainant with a case number immediately. The recording of the initial brief would not be delayed. The initiation process would proceed as follows:

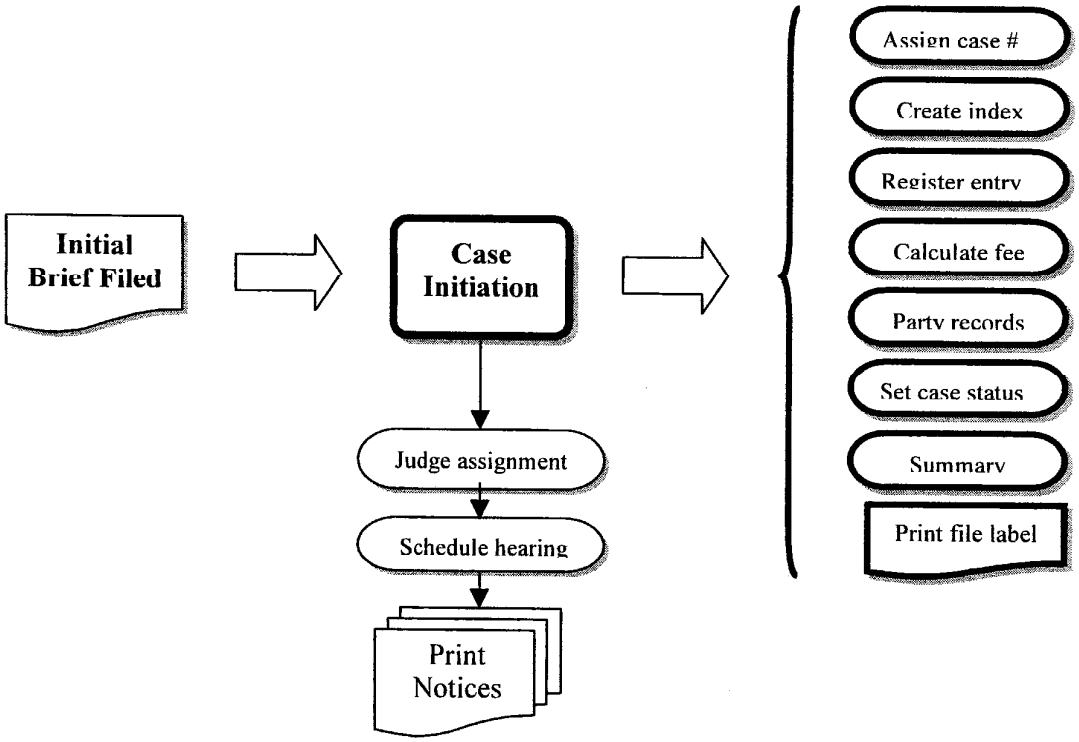
1. Brief is received in mail or by hand delivery, checked by clerk.
2. Clerk checks system database for existing case.
3. Clerk enters case information into the filing screen(s), including type of litigation and parties in civil, defendants, offenses, prosecuting jurisdiction in criminal.
4. CMS automatically generates a case number.
5. Based on case type and claim amount (in civil), CMS calculates and displays correct filing fee for verification.
6. CMS automatically updates file status as "pending."
7. CMS automatically indexes case information.

8. Clerk prints file label(s) using CMS document function.
9. Clerk affixes file label(s) and readies the file containing original brief for transfer to president judge or Intake.
10. Within the CMS the entry of a new case creates a record for each party, populates a case summary screen and creates the register of actions for the case with an automatic entry indicating the file date.
11. Case file sent to president judge for review.
12. Case file logged out of Mail/Initiation in case tracking system.

Optionally, the system could assign a judge at this stage. This would not preclude the president judge from reassigning the case after further review. In that situation the CMS would automatically re-adjust case assignments. If desired, an initial hearing or review date could be scheduled upon case initiation.

Fig. 2 illustrates how the process of electronically filing the case can be used to perform a number of functions relative to case management. Most of these functions are performed automatically by the CMS without further intervention by the clerk.

Fig. 2: CASE INITIATION ACTIVITIES

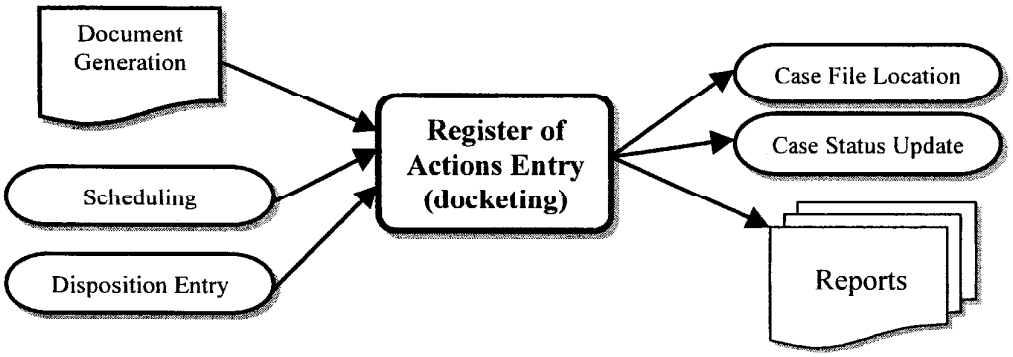


Case Maintenance - Register of Actions Entries (Docketing)

The register of actions is a chronological record of all activities relating to the case, including scheduled hearings, filing of briefs and pleadings, actions taken by clerks and judges, final

dispositions, and financial activity. Most register of actions entries are made directly, that is the judge, clerk or secretary will update the register by entering a code that corresponds to a text entry. The docket code entry can be associated with specific parties and record the number and pages of a document. Some register entries may be made through the performance of other functions in the system. For example, scheduling a hearing would cause an automatic docket entry to occur, with a description and date of the hearing. Figure 3 illustrates how certain functions can create automatic register entries. Register entries can update case status flags, track the file, and serve as progress markers for milestone reports.

Fig. 3: RELATIONSHIP OF REGISTER OF ACTIONS TO OTHER FUNCTIONS



Case Maintenance - Filing of Pleadings/Briefs:
The following sequence of activities assumes that all briefs and documents filed with the court will be entered into the register of actions at the point of receipt, which is currently the Mailroom. This eliminates the need to log the receipt of documents before transferring them to the Intake office for inclusion in the case file folder.

(Mailroom)
1. Brief is received in mail or by hand delivery, checked by the clerk for completeness, stamped.
2. Receipt of brief is recorded in register of actions, describing the nature of the brief or pleading, the party association, number of pages, etc.
3. Party address is checked and updated in party record if necessary.

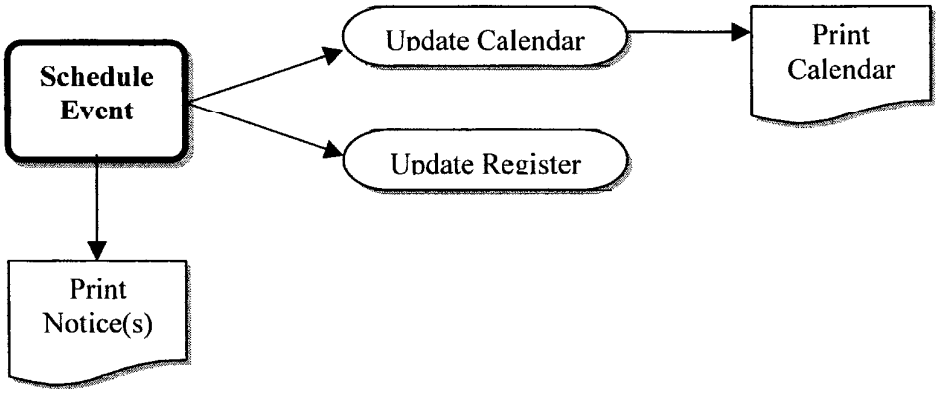
(Intake Office)
4. Brief or pleading checked for determination of next action. (hearing, review by judge, etc.)
5. Brief is filed in case jacket.
6. If hearing or review by judge required, file is routed to assigned judge for scheduling of hearing or determination of future action. Otherwise, file is held in open pending and internal review date is set.

7. Case tracking status updated if file sent to judge's office.

Case Maintenance - Scheduling a Hearing
The scheduling of hearings could be performed by registry staff or the judge's office. Judicial calendars would be maintained by the judge's office. The process for scheduling a hearing date would involve the following:

1. Judicial secretary or Intake clerk determines next hearing date or checks CMS for available dates within a range.
2. Date is selected based on available slots and time required.
3. CMS system prompts user to issue notices.
4. User selects parties to receive notices.
5. Notices are printed.
6. CMS system automatically updates judicial calendar with new date, makes an entry into the register of actions, and updates the summary screen with the next scheduled date and type of event.
7. Notices are delivered to Outtake for processing or given to the parties if they are present. An option would be to actually direct printing of notices to the Outtake office for mailing rather than printing them in the courtroom when the parties are not present.

Fig. 4: EVENT SCHEDULING



Events do not have to include only scheduled hearings. The court can also create review calendars as prompts to pull cases for review. For instance, if particular documents must be filed on a case, the case can be "scheduled" for a review calendar that is monitored by registry staff.

Case Maintenance – Document Generation
Court documents could be generated utilizing forms templates that are currently being developed on judges PC's, and through a document generation function integrated with the case management system. While the PC template process is an improvement over manual

preparation of documents, basic case information must still be re-entered into the form. An integrated document generator would pull data from the CMS to automatically populate the forms template, eliminating redundant data entry. Document generation from the CMS might be performed as follows:

1. User brings up document selection and selects document to print.
2. CMS prompts user to enter free text information, if required.
3. User selects number of copies and printer for output.
4. Document prints and CMS updates register of action with automatic entry.

In certain situations the performance of other functions, such as scheduling, could automatically bring up the appropriate form for printing.

Case Maintenance – Generate Calendars and Prepare for Hearings

1. Calendars for each judge will be printed on a regular basis by Intake
2. Day prior to calendar date Intake prints calendar for day and pulls file from open file cabinet.
3. Files and judge's version of calendar delivered to the judge's office.
4. File location (tracking) system updated.

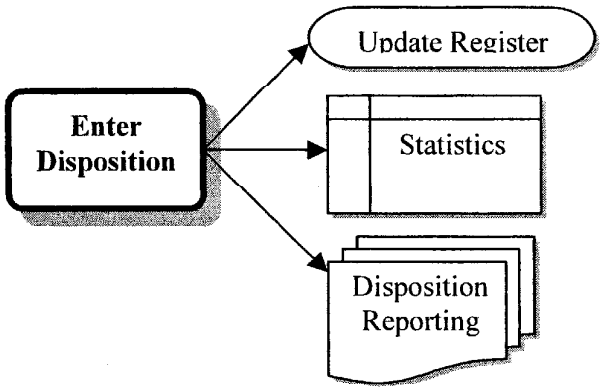
Case Closing - Final Disposition (civil)

1. At the conclusion of final hearing the judge's decision is entered as to each party.
2. CMS automatically updates register of actions as judgments are entered.
3. When judgment is entered as to all litigants, CMS automatically updates case status as "disposed."
4. Disposition documents are printed.
5. Service date of judgment is recorded on register of actions when mail receipt is returned or party is served personally.

Case Closing - Final Disposition (criminal)

1. At the conclusion of final hearing judge's decision is entered.
2. Includes final verdict on each charge for each defendant and sentence detail.
3. CMS automatically updates register of actions as judgments are entered.
4. When judgment is entered as to all defendants, CMS automatically updates case status as "disposed."
6. Disposition documents are printed.
7. Service date of judgment is recorded on register of actions when mail receipt is returned or defendant is served personally.

Fig. 5: FINAL DISPOSITION PROCESS



Post-Disposition – Appeals Tracking

1. Upon receiving appeal, Mailroom dockets receipt of appeal into register of actions
2. Intake utilizes appeal maintenance feature to enter date of appeal, party.
3. CMS automatically changes case status to "appeal."
4. Full register of actions and register of documents is printed.
5. Documents in file verified against register.
6. File out card or temporary file prepared and filed.
7. Case location is status updated.
8. File delivered to Outtake for delivery to county court.

Post-Disposition – Archives

1. Upon receipt of file in archives register of actions entry is made indicating receipt.
2. CMS automatically updates case location and status to "archives."
3. When file is removed, case file tracking is updated.
4. Outcard is placed in file location.
5. Periodic reports are generated that list file out of archives and removal date.

Milestone Tracking

The milestone tracking system operates behind the scenes monitoring the progress of cases against pre-established tracks. In the system setup the court identifies the case milestones that are important and determines the time to reach each of those milestones according to various schedules. Milestone intervals for the ZMC might include filing to first action or hearing, first action or hearing to final hearing, final hearing to receipt of judgment. Regular reports will list cases that have not met milestone guidelines, as well as summarize overall performance.

NATIONAL CENTER FOR STATE COURTS

International Programs Division

Functional Specifications Report for Computerization in Zagreb Municipal Court of The Republic of Croatia

Municipal Courts Improvement Project - Croatia
Sponsored by the U.S. Agency for International Development
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Introduction

The National Center for State Courts (NCSC) is assisting the Zagreb Municipal Court (ZMC) to improve efficiency and establish a receptive environment for longer-term improvements in the judicial system. Sponsored by the U.S. Agency for International Development (USAID), this effort was launched in the fall of 2000 as the Municipal Court Improvement Project.

NCSC was contracted to conduct, initially, assessment studies to determine possible approaches to enhance the efficiency and productivity in ZMC. If a particular approach were deemed beneficial, the project would provide the technical assistance and equipment required to implement it. ZMC was selected as a pilot because it is the largest court within the Croatian judicial system, handling over 30 percent of the country's caseload and some of the most important cases in the country.

USAID identified the use of technology as a short-term initiative. During the first on-site consultation, the NCSC project team performed a preliminary assessment of court practices to determine the possible impact of technology on operations, the extent in which the introduction of new technologies will substantially increase efficiency, and what changes to current court practices or prerequisites are necessary to maximize the effectiveness of these new technologies. This assessment determined that significant gains were attainable through the introduction of technology in ZMC. Based on that finding, the team developed an automation plan, including strategic and action plans to implement specific technologies in the Court.

One of the recommended technology solutions was the development and implementation of case management software. This application would computerize the collection and management of case information using a database to store the electronic information (data) and software that interact directly with end-users to manage that data. To develop or purchase such an application, the project team had to determine the specific users' needs as regards to computerization and then identify specific functionalities of this application that would support the business processes in ZMC

METHODOLOGY

NCSC conducted the following five tasks:

1. Initial Data Collection and Analysis
2. Business Process Review
3. Court Statistics Study
4. Court Data Analysis
5. Final Report Preparation

These tasks produced a functional specifications report as the final deliverable. This report highlights general technical needs through the evaluation of case and data workflow throughout the ZMC, caseload trends, and employees and court users' perspectives. It also lists specific attributes and functions required of a software application to enhance business processes in ZMC.

During March 2001, a questionnaire was distributed to 582 individuals in the Court. The survey population consisted of potential end-users of court management software. The questionnaire contained 12 questions about business processes, current obstacles and barriers, data access and integrity, and the current use of technology. The response rate was 114 respondents or about 20 percent of the survey population.[1]

About the same time, the project team conducted interviews with the court staff. The interviews were open-ended but structured, focusing on the case processing attributes or functions and the court users' perspective on the state of ZMC.

[1] The low response rate could suggest a highly biased sample; however, the conclusions drawn from the questionnaire were substantiated through a comparison of those findings to data collected from in-depth interviews and other research materials.

The project team interviewed individuals from the following court divisions/offices:

- Civil Division
- Criminal Division
- Enforcement Division
- Probate Department
- Juvenile Division
- Mailroom
- Outtake Office
- Technical Support Team

The team also interviewed individuals from other courts and some practicing attorneys to gain a broader perspective on the Court's computerization needs.

Chapter One

Users Needs

As part of NCSC's broad effort to gather information on the technological needs of the court, an assessment questionnaire was administered to court employees. Responses to the questionnaire captured the current technical skill levels of the court personnel and their perceptions of technological needs with respect to their specific responsibilities and working situations.[2]

Respondents

Population and Sample Size for Survey: 582 individuals

The survey population consisted of potential computer end-users at ZMC. As the focus was primarily on the use of technology for case management purposes, Accounting, Technical Jobs, Security Divisions, and the custodial staff were not included in the population. The land registry division was also not included because the division has an existing computerized registry system.

Response Rate: 114 (20%)

With the exception of the Enforcement Division, the distribution of the respondents for each division was almost equal or higher than the division's underlying population distribution (% of respondents vs. % of population). Thus, all divisions, except Enforcement, were equally represented. Unfortunately, the overall response rate was lower than expected.

Table 1: Responses by Division

Division	Number of Respondents	% of Respondents	Number in Population	% of Population	% of Population Surveyed
Civil	62	54.4	295	50.7	21.0
Criminal	19	16.7	98	16.8	19.4
Enforcement	12	10.6	122	21.0	9.8
Juvenile	4	3.5	19	3.3	21.0
Probate	8	7	48	8.2	16.7
No response	9	7.8	N/A	N/A	N/A
Total Responses	**114**	**N/A**	**582**	**N/A**	**N/A**

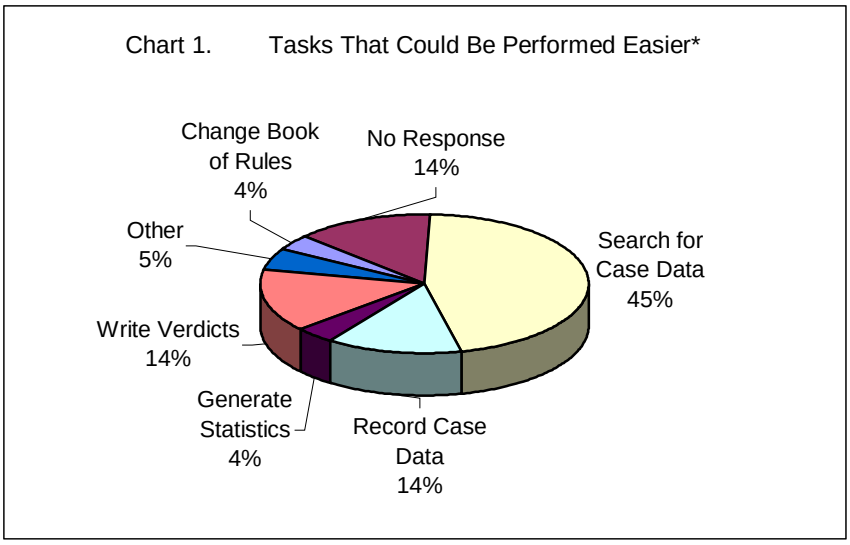
Table 2: Responses by Job Title

Job Title	Number of Respondents	% of Respondents
Judge	33	28.9
Court Advisor	7	6.1
Manager	5	4.4
Secretary	23	20.1
Clerk	41	37.3
Execution Officer	1	.8
Service Provider	1	.8
Other	3	N/A
Total Responses	**114**	**N/A**

[2] See Appendices A and B for actual questionnaire responses and the questionnaire, respectively.

Business Process and Task Review

When the respondents were asked what job tasks could be performed more easily, 33 percent of the responses indicated searching for case information, 11 percent indicated writing verdicts, and 10 percent indicated maintaining case-related information. Other tasks with a significant number of responses were: generate statistics and implement changes to the Book of Rules (3 percent). Since this question was open-ended, certain respondents provided answers that did not exactly match what was expected. Possibly as an answer on how to make certain tasks easier, 29 percent of the respondents indicated the use of computers.



*Use of Computers Response Is Excluded

As regards to divisions, 100 percent of the respondents in the enforcement and juvenile divisions, 58 percent in the criminal, and 39 percent in the civil division were interested in improving the search method for case information. For improvements in writing verdicts, 100 percent of the respondents in the enforcement division, 18 percent in civil, and 16 percent in the criminal division were interested. With 100 percent of its respondents interested, the Probate division strongly supports change to the record keeping process of case information. The civil division is a distant second at nine percent.

Based on job titles, 48 percent of the respondents that identified themselves as judges or court advisors were interested in improving case information searches, followed by secretaries at 35 percent and clerks at 17 percent. However, a significant number of clerks supported the introduction of computers to assist with their tasks (41 percent).

Resource Tools to Improve Productivity

When asked what was needed to perform certain tasks faster, over half (54 percent) of the responses indicated the use of computers, 10 percent indicated more efficient intake offices, and 7 percent indicated more judges. Other noticeable improvements were: Book of Rules changes (4 percent) and better/more office supplies (3 percent).

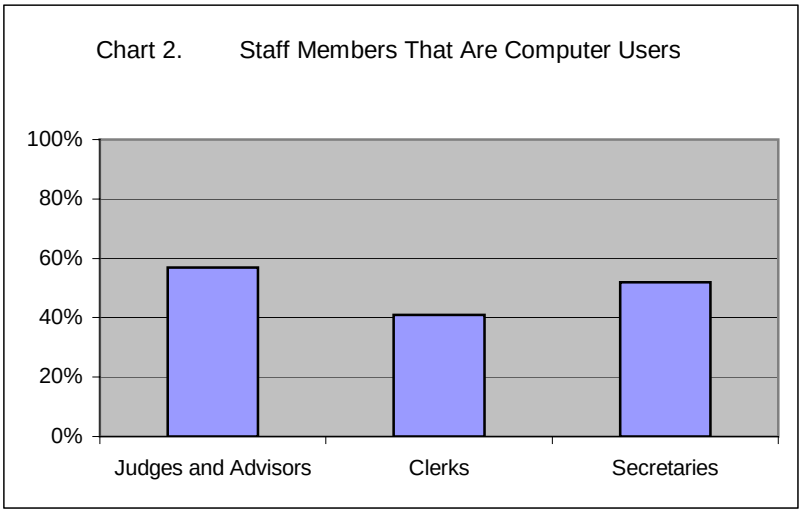
A total of 86 percent of the respondents from probate division, 63 percent of criminal, and 52 percent of civil division respondents consider computers as an effective resource tool to improve productivity. The introduction of computers is highly acceptable and almost expected by the ZMC employees. Also, the majority of secretaries and clerks understand the positive impact computers can have on improving productivity, 70 and 54 percent, respectively. A respectable number of judges and court advisors (43 percent) could see the value-added possibilities of computers.

Staffing or an increase in staff size was a distant second for judges and advisors as a valuable resource tool - - 15 percent stated an increase in the number of judges would improve productivity. Ironically, about the same percentage of clerks expected increased work productivity but they anticipated an increase in work effort, not staff size. The clerks at ZMC are very critical of their performance and expect better from themselves and their co-workers – an audience receptive to change.

The Use of Computers

When respondents were asked what improvements did their existing computers need, 44 respondents answered a need for a computer and 32 respondents provided no response.[3] As for those that provided a response, 36 percent indicated electronic mail (e-mail) and Internet access, 26 percent indicated computer (Microsoft Word) macros, and 18 percent indicated direct computer access to external information systems. As expected, the majority of respondents to this question mirror the computer users in the Court; 82 percent of the respondents were judges, court advisors, or secretaries. Also, the top three answers were computer tools commonly used by judges or their support staff to perform judge-specific tasks (i.e. writing verdicts, generating notices, conducting legal research, etc.).

Nevertheless, over half (52 percent) of the respondents currently own or have easy, regular access to a computer outside the court. In addition, 67 percent of the respondents have Internet access on those computers and 27 percent have e-mail access. Despite limited or no access to computers in the workplace, 41 percent of the clerks have regular access to computers and could be considered at least novice computer users.



Information Needs

Respondents wrote that Croatian law, case law, and legal opinions were their top choices (35 percent of the responses) of the type of information that would be most valuable to them, but which were not available at the court (or in their division, or both). Other specific information that they would like to have access to included street addresses and their police districts (7 percent) and deceased person information (4 percent). Six percent of the responses asked for unspecified information from the Ministry of Interior and the Ministry of Justice.

Although time-consuming to find, most case-related information is available within the Court. This is a testimony to the well-organized manual record keeping system at ZMC. Most unavailable information is kept by external sources, suggesting the need to establish formal communication lines between those sources to ensure regular and timely delivery of such information.

[3] This survey was conducted prior to the installation of 110 PCs in April, 2001.

One noteworthy response, albeit unexpected, involved the perspective of inadequate work skills of certain employees. Nine percent of the responses indicated that administrative staff lacked sufficient work skills. Surprisingly, administrative staff members were 70 percent of the respondents to suggest this, indicating a strong desire for job-related training.

Information Linkages

The respondents considered other municipal courts (34 percent), County Court (33 percent), Court Accounting Division (33 percent), police departments (30 percent), and the Center for Social Care (23 percent) as the top five agencies or internal court offices with which they are in regular communication. The following information exchanges occur regularly with these entities:

Table 3: Frequent Information Linkages and Flow

From/To Whom?	For What?
Banks	→ List of Assets (Financial information)
Centers for Social Care	→ Appointment of Legal Guardian → Criminal history data on juvenile → Domestic/Individual Assessment report
Commercial Court	→ Certificate of company (business and legal status) ⇆ Case information (Transfer: Improper filing)
County Court	⇆ Case information (Transfer: Appeal)
Court Accounting	→ Proof of payment for expert witness → Storage and release of Decedent's valuables ← Case identification of payment received
Croatian National Pension Fund	→ Pension fund account details
District Attorney	→ Opinion on revision case ← Case transcripts, notices, case memoranda
Land Registry	→ Real Estate Ownership and Value
Ministry of Defense	→ Certification of Service → Military Active Status
Ministry of Finance	→ Certification of Financial Statement → List of court payments received ← Memorandum to Garnish Wages
Ministry of Justice	→ Compact details of foreigner's legal status → Criminal history data on defendants (felonies) → Foreign service delivery
Misdemeanor Court	⇆ Case information (Transfer: Improper filing)
Municipal Courts	⇆ Case information (Transfer: Improper filing) ⇆ Legal assistance (perform case events for other courts)
Police Departments	→ Criminal history data on defendants → Memorandum of process service → Parties and witnesses' addresses ← Dispositions of local residents' cases ← Memorandum for person apprehension ← Memorandum for residence verification
Registry of Death	→ Death Certificate
Unemployment Office	→ Employment status → Unemployment compensation amount

The Human Element in Business Processing

When respondents were asked what types of human errors they have experienced, 20 percent of the responses indicated lost or misplaced files, 18 percent indicated slow intake offices, and about 15 percent acknowledged human errors existed but provided no details. Other errors included: unsatisfactory work conditions (8 percent); understaffed administrative offices (7 percent); handwriting errors and typos (5 percent); and violation of the Book of Rules (3 percent). No responses were provided as to what were the consequences for those errors.

These responses highlight the importance of and the high reliance on the intake offices for timely case processing --45 percent of the responses either listed a problem that is a direct responsibility of intake offices (records management) or stated a problem with their overall work productivity. Simply put, these respondents are affected greatly by the performance of these offices.

In Their Own Words

The respondents provided very insightful comments when asked to state in their own words any suggestions, recommendations, or concerns they may have regarding the use of computers, networks, or other technologies for their work or for their division, or the court. Sixty-two percent of the responses favor the use of technology to improve their work environment and suggest using such technologies as case management software, computers, and Internet access to do this. However, the respondents stressed the importance of training and their desire to receive training to use these technologies more effectively (18 percent).

Twelve percent of the respondents expected some positive outcome from the use of computers, but were concerned about such issues as data security, the quality and sophistication of hardware and software, and safety around computers. Five percent of the respondents expressed concern that computerization was too complicated a task for ZMC to accomplish.

Despite the last response, ZMC is prepared to introduce computerization into its work environment. Besides a significant computer-literate workforce, a desire to use computerization and a willingness to learn and change to accommodate it are widely evident among the Court's employees. Further, the employees understand the complexity of implementing work-related software and the time and effort necessary to make it a success. The employees understand the importance of job training and expect some assurance that the appropriate training will be provided to further ensure a successful implementation.

Users Needs

Based on the above questionnaire findings and the research data collected during interviews, the top needs of Zagreb Municipal Court and its employees are:

1. A record keeping system in which stored information is readily accessible and less time-consuming to maintain
2. Legal research tools
3. Formal and faster communication lines with its external customers/stakeholders to exchange data
4. The use of computerization to assist with daily administrative tasks, particularly those of the intake offices.
5. Job-related training

Chapter Two

Case Review Study Report

The NCSC project team conducted a comprehensive statistics study of civil, criminal, and juvenile cases to determine critical time lapses during case processing time (case delay) and to better understand the overall case timelines at ZMC. Over closed 1,600 cases were selected randomly in proportion to certain case types terminated in 1999.

The study captured for the samples the following case data and event dates:

Chart 1. Data Collected for Samples

Case Type
Case Number
Case Year
Initial Filing Date
First Judicial Action/Order Date
First Hearing Date
Expert Witness Order Date
Expert Witness Report Filed Date
Expert Witness Report Hearing Date
Final Hearing Date
Verdict (Written Decision) Date
Service Date (Written Decision)
Motion to Re-Hearing Date
Re-Hearing Written Decision Date
Appeal Filed Date
Appeal Sent Date
County Court Decision Date
Appeal Returned Date
Revision Filed Date (Supreme Court Appeal)
Revision Sent Date (Supreme Court Appeal)
Supreme Court Decision Date
Total Number of Hearings
Reason for Hearing Adjournment

In the early stages of the project, the team provided to ZMC leadership and court personnel some general court statistics for each division, to provide a context for discussions and preliminary analysis. This data was derived from the annual reports of Zagreb Municipal Court between 1997 and 2000. The statistician at ZMC provided additional data on filed, pending, and, terminated cases per case type during a period between 1996 and 2000.

Civil Caseload Filing Trends and Growth Rates

In 2000, nearly 30,000 civil cases were filed in Zagreb Municipal Court. Between 1997 and 2000, civil filings reached a high of 38,204 in 1999.[4] Overall, the filing trend line below shows that the number of civil filings increased a modest 6.5 percent from 1997 to 2000. During the same period, the number of judicial officers (judges and court advisors) hearing cases increased from 88 to 99 (12.5 percent). Filings per judicial officer were at their highest in 1999 at 390 and at their lowest in 2000 at 294.

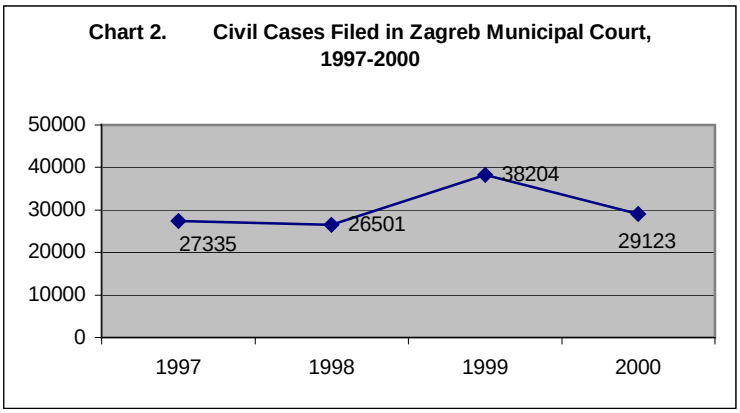
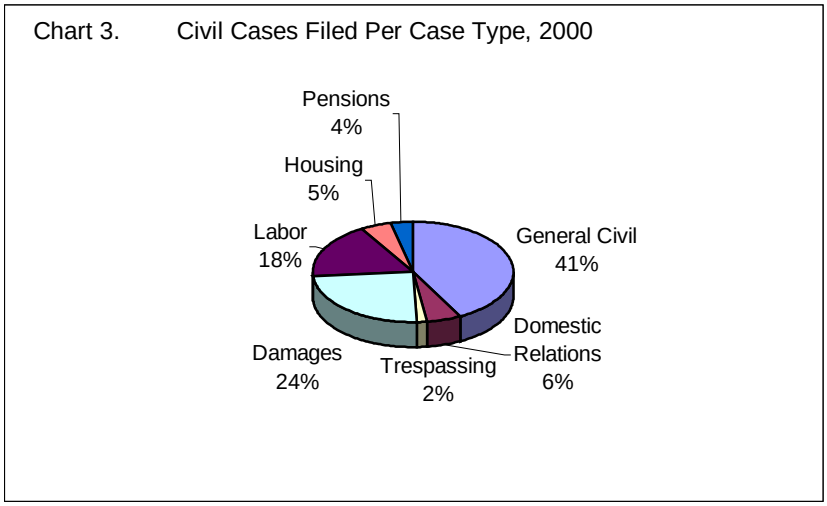


Table 3: Civil Filings in Perspective, 1998-2000

Case Type	1998	1999	2000	Percent Change
All Cases	**26,501**	**38,204**	**29,123**	**+9.9%**
General Civil (P)	9,907	16,024	12,328	+24.4%
Domestic Relations (P2)	1,565	1,625	1,624	+3.8%
Trespassing (Pp)	555	516	476	-14.2%
Damages (Pn)	9,897	8,616	7,012	-29.2%
Labor (Pr)	2,570	6,036	5,141	+100.0%
Housing (PS)	2,007	1,363	1,499	-25.3%
Pension[5]	0	4,024	1,043	N/A

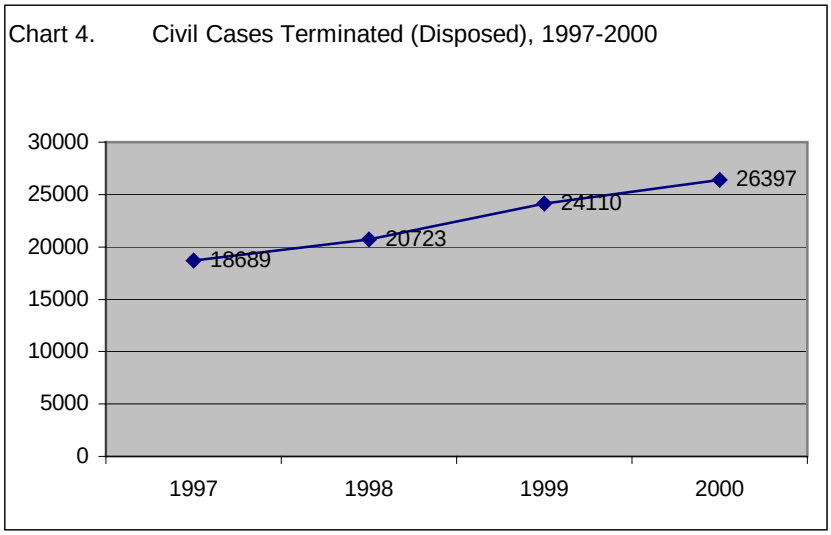
Almost half (42 percent) of the civil cases filed in 2000 were general civil, which involves contract and real property issues. These filings increased 24 percent in two years. Trespassing cases, which are considered emergency or urgent cases, accounted for only two (2) percent of civil filings in 2000 and their filings have decreased 14 percent between 1998 and 2000. Emergency cases (injunctions, trespassing, and general civil cases involving the media) receive special consideration over other cases and they are placed usually on an accelerated calendar track. Labor cases were up over 100 percent in two years and peaked in 1999 with an increase of 3,466 cases or an annual growth of 135 percent.

[4] A legislative change in case jurisdiction that permits the transfer of cases from Commercial Court to ZMC is primarily responsible for the rapid increase in 1999 civil filings. These cases involved disputes against individuals and private and state companies.
[5] A new case type, Pensions, was created in 1999.



Terminated Cases

In 2000, ZMC terminated 26,397 civil cases or 91 percent of new cases filed during the same period (clearance rate). Between 1997 and 2000, cases terminated increased dramatically by 7,708 or 41 percent. With 88 judicial officers hearing cases in 1997, 212 cases were terminated per officer. In 2000, the number of officers increased to 99 and the termination rate increased to 267, a 26 percent increase in work performance.



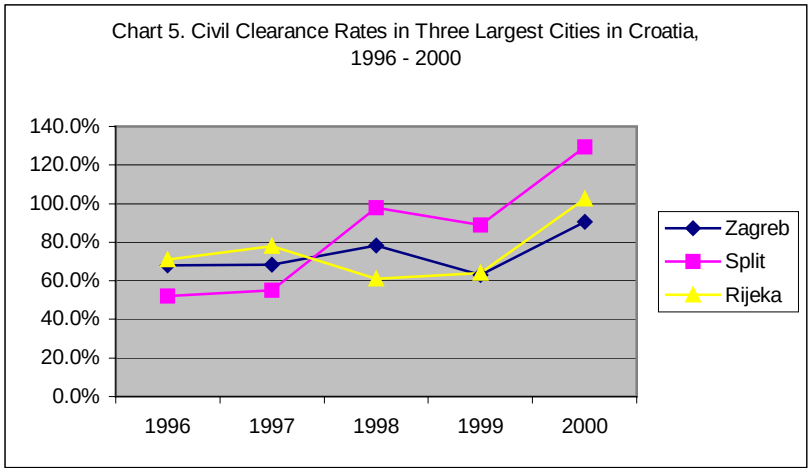
Civil Clearance Rate

One basic measure of court performance is the clearance rate, which is the total number of cases disposed divided by the number filed during a given time period. This measure provides an assessment of whether the court is keeping up with its work. Clearance rates are influenced by two factors: (1) the efficiency with which courts process cases and (2) the rate of civil case growth.[6] A clearance rate of 100 percent indicates that the court is terminating the same number of cases as were filed during a given time period. The following chart shows that ZMC operated below 100 percent for each year between 1996 and 2000.

[6] *Examining the Work of State Courts, 1998*, National Center for State Courts

Compared to civil caseload clearance rates in Split and Rijeka, the next two largest cities in Croatia, Zagreb Municipal Court ranked last with a 73.6 percent clearance rate between 1996 and 2000. Split had the highest average at 84.7 percent and Rijeka had a 75.3 percent clearance rate.[7] All cities experienced a significant increase in clearance rates between 1999 and 2000.

During the same period, the caseload growth in ZMC was 28.4 percent, 69.2 percent in Rijeka, and -9.1 percent in Split. In addition, the ZMC experienced a 20 percent growth in staffing of all judges, 42 percent in Rijeka, and 54 percent in Split. Clearly, those staff increases helped the courts to achieve higher clearance rates. However, in 2000, the average number of cases per ZMC judge remained the highest at 201. Rijeka and Split judges had an average of 165 and 134, respectively. Despite this deficit, the number of closed cases per judge in Zagreb (186) was higher than Rijeka (171) and Split (175) during the same year. On average, ZMC judges were expected to and did accomplish more than their Rijeka and Split counterparts.



Case Processing Time

The mean case processing time (from filing to verdict) for civil cases was 843 days or 2.3 years. Damages cases had the maximum processing time of 1,016 days or 2.8 years and domestic relations had the minimum with 362 days. The longest processing time for a civil case recorded in the sample was 3,889 days or 10.65 years.

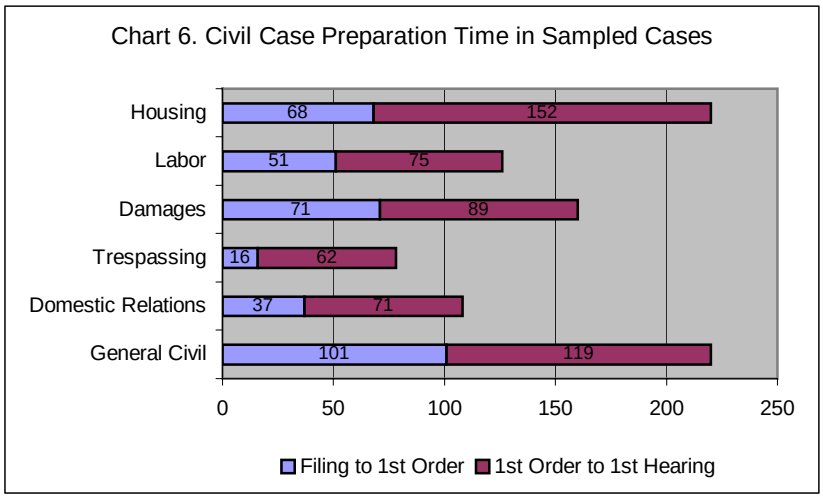
Table 4. Case processing time from filing of complaint to verdict (sampled cases)

Case Type	Number of cases	Mean (days)	Median (days)	Minimum (days)	Maximum (days)	Percent of cases terminated in --		
						Less than one year	Less than 2 years	4 years or more
All Cases	**1,402**	**843**	**557**	**7**	**3,889**	**38.9%**	**58.2%**	**19.4%**
General Civil	488	787	510	18	3,679	45.1	59.9	16.9
Domestic Relations	116	362	191	7	2,142	73.0	85.2	5.2
Trespassing	25	798	314	8	2,697	52.0	56.0	24.0
Damages	504	1,016	708	28	3,889	24.3	51.3	23.9
Labor	174	773	379	52	3,256	48.3	62.6	21.3
Housing	95	946	735	28	3,346	24.5	48.9	23.4

[7] Source: Ministry of Justice.

Case Preparation

The mean time between the initial filing and the first hearing is 172 days or 20 percent of the case processing time. Within this period, the first judicial order is issued within 75 days after the initial filings and 100 days before the first hearing. Trespassing cases have the shortest case preparation time of 78 days, with 16 days on average to issue the first judicial order and 62 days to hold the preliminary hearing after the issuance of the order. General civil cases have the longest preparation time of 212 days, with 101 days for issuance of first judicial order and 119 days to hold the first hearing. In most cases, the order is a notice of hearing to parties. In a few cases, the judge may order a memorandum to the plaintiff for compliance with filing requirements.



File creation, case assignment and recordation, and hearing scheduling are the other primary tasks that occur during this time. Although these tasks are very crucial to case processing, they usually take one or two days to complete and would not account for significant case delay. The time delay occurs between the date the case file was forwarded to the judicial officer and the actual completion dates of case assignment and hearing scheduling. For example, the President may receive a new case file the day after the initial filing, but it may take several days to months before the President can actually review the case for assignment. Another example, the assigned judge may receive a new case file a day after assignment, however, it may take several days to months for the judge to actually review the case.

Such downtime is caused by case backlog and general office interruptions. It is well documented that a major case backlog problem exists in ZMC.[8] At the end of 1996, a civil backlog of 60,541 cases existed. Between 1996 and 2000, the backlog increased 31,594 cases or 52 percent to 92,135. Based on a modest six percent increase in caseload growth over the next five years, it would still take the current number of judicial officers an unrealistic clearance rate of 169 percent each year or close to double their current work performance to alleviate the backlog. To start this enormous task, each officer would have to terminate approximately 460 cases this year.

As regards to staffing, it would take approximately 171 judicial officers, or 69 additional officers to eliminate the backlog in five years with a termination rate of 267 per officer. Without a staff increase, it would take 63 years to eliminate the same backlog, assuming a zero percent increase in future filings and a constant clearance rate of 105.

[8] Several factors contribute to case backlog in ZMC: significant increase in case filings, short and frequently interrupted workdays, unexpected staff absences, insufficient resources, etc.

Hearings and Adjournments

The mean time between the first hearing and the final hearing is 496 days (16.5 months), 57 percent of the case processing time. During this time, an average of 3.4 hearings are held or about one hearing every 145 days (5 months). Trespassing cases have the highest number of hearings at 5.4 with a hearing held once every 126 days. Domestic relations cases have the lowest number of hearings at 2.3 with a hearing held once every 96 days. Damages and labor cases have the longest time lapse between hearings with 173 days or about two hearings a year. The maximum number of hearings in one case was 17. This damages case had a total case processing time of 2,750 days. The case with the maximum processing time (3,889) had only six hearings.

A high number of adjournments is considered one of the contributing factors to case delay. Fortunately, ZMC has a fairly low adjournment rate of 2.5 adjournments per case, considering the first hearing is generally preparatory to establish the track of the case. Trespassing cases have the highest rate of adjournments at 4.4 and domestic relations cases have the lowest at 1.5.

The top reason for hearing adjournments is the failure to appear of case parties and witnesses (43 percent).[9] About one out of every three hearings is adjourned because of failure to appear (FTA). Clearly, FTA is causing significant case delay. Also, such a high-level of FTA suggests a flawed service process that does not meet the Court's needs. Deficiencies that may exist in this process include: (1) poor or ignored service procedures; (2) high address error rates; and (3) services that occur during working hours in which most parties are not available.

Another reason for poor service could be the reluctance of defendants to be served. In avoiding service, defendants can delay the case considerably. One practice of the postal system is to post a notice of attempted delivery and instructions for pick-up at the post office within five days. A high return rate in these undelivered notices would suggest a deliberate avoidance of service.

Because the discovery occurs throughout the case, additional hearing adjournments and case delay occur to collect and review new evidence. Incomplete evidence and the presentation of new evidence accounted for 33 percent of the adjournments in the sampled cases. These adjournments suggest that parties and attorneys are ill prepared for hearings or purposely cause time delay and are often granted continuances or extended deadlines for further case review.

Another possible reason for case delay during this time is the use of deadline dates instead of hearing dates for the completion of specific orders. Not only does it delay the scheduling of the next hearing, the use of deadline dates tends to make the case inactive and undetectable by judges until notified by the intake office (deadlines/dates are not recorded in the judges' business diary).[10] Also, judges are usually not notified of compliance with a deadline until a day or two prior to that date. Therefore, case scheduling does not benefit from earlier submissions.

The use of deadline dates may explain the existence of an unusually high time delay within a court with a low adjournment rate. Adjournments are being replaced with non-compliance with deadline dates and the extension of the time between hearings, which is relatively high (5 months). The project team suspects a high number of deadline dates in these cases; however, the court tracks only a limited number of deadline dates because of space limitation on the cover of the case file.[11]

Expert Witnesses

403 cases or 29 percent of the sampled cases used an expert witness. The mean case processing time involving expert witnesses was 1,048 days or 2.9 years, an increase of 205 days above the total sample

[9] Case parties accounted for 27 percent of the non-appearances and witnesses accounted for 16 percent.
[10] As stated in Article 180 of the Book of Rules, [judges] should record deadline dates in their diaries.
[11] Six slots exist on each case folder for hearing dates and for deadline dates. Once these slots are completely filled-in, the clerk erases prior entries to enter new dates.

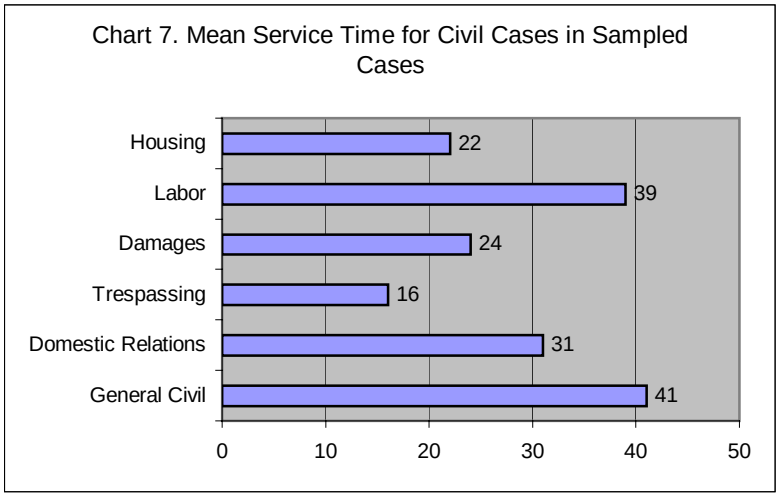
average and 287 days over the total case processing time for cases without expert witnesses (761 days). A total of 356 or 88 percent of those cases were damages cases.

On average, expert witnesses filed their reports in 158 days -- more than five times the required filing period of 30 days. Such a high-level of non-compliance would suggest blatant disregard of court rules by expert witnesses. However, the more likely reason for the delay is non-payment of witness fees by plaintiffs. Until this fee is paid, the case is inactive. Another possibility for the delay is the use of a limited number of expert witnesses because of their higher-level of expertise. Thus, creating a work overload for those witnesses.

Also, the reluctance of the defendant to participate in the proceedings can delay the witness review. Attempts to interview defendants or to obtain additional information may go unanswered. Finally, simple non-compliance by expert witnesses could be a minor occurrence.

Final Disposition and the Appellate Process

Once the case is closed, civil judicial officers spend an average of 119 days writing the final decision or 14 percent of the case processing time. By law, judicial officers have at most 16 days to render a judgment and provide a copy of the judgment to the parties. In addition, the Court spends another 32 days on average serving the decision to the parties, which further extends the appellate period of 15 days.



Of the cases reviewed, 366 or 26 percent of them were appealed to the County Court and a motion to re-hear was filed in 25 or 1.8 percent of the cases. Fifty-one percent of the appealed cases were damages cases, followed by labor cases (14 percent) and general civil cases (13 percent).

Per case type, 61 percent of trespassing cases were appealed, followed by housing (41 percent); damages (37 percent); and labor (30 percent). It took an additional 444 days (appealed filed date to date the County Court decision was returned to ZMC) to complete the appellate process.

Of the 366 appealed cases, 74 or 20 percent of those cases were remanded and returned to the Court for re-hearing.[12] General civil cases had the highest return rate of 37 percent, followed by domestic relations and housing (31 percent); labor (23 percent); damages (13 percent); and trespassing (6 percent).

[12] Cases that were reversed are not included.

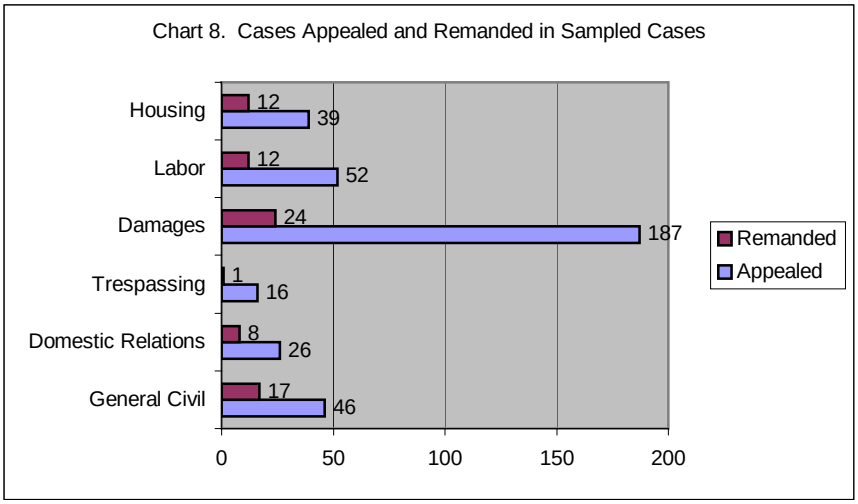


Chart 8. Cases Appealed and Remanded in Sampled Cases
Housing
Labor
Damages
Trespassing
Domestic Relations
General Civil
12
39
12
52
24
187
1
16
8
26
17
46
0
50
100
150
200
Remanded
Appealed

Criminal Caseload Filing Trends

Since 1997, the filing trend peaked in 1998 with 4,165 new cases but has steadily decreased during the following years. Overall, the filing trend line below shows that the number of criminal filings decreased 19.4 percent from 1997 to 2000. A sharp decrease occurred between 1999 and 2000 with a decline of 625 cases or 16 percent of the caseload.

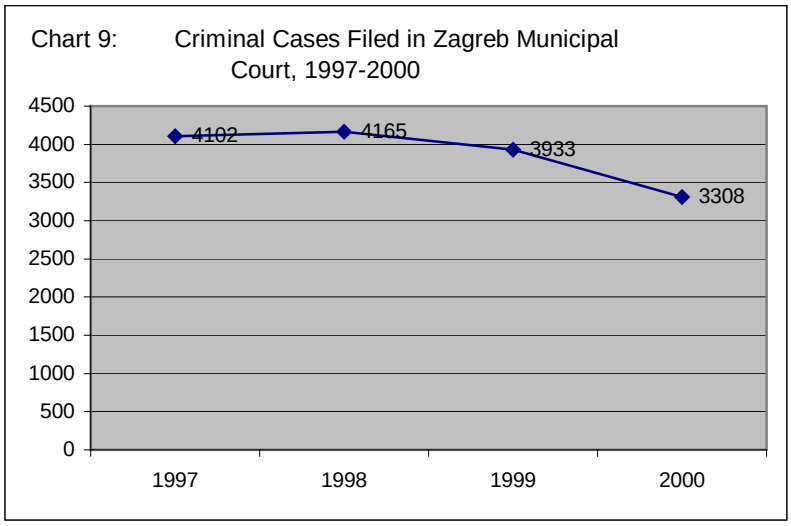


Table 5: Criminal Filings in Perspective, 1996-2000

Case Type	1996	1997	1998	1999	2000	Percent Change
All Cases	**3,532**	**4,102**	**4,165**	**3,933**	**3,308**	**-6.3%**
Private Prosecutor (K)	426	448	401	375	376	-11.7%
Public Prosecutor (Ko)	2,090	2,546	3,206	2,996	2,535	+21.3%
Major Traffic Offenses (Ks)	1,016	1,108	558	562	397	-61.0%

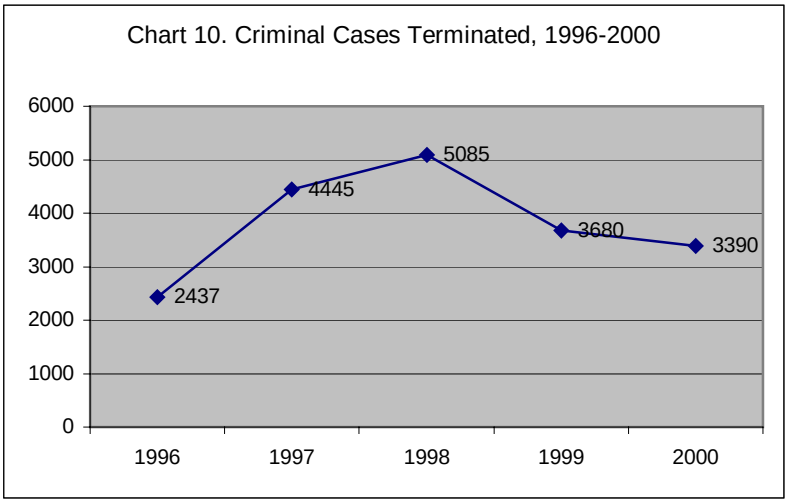
Over 75 percent of the criminal cases filed in 2000 were cases brought by the Public Prosecutor's office. Although criminal filings experienced a 6.3 percent decrease between 1996 and 2000, these public prosecutor filings increased 21 percent over the last five years. Between 1997 and 1998, traffic offenses prosecutions dropped dramatically with a 50 percent decrease in filings.

Terminated Cases

In 2000, ZMC terminated 3,390 criminal cases or 102 percent of new cases filed during the same period. The highest clearance rate was 122 percent in 1998. Between 1996 and 2000, cases terminated increased by 953 cases or 28 percent. The number of judges and court advisors remained relatively constant throughout these years (34 - 36) and the division averaged a termination rate of 108 cases per judicial officer. The division achieved its highest termination rate in 1998 at 145 cases per judicial officer.

Compared to criminal caseload clearance rates in Split and Rijeka, Zagreb Municipal Court ranked second with a 96 percent clearance rate between 1996 and 2000. Rijeka had the highest average at 102 percent and Split had a 95 percent clearance rate.[13] During the same period, the caseload growth in ZMC was 6.7 percent, -12.5 percent in Rijeka, and -6.2 percent in Split.

[13] Source: Ministry of Justice. The criminal statistics include juvenile cases as well.



Case Processing Time

The mean case processing time (from filing to verdict) for criminal cases was 780 days or 2.1 years (25 months). Cases with a private prosecutor had the longest processing time of 890 days or 30 months and traffic offenses had the shortest processing time of 131 days or 4.4 months. The longest processing time for a criminal case recorded in the sample was 3,549 days or 9.72 years (117 months).

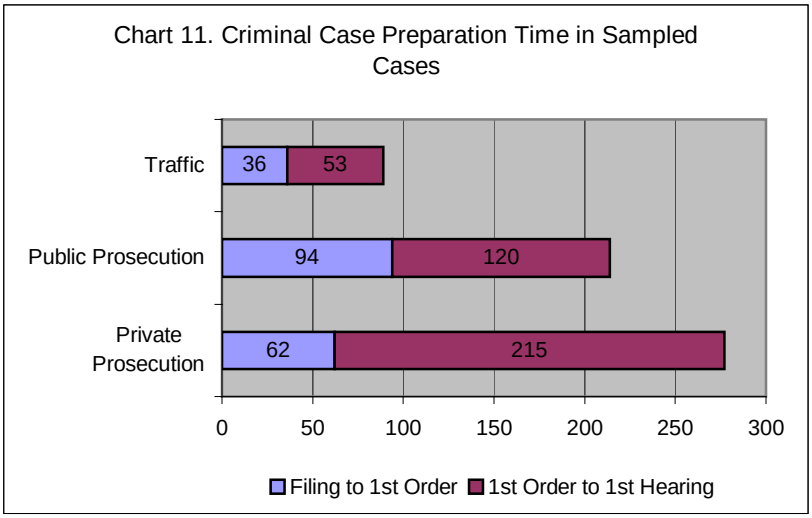
Table 6. Case processing time from filing to verdict (sampled cases)

Case Type	Number of cases	Mean (days)	Median (days)	Minimum (days)	Maximum (days)	Percent of cases terminated in --		
						Less than one year	Less than 2 years	4 years or more
All Cases	**236**	**780**	**415**	**9**	**3,549**	**45.3%**	**61.9%**	**14.4%**
Private Prosecutor	47	890	810	71	2,421	12.8	46.8	10.6
Public Prosecutor	156	881	502	9	3,549	44.2	59.0	18.6
Major Traffic Offenses	33	131	110	22	345	97.0	97.0	0

Case Preparation

The average time between the initial filing and the first hearing is 239 days or 31 percent of the total case processing time. Within this period, the first judicial order is issued within 65 days after the initial filings and 173 days before the first hearing. Traffic cases have the shortest case preparation time of 89 days, with 36 days on average to issue the first judicial order and 53 days to hold the first hearing after the issuance of the order. Cases with private prosecutors have the longest preparation time of 279 days, with 62 days for issuance of first judicial order and 215 days to hold the first hearing.[14] However, cases with public prosecutors have the longest time between filing and the issuance of the first order (94 days). In most cases, the order is a notice of hearing to parties or request for criminal history or both.

[14] Since public prosecutions are considered a higher priority than private prosecution, those cases are placed on a faster scheduling track, which creates further time delay for private prosecution cases.



In evaluating this period further, the team concludes that backlog is the most logical reason for such case delay. At the end of 2000, the backlog consisted of 8,404 cases or approximately 2.2 years of workload in the criminal division. Fortunately, the criminal division is currently decreasing its backlog. It is down from a high of 9,494 in 1996 to 8,404 in 2000, an 11 percent decrease. But at this rate, an average clearance rate of 103 percent, it would take over 36 years to eliminate the backlog. If the criminal division could repeat the clearance rate it achieved in 1998 (122 percent) over an extended period of time, it could eliminate the same backlog in less than five years, assuming a zero percent increase in future filings.

Hearing and Adjournments

The mean timeline between the first hearing and the last hearing was 435 days or 56 percent of the case processing time. During this period, an average of 4.7 hearings were heard. Cases with private prosecutors have the highest number of hearings at 6.7 with a hearing held once every 94 days. Traffic cases have the lowest number of 2.2 hearings with a hearing held once every 20 days. Cases with public prosecutors have the longest time lapse between hearings with 101 days. A case with a state prosecutor had the highest number of hearings with 22 for a total case processing time of 1,470 days. The case with the highest processing time (3,549 days) had 19 hearings.

In the above case with 22 hearings, 16 adjournments occurred because of party failure to appear. Criminal cases averaged about 3.7 adjournments per case. At 84 percent, failure to appear is the top reason for hearing adjournments. About seven out of every ten hearings are adjourned because of failure to appear. Case parties accounted for 68 percent of the non-appearances and 16 percent of the non-appearances were attributed to witnesses. Absence of the judge accounted for only 3 percent of the adjournments.

As with civil cases, reluctance of defendants to be served and poor service rate are the primary reasons for failure to appear. Avoiding mail service and the police officers (the Court issued a capias ad respondendum or simply a "capias") benefit defendants in criminal cases without major repercussions.

Expert Witnesses

57 cases or 24 percent of the sampled criminal cases used an expert witness during the proceedings. The average case processing time involving expert witnesses was 756 days or 25 months, a decrease of 24 days from the total sample average and 40 days below the total case processing time for cases without expert witnesses (796 days). Private prosecution cases accounted for 42 percent of the cases with expert witnesses; traffic cases (37 percent); and public prosecution (21 percent). On average, expert witnesses filed their reports in 53 days or 23 days longer than the required filing period of 30 days. Since the city pays the expert witnesses, work overload of the witnesses, reluctant defendants, and simple non-

compliance may contribute to the small delay in filing. The appeal rate was the same for cases with and without an expert witness (35 percent).

Final Disposition and the Appellate Process

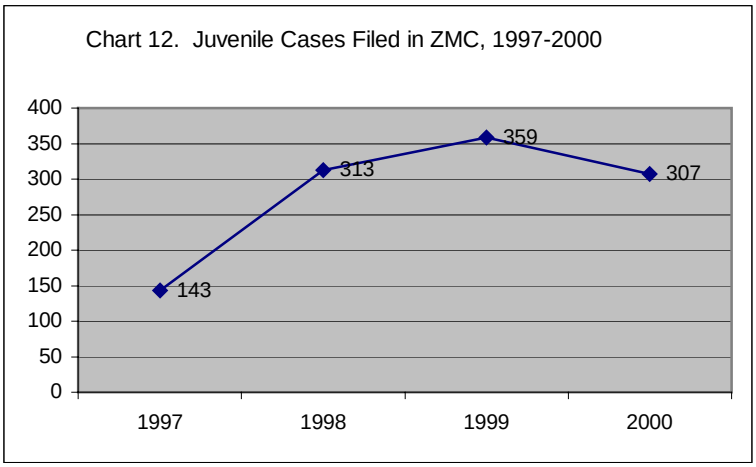
Once the case is closed, criminal judges spent an average of 57 days writing the final decision or 7.2 percent of the case processing time and the Court spent another 25 days on average serving the decision to the parties. Of those cases, 82 or 35 percent of the cases were appealed to the County Court. Over half (52 percent) of the appealed cases were general criminal with Public Prosecutor, followed by general criminal with private prosecutor (38 percent) and traffic (10 percent).

Of those 82 appealed cases, 22 cases or 27 percent were remanded and returned to ZMC for re-hearing. Thirty percent of the public prosecution cases were remanded, followed by traffic cases (25 percent) and private prosecution cases (23 percent).

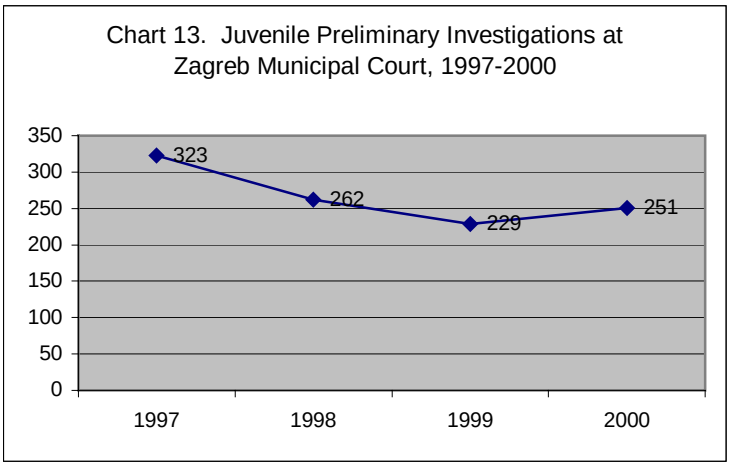
Per case type, 66 percent of general criminal with private prosecutor were appealed, followed by general criminal with Public Prosecutor (27 percent), and traffic (24 percent). It took an additional 193 days to complete the appellate process.

Juvenile Caseload Filing Trends

Since 1997, the filing trend for juvenile cases peaked in 1999 at 359 new cases. A rapid decrease occurred the following year with a decrease of 52 cases or 14 percent. Between 1997 to 2000, the filing trend line below shows that the number of juvenile filings increased 115 percent.[15] With four juvenile judges, the annual caseload averages 70 cases per judge, with the highest filings per judge at 90 cases in 1999.



In Croatia, the juvenile judges also conduct the preliminary investigation as regards to the alleged charge(s) against the juvenile. Between 1997 and 2000, ZMC averaged 266 investigations per year. Since 1997, investigations experienced a rapid decrease of 29 percent until 2000. In 2000, the investigation increased modestly by 9.6 percent. Overall, the filing trend line below shows that the number of juvenile investigations decreased 22 percent from 1997 to 2000. The cumulative charge rate (an investigation that results in a juvenile petition) was 51 percent or approximately one out of every two investigations resulted in a formal charge(s) being filed against the juvenile by the DA's office.



Case Processing Time

The mean case processing time for juvenile cases was 220 days or 7.3 months. During this period, an average of 1.9 hearings took place and 1.3 adjournments occurred per case. At 80 percent, failure to appear (FTA) was the top reason for hearing adjournments. Failures to appear were due to no-show by parties to the case (75% of FTA) and by non-appearance of witnesses (25% of FTA)). The mean time between the

[15] Abuse and neglect cases were transferred from the Criminal Division to the Juvenile Division in 1998.

first hearing and the last hearing was 70 days or 32 percent of the total case processing time. The mean time between the initial filing and the first hearing was 137 days or 62 percent.

Clearance Rate

Between 1996 and 2000, the Juvenile Division adjudicated juvenile cases at a clearance rate of 98.3 percent. For abuse and neglect cases, a 51 percent clearance rate was achieved between 1998 and 2000.

Expert Witnesses

Only two (2) cases or five percent used an expert witness during the court proceedings. Of the two cases, the expert witness filed his or her report in 60 days for one case and in 20 days for another case. Both cases were juvenile criminal.

Final Disposition and Appellate Process

Once the case is closed, juvenile judges spent an average of 13 days writing the verdict and the Court spent another 19 days serving the verdict to the parties. Only four (4) cases or 10 percent were appealed to the County Court. 75 percent of the appealed cases were juvenile criminal. Per case type, 14 percent of the abuse and neglect cases and nine (9) percent of juvenile criminal were appealed. It took an additional 245 days to complete the appellate process.

Findings

Overall, the Juvenile Division operated within reasonable time periods for case processing. The familiarity of the cases from conducting the preliminary investigations may help the judges to adjudicate cases in a timely manner. However, 62 percent or 137 days of the total case processing time is devoted to case preparation (initial filing to first hearing). Granted, the judges may be waiting for home study reports from Centers of Social Care or the division's service providers before proceeding with the case; the time lapse is still unusually long. Also, the percentage of this time period compared to the percentage of same time period in the other divisions is significantly higher. As with the other divisions, backlog is the primary reason for case delay.

At the end of 2000, the backlog consisted of 337 cases or 85 additional cases per judge. With an average of 70 cases terminated annually, the backlog should generate about a 15-month initial time delay for non-emergency cases. Fortunately, the judges are able to act upon the new filings within a third of that time.

Chapter Three

Business Process and Improvement Review

The NCSC project team reviewed and evaluated the business processes of the civil, criminal, enforcement, and juvenile divisions at the ZMC. The scope of the review included all judicial and administrative functions performed during case processing time, including post-adjudication events such as the appellate process. In anticipation of further discussion and review by the Croatian justice community, the team identified the articles within the Book of Rules that may require changes to accommodate NCSC recommendations. In alignment with the USAID objectives, special emphasis was placed on civil processes.

The following objectives were created to guide the focus of this review and to provide the expected end-results of suggested improvements:

(1) Streamline processes when possible
(2) Enhance the computerization of case tracking processes
(3) Improve and enhance the coordination of job functions
(4) Access cost recovery opportunities
(5) Focus and enhance the impact of customer's perspectives in these processes.

In addition, the customers and goals of these processes, and issues/problems associated to those goals were also identified. Along with the above objectives, these components served as benchmarks to identify high-impact deficiencies in the current processes. Brief descriptions and recommendation(s) to alleviate these deficiencies are provided later in this chapter.

The NCSC team identified the customers of ZMC, who are direct users of the court (facility, staff, or information) or entities with a vested interest in the court (stakeholders). Customers' perspective on the state of the Zagreb Municipal Court was obtained using various information collection tools.[16] Below is the list of the customers and their relationship to the Court. The relationships are: primary customers, primary stakeholders, and secondary stakeholders.

- Judicial Community (primary customer)
  - Attorneys
  - Bar Association
  - Judges
  - Other Courts
- General Public (primary customer)
  - Litigants
  - Offenders
  - Victims
- Ministry of Justice / Legislative (primary stakeholders)
- Internal/External Customers (primary stakeholders)
  - Court employees
  - Other internal divisions and offices
  - Other external government agencies
- Public at Large (secondary stakeholders)

Next, the goals were generated. Current processes were gauged on their success in accomplishing these goals. A low success rate suggested room for improvement. The goals are:

[16] Consistent with USAID's request, the team placed priority on interviews with judicial and court personnel, and with a few attorneys. Discussions with the bar association, public prosecutors, and possibly surveys of the public at large may take place at a later time.

Provide fair and swift justice to the citizens of the city of Zagreb, Croatia
Create, maintain, and preserve an accountable and accurate record keeping system
Provide comprehensive court information to internal and external customers
Improve customer service, internally and externally
Maximize the productivity of court staff
Promote uniformity and consistency

Finally, the team identified current issues and problems that are in direct conflict with the above goals. These issues/problems surfaced through interviews and survey tools, and from collected research materials. The top issues/problems faced by the ZMC are as follows:

Excess Paperwork and Process Steps
Manual collection, maintenance and preservation of most case record data (hardcopy)
Entry and re-entry of case and court data in multiple registries and directories
Minimal or no automation
Incomplete or inaccurate filings forwarded to multiple divisions/offices

Non-Value Added Activities
Case delay (i.e. backlog, unnecessary hearing adjournments, flawed service process, etc.)
Duplication of work efforts
Search for missing or misplaced files

Unnecessary Complexity
Same events are tracked by multiple divisions/offices versus one central point
Court users are unclear on court procedures or filing requirements prior to filings
Croatian law and regulations mandate detailed and sometimes tedious record keeping procedures

Process Deficiencies and Recommendations

Overall, the business processes are well organized and adequately established to support case processing and to facilitate record keeping that is reasonably accurate and timely in maintaining case information. Because the system is completely manual, some duplication of work efforts, particularly in capturing and re-capturing the same case information, is required to ensure accountability (through double or triple checks) and to provide timely information to multiple offices. Unfortunately, this duplication of work efforts enhances the likelihood of information errors and possibly creates confusion and case delay during the process.

Case backlog is the number one problem the Court faces. The recommendations provided below will improve case movement and decrease the time delays experienced in case processing, but they will not provide the time or resources required to eliminate the massive backlog. As stated before, if these recommendations were to increase the clearance rates for civil and criminal divisions to reasonable levels, it will still take 63 and 36 years to eliminate the existing backlog, respectively.

The Court must consider some radical solutions to decrease significantly the backlog within a reasonable time. Of course, the obvious solution is an increase in workforce. Based on the sheer size of the backlog, such an increase is warranted, albeit temporarily. Other radical interventions the Court should consider are:

- Extended work days and hours
- Mass dismissals (without prejudice) of inactive old cases
- Mass time-scheduling of hearings instead of specific start time for each hearing

The following deficiencies identified by the NCSC project team are grouped by operating procedures documented in the case-flow operating procedures report (See Appendix C).

Initial Filing

No standard format for collecting information for initial civil and enforcement filings

Deficiency: Petitioners are allowed to file their initializing briefs (complaints) in any format with minimal filing requirements. During the filing phase, mailroom clerks spend time scanning the brief looking for specific information to determine compliance. Further, intake clerks repeat the scanning process to extract key data from those briefs to complete the record keeping registries.

Result: Extra time is spent reviewing court documents for information to determine compliance and to record case information.

Recommendation: Create a civil filing form for case initiation and eventually expand the use of form to other common pleadings. The top portion of the form will contain clearly defined spaces (fields) for key information. The bottom portion of the form will provide additional space for the petitioner to explain the alleged cause of action in his or her own words. The civil form will decrease the scanning time needed to determine compliance and improve the time necessary to record the case in the registries. However, the use of the civil form will not be mandatory, but strongly suggested by the Court and readily available to the general public.

Republika Hrvatska **Zagreb Municipal Court** **Zagreb - Ul. grada Vukovara 84**	**FOR COURT USE ONLY** **Assigned Judge:** **Case No.**
Name and Addresses of Plaintiff 1	**CIVIL ACTION FILING** **(Please check one)** ❑ **Contract (General)** ❑ **Labor** ❑ **Real Property (General)** ❑ **Damages** ❑ **Domestic Relations** ❑ **Housing** ❑ **Trespassing** ❑ **Pension**
Name and Addresses of Plaintiff 2	**Name and Address of Attorney** **Telephone No:** **Fax No:** **Bar Number:**
VERSUS	**FEE WAIVER**
Name and Addresses of Defendant 1	**Waiver of Fees Requested?** **Y** **N** **If yes, please attach your certification of financial statement**
Name and Addresses of Defendant 2	**TYPE OF REMEDIES SOUGHT:** ❑ **Monetary** ❑ **Non-monetary; declaratory or injunctive relief** ❑ **Punitive**
PLAINTIFF'S CLAIM Defendant owes me the sum of $_____, because (describe claim and provide dates)	

Diagram 1: Sample Civil Form

Standard forms with pre-defined space for variable text will also increase the entry speed once the case initiation and other points of entry processes are computerized. To further enhance data entry speed, the position orders of the entry fields on the screen will match the positions of those same fields on various forms. For example, the case initiation entry screen for the above sample civil form would have the assigned judge and the case number as the first two data fields.

Eventually, the Court should conduct a court-wide forms review to identify forms that could be created, consolidated or eliminated. The review should establish standards for design, frequency, layout, medium, and method of dissemination.

Payment of filing fees is not required during the initial filing

Deficiency: Petitioners are not required to provide payment or submit a certification of financial statement (for waiver of fees) during case initiation. At that time, mailroom clerks inform petitioners of the exact amount of the filing fees and note payment status on the case file.

Result: Judge is required to send a memorandum to petitioners asking for filing compliance, including fee payment. The case is placed on hold until proof of payment is submitted. Thus, this method causes case delay and work-hours are spent on preparation for cases that could be dismissed because of non-compliance.

Recommendation: The Court should require payment or the submission of the certification of income during initial filing. This procedural change will eliminate the need for the memorandum to advise petitioners of payment, the tax note process in the mailroom, and the subsequent filing of the payment receipt in the case file when mailed or hand-delivered. Further, such a requirement will not restrict equal access to justice because the old method also places the court proceedings on-hold until payment is received. The on-hold status just occurs later in the case preparation process after significant work-hours are devoted to the case. Finally, this change will improve work productivity and re-capture the time spent on cases that could be dismissed swiftly because of non-compliance.

No flat fee for civil and enforcement filings

Deficiency: Mailroom clerks calculate the filing fee based on the claim amount of the complaint. Although the sliding fee scale is public information and available to the general public, very few petitioners are aware of the total filing fee and are not prepared to submit proof of payment during filing.

Result: The calculation process requires additional steps during the initial filing phase. Besides calculating the fee, the mailroom clerks must note the payment method on each case file. Also, the sliding scale does not work effectively as a deterrent to extremely high claim amounts: businesses can afford the large fee and private citizens can request a waiving of fees.

Recommendation: The Court should charge a flat fee for all civil and enforcement filings. Calculated based upon past receipts to ensure no revenue loss, a flat fee will eliminate the task of calculating the fee amount for civil and enforcement filings. Also, it will help facilitate the proposed payment requirement recommended above – parties will know in advance what to pay to file a case.

Case Assignment

Division Presidents perform case assignments to judges

Deficiency: All filings are forwarded to Division Presidents for case assignments. For example, the civil division received about 30,000 new filings in 2000. With approximately 240 workdays in a calendar year, on average the Division President received 125 case files per day for assignment. Also, the case preparation time -- from initial filing to first hearing -- is approximately 172 days or 5 months, an unusually long time before holding a civil preliminary hearing. Case assignment is one of the primary court tasks within this time period. The Court states this practice is in place to assign complex and sensitive cases to more experienced judges. However, a very high percentage of civil cases are assigned on a random basis.

Result: Case delay and case backlog. The Court admits that case assignment is purposely delayed because a sizeable backlog exists among the judges. However, the expectation that the division presidents can review and assign all cases in a timely manner and perform other tasks, including hearing cases as well, is somewhat unrealistic.

Recommendation: Immediate assignment of new cases to judges, usually within one day, is considered one of the effective approaches to improve case movement.[17] First, the timely assignment establishes immediate accountability and responsibility. Second, the decision to issue a schedule order occurs much earlier in the process and provides a timely response to the parties. Even with the sizeable backlog in ZMC, a deliberate delay should not occur at the assignment phase -- this procedure immediately invokes an inactive case status.

With a high number of cases already randomly assigned to judges, a natural progression is to reallocate the assignment responsibility to the support staff. All case files could be forwarded directly to the appropriate intake offices from the mailroom for case number assignment and recordation. In addition, the assignment clerk can assign the case to the judge randomly based on the same method used by the division presidents. Upon receipt of the case, if a particular judge feels a case is too sensitive or too complex to handle, the judge can inform the division president for re-assignment. If a more "hands-on" approach is required during case assignment, the division presidents can establish simple criteria to use for direct assignments to specific judges.

Eventually, this entire assignment process could be computerized. The random and direct assignment criteria mentioned above can easily be translated into computer language. The computer, or actually the case management software, would mimic perfectly the manual procedures, but at a much faster rate. Upon entry of case information in the computer, the application would establish a case record (equivalent to registries' entries) and perform case number and judge assignments within seconds.[18] Further, the computer could check the assigned judge's calendar (electronic business diary) and schedule a preliminary hearing date based on the judge's availability. The judge will have the final say in the scheduling and could easily re-schedule the case to another hearing date if necessary. Finally, hard-copy listing of judges' assignments in various formats can be generated immediately for workload assessment.

Case Data Recordation and Number Assignment

Repetitive entries of case information

Deficiency: Case information is recorded in at least three (3) different registries within the same day, and the same data is captured more than once. The information is also transferred to three statistical forms.

Results: Although repetitive, multiple entries of the same information are necessary in a manual system for auditing purposes and timely information dissemination, despite the existence of multiple registries indices are limited to a few fields (i.e. defendant, case number, etc.); and the lack of indexed data requires that information searches involve a review of the entire registry.[19] Also, the court rules state that all pending cases, two years or older, must be transferred (re-written) to the current annual registries.

Recommendation: Because the current record keeping system works well in this manual environment, the project team proposes no manual changes. However, this process is a perfect candidate for computerization -- it is time-consuming, repetitive, and predictable (the Court knows when and where the process occurs).

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[17] *Civil Action: A Briefing on Civil Justice Reform Initiatives*, Vol. 1, Number 1, National Center for State Courts, August 2000.
[18] In well-designed case tracking systems, users are given the option to perform case number and judge assignments via the computer or to manually enter those assignments.
[19] An index is a list or table of one or more column fields that is sorted based upon the alphabetical or numerical order of one of those fields. The primary or sort key field is used as a reference to locate other specific data in the row.

The team proposes the electronic capturing of all data fields only once. Once captured, the Court can access, delete, modify, and review this data using one central location as the repository (i.e. a database).[20] Moreover, the data is available to multiple users simultaneously -- at the same time, a judge in a courtroom can review the same record as a clerk in the intake room. The Court can add new data to this case record without repeating identifying fields and search quickly for case records using several sort key fields.

Finally, the Court can produce numerous hard-copy reports in whatever format desired, including reports that can duplicate the format of the registries and other court reports.

Multiple tracking systems for a single event

Deficiency: Case file location is tracked in at least three different ledgers, including the file tracking registry and the checkout ledger in the judges' mailbox.

Result: Although staff members feel more comfortable with their own ledgers when tracking case files, this practice causes redundancy or unnecessary and duplicate work for at least two staff members. Also, these ledgers cause more confusion via possible discrepancies (errors) in entries when a particular file is misplaced or lost.[21]

Recommendation: The Court should designate one central location (i.e. the file tracking registry) as the official record -- the Court should use no other ledgers. The responsibility for tracking cases in the registry should be assigned to no more than two intake clerks to ensure accountability. These clerks will track the in- and outflow of all case files. Also, management should require all case transfers to pass through the intake offices -- no direct transfers between judges, for example. With such a structured process, the Court should experience a decrease in misplaced and lost case files.

Computerization of the file tracking registry will expedite the check-out process and provide court-wide access to the whereabouts of these files via each computer desktop, thus eliminating completely the need for separate file tracking ledgers. To ensure data accuracy and integrity, the intake clerks responsible for file transfers will have insert and update capabilities in the file tracking module (sub-component) of the case management application. All other court employees will have view only capability.

Eventually, the court could consider bar coding technology -- the electronic tracking of files using case folders with bar codes affixed to them. Although the ultimate goal is to reduce the dependency on manual case files, current problems could be lessened with this technology. However, the file tracking module and bar coding technology rest upon the assumption that employees will follow faithfully the rules concerning "checking out" files.

Filing Protocol for Case Files

Filing system does not provide quick access to case files

Deficiency: In two separate filing systems, case files are stored by deadline and hearing dates using only the day. These filing systems consist of slots numbered 1 through 30.

Result: Clerks cannot easily find a case file without the deadline or hearing date. Once the hearing date is obtained, the clerk is still required to search through a large stack of case files (all

[20] Case management applications have security levels, including passwords, which limit access to certain functions and information. These restrictions are set by management to ensure data integrity and avoid access to sensitive or confidential information. Also, these applications track all electronic transactions at least by user identification (via unique passwords and user identification numbers) to provide an audit trial.

[21] Conditions on required entries in the registry further complicate file tracking.

cases with the same court day) to locate the file. For example, with 41 civil judges hearing general civil cases in which each judge can schedule at least eight cases per day, a particular day slot could have as many as 328 case files.[22] Further, this filing method delays the insertion of loose case documents, particularly notice receipts, into case files. Since filing these notices is time-consuming, they are not inserted into the case files until one or two days before the hearing or case review. Such a delay in filing increases case delay and the chances of unexpected hearing adjournments.

Recommendation: The Court should consider storing case files in case number order and grouped by case type and case year. In an upright position, these case files should have end tabs facing out of the shelves of the filing unit for ease of reading and retrieval. These end tabs should be color coded to assist filing accuracy. This filing system can accommodate both types of files, cases with pending hearing dates and cases with pending deadline dates, thus eliminating the need for two separate filing systems.

One advantage of this filing system is direct access to case files. With just a case number, intake staffers can quickly locate and retrieve the case file to assemble it for hearing or review, to file loose case documents, and to remove it for archiving. The intake office could possibly eliminate the separate filing system for notice receipts and file those receipts immediately into the appropriate case files.

The Court should also consider upgrading its filing equipment. Although the current filing units are open-shelf lateral files, which have the highest efficiency rating and are considered the most economical among all filing systems, the high-number of thick, immoveable shelf dividers and the flat position of case files within these units decrease significantly their effectiveness. Open-shelf lateral files with moveable dividers in which the case files are positioned upright would be ideal for the Court.

Also, the Court should consider changing its case folders to one color with end tabs.[23] Such a change will decrease the overall cost, simplify the ordering process, and ensure the availability of files to all divisions. The Court will need to purchase color-coded numerical labels to insert on these end tabs. These labels will display the case type (color scheme), case year and case number.

Computerization of Basic Case Information

Computerization will decrease the high-reliance on case files and the information captured (written) on them. In a case management application, the case number as one of the case's primary index key will be linked to several electronic records. These records will contain court data currently written on the case file, such as parties names and addresses, case title, assigned judge, hearing and deadline dates, archival date, and list of pleadings. Without retrieving the case file from the filing system, a judge, secretary, or clerk can obtain the current status of cases, future hearing dates, and parties' information at their workstations. Further, the Court can store electronically a near-unlimited number of parties, hearing dates, pleadings, and court events that is readily accessible to users – a level of details which is precluded in a manual record of case files system.

An added feature is the expansion of the list of documents that is captured on the inside cover of the case files. Not only can the case tracking application store an electronic chronological listing of documents received/generated, but the application can expand the details captured on each document and include all other court actions and events that occurred in the case -- an electronic register of actions or case docket. If necessary, this register of actions is available immediately for printing to post a hard copy within the case file.

[22] The number 41 was calculated based on the percentage of general civil cases compared to the total number of civil cases (41%) multiplied by the total number of civil judges (99)
[23] The Court can continue to use a separate color folder to identify persons that are incarcerated.

Service to Defendants

Court experiences a high failure to appear rate in which improper service is one of the primary reasons.

Deficiency: In all divisions, a high failure to appear rate contributes to significant case delay. In most cases, service was not performed because the defendant was unavailable for whatever reason or the address provided was incorrect or not the most current.

Result: Case delay

Recommendations:

1. Require personal service (hand-delivery to the defendant or to an adult occupant of the defendant's primary residence), especially in criminal cases.

2. Expand the process service team or increase the use of police departments to conduct more services.

3. Attempt service during the evening when the parties are more likely at home.

4. Expand the use of the police information system to all intake offices for address verification.

5. Charge a nominal personal service fee for all civil filings to defray the cost of the new service processing unit. This fee should be paid at the same time the filing fee is paid.

The Use of Expert Witnesses

In civil cases, over 89 percent of the witness reports are filed late.

Deficiency: On average, expert witness reports are filed 158 days after the judicial officer orders a report, which is five times the required filing period of 30 days. About 32 percent of those expert witness reports are filed after 158 days and 9 percent are filed after one year. Also, the filing rate is three times the filing rate of expert witness reports for criminal cases. Waiting for the plaintiff to pay the witness fee is the major reason for this extended filing period. The case becomes inactive until the fee is paid and reported as such to the Court.

Result: Case inactive status and case delay

Recommendation: The Court should defer the payment of witness fees by the plaintiff until the finality of the case. Similar to criminal cases, Croatian Government will pay initially these fees. If the plaintiff wins the case, the fee should be part of the judgment against the defendant. If not, the Court should refer the case to its collections unit to obtain prompt payment from the plaintiff. This change should reduce the delay in filing reports in civil cases to a level comparable to that in criminal cases.

Computerization of Manual Business Processes

The team using the following criteria -- the process is time-consuming, repetitive, and predictable -- identified other manual processes that were ideal for computerization. The processes were case monitoring, form and report generation, scheduling, and statistic generation.

Case Monitoring

- Case monitoring in ZMC to detect payments or payment delinquencies, upcoming deadline dates, and other time-critical events are slow, time-consuming, and sometimes non-existent.

- Case files are stored by days, but not in chronological order, to monitor upcoming hearing and deadline dates.

- The ZMC accounting division receives payment reports from Ministry of Finance with sometimes limited case information that requires additional research to link payments to cases. Once completed, manual notifications are sent to intake offices.

- Most milestone dates are written manually on the front cover of the case file (e.g. the archival date) and a manual review of each case file is required to determine the next action.

When all case core data, including event and their outcome information, are captured electronically, the software can produce on-line error messages and warnings of upcoming critical dates and generate reports of upcoming or past due dates, delinquencies, and hearing dates (court calendar or docket). For example, intake clerks can request a hard-copy of the court docket two days in advance to assemble case files for transfer to the courtrooms. The application can sort the list by judge, by time, or by case number.

For payments, the accounting division will have limited access to the application to determine the case number. Once completed, the accounting division can update the receipt date field for payment to notify immediately the intake office. This will decrease the number of inquiries received by intake offices to assist the accounting division with case information and provide faster payment notification to the intake offices.

Form and Report Generation

- Most forms and some reports are pre-printed and completed manually, via hand or typewriter.

- Basic court data (i.e. case number, parties names and addresses, hearing dates, etc.) is written and re-written ad nauseam on over 60 pre-printed forms and reports.

- The design formats of these documents vary from full-page, double-sided versions to half-sheet and card stock forms.

- Some judges and their secretaries have developed shell Word documents (templates) in their computers to generate these documents.

  One of the benefits of capturing and storing data in an electronic format is the ability to use that data in various formats over and over again without re-typing it. The Court will capture data at specific points within the case processing time.

  These points include:

  - Case Initiation (add new case record with basic case data)
  - Hearing Scheduling (add an event that is linked to a specific case and judge with a scheduled date and time)
  - Hearing Adjournment (add the result/outcome of the event)
  - Judgment (add final decision and sentencing information)

Once the data is committed to the database, the Court can access that data to produce forms and reports. For example, once the intake or mailroom clerk has entered data from a criminal filing and committed it to the database, the clerk could generate a criminal history request form for both the local police department and MOJ within seconds with a few keystrokes.

Scheduling

- Judges maintain their individual calendars and set cases according to their scheduling calendar or business diary. The diary is a chronological list of sessions and hearings (in a calendar format), by date and time.

- For every hearing or session, the judge first scans the business diary for availability and then manually writes in the diary the case number, parties, and the date and time necessary to conduct the session or hearing. For cases with private prosecutors, a judge averages about seven hearing entries for one case; as a result the same information must be entered six additional times.

- The same information is re-written by the secretary on the delivery notes and the intake offices on the front cover of the case file (hearing or session date only).

  The Court can maintain all judges' calendars electronically. Each judge will update their individual calendars with personal days, date and time scheduled for writing verdicts, scheduled leave, etc. Once a new case is entered in the computer and the assigned judge is selected, the software can review that judge's schedule and select an available date and time slot for the first hearing. Upon the judges' approval, the software can generate the hearing notice (new computer form) and note within the application that it was mailed. Computerizing these steps will eliminate manual steps for the judge, the secretary, the intake offices, and the outtake office (software will generate the mail-out list).

  Other benefits/outputs from electronic scheduling include a master calendar with current workload of each judicial officer, mass re-scheduling of hearing from unexpected absences and closings, and real-time court dockets for posting that are available on-demand.

Statistical Reporting

- The generation of statistical reports is a labor-intensive task that requires substantial amount of time. Employees perform hand counts for statistics and re-type the information at least twice in database or spreadsheet software to produce the reports.

- The same data is written and re-written on various forms to provide different perspectives (by judge, by division, etc.) of the statistical information.

- The great effort necessary to collect core data inhibits the expansion of the data set to conduct more intuitive analysis.

Statistical reporting is another benefit when courts capture all case-related information electronically. The case-related information or core data set is considered the data dictionary for the case tracking application. One criterion for the final approval of the dictionary is its ability to generate required statistical data to support decision-making and reporting requirements. In general, administrative and statistical information should relate directly to the business of the court; therefore, statistical and management reporting should be a natural outcome of the information captured to manage case processing and they should not require the collection of additional data. Once the dictionary is approved and the application is implemented, management and statistical reports will be available in real-time and on-demand.

Summary of Computerized Functions Recommended

- Electronic court and case data registries (database)
- Case Assignment
- Case Number Assignment
- Hearing Scheduling with User-Defined Criteria
- Electronic Case Docket in Chronological Order (Register of Actions)
- Form and Report Generation, including Statistical Reporting with User-Defined Frequency, Layout, and Sort Order
- File Tracking Module

Proposed Book of Rules Changes

As it analyzed operations and procedures, the team concluded that many of its recommendations - especially the use of a case tracking software - will require some changes to the current Book of Rules (BOR): these Rules describe the manual process in such detail that any minor change calls for Ministry of Justice approval. In preparation, the team checked which of its recommendations could take place without changes to the BOR (proposed action - none), and identified those that would require approval of exceptions to, or waivers of BOR provisions (required action is described).

Table 7: Book of Rules analysis

Article Number	Description	Proposed Action
33	Case assignment to judge by the president of the court	None. Article does not preclude the use of automation to maintain alphabetical list or to assign case.
46	Maintain list of lay judges	Track list electronically and provide master calendar to appointed person to convene judges.
59	Distribution of case information based on the basis of data from the register and the file	None. An amendment to the Rules that declares the electronic record as an official copy of the register would suffice.
66	A special list of tasks is generated for court day	Generate list electronically
69	Log case-related telephone conversations	Allow electronic record entry as an acceptable format.
95-96	Authorize the use of typed forms	Expand article to include computer-generated forms as well
100	Use of seal for payment status	Repeal the use of seals for payment status (Item numbers 15 and 16)
114-116	Notification from accountancy the deposit of advance payment	Allow electronic notification with accompanying printout as an acceptable method of notification.
124	Generation and distribution of statistical data	Expand article to include computer-generated forms as well. Data from automation could be considered as "other appropriate manner" but a more specific reference may be appropriate.
127	Maintain a record list of all settled cases	None. Article does not preclude the use of automation to maintain this list.
128	Maintain docket of all cases	None. Article considers computerized list as an acceptable format.
134	Issuance of caution of briefs filed of different jurisdiction	Repeal the acceptance of briefs of different jurisdictions
136	Issuance of caution (payment)	Repeal
151	Record new case filings in registry	None. An amendment to the Rules that declares the electronic record as an official copy of the register would suffice.
152	Record all briefs on the inside cover of file (list of documents)	None. An amendment to the Rules that declares the electronic record as an official copy of the register would suffice.
153	Record case number, parties' information, filing date, and hearing and session dates on cover of case file	Electronic data record is considered as an acceptable format; labels on folder end tags replace writing number on case file.
154	Write case number and assigned judge number on case file	Allow electronic record entry as an acceptable format.
160	Organizing and binding of case files	New folder with metal clasp to attach briefs securely without gluing.
163	Transfer and tracking of case files	Computerize file tracking; never allow individual briefs to be removed from case file -- take the entire file.
164	Consolidation of cases	None, but provide a computerized consolidation process that matches the manual process.
175-180	Scheduling sessions and hearings	Computerize the scheduling of the first hearing
183	Generation of delivery notice	Include computer-generated form as an acceptable format
184	See Article 153 above	
196	Maintaining registries; data captured	None. An amendment to the Rules that declares the electronic record as an official copy of the register would suffice.
197, 244	Tracking the circulation of files	See Article 163 above
200	Summons generation	None. Article allows the summons to be completed via computers.
205	Registering and dispatching court consignments	Replace manual registry with electronic record and computer-generated verification list
212-213	Rules for storing files	Allow an alternative filing system that store files in case number order,
236	Writing archival date on file	Track the archival date electronically and provide an archival report

Chapter Four

Functional Specifications

The following is a statement of requirements needed to ensure the creation, maintenance, and preservation of case information in an electronic form. These requirements will form the basis for more detailed requirement specifications. The objective of the software application is to replace the current manual process of monitoring and tracking court cases. The application will consist of three independent modules that will share common global information. The modules are civil/enforcement, criminal, and juvenile.

Item Number	Description	CV	CR	JV
1.0.	**DATA IS CAPTURED OR CREATED** Data and records (group of related data) are created or captured and identified to support the business processes and meet all the reporting requirements			
1.1.	COMPLETE System must accept or create data for all defined court events or actions at the appropriate point in those events or actions.			
1.2.	CURRENT Captured data should be stored immediately (committed) in the database			
1.3	VALIDATED Known constraints, constants, and business rules should be used to validate captured data before it is committed to the database. For example, the system will not allow the entry of the date with 45 as the month value (6/45/01).			
1.4.	MONITORED Provide user-defined benchmarks for specific timelines within case processing and provide the appropriate error messages and reports to inform users of slippage.			
1.5.	DYNAMIC Calculated and variable data are always system-generated and never stored permanently (i.e. the age of a person).			

Item Number	Description	CV	CR	JV
2.0.	**DATA IS MAINTAINED, SECURED, AND ACCESSIBLE** Records are maintained as long as required so that the records are easily accessible and integrity and accuracy remain intact.			
2.1.	AVAILABILITY Records are available institution-wide.			
2.1.1.	Records are ALWAYS available during normal business hours.			
2.2.	ACCESSIBILITY Records can be easily retrieved in normal course of all business processes in a			

	timely manner.			
2.2.1.	Records are searchable and retrievable for reference and secondary uses			
2.2.2.	Records are accessible for the entire retention period.			
2.3.	SECURITY Security access levels must be available to restrict access to high-level functions and sensitive data and to enforce the separation of duties.			
2.3.1.	Each user will have a unique identification number, a password, and a specific access rights			
2.3.2.	All transactions are recorded, stored and tagged with date, time, and responsible person. Each transaction is assigned a unique identifier. The system provides reports on all transactions, changes, and access users.			
2.3.3.	Delete and edit functions are restricted to select persons.			
2.4.	Data is copied daily, weekly, and monthly (back-up) and stored remotely.			

Item Number	**Description**	**C V**	**C R**	**J V**
3.0	**DATA ENTRY AND USER INTERFACE** Characteristics of the software that interacts with the users will employ graphic user interface (GUI) industry standards.			
3.1.	Direct access to all data fields on screen from any location on the screen			
3.2.	Mandatory fields are visually distinguishable for optional fields			
3.3.	Pull-down menus with numbered or coded pick list will be used to allow users to rapidly enter data by number or cursor selection			
3.4.	The position order of the data fields on the screen and the data on source document will match to expedite data entry.			

4.0 ENITITES FUNCTIONAL REQUIREMENTS

The following case entities should be created as primary data tables with the appropriate data records and elements

- Person
- Case
- Event and Pleading

4.1. The relationships between these entities are:

4.1.1. A person (parties or defendants) can have many cases (court history)

4.1.2. Many persons can be assigned to one case (co-defendants, co-plaintiffs, judges)

4.1.3. A case can have many events (i.e. hearings, conferences, reviews, sessions) and pleadings

4.1.4. Only one judge can preside over a particular event; but more than one judge can preside over different events for one particular case.

4.1.5. Many parties and attorneys can attend an event

4.1.6. Many persons can file pleadings in a case.

5.0. PERSONS AND ORGANIZATIONS FUNCTIONAL REQUIREMENTS
Create data records that are linked via a unique identifier that contain the demographic information on an individual.

5.1. Court will assign a unique identifier to the following persons for tracking purposes:

- Decedent
- Defendant
- Juvenile
- Plaintiff

5.2. System will assign a hidden unique identifier to the following persons to ensure positive identity:

- Defendant
- Juvenile
- Plaintiff

5.3. Court will establish identification codes for at least the following locations, organizations and persons:

- Attorneys
- Centers of Social Care
- Court Locations
- Detention Centers
- District Attorneys
- Enforcement Officers
- Expert Witnesses
- Jails
- Judges/Court Advisors
- Localities (Cities and Towns)
- Other Courts
- Police Departments
- Service Providers
- State Agencies

5.4. Court will establish abbreviated codes to represent at least the following items associated with a person:

- Address Types
- Attorney Types
- Court Types
- Party Types
- Phone Number Types
- Relationship to Case

5.5. Judge assignment can occur manually or electronically upon case entry. The electronic assignment is based on the judges' schedule.

5.6 Provide up-to-date information on attorneys from the Bar Association.

6.0. EVENTS FUNCTIONAL REQUIREMENTS

Create data records to store specific information about each event, such as hearing date and time, presiding judge, parties involved, event outcome, etc.

6.1. Each case- and court-related event will be linked to the appropriate case and all these events will be created and stored in chronological order, creating an electronic docket or register of actions.

6.1. Create a calendar module that allows end-users to enter and track the judges' personal and business schedule, including scheduled events, holidays, leave, vacations, unexpected absences, etc. The module will have the ability to view the calendar in multiple formats such as day, week, or month.

6.2. Perform electronic scheduling of initial hearings using the above calendar module and other criteria such as maximum hearings per day, hours allocated to hearings, business hearings, etc. Identify and display conflicts created by the criteria that can be overridden by the user.

6.3. Court will establish abbreviated codes to represent at least the following items associated with an event:

- Disposition Codes
- Disposition Types
- Document Types
- Event Types
- Hearing Types
- Manner of Disposition
- Service Method
- Service Outcome

6.4. Track the attendance of parties at these events.

6.5. Track key dates and outcome associated with cases that were appealed.

6.6. Disposition codes are available at case-level, charge-level, and person-level.

7.0. CASE FUNCTIONAL REQUIREMENTS

Create data records to specific information on the case, such as case number, case type, final disposition, etc. Parties should be linked to the case and all related events and pleadings should be linked to the case.

7.1. Court will establish abbreviated codes to represent at least the following items associated with a case:

- Accounting Codes
- Case Status
- Case Types
- Disposition Codes
- Filing Types
- Relationship between other cases
- Sentencing Codes
- Statute Codes
- Track Types

7.2. Case number assignment can occur manually or electronically upon case entry.

7.3. Movement of case files will be tracked electronically

7.4. Block access to all or part of case information

7.5. If necessary, the calculation of filing fee during initial filing

7.6. Provide the ability to consolidate cases electronically using the method outlined in the Book of Rules

7.7. Provide the ability to link the original case to the remanded case.

7.8 During case initiation, identify and display certain irregularities in the filing.

8.0 REPORTING

Generate report and notices electronically from existing or entered data

8.1. Multiple destinations for output (i.e. screen, hard-copy, export to file, etc.)
8.2. On-demand (immediate) and background (batched) printing
8.3. Title/date on all pages

8.4. Produce pre-defined documents with standard language for letter and notices that are generated frequently, including:

- Court History Listing
- Memorandum for Criminal History Data
- Memorandum for Filing Compliance
- Memorandum for Person Apprehension
- Memorandum for Residence Verification
- Notice of Hearing

8.5. Produce pre-defined reports with various user-selected sorting orders that are generated frequently, including:

- Case Age Report
- Case Docket (Register of Actions)
- Court Docket (Calendar)
- Disposition Report by Locality
- List of Cases Transferred
- List of Delinquent Witness Reports (30+ days)
- List of Outgoing Case Files
- List of Outgoing Mail
- List of Pending Cases
- Management Reports
- Master Calendars
- Monthly Case Disposition By Judge
- Statistical Reports

APPENDICES

Appendix A: Needs Assessment Questionnaire -- Responses
Appendix B: Needs Assessment Questionnaire
Appendix C: Case-flow Operating Procedures

APPENDIX A

Needs Assessment Questionnaire

Questionnaire Responses

2.a. Do you ever, or often, think, "there must be an easier way to do this?" If so, please list and describe as many of the things or situations as you can to which this statement would apply.

Searching for case information (9)	37
Use of Computers (5)	33
Writing Verdicts (7)	13
Record-keeping -- registers and indices (4)	11
No or No Response (1 and 2)	11
Book of Rules -- Changes (8)	3
Generating Statistical Information (6)	3
Yes -- No explanation (3)	3
Service Process (10)	1

2.b. Do you ever, or often, think, "I could do this faster if only…" If so, please list and describe as many of the things or situations as you can to which this statement would apply.

Use of Computers (2)	57
No/No Response or Same as A (1)	22
More efficient intake offices (8)	12
More Judges (3)	8
Article Changes were Implemented (7)	4
Use of Computer Macros (5)	4
Better/More Office Supplies (4)	3
Connection to Land Registry System (6)	1
Better Party Attendance to Hearings (10)	1
Electronic Access to Case Law (11)	1
Other (9)	2

2.c. Do you ever, or often, think, "I wish my existing computer could do this or I wish I had a computer or another device so I could…" If so, please list and describe as many of the things or situations as you can to which this statement would apply.

Computers? (2)	44
No/No Response (1)	32
E-mail and Internet Access (3)	14
Use Computer Macros (6)	10
Direct computer access to external systems (4)	7
Case Tracking (7)	1
Bar Coding in Enforcement (8)	1
Access to Commercial Court Registries (9)	1
Electronic Court Reporting (10)	2
Other (5)	1

3. What case information does your division not have that would be most valuable to have?

No/No Response (1)	42
Laws and Regulations (7)	39
Expected work skills related to administrative staff (4)	10
Information from MOI or MOJ (6)	8
List of street addresses and their police district (2)	7
Deceased person information (5)	4
Case file information (3)	2

4. What types of human errors have you or your division experienced as regards to case tracking and what were the consequences?

Lost Files (5)	23
No response (6)	23
Slow intake offices (1)	21
General human error (4)	17

Unsatisfactory work conditions (8)	9
Work overload of clerks (3)	8
Entry Errors/Typos (7)	6
Lack of computers (9)	3
Violation of Book of Rules (10)	3
Other (2)	2

5. Please use the space below to state in your own words any suggestions, recommendations, or concerns you have for the use of computers, networks, or other advanced technologies for your work or for your division, or the court.

Respondent Number	Comment
1	Make internet access available
2	Good program – internet
3	Protection on monitor
4	Protection on monitor (radiation wise)
5	It would be very good if we [had] a PC
6	I don't know how to use a PC, but I'm aware that a PC would be very helpful
7	Do not use a PC for hearings (unless individuals wish to)
8	PC – program with templates for some routine usages, headers etc.; Keeping all the books in a intake office on a PC, provide direct access to those files from each office; provide direct access to Commercial court registry; provide access to residency
9	It is necessary to organize a course on how to use a PC
10	We don't have a PC
11	I think it is necessary to organize a course on how to use a PC
12	PC problems and their repairs
14	I think it is necessary to organize a course on how to use PC since most of the people have not worked with a PC so far
15	I have not worked with a PC so far
16	Waiting for a tekst to be formated and printed out
17	We need to have enough space on the our desk to be able to sit and work properly
20	It is necessary to organize a course on how to use a PC
21	It is necessary to organize a course on how to use a PC
22	It is necessary to organize a course on how to use a PC
23	It is necessary to organize a course on how to use a PC
24	PC's are needed
25	Suggestion: good program, recommendation: to have available expert people while we are learning how to use a PC
26	Data should be being enetered already, so that we can start working with PC's by the year 2005
29	PC would make our job faster and easier, It is necessary to organize a course on how to use PC
30	I support PC usage, however I don't know what happens when system crashes
31	Pro: faster and more efficient work with case tracking and statistics; Con: falsyfying where document actually is in relation to intake room and court room lays
33	PC would speed up and make our job faster. I only see positive influence
34	Create a good program. At the end of each day save data on the disk
35	I recommend PC usage, and i'm concerned about a quality of the program which will eventually be installed
36	It is necessary to organize a course on how to use a PC
37	It is necessary to organize a course on how to use a PC; good program; it is necessary that all offices and workers have their own PC
38	By appropriately using PCs, some work procedures would be simplified
39	Case tracking would be helpful, however it is a easier part of the job. Hard part would be to file hundreds of pages in documents for appropriate court dates which we will have to do ourselves since the computers can not do a physical work
41	It is necessary to organize a course on how to use a PC for older and especially for younger employers
44	Improving our PC skills
45	Concerned: training older personnel to work with PCs
46	Intake rooms should be computerized (and all the registries)

48	Computerizing data would help to get the status of documents faster
49	Present way of working is very complicated. Court computerization is necessary to improve work quality
51	Faster information flow, better cooperation with desks
52	Case flow data is more accurate by using PCs
53	Record keeping is more accurate and faster by using PCs
55	In order to improve efficiency computerisation is necessary
58	I have no PC, no internet access and no e-mail
59	Everything would be easier with PCs so there are no concerns. Recomendation is to get the PCs as soon as possible
60	With PCs there should be a course on how to use a PC
61	I am affraid that not all judges are happy with computers, we should have LAN, and judges needs laws and court practices at the LAN
62	We have excellent experience with PC's in my department, however there are not enough PCs
65	It is senseless to imput cards to a PC. We need data merging in criminal intake for county and municipal courts as well as with district attorney offices
66	We need data merging in criminal intake for county and municipal courts as well as with district attorney offices and police
67	We need case management to speed up contacts between intake office and enforcement offices
68	Insufficient link between courtrooms and intake rooms, complexity of program, access to information
69	We need a team made from experts to create macros for certain case types
70	More computers at the court so that will eliminate 2nd shift - Connecting computers into LAN
71	Eliminating 2nd shift with more computers
72	Have access to Supreme Court practices and County Court practices
73	There should be a single program for the whole division
74	Give to the people additional computer related education, and access to Internet
77	Big court – lots of pending cases; large amount of people should be trained to use computers
78	It will take a lot of years to implement such a thing at the ZMC
79	I doubt that we will ever be computerized
80	It takes too much time to implement such a thing
81	1. Connection of all courts division – including probate 2. Access to internet
82	Education on how to use computers
83	Use of computers can have only positive effects on court
84	Computers helps us a lot in our work
85	Use of macros and limited speed of printing documents
86	Lack of computers and bad quality of them
87	Lack of computers, bad quality of printers
88	Lack of computers, bad quality of printers
89	With computer each judge and secretary should get a training
90	It will slow down the hearings, and possibility of deleting verdicts by accident
91	Connection between court divisions, connection to data base on MOJ
92	We need computer training
93	Computer training, color of the screen should be green so it won't hurt eyes
95	Whole court should have single program, more spare parts for computers, better printing paper
96	Need for protective shields, looking at the computer gives my headache
97	Macros, and lots of other stuff
98	Computer for all judges
99	No concerns at all
100	We need computers to avoid copy paper, and they will reduce noise at the hearings
101	Because of the bad economic situation we believe that it is inappropriate to make any suggestions
102	Correction of the verdict is much simpler with computer
104	We need LAN
105	Computer training
106	I don't have time for PC
107	The whole court should be computerized

108	Safety of data
109	Computers makes our work faster and easier
110	Thanks God that we will get computers
112	I am afraid that computers won't make a big difference, people are expecting too much from them
113	Safety of data, connection to my computer at home, viruses
114	Computer education for judges and secretaries

6. Do you currently own or have easy, regular access to a computer outside the court?

Yes	59
No	55

a. If yes, does it have Internet access?

Yes	32
No	75

b. If yes, does it have electronic mail (e-mail)?

Yes	31
No	83

7. For case information, with what following agencies or offices are you in regular communication and what is the reason(s) for the contact (check all that apply)?

A. Court Accounting
Expert Witness (26)
Other (3)
Bills (7)
Storage of Decedent's valuables

B. County Court
Appeal (31)
Checking information (5)
Other (2)

C. District Attorney
Party in Procedure (11)
Opinion on revision cases (4)
Additional information (2)
Other (2)

D. Ministry of Finance
Garnish of wages for court fees (14)
Memorandum for information (5)

E. Ministry of Justice
Criminal History (10)
Diplomatic Delivery (10)
Other (5)

F. Police
Capias (16)
Addresses (18)

G. Municipal Courts
Memorandum of information (24)
Case Transfer -- Improper Filing (15)

H. Center for Social Care
Party In Procedure (17)
Memorandum of information (4)
Legal Guardian Information (5)

I. Other

Commercial Court (4)
Lawyers, Parties (3)
Investigation Judge (2)
Unemployment Office
Courtrooms
Registry of Deaths
Pension Fund
Banks
Ministry of Defense
Land Registry
Misdemeanor Court

APPENDIX B

MUNICIPAL COURTS IMPROVEMENT PROJECT - CROATIA
Needs Assessment Questionnaire

➔ Your Division or Office: _____

This survey questionnaire is intended to obtain information from court personnel about their own perceptions of technological needs with respect to their specific responsibilities and working situations. Your responses will help inform the National Center for State Courts (NCSC) project team about the best application of technologies in your division.

Sponsored by the U.S. Agency of International Development (USAID), NCSC is coordinating an effort with the Zagreb Municipal Court (ZMC) to implement short-term initiatives in the court operations that would improve efficiency and establish a receptive environment for longer-term improvements in the legal system. The use of technology was identified as one of the short-term initiatives deemed beneficial to the court. Over the next three years, NCSC will provide the technical assistance and the equipment to introduce various applications of technology into the court environment, which include personal computers, a local area network, Internet access, electronic legal research materials, and possibly case tracking software.

Please return this questionnaire to the NCSC office in ZMC main building, Room 105, by no later than March 5th. If you have any questions or encounter any problems completing the questionnaire, please contact Rada Vujovic at 606.10.63.

The information you provide is strictly confidential and will be used for research purposes only. Thank you.

QUESTIONS 1- 7 (Please Print)

1. What category best describes your position (check one)?

❑ Judge ❑ Clerk ❑ Secretary ❑ Manager
❑ Advisor ❑ Execution Officer ❑ Service Provider

❑ Other (please specify):
_____

2. While performing your job functions:

a. Do you ever, or often, think, "There must be an easier way to do this?" If so, please list and describe as many of the things or situations as you can to which this statement would apply:

_____

_____

_____

b. Do you ever, or often, think, "I could do this faster if only…" If so, please list and describe as many of the things or situations:

_____

_____

_____

c. Do you ever, or often, think, "I wish my existing computer could do this or I wish I had a computer or another device so I could…" If so, please list and describe as many of the things or situations:

_____

_____

_____

3. What information does your division not have that would be most valuable to have?

_____

_____

4. What types of human errors have you or your division experienced as regards to case tracking and what were the consequences?

_____

_____

5. Please use the space below to state in your own words any suggestions, recommendations, or concerns you have for the use of computers for your work or for your division, or the court.

_____

_____

6. Do you currently own or have easy, regular access to a computer outside the court?
❑ Yes ❑ No

a. If yes, does it have Internet access?
❑ Yes ❑ No

b. If yes, does it have electronic mail (e-mail)?
❑ Yes ❑ No

7. For case information, with what following agencies or offices are you in regular communication and what is the reason(s) for the contact (check all that apply)?

❑ Court Accounting Reason(s): _____

❑ County Court Reason(s): _____

❑ District Attorney Reason(s): _____

❑ Ministry of Finance Reason(s): _____

❑ Ministry of Justice Reason(s): _____

❑ Police Reason(s): _____

❑ Municipal Courts Reason(s): _____

❑ Center for Social Care Reason(s): _____

❑ Other: Reason(s): _____

The National Center for State Courts is the premier U.S. nonprofit organization providing national and international leadership in judicial administration and rule of law. Founded 30 years ago at the urging of Chief Justice Warren E. Burger, NCSC is the source of many of the innovations that have led to critical improvements in judicial systems throughout the world. NCSC and its International Program division have been providing technical assistance to foreign courts since 1992. Over 23 foreign governments and organizations have contracted directly with NCSC for assistance services in the form of information, research, training, technical assistance, linkage development, and technology services, including Egypt, Ireland, Mongolia, The Netherlands and Norway, and Russia.

APPENDIX C

CASE-FLOW OPERATING PROCEDURES

Below are the operating procedures for case-flow management in ZMC. The following procedures are used mostly in all court divisions (civil, criminal, enforcement, and juvenile); however, some of them are performed differently within those divisions for various reasons. These differences are highlighted in the appropriate section. Because some differences are so great, some procedures, such as initial filing and final disposition, are described individually. The Court Registry Office in ZMC is divided into three organizational units: Mailroom, Intake Offices, and Outtake Office. Multiple intake offices exist for specific cases and case types.

Procedure: Preliminary Investigation (Juvenile Only)

Procedure: Initial Filing.

CIVIL AND ENFORCEMENT (Plaintiff: Initializing Brief): The initializing brief with appropriate copies for distribution is filed in person or mailed to the mailroom by the plaintiff or the plaintiff's attorney. The plaintiff may also file a waiver of fees proposal at this time. If the brief is time-sensitive, the clerk will log the brief in a logbook, under the appropriate case type section, record the case number and the time of receipt, and immediately forward the document to the Division President.

The plaintiff can pay the filing fee at a post office or bank. As proof of payment, the plaintiff can hand deliver or mail the receipt copy to the court.

If the brief is received in person, the clerk will warn the submitter about any irregularities related to the brief and require compliance. If not corrected, the clerk includes two notes: the nature of the irregularities and a note on issued cautioning. The clerk will advise the submitter of filing fees. If the submitter has proof of payment (receipt), the clerk will attach a copy of the receipt to the file. If the brief is mailed, the clerk attaches the envelope (postal seal undamaged) to the brief.

The brief is affixed with the note of receipt (receipt date, name and location of the court) with clerk's signature, delivery method (i.e. in person, mailed, or registered consignment, etc.), number of copies and enclosures, the condition of envelope if mailed, and the tax stamp that notes the fee payment method.

Then, the clerk places the brief and accompanying documents in a folder. Throughout the day, these files are delivered to the Division President. These files are delivered to the President within 24 hours. Time-sensitive (emergency) files are delivered several times throughout the day.

CRIMINAL AND JUVENILE (Complainant: Charging Document): The prosecutor (district attorney or private) files the charging document with attachments (judge's investigative report and findings) in person in mailroom.[24] The charging document is stamped with the receipt date, place in the appropriate case folder, and forwarded to the criminal intake office. If the person is incarcerated because of the alleged charge(s), the charging document with attachments is immediately delivered to the intake office.

ENFORCEMENT: Some companies with large number of filings restrict those filings to once or twice a year. Also, those companies maintain and produce the main case summary and case index registries for those cases upon filing.

[24] All juvenile cases must be certified and filed by the district attorney's office -- no private prosecution for juvenile cases.

Procedure: Case Assignment. Upon receiving the new case files, the Division President assigns cases based on judges' surnames (in alphabetical order). The President notes the assignment on the case (ordinal number of the tribunal (i.e. the identifying number that represents the judge) and initials the assignment on the brief. Cases that require immediate actions (emergency) are assigned on a rotation basis. The case files are forwarded to the appropriate intake office within the division.

> **CRIMINAL:** Division President assigns cases in the Intake Office
>
> **ENFORCEMENT AND JUVENILE:** Intake offices assign cases to judges.

Procedure: Case Data Recordation and Number Assignment. The intake office receives all case files and assigns each one a file reference number (case number) using the next available number in the main case register. The reference number is written on the front of the file, along with the plaintiff and defendant's names, accounting code number for the case type, and the number (roman numeral) of the assigned judge.

Reference Number format: Register or Division Abbreviation + reference number of entry + last 2 digits of the year. For example, P-250/01.

The receipt of the brief is recorded on the inside cover of the folder (list of documents). Then, the business number(s) is written on the initializing brief and attached enclosures (Reference Number + Sub-number). The business numbers of enclosures is its brief's number plus an additional suffix that starts with the letter "A". The initializing brief will receive the sub-number 1.

Then, the clerk records the new case in three registers: the main case (case summary), transfer (file tracking), and the case index. At the end of the day, the clerk updates statistical charts to reflect the newly assigned cases. Finally, the clerk places the case file in the judge's mailbox and notes the file transfer in (1) the file-tracking registry and (2) the checkout ledger.

A checkout ledger(s) is kept in the mailbox of each judge. Either two ledgers are used to track separately file transfers for hearings and for other judicial matters or one ledger is used and the different transfers are identified using different pen colors (red for hearing and black or blue for other matters). "Loose" documents received in which the judge has the file are recorded in red as well.

Procedure: Complaint Review for Compliance (Civil Only). Upon receiving the new case files, the assigned judge will review each case for accuracy, completeness, and filing fee payment. If the brief does not comply with the rule, a letter or order is mailed to the plaintiff asking for compliance within 15 days from the date of receipt (*See Procedure: Routing of Internal and Outgoing Mail*). If the plaintiff does not comply with the request, the case is usually dismissed.

Procedure: Initial Hearing Scheduling. The assigned judge schedules the first hearing based on his or her availability (as noted in the business diary directory) and in relation to urgent cases and complex ongoing cases that take priority over all other cases. Once selected, the hearing date and time are registered in this business diary.

> **CIVIL:** The judge issues a hearing summons and then forwards the summons and brief (copies) with delivery order providing instructions to his or her secretary for mailing (*See Procedure: Routing of Internal and Outgoing Mail*). The secretary stamps a distribution chart on the brief, fills it out with the appropriate distribution list, and completes the delivery order note(s). The case files are then forwarded to the internal outtake office.
>
> **CRIMINAL AND JUVENILE:** The judge issues order to request criminal history information on defendant from local police and the Ministry of Justice. The judge's secretary calls the prosecutor and the defendant to provide the scheduled hearing date and time information.

ENFORCEMENT (Execution): For execution cases (enforcement), the judge issues an order to intake office to retrieve the case file from archive for review. If the facts are unclear upon the review, the judge will then set a hearing and send out the summonses.

Procedure: Routing of Internal and Outgoing Mail. For review and routing purposes, the internal outtake staff (resides within the intake office) receives all outgoing documents and case files from courtrooms. The staff notes the date and time of the next hearing or the deadline date on the front of the folder. If appropriate, the distribution chart is reviewed for accuracy and the documents are assembled for mailing before forwarding the envelopes to the outtake office. Case files are re-filed based on the hearing or deadline date.

Procedure: Mailing Official Court Documents. Before mailing the documents, the outtake office notes all outgoing mail in three (3) log books. Two separate logs are used to track outgoing case files that were: (1) mailed to the Ministry or another court and (2) hand-delivered to County or Commercial Courts for appeals. Upon receipt of files for appealed cases, the respective court stamps the logbook as proof of delivery. Mailboxes for large court clients are available in the outtake office for immediate distribution. Clients with mailboxes include DA Office, attorneys, banks, insurance companies, and local jails.

Procedure: Service to Defendant. The postal system or an appointed clerk services the defendant with the initializing brief and summons order packet (blue delivery note). The defendant signs the detached form of the note and the postal clerk certifies the service with a stamp. The detached form or the entire note is returned to the Court with the service method (outcome) noted: denied or received service, or could not locate defendant.

CRIMINAL: Initial service is provided via telephone to all parties and the police department can perform service as well. A memorandum accompanies the returned note from the police department.

Defendant: Answer. Although not required, the defendant can submit to the court an answer to the claim/charge(s). The answer is routed to the assigned judge for review. If time permits, a copy of the answer is mailed to the plaintiff.

Procedure: Filing of Subsequent Briefs. All other filings are filed in or mailed to the mailroom or presented to the judge during the hearing. Briefs submitted in the mailroom are processed similarly to the initializing briefs; however, the briefs are forwarded directly to the division intake office for delivery to the judge assigned to the case. For briefs received without a reference number, the clerk searches the case index registry for the reference number using the defendant's name. In the registry, names of defendants are grouped under the appropriate alphabet letter, but those names are not in alphabetical order.

Briefs received in the courtroom are forwarded to the mailroom for processing. Delivery notes received by the mailroom are immediately forwarded to the outtake office.

Procedure: Filing Protocol for Case Files. Pending cases are filed based on the next hearing date (month excluded) in shelves labeled 1 - 31. The files are in case number order within each date shelf. If the judge sets a deadline date for the completion of a court-ordered action, the case is filed in a separate filing system based on the deadline date, in shelves labeled 1 - 31 as well. NOTE: For some case types, deadline dates are not set on the 31st day of the month.

ENFORCEMENT (Wage Garnishment): Since the caseload is smaller and only three judges hear these cases, wage garnishment cases are filed in judge order, instead of by hearing date.

Procedure: Filing Protocol for Receipts of Delivery. Upon receiving delivery note receipts from the mailroom, outtake office sorts them by case type and then by delivery receipt type (hearing notice receipts or other) and forward the receipts to the appropriate intake office. The intake offices file hearing summons receipts in next hearing date order (month excluded) in small boxes. The receipts are in case number order

within each date box. All other receipts are kept separately in another filing system (boxes) in case number order (year excluded).

Procedure: Hearing Preparation. Two days in advance of the hearing, the intake offices will pull case files and check for and attach the delivery receipt(s) to the appropriate documents within the files. Once completed, the files are placed in the judge's mailbox.

Procedure: Handling of cases awaiting set deadlines for other actions. One day in advance of the deadline date, the intake offices will pull case files and check for and attach the delivery receipt(s) to the appropriate documents within the files. Once completed, the files are placed in the judge's mailbox.

Procedure: Assignment of Lay Judges. A list of all available lay judges is generated to provide juries (2 lay judges) to specific cases. Lay judges, who are private citizens that are not associated with the legal profession, are appointed by city council for a period of four years. The assigned judge will contact the clerk responsible for the list to provide a lay jury for upcoming cases. The clerk will convene the jurors and assign them to a particular judge for a day at least eight days prior to the hearing date. If new jurors are assigned to subsequent hearing dates of the same case, the judge will read all previous testimonies and court actions to the lay jurors prior to that hearing.

> **JUVENILE:** Lay judges consist of experts in family, children, and social care issues.

Procedure: Court Event: Hearings. The following activities can occur in all hearings: verifying proper service, approving witness list(s) and evidence slated for presentation, appointing expert witnesses, hearing testimonies, accepting motions, and scheduling subsequent hearings or closing the case. During all hearings, testimonies are summarized and dictated by the judge to his or her secretary to create the official court transcript. Each hearing transcript is placed in the case file. On a preprinted form (Zapisnik) or in a free-form format, the judge provides a summary of the testimonies and the attendance of the parties. For criminal cases, the final disposition is included in the written transcript.

> **CIVIL:** If the defendant fails to appear at the first hearing and did not submit an answer (denial) to the court, but he or she received proper notice, the judge may render a default judgment in favor of the plaintiff. If the defendant did not receive proper notice, a continuance is issued and the defendant and plaintiff are mailed summonses or orally given notice. If the plaintiff fails to appear without excuse, the judge may suspend actions in that case for three months.
>
> **CRIMINAL:** If the defendant fails to appear, the judge can issue an order asking the police department to service the defendant with the summons. The police department returns the blue delivery note and a memorandum stating the status of the service. The prosecutor is only required to appear if the alleged charge(s) carries a jail sentence of at least 3 years.[25] If the prosecutor does not appear, the judge issues an order to notify the prosecutor of the next hearing date.

Procedure: Hearing Rescheduling. Once a continuance is granted or the hearing is rescheduled, the judge schedules the next hearing date using the business diary. If either or both the parties are present, the judge can provide oral summonses and have them sign the transcript that notes the judge gave oral summonses. If either or both parties were absent, the judge will issue summonses via mail.

Procedure: The Use of Expert Witnesses. Either party can request an expert witness. Once ordered, the judge appoints the expert witness. The plaintiff is responsible for paying the witness fee within 30 days (only at the post office or in the Bank on behalf of the account number of the court). In criminal cases, the state is responsible for paying the expert witness fee. All court actions are usually suspended until the plaintiff pays the witness. If the judge rules for the plaintiff, the defendant is ordered to reimburse the witness fee (part of judgment order).

[25] Prosecutors are required to attend all juvenile hearings.

Upon receiving the order, the witness has 30 days to review the case and to submit his or her report to the court. Upon completion, the witness mails the report to the court. Then, the court mails the report to each party. Once all parties receive the report, the judge schedules the next hearing and sends out the summonses. The expert witness is expected to attend a hearing only if one of the parties asks for additional clarification, and agrees to pay for the witness to attend.

Procedure: Checking Out a Case File. Besides courts and other authorized institutions, expert witnesses can also checkout a case file. All other case parties must review the case file within the intake office under court supervision. Upon request of a file, the intake office creates a temporary file and the witness is required to sign the front cover of the temporary file as proof of delivery. At the end of each month, the intake office reviews the temporary files to determine their current status. If further action is deemed necessary to prompt the return of the file, the judge is notified. All files are returned to the mailroom, regardless if delivered in person or via mail. Once the original file is returned, documents received during the original file's absence are recorded appropriately and the entire temporary file with its present contents is inserted inside.

Procedure: Court Event: Motion Hearing. Once a motion is filed and forwarded to the assigned judge, the judge can schedule a motion hearing or decide the motion in his or her chambers. If a hearing date is scheduled, summonses are mailed to the parties (*See Procedures: Hearing Scheduling and Routing of Internal and Outgoing Mail*). At the hearing, the judge will hear arguments from both parties and render a bench decision. If a decision is rendered without a hearing, the judge informs the parties of the decision at the next scheduled hearing.

Procedure: Court Event: Final Disposition.

> **CIVIL:** The judge completes the adjudication of the case and declares the case as closed. The parties are informed that his or her decision will be mailed to them no later than 8 days.
>
> **CRIMINAL AND JUVENILE:** The judge completes the adjudication of the case and declares the case as closed. The judge can orally provide his or her verdict and sentence to the parties at the close of the case. Or the judge can close the case and inform the parties that he or she will provide the decision via mail. In both cases, the parties are mailed the decision. Once the verdict is final, the judge sends a statistical report to the police department in the locality the defendant was born for criminal history reporting purposes.
>
> **ENFORCEMENT (Execution):** The judge reviews the proposal and writes his or her decision on the back of the proposal. The proposal with the verdict (written on the back) is mailed to both parties. If the case is ruled in favor of the plaintiff, the defendant is given 8 days to comply with the original decision. If not, the plaintiff can pay for an investigative visit to the defendant's home to conduct an inventory of his or her property.

Procedure: Case Assignment to Enforcement Officer (Enforcement Only).

The supervisor of the enforcement officers assigns case to those officers based on location (sector) of the defendant's house and the caseloads of the officers responsible for that sector. Approximately 60 officers cover the city of Zagreb. If the enforcement is executed properly, an officer is paid 117 KN. The plaintiff is responsible for paying the officer, regardless of the outcome of the enforcement proceedings.

Procedure: Conduct the Investigative Visit (Enforcement Only).

The plaintiff can request an investigate visit to the defendant's house to peruse his or her possessions, including the home. The enforcement officer, while accompanied by his or her clerk, the plaintiff, two eyewitnesses, and a police officer, can conduct an inventory of property up to the amount awarded at the defendant's house. At that time, the plaintiff can also take the property to sell at auction. If possible, it is the plaintiff's responsible to transport the collected property to a storage facility.

Procedure: Archiving Files. Once a case is final, the judge issues an order to archive the file. The file is stamped with the archive note and the "expiration" date is written in the appropriate space on the note. Archived files from the current or previous year are kept in an auxiliary filing system within the intake office. The files are arranged in reference number order. All other files are kept in the central archive. A list of files register is kept for each archive to record files that are "checked-out".

Procedure: Appeal. Either party can file an appeal within fifteen (15) days of receiving the final decision. For criminal cases, the appeal period is eight (8) days. The Intake Office immediately forwards the case file and the notice of appeal to the assigned judge of the original case. The judge can only deny the appeal if it was not filed timely. The judge completes the appeal form (case summary) and forwards the original file and notice of appeal to the County Court. The intake office creates a temporary folder for the file while it is in the County Court.

Procedure: Appellate Decisions. Upon the higher court's decision, the decision and the case file is returned to the court. In return, the court will mail the decision to the parties. If the case were remanded, the judge will assign a new hearing. If the case decision was affirmed or modified, the judge sends the verdict to the parties and finalizes the case. The file is forwarded to the intake office. For remanded case, a new reference number is assigned to the case and noted on the front of the case file. A staff person reviews all returned appealed cases to identify cause of reversal/affirmation and to prepare a report.

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RECOMMENDED PROCEDURES REQUIRING BOOK OF RULES AND/OR CODE CHANGES
2 November 2000

I. Jurisdiction & Venue

1. The Zagreb Municipal Court should only process matters that are legal or judicial in nature.

Comment: At the current time the Municipal Court is being used to handle some purely administrative matters. Issues such as registration of land and the processing of utility bills in a judicial forum should be transferred out to Administration Agencies. Judges who are assigned to these types of cases/divisions could be re-assigned to the civil and criminal dockets.

2. The decision to authorize a "waiver of fees" requested by a party before a case can be filed should be handled by the Ministry of Finance.

Comment: Currently a party wishing to request a "waiver of fees" goes to the Ministry of Finance and obtains a form for that purpose. When the party is at the Ministry it is the Ministry that should decide on the waiver of fees request. The court does not receive the fees nor do they account for the filing fees. The litigant wishing to request a waiver of fees should obtain the authorization from the Ministry of Finance. Upon approval of the request, a certificate could be issued to the party authorizing the court to process the case without the filing fee. The party presents the certificate to the court.

II Adjudication:

1. Lawyers only should appear at hearings to represent a client[1].

Comment: The Code currently allows "legal assistants" to attend court hearings and represent a law firm thereby not requiring a lawyer to be present. This practice should not be allowed, because each hearing should be meaningful and structured to allow the maximum amount of benefit towards the disposition of a case. If the lawyer is not even present, this guarantees no disposition will occur even if the matter could be brought to conclusion. The very attendance of a legal assistant at a hearing seems to announce that there WILL be subsequent hearings. No hearing should occur without a good faith effort to bring the case to a quicker conclusion.

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[1] Alternately, legal assistants might be restricted to minor disputes, and allowed (or encouraged) to take action toward disposition of the case.

2. Written decisions by the judge on minor matters should be reduced.

Comment: The process of writing a 3-4-page decision on minor matters should be eliminated. Citation to the elements of the law and the judge's conclusion should constitute the written decision. Lengthy discussions on the rational for the decision are time-consuming and should be eliminated. The County Court of Appeal should not substitute its opinion for the trial judge's if there is no basis in the law to rule otherwise.

3. Minor criminal cases can be justly disposed of without a lengthy written decision.

Comment: The court could adopt a standard "sentencing order" that carries all the elements of the crime that have been proven along with the judge's final decision. This could be done on a form designed by the judges and probably in consultation with the County Court so that minor criminal cases do not overly burden the judge with a lengthy written decision. The judge would sign the "order" once filled out. The judge could fill out the order on the bench at the hearing, thereby eliminating the formal written decision, and the order/form should be written in plain language.

4. Alternate methods for creating a case record should be substituted for the practice of the judge summarizing the testimony of the witness and telling the Typist what to write.

Comment: When the judge summarizes the testimony of the witness in the courtroom, it not only takes up time from the hearing but also is a distraction when the clerk types the summary into the record. The court could install multi-track audio tape recorders in the courtroom. Under this type of system, the clerk monitors the proceeding at the time the testimony is given (to assure it is being recorded) and transcribes the testimony "verbatim" (which is more complete than the judge's summary) after the hearing. Once a transcript is prepared the judge can read the transcript and sign the document. If the matter is appealed the transcript is sent to the County Court.

5. The Execution Division should not have to create a new "judgment" document when a party wants to execute a judgment rendered in the Civil Division.

Comment: The judgment issued in the Civil Division should be used in the Execution Division to start the action there. Currently, a new judgment/document has to be created in the Execution Division instead of using a "certified copy" of the judgment from the Civil Division. The party in the civil action who wins a judgment should obtain a certified copy of the judgment and deliver it to the Execution Division for filing; this document then becomes the judgment from which the Execution Division can proceed to issue it's execution. The Execution Division should accept the certified copy and start the action. Likewise, a new file number does not have to be issued in the case. The file number from the Civil Division could be used when executing a civil judgment.

6. Establish a policy for limiting adjournments.

Comment: A considerable amount of judicial time is lost in cases in which parties and witnesses do not appear or parties request late adjournments. In these situations, judges lose valuable time in their schedule which should have been devoted to resolving these cases. The court can achieve greater control over the calendar if a policy regarding adjournments (continuances) is established and communicated to the parties. The court could establish a blanket policy covering all cases, or develop a policy that is specific to types of cases. In either event, when parties appear for the initial hearing they would be advised of the policy and consequences for failing to adhere to the schedule. As part of the policy the court should determine in advance what penalties or consequences should be imposed, as well as reasonable exceptions to the policy.

7. Set a time limit for discovery and presentation of witnesses.

Comment: One of the factors that appears to contribute significantly to delay in the courts is the ability of parties to introduce new witnesses and evidence throughout the proceeding. This practice inhibits the timely resolution of cases by calling for additional hearings as new evidence is presented, and requiring additional time to prepare responses by the opposing party. While the presentation of all available evidence and witnesses relevant to the matter should continue to be a priority, this process can be managed in a way to encourage better preparation by the parties and discourage delay tactics. One way to do this is to establish a court-wide policy on the presentation of evidence and witnesses. This process can be part of the initial hearing in which the judge and parties agree on the trial schedule and both sides participate in meaningful discovery. As part of the policy the court can determine under what special circumstances additional evidence and witnesses may be introduced into the trial proceeding.

III. Legal Practice

1. Require the attorney of record to be responsible for witness notification.

Comment: The court currently has the primary responsibility for notifying all parties of the future court date. This includes witnesses for both sides. The court expends considerable resources in preparing and mailing notices. The attorneys of record in a case, or the primary parties if they are not represented, should be responsible for notification of their respective witnesses once the court has notified them of the next court date.

2. Motion to remove judge (exemption) must be asserted no later than the initial hearing.

Comment: Parties may ask to remove or exempt a judge from a case throughout the process. The result is that a case may be substantially complete when a party decides that the case is not going in their favor, and move to exempt the judge as a tactic to delay the

case or move the case to a judge who may act more favorably. The privilege to remove a judge should be based on the showing that the judge cannot rule impartially in a case. This claim should be asserted in the initial hearing so that time is not wasted on hearings only to have the case moved to another judge. An exception would be allowed only when circumstances arise subsequent to the initial hearing that could not have been anticipated.

3. A plaintiff must successfully serve notice of civil complaint on opposing party prior to commencement of civil action in court.

Comment: In some legal systems, the commencement of a civil action in court does not begin until the opposing party has received notification of the complaint. In these systems the court is not involved in the process of assisting the plaintiff with service of the lawsuit. Once the initiating party has proof of service of the lawsuit, the case can be filed in court for further proceedings. Since in many instances the service of a lawsuit may not occur, this process saves the court from handling these actions until they are actually ready to be adjudicated.

IV. Administration

1. Use a single case file number and file folder throughout the life of a case.

Comment: The court currently utilizes a file management system that requires the creation of a new file and assignment of a new case number at various stages in the case life cycle. For instance, the issuance of a warrant in a criminal case and the initiation of post-judgment activities (criminal and civil execution) result in the creation of new files. This process requires redundant data entry and complicates case tracking. It is recommended that the court maintain the original case number assigned at filing and maintain documents in the original case file whenever possible. This change is particularly needed as the court moves to an automated case management system. File maintenance and case tracking will be greatly simplified by maintaining a singe file throughout the life of the case.

2. Notification of witnesses through regular mail in certain circumstances.

Comment: As an alternative to recommendation III.1, the requirements for personal service of notification of witnesses could be relaxed to allow notification by regular (box delivery) mail. This process could also be a back-up to recommendation III. 1.

3. Assign authority to quasi-judicial officer or notaries for certain administrative actions currently handled by judges.

Comment: Certain cases which currently fall under the responsibility of judges are ministerial in nature and do not involve the resolution of disputes between parties. Where the rules of procedure are relatively straightforward, it should be possible to shift the responsibility for performing these activities to notaries or quasi-judicial officers. In

addition, there are certain activities related to case adjudication that could be handled by support staff, thereby limiting the judge's involvement to ratifying the action with a sign-off . Administrative staff or quasi-judicial officers could assist the judges by contacting parties prior to hearings to ensure that they are ready to proceed, as well as contacting parties that have failed to appear.

4. Create a "court automation fee" of 10KU(or similar amount) per civil filing to fund continued automation.

Comment: The courts and Ministry of Justice should establish a plan for on-going maintenance and expansion of technology. The increased use of technology in the courts will create new expenses not currently provided for in judicial budgets. An important element of any technology plan is the provision for a stable source of funding to support technology. One possibility is the establishment of a court technology fee which would be included as part of the filing fees in civil cases. Such a fee could be a fixed amount (such as 10KU per case) or vary depending on the amount of the total fees. These fees would be collected and deposited in a dedicated fund. As an example, a 10KU technology fee would have generated in excess of 900,000 KU in revenue for the Ministry based on 1999 civil case filings.

NATIONAL CENTER FOR STATE COURTS

TECHNOLOGY AUTOMATION AND IMPLEMENTATION PLAN FOR THE
ZAGREB MUNICIPAL COURT OF THE REPUBLIC OF CROATIA

February 20, 2001

MUNICIPAL COURTS IMPROVEMENT PROJECT - CROATIA
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I. BACKGROUND INFORMATION

With the introduction of computers to the Croatian judicial system in the late eighties, technology has developed slowly for case management. Currently, the primary use of court-specific programs is accounting and land recordation. The Ministry of Justice, Public Administration and Local Governance (MOJ), the executive body responsible for promulgating rules for judicial procedures, sponsored the development of several programs to manage fiscal and personnel activities and to record information from court proceedings associated with land property. These programs were implemented in numerous courts throughout the country. Although a few proprietary case management programs exist in the Croatian judiciary, the primary use of technology for civil and criminal case adjudication is to generate court documents.

As a possible impetus for the rapid development of land registry systems, ground breaking legislation was passed in the mid-nineties on the computerization of those systems. Possibly to keep up with the pace of change in technology and the increased access to information for the court user community, the Government of the Republic of Croatia passed legislation in 1996 that computerized the main registry book of commercial courts and linked that data to a central database, and in 1997 that included the Internet as a viable method to access that database.

Understanding that technology planning should be an organized and continuous process, the Government attempted to establish a technology plan for State organizations about five years ago. The plan was faced with several obstacles, including different perceptions of individual organization's involvement in the process and the resistance to adopt such a concept for technology planning.

Despite the challenges to implement change, MOJ understands the importance of technology planning and it has a clear strategy for delivering information and services in the legal field to the citizens and other users.[1] The main elements of the strategy are as follow:

- All registers or databases under the jurisdiction of the MOJ should be provided and maintained using information technologies.

- Registers designated as public records should be available electronically for on-line access. Access to this information should be specific based on the user

- As management practices to maximize the effective use of technology, MOJ suggests:

    - Judicial expert teams to prepare the strategy to reform court practices, which includes drafting recommendations for legislative, administrative, and organizational changes.

    - Centralized management of all IT initiatives at MOJ. The managing body, MOJ's IT Division, will prepare requests for proposals and bidding

[1] Memorandum on the Computerization in Croatia Judicial System, Ministry of Justice, 2000.

documentation for consulting, software, hardware, and networking infrastructure, provide technical training, and ensure system availability and maintenance.

II. INTRODUCTION

The recent elections in Croatia have resulted in a total change in the legislative and executive branches of the government and a change in the Government's priorities as regards to legal system reform. The new President and Minister of Justice have discussed openly the problems of the judiciary and the need for reform. This spirited interest in legal system reform has created a dialogue on those problems within the government and between the government and the larger legal community.

The general consensus of government and the public is that the current legal system is not working well. Caseload measures such as the high percentage of "unresolved" or pending cases and the high average time (4+ years) to complete cases support the general consensus. Although the existence of these problems has been acknowledged, no detailed studies have been conducted to determine the nature of case delays. In general, the efficient operation of the legal system has been and continues to be affected adversely by many factors, which are philosophical, historical, structural, and financial in nature.

Understandably, legal system reform will take time to implement. However, there are possible short-term initiatives to make incremental improvements in efficiency and to establish a receptive environment to begin the long-term process of restructuring the entire system. To address the impact of those short-term initiatives, the U.S. Agency for International Development (USAID) launched the Municipal Court Improvement Project. This project would assess the impact of those initiatives and provide the technical assistance and equipment required to implement the initiatives deemed beneficial to the court operations of Zagreb Municipal Court (ZMC). ZMC was selected as a pilot because it is arguably the most important court within the system, handling over 30% of the country's caseload and some of the most important cases in the country.

The use of technology was one of the short-term initiatives to assess to improve efficiency. Specifically, a contractor would perform an initial assessment of court practices to determine the impact of technology, or the lack of it, on operations efficiencies, the extent the introduction of new technologies will substantially increase efficiency, and what changes to current court practices or prerequisites are necessary to maximize the effectiveness of these new technologies. If significant gains are likely with the introduction of technology, the contractor would develop an automation plan to accompany the overall work plan. Following the approval of both plans by the USAID/Croatia Cognizant Technical Officer (CTO), the contractor would proceed with the implementation of the plans. USAID awarded the competitive contract to the National Center for State Courts (NCSC) to conduct this project.

During the first on-site consultation, the NCSC project team performed a preliminary assessment of the current automation in Zagreb Municipal Court. A team of technical advisors conducted interviews with officials of the Croatian judiciary and some of their technical subcontractors, and with USAID representatives. The interviews were open-ended but structured, focusing on the following: current technical environment and support, form and notice generation, manual case tracking and records management practices, and statistical reporting.

The technology assessment team interviewed individuals in the following government and private organizations:

- High Commercial Court
    - Intake Office
- Microsoft
- Ministry of Justice
    - Information Technology Division
    - IGEA (subcontractor)
- U.S. Agency for International Development
- Zagreb Misdemeanor Court
    - Office of the President
    - Accounting Office Department
    - Intake Office
    - Execution Department
    - MicroStar Computers (subcontractor)
- Zagreb Municipal Court
    - Office of the President
    - Office of the President (Civil)
    - Office of the President (Criminal)
    - Accounting Office Department
    - Execution Department
    - Probate Department
    - Technical Support Team

Other courts were included in this interview stage in order to assess the use of information resources and technologies in those courts and the applicability of those IT resources as solutions for Zagreb Municipal Court. During these interviews, the team received several reports, including the memorandum on the status of technology circumstances at Zagreb Misdemeanor Court and the strategy plan of future automation in the Croatian judiciary.

III. INITIAL ASSESSMENT OF COURT PRACTICES THAT TECHNOLOGY MAY IMPACT

During the assessment, the NCSC project team identified the following court practices that could benefit from the application of technology. Since these assessments were devised from introductory visits, further detailed evaluation will occur to ensure accuracy. Below, the NCSC project team suggests actions to address the assessments (identified problems) and provides possible obstacles the project may face implementing those actions.

Assessment 1: Multiple manual (paper-based) registers are used in the administrative offices and the judges' chambers, requiring the redundant entry of the same or similar information at several stages throughout the life of the case.

Proposed Action: The elimination of manual registers for capturing case information. A court-specific program (case management system) should be obtained to capture once the information electronically for future tracking and report generation. If necessary, the program could generate the registers.

Obstacle(s): Cost (acquisition of CMS); Possibly legislation (register requirements)

Assessment 2: Duplication of hearing outcomes and final decisions between judges' chambers and intake offices delay entries of actions in the administrative registers and increase the risk of entry errors. For example, the final case disposition (verdict) is not forwarded to the intake office until the judge submits the entire written final decision.

Proposed Action: With the use of the case management system (CMS) mentioned above, the judges' support staff can enter specific details of the final decision and other hearing outcomes directly into CMS or forward a summary judgment card to the intake office for entry. In general, information should be captured at the most logical and reasonable point closest to its origin. For example, if information originates in the courtroom, it should be captured electronically in the courtroom for immediate availability.

Obstacle(s): Cost (acquisition of CMS); Possibly legislation (register requirements)

Assessment 3: Case processing is mostly paper-based and ZMC relies heavily on manual calendars and registers and case files. Time delays occur when court staff is required to search for case or historical information in the manual system and required to forward the case files throughout the Court to support specific tasks. For example, at times, a document received in the reception room has the wrong case number on it or no case number at all. It is time-consuming for the staff to search the paper-based system to determine the correct case number.

Proposed Action: The database of the CMS will contain all court information for quick access. As a standard functional specification, the case management system will have the capability to search that information using multiple criteria, such as case number, identification number, and surname.

Obstacle(s): Cost (acquisition of CMS)

Assessment 4: The generation of statistical reports is a labor-intensive task that requires substantial amount of time. Court staff performs hand counts for statistics and re-type the information at least twice in spreadsheet software. Initial statistics are gathered with the transfer of actual case files to the person responsible for generating the statistic reports.

Proposed Action: During the CMS design phase, the court will identify information (data elements) the system will capture -- the data dictionary. One criterion for the final approval of the dictionary is its ability to generate required statistical data to support decision-making and reporting requirements. In general, administrative and statistical information should relate directly to the business of the court; therefore, it should be a natural outcome of the information captured to manage case processing and it should not require the collection of additional data. Once the dictionary is approved and the system is implemented, CMS will generate automatically management and statistical reports designed by the court.

Obstacle(s): Cost (acquisition of CMS)

Assessment 5: Most court correspondences are generated via typewriter and manually assembled for mailing. The transfer of the actual case file notifies the department to generate a notice or "invitation".

Proposed Action: ZMC should produce all notices using automation. The entry of hearing outcomes and next scheduled hearings will generate automatically these notices. As prerequisites, the court will maintain its address list of case parties in CMS and possibly standardize the language on the notices for faster processing. Eventually, the court could use self-mailer forms as notices to eliminate the assembling process for mailing.

Obstacle(s): Cost (acquisition of CMS); Legislation (notice format and language)

Assessment 6: As stated in the Croatian Rule of Law Assessment Report prepared by the Bureau for Europe and Eurasia/Office of Democracy and Governance, the lack of complete and current information on higher court decisions is one obstacle that hinders the resolution of cases in a prompt and efficient manner. Currently, no comprehensive electronic legal database tool exists to conduct extensive legal research. The court depends on paper compilations of select opinions and inter-court conferences to exchange and share decisions.

Proposed Action: Currently, Croatia is experimenting with the use of the Internet to publish their Supreme Court decisions.[2] To provide the court a mechanism to access these decisions, Internet access will be provided via the planned local area network (LAN). Also, other specific law research services are available through the Internet and they should be investigated for potential use.

Obstacle(s): Completion of viable Web site with court decisions; Cost (law research services)

[2] NCSC understands that plans to develop a database on County courts decisions are on hold.

Assessment 7: All new cases are forwarded to the President Judge of each department for judge assignment. Most cases are assigned on a rotation-basis; however, factors such as case complexity, judges' caseloads, and urgency of the case may impact the assignment. The Presidents maintain a manual list of judges with their present caseloads to assist with assignments.

Proposed Action: The court should perform judge assignment at the reception room upon receipt of the filing or in the intake rooms when the court document is received. CMS can perform assignment of cases randomly or based on court-specific criteria. Of course, the scheduling process will be automated, which eliminates the need for manual calendars.

Obstacle(s): Cost (acquisition of CMS); Legislation (rules and procedures for case assignment)

IV. ASSESSMENT OF CURRENT TECHNICAL ENVIRONMENT

This section presents the results of the project team's analysis of the current technical environment in Zagreb Municipal Court. It is organized in four subsections: (1) infrastructure; (2) software programs; (3) technical support; and (4) external and internal factors.

Current Technology Infrastructure

Automation in Zagreb Municipal Court operates on two independent small networks, a local area network (LAN) for the land registry system and a peer-to-peer network for the accounting programs, and a host of standalone personal computers (PC). The LAN operates on a Compaq Proliant 8000 server using Novell Netware network operating system (NOS) platform for connectivity, running IPX/SPX, NetBEUI, and TCP/IP network protocols over a 10Mbps Ethernet-based backbone. 15 workstations (Pentium II computers mostly) are connected to this network.

The peer-to-peer network with 10BaseT cabling and a hub uses Windows 98 as the NOS. The network, which allows the users to share the hard drives and printers, consists of four Pentium workstations and two printers (laser and dot matrix).

In addition, the court has approximately 46 standalone computers with minimal print sharing capability, mostly Pentium I and II with some 486s and 386s. All workstations run on Microsoft Windows 95/98 with Office 97 software. The standalone workstations are used primarily to generate forms, letters, and notices. Approximately 40 printers, mostly laser printers, and four modems are attached to those workstations.

Recently, the court received 30 new Celeron-based workstations (speed of 633 MHz) for distribution. This acquisition brings the total number of workstations in ZMC to approximately 95. However, the 15-workstation network and the 30 new workstations are scheduled for relocation to another court facility within the immediate future, leaving 50 workstations in ZMC's main building. Also, a few judges are using their own home computers to perform some court functions.

Software Programs

An administrative program exists to handle accounting, budgeting, payroll, and other administrative functions. Developed by a subcontractor of the Ministry of Justice, the db3-based application operates on a standalone PC workstation.

The accounting office also has two payable programs that (1) track monetary transactions for expert services and (2) track wages paid to visiting (retired) judges. The company FOING NOVA used the Borland's Delphi application development tool and the Corel Corporation's InterBase relational database to develop both GUI-interface applications under a contract with the Ministry of Justice.

The land registry department has a vendor-developed program to track land record transactions. Developed by IGEA, the program operates on the LAN described above

and was developed using Sterling Corporation's ZIM. The data is stored in Oracle DBMS, Version 7.4. The vendor is currently upgrading the database to the latest version.

Technical Support

One computer technician provides on-site support to the hardware and software components in ZMC. The technician also provides on-the-spot computer training to court staff. The Ministry of Justice has maintenance contracts on the hardware and a MOJ staff person coordinates the delivery of malfunctioned equipment to the service provider for repairs. The company Micro Lab installed the Land Registry Novell network hardware and MOJ installed the NT network hardware. Wiring of the LAN was outsourced by MOJ to an outside vendor.

External and Internal Factors

A number of external and internal factors to the Zagreb Municipal Court impacts future IT initiatives:

External Factors

- The chronic and substantial shortfalls in financial and human resources for the courts are also likely to persist for at least the next two or three years, as the Government works to resolve the overall budget crisis facing the country.

- The Ministry of Justice has the responsibility for securing and distributing resources to the courts, including Zagreb Municipal Court.

- The passage of new legislation has contributed to a major increase in the number of cases filed in the court.

- The telecommunications infrastructure and backbone in Croatia is extensive, spanning the nation with 220,000 km of fiber optic cable with mostly digital switches (90%). However, the services are expensive because of the lack of competition for telecommunications services in Croatia and it may be cost-prohibitive for government agencies.[3]

- Despite a very skilled labor force, a limited number of large-sized companies provides full software development services.[4]

- The global increase on the reliance of the Internet for communication and business applications is setting an ex-facto standard for internetworking.

Internal Factors

- Availability of funding and appropriate staffing resources.

[3] *ICT Assessment in Croatia Summary and Initial Recommendations*, United States Agency for International Development Information Resources Management, 2000.
[4] Ibid.

- The court's current intellectual and physical technology base.
- Availability of technical support.
- Availability of technical training.

V. STRATEGIC PLAN

The broad vision of this automation plan should be to ensure that information resources and other technologies support Zagreb Municipal Court in achieving its goals and strategic objectives. Technology planning must be driven by judicial goals and objectives rather than the latest technological developments. Also, given the potential cost and risks associated with technology acquisitions, the Court in conjunction with MOJ should conduct a comprehensive planning process to ensure the successful implementation of technology. Short-term technology initiatives should be identified, planned, scheduled, and budgeted in phases within the perspective of a larger picture -- the IT strategic plan of the organization.

A good strategic plan consists of several basic principles. Many U.S. educational and government entities have adopted the following principles for technology planning:

- Planning must incorporate the mission and philosophy of the organization and the organization and its staff should be actively involved in if not "own" the process.

- It is a continuous and ongoing process that requires a working document that improves the use of technology. The document should be broad but realistic in scope, with economical and technical feasible solutions.

- All stakeholders are involved in the process, including court leadership, staff members, government agencies, the public, and court technology experts.

- Procedures for making technology decisions are developed, including methods for setting priorities and for purchasing, evaluating, and using of technology.

- Internal and external factors of the organization are identified as well as the impact those factors will have on the implementation of technology.

This project's contract included several goals and objectives that were in alignment with the goals voiced by the President of the Zagreb Municipal Court. Further, in general, the end product of any judiciary is a human decision devised from the consideration of facts and law. For IT departments within these judicial systems, one of their primary goals should include the accurate assessment and application of IT resources and applying them in support of judicial decision-makers.[5] Based on the above premises, the initial assessment that produced several recommendations (actions), and the basic principles of technology planning, the NCSC project team proposes the following five IT strategic goals to the Ministry of Justice and the Zagreb Municipal Court:

> Goal 1: Adopt effective management practices in acquiring, funding, managing, and using information resources and technology.
>
> The Court should adopt management strategies and practices that establish an open and responsive environment for the introduction of technology. In

[5] *The Long Range Plan for Information Technology in the Federal Judiciary*, Administrative Office of the U.S. Courts, 1999.

compliance with MOJ's vision on technology planning, its IT Division will eventually manage the IT initiatives implemented in ZMC. However, USAID mandates specific regulations on the acquisition of technology. NCSC project team will purchase the hardware based on those regulations, but with input from MOJ to avoid major inconsistencies with the judiciary's overall capital acquisition strategy (i.e. hardware and software standards).[6]

Goal 2: Provide adequate and continuing technical education, support, and training for judicial officers and support staff to ensure the effective use of information resources and technology.

Per a memorandum of understanding, the Ministry will provide all training to judicial officers and court staff. However, the NCSC project team recommends the following rules for training preparation: (1) provide training at exactly the same time that the technology is being implemented; (2) meet the users' needs based on their knowledge and background; (3) group training classes by common interest and background; and (4) create a dedicated training environment, preferably at the court itself (in situ).[7]

Goal 3: Provide a seamless communications path within the Court and with the public and the justice system community.

The electronic communications paths created in the Court must provide readily accessible data in a simple and user-friendly environment. This project will support the creation of the infrastructure to facilitate data interchange among the end-user community, and possibly the public. Although communication strategies to other external agencies are not included, the Court should identify the benefits and needs associated with such links during the assessment phase of this project.

Goal 4: Continue to identify, promote, and implement improved business processes to maximize the effective use of new technologies.

Technology is not a substitute for accepted business practices in successful organizations. Effective organizations employ good business process improvement techniques to challenge their pre-existing paradigms and to incorporate change. These organizations capitalize on the use of technology to complement and to augment those business improvements.

Goal 5: Continue to maintain and improve the Court's technology resources to ensure effective administration of information.

ZMC will learn from their technology successes and build upon them for further improvements. Also, to keep up with the pace of rapid change in technology, periodic acquisitions and planned integration of the latest technology to support the existing technology infrastructure are a must.

[6] See Appendix A: Proposed Hardware and Software Standards.
[7] P. Jacobs, "OS Rollouts Hinge on User Training," InfoWorld, February 4, 2000.

Implementation of the Strategic Plan

NCSC translated the above goals into actual activities and tasks to create action and work (implementation) plans. These plans will outline the next steps for implementing technology into the court.

First, the team devised specific core strategies to accomplish each goal and provided measurable objectives to gauge progress. These strategies will address the needs outlined in *Section III. Initial Assessment of Court Practices That Technology May Impact*.

NOTE: The NCSC technical team will have a better definition of the Court's IT needs once the full needs assessment study is conducted (scheduled for February, 2001). The report created for this study will provide a detailed analysis of the court operations and a dialogue of the appropriate applications of technology to introduce to the court environment.

Then, NCSC drafted a three-year action plan consisting of: initiatives, required IT resources and related cost, a general timeline, and available resources to fund and/or manage the initiatives. IT resources could be personnel, materials, or processes.

These initiatives are further defined as specific activities in *Section VIII. Work Plan and Implementation Activities*. This section lists for each core strategy the following: entities responsible for the strategy, all activities identified to accomplish each strategy, activities slated for completion within Phase I of the overall work plan, prerequisites, and contingencies.

The overall work plan consists of two phases. The first phase, October 15, 2000 to April 15, 2001, will focus on the implementation of short-term initiatives and strategies. During Phase II, which is April 16, 2001 to August 31, 2003, NCSC with coordination with the Zagreb Municipal Court will implement long-term strategies.

Finally, the team devised a detailed Phase I work plan (Section VIII) that listed activities scheduled for completion during that period and their target completion date.

VI. ACTION PLAN

This section identifies the core and management strategies and provides the action plan that will implement those strategies and their respective activities.

Core Strategies

These strategies will move Zagreb Municipal Court from its current technology reality to the vision and goals described in the strategic plan. The strategies are grouped into the two categories: core and management.

The suggested four core strategies, which relate directly to goals 2, 3, 4, and 5, are:

GOAL 2 STRATEGY. Develop and provide staff training and technical support to implement information and communication technologies appropriate to each position.

GOAL 3 STRATEGY. Install, maintain, and support an up-to-date wiring, hardware, and software infrastructure.

GOAL 4 STRATEGY. Develop and adopt new standards and practices to improve court operations.

GOAL 5 STRATEGY. Develop and maintain administrative software applications that support productivity and efficiency.

Management Strategies

Goal 1 recommends that ZMC adopts effective management practices to foster an open and responsive environment and a team approach to planning, development, and implementation. To help meet that goal, NCSC suggests these four management strategies:

1. Involve MOJ and all ZMC staff in planning and continuous improvement activities, including staff training and collection of user feedback

2. Work with the technology advisory committee and ZMC executive staff as a management review board, and involve other staff and community review groups as appropriate (See *Appendix B: Core Responsibilities for Technology Committee*)

3. Provide feedback on technology implementation to users/stakeholders regularly

4. Meet regularly to assess overall progress and adjust plans and deadlines as necessary.

Table 1: Action Plan (See Section VII: General Information for more details)

Goals/Objectives	Initiatives	IT Resources	Timeline	Cost $USD) FY2001	FY2002	FY2003	Resources Available
GOAL 1: Adopt effective management practices in acquiring, funding, managing, and using technology. **4 CURRENT STRATEGIES (See pg. 16)**							
1. The Court will develop and adopt a technology planning process for information technology that is linked to the court goals.	a. Employ an information technology advisory committee to oversee plan implementation and to update the plan in coordination with new IT initiatives and MOJ's technology plan. b. Implement standard management practices as needed.	NONE	FY00				
GOAL 2: Provide adequate and continuing technical education, support, and training for judicial officers and support staff to ensure the effective use of information resources and technology. **CURRENT STRATEGY: Develop and provide staff training and technical support to implement information and communication technologies appropriate for each position.**							
1. Technical support will be provided that meets or exceeds the needs of the ZMC court staff.	a. Appoint and hire personnel who will act as on-site technical support and procurement/support coordinator.	NONE	FY01				100% MOJ
2. Judicial officers and court staff will learn to use software tools to meet or exceed the minimum knowledge skill sets required.	a. Develop a formal training plan and provide users and technical staff training and training for software upgrades.	NONE	FY01				100% MOJ

GOAL 3: Provide a seamless communications path within the Court and with the court user and justice system communities. **CURRENT STRATEGY: Install, maintain, and support an up-to-date wiring, hardware, and software infrastructure.**							
1. Select judicial officers and appropriate court staff will have access to computers to access cross-divisional court data, to communicate with others, and to conduct research using the Internet.	a. Purchase and install hardware and software for PC workstations and services for Internet Access b. Purchase and install hardware and software to create workstations with immediate Internet access in law library for law research (5).	Hardware/ Software / Services	FY01, 02 FY01	$269,950 $8,750	$164,050		USAID will purchase all hardware and software MOJ will purchase Internet service
2. The existing network infrastructure will be improved to facilitate increased staff access and data traffic and information sharing.	a. Purchase and install hardware and software for LAN in ZMC main building.	Hardware/ Software / Services	FY01	$126,000			USAID will purchase all equipment and materials MOJ will contract and purchase all services
GOAL 4: Continue to identify, promote, and implement improved business processes to maximize the effective use of new technologies. **CURRENT STRATEGY: Develop and adopt new standards and practices to improve court operations.**							
1. The Court will develop or adopt standards that reduce redundancy and promote standardization.	a. Document current operating procedures, business rules, and case- and paper-flow. b. Incorporate practices recommendations into operations.	NCSC / ZMC	FY01				

GOAL 5: Continue to maintain and improve the Court's technology resources to ensure effective administration of information. CURRENT STRATEGY: Develop and maintain administrative software applications that support productivity and efficiency.							
1. The Court will purchase new management information software for civil, criminal, and enforcement divisions that meets the administrative needs of the Court.	a. Conduct an IT needs assessment and requirements analysis.	IT Specialist / Consultant	FY01				100% USAID
	b. Purchase and implement civil and probate software application with appropriate contractual services (includes database server).	Hardware / Software	FY02		$305 - 605K		MOJ with $205,000 from USAID
	c. Purchase and possibly implement criminal and juvenile software application with appropriate contractual services.	Software	FY03			$200 - 500K	MOJ with $100,000 from USAID
Cost (USAID)				**$404,700**	**$369,050**	**$100,000**	**$873,750**

VII. MISCELLANEOUS NOTES ON ACTION PLAN

- MOJ will determine the full time employee (FTE) or vendor-contractor support needed for additional support staff.

- 3.1.a and 3.1.b: PC workstation cost:

Table 2: First PC Shipment Inventory

Item	Number	Unit Cost	Total
Personal computer (Includes monitor, network adaptor card, and Microsoft Office Professional 2000 with applications in Croatian)	110	$1750	$192,500
Desktop printer	110	$400	$44,000
Surge suppressor	110	$20	$2,200
Warranties on computers, monitors, and printers	330	N/A	$15,000
Shipping			$25,000
TOTAL:			**$278,700**

Table 3: Second PC Shipment Inventory

Item	Number	Unit Cost	Total
Personal computer (Includes monitor, network adaptor card, and Microsoft Office Professional 2000 with applications in Croatian)	65	$1750	$113,750
Desktop printer	65	$400	$26,000
Surge suppressor	65	$20	$1,300
Warranties on computers, monitors, and printers	195	N/A	$8,000
Shipping			$15,000
TOTAL:			**$164,050**

- 3.2.a: LAN design and installation include the following costs.

Table 4: LAN Equipment Inventory

Item	Number	Unit Cost	Total
Server	4	Varies	$28,000
NT Server license	4	$650	$2,600
NT client license	180	$40	$6,400
CAT5e wiring and optic fiber cabling	TBA		$15,000
Router, switch, and UPS	TBA		$22,000
NIC card and NT license for existing PC	Up to 50		$5,400
MS Exchange Server (users license)	180	~$70	$11,900
WinProxy (unlimited licenses)	N/A		$700
Printers (network capable)	TBA	Varies	$21,000
Warranties on servers, routers, switches, and other equipment	330	N/A	$12,000
Shipping			$1,000
TOTAL:			**$126,000**

- Further in-depth evaluation will determine if it's more feasible to purchase or to contract the development of the information system. Based on the low rates for software development services in Croatia and the additional problems faced in customizing an existing product to Croatian, development is the initial choice.

- Price estimates for acquiring an administrative software application for case management include development cost, database licenses (250), and database tools. Database and software maintenance and support and training (technical and users) are excluded.

VIII. WORK PLAN AND IMPLEMENTATION ACTIVITIES

This section contains the following information for each core strategy: responsible parties, identified activities, and expected prerequisites and contingencies.

CORE STRATEGY (GOAL 2): Develop and provide staff training and technical support to implement information and communication technologies appropriate to each position.

Responsibility

MOJ has major responsibility for training of ZMC staff and for providing technical support. Per the memorandum of understanding, the Ministry has agreed to provide training at 100% cost and will provide personnel to assist users with hardware and software issues. ZMC will appoint a ZMC staff person as the contact person and primary liaison with MOJ. Also, NCSC staff will work closely with MOJ to provide guidance and notice of upcoming training needs within the court and to monitor the quality and timeliness of training.

Phase I Activities

1. Develop a training plan with schedule to conduct a multi-tier training course for first installation of computers

   - ✓ Determine the competency levels of end-users
   - ✓ Determine the availability of end-users for formal training
   - ✓ Determine the possibility of providing training in the afternoons (after-hours)
   - ✓ Determine the number and types of training sessions needed

2. Teach users the basic components of a computer and its operating system (Windows 2000)
3. Teach users to use Microsoft 2000 Professional Software, with emphasis on MS Word

Phase II Activities

Training needs and technical support issues will be addressed under the core strategy for Goal 5 as regards to systems development and implementation.

Prerequisites

Activities 2-3 are linked directly to the installation of the first shipment of PCs (110). These activities must occur immediately after or during the installation of these computers.

Contingencies

If formal training becomes cost-prohibitive, training sessions will be held at the court in the Law Library. A total of sixteen (16) people can be trained at one time with eight (8) PCs.

CORE STRATEGY (GOAL 3): Install, maintain, and support an up-to-date wiring, hardware, and software infrastructure.

Responsibility

NCSC will coordinate the purchase and delivery of hardware and software to ZMC. Actual wiring and LAN installation will be outsourced to a third-party vendor. MOJ with assistance from NCSC will write the proposals for LAN design and installation. All procurements require USAID's approval.

Phase I Activities

1. Write and distribute RFP for procurement of first shipment outlined in Action Plan
2. Select vendor and coordinate the purchase and shipment of equipment
3. Install computers and printers in ZMC

Phase II Activities

4. Write and distribute RFP(s) for procurement of LAN design and equipment
5. Select vendor and coordinate the purchase and shipment of equipment
6. Coordinate and supervise the LAN installation
7. Certify and approve the LAN installation for court operation

NCSC will determine if a wide area network is necessary for connecting all buildings and offices of ZMC. The court complex includes two remote locations: Land Registry and Probate Court.

Contingencies

With the complexity of LAN installation and the close coordination needed for installation and equipment purchase, the NCSC may request from USAID the purchase of LAN equipment, particularly the wiring and wiring components, locally or as a requirement of the RFP.

The NCSC project team strongly recommends an on-site LAN administrator to support the day-to-day activities required of a medium-sized LAN. If a new hire is not possible, the Court should consider one of its internal staff members for the position and recommend the appropriate training courses to MOJ for approval. In the interim, NCSC has hired the services of a MIS Specialist to provide LAN administration support.

CORE STRATEGY (GOAL 4): Develop and adopt new standards and practices to improve court operations.

Responsibility

NCSC staff members will provide recommendations on how to improve court operations to accommodate automation. These recommendations will appear in the final needs assessment report.

Phase I Activities

1. The court with assistance from NCSC staff members will document the current operating procedures for civil and criminal cases
2. NCSC will identify potential improvements to the procedures

Phase II Activities

NCSC identified no significant changes to the current operating procedures to recommend any immediate changes. Process re-engineering based on the introduction of a case tracking application will be addressed under the core strategy for Goal 5 as regards to systems development and implementation.

Contingences

None

CORE STRATEGY (GOAL 5): Develop and maintain administrative software applications that support productivity and efficiency.

Responsibility

NCSC will facilitate the design and eventual implementation of the case tracking software/case management system (CMS). An on-site IT specialist will act as the project coordinator. Also, other NCSC staff persons will provide guidance and assistance to the overall project and will act in an advisory capacity. From information gathered during the software requirements/design phase, NCSC will recommend either the buy or develop approach to software procurement. A third-party vendor will provide the software and initial technical support.

Phase I Activities

1. Document the case- and paper-flow for civil, criminal, and enforcement cases in ZMC
2. Conduct needs assessment/requirements analysis

Phase II Activities

3. Complete the IT needs assessment report that includes data from statistical sampling studies conducted in the court for review and approval
4. Define initial case tracking software requirements based on Court's needs
5. Write request for information (RFI) to solicit vendors' qualifications for providing the technical requirements of the software.

6. Write and distribute RFP to obtain contractual services to develop or purchase case tracking software
7. Review proposals and select best fit
8. Negotiate and award contract to vendor
9. Conduct system analysis, design, development, and implementation phases. During the life cycle of systems development, this task is comprised of many subtasks that are associated to these activities:

    - Application Programming/Development/Acquisition
    - Application Training
    - Technical Standards Development (Hardware and Software)
    - Data Conversion
    - Functional Standards Development (Data Entry Codes, Work-floe Design, etc.)
    - Hardware and Software Installation
    - System "Roll-out"
    - System Certification
    - Testing

    NCSC project team will develop a full project plan, including timeline, with the assistance and input from the vendor awarded the contract.

Prerequisites

Sufficient technical support from MOJ; the ability to obtain the contractual services of a qualified software developer/integrator company to manage the deployment of the case tracking software.

Contingencies

After the completion of the needs assessment/requirements analysis, NCSC will evaluate the resources available locally to provide the automation needs identified. The outcome of the evaluation and certain court environment constraints may impact the sophistication of the software application -- NCSC may recommend a scaled-down version to accommodate only the essential needs of the court. To further evaluate the local technical resources, NCSC will issue a request for information (RFI) in Croatia that includes all functional and hardware specifications identified in the analysis report.

NCSC will request a temporary exemption from specific rules listed in the Book of Rules. As with any automation, certain procedures that were practical for a manual environment may not be practical or efficient with automation. For example, manual procedures tend to have redundant steps for auditing and record-keeping purposes. As a sound investment, the application will be designed to improve efficiency and to alleviate those redundancies. In good faith, NCSC cannot design an application that mimics the manual process -- certain level of process reengineering is required. However, the automation will include all reporting and register requirements for archival and printing purposes.

Also, new hires are almost inevitable for projects that introduce new technologies. Although off-site resources can provide immediate support for the project, the benefits associated with hiring critical project positions, such as database and network administrators and hardware/software technical support, are great. These benefits include immediate resource availability, long-term cost savings, and project stability. MOJ must work closely with NCSC to ensure new hires are available to learn about and to eventually manage the application and its hardware infrastructure.

PHASE I AND II WORK PLAN

In the table below, the NCSC project team outlines specific activities that should be initiated in Phase I.

Table 5: Phase I and II Work Plan

Goal/ Objective Number	Activity	Responsibility	Target Completion Date
2.1	1. Appoint a ZMC staff member as the support/procurement coordinator	ZMC executive staff	Deferred
2.2	1. Develop a training plan with schedule to conduct a multi-tier training course for the first installation of computers.	MOJ	Late April 2001
2.2	2. Teach users the basic components of a computer and its operating system (Windows 2000)	MOJ	May - June 2001
2.2	3. Teach users how to use Microsoft 2000 Word.	MOJ	May - June 2001
3.1	1. Write and distribute RFQ for procurement of the first shipment of computers.	NCSC	Completed
3.1	2. Select vendor and coordinate the purchase and shipment of equipment.	NCSC	Completed
3.1	3. Install computers and printers in ZMC.	Local vendor with support from ZMC (Neven)	Week of April 15, 2001
3.2	4. Write and distribute RFP(s) for procurement of LAN design, equipment, and installation.	MOJ/ NCSC	Mid-April 2001
3.2	5. Select vendor and coordinate the purchase and shipment of equipment.	NCSC	May 2001
3.2	6. Coordinate and supervise the LAN installation.	NCSC and Contractual Services	October 2001
3.2	7. Certify and approve the LAN installation for court operation.	NCSC and Contractual Services	October 2001
4.1	1. Document the current operating procedures for civil, criminal, and enforcement cases.	NCSC	Completed
4.1	2. Identify potential improvements to these procedures during the requirements analysis.	NCSC	Early May 2001
5.1	1. Document the case- and paper-flow of civil, criminal, and enforcement cases.	NCSC	Completed
5.1	2. Conduct the needs assessment/requirements analysis	NCSC	Completed
5.1	3. Complete IT needs assessment report that includes data from statistical sampling studies conducted in the court.	NCSC	Early May 2001
5.1	4. Define initial case tracking software requirements	NCSC	June 2001

	based on Court's needs		
5.1	5. Write request for information (RFI) to solicit vendors' qualifications for providing the technical requirements of the software.	NCSC	July 2001
5.1	6. Write and distribute RFP to obtain contractual services to develop or purchase case tracking software.	NCSC	September 2001
5.1	7. Review proposals and select best fit	NCSC	October 2001
5.1	8. Negotiate and award contract to vendor	NCSC	November 2001
5.1	9. Conduct systems analysis, design, development, and implementation phases for case tracking applications -- civil and criminal* (5.2)	NCSC and Contractual Services	December 2001 - June 2003

*NCSC plans to implement the civil case tracking application first in stages based on case types. However, the analysis and design phase will include activities for both civil and criminal applications. The development and implementation phase for the criminal application will begin after the successful implementation of the civil application.

APPENDIX A

Proposed Hardware and Software Standards

Proposed Hardware and Software Standards*

Table 6: Desktop Hardware Standards Recommendations

Item	Minimum Requirement
CPU	Pentium III (Intel Processor) 400 MHz
Monitor	17" Color SVGA
Memory	128 RAM
Hard Drive	6 GB or greater EIDE/SCSI
Operating System	Windows 98 or Windows 2000
Modem	56K V.90 Modem (standalone workstations)
CD-ROM	24x
Office Suite	Windows 97 or Windows 2000

Table 7: Networking Standards Recommendations

Item	Minimum Requirement
Data Network Cabling	100Base-T Fast Ethernet over Category (CAT) 5e Unshielded Twisted Pair (UTP) and fiber optic cable.
Hubs	Intelligent (managed) 10/100Base-T auto-sensing
Switches	10/100Base-T auto-sensing
Network Card	PCI 10/100 Ethernet
Operating System	Windows NT 4.0 with TCP/IP transfer protocol

- Fiber optic backbone in star configuration to connect multiple hubs/switches locations in court

- Uninterruptible Power Supply (UPS) access to all critical hardware devices on LAN to protect hardware and data files from damage or loss due to power fluctuations or outages, and to provide continued service (20+ minutes) in the event of a power outage.

<u>Applications Standards Recommendations</u>

Operating Systems: POSIX (Portable Operating Systems Interface) to provide the portability of source code applications where O/S services are needed/required. (i.e. NT or possibly Linux if cost is an issue)

Relational Database Management System: ANSI SQL/ISO with built-in ODBC and JDBC

***Subject to change, funding source and overall cost may influence acquisition strategy.**

APPENDIX B

Core Responsibilities of Technology Committee

Core Responsibilities of the Technology Committee

Goal 1.1.a: Technology Automation Plan for the Zagreb Municipal Court of the Republic of Croatia

The NCSC project team will use the newly created technology committee as an essential instrument to assess the balance, quality, and vision of the Zagreb Municipal Court's overall technology program. This committee will work with the ZMC executive staff as a management review board. It will meet on an ad hoc basis to assess overall progress and to recommend plan and schedule adjustments.

The on-site Information Technology (IT) Specialist, who is a National Center for State Courts employee, will serve on the committee in an advisory capacity, but provide administrative support during meetings, etc. As the project coordinator of the current technology program, the IT Specialist will provide monthly to semi-monthly progress reports to the committee and the executive staff.

Specifically, the committee will:

1. Serve as principal advisor and advocate to the Court on matters pertaining to court-wide policy, planning, resource allocation, and implementation of technology program/projects.

2. Serve as a forum for reviewing court policies, practices, and issues, as they relate to technology activities; and for communicating and discussing technology goals and national policies that guide the development of these activities.

3. Participate in the court process of evaluating and developing recommendations for technology and of establishing technology priorities.

4. Review technology initiatives to ensure that they have the appropriate cooperation from all stakeholders, including resource management agencies (e.g. Ministry of Justice).

5. Coordinate the involvement of all court staff in continuous improvement activities and planning, including staff training and collection of user feedback.

6. Review evaluative and recommendations reports for accuracy and clarity.

<u>Members of the Technology Committee</u>

Zdravjo Majerovic, President (Criminal)
Renata Santek, President (Civil)
Nikola Opatic, Judge
Marko Prgomet, Chief Clerk
Boris Buric, Statistician
Enrika Boric, Clerk
Neven Pavlicic, Clerk
Tanya Magdic, MOJ Representative*
MIS Specialist, NCSC Representative*

*Non-voting members

ADMINISTRATIVE DUTIES PERFORMED BY JUDGES

Purpose of the Project

The purpose of this project is to identify areas where the judges of the Zagreb Municipal Court are performing basically administrative tasks that could be performed by court staff. Some of these duties performed by judges may be proscribed by the Civil or Criminal Code as well as the Book of Rules.

This is not an attempt to push more work onto the administrative staff nor is it an effort to shorten the workday of the judges. Rather it is an attempt to recommend a process whereby judges who are trained in the law devote most of their time to judicial matters. Likewise, a well trained staff member performing administrative tasks can do the work faster and experience more time saving efforts due to the elimination of transferring files between judges and the intake or general file room. Some of the tasks if transferred to the administrative staff will not cause them additional work but rather allow the process to move forward in a more timely and efficient manner.

Finally, we recommend the review of these administrative tasks because it is a better business decision to have the higher paid judicial employees (judges) doing the work that they are trained to do. From a budget perspective it is less expensive to hire administrative staff than to create another judicial position.

ISSUES

I Order for Second Notice to Appear

If a witness is needed to appear and give testimony, and the personal service process is unsuccessful for whatever reason, the file is given to the judge for the purpose of authorizing the issuance of a second notice. This is purely administrative. Alternately, the Intake staff could determine that another notice should be issued and cause the paperwork to be drawn up and issued. Judges do not need to have the request for a second notice pass over their desk. Rather, it is the witness' appearance that is needed, and the only matter preventing such an appearance is lack of acknowledgment (signature) of the notice by the witness. When this occurs, another notice must be issued. The clerk's office could inform the judge that a second notice is being

issued, and confirm the proposed hearing date. If for some reason a second notice should not be issued, the judge would tell the Intake Department..

II List of Parties to be Notified of Next Hearing

When a case is scheduled for a future event (hearing) the judge must write down the names of each individual who is to be served with a notice. Generally, this includes everyone who is identified in the initial complaint. This step should NOT require the involvement of a judicial officer. Staff in the Intake department can look at the complaint and know all the parties that are to be served a notice. As an alternative to current practices, the judge and clerical staff could simply communicate verbally on who should be included/excluded from the notification list. If necessary, once the list is drafted by administrative staff, the judge could sign off.

III Address Verification

From time to time the court needs to verify or correct the address of an individual (party or witness). At the present time the judge must request an address check. This amounts to a lot of time in a day when you consider 8 to 10 hearings per day, and up to 20 participants with approximately 33% needing address checks. As an alternative, and upon learning that the address is incorrect, administrative staff could contact directly the appropriate Ministry for an address check. The action of address verification occurs several times in the course of the case. It is a function that should be performed by administrative staff, not judges, and aggregated judicial time savings are likely to be significant. As a direct consequence, the number of hearings per day would increase.

IV Scheduling of Cases

The administrative staff could be tasked with simple activities related to the scheduling of a case. Often, in the life of a case, the next event is simply the scheduling of a hearing. The staff could determine when this next event (hearing) is to be done from a pre-arranged time slot given to the staff by the judge. The clerk can schedule the hearing and send out the notices. This is most evident at the time for the first hearing of the case. The court counselors could be involved in this process as well. Some of these activities are automatic, that is, they follow a sequence and the Intake department knowing the process could act when it is time to begin the next event.

V Appeal Process

In appealed cases the municipal court requires many administrative activities. These activities occur from the time the notice of appeal is filed until the final decision is rendered by the county court and subsequently all parties are notified. During the back and forth of activities, from the parties to the municipal court to the appellate court and back again to the municipal court, there are many tasks that are administrative in nature and can be done without the involvement of the municipal court judge. Among several examples, preparing the file for appeal can be done by court staff. The municipal court judge having rendered their decision is basically through with the case. The administrative staff can take it from there and complete the record keeping requirements and send the file to the higher court(s).

CONCLUSION

Identifying administrative tasks currently being performed by the judge and shifting the responsibility to clerical staff is recognizing the importance of utilizing judicial personnel in the most efficient and cost effective manner. Organizations hire personnel to perform specific duties on the basis of service level and expertise available to them within a given budget. Allocating clerical staff to perform administrative duties and lawyers to perform judicial duties is a responsible use of public funds.

If a number of duties listed above, because of their administrative nature, are transferred to the court staff, judges will have additional time to schedule more hearings per day and thus dispose of pending cases sooner than the current disposition rate.

AN INTRODUCTION TO CASEFLOW MANAGEMENT PRINCIPLES AND PRACTICES

Prepared for the Leadership of the Zagreb Municipal Court and Croatian Ministry of Justice

National Center for State Courts

July 7, 2001

AN INTRODUCTION TO CASEFLOW MANAGEMENT

The following is intended as an introduction for the Zagreb Municipal Court leadership on the topic of caseflow management. The topics include an overview of the concepts of caseflow management, setting caseflow management goals, information needs for caseflow management, and suggestions for establishing a successful program. This summary is primarily adapted from the National Center publication ***Caseflow Management – The Heart of Court Management in the New Millennium*** by David Steelman.

Background

The concepts and practice of caseflow management is a relatively new phenomenon in the courts. Prior to the 1970's most of the efforts to reduce case delay focused on rules of procedure, court structure, and the quantity of judicial and staff resources. Caseflow management instead focuses on how cases progress from filing to disposition and what the court does to manage that process.

The first comprehensive study of delay in courts was conducted by the National Center for State Courts in 1976 and involved 21 state-level trial courts in the United States.[1] The study found that resource, structural, and caseload variations failed to explain differences in the pace of litigation. Instead, the evidence pointed to expectations, practices, and informal rules of behavior of judges and attorneys as critical factors.

The attention given to delay reduction is not simply in the interest of efficiency. As a recent study of litigation in criminal matters found, courts with the most efficient case processing measures also had the highest measures of case-processing quality as judged by both prosecutors and defense attorneys.[2] Effective caseflow management helps ensure that every litigant receives procedural due process and equal protection.

Fundamentals of Caseflow Management

Through research and practical experience several fundamental practices have been identified that characterize successful caseflow management:

Early Court Intervention and Continuous Control of Cases – A fundamental principle of caseflow management is that the court, and not other participants, controls the progress of a case from filing to disposition. This means that no case should be interrupted without good cause once it has been initiated. Early control simply means that the court is able to monitor the progress of the case as soon as it is filed. The progress of each case is then monitored at established intervals to ensure that the case is continuing to progress

[1] Thomas Church et al., ***Justice Delayed: The Pace of Litigation in Urban Trial Courts***, National Center for State Courts, 1978.

[2] Brian Ostrom & Roger Hanson***, Efficiency, Timeliness, and Quality: A New Perspective from Nine State Criminal Trial Courts***, National Center for State Courts, 1999.

along an established time track. Court control must also be continuous, so that as a case passes each "milestone" the next event or action is scheduled. (A milestone is any event or point in the case that the court identifies as significant to case progress.) This prevents the case from being delayed because of inattention by litigants or the court. A third element of early control is the practice of conducting early case conferences. A conference may not be necessary in a simple case, but in more complex litigation it is an opportunity to ensure preparation by the court and all parties in the case. A pre-hearing conference can be conducted either in the courtroom or on the phone, as need requires.

Productive Pretrial Events and Schedules – The scheduling of hearings should balance the need for reasonable preparation time by parties with the necessity for prompt resolution of the case. The court should take an active role in encouraging hearing readiness by parties and lawyers, and create the expectation that court events will occur as scheduled and will be productive. Hearings should be scheduled within relatively short intervals. When hearing preparation is expected to take a particularly long time, the court may even wish to schedule intermediate "status" hearings to ensure that the preparation process is proceeding. Good communication between judges and lawyers is important:

- Give attorneys reasonable advance notice of deadlines and procedural requirements.
- Notify lawyers that all adjournment requests must be made in advance of a deadline date and upon showing of good cause.
- Take consistent action in response to non-compliance of parties with deadlines.

Efficient Motions Practice – If parties file pretrial motions, early court action on these motions will promote earlier case resolution. The court should decide pretrial motions before the first hearing date, whenever possible. Some suggestions for managing the motions process include:

- Schedule contested and uncontested motions separately to increase judicial time for hearing and deciding motions that could substantially impact the outcome of the case.
- Require attorneys to attach a stipulated order or certification that identifies uncontested motions.
- Set time limits for responses to motions and set these deadlines just prior to the hearing date.

Firm and Credible Hearing Dates – Attorneys and litigants should expect that events will occur as scheduled. These participants will not appear or be prepared at a scheduled hearing if the certainty of that hearing being held is in doubt. This means that the court provides advance notice in the event of judicial absence or provides a back-up judge if possible. Further, court scheduling practices should ensure that the calendar is not so over-scheduled as to create delays or adjournments. Creating and enforcing firm adjournment policies also improves the likelihood that hearings will be held as scheduled.

Trial Preparation and Management – Effective use of the time between filing of the complaint and the first scheduled hearing is critical to good trial management. During

this time the judge makes various decisions regarding the evidence to be introduced, witnesses to be called, and an estimate of the time required to hear the case. This process can be improved through collaboration with the attorneys prior to the first hearing. By scheduling a pretrial hearing or scheduling conference the court can bring parties together for the purpose of determining issues in dispute, seeking consensus on evidence and witness presentation, completing discovery, and setting a hearing schedule. Proven trial management techniques include:

- Resolving pretrial motions before the first hearing date is scheduled.
- Conducting a trial management conference shortly before hearings start.
- Reducing unnecessary and repetitive evidence.
- Fully utilizing the time available in a day to conduct a hearing.
- Maintaining momentum by reducing interruptions and adjournments.

Elements of Successful Caseflow Management

Experience has shown that successful caseflow management involves leadership, commitment, communication, and the creation of a learning environment within the court. These factors may ultimately determine whether a court is successful in its effort to reach its case management goals:

Leadership – Visible support from both judicial leadership and the Ministry is essential for success. The leadership should be able to articulate a vision of how case management will improve the system, explain the anticipated benefits, and show an on-going commitment to the effort. Leadership should be an advocate for the program and build consensus and support from both within the court and with those individuals and organizations that do business with the court. The court should seek to gain support from members of the bar and the academic community.

Commitment – It is essential to the success of the case management effort that judges, staff, and trial practitioners be involved and committed to the program. One way to promote commitment is to involve staff and practitioners in the design of the caseflow management program, and continue to solicit their participation throughout the process.

Communication – Good communication is essential to any effort to implement change in the organization. Chances of success are improved through frequent and sustained communication between judges and court staff, as well as consultation among judges, Ministry officials, bar representatives, and academics. Communication ensures that all participants have a solid understanding of what the change is, why it is needed, and what their respective roles are.

Learning Environment – In order for the courts to manage their caseloads successfully, judges, court staff, and outside participants need to understand why and how the caseflow management program works. Education and training will ensure that each participant understands their respective roles.

Setting Case Management Goals

Developing a caseflow management plan involves not only establishing rules of practice and procedure, but also includes setting caseflow management goals, monitoring court performance, and making adjustments to the plan as necessary. In order to evaluate the effectiveness of the court's caseflow management effort it is necessary to establish case processing time standards. These standards or guidelines should not be established on the basis of the most complex or difficult cases, nor should they reflect the current situation. Instead, a judgment must be made as to the ideal time required to resolve a particular type of case. The adoption of case processing time standards is a commitment by the court to timely resolution of cases as an important goal. Case processing time standards may be reflected in terms of ***overall*** time standards and ***intermediate*** case event time standards:

Overall Time Standards – Overall time standards reflect the courts desired goal for moving cases from filing to disposition. As the following table illustrates, overall time standards can be different for each case type and reflect the fact that a certain proportion of cases will take longer to process than the average:

CIVIL CASES - TIME TO DISPOSITION (example)			
CASE TYPE	**90%**	**98%**	**99%**
Trespass	3 months	6 months	12 months
Labor	6 months	12 months	18 months
Damages	18 months	20 months	24 months

(timelines are for illustration only)

Intermediate Time Standards – The court may also monitor the time between key events for cases and establish standards for reaching each event or "milestone" to ensure that cases are continuing to make progress. As with overall time standards, the intermediate standards may also vary by type of case. The first step in establishing intermediate time standards is to define significant milestones in the case process. For the ZMC, significant case milestones might include the following:

- ✓ Filing of complaint
- ✓ First scheduled court action
- ✓ First hearing
- ✓ Last hearing
- ✓ Written decision
- ✓ Delivery of written decision

The court might also want to track the time from order of expert witness report to receipt of the report in those cases where an expert witness report is ordered.

Milestone standards for civil case types might be established using a format similar to the following:

	Filing to First Action	First Action to First Hearing	First Hearing to Last Hearing	Last Hearing to Written Decision	Written Decision to Delivery
Pp					
Pn					
P2					

Backlog Reduction and Pending Inventory – Maintaining a low caseload inventory is an important part of good court performance and an indicator of the effectiveness of the court's caseflow management efforts. The court may incorporate into its caseflow management plan the goals of reducing the size and age of the pending inventory. The court may define "backlog" in terms of the percentage of cases in each type over a certain age. For instance, "30% or more of civil cases over three years old" might define backlog in the civil division. The court may also look at the clearance rate, or number of cases disposed over new filings, with the goal of reaching a 100% or greater clearance rate. This would indicate that the court is able to dispose of the same, or more than, the number of filings in a given period.

Information Needs for Caseflow Management

Good information is critical to a caseflow management program. Basically, the court should have a clear definition of what constitutes a case, should be able to identify case events and their disposition, and define when a case is pending versus disposed. Once case management goals have been set, caseflow management reports can be created to monitor performance. Basic reporting needs include:

- Individual case status information.
- Court caseload and performance information such as clearance rates, number of pending cases, backlog index, age of disposed cases, number of continuances.
- Individual judge performance information.

While automation is not a pre-requisite to caseflow management, clearly the development of a case management system that includes the ability to track cases, their events, and dispositions, provides the most efficient way to monitor performance. Much information is already maintained by the ZMC:

- Cases filed each year
- Pending cases, total and by judge
- Annual dispositions, total and by judge
- Dispositions by type
- Age of pending cases in month increments

Additional information that is not readily available, primarily because of the difficulty in collecting it from the manual records, but would be useful in monitoring a caseflow management plan includes the following:

- Current status of each case
- Last event and date, next event and date
- Number of events scheduled and held
- Adjournment rate
- Age of cases at disposition
- Age of pending cases by case status

These needs should be taken into consideration in the design of the court's case management system.

Differentiated Caseflow Management

In developing a caseflow management plan the court should also consider the possible impact of adopting the practice of differentiated caseflow management, or DCM. DCM is a process under which the court recognizes differences between types of cases in terms of the amount of involvement by lawyers and judges, as well as the pace at which they can be expected to reach disposition. In some regards this is already occurring at the ZMC, with case types such as trespassing and juvenile offenses placed on faster tracks for disposition.

At the most basic level, a DCM plan might categorize cases in three categories or tracks:

1) Those that proceed quickly with little judicial intervention, such as small claims;
2) Those that have contested issues requiring conferences and hearings, but are not complex;
3) Those which can be labeled as complex because of the number or complexity of legal issues, the number of participants, the amount in controversy, or past reputations of parties for non-settlement.

DCM categories may be established on the basis of existing case types, or upon pre-established criteria which are identified when a case is filed. The latter method requires that a screening process occur upon filing of the complaint or immediately thereafter. The assignment of cases to a track may also involve consultation between the judge and litigants, or be based on information furnished by the parties in the initial pleadings. This information can be submitted by the parties in the form of a summary or assessment that is filed with the initial complaint and/or the response. There is no ideal number of tracks or categories for a DCM system, and the decision to establish tracks is a judgment call by the court that should be made in consultation with practitioners.

Next Steps

A number of activities are already underway at the ZMC that will assist the court in developing a caseflow management program. The evaluation of case timelines conducted by NCSC staff is providing valuable information concerning the current pace of litigation in the court. This information, combined with existing statistical data, provides the

information required to assess the current situation. Efforts are being made to address the current backlog, which is an important pre-requisite to establishing a caseflow management plan.

Prior to the fall retreat, NCSC staff will work with the leadership of the ZMC to define case management objectives and develop a draft plan. It is anticipated that the retreat will provide an opportunity for the leadership to finalize a preliminary plan and develop a strategy for implementation. Implementation steps will include developing ways to gain support from the bar and academia, educating judges and court staff, and defining reports and data collection requirements. The court may wish to establish an interim plan that utilizes data currently captured by the manual case management system. A more ambitious plan for monitoring could be established upon implementation of automation and reduction of the current case backlog.

NATIONAL CENTER FOR STATE COURTS

INTERNATIONAL PROGRAMS DIVISION

AGENDA

IMPROVING COURT ADMINISTRATION STUDY TOUR FOR CROATIA

September 2 to September 15, 2001

SUNDAY, September 2

1500 **Bus pick-up Cullen & Interpreters at Residence for trip to Richmond airport**

1625 **Arrive in Richmond, VA**

Van to Williamsburg

Check into hotel:
Hotel Suggestion:
Residence Inn
1648 Richmond Road
Williamsburg, VA 23185
Phone 757-941-2000
Fax 757-941-2001

MONDAY, September 3

AM **Free time in Williamsburg**

1600 to 1830 **NCSC Orientation Covering Program Logistics and Distribution of Per Diem**
Karen S. Heroy, Director, International Visitors Education Program, NCSC
(Meeting Room – Residence Inn)

Mission and Structure of the National Center for State Courts
Karen Heroy

During this presentation, Ms. Heroy will briefly discuss the organization of NCSC and its mission to provide education, research, information sharing and technical assistance to the U.S. state courts and justice systems around the world. The objective of this segment is to introduce the participants to an organization, established for and by the courts, that assists courts in realizing more efficient and effective delivery of justice.

1845 **Transportation to Karen Heroy's home**

1900 Picnic Dinner at the Heroys

TUESDAY, September 4 – National Center for State Courts – EdTech Center

0815 **Pick-up at hotel. Travel to NCSC**

0830 to 1000 **Conference Call Orientation with World Learning Covering the following items:**
Explanation of Insurance Coverage
Completion of Tax Forms

1000 to 1130 **Overview of the Program and Discussion of Participant Expectations and Training Methodology**
Donald Cullen, Director of Special Projects, NCSC
F. Dale Kasparek, Senior Technology Analyst

Mr. Cullen and Mr. Kasparek will provide an overview of the program and will discuss the participants expectations for their training.

1130 to 1230 **Developing a Collaborative Work Plan**
Karen Heroy

Ms. Heroy will discuss the steps to creating a work plan that is specific and achievable and will provide a systematic methodology for recording observations during the study tour.

1230 **Transportation to Lunch and the Bank to Cash Per Diem Checks**

1400 to 1630 **Case Management Seminar**

Don Cullen and Dale Kasparek will review the eleven fundamentals of caseflow management. The session will discuss the journey over the last 30 years from a laissez faire philosophy in the American judicial system to a proactive philosophy of managing cases. This session will discuss caseflow principles and procedures necessary for the efficient management of cases from filing to disposition. The case management seminar curriculum will use these 11 fundamentals as signposts for the remainder of the program.

1630 **Closing the Day – Discussion of Observations and Lessons Learned**
Don Cullen

1700 **Return to hotel**

WEDNESDAY, September 5 – EdTech Center

0845 **Pick-up at hotel travel to NCSC**

0900 **Beginning the Day – Introduction of the Day's Topics**
Don Cullen

0930 **Metrics and Performance: Case Tracking Process, Use of Computers to Monitor Cases, Statistical Analysis**
Dale Kasparek

1200 **Lunch**

1330 to 1530 **Performance & Workload Analysis**
Dr. Fred Cheesman, Sr. Research Analyst, NCSC

Dr. Cheesman will discuss methods of analyzing judicial workload based on statistical data.

1530 **Closing the Day – Discussion of Observations and Lessons Learned**
Don Cullen

1600 **Return to hotel**

THURSDAY, September 6 – EdTech Center

0845 **Pick-up at hotel travel to NCSC**

0900 **Beginning the Day – Introduction of the Day's Topics**
Don Cullen

0930 **Effect of Legal Process (Codes & Rules) & Legal Culture (Internal & External) on Case Management Processes**
Dale Kasparek

1200 **Lunch**

1330 **Caseflow Management: Stressing the Fundamentals**
Don Cullen

During this presentation, Mr. Cullen will revisit the 11 fundamentals summarizing the learnings of the previous days and further discussing the fundamentals in the Croatian context and reality.

1630 **Closing the Day – Discussion of Observations and Lessons Learned**
Don Cullen

1700 **Return to hotel**

FRIDAY, September 7 – Holton Conference Room

0845 **Pick-up at hotel travel to NCSC**

0900 **Beginning the Day – Introduction of the Day's Topics**
Don Cullen

0930 to 1200 **Process Reengineering (Managing the Dynamics)**
Mary Sammon, Director, Court Executive Development Program, Institute for Court Management, NCSC

Mary Sammon will present the dynamics of change management, business process improvement (BPI) and process reengineering to systematically change organizational culture and practices.

1200 **Lunch**

1330 **Small Group Workshops – "Taking What Is and Offering What Could Be"**
Don Cullen
Dale Kasparek

During this session, participants will be asked to create a diagram for Civil, Criminal and Juvenile case types using flow charts provided by the NCSC team. Groups will be asked to identify decision points and events or actions throughout the legal process that will help cut down on the time from filing to disposition. The work product from this workshop will be used when developing the overall work plan for implementation over the next two years in the Zagreb Municipal Court.

1630 **Monitoring Phone Call to World Learning**

1700 **Closing the Day – Discussion of Observations and Lessons Learned**
Don Cullen

1700 **Return to hotel**

SATURDAY, September 8

Planned activity in the Williamsburg area

1700 **Transportation to Cullen's Home**

1730 **Dinner at home of Don Cullen**

SUNDAY, September 9

Free time in Williamsburg

MONDAY, September 10 – EdTech Center

0845 **Pick up at hotel and travel to NCSC**

0900 **Beginning the Day – Introduction of the Day's Topics**
Don Cullen

0930 to 1130 **Case Management–Results of Small Group Workshops**
Dale Kasparek

This session will use information and recommendations gained during the small group workshops on Friday to demonstrate the application of technology and caseflow techniques to the case tracking process as modified by the participants.

1130 **Lunch**

1300 to 1630 **Team Building Seminar**
Mary Sammon, Director, Court Executive Development Program, Institute for Court Management, NCSC

Ms. Sammon will use some of the case management principles to talk about the importance of including the Bar and the Legislative Branch in changing the judicial process. Mary Sammon will discuss team building by focusing on methods, the importance of the human factor and the need to build effective communications in implementing change in organizations.

1630 **Closing the Day – Discussion of Observations and Lessons Learned**
Don Cullen

1700 **Return to hotel**

TUESDAY, September 11

0845 **Pick-up at hotel and travel to NCSC**

0900 **Beginning the Day – Introduction of the Day's Topics**
Don Cullen

0900 to 1030 **Team Building Seminar (Con't)**
Ms. Sammon

1030 **Travel to Washington, DC**

1130 **Lunch in Richmond, VA**

1330 **Observation at Chesterfield County Circuit Court**
9500 Courthouse Road
Chesterfield, VA 23832
Contact: Judy L. Worthington, Clerk of Circuit Court
804-748-1241

The participants will have an opportunity to observe the automated case management system in this medium-sized, general jurisdiction court. They will meet with the Clerk of Court and a trial judge to discuss the manner in which this system has impacted the court. The group will also see the U.S. trial courtroom and the operation of a clerk's office.

Continue travel to Washington, DC

Check into hotel:
Best Western Key Bridge
1850 N. Ft. Myer Drive
Arlington, VA 22209
703-522-0400

WEDNESDAY, September 12 – Meeting in Hotel – Cardinal Room

0900 to 1100 **Zagreb Municipal Court Information Technology Plan Overview**
Chris Shelton, Senior Technology Analyst

Chris Shelton will provide a detailed review of the "*IT Plan – Phase II*" for the Zagreb Municipal Court. Mr. Shelton will discuss the implications of the automated case tracking system on current court processes, case files and record keeping systems.

1100 to 1200 **Planning Workshop**

Mr. Cullen, Mr. Shelton, Ms. Crohn, NCSC Croatia Project Director, and the participants will meet to discuss issues and learnings and to begin to concrete a work plan using their recorded notes and small group workshop materials.

1200 **Lunch**

1400 **Planning Workshop (Con't)**

THURSDAY, September 13 – Meeting in Hotel – Cardinal Room

0900 **Beginning the Day – Introduction of the Day's Topics**
Don Cullen

0930 **Planning Workshop (Con't)**

1200 **Lunch**

1300 **Transportation to Supreme Court**

1400 **Site Visit – Supreme Court of the United States**

The Chief Deputy Clerk of the Supreme Court will discuss the process by which a case reaches the U.S. Supreme Court and the method used by the Court to resolve cases. He will also address the role of the Supreme Court in determining the constitutionality of laws enacted by the legislative branch.

1830 **Transportation to Closing Dinner**

1900 **Closing Dinner**

FRIDAY, September 14 – Meeting in Hotel – Cardinal Room

0830 **Beginning the Day – Introduction of the Day's Topics**
Don Cullen

0900 to 1200 **Work Plan Report**

Mr. Cullen, Mr. Shelton, Ms. Crohn, Ms. Heroy and the participants will spend the morning reviewing the group's work plan and discussing unresolved issues.

1200 **Program Evaluation – World Learning**

1300 **Wrap-up and Presentation of Certificates and Mementos**

PM **Free time in Washington, DC**

SATURDAY, September 15

1500 **Bus to Airport**

1730 **Return to Croatia**

ACTION PLANNING WORKSHEET

Major Goal/Objective/Outcome (A):

Goal: Analyze the Backlog (Old Cases)

Objective: Develop Recommendations for Disposing of Backlog
(This is an elaboration of Task 1 on (F-1) re Shortening the Length of Criminal Procedure

	TASKS/ ACTIVITIES	RESPONSIBLE FOR TASK/ ACCOUNTABLE TO	MILESTONE/ DUE DATE	WHOM TO INVOLVE/CONTACT	BUDGET/COST CONSIDERATIONS	OBSTACLES
1	Prepare a questionnaire for Judges on factors delaying and/or preventing the disposition of the backlog.	Work Group and President of the Court	1 month	Judges from other courts	Overtime and Direct Costs	Funding the project and Work Group operations
2	Administer the questionnaire.	Judges in the Criminal Division	15 days	Court Advisors	None	Judges overburdened by daily work
3	Process data from the questionnaire.	Work Group and President of the Court	2 months	Statistician	Overtime and Direct Costs	Volume of cases per Judge and an insufficient number of trained support staff.
4	Present analysis, conclusions, and recommendations from the questionnaire.	Work Group Statistician and President of the Court	Immediately after processing	MOJ and the Supreme Court	None	None

ACTION PLANNING WORKSHEET

Major Goal/Objective/Outcome (B):

Goal: Dispose of Cases Older Than Five Years (at least 60-70% within one year)

Objective: To Shorten the Length of the Procedure
(This contemplates automation, a reorganization of staff, more time from Judges, and assistance from Judges of other courts.)

	TASKS/ ACTIVITIES	RESPONSIBLE FOR TASK/ ACCOUNTABLE TO	MILESTONE/ DUE DATE	WHOM TO INVOLVE/CONTACT	BUDGET/COST CONSIDERATIONS	OBSTACLES
1	Establish the number of cases by type, year filed and judge.	Presidents of Departments, Chief Administrators, and Judge Advisors	4 weeks, beginning in October	Higher Court, MOJ, and the Bar	None	Objections from Administrators and Judges
2	Review cases and prepare report on how far they have progressed.	Presidents of Departments, and Judge Advisors	6-8 weeks	None	None	None
3	Review and analyze the report and build a consensus on implementation of specific actions: 3.1 Staff assigned 3.2 Establish priorities and standards for disposition of cases 3.3 Monitor actions undertaken	Presidents of Departments, Team Leaders, Supervisors, and the Bar	1 week	Presidents of Departments, Team Leaders, Supervisors, and the Bar	Inadequate compensation for Judges and Staff	Need to agree on which cases to review and when. Need to agree on standards and deadlines for emergency hearings. Uncertainty of what the quantity of cases is. Questions: 1. Who will dispose of the backlog? a) Judges who are assigned the cases, or b) Expert Judges? 2. What are the criteria for disposing of those cases? a) oldest to youngest, or b) all at once? 3. Who will monitor, and how will the process be monitored?

ACTION PLANNING WORKSHEET

Major Goal/Objective/Outcome (E):

Goal: Implement the Court's IT System

Objective: Create a Technical Infrastructure for the Court (Computer and Telecommunications)
(This ties with Action Plan (D))

	TASKS/ ACTIVITIES	RESPONSIBLE FOR TASK/ ACCOUNTABLE TO	MILESTONE/ DUE DATE	WHOM TO INVOLVE/CONTACT	BUDGET/COST CONSIDERATIONS	OBSTACLES
1	Acquisition of computer equipment (computers, servers, printers, scanners) with commercial and operational software, including uninterrupted power supply (UPS).	Chief of the IT Department, MOJ, and Minister of Justice	6 months to 1 year	Office for Internet, donor(s), vendor(s), President of the Court, Court Administrator, and Department of Information at the MOJ	depends on the best offer from the procurement process	Lack of funds, incomplete tender or inability to find vendor, or non-delivery of order
2	Develop a computer network for the court, and procure active and passive computer network equipment (LAN) and UPS.	Chief of the IT Department, MOJ, and Minister of Justice	6 months to 1 year	IT Department at the MOJ, donors, Office for Internet, and vendor(s)	depends on the best offer from the procurement process	Lack of funds, incomplete tender or inability to find vendor, inadequate wiring, or inadequate support for the IT system
3	Develop application software for case flow management (CFM) system and relational databases for the docket and calendar.	Chief of the IT Department, MOJ, and Minister of Justice	6 months	IT Department at the MOJ, donors, Office for Internet, and vendor(s)	depends on the best offer from the procurement process	Lack of funds to pay for applications, wrong or incomplete data to develop the applications, or insufficiently defined project task
4	Educate court administrators on using the CFM system.	Chief of the IT Department, MOJ, and Minister of Justice	3 months	MOJ, IT Department at the Court, and donors	the cost of basic computer usage and commercial software, and the use of the CFM system for all court staff and judges	Failure to organize adequate education programming, and lack of funds

* The Office for Internet means the Government of Croatia Office for IT Procurement.

ACTION PLANNING WORKSHEET

Major Goal/Objective/Outcome (C):

Goal: Improve Utilization of Human Resources in Implemtation of the Action Plan

Objective: Motivate the Administrative Staff to Identify Better Solutions
(see also (F-1), (F-2) and (F-3) re Shortening the Length of Criminal Procedure)

	TASKS/ ACTIVITIES	RESPONSIBLE FOR TASK/ ACCOUNTABLE TO	MILESTONE/ DUE DATE	WHOM TO INVOLVE/CONTACT	BUDGET/COST CONSIDERATIONS	OBSTACLES
1	Organize a questionnaire and gather ideas from the administrative office staff.	Head and Assistant to the Head of the Criminal Admin. Office, and the President of the Criminal Division	1month	MOJ	Material expenses, and salaries of the staff who are to determine the questions to ask and to conduct the questionnaire	Resistance of the Administrative Staff
2	Analyze the gathered data and ideas.	Head and Assistant to the Head of the Criminal Admin. Office, and the President of the Criminal Division	1 month	Head and Assistant to the Head of the Criminal Admin. Office, and the President of the Criminal Division	Material expenses, and salaries of the staff who are to determine the questions to ask and to conduct the questionnaire	Material support, and burden of everyday activities.
3	Select the ideas that can be implemented immediately.	Head of the Intake Division, President of the Criminal Division, and President of the Court	1 month	Heads of the other Intake Offices	Expenses of the supplemental work	Resistance to change
4	Implement the chosen ideas.	Administrative Staff, and Head of the Administrative Office (the Administrative Staff report to the Head)	Immediately	Administrative Staff, and Head of the Administrative Office (there are 30 Secretaries and 23 clerks (3 juvenile and 20 others))	Cannot be predicted at the present time	Resistance to change

ACTION PLANNING WORKSHEET

Major Goal/Objective/Outcome (D):

Goal: Shorten the Length of Court Procedures (other than Criminal) and Improve the Quality of Judicial Decisions

Objective: Apply Information Technology (to Shorten Procedures, Dissiminate Information, and Improve Decisions)
(This ties with Action Plan (E))

	TASKS/ ACTIVITIES	RESPONSIBLE FOR TASK/ ACCOUNTABLE TO	MILESTONE/ DUE DATE	WHOM TO INVOLVE/CONTACT	BUDGET/COST CONSIDERATIONS	OBSTACLES
1	Give litigants access to information about their case(s) throught the use of "information stations" at the court.	Head of the Information Department at the MOJ, Minister of Justice, President of the Court, and President of the District Court	6 months	Court and MOJ	Computer and communication equipment, and training and salaries for the clerks working at information stations	Not finding appropriate clerks for information stations, if systems unable to give/generate the information requested, and technical support
2	Create a network between the court, public registry, MOJ and the police.	Head of the Information Department at the MOJ, Minister of Justice, Heads and Supervisors of other Registries and Ministries	1 year	Court, MOJ and Police	Computer and communication equipment, and salaries for the technical support staff	Lack of cooperation between the agencies in exchanging information, incompatability of the systems to interface
3	Develop a legal information system (case law).	Head of the Information Department at the MOJ, Minister of Justice, Supreme Court Legal Coordinator, and President and Coordinators of District Courts	6 months to 1 year	Courts (Municipal, District and Supreme), MOJ, and organization(s) that would finance the system.	Computer and communication equipment software, and training of the clerks and system users	Insufficient training or Staff missing trainings, and if Judges dissatisfied with presentation of the case law
4	Form an Education Center for Judges and Administrative Staff.	Minister of Justice, President of the Supreme Court, and President of the Municipal Court	2 years	MOJ and the Supreme Court	Furnishings and equipment for the Education Center, Speakers/Trainers and training materials, and funds to maintain the Center	Failure to find adequate space for the Center, lack of funding for the furnishings and equipment, and failure to find good speakers/trainers

ACTION PLANNING WORKSHEET

Major Goal/Objective/Outcome (F-2):

Goal: Shorten the Length of Criminal Procedure (Beginning in January, 2002)

Objective: 2. New Methods of Assigning New Cases and Disposing of Them

	TASKS/ ACTIVITIES	RESPONSIBLE FOR TASK/ ACCOUNTABLE TO	MILESTONE/ DUE DATE	WHOM TO INVOLVE/CONTACT	BUDGET/COST CONSIDERATIONS	OBSTACLES
1	Enter data and assign case numbers by computer.	Intake Room Officers and Head of the Intake Room	6 months	Intake Room Officers and Head of the Intake Room	Expense of supervising and monitoring the system	Inadequate education in computers and non-implementation of all parts of information systems
2	Assign cases to Judges by computer.	Intake Room Officers and President of the Criminal Division	6 months	President of the Criminal Division	Expense of supervising and monitoring the system	Backlog and work overload of judges
3	Assign cases to Court Advisors by computer, or without computers by trainees.	Intake Room Clerks or Court Trainees	1 month	Judges and President of the Criminal Division		Lack of experience (Court Advisors) that causes a bottle neck in the process
4	Improve mechanisms for preparation for the main hearing in the following areas by computers, or without computers by trainees. * Service of Process * Correction of Charges * Verification of Address * Criminal and Misdemeanor History 1. In Custody (Urgent Cases) 2. Not In Custody	Court Advisors or Court Trainees	2 months	Judges and President of the Criminal Division MOJ	Salaries for additional Court Advisors (the Criminal Division needs about two more) For Defendants, need to improve the network connection with the MOJ to access addresses and criminal/misdemeanor history.	Lack of funds to hire additional Court Advisors

Executive Summary (Draft):
A Technical Evaluation of the Slovenia Court Case Management System

On 12 July 2002, a study visit was conducted to review a Case Management System (CMS) developed by the Supreme Court of the Republic of Slovenia. About 14 people attended including judges from Croatian courts and project participants from the NCSC and Booz Allen Hamilton (BAH) court improvement projects. This was the latest in a series of visits by various Croatian court personnel and others to view the CMS, and the first to focus on an assessment of the technical architecture underpinning the CMS.

A list of questions addressing functional capabilities and technical architecture was sent to Slovenia in advance of the visit. The Slovenes responded with three PowerPoint slide presentations, a demonstration of both the test and production CMS systems, and an opportunity for questions and answers throughout.

Functional Characteristics:

Overall, the Slovene CMS system contains limited functionality compared to all functions listed in the "Reference Model" used for this evaluation—the specifications contained in the draft Case Management System Functional Standards, dated 23 April 2002. This document represents a collaboration of NCSC and BAH to define a common model for a CMS that would be generally applicable to both municipal and commercial (and likely all) courts in Croatia.

It was not possible to precisely characterize the functionality provided by the Slovene system. Screen prints, sample reports, and a dictionary of data elements used in the Slovene CMS were specifically requested to assist in mapping its capabilities to the Reference Model. These were not, however, provided

Nevertheless, the system appears to implement many, if not most, fundamental CMS functions: capture of case data on initial filing, party names, relationships, and indexing, recording of hearings set during the life of a case, and case judgment and disposition data. All data is entered by the docket clerk; management reports are available to the Department Head to assist in assigning new cases to judges, and limited caseload and case management reports are available. Overall, the system appears to automate significant functionality in 5 of the 11 functional areas of the reference model; a new CMS release scheduled to be introduced next month will add automated notice generation, providing a 6th functional area supported.

Court participants were favorably impressed, as have past delegations viewing the (external) functionality of the system.

Technical Environment:

Despite the limited automated functionality, court automation in Slovenia has been broadly deployed: currently 59 court locations use centrally-supported automation. Each court has a Local Area Network (LAN), and each LAN is connected via Wide Area Network (WAN) to centralized court application and data servers.

It thus appears that Slovenia has elected to invest its limited automation resources to extend the system geographically (broadly) rather than functionally (deeply); since both activities require resources (the former hardware-intensive, the latter software-intensive), this is a trade-off that eventually Croatia may have to confront, as well.

Executive Summary (Draft):
A Technical Evaluation of the Slovenia Court Case Management System

The Slovene CMS was designed in 1999 using a modern, 3-tier application architecture: a database server and a separate application server, both centrally located at the government data center in Ljubljana, and relatively "thin" client, distributed via a nationwide network to desktop computers in each court. The CMS incorporates a comparatively "open" approach to system software product selection: an Oracle Database Management system, Unix operating systems on the server side, C and Java programming languages for application programming (Java applets on the presentation-client), a transaction monitor (Tuxedo) for transaction control, and Internet protocols (TCP/IP) for network communications.

This technical architecture makes the application *portable* (i.e. it could be rather easily implemented in Croatia[1]), *scalable* (i.e. it may easily accommodate double the users in Croatia than it currently serves in Slovenia), and *robust* (i.e. capable of "fail-over" protections using back-up servers so that users enjoy a reliable system with consistent, acceptable response time and up-time).

Overall, the technical architecture of the Slovene CMS system appears to be an excellent platform for development, growth, and operation of a CMS in Croatian courts, and appears to comply with the UK Government Interoperability Framework standards that have been endorsed by the Croatian Department of Internetization.

Conclusions:

It is certain that the Slovene CMS would require additional functional development to be able to fully implement, in automated form, all of the recommendations made by NCSC and BAH to improve case processing in the municipal or commercial courts, respectively. However, it remains questionable whether all such recommendations will be acceptable to the courts, or feasible to implement, even in manual form, under the current legal and regulatory environment in which Croatian courts operate.

It is equally certain that all of the present functionality of the Slovene CMS will have to be replicated, one way or another, in Croatia before automating any of the NCSC or BAH recommendations. Consequently, adoption of the Slovene CMS would seem to represent a significant "head start" toward achieving the objectives of both USAID CMS projects.

It is unclear at this time if and under what terms the Slovene CMS might be made available to the Government of Croatia. Common software licensing agreements that convey some ownership rights often prohibit "transfer" of the system to other jurisdictions. Nevertheless, this issue appears to deserve further investigation.

[1] The author understands, for example, that the Government of Croatia currently licenses the Oracle DBMS, providing local support and expertise in this area, and possibly reducing licensing costs.

Evaluation of the National Court Case Management System (CMS) of Slovenia

Prepared by:

Zagreb Municipal Court Improvement Project, Republic of Croatia

National Center for State Courts, International Programs Division

John C. Sherman, IT Consultant, NCSC

5 August 2002

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Executive Summary

On 12 July 2002, a study visit was conducted to review a national Case Management System (CMS) developed by the Supreme Court of the Republic of Slovenia to serve all Slovene courts. About 14 people attended including judges from Croatian courts and project participants from the NCSC and Booz Allen Hamilton (BAH) court improvement projects. This was the latest in a series of visits by various Croatian court personnel and others to view the Slovene CMS, and the first to focus on an assessment of the technical architecture underpinning the CMS.

A list of questions addressing functional capabilities and technical architecture was sent to Slovenia in advance of the visit. The Slovenes responded with three PowerPoint slide presentations, a demonstration of both the test and production CMS systems, and an opportunity for questions and answers throughout.

Functional Characteristics:

Overall, the Slovene CMS system contains limited functionality compared to all functions listed in the "Reference Model" used for this evaluation—the specifications contained in the draft Case Management System Functional Standards, dated 23 April 2002. This document represents a collaboration of NCSC and BAH to define a common model for a CMS that would be generally applicable to both municipal and commercial courts in Croatia.

It was not possible to precisely characterize the functionality provided by the Slovene system. Screen prints, sample reports, and a dictionary of data elements used in the Slovene CMS were specifically requested to assist in mapping its capabilities to the Reference Model. These were not provided, however.

Nevertheless, the system appears to implement many fundamental CMS functions: capture of case data on initial filing, party names, relationships, and indexing, recording of hearings set during the life of a case, and case judgment and disposition data. Case data is entered by a docket clerk, management reports are provided to Department Heads to assist in assigning new cases to judges, and limited caseload and case management reports are available. Overall, the system appears to automate significant portions of 4 of the 11 functional areas of the reference model; 3 additional areas are partially supported, and 4 areas are not supported. A new CMS release scheduled to be introduced next month will add automated support to print standard rulings, providing significant support to one additional functional area.

Court participants were favorably impressed, as have past delegations viewing the (external) functionality of the system.

Technical Environment:

Despite the limited automated functionality, court automation in Slovenia has been broadly deployed: currently 59 court locations use centrally-supported automation. Each court has a Local Area Network (LAN), and each LAN is connected via Wide Area Network (WAN) to centralized court application and data servers.

Evidently, Slovenia has elected to invest its limited automation resources to extend the system geographically (broadly) rather than functionally (deeply). Both activities require resources (the former hardware-intensive, the latter software-intensive); this involves a trade-off that all national systems must confront.

The Slovene CMS was designed in 1999 using a modern 3-tier application architecture: a database server and a separate application server—both centralized at the government data center in Ljubljana—serving application functions via a nationwide network to "thin" client processes on desktop computers in each court. The CMS incorporates a comparatively "open" approach to system software product selection: an Oracle Database Management system, Unix operating systems on the server side, C and Java programming languages for application programming (Java applets on the presentation-client), a transaction monitor (BEA Tuxedo) for transaction control, and Internet protocols (TCP/IP) for network communications.

This technical architecture makes the application *portable* (i.e. it could be rather easily implemented in Croatia), *scalable* (i.e. it may easily accommodate double the users in Croatia than it currently serves in Slovenia), and *robust* (i.e. capable of "fail-over" protections using back-up servers so that users enjoy a reliable system with consistent, acceptable response time and up-time).

Overall, the technical architecture of the Slovene CMS system appears to be an excellent platform for development, growth, and operation of a CMS in Croatian courts, and appears capable of compliance with the UK e-Government Interoperability Framework (e-GIF) standards that have been endorsed by the Croatian Department of Internetization.

Conclusions:

It is certain that the Slovene CMS would require additional functional development to be able to fully implement, in automated form, the recommendations of NCSC or BAH to improve case processing in the municipal or commercial courts, respectively. However, it remains uncertain whether these recommendations will be accepted by the courts, or feasible to implement—even in manual form—without change to the current Croatian legal and regulatory environment.

It is equally certain that *all* of the present functionality of the Slovene CMS will have to be replicated in Croatia, one way or another, before automating *any* of the NCSC or BAH recommendations.

Moreover, the Slovene CMS represents a reasonable set of answers to a wide range of questions related to application and infrastructure design: What database system will be used? What programming languages? What operating systems? What hardware platforms? How will functionality be divided between server(s) and clients? How will transactions be managed? Etc.

There are no best answers to these questions; rather, the answers depend on the strategic purpose of the application and should consider the existing technical environment in order to leverage current investments and technical skills. In the absence of standards, however, it can take considerable time to frame these questions to insure appropriate bidder responses to a competitive RFP.

A cardinal principal to minimize risk of time and cost overruns in software development is the re-use of existing code and technology. Consequently, for both functional and technical reasons,

adoption of the Slovene CMS would represent a significant "head start" toward achieving the objectives of both USAID CMS projects.

It is unclear at this time if and under what terms the Slovene CMS might be made available to the Government of Croatia. A private contractor developed much of the CMS design and program code, and common software licensing agreements that convey some ownership rights often prohibit "transfer" of the system to other jurisdictions. This issue deserves further investigation.

This report concludes with recommendations and general workplans for either developing an original CMS or adapting an existing CMS for use in Croatia. Implementation tasks are addressed as well.

Background: Croatia Courts Automation Environment

Problems

Several primary problems have been identified in civil case processing in the ZMC court system: a large case backlog (nearly 100,000 undisposed civil cases in the year 2000), an average case processing time (filing to verdict) of 2.3 years for civil cases, a growing caseload, and a clearance rate that does not keep pace with new filings[1].

Analysis of system delay implicates structural characteristics in the legal culture: weak control of cases by the court, difficulty in insuring timely presentation of evidence, the inability to set deadlines for discovery, a high rate of failure-to-appear by parties or witnesses at hearings, and deficiencies in process service. There is also a difficulty in securing additional judges due to a weak economy and a high level of administrative costs (clerical personnel, courtroom space, etc.) associated with each new judicial position.

None of these problems are particularly attributable to deficiencies in clerical case processing such as missing documents or case files, inefficiency in presenting case file materials to judges for action or decision, or disorganized office procedures. In fact, the current manual case processing system is very well organized. Procedures are well documented in the Book of Rules (BOR), and the rules and procedures appear to be followed by clerical support staff. As a result, cases move through the manual administrative system at a deliberate, albeit slow, pace.

In fact, court procedures are perhaps over-organized. Due to the specificity of the BOR and highly regulated clerical staff, changing procedures is difficult and even contemplating change can meet considerable institutional resistance.

Nevertheless, automating the current manual administrative system is recommended. A crucial problem with the current manual case processing system is the difficulty of obtaining timely, accurate, and flexible management statistics that can:

- illuminate bottlenecks,
- suggest areas where changes to court practice may offer opportunities to increase efficiency, and

[1] Functional Specifications Report for Computerization in Zagreb Municipal Court of the Republic of Croatia, NCSC/IPD, MCIP, September 2001

- quickly report on the effectiveness of judicial or procedural changes which may be introduced to streamline court operations or increase case disposition rates.

Current manual case processing is also highly labor intensive, requiring three or more support staff for every judicial position. Moreover, while no evidence of deliberate malfeasance has been reported at ZMC, manual systems are inherently more susceptible to intentional or unintentional record loss, damage, or mischief.

An automated Case Management System (CMS) will provide significant benefits in several areas. Ultimately, an automated CMS can:

- reduce administrative costs and enable funds to be re-allocated to more productive use;
- make court processes more visible and accountable;
- lead to increased transparency and public confidence in judicial institutions;
- contribute to a climate where change and innovation in court practice is encouraged and more enthusiastically supported;
- increase the flexibility of courts to more rapidly and effectively adapt to a changing social and legal environment; and
- significantly enhance efficient and effective dispute resolution services for the citizens of Croatia.

Current Activities

Presently there are two USAID sponsored projects designed to assist the courts of Croatia to address the problems cited above. One is the Zagreb Municipal Court Improvement project, conducted by the National Center for State Courts; the other focuses on six Commercial courts and is conducted by Booz, Allen, Hamilton (BAH).

Based on previous studies sponsored by prior donors, both projects have generally similar objectives: to conduct an overall assessment of current court operations and practices, to identify opportunities for improvement, and to develop recommendations for implementing improved practices.

Both projects contain an automation component designed to introduce automation into the courts. Both projects call for the development of a Case Management System (CMS) that may generally modernize court operations and help institutionalize recommended improvements. And both projects are currently engaged in finalizing CMS functional specifications that may be used as part of a technical scope-of-work in a procurement for services (RFP) to design, build, and implement a CMS in their respective court environments.

Encouraged by USAID, and recognizing that most CMS functions are common to all types of courts, the NCSC and BAH projects joined efforts to develop specifications for CMS components common to both projects and generally applicable to both municipal and commercial courts in Croatia. (Indeed, most CMS functional components are common to all courts, regardless of jurisdiction, which require the progress of cases to be monitored from filing to disposition.)

As a result, in April 2002 a collaborative document titled Case Management System Functional Standards was published. It is based on functional models of Case Management Systems developed by the NCSC; these are "canonical" models representing the best characteristics of a

well-developed CMS and do not represent a particular "instantiation" of a particular operational CMS. In conjunction with prior publications describing CMS requirements and functional specifications[2,3], this document served as the “reference model” for evaluating the functional capabilities of the Slovene CMS.

Purpose & Study Methodology

Purpose

In the course of researching issues surrounding the introduction of a CMS at Zagreb Municipal Court, NCSC investigators visited the Center for Information Technology (CIT) at the Supreme Court in Ljubljana, Slovenia on 25 September 2001. There they were provided an overview of the development process and a demonstration of the system functionality of a CMS currently used in all first-instance courts in Slovenia. Subsequently, the NCSC organized and conducted several visits to study the Slovene system; visitors viewing the CMS and reviewing the development of automation in Slovenia have returned favorably impressed.

On advice that the Slovene CMS may be available for use in Croatia, the author was engaged to determine the relevance and applicability of the Slovene system to the ZMC project (and needs of the Croatian courts generally), and to formulate and document recommendations and conclusions on the feasibility of using existing software from the Slovene system in Croatia.

Study Methodology

Following review of published specifications for CMS functionality noted above, together with NCSC project activity reports and other ZMC project publications, a written questionnaire was developed and forwarded to the Slovenia Supreme Court Center for Information Technology (CIT) in Ljubljana. A study visit was scheduled, and the questionnaire was circulated among study-visit participants and other interested parties soliciting additional questions or comments. The resulting questionnaire is attached as Appendix 1 and includes further background information regarding the intent and motivation of the assessment.

The investigation focused on two principal areas: an assessment of the (externally apparent) functional capabilities of the Slovene CMS and an assessment of the (internal) technical attributes of the system and its supporting technical architecture and operational infrastructure.

On Friday, 12 July 2002, a delegation from Croatia arrived at CIT offices and during the course of the day viewed three PowerPoint slide presentations prepared by CIT staff and by Prosoft Consulting, their external service provider. The presentation included a demonstration of both the test and production CMS systems, and participants were provided an opportunity to ask questions and receive answers throughout.

[2] ibid.
[3] Technology Automation and Implementation Plan for the Zagreb Municipal Court of the Republic of Croatia, NCSC/IPD, MCIP, 20 February 2001

Findings

Functional Assessment

Background

There are two Case Management Systems (CMS) operating in Slovenia. The first generation system (CMS-1), is deployed on stand-alone personal computers. Development and deployment of CMS-1 has been discontinued, but CMS-1 is still used to support enforcement cases, commercial cases, and local company register in Slovene courts.

In January 2000, the second generation Case Management system (CMS-2) was first installed. CMS-2 is used to support civil cases and land registration. This system is being actively developed, and will ultimately replace CMS-1.

This evaluation focused exclusively on CMS-2, hereafter simply referred to as the Slovene CMS, unless otherwise qualified.

Reference Model

The primary "Reference Model" used in the functional evaluation of the Slovene CMS is the set of specifications contained in the report, Case Management System Functional Standards, draft dated 23 April 2002. Please refer to this document for a detailed description of each functional area reviewed below and the specific CMS functions that are included in each functional area.

Overall, the Slovene CMS system currently contains limited functionality compared to the Reference Model used for this evaluation. Two warnings should be observed in this regard:

As noted above, this document represents a collaboration of NCSC and BAH to define a common model for a CMS that would be generally applicable to all courts in Croatia. It is based upon a "canonical" functional model of a well-developed CMS, and it provides a context for current and future development of a CMS to serve Croatian courts. In particular, it should be noted that development of ALL functions described in this document may not be included in the technical scope-of-work of the Request for Proposal (RFP) planned to be issued for the development of the CMS to be installed at ZMC (nor, for that matter, for a CMS to support the Commercial courts).

In addition, it should be noted that the Reference Model defines 11 "functional areas". Actual implementation of any CMS will likely include functionality from several of these areas; it will not necessarily implement all functionality described for each functional area, nor can the functional areas be regarded as independent, time-sequenced "modules" for phased development and implementation of a CMS. The precise selection and packaging of CMS functionality for release to a contractor under an RFP has yet to be determined.

Unfortunately, it was not possible to precisely characterize the functionality provided by the Slovene system. Screen prints, sample reports, and a dictionary (or listing) of data elements used

in the Slovene CMS were requested to assist in mapping its capabilities to the NCSC CMS model. However, these were not provided.[4]

Functional Evaluation Summary

A very rough assessment of the Slovene system indicates that it provides significant automation in 4 areas, partial automation in 3 areas (4 soon), and no automation in 4 areas (3 soon). This assessment is summarized in the table below.

Functional Area	Supported in Slovene CMS-2	Comments
Case Initiation and Indexing	YES	
Register of Action	PARTIAL	Records history of hearings set, disposition
Scheduling	PARTIAL	Records hearings set
Document Generation and Processing	NO (PARTIAL soon)	"Printing Support" is to be added to the CMS in Slovenia in 3rd qtr. 2002
Calendaring	NO	
Hearings	NO	
Disposition	PARTIAL	
Case Close	YES	Supports transfer of case data on Appeal
File & Property Management	NO	
Security	YES	
Management & Statistical Reports	YES	Limited, of course, to data gathered

Case Initiation and Indexing: YES

Two basic screens provide for capturing general case information and party information. Basic case data include case number, file location, judge assigned, file date, case type, legal issue, and case value.

For those case types where automation has been introduced, the manual registers have been discontinued in favor of electronic registers. Register information is available on demand as a printed report, if necessary.

[4] It is intriguing, but ultimately fruitless, to speculate on the reason for this. It would not seem to be for lack of resources since adequate advance notice was provided, assembly of such materials should take little time, and, in any event, both Government of Slovenia (GOS) representatives and their External Service Provider (ESP), Prosoft Consulting, were compensated for their time and effort to present the requested information. It may reflect a disinclination to release what the GOS and/or the ESP considers to be proprietary intellectual property, and/or may further reflect application software licensing limitations on the GOS freedom to "transfer" such property to organizations outside of Slovenia..

Register of Action: PARTIAL

Entries related to scheduling hearings and disposition/case close are retained, capturing data on a limited number of “case events”. If/when extended by capturing data on other events, the entries collectively form a Register of Action.

Scheduling: PARTIAL

A sub-screen with pull-down menus records Hearings Set. Setting is a manual decision; the CMS does not attempt to assign or suggest hearing dates based on deadlines or time standards, nor does it assign cases to judges. It does not schedule dates for submission of documents or completion of other actions, nor provide any “tickler” system to insure court or party compliance with deadlines.

Document Generation and Processing: NO (PARTIAL soon)

Word processing is used to help automate the generation of many court documents. The generation of such documents does not presently access the automated register for case data (case number, party names/addresses, etc.) to further automate the process nor does it post the fact that a document was generated to an automated register of actions.

Additional automated functionality to support "Printed Documents" is due to be released in August or September 2002 by the CIT as the most recent phase of their continuing development of CMS automation. The printed document support will provide automated preparation of “standard rulings”. Development of the “Printed Documents” functions included rigorous review of proposed automated forms by a judicial advisory committee.

Calendaring: NO

The system records hearings set or “calendared”, but does not generate (printed) hearing calendars, nor does it support judicial notes which record the results of a (scheduled) hearing.

Hearings: NO

The system does not support “in-court” data collection pertaining to hearings such as clerk minutes, judicial rulings on submitted matters, distribution of court orders, etc.

Disposition: PARTIAL

A sub-screen with pull-down menus records data on judicial decisions. Upon disposition, the system calculates and displays time of filing to disposition. It does not produce printed documents (e.g. judgments) for distribution; support for amended judgments is unknown.

Case Close: YES

(Covered under Disposition.) Management reports include calculation of case duration.

The system is designed to allow the automatic transfer of case data to create a new case, enabling automated transfer of data on appeal or remand, or transfer of a case to another division.

File & Property Management: NO

The CMS does not support case file folder tracking, nor does it support the inventory and tracking of case evidence (property) under control of the court during adjudication.

Security: YES

The CMS requires user identification and authorization to log-on to each court LAN and separate authentication to log-on to the (central) application server which provides CMS services. Depending on the individual, different user privileges are granted by the system.

The CMS supports encryption of court data transmitted over the network to thwart unauthorized disclosure (this feature is not, however, currently utilized in Slovenia).

CMS data is kept at a central data repository in the Ljubljana data center where data backups are performed. The only user access to the CMS database is through the CMS application; copies of a database may not be obtained from local servers, for example, and court data is safeguarded from theft, unauthorized manipulation, or corruption.

Management & Statistical Reports: YES

Department Heads receive management reports which supply basic information regarding the caseload of judges in his/her department and assist in assigning new cases to judges. Case assignment is manual.

Based on data collected, the system calculates and reports case duration (filing to disposition), number of hearings per case, and can provide aggregate statistics on same.

Implementation and Operations

USER Classes:

Basically, two classes of user presently use the Slovene CMS: docket clerks and judges performing duties as department heads. Docket clerks enter all data into the system, and department heads use reports generated to assist in assignment of incoming cases to judges within the department.

Other than Department heads, judges are not granted access to the system. The Slovenes cited legal privacy issues that prohibit judges from seeing each others case data. Moreover, since no notices are presently generated, judicial secretaries currently have no access.

Extent of deployment:

Despite the limited automated functionality, automation in Slovenia has been broadly deployed: currently 59 court locations use centrally-supported automation. Each court has a Local Area

Network (59 total), and each LAN is connected via Wide Area Network (WAN) to centralized court application and data servers located in the Government Data Center.

Conclusions from Functional Assessment

Slovenia has embraced court automation as a critical investment in the future. Court executives have realized that practical limitations in funding court automation coupled with the limited ability of court institutions to assimilate rapid change in procedural methods without disruption necessitates a deliberate, staged approach to introducing automation.

In planning court automation, Slovenia adopted a deliberate initial strategy of providing uniform court automation broadly (concurrently to all courts in Slovenia), rather than deeply (automating only a few of, say, the largest courts with a functionally-rich system). This represent a conscious decision to shift initially limited funds toward equipment procurement and infrastructure (desktop computers, networks, and central data center servers and equipment) rather than application software development. This is a balance all courts (indeed all organizations) must wrestle with.

While limited today, however, the automated CMS functions may be expanded in the future through additional software development of the basic CMS (analysis, design, and programming). The current Slovene CMS reflects the development of the initial, most essential CMS function—Case Filing and Indexing—coupled with logical corollary functions of case disposition and closure. This permits meaningful management reports including accurate pending caseload statistics and calculation of case processing-time statistics. The important security infrastructure function is also sensibly addressed.

Next, the Slovenes added basic Scheduling functionality to record each hearing set, and to keep track of how many hearings are set during the processing of each case. This also provides useful, albeit basic management information. Finally, the existing CMS system will be shortly provided with new printing functions, permitting automated support for preparation of standard judicial orders.

Future development of the Slovene system is not only possible, but likely. Printing of notices, summons, or indeed any document that involves party names and/or addresses can be automated using the basic case data captured at case initiation. Development within the *Hearings* functional area can provide additional insight into court processes by recording the results of scheduled hearings (reflecting party attendance, failure-to-appear, minutes of proceeding, resulting judicial orders, etc.). Properly designed, in-court Hearings automation may reduce courtroom time and/or post-hearing document or file processing time. If desired and warranted, court event scheduling and calendar creation may be further automated. Automating the process of keeping track of case file folders (by using bar-code readers and check-out control, for example) could save significant staff time updating the present manual Transfer Register. Each additional function would be designed to make an appropriate entry to the case Register of Actions.

The choice of which function to automate next is based on an analysis of local conditions, the degree of procedural standardization which exists, and the benefits to the court that may be expected from automated support. It also requires capacity in the technical and support infrastructure to accommodate additional software complexity. Fortunately, Slovenia has adopted an extensible, *scalable* technical architecture (described in the Technical Assessment, below) which will permit development and deployment of additional CMS functions.

All these functions, and more, are identified in the Case Management System Functional Standards, but they are never implemented all at once in any court. Even if a rich set of functions is available in CMS software, automation is introduced gradually to avoid major disruption to court operations, with appropriate staff training and support at each step. Taking advantage, perhaps, of this essential limitation in the human capacity to absorb change, Slovenia has elected to implement its limited functions very broadly, in all national courts, before providing additional functions through software development.

Croatia is adopting a different balance at the present time—focusing on ZMC and a few commercial/bankruptcy courts. Several other courts have introduced "prototypes" or small, standalone systems on local initiative, resulting in duplication of effort and a diffuse vision of the future.

Technical Assessment

Background

CMS-1 is based on the Clipper[5] programming environment and all programs and data are self-contained on each desktop computer. In the 1990s, CMS-1 was widely deployed in Slovene courts. However, this architectural approach, while appropriate to pilot projects or small individual courts, is not cost-effective for nationwide implementation in a large number of courts. It is very costly and labor-intensive to provide adequate levels of *reliability*, *security*, *availability*, and *scalability* (defined below) which are essential operational characteristics of modern organizational computing systems. As a result, further development and installation of CMS-1 was halted.

In 1998, recognizing that the Clipper development environment was obsolete, and seeking solutions to operational problems they experienced in the deployment and maintainability of CMS-1, the Slovenia Information Technology (IT) department ceased development for one year and invested time to research and select a new technical architecture that would better serve its long-term goals. Following selection of a new architectural approach, a new CMS was designed, programmed, and tested. The result, in January 2000, was the first installation of CMS-2, the second generation Case Management system (hereafter simply “CMS”).

Architectural Design Objectives

The stated design criteria for the new CMS architecture included enhanced and more cost-effective *reliability*, *security*, *availability*, and *scalability*.

Reliability is the ability to deliver predictable, consistent, high standard computing services in the face of continuing environmental insults that may affect equipment and/or software. Reliability also includes consistency in providing application functionality, and can be compromised by different versions of the same application running on different machines.

5 Clipper is a general-purpose high-level programming language regarded as a superset of dBASE III+, with integrated libraries for screen management and database navigation. It is (was) suited for desktop business applications under DOS and early versions of Windows. Computer Associates, Inc., the largest vendor providing Clipper support, long ago stopped developing its compiler product, and Clipper is now considered an obsolete, largely unsupported programming environment.

Security is the ability to avoid disclosure of data to unauthorized users, as well as the ability to prevent damage or loss of data.

Availability is the ability to maximize the time during which computing services are available for use by end users. Time lost to perform data backups, install new programs, repair equipment, or otherwise deny service to users adversely affects availability.

Scalability refers to the capability, ease, and marginal economic cost to "scale up" a computer system by adding additional users and additional functionality for each user. Desktop PC applications are not easily scalable, because each functional change typically requires the installation of new software on each PC. If widely deployed (e.g. nationwide), the travel and staff costs to physically visit and upgrade each PC can render expansion and functional development uneconomic.

Architecture Selected

3-Tier, Client/Server Architecture for CMS

To achieve these design objectives the Slovene CIT adopted a multi-tier client/server architecture typical of "enterprise" computing. Such architecture exploits the signal characteristic of modern computing—the availability of multiple, relatively low cost, microprocessor-based computers connected by a robust, high-speed network. A well-designed multi-tier architecture permits multiple computers to share the overall processing workload and enhances *scalability*—additional servers may be added as workload increases such as when additional courts are installed or when the functional complexity of the CMS is increased through programming. Multi-tier architecture can also increase reliability and availability in a cost-effective manner by utilizing backup processors for "fail-over" services.

Following these architectural parameters, the Slovene CMS-2 was designed using a contemporary, 3-tier application architecture. *Tier 1* is a database server, *Tier 2* is a application server, while *Tier 3* is a relatively "thin" client operating on desktop computers in each court. The characteristics of each tier are described in the sections below.

Such an architecture requires the use of a reliable wide-area network to connect these central services to desktop computers in each court. Due to the nature and design of the CMS, however, it is not necessary to transmit high volumes of data. Adequate communications facilities exist in Slovenia, and reportedly in Croatia, as well.

Database Server *(IBM mainframe: Oracle DBMS)*

Storage of all CMS data nationwide is placed on a central server located in Ljubljana. The server is an IBM mainframe computer running Oracle Database Management System software under a UNIX operating system. The mainframe is currently shared with other government agencies running various applications. From time to time, high processing demands of these other applications increase CMS system response time unacceptably. As a result, the CIT plans to migrate the data server to a separate computer dedicated to court service.

With all CMS data in one place, data security can be increased. The server may be housed in a robust, physically secure facility with stringent access control and with good utility and

environmental services (e.g. uninterruptible power supplies, air conditioning and filtration, etc.). A single copy of the database facilitates use of secure, robust, and consistent data backup and recovery services. It also facilitates the "replication" of current data on backup servers in order to increase CMS availability. It is more difficult and costly to provide equivalent levels of security and operational performance on a set of distributed databases scattered across the nation in multiple court locations.

Application Server *(Sun Solaris: TP Monitor, C & Java components)*

The CMS application (i.e. the computer programs that comprise the CMS) is also centralized. The application is coded in the C and Java programming languages and is hosted on a Sun computer running under a UNIX operating system. BEA Tuxedo transaction monitoring software provides transaction management, control and rollback services. Java applets, providing presentation functions on desktop client computers, are served from the application server, as well. The Tuxedo transaction monitor can also manage HTTP web services to clients.

To use the CMS, a desktop user simply "logs on" to the central application server over a network, and the application server downloads a menu of available CMS functions appropriate to the user's specific privileges. Thereafter, as the user selects various functions from the menu, the server downloads small programs (applets) which enable the user to enter and retrieve function-specific data from the database.

A central application server helps to insure reliable, consistent delivery of application services. Using a central application server, there is essentially only one copy of the programs which provide CMS functionality to all CMS users—changes to this copy are immediately available to all users nationwide, and it is no longer necessary to travel to each desktop PC to install program fixes or upgrades. This simplifies the installation of CMS services in newly automated courts and simplifies the development and roll-out of new functions to existing automated courts. Multiple application servers may be configured to help maximize availability and deliver good response time.

Client *(Pentium desktop computers: Windows 2000, Java applets)*

The "clients" in this architecture are the processes operating on desktop computers installed in each court and connected to the central application and database servers via the network.

Pentium II- or III-class desktop computers running the Windows 2000 operating system were selected as the standard desktop computer in the courts of Slovenia. Recommended specifications include a 450 MHz processor, 128 MB RAM, and a 1024x786 screen resolution. These specifications reflect a technical standard 3 to 4 years old, resulting in the ability to deploy CMS on inexpensive and cost-effective desktop equipment.

The CMS architecture uses "thin" client technology—most application program logic is designed to reside and run on the central application server rather than on local client computers. Using a "thin" client design, the CMS does not require particularly powerful client computers; this helps to control cost by minimizing the need and frequency of desktop computer upgrades.

The ultimate "thin client" is perhaps an HTML browser—applications designed in this way only require a program like Netscape Navigator or Microsoft Internet Explorer to execute on the

desktop client. However, to provide more flexibility for sophistication and ease-of-use in application design, the Slovene architecture incorporates Java "applets"—small application programs that are downloaded over the network from the central application server and provide a richer design palate to create applications that are convenient to use.

Network

The backbone of client/server architecture is a reliable network with sufficient capacity and resilience to provide reliable data communication services between servers and clients.

TCP/IP (Internet) protocols are used over the wide-area (national) network connecting the central servers to local area networks in each court. Local courts use Novell Netware (a network operating system) on the Local Area Network; the CMS does not appear to rely upon Novell products, and alternative local network operating systems (e.g. Microsoft NT-server) could be used.

Conformance to Croatian Technical Standards

The Croatia Department of Internetization has adopted the United Kingdom (UK) e-GIF standards[6] designed to help ensure that computer systems of different government agencies will be able to communicate and share information between themselves and with the public. Besides the e-GIF standard, however, there are evidently no published Croatian government standards for technical architecture or software product preferences.

"Open" Software Standards

"Open" standards for software products are an important consideration for government computer systems that are likely to be used and evolved over a long time. An "open" standard means that the underlying technology is in the public domain, and that "open" software products of equivalent functionality from different vendors may be used more-or-less interchangeably. As a result, a computer system built using "open" products is less dependent for its long-term viability upon the continued commercial success of a particular vendor. To illustrate, the operating system Unix is an "open" standard: many vendors supply functionally equivalent versions of Unix to run on a variety of computers. However, the operating system Windows 2000 is not an "open" standard; Microsoft Corporation is the only vendor, and it decides on which computers Windows will run.

The architecture of the Slovene CMS displays a relatively "open" approach to system software product selection: an Oracle Database Management system, Unix operating systems on the servers, C and Java programming languages for application programming (Java applets on the presentation-client), a transaction monitor (Tuxedo) for transaction management, and Internet protocols (TCP/IP) for network communications. The Unix operating system, Java and C programming languages, and Internet network protocols are "open" standards. The Oracle Database Management system is not open, strictly speaking, although it adheres to open specifications for relational database management systems.

[6] UK e-GIF: Government Interoperability Framework (see http://www.govtalk.gov.uk/interoperability/egif)

e-GIF Standards

Conformance to the UK e-Government Interoperability Framework (GIF) standards provides important benefits for court systems such as the ZMC CMS which will eventually communicate with automated repositories of criminal history, with police, prosecutor, and corrections agencies, with land registries and company registries, and with the public as well.

At the highest level complying with the e-GIF means:[7]

- Providing a browser interface for access
- Using XML as the primary means for data integration
- Use of Internet Protocols and World Wide Web standards
- Using metadata for content management.

The Slovene CMS currently uses Internet Protocols for data communication, and the Tuxedo transaction monitor supports a browser interface for clients. Nevertheless, the Slovene CMS is not currently completely compliant with all e-GIF standards. To be fair, however, virtually **no** existing systems may be considered completely compliant today. The e-GIF standards specify use of some very new technologies, such as XML (eXtensible Markup Language), which are still evolving. Support for such technologies is gradually being introduced into commercial software components that form the building blocks of such applications as the CMS, and XML specifications for a particular subject domain (such as courts or law) must be developed and agreed upon by a community of users.

Practically, the e-GIF specifications should be taken as a statement of direction for further evolution of systems such as CMS in order to insure that, in the future, they will be able to meet the ultimate test for interoperability: *"the coherent exchange of information and services between systems"*[8].

Because the Slovene CMS already meets important e-GIF requirements and embraces open software standards, it appears to provide an excellent foundation on which complete e-GIF conformance may be achieved.

Conclusions from Technical Assessment

Scalability

The Slovene CMS represents a modern technical architecture and infrastructure based on common, proven, open standards. It appears to be an appropriate platform to adopt for the future development, growth, and widespread operation of CMS in Croatian courts.

The technical architecture described above makes the Slovene CMS *portable* (i.e. it could be rather easily implemented in Croatia[9]), *scalable* (i.e. it is likely to easily accommodate double the users in Croatia than it currently serves in Slovenia), and *robust* (i.e. capable of "fail-over"

[7] e-Government Interoperability Framework/Version 4.0/25 April 2002, Part One: Framework, section 4.3
[8] ibid, section 4.5
[9] The author understands, for example, that the Government of Croatia currently licenses the Oracle DBMS, providing local support and expertise in this area.

protections using back-up servers so that users enjoy a reliable system with consistent, acceptable response time and high availability).

The Slovene CMS was designed from the start to be national in scope. The immediate scope of work in Croatia is more limited—implementation of a CMS in Zagreb Municipal Court and in a handful of Commercial courts. The Slovene architecture could be easily adapted to serve a single court, if desired. The database and application servers could be combined on a single processor, and that processor located in an appropriate computer room physically located in the ZMC courthouse. For network service, a LAN serving only ZMC could initially suffice. However, space and equipment in the courthouse would also have to be provided to house the technical development and operational staff that are required to maintain a the servers and network that host such a mission-critical application as a CMS.

Eventually, however, the ZMC system is expected to be deployed in other first-instance courts. At least one second-instance court[10] is already experimenting with locally-developed pilot CMS systems, and the Supreme Court has expressed interest in CMS services, as well.

Clearly, the demand for a national system is present. Consequently, it is prudent to plan for the future and to adopt an architecture that is inherently scalable and sufficiently robust to meet the demand. The architecture of the Slovene CMS provides an excellent and demonstrable example of such an approach. And since several courts may be implementing CMS more-or-less concurrently, it would also seems prudent to *begin* CMS development deployment using a central computing facility to house servers and personnel. In this way, a CMS can be grown to serve a national audience without the cost and disruption of relocating distributed courthouse equipment in the near future.

Benefits

A key benefit of adapting the Slovene CMS is not so much the application functionality that it makes immediately available which, although significant, is acknowledged to be limited, and would require additional programming by Croatian contractors to translate and extend.

Rather it is that the Slovene CMS provides a solution to a wide range of other questions related to application and infrastructure design which would have to be answered, or at lease carefully framed and then carefully evaluated, if an entire CMS were developed from scratch using a competitive bidding process.

- What type of database management system shall be used?
- What programming languages should be used, and where?
- How many tiers should the application design employ? What functionality should be assigned to each?
- What operating systems should be used on servers and clients?
- How shall transactions and database commits be monitored and , if necessary, rolled back in the event of error?

There is no one best answer to each of these questions. Reasonable, effective applications may be designed and implemented with a variety of answers to these questions, and a variety of

[10] Zagreb County Court

technically responsive and adequate solutions may be offered in response to an RFP. The proposals are likely to capitalize on the particular expertise and experience of each proposing vendor, unless dictated by organizational or government standards (and in Croatia these are limited) and/or specified in advance in the terms of the RFP.

The Slovene CMS provides one such reasonable solution (set of answers) and, moreover, has successfully integrated these answers into a proved, demonstrable overall solution reflecting many man-years of architectural research and design, as well as CMS programming.

The benefit of this integration should not be underestimated. A cardinal principal to minimize risk of time and cost overruns in software development is the re-use of existing code. This benefit of re-use extends not just to the program instructions that comprise the code and implement the desired functionality, but to the technical architecture and infrastructure in which the code operates. The Slovene CMS provides effective re-use of both, and offers a turn-key solution that con provide a significant heads-start toward automating Croatian Courts in a timely and effective manner.

Governance, Organization, Implementation, and Operational Issues Assessment

Background

Implementation of a successful CMS involves much more than adequate functionality and competent technical design. It is essential and critical that Governance, Organization, Implementation, and Operational issues be successfully addressed whether implementing a CMS in one, two or all Croatian courts.

As more courts use common, standard automated functions such as those in a CMS, centralization of key services will enable courts and the MOJ to maximize service delivery and control costs.

Governance

Court Automation Steering Committee

Effective governance and management is a prerequisite for the success of any cooperative endeavor. Because courts are the ultimate users and beneficiaries of a CMS, they must assume a lead role to determine policy, set priorities, and define and describe the required functions to be performed by court automation. Funding authorities such as the MOJ must also play a central role, of course, because increases in capabilities or improvements in performance are always accompanied by cost. Finally, regulatory authorities within the MOJ must be engaged to assist in effecting statute or rule changes that may be necessary to implement new, automated procedures.

The Slovene system serves to illustrate effective governance. A permanent court advisory committee (the *Court Automation Steering Committee*) was formed early (1994) to provide policy direction, guidance, oversight and approvals. As the Slovene system is national in scope, so too is the representation on the advisory committee. However, even local development efforts require a comparable governance structure.

In Croatia, no comparable national governance structure currently exists to coordinate automation efforts. Within ZMC, a project committee exists to supervise development of a CMS, and a panel of commercial court judges is charged to review specifications for the BAH CMS project.

Court Automation Support Staff

Also illustrative is the need for dedicated local professional staff to develop recommendations and carry out governance directives. In Slovenia, CMS development is led by the Center for Information Technology (CIT), a staff group attached to the Supreme Court. Directed by a lawyer conversant with court organization and operational issues, this group now comprises 20 staff nationwide. The director serves as staff to advise the Court Automation Steering Committee. The responsibilities and activities of this group are further described below.

In Croatia, permanent staff have not been assigned to manage and advance CMS development (and ultimately, operational) efforts. ZMC currently employs one LAN/Desktop specialist to resolve existing equipment and Internet access issues.

Ministry of Justice(MOJ) Involvement

As described above, the MOJ is represented on a court automation steering committee as the principal funding and regulatory agency for the courts. The representative serves as liaison between the courts and various MOJ departments, and helps frame, describe and communicate budget and regulatory implications and constraints.

In Croatia, the relationship between the courts and MOJ regarding court automation evidently has not been formalized. The MOJ is currently involved in discussions with donor agencies regarding funding CMS development efforts. While indicating that courts are responsible for determining functional characteristics and specifications for automation, the MOJ reserves its responsibilities for court procurement, training, and the court regulatory environment.

Regulatory Environment (Book of Rules)

To facilitate the introduction of automation in Slovene Courts, the Government of Slovenia introduced one additional Rule that permits courts to keep any register data specified in the Book of Rules (BOR) in either a manual register or in a computerized register (database), at the option of each court. This is a pragmatic approach, permitting the incremental introduction of technology that gradually replaces manual registers with computerized ones, while retaining local control.

No decisions have currently been made on BOR changes that may be required for automating Croatian courts.

Organization Issues: Implementation and Operations

User Classes

As noted in the functional discussion, the current Slovene CMS affects only docket clerks and department head judges. With the introduction of new functionality for printing support, judicial

secretaries will likely become involved in CMS automation. Eventually, a well-developed CMS will be used by virtually all court employees.

It is important to involve court staff in the design of portions of the system which affect them, to solicit their input on usability issues, and to prepare them for change in their job functions and responsibilities. This duty typically falls on Court Automation Support Staff under authority granted by the Court Automation Steering Committee.

Review of the Slovene experience is useful. Among the important lessons they learned are:

- Motivation of court administrators and users through regular meetings and training;
- To modularize development and implementation into small, discrete steps—do not attempt to go too far, too fast in order to ease assimilation of new material and avoid disrupting ongoing court operations;
- To limit development to achieve quick, useful, partial results rather than attempting to achieve completeness in automated processes; remember the 80:20 rule—that 80% of the ultimate result may be achieved with only 20% of the resources required to achieve 100% of the ultimate result.

Development & Programming

The Supreme Court Center for Information Technology

In Slovenia, development of court automation is managed by the Center for Information Technology (CIT). The CIT now employs 11 professionals at the Supreme Court in Ljubljana: two technical/procedural analysts, two production professionals, two network and desktop computer support specialists, three procurement specialists, and one administrative assistant. In addition, there are 9 engineers distributed around the country providing local support to the largest courts.

This group provides staff to advise the Court Automation Steering Committee, prepares and manages court automation plans and budgets, analyzes court procedures, develops options for automated support, oversees contracted services for equipment supply, installation, and support as well as software design, development and testing, plans and supports training of over 2800 court staff, supports the central data center and an installed base of over 3000 desktop computers and 59 LANs in 59 court locations. With current staffing level, the Director reports feeling barely adequate to the task.

Clearly, such an elaborate organization was not created overnight, but developed over time as the automated support was extended to more courts and as the functions supported by court automation increased.

Development and operation of a CMS in Croatia will also require professional, dedicated staffing on an appropriate scale. This starts with key management staff that can articulate a vision, plan activities, and organize resources to carry out the plan.

ESP support

In Slovenia, technical software development and support (design, programming, and software maintenance services) are provided by an "external service provider (ESP)", a private-sector, professional IT services company which provides fee-based development services under contract to the CIT. The alternative is to hire professional design and programming staff as government employees and significantly increase the overall number of technical support staff.

"Outsourcing" highly technical system construction and maintenance skills is increasingly common world wide. One reason is the highly variable workload. Initial development of CMS software requires intensive design and programming activity and a large, well-trained staff. Thereafter, program maintenance typically requires much less technical support. Development of major new functional modules, however, will require proportionally more technical support. Outsourcing enables government organizations to acquire necessary technical skills when needed (and/or when funding is available), and then release them when development is completed. Moreover, by outsourcing the government is not obliged to provide professional development to maintain currency of technical skills in the rapidly-changing field of Information Technology.

Selection of a strategic ESP partner is typically accomplished through competitive bidding (such as RFP). Thereafter, some continuing support agreement is generally concluded for warranty, maintenance of existing programs and functional enhancements.

Other ESP partners are typically engaged for hardware installation and repair services (e.g. for desktop computers) and training services for standard software products (such as MS Windows and MS Office). In addition, the CIT effectively contracts with a national government data center for central server hosting and for provision and operation of national network services (described below).

Help Desk Support

Individual users are unlikely to be technically competent to diagnose and resolve computer system problems, yet when problems occur, they may be completely unable to perform their assigned duties. An effective "help desk" system is crucial to the successful operation of all automated systems.

In Slovenia, help desk duties are managed by the CIT and aided by designated local court staff acting as automation coordinators. A single telephone number is used to invoke help services. This number is routed by the CIT to rotating personnel assigned to provide problem diagnosis and resolution services. A variety of problems may be experienced—hardware failure, network problems, software "bugs", or a user may be simply inexperienced or unknowledgeable regarding the software or a particular system feature they are trying to use.

An effective help desk diagnoses the problem, assesses the likely impact on overall court operations, engages appropriate support personnel or services to resolve the problem, and follows-up with the user to insure that the problem was resolved. Depending on problem diagnosis, help desk staff may engage local court or contracted services for equipment, network, or software repair, instruct the user in proper software use or work-around procedures, direct the user to available reference materials (such as the *On-Line CMS Help Manual*) or to knowledgeable local support staff, or recommend additional training.

Data Center Operations

The database and application servers for the Slovene CMS are installed and managed in the government data center in the capitol, Ljubljana. The Oracle database management system is hosted on an IBM mainframe which is shared with other government agencies. The CMS application server currently runs on a shared Sun Solaris (UNIX) computer. Due to episodic slow response time caused by occasional high-intensity computing by other users, the CIT is planning to move both data and application servers to Hewlett-Packard computers dedicated to court processing.

The network over which the Slovene CMS operates is also managed from the government data center. The center provides all router equipment, data communications circuits, and the monitoring equipment, software, and staff to operate a Network Operations Center (NOC).

A shared government data center can provide improved service at lower cost when compared to a local court data centers or regional data centers. This is due to economies of scale available by sharing infrastructure that must be provided to deliver a reliable system. A shared data center can provide the following essential data center services in an improved, more cost-effective manner:

- physical security and access controls for protection of equipment, software, and data,
- robust utility and environmental controls (e.g. uninterruptible power, air filtration and conditioning, etc.),
- staff and equipment for a Network Operations Center and a central terminus for nationwide high capacity data-communication circuits
- staff for computer operations and monitoring, data backup and off-site backup storage,
- redundant equipment and services for “fail over’ operations, and improved contingency planning and recovery capability in event of disasters.

Funding

The budget for the Slovene CIT is approximately 2.5 million Euro in FY 2002. Supporting over 2800 court staff, the annualized cost per person for court automation in Slovenia is under 900 Euro. Previous budgets have been significantly lower, in the early days, or higher—to fund major equipment purchases and/or software development efforts, for example. This budget is appropriated to the Supreme Court for development and operation of court information technology via the CIT. The budget has reportedly included World Bank loans in the past.

This also illustrates an important lesson. Court automation is an ongoing process with continuous financial impact. The inadequacy of funding, or the unwillingness of justice systems to allocate funds for recurring costs has been a major cause of failure in past automation efforts elsewhere. Clear mechanisms must be established for obtaining not only initial, start-up funding, but to obtain on-going funding support for continued operation and maintenance.

Conclusions from Governance Assessment

In their approach to organizing, staffing, and delivering information technology to the courts, the Slovenian CMS reflects critical characteristics of successful, cost-effective information systems. The Government of Slovenia did not begin court automation with these governance structures in place. They evolved out of necessity or as a result of painful lessons learned as the result of early

automation efforts. Still, whether adopted at the outset or re-invented along the way, these are characteristics of a mature, self-sustaining information technology organization:

1) Effective involvement of executive (judicial) management, through the Court Automation Steering Committee;
2) Dedicated, continuous tactical management of development and operations, through the Center for Information Technology at the Supreme Court;
3) A continuity of funding, divided between development and operations, managed by those who rely upon the systems;
4) Constructive reliance on a partnership with an External Services Provider for qualified, up-to-date technical expertise and services;
5) A centralized design and operational philosophy to deliver the widest possible benefits and uniform quality-of-service with most effective cost-controls.

Recommendations and Next Steps

Developing a CMS for Croatia

If available for use by courts in Croatia, the Slovene CMS appears to provide an excellent basis for developing a CMS at the ZMC and in Croatian courts, generally. While limited, it does provide essential foundation functions needed in all Case Management Systems, and appears to be extensible, through appropriate software development, to automate additional functions deemed necessary or desirable in Croatia It is based on a legal heritage and a court organizational and regulatory environment similar to that in Croatia. It reflects a contemporary approach to technical architecture, and the architectural decisions it embodies are sensible, future-oriented, demonstrably *scalable*, and would significantly advance the development and timely deployment of a CMS in Croatian courts.

Finally, whether the Slovene CMS is adopted or not, the careful study of the Slovene experience and approach to Governance, Organization, and Operational issues is highly instructive and offers valuable insight and advice for planning and carrying out the development of Case Management Systems in Croatia.

Prospects for Importing the Slovene CMS into Croatia

It is unclear at this time if and under what terms the Slovene CMS might be made available for use by the Government of Croatia (GOC). Such transfer must consider not only political issues involved in international cooperation, but intellectual property rights associated with the CMS system.

Precedents exist where governments share core software technology at little or no cost with the understanding that future development be coordinated and shared to mutual advantage. This is particularly feasible when government employees have developed the program code, and the government holds all rights to the software involved.

The Government of Slovenia reportedly negotiated and obtained some property rights when contracting CMS software development to their External Services Provider. Such rights might be expected to include freedom to use the software in all present and future courts in Slovenia and to further develop and use the existing CMS as the court sees fit without the need to pay recurring

licensing fees. However, typical software licensing agreements that convey some ownership rights often prohibit "transfer" of the system to external jurisdictions or other organizations.

Representatives from the CIT in Slovenia were unwilling to discuss the possibility of releasing the system for use in Croatia without approval and guidance from their Supreme Court; this issue requires further investigation.

Workplans

Three avenues for future development are suggested. They are not mutually exclusive, and may be pursued concurrently:

1) Continue preparations for a competitive acquisition of CMS development services;.
2) Further explore the possibility of importing the Slovene CMS;
3) Evaluate other local CMS systems that may be available for adoption.

These avenues are explored in the following sections.

Continue Preparations for a Competitive CMS Acquisition

The NCSC continues to work on the technical specifications necessary for the competitive acquisition of development services to produce an original CMS for Zagreb Municipal court. This work may be conceptually divided into two broad areas:

- Workplan A: work necessary to develop or acquire CMS software and deliver it "on a compact disk (CD)" ready for implementation, and
- Workplan B: work necessary to implement CMS software in Zagreb Municipal court.

Workplan A may be further characterized by two alternative approaches: (1) development of an original CMS from scratch, or (2) acquiring an existing CMS and modifying it for use in Croatia.

Workplan A-1 (below) describes the tasks if an original CMS is to be competitively acquired.

Workplan A-2 would be substituted if an existing CMS system (such as the Slovene CMS) is available. Much of Workplan A1 is unnecessary since many of the decisions involved would have been effectively made.

Both Workplan A alternatives result in CMS software delivered ready for implementation. CMS implementation activities are described in Workplan B.

Common Issues

Regardless of the approach elected to develop or acquire a CMS, two critical issues must be addressed. Within the Governance area, a key task is the resolution of funding for initial development and continued maintenance. A second key task is the selection of local staff to manage the initial CMS implementation and its on-going operation and development. Principal activities of these staff are listed in Workplan B (Implementation). However, it is recommended that staff be identified and brought on board as early as possible in the development process.

Workplan A-1: Full CMS Development

Technical specifications for a CMS must be further developed and refined. This includes not only detailed functional specifications appropriately packaged, but also required and/or desired specifications for the technical architecture. A useful model to help insure that all areas are addressed is the IEEE Standard 830-1998, "Recommended Practice for Software Requirements Specifications", an extension of the ISO/IEC 12207 specifications for system development practices.

When specifying technical architecture, for example, due consideration should be given to the technical environment of the Government of Croatia in which the new CMS will operate. Even in the relative absence of government or organizational standards or requirements, it is usually desirable to specify products that are already licensed (e.g. the Oracle DBMS) and for which local expertise may be obtained in order to minimize cost and avoid unnecessary technical complexity. This coordination work may be done up-front, or may be left for negotiation and revision after a draft RFP is submitted to the MOJ for review and approval.

Functional specifications should be divided into discrete, time-sequenced implementation "packages" that may be developed and delivered sequentially and priced separately. Implementing a full-featured CMS into a manual court cannot be accomplished all at once. Implementation of a "starter-set" of CMS functions (such as that provided by the Slovene CMS) will proceed more rapidly and smoothly if the initial deliverable of the development contractor is limited. Moreover, this approach limits the initial development cost, as well.

Appropriate commercial terms (cost, schedule, performance requirements, intent to negotiate a contract, etc.) must be prepared for an RFP, and a bid evaluation plan must be developed. If admissible under procurement regulations, it is recommended that the ESP responsible for the Slovene CMS be added to the list of potential bidders which was developed under the earlier RFI process.

Next, the RFP must be reviewed and approved by the Court Steering Committee, MOJ, and USAID. On approval, the RFP may be released, allowing ample time for bidders to prepare and submit their proposals. Next, the proposals must be evaluated, an apparent successful vendor identified, and a contract negotiated. Only then may work may commence on design and construction of the specified work, followed by delivery of completed CMS software "on a CD" ready for implementation..

Workplan A-2: Adapting an Existing CMS System

It is assumed that the existing CMS software "arrives on a CD" and provides a "starter-set" of CMS functionality. The technical architecture will have already been determined.

The NCSC must still describe and "package" the functional specifications for the target level of functionality to be provided to ZMC. The first package will be the functionality provided by the existing system; thereafter, further development packages may be described to increase functionality and provide automated support of various administrative or procedural changes recommended by the NCSC and accepted by the Government of Croatia.

A technical contractor is still necessary, although the RFP to acquire one would be considerably simplified because the technical architecture and infrastructure has been established. The initial scope of work includes localizing the CMS if necessary (i.e. translate the software, screens, reports and documentation into Croatian), and conforming the CMS software to local court codes and conventions (typically involving routine table updates). This contractor may also be engaged to design and program functional enhancements as necessary or desirable. The initial CMS would then be ready for implementation.

Thereafter, the contractor may begin work to develop additional functionality as specified in the development agreement.

Workplan B: Implementing a CMS System at ZMC

The technical contractor engaged for Workplan A will set up development, test, demonstration and production environments, and provide on-going troubleshooting and maintenance services for the initial CMS software.

A location to host the production server and network facilities must be selected and prepared with appropriate equipment, system software, security, environmental, and operational controls. Finally, a training and implementation plan must be developed and carried out.

Further Explore Importing the Slovene CMS System

Determine Terms

Specific discussions should commence regarding the terms under which the Government of Slovenia CMS may be used by Croatia. These should determine the rights of the Government of Slovenia to export the CMS and may explore joint development opportunities to further develop and share future CMS functionality on a cooperative basis. These discussions should avoid, if possible, political considerations, and be led by appropriate counterparts on each Supreme Court, supported by appropriate technical advisors, in a spirit of cooperation and collegiality.

Further Assessment

Meanwhile, the evaluation of the Slovene CMS may be refined to further illuminate its functional capabilities and evaluate some technical details.

Additional functional assessment:

It would be helpful to more precisely characterize the functionality provided by the Slovene system. As earlier requested, screen prints, sample reports, and a dictionary (or listing) of data elements used in the Slovene CMS should be obtained and used to precisely map its capabilities to the NCSC CMS reference model.

Additional Technical Assessment:

The author was unable to view program listings to assess standards, conventions, and practices used to develop the CMS application and the overall quality of application program code. Before

concluding agreement to acquire the system, it is recommended that an assessment be made in this area to insure that code is reasonably understandable and capable of relatively easy modification and extension by local programming staff.

Evaluate Other Local Systems That May Be Available

In the absence of a central authority, such as a national Court Automation Advisory Committee, which inventories and provides policy guidance for local automation efforts , it is difficult to obtain comprehensive, consistent and reliable information about local automation efforts in Croatia. Nevertheless, it is evident that a number of local CMS automation efforts in various Croatian courts are underway.

One such system was briefly reviewed—a CMS operating in one department at the Zagreb County (second-instance) court. This system was developed using a desktop database (MS Access) and was "donated" by a local software developer. While offering limited, locally-useful functionality, it is not as functional as the Slovene CMS, it is not scalable to a national level, and is unlikely to possess the necessary system controls required of mission-critical computer systems.

Another local system, reportedly operating at a court in Varaždin, was apparently developed by a Croatian software company with significant experience in Croatian courts[11]. This system could conceivably exhibit many of the characteristics displayed by the Slovene CMS except (a) it has not been demonstrated to be scalable, and (b) it is unlikely to be made available to the GOC under favorable financial terms (a possibility that remains to be determined in the case of the Slovene CMS). Nevertheless, it appears to warrant further investigation.

Other Recommendations

Donor Community

Because of the high degree of commonality between CMS systems, NCSC and BAH should continue their collaboration on CMS specification and acquisition with the active involvement and support of USAID.

While the target courts (municipal and commercial) adjudicate different types of cases, their commonalities in terms of CMS far outweigh their differences: both courts operate their procedures under the Book of Rules, and both are constrained in rapidly adopting change by the same legal and regulatory environment. A CMS for either municipal or commercial courts begins with the same basic functionality—case filing and indexing and case disposition and close. Moreover, both jurisdictions must support scheduling and recording the results of hearings and printing court documents (while the textual content of the documents will differ, the inclusion of basic case data such as party names will be the same).

Given the relatively short time frame of donor support and the scale of CMS development and deployment, it is unlikely that much more than basic, common CMS functionality would be able

[11] The company, IGEA, reportedly developed the current automated land register system for the MOJ. Its principal, Dr. Vjeran Strahonja, was commissioned by the MOJ to develop, *inter alia*, a Case Management Model for commercial courts under the Bankruptcy Administration Project financed by the Government of Japan under PHRD Grant (TF026113). A draft final report was issued 14 July 2000.

to be implemented in the target courts within the scope of current donor agreements. It would be a tragic waste of resources, and a disservice to Croatia in the long run, to develop two independent, possibly incompatible, systems.

Government Of Croatia

It is recommended that the Supreme Court be encouraged to establish a formal Court Automation Advisory Committee. This would serve to help educate the court community in automation issues, assess and coordinate currently disparate efforts, and provide a shared vision and development forum for court automation in the future. It is unlikely, however, to have any immediate effect on current CMS efforts.

Finally, it is recommended that the MOJ and the courts be encouraged to more formally clarify understandings regarding roles and responsibilities regarding court automation. The MOJ should be encouraged to support, and be represented on, a Court Automation Advisory Committee. In addition to immediate issues regarding development funding, issues concerning long-term operational funding and staffing of court automation must be confronted and resolved. Ideally, perhaps, courts could be provided with an annual appropriation for court technology over which they may exercise discretion and control, as is the case in Slovenia.

Glossary

Applet	Small application programs, usually function-specific, downloaded from an application server
Application	Collection of computer programs designed to support a set of business objectives
BAH	Booz, Allen, Hamilton
BOR	Book of Rules
CD	Compact Disk
CIT	Center for Information Technology (Supreme Court, GOS)
Client	A computer, usually a desktop computer (PC), used by an individual person and receiving computing services from a "server" computer
CMS	Case Management System
DBMS	Database Management System
e-GIF	e-Government Interoperability Framework
ESP	External Service Provider
GOC	Government of Croatia
GOS	Government of Slovenia
HTTP	HyperText Transmission Protocol
IBM	International Business Machines, Corp.
IEEE	Institute of Electrical and Electronic Engineers
ISO	International Standards Organization
IEC	International Electrotechnical Commission
LAN	Local Area Network
MHz	Megahertz
NCSC	National Center for State Courts
NOC	Network Operations Center
PC	Personal Computer
RAM	Random Access Memory
RFI	Request for Information
RFP	Request for Proposals
Server	A computer, usually containing organizational data and/or programs, which provides "services" to multiple client computers over a network
MOJ	Ministry of Justice
MS	Microsoft Corp.
TCP/IP	Transmission Control Protocol/Internet Protocol
UK	United Kingdom
USAID	United States Agency for International Development
WAN	Wide Area Network
ZMC	Zagreb Municipal Court

Appendices

Appendix I: Review Visit Participants & Agenda

Study Visit to the Center For Information Technology,
Supreme Court of the Republic of Slovenia, Ljubljana
12 July 2002

Participants:

Mr. Djuro Sessa, President Judge, Zagreb Municipal Court (ZMC)
Ms. Renata Šantek, Department Head, Civil, ZMC
Mr. Z. Majerović, Crim. President at ZMC
Mr. Branko Hrvatin, Dep. Pres., Chief Civil, Zagreb County Court
Mr. Miljenko Sladović, Head, Project Mgt. Unit, MOJ
Mr. Steve Urist, IT Consultant Booz, Allen, Hamilton (BAH)
Mr. Rick Martin, BAH
Mr. Arsen Jurić, Rule of Law Projects Manager, USAID
Mr. Zoran Grubisic-Cabo, Commercial Projects, USAID
Mr. Carl Blair, COP, NCSC/Zagreb
Ms. Goranka Marušić-Kontent, Legal Coordinator, NCSC/Zagreb
Mr. Jasna Tolnaj, Admin. Assistant, NCSC/Zagreb
Mr. John Sherman, IT Consultant, NCSC/Zagreb

Mr. Rado Brezovar, Head CIT Slovenia Supreme Court
Mr. Mitja Masten, Analyst, CIT Slovenia Supreme Court
Mr. Milan Palian, Principal, Prosoft Consulting

I. Background

Purpose

There are two parts to the investigation. Sample questions to be asked in each part of the investigation are listed in the following section under section **II. Agenda Questions**.

EXTERNAL (Functional) Investigation:
To view the automated Case Management System (CMS) used in Slovene courts; to assess the functions the CMS provides and see how they assist in court operations.

INTERNAL (Software Engineering) Investigation:
To investigate the technical architecture used to develop and operate the Slovene CMS and determine how it conforms to current technical standards and practices in Croatia.

Result Expected

Following the visit, the NCSC ZMC Improvement Project will develop a report to evaluate the merits of obtaining and adapting the Slovene CMS for use in the courts of Croatia.

Two outcomes are possible:

(1) The evaluation is favorable on both functional and technical grounds. The Slovene CMS is determined to be useful and adaptable to Croatia courts, and the CMS is built upon a sound, modern technical foundation meeting Croatian technical requirements. In this event, negotiations may be undertaken to determine the means and cost of obtaining the software from Slovenia, and planning may begin to implement the CMS in Croatia.

(2) The evaluation is unfavorable. Either the CMS fails to provide necessary functionality, its functions are inappropriate to the needs of Croatian courts, or the CMS technical architecture does not meet Croatian technical requirements.

Impetus

Custom software development “from scratch” is a rigorous, time-consuming, and expensive task. A cardinal rule of efficient, cost-effective software development is the re-use of program code whenever feasible.

Two software systems are currently under development for the courts in Croatia. One is a CMS for the Zagreb Municipal Court (ZMC) and is designed to be used by other municipal courts in the future; the other is a CMS for the Commercial Courts.

Preliminary results indicate that both CMS share many common requirements, and it appears likely that a single CMS may fully serve both court jurisdictions. Indeed, given the general, common concept of “case”, it is quite possible that a single CMS would be useful in County (second-instance) and other appellate and special-jurisdiction courts, as well.

A single, common CMS used in all Croatian courts offers significant advantages over multiple independent systems due to a lower "total cost of ownership":

1. Lower overall development cost due to shared use of a CMS by a larger community of courts;
2. Lower maintenance costs including licensing of system software, cost of recurring application changes and enhancements, and cost of developing additional functions in the future;
3. Lower administrative costs due to a less complex technical environment;
4. Greater economy-of-scale in staff training and skill transfer between courts.

Ultimately more courts would enjoy the benefits of more automated functions, more quickly, and at lower cost.

Reason for Optimism:

There are several reasons for optimism that the Slovene CMS may be adaptable to Croatian courts.

First, Slovenia enjoys much the same legal traditions as the courts in Croatia due to their common legal heritage as sister courts of the former Yugoslav federation. The rules under which the courts operate, and the legal philosophy, policies, and court procedures which exist are likely to be more similar between Slovenia and Croatia than between Croatia and any other independent country.

Second, the current Slovene CMS has been recently designed and implemented and thus appears to employ modern technology likely to conform to Croatian technical standards. Moreover, it is evidently the <u>second</u> automated CMS developed to support court case management in Slovenia and should therefore benefit from practical experience gained from operating the first court automated CMS system.

Finally, several members of the Croatian court community have had an opportunity to visit Slovenia and view the CMS on prior occasions during the past 8 months. They have been favorably impressed with the CMS and sense that it would be useful in Croatian courts.

II. Agenda Questions:

The visit will address the following topics and seek to answer the following questions regarding the Slovenian Case Management System (CMS):

External (Functional) Investigation:

Strategic Objectives

Describe the background and history of the development of Slovene court Case Management System(s).

What were the strategic organizational objectives in Slovenia that drove the development of an automated Case Management System? How well were the expectations met?

From a Court Administrator's perspective, what are the primary services the CMS provides and its most important benefits?

One of the Croatian CMS goals is to help reduce a backlog of cases. How well has the Slovene CMS helped the courts manage case backlogs? How does use of the system improve case disposition rates or reduce case-processing time (time from filing to disposition)? Are these indicators measured by the CMS?

General Orientation

View all CMS **Screens**; follow the progress of typical cases from filing to disposition (scenarios).

How do the screens and/or procedures differ for different case types?

View CMS **Reports**:

Operational reports: e.g. Forms, Notices, etc.
Management reports: e.g. Caseload reports
Ad-hoc reports: Query capabilities

View user **Customization** capabilities: table entries that may be modified by local court personnel to tailor the system to local preferences.

How is electronic case data transferred on appeal? On remand?

Evaluate applicability of CMS to Municipal (first-instance) court operations;
Evaluate applicability of CMS to Commercial court operations;
Evaluate applicability of CMS to County (second-instance) court operations;

Marija Šimunović asks:
I would like to include one more question regarding applicability of CMS to Supreme Court operations (in Croatia it is Third instance, with about 5000-7000 cases/year.

Linkages with External Systems

How does the CMS link to/ integrate with document management system(s) for court-generated documents, e.g. Notices, Letters, etc.?

How does the CMS link to/ integrate with document management system(s) for incoming documents (scanned or electronically filed), e.g. complaints, pleadings, reports, attorney letters, etc.?

How does the CMS link to/ integrate with legal document (opinion) publication/research systems?

How does the CMS link to/ integrate with other court sub-systems, e.g. land registry, accounting, criminal history, prosecutor, corrections, etc.?

Future Development Direction

What enhancement or additional functions are planned for development?

Experience implementing and using the CMS in Slovenia

How many, and what type of courts in Slovenia use the CMS? How may are planned for future installation of CMS?

How many people use the CMS in a typical court; what are desktop equipment requirements and how is equipment deployed in a CMS court?

What functions have worked exceptionally well in the CMS?

What functions have not worked as well as expected?

How was the CMS implemented in each court?

What lessons were learned?

How were old (backlog) cases entered? What proportion of cases are now managed by the CMS?

How is staff training accomplished?

Don Cullen asks:

(1) "How long was the clerk's office running a parallel system (manual/automated) before they switched over to fully automated"?

(2) Is there any part of the clerk's office that is still on a manual recording keeping system? If so, what function and why?

(3) "What is the most common complaint the "staff" have about operating the system?"

This is the second automated CMS system used in Slovenia; what specific problems with the first CMS was the new CMS designed to remedy? How well did it succeed?

What statutory or Rule changes (if any) were required to employ an automated CMS in Slovenia? How were Rule changes agreed upon?

Opportunity for Further Review

Is the CMS available in a demonstration version for access/review in Croatia (e.g. on the Web and/or on CD-ROM?)

Internal (Software Engineering) Investigation:

General Orientation

Please characterize the overall application architecture (e.g. client/server?, Three-tier?, Thin client?, etc.)

What is the hardware architecture used to host the CMS? Where is the CMS hosted (i.e. are computer servers centrally located and managed or distributed among the courts)? What are data center standards and requirements?

What system software products were used in development? In operation? (e.g. Operating system(s), Database Management System(s), Transaction Monitor(s), Programming Language(s), Developer Workbench, Utilities, Performance Monitors, etc.)

Is an active data dictionary employed?

How was development conducted and how is maintenance arranged (e.g. In-house, outsourced, combination)? If outsourced, what warranty was provided with the application, and what has been the application error frequency? What is the approximate staffing level required to support/maintain the application and how is staff organized?

What are (approximate) annual software licensing costs?

What has been your overall experience with the technical environment(s) selected and application software? What changes to the technical architecture are planned in the future?

Linkages

Are there application linkages/integration with word processing/spreadsheet functions for forms and/or report generation, document management, etc.? How are they implemented?

Do other applications (court or non-court) share the same technical infrastructure?

What is the technical means used to link to other applications (e.g. WAN, batch file transfers, etc.)?

Performance

What are hours of system availability to court users? How much time is required for system maintenance? When is it scheduled?

How much "down time" has been experienced in operation?

What system/database backup and recovery facilities are employed? How effective have they been in practice?

What is typical system response time? How is response time measured and how is it managed?

How are application errors and (functional) change requests managed? What is the current backlog?

Opportunity for Further Review

May we obtain:

A data dictionary listing?;
Data table layouts; code lists?;
table size estimates (e.g. per thousand cases)?
screen prints?
help files (if any)?
user documentation?
technical documentation?

NATIONAL CENTER FOR STATE COURTS

International Programs Division

Software Requirements Specification For Republic of Croatia Municipal Court Information System (CMCIS)

Municipal Courts Improvement Project - Croatia
Prepared for:
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Prepared by:
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Christopher M. Shelton, Information Technology Specialist Date
National Center for State Courts

Quality Assured By:

Carlton Blair, Chief of Party Date
National Center for State Courts

Concurred By:

Date

Approved By:

Date

This is a working document and will be updated as the project progresses.

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1.0. Introduction

1.1. Purpose

The purpose of this software requirements specification (SRS) report is to present a complete and accurate list of requirements for the Republic of Croatia Municipal Court Information System, or CMCIS. Upon completion, the document will be the basis for a Request for Proposals (RFP) to acquire such a system. The RFP will be an integral component of the binding contract between developers and users and it will provide a common point of reference point for system expectations.

1.2. Intended Audience

The primary audience for this SRS report consists of those persons involved the design, development, implementation, maintenance, support, operations, and training activities associated with CMCIS. This report will also be of interest to the project staff of the Commercial Court Development team who is involved in a similar project with similar requirements.

1.3. Scope

The purpose of this software development is the creation of a new system called the Republic of Croatia Municipal Court Information System (CMCIS). The scope of this report is limited to the requirements specified for CMCIS.

The fundamental objectives of this system include:

- The court can track a case from initial filing to closure, including the appellate level – judges and court staff shall be able to readily retrieve information on a case and determine its current status and progress at any time during its life.

- The court maintains control of case events - Judges and court staff control the scheduling of hearings and case events in accordance with statute and rule.

- The court maintains control over files – The court can provide security for all physical records and documents pertaining to the court case, and is able to locate and properly route this information as needed for case adjudication.

- The court receives feedback necessary to manage its activities -- information system should provide adequate information to allow the court to distribute workloads, prevent scheduling conflicts, manage workflows, and evaluate overall performance.

- The court provides accurate information required by users in real-time – parties and other individuals and organizations are able to obtain the information they need from the court to perform their case and court responsibilities.

The scope does not include the pre-investigative process for juvenile cases, the collection efforts (enforcement) of civil judgments performed by enforcement officers, and evidence/property management.

1.4. Definitions, Acronyms, and Abbreviations

ANSI	American National Standards Institute
ASCII	American Standard Code for Information Exchange
CA	Adult Criminal Requirements
CE	Civil and Enforcement Requirements
CJ	Juvenile Criminal Requirements
CMCIS	Republic of Croatia Municipal Court Information System
CMS	Case Management System
CR	Criminal (Adult and Juvenile) Requirements
Disposition	The termination of a pending case before a court.
EN	Enforcement Requirements
GUI	Graphical User Interface
HTML	Hyper Text Markup Language
HTTP	Hyper Text Transport Protocol
ID	Identification [Number]
IEEE	Institute of Electrical and Electronic Engineers
JDBC	Java Database Connectivity
LAN	Local Area Network
MOJ	Ministry of Justice, Administration and Local Self-Government
NCSC	National Center for State Courts
ODBC	Open Database Connectivity
Party	A person or legal entity with standing to bring an action before a court. In most cases, it is the plaintiff or defendant.
RFP	Request for Proposals
Server	A computer on a network that is used to provide services (database, e-mail, etc.) to "client" computers on the network.
SQL	Structured Query Language
SRS	Software Requirements Specifications
Web Browser	
XML	Extensible Markup Language

ZMC Zagreb Municipal Court

1.5. References

1. ANSI/IEEE Std. 830-1998, IEEE Recommended Practices for Software Requirements Specifications

2. ANSI/IEEE Std. 1233-1998, IEEE Guide for Developing Systems Requirements Specifications

3. Functional Specifications Report for Computerization in Zagreb Municipal Court of The Republic of Croatia, Christopher M. Shelton, September 2001.

4. Municipal Court Improvement Project (Croatia) Long-Term Plan, February 2002.

5. Official Gazette, Rules of Procedures for the Court, no. 3/94 and 10/96, July 9, 1997.

6. e-Government Interoperability Framework, Version 4.0, April 25, 2002.

1.6. Overview

This report follows generally the format specified by ANSI/IEEE STD 830-1998 Recommended Practices for Software Requirements Specifications. The remainder of the report will provide a more detailed description of the Republic of Croatia Municipal Court Information System and the requirements necessary to design and build such a system. Section 2.0 provides a general description of CMCIS, including product perspectives and functions, user characteristics, general constraints, and assumptions and dependencies of CMCIS. Section 3.0 provides all the details needed to design the system, such as functional and non-functional requirements.

2.0. Overall Description

2.1. Product Perspective

This software product will meet the requirements of a simple real-time data processing system, giving users the ability to add, delete, modify, query, and view case information in a user friendly GUI (Web-based) environment. CMCIS is a first of its kind for the municipal court environment in Croatia and it will be independent and totally self-contained from any larger project or system. The system will be accessible to court staffers throughout the court building via the use of the existing local area network (LAN) in the main court building.

The client, Zagreb Municipal Court (ZMC), is the largest court within the Croatian judicial system, handling over 30 percent of the country's caseload. Consisting of appropriately 600 employees, including over 160 judges, ZMC hears civil, criminal, domestic, enforcement, juvenile, and probate cases. The following table displays the case filings in ZMC from 1997 to 2000.

Division	1997	1998	1999	2000	Percent Change

Civil	27,335	26,501	38,204	29,123	6.54%
Criminal	4,102	4,165	3,933	3,308	-19.36%
Enforcement	62,743	66,822	98,203	105,639	68.37%
Juvenile	143	313	359	307	114.69%
Probate	9,815	10,024	10,670	10,335	5.30%

Table 1: Court Filings in Perspective, 1997 - 2000

In each division, ZMC monitors and tracks case activities in three main registry logbooks: main case information summary, case index, and file (case folder) transfer. Information is entered into these registries upon the receipt of the initial complaint. The complaint contains most of the information collected and recorded in these registries. The case file and judicial orders provide the remaining data.

Basic case information, final verdict, and post-verdict decisions are captured in the case information summary. This information is captured in case number order. To assist with the search and retrieval of cases, cases are indexed by defendant's surname under alphabetized sections within the index registry. Under each section, the cases are in received date order. The file transfer registry tracks the physical location of the case file. In case number order, this registry includes assigned judge number and transfer date, description, and reason. At least one other logbook, the checkout ledger, captures the same information as the file transfer registry.

The case file is another important data collection document. The front cover of the file records the archival date and tracks deadline and hearing dates. The inside front cover tracks the documents filed for that case. Each document is assigned a reference number and the received date, document description, and the number of pages are recorded.

CMCIS will automate the above manual processes (allow users to enter, update, and monitor case and court information) so that better productivity and efficiency may be achieved. It will consist of at least three independent, but related software modules: civil, criminal (adult and juvenile), and enforcement. These modules will share certain data and other system resources. The civil module is slated for implementation first.

As stated in "Automating Court Systems", the benefits from such an automated system include:

- Reduction of Repetitive Tasks
- Enhancement of Data Quality
- Increased Information Accessibility
- Increased Organizational Integration
- Enhanced Statistics and Monitoring
- Increased Effectiveness

Specifically, CMCIS will provide the following benefits: readily accessible comprehensive case and court histories, on-demand forms, letters, and reports, accurate case information available in real-time to users, the elimination of all hand-written registries and ledgers and the redundancy associated with maintaining those registries and the automated generation of statistical reports, and more control over event scheduling.

2.2. Product Functions

A fully functional CMCIS will provide users with the following features or functions:

- Attorneys profiles
- Calendar profiles with court and personal unavailable dates
- Case and person search capability
- Case folder tracking
- Case initiation, maintenance, and close-out (add, change, delete, and display case data)
- Case number generation
- Case parties profiles
- Case/Judge assignment
- Chronological listing of all activities per case (docket or register of actions)
- Event scheduling with time conflict warnings
- Judges profiles
- User selectable form and report generation
- Windows help system as electronic user's guide

2.3. User Classes and Characteristics

User classes include court management, judges, clerks, clerk supervisors, secretaries, and public access users. An administrator class will be necessary to assign access rights and maintain user-defined tables. These users will have different control and access rights according to their job responsibilities and roles.

Court Management Staff: INSERT, UPDATE, VIEW, DELETE

Clerks: INSERT, UPDATE, VIEW

Clerk Supervisors: INSERT, UPDATE, VIEW, DELETE

Secretaries: INSERT, UPDATE, VIEW

Accounting Department, General Public, State Attorney's Office: VIEW

Inherent within the VIEW action is also the capability to PRINT because of the graphical and functional nature of the browser software. However, authorized users will be granted specific rights to standard and ad hoc report printing.

This product assumes users with familiarity with suite applications and a working knowledge of municipal courts and their business operations and processes. Persons should have a basic understanding of Windows application standards concepts and GUI conventions, including tool bar activation, mouse click commands, pop-up and pull-down menus, and the use of help systems. Also, the user should be familiar with Web pages and the use of standard web browsers to access and navigate through those pages.

2.4. General Constraints

- Limited funding is available for CMCIS development. Lack of funds will limit the sophistication of the application regarding functionality, but additional funding may still be needed.
- Because of the tight time schedule, the court will implement a rudimental system with the highest priority functionalities only.
- The final product will be highly transferable to other municipal court jurisdictions.

2.5. General Assumptions and Dependencies

- CMCIS will operate in a Windows 2000 or UNIX environment.
- CMCIS is dependent upon the capabilities of current standard web browsers.
- CMCIS and its functionality will adhere to the local statute and rules.
- CMCIS will adhere to open systems technology standards.
- CMCIS will not contravene the e-Government Interoperability Framework (e-GIF) standards.
- CMCIS must be completely table-driven with no need to change code to control processing if table entries are added or deleted
- The court expects to receive timely and up-to-date attorney information from the Croatian Bar Association.
- Core changes will be incorporated into local statutes and rules to accommodate and authorize the use of CMCIS.
- ZMC will acquire and implement first software for civil and civil-based (enforcement) cases.
- To access CMCIS, the user must have and use a user id and password at the application- and network-level.
- The actual principal design and general hardware and software infrastructures will be based on the case management system (CMS) in Slovenia, Croatia's neighboring country.

2.6. Apportioning of Requirements

Because of budgetary concerns and time constraints, the request for proposals (RFP) will propose a phased approach based on the criticality of each requirement. The criticality rating is as follows:

1 = Basic requirements that are the core elements of a case management system (CMS)

2 = Requirements considered as the highest of priority by users

3 = Desirable or optional functional requirements

Specifically, the first-phase design will mimic the functionality found within the current Slovenia system. The second phase will consist of functional requirements rated as 1 and 2. Bidders will be asked to cost-out and schedule the design and development of CMCIS using the phased approach above.

3.0. Specific Requirements

3.1. External Interfaces

3.1.1. User Interfaces

The users interfaces of this system are the computer screen, keyboard, and mouse. CMCIS requires commercial web browser software to access the HTML pages, which includes one of the following:

Netscape Navigator, Version 4.75. or higher
Microsoft Internet Explorer, Version 5.x. or higher

Web pages that prompt users for data input will include HTML forms for data entry and JavaScript to verify/validate the inputted data prior submission to the web server.

3.1.2. Hardware Interfaces

There are no direct hardware interfaces in the system. The operating systems on both the client and server side will be configured to handle the hardware interfaces.

3.1.3. Software Interfaces

The client side software interface will be through any standard web browser. The server side interface will be through a Java web server. JDBC classes shall be used to interact with the database. CMCIS should provide standard Applications Programmer's Interfaces (API's) to allow other software applications to access its functionality where possible.

3.1.4. Communications Interfaces

Communication between the client and servers will occur via the use of the standard Internet protocol HTTP and secure HTTP (HTTPS). The web browser uses this protocol to make requests to the Web server. Also, the browser receives and executes Java applets.

3.2. Functional Specifications

Each requirement has been assigned a unique number within each section it falls. The requirements are grouped in the following sections: case initiation, event scheduling, hearing and other events, case closing, accounting and financial management, document and file management, query and search, report requirements, and general requirements. The action "maintain" within some requirements refers to the ability to manage, add, modify, and delete specific case information.

For outputs, most requirements will produce an validation error message if data is entered incorrectly and an entry confirmation indicating the data was accepted and committed to the database. Below, the output section will list outputs that are unique to that requirement.

All requirements are considered functionalities for all modules (civil, criminal -- adult and juvenile, and enforcement) unless explicitly stated otherwise. For example:

CA = Adult Criminal Requirement
CE = Civil and Enforcement
CJ = Juvenile Criminal
CR = Criminal (Adult and Juvenile)
EN = Enforcement

Some requirements will identify the article number(s) within the Book of Rules that warrants the inclusion of the requirement or excludes the use of such requirement.

3.2.1. Overall System Requirements

3.2.1.1. The system shall be completely table-driven with no need to change code to control processing if table entries are added or deleted.

3.2.1.2. Create and maintain user-defined case number format, including case year, case type, base number, suffix number

3.2.1.3. Establish user-defined tables for the following:

a. Case types
b. Address types
c. Telephone types
d. Charge codes and statutes
e. Filing types
f. Person-to-case relationship types
g. Docket types for activities and documents included on the register of actions
h. Nature of claim types (CE)
i. Court types
j. Events for court activities
k. Payment methods (CE)
l. Delivery methods of complaint (CE)
m. Document types for court documents
n. Time standards for case event processing
o. Event types
p. Case disposition types
q. Event disposition types
r. Reasons for continuance
s. Court action types
t. Plea types (CR)
u. Time standards for case record retention
v. Sentence types (CR)

3.2.1.4. Enter and maintain court profile (41, 42)

Inputs

Court id number, court name, name of president, court locations, addresses, telephone numbers, standard working hours (start and end) for specified time periods, non-working days, holidays, maximum number of cases per day per judge

3.2.1.5. Enter and maintain judge/calendar profiles

Inputs

Judge id number, judge name, court location, courtroom number, case type assignment, date of assignment, long-term availability, unavailable dates, specific work hours per day

3.2.1.6. Enter and maintain user profiles

Inputs

User id number, user name, title, division, office location, default printer/address, telephone number or extension.

3.2.1.7. Enter and maintain attorney profiles

Inputs

Attorney id number, attorney name, address, telephone number, law firm name, bar membership status, status effective date, JMBG number

3.2.1.8. Enter and maintain lay judge profiles (46)

Inputs

Judge id number, judge name, address, telephone number, case type assignments, appointment terms, expertise, JMBG number, summons dates, responses to summons

3.2.1.9. Enter and maintain expert witness profiles

Inputs

Witness id number, witness name, address, telephone number, case type assignments, expertise, JMBG number

3.2.1.10. The system shall allow users to assign specific case types to each intake office according to user-defined case/office relationship.

3.2.2. Case Initiation

3.2.2.1. Create and assign unique sequential case number for new case (154)

Inputs

Case type, system date and time, value of last sequential case number used

Outputs

Next sequential case number

3.2.2.2. Create and maintain case profile (134, 141, 149, 151, 261, 262)

Inputs

Civil and Enforcement: Defendants' names, plaintiffs' names, attorneys' names, case type, claim amount, filing date, filing time, filing type, fee amount paid, tender type (i.e. tax stamps, cash, direct deposit), payment status (paid, exempted, none), fee deadline date, nature of claim, delivery method of complaint (in person, mail, registered consignment), party types, parties' addresses and telephone numbers, parties' JMBG numbers, emergency case status, sealed indicator, case weight

Criminal: Defendant's name, co-defendants' names, complainant's name, attorneys' names, case type, arrest date, incident date, charge(s), filing date, filing time, parties' addresses and telephone numbers, party types, parties' JMBG numbers, defendant's date of birth, place of birth, sex, driver's license number, name of father, and name of mother, emergency case status, defendant incarceration status, sealed indicator, case weight, employer information

Outputs

Case number

3.2.2.3. Generate case title

Inputs

Defendants' names, plaintiffs' names, case number, case type

Outputs

Case title in the user-defined format. The default for plaintiff name in criminal cases (adult and juvenile) shall be the Republic of Croatia

3.2.2.4. Generate and assign separate party identifier (number) for each plaintiff and defendant (CE)

Inputs

Defendants' names, plaintiffs' names, case number

Outputs

For that case, a unique party number for each plaintiff and defendant

3.2.2.5. Enter court jurisdiction of case

The system will automatically calculate the correct court jurisdiction and venue based on case information entered and the jurisdiction and venue rules of Croatia.

Inputs

Defendant's address, case type, filing type, nature of claim

Outputs

Court id, court name, court type, court address; If not a ZMC case, display warning message to user

3.2.2.6. Calculate filing fee amount (CE, 148)
The system will use the filing fee schedule table and claim amount to calculate the filing fee in accordance with court rules.
Inputs
Case type, claim amount
Outputs
Filing fee amount

3.2.2.7. When entering or updating a case with a new party, alert the user if the party already exists
Inputs
Parties' names, date of birth, JMBG number
Outputs
Warning message, then allow a search to locate and select party to populate this case

3.2.2.8. Create and maintain association between primary case and related case (165 - 169)
Inputs
Related case numbers, the relationship between the cases (i.e. consolidated, remanded, execution, class-action)

3.2.2.9. Copy specific case information from one case to another case.

3.2.2.10. Create multiple related cases from one entry and copy select duplicate information to each case
Inputs
Same as 3.2.1.1, total number of cases, multiple party identifier
Outputs
Prompt to enter remaining data on other cases

3.2.2.11. Create groups of related cases that share the same events and outcomes such that those entries can be entered once, but applied to all cases within the group. (165)

3.2.2.12. Identify defendants that are minors
The system will calculate the age of the defendant during the time of the incident and identify if he/she was a minor in accordance with Croatia law. The default value for minor status is no (off).
Inputs
Date of birth, incident date
Outputs
If a minor, a yes (on) value in minor status field; Warning message that defendant is a minor.

3.2.2.13. Calculate the deadline date for statute of limitation (CR)
The system will calculate the date based on statute of limitation rule in Croatia law.
Inputs
Arrest date, case type, charge(s), filing date
Outputs
Deadline date

3.2.2.14. Enter one to many judge assignments to one case (33)
Inputs
Judge id(s)

3.2.2.15. Generate judge assignment for a case (33)
The system will automatically assign a judge to a case in accordance with Croatia law. The assignment will occur during case initiation.
Inputs
Case type, caseloads of judges, profiles of judges, availability of judges

3.2.2.16. Generate a docket (register of actions) entry when a case is initiated
Inputs
Case profile committed to database
Outputs
Docket code, date of entry

3.2.2.18. Create and maintain persons as individuals or organizations with primary contact person
The user can manually enter a person profile or the system can create a profile based on person information entered during case initiation. The system will automatically generate a unique number for the person.
Inputs
Case profile committed to database or
Civil and Enforcement: Person/company id number, person name, company name, addresses and telephone numbers, JMBG number, aliases, deceased indicator, date of death

Criminal: Person id number, person name, addresses (multiple) and telephone numbers (multiple), JMBG numbers, date of birth, place of birth, sex, driver's license number, name of father, and name of mother, aliases, deceased indicator, date of death, employer (multiple)
Outputs
Person id number(s); Entry confirmation

3.2.2.19. Create and maintain multiple addresses for a person with an effective date period for each address
Inputs
Addresses, address type, effective start date, source reason of address information

3.2.2.20. Classify addresses as confidential to restrict access or prohibit the display of that address by those without the appropriate security level
Inputs
Confidential indicator selected

3.2.2.21. Create and maintain multiple phone numbers for a person and associate the number with an address, if appropriate
Inputs
Telephone number, telephone type, best contact hours

3.2.3. Event Scheduling and Calendaring

3.2.3.1. Enter scheduled date and time for hearings or other court events (175-180)
Inputs
Event date and time
Outputs
Time conflict warning

3.2.3.2. Generate scheduled date and time for hearings or other court events (175-180)
The system will automatically schedule hearings based on user-defined criteria, but users will have a manual override capability.

Inputs
Judge id, calendar profile of judge, event type, courtroom number

3.2.3.3. Enter calendar (deadline) dates for court-ordered actions (180)
Inputs
Calendar date

3.2.3.4. Enter one to many judge assignments to events
Inputs
Judge name(s). The default shall be the judge(s) assigned to the case
Outputs
Time-conflict warning

3.2.3.5. Enter parties to scheduled events
The defaults are parties associated with the case.
Inputs
Party name, party's relationship to case/event
Outputs
Party id number

3.2.3.6. Identify time conflicts for the judge, parties, and attorneys
Inputs
Event date and time, case parties, judge, representing attorney(s)
Outputs
Time-conflict warning, person(s) with conflict, override or correction capability

3.2.3.7. Allow override or correction of scheduling conflicts
Inputs
User-option to override or new event date
Outputs
Time-conflict warning, person(s) with conflict, override or correction capability

3.2.3.8. Provide mass scheduling and re-scheduling of events
Inputs
Future event date, case numbers
Outputs
Time-conflict warning

3.2.3.9. Reassign a group of events from one judge to another
Inputs
New judge id number, events
Outputs
Time-conflict warning

3.2.3.10. Allow multiple cases and events to have the same scheduled date, time, and judge (167)

3.2.3.11. Generate a docket entry when an event is scheduled
Inputs
Scheduled event committed to database
Outputs
Docket entry, date of entry

3.2.3.12. Display on-line the number and types of cases assigned per judge
Inputs
Current date or date range (start and end dates), status option (pending, closed, all); the defaults are current date and pending status option

Outputs
Judges' names, case types, number of cases per type

3.2.3.13. Enter and track the service process for notices and other court documents (178, 218)
Inputs
Service method, service person, date of service, mail date, service results, returned date

3.2.4. Hearings and Other Events

3.2.4.1. Enter the attendance status of case parties at court event
Inputs
Attendance status (Yes or No)

3.2.4.2. Enter and track plea for each charge
Inputs
Original plea, change of plea, date of change

3.2.4.3. Enter and track motion filings
Inputs
Motion id number (system-generated), motion type, motion description, filed by, motion date, motion outcome

3.2.4.4. Associate (link) motions with a specific event (hearing)

3.2.4.5. Enter one to many event court actions for each court event
Inputs
Court action number (system-generated), court action code (i.e. Order, Writ, Motion Ruling, etc.), free-form notes for minutes

3.2.4.6. Enter and track warrant issuances
Inputs
Warrant id number (system-generated), warrant type, warrant issuance date, warrant status, service date, status activity date
Outputs
Advise users that the person has an outstanding warrant

3.2.4.7 Enter the event disposition
Inputs
Event disposition code, disposition date

3.2.4.8. Enter the reason for continuance (adjournment)
Inputs
Continuance event disposition code, reason for continuance code

3.2.4.9. Generate a docket entry for case/event disposition
Inputs
Case/Event disposition committed to database
Outputs
Docket entry, date of entry

3.2.4.10. Enter a case and all related activities on suspension
A yes value in this field will prohibit the scheduling of future events. The system will calculate the number of days the case is suspended for reporting purposes.
Inputs
Yes value in suspension indicator, reason for suspension

Outputs
Calculated suspension days

3.2.4.11. Track all cases with suspended case activity, the duration of the suspension, and the reason for the suspension

3.2.4.12. Identify inactive cases and groups of cases based on court rules and prompt users regarding appropriate action
Inputs
Case status equals inactive or suspended or case is inactive for a specific period of time
Outputs
Warning message or notice of inactivity

3.2.5. Case Closing

3.2.5.1. Enter the final case disposition
Inputs
Case status code (closed), closed date

3.2.5.2. Enter the judgment decision
Inputs
Civil: Case disposition, disposition date, amount awarded, manner of disposition

Criminal: Case disposition, disposition date, manner of disposition

3.2.5.3. Allow for multiple judgments in cases involving multiple parties
Inputs
Dispositions, disposition dates

3.2.5.4. Enter one to multiple sentences for each charge conviction (CR, 83)
Inputs
Sentence type(s), jail time period, probation time period, fine amount, fine due date, payment terms, accounting code, community service time period, education measures information

3.2.5.5. Identify if sentencing for multiple charges are to be served concurrently or consecutively (CR)
Inputs
Sentence time-served status (concurrent or consecutive)
Outputs
Expected release date

3.2.5.6. Finalize the case
Inputs
Verdict completion date, verdict mailed date, parties received date, case disposition code, service type (in person, mailed, public notice)
Outputs
Docket entry, date of entry

3.2.5.7. Calculate archival date for case file (236, 241, 242, 244, 248)
The system will calculate the archival date based on the finalized case date, case type, and a record retention table in accordance with court rules.
Inputs
Case disposition code equal to finalized, archive file location (auxiliary or central)
Outputs

Expiration date, time period of retention, warning message if the case does not meet the conditions to be archived (110)

3.2.5.8. Enter appeal date and results for each appellate level and track specific milestones associated with the appeal

3.2.6. Accounting and Financial Management

3.2.6.1. Enter fine payment
The system will calculate the current balance due.
Inputs
Payee name, payment amount, payment date, payment type, payment location
Outputs
Current balance due, paid status code

3.2.6.2. Calculate the delinquency status of payments
Inputs
Due date, last payment date, paid status code
Outputs
Delinquency status code, Number of days delinquent

3.2.6.3. Enter filing fee payment
Inputs
Payee name, payment amount, payment date, payment location
Outputs
Docket entry, date of entry, e-mail notification to judge if case is suspended

3.2.6.4. Enter witness fee payment
Inputs
Payee name, witness name, payment amount, payment date, payment location, accounting code
Outputs
Docket entry, date of entry, e-mail notification to judge if case is on-hold

3.2.6.5. Enter advanced payment for procedure expense (113)
The system will track the advanced payment orders for witness, expert witness, on-the-spot investigations, or court announcements and calculate the current balance due for each party.
Inputs
Total amount ordered, reason for advance, advanced due date, payee name, payment amount, payment date, payment location
Outputs
Current balance due, docket entry, date of entry, e-mail notification to judge if case is suspended

3.2.6.6. Generate a docket entry for filing fee, witness fee, advanced or final fine payment
Inputs
Witness fee payment or final fee payment information
Outputs
Docket code, date of entry

3.2.7. Document and File Management

3.2.7.1. Each time the case file leaves the intake office, enter the new location of the file (163, 197, 244)
Inputs

Recipient name, new location code, received date and time
Outputs
Warning message if file status is out

3.2.7.2. Enter all court documents generated and received (152)
The system will calculate the business number(s) for each document/page using the number of pages received for that document
Inputs
Document name, document type, received date, number of pages
Outputs
Business number(s)

3.2.7.3. Track loose documents in which the case is unknown
Inputs
Document name, document type, received date, number of pages, names of parties mentioned in document
Outputs
Tracking document number, entry confirmation

3.2.7.4. Track the mailing of all court documents to other entities and calculate the count of notes sent to post office (205)

3.2.8. Query and Search

3.2.8.1. The system shall allow users to search for cases using the following values: Case type, case year, case status, JMBG number, driver's license number, person id. By selecting a particular case, the system will route to the case main profile.

3.2.8.2. The system shall allow users to search for persons using the following values: Wild card, soundex (first and last name), phonetically, aliases, date of birth, JMBG number, driver's license number, person id number. The user can select the particular person to either transfer the data to a particular screen or route the system to the person profile.

3.2.8.3. Search data using boolean operators (e.g. and/or)

3.2.8.4. The matching case search results displayed by the system shall include: Case number, case title, case status, and final disposition

3.2.8.5. The matching person search results displayed by the system shall include: Surname, first name, date of birth, and address

3.2.8.6. The system shall have the following output medium options when performing a query: display, print, display and print.

3.2.9. Reporting Requirements

3.2.9.1. The system shall generate automatically court notices (summonses) based on the scheduling of court events. Exception is when service is provided in the court orally. The system shall provide a warning message if the notice generation date is within eight (8) days of hearing date (184).

3.2.9.2. The system shall generate an on-demand court calendar based on judge, courtroom, and hearing or due date.

3.2.9.3. The system shall generate a report of emergency (time-sensitive) cases based on case type and filing date.

3.2.9.4. The system shall generate automatically the request forms for criminal history information upon case initiation of a criminal case (CA).

3.2.9.5. The system shall generate automatically payment notices for fine payment upon a specific number of days of delinquency (CR).

3.2.9.6. The system shall generate a fine balance report on-demand for case(s) and person(s) online or printed (CR).

3.2.9.7. The system shall generate a label for all new file cover containing case number, case title, and other user-selected information.

3.2.9.8. The system shall generate a fee collection report that provides a total summary and a summary by case type using user-defined time periods.

3.2.9.9. The system shall generate a compliance letter based on user-selected criteria (CE).

3.2.9.10. The system shall have an ad hoc capability that can be assessed using industry standard Structured Query Language (SQL).

3.2.9.11. The system shall be capable of creating and generating standardized letters and reports, including:

- List of solved cases (127)
- List of ongoing cases (128)
- List of court documents (151)
- List of unreturned files (244)
- List of expenses by party (117)
- List of fee overpayments (106)
- Court calendar (216)
- Alphabetic listing of persons
- List of inactive cases
- Statistical reports -- New filings, pending caseload, disposed cases (129)
- Service pending
- Charge list
- Persons incarcerated (295)
- Compliance letter (CE)
- Register of actions
- List of cases ready for initial hearing
- Audit report of user transactions/entries performed on the system
- Case aging
- Case file destruction list
- Miscellaneous object registry -- case not under court's jurisdiction (134)

3.2.9.12. The system shall be capable of generating the following forms:

3.2.9.13. All reports generated by the system shall be exportable to a file format that ODBC-compliant.

3.2.9.14. All reports generated by the system shall be available upon request.

3.2.9.15. The system shall provide the ability to generate document using word processing software.

3.2.9.16. The system shall provide on-line access to all reports.

3.2.9.17. The system shall provide access to all database elements for inclusion system generated letter, forms, or reports.

3.2.9.18. The system shall store templates for standard forms, letters, and reports and allow customization by users through the inclusion/deletion of data elements.

3.2.9.19. The system shall have the ability to mail merge names and addresses into standard forms, letters, and notice.

3.2.9.20. The system shall have the ability to import and export all data into the following formats: ASCII, HTML, and XML

3.2.9.21. The system shall have the ability to define automatic generation of reports by date, day, recurrence every day, week, or month

3.2.10. General Requirements

3.2.10.1. The system shall create audit trials for all transactions/entries performed and associate the appropriate user to each transaction.

3.2.10.2. The system shall maintain an audit log for each unauthorized user access attempt, including date, time, and (if available) user id and workstation location or address.

3.2.10.3. Purge case records and associated profiles based on court rules or user-defined criteria.

3.2.10.4. The system shall allow users to merge and unmerge person and case histories if duplicates were generated for the same person.

3.2.10.5. The system shall allow users to correct a case number without deleting the case.

3.2.10.6. The system shall allow users to correct person id numbers without deleting the person record.

3.2.10.4. The system shall allow users to define default values for entry fields.

3.2.10.5. Ability to perform any system tasks from any authorized workstation

3.2.10.6. Ability to display at date fields in DDMMYYYY format

3.2.10.7. Ability to distinguish mandatory entry fields from optional entry fields

3.2.10.8. The system shall use Open Database Standards, including structured query language (SQL), for database updates and queries.

3.2.10.9. The system shall be developed using a SQL standard language.

3.2.10.10. The system shall comply with Open Database Connectivity (ODBC) standards and provide ODBC interfaces.

3.3. Non-Functional Requirements

3.3.1. Performance Requirements

The system must have a high-level of responsiveness to the users. The following performance requirements must be met:

Response time to use input:	maximum to 5 to 10 seconds
Processed searches:	maximum of 5 seconds
Processed reports:	maximum of 10 seconds

CMCIS shall support up to 300 concurrent users.

Ability to complete all administrative functions (i.e. report generation and printing) without causing system degradation, particularly slowdown of response time

3.3.2. Security Requirements

The system shall permit users to enter user ids and passwords to gain access.

The system shall store account passwords in encrypted format.

The system shall have varying level of access permissions.

Security levels of the system shall be based on screen, record, field, division, job classification, and function (i.e. add, modify, delete, print).

The system shall determine the access permission of the user based on the user-supplied user id and password and whether the user is connected to the network.

The system shall permit users to change his/her password as required.

The system will terminate if the user enters an invalid user ID/password three times consecutively.

The system shall permit users to seal and unseal a case and restrict access to case information by security level

The system shall have the ability to "hide" or mask data fields selected by users from displaying

3.3.3. Software Quality Attributes

CMCIS shall be maintainable and modifiable by MOJ/ZMC staff or contractors.

The system shall have the ability for data elements to be validated against valid entry values and a resultant error message displayed.

All data entered shall be in a non-case sensitive format.

The system shall use a consistent design style and follow industry standards for interface design.

Implementation abstracted from GUI so that GUI changes can be installed without affecting the application logic.

Use JDBC for standardized data access

Use a standard database interface for ultimate portability between database management systems.

3.3.4. Business Rules

Articles within the Rules of Procedures for the Court contain specific business rules. Those articles are listed below with a brief description of the business rule.

Article 41:	Court business hours
151:	Establishment of file/case
184:	Notice requirements (not within 8 days of scheduled date)
248:	Record retention schedule
258:	Basic registries required
265:	Incorrect entries
278:	Remanded cases entered as new cases

3.3.5. User Documentation

All documentation must be provided in printed and electronic format

The system shall contain a context-sensitive help system, which will be available online for every Web page (screen) via function key or icon.

The system shall permit the administrator to edit/add to on-line help text

On-line help shall have an index and search engine for quickly finding a subject.

Vendor shall provide a single comprehensive manual containing all documentation required by users.

Vendor shall provide a programmer's guide containing all documentation that details system functions, screen layouts, data and file structures, and system program design.

A printed set of user manuals shall be provided for any Commercial Off-the-Shelf (COTS) products used for the system.

3.4. Other Requirements

3.4.1. Reliability

The system shall be designed so that it is completely reliable. Reliability comes in two forms: reliability in terms of the system being completely operative at least 99% of the time and reliability in perfect atomic transactions.

The system shall provide backup and recovery capabilities.

The system must be brought back on line within 6 hours if an event occurs that takes the system off line except in the case of a critical system failure resulting in data corruption or loss.

The system must be restored and brought back on line within 24 hours in the event of a critical system failure resulting in data corruption or loss.

3.4.2. Availability

The system shall be available 24 hours, Monday through Friday, except during regular scheduled maintenance windows. Upon management request, the system will be available on Saturdays and Sundays.

3.5. Database Requirements

3.5.1. This section describes the basic requirements of the database that must be present in the database server. The database should be used to store all information required by CMCIS. More detailed design of the database will be provided in the System Design Document (SDD). The database shall store the following information for these entities:

6.1.1. Case

Name	Data Type	Size	Value	Required?
Case Number			System-Generated	Y
Parties Name			Person IDs	
Party Types		2	User-Defined	
Party ID			System-Generated	
Attorneys Names				
Case Type		2	User-Defined	Y
Claim Amount				Y
Filing Date		8	Default: System Date	Y
Filing Time			Default: System Time	Y
Filing Type		2	User-Defined	Y
Fee Amount Paid				Y
Nature of Claim		2	User-Defined	Y
Delivery Method of Complaint		2	User-Defined	N
Tender Type		2	User-Defined	N
Payment Status		2	User-Defined	N
Emergency Case Status			Y or N	N
Sealed Indicator			Y or N	N
Case Weight				N
Fee Deadline Date		8		N
Presiding Judge ID				Y
Filing Fee Amount			System-Calculated	

6.1.2. Person

Name	Data Type	Size	Value	Required?
Person ID			System-Generated	Y
Surname				Y
First Name				Y
Addresses				N
Address Type				
Telephone Numbers				N
Telephone Type				
Driver's License Number				N
JMBG Number				Y

Date of Birth				Y
Place of Birth				N
Sex				Y
Name of Father				N
Name of Mother				N
Incarceration Status				N
Name of Employer				N

6.1.3. Event

Name	Data Type	Size	Value	Required?
Event Name				
Event Type				
Event Date		8		
Event Time				
Presiding Judge ID				
Parties Names			Person IDs	
Parties Attendance				
Courtroom Number				

6.1.4. Documents

Name	Data Type	Size	Value	Required?
Case Number				
Document Number			System-Generated	
Document Type			User-Defined	
Document Name/Description				
Filing Date			Default: System Date	
Filing Time			Default: System Time	
Business Numbers			System-Generated	
Number of Pages				

6.1.5. Judge

Name	Data Type	Size	Value	Required?

6.1.6. Attorney

Name	Data Type	Size	Value	Required?

6.1.7. Witness

Name	Data Type	Size	Value	Required?

6.1.8. User

Name	Data Type	Size	Value	Required?

Appendix A: Glossary

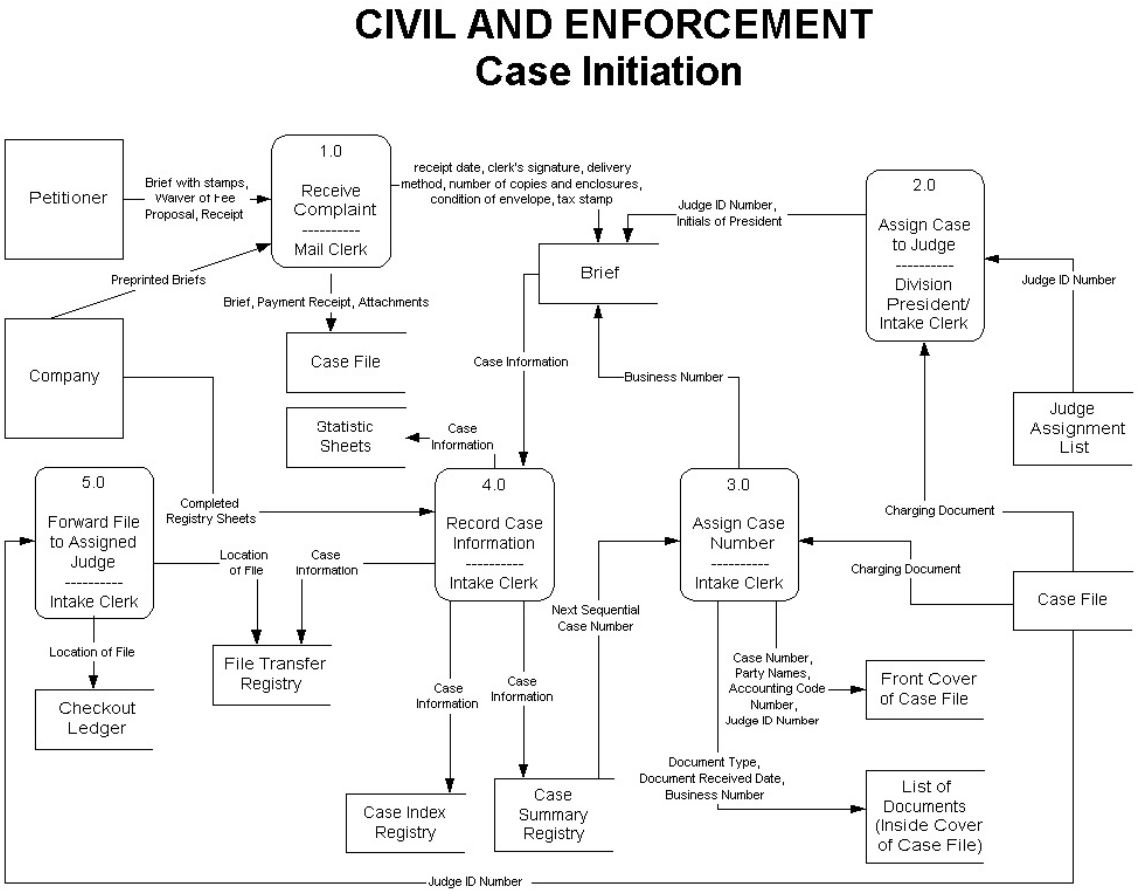

Diagram 1: Case Initiation (Case and Enforcement)

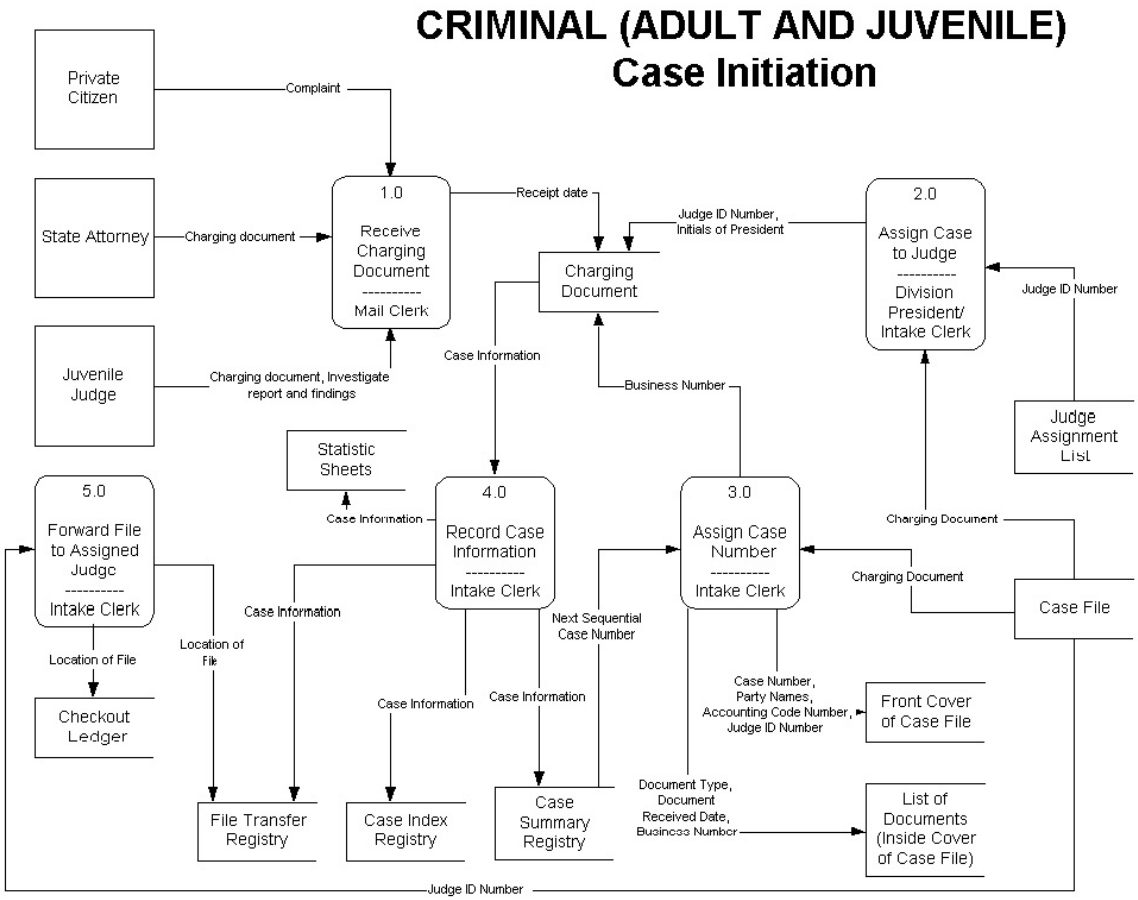

Diagram 2: Case Initiation (Criminal/Adult and Juvenile)

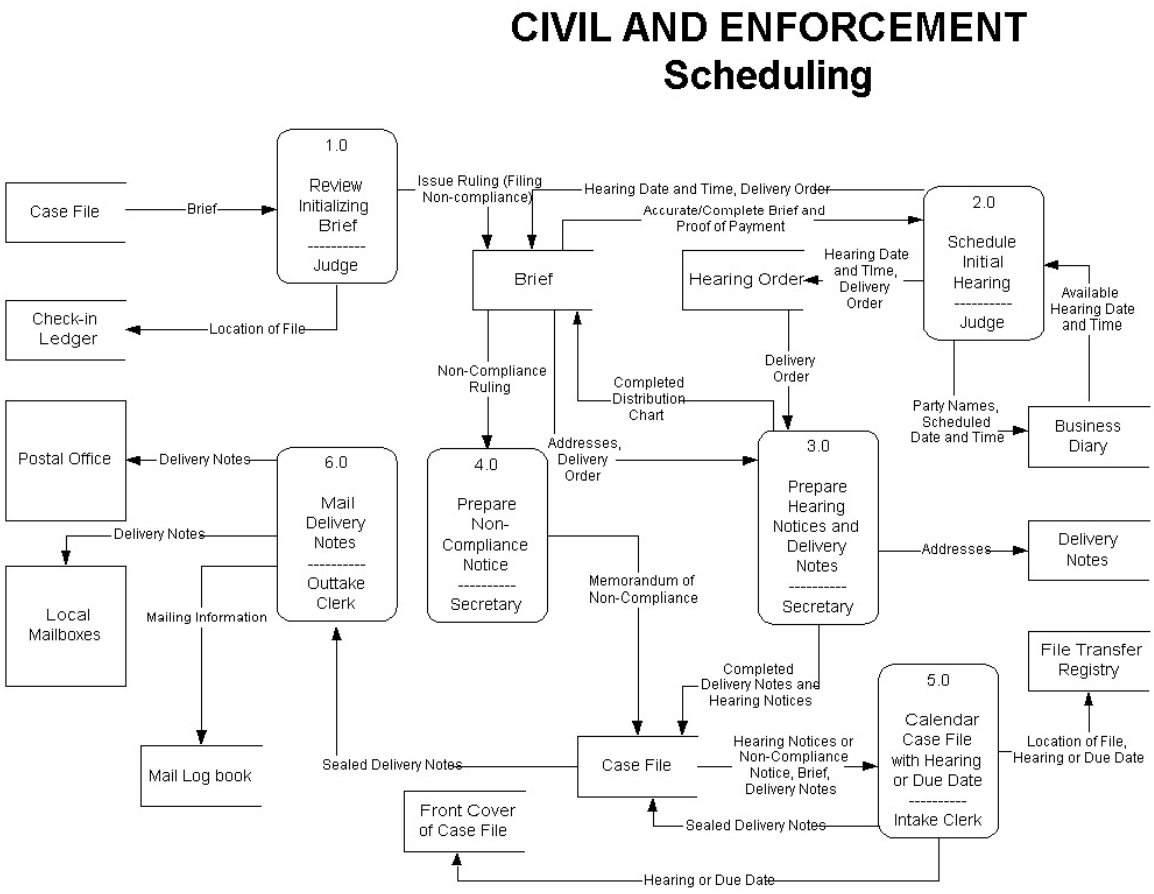

Diagram 3: Scheduling (Civil and Enforcement)

CRIMINAL (ADULT AND JUVENILE)
Scheduling

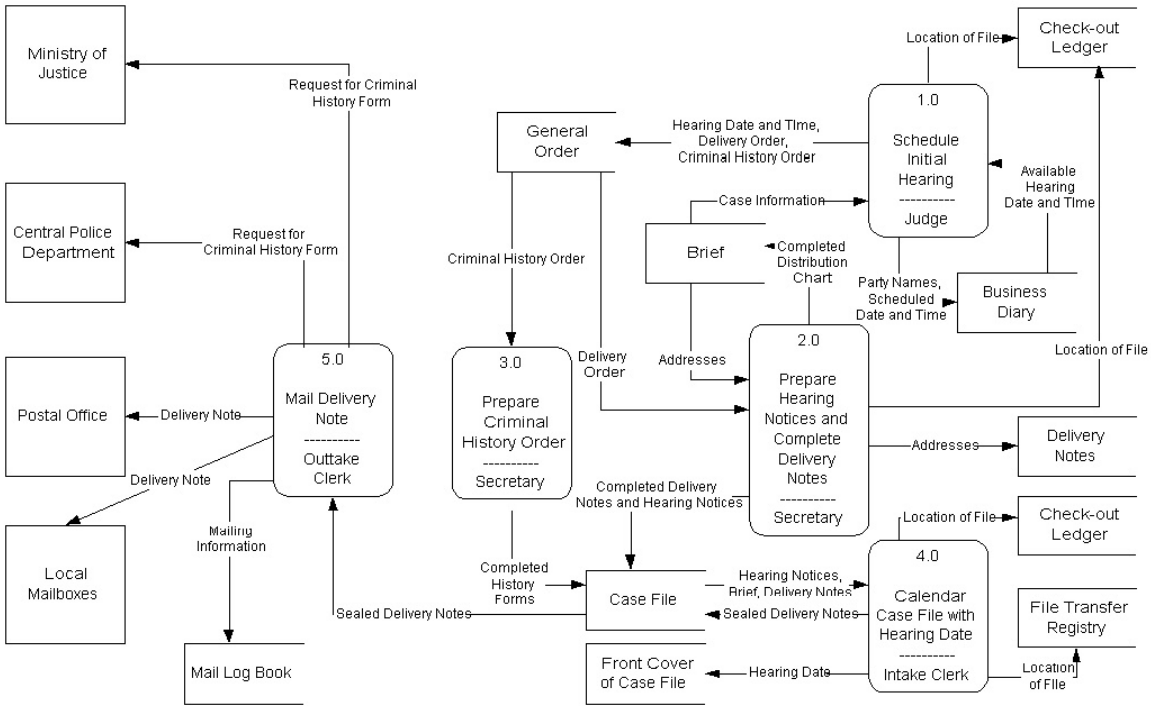

Diagram 4: Scheduling (Criminal/Adult and Juvenile)

CRIMINAL (ADULT AND JUVENILE)
Hearing Preparation

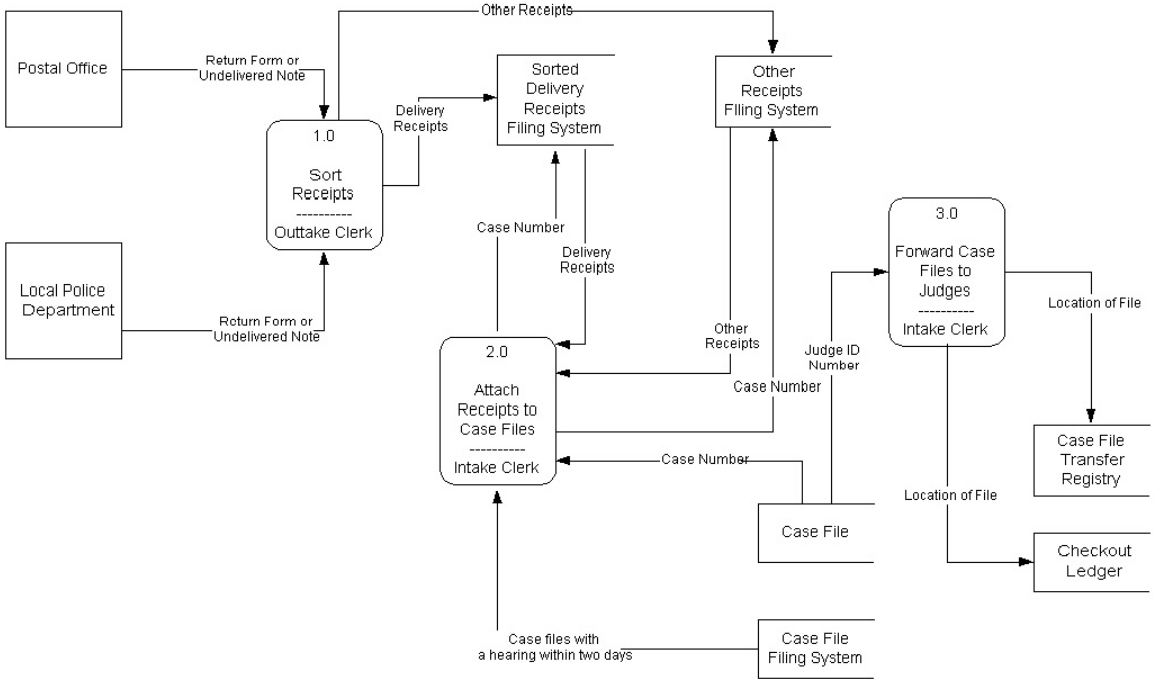

Diagram 5: Hearing Preparation (Criminal/Adult and Juvenile)

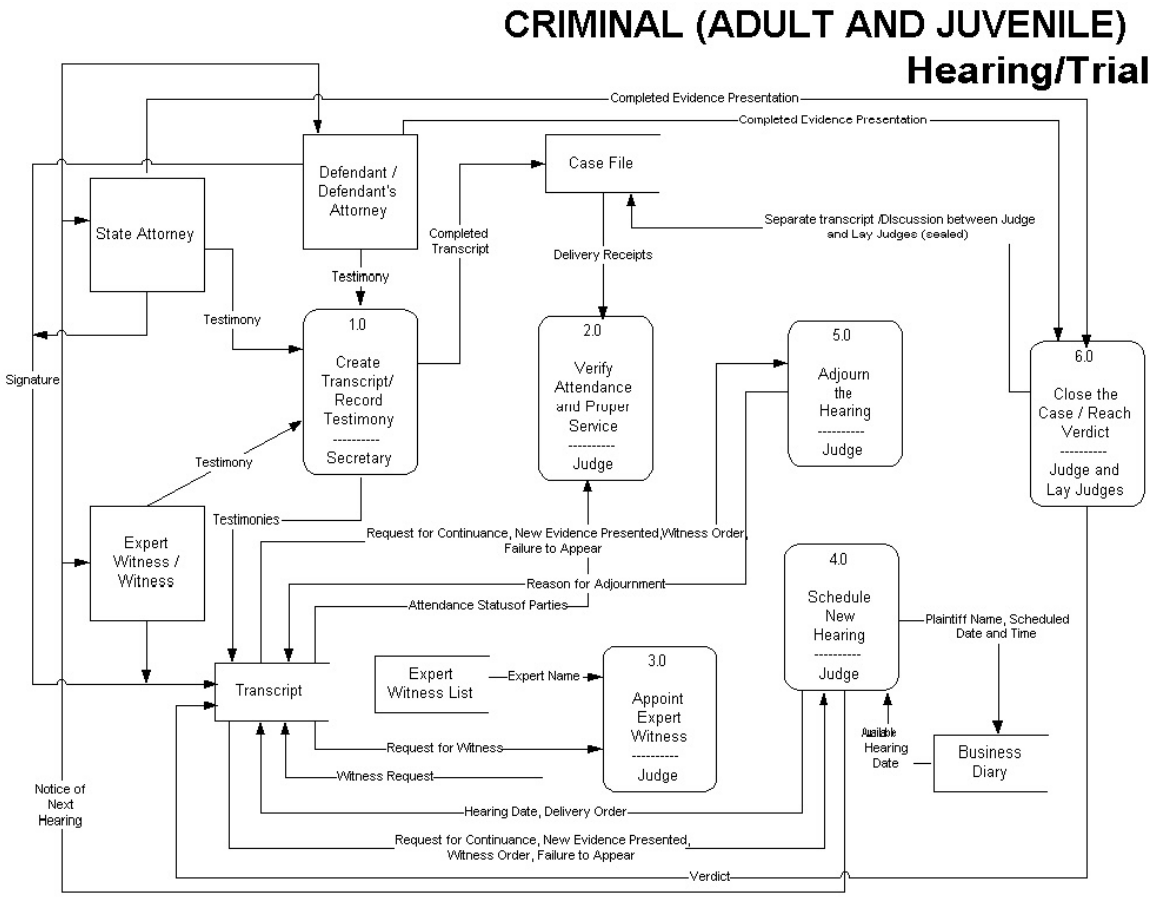

Diagram 6: Hearing/Trial (Criminal/Adult and Juvenile)

NATIONAL COMPETITIVE BIDDING (NCB)
For Republic of Croatia Municipal Court Information System (CMCIS)

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Purchaser:

The Ministry of Justice, Administration and Local -- Self Government (MOJ) and the National Center for State Courts (NCSC).

Release Date: November 30, 2002

The Ministry of Justice, Administration and Local -- Self Government (MOJ) pursuant to the Clause 25, Croatian Law on procurement of goods, services, and works, (Official gazette No. 142/97) and the National Center for State Courts (NCSC), announces:

NATIONAL COMPETITIVE BIDDING (NCB)
For
Republic of Croatia Municipal Court Information System (CMCIS)

I. Purchaser: The Ministry of Justice, Administration and Local -- Self Government and the National Center for State Courts.

II. The subject of the NCB is to compile written bids for the Republic of Croatia Municipal Court Information System for Zagreb Municipal Court (ZMC) at location Av. Vukovar 84, 10000 Zagreb, for the following services:

a) Proposal and Procurement of Hardware
b) Design and Development of Software Application
c) Installation and Testing of Hardware and System Software
d) Installation and Testing of Software Application
e) Project Management and User and Technical Training
f) Maintenance and Support

III. This invitation for bids is open to all legal entities that are registered for services that are subject to this bidding, have residence in the Republic of Croatia, and have purchased the bidding documents.

IV. Complete bidding documents, consisting of detailed information on preparation of bid (special conditions and tender) may be reviewed at this address: Ministry of Justice, Administration and Local -- Self Government, Zagreb, Republike Austrije 14, Room No. 8, on working days between 10:00 a.m. and 12:00 Noon CET, from October 22 until November 22, 2002. The bidding document may be purchased by interested Bidders with proof of payment: nonrefundable fee of HRK 1.000,00 paid to the account of MOJ No: 30102-637-5439.

V. Bids must be submitted in both Croatian and English languages.

VI. The evaluation criteria for bids and the selection of the best responsive bidder are as follows:

1. Optimal feasibility of the Project.

2. Offered price.

3. Bidder's organization and financial strength to meet requirements in the manner and time period as specified.

4. Bidder's overall reputation and capability to provide ongoing system maintenance and support in a timely and cost effective manner.

5. Bidder's past performance and experience in systems of similar size and design.

6. Project time-period proposed by the Bidder.

7. Capability, design, and functionality of the proposed software application, including a quantitative analysis of the number of requirements provided by the application.

8. Capability, design, and functionality of the proposed system architecture (hardware) and how well it conforms to this RFP's architectural direction.

VII. Deadline for submission of bids: on or before 12:00 Noon CET, November 30, 2002.

VIII. Bids shall be delivered to the announced address of MOJ, in a sealed envelope, with the bidder address and a note: "PONUDA ZA INFORMATIZACIJU OPCINSKOG SUDA U ZAGREBU – NE OTVARATI".

IX. Bids delivered incomplete or after bid submission deadline will be rejected and returned to the sender unopened.

X. Public bid opening will be held at 12:00 Noon CET, on November 30, 2002, at MOJ, Room No. 33. Authorized representatives of the bidders may be present at the bid opening.

XI. The Purchaser is not obliged to cover any Bidder's expenses related to this NCB and in accordance with Article 12 of the Croatian Procurement Law. The Purchaser has the right to reject the bids without any liability towards the bidders.

XII. The Bidders will be notified within eight (8) days after final selection of the best bidder.

NATIONAL COMPETITIVE BIDDING (NCB)
For
Republic of Croatia Municipal Court Information System (CMCIS)

Special Conditions – Request for Proposals

1.0 INTRODUCTION

A. Summary Statement

The Government of the Republic of Croatia, Ministry of Justice, Administration and Local-Self Government (MOJ) and The National Center for State Courts (NCSC) (further: Purchaser) invite vendors to submit proposals for the design, development, and implementation of the Republic of Croatia Municipal Court Information System (CMCIS), commonly known as a case management system (CMS), at Zagreb Municipal Court's main building at Av. Vukovar 84, 10000 Zagreb. This project will start immediately upon contract award. The final deliverable is a real-time computer program (further: software application), which allows the court to add, delete, modify, query, and view case information. The software application will consist of at least two operational software modules to manage cases adjudicated in the following court divisions: adult criminal and civil. Specifically, the chosen vendor(s) shall provide the following services:

a) Proposal and Procurement of Hardware
b) Design and Development of Software Application
c) Installation and Testing of Hardware and System Software
d) Installation and Testing of Software Application
e) Project Management and User and Technical Training
f) Maintenance and Support

Zagreb Municipal Court (ZMC) will first implement CMCIS, serving as a pilot site for the other municipal courts nationwide. One of the main goals of this project is to produce a software application that is easily transferable to other municipal courts and possibly other Croatia courts as well. The design of the system must provide the necessary flexibility for limited customization (i.e. users-defined tables for specific court entities and actions) to meet specific needs of individual courts throughout Croatia. Further, the Purchaser expects to obtain the appropriate level of source code ownership to allow for such software transfer and implementation.

Bidder will on own risk trace conditions under which, if the Bidder's proposal is accepted, software development and implementation will be performed and these conditions will be included in offered proposal.

B. Purchaser

Ministry of Justice, pursuant to the Croatian Law on procurement for goods, services and works (Official gazette No. 142/97) (further: Croatian Procurement Law), <u>may</u> purchase one or more software modules as outlined in this RFP. MOJ's evaluation criteria for best responsive proposal is the proposal with the lowest price that meets all the RFP's terms and conditions.

National Center for State Courts will purchase one or more software modules and all equipment and related materials. NCSC's evaluation criteria for best proposal is provided in Section 3.0 Evaluation Procedure.

Because this RFP has two purchasers, the price schedule(s) should itemize separately each software module.

C. Scope of Work

The scope of work calls for the Contractor to provide a software application for adult criminal and civil cases. Juvenile pre-investigation, land registry, and probate cases are excluded. Also, enforcement cases that do not conform to the normal adjudicative process of civil cases and the collection efforts of civil judgments performed by enforcement officers are excluded as well. This application shall meet or exceed all the requirements listed in Section 6.0 Requirements. The Contractor will supply all necessary hardware and system software to support the software application. The Purchaser will provide the local area network infrastructure and the desktop workstations (clients).

Each module within the application will support cases of similar nature and processes. Ideally, these modules would align with the court divisions. However, the similarity of requirements among different divisional cases types may warrant the consolidation of those case types within one module. For example, valid document enforcement cases are special civil cases with specific evidentiary requirements. Moreover, these cases follow close to the same adjudicative process as a civil case. These and other enforcement cases could easily be incorporated into the civil module as specific case types.

The same consolidation may be possible for juvenile cases under the adult criminal module. In sum, the Purchaser expects two modules to handle adult criminal and civil cases with the possibility of incorporating juvenile and enforcement cases within those two modules, respectively. The deliverables include:

- The design of the software application shall be developed and documented.
- Two modules of CMCIS shall be developed and documented. The first module will provide case management capability for civil and civil-related (enforcement) cases. The module will meet or exceed all requirements listed for civil cases.
- The second module will include the case management capability for adult and juvenile criminal cases and meet or exceed all requirements listed for adult and juvenile cases.
- Another potential module may include separate case processing for juvenile cases if issues such as users' concerns, privacy, and security warrant it.
- A test and evaluation plan will be developed for CMCIS. The test plan shall be designed to assess the system's ability and to meet the functional and technical requirements, to provide reasonable analysis results, and to test the robustness of the computer program.
- The CMCIS shall be installed at the Zagreb Municipal Court and evaluation tests will be conducted according to court-approved plan.
- A comprehensive technical and program documentation of CMCIS will be prepared.

D. Duration

This overall project and its funding is scheduled to end on August 31, 2003. The CMCIS application, which includes all modules, should be installed and operational ("live") on or before July 1, 2003. With the initial award expected in early December 2002, the time frame for this project is approximately seven (7) months. During this time frame, the following tasks will be completed: contract negotiation and approval, acquisition of necessary hardware and software, delivery, installation, and approval of software application, and user training. At the end of the timeframe, the project shall be no less than 95% completed as determined by the Purchaser. Failure to meet this requirement will result in a monetary penalty as mutually agreed upon by Purchaser and vendor.

E. Questions and Inquiries

All questions that Bidders may have regarding this RFP must be submitted in both English and Croatian languages to the Purchaser solely in written form via mail or fax on following address:

Ministry of Justice, Administration and Local-Self Government
IT Department
Republike Austrije 14
10000 Zagreb, Croatia
385-1-3764-211(fax)

The Purchaser will not accept any request for visit of Bidder representative.

F. Schedule of Events

Solicitation Released	October 15, 2002
Deadline for Receipt of Questions	November 22, 2002
Proposal Due Date	November 30, 2002
Date of Opening Proposal Offers	November 30, 2002

G. Proposal Due Date

An original and two (2) copies of the proposal enclosed in a sealed envelope, with Bidder address and a note: "PONUDA ZA INFORMATIZACIJU OPCINSKOG SUDA U ZAGREBU – NE OTVARATI" must be received at the Ministry of Justice, Administration and Local-Self Government, Republike Austrije 14, 10000 Zagreb, IT Department by 12:00 Noon CET on November 30, 2002, or can be hand delivered to procurement commission before public bid opening.

Proposals must be submitted in both Croatian and English languages. Requests for extensions will not be granted. Late proposals, late requests for modification, or late requests for withdrawals will not be considered. Proposals can be hand delivered, but NOT delivered by fax or e-mail.

Public Opening of Proposal Offers will occur on November 30, 2002 at 12 Noon in the Ministry of Justice, Administration and Local-Self Government, Republike Austrije 14, 10000 Zagreb, Room 33. Representatives of Bidders with valid written authority can only attend this Opening. At the Opening, the following information will be disclosed to the Bidders:

a) Total Number of Proposals Received
b) Name and Address of each Bidder
c) Total Price per Option for each Proposal (without VAT) -- See Section H. Pricing Options for details.

H. Duration of Proposal Offer

Price offers are irrevocable for a minimum of 120 days following the proposal due date or closing date for best and final offers. The Purchaser may, however, reduce or extend this period if he determines it to be in ZMC's best interest. Once a proposal is accepted, all prices, terms, and conditions shall remain unchanged throughout the contract period unless specifically agreed to otherwise in writing by both the Purchaser and the contractor.

I. Award

Vendors responding to this solicitation must meet all mandatory requirements contained herein. If the vendor does not meet a mandatory requirement, the Purchaser will classify their proposal as "Unacceptable". The Purchaser may also determine that a vendor is "Not Responsible", that is, does not have the capabilities in all respects to perform the work required. Should a proposal be found unacceptable or if the vendor is found not responsible, the offer will not be considered further.

2.0 GENERAL INFORMATION

A. Purpose

The overall purpose of this solicitation is to provide information to vendors interested in preparing and submitting proposals to meet the requirements contained herein. Vendors should familiarize themselves with each section and subsection of this document.

B. Revisions to RFP

The Purchaser reserves the right to amend this solicitation at any time prior to the proposal due date, on Purchaser's own initiative or as reflection to Bidders question for clarification. If it does become necessary to amend any part of this solicitation, the Purchaser will furnish an addendum to all prospective Bidders listed by the Purchaser as having received a copy. All amendments will be identified as such and will be sent by mail, or, if time does not permit timely receipt by all contractors, will be transmitted by fax or e-mail.

Amendments shall be distributed within a reasonable time to allow vendors to consider them in preparing their proposals. If the time and date of receipt of amendments does not permit preparation, the due date will be extended.

C. Pre-Proposal Modification or Withdrawal of Offers

Proposals may be modified or withdrawn by written notice received at the Purchaser before the time and date set as proposal due date.

D. Cancellation of Solicitation/Rejection of All Proposals

The Purchaser has the right to reject the bids without any liability toward the Bidders (in accordance with the article 12 of the Croatian Procurement Law) or may cancel this solicitation and reject all proposals submitted in response when this action is determined to be in ZMC's best interest.

E. Acceptance of Proposals

The Purchaser reserves the right to accept or reject all proposals, in whole or in part, and to waive or permit cure of minor irregularities.

F. Incurred Expenses

The Purchaser is not responsible for any expenses incurred by Bidders in preparing and submitting proposals in response to this solicitation.

G. Discrepancies, Explanation, and Clarifications

Should a vendor find discrepancies in the specifications or provisions included in this solicitation, or should there be doubt as to the meaning or intent of any section or subsection herein, the vendor should request clarification from the Purchaser. Failure to request a clarification prior to the due date will waive any claim by the vendor for expenses made necessary by reason of later interpretation of the contract documents--Bidders will be bound to the Purchaser's interpretation. Explanations and clarifications desired by a Bidder shall be requested in accordance with the instructions contained in Section 1.0.E. Questions and Inquiries.

H. Pricing Options

Because of time constraints, the RFP proposes three (3) development and implementation scenarios for the software application. These scenarios are based upon a phased development approach in which specific groups of functional requirements are implemented in steps.

The functional requirements are categorized into three groups based on their criticality. The three groups are:

1. Core requirements and requirements considered as the highest user priority
2. Enhanced requirements considered as desirable by users
3. Optional requirements

The solution or the first software version release each vendor proposes will consist of group 1 requirements or group 1 and 2 requirements or all three groups. The vendor should determine what it can provide as a solution based on the timeframe available (approximately 7 months). For each proposed module, Bidders shall provide pricing and duration of project for each of the following pricing options:

Price Option 1. Completion of group 1 module
Price Option 2. Completion of module incorporating groups 1 and 2 requirements
Price Option 3. Completion of full-featured module (all requirements)

If the Bidder selects option 1 or 2 as the final bid, the Bidder's proposal should also include the modification costs to incorporate the remaining option(s) into the product using the additional modification cost sheet in Section 8.0.C. Application Software Costs. The completion date(s) for incorporating the remaining requirements may exceed the overall deadline date of August 31, 2003, however, this request does not constitute an automatic extension in the project's timeline.

Bidders may suggest other options if it improve the price and service competitiveness of the Bidder's proposal. The Bidder may supply these additional pricing options using whatever format best communicates those options. The Bidder must identify the savings/benefits of each option. Prices for all offered goods and services must be in Croatian currency kuna (KN). Bidder's proposal must contain clear statement that offered prices include all expenses regarding those goods and services.

I. Payment to the Contractor

The final price will be based upon firm fixed rates (KN) quoted in the contract. There will be no price adjustments for either inflation or workload. Payment for services rendered will be made within 30 days of receipt of an accurate invoice. Contractor must submit an invoice identified as such to the each Purchaser for payment of all charges. Contractor will be required to itemize charges. Advance payments are not acceptable.

J. Other Conditions

1. All provided equipment shall be new and unused.

2. Regulations - All work will comply with all Croatian laws, municipal ordinances, codes, regulations, and direction of inspectors appointed by proper authorities having jurisdiction. If there are violations of codes, the contractor will correct the deficiency at no cost to Purchaser.

   If the requirements of this RFP <u>exceed</u> those of the governing codes and regulations, then the RFP requirements shall govern. However, nothing in this RFP shall be construed to permit work not conforming to all governing codes and regulations.

3. Liability Insurance - The contractor shall agree to maintain appropriate general liability insurance, worker's compensation and employer's liability insurance to cover all its personnel providing the specified services

herein described as well as damages arising as a result of such services. The contractor further agrees to require its subcontractor(s) to maintain the same level of insurance.

4. Unavailability of Funds - If sufficient funding is unavailable to this project, the award may be postponed, canceled, or modified in scope.

3.0 EVALUATION PROCEDURE

A. Evaluation Process

The Purchaser will evaluate all proposals received by the due date and with preliminary examination confirm proposal compliance with mandatory requirement. Failure to comply with a mandatory requirement will disqualify a Bidder's proposal. Minor irregularities in proposals that are immaterial or inconsequential in nature may be cured or waived whenever it is determined to be in the ZMC's best interest. After determining compliance with the mandatory requirements, an evaluation will be conducted of the technical merit of the proposals.

B. Final Selection

Purchaser will make recommendations for the award of the contract to the responsible Bidder whose proposal is determined to be the most beneficial to ZMC, considering both the technical and financial factors set forth in the RFP. Price will be given the same value as technical merit. Factors affecting the contract award include the following:

1. Optimal feasibility of the project.

2. Offered price.

3. Bidder's organization and financial strength to meet requirements in the manner and time period as specified.

4. Bidder's overall reputation and capability to provide ongoing system maintenance and support in a timely and cost effective manner.

5. Bidder's past performance and experience in systems of similar size and design.

6. Project time-period proposed by the Bidder.

7. Capability, design, and functionality of the proposed software application, including a quantitative analysis of the number of requirements provided by the application.

8. Capability, design, and functionality of the proposed system architecture (hardware) and how well it conforms to this RFP's architectural direction.

All Bidders will be notified within eight (8) days after final selection of the best proposal.

C. Negotiations

The NCSC reserves the right to recommend a Bidder for contract award based upon the Bidder's written proposal, without further discussions. Should the NCSC project manager determine that further discussion would be in the best interest of NCSC, the project manager may permit qualified Bidders to revise their proposals by submitting "best and final" offers.

4.0 INFORMATION REQUIRED IN ALL PROPOSALS

A. Organization of Proposals

1. Proposals are to be submitted at the MOJ in Zagreb as specified within this RFP on the date indicated. The sealed envelope should identify the proposal, the due date of the proposal, and the Bidder's name, address, e-mail address, and telephone number.

2. An original and two copies of each proposal are to be submitted. The original copy should note that it is the original and copies should be marked accordingly. The original and both copies shall include drawing(s) of the proposed hardware architectural design as an attachment. One copy of the reviewed financial statement is required in the original proposal.

3. Unless the proposal expressly states otherwise, the vendor agrees to comply with every section, subsection, and addendum of this solicitation.

4. If product literature and other publications are included and intended to supplement the response, the original document and reference to each document name and page should be included. All supporting data and brochures will follow the last section of the vendor's response.

5. Any proposal that does not follow the format of this solicitation may be deemed unacceptable.

B. Transmittal Letter

A transmittal letter prepared on the Bidder's business stationary should accompany each proposal. An individual who is authorized to bind the firm to all statements, including services and prices, contained in the proposal, must sign the letter.

C. Checklist

The following checklist has been included to ensure compliance with the RFP. Please indicate whether each item specified is included in the response.

Item	If Included Provide Page or Section Number
Audited Financial Statements	
Evidence of Legal Status	
Evidence of Business Status	
Proposal Security	
Bank's Letter of Intent	
Evidence of Authorization to Offer Goods	
Hardware Architectural Diagram	
Hardware Technical Brochures	
List of Employees and Resumes	
Implementation Schedule	
Standard Contracts and Licensing Agreements	
List of Organized Service Support in Croatia	

5.0 BACKGROUND AND SYSTEM OVERVIEW

A. Background Information on Zagreb Municipal Court

Zagreb Municipal Court (ZMC) is the largest court within the Croatian judicial system. It handles over 30 percent of the municipal courts caseload and serves not only its delineated area but also a high volume of national cases because of the disproportionate number of central offices/headquarters in the city of Zagreb. Consisting of appropriately 600 employees, including over 170 judicial officers, ZMC hears civil, criminal, domestic, enforcement, juvenile, land registry, and probate cases. The following table displays the case filings in ZMC from 1997 to 2000.

Division	1997	1998	1999	2000	Percent Change
Civil	27,335	26,501	38,204	29,123	6.54%
Criminal	4,102	4,165	3,933	3,308	-19.36%
Enforcement	62,743	66,822	98,203	105,639	68.37%
Juvenile	143	313	359	307	114.69%
Probate	9,815	10,024	10,670	10,335	5.30%

Court Filings in Perspective, 1997 - 2000

ZMC monitors and tracks case activities in three main registry logbooks: main case information summary, case index, and file (case folder) transfer. Information is entered into these registries upon the receipt of the initial complaint. In general, each case type in ZMC has at least these three registries. Some case types are consolidated into one set of registry logbooks. The complaint (civil) or charging document (criminal) contains the initial information collected and recorded in these registries. Event proceedings and outcomes, additional filings, judicial orders, and the final verdict provide the remaining data.

Basic case information, final verdict, and post-verdict decisions are captured in the case information summary. This information is captured in case number order. To assist with the search and retrieval of cases, cases are indexed by defendant's surname under alphabetized sections within the index registry. Under each section, the cases are in received date order. The file transfer registry tracks the physical location of the case file and “loose” documents that need to be filed within those case files. In case number order, this registry includes assigned judge number and transfer date, description, and reason. At least one other logbook, the checkout ledger, captures the same information as the file transfer registry.

The case file is another important data collection document. The front cover of the file records the archival date, case number, and case title and it tracks deadline (calendar) and hearing dates. The inside front cover tracks the documents filed for that case. Each document is assigned a reference number upon receipt. A clerk will record that reference number, the received date, document description, and the number of pages on the inside cover.

Administrative procedures used by Croatian courts, including the ones above, are very similar, if not the same, for all divisions within those courts. The differences lie mostly in data collection (type and depth of information), filing requirements, party types, reporting requirements, and sentencing (verdict) structures. The following matrix provides case volume and other general case information for court divisions within ZMC and it highlights some of the differences listed above.

Comparative Chart of Court Divisions within ZMC

Component	Civil	Criminal (Adult)	Criminal (Juvenile)	Enforcement
Case Types	General Civil (P) Domestic Relations (P2) Trespassing (Pp) Damages (Pn) Labor (Pr) Housing (PS) Pension (PU)	Private Prosecutor (K) Public Prosecutor (Ko) Major Traffic Offense (Ks) Proceeding Held for Other Jurisdiction (Kr) Criminal Council Proceedings (Kv)	Juvenile (Km) Juvenile Investigation (Kim)†	Enforcement (Ovr) Evictions (Ovrs) Seizure of money based on civil verdict (Ovrpl) Seizure of money based on valid document (Ovrv) Collection of bills of exchange (Ovrvmj)
Cases Filed (2001)	41,436	4,342	377	110,448
Cases Disposed (2001)	30,787	4,127	327	68,424
Cases Pending (2001)	102,784	9,315	309	88,367
Number of Judges (2001)	101	28	5	36
Mean Case Processing Time*	2.3 years	2.1 years	.61 years	N/A
Mean Number of Hearings (Events)*	3.4	4.7	1.9	N/A
Parties (Title): Plaintiff vs. Defendant	Citizen(s) vs. Citizen(s) Organization vs. Citizen(s) Citizen(s) vs. Organization	Republic vs. Alleged Offender(s) Citizen vs. Alleged Offender(s)	Republic vs. Juvenile(s)	Citizen(s) vs. Citizen(s) Organization vs. Citizen(s) Citizen(s) vs. Organization
Initiated By:	Civil Complaint	Charging Document	Charging Document	1. Civil Complaint 2. Proposal (for enforcing a civil verdict)
Record Retention Period (Article 248 BOR, in years from the date the verdict became final)	Perpetuity for domestic relations and other special cases (e.g. war damage compensations, cases against the Republic) 30 years for cases involving property 10 years for all other cases	30 years - 10+ year jail sentence 10 years - 5+ year jail sentence 5 years for all other cases	30 years - 10+ year jail sentence 10 years - 5+ year jail sentence 5 years for all other cases	Perpetuity for cases involving property and alimony 10 years - Valid document cases 5 years for all other cases

*Figures from caseload study conducted in 2001
†Case type not included in RFP's scope of work

B. Current Infrastructure

ZMC recently installed a Windows 2000 LAN platform, running TCP/IP network protocol over an optical Gigabit Ethernet-based backbone with Cat 5e cable drops. Three servers are currently connected to the LAN (e-mail, Internet, and file servers). ZMC recently acquired 110 Pentium III PCs running Windows 2000 and will acquire at least 65 more computers in the near future. There are 64 existing computers in the Court building, ranging from 486s to Pentium III that use a combination of Windows 95, Windows 98, and Windows 2000.

C. Existing Software Applications

ZMC has three existing software applications in the accounting and land registry divisions. Subcontractors for the Ministry of Justice developed the applications and none of them operates on the Windows 2000 LAN.

An administrative program exists to handle accounting, budgeting, payroll, and other administrative functions. Developed by a subcontractor of the Ministry of Justice, the db3-based application operates on a standalone PC workstation.

The accounting office also has two payable programs that (1) track monetary transactions for expert services and (2) track wages paid to visiting (retired) judges. The vendor used the Borland's Delphi application development tool and the Corel Corporation's InterBase relational database to develop both GUI-interface applications. The programs run on a Windows peer-to-peer network.

The land registry division, which is located in a different facility, has a vendor-developed program to track land record transactions. The program operates on a Netware LAN and was developed using Sterling Corporation's ZIM. The data is stored in Oracle DBMS, Version 7.4.

D. Minimum Performance Standards

3.3.1.1. Performance: The system must have a high-level of responsiveness to the users. The following performance requirements must be met:

Response time to use input: maximum to 2 to 5 seconds
Processed searches: maximum of 5 seconds
Processed reports: maximum of 10 seconds

3.3.3.2. CMCIS shall support up to 300 concurrent users.

3.3.3.3. Ability to complete all administrative functions (i.e. report generation and printing) without causing system degradation, particularly slowdown of response time

3.4.1.1. Reliability: The system shall be designed so that it is completely operative at least 99% of the time.

3.4.2.1. Availability: The system shall be available 24 hours, except during regular scheduled maintenance windows.

6.0. Requirements

A complete list of requirements for the Republic of Croatia Municipal Court Information System (CMCIS) is provided below. The list includes requirements for adult criminal, civil, enforcement, and juvenile criminal cases. The proposed CMCIS shall meet or exceed all requirements.

A. Selection Requirements

- Operational software application modules for all specified cases on or before July 1, 2003.
- Use a fully normalized database built upon a full-featured, SQL compliant, relational database engine. The database should be able to store non-alphanumeric data, such as audio, video, images, etc. It should be possible to access the database from a variety of development environments, such as Visual Basic, Java, etc.
- Shall be developed using a SQL standard language(s).
- Use a n-tier modern client/server architectural approach.
- Adhere to open systems technology standards.
- Will not contravene the e-Government Interoperability Framework (e-GIF) standards.
- Employ object-oriented design and programming techniques to allow easier maintenance.
- Be scalable and reliable. The application should be able to handle several hundred users simultaneously, 24 hours a day and seven days a week.
- Provide security at both the database and application level, without programmer involvement. This security should ensure that users have access only to the data and features to which they are specifically authorized.

B. Functional and Technical Requirements

Bidders must complete the following matrix regarding the functionality the vendor can provide regarding the proposed software application. Please indicate in the box provided if the proposed system offers the specification listed: YES (Y), NO (NO), YES with modification (YM). The division column identifies which division the specification is applicable to.

Spec. Number	Functional Specification	Division	Criticality	Vendor's Response Y, N, or YM
3.2.1.	**Overall System Requirements**			
3.2.1.1.	The system shall be completely table-driven with no need to change code to control processing if table entries are added or deleted.	All	I	
3.2.1.2.	Create and maintain user-defined case number format, including case year, case type, base number, suffix number	All	I	
3.2.1.3.	Establish user-defined tables for data fields, including, but not limited to, the following:			
3.2.1.3.a	Case types	All	I	
3.2.1.3.b.	Address types	All	I	
3.2.1.3.c.	Telephone types	All	I	

3.2.1.3.d.	Charge codes and statutes	All	1	
3.2.1.3.e.	Filing types	All	1	
3.2.1.3.f.	Person-to-case relationship types	All	1	
3.2.1.3.g.	Docket types for activities and documents included on the register of actions	All	2	
3.2.1.3.h.	Nature of claim types	CE	1	
3.2.1.3.i.	Court types	All	1	
3.2.1.3.j.	Events for court activities	All	1	
3.2.1.3.k.	Payment methods	CE	2	
3.2.1.3.l.	Delivery methods of complaint	CE	2	
3.2.1.3.m.	Document types for court documents	All	1	
3.2.1.3.n.	Time standards for case event processing	All	2	
3.2.1.3.o.	Event types	All	1	
3.2.1.3.p.	Case disposition types	All	1	
3.2.1.3.q.	Event outcome types	All	1	
3.2.1.3.r.	Reasons for continuance	All	2	
3.2.1.3.s.	Court action types	All	2	
3.2.1.3.t.	Plea types	CR	1	
3.2.1.3.u.	Time standards for case record retention	All	2	
3.2.1.3.v.	Sentence types	CR	1	
3.2.1.4.	Enter and maintain court profile	All	1	
3.2.1.5.	Enter and maintain judge/calendar profiles	All	1	
3.2.1.6.	Enter and maintain user profiles	All	1	
3.2.1.7.	Enter and maintain attorney profiles	All	1	
3.2.1.8.	Enter and maintain lay judge profiles	All	2	
3.2.1.9.	Enter and maintain expert witness profiles	All	2	
3.2.1.10.	The system shall allow users to assign specific case types to each intake office according to user-defined case/office relationship.	All	2	
3.2.2.	**Case Initiation**			
3.2.2.1.	Create and assign unique sequential case number for new case	All	1	
3.2.2.2.	Create and maintain case profile	All	1	
3.2.2.3.	Generate case title	All	1	
3.2.2.4.	Generate and assign separate party identifier (number) for each plaintiff and defendant	CE	1	
3.2.2.5.	Generate court jurisdiction of case	All	3	
3.2.2.6.	Calculate filing fee amount	CE	1	
3.2.2.7.	When entering or updating a case with a new party, alert the user if the party already exists	All	2	
3.2.2.8.	Create and maintain association between primary case and related case	All	1	
3.2.2.9.	Copy specific case information from one case to another case	All	2	
3.2.2.10.	Create multiple related cases from one entry and copy select duplicate information to each case	All	2	
3.2.2.11.	Create groups of related cases that share the same events and outcomes such that those entries can be entered once, but applied to all cases within the group	All	2	
3.2.2.12.	Identify defendants that are minors	All	1	
3.2.2.13.	Calculate the deadline date for statute of limitation	CR	2	
3.2.2.14.	Enter one to many judge assignments to one case	All	1	

3.2.2.15.	Generate judge assignment for a case	All	2	
3.2.2.16.	Generate a docket (register of actions) entry when a case is initiated	All	2	
3.2.2.18.	Create and maintain persons as individuals or organizations with primary contact person	All	1	
3.2.2.19.	Create and maintain multiple addresses for a person with an effective date period for each address	All	1	
3.2.2.20.	Classify addresses as confidential to restrict access or prohibit the display of that address by those without the appropriate security	All	2	
3.2.2.21.	Create and maintain multiple phone numbers for a person and associate the number with an address, if appropriate	All	1	
3.2.3.	**Event Scheduling and Calendaring**			
3.2.3.1.	Enter scheduled date and time for hearings or other court events	All	1	
3.2.3.2.	Generate scheduled date and time for hearings or other court events	All	2	
3.2.3.3.	Enter calendar (deadline) dates for court-ordered actions	All	1	
3.2.3.4.	Enter one to many judge assignments to events	All	1	
3.2.3.5.	Enter parties to scheduled events	All	1	
3.2.3.6.	Identify time conflicts for the judge, parties, and attorneys	All	3	
3.2.3.7.	Allow override or correction of scheduling conflicts	All	3	
3.2.3.8.	Provide mass scheduling and re-scheduling of events	All	3	
3.2.3.9.	Reassign a group of events from one judge to another	All	3	
3.2.3.10.	Allow multiple cases and events to have the same scheduled date, time, and judge	All	1	
3.2.3.11.	Generate a docket entry when an event is scheduled	All	2	
3.2.3.12.	Display on-line the number and types of cases assigned per judge	All	1	
3.2.3.13.	Enter and track the service process for notices and other court documents	All	1	
3.2.4.	**Hearings and Other Events**			
3.2.4.1.	Enter the attendance status of case parties at court event	All	1	
3.2.4.2.	Enter and track plea for each charge	All	1	
3.2.4.3.	Enter and track motion filings	All	1	
3.2.4.4.	Associate (link) motions with a specific event (hearing)	All	1	
3.2.4.5.	Enter one to many event court actions for each court event	All	1	
3.2.4.6.	Enter and track warrant issuances	All	1	
3.2.4.7	Enter the event disposition	All	1	
3.2.4.8.	Enter the reason for continuance (adjournment)	All	2	
3.2.4.9.	Generate a docket entry for case/event disposition	All	2	
3.2.4.10.	Enter a case and all related activities on suspension	All	2	
3.2.4.11.	Track all cases with suspended case activity, the duration of the suspension, and the reason for the suspension	All	2	
3.2.4.12.	Identify inactive cases and groups of cases based on court rules and prompt users regarding appropriate action	All	3	
3.2.5.	**Case Closing**			
3.2.5.1.	Enter the final case disposition	All	1	
3.2.5.2.	Enter the judgment decision	All	1	
3.2.5.3.	Allow for multiple judgments in cases involving multiple parties	All	1	
3.2.5.4.	Enter one to multiple sentences for each charge conviction	CR	1	
3.2.5.5.	Identify if sentencing for multiple charges are to be served concurrently or consecutively	CR	1	

3.2.5.6.	Finalize the case	All	1	
3.2.5.7.	Calculate archival date for case file	All	2	
3.2.5.8.	Enter appeal date and results for each appellate level and track specific milestones associated with the appeal	All	1	
3.2.6.	**Accounting and Financial Management**			
3.2.6.1.	Enter and track fine payment	CR	2	
3.2.6.2.	Calculate the delinquency status of payments	All	2	
3.2.6.3.	Enter and track filing fee payment	CE	1	
3.2.6.4.	Enter and track witness fee payment	All	2	
3.2.6.5.	Enter and track advanced payment for procedure expense	All	2	
3.2.6.6.	Generate a docket entry for filing fee, witness fee, advanced or final fine payment	All	2	
3.2.7.	**Document and File Management**			
3.2.7.1.	Each time the case file leaves the intake office, enter the new location of the file	All	1	
3.2.7.2.	Enter all court documents generated and received	All	1	
3.2.7.3.	Track loose documents in which the case is unknown	All	2	
3.2.7.4.	Track the mailing of all court documents to other entities and calculate the count of notes sent to post office	All	1	
3.2.8.	**Query and Search**			
3.2.8.1.	The system shall allow users to search for cases using the following values: Case type, case year, case status, JMBG number, driver's license number, person id. By selecting a particular case, the system will route to the case main profile.	All	1	
3.2.8.2.	The system shall allow users to search for persons using the following values: Wild card, Soundex (first and last name), phonetically, aliases, date of birth, JMBG number, driver's license number, person id number. The user can select the particular person to either transfer the data to a particular screen or route the system to the person profile.	All	1	
3.2.8.3.	Search data using Boolean operators (e.g. and/or)	All	2	
3.2.8.4.	The matching case search results displayed by the system shall include: Case number, case title, case status, and final disposition.	All	1	
3.2.8.5.	The matching person search results displayed by the system shall include: Surname, first name, date of birth, and address.	All	1	
3.2.8.6.	The system shall have the following output medium options when performing a query: display, print, display and print.	All	2	
3.2.9.	**Reporting Requirements**			
3.2.9.1.	The system shall generate automatically court notices (summonses) based on the scheduling of court events. Exception is when service is provided in the court orally. The system shall provide a warning message if the notice generation date is within eight (8) days of hearing date.	All	1	
3.2.9.2.	The system shall generate an on-demand court calendar based on judge, courtroom, and hearing or due date.	All	1	
3.2.9.3.	The system shall generate a report of emergency (time-sensitive) cases based on case type and filing date.	All	1	
3.2.9.4.	The system shall generate automatically the request forms for criminal history information upon case initiation of a criminal case.	All	2	
3.2.9.5.	The system shall generate automatically payment notices for fine payment upon a specific number of days of delinquency.	All	2	
3.2.9.6.	The system shall generate a fine balance report on-demand for case(s) and person(s) online or printed.	All	2	
3.2.9.7.	The system shall generate a label for all new file cover containing case number, case title, and other user-selected information.	All	2	

3.2.9.8.	The system shall generate a fee collection report that provides a total summary and a summary by case type using user-defined time periods.	All	3	
3.2.9.9.	The system shall generate a compliance letter based on user-selected criteria.	All	3	
3.2.9.10.	The system shall have an ad hoc capability that can be assessed using industry standard Structured Query Language (SQL).	All	1	
3.2.9.11.	The system shall be capable of creating and generating standardized letters and reports, including:			
3.2.9.11.a.	List of solved cases	All	1	
3.2.9.11.b.	List of ongoing cases	All	1	
3.2.9.11.c.	List of court documents	All	1	
3.2.9.11.d.	List of unreturned files	All	1	
3.2.9.11.e.	List of expenses by party	All	1	
3.2.9.11.f.	List of fee overpayments	All	1	
3.2.9.11.g.	Court calendar	All	1	
3.2.9.11.h.	Alphabetic listing of persons	All	1	
3.2.9.11.i.	List of inactive cases	All	1	
3.2.9.11.j.	Statistical reports -- New filings, pending caseload, disposed cases	All	1	
3.2.9.11.k.	Service pending	All	1	
3.2.9.11.l.	Charge list	All	1	
3.2.9.11.m.	Persons incarcerated	All	1	
3.2.9.11.n.	Compliance letter	CE	1	
3.2.9.11.o.	Register of actions	All	2	
3.2.9.11.p.	List of cases ready for initial hearing	All	1	
3.2.9.11.q.	Audit report of user transactions/entries performed on the system	All	1	
3.2.9.11.r.	Case aging	All	2	
3.2.9.11.s.	Case file destruction list	All	2	
3.2.9.11.t.	Miscellaneous object registry -- case not under court's jurisdiction	All	2	
3.2.9.12.	The system shall be capable of generating the following forms:			
3.2.9.12.a	Request for defendant/witness/others address	CR	2	
3.2.9.12.b.	Notice of indictment to attorney	CR	2	
3.2.9.12.c.	Failure to pay report	CE	2	
3.2.9.12.d.	Report of convictions	CR	2	
3.2.9.12.e.	Warrant to police for major offense	CR	2	
3.2.9.13.	All reports generated by the system shall be exportable to a file format that ODBC-compliant.	All	1	
3.2.9.14.	All reports generated by the system shall be available upon request.	All	1	
3.2.9.15.	The system shall provide the ability to generate document using word processing software.	All	1	
3.2.9.16.	The system shall provide on-line access to all reports.	All	1	
3.2.9.17.	The system shall provide access to all database elements for inclusion system generated letter, forms, or reports.	All	1	
3.2.9.18.	The system shall store templates for standard forms, letters, and reports and allow customization by users through the inclusion/deletion of data elements.	All	3	
3.2.9.19.	The system shall have the ability to mail merge names and addresses into standard forms, letters, and notice.	All	3	
3.2.9.20.	The system shall have the ability to import and export all data into the following formats: ASCII, HTML, and XML	All	1	

3.2.9.21.	The system shall have the ability to define automatic generation of reports by date, day, recurrence every day, week, or month	All	I	
3.2.10.	**General Requirements**			
3.2.10.1.	The system shall create audit trials for all transactions/entries performed and associate the appropriate user to each transaction.	All	I	
3.2.10.2.	The system shall maintain an audit log for each unauthorized user access attempt, including date, time, and (if available) user id and workstation location or address.	All	I	
3.2.10.3.	Purge case records and associated profiles based on court rules or user-defined criteria.	All	I	
3.2.10.4.	The system shall allow users to merge and unmerge person and case histories if duplicates were generated for the same person.	All	I	
3.2.10.5.	The system shall allow users to correct a case number without deleting the case.	All	I	
3.2.10.6.	The system shall allow users to correct person id numbers without deleting the person record.	All	I	
3.2.10.4.	The system shall allow users to define default values for entry fields.	All	I	
3.2.10.5.	Ability to perform any system tasks from any authorized workstation	All	I	
3.2.10.6.	Ability to display at date fields in DDMMYYYY format	All	I	
3.2.10.7.	Ability to distinguish mandatory entry fields from optional entry fields	All	I	
3.2.10.8.	The system shall use Open Database Standards, including structured query language (SQL), for database updates and queries.	All	I	
3.2.10.9.	The system shall be developed using a SQL standard language.	All	I	
3.2.10.10.	The system shall comply with Open Database Connectivity (ODBC) standards and provide ODBC interfaces.	All	I	
3.3.2.	**Security Requirements**			
3.3.2.1.	The system shall permit users to enter user ids and passwords to gain access.	All	I	
3.3.2.2.	The system shall store account passwords in encrypted format.	All	I	
3.3.2.3.	The system shall have varying level of access permissions.	All	I	
3.3.2.4.	Security levels of the system shall be based on screen, record, field, division, job classification, and function (i.e. add, modify, delete, print).	All	I	
3.3.2.5.	The system shall determine the access permission of the user based on the user-supplied user id and password and whether the user is connected to the network.	All	I	
3.3.2.6.	The system shall permit users to change his/her password as required.	All	I	
3.3.2.7.	The system will terminate if the user enters an invalid user ID/password three times consecutively.	All	I	
3.3.2.8.	The system shall permit users to seal and unseal a case and restrict access to case information by security level	All	I	
3.3.2.9.	The system shall have the ability to "hide" or mask data fields selected by users from displaying.	All	I	
3.3.3.	**Software Quality Attributes**			
3.3.3.1.	CMCIS shall be maintainable and modifiable by MOJ/ZMC staff or contractors.	All	I	
3.3.3.2.	The system shall have the ability for data elements to be validated against valid entry values and a resultant error message displayed.	All	I	
3.3.3.3.	All data entered shall be in a non-case sensitive format.	All	I	
3.3.3.4.	The system shall use a consistent design style and follow industry standards for interface design.	All	I	
3.3.3.5.	Implementation abstracted from GUI so that GUI changes can be installed without affecting the application logic.	All	I	
3.3.5.	**User Documentation**			
3.3.5.1.	All documentation must be provided in printed and electronic format	All	I	
3.3.5.2.	The system shall contain a context-sensitive help system, which will be available online for every	All	I	

	Web page (screen) via function key or icon.			
3.3.5.3.	The system shall permit the administrator to edit/add to on-line help text	All	I	
3.3.5.4.	On-line help shall have an index and search engine for quickly finding a subject.	All	I	
3.3.5.5.	Vendor shall provide a single comprehensive manual containing all documentation required by users.	All	I	
3.3.5.6.	Vendor shall provide a programmer's guide containing all documentation that details system functions, screen layouts, data and file structures, and system program design.	All	I	
3.3.5.7.	A printed set of user manuals shall be provided for any Commercial Off-the-Shelf (COTS) products used for the system.	All	I	

7.0. Vendor Questionnaire

A. Vendor General Information

(Please complete a copy of this section for each vendor)

1. Vendor Information

Company Name _____ Primary Vendor (Y/N) _____

Local Address Serving Zagreb, Croatia _____

Headquarters Address _____

Contact Representative _____ Title _____

Telephone _____ Fax _____ E-mail Address _____

a. How many years has the company provided software applications?_____ Years

b. How many employees does the company have?

Total:	_____	Development:	_____
In Local Office:	_____	Program Support:	_____
Administration:	_____	Marketing:	_____
Training:	_____	Management:	_____

c. Provide a copy of the company's latest audited financial statements Attached? Y/N ___

d. Provide documentary evidence of legal status of the company Attached? Y/N ___

e. Provide documentary evidence of business status of the company Attached? Y/N ___

f. Proposal security in value of 3% of the proposal price Attached? Y/N ___

g. Bank's Letter of Intent to issue Performance Security to the company Attached? Y/N ___

h. Provide documentary evidence that the company is authorized to offer goods subject to this RFP and those goods are in conformity with appropriate standards Attached? Y/N ___

i. What was the prime vendor's annual gross revenue and net profit % during the last two fiscal years?

Fiscal Year 2000 _____ _____

Annual Gross Revenue Net Earnings

	Annual Gross Revenue	Net Earnings
Fiscal Year 2001		

B. Vendor References

(Please complete a copy of this section for each vendor)

Vendor Name: _____

Total Number of Installed Sites: _____

Each vendor included in this proposal is to complete the reference list below for the three (3) most similar sites that have implemented similar hardware configurations and software applications proposed by the vendor. Vendor may, at their discretion, provide additional references. The Purchaser reserves the right to contact any other reference of its choosing as part of the evaluation and selection process.

Client Name, Address, Contact, Title, Phone Number	Configuration Installed	Application Name, Dev. Tool(s), DBMS	Number of Users	Installation Dates
1.				
2.				
3.				
4.				
5.				

C. Hardware

1. System Diagram

Provide a diagram of the proposed system design as detailed below. The diagram shall include computer room components as well as an overall representation of the network and peripherals. Any vendor-supplied component that is listed in Hardware Costs shall be included in the diagram.

Attached? Y/N _____

2. Proposed Hardware Configuration

Provide the following information on the proposed server(s):

Specification	CMCIS
Number of servers:	
Manufacturer/Model:	
Processor Type/Speed:	
Main memory	
Disk Storage	
Backup Media Type/Capacity	
Operating System Software	
Recommended Number of Total/Concurrent Users:	

Although ZMC has an operational computer room, include in the proposal all necessary power conditioning and backup capacity (UPS requirements) needed to support the proposed server configuration.

UPS Specification	
Number of servers:	
Manufacturer/Model:	
Capacity	
Other Specifications	

3. Expansion

Indicate the maximum expansion capabilities for the servers proposed:

Server(s)	Maximum Expansion
Number/Type of Processors	
Main Memory	
Disk Storage	
Recommended Number of Total/Concurrent Users:	

4. CMCIS Workstations (Clients)

Purchaser plans to provide the CMCIS workstations. Please specify the minimum specifications for these workstations.

Workstation	Minimum Specifications
Processor Type/Speed	
Memory	
Disk Storage	
Client Operating Software	
Other	

5. Hardware Installation and Site Preparation

The vendor is responsible for central site hardware installation. This includes all network connections.

a. Please describe the installation services to be provided with this proposal, (b) any environmental requirements for the proposed hardware, and (c) any specific preparation necessary to ensure a successful installation.

_____

_____

_____

b. State the delivery lead time (from date of contract signing) for system hardware.

_____ Days

6. Documentation

The contractor must provide an operations and reference manual with each item of equipment procured. The vendor should also state its procedure for updating or replacing manuals provided.

a. Attach and clearly identify the published technical brochures for all vendor supplied hardware and peripherals. Attached? Y/N ___

b. List the technical and user manuals that will be provided and indicate number of copies.

_____

_____

c. What media and format (e.g., Microsoft Word, pdf, CD-ROM, etc.) will the documentation be provided?

_____

_____

D. System Software

The RFP requires that system software is considered state-of-the art technology and represents the most current version in production at the time of installation.

List all system software that is proposed or is available with the system.

1. Operating System

   Name: _____

   Release Version: _____

2. Database Management System (DBMS)

   Name: _____

   Release Version: _____

3. Communications Software

Name	Release
Name	Release
Name	Release

4. Development Tools/Languages

Name	Release
Name	Release
Name	Release

5. Utility/Report Writers Software

Name	Release
Name	Release
Name	Release

6. Others

Name and Software Type	Release
Name and Software Type	Release

E. Application Software

1. Overview

Please summarize key points regarding the proposed CMCIS software, if applicable.

Component	Proposed CMCIS
Package Name	
Developer, if other than proposing software vendor	
Language(s) or Tool(s) Used (Or Proposed)	
Operational Status (Select One) F - Future Development D - in Design or Under Development B - Beta Test or limited Release O - Fully Installed and Operational	
Date First Installed	
Number of Sites Installed	

2. Source Code

The Purchaser expects to obtain the appropriate level of ownership to allow for in-house code modification and software transfer and implementation in other courts.

Will the source code be available? (Check all appropriate answers).

a. Source code is available Y/N ____

b. Source code is supplied with system Y/N ____

c. Available through escrow-type arrangement Y/N ____

Describe any access limitation with this arrangement

_____

_____

d. Available through direct purchase (show costs separately) Y/N ____

e. Available through other arrangement(s). Please explain.

_____

_____

f. Is programming documentation provided with the source code as well? Y/N ____

3. Modifications (Existing Software Packages Only)

What approach will the vendor follow to determine the modifications necessary to meet the CMCIS functional specifications? What is the process for development, delivery, and acceptance of required modifications?

4. Installation and Training

The contractor must list all training, on-site, off-site, or computer based, that will be provided at no charge. The contractor must also outline available training designed to meet the implementation and operation of the proposed system. The contractor must specify cost and number of individuals that should attend.

a. Describe your overall user training approach:

b. How many on-site and off-site installation and training hours are included in this proposal? Please include all cost in the Cost Summary Sheet in Section 8.0.

Installation Training

Installation (describe)	Recommended Number of Trainees	On-Site Hours	Off-Site Hours
TOTAL:			

Hardware/System Software Training

Hardware/System Software Training (describe)	Recommended Number of Trainees	On-Site Hours	Off-Site Hours
TOTAL:			

Application Software Training

Application Software Training (describe) Class/Subject	Recommended Number of Trainees	Number of Times Given	Hours per Class
TOTAL:			

F. Implementation and Project Management

1. Services Information

NCSC may require the prime contractor or lead vendor to provide extensive project management and implementation services. Also, the contractor may be required to create and update as warranted a project schedule using Microsoft Project 2000 software. Below, please detail the nature and extent of services to be provided regarding project management.

a. Who will be the designated project manager?

_____

Name Title

b. Which of the following services are provided as part of this proposal?

1. Maintain project schedule Y/N ____

Describe preferred methodology

_____

_____

_____

2. Coordinate hardware installation and training Y/N ____

3. Solving and troubleshooting problems of products and services Y/N ____

4. Prepare project status reports and attend status meetings Y/N ____

5. Other (please explain)

_____

2. Implementation Schedule

The vendor will provide a recommended project schedule through post-implementation activities. The schedule shall be based upon the number of months after contract signing and should represent "not to exceed" or guaranteed completion dates. The schedule should be in significant detail and include all milestones. NCSC desires a phased implementation strategy for at least two software modules. The civil module is slated for implementation first. All modules should be installed and operational ("live") by July 1, 2003.

3. Support Personnel

Vendor shall submit list of own employees (with functions and qualifications) stipulated for this project and also a list of hired cooperation companies with their employees (with functions and qualifications).

Attached? Y/N ___

a. Provide resumes showing experience and educational qualifications of personnel listed above.

Attached? Y/N ___

b. Provide a list of vendor's organized service support in Croatia. Attached? Y/N ___

G. Warranty and Maintenance

The equipment must have a minimum of one (1) year factory warranty, including parts and labor. After the initial specified warranty, the contractor must quote a full-service agreement providing all necessary parts and labor. As another service option, the contractor must quote a "parts-only" agreement.

Please complete the warranty and maintenance chart below based on your proposal. Please include all costs for services proposed in the appropriate sections (Hardware, System Software, and Application Software) in Section 8.0. Complete one chart per vendor offering warranty/ maintenance services.

Proposed Services **Type:**	**Equipment**	**Equipment**	**Equipment**	**Equipment**
Length of warranty (months)				
Warranty begins from installation or delivery acceptance?				
Days and Hours of Coverage				
Telephone Support (Y/N)				
Normal hours of telephone support (CET)				
Remote dial-up software diagnostics (Y/N)				
Remote dial-up software update (Y/N)				
Updates and enhancements included (Y/N)				
Service Response Time (Hours)				
Telephone/Online - Average				
- Guaranteed				
On-site - Average				
- Guaranteed				
Is Hardware Preventive Maintenance (PM) included in agreement? (Y/N)				
If yes, what are the scheduled intervals (days)?				
How long will you guarantee support of equipment/software proposed (number of years)?				

H. Initial Contract Information

1. Who is the authorized negotiator?

_____

Name/Title Phone/E-mail

2. What is the length of time your proposal is valid (minimum 120 days) _____ days

3. Does your company accept payment terms that incorporate a percentage (e.g., 25%) holdback until final acceptance? Y/N ____

4. What hourly rates are proposed as part of this contract? These rates should be guaranteed for at least one year from date of contract signing.

Position	Rate (Kn)
Analyst	_____
Programmer	_____
Program Manager	_____
Trainer	_____
Other	_____
Other	_____

5. Please include copies of the company's standard contract and/or licensing agreements for:

Hardware Purchase Attached? Y/N ___
Hardware Maintenance Attached? Y/N ___
Software Purchase Attached? Y/N ___
Hardware Maintenance Attached? Y/N ___

6. Please describe your company's approach to offering financing options and what specific services are included as a result of each option.

_____

_____

_____

8.0. Bidder Cost Summary

Project Cost Proposal

This section requires a detailed breakdown and summary of costs for the proposed system in the following categories:

A. Hardware
B. System Software
C. Application Software
D. Other Costs
E. Optional Costs
F. Total One-Time Costs
G. Recurring Costs

All cost sheets must be filled out completely and must be included in your project cost proposal. Also, include all cost in Kuna (KN) without VAT.

A. Hardware Costs

List all hardware required including purchase costs (excluding installation and freight) and annual maintenance expense. The "Annual Maintenance Cost" should represent the average maintenance cost for years 2 - 5.

Component Description	Make/Model/Part Number	Quantity	Total Purchase Cost (KN)	Annual Maintenance Cost (KN)

B. System Software Costs (excluding installation)

Description	Release Level	Number of Licenses	Cost (KN)	Annual Maintenance Cost (KN)

C. Application Software Costs

List all software being proposed including total package cost, customization cost, and annual maintenance expenses for each module using the following price options (See description of price options in Section 2.0.H Price Options):

Solution (First Software Version Release)

Price Option #	Application (Module)	Package Name	Number of Licenses	Package Cost	Modification Cost	Total Cost	Annual Maintenance Cost
1	Civil						
	Criminal						
	Proposed 3rd Module						
	TOTAL:						
2	Civil						
	Criminal						
	Proposed 3rd Module						
	TOTAL:						
3	Civil						
	Criminal						
	Proposed 3rd Module						
	TOTAL:						

Complete this cost sheet only if the proposed solution above was price option 1 or 2. Also, attach a timeline schedule for completion of the remaining modifications/enhancements. The completion date(s) may exceed the overall deadline date of August 31, 2003, however; this request does not constitute an extension in the project's timeline.

Additional Modification Costs

Application (Module)	Number of Licenses	Package Cost	Modification Cost	Modification Cost (Group 2 Requirements)	Modification Cost (Group 3 Requirements)	Total Cost	Annual Maintenance Cost
Civil							
Criminal							
Proposed 3rd Module							
TOTAL:							

D. Other and Optional Costs

Describe and list all other costs that would be associated with implementation of your system. Cost not identified will not be accepted in a final contract.

Installation	$_____
Integration	$_____
Project Management	$_____
Training (break out training costs per application, per person)	$_____
Travel Expenses	$_____
Other (describe) _____	$_____
Other _____	$_____
Other _____	$_____
TOTAL OTHER COSTS	$_____

E. Tender

BIDDER: _____

SUBJECT: Republic of Croatia Municipal Court Information System (CMCIS)

We accept all terms and conditions form bidding documentation and we are offering following proposal:

Component		**Cost (KN) without VAT**
Total One-Time Costs		
a.	Computer Hardware	
b.	System Software	
c.	Application Software (Option # _____)	
d.	Other Implementation Costs	
	SUBTOTAL:	
Freight Cost		
	TOTAL ONE-TIME COST (Not to exceed):	
Recurring Costs		
a.	Hardware Maintenance	
b.	System Software Maintenance	
c.	Application Software Maintenance	
d.	Other Recurring Costs	
	1.	
	2.	
	TOTAL ANNUAL RECURRING COSTS:	

Detailed explanation and recapitulation of tender is given in bidding expense list.

Along with tender sheet, original publication of offered equipment with technical specifications must be attached.

Date:

FOR BIDDER

(L.S.)

_____

signed by authorized person

Appendix A: Sample Reports

A GUIDE TO LEGAL WEB SITES

Including Glossary of Internet Terms

Prepared for the Judges of the Zagreb Municipal Court

National Center For State Courts

Zagreb Municipal Court Improvement Project

January 1, 2002

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CROATIAN JUDICIAL & LEGAL SITES

PUBLIC GAZETTE

Primary Address: www.nn.hr

Language(s):

Description: Access to this site requires a subscription to obtain a logon and password. Cost of the subscription is approximately 900 kn. The database can be searched on Keywords, Laws and legal issues or on combination of these when using the advanced search. The Criminal Court Opinions page is not complete, nor is the general information section. The link to articles contains the minutes of the round table discussion. The content of the articles is changeable. Currently, there is one article from Mr. Crnic Ivica, which was dedicated to celebration of 225 years of Zagreb Law Faculty, titled ***Rule of Law –Current Situation and Perspective of Judiciary in the Republic of Croatia***.

Related Links: None

SUPREME COURT OF THE REPUBLIC OF CROATIA

Primary Address: www.vsrh.hr

Language(s):

Description: ***Logon required***. Provides access to Civil Court Opinions. Criminal Court Practice is not complete, nor is the general information section. The link to articles contains the minutes of a round table discussion.

Related Links: None

CONSTITUTIONAL COURT OF THE REPUBLIC OF CROATIA

Primary Address: www.usud.hr

Language(s):

Description: Constitutional Court web page

Description: General information regarding the Constitutional Court, phone numbers and email addresses to contact the court for information, legal references including the Constitution and Rules of Procedure. Some pages, such as the Bulletin Board and Practice pages, are not fully constructed.

Related Links: None

ASSOCIATION OF CROATIAN JUDGES

Primary Address: www.uhs.hr

Language(s)

Description: Home page of Association of Croatian Judges. Contains information on the President and Deputies of the Association and but lacks contact information (no phone number, address, e-mail information). It contains Statute of Association, and News (Proposal for Challenging Law on Courts in front of the Constitutional Court, and Code of Judicial Ethics).

Related Links: None

ZAGREB LAW FACULTY

Primary Address: www.zakon.pravo.hr

Language(s):

Description: Zagreb Law Faculty

Related Links:

OSIJEK LAW FACULTY

Primary Address: www.pravos.hr

Language(s):

Description: Contains general information regarding the school, admissions and alumni. Information on the library is limited to location and web addresses for staff. Link to the Institute for Human Rights which includes a description and listing of members.

Related Links: Related links in Croatia include the Public Gazette, Parliament, Ministry of Science and Technology, and the Interuniversity Center in Dubrovnik. A number of European sites are listed, however, only the Council of Europe link was working at the time of this review.

SPLIT LAW FACULTY

Primary Address: www.pravst.hr

Language(s):

Description: Home page of the Split Law Faculty. Contains general information regarding the Faculty, history of the Faculty, admissions and alumni. Through e-mail you can contact and ask questions to the Dean' office and Secretary of the Faculty. The Bibliographic Database can be searched using keywords, elements of bibliographic description or on combination of these when using advanced search. The query will retrieve units that contain the word(s) or phrase within the selected access point(s). Search limits can be established on: bibliographic level, form of contents, type of record and year of publication. Keyword search by language is available.

Related links: None

RIJEKA LAW FACULTY

Primary Address: www.pravi.hr

Language(s):

Description: Rijeka Law Faculty

Related Links:

CROATIAN BAR ASSOCIATION

Primary Address: www.odvj-komora.hr

Language(s):

Description: Home page of the Croatian Bar Association. Contains information on the Association, its history, and related statutes. A searchable index of lawyers, law trainees, law firms, and joint law offices is available. Searches can be performed alphabetically by name, by city, and foreign language.

Related Links: None

CROATIAN GOVERNMENT SITES

Primary Address: www.vlada.hr

Language(s):

Description: Web site of the government of Croatia-Public and Media Relations Office. Contains descriptive information about executive and legislative officials, ministries and offices, a documents section with the constitution and papers on economic, refugee, and war crimes issues. Back issues of the government bulletin are available along with other miscellaneous government documents.

Related Links: Croatian President's Office www.urpr.hr, Croatian State Parliament www.sabor.hr, Croatian National Bank www.hnb.hr , Croatian Chamber of Economy www.hgk.hr, Croatian Information Centre www.hic.hr, Croatian Institute for Culture and Information www.croatia.hr, Croatian National Tourist Board www.htz.hr, Narodne Novine www.nn.hr, HINA www.hina.hr, Croatian Radio and Television www.hrt.hr, About Croatia www.hr, and Hrvatska matica seljenika www.matis.hr

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CROATIAN INFORMATION AND DOCUMENTATION AGENCY

Primary Address: www.hidra.hr

Language(s):

Description: Web site of HIDRA - specialized agency of the Government of the Republic of Croatia which performs information, documentation and referral work. Contains contact information on the agency and promotes the use of public official data, information, and documentation of the Republic of Croatia. Assures the use of official documentation of foreign countries, international organizations and institutions, as well as other information, data, and documentation relevant to state bodies and institutions.

Related Links: The site offers links to all the Web sites of institutions whose activities, publications, documentation or data that HIDRA follows and processes as part of its main activity, as well as some other related institutions relevant for its work (i.e. statistical documents, political parties, Republic of Croatia and international organizations) Links include the Council of Europe www.coe.int, Amnesty International www.amnesty.org, European Union www.europa.eu.int, ICTY www.un.org/icty, OSCE www.osce.org, World Bank www.worldbank.org.

COMPANY REGISTRY OF THE COMMERCIAL COURT

Primary Address: www.sudreg.pravosudje.hr

Language(s):

Description:

Related Links:

REFERENCE RESOURCES

NATIONAL AND UNIVERSITY LIBRARY

Primary Address: www.nsk.hr

Language(s):

Description: General services and information on the library, library search engine for CROLIST. On line catalog can be searched on keywords, elements of bibliographic description or a combination of these when using the advanced search. The query will retrieve units that contain the word(s) or phrase within the selected access point(s).

Related Links: None

INFORMATOR PUBLISHING COMPANY

Primary Address: www.informator.hr

Language(s):

Description: Web site contains general information on the company and contact information, price list of law books published by Informator (i.e. Code of Criminal Procedure, Code of Civil Procedure, Bankruptcy Law, The Hague Implementing Criminal Law, etc.) and information on ordering those books and supplies from the Informator Publishing Company.

Related Links: None

FINDLAW (LEGAL RESEARCH PAGE)

Primary Address: www.findlaw.com

Language(s):

Description: FindLaw is a legal Web site with a comprehensive set of legal resources on the Internet for legal professionals. Findlaw is a division of the West Group firm. The site facilitates access to online codes and case law, legal forms, legal publishers, legal associations, law schools and law reviews, legal experts and continuing legal education courses. Full-text searchable compendium of thousands of documents covering more than 200 topics and published by bar associations, legal publishers, law firms and government. A full-text Web search engine powered by Google and geared specifically

for legal research is included. In the Community Boards section individuals can post comments on a variety of legal issues. An electronic form for submitting a web site to the Findlaw index is available.

Related Links: Main links are listed under the categories of legal professionals, students, the public, and legal news. There are numerous topic links under each of these main headings.

LAW SCHOOLS – INERNATIONAL

YALE UNIVERSITY (US) LAW LIBRARY

Primary Address: www.yale.edu/law/library

Language(s):

Description: Home page of the Yale University (US) Law School library. The library has a number of links to research databases on the web. These include a listing of legal information sites and search engines, an international law link, and access to legal dictionaries and reference information. A foreign and international resources page is partially completed and under development. This page includes other international links such as treaties, organizations, and links by region.

Related Links: Yale University, Yale Library.

CAMBRIDGE (UK) LAW FACULTY

Primary Address: www.law.cam.ac.uk

Language(s):

Description: Home page of the University of Cambridge (UK) Faculty of Law. There are links to several research centers at the University, including criminology, the center for international law, European legal studies, corporate and commercial law, public law, intellectual property law, and business research. Each of these links contains further information on event and publications relating to each institute. The Cambridge site also contains links to legal resources on the web, primarily issues of UK and European law.

Related Links: Other Cambridge University colleges.

DUESSELDORF (GERMANY) LAW FACULTY

Primary Address: www.rz.uni-duesseldorf.de

Language(s):

Description:

Related Links:

UNIVERSITY OF PITTSBURG (US) LAW SCHOOL

Primary Address: www.jurist.law.pitt.edu

Language(s):

Description: Home page of the University of Pittsburg Law School. The site contains various links to legal issues primarily devoted to US law. However, the World Law link includes a fairly comprehensive listing by country of information about legal systems throughout the world. For each country listed there are further links to courts, bar associations, law faculty, statutes, and other legal information.

Related Links: Links to the Croatian Bar Association, law firms, the Constitutional Court, government sites, several Croatian law schools, and the Republic of Croatia State Intellectual Property Office. There are also JURIST sites for Canada, UK, Australia, EU, and Portugal.

INTERNATIONAL LAW

COUNCIL OF EUROPE

Primary Address: www.coe.int

Language(s): Computerized translations in Spanish & Russian.

Description: Council of Europe web site. The home page displays news articles concerning the Council's most recent forums, meetings, and activities. The site contains links to information on Council activities, structure, member states, and activities. Numerous press releases are available on line. A site-specific search engine is provided to research COE topics and publications. The COE Bulletin is downloadable in Adobe (.pdf) format. (This document viewing software is available in a free download from ***www.adobe.com***)

Related Links: United Nations, OSCE, European Union, listing of Ministers of Foreign Affairs and embassies for member states, Committee of the Regions, Assembly of European Regions, International Union of Local Authorities, Council of European Municipalities and Regions, Consultative Status Council of Europe, and a link to the Stability Pact Coordinator.

EUROPEAN UNION

Primary Address: www.europa.eu.int

Language(s): (and others)

Description: Home page of the European Union. Links to Union activities by topic areas, press releases and documents, EU agencies and courts, treaties, and statistics. On line access to pending legislation, adopted legislation and laws, treaties, journals, and other documents of public interest, including search capability.

Related Links: None

ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

Primary Address: www.osce.org

Language(s):

Description: Home page for the Organization for Security and Cooperation in Europe, the regional security organization including member states from Europe, Asia, and North America. The site features articles about current events and activities of OSCE, publications, calendar of events, and descriptions of OSCE missions, including the mission to Croatia. Fact sheets are available in a variety of languages. Information in Croatian is available at **www.osce.org/croatian/owerview.** Includes an internal search engine for the OSCE news archive.

Related Links: None

UNITED NATIONS

Primary Address: www.un.org

Language(s): (and others)

Description: The comprehensive home page of the United Nations. Includes information on all United Nations activities, documents, publications, press releases, etc. The international law page includes links to various international laws and treaties, the International Court of Justice and International Criminal Court. A keyword search is provided for researching information on the UN site, as well as an alphabetical hyperlink index of topics.

Related Links: None

INTERNATIONAL COURT OF JUSTICE – THE HAGUE

Primary Address: www.icj-cij.org

Language(s):

Description: Home page of the International Court of Justice at The Hague. Site includes basic information regarding the court, such as history, jurisdiction, procedures and decisions. Biographies of members of the court and the current court composition are available. Cases currently being heard and pending cases are listed. These listings contain links to press releases and copies of judgments in these matters. The text of oral pleadings in pending cases are available on-line. The site contains a list of all cases considered by the court since 1946 with links to full case views and summaries of judgments and orders. Information on ordering publications is presented. Publications include judgments, orders and advisory opinions; pleadings and oral arguments; acts and documents; yearbook; and a bibliography.

Related Links: United Nations website – www.un.org

INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Primary address: www.un.org/icty/index.html

Language(s):

Description: Home page of International Criminal Tribunal for the Former Yugoslavia. This site includes general information about the Tribunal, basic legal documents, Tribunal publications, latest developments, indictments and proceedings, judgments and job opportunities.

Related links: United Nations website **– www.un.org**

INTERNATIONAL ADR

Primary Address: www.internationaladr.com

Language(s): (limited)

Description: Web site dedicated to international alternative dispute resolution topics. Index, by country, of arbitration laws, institutions, and judicial decisions. Summaries of selected awards and judicial decisions are available. Includes a comprehensive bibliography of articles, however they are not downloadable. A site-specific search engine is included. Documents are generally published in English and in some cases the language of the country of origin.

Related Links: Under Country Index link, access to Croatian Chamber of Commerce, Code of Civil Procedure, Conflicts of Laws Acts, Rules of International Arbitration, ***in Croatian***.

SUPREME COURT OF THE REPUBLIC OF SLOVENIA

Primary address: www.sodisce.si

Language(s):

Description: Home page of the Supreme Court of the Republic of Slovenia. Includes introduction, general information, and contacts at the Court, jurisdiction, organization and registry information. A case law search engine is provided to research decisions on

important case law of the Slovenian Supreme Court, searchable by date, issue or legal issue.

Related links: Publication "Gospodarski vestnik" **www.gvestnik.si**

CONSTITUTIONAL COURT OF THE REPUBLIC OF SLOVENIA

Primary Address: www.us-rs.com

Language(s):

Description: Home page of the Constitutional Court of Slovenia. Includes general information about the court, a description of Slovenian constitutional law, and contact information for the court. A case law search engine is provided to research decisions on important constitutional case law of the Slovenian Constitutional Court. Search by case type, name, issue or legal basis. An abstract or full text version can be requested. A table comparing features of constitutional courts worldwide is available.

Related Links: None

LEXADIN WORLD LAW GUIDE

Primary Address: www.lexadin.nl

Language(s): (Documents are available in a variety of native languages)

Description: This Dutch site has an English language link titled "WORLD LAW GUIDE". From the main index click on the World Law Guide. This is primarily a list of links to a number of international web sites. Categories include law firms, legislation, journals, law schools, software companies, continuing legal education organizations, selected courts and cases. In most instances the user can select a country and view associated web sites under that topic. Web sites can be added by completing an electronic form requesting a site to be added to the index. A smaller number of sites are also indexed under the categories of law journals, legal education, and legal software.

Related Links: None

JUDICIAL ASSOCIATIONS

INTERNATIONAL COMMISSION OF JURISTS

Primary Address: www.icj.org

Language(s):

Description: Headquartered in Geneva, the ICJ is described as "an international, non-governmental organization whose global goal is to support and advance those principles of justice which constitute the basis of the Rule of Law and assist and encourage those peoples to whom the Rule of Law is denied." The site contains news and press releases relating to rule of law, judicial independence, death penalty, and human rights issues. A limited number of publications relating to ICJ activities may be ordered on line. An on line newsletter subscription is also available. Some publications are available in French and Spanish.

Related Links: Other human rights organizations and web sites, reference database on human rights literature.

WORLD JURIST ASSOCIATION

Primary Address: www.worldjurist.org

Language(s):

Description: The World Jurist Association is a NGO who stated purpose is to raise public support for institutions that govern and support the administration international law. The Association claims membership from over 140 countries of lawyers, judges, and legal professionals. In addition to general information about the association, the site includes information on upcoming seminars and events, membership information, and on line publications. Publications include the Association's bi-monthly newsletter, a quarterly journal on law and technology, working papers from seminars, and a compendium of legal systems available in hard cover.

Related Links: World Jurist Association Foundation, United Nations.

AMERICAN JUDGES ASSOCIATION

Primary Address: www.aja.ncsc.dni.us

Language(s):

Description: The American Judges Association is an independent organization with the stated purpose of improving the effective and impartial administration of justice, enhancing the independence and status of the judiciary, continuing education of its members, and promoting the interchange of ideas of a judicial nature among judges, court organization and the public. In addition to general information about the Association, the web page provides links to a court security survey conducted by the Association, internet links to US state court web sites, the US Supreme Court, related judicial organizations, and several publications. These publications include back issues of the magazine *Court Review*, the Association's publication of news and events in *Benchmark*, and a publication on understanding domestic violence. These documents are downloadable in Adobe (.pdf) format. (This document viewing software is available in a free download from ***www.adobe.com***)

Related Links: None

AMERICAN JUDICATURE SOCIETY

Primary Address: www.ajs.org

Language(s):

Description: The Center for Judicial Independence was created by the American Judicature Society in response to threats against judicial independence. The Center promotes judicial independence through its regular publication *Judicature*, AJS sponsored programs and activities, and information posted to its web site. The Center is developing a judicial independence listserv that will provide subscribers with the opportunity to discuss judicial independence issues and exchange information and resources. The Society's Elmo B. Hunter Citizens Center for Judicial Selection maintains a clearinghouse of information on judicial selection. A list of judicial conduct organizations in the United States is available.

Related Links: Links to sites under the categories of Courts and the Community, Federal Courts, State Courts, and Research on Court Reform. Also links to a small number of related organizations in the US.

OTHER SITES OF INTEREST

CROATIAN CHAMBER OF COMMERCE

Primary Address: www.hgk.hr

Language(s):

Description: Contains information regarding the economy and business environment in Croatia. A search engine is provided to research the company directory database. The database is not updated (some data are from 1997 and 1998). Entering a company name will display the address. Of particular interest is information on the Permanent Arbitration Court. This area has information on arbitration law and rules, arbitration panels, model arbitration clauses, events and publications.

Related Links: Numerous links to related government and trade sites.

NATIONAL CENTER FOR STATE COURTS

Primary Address: www.ncsconline.org

Language(s):

Description: The National Center for State Courts (NCSC) is an independent, nonprofit organization dedicated to the improvement of justice located in Williamsburg, Virginia. Information about Center activities, projects, and publications is featured. The library link provides access to a variety of on-line publications and articles of interest to the judiciary. The Center offers web-based educational programs and activities through its education division. The Education Forum houses reading rooms with options for joining a threaded discussion on a court related topic. Self-Paced Interactive Programs is a link to asynchronous web classes. It currently links to one program: An Introduction to Trial Court Performance Standards. This mini course is offered to court personnel at no charge. Additional classes are being developed and will be offered later in the year for a fee. Video classes are also being developed.

Related Links: The NCSC site has numerous links to US court-related organizations and court web sites for international and US courts.

EUROEXPERT

Primary Address: www.euroexpert.at

Language(s):

Description: A limited site that contains information about the European Organization for Expert Associations. Euroexpert is a non-profit organization promoting the improvement of expert services and sharing of information. The site includes links to contact expert associations in Great Britain, Spain, France, Germany, Austria, Italy, and Luxemburg.

Related Links: None

NATIONAL JUDICIAL COLLEGE

Primary Address: www.judges.org

Language(s):

Description: The National Judicial College is a non-profit center for the continuing education of judges located in Reno, Nevada. While the web page is primarily dedicated to information about educational programs the site also has links to a number of judicial education programs.

Related Links: Links to a variety of judicial education organizations and US bar association web sites.

JUDICIAL EDUCATION REFERENCE, INFORMATION AND TECHNICAL TRANSFER PROJECT (JERITT)

Primary Address: www.jeritt.msu.edu

Language(s):

Description: The Judicial Education Reference, Information and Technical Transfer (JERITT) Project (US) is the national clearinghouse for information on continuing judicial branch education for judges and other judicial officers; administrators and managers; judicial branch educators; and other key court personnel. The project provides information on judicial branch education programming; educational theories, methods, and practices. The site includes access to judicial education publications, including bulletins, monographs and research documents. JERITT *Bulletins* contain current information on innovative programming; reviews of training aids, methods, processes, and practices; curricula; programs; guest columns; and announcements of upcoming programs and publications of interest to judicial branch educators and others involved in

continuing professional education for judges and court personnel. The bulletins can be downloaded and viewed as Adobe (.pdf) files. Other publications are available for purchase. The *What's New* portion of the site has links to a variety of publications and web sites of related interest. Registered users of the JERITT site may also participate in list serves, chat rooms, and threaded discussions. The site includes a database search feature to access information on organizations, faculty, individuals, products, and programs in the field of judicial education.

Related Links: Judicial education resources, research information.

WORLD BANK LINKS ON LAW, LEGAL REFORM AND DEVELOPMENT

Primary Address: http://www-itsweb4.worldbank.org/publicsector/legal/index.htm

Language(s):

Description: World Bank page featuring topics relating to legal institutions in a market economy. Topic links to information on building the rule of law, rule of law development, reforming laws and institutions, improving access to justice, reform strategies, and evaluation of legal institutions. In each of these links there are summaries of related topics and further links to on-line and downloadable articles. A listing of seminars, conferences, and workshops is available. The listing includes links to downloadable documents of some conference/seminar materials.

Related Links: International Financial Institutions & Multilateral Development Banks, United Nations, International and Regional Governmental Organizations, Non-Governmental Organizations, Academic, Research, and Educational Institutes, Bilateral Development Agencies, Government Law Reform and Research Organizations.

GLOSSARY OF INTERNET TERMS

Adobe Acrobat – A software product created by Adobe Systems that decodes and converts documents into the Portable Document Format (PDF). A version of this program can be downloaded free which allows users to view and print a document from any PC platform regardless of the software program used to create it. Because of its versatility many Web sites maintain documents in this format.

Attached file or attachment – Refers to a file or files that can be associated with an email message. This usually involves clicking the "attach file" button to link the selected file with an email. The file can then be transferred electronically. On the receiving end the user accesses the file by downloading it and opening it with the appropriate application software or program, such as Microsoft Word or Adobe.

Bandwidth – Refers to the range of frequencies a transmission line can carry. The higher the frequency the higher the bandwidth is. A high bandwidth line can load a Web page more quickly because of the higher rate of transmission.

Baud – The baud rate of a modem is how many bits the modem can send or receive per second. The higher the baud rate the more rapidly information can be exchanged. However the speed of transmission is also limited by the bandwidth of the transmission line so that a high speed modem will not transfer information any faster than the transmission line bandwidth allows.

Browse – The process of moving through or "surfing" the Internet or a Web site using a browser.

Browser – This is the program you use to access Web pages. Netscape Navigator and Microsoft Internet Explorer are examples of browsers. Browsers interpret the HTML coded pages on the Web into text, graphics, and images for the user.

Button – A graphic that the user "clicks" on to perform a function such as viewing another Web page or downloading information or programs.

Compression – This is the process of compacting computer data so that it takes less disk or file space and can therefore be transmitted in less time.

Cyberspace – A term used to refer to the digital universe created by computer networks, including the Web.

Dedicated line – A communications line that provides a computer with a direct and permanent connection to the Internet.

Desktop – A term used to describe the user's computer screen.

Dial-up account – An internet account that is used by dialing an Internet Service Provider (ISP) from your computer modem.

Dial-up connection – A typical Internet connection for home users. Refers to the connection from the home computer to a host computer via a phone line.

Domain name – The address or URL of a Web site which is expressed as the suffix of a Web address. Domain names are registered and classified according to the type of organization. The most common are **.com** for commercial, **.edu** for educational institutions, **.gov** for government, **.net** for networks, **.mil** for military, and **.org** for organizations. Additional name that have been authorized for use include **.arts** for arts and entertainment, **.firm** for businesses, **.info** for information services, **.non** for individuals, **.rec** for recreation/entertainment, **.store** for merchants, and **.web** for Web services.

Download – The process of transferring a file from one computer to another. A download may include documents, images, and computer programs.

Extensions – The characters that follow the dot in a file name are extensions. They determine how the file is formatted and viewed. For example, a .pdf file is an Adobe Acrobat file. (also referred to as File Extensions).

FAQ or Frequently Asked Questions – Often appears on Web pages and is a list of indexed questions and answers specific to the topic that can be easily accessed by the user.

Freeware / Shareware – Freeware is software available on the Internet that can be downloaded and used at no cost to the user. Shareware is software that requires the user to register and pay a fee to use.

GIF (Graphics Interchange Format) – A special format developed for compressing pictures and graphics for transmission on the Web. Compression allows these items to be downloaded more quickly.

GUI (Graphical User Interface) – Refers to the software, such as Microsoft Windows, that provides a user-friendly interface between the user and software applications.

Homepage – Refers to the first or primary page of a Web site that is the beginning point for navigation on the site.

Host – Usually refers to the place where a Web site resides. A computer that serves as an Internet host has its own Internet address with a domain or host name.

HTML (Hypertext Markup Language) – The format used to publish information on the Web.

Hyperlink or "link" – Refers to text on a Web site that can be "clicked on" to reach another Web page or different part of the same page.

Internet or Net – The international system of linked computer networks and systems. When the word appears in lower case "i" it usually refers to a group of local area networks (LAN's) that are linked by a common protocol, which may or may not be linked to the Internet.

Intranet – Refers to a network within a company or organization using the same kinds of software as on the Internet, but the communication is limited to internal use. An Intranet may include a Web server that is available only to internal users.

ISP or Internet Service Provider – A company providing access to the Internet through an account, usually for a monthly fee. The ISP provides the access software, username, password and access number to access the Internet.

Java – A programming language developed by Sun Microsystems that allows programs to be safely downloaded to computers through the internet and run without the danger of viruses. Small Java programs are referred to as "Applets" and perform specific functions on the Internet.

Keyword – The term is used on Web page browsers to facilitate searches. A keyword is a term or phrase that is typed into the search or look up line of a search engine to access information on that topic.

LAN – or Local Area Network connects computers in a defined area, such as a building or room. Computers, printers, and other devices can be connected to the LAN. This allows users to send or access files between computers and use various printers.

Link – A link is text or an image on a Web page that a user clicks on to connect to another document, connect to other parts of a document, or access a file for downloading. Links are coded in HTML and are also referred to as hyperlinks or hypertext.

Load – A document or graphic is said to be "loaded" into the user's browser when a Web URL is contacted.

Login or log in – Refers to the user name or user ID used to access a Web site. It is the process of typing in a user name and password.

Mailbox – When email messages are sent they are stored in a directory on a host computer. The host computer may be the user's PC or a remote computer maintained by the Internet Service Provider. The user "opens" mail by accessing the "mailbox" or directory.

Modem (MOdulator, DEModulator) – The device in your computer that connects to a phone line and allows computers to communicate.

Navigate – The process of moving around the Web by following hypertext paths from site-to-site on different computers.

Network – The connection of two or more computers. The primary types or networks are:

> LAN-local area network
> Computers and peripheral devices linked in close proximity, such as in the same office space, room or building

WAN - wide area network
Computers and peripheral devices at different geographic locations connected by telephone lines or radio waves.

Newsgroups – A feature of the internet that allows users to "post" and "reply" to messages.

Online – Refers to being actively connected or logged on to the Internet.

Password – A combination of characters required to access or login to a computer system, generally defined by and known only to the user.

Plug-in – A program which acts in conjunction with larger applications to perform certain functions such as playing audio or viewing video clips. Many plug-ins are available as shareware.

Query – A request or question usually submitted through a search engine or database to find a file, record or Web site.

Search engine – A program that serves as an index for information on the Internet. A search engine provides the user with a method for finding information based on words, phrases, or keywords. Some Web sites have search engines designed for the specific site or utilize one or more commercial search engines such as Yahoo, Excite, etc.

"Server has no DNS Entry" – Upon requesting access to a Web site this message may appear. This indicates that the requested URL is incorrect and does not match a Web site.

Surf – To browse or look for information on the Web.

"Transfer interrupted!" – This message may appear when searching for a Web site or document and indicated that the transfer has been terminated prematurely. This can occur for reasons outside the user's control or because the user clicked on the browser's STOP button to terminate the request.

URL (Uniform Resource Locator) – Refers to the location and method of accessing a resource on the internet. Every Web site has a URL which serves as an Internet address. URL's can be saved on the user's browser so that favorite Web sites can be accessed directly.

Username – Each user on the Internet has a unique username that is a combination of the user's nickname followed by the "@" sign and the domain location. The username in combination with the user password is used to logon to the Internet through the user's ISP.

Web site – Any computer linked to the internet and available through a hostname, domain name or URL is considered a Web site. A Web site may contain just a home page or be made up of numerous pages with pictures, text, audio, and links to other sites.

ZIP or ZIP file – A compressed file that can hold several files. Graphics and large programs or files may be compressed into ZIP files to download. When received, a ZIP file is decompressed or "UNZIPED".

Proposed Book of Rules Changes

In the early stages of the Municipal Court Improvement Project, the NCSC team analyzed Croatian court operations and procedures in the context of the municipal courts, and concluded that introduction of an automated case management system would require some changes to the Book of Rules (BOR). The NCSC team identified those BOR provisions that would require approval of, exceptions to, or waivers of the BOR. The following table identifies NCSC's recommendations and recent action taken by the MOJ, on February 25, 2003, to amend the BOR (see attached). Twenty-nine amendments were recommended. Eighteen were accepted by the MOJ.

Book of Rules Analysis

Article Number	Description	Action Proposed by NCSC	Current Status
33	Case assignment to judge by the president of the court	None. Article does not preclude the use of automation to maintain alphabetical list or to assign case.	Accepted
46	Maintain list of lay judges	Track list electronically and provide master calendar to appointed person to convene judges.	Accepted
59	Distribution of case information based on the basis of data from the register and the file	None. An amendment to the Rules that declares the electronic record as an official copy of the register would suffice.	Accepted
66	A special list of tasks is generated for court day	Generate list electronically	Not Addressed
69	Log case-related telephone conversations	Allow electronic record entry as an acceptable format.	Accepted
95-96	Authorize the use of typed forms	Expand article to include computer-generated forms as well	Accepted
100	Use of seal for payment status	Repeal the use of seals for payment status (Item numbers 15 and 16)	Not Addressed
114-116	Notification from accountancy the deposit of advance payment	Allow electronic notification with accompanying printout as an acceptable method of notification.	Not Addressed
124	Generation and distribution of statistical data	Expand article to include computer-generated forms as well. Data from automation could be considered as "other appropriate manner" but a more specific reference may be appropriate.	Accepted
127	Maintain a record list of all settled cases	None. Article does not preclude the use of automation to maintain this list.	Accepted
128	Maintain docket of all cases	None. Article considers computerized list as an acceptable format.	Accepted
134	Issuance of caution of briefs filed of different jurisdiction	Repeal the acceptance of briefs of different jurisdictions	Not Addressed
136	Issuance of caution (payment)	Repeal	Not Addressed
151	Record new case filings in registry	None. An amendment to the Rules that declares the electronic record as an official copy of the register would suffice.	Accepted
152	Record all briefs on the inside cover of file (list of documents)	None. An amendment to the Rules that declares the electronic record as an official copy of the register would suffice.	Accepted
153	Record case number, parties' information, filing date, and hearing and session dates on cover of case file	Electronic data record is considered as an acceptable format; labels on folder end tags replace writing number on case file.	Not Addressed
154	Write case number and assigned judge number on case file	Allow electronic record entry as an acceptable format.	Accepted
160	Organizing and binding of case files	New folder with metal clasp to attach briefs securely without gluing.	Accepted
163	Transfer and tracking of case files	Computerize file tracking; never allow individual briefs to be removed from case file -- take the entire file.	Accepted
164	Consolidation of cases	None, but provide a computerized consolidation process that matches the manual process.	Accepted
175-180	Scheduling sessions and hearings	Computerize the scheduling of the first hearing	Not Addressed
183	Generation of delivery notice	Include computer-generated form as an acceptable format	Accepted
184	See Article 153 above		Accepted
196	Maintaining registries; data captured	None. An amendment to the Rules that declares the electronic record as an official copy of the register would suffice.	Accepted
197, 244	Tracking the circulation of files	See Article 163 above	Accepted
200	Summons generation	None. Article allows the summons to be completed via computers.	Not Addressed
205	Registering and dispatching court consignments	Replace manual registry with electronic record and computer-generated verification list	Not Addressed
212-213	Rules for storing files	Allow an alternative filing system that store files in case number order,	Not Addressed
236	Writing archival date on file	Track the archival date electronically and provide an archival report	Not Addressed

Based on article 43. para. 1 Law on Courts, (Narodne novine 3/94, 100/96, 115/97, 129/00 and 67/01 I enact

THE AMENDMENTS TO THE BOOK OF RULES

Article 1.

The new paragraph with three new articles is added after the article 420 BOR:

PART SIXT
ENHANCEMENT OF THE STRUCTURE AND MANAGEMENT OF THE COURTS

Article 420a

During the automation of the courts, Minister of Justice can determine that for the testing purpose, automation will be introduced first into one first instance court, and while testing is ongoing, that court will not apply some of the BOR articles, particularly those from article 25. section 4 till 8 and 11. till 13, article 31. para.2., article 33, 34, 46, 95, 124, 127, 128, 148, 154 till 157, article 159 para. 1, article 163 para. 1, article 169 para 2, article 171. para 2, article 195 till 197, 216, 222, 225, article 256 para 1, article 260 till 279, 288 till 296, 330-332, article 337 para 2 and article 402 para 1.

Article 420b

If the requirement from the International agreements for loans or grants that are funding the improvement of the structure of the courts will require the participation of the judges in implementation of those projects, Minister of Justice will determine the quantity of their work time that can be dedicated for that participation.

Work of those judges re. para. 1 will be measured as fulfilling their regular duties.

Article 420c

Application of the articles 420a and 420b will be determined by Minister of Justice decisions.

Article 2.

BOR's Part Sixt becomes Part Seven.

Article 3.

This BOR ammendments are efective when they are publised in Narodne Novine.

Zagreb, February 25, 2003.

Minister of Justice
Ingrid Antičević Marinović

NATIONAL CENTER FOR STATE COURTS

INTERNATIONAL VISITORS EDUCATION PROGRAM

EUROPEAN INTEGRATED CASE MANAGEMENT STUDY TOUR FOR THE CROATIAN JUDICIARY

June 1 – June 7, 2003

TENTATIVE AGENDA

SUNDAY – June 1 (Night in Vienna)

1100 Meet at the Zagreb Municipal Court

Zagreb Municipal Court
Opcinski Sud u Zagrebu
U. Grada Vukovara 84, 10000 Zagreb

Zagreb Office
National Center for State Courts
Tel: 385/1/606.10.63
Fax: 385/1/606.10.66

1130 Load bus

1200 Travel by Bus to Vienna, Austria

- Explanation of Agenda and Goals /Objectives/Anticipated Outcomes of the Study Tour
- Discussion of Participant Expectations
- Distribution of Per Diems
- Distribution on Insurance Cards
- Explanation of Insurance Coverage
- Signing of Travel Vouchers
- Signing of Per Diem receipts
- Distribution of NCSC Mementos

1400 to 1500 **Lunch at a market**
We will stop at a market on our way to Vienna

1730 to 1800 **Break**

2030 **Arrive in Vienna**

Check into Hotel (Breakfast Provided by Hotel)

Astoria Hotel
A-1010 Wein
Kaernter, Strasse 32-34
Vienna, 1015 Austria
Tel: 43-1-51577 DW 88
Fax: 43-1-5157782

Dinner on your own

MONDAY – June 2 (MOJ Meetings) (Night in Vienna)

0815 **Meet in Hotel Lobby**

0830 **Travel to meetings by bus**
Mr. Mag. Thomas Gottwald and Mr. Otto Aigner, Federal Ministry of Justice, will meet the participants at the hotel and accompany them to the Federal Ministry of Justice.

1070 Wien
MuseumstraBe7

0845 **Arrive at the Ministry of Justice**

0900 to 1030 **Meeting at the Ministry of Justice**
A well-managed court utilizes the fundamental principles of case flow management. Managing its caseload, keeping track of its records and producing management information should be a by-product of its daily operations. Participants will meet with Dr. Martin Schneider, Unit Director in the Federal Ministry of Justice, Mr. Mag. Christian Adorjan, Federal Computing Center, Mr. Mag. Thomas Aufner, Federal Ministry of Finance, and Mr. Johann Kickinger, IBM. This meeting will provide an introduction to the automation of proceedings in Austria. There will be an explanation and demonstration onto EDP-supported proceedings and the legal issues involved in automating case management.

1030 to 1045 **Break**

1045 to 1200 **Meeting at the Ministry of Justice continued**

1200 to 1300 **Buffet lunch hosted by the Federal Ministry of Justice in the foyer of the festival halls.**

1300 **Depart from the Federal Ministry of Justice for the Vienna Criminal High Court.**

1315 **Arrive at the Vienna Criminal High Court**

1330 **Meeting at the Vienna Criminal High Court**

Participants meet Dr. Gunter Woratsch, President of the Vienna Criminal High Court, Dr. Otto Schneider, Deputy Director of the Vienna Public Prosecution. Participants will also meet with Mr. Julius Reiter, Vienna Criminal High Court, Ms. Petra Schneider, Vienna Public Prosecution, and Mr. Klaus Mayerhofer, head of the Training Center of the Vienna Appeal Court, to discuss criminal procedures.

1530 **Closing the Day**

Return to Hotel

Free time in Vienna

1900 **Meet in the hotel lobby to depart for dinner by bus**

1900 **Group Dinner at the Restaurant Hengl-Haslbrunner, hosted by IBM CEMA (Central Europe, Middle East and Africa)**

Informal event
Typical Austrian cuisine

Hengl-Haslbrunner
1190 Wien
Iglaseegasse 10

TUESDAY, June 3 (Site visits to courts) (Night in Bratislava)

Check out of hotel

0800 **Meet in Hotel Lobby and load bus**

0830 **Travel to Meeting by bus**

Mr. Mag. Thomas Gottwald and Mr. Otto Aigner, Federal Ministry of Justice, will meet the participants at the hotel and accompany them to the Vienna City Courthouse.

1010 Wien
Riemergasse 7

0845 **Arrival at the Vienna City Courthouse**

0900 to 1030 **Meetings at the Vienna City Courthouse**

Participants will meet with Dr. Rainer Geissler, President of the Vienna Commercial High Court, and Dr. Alexander Schmidt, Head of the Vienna District Court of Commercial Matters.

Participants will be divided into two groups. One group will be guided by Mrs. Ingrid Moscher and the other group will be divided by Mr. Johann Holler. The groups will observe the land and commercial register, enforcement, civil, family, and criminal matters at the district court.

1030 to 1045 **Break**

1045 to 1200 **Meeting continued**

1200 to 1330 **Lunch will be hosted in the cafeteria of the Vienna Commercial High Court**

1330 **Depart for the Vienna Commercial High Court for the Austrian Center of Legal Competence**

1345 **Arrive at the Austrian Center of Legal Competence**

1400 to 1515 **Meeting at the Center of Legal Competence**

Participants will meet with Dr. Otto Oberhammer, Chairman of the Austrian Center for Legal Competence for a presentation and discussion about the Center.

1515 **Load Bus**

1530 **Travel to Bratislava, Slovak Republic**

Discussion of the Vienna experience, and what to expect in Bratislava during the ride.

During this time the delegation will be asked to synthesize and connect the lessons learned during their experience in Vienna to the development of an automated case management system for the courts of Croatia. Special emphasis will be placed upon practical application of lessons learned in Vienna. Participants will also be asked to think about what they would like to get out of their visit to Bratislava.

1700 **Arrive in Bratislava**

Check into Hotel (Breakfast Provided by Hotel)

Hotel Forum
Hod ovo namestie 2
81625 Bratislava, Slovakia
Tel: 421 2 5934 8111
Fax: 421 2 5441 4645

Free time in Bratislava

Dinner on you own

WEDNESDAY, June 4 (Night in Bratislava)

0815 **Meet in Hotel Lobby**

0830 **Load bus and travel to meeting at Hotel Devin, Riecna 4**

0900 to 1030 **Court Management Reform in Slovakia**
Judge Jana Dubovcova
Ms. Zuzana Kajanova, Slovak Ministry of Justice

Topics Covered:
Rationale for the Slovak Reform, Project Description, Analysis of Work Procedures, Creation of Software, Court Selection, Results Achieved

1030 **Break**

1045 to 1200 **Planning and Executing the Rollout**
Judge Jana Dubovcova
Ms. Zuzana Kajanova, Slovak Ministry of Justice
MIROSLAV ŠARIŠSKÝ, ABA CEELI
ZUZANA OČENÁŠOVÁ, OSF

Topics Covered:
Aspects of National Implementation of a Pilot Court Reform Project.

1200 to 1300 **Lunch**

Travel to the Bratislava Regional Court

1300 to 1400 **Visit of the IT Department of Bratislava Regional Court**
ZUZANA KAJANOVA, SLOVAK MINISTRY OF JUSTICE
KAROL JANEČEK, IT OF REGIONAL COURT

Topics covered:
Computer and System Support of Court Management at the Court, the Role o IT Departments of Courts

1400 **Travel to the Ministry of Justice**

1430 to 1600 **Visit of the IT Department of Ministry of Justice**
ZUZANA KAJANOVA, SLOVAK MINISTRY OF JUSTICE

Topics covered:
Technical Aspects of Court Management Systems, Other Related Projects: Registers on the Internet, JASPI

1600 **Closing the Day**

Return to Hotel

Dinner on your own

Afternoon program – 1 Slovak/Croat Interpreters will accompany this group to provide consecutive interpretation.

1300 to 1430 ***Meeting with the Deputy Minister Lucia Zitnanska***
Ministry of Justice

1500 to 1600 ***Meeting with the Head of the Chamber of Executors***
JÁN JONATA
ŠAFÁRIKOVO NÁMESTIE 4

THURSDAY, June 5 (Night in Banska Bystrica)

Check out of Hotel

0700 **Meet in Hotel Lobby**

0715 **Load Bus**

0730 to 1000 **Transfer to Zilnia**

Discussion of the Bratislava experience and what to expect in Zilina and Banska Bystrica during the ride.

During this time the delegation will be asked to synthesize and connect the lessons learned during their experience in Bratislava to the development of an automated case management system for the courts of Croatia. Special emphasis will be placed upon practical application of lessons learned in Bratislava. Participants will also be asked to think about what they would like to get out of their visit to Zilnia and Banska Bystrica.

1030 to 1200 **Visit of Zilnia District Court**
Judge Peter Hrnciar

Topics Covered:
Implementation of the Pilot Court System to Other Courts, Training for Judges and Court Administrators.

1200 **Lunch on your own**

1330 to 1500 **Demonstration of Court Management System – in groups**

All English-speakers will remain with one group along with 2 Slovak/English and 2 English/Croat interpreters who will interpret simultaneously.

1 Slovak/Croat interpreters will accompany the other group and interpret consecutively.

1530 **Travel to Banska Bystrica**

1700 Arrive in Banska Bystrica

Check into Hotel (Breakfast Provided by Hotel)

Hotel Lux BB, s.r.o.
Namestie Slobody 2
974 01 Banska Bystrica
Tel: 421 48 4144141-5
Fax: 421 48 4143853

1845 Meet in the Hotel Lobby

1900 Closing Dinner at the Restaurant Basta

RESTAURACIA BASTA
Kapitulska Street 23
Banska Bystrica

FRIDAY, June 6 (Night in Budapest)

Check out of Hotel

0745 Meet in Hotel Lobby

0800 Load bus

0900 to 1200 Visit of Regional and District Court in Banská Bystrica – participants

Participants will be divided into two groups – both will visit both courts.

One group will include all English-speakers and will be accompanied by 2 Slovak/English and 2 English/Croat interpreters who will interpret simultaneously.

The second group will be accompanied by 1 Slovak/Croat interpreter who will interpret consecutively.

Regional Court:
Presenter: Judge Jana Prístravková

Topics Covered:
Adaptation of Court Management System to the Court of Appeal – Pilot Court, Demonstration of System

District Court:
Presenter: Judge Jana Dubovcová

Topics Covered:
Pilot Project, Designing the Project, Analysis of Work Procedures, Development of Other Modules

1200 to 1330 Lunch in restaurant Hungaria

1330 Travel to Budapest, Hungary by bus

Discussion of the entire program/debriefing session on the ride.

During this time the delegation will be asked to synthesize and connect the lessons learned during their experience in Zilina and Banska Bystrica to the development of an automated case management system for the courts of Croatia. Special emphasis will be placed upon practical application of lessons learned in Zilina and Banska Bystrica.

1830 Arrive in Budapest

Check into Hotel (Breakfast is Provided by Hotel)

Radisson SAS Beke Hotel
Terez korut 43
H-1067 Budapest, Hungary

Dinner on your own

Free time in Budapest

SATURDAY, June 7 (Return to Zagreb)

Check out of Hotel

Free time in Budapest

1100 Meet in Hotel Lobby and load bus

1130 Travel to Zagreb, Croatia by bus

1400 or 1430 Lunch on the way to Zagreb

1545 Load Bus

1800 to 1830 Break

2030 Arrive at the Zagreb Municipal Court

NATIONAL CENTER FOR STATE COURTS

INTERNATIONAL VISITORS EDUCATION PROGRAM

EUROPEAN INTEGRATED CASE MANAGEMENT STUDY TOUR FOR THE CROATIAN JUDICIARY

June 1 – June 7, 2003

Final Report

I. Background & Goals

This program was funded by USAID. The National Center for State Courts, in operating the Municipal Court Improvement Project in Croatia, has been tasked to undertake the harmonization of functional specifications for the automated Case Management System (CMS) for the municipal courts and the commercial courts in the Republic of Croatia. The goal is the construction and implementation of a national automated Case Management System to serve all Croatian courts.

The National Center for State Courts (NCSC) organized and presented a 5-day program in Austria and the Slovak Republic for a delegation of Croatian judicial officials from commercial, municipal, and county courts, as well as officials from the Ministry of Justice. This delegation comprises the Working Group for Croatia's court automation project. Kala M. Finn, Esq. accompanied the group as a logistical and programmatic escort, and John Sherman also accompanied the group as a programmatic escort.

An important component of guiding the development of a large- scale computerization effort is a sound understanding of the prior experiences of other nations confronted with the same task. To achieve this understanding, Working Group members visited Austria and The Slovak Republic. These are nations with similar legal heritage, and offered a view of national CMS efforts in both a well-developed, established setting and a recently-developed, emerging setting. The contrast between Austria and the Slovak Republic enabled Working Group members to view the end-result of mature, functionally-rich automation efforts, and compare these results to the initial, positive steps taken toward the same goal by a nation in transition.

During the study tour, the Working Group met with both court and Ministry of Justice (MOJ) personnel to not only assess the operational characteristics of automation in the courts, but the legal and regulatory requirements, guidance, and technical support provided by the ministries.

The overall goal of the program was to combine observation and interaction with peers in the courts and in the MOJ of other nations to identify key attributes of successful

automation-development programs, and to apply these lessons to help insure success of the Croatian CMS development effort.

In addition to the technical components and program objectives mentioned above, Working Group members were exposed to the implications of automation on the legal, regulatory, and governance framework in which courts operate. This provided the opportunity for the Working Group to observe and discuss changes and adaptations in manual and technical work-flow as it applies to both administrative and legal procedures.

Using the principles, skills and techniques presented and discussed during this program, the participants will be able to describe and decide on key attributes for the development of CMS automation in Croatia. They will be able to better identify strategies and mechanisms for the effective governance of ongoing court automation.

II. Summary of Program Activities

SUNDAY – June 1

Travel to Vienna, Austria

Working Group members met at the Zagreb Municipal Court Building to load the bus that was chartered for their week-long study tour to Austria and the Slovak Republic. During the bus ride to Vienna, Austria, the following orientation items were covered:

- Explanation of Agenda and Goals /Objectives/Anticipated Outcomes of the Study Tour
- Discussion of Participant Expectations
- Distribution of Per Diems
- Distribution on Insurance Cards
- Explanation of Insurance Coverage
- Signing of Travel Vouchers
- Signing of Per Diem receipts
- Distribution of NCSC Mementos

Working Group members identified areas of interest and questions they had regarding their visit to the courts and MOJ in Vienna.:

- Is the Austrian system completely automated?
- Is there one basic program and specifics for each type of court, or does each court have unique software?
- Is the Austrian system an integrated system?
- Which data bases are connected (police, prosecutor's office, etc)?
- Why was the first generation software replaced?

MONDAY – June 2

Meeting at the Ministry of Justice

Participants met with Dr. Martin Schneider, Unit Director in the Federal Ministry of Justice, Mr. Mag. Christian Adorjan, Federal Computing Center, Mr. Mag. Thomas Aufner, Federal Ministry of Finance, and Mr. Johann Kickinger, IBM. This meeting provided an introduction to the automation of proceedings in Austria. There was also an explanation and demonstration of EDP-supported proceedings and the legal issues involved in automating case management.

Led by Dr. M. Schneider, a PowerPoint slide show covered the meeting agenda, the character of Austria's courts (4 appeals, 20 regional, 150 district courts), the size of staff (1992 judges and prosecutors, 5417 support staff), and overall MOJ budget (873 million EUR overall including corrections, 72% recovered by revenues). The history of court automation was reviewed, starting with the Land Register in 1980. The first Case Management system dealing with Default Orders was started in 1986 with additional case types and functions added gradually, and an electronic filing project began in 1990.

Overall goals of automation were process rationalization, to speed up the processing of cases, efficiency, and payroll reduction. Automation targets were sequenced on the basis of high volume, simplicity, and potential to increase court revenues. In 1997 a Client/Server redesign project of the CMS began which ended in late 2002. Goals of the redesign included a GUI interface with on-line help and documentation, better integration of text handling (judicial order preparation), and the addition of more than 100 new (backlogged) functional requests. The project cost 21 million EUR. Over 330 file & print servers and nearly 10,000 client-PCs were installed. Court office clerks and staff received the newest/best PCs and the judges received the older PCs.

Filing volumes in 2002 were 3.6 million in over 40 different categories, including: civil (850 thousand), execution (1.16 million), criminal (120 thousand), public prosecutor (610 thousand).

Key characteristics of the Austrian CMS are:

- A simple, uniform user interface for entering case data and scheduling/recording events,
- A sophisticated system for the preparation of judicial orders using an extensive "phrase bank" of standard orders and text components (user modifiable and customizable);
- The nationally-centralized order printing and distribution system, closely integrated with the federal Post Office for summons/notices which are not electronically distributed;
- A high proportion (85% in one instance) of electronically filed documents, with electronic acknowledgement of receipt/service, encouraged by a 3 EUR premium paid per filing to users who file electronically.

The current system architecture includes a central, national database and transaction server (Tivoli suite), distributed Application Servers located in each court (Java-based), and PC Client user interface (running local Java applets). XML is used for internal document format.

The courts rely heavily on the Federal Computing Center (BRZ) for equipment and operations support. Help desks utilizing and training centers using expert court staff as trainers, are located in (8) regional courts. IBM is used as a key "business partner" for the development and operation of court applications.

Judges have a national user id, retained when promoted or transferred to a different court. User ID's are assigned by geographical area, and administered at a regional court technical support center. During preparation of decisions that may be published, parties are referred to by party-code, enabling personally identifiable information to be suppressed ("anonymized") for publication/privacy purposes, while seen by authorized court staff. Judges decide what should be "anonymized". Judges may interact with the system through (manual) instructions to support staff, or may use PC themselves to prepare judicial orders, depending upon preference and capability.

The current software provides monthly updates on caseloads statistics. It provides information on how much time judges and other professional court staff are needed to keep cases flowing through the courts. Training for the software begins with basic interactive learning programs. Users then attend regular classes, or if part of the judiciary, one to two day training seminars.

There is a centralized printing and mailing facility. Localized printing is also available to get documents in court for distribution if necessary.

Transfer of Electronic case records on appeal is planned but not yet implemented. Dr. Schneider wrapped up with a brief description and detailed citation of legal and regulatory changes (legal foundation) required to implement electronic filing as an example of the need for legal reform to take advantage of automation capabilities.

Meeting at the Vienna Criminal High Court

Participants met Dr. Gunter Woratsch, President of the Vienna Criminal High Court, and Dr. Otto Schneider, Deputy Director of the Vienna Public Prosecution. Participants also met with Mr. Julius Reiter, Vienna Criminal High Court, Ms. Petra Schneider, Vienna Public Prosecution, and Mr. Klaus Mayerhofer, head of the Training Center of the Vienna Appeal Court, to discuss criminal procedures.

Working Group members visited the Training Center. Here it was explained that the user has to study the system independently prior to being admitted to court-supervised/sponsored training. Training may last from one day to one week with ongoing support services available. There is not a mandatory training requirement for judges, but judges taking part in the training workshops are given an overview of all IT applications and an overview of case management and search engine options.

Faculty for the Training Center, and help desk staff, are selected from experienced court staff including judges and registrars. This is a certified position. Peer evaluations are used to ensure that the faculty are knowledgeable and competent when it comes to using the software, and the faculty also receive pedagogical training.

Training of court staff is conducted at the regional courts and typically addresses three phases:

- Use of the computer (basic)
- Use of the text editor system (for judicial orders)
- Use of the CMS

Special training software is used to provide practical exercises to students. The IBM Learning Center assisted with development of the training program. After completing the

training, and back at the court, new staff are "twinned" with existing court staff who assist with training on a collegial basis.

Several breakout sessions were also held at the courthouse demonstrating various aspects of the system, demonstrating the filing of a new case (received in paper form), upload of data from an electronically filed case, etc. Some members met with the prosecutor and viewed the automated preparation and filing of criminal case complaints (operating much like the preparation of a judicial order).

Group Dinner at the Restaurant Hengl-Haslbrunner, hosted by IBM CEMA (Central Europe, Middle East and Africa)

TUESDAY, June 3

Meetings at the Vienna City Courthouse

Participants met with Dr. Rainer Geissler, President of the Vienna Commercial High Court, Dr. Alexander Schmidt, Head of the Vienna District Court of Commercial Matters, and Mrs. Ingrid Moscher.

There was a countrywide strike in Austria by government employees. This affected the first meeting of the day, as there were only 30 court employees present out of 240 court staff.

The Working Group first met at the commercial register office and last minute changes were made to accommodate the participant expectations, and locate the court staff available to partake in the program.

Working Group members met with court staff for demonstrations and discussions regarding the automated system. There was a demonstration of entering/reviewing civil documents. The demonstrations were done on a screen-by-screen basis so the Working Group could see the data entry and search capabilities of the system.

A demonstration and discussion regarding bankruptcy proceedings followed. Participants could see how documents were posted on the internet regarding auction listings, and this demonstration also included the viewing of web sites where seized property was advertised for court-sponsored auction

Meeting at the Center of Legal Competence at the Ministry of Justice

Participants met with Dr. Otto Oberhammer, Chairman of the Austrian Center for Legal Competence for a presentation and discussion about the Center.

Dr. Oberhammer addressed the group, discussing legal reform in Central and Eastern Europe and the projects and services offered by the Center for Legal Competence, a four year old, public/private partnership designed to extend technical assistance to legal reform efforts.

Dr. Oberhammer explained the mission of the Center that is to make good use of existing legal institutions by bundling expertise and creating opportunities for available advisory services. He also stressed that systematic legal changes require a great deal of support from lawyers, judges, academics, and society.

Dr. Oberhammer gave an overview of the work that the Center has done with a number of European countries. He addressed a number of the problems and issues that

Austria faced, and encouraged the Working Group to take into consideration the mistakes and success that Austria has had.

Dr. Schneider concluded the visit to Vienna with a Question and Answer session.

Prior to departing Vienna, the Working Group had an informal informational meeting to discuss their observations, questions, and concerns about what they had seen while in Vienna. During this time, the delegation was be asked to synthesize and connect the lessons learned during their experience in Vienna to the development of an automated case management system for the courts of Croatia. The Working Group was also asked to think about what they would like to get out of their visit to the Slovak Republic.

Some of the ideas and issues discussed are as follows:

- Restructuring the Working Group to include a mixed group of all users of the system including court staff from the intake office and clerk's office.
- The expense of system maintenance
- The expense of licensing the selected software
- Discussions that Croatia should not go further than Austria, Slovenia, and Slovakia for system ideas and comparisons
- Observation that in Austria 30% of court fees go toward system maintenance and software
- Ministry of Justice should own/control the selected software rather than a private company
- Beneficial to hire one company to maintain hardware and hire another company to maintain software
- The Austrian and Slovenian software is similar, however the Austrian software is preferable because of the graphics and it is more user friendly
- Working Group would like more opportunities to speak with other judges in Slovakia about personal and professional experiences relating to the implementation of an automated system
- Working Group would like to follow-up in Slovakia on what it means to go from a manual system to an electronic system as it applies to court staff, court administration, management, and workflow
- What organizational changes are required to implement a new automated system, such as court infrastructure, job descriptions, and public awareness
- Working Group would like to hear more about the disadvantages and challenges associated with implementing an automated case management system

Travel to Bratislava, Slovak Republic

WEDNESDAY, June 4

Meeting at Hotel Devin: Court Management Reform in Slovakia

A panel of Slovakian judicial officials met with the Working Group. The Panel consisted of Judge Jana Dubovcová, Ms. Zuzana Kajanova, Slovak Ministry of Justice, Juraj

Majchrȧk, third president of the Association of Slovak Judges, and Miroslav Šarissky, ABA CEELI

Topics Covered:

- Rationale for the Slovak Reform
- Project Description
- Analysis of Work Procedures
- Creation of Software
- Court Selection
- Results Achieved

A panel led by Judge Dubovcová provided an overview of Court Management Reform in Slovakia, illustrated by a series of PowerPoint slides. An overview of the structure of the judicial system in Slovakia was presented and principles of reform were discussed. One of the driving forces for reform was the result of a survey that indicated public distrust in the fairness and impartiality of Slovak courts.

The panel discussed the challenges they faced automating their case management system, and the tensions that arose between the MOJ and the courts. The panel also discussed their primary goals and objectives regarding automation:

- Increase public trust and confidence in the courts
- Efficient court proceedings
- Consistency in court decisions
- Personnel management
- Unification of standards
- Simplification of the transfer of knowledge
- Security
- New filing room procedures
- Re-organization of manual work flow to transfer administrative duties from judges to administrative staff so judges have more time to decide cases
- Achieve judicial transparency
- Improve work environment of judges and court staff

Meeting at Hotel Devin: Planning and Executing the Rollout

Topics Covered:

- Aspects of National Implementation of a Pilot Court Reform Project.

Using a Swiss donation of expertise, a team was formed at the Banska Bystrica District Court that undertook a 32-month effort to design, implement, and evaluate a pilot project in court reform using an automated case management system. The success of the pilot led to increased funding for the widespread implementation and further development of the system. Key features were random case assignment (now required by law), designed to increase transparency and foster increased public trust in the court system, and streamlining of court

operations—supported by automation—which significantly re-defined judicial and support staff roles and responsibilities.

Measured results of the new system included significantly faster judicial decisions (increased judicial efficiency), a reduction in the number of hearings per case, and a large increase in the number of cases decided within four months of filing (more responsive to public needs).

The panel continued to describe the "rollout" of the Banska Bystrica system to other courts in Slovakia: the resources required and obtained, planning and preparation, training, installation, and challenges encountered during initial use. The presentation concluded with "lessons learned," and a description of some additional automation projects under development or implementation. The panel dedicated time to sharing with the Working Group the unforeseen problems they encountered on the first day they implemented the automated system, and one of the biggest obstacles was that the judges were not mentally prepared for the new system and the idea of relinquishing administrative duties to support staff. In one sub-pilot court, a judge called in the media to voice disapproval of the new court automation project.

A video was shown providing an overview of the system, its main features, new staff roles and responsibilities, and remodeled court facilities designed to maximize the efficiency of re-organized operations.

Site visit to the IT Department of the Bratislava Regional Court

Working Group members met with Karol Janeĉek from the Court's IT Department, and Zuzana Kajanova from the Slovak Ministry of Justice. The Working Group toured the court and IT Department.

Topics covered:

- Computer and System Support of Court Management at the Court
- Role of Court IT Departments

Site visit to the IT Department of Ministry of Justice

The Working group toured the Informatics department at the MOJ, hosted by Ms. Kajanova, Director of Judicial Informatics and Statistics. The Group then split into two groups that exchanged places mid-afternoon.

Topics covered:

- Technical Aspects of Court Management Systems
- Other Related Projects: Registers on the Internet, JASPI

One group received detailed demonstrations and discussions of the automated case management system, company register, and other automation products. The other group participated in presentations and discussions that included the technical architecture and organization of the support group that operates and continues to develop judicial automation.

Despite outsourcing most large development tasks, the Judicial Informatics department is growing very rapidly. Approximately 50 people are presently employed in support of Slovak court automation, with 90 people expected to be employed by the end of 2003 to guide and support development and implementation of automation in the courts. Staff

are administratively divided between the MOJ and regional courts, with regional court staff adhering to methodological standards defined at the central authority.

The technical architecture is largely decentralized with each of the 8 regional courts hosting database and application servers. Regional courts employ technical support staff typically including a manager, a systems/network specialist, database specialist, a programmer (developer), and an operations technician. District courts, each with their own local network and servers, are supported by technicians from the Regional center.

The case management application was developed in Delphi and uses MS SQL Server and Windows 2000 client software.

A wide-area network was introduced in 2002, enabling more remote support. In 1999, approximately 1,000 older computers were installed in national courts. Between 2000 and 2003, an additional 3,000 PCs were installed, with the goal and result that every court employee in Slovakia has a PC.

Extensive statistics are gathered from the case management system, and used for administrative decision-making by judicial leadership and ministry personnel. Public information is emphasized to increase transparency, and extensive court statistics and other information resources are provided on-line via court web sites (www.justice.gov.sk, www.orsr.sk, www.orsk.sk, http://jaspi.justice.gov.sk).

Also during the afternoon, four members of the Working Group met separately with the Deputy Minster of Justice, Dr. Lucia Zitnanska at the Ministry of Justice, and Ján Jonata, Head of the Chamber of Execators.

THURSDAY, June 5

Travel to Žilina, Slovak Republic

Site visit to Žilina, District Court

Judge Peter Hrnciar, Chief Judge

Topics Covered:

- Implementation of the Pilot Court System to Other Courts
- Training for Judges and Court Administrators

Demonstration of Court Management System

The Working Group met with the Chief Judge and other judges and court staff. This court was one of the first "sub-pilot" courts designed to implement the Banska Bystrica model in other "real" courts and jurisdictions. Criteria for the selection of the sub-pilot courts included a commitment from the head of the court and an expression of staff willingness to accept changes. Many of the necessary changes were not met with much resistance, as this court has many young judges who are somewhat familiar with computer technology. Five or six years ago, the only computers in the courthouse were the personal computers of a few judges. Today, every judge and court employee have good computers and good software.

The Chief Judge discussed the experiences of the court in adopting the system and accommodating the changes required to have a successful automation project. A letter from the MOJ mandated use of the system even though legislation and regulatory changes lagged

behind installations, and are only now being drafted and adopted as optimal use of the system becomes more well-defined and stable.

Significant changes in staff responsibilities resulted from using the system. Job descriptions and qualifications for the new roles and pay scales are still under development and review. As part of the changes, the court introduced the new position of a court administrator who must hold a university degree. The Chief Judge also noted that, initially, implementation of the system prolonged working time as staff struggled to learn and apply the new system - a learning curve. Today, each judge has their own typist who also performs additional administrative duties such as mailings.

The Working Group was divided into two groups, and toured the courthouse. This tour demonstrated some of the changes that have been implemented such as an enlarged and remodeled filing room and reception area open to public view, remodeled courtrooms equipped with computers, upgraded power supply, network wiring, and new furniture. Many offices were also remodeled and new furniture was also purchased to accommodate using the new computer equipment. In addition to changing the furniture in offices, the court also moved employees and judges around to logistically accommodate the flow of work under the new system.

Travel to Banska Bystrica

Closing Dinner at the Restaurant Basta

Working Group members were presented with certificates from NCSC for participating in this program.

FRIDAY, June 6

Visit of Regional and District Court in Banská Bystrica – participants

The Group was divided into two groups, with the groups scheduled to exchange places mid-morning, to accommodate the large delegation to the small meeting rooms available in the courts. One group went to the Regional Court and met with Judge Jana Prístravková, and the other group went to the District Court and met with Judge Jana Dubovcová. This District Court was the original "pilot court" where the system was developed and first implemented. Judge Dubovcová is considered by her peers to be the pioneer of this system.

The group at the District Court covered the following topics:

- Designing the Pilot Project
- Implementation of the Pilot Project
- Analysis of Work Procedures
- Development of other modules

Travel to Budapest, Hungary by bus

SATURDAY, June 7

Travel to Zagreb, Croatia by bus

III. Conclusion

Overall, NCSC believes that the program met or exceeded the goals set out by USAID, NCSC, and the World Bank. The sites and speakers selected gave the Working Group the intended exposure to the Austrian and Slovakian automated case management systems, and provided information that will assist the Working Group in transferring this knowledge to their work in Croatia.

NCSC's International Visitors Education Program was honored to be able to present this program and looks forward to working with the Croatian judiciary in the future.

Press releases

For Immediate Release
April 24, 2003

EMBASSY OF THE
UNITED STATES OF AMERICA

Public Affairs Section
Zagreb, Croatia

USAID, WORLD BANK, EUROPEAN COMMISSION CO-OPERATE WITH GOVERNMENT OF CROATIA ON MAJOR JUDICIAL REFORM PROGRAM

ZAGREB, APRIL 24, 2003 -- In a significant step toward judicial reform in Croatia, the United States Agency for International Development (USAID), the World Bank, and the European Commission are collaborating with the Government of Croatia in a major effort to reform court operations and practices throughout the country. On Friday, April 25, at 9:00 AM at the Hotel Opera in Zagreb, USAID Mission Director William Jeffers will join Deputy Minister of Justice, Administration and Local Self-Government Miljenko Kovac, World Bank Senior Counsel Katarina Mathernova and European Commission Head of Operations Laura Garagnani. A press conference will follow.

The World Bank, European Commission, and USAID are consolidating their assistance efforts to create a unified system to improve case management practices, including automation for Croatia's courts. This puts into practice their shared development objectives for the Croatian judiciary.

Legal and procedural experts from the courts, as well as technical experts from the European Commission, World Bank, and USAID, will develop technical and functional specifications upon which all court systems will operate. Preparatory work for the automated court case management system should be finalized by the end of 2003, and the tendering process should take place shortly thereafter.

Implementation of the system will result in more efficient, transparent, and accountable operations of the Croatian courts so that they can provide better service to the citizens of Croatia.

Feedback

JUDGES / MAIN

ENGLISH	CROATIAN	COMMENTS
business address	adresa poslovanja	
mailing address	adresa za dostavu pošte	
tax stamp	biljeg	
number of days delinquent	broj dana kašnjenja s uplatom	
caseload	broj predmeta u radu	
due date	datum dospijeća	
unavailable date	datum kad sudac nije na raspolaganju	
incident date	datum počinjenja kaznenog djela	
date of filing	datum podneska datum podnošenja	
mail date	datum poštanske pošiljke	
date of appearance in court	datum pristupanja sudu	
date of dismissal	datum razrješenja	
resolution date	datum rješavanja	
join date	datum spajanja	
cede date	datum ustupanja	
date of limitation of legal proceedings	datum zastare	
oath-taking	davanje prisege	
acquire criminal history information	dobiti podatke iz kaznene evidencije	
assign case number	dodijeliti broj spisa	
assignment	dodjela predmeta u rad	
case/judge assignment	dodjeljivanje predmeta u rad sucu	
event	događaj	
court event	događaj na sudu	
case event	događaji u predmetu	
fee proof of payment	dokaz o platežu pristojbe	
proof of payment	dokaz o uplati	
proof of delivery of service received	dokaz o urednoj dostavi	
discovery	dokazni postupak	
exhibit	dokazno sredstvo	
filing document	dokument koji se podnosi	
rule	donijeti odluku	
disposition	donošenje konačne odluke način na koji je predmet riješen	
sentencing	donošenje odluke o kazni	
overdue activity	dospjela neizvršena aktivnost	
delivery	dostava	
delivery notice receipt of delivery proof of service proof of service or receipt	dostavnica povratnica povratnica?	

balance due balance owed	dužni iznos za platiti	
electronic filing	elektronsko podnošenje podnesaka	
record (v.)	evidentirati	
physical location	fizička lokacija	
court operations	funkcioniranje suda	
generate case number	generirati broj spisa	
trial	glavna rasprava	
general public	građani	
identifier	identifikacijska oznaka	
name of court	ime suda ? naziv suda ?	
goods for seizure	imovina za pljenidbu	
filing information	informacije o podnesku	
case information	informacije o predmetu	
service results	ishod dostave	
disbarment	isključenje iz odvjetničke komore	
warrants issued, served, outstanding, expired	izdani, dostavljeni, neizvršeni, nevažeći nalozi	
amount due	iznos koji još treba platiti	
paid amount on charge of court	iznos plaćen na teret suda	
criminal history	izvod iz kaznene evidencije	
execution postponed until	izvršenje odgođeno do	
corrections corrections (jail) system	izvršenje sankcija sustav izvršenja sankcija	
unique numeric identifier	jedinstvena brojčana oznaka	
scheduling conflict	kolizija kod zakazivanja	
disposition and closing of a case	konačno rješavanje i zatvaranje predmeta	
contact information	kontaktne informacije	
court processing steps	koraci u sudskim procesima	
create registry entry	kreirati zapis u upisniku	
transfer register	kretaljka	
residential address	kućna adresa	
sattelite court	lokacija izvan sjedišta suda	
court location	lokacija suda	
satellite court locations	lokacije izvan sjedišta suda	
deficiency	manjkavost	
MOJ	Ministarstvo pravosuđa	
younger adult	mlađi punoljetnik	
settlement	nagodba	
order	nalog odluka rješenje	
order for criminal history	nalog za izdavanje izvatka iz kaznene evidencije	
case cover label	naljepnica omota spisa	
case progress	napredovanje predmeta	
resumption	nastavak	

case caption	naziv predmeta	
inactive case file	neaktivan spis	
delinquency status of payments	neplaćene dužne uplate	
failure of service failure of service of process	neuspjela dostava	
amount of money for seizure	novčani iznos za pljenidbu	
notice	obavijest	
notice of appeal	obavijest o žalbi	
processing of cases case processing	obrada predmeta	
form	obrazac	
obligation/execution	obveza/izvršenje	
obliged person	obveznik plaćanja	
plea plea at arraignment plea for each charge pleading?	očitovanje očitovanje na pripremnom ročištu očitovanje za svaku optužbu ?očitovanje	
from initial filing, through archiving to case file destruction	od podneska kojim se pokreće postupak, kroz arhiviranje do uništenja spisa predmeta	
dismissal	odbačaj	
department division	odjel	
sentence	odluka o kazni	
attorney attorney at law private attorney	odvjetnik	
case file cover	omot spisa predmeta	
general power of attorney	opća punomoć	
reprimand	opomena	
case load	opterećenje predmetima	
initiate case file	osnovati spis	
mailing	otprema	
outtake department	otpremni ured	
file access authorization	ovlaštenje za pristup spisu	
case number	oznaka? spisa broj? spisa	
litigant	parnična stranka	
court office registrar's offices registration book unit file room registry	pisarnica?	
correspondence	pismeno	
mail or delivery data	podaci o otpremi ili dostavi	
brief brief v. plea v. pleading v. filing	podnesak	

filing, initial filing time-sensitive filing filings or briefs or other correspondence filings and dispositions	podnesak, podnesak kojim se pokreće postupak podnesak vezan za rok podnesci ili očitovanja? ili druga pismena pokretanje postupka i rješavanje predmeta	
submit	podnijeti	
in court custody	pohranjen na sudu	
case inception case initiation	pokretanje postupka u predmetu	
pilot court	pokusni sud	
law enforcement	policija?	
cure list legal cure list	popis potrebnih ispravaka popis potrebnih pravnih ispravaka	
aged list of cases	popis starih predmeta	
intake procedures	postupci zaprimanja	
shipment	pošiljka	
postal label	poštanska oznaka	
postage	poštarina	
receipt Receipt stamp	potvrda prijamni štambilj	
filing receipt	potvrda o podnošenju	
payment receipt confirmation confirmation of payment	potvrda o primitku uplate	
related case	povezani predmet	
assignment history	povijest dodjele predmeta u rad	
withdrawal	povlačenje	
background office	pozadinski ured	
summons summons and other served processes	poziv pozivi i druga dostavljena pismena	
track case	pratiti predmet	
legal document	pravni dokument	
legal language	pravni jezik	
legal remedy ordinary legal remedy extraordinary legal remedy	pravni lijek redovni pravni lijek izvanredni pravni lijek	
lawyer	pravnik	
template	predložak obrazac	
cause of action	predmet spora	
case filed	predmet u kojem je pokrenut postupak	
partition of property cases	predmeti razvrgnuća suvlasničke zajednice nekretnina	
sealed cases	predmeti zatvoreni za javnost	
transferring a case to another court or jurisdiction	prenijeti predmet drugom sudu ili sudu druge nadležnosti	

re-assign	preraspodijeliti	
default judgement	presuda zbog ogluhe	
case adjudication	presuđivanje u predmetu	
Intake Office intake room	prijamna pisarnica	
motion	prijedlog	
public reception desk	prijemni šalter	
service history	prikaz povijesti dostave	
caseload status and caseload management displays and reports	prikazi i izvješća o broju predmeta u radu i upravljanju količinom predmeta u radu	
at intake	prilikom zaprimanja	
receive, process and resolve cases	primati, obrađivati i rješavati predmete	
bankruptcy notice	priopćenje o stečaju	
to perfect the case for hearing	priprema predmeta za ročište	
preliminary hearing	pripremno ročište	
fee/cost	pristojba/trošak	
appear	pristupiti	
case processes	procesi u predmetu	
prototype court	prototipni sud	
original judge	prvotni sudac	
Working Group	Radna skupina	
workload	radno opterećenje	
action	radnja	
action overdue	radnja kojoj je protekao rok	
judicial action court action	radnja od strane suca sudska radnja	
case action	radnja u predmetu	
case assignment	rasporediti predmet sucu	
1. calendar v. ? 2. calendar date 3. calendared event 4. calendaring v. ? 5. deadline stack 6. hearing stack	1. rasporednik v. kalendar 2. datum iz rasporednika 3. događaj upisan u rasporednik 4. stavljanje u rasporednik v. stavljanje u kalendar (npr. kal 15 dana) 5. polica za kalendare 6. polica za ročište	7.
chamber KV panel	referada vijeće KV vijeće	
case index register	registar indeksa predmeta ? imenik ?	
court performance	rezultati rada suda	
hearing trial	ročište glavna rasprava	
hearing vacated	ročište otkazano	
motion hearing	ročište za raspravu o nekom prijedlogu stranke	

time constraint time measure time line time period time line drop dead day time limit	rok	
archival date	rok čuvanja spisa u arhivu	
standard of time to transpire	rok koji treba proteći	
statute of limitations constraints	rokovi zastare	
management	rukovođenje	
fee balance	saldo pristojbi	
residence of court	sjedište suda	
judge pool	skupina sudaca kojima se predmeti dodjeljuju u rad	
history of file movement	slijed kretanja spisa	
help desk	služba za pomoć	
case file case file folder case folder	spis predmeta	
Central Systems Administrator	središnji administrator sustava	
age of case	starost predmeta	
attendance status	status nazočnosti	
party	stranka	
filing party	stranka podnositelj	
policy	strategija?	
property	stvar, imovina	
legal and geographic jurisdiction	stvarna i mjesna nadležnost	
judge schedule judicial schedule	sučev ročišnik	
participating court	sud koji sudjeluje u projektu	
ceded court	sud ustupanja	
assigned judge	sudac kojem je predmet dodijeljen u rad	
participants of a case	sudionici u postupku	
case participant	sudionik u predmetu	
judicial function	sudska funkcija	
legal competence	sudska nadležnost??	
filing fee	sudska pristojba	
court day	sudski dan	
court processes	sudski procesi	
judicial system	sudski sustav	
adjudication	suđenje	
event driven system	sustav upravljan događajima	
Case Management System CMS	sustav upravljanja predmetima	
timeline table	tablica rokova	

statute of limitation table	tablica zastare	
fee tariff	tarifa pristojbi	
realized duration of sentence	trajanje izdržane kazne	
reclaim	tražiti povrat	
reclaim exhibit or property	tražiti povrat dokaznoga sredstva ili predmeta	
third party	treća osoba	
complaint claim	tužba zahtjev, tužbeni zahtjev	
complaint vs. petition	tužba vs. predstavka	
defendant	tuženik	
in the life of the case	u tijeku postupka u predmetu?	
insertion in the case file folder	ulaganje u spis predmeta	
file	uložiti podnesak	
case file destruction	uništenje spisa	
register (paper) register	upisnik papirnati upisnik	
Exhibit register	upisnik dokaznih sredstava	
Registry Book vs. Register of Actions	Upisnik vs. Upisnik radnji	
governance	upravljanje	
case management	upravljanje predmetima	
management of caseload	upravljanje količinom predmeta u radu	
file management	upravljanje spisom	
cross references to party	upućivanje na stranku	
payment instructions	upute za plaćanje	
assigned organization unit	ustrojstvena jedinica kojoj je predmet dodijeljen	
defined amount of penalty	utvrđeni iznos novčane kazne	
defined duration of sentence	utvrđeno trajanje kazne	
probation	uvjetna kazna	
conditional discharge	uvjetni otpust	
obtain testimony	uzeti iskaz	
accepting pleas at arraignments	uzimanje očitovanja o krivnji na prvom ročištu	
credit	više uplaćeni iznos	
real property rights	vlasništvo i druga stvarna prava	
conduct a hearing	voditi ročište	
leadership	vodstvo	
time conflict	vremenska kolizija	
time standards	vremenski standardi	
value of case value of dispute	vrijednost spora	
value of the claim	vrijednost tražbine	
type of retention	vrsta čuvanja	
type of business	vrsta djelatnosti	
type of delivery	vrsta dostave	
type of payment mode	vrsta načina plaćanja	

exhibit retention	zadržavanje dokaznih sredstava	
incarceration	zadržavanje u pritvoru	
stay request	zahtjev za prekidom postupka	
class-action matter	zajedničko podnošenje više tužbi u jednom predmetu	
schedule	zakazati	
scheduling	zakazivanje	
event scheduling	zakazivanje događaja	
statutory requirements or court-selected timelines	zakonski ili sudski rokovi	
record first-hand	zapis iz prve ruke?	
case record	zapis o predmetu	
case entries	zapisi u predmetu	
receive court document	zaprimanje sudskog dokumenta	
affidavit	zaprisegnuta izjava	
case closing closure	zatvaranje predmeta	
confinement	zatvorska kazna	
appeal	žalba	
appellate timelines	žalbeni rokovi rokovi za žalbu	

JUDGES / STAFF

ENGLESKI	HRVATSKI	COMMENT
court receptionist central court receptionist	djelatnik na prijamnom šalteru glavni djelatnik na prijamnom šalteru	
staff administrative staff court staff court personnel judicial staff clerical support staff clerk court clerk official superior official responsible official	osoblje? stručna služba? administrativno osoblje sudski osoblje? sudski službenici? sudski osoblje? sudski službenici? sudski osoblje? sudski službenici? uredsko pomoćno osoblje? službenik sudski službenik službenik? nadređeni službenik odgovorna osoba	
legally trained clerk legally trained staff legal support staff	pravno obučen službenik pravno obučeno osoblje pravno pomoćno osoblje	
paralegal	referent	
chamber assistant	referent? u referadi	
clerk supervisors	službenicima nadređene osobe	
counter clerk	službenik na šalteru	
judicial assistant	sudački pomoćnik	
court administration	sudska uprava	
judicial advisor	sudski savjetnik	
registrar	upisničar	
chief clerk	upravitelj pisarnice	
department head clerical department heads	voditelj odjela administrativni voditelji odjela	
court management local and national court management	vršitelji poslova sudske uprave vršitelji poslova sudske uprave na lokalnoj i nacionalnoj razini	
court reporter secretary typist administrative assistant administrative secretary	zapisničar zapisničar zapisničar zapisničar zapisničar	

IT EXPERTS

ENGLISH	CROATIAN	COMMENTS
"tickler" tickler lists	podsjetnik popisi podsjetnici	
0 to many	0 ili više	
22 mio	22 milijuna	
850K	oko 850 tisuća	
access control	kontrola pristupa	
access rights	prava pristupa	
account name	korisničko ime	
action	radnja	
action overdue	radnja kojoj je protekao rok	
actions related to the case	radnje vezane za predmet	
actual status of decision	stvarni status odluke	
address code	šifra adrese	
aged list of cases	popis starih predmeta	
alias	drugo ime	
alpha numerical code	znakovna oznaka	
application program interfaces	API sučelja	
application software	namjenska programska podrška	
applied	namjenski	
associated directories	povezane mape	
attorney look-up	odabir odvjetnika	
audit log	revizijski zapis	
audit trial	nadzorni zapis	
authorized actions	ovlaštene radnje	
automated	automatiziran	
backup	stvaranje sigurnosnih kopija	
Bankruptcy Administration Project: Information Support for Court and Case Management Model and Legal Information System	Projekt provođenja stečaja: informacijska potpora za Model upravljanja sudovima i predmetima i Sustav pravnih informacija	
bar association linkages	veze s odvjetničkom komorom	
be exportable	moći se iznijeti	
be flagged	pojavi se poruka upozorenja	
Booz Allen Hamilton (BAH) Commercial Court Report (Modules One and Two)	Izvješće o trgovačkim sudovima Booz Allen Hamiltona (Modul 1 i Modul 2)	
bypass	zaobilaženje	
cancellation	otkazivanje	
capabilities	sposobnosti, mogućnosti	
capture	preuzeti	
case entries	zapisi u predmetu	
case events	događaji u predmetu	
case file tracking	praćenje spisa predmeta	
case index register	registar indeksa predmeta imenik	

Case Management System CMS	sustav upravljanja predmetima	
case processes	procesi u predmetu	
case progress	napredovanje predmeta	
case record	zapis o predmetu	
case status attributes	atributi statusa predmeta	
caseload status and caseload management displays and reports	Prikazi i izvješća o broju predmeta u radu i upravljanju količinom predmeta u radu	
case-sensitive	osjetljiv na veliko i malo slovo	
Central Systems Administrator	središnji administrator sustava	
characterize	obilježavati	
Charge Code Table	"Šifrarnik optužaba"	
Charge Code Type Table	Šifrarnik vrsta optužaba	
chronological history	kronološki prikaz	
click	klikni	
client/server redesign project	projekt ponovnog osmišljavanja sustava klijent/poslužitelj	
CMS vendor	izvođač za CMS	
code	šifra	
code structure	struktura šifre	
code table	šifrarnik	
coding conventions	konvencije kodiranja	
commercial off-the-shelf	komercijalni gotovi proizvodi	
computer code translation tables	tablice prevođenja kodova	
computer literacy	informatička pismenost	
computer skills	informatičke vještine	
construct	element	
construction	izgradnja	
contact information	kontaktne informacije	
contracted vendor	izvođač prodavatelj	
contractor	izvođač	
copy	primjerak	
court action	radnja suda	
court event	događaj na sudu	
create registry entry	kreirati zapis u upisniku	
Croatian official code list	službeni hrvatski šifrarnik	
cross references to party	upućivanje na stranku	
cure list	popis potrebnih ispravaka	
current	trenutačni	
customisation	prilagođavanje sustava	
customised view	po mjeri izrađen pogled	
default	podrazumijevana vrijednost	
deficiency	manjkavost	
deletion and modification of data	brisanje i izmjena podataka	
dependencies	uvjetovanosti	
deploy	isporučiti	
description or narrative	opis ili narativni prikaz	
descriptor	opisnik	
design	oblikovanje, dizajniranje,	

	projektiranje	
design, implementation and management	oblikovanje, uvođenje i upravljanje	
desktop	radna ploha	
desktop computer	stolno računalo	
developer	programer	
development	razvoj, izrada	
development contractor	izvođač za izradu, razvoj sustava	
development effort	razvojni napori	
diagnostic reports	analitička izvješća	
differential case management	diferencirano vođenje predmeta	
disk drive	jedinica za pogon diska	
display screen (v)	prikazati ekran	
document generation	generiranje dokumenata	
documents in batches	dokumenti u skupinama	
drafting	izrada nacrta	
drop down menu pull down menu	padajući izbornik	
duplicate information	istovjetne informacije	
easy inquiry	jednostavno propitivanje	
edit	uređivanje	
electric power supply	napajanje električnom energijom	
electronic filing	elektronsko podnošenje podnesaka	
electronic interface	elektroničko sučelje	
electronic readable bar code	elektronski čitljivi bar kôd	
e-mail address	adresa elektronske pošte	
empower	omogućiti	
enhanced *document management* software	napredna programska podrška za *upravljanje dokumentima*	
enhanced system	unaprijeđeni sustav	
enhancement	poboljšanje	
entity	subjekt	
entry	unos zapis	
entry confirmation	potvrda unosa	
event	događaj	
event driven system	sustav upravljan događajima	
event scheduling	zakazivanje događaja ☺☺	
event scheduling	zakazivanje ročišta	
execution postponed until	izvršenje odgođeno do	
external interface	vanjsko sučelje	
fault	kritična greška	
feature	značajka funkcija	
file access authorization	ovlaštenje za pristup spisu	
file server	datotečni poslužitelj	
fixes	programski popravci	
follow-up actions	radnje koje slijede	
follow-up order	popratni nalog	

foreign key	vanjski ključ	
form	obrazac	
function keys	funkcijske tipke	
functional specification	funkcijska specifikacija	
functional standards model	ogledni funkcijski standardi	
functionality	funkcionalnost	
generate case number	generirati broj spisa	
generation of a form	izrada obrasca	
goals and objectives	ciljevi i zadaci	
graphical interface	grafičko sučelje	
hardware	sklopovska oprema strojna podrška	
hardware failure	kvar na sklopovskoj opremi	
help desk	služba za pomoć	
help screen capabilities	sposobnosti ekrana za pomoć	
hint	pomoć	
history of contact information	pregled prijašnjih kontaktnih informacija	
history of file movement	slijed kretanja spisa	
hosted	smješten (na serveru)	
hubs	HUB-ovi	
human readable fine print	kvalitetni tisak čitljiv ljudskom oku	
identifier	identifikacijska oznaka	
image system of electronic filing system	sustav prihvaćanja skeniranih dokumenata ili sustav elektronskog podnošenja	
imaged documents	skenirani dokumenti (Robi nije 100% siguran)	
implementation	uvođenje	
implementation contractor	izvođač zadužen za uvođenje sustava	
in bold	podebljanim slovima	
inactive case file	neaktivan spis	
indexing	indeksiranje	
information suppressed	prikrivene informacije	
inputs/outputs	unosi/izlazi	
INSERT VIEW UPDATE DELETE	UNESI PREGLEDAJ AŽURIRAJ BRIŠI	
integrated	integriran	
Integrated Court Case Management System (ICMS)	Integrirani sustav upravljanja sudskim predmetima (ICMS)	
intended audience	kome je ovo izvješće namijenjeno	
interact	djelovati u sprezi	
interface	sučelje	

interface (v)	uspostaviti sučelje povezati se	
interfaces with other systems	sučelja prema drugim sustavima	
internal counter	interni brojač	
invalid user	neispravni korisnik	
itemize	prikazati po stavkama	
Java applets	Java apleti	
keyboard	tipkovnica	
list of code translation tables	popis kodnih tablica	
literal	slovo znak (Igea)	
log in (v.)	prijaviti se	
logical data model	logički model podataka*	
login (n.)	prijava	
logout	odjava	
loose documents	neuvezani dokumenti	
lower-bound format	format s donjom graničnom vrijednošću	
magnetic media	magnetski mediji	
maintain	održavati	
maintenance	održavanje (funkcije unesi, izmijeni, briši I prikazi, otisni)	
mandatory	obvezni	
manipulation	rukovanje	
manual process	ručni proces	
manual system	ručni sustav	
modularly designed system	modularno dizajnirani sustav	
MOJ	Ministarstvo pravosuđa	
mouse click commands	naredbe pritiskom na tipke miša	
Multi-Function Capabilities	višefunkcijska sposobnost	
national computer backup security system	nacionalni sigurnosni sustav za računalne sigurnosne kopije	
navigate between the screens	kretati se između ekrana	
NCSC Municipal Court Improvement Project	"Projekt unaprjeđenja (rada) općinskih sudova"	
network tuning	podešavanje mreže	
network wiring	mrežne instalacije	
non-case sensitive format	format koji nije osjetljiv na veliko i malo slovo	
object	objekt	
object model	model objekata	
object oriented design	objektno orijentiran dizajn	
obligation/execution	obveza/izvršenje	
old-style number	broj u starom formatu stari broj	
on-line	izravni	
operational report	izvješće o radu	
operations	funkcioniranje	
optional	neobvezni	
order number	redni broj	

organisation unit	ustrojstvena jedinica	
organization unit code	šifra ustrojstvene jedinice	
organizational structure	organizacijska struktura	
output document	izlazni dokument	
output form	izlazni obrazac	
overall description	opći opis	
overdue activity	dospjela neizvršena aktivnost	
override	intervencija poništavanje mogućnost promjene	
override	intervenirati	
overview	pregled	
paper-based system	sustav koji se temelji na papiru	
password	lozinka, zaporka	
perfect atomic transactions	savršeno atomične transakcije	
performance requirements	zahtjevi u pogledu radnih karakteristika	
personally-identifiable	osobno prepoznatljiv	
phased implementation	uvođenje po fazama	
phrase bank	banka izraza	
physical location	fizička lokacija	
physical repository	fizički repozitorij (Igea)	
PMU Project Management Unit	Jedinica za upravljanje projektom	
point-and-click	pokaži i izaberi	
print server	poslužitelj za ispis	
process flow chart	dijagram tijeka procesa	
processing of cases case processing	obrada predmeta	
processing organization unit	ustrojstvena jedinica obrade	
programmer (developer)	programer (razvojni)	
prompt	upozoriti, upozorenje	
public access users	korisnici javnog pristupa	
public reception desk	prijemni šalter	
push	dostaviti automatski ili u određenim vremenskim razmacima	
queries	upiti	
query and search	upiti i pretraživanje	
read-only access	samo čitanje (podataka	
record	slog zapis	
record (v.)	evidentirati	
record first-hand	zapis iz prve ruke	
recovery	obnova sustava iz sigurnosnih kopija	
redesign	preoblikovati	
references	literatura	
refresher training course	tečaj osvježavanja znanja	
register	upisnik	

(paper) register	papirnati upisnik	
Registry Book vs. Register of Actions	Upisnik vs. Upisnik radnji	
related case	povezani predmet	
relational data	relacijski podaci	
relational database	relacijska baza podataka	
re-load	ponovno učitati (napuniti bazu podacima)	
remark	primjedba	
reminder	podsjetnik	
replicate	replicirati	
re-sequence	promijeniti slijed	
response time	vrijeme odaziva	
retrieve information	dohvaćati informacije	
return types	povratne vrijednosti	
review	pregled preispitivanje	
review of previous diagnostics	pregled prethodnih analiza rada suda	
roll out	uvoditi u fazama	
roll-up into standardized categories	grupirati se u standardizirane kategorije	
route	usmjeriti	
running local Java applets	za lokalno izvršavanje Java apleta	
screen	ekran	
search and retrieval	pretraživanje i dohvat	
security architecture	arhitektura sigurnosti	
security procedures	sigurnosni postupci/procedure	
security requirements	zahtjevi sigurnosti	
sequence number	sljedeći broj po redu	
server computer	poslužiteljska računala	
server equipment	poslužiteljska oprema	
shortcut menu	izbornik prečaca (Igea)	
slide show	prezentacija	
software	programska podrška	
software application	namjenska programska podrška	
software quality attributes	kvalitativni atributi programske podrške	
software requirement	zahtjev u pogledu programske podrške	
software requirement specification	specifikacija zahtjeva u pogledu programske podrške	
sort	razvrstati	
specific software package	posebni programski paket	
specification	specifikacija	
specifics	pojedinosti	
specified range	specificirani raspon	
spreadsheet	tablični dokument radni list	

spreadsheet software	tablična programska podrška	
Stage One	Prva faza	
stand alone document	samostalni dokument	
standard attribute tags	standardne atributne oznake	
standard of time to transpire	rok koji treba proteći	
storage	pohrana	
submit	podnijeti	
support resources	resursi za potporu	
switch	preklopnik	
system administration	administracija sustava	
system administrator	administrator sustava	
system architecture	arhitektura sustava	
system check	sistemska provjera	
system date and time	sistemski datum i vrijeme	
system designer	izvođač sustava	
system developer	izvođač sustava	
System Development Lifecycle	vijek trajanja sustava	
system must be capable	sustav mora biti u stanju	
system shall terminate	sustav će prekinuti s radom	
system software	sistemska programska podrška	
system time	vrijeme sustava	
system-related requirements for such a system	sistemski zahtjevi za takav sustav	
table	tablica	
table drop down box	tablica kućice popisa mogućnosti	
table-driven	upravljan preko tablica	
table-driven system	sustav upravljan preko tablica	
tax stamp	biljeg	
template	predložak obrazac	
text handling	obrada teksta	
text indexing	indeksiranje teksta	
tickler	znak upozorenja	
tiling	elektroničko nizanje dokumenata na zaslonu	
time conflict	vremenska kolizija	
time standards	vremenski standardi	
timeline table	tablica rokova	
to perfect the case for hearing	priprema predmeta za ročište	
tool bar activation	aktiviranje trake s alatima	
track case	pratiti predmet	
unique numeric identifier	jedinstvena brojčana oznaka	
uniquely defines	jedinstveno definira	
uniterruptible power supplies	neprekinuto napajanje el. energijom	
upload	snimanje iz dokumenta na poslužitelj za razliku od download	
upper-bound format	format s gornjom graničnom vrijednošću	

use case diagrams	dijagrami slučajeva upotrebe	
user authorization	autorizacija korisnika	
user classes and characteristics	kategorije i značajke korisnika	
user friendly definition	korisniku razumljiva definicija	
user identification code	korisnička identifikacijska oznaka	
user interface	korisničko sučelje	
user rights	korisnička prava	
vendor	isporučitelj	
vendors bidding on the project	isporučitelji koji se nadmeću za project	
version	inačica	
WAN - wide-area network LAN – local area network	WAN mreža LAN mreža	
web browser	mrežni preglednik	
what the system defaults to initially	kako se sustav inicijalizira	
wildcards	zamjenski znakovi	
withdrawal	povlačenje	
workflow workflow and document version control	protok rada kontrola protoka rada i praćenje verzija dokumenata	

WORKING GROUP COMMITTEES

TERMS OF REFERENCE

The Working Group will continue to exist and function, and its membership will serve on a national committee for development and implementation of automation in the courts. This list represents an effort to divide, define and assign specialized tasks to individual committees comprised of Working Group members, and is in response to Recommendations on Committees listed in Part A of the Functional Specifications. It is hoped that these committees will increase the efficiency of the Working Group process and assist in adequately informing all aspects of the ICMS development and implementation process. Additional details on focus, tasks, and meeting schedules will be worked out in individual committee meetings. A first task for each committee will be deciding on a leader or spokesperson. A central body should also be identified to serve in a Secretariat capacity. Decisions and observations from each committee will be transmitted to the MOJ or Policy Advisory Committee through the Executive Committee.

National Committee for Implementation of Automation in the Courts

This committee will assist the MOJ during development and implementation of the ICMS in coordinating court policy as it is affected by automation, provide ICMS project oversight; and involve itself, as appropriate, in the legislative budget process, policy and legislative formulations, and issues dealing with the Book of Rules. It will be composed of all Working Group members, plus representatives from the MOJ and the prototype courts. This committee will be led by the Executive Committee, who will confer regularly with the MOJ, PMU and donors as needed.

Executive Committee

The Executive Committee represents the various courts and geographic areas in Croatia from among members of the current Working Group, and serves as the smaller body of the Working Group for purposes of representing it before the MOJ, PMU, donors, and ICMS developer. This committee will be tasked with generating amended versions of the functional specifications to conform to the changing legal and procedural environment and to capture additional detail or decisions of the Working Group and its committees.

Committee on Forms

The Working Group recommends that standing committees on forms be established for at least each major case type: civil; criminal; enforcement; and juvenile. The civil and criminal committees are intended to address cases from both municipal and commercial courts, and their appellate courts. Based on feedback from the Working Group, it is advisable to also include a special committee on bankruptcy forms. The first charge of these committees will be to develop national standards and local options to delineate the legal requisites, language and format of the forms (rulings, orders, notices, letters, warrants, minutes, etc.) to be automated initially (see Part B, Section 4). The Committee(s) will continue to work with the software developer and the prototype courts to refine the standards. Following the prototype phase, the committees should have ongoing responsibilities for developing and updating standard forms for use in routine cases.

Committee on Data Standards, and Information Access and Security

The Working Group recommends the establishment of a Committee to:

1) Discuss and establish standards for the definition, content and format of ICMS data in order to facilitate electronic exchange of data (information) with court business partners (e.g., police, prosecutors, corrections, the bar association and private attorneys, banks and other financial institutions, and other government and private agencies such as the Ministry of Finance, Ministry of the Interior, etc.)
2) Discuss and establish court standards for the privacy of data collected and the selection and dissemination of certain data to external (i.e., non-court) organizations up to and including the general public. This includes review and knowledge of Croatian and EC law, regulations, and practice on data privacy and dissemination.
3) Discuss and establish standards for data protection and security, including protection against data loss and corruption and data access privileges (view, add, update, delete) for court employees. A key task of this committee will be to confer with the Executive Committee and representatives from the EU and MOJ on what data may be used to identify individuals in the ICMS and the degree to which the national JMBG number may be used.

Committee on Training for Court Automation, and Court Staff Education

This committee will guide, develop and update curricula required for a national training program in court management, court administration, and staff development. In addition to technical skills training (Windows, Word Processing, ICMS, etc.), the committee will consider broader staff education programs in areas such as: Supervisory Skills, Change Management, Technology Management, Topics in Court Administration, etc. The committee will also supervise the implementation and operation of the resulting training program. In particular, the committee will establish the educational requirements and continuing education programs for the legally-trained administrative staff members that have been recommended by the Working Group to be provided in each chamber. This committee must include leadership from the Judicial Training Center.

Committee on Translation

The Working Group, for the life of the ICMS development and implementation process, recommends the establishment of this committee to identify accurate, standard Croatian and English usage for those documents and materials which, of necessity, must be accessible in both languages. The basis for its ongoing work will be the three glossaries: for judges, court staff, and IT experts, already adopted by the Working Group.

The above do not exclude the creation of additional committees by the Executive Committee and MOJ. Additional committees for specific tasks are encouraged. Suggested additional committees include:

- **Case Management;**
- **Court Staffing and Reorganization, including delegation of administrative functions; and**
- **ICMS Development and Rollout.**

Membership of the Working Group and committees may change over time.

Executive Committee

Branko Hrvatin – Zagreb County Court
Miroslav Rožac – Osijek County Court
Đuro Sessa – Zagreb Municipal Court
Ljiljana Hrastinski Jurčec – Zagreb High Commercial Court
Srđan Šimac – Split Commercial Court
Marina Veljak – Rijeka Commercial Court
Renata Šantek – Zagreb County Court
Marija Šimunović Filipančić – Supreme Court, IT Division

Committee on Forms, Civil and Enforcement Division

Slavko Pavković – Zagreb Municipal Court
Srđan Šimac – Split Commercial Court
Marko Prgomet – Zagreb Municipal Court Secretary
Vinko Balent – Zagreb Municipal Court, Head of Registries
Zlatko Lukenda – Zagreb County Court, IT Division
Marina Veljak – Rijeka Commercial Court
Renata Šantek – Zagreb County Court
Branko Hrvatin – Zagreb County Court
Ferdinand Crnogorac – Varaždin Commercial Court
Larisa Crnković – Rijeka Municipal Court
Marija Šimunović Filipančić – Supreme Court, IT Division
Mirjana Mlinarić – Supreme Court
Sonja Pamić – Pula Municipal Court

Committee on Forms, Criminal and Juvenile Divisions

Miroslav Rožac – Osijek County Court
Zdravko Majerović – Zagreb Municipal Court
Melanija Grgić – Velika Gorica County Court
Boris Burić – Zagreb Municipal Court Statistician
Vinko Balent – Zagreb Municipal Court, Head of Registries
Zlatko Lukenda – Zagreb County Court, IT Division
Marija Šimunović Filipančić – Supreme Court, IT Division
Mirjana Mlinarić – Supreme Court
Gabrijela Marčeta – Pula Municipal Court

Committee on Forms, Bankruptcy

Dubravka Matas – Osijek Commercial Court
Andrea Šulentić – Zagreb High Commercial Court Advisor
Hrvoje Lukšić – Zagreb Commercial Court Zagreb
Ferdinand Crnogorac – Varaždin Commercial Court
Marina Veljak – Rijeka Commercial Court
Srđan Šimac – Split Commercial Court
Marija Šimunović Filipančić – Supreme Court, IT Division
Vjeran Strahonja – IGEA

Committee on Data Standards, and Information Access and Security

Marija Šimunović Filipančić – Supreme Court, IT Division
Nevenka Škrapec Rogan – MOJ, IT Division
Mišo Augustinović – Program Management Unit, IT Division
Zlatko Lukenda – Zagreb County Court, IT Division
Vjeran Strahonja - IGEA

SUMMARY OF WORKING GROUP MEETINGS

April 25 Initial Meeting

The opening meeting for establishment of the Working Group was held on April 25, 2003, at the Opera Hotel. In attendance were members of the NCSC team, representatives from the three donors, Deputy Minister Kovac from the MOJ, and those appointed to serve on the Working Group. For the meeting, a joint press release was issued, which is attached at Appendix ____, and a press conference was held, where Deputy Minister Kovac addressed questions from the media.

May 8-9 Meeting

NCSC's IT Specialist facilitated the meeting, beginning with a discussion on objectives of the Joint Working Group, e.g. improving the courts and introducing automation. The group was given copies of the Executive Summary from the Commercial Court Project, the Software Requirements Specifications from the Municipal Court Project and the ICMS Agreement between the three donors and the MOJ. The members were asked to review the materials so that everyone would have a clearer understanding of what had been achieved as a context for what remained to be accomplished. The remainder of the day involved reviewing and discussing various data elements involved in initiating a new case in the courts. Much discussion centered on the issues of how to identify courts and judges in a national system.

The Working Group members expressed dissatisfaction with the format of the meeting and asked NCSC to construct a model based on the work previously done by the Municipal and Commercial Court Working Groups earlier in their respective projects to help them to evaluate the completeness and accuracy of the functional requirements. They also suggested breaking out into smaller task groups for future work and for the task groups to report back to the full group as needed. At the end of the meeting the members were assured that their desired approach was clearly understood and that immediate action would be taken to gain agreement among the donors to restructure the project approach to meet their desires.

May 23 Meeting

At this meeting, NCSC informed the Joint Working Group on efforts to adopt the new modeling, or "screenshot", approach as requested by the members at their previous meeting, and that the work previously done on the commercial and municipal court projects was being harmonized by the NCSC team as a basis for the first modeling effort. This approach would assist the members in visualizing how the functional specifications translated into a system for collecting information on a computer screen for input into the ICMS and assessing the accuracy of the functional specifications being generated. The first meeting under this new approach was scheduled for June 16-17, 2003. The remainder of the May 23 meeting focused on review of the common functional specifications for case initiation functions. All decisions from this meeting are captured in the functional specifications, which are attached to this report.

June 16-17 Meeting

The June 16-17 meeting focused on a review of the study tour to Austria and Slovakia. The remainder of the first day was devoted to an analysis of the functional specifications relating to case initiation. Building on the previous meeting prior to the study tour, at which the functional specifications for case initiation were validated, the members reviewed HTML "screenshots" of how the functional specifications on case initiation might appear to a court user. The members were very supportive of this approach and numerous policy decisions came out of the discussion. Some decisions scheduled for the June 17 meeting were deferred to offer the Joint Working Group members an opportunity to meet with the new COP and to develop of revised group workplan and timeline.
In addition, the MOJ's IT Director requested at this meeting that copies of the Rose Report and the Strahonja Report, two early reports containing useful recommendations for automation, be distributed to the members by NCSC. NCSC agreed and subsequently delivered and transmitted the reports to all Joint Working Group members.

June 30 Meeting

At this one-day meeting, the group successfully completed review of the screenshots developed by NCSC and discussion on the data elements required by the ICMS. The members also agreed on four task groups and membership to meet on July 14-15 to focus on four areas: Criminal First Instance, Civil First Instance, Appeals and Bankruptcy.

July 14-15 Meeting

The purpose of dividing into task groups at this meeting was to focus on specific areas of the functional specifications, analyze conclusions reached during the screenshot review process, and to identify detail unique to individual case types. These meetings were successful, with the task groups on Appeals, Bankruptcy, Criminal First Instance and Civil First Instance producing numerous refinements in the functional specifications.

September 4-5 Meeting

The Joint Working Group continued its review of the functional specifications documentation, focusing on procedural issues that required policy decisions. They immediately disagreed with the procedural requirements as presented in the materials, which were translated early in the project for the commercial courts, due to inaccuracies in the translation of the materials. Some vigorous discussion focused on the concern of some members that several of the recommended functions were not in compliance with the BOR. Other members responded that the group should be focusing on those issues and pushing for change, such as transferring administrative work from judges to other staff.

Several members commented that the translation of the materials was very bad. This led to a very productive discussion on translation. Following this discussion, it was agreed that the ZMC should host a meeting for interested members to discuss the translation issues and how best to communicate the translation of Croatian and English concepts. For the better part of two days following this meeting, the Translation Committee met with NCSC staff to resolve key areas where translation problems in legal terminology existed. The outcome of these discussions was the establishment of a committee on translations and the development of three glossaries for: 1) judges; 2) court staff, and 3) IT experts, attached at Appendices ____, _____, and _____ respectively.

The members were asked to sign onto one or more subcommittees to work on unresolved issues at the next meeting, and they agreed to divide into the following task groups: Electronic Workflow (Process Reengineering); Support Resources and Training; and Forms.

October 23-24 Meeting

The three task groups met on October 23-24 to discuss the following areas:

- Electronic Workflow and Phased Implementation;
- Support Resources and Training; and
- Forms, i.e., to define the minimum set of forms required to be automated for each case type.

These subject areas related to white papers developed by NCSC for Part A of the functional specifications. The objective of these meetings was to: generate recommendations for consideration by the Working Group, based on the sub-groups' review and discussion on the respective white papers; to discuss whether such implementation strategies might be useful for Croatia; and to determine what modifications to the concepts or language of the white papers were appropriate. The groups were well engaged, producing a set of recommendations and forms that were included in Version 1.6 and subsequent versions of the functional specifications.

January 30 Meeting

This meeting focused exclusively on Part A of the functional specifications. As reported earlier, the members had been provided with a form designed to solicit and articulate comments relating to the functional specifications. This and subsequent meetings were structured around group discussion of the comments received. To facilitate discussion, the comments were presented to the Working Group in English and Croatian as handouts and on an overhead projector.

Approximately half of the comments and discussion revolved around translation issues. One hour was dedicated to discussion of terms that have been problematic to translate. In retrospect, translations between English and Croatian appeared to have been a primary source of conflicts over the course of municipal and commercial court projects. To stem future confusion, the Working Group was provided with three glossaries that had been developed earlier for: 1) judges; 2) court staff; and 3) IT experts. These glossaries, which are attached at Appendices ____, ____, and _____, and are a product of meetings of the translation committee described above under the September 4-5 Meeting. Additional translation issues also surfaced in substantive meetings and also were addressed and captured in the glossaries of terms.

Regarding recommendations contained in Part A, the Working Group agreed with all except two:

4.3.2.1 The National Center for State Courts recommends that the system have the capacity to automatically schedule all legally-required hearings and deadlines at the time that the date for the initial hearing in a case is scheduled. The schedule may vary based on case type and anticipated case complexity (differential case management); and

4.3.2.2 The National Center for State Courts recommends that the case schedule be printed and provided to the parties at the time of notice for the initial hearing.

Those two recommendations were left in Part A as recommendations only from NCSC.

A large part of the discussion at the meeting was on the sample registers of action, tables, and sample forms. In the end it was generally agreed that, for the purpose of the functional specifications, these were sufficient for purposes of describing the courts' functional requirements. It was agreed, however, that individual courts' practices have diverged from what is stipulated in the BOR (which, in fact, allows for variations) and that ongoing efforts at standardization of all forms is necessary. The members agreed that committees must be established to continue working on standardization of forms and court practice.

Following the meeting, Version 1.8 of Part A was prepared as a redlined document to direct the members to precisely where changes had been incorporated.

February 6 Meeting

During the February 6 meeting, the Joint Working Group reviewed Part B of the functional specifications in the same manner as described above for the January 30 meeting. Near the conclusion of the meeting, the members were asked for candid feedback on whether they were prepared to approve the functional specifications at the next meeting scheduled on February 20. Several members expressed their satisfaction with the functional specifications and voiced their opinion that they should be approved.

The Joint Working Group was offered an opportunity to comment on additional translation issues contained in the glossaries at the February 6 meeting, but there was no additional discussion. However, the members recommended an ongoing Translation Committee in the event other translation issues arise.

NCSC received very limited response to Part C, which contained the World Bank and EC comments.

Following the meeting, Version 1.8 of Part B was prepared as a redlined document to direct the members to precisely where changes had been incorporated.

Additional Meetings

The NCSC team offered to meet with any member who had concerns or questions that they would like to discuss privately. A group of commercial court judges requested such a meeting, and the NCSC team met with them twice for half-day sessions to resolve their concerns.

February 20 Meeting

It was the objective of this meeting to vote on approval of the functional specifications as a document from the Joint Working Group on which the technical specialists and a developer could

begin working. The meeting was held at the Supreme Court of Croatia and opened by the President of the Supreme court and the new MOJ State Secretary.

The President, Ivica Crnić expressed his appreciation for the activities of the donors, and the extreme importance of their court reform efforts and harmonizing the work of the Croatian courts and case law. He recognized the huge task, welcoming the group's efforts and adding that much more work was needed. In respect to the Book of Rules, he stressed that, while creating an orderly system, it needs to accommodate new technology to maintain effective operation of the courts and to help the courts to conduct business as fast as possible. He called for information technology (IT) such as: electronic filing and tracking of cases; options for supervision by presiding judges to check cases and monitor what's going on in their courts; statistics that currently cannot be easily generated due to the cumbersome amount of paperwork that would be necessary, but new IT would enable the courts and the MOJ to take remedial measures based on data they did not have before. He commended USAID and NCSC for their involvement and skilled expertise, and expressed his view that efforts that had previously seemed scattered were now more cohesive. He concluded his remarks by charging the new State Secretary to lead the MOJ to become more involved in the judicial reform efforts and for the Government of Croatia to finance and push the project forward. He appealed to all parties present that, now that we will have software, it is the responsibility of all to work jointly.

The new State Secretary, Ms. Snježana Bagić, complemented the members for meeting the challenge and creating the functional specifications for the automated case management system, and she urged the members to be "masters of technology and to use it in a way to improve our courts."

There was very limited discussion on the functional specifications and the members called for the vote. They agreed to voice their approval of the functional specifications as unanimous. It was agreed the approved version would be labeled as Version 2.0. Subsequent edits would be tracked in new versions beginning with 2.1 et seq. The Working Group agreed that an Executive Committee should be created and tasked with overseeing and tracking subsequent revisions to the functional specifications. The group also agreed that the footer in the functional specifications would give credit to the Joint Working Group for its efforts in developing the functional specifications.

NCSC then distributed draft Terms of Reference for the establishment of new permanent committees. All members had been contacted in advance to discuss their participation on one of more of the committees. Based on those conversations, a proposed initial committee membership list was distributed to the group. After some discussion, the Joint Working Group agreed to accept the Terms of Reference, and structure and membership of the committees. These are attached at Appendices ___ and _____ respectively.

At the conclusion of the discussion on committees, the members were asked to be prepared to appoint a leader for each committee at their next meeting. In addition, NCSC stressed that a central body must be designated to serve in an administrative capacity, i.e. secretariat function, and that staff support would be necessary to assist the committees in some form on an ongoing basis. However, no decisions were made on what body should fill the secretariat role.

March 11-12 Meeting

The meeting was opened by Velimir Čolović, the newly appointed Assistant Minister under the State Secretary at the MOJ. He read the memo signed by the State Secretary regarding the joint

project and decision on selection of prototype courts. The Pula Municipal Court and Zagreb Municipal Court were announced as the municipal prototypes, and the Split Commercial Court and Zagreb Commercial Court were named the commercial prototypes. The European Commission, World Bank, USAID, and PMU were then offered opportunities to describe their work and project plans.

The remainder of the meeting was used for presentations by the individual Joint Working Group committees on their activites:

Executive Committee

The Executive Committee met for two hours on March 11, with five of the seven members present. The Executive Committee agreed on the following:

- Additional language proposed for Part B of the functional specifications, which is intended as introductory language to the individual functional requirements sections to help make them easier to understand, was adopted without edits.
- Proposed indicators for assessing the MOJ's and courts' implementation of automation in Croatia were adopted with only minor edits. These indicators are presented below under Monitoring and Evaluation.
- Appointment of a Judge Sessa as spokesperson and leader for the Executive Committee.

Committee on Forms, Civil and Enforcement

The Committee on Forms for Civil and Enforcement of Cases met for one hour on March 11. All members were present. The Zagreb Municipal Court was complemented on its work in developing form templates in a standardized, electronic format (Word), and which conform to the new Code of Civil Procedure amendments. Judges from other courts, including commercial courts, agreed that the forms developed were good examples and should serve as the basis for standardizing other forms. They agreed that many of the same forms developed by the Zagreb Municipal Court could also be used by the Commercial Courts.

One question raised was how many more forms should be collected and added to the functional specifications. It was agreed that the forms identified in the functional specifications for civil and enforcement cases were sufficient examples. However, the committee agreed that it should continue to collect as many forms in a standardized, electronic format as possible and to store them in a central database. Judge Srđan Šimac reported that the Split Commercial Court had already automated many forms and that he would send those to the committee. Mr. Vinko Balent provided a large set of enforcement forms from the Zagreb Municipal Court at the meeting. NCSC agreed to assist with this collection process through the duration of the project.

Another question was raised about variations among municipal courts in Croatia in dividing the civil register into various categories, e.g., the Zagreb Municipal Court has locally developed registers: PN, PS, PR, Pp, P2 and Pu (see Table 6, Part B of the functional specifications). Though no one could name any specific examples of other courts that have done this, they believed that there were some. However, they felt that these categories are merely a product of the manual case management system and that such categories may no longer be necessary for tracking cases in an automated environment. Thus, they did not feel that any efforts at standardization among courts on this was necessary at this time.

The Supreme Court reported that it has its own types of registers, which may require a new numbering system since the current system relies on roman numerals.

The members agreed that at least one more meeting would be useful before the conclusion of NCSC's project. They also voted to add another representative from the Supreme Court, Ms. Mirjana Mlinarić, who has been active in standardizing forms at the Supreme Court.

The Working Group concluded by appointing Judge Srđan Šimac as its spokesperson.

Committee on Forms, Criminal and Juvenile

The Committee on Forms for Criminal and Juvenile Cases also met for one hour on March 11. They expressed concern that a number of forms were missing from the list contained in the functional specifications and suggested that a number of forms be added, e.g., trial forms. They also agreed that the Sample Registers of Action should be expanded eventually. Judge Majerović, from the Zagreb Municipal Court, and Judge Grgić, from the Velika Gorica County Court, agreed to provide the additional information.

Like the earlier forms committee, they asked how many more forms should be collected and added to the functional specifications. It was agreed that the forms identified in the functional specifications should only be illustrative, but that the current ones were not sufficient. Aside from the limited number of additional forms for the functional specifications, they agreed to continue collecting as many forms in a standardized, electronic format as possible and to store them in a central database. NCSC agreed to assist with this collection process through the duration of the project.

They agreed that at least one more meeting would be useful before the conclusion of the project, and that the representative from the Supreme Court, Ms. Mirjana Mlinarić, should be added to the committee.

The meeting concluded with the appointment of Judge Melanija Grgić as the committee's leader and spokesperson.

Committee on Forms, Commercial

The Committee on Commercial Forms met for two hours on March 11. The members discussed inconsistencies in how forms have been collected among the various committees, and agreed that all forms should be collected in a standardized, electronic format (Word). Judge Šimac reported on discussions in the earlier committee meeting on Civil Forms. The group agreed that it could benefit from those already developed by the Zagreb Municipal Court.

The committee agreed that the forms identified in the functional specifications should only be illustrative, and that the forms listed in Part B are sufficient. However, they also agreed, like the other committees, to continue collecting as many forms in a standardized, electronic format as possible and to store them in a central database. The committee agreed to divide work among its members to more easily collect all forms.

The committee spent most of the remainder of the meeting agreeing on revisions to the Sample Register of Action for Bankruptcy Cases. This discussion was facilitated by NCSC's subcontractor, Dr. Vjeran Strahonja from IGEA.

They agreed that at least one more meeting would be useful before the conclusion of the project. The meeting concluded with the decision that Judge Srđan Šimac should also serve as spokesperson and leader of this committee, as this would provide continuity with the Committee on Civil and Enforcement Forms.

Committee on Data Standards

There was constructive discussion on how parties should be identified in the ICMS, and personal information protected. To guide the discussion, the NCSC team circulated copies of materials from a European Union website on protection of personal data and the use of personal identification numbers in the courts.

Much discussion focused on use of JMBG numbers, which are the courts are not currently permitted to collect and use. There was general agreement that JMBG numbers would be useful for the courts, but that JMBG numbers have their flaws because of the way they were designed and how they have been used in practice. For example, many parties no longer know their JMBG numbers and therefore have had trouble filing claims in the land registry. Furthermore, there are parties, such as foreigners, who do not have JMBG numbers. On the other hand, the police and prisons are using the JMBG numbers currently, and JMBG numbers are therefore important in criminal cases. The committee agreed to propose a system that, at a minimum, would allow JMBG numbers as an attribute, and that would also utilize another identifier to be determined, possibly generated by the system.

Dr. Vjeran Strahonja and Ms. Marija Simunović agreed to work together on formulating a recommendation on personal identifiers and how such information should be protected by the system. *Mariza, I need what Dr. Strahonja and Marija sent to us.*

The meeting concluded with the appointment of Marija Simunović as spokesperson for the group.

Future Meetings

It was announced at the February 20 Meeting that there would be no additional full Joint Working Group meetings under the NCSC project. However, additional activities were planned for purposes of collecting and standardizing forms. Those activities are described in this section of the report under: C. Improving the Quality and Timeliness of Judicial Decision-Making.

NCSC also explained that, while there had been some discussion of the PMU serving as a Secretariat for the project, the World Bank was not prepared to commit funding and other resources without more information on costs and level of effort required for its limited staff. NCSC reported that it would be following up with information on costs and support required to assist the World Bank in making a decision on this possibility. NCSC also reminded the MOJ representative that the Working Group must continue to be engaged, and that, ultimately, the MOJ must shoulder the burden for funding and supporting the ongoing Working Group meetings.

NCSC agreed that, based on follow-up meetings with the committees, a new Version 2.1 of the functional specifications would be distributed to all members at the end of the project.

Pula Municipal Court

Proposal for a Local Area Network for the Municipal Prototype Court Case Management System

Ordered by: NCSC - National Center for State Courts

Municipal Court Improvement Project in Croatia
Zagreb Municipal Court, Ulica grada Vukovara 84, HR - 10000 Zagreb

Consultant: IGEA – Informacijski sustavi d.o.o.

Trg kralja Tomislava 3, HR - 42000 Varaždin

29 March 2004

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1. INTRODUCTION

The Pula Municipal Court has been chosen by a decision of the Ministry of Justice, Administration and Local Self-government to be a pilot court in the project of development and implementation of a court case management system.

At this point in time the Land Registry Department of the Pula Municipal Court is completely equipped with information technology, and a complete local area network has been developed there. There is also part of a local network for the needs of accounting. The Chambers ("referade") and clerk's offices are partially equipped with computers and printers, and the accompanying system software and office tools. The delivery of about fifty computers, purchased with funds from NCSC will provide a sufficient number of computers for all the judges and administrative staff in the chambers. However, in view of the fact that this project includes all the organizational units of the court, including the office of the President of the Court, all Chambers and clerk's offices, it is necessary to propose a solution for a local area network.

Therefore on 24 March 2004, during a visit by staff and consultants from the NCSC office, a survey was taken of the equipment and needs of the Pula Municipal Court after which this document was written. The background for this document is:

- information about the building including a floor plan of the ground floor and basement of the building;
- technical requirements, and additional requirements specific to this building;
- requirements in terms of the compatibility of equipment and machines already present with the equipment already installed;
- assessment of the future needs of the local area network;
- accommodation of equipment to link external and internal cables;
- applicable standards and rules.

As well as the above, suggestions given by the President of the Court, Mr. Bruno Čohilj were particularly useful.

2. BASIC REQUIREMENTS AND DIMENSIONS

The Pula Municipal Court operates in a well-maintained two-storey building, a solid classical construction, with external dimensions of c. 92 m x 17 m. the courtrooms, court administration, clark's offices and land registry are mostly located in the ground floor of the building. Some rooms in the adapted basement are used for the same purposes whilst the remainder of the basement is used for archives and service facilities.

It is necessary to built a local area network into these premises (protocol 802.3 Ethernet/FastEthernet) with a sufficient number of sockets for computer connections, bearing in mind the purpose of the premises, the number of work desks and the size of the working area. It is necessary to take into consideration possible expansion in the future, as well as a change in use of the premises. It is also necessary to position and size the communications closets and active communication equipment and design power installations for the needs of the active equipment in the communications closet.

The horizontal installation of cables should be by means of surface mounted channels on the walls, using no. 5e cables. If the premises are altered in future, it would be good to place the installation under the plaster (flush) instead of on the surface, mainly for aesthetic reasons.

In the hallway of the court telephone lines have been installed below the plaster (flush). The telephone lines crossing into the court rooms and other rooms have been installed using pipes placed on the surface, on top of the plaster, as can be seen in the photographs on the next page. The existing pipes may be used for laying cables for the computer network only if this is possible without causing damage.

On the basis of the information gathered, the following framework parameters may be established for the dimensions of the local network:

- Without the Land Registry premises, there are about 20 court rooms and judges rooms on the ground floor of the court, and 12 clerk's and administrative offices.

- In the basement of the court there are about 7 rooms where computers are likely to be used.

- For connection to the existing and planned equipment, it is necessary to provide a minimum of 120 new sockets and the same number of connection cables 1 to 5 m in length. In view of the layout and purpose of the premises, a total of 60 external connection boxes will be needed.

- To set up the network about 2500 m of UTP Cat5e cable will be needed to be installed, 4x2x24 AWG.

- A total of about 200 m of covered plastic channels, 60 x 40 mm, about 300 m covered plastic channels, 40 x 25 mm, and about 500 m covered plastic channels 25 x 20 mm

These parameters are rough and serve to plan the project and financing. For technical and implementation purposes, ***a precondition of the construction of a local area network in the Pula Municipal Court is the writing of the appropriate project documentation, in accordance with the standards in force, regulations and rules of the profession.***

The structured cabling for the computer network for the Pula Municipal Court requires the following:

- breaking through walls and installing channels of the appropriate dimensions
- laying the channels
- installing and grounding the closets
- setting up the splitter and the equipment inside the splitter
- mounting the connection housing
- laying cables according to a logical plan, plans for laying cables and cable tables
- closing off and labelling cables
- supply and distribution of electrical energy
- sealing openings and final finishing of holes and cable lines

The supplier of the equipment for the network must ensure that all the elements are compatible. The orderer must provide professional supervision of the work.

During the installation work, before the cable structure system is handed over, the contractor must carry out checks of the physical, mechanical and electrical elements according to the relevant standards or specifications of the manufacturer. It is recommended that the quality of the copper connections is also checked, using instruments of the appropriate accuracy in relation to the requirements of the ISO/IEC 11801 standards (or EN 50173). ***Finally it is***

necessary to record the final condition of the installations – including all distribution plans, descriptions, important notes from the journal, equipment certificates, any departures from the plans, the measurement protocols of the measurements taken of the quality of the cables installed and a functionality test.

3. A ROUGH ESTIMATE OF COSTS

The precondition for constructing the local computer network in the Pula Municipal Court is the writing of the appropriate project documents, in line with the standards, regulations and rules of the profession in force.

In view of the fact that these documents do not yet exist, on the basis of the information available a rough estimate of the necessary materials and work has been drawn up, and is shown in the following table:

DESCRIPTION	Unit price	Unit measurement	Quantity	Total (kunas)
ACTIVE NETWORK EQUIPMENT				
Access office Ethernet router	7.000,00	each	1	7.000,00
Office distribution cable, Fast Ethernet, 24x10/100, 19"	2.500,00	each	5	12.500,00
PASSIVE NETWORK EQUIPMENT				
Cable, UTP Cat5e, for laying, 4x2x24 AWG	1,50	m	2500	3.750,00
Cable, UTP Cat5e connection 3 m	20,00	each	120	2.400,00
Surface mounted connection box for 4 connection modules	25,00	each	60	1.500,00
Connection module, 1xRJ45 UTP Cat5e	30,00	each	120	3.600,00
Patch panel, UTP Cat5e, connection, 24xRJ45, 19"	800,00	each	5	4.000,00
Channels, 25x20mm, plastic, covered for up to 12 UTP	8,00	m	300	2.400,00
Channels, 40x25mm, plastic, covered for up to 25 UTP	15,00	m	300	4.500,00
Channels, 60x40mm, plastic covered for up to 50 UTP	20,00	m	200	4.000,00
Closet 19" wall mounted, 635x600xD500mm with equipment	1.680,00	each	5	8.400,00

DESCRIPTION	Unit price	Unit measurement	Quantity	Total (kunas)
LABOUR				
Mounting wall closets	350,00	each	5	1.750,00
Laying UTP cable, per meter	3,80	m	2500	9.500,00
Laying channels, per meter	13,00	m	800	10.400,00
Drilling holes up to 30 mm through wall up to 90 cm	100,00	each	30	3.000,00
Mounting connection boxes	17,00	each	60	1.020,00
Connecting connection modules, per port	15,00	each	120	1.800,00
Drawing up project documents	2.000,00	each	1	2.000,00
Labelling, measurements, testing and execution documents	2.000,00	each	1	2.000,00
UKUPNO:				85.520,00

All the prices in the table above are expressed without VAT and are based on a representative wholesale catalogue for equipment which in terms of quality is satisfactory for this project.

Apart from what has been mentioned, it is also necessary to carry out the following in the Pula Municipal Court:

- purchase and install office servers, with the appropriate program licences, whose characteristics also satisfy the needs of the court case management system
- provide space for accommodation of the equipment (a systems room) at least 2 x 4 m in size and equipped with all the necessary installations and equipment.

- Move all server equipment and the main communications closet into this room, including the server for the land registry, which is now located inappropriately in the office of the head of the department, as may be seen on the photograph on the next page.

4. TECHNICAL REQUIREMENTS

4.1 Installation of cabling

Installation of cabling must be done professionally, in line with the ISO/IEC 11801 standards (or EN 50173).

The distribution cable box (*razdjelnik)* is intended for accommodation of connection panels of structured cabling and the active equipment of the computer network. The connection points on the connection panels are linked by connection cables to the equipment in the same distribution cable box or to each other.

The length of each segment of multi-core armoured copper wire between the distribution cable and the connection box may not exceed 90 m.

4.2 Accommodation of equipment

The connection panels (*prespojni* paneli) have 24 ports and integrated horizontal cable runners at the front and cable holders at the back.

All active equipment must be made to be mounted in the communications closet, which is 19 ‘’ wide.

The space around the distribution cable must be sufficient to allow easy access to the distribution cable and handling of the cables and equipment.

4.3. Power supply

The power supply to the communications distribution cable should be brought from the nearest distribution cable closet (*razdjelni ormar)* of the electrical wiring. The connection in the distribution cable closet may be carried out using the existing reserve or new separate fuse of the distribution cable. When actually making the connection it is obligatory to seek the attendance of the technical service staff of the consignee. Grounding of the distribution cable is to be carried out by connecting to the nearest system grounding point (*sabirnica uzemljenja)*.

4.4. Grounding

The distribution cable box where the equipment is housed must be connected to the grounding point. (HRN N. B2.754/88). It is necessary to connect the distribution cable using P/F-Y 1x6 wire, by the shortest link to the system grounding point. All the equipment in the cable structure with metal parts (patch panels, shelves etc.) must be connected to the grounding switch in the distribution cable (*priključak uzemljenja u razdjelniku* by short circuit wires.

4.5. Connection boxes, switching panels and connectors

In the rooms with a planned connection to the local area network, surface mounted switch boxes are to be mounted. On the front plate of the switch box there are one or two places for RJ4 Cat 5e connectors. One or two UTP cables are run up to the switch boxes and they are connected at the appropriate point.

UTP cables are joined at one end to the connection point at the patch panels, and at the other end to the connection point in the switch box. Patch panels with 24 connection points each are planned with integral cable holders. The patch panels are to be built into the distribution cable box, the width of the vertical track being 19''.

The connected UTP cables have (male) RJ45 connectors on the end. The end points of the cables are joined together.

4.6 Cable lines

The installation of the cable structure is to be laid down at the regulation distance from the other installations. The width of the cable channels is defined in the estimated expenditure list. The transverse profile of the channels is such that additional cables may be laid, insofar as a need arises in the future for this. When drilling through the walls it is necessary to mount tubes of the appropriate diameter according to Table 3.

Internal diameter	Maximum number of cables through the tube for each internal diameter measurement
∅ 16	3
∅ 23	6
∅ 36	14
∅ 48	25

4.7. The System for denoting parts of the Project

Each element of the system must be denoted by an unambiguous mark, which will be entered into the project documentation. Some elements of the system are marked several times (e.g. cables which need to be marked at both ends). If there are any changes in the notation, it is also necessary to change the marks on the elements of the system. Marks must be: accessible and easily legible, resistant to damp and dirt with a life expectancy the same as the cabling system.

4.8. The use of standards in the design of the computer network

In designing the project the following regulations, standards and instructions should be used:

Cable structure	
ISO/IEC 11801:1995	Generic Cabling for Customer Premises Cabling
EN 50173	Information technology. Generic cabling systems
EIA/TIA 568-A	Commercial Building Telecommunications Wiring Standard
Power supply and grounding	Electrical installations in buildings. Electrical distribution. Long-term electricity permit.
HRN N.B2.754/88	Electrical installations in buildings. Grounding and protective wiring.
Regulations on Technical Standards for low voltage Electrical Wiring (Sl. list no. 53/88)	
Documentation	
IEC 1082	Preparation of Documents used in Electrotechnology
IEC 1346-1	Industrial systems, installations and equipment and industrial product - structuring principles and reference designations
Local Area Networks	
ISO/IEC TR 8802-1:1994	Local and metropolitan area networks / Specific requirements Part 1: Overview of Local Area Network Standards
ISO/IEC 8802-2:1994	Local and metropolitan area networks / Specific requirements Part 2: Logical link control
ISO/IEC 8802-3:1993	Local and metropolitan area networks Part 3: Carrier sense multiple access with collision detection (CSMA/CD) access method and physical layer specifications
ISO/IEC 15802-1:1995	Local and metropolitan area networks / Common specifications Part 1: Medium Access Control (MAC) service definition
ISO/IEC 15802-2:1995	Local and metropolitan area networks / Common specifications Part 2: LAN/MAN management
ISO/IEC 15802-4:1994	Local and metropolitan area networks / Common specifications Part 4: System load protocol
ISO/IEC DIS 15802-5	Local and metropolitan area networks / Common specifications Part 5: Remote MAC bridging
ISO/IEC 10165:1993	Structure of management information
ISO/IEC 10164:1993	Systems Management
ISO/IEC 10040:1992	Systems management overview

FORMS AND TEMPLATES

SUMMARY OF COMMITTEE DECISIONS ON STANDARDIZATION OF FORMS

Following approval of the functional specifications in late February 2004, committees were established to work on standardization of forms. The objective of the standardization effort was to set the stage for using automated forms to accelerate the time required for disposition and for the retrieval of decisions. Among their standardization decisions, the committees decided:

1. Font should always be Times New Roman, 12 point, throughout the document.
2. There should always be a double space between paragraphs, with the first word of each paragraph indented.
3. Margins should be 2 cm on the sides and bottom of the forms. The top margin should accommodate the coat of arms at the top of the form.
4. Only the case number should appear in the top right corner, i.e., no text in front of or after the case number.
5. There should be a standarized system of abbreviations (for example, cl = Article; and st. = paragraph), which one member, Marija Simunovic, agreed to develop.
6. Where citations are used in the form, the first citation should be the full citation (without abbreviation). The same citation in the same form thereafter should be abbreviated.
7. There is inconsistent practice among courts in how names of parties should be displayed at the top of the form. Some courts use all caps; others use the normal convention of the first letter capitalized, and the rest of the name in small letters. Other courts "bold" the names of the parties. It was the majority opinion after considerable discussion that, for ease of programming and utilizing the database of parties, all parties should be identified by means of the normal convention of the first letter capitalized, and the rest of the name in small letters (no bold).
8. All judge forms should be standardized to the size of A4.
9. Court summons and envelopes should be standardized in one size, one format, and in a way that they may be printed one time on one side by a laser printer through a print command on the computer. This will greatly increase the efficiency of the work of the administrative staff.
10. Court stationery should be standardized so that the color coat of arms of Croatia is displayed at the top center. The court would display its name and address at the top left corner, and the case number would appear at the top right corner. This is a rather significant departure from current practice. The reasons for this recommendation are:

    a. Using different stationery for "non-final" versus "final" orders is more expensive and can be wasteful.

b. Using different stationery decreases efficiency as it requires frequent changes of paper and/or paper trays. It would be preferable for the judge or assistant to be able to choose between printing to a designated tray for plain paper or to a second tray for one kind of stationery.
c. Deciding whether to use "non-final" or "final" stationary for a case can be confusing for the assistants and even for the judge.