



**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

At the close of Quarter 6, the SIJCAJ Project (SIJCAJ) made considerable progress in implementing its Year 2 Work Plan. SIJCAJ's collaborative relationship with its justice sector counterparts remained productive. The Lebanese judiciary and legal community are increasingly welcoming SIJCAJ initiatives to strengthen judicial independence, to develop professional training for judicial candidates/judges, and to improve court administration practices. There is growing recognition within the Lebanese judiciary that SIJCAJ is an ally and that the Year 2 Work Plan has targeted priority needs within the judiciary. Increasingly, the High Judicial Council (HJC), the Ministry of Justice (MoJ), the courts, and the bar associations are supporting reform initiatives. These institutions have willingly agreed to receive project technical assistance in the coming months. The technical assistance will involve strategic planning (MoJ, HJC, and wider judiciary), judicial ethics and discipline (HJC and Judicial Inspection Unit (JIU)), legal aid representation and training (bar associations), judicial budget assessment (MoJ, HJC, and courts), and public information and communications for the judiciary/courts (HJC and courts). Thus, at the mid-point of Year 2, SIJCAJ is now collaborating closely with all major justice sector institutions on concrete initiatives in line with task order expectations.

Complementing this programmatic momentum, in Jun 09 NCSC fielded a new Chief of Party (CoP), Philippe Lamarche, and a new International Court Administration Advisor (ICAA), Krystal Thompson. NCSC's home office provided both individuals with intensive orientation to ensure a smooth and rapid transition in the field. Additionally, NCSC engaged two legal advisors – one for the judicial independence (Task 2) and one for the court administration (Task 3). This additional staff will enable SIJCAJ to intensify its programming with local counterparts and implement an ambitious agenda of activities. In mid-June, William Kaschak, Vice President of NCSC's International Programs Division, traveled to Beirut to welcome the new CoP and ICAA, as well as to attend a ceremony between USAID Director, Denise Herbol, and the Minister of Justice, Dr. Ibrahim Najjar. The occasion for the ceremony was the signing of a memorandum of understanding (MoU) granting SIJCAJ, among other things, tax exemption status and the unveiling of architectural plans for renovation by SIJCAJ of the Beirut Judgment Executions Court. The event received broad media coverage. At the beginning of the next quarter, the NCSC's Program Manager is to travel to Beirut to provide follow-up project direction and substantive technical assistance, in order to ensure that SIJCAJ is on track with its Year 2 Work Plan goals and activities.

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.

- In May 09, NCSC's expert, Richard Van Duizend, delivered three training sessions to judges and court administration staff of NCSC's Pilot Court (Beirut Judgment Executions Court). The training sessions focused on strategic planning, principles of case management, the role of judges as leaders, and elements of a vision statement for courts. In addition, Mr. Van

Duizend delivered training for the Judicial Training Institute (JTI) to approximately 60 judges on case management and elements of a vision statement for the judicial system.

- SIJCAJ completed the procurement process for an architect-engineer (A-E) to conduct an inspection of JTI facilities and to prepare an architectural design concept for renovation of the JTI facilities in collaboration with JTI leadership and the MoJ. NCSC expects that the architectural plans, technical specifications, and bill of quantities will be completed in the next quarter, as well as the procurement of a firm to provide construction works and services.
- SIJCAJ solicited bids for construction works and services for renovation of the Beirut Judgment Executions Court. The deadline is Jul 3 09 for firms to submit bids. 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 is closely following FAR regulations and procedures.
- SIJCAJ provided intense mentoring for the Beirut Judgment Executions Court and arranged for the appointment of members to the Court's change management team, which will be responsible for overseeing implementation of the physical renovation of the court, as well as introducing improved records management practices.
- SIJCAJ was preparing for the arrival of Judge Greg Mize in early July. Judge Mize will assess the that status of judicial ethics reform and the disciplinary process. Judge Mize's consultancy will involve high level meetings with the HJC, JIU, the Beirut Bar Association, the State Council, the General Prosecutor's Office, members of disciplinary boards, and various judges.
- In Jun 09, USAID modified Task Order 2 to include \$1.5 million in additional funding for renovation of the Judicial Training Institute (JTI) and the Pilot Court (Beirut Judgment Executions Court).

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

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

During this Quarter, and in compliance with the FAR, SIJCAJ hired Karl Zouein to provide Architect-Engineer (A-E) services for the refurbishment of the JTI. Architect Zouein commenced preparing the necessary documents and drawings for the Request for Proposal package that will form the basis of the solicitation for general construction services for the JTI.

SIJCAJ anticipates submitting the RFP package, along with the procurement list for furniture and equipment, to USAID early in the 7th Quarter for approval. Once approved, SIJCAJ will proceed with the solicitation for a general contractor.

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.

The JTI facility will not be completed by the time the next judge trainee course commences on 7 July 2009. Consequently, 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.

Subtask 1.2 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 the Chairman of the 8th Chamber of the Court of Cassation, Judge (ret.) Muheeb Maamari.

Further to the JTI Board of Directors’ request above, Task I arranged to meet with Justice Maamari to discuss his participation as a consultant in curriculum development for JTI. If Justice Maamari confirms his interest in assisting in this matter, then the SIJCAJ Project intends to negotiate a short-term technical consultant’s contract with Justice Maamari for curriculum development technical assistance. This technical assistance would further core task order goals and is a welcome development, reflecting the close collaboration between the Project and the JTI.

Subtask 1.3 Develop and Implement a Continuing In-Service Training Program

This subtask is closely associated with subtask 1.2 *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 and in-service training for sitting judges. In May, SIJCAJ and JTI held a seminar for 71 sitting judges on judicial leadership.

On 31 Jul 09, SIJCAJ and *l’ Association pour le Developement du Droit et de l’informatique du Liban* (ADIL), an SIJCAJ partner, will organize a seminar for approximately 160 sitting judges at the Beirut Bar Association on Information Technology and the Law. Justice Ghanem, the President of the Supreme Judicial Council will preside over this seminar. SIJCAJ and JTI plan on holding two to three additional seminars in 2009.

SIJCAJ seeks to provide JTI with targeted assistance in the area of continuing judicial education and future judicial training seminars will be held at the JTI facility after its

completion in early 2010. It would appear that the JTI is increasingly open to developing in-service training programs judges, particularly since the renovated facilities will have numerous classrooms.

Subtask 1.4 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, <http://www.jtilebanon.com>, and Koein provided JTI staff with webmaster training including, *inter alia*, training on uploading legal material onto the website's legal data base.

Subtask 1.5 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.

In the next quarter, SIJCAJ will explore with JTI leaders whether and how to further enhance JTI's recruitment and testing procedures to further strengthen the recruitment process. In particular, Task I will discuss with the JTI opportunities to institutionalize recruitment procedures and capture best practices.

2. TASK 2 ENHANCE JUDICIAL INDEPENDENCE

Subtask 2.1 Foster Institutional Consensus on Judicial Independence Reform

The path towards achieving greater consensus on Judicial Independence reform will require commitment from both the judiciary and the political leaders. During this reporting period, critical steps have been achieved in that regard. The President of the Republic has called for a new law on the independence of the judiciary. The High Judicial Council (HJC) will shortly form a committee to prepare a draft law that would strengthen the judiciary as a third branch of the government. HJC President Ghanem requested NCSC's assistance in drafting this law. Meetings are scheduled for early next quarter with HJC leadership to further

discuss the scope of assistance that will be require to prepare this law. NCSC anticipates that HJC will seek assistance to support a local expert consultant to act as reporter/drafter for the Committee.

In June, elections were conducted for two of eight members of the HJC. According to the law, all other members are appointed by the executive. The elections were a success. Analysts and law practitioners agree that the new Council is the most proactive and competent in Lebanon history. It is expected that they will seek to improve judges' salaries and overall working conditions, set enforceable ethical standards, engage in activities to improve public perception of the judiciary, and advance independence of the judiciary. NCSC has already agreed with the HJC President Ghanem that SIJCAJ would support their efforts. As mentioned above, meetings to discuss about the type of assistance will be held early July.

Subtask 2.2 Justice Sector Strategic Planning

NCSC has narrowed the search for the team to conduct the initial phase of a strategic planning exercise. The team is expected to consist of three individuals, as it is expected that this exercise will be challenging, demanding, and requires a range of expertise (strategic planning, organizational management, fiscal analysis, and judiciary/justice sector). In the next quarter, NCSC will finalize a scope of work, identify the team members, and seek USAID approval of the consultancy.

NCSC's Project Manager will travel to Beirut, Lebanon in Jul 09, which will be an occasion to further prepare for this important assignment. Given the judicial holiday period from late Jul to late Sep 09, NCSC anticipates that the consultancy will commence in late Sep/early Oct 09.

Subtask 2.3 Improved Foundations for Judicial Ethics Reform

In Jun 09, USAID approved the consultancy for Judge Gregory Mize. Judge Mize is following up on an initial visit in Jan 09, which involved a judicial ethics educational program. SIJCAJ used this initial visit to set the foundation for an in-depth assessment of the judicial ethics reform process and the judicial disciplinary process. Judge Mize's scope of work is narrowly tailored to evaluate these important areas, and it is expected that Judge Mize will produce an assessment with specific recommendations for reform and follow-on action involving continued project assistance. SIJCAJ reviewed the scope of work with the HJC and the Judicial Inspection Unit (JIU), and both bodies have agreed to cooperate with the assessment and are looking forward to Judge Mize's visit. Judge Mize is expected to arrive in early July and be in-country for more than two weeks to meet with HJC leadership, inspect JIU facilities and practices, and interview numerous judicial actors about developing a judicial ethics code and reforming the judicial disciplinary process.

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

The new, proactive leadership of the HJC has requested NCSC assistance for the preparation of a guide book for the *Cour De Cassation* and the HJC. Likewise, they are seeking NCSC assistance for the development of a website for the Cour de Cassation and eventually refine the HJC one. In early July, NCSC is scheduled to meet with HJC President

Ghaleb Ghanem to explore in detail project technical assistance to support these initiatives, which are viewed as enhancing judicial independence.

In next quarter, SIJCAJ will engage an expert to evaluate the HJC's capacity to provide public information services, which will also include an evaluation of public information strategies for the courts and media guidelines.

Subtask 2.5 Improved Budget Process within Judiciary

As reported last quarter, 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 is expected to take place in Quarter 3 and lead to follow-on assistance that targets improved budget practices and transparency at the ministry level and within the courts. SIJCAJ is preparing a scope of work and has identified a qualified expert for this assessment.

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 has struggled to develop a policy level body to take ownership of the major court administration policy issues that case processing timelines and backlog present. At the end of the third quarter, the new International Court Administration Advisor, Ms. Krystal K. Thompson arrived. She met with local partners and hired a Court Administration Advisor, Ms. May Hammoud. SIJCAJ is now rededicating resources to policy level action on caseload, backlog reduction, and standardization of court administration procedures.

SIJCAJ continues to work with its pilot court, the Beirut Judgment Executions Court, on improving court administration practices. The pilot court setting is enabling SIJCAJ to better understand administrative constraints that contribute to backlog and slow the processing of cases. SIJCAJ is currently reviewing the Judgment Execution's work flow procedures in an effort to improve and modernize case flow and record keeping practices. In the next quarter, SIJCAJ intends to introduce concrete measures to improve case flow and reduce backlog in the pilot court. Additionally, SIJCAJ intends to build broader momentum at the policy-making level to address impediments that slow case flow and create backlogs.

Subtask 3.2 Pilot Court – Court Administration

During the reporting period, USAID and NCSC/SIJCAJ held a press conference on the agreement with the MOJ on the reconstruction and refurbishment of the Beirut Judgment Executions Court. USAID/Lebanon Mission Director Denise A. Herbol signed an agreement with the Lebanese Minister of Justice Ibrahim Najjar on Jun 17 09.

SIJCAJ continues to work closely with A-E expert, Karl Zouein, in finalizing architectural plans, technical specifications, and bill of quantities. SIJCAJ advertised the bid documentation for solicitation of construction works from 12 Jun to 3 Jul 09 in two Lebanese newspapers and will seek to expedite the process of identifying a firm to conduct

the renovations. NCSC is complying with Task 7 activities regarding procurement of construction services, and NCSC home office provided clear guidance and steps for the A-E design and bid documentation phase to SIJCAJ staff. SIJCAJ expects to submit all documentation in the next quarter and obtain USAID approval for funding of the construction works, which is estimated to cost approximately \$500,000 (including VAT).

SIJCAJ staff worked closely with the Beirut Judgment Executions Court in preparing the court for renovation process, which will result in new administrative practices. SIJCAJ solicited prices from vendors for different mobile filing units, furniture and IT equipment to be used in the renovated and expanded Pilot Court. SIJCAJ staff will consult closely with A-E, Karl Zouein, to prepare an itemization of furniture and equipment that complements the renovation of the courthouse. Additionally, SIJCAJ staff personnel are working closely with Mr. Zouein in selecting a modern filing system to support an efficient records management system in the pilot court.

During the 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. Mr. Van Duizend focused on implementation strategies in a pilot court setting and capturing best practices. Evaluations on training conducted by Mr. van Duizend indicate the training was well received. Mr. Van Duizend prepared a report with recommendations on training and other needs in the pilot court, which is being reviewed with pilot court change management team. Mr. Van Duizend's report is attached separately.

Finally, and at the suggestion of Mr. Van Duizend, SIJCAJ prepared employee satisfaction and access to justice surveys to be conducted in the next quarter. These surveys have been approved by the First President of Beirut Courts and the Chief Judge of the Execution Court. SIJCAJ will use the results as a basis for change management and institutionalizing human resource and customer service reform.

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. This activity will be revisited now that the International Court Administration Advisor is on site. Progress is expected in the next quarter.

4. TASK 4 IMPROVE ACCESS TO JUSTICE

Subtask 4.1 Bar Association Consensus for Legal Aid Procedural Reform

There are currently over 1,000 of cases handled *pro bono* by legal aid division of the Beirut Bar Association. It is an important component of the Lebanese judicial system. Over the reporting period NCSC legal advisors worked closely with Bar Association representatives to refine the terms of reference for an upcoming assessment on legal assistance to be provided to the Bar Association. A specialist, Judge Steve Swanson, was identified by NCSC to conduct this exercise. Judge Swanson, who has a strong background in legal aid assistance, will look at Bar's procedures for appointing counsel in legal aid cases, monitoring the quality of representation, and developing sustainable training for legal aid attorneys, including certification of young lawyers. Following discussions with Bar Association

representatives it was agreed that the assessment will take part in the first weeks of September. The assessment will result in target follow-on assistance that improves legal aid representation and is sustainable. A scope of work has been prepared by NCSC and will be sent for approval to USAID.

In line with the Year 2 Work Plan, preliminary discussions are on-going regarding the organization of a study tour for members of the Beirut and Tripoli Bar Associations related to legal aid assistance. Bar representatives are eager to see how other countries, including the US, are structuring their legal aid program. It was agreed that a country will be identified and the planning process will commence. The study tour is being planned for Oct or Nov 09.

Bar Association representatives have requested from NCSC assistance to obtain various documentation and legislations on comparative legal aid. Research has been completed and documents are to be handed over to Bar Association representatives in Jul 09.

Subtask 4.2 Legal Aid Training and Sustainable Training Program

Final printing of the legal aid handbook was completed. Leadership of the Beirut Bar Association and the HJC expressed satisfaction with the handbook and agreed that it should be distributed to the public. One thousand one hundred copies are being printed. The handbook consists of basic and practical information on the civil court system and procedures to request the services of legal aid. Various forms related to legal aid request are also included in the guide book.

The assessment to be conducted under Subtask 4.1 will also include recommendations for legal aid training and a training program. The institutionalization of training program within the Bar Association will require consensus and be customized according to Bar Association resources.

Discussions are ongoing regarding the establishment of kiosk information in targeted courts on legal aid representation. The project raised security concerns, requiring further discussion.

Subtask 4.3 Recruitment of Legal Aid Attorneys

The activities under this subtask are slated to occur in the third and fourth quarters.

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

Subtask 5.1 Awarding Grants

In February 09, the Proposal Evaluation Committee met and awarded three Lebanese NGOs \$25,000 apiece 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) the 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 will organize various seminars and other public events as outlined in their grant proposals. A number of NGO activities are expected to take place 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

As mentioned above, two new members were elected to the HJC - Samy Mansour, Head of the JTI and Elias Abou-Nassis, a judge at the *Cour de Cassation*. According to the law, the remaining eight other members are appointed by the Executive. The elections were a success.

With respect to the recent elections in Lebanon, the government is still in transition. The authority of the Minister of Justice Dr. Ibrahim Najjar is limited and one of caretaker; he strictly manages the day to day work. It remains to be seen if Minister Najjar will be reappointed. He is seen as progressive and supportive of judicial independence and reform.

8. DIFFICULTIES ENCOUNTERED

With the departure of the Project's Chief of Party (CoP) and the International Court Administration Advisor in March 09, NCSC redoubled its efforts to ensure that project programming continued uninterrupted. The Deputy CoP assumed acting CoP duties. Additionally, NCSC Project Manager provided intensive project management and programmatic guidance and dispatched home office project coordination support into the field. In mid-June, a new CoP, Philippe Lamarche, and a new International Court Administration Advisor, Krystal K. Thompson, were deployed into the field after thorough home office orientation. Mr. LaMarche and Ms. Thompson have made a rapid transition and intensified project programming.

SIJCAJ made some progress with one roadblock – tax exemption. SIJCAJ facilitated a memorandum of understanding that was signed by USAID Director Denise Herbol and the Ministry of Justice (Ibrahim Najjar) granting NCSC/SIJCAJ, among other things, tax exempt status as a NGO. SIJCAJ is now processing forms with the Ministry of Finance in an effort to obtain a tax exemption stamp, which would exempt SIJCAJ from paying VAT on all procurements.

9. ACTIVITIES ANTICIPATED IN NEXT QUARTER

- Commence justice sector strategic planning activity (utilizing team of experts)
- Submit a draft code of ethics for the benefit of the HJC (judicial ethics expert)

- Commence judicial budget assessment (utilizing judicial budget expert)
- Support the HJC committee on the revision of the Law on the HJC (NCSC experts)
- Design *Cour de Cassation* and HJC Guide book (local expert)
- Engage in the design of website for *Cour de Cassation* and refine HJC website
- Prepare the detail design and estimate cost for the JTI RFP
- Draft recommendations to improve JTI curriculum (local expert)
- Conduct seminars on substantive law for JTI
- Follow-up and provision of technical assistance for small grants
- Commence court administration training in pilot court (utilizing court administration expert)
- Initiate build-out and renovation of the Model Court
- Intensify court administration reforms in the Model Court by working with the newly created change management team consisting of court leaders
- Establish an Executive Committee as policy body to address backlog reduction and case processing timeline issues
- Create automation system in the Office of Procurement, MoJ
- Create a basic records management and case tracking system within the Office of Contentious Issues