



**STRENGTHENING THE INDEPENDENCE OF THE JUDICIARY
AND CITIZEN ACCESS TO JUSTICE IN LEBANON**
A USAID Project Implemented by National Center for State Courts

**Strengthening the Independence of the Judiciary and Access to Justice
Lebanon SIJCAJ Project**

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Overview

Highlight of Activities

During Quarter 6, SIJCAJ was implementing activities under all project tasks. A highlight of activities is listed below. More details about the status of project activities are provided in this quarterly report, which is organized by task and correlates to the Year 2 Work Plan structure.

- SIJCAJ's architect Karl Zouein completed the technical documents required for the solicitation of general contractors' bids to renovate the JTI facility. These technical documents were completed in collaboration with JTI leadership and the MoJ. SIJCAJ received bids from three general contractors and, in the 8th Quarter, SIJCAJ will recommend a general contractor to USAID for the commencement of the refurbishment.
- SIJCAJ engaged a Curriculum Development Expert who is reviewing JTI's curriculum and will make recommendations for improving and modernizing JTI's curriculum, including expanding JTI's mandate to undertake continuing judicial education for sitting judges, to JTI's Curriculum Development Committee.
- SIJCAJ, in collaboration with JTI officials, held its third seminar for sitting judges with SIJCAJ partner, *l' Association pour le Developement du Droit et de l'informatique du Liban (ADIL)*, on Information Technology and the Law. At the seminar, 113 sitting judges received training.
- SIJCAJ solicited bids for construction works and services for renovation of the Beirut Judgment Executions Court. To ensure a thorough and competitive process, NCSC prepared detailed application material that included architectural plans, technical specifications, and bill of quantities. The price range for the renovation project is \$250,000 - \$500,000. NCSC closely followed FAR regulations and procedures. A construction company has been chosen, Betabat, and renovations commenced on August 17, 2009.
- At the request of the High Judicial Council (HJC) Judge Greg Mize prepared a draft Code of Ethics for the Judges. No such Code exists in Lebanon. This draft will serve as a basis for the HJC drafting process. The English and Arabic version will be provided to the HJC next quarter.
- Judge Steven Swanson conducted an assessment of the legal aid system in Lebanon. He met with all relevant actors from the sector and prepared a report. This document contains findings as well as innovative and practical recommendations tailored to Lebanon needs and realities. NCSC will provide support to both local Bar Associations and the Ministry of Justice in order to implement the recommendations.
- A short term automation expert, Gary Dinoia provided expertise on IT equipment for the Model Court and JTI. He reviewed the case tracking system proposed for use in the Model Court. He also met with the Office of Procurement and Office of Contentious Issues to review work flow in preparation for basic automation.

I. TASK I JUDICIAL TRAINING INSTITUTE (JTI) CAPACITY BUILDING

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Subtask I.1 Renovation of the JTI Institute and Follow-on Needs Assessment

During this Quarter, and in compliance with the FAR, SIJCAJ's Architect-Engineer (A-E) consultant, Karl Zouein, completed the technical documents that form the basis of the solicitation for general construction services for the JTI. These technical documents were subsequently approved by USAID and SIJCAJ immediately advertised in Lebanese dailies for bids for the construction work.

SIJCAJ received three bids from Lebanese general contractors.

In mid-October, the Committee to Recommend the General Contractor for the JTI Refurbishment will evaluate the bids and SIJCAJ will subsequently submit its recommendation and ranking of the bidders to USAID.

In this Quarter SIJCAJ submitted a procurement list for JTI's furniture and equipment to USAID and this procurement list was approved. As a next step, early in the 8th Quarter SIJCAJ will submit a waiver request for the JTI furniture and equipment to be purchased locally pursuant to 22 CFR 228.51.

The renovation of the JTI facility and completion of construction works are expected to last four to six months. The renovation includes five floors and will result in a modern training facility with a computer training room offering forty computer stations for distance and electronic learning, computers for the various offices, photocopy machines, a facsimile machine, a server and internet connection.

Because the JTI facility was not completed in time for the commencement of the 7 July 2009 judge trainee course, SIJCAJ in collaboration with senior members of the judiciary, including HJC President Ghanem and JTI President Mansour, prepared a temporary, interim classroom for the training of the newly selected judicial candidates on the first floor of the Ministry of Justice. SIJCAJ purchased furniture, a computer, printer and various other items for this temporary classroom. JTI is using the temporary classroom to train the newly selected fifteen judge trainees. The furniture, computer, printer and other recently purchased items in the temporary classroom will be moved to the JTI once it is completed.

Subtask I.2 JTI Curriculum Development and Training of Judges

Consistent with the Year 2 Work Plan, SIJCAJ continued to assist in organizing and conducting seminars for sitting judges on various legal issues of interest to the judiciary.

In July, the Board of Directors of the JTI sent a letter to the Project stating that the JTI Board of Directors established a Curriculum Development Committee "entrusted with modernizing the Institute's curriculum related to continuous formation or preparatory training of judges, as well as assisting staff like judicial assistants, notaries, experts or others."

The Curriculum Development Committee consists of the President of the Supreme Judicial Council, Dr. Ghaleb Ghanem, and the following members, the Director General the Ministry of Justice, Judge Omar El-Natour, the President of Litigation at the Ministry of Justice, Judge Marwan Karkabi, and Judge (ret.) Muheeb Maamari.

Further to the JTI Board of Directors' request above, SIJCAJ hired Judge (ret.) Maamari as a Curriculum Development Expert. Judge (ret.) Maamari will prepare, *inter alia*, a written evaluation of the state of JTI's curriculum and teaching methodologies, which will include:

- Practical recommendations for improving and modernizing the JTI curriculum, including a specific list of courses to be taught, substantive content, and best practices for teaching methodologies – the evaluation shall take into account the renovation of the JTI facilities in 2009/10, classroom facilities, and the capacity to allow for increased training via electronic media, and
- Strategies for implementing professional training for sitting judges (continuing judicial education), including a list substantive courses, a timeframe for implementation of course training, and concrete recommendations on how JTI can implement and carry out high quality, relevant continuing judicial education.

Judge (ret.) Maamari's evaluation and recommendations will be presented to JTI's Curriculum Development Committee in the 8th Quarter and we anticipate that some, if not all, of the recommendations will be put into effect.

Subtask I.3 Develop and Implement a Continuing In-Service Training Program

This subtask is closely associated with subtask I.2 *supra*. While the JTI does not train sitting judges, it does train those candidates that passed the JTI competition exams, i.e., the judge trainees. In collaboration with JTI, SIJCAJ continued to assist JTI in organizing an in-service training for sitting judges.

On 31 July, SIJCAJ and *l' Association pour le Developement du Droit et de l'informatique du Liban* (ADIL), an SIJCAJ partner, organized a seminar for 113 sitting judges at the Beirut Bar Association on Information Technology and the Law. Justice Ghanem, the President of the Supreme Judicial Council presided over this seminar.

SIJCAJ and JTI will hold one more continuing judicial education seminar in November 2009 on Human Rights Law for approximately 90 judges. SIJCAJ's Deputy Chief of Party will deliver one of the lectures at this seminar.

After the JTI is completed, continuing judicial education seminars will be held in the JTI facility.

Subtask I.4 Develop JTI Library Capacity

The newly renovated JTI facility will have a large library and SIJCAJ has consulted with JTI officials on the legal material needed for the library. SIJCAJ has had discussions with one of its partners, Sader Publishing, on the provision of legal material for the new library. SIJCAJ

has and will continue to consult with JTI officials on which legal materials to procure for the library and provide these materials after the JTI facility is completed.

As set out in the 5th Quarterly Report, SIJCAJ contracted with a local web development company, Koein s.r.l., to create a high quality JTI website that would have, among other things, a legal search engine and a legal database. The website and search engine provide easy access to JTI's library materials and automate the library through a Library Inventory Management Module (LIMM) that lists JTI library's books, publications, and other resources. The website is completed and can be viewed at <http://www.jtilebanon.com>. Ministry of Justice officials will have the website transferred to the Lebanese Government's Office of the Minister of State for Administrative Reform (OMSAR) for hosting support.

Subtask I.5 Improve JTI Capacity to Recruit/Select Judicial Candidates

SIJCAJ hired Dr. Charlotte Karam, a professor at American University Beirut who is an expert in psychological testing and evaluation, to develop a psychological selection tool for JTI's entry exam for JTI. In the 5th Quarter, Dr. Karam completed the psychological selection tool and trained the Supreme Judicial Council on how to effectively use the psychological selection tool in their recruitment process.

The Supreme Judicial Council used the psychological selection materials in their oral interview process for the JTI examinations and, out of approximately 950 applicants, chose 15 candidates who commenced training in July at the temporary JTI classroom in the Ministry of Justice.

SIJCAJ met with JTI leaders on how to further enhance JTI's recruitment and testing procedures to further strengthen the recruitment process. JTI officials requested that this issue be taken up after meetings with Council of Europe's Lisbon Network officials in October 2009. In particular, JTI officials and SIJCAJ staff will discuss international best practices in the area of recruitment and testing for judicial applicants with a view to applying these best practices to JTI.

2. TASK 2 ENHANCE JUDICIAL INDEPENDENCE

Subtask 2.1 Foster Institutional Consensus on Judicial Independence Reform

Achieving greater independence for the judiciary is vital for the development of democracy and rule of law in Lebanon. The executive branch has the clear upper hand with respect to: the fiscal resources available to the courts, the appointment of new judges, the assignment of incumbent judges and, occasionally, case decision-making (especially in criminal matters). Besides, eight members of the High Judicial Council are appointed by the executive.

Members of the Judiciary responded positively to the proposition made in the previous quarter by the President of the Republic to prepare a new law on the independence of the judiciary. The High Judicial Council (HJC) has formed a committee of four members that has been working intensively on the preparation of draft legislation. In several occasions NCSC has offered to provide assistance in this process. To date, the HJC leadership has kept the international community outside of that process. NCSC has so provided to the HJC similar legislation concerning judiciary frameworks that have been adopted in other countries. As

this law is central to judicial independence in Lebanon, SIJCAJ will continue to monitor this initiative and seek collaborative options with the HJC.

Subtask 2.2 Justice Sector Strategic Planning

NCSC has selected a team to conduct the initial phase of a strategic planning exercise (October 4 - 31 09). The team consists of a former USAID director with a strong rule of law back ground, an international specialist in strategic planning, and a Lebanese and Middle East expert. The scope of work has been completed and approved by USAID.

The strategic planning process is designed to strengthen Lebanese judicial institutions and provide a vision for future reforms. Traditionally, the capacity of government institutions, including the judiciary, has been undercut by sporadic interruptions of war, political instability, and change of government leadership. Recently, Lebanon has experienced greater stability and order due to the Doha Accord. The elections in June 2009 were orderly, and a new coalition government is being formed. Given these trends, SIJCAJ has enlisted justice sector stakeholder support for a strategic planning process that prioritizes strategic goals and projects a vision of reform of judicial institutions and the administration of justice in the coming years.

With the assistance of strategic planning experts and SIJCAJ personnel, the strategic plan will be developed incrementally to ensure local buy-in and participation. During the early stages, technical expertise will assist in determining the scope of the planning process and soliciting input from the wider legal community and the public. In later stages, SIJCAJ, as appropriate, will involve its local partners to support and train justice sector actors on strategic planning by conducting workshops and assisting with drafting of the strategic plan. This approach is designed to engender maximum local ownership, promote a transparent process, and strengthen the capacity of justice sector institutions to implement the strategic plan when it is finished.

Subtask 2.3 Improved Foundations for Judicial Ethics Reform

In July, Judge Greg Mize returned to Lebanon as a follow-on to his consultancy in Jan 09. The scope of work set out three objectives of this follow-on assistance: (1) to identify legal and other constraints affecting judicial ethics, (2) to evaluate the Lebanese judicial disciplinary process, and (3) to make recommendations to improve ethical conduct and judicial discipline. During the time period 6 to 20 July 09, Judge Mize spent substantial time in six courthouses in locations spanning the length of Lebanon, from Nabatieh and Sidon to Mt. Lebanon and Beirut to Tripoli. During that timeframe, a total of 25 judges and prosecutors were interviewed. These interviews included key members of the judiciary (in Beirut and the region), past and current heads of the Judicial Inspection Unit, and leaders in the Beirut Bar Association.

At the close of his consultancy, Judge Mize delivered an assessment (Developing a Judicial Code of Ethics and Improving Judicial Disciplinary Processes in Lebanon). SIJCAJ has provided the assessment to Ghaled Ghanem, President of the HJC for review and for future discussion on possible follow-on assistance. With respect to the three objectives of the scope of work, Judge Mize concluded as follows:

- (1) Legal and other constraints affecting judicial ethics

Judge Mize found that “there is no genuinely enforceable code of judicial conduct” in Lebanon. There are public employee rules of conduct, such as prohibitions against bribes, applicable to judges. In an unknown number of instances, the High Judicial Council sends notices of prohibited conduct to judges on an *ad hoc* basis. The Ministry of Justice promulgated “The Judicial Code of Ethics Main Principles” in January 2005. It is, however, viewed more as a “poetic” text rather than an enforceable set of rules. Persons at high levels of the judicial profession made clear to Judge Mize that corruption exists among Lebanese judges and court employees. Many believe the absence of an enforceable code of judicial ethics enables corruption and feeds general mistrust in the court system. Moreover, a secretive and under-staffed investigative and disciplinary system further undermines the integrity of the judiciary.

President Ghanem asked Judge Mize to submit a sample of a judicial code of ethics before completing the current visit to Lebanon. President Ghanem indicated that such a sample would likely become a starting point for the Committee’s submission of a judicial code of ethics to the Parliament as part of its final work product. The submitted draft contained elementary ethical principles followed by concrete rules of conduct and explanatory commentary. At that time, President Ghanem and his colleague on the Committee expressed satisfaction with the document and asked Judge Mize to draft a complete judicial code of ethics utilizing the style and structure of the sample. Judge Mize completed a draft code, which is currently being translated in Arabic. During the next quarter, NCSC discuss next steps with the HJC and is prepared to provide further assistance required for the development and implementation of the a judicial code of ethics.

The foregoing development demonstrate a remarkable, 180-degree turn in attitudes of key persons within judicial sector with respect to establishing an enforceable code of judicial ethics. In January 2009, President Ghanem and others expressed hesitancy about the wisdom and feasibility of Parliament adopting a “code” of judicial ethics. That hesitancy has now apparently evaporated. This positivity creates a hopeful premise for meaningful collaboration between the SIJCAJ and key counterparts.

(2) Evaluation of the Lebanese judicial disciplinary process

In his report, Judge Mize asserted that the disciplinary process is opaque. There are no written procedures describing the investigation/discipline practices of the JIU or the discipline boards. All processes are kept secret by law. No final actions are ever publicized unless an investigation and subsequent disciplinary hearing concludes with the removal of a judge. There is also no transparency regarding the productivity of the JIU and the disciplinary boards. Hence, SIJCAJ believes there is much work to be done in strengthening and improving the disciplinary process, including developing more transparent proceedings. The question will be whether HJC and Judicial Inspection Unit are prepared to undergo change. Additionally, the redrafting of the Law on the Judiciary is an opportunity to reform the disciplinary process and critical to ensuring judicial independence and accountability.

(3) Recommendations to improve ethical conduct and judicial discipline

Judge Mize’s report contains several recommendations to improve the judicial disciplinary process, including the adoption and publish rules of practice and procedure, disseminate more public information about discipline efforts, and other information tools to help citizens understand how the judicial discipline process works. For example, investigative and

disciplinary records must be computerized and kept secure. Additionally, there should be offices for Judicial Inspection Unit staff in all six judicial districts in order to conduct investigations effectively and efficiently across Lebanon. As mentioned, however, the judicial process is not effective and is undercutting the judiciary's image and ability to ensure accountability. Much progress is needed in this area.

NCSC will work closely with local counterparts to implement the recommendations. The English and French version of the Code of ethics will be distributed to the Head of the High Judicial Council next quarter. NCSC will meet the HJC leadership to discuss about the next steps and identify the assistance that is required to move forward the process.

Subtask 2.4 Strengthen Capacity of the Judiciary – Public Info/Communication

There is a lack of knowledge by the general public on the role of the judicial institutions and court system. At the request of the leadership of the HJC NCSC has provided assistance for the preparation of a guide book for the *Cour De Cassation* and one for the HJC. A local consultant was engaged, former Supreme Court Judge Chaseddine. Together with a Supreme Court judge, Judge Chaseddine prepared the two guide books. The guidebooks include the basic information regarding the structure of the institutions and related procedures. Minor changes need to be made to the text before final printing. Each guidebook will be distributed during the next quarter at the Supreme Court and in the 6 jurisdictions of the Court of Appeal (2,000 – 3,000 copies).

Subtask 2.5 Improved Budget Process within Judiciary

In November, SIJCAJ will undertake a thorough assessment of the budget planning and execution procedures and practices and deliver the assessment to justice sector counterparts. The assessment will be conducted by judicial budget expert Joe Bobek. The scope of work has been completed and approved by USAID.

The Judicial Budget Expert will undertake a systemic assessment of the judicial budgetary process, the funding of the courts, and the role of court leaders in budget planning and execution. The funding of the judiciary, a matter central to judicial independence, is complex. In particular, the laws governing the budget process must be reviewed to evaluate the efficiency and fairness of the budget formulation process. A more inclusive role for judicial institutions and court presidents strengthens the independence of the judiciary. Defining the roles of the MoJ, the Ministry of Finance (MoF), and the HJC in the budget formulation process is central to ensuring a fair and transparent process that is responsive to the judiciary's strategic priorities and the courts' needs.

The Judicial Budget Expert will prepare a written assessment with recommendations to be provided to the HJC, the MoJ, and the MoF. The assessment will include recommendations for improving the budgetary process from policy and operational standpoints, as well as address issues concerning the separation of powers and the independence of the judiciary. The assessment will analyze how to improve budget planning and execution for the judiciary and the courts, itemize concrete reform activities in order of priority, and include a road map for implementation or reform activities. The assessment will also identify priority areas for follow-on project technical assistance.

3. TASK 3 COURT ADMINISTRATION REFORM

Subtask 3.1 Caseload and Backlog Assessment

In Year 1, SIJCAJ produced a caseload and backlog assessment, which identified systemic and procedural issues. SIJCAJ is now rededicating resources on caseload, backlog reduction, and standardization of court administration procedures. With the arrival of the new ICAA and CAA, emphasis is being placed on understanding the administrative constraints that contribute to backlog and slow the processing of cases. SIJCAJ has finished reviewing the Beirut Judgment Execution Court's work flow procedures and is reviewing specific case files now. In the next quarter, SIJCAJ intends to provide a more detailed overview and analysis on backlog challenges and provide concrete measures in reducing backlog in the pilot court.

Subtask 3.2 Pilot Court – Court Administration

SIJCAJ continues to work with its pilot court, the Beirut Judgment Executions Court, on improving court administration practices. During the reporting period, SIJCAJ has intensified court administration reform through the newly created change management committees consisting of court leaders. They have developed a numbering system, a basic automated case tracking system for roll-out in the Model Court, designed customized file folders and developed new policy initiatives for the Model Court that will be presented for adoption by the HJC through the First President of the Beirut Court, Judge Jean Fahed.

SIJCAJ continues to work closely with A-E expert, Karl Zouein, in finalizing procurement lists for furniture and fixtures for the Model Court. SIJCAJ advertised the bid documentation for solicitation of construction works from 12 Jun to 3 Jul 09 in two Lebanese newspapers. The price range of the renovations was \$250,000-\$500,000. All documentation was distributed to the Committee on 6 July 2009, and a meeting was convened on 14 July 2009 to review the six bids. The Committee rated each candidate based on their overall presentation of materials and ability to provide all requested documents, the price range (\$250,000-\$500,000) and criteria set out in FAR. NCSC chose to subcontract with Betabat S.A.R.L. It is a high caliber company with robust staff, professional standards and can conduct the renovations within the approved price range. SIJCAJ submitted all documentation on July 27, 2009 and obtained USAID approval for subcontracting for the construction works on August 5, 2009. NCSC and Betabat signed the contract on August 7, 2009 in the amount of \$500,000. On August 17 2009, Betabat took possession of the premises. SIJCAJ experienced some difficulty in clearing the Judgment Executions Court premises and getting over 40,000 files moved to the temporary room. However, the matter was resolved. During this reporting period, Karl Zouein filed two progress reports on September 7, 2009 and September 21, 2009. The renovation is due to finish in December 2010. Karl Zouein's progress reports are attached separately.

On September 10, 2009, His Excellency, Minister of Justice, Mr. Ibrahim Najjar, the High Judicial Council president Judge Ghaleb Ghanem, its members, General Director of the Ministry of Justice Judge Omar Natour and SIJCAJ staff visited the Judgment Executions Court for a site visit. Several television local stations were present such as LBC, MTV, OTV, Futur TV; in addition to the newspapers journalists. During the site visit, The Project engineer Consultant, Mr. Fadi Boustany explained the construction development and progress made thus far. Mr. Najjar is pleased with the work accomplished so far.

On September, 18, 2009, USAID/Lebanon Mission Director Denise A. Herbol and staff visited the court for a site visit.

SIJCAJ continues to work on the procuring equipment for the Model Court. SIJCAJ solicited prices from vendors for mobile filing units, furniture and IT equipment to be used in the renovated and expanded Pilot Court. SIJCAJ staff consulted with A-E, Karl Zouein, in preparing an itemization of furniture and equipment that complements the renovation of the courthouse. Additionally, SIJCAJ staff selected a modern filing system to support an efficient records management system in the pilot court. The final procurement list will be finalized at the beginning of the next quarter.

During the last reporting period, SIJCAJ engaged Dick Van Duizend from the home office to provide a series of training events to pilot court judges and staff on change management, case management, and customer service. At the suggestion of Mr. Van Duizend, SIJCAJ prepared employee satisfaction and access to justice surveys conducted during this quarter. On July 16 and 21, 2009, SIJCAJ staff conducted the surveys of over 100 lawyers and litigants at the Beirut Judgment Executions Court. NCSC prepared statistical analysis and a SIJCAJ provided a narrative to the First President of the Beirut Courts, Judge Fahed and the Court President of the Judgment Executions Court, Judge Oweidat. The recommendations were approved by the Change Management Committee. SIJCAJ is using the results as a basis for change management and institutionalizing human resource and customer service reform.

SIJCAJ staff has been drafting the Court Administration Improvement Plan (CAIP) for implementation in the Model Court. The implementation of a court administration improvement plan in a model court setting has several objectives:

- Collaborating with key stakeholders of the Executions Court on a variety of administrative and procedural issues that introduce modernization, efficiency and create policies that can provide the way forward for court improvement nationwide.
- Obtaining buy-in from the High Judicial Council on a number of reforms necessary to effectuate change within the courts.
- Achieve visible improvements in the Executions Court to serve as an example to the Lebanese Judiciary that reform is beneficial in terms of efficiency and productivity in the areas of renovating court houses, reorganization work flow structures, automation, and reducing case backlog.
- Enable members of the Model Court to become advocates of court reform and court administration. The improvements proposed and being implemented will revolutionize court management within other courts.
- Ensure coordination and cooperation with the Ministry of Justice's Office of Ministry Services for Administrative Reform (OMSAR) and other international donors in introducing automation to the MOJ.

Between August 31, 2009 and September 8, 2009, Gary Dinoia, an IT Management Services Professional traveled to Beirut to conduct an automation review and detail a strategic approach to planning for and implementing automation for the JTI, Model Court, Procurement Office, and Office of Contentious Issues for the Ministry of Justice in Beirut, Lebanon. Mr. Dinoia provided advice on IT equipment to be used in the Model Court and JTI, and consulted with the Judgment Execution Court participants on a basic case tracking system to be used for the Model Court, budgeting, and procurement process for the Office of Procurement (OOP).

During this reporting period, SIJCAJ has been preparing to hold several workshops during the first quarter of the next reporting period. On October 16, a workshop on Court Administration will be held for staff of the Judgment Executions Court. The workshop will focus on the CAIP and developing leadership teams within each area to ensure implementation of reform. Two national guest speakers will talk about the importance of automation in the Judiciary and backlog reduction strategies. On 23-24 October, 2009 SIJCAJ will host a two day seminar on Change Management. This workshop will reinforce and facilitate modern reform in the Judgment Executions Court.

In November, 2009, SIJCAJ will hold training on case backlog and reduction, customer service and professionalism in the Model Court.

In December 2009, a delegation from the Judgment Executions Court and the Ministry of Justice Office of Contentious Issues will travel to the United States to discuss and learn more on a variety of topics such as case management, court performance, change management, and backlog reduction. NCSC will organize the study trip, using its International Visitors Program based in Arlington, VA.

Subtask 3.3 Automation of Procurement Office

Under the Year 2 work plan, SIJCAJ targeted the procurement office within the MoJ as a key counterpart that can improve the supply chain to the courts and ensure they have better resources. During this reporting period, SIJCAJ worked with Gary Dinoia on learning and assessing the work flow of the Office of Procurement for further follow up in the next quarter. If possible, Gary Dinoia will provide financial budgeting training and IT budgeting training for Office of Procurement staff as they will be making requests for new and unfamiliar supplies.

4. TASK 4 IMPROVE ACCESS TO JUSTICE

Subtask 4.1 Bar Association Consensus for Legal Aid Procedural Reform

In September, Judge Steve Swanson conducted a thorough assessment on legal assistance in Lebanon. Judge Swanson has 17 years of experience working in legal aid, both as a staff attorney and managing attorney. The purpose of the Legal Aid Representation and Training Expert consultancy was to perform a thorough assessment of the legal aid programs administered in Lebanon by the Bar Associations of Beirut and Tripoli, to make appropriate findings, and to present recommendations for improvements that would lead to a quality sustainable legal aid program for the indigent in Lebanon.

In performing the assessment, the consultant reviewed relevant statutory and documentary sources, and interviewed 29 persons. Following the preparation of tentative recommendations, the consultant presented them for discussion and comment at separate workshops in Beirut and Tripoli, which were attended by Bar Association members selected by the Presidents of the two Associations. Following the workshops, the consultant prepared the findings and recommendations presented in this Report.

Judge Swanson concluded that, although the Bar Associations have demonstrated a commitment to the provision of legal aid to the indigent and administer their legal aid

programs in compliance with statutory mandates, those programs: (1) lack adequate orientation, training, case monitoring, and supervision protocols to ensure the provision of quality representation to legal aid clients; (2) must compete for limited resources and governance attention with other important and beneficial programs administered by the Associations; (3) are limited by inadequate and non-sustainable funding sources; and (4) suffer from a lack of sufficient administrative support and modern information technology.

Based upon the findings, the consultant has made several detailed recommendations to achieve sustainable quality legal aid programs in Lebanon, as follows: (1) the preparation of thorough needs assessments to ascertain the scope of the potential demand for legal aid and the types of cases or sub-populations with the greatest need; (2) the creation of committees of experienced attorneys to monitor legal aid cases and provide supervision and mentoring of legal aid lawyers; (3) the recruitment of lawyers experienced in criminal and civil cases to participate in the legal aid programs; (4) the creation of a pilot project to support the evolution to more stable funding through the government; (5) the development of a legal aid orientation and training curriculum and certificate; (6) the creation of pilot projects in collaboration with NGO's; (7) the inclusion of legal aid courses and information in judicial training programs; and (8) the provision of adequate administrative support and information technology to the legal aid programs. The recommendations are not presented in a priority order. However, because the results of the recommended needs assessments will inform the implementation of several other recommendations, they should be viewed as a high priority, along with the recommendations that go to the monitoring of legal aid cases and the supervision of legal aid lawyers.

The English and French version of Judge Swanson report will be distributed to the President of the Beirut and Tripoli Bar next quarter. NCSC will meet the HJC leadership to discuss about the next steps and identify the assistance that is required to move forward with the proposed recommendations.

Subtask 4.2 Legal Aid Training and Sustainable Training Program

-The assessment conducted under Subtask 4.1 includes recommendations for legal aid training and a training program (see sub-task 4.1). The institutionalization of training program within the Bar Association will require consensus and be customized according to Bar Association resources.

During the reporting period the team organized an observational study tour that will be held in November in the United States to a group of legal aid lawyers from the Beirut Bar Association, the administrator of the Legal Aid Commission and the President of the Tripoli Bar Association. The study tour will provide comparative knowledge on the legal aid process in the United States, the bar association's role in supporting legal aid and standards for ensuring quality representation. By participating in study tour program activities, the participants will be better able to: 1) identify and establish criteria for determining indigence, 2) improve Bar examinations, training and certification programs for lawyers, 3) identify methods to improve the delivery of legal aid services in Lebanon, 4) reinforce their knowledge and experience in immigration/refugee issues, 5) provide a vision of the university clinical programs for legal aid and the plea bargaining, 6) improve intake and detention procedures of defendants, 7) recommend an Action Planning for Lebanese leadership to increase the quality of legal aid representation.

Subtask 4.3 Recruitment of Legal Aid Attorneys

Judge Swanson's assessment report provides recommendations regarding recruitment of legal aid lawyers (see subtask 4.1). To be successful in ensuring full access to justice for low-income persons, the Association's legal aid program will require the participation of experienced, as well as trainee lawyers. Therefore, efforts should be made to recruit lawyer members experienced in criminal cases and various categories of civil cases. The names of these lawyers could be listed on rosters based on case type, and trainee lawyers, depending on the expertise of the lawyers for whom they are interning and their own interests, could be listed on the same rosters. These rosters would then be available to the President for use in the appointment of lawyers to particular cases.

5. TASK 5 SUB-GRANTS TO ENHANCE THE RULE OF LAW

Subtask 5.1 Awarding Grants

I-Kunhadi launching of website

In February 09, the Proposal Evaluation Committee met and awarded three Lebanese NGOs \$25,000 each as part of the SIJCAJ's Small Grants Program. The NGOs and their activities are: (1) the Kun Hadi Foundation, which will launch an awareness and advocacy campaign to educate citizens about traffic laws and regulations; (2) the Foundation Pere Afif Osseiran, which will strengthen judicial institutions that deal with juvenile delinquents by holding seminars with judges to discuss alternative sentencing and will also work to provide juvenile delinquents with vocational education, in an effort to equip these children with job skills; and (3) *l'Association des Libanaises Universitaires*, which will organize advocacy campaigns to educate women who have been abused of their rights and will also open an office with two part-time attorneys that provide abused women with legal advice and referral for psychological and medical assistance.

During this quarter, SIJCAJ continued to provide the three NGOs with technical assistance and advice on how to achieve results in their respective activities. This activity is on-going throughout 2009, and each of the NGOs organized various seminars and other public events as outlined in their grant proposals. These three NGOs will continue their activities to enhance rule of law in the next quarter.

6. PERFORMANCE INDICATORS FOR THIS QUARTER

Progress towards achieving indicators this quarter is set out in the Performance Monitoring Plan. (Separate attachment.)

7. CHANGES IN KEY COUNTERPARTS

NCSC is still waiting for the formation of the new government. Justice Minister Najjar strictly manages the day to day work.

8. DIFFICULTIES ENCOUNTERED

Despite the fact that there is still not a new government in place the project has managed to increasingly meets program targets. In some instances local counterparts seem to hesitate in

teaming up with international organizations in the design or implementation of rule of law activities/projects. Foreign assistance is perceived by some individuals as politically risky. The High Judicial Council has not opened the door to any international organization to provide support in the drafting of the revised legislation on the independence of the judiciary. Such important legislation requires a great deal of international expertise.

9. ACTIVITIES ANTICIPATED IN NEXT QUARTER

- Complete Phase 1 and 2 of justice sector strategic planning activity (utilizing a team of experts)
- Submit a draft code of ethics for the benefit of the HJC (judicial ethics expert)
- Complete judicial budget assessment (utilizing judicial budget expert)
- Support the HJC committee on the revision of the Law on the HJC (NCSC experts)
- Complete *Cour de Cassation* and HJC Guide book (local expert)
- Conduct legal aid study tour
- Contract for a general contractor for the refurbishment of the JTI and commence construction works
- The Curriculum Development Expert will submit his draft recommendations to improve JTI's curriculum to JTI's Curriculum Development Committee.
- Conduct a human rights seminar with JTI for approximately 100 sitting judges.
- Accompany three senior Lebanese judges, including JTI's President and Director, on a study tour to the Council of Europe's Lisbon Network offices in Strasbourg, France.
- Various Court Administration Trainings
- Financial Budgeting and IT budgeting training for the Office of Procurement
- Create a basic records management and case tracking system within the Office of Contentious Issues
- Study Tour to the United States on court administration matters.
- Judgment Execution Court back log assessment
- Creation of archival policy for the Judgment Execution Court

7th QUARTERLY REPORT -- ATTACHMENT

PERFORMANCE MONITORING PLAN – YEAR 2 USAID-LEBANON SIJCAJ PROJECT 7th QUARTER 2009 UPDATE

TASK 1: DEVELOP THE CAPACITY AND INFRASTRUCTURE OF THE JUDICIAL TRAINING INSTITUTE FOR INITIAL AND CONTINUING TRAINING

Expected Result	Indicator	Benchmark Measurement	Benchmark Data Source	Year of Baseline/ Baseline	Target Year 2	Actual Qr. 7 Jun - Sep 09	Comments
1. Judges are well-trained and qualified	Number of incoming judges trained with Project assistance pre-appointment.	Judicial trainees attending classes at Judicial Training Institute (JTI) renovated by Project, or attending Project supported courses elsewhere	MOJ	2008/0	20	15	High Judicial Council completed exams for judge trainees and 15 were selected. The JTI course for 15 judge trainees commenced in July 2009. Project has provided furniture, computer, etc. to interim JTI classroom in MoJ pending completion of JTI construction.
	Number of sitting judges trained with Project assistance.	Sitting judges trained or participating in study tours	MOJ/ NCSC	2008/5	15	113	CJE has not been formalized by GoL. However, with JTI, Project held another seminar for sitting judges in July on Information Technology and the Law for 113 sitting judges. One more seminar is planned in 8 th Quarter.
		Number of computer stations available for judicial training	MOJ, NCSC	2008/0	40	1	All computer stations will be available when JTI facility is renovated. The Project installed one computer in the interim JTI classroom.

		Number of online legal resource sites operated by JTI	NCSC	2008/0	1	1	JTI website complete. http://www.jtilebanon.com
	Number of judicial trainee candidates examined for entry into judicial profession with modern techniques	List of tested candidates	MOJ, NCSC	2008/0	20	500 - 600	Project sponsored psychological selection tool was used by the HJC during the second phase of the exams for the JTI class in the 5 th Quarter. Five to six hundred applicants were interviewed & tested using this psychological selection tool by the HJC. HJC was also trained by Project consultant in how to effectively use this psychological selection tool.
	Percentage of Judge Trainees responding that curriculum is satisfactory in meeting their training needs	Survey	NCSC/MOJ	2008/0	80%	0	Judge trainees commenced their training in Quarter 7. Survey to be conducted at a later time.
	Number of new of upgraded IT stations for e-library	Judicial Training Institute e-Library	NCSC/MOJ	2008/0	30	0	IT stations in JTI facility will be in place after completion of JTI facility.

TASK 2: ENHANCE JUDICIAL INDEPENDENCE

Expected Result	Indicator	Benchmark Measurement	Benchmark Data Source	Year of Baseline/ Baseline	Target Year 2	Actual Qr. 7 Jun - Sep 09	Comments
1. Improved judicial independence	Number of programs to enhance public understanding and media coverage of judicial independence and accountability	Colloquial, seminars, roundtables	NCSC	2008/0	1	0	Quarter 7 or 8 activity.
	Number of supported programs to assist the MOJ in creating and adopting a long term strategic plan for justice and justice reform	Assessment with recommendations, conferences, working groups, seminars, proposed plan	NCSC	2008/0	20	0	Quarters 8 activity
	Number of programs to promote Supreme Judicial Council(SJC) control over management of court budget	Assessment with recommendations for adjustment to rules and regulations for budget control	SCJ, MOJ, JIU, pilot court	2008/0	1	0	Quarter 8 activity
	Number of programs supported by Project to promote judiciary's control over membership of the Supreme Judicial Council (SJC)	Assessment with recommendations for change in law to allow judiciary determination of composition of JSC over competing authority of the Council of Ministers	NCSC	2008/0	1	0	Quarter 8 activity
2. Judicial code of professional conduct honored and enforced	Number of programs by Project to reform judicial code of conduct and procedures for enforcement	Colloquia, roundtable discussions	NCSC	2008/1	5	1	Quarter 7 activity
	Number of programs supported by Project to reform procedures for enforcement of judicial discipline	Assessment with recommendations	NCSC	2008/0	1	1	Quarter 7 activity
3. Increased transparency of judicial proceedings and avoidance of personal attacks against judiciary in	Number of media agencies and HGO's supported to enhance the competency of	Seminars, training sessions, training handbooks, programs in legal journalism	NCSC	2008/2	6	0	Quarter 7 or 8 activity

Expected Result	Indicator	Benchmark Measurement	Benchmark Data Source	Year of Baseline/ Baseline	Target Year 2	Actual Qr. 7 Jun - Sep 09	Comments
media	legal journalists	at journalism trade schools and universities					
	Number of programs supporting the establishment of SJC/MoJ media relations office	Assessment with recommendations working groups	MOJ	2008/2	5	0	Quarter 7 activity

TASK 3: SUPPORT EFFORTS BY THE MINISTRY OF JUSTICE TO IMPROVE COURT ADMINISTRATION

Expected Result	Indicator	Benchmark Measurement	Data Source	Year of Baseline/ Baseline	Target Year 2	Actual Qr. 7 Jun - Sep 09	Comments
1. Improved court administration	Number of courts with improved infrastructure adequate to serve modern court administration	Completion of Model Court and information kiosks	NCSC, MOJ,	2008/0	2	0	Dependent on completion of Model Court build-out; procurement process for filing systems and mobile shelving begun Model Court reforms in progress
	Number of modern manual filing system designed, implemented or supported	Installation of modernized filing systems in Model Court and Solicitor General's Office	NCSC/MOJ	2008/0	2	0	In process
	Number of court personnel trained in modern administrative techniques	Participation in seminars, working groups and study tours	NCSC/MOJ	2008/10	120	25	Richard Van Duizend provided training to model court in May 09.
	Number of court management information systems (MIS) created or supported by Project	Installation of automation assisted case management systems in Judgment Executions Court (Model Court) and Solicitor General's office	NCSC/MOJ	2008/0	2	0	Subject to manual records management filing system installation In process
	Number of information educational and awareness events regarding court administration improvements completed by the Project	Seminars, training sessions, workshops	NCSC, MOJ	2008/0	6	0	Quarter 7 and 8 activity

Expected Result	Indicator	Benchmark Measurement	Data Source	Year of Baseline/ Baseline	Target Year 2	Actual Qr. 7 Jun - Sep 09	Comments
	Number of modernized administrative processes and procedures created, implemented or supported by the Project	Case management systems of Judgment Executions Court and Solicitor General's office.	NCSC/MOJ	2008/0	2	0	In process

TASK 4: IMPROVE ACCESS TO JUSTICE

Expected Result	Indicator	Benchmark Measurement	Benchmark Data Source	Year of Baseline/ Baseline	Target Year 2	Actual Qr. 7 Jun - Sep 09	Comments
1. Indigent citizens receive quality legal services	Number of legal aid attorneys trained by Project	Training sessions for Bar Associations	NCSC/Beirut and Tripoli Bar Associations	2008/200	250	0	In process
	Number of legal aid administrative systems analyzed and recommended for improvement	Assessments	NCSC/Beirut and Tripoli Bas Associations	2008/0	2	2	Quarter 7 activity
	Number of publicized events in support of legal aid		NCSC/Beirut and Tripoli Bars; MOJ	2008/1	2	0	Quarter 7 activity
2. Public is informed of justice services	Number of publications created and distributed by Project re: justice services	Citizens' handbook, pamphlets	NCSC	2008/0	2	1	Legal aid handbook was completed in Quarter 6.
	Number of informative events targeted for public awareness of justice	High profile events; Law Day, e.g.	NCSC	2008/0	2	0	Quarter 7-8 activities

TASK 5: GRANTS TO ENHANCE PUBLIC ENGAGEMENT, SUPPORT REFORM EFFORTS, AND FOSTER A CULTURE OF RESPECT FOR THE RULE OF LAW

Expected Result	Indicator	Benchmark Measurement	Benchmark Data Source	Year of Baseline/ Baseline	Target Year 2	Actual Qr. 7 Jun - Sep 09	Comments
1. Increased public support for reforms and respect for the rule of law	Grants awarded that build public awareness and support for reform	Number of participants in workshops	Workshop attendance list	2008/0	35	15	15 grantees attended workshop in Quarter 6.
		Number of grant applications submitted and awarded	Grant applications and committee awards	2008/0	2008/0	3	3 grants awarded in Quarter 5.