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RAPID ASSESSMENT OF USAID/EGYPT'S ADMINISTRATION OF JUSTICE II PROJECT DRAFT

JUNE 2008

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DISCLAIMER

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.

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ACRONYMS

ACOFI	Alexandria Court of First Instance
Amideast	America-Mideast Educational and Training Service, Inc.
AOJS I	Administration of Justice Support I Project
AOJS II	Administration of Justice Support II Project
Beni Suef COFI	Beni Suef Court of First Instance
COFI	Court of First Instance
COP	Chief of Party
CTO	Cognizant Technical Officer (USAID’s official with delegated formal authority for overseeing and managing a contract)
D/G	Democracy and Governance (as in USAID’s D/G team)
ECMA	Enhanced Case Management Application
GLIN	Global Legal Information Network (Library of Congress)
IT	Information Technology
JIC	Judicial Information Center (a branch of the MOJ)
M&E	Monitoring and Evaluation
MCOFI	Mansoura Court of First Instance
MOJ	Ministry of Justice
NCJS	National Center for Judicial Studies (a branch of the MOJ)
NCSC	National Center for State Courts
PSC	Project Steering Committee
RAMP	Replication Master Plan
USAID	United States Agency for International Development
WAN	Wide Area Network
WG	Working Group

EXECUTIVE SUMMARY

Background. Under the Administration of Justice Project II (AOJS II), USAID/Egypt works with Egypt's Ministry of Justice (MOJ) to reform Egypt's civil and commercial courts. AOJS II is a five-year project implemented by America-Mideast Educational and Training Services, Inc. (Amideast) and the National Center for State Courts (NCSC) and several other local sub-contractors. It builds upon USAID/Egypt's first Administration of Justice Support Project (AOJS I), also implemented by Amideast, in which two of Egypt's 24 Courts of First Instance (COFIs) were reformed and automated.

The AOJS II project began on August 16, 2004, and is scheduled to end in September, 2009. It involves Amideast's replication and expansion of AOJS I's reforms and automation in eight additional COFIs and satellite courts; assistance to the MOJ with plans to replicate the reforms in the remaining 14 COFIs; strengthening the administrative and technical capacity of the MOJ, the National Center for Judicial Studies (NCJS), and the Judicial Information Center (JIC) for their roles in the reform process; provision of training to MOJ officials, judges and court staff; and, in a recent addition, implementation of an automated management information system for Family Court Mediation Offices.

At the time of this assessment, AOJS II was into its fourth year of implementation, with approximately 17 months remaining.

Purpose and Methodology of the Assessment. The assessment had three major purposes:

- To provide USAID/Egypt's D/G Team with a rapid assessment of results in its administration of justice programming. This involved answering 13 specific assessment questions. (The questions, along with the major conclusions for each are presented in the next part of this summary, pp. vi-viii, and three recommendations are offered on pp. viii-ix.)
- To document lessons learned that may be applicable to future programming. This purpose was refined to include not only lessons learned but also some best practices identified during the course of the assessment. (The best practices and lessons learned are summarized on pp. ix-x.)
- To work with USAID staff to strategize on future programming in the justice sector. This involved the facilitation of a brainstorming session with a small group of USAID staff and the chiefs of party of USAID/Egypt's three major justice sector projects. (A brief summary of the outcome of the brainstorming session is provided on p. x.)

The first two purposes of the assessment were accomplished through the collection and analysis of mostly qualitative data from four key methods and sources between March 16 and April 15, 2008: a review of 35 USAID and Amideast project documents, including reports of project progress and performance, project products, e-mail correspondence, and notes to the file; individual and group interviews with 18 officials and staff from the MOJ, USAID and Amideast; mini- surveys (mostly self-administered) of 31 judges, 37 court staff and 10 lawyers at the Alexandria and Beni Suef COFIs; and observations during brief site visits to the Alexandria COFI (reformed largely through AOJS II activities), the Beni Suef COFI (reformed solely by the MOJ), the JIC, the library at the NCJS, and Amideast offices.

The assessment research and the subsequent findings and conclusions were subject to several limitations, the most challenging of which was the MOJ's control over access to interviewees among ministry and court personnel.

Assessment Questions and Major Conclusions. The 13 assessment questions and major conclusions drawn from the research are presented below. Specific qualitative and quantitative findings that support the conclusions are provided in Chapter II of the main report on pp. 1-43.

Assessment Question	Conclusions
<p>1. What has been USAID/Egypt’s progress in achieving the targeted results identified by its administration of justice programming?</p>	<p>(1) The project has exceeded targets on four of the seven performance indicators used to assess and report AOJS II progress over the past three and one-half years, and met targets on the other three.</p>
<p>2. What are the most significant accomplishments and challenges of USAID/Egypt’s administration of justice programming?</p>	<p>(2) AOJS II has had many significant accomplishments. They include development of a productive USAID-Amideast-MOJ partnership and cultivation of the MOJ’s “hands-on” ownership of the project; an impressive implementation record of reforms and case management automation in the Courts of First Instance and capacity-building in the MOJ, the JIC and the NCJS; the introduction of female judges in the Egyptian judicial system; the MOJ’s adoption of court and case management performance standards; and significant development of human resource capacity throughout the court and MOJ system.</p> <p>(3) The project has encountered several implementation challenges, including initially not involving the MOJ in the selection of the IT subcontractor; Amideast’s occasional resistance (in order to be more efficient) to the MOJ’s involvement in key areas of project administration; and the need to adapt to the MOJ’s top-down, highly centralized approach to management and internal conflicts over organizational authority.</p>
<p>3. Are implementation approaches for justice sector project tasks designed to include stakeholders in the strategic planning and implementation of activities? Are stakeholders actually included in the strategic planning and implementation of activities?</p>	<p>(4) Although AOJS II’s original design for stakeholder involvement did not work out as intended, MOJ, JIC and NCJS officials and court judges and staff did play major roles in strategic planning and/or implementation throughout the project.</p>

Assessment Question	Conclusions
4. Have administration of justice court reforms been effectively replicated in Egypt’s Courts of First Instance?	<p>(5) The MOJ has made impressive progress in replicating the reengineered processes and automation in additional courts.</p> <p>(6) The MOJ’s continued replication and long-term sustainability of the reforms and automated processes in the COFIs appears likely, if the MOJ’s leadership remains as reform-minded as it is now and the MOJ addresses the significant staff needs for sustaining the automated system.</p>
5. Have court processes (in those courts that have been reformed) been made more systematic, accountable, fair and transparent?	<p>(7) The case initiation process has been made more systematic, and as a result, it has been made more accountable, transparent and fair.</p> <p>(8) Several other court processes—namely, the provision of information to lawyers and litigants, judges’ research on cases, the typing of judges’ decisions, and the collection and analysis of case data—have become more systematic and, as a result, more efficient.</p>
6. Has the level of service in the reformed courts improved for the public? For lawyers?	<p>(9) The level of service in the reformed courts has improved for the public—in terms of more speed and ease in court procedures and products, more fairness in case assignments to circuits, and more justice.</p> <p>(10) Lawyers’ general experience in the reformed courts has improved markedly, with, for example, a 47-percent increase in satisfaction with selected court procedures; and the evidence suggests that improvements continue as time goes on.</p>
7. Have internal administrative court processes been improved and/or made more efficient for judges? For court personnel?	<p>(11) The reforms under AOJS II have resulted in notable improvements in internal administrative court processes, including increased efficiency, for judges and court personnel.</p>
8. Has case delay been reduced?	<p>(12) Quantitative and qualitative data indicate that case delay has been reduced in the reformed courts and some of that reduction can be linked to the AOJS II court reforms and automation.</p>
9. Has USAID programming had any effect on the strategic planning and policies of the MOJ, the NCJS or the JIC?	<p>(13) As evidenced by several significant changes, AOJS II has influenced both the process and substance of MOJ, NCJS and JIC strategic planning and policy-making.</p>
10. Is there an increased constituency within the MOJ which supports continued judicial reform, including support for a systematic, accountable, fair and transparent justice system?	<p>(14) Virtually all the evidence collected indicates that there is a strong constituency for reform among the present MOJ leadership, and among the Chief Justices, circuit judges, and court staff in the courts visited.</p>

Assessment Question	Conclusions
11. Has the ability of judges to research and make decisions been enhanced by USAID’s administration of justice programming?	(15) The ability of judges to research and make decisions has been enhanced through several AOJS II-supported improvements, primarily increased access to computer- and web-based resources and computer and specialized training.
12. What has been USAID/Egypt’s progress in addressing the two cross-cutting policy themes identified by its administration of justice programming?	<p>(16) The MOJ’s recent appointment of 42 women judges to serve in the COFIs and AOJS II’s subsequent assistance to enhance their skills and confidence represent significant progress made by USAID/Egypt under its cross-cutting policy theme in gender.</p> <p>(17) Despite a slow start, the MOJ has made some significant strides toward monitoring and managing case and court performance with AOJS II assistance—a key development under the cross-cutting theme of monitoring and evaluation.</p>
13. How effective is the performance monitoring and evaluation of USAID’s programming? Were methods for measuring results in justice programming relevant and adequate? Does performance monitoring and evaluation guide the implementation of the programming? Does it improve the likelihood that the programming will achieve results? Does it enhance the functioning of stakeholders, i.e., does it enhance the capacity of the MOJ and its key work units to plan activities, monitor its own performance and evaluate results?	<p>(18) USAID’s CTO and activity manager for AOJS II have used project performance monitoring data to determine the effect of the program and the level of outputs provided by the contractor. A key example of M&E’s impact on results has been use of the two indicators dealing with case delay. The data appear to have led to MOJ and court officials’ actions to reduce delay; and problems of measurement have prompted USAID, Amideast and the MOJ to explore how the Enhanced Case Management Application (ECMA) system can better meet the needs for reliable case management data. Full implementation of ECMA is expected to have a significant impact on the functioning of the MOJ and its key work units to monitor and improve the performance of the courts in the critical area of case management and further reducing case delay. The MOJ, like any other government organization, is not accustomed to using M&E tools to plan activities, monitor performance, or evaluate results. Therefore, this may be an area for additional Amideast attention in the remaining months of the project.</p> <p>(19) A recent evaluation of the MOJ’s and courts’ IT systems has apparently led to MOJ and AOJS II improvements of the IT system, and these improvements should, in turn, contribute to the achievement of project results.</p>

Recommendations:

(1) As AOJS II starts to wind down, USAID and Amideast should encourage the MOJ to give some concerted attention to strategic planning for the post-project period. For example, the JIC needs to consider seriously its IT staffing needs for continued replication and sustainability of the reforms in the future. This should be a focus of collaborative sessions in support of the Workplan for Year 5.

(2) Given USAID and Amideast’s successful track record in influencing MOJ policy, they should pursue ways of encouraging the MOJ to consider improving the management of the COFIs and implementing the new court and case management performance standards by assigning the responsibilities for

administrative (i.e., court) management to separate officials in each court. The MOJ should be encouraged to place the participants in the Project’s Court Management Certification Program in such positions, and to develop materials for transfer to other judges.

(3) Given the growing interest of the MOJ and the courts in using case data to monitor and improve case management and the MOJ decision to implement performance standards, USAID and Amideast should consider rejuvenating its early efforts to build M&E capacity and aiming that capacity-building on the effective monitoring and implementation of the standards. This too should be a focus of collaborative sessions in support of the Workplan for Year 5.

Best Practices and Lessons Learned. The discussions with various interviewees during the assessment yielded several best practices and lessons learned from the AOJS II project. Some of these practices and lessons may be applicable to future justice sector programming and development projects with IT and/or training components for USAID/Egypt or other USAID missions. They are as follows:

Design

- In AOJS II, USAID involved the MOJ in project design at the outset. Once Amideast was awarded the contract, it involved the MOJ in developing the initial implementation plan. This ensured, to a certain extent, clear, agreed-upon objectives and priorities and realistic work plans. It did not, however, minimize the counterpart’s requests for additional work and corresponding changes to the budget.
- In a reengineering project like AOJS II, where there are phases of development and the demand for changes in behavior, attention to strategic planning and change management has been very important to success.

Planning

- A key element in the success of a project like AOJS II, which involves a lot of change in how people do business, is the involvement of “champions” for reform within the host country government.
- In this IT development project, it was crucial that the team knew what it wanted to automate before designing and installing the IT infrastructure and applications. The project automated only after it had studied the system and its processes and procedures, established the business requirements, redesigned the systems and procedures to meet those requirements, and revised policies as needed.

Implementation

- Do everything together, i.e., in a true partnership of all three parties—the host country, USAID, and the project’s implementing partner. Although differences in priorities, implementation strategies and timing will likely produce a certain amount of tension among the parties, in AOJS II the costs were far outweighed by the results, government ownership, and capacity-building that were achieved.
- In response to the tension created by the host country’s close involvement and ownership in AOJS II and the implementing partner’s interest in timely and efficient implementation, USAID has found it both necessary and valuable to convene and participate in *weekly* meetings between the two parties to ensure smooth implementation.

- When working in a non-English-speaking country, where there is risk of mis-communicating with—or worse, offending—a counterpart, USAID relied on local staff, which ensured appropriate communication and interpersonal relations.
- In the development and population of data bases, such as the courts’ case management data bases in the AOJS II project, quality control is essential at all points, including when extracting data from manual records and entering those data into electronic files. AOJS II could have done a better job in this area.
- On IT projects, the government counterpart should play a large role in procuring the IT subcontractor, because it is the government counterpart who will have to live with the system. In AOJS II, this was initially not the case; the IT sub-contractor was included in the prime contractor solicitation. Eventually, the original sub-contractor was replaced and Amideast, in close collaboration with the MOJ, procured the IT sub-contractor that provided the IT solution. This provided an excellent opportunity for capacity building and ownership.
- In projects with substantial training activity, such as AOJS II, developing and maintaining a comprehensive electronic training database, similar to the one developed by Amideast, can be extremely valuable for both management and reporting.
- Study tours are costly—and sometimes of debatable value—but in AOJS II they had some dramatic impacts.
- USAID projects that include study tours would likely benefit from a tool developed by Amideast staff in AOJS II, namely, a checklist of the various and scattered USAID procedures and regulations governing study tours. (See Attachment 7.)

Sustainability

- To enhance the likelihood of sustainability, AOJS II addressed human resource development to ensure adequate numbers of skilled staff.

Ideas for USAID’s Future Administration of Justice Programming. The ROL team from USAID/Egypt, along with the Chiefs of Party from USAID’s ROL projects, identified and refined 13 specific ideas for possible USAID assistance to the MOJ on the basis of USAID/Egypt’s experience to date in the administration of justice area, ideas and requests from MOJ officials, and their own experience and expertise. The team then sorted these ideas into three basic “packages” for USAID’s full Democracy and Governance team to consider at a later date. The three packages are as follows: (1) create a model legal assistance office to be replicated by the MOJ in other courts, (2) assist the MOJ in establishing a model Economic Court; and (3) assist the Public Prosecution Office to increase its efficiency and develop its capacity to prosecute specialized cases. (See Attachment 8.)

I. BACKGROUND, PURPOSE, AND METHODOLOGY OF THE RAPID ASSESSMENT¹

Background. USAID/Egypt’s programming in the justice sector focuses on improving the capacity and sustainability of Egypt’s civil, criminal and administrative judicial institutions and strengthening public access to those institutions. Under the Administration of Justice Project II (AOJS II), USAID/Egypt works with Egypt’s Ministry of Justice (MOJ) to reform Egypt’s civil and commercial courts. AOJS II—a five-year project implemented by America-Mideast Educational and Training Services, Inc. (Amideast) and the National Center for State Courts (NCSC) and several other local sub-contractors—is a follow-on project of USAID/Egypt’s first Administration of Justice Support Project (AOJS I), which was also implemented by Amideast.

Under AOJS I, USAID/Egypt’s Democracy and Governance (D/G) team helped the Government of Egypt start a nation-wide reform of its civil and commercial court system by improving the efficiency and effectiveness of two civil pilot Courts of First Instance (COFIs) in North Cairo and Ismailia.² That project focused on three areas: (1) improved court administration; (2) training of judges and court personnel and (3) automation of court systems.

Building on the foundation of AOJS I, a contract for AOJS II was awarded on August 16, 2004, to Amideast and NCSC. The goal of the five-year project has been to continue to enhance the capacity of the MOJ by replicating, nationwide, the reformed and modernized court systems achieved in AOJS I. The project was initially designed to accomplish six tasks: (1) to replicate AOJS I court reforms in the Alexandria and Mansoura Courts of First Instance (ACOFI and MCOFI); (2) to conduct a comprehensive assessment of all of Egypt’s remaining 20 COFIs and then help the MOJ develop a plan to reform and modernize those 20 courts; (3) to strengthen the administrative and technical capacity of the MOJ’s National Center for Judicial Studies (NCJS) to do strategic planning, effectively use and share information, and provide research, education and training services, including its provision of training aimed at improving judicial decision-making and enhancing the effectiveness and efficiency of court systems; (4) to strengthen the ability of the MOJ’s Judicial Information Center (JIC) to operate an automated information communications network among and within the MOJ; (5) to strengthen the capacity of the MOJ to coordinate activities between all partners (the NCJS, the JIC, the ACOFI and the MCOFI) so that AOJS I reforms can be replicated nationwide; and (6) to conduct necessary participant training through the life of the project. In addition, a seventh task was added to the project during the third year of implementation: to implement a management information system for Family Court Mediation Offices, in collaboration with another of USAID/Egypt’s justice sector projects.

In addition to these tasks, AOJS II has two cross-cutting policy themes: (1) gender integration within the judiciary, and (2) performance monitoring and evaluation designed to guide the implementation of the project and to enhance the capacity of the MOJ and its key work units to plan activities, monitor performance and evaluate results.

As of the time of this assessment, the AOJS II was into its fourth year of implementation, with approximately 17 months remaining.

¹ Most of the information on the background and purpose of the rapid assessment provided in this section is excerpted and summarized from the following documents: the Statement of Work for the rapid assessment, which is presented in Attachment 1; the IMR II Assignment Plan issued to MSI for the assessment; and AOJS II Annual Progress Reports for Years 1, 2 and 3.

² Every COFI includes both a “whole” court, which has three-judge panels and which addresses relatively high-value cases, and “partial” courts, which are single-judge courts to which relatively small-value and minor cases are assigned. Some governorates have only a single COFI, while others, generally with larger geographical areas, have both the main COFI and one or more “satellite” courts, which are smaller but have all the features of a COFI.

Purpose of the Rapid Assessment. The rapid assessment had three major purposes: (1) to provide USAID/Egypt's D/G Team with a rapid assessment of results in its administration of justice programming; (2) to document lessons learned that may be applicable to future programming; and (3) to work with the D/G Rule of Law team to strategize on future programming in the justice sector. Thirteen questions were identified for attention during the rapid assessment:

1. What has been USAID/Egypt's progress in achieving the targeted results identified by its administration of justice programming?
2. What are the most significant accomplishments and failures of USAID/Egypt's administration of justice programming?
3. Are implementation approaches for justice sector project tasks designed to include stakeholders in the strategic planning and implementation of activities? Are stakeholders actually included in the strategic planning and implementation of activities?
4. Have administration of justice court reforms been effectively replicated in Egypt's Courts of First Instance?
5. Have court processes (in those courts that have been reformed) been made more systematic, accountable, fair and transparent?
6. Has the level of service in the reformed courts improved for the public? For lawyers?
7. Have internal administrative court processes been improved and/or made more efficient for judges? For court personnel?
8. Has case delay been reduced?
9. Has USAID programming had any effect on the strategic planning and policies of the MOJ, the NCJS or the JIC?
10. Is there an increased constituency within the MOJ which supports continued judicial reform, including support for a systematic, accountable, fair and transparent justice system?
11. Has the ability of judges to research and make decisions been enhanced by USAID's administration of justice programming?
12. What has been USAID/Egypt's progress in addressing the two cross-cutting policy themes identified by its administration of justice programming?
13. How effective is the performance monitoring and evaluation of USAID's programming? Does it guide the implementation of USAID/Egypt's justice sector programming? Does the performance monitoring and evaluation improve the likelihood that the programming will achieve results? Were methods for measuring results in justice programming relevant and adequate? Does performance monitoring and evaluation enhance the functioning of stakeholders, i.e., does it enhance the capacity of the MOJ and its key work units to plan activities, monitor its own performance and evaluate results?³

³ Initially, there were fourteen assessment questions, but the fourteenth one, focused on monitoring and evaluation, was somewhat duplicative of the thirteenth one; so the author took the liberty of combining the two questions.

These 13 questions form the organizational structure for the next chapter, “Conclusions and Supporting Findings.” Although the rapid assessment and its questions were designed to focus on assessing results, the data collection effort inevitably yielded some information and issues related to project implementation. In the next chapter and in the chapter on Best Practices and Lessons Learned (Chapter IV), implementation as well as results will be addressed as appropriate. In addition, although the assessment was initially conceived to include USAID’s justice sector program writ large—i.e., including projects dealing with criminal justice and family justice—it was decided early on to focus exclusively on AOJS II and its work in the civil/commercial justice area.⁴

Assessment Methodology and Data Collection Methods. Data collection for the assessment was conducted from March 16 to April 9, 2008. Data were collected and analyzed with three basic assessment design purposes in mind: to describe results and other phenomena; to compare the pre-reform and post-reform situations with respect to Amideast, USAID and MOJ efforts during the project and to compare post-reform results achieved by AOJS II and the MOJ at the ACOFI and Beni Suef COFI, respectively; and to attribute, or “plausibly associate,” to the extent possible, results achieved to AOJS II efforts.

Virtually all of the data collected during the assessment itself were qualitative in nature. They include the perceptions, judgments, and opinions of respondents gleaned from interviews and mini-surveys (some of which have been content analyzed and aggregated into quantitative findings); observations (more impressionistic than systematic) made by the author during site visits to courts and MOJ offices; and facts reported in various USAID and AOJS II documents. Some additional quantitative data were reviewed and are reported, but almost all of these data are secondary data taken from existing reports, documents and discussions.

Specifically, the assessment’s data methods and sources included the following:

- § a review of existing USAID and Amideast project documents, including quarterly and annual progress reports, selected key project products, memos and e-mails, and informal reports (listed in Attachment 2);
- § individual and group interviews with 18 officials and staff: 7 from the MOJ, 3 from USAID and 8 from Amideast (also listed in Attachment 2);
- § mini-surveys (mostly self-administered) of 31 judges, 37 court staff and 10 lawyers at the ACOFI and Beni Suef COFI (the protocols used in these mini-surveys are presented in Attachment 3); and
- § observations from brief site visits to the ACOFI (reformed largely through AOJS II activities), the Beni Suef COFI (reformed by the MOJ as part of its replication program), the JIC, the under- renovation library at the NCJS, and Amideast offices in Cairo.

The assessment research and the subsequent findings and conclusions were subject to several limitations, the most challenging of which was the MOJ’s control over access to interviewees among ministry and court personnel.

⁴ This decision made by the D/G Team was based on the limited time available for the assessment, the fact that the projects in criminal and family justice were not as far along in their implementation lives as AOJS II, and the fact that the D/G Team has plans for future assessments of these other two projects.

II. FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

This section presents the findings, conclusions and, where applicable, recommendations for each of the rapid assessment's 13 questions.

Assessment Question 1: What has been USAID/Egypt's progress in achieving the targeted results identified by its administration of justice programming?

Findings: To answer this question, I reviewed the available data for the various performance indicators used over the past three years. A summary of AOJS II's performance measurement and reporting history during the first three years of the project is provided in Attachment 4.

There have been eight USAID performance indicators, with targets for all and actual data that allow comparison to targets for all but one.⁵ For the seven indicators with one or more actual to target comparisons—a total of 14 comparisons—the project essentially met or exceeded targets in all seven indicators and 14 comparisons. Specifically:

1. On median number of calendar days between case filing and case disposition, actual performance significantly exceeded targets in FY 2005 in both the ACOFI (330 actual vs. 591 targeted) and MCOFI (338 actual vs. 408 targeted).
2. On ratio of case filings to case disposition in a given FY in selected civil/commercial courts, actual performance significantly exceeded targets in the MCOFI in FY 2005 (1:0.96 actual vs. 1:0.85 targeted) and in FY 2006 (1:0.92 vs. 1:0.86), although actual performance decreased slightly from FY 2005 to FY 2006).
3. On lawyers' level of satisfaction with the administration of the selected civil/commercial court systems, actual performance significantly exceeded targets in FY 2007 in both the ACOFI (2.64 actual vs. 1.98 targeted) and MCOFI (3.08 vs. 2.31).
4. On cumulative number of targeted information transparency reforms achieved in selected civil/commercial courts, actual performance met targets in FY 2006 (2 actual vs. 2 targeted).
5. On number of people trained (later called number of justice sector personnel who received USG training), actual performance essentially met target in FY 2005 (499 actual vs. 500 targeted), and significantly exceeded targets in FY 2006 (932 actual vs. 500 targeted) and FY 2007 (869 actual vs. 500 targeted).
6. On cumulative number of USG-assisted courts with improved case management, actual performance met target in FY 2006 (2 actual vs. 2 targeted), and was slightly below target in FY 2007 (7 actual vs. 8 targeted).
7. On number of legal institutions and associations supported by the USG, actual performance met targets in both FY 2006 (3 actual vs. 3 targeted) and FY 2007 (3 actual vs. 3 targeted).⁶

⁵ This indicator is "Annual number of positive modifications to legislation, regulations, or institutional policies to improve the justice system made with USG assistance." It was established as an indicator for use in FY 2008, not only for the AOJS II project, but also the Administration of Criminal Justice and Family Justice projects.

⁶ Meeting targets on this indicator was essentially a "given," as it was obvious that AOJS II would be assisting the MOJ, JIC and NCJS throughout the project.

As already noted above, it was very easy to set and meet targets on indicator #7, an implementation-related indicator. The other six indicators tell a more convincing story about AOJS II achievements. The performance against those indicators is impressive. The project has succeeded in (a) reducing the median number of calendar days between case filing and case disposition in the ACOFI and MCOFI (a key intended result); (b) reducing the ratio of case filings to case disposition in a given FY in the MCOFI (another key intended result); (c) training large numbers of MOJ officials, judges and court staff (a major expected and needed project output); (d) reengineering and automating case management in seven COFIs (a key intended result), and (e) positively affecting the assessments of court procedures among lawyers who use the reformed and automated courts (an important impact indicator).

Conclusion:

(1) The project has exceeded targets on four of the seven performance indicators used to assess and report AOJS II progress over the past three and one-half years, and met targets on the other three.

Recommendations:

None.

Assessment Question 2: What are the most significant accomplishments and challenges of USAID/Egypt’s administration of justice programming?

In addition to reviewing AOJS II results in terms of the performance indicators used by USAID and Amideast over the years (which are discussed in the previous sub-section), I explored this assessment question through interviews with key informants in the MOJ, USAID and Amideast and a review of project documents. The interviews and documents revealed several major accomplishments and challenges, which are presented in this sub-section. Unless otherwise noted, the findings, conclusions, and recommendations presented are drawn from the qualitative discussions with key informants. Additional accomplishments are detailed in the answers to other assessment questions later in this report.

Findings:

Details of AOJS II’s accomplishments and challenges are as follows:

Accomplishments:

- **Overall, USAID, Amideast and the MOJ have established and maintained a very positive and “hands-on” working relationship—with an emphasis on MOJ “ownership” of the AOJS II project—which has gone a long way toward achievement of significant results.** This accomplishment was acknowledged by nearly all the people whom I interviewed. Significantly, several officials of the MOJ were very positive about USAID and Amideast. The MOJ’s chief liaison to the project, expressed high praise for both USAID and Amideast. The Assistant Director of the MOJ’s Judicial Information Center (JIC) stated that he was “very pleased” with the assistance received from USAID and Amideast. Another judge, who was the project liaison for the MCOFI during the reform and automation process at that court, described Amideast as “an excellent team, very responsive, and dedicated—outstanding,” and USAID as “very cooperative, good listeners, and good problem solvers.”

USAID’s AOJS II activity manager described the USAID-MOJ relationship as so successful that it should be a model for other USAID projects. In her words, “You must have a good relationship to get things done. USAID can pay for assistance, but it is the MOJ that gives us what we need to get things done...Respect what the MOJ wants and needs. If we help them, they will be open to our suggestions and willing to compromise.” This respect for MOJ’s wants and needs was highlighted in a discussion I had with the Secretary General of the National Center for Judicial Studies (NCJS). In that discussion, he spoke positively about Amideast as having provided continuous support and having met the NCJS’s requests for training, library improvements, establishment of a website, and creation of a server room at the center.

“It’s not our project *per se*. It’s the MOJ’s project... They saw the big picture, took risks to get things done, and developed new policies....If we are to achieve sustainability, we must get their ownership.”

—Former COP for the AOJS II project.

Echoing these sentiments, other respondents from USAID and Amideast attributed the successful USAID-MOJ-Amideast relationship to all three partners’ insistence from the very beginning that the MOJ should “own” the AOJS II project. According to USAID’s CTO for AOJS II from its inception, continuous respect for the MOJ’s needs and wants throughout the project has led to the ministry’s increased trust and confidence in USAID and Amideast...and its increased receptivity to USAID and Amideast suggestions and recommendations.

One example, among many, of the MOJ's receptivity to recommendations borne of USAID and Amideast's cultivation of a strong relationship occurred relatively early in the AOJS II project. On the basis of an assessment of the then-unreformed court processes and procedures in the ACOFI, Amideast staff made nine basic recommendations for improvement. Of those nine, the MOJ accepted and quickly moved toward implementation of six: to open the large formal entrance of the Court building to improve access and ease traffic flow; to enhance the information desk in the lobby to provide comprehensive information and assistance to lawyers, litigants and general public; to build on North Cairo and Ismailia experiences and create a case initiation area and intake information counter on the court's ground floor; to move the copying unit to a location more accessible to lawyers and litigants or closer to microfilming and archiving and study the copying unit and procedures to see if they could be made more efficient and less time-consuming for creating official copies of court and case documents; to begin phased automation of court operations, starting with the typing pool; and to develop a range of mechanisms for on-going enhancement of skills among court staff, especially supervisory and management staff.⁷ Another, more recent, example is the MOJ's quick action to implement several USAID recommendations for improving its operations with respect to information technology arising from a late-2007 assessment conducted through the project.⁸

According to USAID's CTO, the strong relationship that USAID has established with the MOJ through the AOJS II project has had ripple effects beyond the project itself. She expressed the belief that the MOJ's growing trust and respect of USAID has led to the MOJ's receptivity to USAID assistance in two other major Rule of Law projects, namely, the Administration of Criminal Justice and Family Justice projects, both of which operate in considerably more controversial and sensitive areas of judicial reform in Egypt than does AOJS II.

- **Through the effective partnership of USAID, the MOJ and Amideast, AOJS II has built an impressive record with respect to the depth and breadth of reengineering, automation and other reforms of MOJ and court processes.** Many of the people interviewed for the assessment expressed this sentiment, i.e., that a significant project accomplishment has been simply the sheer magnitude of tasks conducted and results achieved during the past three and one-half years. These accomplishments and results include, but are by no means limited to, the following:
 - At the time of this writing, seven COFIs had been fully reformed and automated per the basic model established in AOJS I—two by the project (through the joint efforts of Amideast and the MOJ) and five by the MOJ itself. Another 11 COFIs and satellite courts were in the process of being reformed and automated—six by the project and five by the MOJ on its own.⁹ The reforms and automation in these courts have included assessing reform and automation needs, developing strategic plans for ACOFI and MCOFI, making necessary modifications to all court buildings; installing IT infrastructure (i.e., wiring, servers, computers, etc.); installing an upgraded ECMA in various court departments; reengineering and streamlining

⁷ The nine recommendations are listed in "Summary of Alexandria Recommendations," no author (but clearly from AOJS II), circa June 2005.

⁸ TDY Report: Ministry of Justice Egypt—Administration of Justice Support (AOJS) II Activity Support, USAID/MCIO/BCSS Assessment Team—November 25-December 5, 2007, USAID/MCIO/BCCS; and Appendix B: Recommendations Table (for the TDY Report cited above), no author, no date (received by e-mail on April 9, 2008, from AOJS II's Judicial Information Systems Expert.

⁹ Under the project, Amideast and the MOJ have reformed and automated the Courts of First Instance in Alexandria and Mansoura, and are in the process with Marsa Matruh (a satellite of Alexandria), Tanta COFI, Mahallah (a satellite of Tanta), Qena, and Luxor and Hurghada (satellites of Qena). The MOJ has replicated the reforms and automation of the Beni Suef, Port Said, Damietta, El Minya, and Suez COFIs, and is in the process with courts in Zagazig, Shebin El Khom, Kafri Sheikh, El Faiyum, and Sohag.

court operations through creation of a one-stop-shop Front Desk operation for case initiation by litigants and their lawyers; automating the case indexing and archiving operations; computerizing the typing pools responsible for typing judges' decisions; and providing computer training, IT training and specialized judicial training to hundreds of judges and court staff and MOJ officials and staff.

- The project has provided training and numerous study tours for judges and officials, including the newly appointed female judges, created a Replication Master Plan (RAMP) for the ministry to use in replicating reforms in all the COFIs and their satellites, facilitated the MOJ's joining and contributing to the Library of Congress's Global Legal Information Center (GLIN), provided the MOJ with numerous policy papers for IT deployment and support, developed plans for a certificate program in court management for judges, and promoted and assisted the MOJ in the adoption of court and case management quality performance standards for implementation throughout the COFI system.
- In the NCJS, the project has helped with the development of curricula for training judges in various specialized judicial and court management areas, renovated the NCJS library and developed a computerized listing of all its holdings, and developed and deployed the Egyptian Judicial Education and Training system (EJETS) for automating the management of courses, students and faculty.
- In the JIC, the project has assisted with the design, procurement, and deployment of the COFI ECMA; built the organization's capacity to provide IT support to all the COFIs through the provision of IT training and development of hardware, software and required infrastructure; helped the organization establish itself as a Decision Support Center to centralize the collection, analysis and reporting of all case and court management data nationwide.
- For all three counterpart organizations—the MOJ, JIC and NCJS—the project has assisted in the development of strategic plans for each, developed websites for each and established Internet connectivity across all three and the reformed courts, and by the end of the project will have established nationwide videoconferencing capability for all three counterparts and the COFIs.
- The project has begun to deploy software to manage mandatory mediation in family justice cases in three Governorates, and, by the end of the project, will have automated 26 mediation offices.
- **Accomplishment: The MOJ's appointment of women judges (42 to date) is justifiably viewed by USAID and Amideast as a major AOJS II achievement.** When asked to identify major project accomplishments, all of the USAID and Amideast interviewees mentioned the MOJ's appointment of women judges. This major change in the hitherto exclusively male judiciary in Egypt required a decision of the Supreme Judicial Council last year. Shortly after, 30 women were appointed on April 10, 2007; and an additional 12 were appointed early this year.

While no one in USAID and Amideast would say that AOJS II can take full credit for this dramatic development, they all believe that the project had a major influence on the key MOJ actors involved. Early in the project, USAID and Amideast planted the seeds for the appointment of women judges, and nurtured the idea through several activities.

"At first, we thought the appointment of women judges would never happen, but we kept it in the AOJS II plan. Little by little—through lots of discussions with NGOs, women's groups, and conferences, it appeared that the MOJ was beginning to think they should take it on..."

--USAID's CTO for AOJS II.

The turning point occurred with a project-sponsored study tour to Morocco in early 2007, during which a key MOJ official and several Egyptian women met with and learned a great deal from a group of Moroccan female judges. A few months later, that official was appointed Assistant Minister of Justice (for Follow-up and Achievement) and the MOJ's lead counterpart to AOJS II; and in April 2007 the first women judges were appointed. Clearly, the Assistant Minister, reportedly the most influential person in the MOJ aside from the Minister himself, had much to do with the decision.

Since the appointment of the first 30 female judges, the project has provided a substantial amount of training to the new judges, sponsored a U.S. study tour for several of them, engaged them in several roundtable discussions, and provided other types of assistance. USAID's AOJS II activity manager suggested that, knowing that USAID would provide such post-appointment support, the MOJ was spurred on to appointing women judges sooner than it might have done. Amideast's M&E Expert believes that the Assistant Minister of Justice (for Follow-up and Achievement) is choosing to go slowly with the number of women being appointed to the bench because one mistake could be disastrous for the cause.

- **The MOJ's recent commitment to developing and implementing court and case management performance standards is viewed as a major project breakthrough in developing a "managing for results" culture in the MOJ and the courts.** Since the inception of the AOJS II project, USAID and Amideast have been promoting the use of monitoring and evaluation (M&E) in order to assess and improve judicial and court performance in the COFIs. These efforts have included, to name a few, early M&E orientation sessions with MOJ officials; development and deployment of the ECMA, which, when fully operational in all the COFIs, will provide the basis for tracking court progress in reducing case delay and other intended results; sponsoring study tours for judges and MOJ officials on court management and the use of performance standards in the U.S.; and assistance to the JIC to establish itself as a "decision support center," which will collect, analyze and report performance and other information for the entire MOJ.

"If we implement a system of using performance standards with our courts, Egypt will be first country in the Middle East and Africa to do so."

– Chief Judge, Assistant Director of the Judicial Information Center and team leader for the MOJ's performance standards

Recently, in response to the project's promotion of the use of performance standards and the Minister of Justice's interest in quality standards for court performance, the Assistant Minister of Justice (for Follow-up and Achievement) appointed a team to develop standards for use in assessing court performance. He also requested project assistance in this area, including the generation of ideas and advice from project experts and experience in other countries. In response, Amideast staff sponsored a study tour to the U.S. to look at how standards are used in the U.S. courts, provided materials from the U.S. National Council of State Courts, provided technical assistance to the performance standards team, and, most recently, developed a set of draft performance standards for the MOJ to consider and adapt to the Egyptian context.¹⁰

The Chief Justice of each court would be responsible for implementing the standards. In a discussion with Assistant Minister of Justice (for Follow-up and Achievement) and the Director of

¹⁰ There are major differences between the Egyptian judicial system and that of other countries where court and case management performance standards are used. For example, two major differences between the Egyptian and U.S. systems are the respective absence of and the use of juries in the two countries, and the fact that much of the day-to-day administration of the courts is performed by judges in Egypt's system, while these responsibilities are delegated to court staff in the U.S. system.

the JIC, I asked whether the MOJ was establishing an M&E unit to manage implementation and data analysis and reporting from the MOJ’s nationwide perspective. The Director of the JIC stated that there would be a central data base in the JIC, but he offered no specifics beyond that, only to say that the MOJ would go “step-by-step” with implementation. According to AOJS II’s project CTO, the JIC has asked USAID for templates for collecting and reporting performance standard data from the case management system.

The MOJ has just made official its approval of performance standards for use in the COFIs in an April 21 announcement by Egypt’s Minister of Justice. In his announcement, reported in the El Ahram newspaper, the Minister noted that adopting quality performance standards fits within the ministry’s overall policy to support, renew, and develop all aspects of work at the courts all over Egypt, in order to realize the principle of complete, timely justice for the Egyptian people. Further, he stated that the performance standard system is important because it introduces the scientific method of assessing the quality and efficiency of the work at the COFIs, so that the ministry can develop the courts’ judicial and administrative work in a way that benefits the people when they litigate. In setting court environmental and procedural standards, the needs of judges, litigants and court staff were taken into consideration.¹¹

- **The project has greatly increased human resource capacity throughout the MOJ and the courts.** Training, study tours, and other human resource capacity-building efforts are frequently mentioned throughout this report, but several interviewees highlighted the amount of training delivered by the project as a major accomplishment. During the past three years, in collaboration with the MOJ and its sub-organizations, the NCJS and the JIC, AOJS II delivered a total of 25,715 training days to MOJ officials, judges and court staff, as shown in Table 1 below.

Year	Total Number of Training Days Delivered	Judges Who Received Training (duplicated count) ¹	Non-Judges Who Received Training (duplicated count) ¹	Total Numbers of Male and Female Judges and Non-Judges Who Received Training, (duplicated count) ¹	
				Male	Female
1 (FY 05)	6,343	380	519	637	262
2 (FY 06)	6,773	677	598	958	317
3 (FY 07)	12,599	1,431	753	1809	375
TOTAL	25,715	2,488	1,870	3,404	954

Source: AOJS II Annual Progress Reports. ¹Duplicated count means that if an individual attended more than one training event in a given year, he/she is counted two or more times in this total.

Table 2 on the next page presents the annual training data USAID/Egypt has reported to Washington, under the “standard” indicator for number of justice sector personnel trained each year. Although it is not possible to determine the exact number of all individuals exposed to training and other learning events by the project, one could safely estimate that at least 1,000 or more individual MOJ and court personnel have been affected.

¹¹ “A plan to implement quality standards of the work at the Courts of First Instance,” English translation of a report by Emad El Feki, *El Ahram*.

Table 2: Number of Justice Sector Personnel Trained by AOJS II Project

Year	Total Number of Justice Sector Personnel Trained (unduplicated count for the year) ¹	Total Number of Male Personnel Trained (unduplicated count for the year) ¹	Total Number of Female Personnel Trained (unduplicated count for the year) ¹
1 (FY 05)	499	361	131
2 (FY 06)	931	744	187
3 (FY 07)	869	722	147

Source: AOJS II Annual Progress Reports

¹Duplicated count means that if an individual attended more than one training event in a given year, he/she is counted two or more times in this total.

Among the judges I interviewed and surveyed, most found the training they had received to be useful for them in their work as judges. Particularly useful training included computer training for conducting research, and training in court management and public administration of courts, family justice and IPR law. Several judges recommended that more specialized training and more computer training be provided.

According to USAID’s activity manager for AOJS II, the most significant of the training programs has been the 6-8-week project management certification course delivered by the American University of Cairo through the project. In her view, the judges really benefited from this course because court administration is handled by judges, most of whom have had no training or experience in administration prior to the project. The consequence of little administrative experience is that they cannot monitor employees to prevent administrative irregularities from occurring, and they cannot train employees because they do not have the skills themselves. The course goes a long way toward correcting this problem.

“In general, judges used to be very resistant to the training provided by the project. I have observed, however, that many judges who return for more training (*as directed by the MOJ or at their own initiative*) are more receptive and interactive than before. They say that management and computer training is very helpful and they are happy to get it. As for specialized judicial training, some like it and some don’t (because they don’t necessarily agree with positions offered by the trainers.”

– Amideast’s Training Coordinator

The current AOJS II COP reported that, at a recent training event, he met one of the judges who had participated in a study tour in June 2007. The judge had been selected to make a presentation on the future of bankruptcy cases and possible alternatives.

According to the COP, the judge was someone the project had nurtured who was now assuming a leadership role in the judiciary.¹²

In their interviews and surveys, court staff expressed appreciation for the training they had received, most of which was training in how to use computers, software and the case management applications. Virtually without exception—regardless of where they worked in the reformed

¹² “Impact assessment plan,” AOJS II COP in an e-mail to AOJS II M&E Expert and AOJS II Deputy COP, March 2, 2008.

courts—staff found the training to be useful to them in their work. When asked for their suggestions for further improving court processes and procedures, many suggested the provision of more computer training to increase their expertise, efficiency and performance.

Challenges:

Three challenges with particular relevance to informing future USAID projects and programming are described below. Key informants cited several other challenges, but those were rather minor and so specific to AOJS II as not to help inform future programming.

- **While the MOJ’s “ownership” of AOJS II appears to have been a major factor in the project’s success, it has created some implementation challenges for all three partners in the relationship—but these challenges, or costs, have not outweighed the benefits.** Probably the most significant challenge deriving from MOJ ownership and hands-on direction of the project has been the continuous pressure on Amideast, as USAID’s implementing partner, to adapt to frequent MOJ-initiated or requested changes to project objectives, strategies, and schedule, and the consequent need to re-plan and reallocate project resources. A few of the changes affecting the project—and Amideast’s scheduling and budgeting—were Amideast’s having to assume responsibility for some construction in the target courthouses, which was to have been solely the MOJ’s responsibility.

Another cost attributable at least in part to everyone’s acceptance of MOJ ownership of the project and Amideast’s sometimes competing desire for cost- and time-efficient implementation has been a certain amount of tension between Amideast and MOJ over the years. One MOJ observer noted that the relationship between Amideast and the MOJ’s JIC has become a bit strained over time, but that this is not a serious problem. This individual, who was quite positive about Amideast’s overall performance, felt that the strain was a product of both the JIC’s desire to exert substantial control over project plans and Amideast’s consequent tendency to seek JIC approval for many minor decisions and actions for fear of acting on its own. In my experience, this type of issue commonly arises in many projects involving stakeholder-implementing partner collaboration, and working out a clear understanding of respective roles and responsibilities often takes some time and considerable effort early in the project. In the case of AOJS II, however, the problem was exacerbated by the involvement of three MOJ parties (MOJ leadership, the JIC and the NCJS), which had coordination, collaboration and authority issues of their own. It is therefore understandable that Amideast would feel the need to tread very carefully through the implementation terrain.

USAID’s project CTO reported having to mediate numerous disagreements and “keep the peace” between the MOJ (and its three organizations) and Amideast during the course of the project. Her focus in doing this, in their routinely scheduled partnership meetings, was to ensure that the two partners looked forward rather than dwell on the past. USAID’s AOJS II Activity Manager expressed the belief that the CTO performed that function very effectively by keeping everyone’s eyes on the ultimate goals of the project, and striking compromises and finding ways to meet MOJ needs and wants while being mindful of Amideast’s needs as an implementing partner committed to producing its deliverables in a timely and cost-efficient manner.

When asked about challenges experienced during AOJS II, several Amideast staff noted, on the one hand, their frustration in dealing with MOJ delays and changes, but also acknowledged, on the other hand, their appreciation for working with a ministry as reform-minded as the MOJ. I got the impression from both project staff and USAID staff that, on balance, the costs of doing business in

partnership with the MOJ have been far outweighed by the benefits in terms of the results achieved by the project.

- A second key challenge for the AOJS II project—and one from which similar automation projects can learn—was created early on when Amideast included in its bid for the project an IT sub-contractor whose platform expertise turned out to be inconsistent with the MOJ’s preferred IT approach. Specifically, the sub-contractor was experienced with an IBM-based platform IT solution, but the MOJ’s preference was for a Microsoft-based platform—with which the sub-contractor had no experience. This discrepancy created a great deal of tension during the first several months of the project, but was resolved when Amideast severed its relationship with the original sub-contractor and collaborated with the MOJ in selecting a firm with Microsoft expertise. This collaborative effort is now viewed as a procurement capacity-building experience for the MOJ—and one that has strengthened the MOJ’s ownership of the project. The lesson that emerged from this experience (and, indeed, which has guided USAID’s subsequent programming) is that the project should work hand-in-hand with the government counterpart in selecting the IT sub-contractor to ensure that the ultimate IT solution is responsive to the government’s needs to enhance its sustainability.
- A potential additional challenge to AOJS II’s short- and long-term success involves current and future staffing in the MOJ. The project’s success relies heavily on the development and retention of expert staff in the MOJ, particularly in the IT area. USAID and Amideast staff have expressed their concern that the JIC is underestimating the numbers and levels of IT staff needed to carry out the organization’s growing IT and management information system responsibilities in the MOJ and, as more and more courts are being reformed, in the courts themselves. In addition, Amideast staff have expressed their concern over what they characterize as relatively high losses of specialized IT personnel who have been trained by the project.

This challenge—i.e., inadequate numbers of skilled government personnel through either the loss of those trained or inadequate estimates of those needed—is a common threat to sustainability in many development projects, especially where skilled staff, such as IT experts, can find alternative and more lucrative employment in the private sector. To address this challenge in the AOJS II project, USAID and Amideast are encouraging the MOJ to review their current and future IT staffing needs, adjust their plans as needed (factoring anticipated attrition into its decisions regarding budget and training) and, if necessary, consider outsourcing some of the expertise needed. The AOJS II team will continue to monitor the IT staffing issue and provide recommendations to the MOJ as part of its activities in Year 5.

Conclusions:

(2) AOJS II has had many significant accomplishments. They include development of a productive USAID-Amideast-MOJ partnership and cultivation of the MOJ’s “hands-on” ownership of the project; an impressive implementation record of reforms and case management automation in the Courts of First Instance and capacity-building in the MOJ, the JIC and the NCJS; the introduction of female judges in the Egyptian judicial system; the MOJ’s adoption of court and case management performance standards; and significant development of human resource capacity throughout the court and MOJ system.

(3) The project has encountered several implementation challenges, including initially not involving the MOJ in the selection of the IT subcontractor; Amideast’s occasional resistance (in order to be more

efficient) to the MOJ's involvement in key areas of project administration; and the need to adapt to the MOJ's top-down, highly centralized approach to management and internal conflicts over organizational authority.

Recommendations:

(1) As AOJS II starts to wind down, USAID and Amideast should encourage the MOJ to give some concerted attention to strategic planning for the post-project period. For example, the JIC needs to consider seriously its IT staffing needs for continued replication and sustainability of the reforms in the future. This should be a focus of collaborative sessions in support of the Workplan for Year 5.

Assessment Question 3: Are implementation approaches for justice sector project tasks designed to include stakeholders in the strategic planning and implementation of activities? Are stakeholders actually included in the strategic planning and implementation of activities?

Findings:

In direct response to Assessment Question 3, two key informants provided the following recent statements regarding the involvement of stakeholders (i.e., the MOJ and court officials and staff) in AOJS II:

USAID’s CTO for AOJS II: “...(T)he MOJ was very involved in the design of AOJS II. I had several meetings with the MOJ; the MOJ reviewed and commented on the SOW (Statement of Work); they attended the bidders’ conference to answer questions; they took the bidders to the AOJS I courts; and they sent a senior judge to sit on our TEC (Technical Evaluation Committee), a month-long process.”¹³

AOJS II’s COP: “AOJS II has attempted to include stakeholders to the fullest extent possible in strategic planning and implementation activities. Because of the hierarchical nature of the judiciary in Egypt, most planning has occurred at the MOJ, or the JIC and the NCJS with subsequent validation by the Ministry. In fact, no activity is undertaken without a presentation to and approval by the MOJ. While this can hinder the speed of activities, the truth is that...stakeholders are *fully* included in all strategic planning and implementation activities. There is no item in any of the quarterly reports of activities that was not presented to, fully discussed with, and approved by the Ministry.

“In addition, AOJS II has discussed project plans in detail with the Chief Justice of each of the courts to be automated, and conducted planning and implementation sessions for Judges and Court employees. AOJS II has also provided public administration and court management training to many judges in each court and basic computer and application training to all staff.”¹⁴

The following additional findings came from discussions with interviewees and reviews of documents:

In its bid for the AOJS II contract, Amideast proposed the formation and use of an overall MOJ project steering committee (PSC) and several specialized working groups (WGs) in the ACOFI and MCOFI—i.e., the first two courts to be reformed and automated under AOJS II. Despite the CTO’s skepticism about the appropriateness and feasibility of using a steering committee model with the MOJ’s top-down management structure, Amideast made repeated attempts to get the MOJ to establish the PSC, all of which the MOJ resisted. A project steering committee was never established.

During the early years of the project, instead of using a project steering committee, the MOJ relied on the Director of the NCJS to manage the project from the MOJ’s perspective. Virtually all project decisions—large and small—were made by that official. During the second year of the project, the MOJ adopted its current approach, which entails having the Director of the JIC deal with JIC-related issues (including court automation, JIC IT capacity-building and other MOJ-wide IT improvements) and the Director of the NCJS deal with NCJS-related issues (consisting mostly of NCJS capacity building in training). Sitting

¹³ (no title), email from AOJS II CTO to Larry Beyna and the evaluation team, June 10, 2008.

¹⁴ “Evaluation,” email from Deputy COP to AOJS II CTO, June 16, 2008.

above both individuals is the Assistant Minister (for Follow-Up and Achievement), who is the MOJ’s chief decision-maker for AOJS II. At the court level, one “coordinator judge” is appointed by the Chief Justice in each court to serve as the court’s liaison to the project.

“The model of stakeholder involvement is not great in Egypt nor was it in the AOJS II project....The Working Groups established a foundation, but hierarchy ruled out.”

-- Former COP for AOJS II

Unlike the planned PSC, several specialized court-based Working Groups (WGs) were established in the ACOFI and the MCOFI early in the project. The WGs, which included judges and court staff, were charged with analyzing the pre-reform court processes and procedures and identifying specific recommendations for reform and automation, as well as the physical and infrastructure changes needed to accommodate them. The WGs continued to operate for some time after the current approach, described above, had been

established, but they were eventually dismantled.

The judge who served as the MCOFI “coordinator judge” during that court’s reform and automation process attributes the eventual dissolution of the WGs to several factors. Two factors, which were mutually reinforcing, were the fact that WG members were given no specific tasks to perform and many of the WG members lacked enthusiasm for the role. Also contributing to the WGs’ weakness was the gradual assumption of centralized leadership of the reforms and automation effort by the JIC and the lack of a culture of teamwork in Egypt and in the MOJ.

During the MCOFI reforms, the “coordinator judge” participated in planning and implementation meetings with Amideast and court staff. He would offer both comments on proposed plans that AOJS II presented and his own ideas, and many of his ideas would be implemented.

He was also involved in another major stakeholder activity at the MCOFI, the Amideast-assisted strategic planning process, which produced a formal strategic plan for the court. (Strategic plans were also developed with project assistance at the ACOFI, the MOJ, the JIC and the NCJS.) In that activity, Amideast provided training to members of the strategic planning group and helped facilitate development of the plan. While generally positive about the process and the product—particularly the communication it engendered—the MCOFI “coordinator judge” offered the opinion that the training and process involved too large a group and too many lower-level judges, many of whom were not enthusiastic about strategic planning. He also lamented the fact that the strategic plan, which included action plans with activities and time frames, was not systematically tracked and followed over time.

“In Egypt, we do not have a culture of teamwork—at the top or at the bottom of the hierarchy. The lack of a teamwork mentality is ingrained throughout society. Even children do not learn teamwork.”

--the “Coordinating Judge” during the MCOFI reform process

Conclusions:

(4) Although AOJS II’s original design for stakeholder involvement did not work out as intended, MOJ, JIC and NCJS officials and court judges and staff did play major roles in strategic planning and/or implementation throughout the project.

Recommendations:

None.

Assessment Question 4: Have administration of justice court reforms been effectively replicated in Egypt’s courts of first instance?

Findings:

So far, the MOJ on its own has replicated the AOJS II model in five COFIs—Beni Suef, Port Said, Damietta, El Minya, and Suez—and is in the process of replicating the model in five additional COFIs—Zagazig, Shebin El Khom, Kafri Sheikh, El Faiyum, and Sohag. USAID’s CTO reported that, on a site visit to Port Said last year, the first MOJ-only reformed court, she was very satisfied by what she observed, i.e., that the MOJ had replicated the model developed at ACOFI and MCOFI. AOJS II’s former COP reported similar observations made during trips last year to Port Said and Damietta.

During the rapid assessment, I conducted brief site visits to two COFIs, first to the ACOFI, which had been reformed and automated by Amideast in collaboration with the MOJ, and then, for comparison, the Beni Suef COFI, which the MOJ had reformed and automated on its own. I found that the Beni Suef COFI had in place and functioning all the same features of the model that I had earlier observed at Alexandria: informational signage and an automated information desk in the courthouse lobby; a Front Counter with clerks serving lawyers who were initiating new cases, automated indexing and archiving operations, automated typing pools, and a judges research room with computers for judges to use in researching cases. In addition to automation of the “whole” civil court at Beni Suef, the MOJ has automated all of its “partial courts” and has entered all the pre-reform cases into the automated system.

“The MOJ’s success with replication has been a huge achievement. They go into a court in a systematic way, and use the model and system developed by the project. The MOJ has been enthusiastic about replicating.”

-- AOJS II’s Activity Manager

The Chief Justice of the Beni Suef COFI reported that there were some minor problems with implementation, mostly dealing with installing the wiring needed for the IT elements. He noted that training was the key to success, however. He was very enthusiastic about the impact of the reforms and automation in Beni Suef. In the past, there were many problems and confusion with the case initiation process, which required lawyers to go through many steps and to various locations to get a case initiated. Now, with a streamlined Front Counter operation, that is not a problem. Automation has been very useful for him personally, because, as the court’s manager, he can now get information to monitor court work in real time, and research problems when they come to his attention. He also noted that the JIC’s provision of a judicial encyclopedia on CDs and website information has been an important step forward for judges.

“How could the MOJ *not* replicate, now that the courts and judges are seeing the benefits of the reforms, and there will be continued pressure for automation and the other reforms from all the non-reformed courts?”

-- a comment from an observer
reported by the former AOJS II
COP

Admittedly, Beni Suef was a smaller COFI than the ACOFI—with fewer judges and staff (e.g., 125 judges vs. 195 judges, respectively)—and one might argue that it was easier to reform and automate and not a true test of the MOJ’s ability to replicate. I have the impression, however, and it is only an impression, that, regardless of the size of the court, the tasks involved in replication of the court reforms and automated systems—i.e., installing IT infrastructure, training staff in using and maintaining the systems, and so on—require as much planning and careful implementation in a small court as in a larger one.

The Director of the JIC reported that the MOJ has established automated typing pools in *all* 24 of Egypt’s COFIs, several

additional satellite courts and 60, or one-fourth, of the nation's 235 partial courts. At least two partial courts in every governorate now have automated typing pools, but in some governorates there are as many as eight. He also reported that there are no decision-typing backlogs in those typing pools. Admittedly, automating the typing pools is relatively discrete and simple compared to some of the other replication tasks; but it indicates a commitment to the process as a whole. Indeed, the MOJ has already taken steps to move beyond replication of the ACOFI and MCOFI model. For example, it has plans for implementing an automated program for following up on rulings and decisions made by the civil courts, it is installing software for surveying libraries on a nationwide basis; and, in conjunction with the AOJS II task of automating family justice mediation offices, the MOJ has done its own automation at the family court in Port Said.

Recently, Amideast developed a "Replication Master Plan" (RAMP), a systematic and detailed guide for replication of the reforms and automation that AOJS II implemented in the ACOFI and MCOFI. Amideast is using the RAMP in the additional courts for which it is responsible. It is not clear whether the MOJ is also using the RAMP and an accompanying checklist in its replication activities, but it appears to be a useful tool for planning and implementation.¹⁵

In addition to the evidence cited above, everyone I talked to—at the MOJ, USAID, and Amideast—is confident that the MOJ will succeed with its plans to replicate the reforms and automation in all the COFIs throughout Egypt, and sustain the improvements over the long term. There is one big "if" in all of this, and that is whether the MOJ will continue to have the level of progressive leadership that it currently has. In the MOJ, as elsewhere in the Egyptian government, the success and sustainability of USAID-assisted reform depends on the interest and commitment of the leaders at the top, and the leaders can be replaced with little warning.

Another "if" with respect to complete replication—and long-term sustainability—is the question of whether the MOJ will have the financial capacity to accomplish it. I asked both AOJS II and MOJ officials whether they could estimate the average costs of replicating the reforms and automation in a given COFI. By their reckoning, this is difficult to do, because of all the "overhead" costs that go into replication—e.g., the costs of Amideast's project staff, travel, etc. that cannot easily be factored into an average AOJS II court replication, or the costs of MOJ staff for in-house training and so on that should be factored into its replications. Aside from this limitation, the AOJS II COP has estimated many of the costs that could be tied directly to replication (equipment, equipment installation, furniture, connectivity and supplies, training, etc.). His rough estimate for future AOJS II replications, which does not include Amideast overhead and general project costs that cannot be directly related to replication, ranges from about \$443,600 for Hurghada to \$714,900 for Tanta.¹⁶ It should be noted here that these are costs for replication only, not for long-term maintenance of the systems being used in the reformed courts. For example, it costs an estimated \$8 for security updates per year for each computer used in the system.

When I asked interviewees about their confidence and concerns regarding replication and long term sustainability of the reformed and automated COFI system, I heard the following:

- The Assistant Minister in charge of the reforms noted that he is reassured by the MOJ's proven ability to replicate already in Beni Suef, Suez, Port Said, Damietta and Minya. Replication and long-term sustainability is always a concern, and that is why he and the MOJ are putting a very heavy emphasis on human resource development and training. In his view, staff development is

¹⁵ [Replication Master Plan \(RAMP\)](#), version 1.1 (working draft), and [Appendix I RAMP Implementation Checklist](#), AOJS II Project, December 14, 2006.

¹⁶ These estimates are included in a table prepared by the AOJS II COP entitled "ETC by Activity."

more important for long-term sustainability than infrastructure development. He hopes that the MOJ will receive continued USAID assistance overall, but the MOJ will still focus on skill building.

- USAID’s CTO pointed out that the Egyptian system of periodically rotating judges from one court to another, although a problem in some respects, provides a likely advantage for replication and sustainability. The movement of many trained judges from reformed courts to yet-to-be-reformed courts will likely contribute to a “spread effect,” in that they will bring to the unreformed courts their experience in and positive attitudes about improved processes, and, possibly, their demands for reform.
- On a similar note, the Chief Justice of the ACOFI stated that a large number of judges receive training in IT from the JIC, so when they come to ACOFI, they can adapt there. Some judges even type their own decisions on the computer.
- AOJS II’s former COP, is “90 percent-plus confident” that the MOJ will replicate and sustain the reforms. As evidence of sustainability, he cited the case of the first two COFIs that were automated under AOJS I, North Cairo and Ismailia. In those two locations, the COFIs are still using the case management application installed during AOJS I, and they have developed websites since then.
- AOJS II’s current COP expressed his general belief that the MOJ will be able to replicate and maintain the system. To support that belief, he cited the project’s substantial investment to date in the capacity of the JIC and the NCJS for the roles they are expected to play over the long term. In the JIC, this includes, but is not limited to, developing IT expertise among its staff, helping establish it as the IT “hub” for the whole court system, and preparing it to serve as the MOJ’s “decision support center” for tracking, analyzing and reporting progress on key results related to court and case management.

“Maintenance is a huge problem, but with the same people at the helm in the MOJ, it will happen.”
-- USAID’s AOJS II Activity Manager

In addition, the project has done much to increase the NCJS’s capability for designing and implementing the kinds of training and other programs in human resource capacity development needed to sustain the system in the future. The COP offered the following details: AOJS II has provided 44 master training kits to the NCJS over the life of the project. These kits include all course materials and allow for programs to be repeated in very cost-efficient manner. AOJS II has worked closely with the MOJ and NCJS on the format and content of all training programs, and no program has been conducted without a thorough vetting of all faculty and course material. Moreover, the faculty has included over 80 local experts, more than 20 of whom were judges, and only a scant number of foreign resources. The project has also used many local firms to provide well received technical and management training to judges and local staff, and NCJS manages many other programs independently. Although these programs are by no means without cost, the availability of local expertise and the institutional capacity of the MOJ argue well for the sustainability of similar activities in the future.

Conclusions:

- (5) The MOJ has made impressive progress in replicating the reengineered processes and automation in additional courts.

(6) The MOJ's continued replication and long-term sustainability of the reforms and automated processes in the COFIs appears likely, if the MOJ's leadership remains as reform-minded as it is now and the MOJ addresses the significant staff needs for sustaining the automated system.

Recommendations:

None.

Assessment Question 5: Have court processes (in those courts that have been reformed) been made more systematic, accountable, fair and transparent?

Findings:

Prior to the reforms, case initiation was a rather chaotic, laborious and time-consuming process requiring lawyers and litigants to visit multiple offices on various courthouse floors and wait in lines at each stop to accomplish six basic steps in filing a new case. For inexperienced lawyers and litigants, there were scant instructions on how to negotiate the various steps and locations in the courthouse.

Now, the process is clearly more **systematized**. Each reformed courthouse has a prominent sign at the entrance which provides basic instructions on how to initiate the process. It also has a computerized “one-stop shop” at the Front Counter on the ground level. At the Front Counter, windows are labeled for different types of cases, and lawyers and litigants go to a window, hand over their case filing documents to a clerk, have them reviewed for completeness, pay their filing costs, get an assigned hearing date, and receive an official receipt for their transactions. What used to take hours in order to file a new case now takes minutes, assuming all the required documents are submitted.

Prior to reform, court staff manually recorded case documents in ledger books, and documents were manually archived, indexed and stored on shelves in courthouse offices. Retrieving case documents and files for review or copying used to be labor- and time-intensive. Now, archivists receive the documents from the Front Counter and scan them into the computer. Indexing staff extract and record needed information electronically. Although ledger books are still used in order to document the fees paid for the Ministry of Finance, and files are still manually warehoused, copies of documents can be quickly retrieved from the electronic system. Also, rather than entering case update information into manual ledger books, court staff enter data into the electronic case management system.

The case initiation process has become more **accountable** in that the opportunities for bribery have been greatly reduced. With a one-stop process, instead of multiple stops at various places in the courthouse, the number of staff who might be bribed has been greatly reduced. More importantly, the case initiation fee amount to be paid is generated by the computer according to pre-specified criteria, and the computer generates a printed receipt for the fees paid. This allows no leeway for a dishonest clerk to tack on additional costs. Finally, the system creates an audit trail for tracking each transaction.¹⁷

The case initiation process has become more **transparent and fair** in several respects. As noted above, the fees one is required to pay are calculated by the computer according to standard criteria, which are commonly known and applied equally to all cases having the same basic characteristics. In addition, the computer automatically and randomly assigns each case to circuits, which allows no manipulation on the part of the lawyer/litigant, who might want to exert influence on the choice of judges who will adjudicate his/her case. As well, the case’s first hearing date is assigned by the computer based on the next available date and time in the panel’s schedule.

¹⁷ In our mini-surveys of eight lawyers at the ACOFI and two at the Beni Suf COFI, we did not ask about their experiences with bribery in the case initiation process. However, one ACOFI lawyer did mention the prevalence of bribery at three places in the court: when paying fees, collecting official copies of documents/ judgments/session minutes, and receiving original documents of disposed cases. The latter two points are clearly not part of the case initiation process, and in the case of paying fees, it is not clear whether the lawyer was referring to paying case initiation fees or some other fees. From her description of the problem with cashiers—i.e., that it was very crowded and one needed to bribe to get service—suggests that this did not happen at the Front Counter during case initiation because the fee-paying there is part of a larger process once one gets to the window and is being served.

The following additional court processes have become more systematic as a result of AOJS II interventions:

“Are court process now perfect? No...but there’s been a quantum improvement!”

-- *Former AOJS II COP*

- **Provision of Information to Lawyers and Litigants:** Prior to the reforms, lawyers and litigants had no systematic way of getting information about the status of their cases, finding out where in the courthouse and when hearings were scheduled, and so on. Now, there is an automated information board in the lobby of the courthouse, which systematically and reliably gives visitors information on hearing locations and times, and there is an information window, where visitors can inquire about the status of their cases. By definition, these improvements in the availability of information have increased court transparency.
- **Judges’ Research on Cases:** Prior to reform, judges had to rely only on books and other paper resources to conduct research on pending cases, for laws, rulings in similar cases, higher court rulings, etc. Now, with computer training, access to computers and the internet in designated judges’ research rooms, and JIC-created CDs, judges can more systematically and quickly retrieve needed information.
- **Typing of Judges’ Decisions:** Prior to reform, court staff typed judges’ decisions on manual typewriters and only paper copies of decisions were available. Now, typists use computers and word processing software and templates to type and correct decisions, and all decisions are stored electronically. According to the typing pool supervisor in the ACOFI, the time between receipt of a handwritten decision and producing a typed copy has been reduced from three months to only 17 days; and according to typists in the Beni Suef COFI, the average time needed to type a decision has been reduced from about 30 minutes to five or ten. In some cases, judges are now typing their own decisions, which has increased efficiency.
- **Collection and Analysis of Case Data:** Prior to reform, in order to collect descriptive data on case management—e.g., to determine such statistics as case delay and filing-to-disposition ratios—clerks had to pore through the ledgers for each case and manually record the necessary information. Now, using the case management applications, staff can quickly aggregate and analyze case data. With the upcoming implementation of court and case performance standards in the COFIs, the generation of data through the ECMA is expected to make tracking and assessing progress against those standards within the courts and comparing performance across courts much more systematic.

Conclusions:

(7) The case initiation process has been made more systematic, and as a result, it has been made more accountable, transparent and fair.

(8) Several other court processes—namely, the provision of information to lawyers and litigants, judges’ research on cases, the typing of judges’ decisions, and the collection and analysis of case data—have become more systematic and, as a result, more efficient.

Recommendations:

None.

Assessment Question 6: Has the level of service in the reformed courts improved for the public? For lawyers?

Findings:

In the section on Assessment Question 5 (pp. 21-22), I concluded, with detailed findings, that (a) the case initiation process has been made more systematic, and as a result, more accountable, transparent and fair; and (b) among other court processes, the provision of information to lawyers and litigants and the typing of judges' decisions have also become more systematic and, as a result, more efficient. These changes all represent improvements in the level of service in the reformed courts for the public and the lawyers who serve them.

During my site visits to the ACOFI and the Beni Suef COFI, I observed, first hand, the specific mechanisms and processes that have improved services for the public and lawyers. They include the following in each of the courts:

- informational signs in the courthouse lobby, which tells visitors where and when hearings are being held each day;
- an automated information desk (also in the courthouse lobby), which allows visitors to quickly access information on pending cases;
- a Front Counter, where lawyers and litigants can efficiently initiate new cases--with clerks reviewing application documents, entering initial case data into the computer, automatically calculating fees and collecting them on the spot, and automatically (and fairly) determining hearing dates and assigning circuit panels for new cases—all of which have increased efficiency and transparency and reduced the opportunities for manipulating the system and exacting bribes;
- automated indexing and archiving operations, which have made it easier and faster for lawyers and litigants to obtain copies of case documents; and
- an automated typing pool, which has reduced the time it takes to issue judges' decisions, which is especially valuable for lawyers and litigants who intend to file an appeal.

In addition to these site visit observations, the assessment yielded several other findings that relate to improved levels of service for the public and lawyers.

The Public: In the interviews and mini-surveys of judges and court staff, I asked respondents to identify changes in administrative court processes (as a result of the reforms) that they considered most important for the public.¹⁸ Eighteen judges (out of a total of 31 who were surveyed or interviewed in the ACOFI and Beni Suef COFI) answered the question. The types of answers given by the judges suggest that they were considering litigants and the lawyers representing them and, in a few cases, the general public when responding. A content analysis of their answers yielded the following types of changes in the courts' administrative processes (and the number of judges offering each):

¹⁸ Attachment 5, "Summaries of Survey/Interview Results for Judges and Court Staff," includes an analysis of all the responses to the questionnaires provided in Attachment 3. In total, 31 judges (28 from ACOFI and 3 from Beni Suef) and 37 court staff (30 from ACOFI and 7 from Beni Suef) responded via a self-administered survey or personal interview.

- Speed and ease in administrative procedures—e.g., getting responses to requests, getting information on pending cases, having signs pointing to the main offices and areas for citizen service in the courthouse (10);
- More prompt decisions (4);
- Elimination of manipulation in the distribution of cases among the circuits (3);
- Increased ability to obtain copies of decisions (3); and
- Equitable distribution of cases among circuits, with no circuits being overburdened (1).

Three judges went beyond changes in administrative court processes and mentioned improved justice, and two of those added increased confidence in the courts among litigants and the public. Three judges suggested that we ask the litigants this question, as they are in the best position to answer, and one (at the Beni Suef COFI) noted that an important change for the public was distributing questionnaires to citizens and lawyers inquiring about the quality of service provided. (This suggests that the Beni Suef COFI has done one or more surveys, but by the time I saw this response in translation, I was unable to ask court officials about it.)

Nine of the 37 court staff respondents (most of whom worked in the courts' typing pools) answered the same question with regard to the general public. Among those nine, responses (and number citing them) included the following:

- General promptness of court staff in performing their work (3)
- Justice in the distribution of cases through random assignment to circuits and hearing dates (2)
- Prompt case initiation and inquiry afterwards (1)
- Reduced crowds of litigants (1)
- Litigants' ability to see the typed and final decision prior to appeal (1) and
- Improved timeliness and/or quality of the work they did for the judges (3).

Lawyers: To obtain baseline data prior to the reforms, Hassouna & Abou Ali, an Amid East sub-contractor, conducted a survey of 125 lawyers present in each of the Mansoura and Alexandria COFIs (in September 2005 and March 2006, respectively) regarding their perceptions of court procedures relevant to their practice in the courts. Among other questions, the survey asked lawyers to rate 11 court procedures on a one-to-five scale (from poor to excellent) Hassouna & Abou Ali also conducted the same survey of 125 lawyers in present in each of the courts some time *after* the courts had been reformed (at the MCOFI in April 2007 and at the ACOFI in December 2007).¹⁹

As part of their analysis for each survey in each court, Hassouna & Abou Ali essentially averaged the 125 lawyers' ratings on each of the 11 procedures and then created an overall average of those averages. The pre- and post-reform scores for the two courts, which were used by USAID as one of its performance indicators, are presented in Attachment 4, and are repeated in Table 3 below. These data indicate that in both courts, the lawyers' average ratings of the 11 court procedures improved substantially (coincidentally, by 47 percent in both courts) from the period prior to the reforms to the period afterward.

¹⁹ A copy of the survey used is included in Attachment 3. Please note that, due to scheduling problems, the lapses of time between the pre- and post-reform surveys were not the same.

COFI	Pre-Reform (baseline)	Post-Reform	Percentage Change
MCOFI	2.10	3.08	+ 47%
ACOFI	1.80	2.64	+ 47%

During the rapid assessment, I used essentially the same survey of lawyers during the site visits to the ACOFI and Beni Suf ACOFI in order to take a third reading of their perceptions in the ACOFI and to compare perceptions in the Beni Suf COFI (reformed by the MOJ on its own) and the ACOFI (reformed by the AOJS II project). (Details of and data from the site visit surveys, in which eight ACOFI and two Beni Suf COFI lawyers responded, are provided in Attachment 6.)

The very limited data from these mini-surveys at best *suggest* that lawyers’ perceptions of the ACOFI have become more positive than when the full post-reform survey was conducted 15 months earlier , and lawyers at the Beni Suf COFI are very pleased with the services at that MOJ-reformed court. The ACOFI lawyers perceived all eight of the reform-relevant administrative procedures more positively than before (and their average rating for all eight procedures has increased from 2.40 to 3.40); a higher percentage of them now views the time in case filing initiation to be appropriate (75% vs. 57%); a slightly higher percentage reports improvement in performing the procedures in the court compared to the previous year (88% vs. 85%); and a higher percentage views the administrative work style and interaction in the ACOFI as better or equal to those in other courts in which they work (100% vs. 86%). The two lawyers at the Beni Suf COFI gave the highest possible positive responses with respect to all eight administrative procedures and the three general questions.

Conclusions:

(9) The level of service in the reformed courts has improved for the public—in terms of more speed and ease in court procedures and products, more fairness in case assignments to circuits, and more justice.

(10) Lawyers’ general experience in the reformed courts has improved markedly, with, for example, a 47-percent increase in satisfaction with selected court procedures; and the evidence suggests that improvements continue as time goes on.

Recommendations:

None.

Assessment Question 7: Have internal administrative court processes been improved and/or made more efficient for judges? For court personnel?

Findings:

Judges: In the survey and interviews of 31 rank-and-file judges (28 in the ACOFI and 3 in the Beni Suef COFI), their responses to several of the questions indicate many improvements and efficiencies in the work they do as a result of the reforms. These include the following:²⁰

- Improved computer and typing skills through training
 - Improved understanding/handling of certain types of cases through specialized training
 - Accelerated decisions on certain types of cases through specialized training
- “Through training given by the American University of Cairo, I learned to categorize cases by simple, medium, and complex. I can now determine the maximum time I should be spending on each case and can assess how well I am doing.”

-- a judge in the Beni Suef COFI
- Speedier delivery of decisions to litigants through the automated typing pools
 - More efficient and easier research on cases through the use of computers and the JIC-provided legal encyclopedias in on CDs in the Judges’ Research Rooms
 - Improved ability to conduct hearings and other administrative work
- Access to the legal information network and discussions with colleagues through the ability to use the Internet
 - Improved case load distribution among circuits through randomized assignment during case initiation
 - Less case delay, due to screening cases and informing litigants of the documentation requirements early in the process
 - Additional improvements as a result of additional reforms made by the MOJ, but not as part of the AOJS II project: Faster case disposition through the placement of experts within the court; and more efficient case disposition through specialization of the circuits with respect to types of cases, e.g., indemnity cases.

Court Staff: The surveys and interviews of 37 court staff (30 in the ACOFI and 7 in the Beni Suef COFI) included a question that asked how the reforms have changed their work. All 37 staff (who included 29 typing pool staff, five Front Counter staff, two IT technical support staff, and one clerk in the Judges’ Research Room) answered the question. Almost all of their answers fell into four categories of improvement: work is now done more quickly, more accurately, more neatly and more comfortably.²¹

When asked explicitly whether the changes had helped them do their jobs more efficiently, all 34 of the court staff who answered the question said that they had. In response to a request for examples of increased efficiency, individuals offered the following:

- Member of the ACOFI Front Counter staff: If we need to retrieve a document, case number, or anything else, we can inquire through the application. This step was very difficult before the

²⁰ Given the overlap in judges’ answers to various questions in the surveys/interviews, it is not possible to provide numbers of judges citing specific improvements. See Attachment 5 for a summary of data collected through the interviews and surveys of judges.

²¹ More details about the specific types of answers and types of staff who gave them are presented in detail in Attachment 5.

changes, because we would have had to go to the indexing department or panel clerk to inquire about the case.

- Member of the Beni Suef Front Counter staff: Before automation, if any of the documents in the case folder were lost, it would have been difficult to replace them. Now, with electronic archiving, it is easy to replicate lost documents.
- Supervisor in the ACOFI typing pool: In the past, it would take three months to get a decision typed (due to backlog). Now, it takes on average 17 days.
- Member of the Beni Suef typing pool staff: Before automation, it took about 30 minutes on average to type a decision. Now it takes about five-ten minutes, because we now have templates.

“As Chief Justice, my own job is easier—e.g., if I need to retrieve data, I can go to the system to get information...and this will be definitely be important with the implementation of court performance standards.”

-- Chief Justice of the ACOFI

Two more examples of increased efficiency were provided in May, 2006, by Amideast’s AOJS II COP at that time:

“In the past, we had paper logs on dusty shelves. Now the electronic system is more efficient.”

-- Supervisor of Electronic Indexing at the ACOFI

While there are no AOJS II baseline data regarding the typing pool operation, the MOJ reported essentially immediate impact of automation when the switch to computers was made. On the first live day in Mansoura, the typing pool produced 140 judgments in 3 hours vs. 60 judgments per day before automation. In Alexandria, they produced 425 judgments per day vs. 100 before automation.²²

Finally, some indirect measures of increased efficiency among court personnel can be found in the data from the ACOFI and MCOFI lawyers’ surveys, which have been reported under Assessment Question 6 above. The data show that, in both courts, lawyers had more positive post-reform perceptions of (a) the administration of 11 selected civil/commercial court procedures, (b) the appropriateness of the time spent in case filing initiation, (c) improvement in performing the procedures related to civil/commercial cases compared to the previous year, and (d) the administrative work style and interaction in the court compared to other courts in which they worked.

Conclusion:

(11) The reforms under AOJS II have resulted in notable improvements in internal administrative court processes, including increased efficiency, for judges and court personnel.

Recommendations:

None.

²² “PIR Side Notes for Margaret,” AOJS II, communicated by the AOJS II COP at the time in an e-mail to the AOJS II CTO, May 10, 2006.

Assessment Question 8: Has case delay been reduced?

Findings:

Included in Attachment 4 are data collected by Amideast in FY 2004-2006 on two performance indicators to assess reductions in case delay in the ACOFI and MCOFI. The data show the following:

- Between FY 2004 and FY 2005, the median number of calendar days between case filing and case disposition (based on the review of a stratified random sample of 700 cases in each year), the median number of days dropped from 591 to 330 in the ACOFI and from 408 to 335 in the MCOFI. These data suggest that significant reductions in case delay occurred in both courts.
- On another indicator, ratio of case filings to case disposition in a given fiscal year, the ratio in the MCOFI improved between FY 2004 and FY 2005 from 1:0.85 to 1:0.96, and worsened slightly between FY 2005 and FY 2006 from 1:0.96 to 1:0.92. These data suggest a significant reduction in case delay between FY 2005 and FY 2006, and, although not as good as in FY 2005, the continued disposition of a considerably greater proportion of cases filed in FY 2006 than in FY 2004.

The data collection processes required the extraction of case data from a random sample of case files and court ledgers, and subsequent work with ECMA implementation has suggested minor taxonomic inconsistencies. Furthermore, Amideast and USAID would have been hard pressed to conclude that case delay reductions could be entirely attributed to the AOJS II project's interventions, as there are other factors—such as the appointment of a dynamic Chief Justice in the MCOFI—that likely accounts for some of the reductions.

During the rapid assessment, knowledgeable interviewees in both Amideast and USAID expressed the belief that use of the one or both of the indicators might be worth resuming in the future, but only after the case data bases in the two courts can be rendered complete and accurate. The MOJ has a direct interest in doing this—not only in the ACOFI and MCOFI, but in all 24 COFIs—now that it has decided to implement court and case management performance standards nationwide in the near future. The standards likely include one or more relating to case delay, and, if so, the MOJ will want to collect and use reliable data to track court-by-court and overall COFI progress. The MOJ appears to be moving toward a culture that is more oriented toward case management and collecting and using data to manage for results. Both USAID and Amideast believe that the continued development of the MOJ's capability in monitoring and evaluation, particularly in the JIC, and the growing ease of measuring case delay through the ECMA should go a long way toward reducing case delay.

Additionally, there are some anecdotal data that suggest that case delays have been reduced already or are likely to be reduced in the future:

- Automation of the typing pools has reportedly reduced case delay by reducing the amount of calendar time between the rendering of a decision and final promulgation of that decision with a typed document. As an example, which has already been cited elsewhere, the ACOFI's typing pool supervisor noted that the average calendar time for getting a decision typed has gone from three months to 17 days.
- In at least one case—i.e., the MCOFI—having data on median case time and backlog has reportedly contributed to reductions in case delay. Amideast's M&E Specialist for AOJS II reported that

Amideast shared the project's baseline data for MCOFI on the ratio of cases filed to cases disposed with the MCOFI Chief Justice and "coordinator judge" for the project. In response, the MCOFI Chief Justice took "serious action" to monitor and push the courts' judges to move cases along and increase the ratio. By providing the initial data, the project has probably had some impact on case delay.

- AOJS II's former COP suggested that the random assignment of cases to circuits and systematic identification of hearing dates during the reformed and automated case initiation process may have contributed in a small way to the reduction of case delay. With those two improvements, the delays that lawyers might have caused by trying to manipulate assignment to preferred circuits and by trying to stall first hearing dates have been eliminated.
- USAID's activity manager for AOJS II suggested that training of judges may be having some impact on case delay. She has observed that part of the reason for case delay is the judges' notion that the more they write the better. She believes that project-provided training—e.g., the American University in Cairo's program in court management—may be contributing to a change in that thinking. In addition, according to USAID's CTO, the ECMA system allows judges to review the progress of their cases or the lack of it, through, for example, excessive postponements and they can decide to speed up their case disposition. She has observed that Egyptian judges are very lenient with litigants in the interest of ensuring fairness—so much so that they allow delays beyond what would happen in a U.S. court. To the extent that judges begin to hold themselves personally accountable for speedier disposition through training and the use of ECMS, there are likely to be significant reductions in case delay over the long term.
- The AOJS II COP and M&E Specialist expressed their belief that the AOJS II team's suggestion to move "signature" cases out of the COFI "whole" courts and into the "partial" courts had a direct influence on the MOJ's decision to do so. This change greatly reduced the caseloads of the COFIs (albeit increased the caseloads of the partial courts).

In the mini-survey and interviews of judges, I asked whether they thought the reforms had resulted in any progress in reducing case backlogs and delays. Of the 29 judges who answered the question, 25 said "yes" and four said "no." Among the reasons given for saying "yes," many of the respondents cited MOJ-initiated reforms that were not directly related to the AOJS II project: the movement toward the specialization of court circuits, thus increasing judges' efficiency in case disposition (13 judges cited this reason); the movement of experts into the court buildings (4); increases in the numbers of circuits and judges (3); more flexible legislation (2); and tracking and follow-up with experts to ensure their reports are submitted in due time (2).

Among the judges' reasons for saying that the reforms have reduced case delay that can be related to the AOJS II interventions are as follows: the judges' ability to research cases faster and more easily through the use of computers, the Internet, the JIC-provided CDs, and the Judges' Research Room in the courthouse (5 judges); rapid typing of decisions (2); the assignment of hearing dates, which prevents time-consuming manipulation by lawyers (1); and early screening of documents to ensure that case files are ready for decisions and cases are not delayed due to incomplete files (1).

Of the four judges who said that they did not think the reforms have reduced case delay, three offered explanations. One said that he thought that the rapid settlement of cases depends much more on the legislative aspects of the cases and on the competence of the judges—that is, it is all about legislative and judicial reform. Another offered the opinion that, perhaps with more specialization of circuits, case delay can be reduced. A third noted that delays are due simply to the fact that there are many cases and, despite automation, delays remain. He suggested that backlog might be reduced by classifying cases into simple,

medium and complex and then sending the complex cases to the more experienced judges, who could expedite dispositions more efficiently.

Conclusion:

(12) Quantitative and qualitative data indicate that case delay has been reduced in the reformed courts and some of that reduction can be linked to the AOJS II court reforms and automation.

Recommendations:

None.

Assessment Question 9: Has USAID programming had any effect on the strategic planning and policies of the MOJ, the NCJS or the JIC?

Findings:

In my interviews with USAID and Amideast officials and staff, all expressed their belief that AOJS II project has had impact on strategic planning and policies within the MOJ. Significant examples cited by one or more interviewees, most of which have already been mentioned in earlier sections of this report, include the following:

- The appointment of women judges (currently a total of 42), which is viewed as a very significant development and at least partially the result of USAID and Amideast encouragement and activities through the project.
- MOJ's recent formal commitment to implementing court and case management standards for tracking, assessing, and managing performance in all the COFIs, which is also viewed as a significant result of the project's efforts.
- The JIC's commitment to developing, with project assistance, an MOJ "Decision Support System," with which the JIC will use data from the ECMA II database to support implementation of the performance standards for case and court management, and other MOJ initiatives. Performance tracking with respect to the standards will be monthly, quarterly and annually.
- The early development of formal strategic plans—and subsequent implementation of the plans—by the MOJ, the NCJS, the JIC, the MCOFI and the ACOFI, all of which were accomplished with significant training and assistance from project staff. (Recently, the NCJS developed a second strategic plan without project assistance.)
- The MOJ's and ACOFI's implementation of several infrastructure and operational recommendations that came out of an AOJS II assessment of the ACOFI at the beginning of the court reform process in mid-2005. The project team made nine recommendations for improvement and six were adopted.
- The movement of "signature" cases from COFI "whole" court (i.e., three-judge) panels to "partial" (i.e., single-judge) courts—to increase efficiency and relieve the whole courts of so many cases—which was done in response to a direct recommendation by the AOJS II team.
- MOJ implementation of several recommendations made in a January IT assessment conducted by a USAID/Washington team of experts, which was facilitated by the project.²³ Examples of recommendations made by the team and adopted by the MOJ include removing commercial software from the system, where possible, because licenses would cost about \$20-30K per court, and devoting significant attention to system security (password policy, etc.).
- Numerous minor policies, such as those dealing with procurement and data system security.

"They (i.e., the MOJ, NCJS and JIC) have a different way of thinking. For example, they now know how to plan a training program. The mentality of the people we are working with has changed."

--USAID's AOJS II Activity Manager

²³ Details of the assessment and the status of recommendations made can be found in two documents: TDY Report: Ministry of Justice Egypt—Administration of Justice Support (AOJS) II Activity Support, USAID/MCIO/BCSS Assessment Team—November 25-December 5, 2007, USAID/MCIO/BCCS; and Appendix B: Recommendations Table (for the TDY Report cited above), no author, no date (received by e-mail on April 9, 2008, from the AOJS II Judicial Information Systems Expert.

Has USAID programming had any effect on the strategic planning and policies of the MOJ, the NCJS or the JIC?

“Absolutely! By gaining their confidence and trust, we have made a lot of headway with influencing policy change at the MOJ.”

-- USAID's CTO for AOJS II

Conclusion:

(13) As evidenced by several significant changes, AOJS II has influenced both the process and substance of MOJ, NCJS and JIC strategic planning and policy-making.

Recommendation:

(2) Given USAID and Amideast's successful track record in influencing MOJ policy, they should pursue ways of encouraging the MOJ to consider improving the management of the COFIs and implementing the new court and case management performance standards by assigning the responsibilities for administrative (i.e., court) management to separate officials in each court. The MOJ should be encouraged to place the participants in the Project's Court Management Certification Program in such positions, and to develop materials for transfer to other judges.

Assessment Question 10: Is there an increased constituency within the MOJ which supports continued judicial reform, including support for a systematic, accountable, fair and transparent justice system?

Findings:

MOJ Senior Leadership. Although I did not speak personally with the current Minister of Justice, several USAID and Amideast interviewees cited his strong commitment to reform. Testament to that commitment was his decision last year to replace the MOJ's former lead person for reform (who was, by several accounts, slow in making decisions related to the AOJS II project) with the current Assistant Minister for Follow-up and Achievement, with the mandate of making reform happen quickly. More recently, his announcement of the MOJ's commitment to implementing court and case management performance standards is additional evidence of his commitment to reform.

As noted earlier, in my meetings with the Assistant Minister for Follow-up and Achievement, the MOJ's main counterpart for AOJS II, I was impressed by his intense involvement in and commitment to the AOJS II project and reform in general, including his conviction that human resource development in the MOJ and the courts is the key to success in implementing and sustaining reform over the long term. As additional evidence of his long-term commitment and vision for reform, he has asked USAID for additional assistance in the future with establishing a model economic court—akin to the model COFIs created under AOJS I and II. His vision is of an economic court that applies the principles of case management, state-of-the-art equipment, and trained, efficient judges. His vision for next steps in reform also includes the establishment of legal assistance offices for the poor, particularly women and children. These offices would provide legal advice and, as needed, assistance with cases in the courts and follow-up on settlements in the areas of family justice, civil justice and, as needed, criminal justice, in that order of priority. The Assistant Minister has asked USAID for assistance in this new initiative, as well as continued assistance in human resource development throughout the MOJ.

The Director of the JIC has demonstrated his intense commitment to reform, especially to modernizing the MOJ and courts through automation, websites, and Internet connectivity.

The Assistant Director of the Judicial Information Center and Executive Director of the Global Legal Information Network (GLIN) of Egypt appears to be very committed to the implementation of performance standards through his leadership of the responsible MOJ team and to establishing Egypt's MOJ as a regional leader in the GLIN.

COFI Leadership, Judges and Staff. My conversations with the Chief Justices of the ACOFI and Beni Suf COFI during the site visits also indicate their enthusiasm for and commitment to reform. Both men proudly described the improvements made in their courts and ensured that my colleagues and I received thorough tours of the new Front Desk operations, the typing pools, the judges' research rooms, and other features. The ACOFI Chief Justice noted that he was looking forward to the completion of ECMA II implementation, which will automate several other court operations and departments. The Beni Suf Chief Justice expressed his desire to automate all the courts—civil, family, and criminal—with a wide area network linking all of them. He was very enthusiastic about his new ability to monitor court work in real time and research problems.

"I hope we can expand into specialization, automation, and use of computers and printers in all the different stages, including hearings and investigations. Every deliberation room in the court should have a computer uploaded with all the legislation and Court of Cassation rulings."

-- a judge in the ACOFI

“Survey the opinions of the public and litigants to get their views of changes and needs.” -- *a judge in the Beni Suef COFI*

“Do more to eliminate our need to work with paper.” -- *a judge in the Beni Suef COFI*

“There’s a need for further reforms and serious follow-up for these reforms.”

-- *a judge in the ACOFI*

In their responses to questions during interviews and mini-surveys, nearly all of the 31 judges in the two courts demonstrated positive reactions to the reforms and automation that have been implemented. Further, when asked if they had additional comments about how

the reforms were implemented or the impacts of those reforms, 16 took the question as an opportunity to suggest expansion of the reform process. The most common responses included the promotion of additional computerization throughout the court, increased networking and interconnectivity within and among the courts and with the Internet, and more specialization of circuits. In another question, judges were asked for suggestions for further improving court processes and procedures. Twenty-five judges offered suggestions, and several had more than one. The suggestions, which are summarized in Attachment 5, called for more automation, more training, more information support for judges, more specialization and more circuits, more experts and better use of them, increased authority of judges in the courtrooms, and other miscellaneous improvements.

The 37 court staff interviewed and surveyed (29 of whom worked in typing pools) were unanimously positive about the impact of the reforms, especially automation, on their jobs. They cited increased ease, efficiency and quality of their work as major effects of the changes. Court staff suggestions for additional improvements included more computerization and linkages in the courts, more training, and, among typists, more means of increasing their comfort, such as screen savers and better chairs.

“Introducing computers in courts is one of the most important modern innovations in courthouses. This alone is enough for me to perform my tasks and develop them.” -- *Typist in the ACOFI typing pool*

“Indeed, these changes in the courts via automation are an important development leading to facilitation of work.”

-- *Member of the Front Counter staff in the Beni Suef COFI*

Conclusion:

(14) Virtually all the evidence collected indicates that there is a strong constituency for reform among the present MOJ leadership, and among the Chief Justices, circuit judges, and court staff in the courts visited.

Recommendations:

None.

Assessment Question 11: Has the ability of judges to research and make decisions been enhanced by USAID’s administration of justice programming?

Findings:

In the mini-survey and interviews, judges were directly asked whether any of the changes in administrative court processes had increased their ability to research and make decisions. Of the 29 who answered the question, 27 said that they had and two said that they had not. Asked to specify the changes that had benefited their research and decision-making, 21 of the 29 positive responders mentioned the judges’ research rooms, computers and/or the JIC-provided CDs; five mentioned the typing pools²⁴; one mentioned the ability to use the Internet; one mentioned specialized training as helping him accelerate his decision-making; and one mentioned automation as facilitating judges’ conduct of hearings and administrative work.

Additionally, five judges noted that their ability to make decisions had been enhanced by other, non-AOJS II initiatives. Three cited the MOJ’s movement toward specialization of circuits, one noted the MOJ’s placement of experts in the court, and one (in the ACOFI) mentioned the opportunity for him to help draft working papers on the difficulties of getting work done and proposals for legislative amendments to address improvements.

Two of the judges who did not think that their ability to do research and make decisions had been enhanced by the reforms and automation offered the following reasons: one noted that his ability to do research depended primarily on having the needed references, books, rulings and laws at his disposal,²⁵ and the other noted that the unskilled typists in the typing pools made many mistakes, which slowed down the production of decisions.

In response to the survey/interview question discussed above, only one of the judges cited specialized training as enhancing his ability to research and make decisions. I suspect others did not mention training because the question focused their attention on changes in the courts, i.e., automation, the judges’ research rooms, and the like. When asked later about training they had received and the usefulness of that training, 11 judges mentioned that they had received computer training and five noted that it was useful in their conducting research. Ten mentioned specialized training in intellectual property law or family justice, and all 10 noted its value in dealing with or deciding such cases. Clearly, then, project-delivered training has played a significant role in improving judges’ ability to research and decide cases.

Aside from the reform and automation features and training mentioned by the judges as enhancing their ability to conduct research, key informants suggested that there have been two other developments that have at least the promise of improving judges’ ability to conduct research. One is the improvements made to the library at the NCJS. Through the project, all the holdings of the library have been catalogued and entered into an electronic information system, the library now has interconnectivity, and it has been completely renovated, with new lighting, shelving, etc. The future value of this effort remains to be seen.

The other project-assisted initiative that holds some promise for enhancing judges’ ability to conduct research is the MOJ’s participation in the Global Legal Information Network (GLIN), managed by the U.S. Library of Congress. The project assisted with this initiative through sponsoring a study tour of MOJ officials to learn about the GLIN in Washington and providing some furniture and computers for its

²⁴ Apparently, the judges who mentioned typing pools as improving their ability to make decisions interpreted “making decisions” as including getting those decisions formalized and out the courthouse door.

²⁵ This response is confusing, given the fact that many of the references and materials needed for research are on the JIC-provided CDs and can be researched on computers in the judges’ research room.

operation. According to the Assistant Director of the Judicial Information Center, who is the Executive Director of the GLIN of Egypt, once the GLIN is fully operational, researchers will have on-line access to published laws, treaties, Supreme Court rulings, etc. from about 30 countries, including those from Egypt, on the system.

Conclusion:

(15) The ability of judges to research and make decisions has been enhanced through several AOJS II-supported improvements, primarily increased access to computer- and web-based resources and computer and specialized training.

Recommendations:

None.

Assessment Question 12: What has been USAID/Egypt's progress in addressing the two cross-cutting policy themes identified by its administration of justice programming (i.e., Gender and Monitoring and Evaluation)?

Findings:

Gender: Earlier in this report, on pages 8-9 in the section on Assessment Question 2, I presented the findings that support Conclusion 16 at the end of this section.

Monitoring and Evaluation: Note: Conclusion 17 at the end of this section, and the supporting findings presented and referenced here deal only with the project's efforts to establish a monitoring and evaluation (M&E) culture and the use of M&E in the MOJ. The use and effectiveness of USAID's M&E system and tools is addressed in the section on Assessment Question 13, which immediately follows this section.

"In the MOJ, M&E culture and capability reside more in individuals, and not in the organization as a whole."

-- former AOJS II COP

According to Amideast staff, there were several early project attempts to build MOJ interest and capability in M&E. In April and June of 2005, Amideast's M&E Expert, conducted M&E orientation training for officials and staff in the JIC and the NCJS, but the organizations were either unwilling or unable to follow-up on the training with any action. She reported that the MOJ argued that it did not have the organizational structure, job descriptions, system, reporting formats, etc. needed for the establishment of a formal M&E function. In response, Amideast produced some preliminary materials with respect to these requirements, started in-depth M&E training in the NCJS, and continued with meetings in early 2006 aimed at improving M&E in the JIC and the NCJS. These efforts, however, were unsuccessful in generating sufficient momentum for M&E in the MOJ at that time.

Frustrated by this experience, project staff temporarily gave up on its efforts to build M&E capacity *per se* and have since changed its focus to building MOJ interest in recognizing the *need* for M&E information in order to get a handle on and address such serious problems as case delay and backlog in the courts. This approach has had some payoffs. For example, on a study tour to look at court automation and court management, the participating court Chief Justices and their assistants were impressed with the need for and use of data for effective management. In addition, as noted earlier in this report, on the basis of early project-generated data on median case time and the ratio of case initiation to disposition, the MCOFI Chief Justice began to monitor his court's performance with respect to case delay and push his judges to expedite cases more efficiently.

Since that early generation and sharing of case data with the MOJ and courts, Amideast has been encouraging the MOJ to use case data. Current project efforts involve developing the ability of ECMA (which incorporates both the original ECMA and the ECMA II additions) to produce reliable data on cases, median times, etc. in the five main courts in which AOJS II is working, namely, Alexandria, Mansoura, Tanta, Qena and Luxor. According to the AOJS II COP, the system needs to mature for at least a year before the impact of the reform efforts on such outcomes as median times for disposition can be measured. Amideast's M&E Specialist suggests that ECMA will be the key to establishing M&E in the MOJ. She predicts that the MOJ will act once it has the ability to generate important case management data from the automated system.

The most significant, and tangible, evidence of progress under the M&E cross-cutting theme lies in the MOJ's very recent adoption of and commitment to implement court and case performance standards in all

the COFIs. Whether this milestone can be said to have its origins in the earlier M&E efforts described above is not clear; nevertheless, it was hailed as a major AOJS II accomplishment by nearly all the USAID and Amideast staff whom I interviewed during the rapid assessment. Details regarding the MOJ's progress with respect to performance standards and the project's support of that effort are provided in the section on Assessment Question 2 on pages 9-10.

Conclusions:

(16) The MOJ's recent appointment of 42 women judges to serve in the COFIs and AOJS II's subsequent assistance to enhance their skills and confidence represent significant progress made by USAID/Egypt under its cross-cutting policy theme in gender.

(17) Despite a slow start, the MOJ has made some significant strides toward monitoring and managing case and court performance with AOJS II assistance—a key development under the cross-cutting theme of monitoring and evaluation.

Recommendations:

None.

Assessment Question 13: How effective is the performance monitoring and evaluation of USAID’s programming? Were methods for measuring results in justice programming relevant and adequate? Does performance monitoring and evaluation guide the implementation of the programming? Does it improve the likelihood that the programming will achieve results? Does it enhance the functioning of stakeholders, i.e., does it enhance the capacity of the MOJ and its key work units to plan activities, monitor its own performance and evaluate results?

Note: One of the questions above asks about the relevance and adequacy of the methods for measuring results. I interpreted this question to refer mainly to the performance indicators (and the methods of data collection for them) used during the project. While “relevance” is a fairly straightforward term, meaning the extent to which the indicators measure results that the project has been trying to achieve, the term “adequacy” requires some interpretation. For the purposes of this assessment, I am defining “adequacy” in terms of the extent to which the indicators, separately and as a group, have had utility in assessing whether results have been achieved, making decisions regarding implementation (e.g., to change course, to do more or less of the same, and so on), and in USAID’s reporting progress to Washington.²⁶

Findings:

Performance Monitoring: To date, USAID and Amideast have used seven major indicators to monitor project performance. Attachment 4 lists the seven indicators, shows the years for which data have been collected and reported and explains why four of the seven (i.e., the first four discussed below) are no longer in use.²⁷

1. Median Number of Calendar Days between Case Filing and Case Disposition in the Alexandria and Mansoura Courts of First Instance (calculated from a sample of cases disposed in a given year, with number of days for each case adjusted by subtracting out days spent with court experts, because AOJS II had no influence on reducing those days).

This indicator, which was dropped in FY 2006, was clearly relevant, because it attempted to measure a key intended impact of the reforms and automation of the COFIs. The logic guiding its use was that, major AOJS II interventions, such as automation of several court processes, computer and specialized training of judges, facilitation of the judges’ ability to conduct research, faster typing of decisions, etc., should help reduce a serious problem of case backlog due to slow disposition of cases.

While relevant, the indicator was dropped because manual collection and analysis of the data were very labor-intensive, and USAID and Amideast decided to wait until the ECMA-based automated system was fully operational and could generate the data at no cost by simply entering a set of commands to the system. According to the AOJS II COP, another reason for dropping the indicator as a measure of AOJS II’s impact was that the median number of

²⁶ I have personally worked on and off over the past three years with USAID and Amideast staff on identifying and refining AOJS II performance indicators. Therefore, some of what is said about the indicators is based on my own opinions and perceptions gained from that experience. In effect, I am viewing myself as among the key informants with respect to the relevance and adequacy of the indicators.

²⁷ Actually, eight indicators are listed in Attachment 4, but the eighth is a new one for FY 2008 and data have not yet been reported.

calendar days was subject to several external variables beyond the project’s key interventions and influence; this limited the ability to attribute measured reductions in the median number of days to AOJS II. For example, a recent amendment to the law moved many cases—signature cases and cases valued at less than LE 40,000—out of the COFIs into the partial courts. By removing many cases of relatively shorter duration, the base of cases upon which to calculate a median figure comparable to earlier figures was radically changed. It was hypothesized that this change—which AOJS II had actually promoted—would lead to an overall increase in efficiency in the courts (which is what the project wanted to achieve) but the median number of days would likely *increase* when measured for only those cases left in the courts’ caseloads.

2. Ratio of Case Filings to Case Disposition in a Given FY in Selected Civil/Commercial Courts

This indicator was a State/USAID Common Indicator a few years ago (but later dropped in the new list of “standard” indicators for FY 2006), and USAID missions were asked to report against it if it was relevant to their programs. As with the first indicator, this indicator was clearly relevant, because it attempted to measure a key intended impact of the reforms and automation of the COFIs. The logic guiding its use was that, major AOJS II interventions, such as automation of several court processes, computer and specialized training of judges, facilitation of the judges’ ability to conduct research, faster typing of decisions, etc., should help reduce a serious problem of increasingly greater backlog in the courts due to the fact that, in a given year, fewer cases are disposed than are initiated.

This indicator was dropped for essentially the same reasons as with the indicator on median calendar days, plus the fact that it was no longer required by USAID/Washington.

The two case-outcome indicators discussed above were not only relevant but also useful, or adequate, in that they played an important role in guiding project implementation. According to USAID’s CTO for AOJS II, trying to measure case delay with project performance indicators—as laborious and technically difficult as it has been—has led to several important developments in the project:

- It forced Amideast and USAID to go back to the drawing board, i.e., to explore how ECMA and the data it generates can yield reliable and comparable data to answer important management questions about case delay and how to reduce it. USAID, Amideast and the MOJ are confident that, once ECMA is fully operational in the courts and all case data—both for new cases and old cases that are still pending—are entered into the system, it will be possible to adequately measure case delay and other case-related outcomes.
- The experience with the case delay indicators on case delay has helped inform AOJS II’s work on performance standards in case management, which the MOJ is now implementing. Case delay data from a fully functional ECMA will allow the MOJ and the courts to apply the new performance standards and manage cases more effectively.
- In the process of trying to measure case delay, the project team—and the MOJ—learned that a substantial amount of case delay is due to long delays when cases are sent to the court experts. This has led them to think about how to reduce those expert-based delays, and very likely played a role in the MOJ’s decision to move experts into the courthouse and develop performance standards related to the experts’ handling of cases sent to them.

- The data from the two indicators dramatically highlighted serious problems with case delay in the courts. This likely contributed to the MOJ’s decision to move signature cases to partial courts (to move those cases more quickly to disposition and free up the main courts to work on cases with huge delays).
 - The data led AOJS II to develop recommendations for training and other interventions such as Chief Justices’ conferences to discuss case delay and the MOJ to accept those recommendations.
 - According to the former AOJS II COP, the data led some COFI Chief Justices to take action with respect to reducing case delay in their courts.
3. Lawyers’ Level of Satisfaction with the Administration of the Selected Civil/Commercial Court Systems (Average rating of 125 lawyers on a scale of 1 to 5, with 1 being poor and 5 being excellent)

This indicator, which was dropped recently, was clearly relevant, in that it served as a proxy measure of the extent to which the AOJS II interventions had improved service to litigants in the COFIs. The logic guiding its use was that lawyers’ ratings of key administrative court processes and the extent to which they said they were satisfied with their experiences in the courts was a reasonable measure of improved, i.e., more efficient and fair administration of the courts.

According to Amideast and USAID staff, the measure was adequate, or useful, in that the data it yielded for the ACOFI and MCOFI showed that positive change had occurred between baseline and post-intervention, thus validating the model being implemented in the COFIs. It was dropped because USAID and Amideast felt that further demonstrations that the interventions were effective and additional validation of the model did not warrant the high cost of additional surveys.

4. Cumulative Number of Targeted Information Transparency Reforms Achieved in Selected Civil/Commercial Courts (ACOFI and MCOFI) (a count of key systems reformed in each court)

As a measure of whether key intended changes in the courts had been made, this measure was clearly relevant to project implementation. As for its utility, USAID’s CTO for AOJS II noted that it served as a means of ensuring that Amideast stayed on track in implementing the planned reform components in the ACOFI and MCOFI, the first two targeted courts. It was dropped in FY 2007 because, once the first two courts had been reformed, the approach was well established and such detailed monitoring was no longer needed. In addition, from a USAID-monitoring point of view, reforms in the additional courts were easily observable by anyone visiting the target courts, including the USAID CTO. Furthermore, a new State/USAID standard indicator, #6 below, was considered adequate for documenting whether the targeted courts had been reformed as planned.

The last three indicators discussed here are all State/USAID “standard” indicators, for which USAID/Egypt is required to report annual data to USAID/Washington. They are currently the only indicators being reported annually by Amideast to USAID/Egypt’s Rule of Law team.

5. Number of People Trained, now called Number of Justice Sector Personnel Who Received USG Training (annual number, unduplicated count per year).

This output-level indicator is relevant, to the extent that it documents, each year, how many MOJ and court personnel are receiving training (through classroom training, study tours, etc.) by AOJS II. Amideast also reports to USAID/Egypt a complementary project-specific indicator, i.e., total

number of training days delivered to judges and non-judge personnel. As described in the section on Assessment Question 2, pages 10-12, the delivery of a great deal of training has been a major accomplishment of the project, and actual numbers have far exceeded targets for FYs 2005-2007. This indicator, therefore, has been useful in demonstrating project results at the output level and assuring USAID staff that Amideast is meeting project needs for human resource development among judges and other MOJ and court personnel. While there is no evidence that the data for the indicator *per se* have been used to manage for results, i.e., to make decisions regarding the amounts and kinds of training and other events to be provided, Amideast does use its more detailed training data base—from which the data for this indicator are generated—to manage its training activities and respond to MOJ requests for training.

6. Number of USG-Assisted Courts with Improved Case Management (cumulative number—includes COFIs with ECMA and automated Family Court Mediation Offices)

This indicator is relevant in that it counts the number of courts and mediation offices that have been improved largely through AOJS II activities, which is a major intended result of the project. As for adequacy, or usefulness, however, its value lies in USAID/Egypt's documenting for USAID/Washington the number of courts reformed and automated by AOJS II; but it provides little help in managing the project more effectively.

7. Number of Legal Institutions and Associations Supported by the USG (number assisted during each year; the three institutions are MOJ, JIC and NCJS).

This indicator is relevant in that a major thrust of AOJS II is to improve the capacity of the MOJ, the JIC and the NCJS. Its adequacy, however, is limited to its value in providing USAID/Washington with needed data on USAID activities conducted worldwide. It does not help USAID/Egypt in assessing results achieved or managing at the implementation level.

Viewing all seven indicators as a whole, one can say that they have all been relevant to major activities or intended results of the AOJS II project; but their utility—or adequacy—with respect to measuring the extent to which key intended project results have been achieved or to influencing how the project is managed/implemented has been limited. (The exception has been the benefits accruing to implementation—and ultimately, one would hope, to achieving results—from what has been learned through the difficult process of measuring median number of calendar days from case filing to disposition and the ratio of cases filed to cases disposed.) USAID's activity manager for AOJS II confirmed this impression by noting, although the indicators, especially the State/USAID common or standard indicators, have been easy to report, they have had little utility for managing the project. She did suggest that the monitoring system has had some impact on the project in the sense that it has helped keep everyone on track, with their sights set on what the AOJS II has been trying to achieve.

It should be noted that USAID and Amideast staff have not relied solely on the limited performance indicators in order to monitor AOJS II progress and results. Perhaps more so than with other USAID projects with which I am familiar, USAID and Amideast staff have made extensive use of regular progress meetings with MOJ officials and occasional site visits to the courts and MOJ units to maintain a continuous connection with what is happening in the project and to verify results being achieved. One could argue that such hands-on, week-to-week involvement in the project has lessened the need for measurement and reporting through a formal performance monitoring system.

Evaluation: To date, the only activity that might be considered in the realm of formal evaluation has been the January 2008 IT assessment conducted by a team of experts from USAID/Washington. The assessment was essentially a “formative” evaluation, in which IT systems and procedures were reviewed

with the aim of making improvements where needed. As noted elsewhere in this report, the assessment yielded a number of recommendations for the MOJ and AOJS II, all the key ones of which have already been adopted or are being addressed by AOJS II.

Amideast is planning to conduct an assessment of the project's impact during the last year in FY 2009. According to a recent memo to staff, the project's COP envisions that the impact assessment will complement USAID's operational plan, or performance, indicators. The assessment is in the preliminary planning stage, but will likely use, among other things, data related to performance standards in the courts; impact-oriented interviews with MOJ officials and court staff focused on key project activities such as training; and a history of proposed ministerial directives and legislative changes and their impact. The final version of the proposed impact assessment will be included among the project's final closeout products.²⁸

Conclusions:

(18) USAID's CTO and activity manager for AOJS II have used project performance monitoring data to determine the effect of the program and the level of outputs provided by the contractor. A key example of M&E's impact on results has been use of the two indicators dealing with case delay. The data appear to have led to MOJ and court officials' actions to reduce delay; and problems of measurement have prompted USAID, Amideast and the MOJ to explore how the Enhanced Case Management Application (ECMA) system can better meet the needs for reliable case management data. Full implementation of ECMA is expected to have a significant impact on the functioning of the MOJ and its key work units to monitor and improve the performance of the courts in the critical area of case management and further reducing case delay. The MOJ, like any other government organization, is not accustomed to using M&E tools to plan activities, monitor performance, or evaluate results. Therefore, this may be an area for additional Amideast attention in the remaining months of the project.

(19) A recent evaluation of the MOJ's and courts' IT systems has apparently led to MOJ and AOJS II improvements of the IT system, and these improvements should, in turn, contribute to the achievement of project results.

Recommendation:

(3) Given the growing interest of the MOJ and the courts in using case data to monitor and improve case management and the MOJ decision to implement performance standards, USAID and Amideast should consider rejuvenating its early efforts to build M&E capacity and aiming that capacity-building on the effective monitoring and implementation of the standards. This too should be a focus of collaborative sessions in support of the Workplan for Year 5.

²⁸ "Impact assessment plan," AOJS II COP in an e-mail to AOJS II M&E Expert and Deputy COP, March 2, 2008.

III. BEST PRACTICES AND LESSONS LEARNED

The discussions with various interviewees during the assessment yielded several best practices and lessons learned from the AOJS II project. Some of these practices and lessons may be applicable to future justice sector programming and development projects with IT and/or training components for USAID/Egypt or other USAID missions. They are as follows:

Design

- In AOJS II, USAID involved the MOJ in project design at the outset. Once Amideast was awarded the contract, it involved the MOJ in developing the initial implementation plan. This ensured, to a certain extent, clear, agreed-upon objectives and priorities and realistic work plans. It did not, however, minimize the counterpart's requests for additional work and corresponding changes to the budget.
- In a reengineering project like AOJS II, where there are phases of development and the demand for changes in behavior, attention to strategic planning and change management has been very important to success. Strategic planning and careful implementation planning helped ensure effective implementation. Attention to change management helped ensure that people were prepared for the changes and prepared to take on new roles and different ways of doing business, such as using automated processes and being more customer-oriented.

Planning

- A key element in the success of a project like AOJS II, which involves a lot of change in how people do business, is the involvement of “champions” for reform within the host country government. AOJS II has been blessed with such champions, starting with the Minister of Justice and those he has entrusted with the responsibility for implementation and success. In the AOJS II case, without such champions from within the Ministry and the Courts, little could have been accomplished.
- In this IT development project, it was very important to make sure that the team knew what it wanted to automate before designing and installing the IT infrastructure and applications. The project automated only after it had studied the system and its processes and procedures, established the business requirements, redesigned the systems and procedures to meet those requirements, and revised policies as needed.

Implementation

- Do everything together, i.e., in a true partnership of all three parties—the host country, USAID, and the project's implementing partner. Although differences in priorities, implementation strategies and timing will likely produce a certain amount of tension among the parties, in AOJS II the costs were far outweighed by the results, government ownership, and capacity-building that were achieved. With government ownership and capacity, the likelihood of sustainability has increased dramatically.
- In response to the tension created by the host country's close involvement and ownership in AOJS II and the implementing partner's interest in timely and efficient implementation, USAID has found it both necessary and valuable to convene and participate in *weekly* meetings between the two parties to ensure smooth implementation.

- When working in a non-English-speaking country, where there is risk of mis-communicating with—or worse, offending—a counterpart, USAID relied on local staff, which ensured appropriate communication and interpersonal relations.
- In the development and population of data bases, such as the courts’ case management data bases in the AOJS II project, quality control is essential at all points, including when extracting data from manual records and entering those data into electronic files. AOJS II could have done a better job in this area.
- On IT projects, the government counterpart should play a large role in procuring the IT subcontractor, because it is the government counterpart who will have to live with the system. In AOJS II, this was initially not the case; the IT sub-contractor was included in the prime contractor solicitation. Eventually, the original sub-contractor was replaced and Amideast, in close collaboration with the MOJ, procured the IT sub-contractor that provided the IT solution. This provided an excellent opportunity for capacity building and ownership.
- In projects with substantial training activity such as AOJS II, developing and maintaining a comprehensive electronic training database, similar to the one developed by Amideast, can be extremely valuable for both management and reporting. For example, when the MOJ has asked AOJS II to provide additional training in a given topic, staff have been able to use the data base to see how many of the target group have already been trained and provide evidence to back up their response. In addition, AOJS II’s training data base has allowed for easy researching and reporting of unduplicated counts of justice sector personnel for USAID’s “standard” indicator. In short, its comprehensiveness with respect to individuals trained, the courses in which they have been trained, the number of courses offered, and so on has allowed for efficient responses to inquiries and data demands.
- Study tours are costly—and sometimes of debatable value—but in AOJS II they had some dramatic impacts. For example, a study tour of MOJ officials and others to Morocco to observe that country’s experience with women judges yielded what many believe was a huge payoff in terms of the MOJ’s subsequent decision to appoint women judges for the first time in Egypt. Another example was a study tour of MOJ officials and judges to the U.S., where many of them became convinced of the value of collecting and using solid case management data to manage more effectively and efficiently. A third case was a recent trip to Panama in which two women judges attended a meeting of the International Association of Women Judges. When the two judges returned, they developed a concept paper for a regional alliance of women judges and submitted it to the Minister of Justice for approval. In the opinion of some Amideast staff, this might not have happened had the women judges not attended the conference.
- USAID projects that include study tours would likely benefit from a tool developed by Amideast staff in AOJS II, namely, a checklist of the various and scattered USAID procedures and regulations governing study tours. (See Attachment 7.)

Sustainability

- To enhance the likelihood of sustainability, AOJS II addressed human resource development to ensure adequate numbers of skilled staff.

IV. IDEAS FOR USAID’S FUTURE ADMINISTRATION OF JUSTICE PROGRAMMING

Under the Statement of Work for the rapid assessment I was charged with working with USAID/Egypt’s D/G Rule of Law team to strategize on future programming. In addition to collecting some ideas from interviewees regarding possible future programming, I facilitated a one-day brainstorming meeting with Margaret Groarke and Laura Gonzales from the D/G office, Amani Selim from USAID’s program office, and the Chiefs of Party for the three projects that USAID is implementing in its Rule of Law Program. Details of the process and outcomes of that session are provided in Attachment 8, “Notes from Strategy Brainstorming Session, April 6, 2008.” Those notes incorporate the ideas gleaned from interviewees during the assessment.

ATTACHMENT 1:

STATEMENT OF WORK

Rapid Assessment of USAID/Egypt's Administration of Justice Programming²⁹

A. Introduction

The USAID centrally awarded IMR2 contract assists USAID Washington-based offices and overseas missions, in strengthening and further institutionalizing "Managing for Results" approaches and practices across the Agency. Specifically, the contract is intended to:

- 1) Help the Agency respond to internal demands and external requirements from Congress (i.e., Chief Financial Officers Act, Government Results and Performance Act, etc.), OMB (Circular A-11, the President's Management Agenda (PMA), the Program Assessment Rating Tool (PART), etc.) and others to manage for results,
- 2) Provide Agency operating units with assistance and tools to better plan, monitor, evaluate, and assess their progress in achieving results,
- 3) Advance the science and practice of strategic planning, performance measurement, and evaluation methodology Agency-wide,
- 4) Support critical analyses necessary to empirically assess Agency-wide performance gains,
- 5) Enhance the content and quality of special performance reports, and
- 6) Facilitate managing for results learning with guidance and training for improving staff skills and knowledge of the Agency's new program operations system.

B. Purpose

The purpose of this assignment under the centrally awarded IMR2 contract, is threefold: First, the Contractor will provide the USAID/Egypt Democracy and Governance Team (D/G Team) with a rapid assessment of results in its administration of justice programming. Second, the Contractor will document lessons learned which may be applicable to future programming. Third, the Contractor will work with the D/G Rule of Law team to strategize on future programming in the justice sector and assist in the development of a results framework.

The Contractor's findings and recommendations will, as allowed under the IMR2 contract, provide USAID/Egypt with assistance to better plan, monitor, evaluate and assess its progress in achieving results; and will support the critical analysis necessary to empirically assess USAID/Egypt's Rule of Law performance gains. In addition, it will advance strategic planning of future programming.

C. Background

USAID/Egypt's programming in the justice sector is focused on improving the capacity and sustainability of Egypt's civil, criminal and administrative judicial institutions and strengthening public access to those institutions. Under the Administration of Justice Project II (AOJS II), USAID/Egypt works with the MOJ to reform Egypt's civil and commercial courts. By way of background, AOJS II is a follow on project of USAID/Egypt's first Administration of Justice Support Project (AOJS I). Under AOJS I, USAID/Egypt's

²⁹ This Statement of Work was included in the Modified Acquisition and Assistance Request Document, submitted by USAID/Egypt's Democracy and Governance Office to USAID/Egypt's Contracting Officer. It was approved and key portions were incorporated in the IMR II Assignment Plan (# RAN-m-00-04-00049-A-FY05-65) issued to Management Systems International. (IMR-II is an MSI project, which is centrally managed in USAID/Washington and which involves "buy-in" assignments from USAID offices and missions, in this case USAID/Egypt.

D/G Team assisted the Government of Egypt (GOE) in commencing a nation-wide reform of its civil and commercial court system by improving the efficiency and effectiveness of two civil pilot courts in North Cairo and Ismailia. AOJS I focused assistance on three areas: (1) court administration; (2) training of judges and court personnel and (3) automation of court systems.

Building on the foundation of AOJS I, a contract for AOJS II was awarded on August 16, 2004, to implementing partners America-Mideast Educational and Training Services, Inc.(Amideast) and the National Center for State Courts (NCSC). The goal of the five-year project was to continue to enhance the capacity of the MOJ by replicating, nationwide, the reformed and modernized court systems achieved in AOJS I. To achieve this objective, AOJS II was designed to accomplish six tasks: (1) to replicate AOJS I court reforms in the ACOFI and MCOFI; (2) to conduct a comprehensive assessment of all remaining 20 COFIs nationwide, replicating AOJS I achievements, then to assist the MOJ in developing a plan to reform and modernize those 20 courts; (3) to strengthen the administrative and technical capacity of the National Center for Judicial Studies (NCJS) to provide training to, among other things, improve judicial decision-making, enhance the effectiveness and efficiency of court systems, and strengthen research, education and training support services; and to strengthen the NCJS's capacity for strategic planning and effective use and sharing of information; (4) to strengthen the ability of the Judicial Information Center (JIC) to operate an automated information communications network among and within the MOJ; (5) to strengthen the capacity of the MOJ to coordinate activities between all partners (the NCJS; the JIC and the Alexandria and Mansoura Courts of First Instance) so that AOJS I reforms can be replicated nationwide; and (6) to conduct necessary participant training through the life of the project.

In addition to these six tasks, AOJS II has two cross-cutting policy themes: (1) gender integration within the judiciary; and (2) performance monitoring and evaluation designed to guide the implementation of the Project and to enhance the capacity of the MOJ and its key work units to plan activities, monitor performance and evaluate results.

AOJS II was designed to support USAID/Egypt's Objective 2: Governing Justly and Democratically, Program Area 1: Rule of Law and Human Rights; Program Element 1.3: Justice System; Program Sub-Element 1.3.4: Access to Justice.

D. Overview

1. Rapid Assessment

The Contractor shall conduct a rapid assessment of USAID/Egypt's administration of justice programming. The following is a suggested list, illustrative of the areas which the Contractor may address:

- 1) What has been USAID/Egypt's progress in achieving the targeted results identified by its administration of justice programming?
- 2) What are the most significant accomplishments and failures of USAID/Egypt's administration of justice programming?
- 3) Are implementation approaches for justice sector project tasks designed to include stakeholders in the strategic planning and implementation of activities? Are stakeholders actually included in the strategic planning and implementation of activities?

- 4) Have administration of justice court reforms been effectively replicated in Egypt's Courts of First Instance?
- 5) Have court processes (in those courts that have been reformed) been made more systematic, accountable, fair and transparent?
- 6) Has the level of service in the reformed courts improved for the public? For lawyers?
- 7) Have internal administrative court processes been improved and/or made more efficient for judges? For court personnel?
- 8) Has case delay been reduced?
- 9) Has USAID programming had any effect on the strategic planning and policies of the MOJ, the NCJS or the JIC?
- 10) Is there an increased constituency within the MOJ which supports continued judicial reform, including support for a systematic, accountable, fair and transparent justice system?
- 11) Has the ability of judges to research and make decisions been enhanced by USAID's administration of justice programming?
- 12) What has been USAID/Egypt's progress in addressing the two cross-cutting policy themes identified by its administration of justice programming?
- 13) How effective is the performance monitoring and evaluation of USAID's programming? Does it guide the implementation of the programming? Does it enhance the capacity of the MOJ and its key work units to plan activities, monitor its own performance and evaluate results?
- 14) Were methods for measuring results in justice programming relevant and adequate? Does performance monitoring and evaluation guide the implementation of USAID's justice sector programming? Does it improve the likelihood that the programming will achieve results? Does performance monitoring and evaluation enhance the functioning of stakeholders?

2. Lessons Learned

What are the lessons learned from implementation of USAID/Egypt's justice sector programming that can guide future programming. Is there a way to design future programming to increase chances of achieving results?

3. Follow-on Programming

Finally, the Contractor will work with the D/G Rule of Law team to strategize on future programming and assist in the development of a results framework.

E. Methodology

Work may be conducted by the Contractor in the following suggested phases:

Preparation Phase: In the first phase, the Contractor shall review background materials and key documents for USAID/Egypt's justice sector programming. The Contractor shall request additional data for clarification as necessary. The Contractor shall draft a methodology outline and schedule of how he proposes to accomplish the tasks set forth in Section B of this Statement of Work (SOW). He shall additionally draft a schedule of interviews for the subsequent Field work phase.

Field-work Phase: In the second phase, the Contractor shall interview AID contractors, MOJ personnel and others as necessary; conduct site visits; and employ any other data collection methods he determines useful to prepare for and complete the tasks set forth in this SOW.

Presentation/Report-writing Phase: In the third phase, the Contractor shall provide a presentation to USAID and to the MOJ regarding the results of his rapid assessment of USAID/Egypt justice sector programming. In addition, he will draft a report on the results of his rapid assessment which will include a summary of Lessons Learned with a focus on how USAID/Egypt might build success into the design of future programming. Finally, the Contractor will provide a draft summary version of the report intended for the MOJ.

Final Report Phase: After receiving written feedback from USAID within three weeks of receiving the above draft report, the Contractor will provide a final report. In addition, the Contractor will provide a summary of the report in both English and Arabic intended for the MOJ.

F. Relationships and Responsibilities

The Contractor will receive direction from and report to Laura Gonzales, Rule of Law Program Specialist, USAID/Egypt.

G. Location of Work and Logistical Support

Most work will be performed in Cairo, Egypt, however preparatory work and final reports may be prepared outside of Cairo. The Contractor shall be responsible for all logistical arrangements including scheduling of flights to and from Egypt, hotel accommodation, travel between his hotel and USAID/Egypt offices, and scheduling of interviews (with USAID/Egypt's assistance).

H. Period of Performance

The assignment is planned for five weeks of work (with authority for a six-day work week under the IMR2 contract) during the period from approximately March 14, 2008 to April 15 2008. This period does not include the completion of final reports which will be prepared after departure from Cairo.

I. Estimated Level of Effort (deleted upon USAID request)

J. Deliverables

- A) A draft methodology outline and schedule for accomplishing the tasks set forth in Section B of this SOW. The outline shall include a proposed schedule of interviews for the subsequent Field work phase;
- B) An oral briefing to members of USAID/Egypt D/G Team following the end of the Preparation Phase and a second oral briefing to USAID/Egypt mission members and MOJ personnel following the end of the Fieldwork Phase;
- C) A draft report on results of the rapid assessment which will include a section on Lessons Learned applicable to future programming, due prior to departure from Cairo;

- D) A draft summary of the above written report, intended for the MOJ;
- E) A final report due three weeks after receiving comments from USAID on the draft report. At the same time, the Contractor shall provide the final version of the summary (in both English and Arabic) intended for the MOJ.

ATTACHMENT 2:

DOCUMENTS REVIEWED AND INDIVIDUALS INTERVIEWED

Documents Reviewed:

Administration of Justice Support II Project Year 1 Annual Progress Report: October 1, 2004 – September 30, 2005, AMIDEAST, November 1, 2005.

Administration of Justice Support II Project Year 2 Annual Progress Report: October 1, 2005 – September 30, 2006, AMIDEAST, October 31, 2006.

Administration of Justice Support II Project Year 3 Annual Progress Report: October 1, 2006 – September 30, 2007, AMIDEAST, November 1, 2007.

AOJS II Quarterly Reports submitted by AMIDEAST to USAID—ten reports, for Quarters 1, 2, and 3 for Years 1, 2, and 3, and Quarter 1 for Year 4.

Alexandria Court of First Instance Strategic Plan—2005-2007, ACOFI and AMIDEAST, June 1, 2005.

“DG Indicators” (memo to Margaret Groarke and Jasmin Samy), from Jim Grabowski, March 26, 2007.

Draft Ministerial Directive from H.E. Counselor Mamdouh Marei, Minister of Justice, to Chief Justices, Courts of First Instance, regarding Implementation of Court Performance Standards, prepared by AOJS II, February 1, 2008.

“ETC by Activity” (a table of Year 4 and 5 cost estimates for AOJS II’s implementation of reforms and automation in its targeted courts), no author (but likely Brian LeDuc), no date (but quite recent).

“Evaluation,” email from Donald Cinnamond to Margaret Groarke, June 16, 2008.

“Impact assessment plan,” Brian LeDuc in an e-mail to Hala Helmy and Donald Cinnamond, March 2, 2008.

Initial Assessment of the Alexandria Court of First Instance—Report and Recommendations, no author and date cited, but completed around March-April, 2005.

“IT Support for the Judiciary,” email from Brian LeDuc to Margaret Groarke, June 17, 2008.

“JIC Decision Support System (DSS),” two memos to Counselor Ahmed Hany, Director, Judicial Information, from USAID/Administration of Justice Support Project, April 3, 2008.

“JIC Staffing,” e-mail from Brian LeDuc, AOJS II Chief of Party, to Larry Beyna, April 9, 2008.

Judicial Information Center Strategic Plan—From 2005 through 2007, JIC and AMIDEAST, January 2005.

Mansoura Court of First Instance Strategic Plan—2005-2007, MCOFI and AMIDEAST, June 27, 2005.

“Meetings with NCJS and JIC for the M&E System” (memo to Jim Grabowski) from Hala Helmy, April 3, 2006.

National Center for Judicial Studies Strategic Plan—2005-2007, NCJS and AMIDEAST, April 4, 2005.

“PIR Side Notes for Margaret,” AOJS II, communicated by Jim Grabowski in an e-mail to Margaret Groarke, May 10, 2006.

“A plan to implement quality standards of the work at the Courts of First Instance,” English translation of a report by Emad El Feki in *El Ahram*, April 21, 2008.

“RE: JIC Staffing,” e-mail from Gary DiNoia (in response to “JIC Staffing,” an e-mail from Brian LeDuc [referenced above]) to Brian LeDuc and Larry Beyna, April 10, 2008.

Replication Master Plan (RAMP), version 1.1 (working draft), and Appendix I RAMP Implementation Checklist, AOJS II Project, December 14, 2006.

“Revision to Performance Monitoring Plan” (memo to the AOJS II file), Brian LeDuc, April 7, 2008.

“Summary of Alexandria Recommendations,” no author (but clearly from AOJS II), no date (but circa June 2005).

TDY Report: Ministry of Justice Egypt—Administration of Justice Support (AOJS) II Activity Support, USAID/MCIO/BCSS Assessment Team—November 25-December 5, 2007, USAID/MCIO/BCCS; and Appendix B: Recommendations Table (for the TDY Report cited above), no author, no date (received by e-mail on April 9, 2008, from Gary DiNoia, AOJS II, Judicial Information Systems Expert.

No title, email from Margaret Groarke to Larry Beyna, Laura Gonzales, and Amani Selim, June 10, 2008.

Individuals Interviewed:

Ministry of Justice:

- H.E. Counselor Osama Ataweya, Assistant Minister of Justice (for Follow-up and Achievement), currently the MOJ’s chief liaison to AOJS II
- Counselor Ahmed Hany, Director of the Judicial Information Center
- Chief Judge Amr A. Gamal, Assistant Director of the Judicial Information Center, and Executive Director of the Global Legal Information Network of Egypt
- Counselor Safwat El Dorry, Secretary General, National Center for Judicial Studies (not a formal interview as such—we talked with him while waiting futilely for Counselor/Dr. Hassan Bassiouny, Assistant to the Minister of Justice (for the National Center for Judicial Studies) to give us a tour of the library.
- Chief Judge Hesham Mokhtar, General Administrator for Judicial Inspection, formerly at the MCOFI from 2002 to 7/2007--before, during and after the major reforms and automation were

put in place—served as the court’s liaison to the project during the reform process; he is also seconded part-time to the JIC, as a member of the technical office.

- At the ACOFI:

- § Counselor Ali Ahmed Hassan, Chief Justice
- § Three Judges serving in the court
- § Supervisor of the Typing Pool
- § Automation Systems Supervisor for the Front Counter
- § Clerk at one of the windows of the Front Counter
- § Technical support provider for the Electronic Archiving operation

- At the Beni Suef COFI:

- § Counselor Napoleon Habib Gabrielle, Chief Justice
- § Two Judges serving in the Court
- § Two typists in the Typing Pool (but as the interview progressed, as many as 15-20 staff, including a supervisor, gathered and offered comments)

Amideast:

- Brian LeDuc, Chief of Party
- Hala Helmy, Monitoring and Evaluation Expert
- Nadia Magdy, Training Coordinator
- James Grabowski, former Chief of Party
- Brief informal discussions with:
 - § Donald Cinnamond, Deputy Chief of Party
 - § Gary DiNoia, Judicial Information Systems Expert
 - § Tawheed Ramzy, Legal Expert
 - § Amr Abdalla, Policy and Planning Expert

USAID/Egypt, Office of Democracy and Governance

- Margaret Groarke, CTO for AOJS II
- Laura Gonzales, Rule of Law Program Specialist
- Jasmin Samy, Activity Manager for AOJS II

ATTACHMENT 3:

INTERVIEW/MINI-SURVEY PROTOCOLS

INTRODUCTION (*intended for use with all interviewees and survey participants—Judges, Court Staff, and Lawyers*):

- Introduce ourselves.
- We represent the U.S. Agency for International Development in Egypt, the Office of Democracy and Governance, and the USAID team that has been helping the MOJ institute reforms in the Courts of First Instance for the past three years. USAID has been supporting the reform process through a project called the Administration of Justice Support (I and II).

Basically, the project has provided assistance to help make improvements in the court, (e.g., the front desk, judicial research room, etc.), improved information technology, and training of judges and court staff.

- USAID has asked us to conduct a review of the project’s implementation and results, to identify lessons learned for future USAID programs in this area, and to provide information to inform planning additional assistance to the MOJ in the future. To help us with our review, we would appreciate your answering some questions about your perceptions of and experience with the recent reforms and what you might suggest for additional USAID assistance to the MOJ.
- Although we do not think any of our questions are controversial, we do promise that we will keep your answers in strict confidence. We will not directly identify or quote you in any way in our reports to USAID and the MOJ.
- So, shall we begin?

JUDGES QUESTIONNAIRE *(final version, with blank spaces reduced for this Attachment)*

Location: _____

1. Were you serving in the _____ Court of First Instance BEFORE the reforms were begun in 2005?

YES _____

NO _____

If you answered YES to Question 1, please answer only Questions 2-8.

If you answered NO to Question 1, please go to Question 7 and answer Questions 7-11.

2. Have you observed or experienced any changes in administrative court processes as a result of the reforms?

YES _____

NO _____

If YES, what are the most important for you as a judge?

For the general public?

3. Have any of the changes increased your ability as a judge to research and make decisions?

YES _____

NO _____

If YES, please explain.

4. One of the objectives of the reforms has been to reduce the backlog of case dispositions and reduce case delays. Do you think there has been any progress in achieving these objectives over the past few years?

YES _____

NO _____

If YES, please explain. If NO, why not?

5. Do you have any additional comments about how the reforms were implemented or the impacts of those reforms?

6. . In addition to the reforms that have already been put in place here in the court, what suggestions would you have for further improving court processes and procedures?

7. Have you received any training from AMIDEAST on the AOJS II project during the past three years?

If so, what training have you received?

8. How useful has the training been for you in your work as a judge?

9. Which court did you serve in before coming to the Alexandria Court of First Instance?

Name of Court: _____

10. In comparing your experience in your former court to your experience in the Alexandria Court of First Instance, have you observed or experienced any differences in administrative court processes between your former court and the Alexandria court?

YES _____

NO _____

If YES, what are the most important for you as a judge?

For the general public?

11. Between your former court and the Alexandria court, has there been any difference in your ability as a judge to research and make decisions ?

YES _____

NO _____

If YES, please explain.

12. Do you have any suggestions for improving court processes and procedures here in the Alexandria Court?

Thank you very much!

COURT STAFF QUESTIONNAIRE *(with blank spaces reduced for this Attachment)*

Position: _____

Location: _____

1. Briefly, can you tell me what your job responsibilities are?

2. How have the reforms changed your work?

If so, what are the most important changes for you?

For the general public?

3. Have the changes helped you do your job more efficiently? (Examples?)

4. How else have the changes helped you? (Examples?)

5. Do you have any additional comments about how the reforms were implemented or the impacts of those reforms on the court?

6. Have you received any training from AMIDEAST on the AOJS II project during the past three years?

If so, what training have you received?

How useful has the training been for you in your work?

7. In addition to the reforms that have already been put in place here in the court, what suggestions would you have for further improving court processes and procedures, or to make your job more efficient and effective?

Thank you very much!

Administration of Justice Support Project (AOJS II)

LAWYERS PERCEPTIONS OF COURTS

NOTE: The full version of this protocol was developed and used by AOJS II to collect pre-reform baseline data in the Alexandria, Mansoura, Tanta and Qena COFIs and post-reform results data in the ACOFI and MCOFI. After the last two data collections—i.e., the baseline data collection for Tanta and Qena in early 2007—USAID/Egypt dropped the use of the performance indicator for which the survey was used, in response to changes occurring in reporting to Washington and the relatively high cost of conducting additional lawyers' surveys.

In order to collect some comparative and follow-up data for the purposes of the Rapid Assessment, an abridged version of this survey was used with small samples of lawyers during March and April 2008 with lawyers in two COFIs: (1) in Alexandria to get a sense of whether lawyers' perceptions have changed since the last survey after more than a year of the reforms having been in place; and (2) in Beni Suef, to compare lawyers' post-reform perceptions of that court, which was reformed by the MOJ on its own, with those of the Alexandria court, which was reformed primarily through AOJS II efforts. The survey form was abridged by leaving out several questions, which were not relevant either to the AOJS II project interventions *per se* or to the purposes of the Rapid Assessment. These questions are shaded out in the form presented here.

It is very important to note that all six of the AOJS II surveys were administered through in-person interviews with lawyers by trained enumerators and the results data are based on 125 interviews for each survey. Our intention in the Rapid Assessment was also to use the abridged survey questionnaire in in-person interviews, but with very small samples of respondents, while on site visits to the two courts (Alexandria and Beni Suef). For several reasons beyond our control, however, the survey was self-administered by the lawyers at the courts, not by the Rapid Assessment team. We cannot be sure as to whether the results would have been different and perhaps more comparable to the results of the previous surveys if we had administered them in person. Finally, we were unfortunate, again for reasons beyond our control, to get completed surveys from only 8 lawyers at the ACOFI and 2 at the Beni Suef COFI.

Court Name: _____ **Court of First Instance**

Date: **March/April 2008**

All responses are analyzed and reported in an aggregate form to ensure confidentiality of your responses.

Number of Years of Experience Practicing Law in the _____ Court of First Instance	
Gender	
Data Collector's Name	
Date:	

Please answer the following questions as per the instructions listed for each category.

Administrative Procedures						
Instructions: Please put a check mark in the appropriate box.						
#	Procedure	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
1	Procedures of Fees Assessment/Estimation					
2	Fees Review					
3	Fees Payment (Cashier)					
4	Review/Copying Summons/Case Microfilming					
5	Determination of Circuit and 1st Session Date					
6	Scheduling					
7	Acknowledging Litigants (Service Department)					
8	Collection of Official Copies of Documents/ Judgments/ Session Minutes					
9	Receipt of Original Documents of Disposed Cases					
10	Collection Unit (Paying or Retrieving Case or Lawyers' Fees)					
11	Enough guidance about procedures readily available					

Section 2: General Questions	
2.1.	What is the percent of civil/commercial cases to total number of cases you deal with in general? ----- %
2.2.	What is the percent of civil/commercial cases with this Court to total number of cases you deal with? ----- %
2.3.	What is the percentage of judgements passed by the Court that was changed by the High Court of Appeal? ----- %
2.4.	Is the time spent in case filing initiation appropriate or not? () Yes () No
2.5.	Is the environment in the Court , such as space, ventilation, light, cleanliness, and accessibility adequate within the <ul style="list-style-type: none"> • Session Rooms () Yes () No • All other rooms in the Court () Yes () No
2.6.	Is there improvement in performing the procedures related to civil/commercial cases in the Court compared to last year? () Yes - Percentage of Improvement ----% () No
2.7.	Comparing administrative work style and interaction in the Court to other courts you work in, how would you rate the Court? () Better - Percentage ----- % () Equal () Less – Percentage -----%
Section 3: Additional Comments/Suggestions	
Do you have any suggestions to improve the performance and decrease the time needed for the disposition in Civil/Commercial Cases in the panels of the the Court ?	

ATTACHMENT 4:

SUMMARY OF USAID/EGYPT INDICATORS AND DATA FOR THE AOJS II PROJECT
AS OF SEPTEMBER 30, 2007 ¹

Performance Indicator		FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
1. Median Number of Calendar Days between Case Filing and Case Disposition in the Alexandria and Mansoura Courts of First Instance (calculated from a sample of cases disposed in a given year, with number of days for each case adjusted by subtracting out days spent with court experts, over which AOJS II had no influence)	Tar	Alex: --- Mans: ---	Alex: 591 Mans: 408	Alex: 573 Mans: 396	Alex: 556 Mans: 384	Alex: 528 Mans: 365	Alex: 502 Mans: 347
	Act	Baseline Alex: 591 Mans: 408	Alex: 330 Mans: 335				
Initially, targets were set rather low, because USAID and AOJS II did not expect significant improvement until the system was fully implemented and became an integral part of the court operations. USAID dropped this indicator in FY 2006, because of the high labor costs of collecting the data (through manual review of case files). AOJS II has been working with the MOJ to develop standards for maximum case disposition times, and these standards are likely to be applied in the near future and performance measurement will be facilitated by the automation of case data.							
2. Ratio of Case Filings to Case Disposition in a Given FY in Selected Civil/Commercial Courts (This was a State/USAID Common Indicator until FY 2007. As such, all USAID missions with relevant programs were expected to report on this indicator to USAID/Washington.)	Tar	Alex: --- Man: ---	Alex: 1:0.76 Man: 1:0.85	Alex: 1:0.77 Man: 1:0.86	Alex: 1:0.78 Man: 1:0.88	Alex: 1:0.81 Man: 1:0.91	
	Act	Baseline Alex: 1:0.76 Man: 1:0.85	Alex: --- Man: 1:0.96	Alex: --- Man: 1:0.92			
USAID dropped this indicator in FY 2007, because it was no longer a State/USAID Common Indicator for annual reporting to Washington, the collection and analysis of data for this indicator was labor intensive. AOJS II found serious problems with the FY 2004 and 2005 data for Mansoura COFI as reported by court staff. Court staff data resulted in ratios of 1:0.90 and 1:0.46 for the two years. Shocked by the low figure for FY 2005, AOJS II staff investigated and found that court staff had been including all pending cases in the number of case filings during a given year. The numbers in this table are corrected figures.							
3. Lawyers' Level of Satisfaction with the Administration of the Selected Civil/Commercial Court Systems (Average rating of 125 lawyers on a scale of 1 to 5, with 1 being poor and 5 being excellent)	Tar	---	---		Alex: 1.98 Mans: 2.31		
	Act	---	Baseline Mans: 2.10	Baseline Alex: 1.80	Alex: 2.64 Mans: 3.08		
USAID dropped this indicator after AOJS II had done base-line surveys in Qena & Tanta COFIs. (with scores 2.23 & 2.06, respectively). USAID felt that, given the fact that the ACOFI and MCOFI post-reform scores had demonstrated that the reforms had had some impact in terms of lawyers' ratings of relevant administrative procedures, additional surveys would add little additional learning and management utility.							

Performance Indicator		FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
4. Cumulative Number of Targeted Information Transparency Reforms Achieved in Selected Civil/Commercial Courts (ACOFI and MCOFI) (a count of key systems reformed in each court)	Tar		0	2	8	10	16
	Act		0	2			
<p>USAID dropped this mission-specific indicator in FY 2006, as it did not add value for project oversight or management for results. Reforms achieved were regularly described in detail in AOJS II Quarterly Reports and the reformed systems were easily documented through observation by the CTO during visits to the courts on a periodic basis. As well, the new State/USAID standard indicator--#6 below—which counts courts that have been reformed rather than specific reforms per court, was deemed adequate for USAID purposes.</p>							
5. Number of Justice Sector Personnel Who Received USG Training (formerly called “Number of People Trained”) (annual number, unduplicated count per year) This is currently a State/USAID “common” indicator.	Tar	---	500	500	500	400	400
	Act	---	499 Male: 361 Female: 131	931 Male: 744 Female: 187	869 Male: 722 Female: 147		
6. Number of USG-Assisted Courts with Improved Case Management (cumulative number—includes COFIs with ECMA and automated Family Court Mediation Offices). This is currently a State/USAID “common” indicator.	Tar		0	2	8	22	29
	Act		0	2	7		
7. Number of Legal Institutions and Associations Supported by the USG (number assisted during each year; the three institutions are MOJ, JIC and NCJS). This is currently a State/USAID “common” indicator.	Tar		0	3	3	3	3
	Act		0	3	3		
8. Annual number of positive modifications to legislation, regulations, or institutional policies to improve the justice system made with USG assistance. This is currently a State/USAID “common” indicator.	Tar					1	
	Act						
<p>¹Sources: AOJS II annual progress reports and personal recollection & notes from having been involved in the D/G Team and implementing partners’ periodic indicator and revision exercises and data quality assessments during the course of the project (4/2005, 5/2006, 1/2007, 8/2007, and 11/2007).</p>							

ATTACHMENT 5:

SUMMARIES OF SURVEY/INTERVIEW RESULTS FOR JUDGES & COURT STAFF

Summary of Survey/Interview Results for Judges – March-April 2008	
Alexandria Court of First Instance (ACOFI)	Beni Suef Court of First Instance (Beni Suef COFI)
<p>The ACOFI has been reformed—reengineered and automated—largely with the efforts of AOJS II in cooperation with the MOJ. At the time of the assessment, ECMA I had been fully implemented and working for several months. (AOJS II is now nearing completion of installation of ECMA II—with reengineering and automation of more court departments—but ECMA II has not yet gone “live,” so the assessment and this survey dealt only with the ECMA I reforms.</p> <p>28 Judges Responded to Questionnaire, 25 through a self-administered survey distributed and collected by the MOJ/ACOFI and 3 through an in-person group interview during the site visit. All respondents were male. We know that at least 3 (and probably many more) had been serving in the ACOFI prior to and since the reforms were instituted.</p>	<p>The Beni Suef COFI has been reformed—with ECMA I—entirely as a replication by the MOJ, with virtually no assistance from AOJS II. (Initially, the assessment was to focus on the Suez COFI, also reformed by the MOJ, but because of complications in visiting Suez, Beni Suef was substituted a few days before the planned site visit.) Only 3 Judges Responded to the Questionnaire, 1 through a self-administered survey distributed and collected by the Beni Suef COFI, and 2 in a group interview during the site visit. The very small number was a consequence of the late substitution of Beni Suef for Suez. Two had been serving in the ACOFI prior to and since the reforms were instituted and 1 had come from Souhag. One was a criminal court judge and 2 were in civil court judges</p>
<p>1 Have you observed or experienced any changes in administrative court processes as a result of the reforms? (26 responses: 26 Yes) If so, what are the most important for you as a judge? (26 responses) Changes mentioned:</p>	<p>Have you observed or experienced any changes in administrative court processes as a result of the reforms? (3 responses: 3 Yes) If so, what are the most important for you as a judge? (3 responses) Changes mentioned:</p>
Judges Research Room (electronic library with computers and legal encyclopedia/CD for researching prior cases, decisions by the Court of Cassation and/or Supreme Constitutional Court) (11)	
Automated Front Counter and Case Initiation Process (10)	Automated Front Counter and Case Initiation Process (2)
Computerized Typing Pool (for typing decisions) (9)	Computerized Typing Pool (for typing decisions) (2)
Random Distribution of Cases among the Circuits (6)	
Automated Indexing of Cases (4)	
Safer Treatment of Documents (through electronic filing) (3)	
Use of Computers by Panel Clerks (1)	
Computer Training Room (1)	
Automation in General (at various places in the Court) (3)	Automation in General (at various places in the Court) (1)

Summary of Survey/Interview Results for Judges – March-April 2008	
Alexandria Court of First Instance (ACOFI)	Beni Suef Court of First Instance (Beni Suef COFI)
	Training: “Through training given by the American University of Cairo, I learned to categorize cases by simple, medium and complex. I can now determine the maximum time I should be spending on each case and can assess how well I am doing.” (1)
Additional Reforms Implemented by the MOJ (but not part of AOJS II Project’s direct intervention): Placement of Experts within the Court (4) Movement toward Specialization of Circuits (e.g., indemnity cases) (3) Judges Service Office (for Judges’ personnel needs) (2)	Additional Reforms Implemented by the MOJ (but not part of AOJS II Project’s direct intervention): Judges Service Office (for Judges’ personnel needs) (1)
If so, what are the most important for the public? (18 responses)	If so, what are the most important for the public? (3 responses)
Speed and Ease—in administrative procedures, getting responses to requests, getting information on pending cases, having signs pointing to the main offices and areas for citizen service, etc. (7)	Speed and Ease—in administrative procedures, getting responses to requests, getting information on pending cases, having signs pointing to the main offices and areas for citizen service, etc. (3)
More Prompt Decisions (4)	
Elimination of Manipulation in the Distribution of Cases among the Circuits (3)	
Increased Ability to Obtain Copies of Decisions (3)	
Improved Justice and Confidence in the Courts among Litigants and the public (2)	Improved Justice (1)
Equitable Distribution of Cases among Circuits—with None Being Overburdened (1)	
Ask the Litigants—they are in the best position to answer (3)	Distributing questionnaires to citizens and lawyers inquiring about the quality of the service provided (1)
2 Have any of the changes increased your ability as a judge to research and make decisions? (27 responses: 24 Yes, 2 No, 1 No Answer) Changes mentioned:	Have any of the changes increased your ability as a judge to research and make decisions? (3 responses: 3 Yes) Changes mentioned:
Judges Research Room, Use of Computers and/or JIC/UNDP CDs—make it easier and faster to research texts of laws, Court of Cassation Rulings, legal precedents, etc. (18)	Judges Research Room, Use of Computers and/or JIC/UNDP CDs—make it easier and faster to research texts of laws, Court of Cassation Rulings, legal precedents, etc. (3)
Typing Pool—rapid typing of decisions and delivery of them to litigants (4)	Typing Pool—rapid typing of decisions and delivery of them to litigants (1)
Automation of Administrative Procedures—facilitation of judges’ running of hearings and conducting other administrative work (1)	
Ability to use Internet—the legal information network and discussions with colleagues (1)	
	Training: Academic study and receiving specialized certificates in his scope of work has helped him accelerate decisions on certain types of cases (1)

Summary of Survey/Interview Results for Judges – March-April 2008	
Alexandria Court of First Instance (ACOFI)	Beni Suef Court of First Instance (Beni Suef COFI)
Additional Reforms Implemented by the MOJ (but not part of AOJS II Project’s direct intervention): Placement of Experts within the Court (1) Movement toward Specialization of Circuits (e.g., indemnity cases) (3) Opportunity to participate in drafting working papers on difficulties in getting work done and proposals for legislative amendments to address improvements (1)	
Reasons for saying “No” to Question 2:	Reasons for saying “No” to Question 2:
“Computer typing of decisions did not achieve the desired outcome due to the lack of skills of the pool staff. This leads to many mistakes in the typed decisions and further burdens the court.” (1)	
“Of course not. It has nothing to do with my ability to research. Most important is to provide judges with references, books, and updated constitutional decisions or introduce a web-based link to the Court of Cassation and the Supreme Constitutional Court and provide all courtrooms with a small computer that includes important references, different laws, and Court of Cassation rulings.” (1)	
Problems mentioned in relation to Question 2:	Problems mentioned in relation to Question 2:
Difficulties in using the research CD—e.g., problems with the software, lack of explanation, still need the reference books. (5)	
3 One of the objectives of the reforms has been to reduce the backlog of case dispositions and reduce case delays. Do you think there has been any progress in achieving these objectives over the past few years? (27 responses: 24 Yes, 2 No, 1 No Answer)	One of the objectives of the reforms has been to reduce the backlog of case dispositions and reduce case delays. Do you think there has been any progress in achieving these objectives over the past few years? (3 responses: 1 Yes, 2 No)
Judges’ Ability to Research Cases Faster and More Easily—through use of the judges research room, computers, Internet, and/or the CD (5)	
Rapid Typing of Decisions (2)	
Assigning hearing dates that are not too far in the future and thus prevent manipulation (1)	
Administrative Reforms—which have led to eliminating the possibility of administrative manipulation (1)	
	Screening cases and informing litigants of the requirements for case documents—has led to complete case files ready for decisions, reducing delay due to incomplete case files.

Summary of Survey/Interview Results for Judges – March-April 2008	
Alexandria Court of First Instance (ACOFI)	Beni Suef Court of First Instance (Beni Suef COFI)
<p>Additional Reforms Implemented by the MOJ (but not part of AOJS II Project’s direct intervention):</p> <p>Movement toward Specialization of Circuits (e.g., indemnity cases), which makes it easier and faster to make decisions (13)</p> <p>Placement of Experts within the Court (4)</p> <p>Increased Number of Circuits and/or Judges (3)</p> <p>More Flexible Legislation (2)</p> <p>Follow-up with Experts—to ensure that their reports are submitted in due time (2)</p>	
Reasons for saying “No” to Question 3:	
“Rapid settlement of cases is due to the legislative aspects of the texts and the competence of the judges—i.e., it’s all about legislative reform and judicial reform.” (1)	“Why are there delays? It’s simply because there are a lot of cases. Despite automation, delays remain.” (1)
“In my circuit, I have noticed reduction in backlog, but it is mainly due to judges’ personal keenness on expediting the settlement of cases, especially old ones.” (1)	
Other comments in relation to Question 3:	
“We should have more reduction in backlog, because decisions on current cases would eliminate the need for many different parties to initiate similar cases under different names, which leads to a delay in deciding.”	“Maybe with more specialization (e.g., Economic Court), we might reduce backlog.” (1)
“Yes, there’s progress in the Court of First Instance, but due mainly to the recent legislative amendments, increasing the number of judges, and expansion of the jurisdiction specialization system—and not due to the administrative system, which has nothing to do with quick decisions on cases or lack thereof.” (1)	“How reduce backlog?... Automate the judge. E.g., if we could classify cases into simple, medium, complex before they are sent to the judges, we could give the more complex cases to the more experienced judges and expedite disposition....Also, train judges on how to write their decisions on the computer—but this is not easy for many judges, who are not motivated to learn to type.” (1)
<p>4 Do you have any additional comments about how the reforms were implemented or the impacts of those reforms?</p> <p>NOTE: Although 23 Judges answered this question, all but a few of the responses were in the form of suggestions for additional improvements; and those responses are summarized later under Question 6. The very few responses that addressed the reforms’ implementation or impact are summarized here:</p>	<p>Do you have any additional comments about how the reforms were implemented or the impacts of those reforms?</p> <p>NOTE: Although all 3 Judges answered this question, none of the responses added anything new about the reforms’ implementation or impact:</p>
Implementation:	
No problems (“side effects”) with implementation. (1)	
Some judges did not get training in typing and are weak in typing. (1)	
Judges did not get advanced training beyond basic use of computers and CDs. (1)	

Summary of Survey/Interview Results for Judges – March-April 2008			
Alexandria Court of First Instance (ACOFI)		Beni Suef Court of First Instance (Beni Suef COFI)	
The most important reforms are organizing serious and beneficial training courses for judges. Problems with the current training, however: (a) mostly held in Cairo, which is a burden and exhausting for us (who have to commute); (b) I am told to attend training in a special branch that is outside my current scope of work; (c) some of the lecturers are not competent. (1)			
There have been problems in using the research CD--due to technical flaws in the CD and lack of explanation regarding use. (2)			
There's a need for regular follow-up to address problems that arise. A questionnaire on the changes should be administered soon. (1)			
Impact:		Impact:	
The reforms have increased the attainment of justice and the credibility of decisions—so that it is not futile to resort to litigation. (1)			
Reforming the judiciary starts with improving the financial and social conditions of judges. A secure, tranquil judge is one able to research more and quickly settle cases. Judges' independence gives them strength and self-confidence. (2)			
I commend the MOJ's moving toward keeping judges constantly informed of developments, both legal and of personal interest to them. This has made me more reassured. In the past I used to hear some upsetting rumors, but now I go to work and find an MOJ letter explaining developments, which makes me feel that the MOJ is keen on our interests and on communicating with us. (1)			
5	Have you received any training from AMIDEAST on the AOJS II project during the past three years? (NOTE: In responding to this question, some judges may not have distinguished between training provided through AOJS II and other training.) (26 responses: 18 Yes, 8 No) If so, what training have you received? How useful has the training been for you in your work as a judge?	Have you received any training from AMIDEAST on the AOJS II project during the past three years? (NOTE: In responding to this question, some judges may not have distinguished between training provided through AOJS II and other training.) (3 responses: 3 Yes) If so, what training have you received? How useful has the training been for you in your work as a judge?	
	Training mentioned (and number who mentioned it):	Number who noted whether it was useful and specific comments:	Training mentioned (and number who mentioned it):
	Computer training for researching (11)	Useful (5); made it easy to research and settle cases (2); development of computer skills (1)	
	Typing (1)		
	HR training (2)	Useful (2)	
	English language (2)	Not useful (1)	
	“Expedited Justice” (1)	Not useful (1)	

Summary of Survey/Interview Results for Judges – March-April 2008			
Alexandria Court of First Instance (ACOFI)		Beni Suf Court of First Instance (Beni Suf COFI)	
Administrative/Management training: “Court Management” for Chief Justices & MOJ Senior Executives (1)	Useful (1); but does not do administrative work (1)	Admin./Management training: Court Management (in Alex) (1) Public Administration of Courts (by Amer. Univ. of Cairo) (2) Court management training from NCSC (1) Court administration training (1)	Deciding on cases as soon as possible and achieving justice; categorizing cases...; identifying a maximum time frame for deciding on each case (1)
“Intellectual Property Law” (3)	Useful (3): was able to use what was learned in decided similar cases based on the amended IPR law (1); is more informed about IPR legal disputes (1)		
“Family Justice” (7)	Useful (7): learned more legal information and corrected some misconceptions about cases encountered (4); was able to meet legislators and MOJ officials (1)		
AOJS II course in 2007 on overview of the court’s reformed administrative systems and procedures and how to work with them (2)	Useful (1)		
“Economic Court” (1)	Useful (1): learned about participants’ experiences and similar experiences in other countries	“Economic Court” (3)	
6	In addition to the reforms that have already been put in place here in the court, what suggestions would you have for further improving court processes and procedures? (28 responses) Suggestions offered (with specific comments by individuals):	In addition to the reforms that have already been put in place here in the court, what suggestions would you have for further improving court processes and procedures? (2 responses) Suggestions offered (with specific comments by individuals):	
	Automation:		
	Increase automation and computers generally throughout the court (5)		
	Link the various court departments and divisions through LAN, WAN or Intranet for easy accessibility to data (use passwords for security) (4)		
	Link courts to the Internet (2)		
	Appoint well-trained staff and/or train staff to ensure ability to use computers and electronic systems (1)		

Summary of Survey/Interview Results for Judges – March-April 2008	
Alexandria Court of First Instance (ACOFI)	Beni Suef Court of First Instance (Beni Suef COFI)
Automate the administrative work of the process-servers department and make process serving electronically available to litigants (1)	
Copy cases into the microfilm system and upload them to the central computer system (1)	
Survey and automate all cases soon (1)	
Training: Provide more <u>specialized training for judges</u> (especially given by senior counselors and in cooperation with NCJS, and where judges can discuss controversial cases and constitutional court decisions relevant to their work) (4)	
Provide more and on-going <u>computer training</u> for judges (4)	
Provide more <u>administrative training</u> (1)	
Provide more training <u>in general</u> (1)	Provide more training <u>in general</u> (1)
Conduct training where the judges live (as many have to commute long distances) (1)	
Information/Support for Judges: Provide each judge with a PC, uploaded with recent legislation and rulings on personal computers (and linked to the court network, so that they can decide on cases at their residences; accelerate the “laptop-for-each-judge” project) (7)	
Provide judges with updates on recent rulings and legislative amendments, legal reference books, etc. (4)	
Put a computer in each deliberation room (with uploaded legislation and Court of Cassation rulings; linked to the central automated system) (6)	
Link all judges to a single information network (especially judges with the same specialization to exchange opinions and increase consistency in decisions on similar cases; with Intranet interface with the Court of Cassation and Internet accessibility to Supreme Constitutional Court and Supreme Administrative Court rulings) (4)	
Increase the working hours of the judges research room—it closes at 2 p m., which reduces available time for use (2)	
Update the judges research room with more jurist sources (1)	
Supply the JRR with paper and toner for typing draft decisions (1)	
Provide more than one location in the court with computers for judges to research laws and Court of Cassation rulings (1)	
Circuits: Increase specialization of circuits to reduce backlog (6)	
Increase the number of circuits to reduce backlog (2)	
Experts: Increase the number of Experts (in-house) (3)	
Increase the speed of Experts in finalizing their reports (1)	
Train Experts to type on computers (1)	

Summary of Survey/Interview Results for Judges – March-April 2008	
Alexandria Court of First Instance (ACOFI)	Beni Suef Court of First Instance (Beni Suef COFI)
Give the court authority for on-site investigation or for assignment of a court expert with the requirement that the expert's review take no longer than between 24 hours and one week. (1)	
Courthouse and Courtrooms: Put a computer in each panel clerk office and train panel clerks to use computers for typing hearing minutes (7)	
Increase number of panel clerks and bailiffs (so each hearing would have 3 of each) (1)	
Install an internal broadcasting system in each courtroom with a microphone for the chief of the circuit (1)	
Establish in the courts an internal security system with MOJ officers and personnel (1)	
Give judges more power to reform hearing procedures, through legislative amendment, to the effect that no exceptions are made with regard to expelling persons from the courtroom for disruptive behavior and that the penalty is increased to 48 hours of imprisonment and a fine of LE 1000, without prejudice to defense attorney rights. (1)	
Empower the judicial police force to act on disruptions of work during hearings (e.g., misuse of mobile phones and other distractions) so that judges can focus on their tasks and perform effectively. (1)	
Services to the Public and Litigants: Establish a court website for citizens to follow up on cases and rulings and to obtain official copies on-line with credit card payment of fees (4)	
Install computer researching software at the front counter so one can get information about cases with the same litigants, dates of disputes and, if any, case file numbers (1)	
Miscellaneous: Improve court statistics to make them more accurate with respect to undecided cases (1)	
Proceed with additional reforms and serious follow-up of those reforms (1)	
Give judges instructions not to overdo the “whereas” statements in decisions, as long as they have reached a correct, legal decision with a clear conscience. (1)	
Establish a judicial police force and let judges submit memos about crimes they have witnessed—e.g., traffic crimes—so that the accused can be promptly prosecuted. (1)	
Double the fine for groundless attempts by litigants to remove a judge from a case, given the grounds for such removal are usually clear prior to case initiation and litigants often use this tactic to embarrass judges or to get a female judge. (1)	
Photocopy cases and related documents that are referred to cassation so that cases dependent on those documents will not be postponed repeatedly without reasonable cause. (1)	

Summary of Survey/Interview Results for Judges – March-April 2008	
Alexandria Court of First Instance (ACOFI)	Beni Suef Court of First Instance (Beni Suef COFI)
	Survey the the public and litigants to get their views of changes and needs. Also survey the judges to find out which cases they feel best able to address (so cases can be better directed) and the number of days it is taking them to reach decisions

Summary of Survey/Interview Results for Court Staff – March-April 2008	
Alexandria Court of First Instance	Beni Suef Court of First Instance
30 Court Staff Responded to Questionnaire, 24 through a self-administered survey distributed and collected by the MOJ/ACOFI and 6 through in-person individual interviews during the site visit. Of the 30 staff responding (18 females and 12 males), 27 worked in the Typing Pool (1 female supervisor, 16 female typists and 10 male typists), 3 worked at the Front Counter operation (1 male automations supervisor, 1 male clerk performing automated case initiation at the counter, and 1 female providing electronic archiving technical support).	7 Court Staff Responded to Questionnaire, 5 through a self-administered survey distributed and collected by the Beni Suef Chief Justice during the site visit and 2 through an in-person group interview during the site visit. Of the 7 staff responding (1 female and 6 males), 2 worked in the Typing Pool (1 male typist and 1 female proofreader) ¹ ; and among the remaining 5 males, 2 worked in the Front Counter operation (1 in electronic archiving [scanning] and 1 in electronic indexing); 2 provided IT technical support throughout the court; and 1 served as a clerk in the Judges Research Room. ¹ As the group interview with the 2 individuals in the Typing Pool progressed, as many as 15 more staff, including the supervisor, joined in.
1 Briefly, can you tell me what your job responsibilities are? (30 responses)	Briefly, can you tell me what your job responsibilities are? (7 responses)
<p><u>Front Counter Staff:</u> Automation Systems Supervisor manages the automation system—including the assignment of circuits and hearing dates, automated fee assessments, and entry of data, e.g., on hearings and data from referred courts and circuits. Also manages systems in case of power outages, and generates reports and statistics. Clerk receives and reviews case folders and documents submitted by lawyers for proper form, uses the automated system to determine the type of case, collects case initiation fee, and issues two copies (one for indexing and one for the lawyer) of the automated receipt with all details of the new case (circuit number, date and location of hearing, type of case and case number, and name of claimant). Provider of Technical Support to Electronic Archiving Department provides technical support and maintenance of computers, organizes the work of the department by distributing cases for electronic scanning and then delivering documents for manual indexing.</p> <p><u>Typing Pool Staff:</u> Supervisor receives all decisions from judges and distributes to typists. After decisions are typed, reviews and then forwards them to the panel clerks. Typists receive decisions from their supervisor, type and format them, ensure accuracy, and deliver to supervisor.</p>	<p><u>Front Counter Staff:</u> Electronic archiver uses the archiving application to scan all documents in the case folder, e.g., petitions, power of atty, acknowledgements, court rulings, etc. Electronic indexing staffer enters case data into the system.</p> <p><u>IT Support Staff:</u> Maintain all court equipment; monitor the court application, make daily backups of court work, train staff on typing programs and court software.</p> <p><u>Judges Research Room Clerk:</u> Oversees the legal research application; help judges retrieve legal texts—e.g., legislation, Court of Cassation rulings, appeals, etc.—and provides legal material to the judges.</p> <p><u>Typing Pool Staff:</u> Typist types and formats decisions and then forwards them to proofreader. Proofreader reviews typed draft against the manuscript, makes corrections, prints copies and then sends them on for judges’ signatures. (Decisions for typing come in a batch at the end of each month. As they are typed and proofread, they are sent out.)</p>
2 How have the reforms changed your work? If so, what are the most important changes for you? (30 responses)	How have the reforms changed your work? If so, what are the most important changes for you? (7 responses)

Summary of Survey/Interview Results for Court Staff – March-April 2008	
Alexandria Court of First Instance	Beni Suf Court of First Instance
<p><u>Front Counter Staff</u>: Work is easier, quicker. According to one, work is now more fun, and using computers instead of doing things manually benefits both the public and users of the equipment. Another: The automated system expedites case initiation, but also enriches his experience because he deals with all types of cases. Another: Even if paper documents are destroyed, they are available electronically.</p> <p><u>Typing Pool Staff</u>: <u>Supervisor</u> says that work is now easier. Used to have paper records, now electronic. In the past, it would take 3 months to get a decision typed; now it takes on average of 17 days. The typing pool used to be the main reason for delay after a decision. Also we have better quality and can retrieve decisions from the electronic files. <u>Typists</u>: Decisions are typed faster and turned around more quickly—increased productivity (22). Typed decisions are more accurate (17). Overall saves effort (10). Easier and faster to identify and correct errors on computer than on typewriters (8). Higher standard of work output—e.g., format, neatness (6). Increased “accomplishment” (3). More comfortable using a computer (1).</p>	<p><u>Front Counter Staff</u>: Work is now faster, easier and more accurate. According to one: Through automation, we can more quickly access any case.</p> <p><u>IT Support Staff</u>: Through the reform process, work is faster and we have learned some things we had not known before.</p> <p><u>JRR Clerk</u>: Work is faster and more accurate, and I have been connected to the world of technology.</p> <p><u>Typing Pool Staff</u>: The reforms save time and effort (2). Before automation, it took about 30 minutes on average to type a decision; now it takes about 5-10 minutes, because we now have templates (1). Drafts are neater and easier to correct (1). Decision drafts and finals can be printed (1).</p>
For the general public? (6 responses)	For the general public? (3 responses)
<p><u>Front Counter Staff</u>: Speed in getting the work done (1). Justice in the distribution of cases through random assignment to circuits and hearing dates (which was not the case before), which both parties accept (2).</p> <p><u>Typing Pool Staff</u>: Able to see the decision at the panel clerk’s office <i>before</i> appeals (1). Comfortable with the accuracy and neatness of the typed decisions (1). Service is prompt (1). Judges commend the neat typing and the prompt completion before appeal hearing dates (1).</p>	<p><u>Front Counter Staff</u>: Prompt case initiation and inquiry afterwards (1). Reduced crowds of litigants (1).</p> <p><u>JRR Clerk</u>: Quick responses to judges’ requests for material (1).</p>
3 Have the changes helped you do your job more efficiently? (29 responses: 29 Yes) (Examples?)	Have the changes helped you do your job more efficiently? (5 responses: 5 Yes) (Examples?)
<p><u>Front Counter Staff</u>: More work in less time (2). If we need to retrieve a document, case number or anything else, we can inquire through the application. This step was very difficult before the changes, because we would have had to go to indexing or panel clerk department to inquire about the case (1).</p> <p><u>Typing Pool Staff</u>: <u>Supervisor</u>: In the past, it would take 3 months to get a decision typed; now it takes on average 17 days. <u>Typists</u>: Speed/saved time/increased volume in typing decisions (18). More accuracy (6). Saved effort (5). Improved layout (3). Can correct errors more easily and quickly (2). Can meet public’s requests for copies of decisions before appeal hearing dates (1).</p>	<p><u>Front Counter Staff</u>: Increased efficiency (1). Before automation, if any documents within the case folder were lost, they would have been difficult to replace; however, now with electronic archiving, it’s easy to replicate lost documents (1).</p> <p><u>IT Support Staff</u>: Work is faster, more accurate and of higher quality (1).</p> <p><u>JRR Clerk</u>: Easier and more accurate work (1).</p>

Summary of Survey/Interview Results for Court Staff – March-April 2008	
Alexandria Court of First Instance	Beni Suef Court of First Instance
<p>4 How else have the changes helped you? (Examples?) (29 responses, but many were duplicative of answers for previous question)</p> <p><u>Front Counter Staff</u>: Electronic posting of data has made retrieval easier, saving time and effort for other tasks (2). Reforms have provided him with more knowledge and experience with automation (1). They do not have to go to more than one entity to get a single piece of information—it’s all on the server, which helps expedite performance (1).</p> <p><u>Typing Pool Staff</u>: We can save settings and formats to make and use templates or copies of similar decisions (e.g., signature cases, housing decisions) (6). Through training, we can now work with computers (6). We are rid of noisy typewriters (2).</p>	<p>How else have the changes helped you? (Examples?) (6 responses)</p> <p><u>Front Counter Staff</u>: Have learned how to operate a computer (1). Have an improved office environment, with air conditioning, fans and better lighting (1). <u>IT Support Staff</u>: Enjoy dealing with different types of people (1). Improved and neater office environment, with computers, desks, and furniture that we did not have before (1).</p> <p><u>JRR Clerk</u>: Now connected to the computer world and am more efficient and capable (1).</p> <p><u>Typing Pool Staff</u>: It is psychologically comforting to be able to work more quickly and of higher quality; and computers need less maintenance than the typewriters did and the monitors are good (1).</p>
<p>5 Do you have any additional comments about how the reforms were implemented or the impacts of those reforms on the court? (8 responses)</p> <p><u>Front Counter Staff</u>: This reform, as far as I know, has been the fruit of the cooperation between MOJ and USAID and has been implemented over a number of phases (1). These reforms were accomplished through the MOJ and have impacted the court in terms of speed and facilitation of performance (1)</p> <p><u>Typing Pool Staff</u>: We were trained on the software, so we did not have problems with implementation. It was slower at the start, but now things are going smoothly. Advice to others who will implement reforms: pay attention to accuracy, which is critical! (1) Work in the different departments (besides ours) has been improved (4). We have reduced mistakes (1).</p>	<p>Do you have any additional comments about how the reforms were implemented or the impacts of those reforms on the court? (4 responses)</p> <p><u>Front Counter Staff</u>: Indeed, these changes in the courts via automation are an important development leading to facilitation of work (1).</p> <p><u>JRR Clerk</u>: The impact has been to make things more comfortable for the public and provide prompt procedures for litigants.</p> <p><u>Typing Pool Staff</u>: There were no problems with converting to automated typing (1).</p>
<p>6 Have you received any training from AMIDEAST on the AOJS II project during the past three years? If so, what training have you received? How useful has the training been for you in your work? (29 responses: 25 Yes, 4 No)</p> <p>NOTE: Respondents may not have distinguished between AOJS II training from other training, e.g., directly from the MOJ, NCJS, JIC. Also, some respondents were not particularly specific about the trainings received and some (especially typists in the Typing Pool) may have used different terms to refer to the same training.</p> <p>NOTE also: All who said “Yes” found the training useful or very useful. All who said “No” stated that they received training at their own expense and received none at the court.</p>	<p>Have you received any training from the MOJ during the past three years? If so, what training have you received? How useful has the training been for you in your work? (5 responses: 5 Yes)</p> <p>NOTE: All who said “Yes” found the training useful or very useful.</p>

Summary of Survey/Interview Results for Court Staff – March-April 2008				
Alexandria Court of First Instance		Beni Suef Court of First Instance		
	Training mentioned (and number who mentioned it):	Specific comments about usefulness:	Training mentioned (and number who mentioned it):	Specific comments about usefulness:
	<p><u>Front Counter Staff:</u> Automation Systems Supervisor: Many courses on computers and system management—ICDL training, specialized courses on the software used in this court (1)</p> <p>Front Counter Clerk: Three courses—computer, specialized Microsoft Office and MS Word, and case initiation application (1)</p> <p>Front Counter Provider of Technical Support to Electronic Archiving Department: 3 months of training—mentioned 8 specific Microsoft courses dealing with servers, maintenance, security and management in using automated data systems (1)</p> <p><u>Typing Pool Staff:</u> How to use computers and the software for typing decisions—Many said “MS Word”; some said 2 Word courses; some said Word and workplace application/decision typing program, some said “studying computers”; one said “two in AOJS-supervised institute”) (21). Typing (11)</p>	<p>Very useful, because the computer trainings coincided with actual practice in the workplace, particularly in speedily operating computers and being able to operate Microsoft Office software. Useful, because I am able to deal with computers, quickly enter data, and deal with the public promptly. Useful, because if an error occurs in a case or there is an equipment malfunction, we can fix it based on what we have learned.</p> <p>Useful (22): Essential (1); speedier and more accurate typing of decisions (17); better understanding of how to use computers (11)</p>	<p><u>Front Counter Staff:</u> Indexer: MOJ training on software (including Windows and Word) (2). Archiver: Training on Excel, and training on software for claims, electronic indexing and electronic archiving (1). <u>IT Support Staff:</u> training on court software from MOJ (2). <u>Typing Pool Staff:</u> Training from JIC in Windows/Word (operating system and application) and typing on the computer (different keyboard, formatting, fonts, how to save, print, etc.) (2).</p>	<p>The trainings have helped me conduct my work with computers (1). Helped me achieve accuracy and organization and speed in all tasks (1).</p> <p>We became computer literate very quickly (2).</p>
7	<p>In addition to the reforms that have already been put in place here in the court, what suggestions would you have for further improving court processes and procedures, or to make your job more efficient and effective? (26 responses) Suggestions offered:</p>		<p>In addition to the reforms that have already been put in place here in the court, what suggestions would you have for further improving court processes and procedures, or to make your job more efficient and effective? (26 responses) Suggestions offered:</p>	

Summary of Survey/Interview Results for Court Staff – March-April 2008	
Alexandria Court of First Instance	Beni Suef Court of First Instance
<p><u>Front Counter Staff:</u> Complete the work already started in terms of the planned reform phases, because this was all based on a clear vision (1) Develop and automate all court departments, so that they can be easily interfaced via a single system (1) Establish linkage with the partial courts (2)</p> <p><u>Typing Pool Staff:</u> Provide more computer training to increase our computer expertise, efficiency, performance (10) Make improvements that will preserve our eyesight (e.g., screen filters) (6) Expand the use of computers in all departments of the court (1) Provide more modern equipment to facilitate, saving, opening and browsing (1) Periodically update the typing pool software to avert any problems (1) Improve retrieval of typed decisions to easily access templates (1) Provide more comfortable chairs (1)</p>	<p><u>Front Counter Staff:</u> Increase the numbers of staff and equipment (1) Give front counter staff a separate financial allowance to reward their tremendous efforts (2) Expand automation to all court functions due to the accuracy and speed it provides; automate other MOJ offices (notary office and prosecutor general); provide scanners that accommodate big-sized pages so that we can scan documents including survey maps and estate statements (1)</p> <p><u>JRR Clerk:</u> Expand computers to all functions, expand MOJ trainings, and provide tools and other requirements, including books and references (in the JRR)</p> <p><u>IT Support Staff:</u> Expand automation (1) Consider psychologically preparing staff before automation; put young staff members with older ones for exchange of experience; select equipment with state-of-the-art quality and speed, and budget the automation costs, e.g., provision of paper, ink, etc.</p>

ATTACHMENT 6

COMPARISON OF PRE- AND POST-REFORM LAWYERS' SURVEY DATA IN TWO COURTS OF FIRST INSTANCE
(COFIS)—ALEXANDRIA (REFORMED BY AOJS II) AND BENI SUEF (REFORMED BY THE MOJ)

During the rapid assessment's two site visits to the ACOFI and the Beni Suf COFI, I was able to conduct mini-surveys of small numbers of lawyers present in the courts at that time. Using essentially the same survey as was used by AOJS II in pre-reform and post-reform surveys at the ACOFI and MCOFI, the mini-surveys were conducted in order to take a third reading of lawyers' perceptions in the ACOFI and to compare perceptions in the Beni Suf COFI (reformed by the MOJ on its own) and the ACOFI (reformed by the AOJS II project). As described in Attachment 3, the rapid assessment survey differed from the original surveys in that (a) lawyers were asked to rate only eight of the original 11 court procedures (as USAID and Amideast staff determined that the other three procedures could not be expected to have been affected by the reform process) and (b) several other questions asked in the original surveys were not considered relevant to the purposes of the rapid assessment.

In addition to the ratings of the eight court procedures, the site visit surveys included four of the original survey questions, however. Lawyers were asked (a) if the time spent in case filing initiation was appropriate or not; (b) if there was improvement in performing procedures from the prior year; (c) if they would rate the administrative work style and interaction in the court as better, equal or less than in other courts; and (d) if they had any suggestions to improve the performance and decrease the time needed for the disposition of cases in the panels of the court.

Unfortunately, my site visit colleagues and I were able to get completed surveys from only eight lawyers present in the ACOFI and only two lawyers present in the Beni Suf COFI during the site visits. These limited data suggest that the eight lawyers' perceptions of ACOFI have become even more positive than those of the 125 lawyers surveyed 15 months ago during the project's post-reform survey. As detailed in the table on the next page, these lawyers perceive all eight of the reform-relevant administrative procedures more positively than before (and their average rating for all eight procedures has increased from 2.40 to 3.40); a higher percentage of them now view the time in case filing initiation to be appropriate (75% vs. 57%); a slightly higher percentage of them report improvement in performing the procedures in the court compared to the previous year (88% vs. 85%); and a higher percentage of them view the administrative work style and interaction in the ACOFI as better or equal to those in other courts in which they work (100% vs. 86%). The two Beni Suf lawyers gave the highest possible positive responses with respect to all eight administrative procedures and the three general questions.

Comparison of Pre- and Post-Reform Lawyers' Survey Data in Two Courts of First Instance (COFIs)—Alexandria (reformed by AOJS II) and Beni Suf (reformed by the MOJ)				
Survey Item	Alexandria COFI— AOJS II-Reformed			Beni Suf COFI— MOJ-Reformed
	Pre-Reform Baseline Data, Collected by AOJS II, 4/2006 (n = 125)	Post-Reform Data, Collected by AOJS II, 12/2006 (n = 125)	Post-Reform Data, Collected During Rapid Assessment, 3/ 2008 (n = 8)	Post-Reform Data Only, Collected During Rapid Assessment, 4/2008 (n = 2) ¹
Average Rating of Administrative Procedures (on a scale of 1-5, with 1 being poor and 5 excellent)				
Procedures of Fees Assessment/Estimation	2.39	2.66	4.00	5.00
Fees Review	2.46	2.70	4.25	5.00
Fees Payment (Cashier)	1.47	2.02	3.00 ²	5.00
Determination of Circuit & 1 st Session Date	2.14	3.10	4.25	5.00
Scheduling	2.15	2.80	4.80 (n=5)	5.00
Collection of Official Copies of Documents/Judgments/ Session Minutes	1.31	1.87	2.38 ^{2&3}	5.00
Receipt of Original Documents of Disposed Cases	1.62	2.02	2.50 (n=6) ³	5.00
Enough Guidance about Procedures Readily Available	1.99	2.00	2.00 (n = 7)	5.00
Average Score for all 8 Items	1.94	2.40	3.40	5.00
<p>¹It was decided very quickly to visit Beni Suf COFI (rather than the Suez COFI as originally planned) and the MOJ could not send our surveys to the COFI ahead of time. As a result, upon our arrival at Beni Suf, the Chief Justice was able to collect only two lawyers' surveys. And it is our impression that these two surveys were completed rather hurriedly.</p> <p>²For these procedures (Fees Payment and Collection of Official Copies...), one respondent (a female) commented that one must pay bribes.</p> <p>³For these procedures (Collection of Official Copies... and Receipt of Original Documents...), one respondent commented that the procedures have not changed from before and after the reforms.</p>				
General Questions (This section includes only three of the seven general questions used in the original AOJS II surveys. The other four questions were not relevant to the results being reviewed during the Rapid Assessment.)				
Is the time spent in case filing initiation appropriate or not?	Yes: 37% No: 63%	Yes: 57% No: 43%	Yes: 75% No: 25% ¹	Yes: 100% No: 0%
Is there improvement in performing the procedures related to civil/commercial case in the Court compared to last year?	Yes: 57% No: 43%	Yes: 85% No: 15%	Yes: 88% ² No: 12%	Yes: 100% No: 0% (n = 1)
Comparing administrative work style and interaction in the Court to other courts you work in, how would you rate the Court?	Better: 19% Equal: 40% Less: 41%	Better: 61% Equal: 25% Less: 14%	Better: 63% ³ Equal: 37% ⁴ Less: 0%	Better: 100% Equal: 0% Less: 0%
<p>¹One respondent wrote: "The cashier area is crowded."</p> <p>²One respondent wrote: "The best system in the court is to have computers, and we hope to have this implemented on a wider scale."</p> <p>³Three respondents wrote: (1) "It's much better than the rest." (2) "Prompt performance." (3) "Due to automation."</p> <p>⁴One person wrote: "Poor and humiliating."</p>				

Comparison of Pre- and Post-Reform Lawyers' Survey Data in Two Courts of First Instance (COFIs)—Alexandria (reformed by AOJS II) and Beni Suef (reformed by the MOJ)

Survey Item	Alexandria COFI— AOJS II-Reformed			Beni Suef COFI— MOJ-Reformed
	Pre-Reform Baseline Data, Collected by AOJS II, 4/2006 (n = 125)	Post-Reform Data, Collected by AOJS II, 12/2006 (n = 125)	Post-Reform Data, Collected During Rapid Assessment, 3/ 2008 (n = 8)	Post-Reform Data Only, Collected During Rapid Assessment, 4/2008 (n = 2) ¹

Additional Comments/Suggestions: Do you have any suggestions to improve the performance and decrease the time needed for the disposition in Civil/Commercial Cases in the panels of the Court?

Comments only from the ACOFI's 8 respondents during the site visit (aggregated by topic and edited for brevity):

- **Payment of fees:** (1) Issue printed fixed-amount coupons for the lawyer or litigant to buy instead of the futile fee collection that takes a very long time. (2) As for the whole court (not partial court), things are very good generally, but there's a big disadvantage in the fee collections at the partial courts, which necessitates increasing the number of cashiers. Please rectify this. Thank you.
- **Filing time for case initiation:** Increase the number of employees responsible for this task.
- **Microfilming:** Microfilming needs better attention, because it takes a long time.
- **Receiving official copies:** (1) increase the number of employees and do a better job of monitoring the archiving.; (2) If the owner of a document loses the document, why not give him/her an "exact copy" (true to the original) with a Republic-of-Egypt stamp/seal, taken from the folder previously submitted?
- **Scheduling:** (1) If a hearing is referred from ACOFI to a partial court, per the decision of the Chief Justice, there should be commitment to an exact date for a hearing.
- **Miscellaneous:** (1) The lawyer is asked to sign an acknowledgement that he will not submit any memos and that the case is self-explanatory; but when something new comes up, the court orders an exchange of memos, which has a LE 1 fee. So, why do we have to sign the acknowledgement in the beginning, or is the purpose of this whole thing to collect the LE 1 stamp fee for the memo? (2) Please put tables and chairs for lawyers, especially the older ones, who cannot fill out the forms easily.
- **General:** (1) The reform should be all-inclusive, starting from case initiation through issuance of a decision to receipt of documents.. (2) There are many bribes for making copies & getting quicker service at the crowded cashier stations. (3) Some employees harass female lawyers. (3) Note, the issue is about the staff, not the automation itself; obstacles occur because people mistreat and deliberately insult the lawyers.

ATTACHMENT 7

CHECKLIST — FOR U.S. TRAINING
 NOT MANAGED BY THE START IQC

This form must be completed and attached to passport copies and then submitted to USAID/Egypt HDD/ETW prior to R3 verification

Program Name:

Contractor Name:

1- Preliminary Stage:

- a- Training Needs Assessment developed & originals maintained by CTO
- b- Training Plans developed & originals maintained by CTO
- c- Approved/signed nomination letter (original version) maintained by CTO
- d- Visa Clearance Process
 - Documentation should be as follows:
 - 1. DS 156
 - 2. DS 157
 - 3. DS 158
 - 4. W7 (IIE)
 - 5. W8 BEN (IIE)
 - 6. IRS (AMIDEAST)
 - 7. IRS (IIE)
 - 8. Revised Responsibilities for R3 Verifier
 - 9. Signature page for TPA
 - 10. HAC Insurance Responsibilities
 - 11.
 - TraiNet data entered by TAC, VCS steps R-1 and R-2 completed
 - Participants' clearance status acknowledged per consular website
- 2- Pre-Departure Stage:
 - 1. HAC through either HTH or IIE
 - 2. Airline Tickets
 - 3. Preparation of Required Waivers
 - Type(s) of waivers required for this training:
 - _____
 - _____
 - _____
 - 4. Completion of Training Partnership Agreement (TPA)
 - Complete TPA with attachments prepared/signed and maintained in CTO/contractor files
 - 5. Contractor requests ITIN for participants

6. Pre-Departure Orientation (Mandatory, Provided By HDD/ETW & Conducted at NOB unless other arrangements are made in advance)

- CTO reports orientation schedule to participants & confirms their attendance

e- Preparation Of Budget Increase/Decrease Forms (if necessary)

- Budget modifications entered into TraiNet/SEVIS by: ___ & by

- R1/R2 (contractor)

- R3 (ETW)

Check sheet prepared by: _____

Organization _____

ATTACHMENT 8:

NOTES FROM STRATEGY BRAINSTORMING SESSION, APRIL 6, 2008

I. Participants

Margaret Groarke, USAID/DG

Laura Gonzales, USAID/DG

Teresa Cannady, MSD, COP, Family Justice Support Project (FJP)

Bill Hallock, Chemonics, COP, Administration of Criminal Justice Support Project (AOCJ)

Brian LeDuc, AMIDEAST, COP, Administration of Justice Support II Project (AOJS II)

Larry Beyna, MSI, Facilitator and Recorder

II. Purpose of Session

The purpose of the mostly all-day meeting was to brainstorm and discuss general ideas for possible future USAID programming in the Rule of Law (“ROL”) area. USAID included in the group the Chiefs of Party from its three key ongoing ROL projects to generate ideas based on their extensive and well-informed experience in the ROL sector in Egypt. Larry Beyna’s participation as facilitator and recorder was part of a broader TDY effort that included a rapid assessment of the AOJS II Project. The group was neither charged with nor engaged in any activity-level planning. Its discussions were limited to the broader strategic level in response to the question: “Should USAID have additional resources for ROL development in Egypt beyond those devoted to current projects, where and for what purposes might such resources be best used?”

III. Parameters

At the beginning of the session, Margaret laid out a few broad parameters for the brainstorming and discussion:

- The brainstorming and discussion should focus on USAID’S Program Area 1, Rule of Law and Human Rights.
- As we cannot predict the level of funding that will be available for ROL programs in the future, we should not limit the brainstorming and ideas on the basis of likely costs.
- We should bear in mind USAID’S primary interest in promoting development that makes a difference in the lives of Egypt’s poor and contributes ultimately to alleviating poverty.
- We should not limit the brainstorming to only those ideas that Egypt’s MOJ would easily accept and embrace. We should keep it open and note, perhaps, where the MOJ might or might not be amenable. (During the discussion, the group identified three “packages” of potential assistance, which include some items that might be easier to “sell” to MOJ when packaged with other items that the MOJ might more readily embrace.)

IV. MOJ Input

In February 2008, the Rule of Law (ROL) team met with Counselor Osama Ataweya, Assistant to the Minister for Follow-up and Implementation, to discuss areas that the MOJ was interested in pursuing with USAID’S assistance. Osama Bey identified four areas of interest (listed in order of MOJ’S priority): (1)

establishing a model Economic Court which could be replicated throughout Egypt; (2) establishing a model legal assistance office for the poor within a family court; (3) automating the remainder of the courts that were not automated under AOJS I and II; and (4) strengthening the GOE's ability to manage forensic evidence by providing training, forensic equipment, etc.

Of the four areas identified by the MOJ, the ROL team decided to explore the possibility of pursuing assistance to the MOJ in the first two areas it identified: Economic Courts and legal assistance offices.

A. The Economic Courts

The MOJ has long supported the establishment of Economic Courts, its top preference for assistance, to hear civil and criminal cases involving a monetary value of at least LE 5 million and of high interest to potential international investors and traders. The idea is that the efficient and fair disposition of such cases in Egypt will contribute to a stable and predictable investment and trade climate—a key consideration to attract International trade and investment.

By way of background, the GOE is presently considering the establishment of specialized Economic Courts through proposed legislation (the “Economic Courts Law”). On March 17, 2008, the Shura Council approved the current draft of the Economic Courts Law and it is presently under review by the People's Assembly. Two arrangements are being considered in separate versions of the law: (1) establishing one economic court in each governorate or (2) establishing eight or so such courts under the jurisdiction of the Court of Appeals.

During the brainstorming session, it was noted that the MOJ originally approached USAID with ideas for assistance in the justice area to increase Egypt's attractiveness as a place for foreign investment. AOJS II sponsored several Washington study tours for MOJ officials to learn more about economic courts. The MOJ has already begun assigning and preparing judges to work in these courts. Last year, through assistance under AOJS II and TAPR II, USAID helped train 125 judges; this year another 120 will be trained. The training involves delivering eight courses over a period of several months in topics such as bankruptcy, intellectual property rights protection, leases, real estate financing, and a central deposit system.

B. Model Legal Aid Office

The MOJ's second priority for USAID assistance is the establishment of a model legal aid office for the poor within the family courts. Prior to this meeting, the ROL team had independently discussed exploring possibilities of new programming in the area of legal assistance, so the MOJ and the ROL team share this interest.

C. Human Resource Development

While not expressed to the Rule of Law team as a distinct area of assistance, in a later discussion with Larry Beyna, during the AOJS II rapid assessment, Counselor Ataweya noted his interest in human resource development in the Ministry and the Judiciary. A strong believer in HR development, Osama Bey envisions more support from USAID in developing the knowledge and skills of MOJ staff and the Judiciary. This is a necessary consideration addressed in all ROL programming.³⁰

³⁰ On this topic, the group briefly discussed the problem of retaining trained, skilled staff, which is a problem with any development project involving training. One potential way to address the issue is to design projects which develop focus on building organizational systems, policies, procedures and operational manuals, as well as train staff, so that new staff can fit easily into the systems and can adapt to them. This helps ensure the sustainability of USAID efforts. USAID should consider doing this with all assistance interventions with the MOJ where it makes sense to do so.

Note that the priorities identified above are of the current Ministry, as expressed by Counselor Osama Ataweya, whose continued tenure as a key player at the MOJ (as with that of any MOJ champions), could change.

V. The Brainstorm: Assistance Ideas for Future Aid

After a brief period of individual brainstorming, numerous ideas were offered and discussed. Toward the end of the session, the group attempted to categorize various assistance ideas into “packages” of assistance. Three packages emerged: First, to create a model legal assistance office to be replicated by the MOJ in other courts. Second, to assist the MOJ in establishing its Economic Courts. And third, to assist the Public Prosecution Office to increase its efficiency and develop its capacity to prosecute specialized cases, including matters involving consumer protection and women and children. Each package is summarized below.

A. Package One: Model Legal Assistance Office

While the MOJ has expressed its interest in establishing a model legal assistance office for a family court, the ROL team noted the importance of increasing the reach of the proposed services to include the multitude of legal issues that face the poor including, for example, property issues and landlord-tenant matters. USAID would therefore propose to establish the model office in a Partial Court (not a family court) to broaden the reach of the civil issues for which the legal office would provide legal assistance (and perhaps maximize the number of Egyptian citizens who would be served by the offices). Newly graduated law students could be hired as MOJ personnel to staff the offices. Additional assistance could be provided to the Partial Court to maximize efficiency in case management and administration.

B. Package Two: Economic Courts

Under Package Two, USAID would provide assistance to the MOJ to develop a model economic court. The “model” could encompass “best practices” in judicial administration which would be relevant for adoption in other Egyptian Courts (i.e., additional Economic Courts as well as Courts of First Instance, Partial Courts, etc.). The focus could be on optimizing case management, encouraging the separation of judicial and administrative responsibilities, supporting the adoption of alternative dispute resolution, and (in the case of Economic Courts) encouraging the MOJ to appoint persons to serve as judges who have specialized relevant knowledge including, for example, lawyers experienced in complex commercial matters.

C. Package Three: Assistance to the Public Prosecution Office

Package Three includes providing assistance to the Public Prosecution Office to increase its capacity to prosecute specialized cases such as matters involving consumer protection and cases affecting women and children (including, for example, domestic violence, female genital mutilation and child-related crimes). In both areas, the assistance could include developing a special unit of dedicated prosecutors.

Discussion points and more detailed comments made during the brainstorming session are set forth in the chart attached as Annex 1.

ANNEX 1

Assistance Idea ¹	Possible USAID Assistance “Packages”			
	Legal Aid Offices for the Poor	Economic Courts	Prosecution	Comments
1. Improve access to justice for the poor by creating a model legal assistance office in a partial court to be replicated throughout Egypt in partial and possibly other courts.	X			The MOJ’s second priority for USAID assistance is to establish legal aid offices for the poor within the family courts. USAID’s preference would be to place these offices in civil courts (such as partial courts), where the service would have a larger reach both in the types of cases for which people would receive assistance (e.g., property disputes, landlord tenant matters, labour issues, etc) and in the number of poor Egyptians that could be served. The MOJ’s vision is to hire newly minted law students (as MOJ personnel) and train them to assist litigants in bringing and defending cases.
2. Improve public awareness regarding rights and responsibilities with respect to civil and criminal matters.	X		X	The group agreed on the need to provide both civil litigants and criminal defendants with information on their rights and procedural issues in some forum. For litigants in the partial courts, for example, this could be through the legal aid offices described above. For criminal defendants, USAID needs to explore possibilities through the courts, police stations, or some other forum -- perhaps through AOCJ??
3. Increase skills and improve attitudes of lawyers in connection with legal aid to the poor.	X			Educate lawyers regarding services available to the poor. For example, in the mediation of family cases, there is a problem with lawyers not understanding its purpose and (worse) misguiding families away from mediation and into the courts.
4. Help relieve the burdens placed upon the partial courts.	X			As the MOJ has tried to increase the efficiency of the COFIs by moving cases into the Partial Courts (e.g., signature cases – see 5 below), it has likely increased the burden on the Partial Courts. Need to explore ways to relieve that increased workload: e.g., creating a notary system or agency in which to transfer signature cases.
5. Help get more types of cases delegated to partial courts (i.e., single-judge courts) or to more appropriate forums.	X	X		AOJS II had some influence on removing signature cases to the partial courts. Are there other changes that would relieve caseloads in the higher courts? This effort could be tied into the assistance for economic courts (as part of initial analysis, review of requirements and proposal of best practices) or for legal aid offices for the poor (given that partial courts likely deal with a lot of issues that affect poor Egyptians – Question: should we assess this first?). Might this also be tied into efforts under 8 below?

Assistance Idea ¹	Possible USAID Assistance “Packages”			
	Legal Aid Offices for the Poor	Economic Courts	Prosecution	Comments
6. Assistance to increase businesses’ compliance with consumer protection laws.	X		X	Benefits of this assistance would be economic (improving the trade climate) and social (protecting consumers, including the poor). This effort would involve developing legislation, enforcement, prosecution, and inter-agency coordination through training and capacity building. To ensure compliance and enforcement of the laws, might assist PPO in developing the capacity of a dedicated unit of prosecutors through specialized training.
7. Develop an Economic Court model for replication nationwide.		X		<p>(See MOJ Input in text above for background)</p> <p>Developing an economic court model would be a very ambitious undertaking, so how would we make it work? USAID might do the following, in order: Assess and establish the business requirements (i.e., rules of procedure) for court operations; Develop organizational and management systems (including, ideally, separating judicial and administrative roles and responsibilities); Work on policies, e.g., mandatory mediation (which is a pending law), settlement conferences, case management, etc.; Install equipment and IT applications. Develop the “perfect court:” building and infrastructure (by MOJ), policies, procedures, administration, automation.</p> <p>We could also focus on optimizing case management efforts (processing times, caseloads, etc.) to serve as best practices for other courts.</p> <p>USAID strategy might include packaging this assistance with assistance in establishing legal aid offices to ensure that the latter gets included. Should this effort be coordinated with the PPS office in USAID?</p> <p>Other ideas: Advocate for lawyers experienced in commercial matters, to become judges in the economic courts. How could we encourage the MOJ to choose lawyers to serve as judges for these courts? (MOJ is already choosing judges for service in the economic courts.)</p> <p>How could we build the model to reduce the adverse impact on productivity and effectiveness, due to judge rotation law?</p>

Assistance Idea ¹	Possible USAID Assistance “Packages”			
	Legal Aid Offices for the Poor	Economic Courts	Prosecution	Comments
8. Increase MOJ and judiciary capacity to collect, analyze, and use high-quality, consistent data for assessing and improving operations.	X	X	X	There is room for improvement in this area in the criminal, civil and family justice areas. Even while some progress has been made through AOJS II, there is the need to maintain and be able to access reliable data on pending cases, judge/case ratios, etc., which are essential to effective court management. They need to modernize how they do business. This also ties in with Osama Bey’s interest in human resource development and institutional management capacity. Ideas: (1) a separate <u>administrative</u> department in MOJ to deal with such issues as disparities in judge/staff ratios; (2) promotion of this as creating a tool for MOJ needs assessments, strategy development, etc.; (3) developing a tool to help the Supreme Judicial Council develop a budget (in light of June 2006 amendments to the Law on Judicial Authority which shifts authority for the Judiciary’s budget from the MOJ to the SJC) – but the issue is (of course) whether they would want our help.
9. Capacity-building of personnel in the courts.	X	X	X	Promotes independence of the judiciary by strengthening the capacity of the judiciary to balance against a very strong executive branch.
10. Increase efficiency of criminal courts by reducing the number of cases brought by the prosecution			X	Could explore the introduction of mechanisms (e.g., plea bargaining?) to increase efficiency in dealing with minor or weak cases. (But must ensure that any proposed assistance does not run afoul of Section 660(a) of the Foreign Assistance Act which prohibits training and financial support of police, prisons or law enforcement.)
11. Improve/increase the public’s access to information from the Prosecutor’s office and the criminal courts			X	Access to information should ideally occur at police stations (e.g., upon arrest and follow-up, but people are terrified of going near police stations) and courts (perhaps through a model like the AOJS II model in civil courts (with information counter, front counter, etc.)) What are the current rules and systems? What might be the role of the Ministry of S. Administrative Development, which is interested in disseminating information to the public? How might USAID convince the Prosecutor General to work in this area? Can it be done as part of AOCJ??

Assistance Idea ¹	Possible USAID Assistance “Packages”			
	Legal Aid Offices for the Poor	Economic Courts	Prosecution	Comments
12. Reduce corruption and increase transparency in the criminal and civil courts.		X		Group agreed that it is an area in need of attention but difficult to assess the need and to address. Probably the best way to do this is by integrating anti-corruption and transparency mechanisms/procedures into project efforts (as has been done in AOJS II through, for example, automation efforts), rather than having assistance specifically aimed at reducing corruption/increasing transparency.
13. Increase the capacity of prosecutors to deal with cases (and increase enforcement of laws) affecting women and children			X	Types of cases would include those involving domestic violence, female genital mutilation (which the U.N. is working on), trafficking, child-related crimes, and such. It would complement USAID’S project on violence against women and children. This effort could involve developing the capacity of a cadre/unit of prosecutors through specialized training. Could include it in a bundle of capacity-building efforts for prosecutors.