



**TRIP REPORT II:  
ARCHIVING & CASE  
MANAGEMENT  
24 JUNE– 22 JULY 2005  
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This trip report is submitted in accordance with the requirements of ARD, Inc's contract with USAID and covers activities set forth in the ARD Workplan for the period or 1 October 2004 to 30 September 2005

Strengthened Rule of Law and Respect for Human Rights in Nepal  
USAID Contract Number: 367-C-00-04-00097-00  
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The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

**TRIP REPORT**  
**NEPAL RULE OF LAW PROGRAM**  
**24 JUNE TO 22 JULY, 2005**

Subj: Trip Report for Nepal (24 June to 22 July, 2005)  
To: Frederick Yeager (Chief of Party) and Brad Johnson (ARD)  
From: Frederick C. Humphreys, Independent Consultant on Court  
Administration  
Date: August 15, 2005

Mr. Frederick C. Humphreys, a consultant on court administration, worked in Katmandu, Nepal for four weeks during the summer of 2005. This trip was under the authority of USAID, which has awarded a contract to ARD of Burlington, Vermont for “Strengthened the Rule of Law and Respect for Human Rights in Nepal.” The contract number is 367-C-00-04-00097-00. No non-USAID related business was conducted during this fully funded visit.

Executive Summary

The purpose of this visit was to continue activities that were started during my previous visit to Nepal (14 January to 6 February, 2005).<sup>1</sup> My specific objectives were to strengthen and streamline the management capacity of the judiciary by developing an effective case management system, create a scientific central archive system for the courts, and work with TechMinds (a software company) and evaluate its automated case management system. We made considerable progress on all fronts; a short list of accomplishments is contained in Appendix 1.<sup>2</sup> These activities support Intermediate

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<sup>1</sup> My trip report dated 19 February, 2005 describes my activities during the earlier visit.

<sup>2</sup> Appendix 2 is a list of persons I met and worked with, and Appendix 3 is a list of attachments to this document..

Result 7.4.1.1 (Enhanced Administration of Justice in Court, Prosecutor & Public Defense Organizations) and were carried out mainly at the District Court in Lalitpur and the Special Court in Katmandu.

I spent about one-fourth of my time on the strengthening and streamlining of the management capacity of the judiciary and on the development and implementation of an effective case management system. The groundwork for this task had been laid during my previous visit when we documented the work flow in the two pilot courts and started to design, test, and refine a data collection instrument. Between my visits, the ARD/court staff collected and tabulated data from 50 cases in the Special Court and 250 cases in the District Court in Lalitpur. During my recent visit, we made further refinements to the data collection instrument based on the results of these 300 cases and the feedback we collected from ARD and the court staff; we also designed tables and reports that could be used to convey the information in an understandable way to judges and others. In addition, we made presentations to court executives to demonstrate the kinds of information we are collecting, how it can be displayed, and how it can be used to identify bottlenecks in case processing and improve efficiency. Much of the time spent on this objective was at the Lalitpur court, given its higher volume of cases and the enthusiasm of its judges for improving case management.

I spent about three-fourths of my time developing a central archive system for the Special Court and working with TechMinds, the firm that had written case management software for the district courts under the auspices of the United Nations Development Program (UNDP). In July 2005, the TechMinds program was initiated in the Katmandu District Court, and the Special Court became interested in using it for their court archiving system. To that end, it became necessary for us to accelerate the archiving process so that a workable manual system would be in place prior to the onset of automation. This required preparation of the physical space, establishment and documentation of procedures for archiving, and acquisition of storage boxes and other relevant materials. In addition, we got the two pilot courts to agree to a common archiving protocol, which was designed by ARD and includes written guidelines for archiving and storing records.

Throughout this effort, we were careful to include the Lalitpur District Court in the process and to ensure that any system (manual or automated) implemented in the Special Court would be compatible with those in Lalitpur and other higher volume courts. At this point, the development of a scientific archive system at the pilot courts has been substantially completed.

In addition to the tasks under my Statement of Work (SOW), I wrote a “Computer Manual” with an accompanying “Computer Users Agreement” (Attachment A). The manual is designed for court executives who have not worked in automated environments and provides information on how to manage computer resources. The Computer Users Agreement aims to help clarify the responsibilities of court employees who use computers in performance of their duties.

### Background and Objectives

The primary objective of the visit was to continue to work with members of the Nepalese judiciary to enhance the administration of justice. The specific objectives of the visit were to (1) strengthen and streamline the management capacity of the judiciary, (2) develop and implement an effective case management system, (3) develop a scientific central archive system for the courts, and (4) work with TechMinds (a software company) and evaluate its automated case management system. These four activities support Intermediate Result 7.4.1.1 (Enhanced Administration of Justice in Court, Prosecutor & Public Defense Organizations).

Early in the project, the Supreme Court identified two courts—the Special Court in Katmandu and the District Court in Lalitpur—to serve as pilots for ARD’s activities. They were selected because of their judges’ interest in modernizing court processes and their close proximity to the other key elements of the Nepalese judicial sector (the Ministry of Justice, the Supreme Court, the Commission for Investigation of Abuse of Authority, the National Vigilance Center, and donors and non-governmental organizations).

## Strengthen the Management Capacity of the Judiciary by Designing an Introductory Case Management Tool to Track Cases

One major focus of my efforts was on the strengthening and streamlining of the management capacity of the judiciary and on the development and implementation of an effective case management system. The current system is plagued with significant delays—for example, Judge Janardan Bahadur Khadka of the Lalitpur District Court told us that lawyers in Nepal often ignore deadlines because they know that the courts are faced with many more cases than they can manage effectively. Our goal in this area is to provide the Nepalese with tools that can help them quantify the extent of the problem and identify the sources and reasons for the delays and bottlenecks. Our main task—which is largely completed—has been to design a “case aging report” that will provide timely information about which cases are on track and which have fallen behind schedule—and by how much. The system is designed for the current manual environment, but it will also function when the courts become more automated. It is written in Microsoft Excel and will be loaded on the courts' computers. I have provided sample print-outs in English and Nepalese (Attachments B and C). The details are given in “Case Analysis and Time Series Data as a Case Management Tool” and “Case Tracking System” (Attachments D and E).

When I visited Nepal last winter, I worked with court officials and staffs to document the work flow in the two pilot courts and to design a data collection instrument. Between my visits, the ARD/court staff collected and tabulated data from 50 cases in the Special Court and 250 cases in the District Court in Lalitpur. During my recent visit, we reviewed the data for these 300 cases and collected feedback from ARD and court staff about the effectiveness of the data collection instrument and the efficiency of the process more generally.<sup>3</sup> Based on the information we received, we made the necessary modifications to the instruments and procedures. We also constructed tables and reports that would

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<sup>3</sup> I continued to spend much of my time on this objective at the Lalitpur court, given its higher volume of cases and the strong support of its judges for the USAID/ARD efforts in this area.

make the information accessible to judges and court executives and discussed plans for future data analysis (Attachments F, G, and H).

We spent a good deal of time assessing the preliminary results. Once we were convinced that they looked sensible, we met with court executives and briefed them on our findings.

We gave them two main types of information:

- Tables that display the data by type of case, number of defendants, gender and caste of defendants, and judges. The data not only provide a benchmark for gauging the impact of any future changes in court procedures; they can also be a valuable tool for improving the efficiency of court administration more generally. To the best of our knowledge, these are the only “baseline” data that have been collected in a district court in Nepal.
- Identification of major bottlenecks and sources of delay in case processing. In particular, the preliminary results pointed to widespread evidence of (1) assigned tasks being overlooked, (2) delays in the preparation of summonses, (3) slow responses from outside organizations when information is requested by the court, and (4) failure of attorneys to be prepared for court on the scheduled hearing day.

As a blueprint for future analysis and examination of case data, I prepared a report “Plan for Data Collection, Analysis of Accuracy and Distribution” for the courts’ use (Attachment I). This report addresses the issues of planning and collection and analysis of data. It also speaks to quality assurance and distribution of findings.

### Develop a Central Archive System for the Courts

As was the case during my previous visit, I spent a good deal of time on the creation of a central archiving system for the each of the two pilot courts. However, the focus of my work shifted once the judges in the Special Court decided that a modified version of the TechMinds automated case management system would fit their needs—and, in effect, made us agree to adopt such a system before they would proceed with the archiving project. This development required us to speed up our timetable and to move forward on

two fronts simultaneously—(1) the completion of the modernization of the existing manual archiving system and (2) the evaluation of the TechMinds product (as had been requested earlier by the Special Court). Much of our interaction with the TechMinds representatives consisted of efforts to get them to improve the archive functions of their product.

Our overriding goal in this area was to have a set of sensible archiving procedures in place before automation was introduced, while ensuring that those procedures would be compatible with future automated systems. During my earlier visits, I had become familiar with the current archiving system and the laws, rules and regulations that govern the archiving process of court records in Nepal. During this visit, we concentrated on formalizing the plans to modernize the archives and on starting to implement the new system. We also spent time getting commitments from Judges Govind P. Parajuli of the Special Court and Janardan Bahadur Khadka of the Lalipur District Court to have their staffs perform the actual archiving functions. ARD has agreed to provide the necessary logistical support.

To facilitate this effort, I worked with the Court Registrars, Mr. Lohit Chandra Shah and Mr. Rajukumar Khatiwada, to prepare a manual on archiving procedures. (See “Archive System for the Nepal Courts” at Attachment J). It is being translated into Nepalese and will be reviewed by the judges, who will make recommendations for changes. Once the manual has been approved, the ARD staff will initiate a training program for the archiving staff and others who will be involved with the purging and boxing of archived files. I also brought a sample “banker’s box” from the United States for the judges to examine. The judges recommended a few minor modifications, and with the help of the ARD Nepal staff, we identified a vendor who can manufacture the boxes to the judges’ specifications. Additionally, Chief Judge Khadka of the Lalitpur Court is looking to acquire some additional storage space in the building.

The most labor intense part of the archiving effort will be the purging of files. We have made every effort to ensure that it will be done in a way that is consistent with existing

guidelines on the retention of documents and will allow the courts to save considerable space and make management of the remaining files easier.<sup>4</sup>

With regard to computer resources, both courts have functioning computers, but staff members do not yet have the skills to do the data entry for the archiving system. At the Special Court, the staff apparently is now being trained in the basics of computer usage (keyboard skills, typing, Microsoft Word and Excel). Computer skills at the Lalitpur Court are more rudimentary, but the judges in that court have agreed to allow members of the archive staff to receive basic training in computer usage.

The ARD Nepal staff has developed a work plan and schedule to utilize the staff and facilities at the Lalitpur Court during an upcoming court recess. ARD will provide the training and logistical support to the courts, and the court staff will do the actual archiving. As the files are completed, the staff will enter the data into the record system. Once the storage boxes are delivered and assembled, the files will be put into appropriately labeled boxes and shelved.

#### Work with TechMinds, a Software Company, and Evaluate its Case Management System.

TechMinds, a Nepalese firm located in Katmandu, has developed case management software under the auspices of the UNDP. The software was designed for the district courts and has been deployed in six of those courts. Prior to my recent trip, I had been exposed to TechMinds during a visit to the District Court in Pokahara on January 18-19 and a follow-up visit to the UNDP office on January 31. I met with them several times this summer at the ARD office and the Special Court.

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<sup>4</sup> Under certain circumstances, some files can be completely destroyed after 12 years. The Lalitpur Court estimates that approximately 25 percent of the 50,000 cases currently in its archive meet this destruction criterion. No files will be purged at the Special Court because its cases are too recent and politically sensitive to be purged at this time.

As I informed you after my visit to Nepal last winter, I have several concerns about the ability of the TechMind's product to meet the courts' needs. To address those concerns, Mr. Govine Das Shrestha and I held several meetings with representatives of TechMinds this summer as part of an in-depth analysis of the capability of the software to function satisfactorily and to improve—rather than to merely automate—case processing. For example, one aspect of the automated system we examined in detail was its ability to generate useful reports. In the event, the TechMinds system did an adequate job of duplicating existing reports. However, it has not been challenged to produce the more sophisticated, analytically valuable materials that are possible in a well-designed automated system. The ability of the Special Court to hold TechMinds to this higher standard will be a key determinant of the pay-off from automation. The results of our meetings with TechMinds—as well as a more detailed analysis of the product—are presented in “Case Management Software from TechMinds” (Attachment K).

In July, we conducted a seminar for the judges and key staff on how to make effective use of automation in the courts. We addressed the use of data-based reports as a management tool and the need to structure the reports to provide the most critical information to court decision makers. We also covered issues of data security, including ways to prevent the loss of data and to protect court records from viruses. We invited TechMinds to participate in the seminar, which gave the court staff the opportunity to ask them about the topics we covered; we also wanted to make sure that TechMinds heard the same things the court staff did.

With the decision to proceed with TechMinds having been made, the impetus for a thorough analysis of its product has diminished. Nonetheless, as noted earlier, I have produced a report on the system. Because this system will play such a major role in case processing in the Special Court, I would urge ARD to follow up on the issues raised in the report. In broad terms, my concerns span five areas: (1) support for software, (2) ownership of the software and fees for service, (3) ability to meet the needs of the Special Court, (4) security of data, and (5) functionality.

### Support for software

TechMinds has indicated that it will support the system for a one-year period after installation, and it proposes to continue that arrangement in subsequent years. The Special Court must decide whether that strategy is the best one or whether it should take over at least some of the support tasks—in particular, having its own systems administrators—once the initial period is past. We recognize that this may be difficult to accomplish: The historic practice in Nepal has been to contract for services not defined within the parameters of civil service jobs, and no position or function like “system administrator” currently exists within the civil service system. That said, Mr. Lohit Chandra Shah, Registrar of the Special Court, and I met with Dr. Ram Krishna Timalsena, Registrar of the Supreme Court, to address this problem, and Dr. Timalsena supported our suggestion to train current court staff to perform the necessary functions.

Regardless of the formal arrangement, successful deployment of an automated system will require considerable effort from both TechMinds and court staff. Even if the main operational responsibilities are contracted out, court employees must be sufficiently knowledgeable about the system to “manage” the TechMinds effort and ensure that they are getting value for their money. It will also be incumbent upon the court staff to identify necessary improvements and refinements to the system and to ensure that they are made in a timely way.

### Ownership of the software and fees for services

It is not clear who owns the software and how the licensing agreement between the vendor, the UNDP, and the courts is structured. We also do not know whether other user fees are contained in the contract or are likely to be imposed in the future—including possible charges for providing user-specific options or updates due to legislative or regulatory changes affecting operations of the courts.

### Ability to meet the needs of the Special Court

Although the system was designed specifically for the district courts, the Judges and Registrar in the Special Court believe that the software in its current configuration will meet the bulk of their needs. However, to date, these individuals have considered mainly the ability of the automated system to replicate the tasks currently being done manually—for example, the creation of reports that are lists of events (registration, location of the case, and disposition). To the best of our knowledge, there has been little discussion of how the software could be used to improve case management. To do this, the system must do more than keep records; rather, it should provide court executives with information that will help them manage cases and improve the efficiency of their operations.

#### *Security of the data*

Maintaining an aggressive security policy is imperative to ensuring the viability of a court data base. Nepalese judges and court executives are highly concerned about security of the data and paper records in the current manual system. However, because they have had only limited exposure to automation, they have given less consideration to the security of data in an automated environment. Common security features have not been built into the TechMinds product; nor have routine security procedures been incorporated into the training of court staff.

#### *Functionality*

To date, the TechMinds system has not been subject to either a functional assessment or a post-installation evaluation of its effectiveness. Moreover, no attempt has been made to incorporate user feedback from the Model Courts into the design or upgrade process. A sufficient number of courts has now used the system for long enough that these types of evaluations are long overdue. Judges and registrars at the pilot courts need to be brought into this discussion.

### Other Accomplishments

In addition to the tasks under my Statement of Work (SOW), I wrote a “Computer Manual” with an accompanying “Computer Users Agreement.” The manual is designed for court executives who have not worked in automated environments and provides information on how to manage computer resources. The Computer Users Agreement aims to help clarify the responsibilities of court employees who use computers in performance of their duties.

### Next Steps

1. The case management portions of the project seem to be well on track. ARD should continue to work with the courts to help them utilize the baseline data effectively, establish reasonable standards for each step in the processing of a case, and take full advantage of the tools they now have. Additionally, ARD needs to help the courts develop management reports that are effective as presentational devices and customized to fit their particular needs.
2. The groundwork for the archive task has been laid. The two pilot courts are committed to the effort and have made considerable progress in its implementation. The work in the Special Court seems to be going smoothly, although the Lalitpur court—which has an extremely large volume of cases—is likely to require ongoing logistical support from ARD. The next major phase of the project will be the roll-out to the next series of courts. ARD needs to work with the Supreme Court to identify appropriate courts and to help those courts initiate the adoption of a modern archive system.
3. The TechMinds software and project management faces many challenges. At this stage, the Nepalese Judiciary has committed its resources and decided to go with TechMinds. The most productive thing that ARD can do from this point forward is to help guide the project in a sensible direction, be available to offer technical advice when called upon, and work within the framework of decisions that have already been made.

## Key Accomplishments during the June-July Visit of Frederick Humphreys

### A. Strengthen and streamline the management capacity of the judiciary

- Completed successful pre-test of data collection instruments in the Lalitpur District Court and the Special Court. Refined the data collection instruments to reflect the results of the pre-test and comments from ARD and court staff.
- Collected baseline data in the Lalitpur District Court and the Special Court.
- Produced summary report with baseline data on case processing times.
- Identified bottlenecks in current case processing system, including delays in the receipt of information requested from other agencies, delays in service of summons, and extension of hearings beyond statutory limits.

### B. Develop and implement an effective case management system

- Designed a case aging report that tracks the progress of cases and identifies when they have missed target due dates. This tool was designed for the current manual system, but will still be usable when the courts migrate to a semi-automated system.
- Produced a written report for the courts on the design and maintenance of a case tracking system (“Using Case Analysis and Time Series Data as a Case Management Tool”).

### C. Develop a central archive system for the courts.

- Forged an agreement between the Lalitpur District Court and the Special Court on archive box standards (strength, size, material to be used).
- Placed order with local firm for production of archive boxes.
- Initiated the archiving process in the Special Court, including the entering of data for cases that are currently on the shelves in the archive room. Once the storage boxes are delivered, the files will be boxed and stored.

- Trained staff on archiving procedures.
- Prepared manual on archiving.

D. Work with TechMinds and evaluate its case management system.

- Worked with TechMinds staff to design reports that the courts could use as management tools.
- Worked with TechMinds staff to modify their existing system to meet the needs of the Special Court.
- Conducted a training seminar on automation in the courts.
- Produced a written report on the current TechMinds system and identified opportunities for the Nepalese judiciary to utilize it. The report also described my concerns about the system.

E. Accomplishments not covered by the Statement of Work (SOW).

- Wrote a “Computer Manual” with an accompanying “Computer Users Agreement.”

Contacts during Visit of 24 June to 22 July, 2005

Supreme Court

Dr. Ram Krishna Timalsena Registrar of the Supreme Court

Special Court

Judge Govind P. Parajuli Chairman of the Special Court

Judge Rana B. Bam Judge of the Special Court

Judge Bhop Dhoj Adhikary Judge of the Special Court

Mr. Lohit Chandra Shah Registrar of the Special Court

Mr. Narayan Panthi Undersecretary of the Special Court

Various Staff Members Special Court

Lalitpur District Court

Judge Janardan Bahadur Khadka District Judge

Judge Narayan P. Shrestha Additional District Judge

Mr. Rajukumar Khatiwada Registrar of the Lalitpur District Court

Various Staff Members Lalitpur District Court

TechMinds

Mr. Bishal Shrestha Representative of TechMinds

## List of Attachments

Title	Attachment
Computer Manual and Users Agreement	A
Case Tracking System - English Version	B
Case Tracking – Nepalese Version	C
Case Analysis and Time Series Data as a Management Tool	D
Case Tracking System	E
Lalitpur District Court Time Series Data	F
Lalitpur District Court Time Series Data Summary	G
Special Court Time Series Data	H
Plan for Data Collection, Analysis of Accuracy and Distribution	I
Archive System for the Nepal Courts	J
Case Management Software from TechMinds	K

