



**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**

**Quarterly Progress Report No. 9
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OVERVIEW

Highlight of Activities

During Quarter 9, SIJCAJ was implementing activities under all project tasks. A highlight of activities is listed below. To align project programming with USG fiscal year calendar, on December 31, 2009, NCSC submitted to USAID a Year 3 Work Plan, based upon the fiscal year period of October 1, 2009 to September 30, 2010. More details about the status of project activities are provided in this quarterly report, which is organized by task and correlates to the Year 3 Work Plan structure.

- SIJCAJ legal aid expert judge Swanson came to Lebanon to develop a series of procedural up-grades that resulted in a series of protocols for implementation by the Bar Associations. He also prepared a curriculum for legal aid practitioners for the two Bar Associations.
- In February, the project supported the second strategic retreat organized by the Ministry of Justice (MOJ). Several recommendations to speed up process were adopted. Recently representatives from the HJC and Minister Najjar began to visit jurisdictions in order to provide guidance in that regard
- At the request of the High Judicial Council (HJC), SIJCAJ is supporting two local consultants, who are completing crucial draft legislations - a law on the independence of the judiciary and a code of ethics for judges.
- The completion of the Model Court renovation and a grand opening ceremony occurred in March.
- The procurement of furniture, mobile shelving and IT equipment for the Model Court is in process.
- SIJCAJ completed a case tracking program for use in the Model Court, which is currently being implemented.
- The Model Court approved the Backlog Reduction Plan created by Court Administration consultant expert, Peter Kiefer.
- At the request of the Supreme Judicial Council and JTI, SIJCAJ contracted with Justice (ret.) Muheeb Maamari to assess the JTI curriculum and recommend measures to improve and modernize its curriculum. Justice (ret.) Maamari's formal recommendations have been delayed because of the on-going training of the judge trainees and the recruitment for new JTI candidates. We expect Justice (ret.) Maamari's recommendations to be presented to the Curriculum Development Committee in Q 10.
- Betabat s.a.r.l. Engineers & Contractors continued to carry out the renovation work on the new JTI facility in Ashrafieh. The work will be completed, and the formal opening of the JTI will take place, in Q10.
- SIJCAJ Grantees finalized their activities in Q9 and will submit the required reports and financial statements in Q10.

- SIJCAJ assisted JTI in conducted a seminar for sitting judges on human rights law, entitled “The Judiciary, Guardian of the Principles of Human Rights” in February at the Movenpick Hotel. The DCoP delivered on of the lectures.

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

Subtask I.1 JTI Curriculum Development and Training of Judges

A) Curriculum Development: SIJCAJ continues to assist the JTI in improving the curriculum of the JTI and 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.

In light of the request from JTI’s Board of Directors, in the 7th Quarter 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 has encountered some obstacles in finalizing his analysis and recommendations due to the recruitment of new judge trainees and the schedules of individual members of the Supreme Judicial Council and the JTI. Nevertheless, Judge (ret.) Maamari will complete his report in the 10th Quarter and submit the report to JTI’s Curriculum Development Committee. We anticipate that some, if not all, of the recommendations will be put into effect in the 10th Quarter.

B) Judicial Training: this activity will take place after the submission of Maamari’s recommendations and action by JTI’s Curriculum Development Committee.

C) JTI Study Trips: this activity will take place in October 2010.

Subtask 1.2 Develop and Implement a Continuing In-Service Training Program for Judicial Personnel

This subtask is closely associated with subtask 1.1 *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.

In February, SIJCAJ assisted the JTI in organizing a seminar entitled “The Judiciary, Guardian of the Principles of Human Rights” at the Movenpick Hotel. 33 sitting judges participated in the seminar, as well as a large number of attorneys and law students.

A) Seminar Series on Substantive Law: In February, SIJCAJ assisted JTI in organizing one substantive law seminar.

B) Train the Trainers Course: This activity will take place in the 10th Quarter.

Subtask 1.3 Developing JTI Library Capacity

The newly renovated JTI facility will have a large library and JTI officials have submitted a list of legal books to SIJCAJ to purchase for the library.

As set out in earlier Quarterly Reports and Work Plans, SIJCAJ coordinated the selection of legal books with one of its partners, Sader Publishing, and SIJCAJ will purchase the requested legal books from Sader Publishing in the 10th Quarter. Sader Publishing will provide these legal books after the JTI facility is completed.

As set out in the 5th Quarterly Report, SIJCAJ contracted with a local web development company, Koein s.a.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.

A) Needs Assessment. JTI officials, SIJCAJ and Sader Publishing have consulted on the needs of the library and a list of necessary legal books has been agreed.

B) Books and Materials. The legal books have been ordered and will be delivered to JTI after the JTI facility is completed.

Subtask 1.4 Improving 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 High 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 Quarter 9, the HJC again conducted testing for the next round of candidates for training at the JTI. The HJC recruited from two categories of candidates: (1) experienced attorneys and (2) recent law school graduates. In order to better assist the HJC in their recruitment process, SIJCAJ contracted with Dr. Karam to provide the HJC with refresher training on the use of the psychological selection tool for this round of testing.

- A) Training Assistance to HJC: the training was completed by Dr. Karam on 31 March.
- B) SIJCAJ will assess whether the recruitment and testing procedures used by the HJC can be improved by modifying or otherwise modernizing these procedures. This will be carried out in the 10th Quarter.

Subtask 1.5 Windows of Opportunity

Nothing to report.

2. TASK 2. ENHANCE JUDICIAL INDEPENDENCE

Over the past quarters, significant steps have been taken by stakeholders in order to enhance the independence of the judiciary and increase accountability: 1) at the request of the President of the HJC, an international expert from SIJCAJ drafted a code of ethics, 2) a committee formed by the HJC is reviewing the legislation on the independence of the judiciary, 3) for the first time in many years, the HJC's Disciplinary Board has dismissed a judge. During this reporting period, local counterparts were successful in pursuing these reforms.

Subtask 2.1 Fostering Institutional Consensus on Judicial Independence Reform

A) Technical Assistance for Drafting New Legislation: The President of the HJC selected retired Supreme Court Judge Afif Chamseddine to complete the legislation on the judiciary commissioned by the President of the Republic. By revising the draft legislation, the Judicial Independence and Reform Expert will support HJC efforts to develop and adopt a new Law on the Independence of the Judiciary. Instrumental to Judge Chamseddine's work is the assessment on the judicial budget process produced last quarter by SIJCAJ consultant Joe Bobek (Nov 09).

This consultancy is in line with the Year 3 Work Plan and is responsive to the HJC's stated needs. In close collaboration with HJC and the Committee on the Law of Judiciary, the Judicial Independence and Reform Expert will review the legislation and provide comments for additional refinement and improvement. The Committee will eventually submit the law on the independence of the judiciary reviewed by the expert to the Parliament for adoption.

B) Study Tour - Independence of the Judiciary: This quarter SIJCAJ met with Minister Najjar to discuss the study tour. The MOJ favors having the study tour during a time period when the courts workload is relatively low (early September 2010). Discussion and contacts are made in order to identify the most beneficial location for the study tour. It will likely be the US. The Minister is enthusiastic about the idea of a delegation of judges, representatives of the MOJ, the HJC, and Parliamentarians. Minister Najjar is stressing the need to send young talented participants, who will shape the future of this country. He already suggested possible participants. The official list will be completed next quarter. The President of the HJC is also supporting this activity.

Subtask 2.2 Improved Foundations for Judicial Ethics Reform

Lebanon has not been effective in processing ethical complaints against judges. Globally, the basis for professional discipline is usually an enforceable code of ethics or, alternatively, a statute that regulates and sanctions unprofessional and unprincipled behavior. Lebanese law does not contain such ethical standards. The absence of specific grounds for ethics violations in the law impedes the judiciary's ability to regulate improper judicial behavior. The adoption of a judicial code of ethics can serve as the foundation for clear grounds upon which to take disciplinary action.

A) Technical expertise: This quarter, at the request of the President of the HJC, NCSC engaged a local consultant to review the draft code of ethics prepared by Judge Gregory Mize in FY 09. USAID has approved retired judge Gabriel Syriani for this task. He will deliver a revised draft code of ethics through series of iterations based upon feedback from the HJC, the drafting committee, and the Committee on Law of the Judiciary. He will then present it to the HJC for discussion and additional refinement. The Committee and/or HJC will eventually submit the judicial code of ethics produced by the expert, to the Parliament for adoption.

B) Judicial Code of Ethics Trainings/Roundtables: This activity will be carried out following the completion and/or adoption of the code of ethics.

Subtask 2.3 Strengthening the Judicial Disciplinary Process

As pointed out by Judge Greg Mize in his Y2 assessment, the disciplinary process is opaque and inefficient. Members of the HJC and the MOJ are taking serious steps to improve it. Last quarter, for the first time in many years, the HJC's Disciplinary Board dismissed a judge. During the reporting period, the MOJ and the President of the HJC managed to get the government to appoint a head for the Judicial Inspection Unit. This position has been vacant since 2004. In fact, since its inception 1959 the Unit has never been fully staff. The MOJ has selected new inspectors (8) to fill all vacant positions. They should be officially appointed shortly. This sends a strong signal to all members of the judiciary and the public that the judiciary, through the Unit, can provide audit services to improve court efficiency and investigate allegations of judicial misconduct.

A) Technical Assistance to Improve the Disciplinary Process: In a meeting on March 9th, the Minister of Justice deemed that project assistance to reform the disciplinary process is not required. To his opinion, the procedures are good enough. The project will seek to get written documentation from the MOJ on this issue.

B) Training for Judicial Inspection Unit: In the March 9th meeting, the MOJ stressed the necessity to train the inspectors (8) that will be appointed shortly by the Council of Minister. We agreed that an international expert will be needed to support the local expert in drafting a training curriculum. The Minister recommended local experts. He identified three to be representative of key confessional groups. We ultimately agreed that only one local consultant will be used to work alongside an international expert.

C) At a subsequent meeting with the MOJ on March 23rd, it was agreed that the Project could proceed with the development of the curriculum before the appointment of the inspectors. In the next quarter, SIJCAJ will identify a qualified expert and prepare a scope of work for USAID approval. Curriculum development should begin next quarter.

D) Study tour for the members of the Judicial Inspection Unit: The MOJ and NCSC will wait for the nomination of the Unit members to carry out this activity. France was identified as the best destination to conduct a study tour program. In February 2010, France hosted the conference of EU inspection units. Inspection Units are not an important part of the landscape of the justice system in the United States. NCSC is in the process to gathering information and contacts to organize the tour. Once the inspectors are appointed the project will coordinate with the Unit in preparing the study trip, seeking Unit input during the organizational process.

E) Material Assistance to the Unit: In the next quarter, the project is scheduled to meet with the new head of the Unit to identify the need and hope to move forward with purchasing the equipment.

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

A) Develop MOJ Public Information and Communications Capacity: Increasing access to justice and strengthening independence of the judiciary requires the MOJ to disseminate its vision and policies to the public. In the previous quarter, SIJCAJ representatives met with the head of the MOJ public relations department and agreed to use an international short-term technical advisor to conduct an assessment with recommendations on the developing MOJ public relations capacity. Consequently, this assistance was introduced in the Y3 work plan. In a later meeting in March 9th, Minister Najjar and the head of his public relation department deemed this assistance unnecessary. SIJCAJ informed USAID of this conversion. The project will seek to get supporting documentation from the MOJ on this issue. The MOJ however requested that the head of his public relation department takes part in professional growth training abroad. Such assistance is foreseen in the work plan. It was agreed that because the outreach campaign at the MOJ is devoted to independence of the judiciary and accountability, he could take part in the study tour to that effect (see section 2.1, Subtask 2). Quality outreach campaigns are instrumental to enhancing the independence and accountability of the judiciary.

B) National Campaign: This quarter Minister Najjar confirmed his interest for a national public campaign on judicial reform (i.e., judicial independence/accountability, ethics and discipline, strategic planning, etc.). The campaign, to be funded by SIJCAJ, will be prepared later this year when the Minister will indicate the appropriate timing. For various reasons he is presently concern that the campaign would not get full attention if launched now.

C) Guide Books: In order to increase public awareness of the role of the judicial institutions and the court system, NCSC provided assistance for the preparation of a guide book for the *Cour De Cassation* and one for the HJC. At the request of the president of the HJC, NCSC

engaged a local consultant, former Supreme Court Judge Chamseddine. The guidebooks include basic information regarding the structure of the institutions and related procedures. Guide books were completed last fall. However, delays were encountered in the printing process. According to Sader Publishing, the guide books should be ready in April. The guide books will then be distributed during the next quarter at the Supreme Court and in the 6 jurisdictions of the Court of Appeal (4,000 copies).

Subtask 2.5 Improved Budget Process within Judiciary

A) Judicial Budget Assessment and Recommendations: In November 09, SIJCAJ's Judicial Budget Expert, Joe Bobek, conducted a thorough assessment of the judicial budget process. The report examines the budget formulation and execution processes within the Lebanon Judiciary. The budget expert developed a series of practical recommendations that can be implemented incrementally to increased budget autonomy for the judiciary. The report was distributed to key stakeholders of the judiciary (i.e., MOJ, president of HJC, and the Director General Ministry of Finance).

B) Draft Legislation Advisory Support: The judicial budget assessment presently serves as a resource for retired judge Afif Chamseddine, who is currently completing the legislation on the judiciary commissioned by the President of the Republic (see section 2.1-A). It is not clear yet to which extent further assistance will be required in this regard. One possibility is to send the final draft legislation to judicial budget expert, Joe Bobek, for comments and suggestions.

C-D) A draft bill should be ready this fiscal year, however it is very unlikely that legislation will be passed. Thus, timing will impact all possible follow-up activities D) "Technical Support to Budget Process", and E) "Training."

Subtask 2.6 Windows of Opportunity

Nothing to report.

3. TASK 3. COURT ADMINISTRATION REFORM

SIJCAJ continues to work with its pilot court, the Beirut Judgment Enforcement Court, on improving court administration practices. The renovation and refurbishment of the court was officially completed and the certificate of final acceptance was signed on February 15, 2010.

On March 2, 2010, US Ambassador Sisson, Minister of Justice, Ibrahim Najjar, and USAID Director, Denise Herbol inaugurated the grand opening of the Beirut Enforcement Court. Honorable Minister Najjar proclaimed the court as an exemplary court with respect to the architecture and function. The opening was attended by members of the HJC, General Director of the Ministry of Justice Judge Omar Natour, President of State Council Choucri Sader, NCSC President Mary McQueen, Vice President William Kaschak, judges, clerks and NCSC staff. Several local television stations were present, such as LBC, MTV, OTV, and Futur TV, in addition to the newspapers journalists. During the site visit, International Court Administration Advisor, Ms. Krystal K. Thompson explained the construction development

and newly installed mobile shelving. The event was concluded by a grand tour and reception hosted by NCSC staff.

During the reporting period, the MOJ has been supportive in approving specific initiatives developed by the Change Management Committee. In Quarter 8, SIJCAJ hired a seasoned Court Administrator, Peter Kiefer, who created a Backlog Reduction Plan which includes very specific steps in alleviating some of the causes currently addressing the courts. One of the recommendations is the use of interns in organizing and obtaining data on the backlogged cases. The MOJ has endorsed the Backlog Reduction Plan and authorized the use of law students to assist with the backlog of cases. Judge Attieh, one of the Judges of the Model court and Minister Najjar have visited several law schools encouraging students to participate in this effort. Additionally, Judge Fahed, the First President of Beirut Courts, obtained approval from the Beirut Bar Association and the MOJ to use the newly designed file folders to be used exclusively in the Model Court.

However, success of implementing and replicating modern court administration reform is highly dependent on making policy decisions at a higher level. Last Quarter, SIJCAJ was anticipating on the reactivation of the Executive Committee, however, due to the various high level officials already actively engaged in various committees, the Executive Committee was not reconstituted. If the MOJ agrees to engage the Executive Committee in Quarter 10, SIJCAJ will support the convening of regular meetings and use this forum to press for policy changes that improve case backlog and promote standards for all courts based upon Model Court best practices. Task 3 will seize the moment when the Judges and Clerks move from the temporary facility into the Model Court to invite the MOJ leadership to observe the new court administration practices in use. This may be the opportune time to invite the MOJ to the Court with a goal of impressing upon them the urgency and need to extend standardized procedures to all courts in Lebanon.

Task 3 will continue to capture lessons learned and monitor and evaluate progress.

3.1 Policy Development for Court Administrative Reform

- A. Reactivation of Executive Committee. Task 3 will engage the MOJ and Model Court judges in reviving the Executive Committee. If the MOJ agrees to engage the Executive Committee, SIJCAJ will support the convening of regular meetings and use this forum to press for policy changes that improve case backlog and promote standards for all courts based upon Model Court best practices.
- B. Monthly Meetings. Once the Executive Committee is active, Task 3 will hold regular meetings to address new initiatives and get approval to roll-out reform in other courts.
- C. Workshop on Court Administration and Policy-making. Task 3 staff will prepare and hold a workshop that demonstrates successful court administration reform attained thus far. Since the Model Court refurbishment is complete, staff is now organizing to move to the new premises. In Quarter 10, the Model Court will be fully operational. At this time, Task 3 will invite senior members from the MOJ (and possibly the HJC) to attend a workshop in order to get buy-in and create a sense of urgency for policy decisions. The participants will be shown a demonstration on the newly created case

tracking system, the new case numbering system, and the functional use of newly designed file folders and mobile shelving.

- D. Seminar on Court Administration. Task 3 staff is preparing to hold a seminar next quarter for judges and clerks from other Judgment Enforcement Courts on modern court administration techniques in the Model Court setting. The participants will receive a tour of the newly renovated Model Court and be shown a demonstration on modern court administrations practices. The Court Administration Improvement Plan will be shared and discussed with the idea of replicating best practices at other Enforcement Courts. Model Court staff will share their experiences with the participants.

3.2 Model Court – Court Administration Improvement Plan (CAIP)

In Quarter 8, SIJCAJ developed a court administration improvement plan (CAIP) using the Model Court, as an opportunity to test needed reforms and practices. The CAIP involves the following reforms: (1) change management, (2) court premises improvement, (3) records management, (4) court administration workshop, (5) court administration study tour, (6) court staff development and management, and (7) assessing backlog of case files. This initiative is designed to empower court leaders and staff to take active roles in reforming court management and administrative practices. The Project has shared the CAIP with the Judges, clerks and the MOJ and has received positive feedback. SIJCAJ has incorporated changes, in particular, the numbering system has been revised, and manual practices have been streamlined further in anticipation of using the newly created case tracking system. The revised CAIP is attached separately.

(1) Change Management

- A. Model Court Change Management Team. During Quarter 9, SIJCAJ continued to work with its pilot court, the Beirut Judgment Executions Court, on improving court administration practices. During the reporting period, SIJCAJ and court staff continued to meet weekly through the Change Management Committee. As mentioned above, the Committee has created new organizational and court procedures, finalized a case numbering system and made final revisions on the design and style of file folders. The International Court Administration Advisor has been working with Judge Makki, an Enforcement Court Judge, on a basic case tracking system. At the end of this quarter, the program was completed and ready for demonstration in next month's Records Management Training.
- B. Workshop on Change Management. In the event of a roll-out into other Judgment Execution Courts, Task 3 will organize an additional workshop on change management and include members from other courts.
- C. Workshop – Follow-up on Change Management Training. Nothing to report. This activity will be carried out following the identification of an additional Enforcement court to work with.
- D. On-site Mentoring. Task 3 continues to provide on-site mentoring through daily visits to the Court

(2) Court Premises Improvement

- A. Renovation of Court Facility. On January 25, 2010, Betabat officially completed the renovation and refurbishment of the Model Court. On February 18, 2010, the new mobile shelving unit was installed and all furniture and equipment were in place for the grand opening which took place on March 2, 2010. Please see Section 8.1 for specific details.

(3) Records Management

- A. Records Management Training. In Year 2, Task 3 and court staff worked on developing a case numbering system for all incoming file cases. During the reporting period, several amendments were made to the numbering system. Each case file will be identified by the name of the court, case type, year and sequential file number. Movement cards will be used to locate files. Procedures have been developed for use of the interns to assist them with identifying and organizing backlogged files. Judge Makki, a Judgment Enforcement Court Judge, finalized the creation of a basic case tracking system which incorporates all of the revised manual procedures developed over the past months and utilizes features of this system to assist the clerks with tracking cases and preparing statistical analysis. Judge Makki will perform a demonstration of the system in April during the Records Management Training scheduled for April 23, 2010. SIJCAJ staff has invited IT specialists Tevega to provide an introduction to all of the electronics purchased for the use of the Model Court.
- Install Modern Filing System (Office of Contentious Issues). Task 3 staff will enhance the Civil Status filing system for the First President of Contentious Issues (the equivalent of a Solicitor General) by providing that office with minimal premises upgrade to accommodate proper filing cabinets, pre-numbered file folders and a computerized index. During Quarter 9, estimates were received on upgrading a small room designated to become a registry. File folder designs were chosen.
 - Follow-on Assistance. Tasks 3 court administration experts will monitor progress and assist Model Court staff and Office of Contentious Issues with implementation obstacles encountered and develop a strategy to expand the Model Court records management practices to other courts in Lebanon.

(4) Court Administration Workshop

- A. Court Administration Workshop for Model Court and Other Judgment Execution Court Staff. This activity will be carried out following the identification of an additional Enforcement Court.

(5) Court Administration Study Tour

- A. Study Tour. SIJCAJ staff anticipated hosting a study tour for Lebanese judges and clerks to the US in December 2009. However, SIJCAJ only received confirmation from the MOJ of the names of participants on March 11, 2010. Thus, the study tour is tentatively scheduled

to take place sometime in June/July 2010. NCSC will organize the study trip using its International Visitors Program based in Arlington, VA. On March 23 2010, SIJCAJ held a meeting with participants in order to gain additional information on the specific needs and activities to be incorporated into the agenda of the study tour. These suggestions were forwarded to NCSC home office who is responsible for organizing the tour through the International Visitors Program based in Arlington, VA.

(6) Court Staff Development and Management

- A. Job Descriptions. The job descriptions and organizational chart were completed in Quarter 8. During Quarter 9, a request was made to the MOJ for additional support staff for the Model Court. SIJCAJ and Judges are awaiting results of an examination that will result in the hiring of new staff.
- B. Management Training. During Quarter 8, Task 3 held two training sessions on serving the public and ethics in the public service with emphasis on judicial services. Additional management training will be carried out in Quarter 11.
- C. Court Information Services. This activity is scheduled to be carried out in the next quarter.
- D. Information Kiosk. This activity is scheduled to be conducted in the Quarter 11.
- E. Court Use of New Technologies. Task 3 has begun organizing a Records Management Training with an introduction to IT to be held on April 23, 2010. During this training, a preview will be given of the newly created case tracking system. Additionally, upon completion of the JTI in June 2010, clerks will be given computer training on the use of this new system. The specific timing of the training will depend on the availability of the computer room.

7. Addressing Backlog of Case Files

As mentioned in previous reports, one of the biggest challenges facing the Lebanese judiciary is the large number of pending cases. Last quarter, SIJCAJ completed an assessment on court backlog based on case types and timelines of the Model Court. In December 2009, Court Administration Expert, Peter Kiefer, created a backlog reduction plan for the Model Court. In January 2010, during most of Quarter 9, judges from the Change Management Committee have been working hard to recruit law school students to assist with the counting, categorizing and capturing data of the backlogged cases. Twenty students will begin work in the next quarter. The Backlog Reduction Plan is attached separately.

- A. Backlog Reduction Policy and Implementation. In January 2010, the Backlog Reduction Plan was endorsed by the MOJ. In April 2010, the implementation of the backlog reduction strategy will commence with the help of law students in organizing case files. This will include counting, categorizing and capturing data.
- B. Case Timelines and Backlog Reduction Plan. The Backlog Reduction Plan is complete. Case timelines assessment is on-going. Workshop on the implementation and

benefits of adhering to these timelines will be conducted following the completion of the assessment.

3.3 Automation of Procurements Office

In Quarter 7, the Project hired a Court Administration IT Training Expert, Mr. Gary Dinoia, who assisted project staff in identifying general and specific objectives for the introduction and use of new technologies and training of staff. The expert prepared a strategic approach to planning for and implementing automation for the JTI, Model Court, Procurement Office, and Office of Contentious Issues. Mr. Dinoia recommended that a financial budgeting and IT training program would be beneficial for the staff with the Procurements Office, as they will be processing requests and will need to be supported by an accurate and dependable IT asset inventory database. In Year 3, the Project will purchase IT/computer assets and, with expert assistance, improve procedures whereby the Office of Procurement supplies goods to the courts upon request.

Subtask Activities

Improving the Procurement Process for the Courts

- A. Equipment Purchase and Training. This activity will be carried out between Aug-Sep 2010.
- B. Linkage to Model Court. This activity will be carried out between Aug-Sep 2010
- C. Meetings with Model Court and Procurement Office Staff. SIJCAJ has begun inviting Mr. El Soussa, Director of Procurement, to attend select Change Management Committee meetings to discuss Model Court renovation follow-up and procurement matters. On March 23, 2010, Mr. El Soussa on behalf of Judge Omar Natour, General Director of the Ministry of Justice, made a detailed review of all equipment and goods procured for the Model Court. Specific training will be provided in Quarter II on linking equipment/supplies purchasing to the Model Court.

3.4 Alternative Dispute Resolution

As foreseen under Section 3.4 of the Year 3 work plan, SIJCAJ is assisting the judiciary in developing a strategy and build consensus for ADR mechanisms with the assistance of Mr. Oussama Safa, who is affiliated with the Lebanese Center for Policy Studies (LCPS), a SIJCAJ partner, and who has considerable experience in ADR models in the Middle East. Mr. Safa will undertake a detailed assessment identifying ADR solutions with the possibility of adopting an ADR program in Lebanon.

- A. ADR Program Assessment. At the end of the reporting period, Task 3 drafted a SoW to engage Mr. Oussama Safa to assess the ADR alternatives for implementation in Lebanese courts, including court-annexed mediation. The assessment will examine current ADR models in Lebanon, barriers to alternative ADR models, legislative gaps, case types that warrant ADR, as well as offer concrete recommendations for greater utilization of ADR vehicles. Upon USAID approval, Mr. Safa will conduct the ADR Assessment during next quarter.

B. Follow-on Assistance. Nothing to report

3.5 Windows of Opportunity

Open House. Many of the lawyers are interested in touring the new Model Court and learning about the new practices that are being implemented in the court. The Change Management Committee has decided to hold an open house in the next quarter for lawyers and litigants. The open house will showcase the new facilities, the new file folders and to discuss the new administrative procedures being implemented.

4. TASK 4. IMPROVE ACCESS TO JUSTICE

Subtask 4.1 Bar Association Consensus for Legal Aid Procedural Reform

A) Study Trip: Completed in November 09 (see above).

B) Follow-on Workshops - Legal Aid Assessment: In February 2010, the Beirut Bar leadership requested assistance from the project to prepare a plan of action for legal aid, specifically to improve an automation system for the legal aid commission to conduct a needs assessment, up-grade Legal aid procedures, develop curriculum on legal aid for the training institute, and provide the related trainings. A draft action was prepared by SIJCAJ and provided to the Beirut Bar leadership. In addition, in February 2010, SIJCAJ CoP met with the Tripoli Bar Association, which also requested assistance from Judge Steve Swanson to develop legal aid procedural up-grades.

Subtask 4.2 Improving Bar Association Capacity to Provide Legal Aid Services

A) Needs-Based Assessment: According to the Judge Swanson's report, legal aid in Lebanon appears to be greatly underutilized, but the need for legal aid cannot be quantified, analyzed, and appropriately prioritized without the completion of comprehensive needs assessments by the Bar Associations of Beirut and Tripoli. This activity has been included in the proposed plan of action delivered to the Beirut Bar leadership. No decision has yet been taken by the Bar regarding this activity. In the opinion of the Tripoli Bar President, such an assessment could lead to a wide expansion of legal aid that would be in conflict with Bar members' interest. SIJCAJ informed USAID about the President's desire not to move forward with this activity. SIJCAJ will seek supporting documentation on this issue. This reform activity highlights the delicate nature of local counterpart support, as mentioned in the Year 3 work plan, wherein NCSC noted that activities are ultimately subject to Bar Association approval, which will require follow-on workshops in order to reach consensus on the assessment's findings and recommendations."

B) Public Information Campaign: The President of the Beirut Bar association has indicated support for this activity. SIJCAJ anticipates a further conversation with the Bar President next quarter to plan this activity. In the opinion of the Tripoli Bar President this activity would be in conflict with Bar members' interest.

C) Administrative and Technology Assistance: Both the Beirut and the Tripoli Bar Associations have expressed a strong desire to receive technology assistance. They are mainly seeking to get software support that could help them better manage legal aid files and

gather relevant data and statistics. Judge Swanson has developed protocols with codes to facilitate automation. In the next quarter, SIJCAJ will identify a local specialist to help with design of a program.

D) Workshops on Procedural Up-grade: During the reporting period, Judge Swanson returned to Lebanon to work with the two Bar Associations. In Beirut, a working group of experienced lawyers from the Legal Aid Commission was established to work with Judge Swanson. In Tripoli, where the Bar Association has no such commission, it was deemed necessary to hire a local consultant to work in conjunction with Judge Swanson.

Judge Swanson proposed four protocols/forms for review by the Beirut and Tripoli Bar Associations: (1) "Beirut Bar Association Legal Aid Program Orientation," (2) "Case File Memorandum," (3) "Legal Aid Client Evaluation Form," and (4) "Report On Case Disposition." The first three protocols were developed with the local counterparts. The fourth is modeled on an existing report in use by the Legal Aid Commission of the Beirut Bar Association, as modified by the consultant. The templates for the Beirut and the Tripoli Bar are attached. In short, all the protocols are designed to improve the professionalism and quality of the Bar Associations' legal aid programs.

The protocols/forms include an expression by the President of the Bar Association of an expectation for quality work and an appreciation for the lawyer's willingness to accept appointment to represent the legal aid client. Judge Swanson assisted with the development of a number of forms that will assist legal counsel in documenting client representation and preparing legal defenses. The forms focus on: key information regarding the case, which requires the lawyer to make detailed notes as to the nature of the case, contacts with the client, activities undertaken, appearances made, deadlines to be met, etc. The forms encourage legal aid lawyers to document an analysis of the strengths and weaknesses of the case and the strategy for successfully resolving the case, as well as report on case proceedings with codes that will permit the preparation of more accurate and detailed reports for use by the Bar Associations in the administration and evaluation of their legal aid programs.

The protocols/forms will undergo a final review before being completed and implemented in the next quarter. Local counterparts have expressed great satisfaction regarding the assistance provided by Judge Swanson. The protocols/forms represent a necessary framework to greatly improve the quality of legal aid services.

Subtask 4.3 Legal Aid Training and Sustainable Training Program

Framework for Sustainable Training Program

A and B: Training Needs Assessment and Legal Aid Curriculum: During the reporting period, Judge Swanson prepared a training needs assessment and curriculum for both the Beirut Bar Association and the Tripoli Bar Association Training Institutes. Through interviews and meetings with key stakeholders, needs were identified for courses to provide an orientation to lawyers appointed to legal aid cases regarding the legal aid program and issues of unique relevance to the handling of those cases. In addition, needs were identified for substantive courses in areas such as family practice in the religious courts of Lebanon and human rights. See attachments for further details.

Course 1 – Orientation to Legal Aid Representation: The purpose of the course is to provide a thorough orientation to the Bar Association’s legal aid program. Course 2 – Orientation to Legal Aid Clientele: The purpose of the course is to provide background information and demographic data on poverty in Lebanon; to review the common types of cases for which legal aid is requested; to discuss particular legal problems faced by subgroups of the population in poverty; and to raise an awareness of particular problems that may arise in the representation of legal aid clients -- for example, illiteracy, cultural reticence, language capability, religious imperatives, and lack of trust and confidence in the justice system. Course 3 – Practice Tips in Legal Aid Cases: The purpose of this course is to educate attorneys on all aspects of practice in the criminal, civil, and religious courts. Course 4 – Special Status as Foreign Nationals: The purpose of this course is to identify legal issues and laws associated with the status of many legal aid clients as foreign nationals. Course 5- English Language Training: Because a disproportionate number of legal aid clients speak some English, but do not speak Arabic or French, basic competency in English would greatly assist legal aid lawyers in communicating with English-speaking clients.

Legal Aid Training and Public Outreach

A) Training of Trainers: Programmatic discussions will be held with the Head of the training institute next quarter.

B) Legal Aid Certificate Ceremony: A ceremony will be held next Fall.

C) Law Day (Local Attorneys/Judges): In Year 2, the MOJ and the heads of the Bar Associations agreed upon the organization of a Law Day. The MOJ established a Committee, including SIJCAJ team members, to organize the event. The activity has been delayed because of the political situation. The MOJ has now expressed the desire to hold the event in June 10. A meeting with the committee will be held next quarter.

D) Kiosk: In Year 2, the MOJ commissioned SIJCAJ with the placement of an information kiosk in the Beirut courthouse that will inform citizens and attorneys of the location of offices and courtrooms and provide written and oral information on obtaining legal aid and paid legal services. UNDP has been very active in that regard and recently received funding for the exact same activity. SIJCAJ informed USAID of this issue. Further contacts will be made with UNDP and MOJ to shed light on this possible duplication of effort. The president of the Tripoli Bar Association has mentioned to SIJCAJ that he is not interested in the kiosk. According to him such activities would contribute to an excessive expansion of legal aid that would be in conflict with Bar Association member interest. SIJCAJ will seek supporting documentation on this issue.

Subtask 4.4 Recruitment of Legal Aid Attorneys

The annual awards ceremony will be organized this coming fall.

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 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.

Kun Hadi continued its public information campaign on road traffic safety through the placement of television and billboard advertisements warning the Lebanese public on the dangers of drunk driving, speeding and the need to respect dangerous road conditions.

Per Afif continued to provide to provide juvenile delinquent boys with vocational skills in auto mechanics, electrical work and handicrafts.

Similarly, *l'Association des Libanaises Universitaires* continued to provide legal and medical counseling to physically and emotionally abused women.

During this Quarter, SIJCAJ continued to provide the three NGOs with technical assistance and advice on how to achieve results in their respective activities.

In that this Quarter marks the end of the Grantees' one year projects, the Grantees finalized their work and will submit the necessary reports and financial statements in the 10th Quarter.

- A) Continue to provide the three NGOs with technical assistance: SIJCAJ has worked closely with the three NGOs and provided advice on how to achieve results in their respective activities.
- B) If allocated additional funds, SIJCAJ would recreate a grants award program: to date, no additional funds for grants have been allocated.

TASK 6. JUDICIAL SECTOR STRATEGIC PLANNING

Subtask 6.1 Strategic Planning Initiative

On February 13th the MOJ organized a follow-up retreat with key stakeholders. This second strategic session, supported by the Project, focused on methods to improve the judicial process. Among the recommendations developed: 1) Establish a committee from members of the HJC and the Judicial Inspection Unit to conduct a comprehensive evaluation of the trial court process and survey the judgments in terms of their postponement deadlines and

timely issuance of decisions and 2) Publish periodic statistical data that shed light on judicial performance, such as numbers of incoming lawsuits and complaints handled per year, as well as the percentage of settled cases and backlogged cases from previous years.

Minister Najjar announced that the next retreat will tackle the issue of judicial independence. In each of these retreats the MOJ has expressed his gratitude for the support provided by USAID. It is worth mentioning that some recommendations produced at these retreats are already being implemented. Hence, one of the recommendations is to call on all judges to respect statutory deadlines for rendering judgments and to put in place a timetable for the judgments in pending cases, taking into account reasonable deadlines. Recently representatives from the HJC began to visit other jurisdictions to discuss ethics and to expedite case processing, as decided in the retreat.

The strategic plan, once developed, will be a Lebanese plan, to be owned and implemented by the stakeholders in the Lebanese justice sector.

The President of the HJC approached SIJCAJ to seek assistance in order to support the publication of a strategic plan prepared by the HJC. NCSC recognizes that members of the judiciary, as opposed to the MOJ, have differing visions strategic policies that concern the judiciary (i.e., independence of the judiciary). As a result, the project is inclined to support initiative, which is consistent with developing strategic planning capacity within the judiciary.

TASK 7. FACILITY ASSESSMENT and A-E DESIGN/BID MATERIAL MODEL COURT AND JTI

Subtask 7.1 Assessment, Design, and Bid Documentation for Model Court and JTI

In compliance with the FAR, SIJCAJ used Architect-Engineer (A-E) consultant Karl Zouein's technical documents as the basis for a solicitation for general construction services for the JTI. SIJCAJ received three bids from Lebanese general contractors.

In mid-October, the Committee to Recommend the General Contractor for the JTI Refurbishment evaluated the three bids and SIJCAJ, with the concurrence of USAID, awarded a \$924,330 construction contract to Betabat s.a.r.l. on November 2, 2009. Betabat commenced work at the JTI on the day the contract was signed.

TASK 8. REFURBISHMENT OF MODEL COURT AND JUDICIAL TRAINING INSTITUTE

Subtask 8.1 Model Court

Renovation. During the reporting period, SIJCAJ continued to work closely with A-E expert, Karl Zouein, and Betabat construction firm in finalizing the renovation of the Model Court. On January 25, 2010, the renovation of the Model court was complete. Karl Zouein filed 2 progress reports during this period from December 28, 2009 - January 11, 2010 and January 11-25, 2010. A final report was submitted on March 10, 2010. On March 12, 2010, SIJCAJ staff delivered to the Ministry of Justice the keys, all warranties, performance bond, operation and maintenance manuals and all final drawings. On March 15, 2010 the Final Acceptance certificate was issued in the presence of NCSC staff, Betabat, and Karl Zouien. On March 23, 2010, an official handing over of the Model court was done with First

President of the Beirut Courts, Judge Fahed, Director General of the Ministry of Justice, Judge Omar Natour, Judge Rana Oueidat from the Beirut Enforcement Court, Director of Procurement of the Ministry of Justice, Mr. El Soussa, and SIJCAJ Task 3 staff.

Procurement. In January, 2010, SIJCAJ staff completed the procurement lists for furniture and fixtures for the Model Court. In February 2010, all equipment and materials were delivered to the Model Court. On February 22, 2010, the new mobile shelving was installed. All procured goods and equipment have been checked by NCSC staff upon delivery and rechecked by the MOJ. An official list of receipt was received from the MOJ on March 23, 2010.

Records Management and Organization of Files with Mobile Shelving. Task 3 through the Change Management Committee is organizing legal interns with separating and categorizing cases for the purposes of implementing the records management system. In the next quarter, interns will begin their work.

Opening Ceremony. On March 2, 2010, the official opening of the Model Court was held. Once all back logged cases are organized and placed on the new mobile shelving unit, a small ceremony will be held to mark the completion of the organization phase of pending case files. Due to the volume of cases and the amount of work involved, this ceremony is not envisioned until December 2010.

Subtask 8.2 Judicial Training Institute

To date, approximately 75% of the construction work at JTI has been completed.

Betabat, the construction firm that is refurbishing the JTI, has encountered some delays due to, *inter alia*, the paucity of some construction materials in storage in Lebanon, and the completion date is now expected to be in later May 2010.

In the 7th Quarter, SIJCAJ submitted a procurement list for JTI's furniture and equipment to USAID and the list was approved. In the 8th Quarter, SIJCAJ submitted a waiver request for the JTI furniture and equipment to be purchased locally pursuant to 22 CFR 228.51 and that request was also granted by USAID. SIJCAJ has, therefore, ordered the furniture and equipment from Lebanese firms and the furniture and equipment will be delivered to JTI after the refurbishment is completed.

As set out in our 7th Quarterly Report, 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. The fifteen judge trainees continue to use this temporary classroom for training. After the construction work at the JTI facility is completed, the judge trainees will move to the new JTI.

Renovation: SIJCAJ and its A-E expert will monitor the progress of the JTI refurbishment to ensure that the facility meets the specifications set out in the technical documents prepared by the A-E expert. A-E bi-weekly reports have been submitted and have been reviewed by project staff and kept on file.

Procurement: This has been completed.

Regional Conference on Law and Judicial Training: At the request of JTI officials, due to the on-going recruitment for new JTI candidates and the training of the judge trainees, any regional conference and further judicial training will take place later in the year.

9. PERFORMANCE INDICATORS FOR THIS QUARTER

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

10. CHANGES IN KEY COUNTERPARTS

After five years of vacancy, the position of President of the Judicial Inspection Unit was finally filled. Still, there are only 3 inspectors out of 11 positions available. The MOJ and the President of the HJC recently confirmed that they have agreed on a list of candidates for these positions. The candidacy will be shortly presented to Parliament for adoption. A key section of the Year 3 work plan is devoted to supporting this unit, which is dependent upon the Judicial Inspection Unit being fully staffed.

11. DIFFICULTIES ENCOUNTERED

Following the opening ceremony of the Model Court, the court made several requests that were not originally planned. For instance, the courts asked for a secure vault comparable to a bank vault. The renovation included a secured vault but the installation of bank vault is not reasonable or warranted. NCSC consulted with USAID, which agrees that NCSC has refurbished the Model Court in accordance with expectations. Therefore, no more material requests will be considered. SIJCAJ formally informed all relevant authorities about it.

SIJCAJ is dealing with high level officials with busy schedule. As a result, SIJCAJ is dependent on the availability of local counterparts. For example, it took the MOJ several weeks to discuss the Year 3 work plan contents and several months to provide names for the court administration study tour. Likewise, it has been difficult for the MOJ to reconstitute the Executive Committee to make decisions on court administration policy reform.

12. ACTIVITIES ANTICIPATED IN NEXT QUARTER

- Support the HJC and the MOJ in their effort to produce a strategic planning document
- Complete the final version of the Code of Ethics (local expert)
- Complete the revision of the Law on the HJC (local expert)
- Reactivation of Executive Committee
- Commencement of upgrades and a basic records management and case tracking system within the Office of Contentious Issues
- Study Tour to the United States on court administration matters

- Various court administration workshops
- Prepare JIU training curriculum (local and int'l consultant)
- Provide IT equipment to JIU
- Provide IT equipment to Legal Aid Commissions
- Conduct legal need base assessment (local consultant)
- Prepare Law Day
- The construction work at the JTI will be completed and SIJCAJ will equip and furnish the facility (an opening ceremony will then take place with high level officials invited)
- All judicial training, including training sitting judges and judge trainees, will be conducted at the JTI
- The Curriculum Development Expert will submit his draft recommendations to improve JTI's curriculum to JTI's Curriculum Development Committee.

ATTACHMENTS

ATTACHMENT 1

Revised Court Administration Improvement Plan (CAIP), March 2010 Beirut Enforcements Court, Adlieh, Beirut, Lebanon June 2009-November 2010 (Updated version March 2010)

1. Introduction

Court Administration is concerned with the efficient day-to-day and long range of activities in a court. It ensures accuracy and good organization in the areas of restructuring workflow, automation, reducing case backlog, records management and customer service. For example, adopting records management strategies such as case tracking, courts will be able to locate case files quickly, track the number of cases, and prepare statistical reports to better analyze court performance. Furthermore, court administration has evolved due to the integration of computers and database software. It is now possible to store, retrieve and track case file information electronically allowing greater worker efficiency. Introducing modern court administration practices to the Lebanese Judiciary will revolutionize the way courts do business.

The Court Administration Improvement Plan, or (CAIP), is a blue print for reform for the Judgment Enforcements Court of Beirut and will serve as a model for nationwide reform. This is a work in progress and the implementation of modern court administration practices depends on the leadership of the Judgment Enforcements Court and willingness for change. SIJCAJ in collaboration with court leadership and staff is designing, planning, and implementing strategies contributing to the fair and efficient dispensation of justice through court administration reform. This document represents the second revised version that includes comments and additions from Judges and interested partners.

1.1 Initial Assessment of Lebanese Judiciary

Between February 2008 and October 2008, NCSC held several meetings with Ministry of Justice (MOJ) authorities and various courts around the country to gather information about their practices and procedures. The objectives of the visits were to evaluate these courts concerning the efficiency, transparency and court administration practices and to identify a model court as a target of NCSC's technical assistance. Lebanon is in the process of redefining itself and striving to restore the rule of law. An effective and well-administered judicial system is a prerequisite¹. Streamlining the business of the courts should be one of the government's principal priorities. Everyone agreed that it is necessary for overall reforms that will improve delivery of justice. In March 2008, NCSC released its report entitled "*Assessment of Case Management and backlog in Lebanese Courts.*" Among other things, NCSC made the following findings:

- Substantial back log of cases
- Inadequate record keeping and the absence of effective case filing and management
- Poor archive management
- Lack of basic automation

¹ "*Assessment of Case Management and Backlog in Lebanese Courts, February – March 2008*", USAID and NCSC Assessment Report, 2008.

- Lack of human capital
- Poor infrastructure
- Frequent disregard for time limits fixed by codes or regulatory procedures for the processing of the various steps;

Following a few meetings with Omar El Natour, Director General of the Ministry of Justice and Choucri Sader, President of the Council of Legislation at their offices in Adlieh, it was agreed to designate the Judgment Enforcements Court situated in the Beirut Courthouse as a Model Court to test and improve court administration practices and to identify system-wide solutions.

The Judgment Enforcements Court offers advantages as a practical forum to improve court administration practices. First, the Beirut Judgment Enforcement Court has a lot of litigant traffic not only from lawyers, but also from members of the general public seeking redress without the assistance of counsel. Second, this court is seen as the one most in need of ways and means to modernize, allowing for the opportunity to link physical premises upgrades to new records management and administrative practices. For example, the reception area is inadequate, and the archives are over loaded to the point of being impossible at times to find a file or a document. These deficiencies, which impact on overall efficiency, are best seen to be reformed through redesign of the court's premises and the introduction of new records management practices.

In an effort to obtain independent, expert advice on the refurbishment and expansion of the Judgment Enforcements Court in Adlieh, the Project advertised for a Project Manager who advised us on architectural designs, construction and refurbishment. The expert, Karl Zouein Architect, physically monitored the construction work on-site and liaised with the general contractor, Betabat. The renovation began in August 2009 and was completed in January 2010. December 2009.

1.2 Court Administration Improvement in a Model Court Setting

The implementation of a Court Administration Improvement Plan in a model court setting has several objectives. One objective is collaborating with key stakeholders of the Enforcements 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. The second objective is getting buy-in from the High Judicial Council on a number of reforms necessary to effectuate change within the courts. These policies must be viewed in light of the budgetary constraints and lack of control of decision-making authority that impact the Model court. A third objective is to achieve visible improvements in the Enforcements 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 back log, records management, case tracking and customer service. A fourth objective is to enable members of the Model Court to become advocates of court reform and court administration. These advocates can share their experiences and knowledge on improved court administration and the benefits derived from these practices.

Although the Enforcements Court is a specialized court and has unique attributes, the improvements proposed and implemented will revolutionize court management within other courts. Good records management including creation of a common numbering system, archiving policies, case-tracking techniques can apply to all courts within Lebanon. A final objective is to

ensure coordination and cooperation with the Ministry of Justice's Procurement office in addition to other international donors in introducing automation to the MOJ.

2. Court Administration Improvement Plan

SIJCAJ projects that the implementation of these activities in the Model Court will take more than a year during the period of June 2009 – December 2010.

Each activity is explained below and attached are detail descriptions, ongoing activities, strategies and time lines for implementation.

Activity 1. Change Management Teams (CMTs)

Change Management Teams (CMTs) have already created in the Model Court and will be replicated in other Enforcement courts. These teams will contribute toward the organization and management development of the Enforcements Court and to provide court staff with the tools to plan for and implement change. These teams, like the actual team of the ECB, will consist of the following membership: the First President of the Court, the acting judges of the Court, Chief Clerk and/or a secretary where appropriate. These teams will serve as conduit for change and allows for a deeper understanding of the current situation "on the ground." Through regular meetings, local counterparts contribute to forging a partnership with implementers. CMTs provide a forum to discuss challenges to the Judiciary in general and the Enforcements Court in particular. Moreover, through CMTs, establish a sense of local ownership of and responsibility of court administration reform in the Model Court.

SIJCAJ continues to conduct regular site visits to the Court and provide expert advice and assistance with the implementation of the Plan. SIJCAJ is holding regular meetings with the CMC of the Enforcement Court of Beirut and has been consequently preparing written minutes of all meetings with court staff on strategy, implementation obstacles and any other issues that arise from the Plan. These minutes have been mostly reviewed by the First President for signature and are translated into Arabic for non-English speaking members of the Team, and sent by e-mails to all members.

Please see Attachment 1 for more detailed information about the implementation of the activities.

Activity 2. Renovation of the Judgment Enforcements Court

Many courthouses in Lebanon are in disrepair. Most suffer deterioration due to 25 years of civil war. Although there is widespread recognition that Lebanese courts need repair and improvements, the Government does not possess the financial capital to invest in refurbishing courthouses. The Judgment Enforcements Court in Adlieh needed material improvements. Judges shared offices on a rotating basis and clerks sit at dilapidated desks surrounded by files. Litigants were served in a haphazard manner often waiting for long periods to be served. The archives were in disarray and files were stored in a small room with old shelving, poor lighting and no ventilation. Addressing these deficiencies lead to success in court administration reform. Without renovation of the court's premises, modern records management practices couldn't be implemented.

Moreover, court renovation is intended to maximize use of the premises and create a professional appearance to the public. The architectural design for the Model Court ensures that judges and

clerks have adequate workspace and sufficient shelving to store files. It also provides better access for the public through signage and improved traffic patterns.

The construction of the Model Court began on August 18, 2009 and was completed in February 2010.

Please see Attachment 2 for more detailed information about the implementation of the activities.

Activity 3. Records Management

Records management is the practice of receiving, processing and maintaining court documents from the time of opening a case until final disposition. SIJCAJ, in cooperation with Judge G. Chamseddine, a judge of the Enforcement Court, introduced a records management system in the Model Court with the goal of (1) developing a case numbering system that identifies each file by a unique number or request number as decided by the CMC, (2) introducing uniform file folders that are clearly labeled by case number, (3) modernizing registry and inventory practices that will facilitate implementation of automation and case tracking techniques, and (4) introducing archival storage practices with the use of mobile shelving units.

SIJCAJ provided the prototype file folders, with total coordination and approval from the CMC's members and the MoJ. Moreover, SIJCAJ prepared training sessions for court staff and judges on how to implement this new system. Introducing a records management system to the Model Court will allow court staff to work in a more efficient way. They will be able to locate case files quickly, track the number of cases, and prepare statistical reports to better analyze court performance.

Please see Attachment 3 for more detailed information about the implementation of the activities.

Activity 4. Court Administration Workshop

In October 2009, SIJCAJ organized a Court Administration Workshop for all Judgment Enforcements Court Judges and Clerks. The workshop introduced the Court Administration Improvement Plan (CAIP), the new file folders, the importance of case tracking through manual and automation practices, and the backlog reduction strategies.

This workshop facilitated the exchange of ideas and experiences on court administration techniques and identified areas where additional focus is needed. Guest speakers shared their experiences on case automation, addressing case backlog and using a unique numbering system.

Please see Attachment 4 for more detailed information about the implementation of the activities.

Activity 5. Study Tour- Learning modern Court Administration practices

Study tours with a court administration component provide participants with firsthand knowledge on efficiently run courts and sound records management practices/procedures. Participants in study tours can serve as catalysts for change, especially when many are resistant to change. An important component of change management is having the desire to change. By exposing court judges and staff to various court administration practices, participants will embrace revising and learning new and efficient ways of working.

SIJCAJ previously conducted a study to Cairo, Egypt last year to discuss court administration issues. This year, a select group of judges and clerks selected by the MoJ from the Judgment

Enforcements Court and the Ministry of Justice Office of Contentious Issues will travel to the Unites States in June 2010 to discuss and learn more on a variety of topics such as case management, court performance, change management, and backlog reduction.

Please see Attachment 5 for more detailed information about the implementation of the activities.

Activity 6. Addressing Case file Backlog

Addressing substantial backlog of case files is one of the most serious challenges facing the Lebanese Judiciary. In the Judgment Enforcements Court, there are over 40,000+ pending case files. However, the exact number is not known. Additionally, due to lack of space, case files are stored in an offsite location adding to the number of case files pending. The Judgment Enforcements Court handles five types of cases generally. Creating backlog reduction plans and strategies for the Model court would facilitate the reorganization of pending and closed cases. As part of addressing this issue, the Model court case files should be counted and indexed. Examining relevant code provisions regarding time lines for example and recommends modifications where appropriate. Through CMC's, SIJCAJ and national counterparts have begun to look at time limits that apply in cases filed in the Judgment Enforcements Court. The goal is to produce a list of potential legislative practices for revision. The Model Court will take the lead in initiating necessary court reform.

Please see Attachment 6 for more detailed information about the implementation of the activities.

Activity 7. Court Staff Development and Management

SIJCAJ assists the Model Court in achieving greater organizational and worker efficiency. SIJCAJ is providing a series of trainings that incorporates new and improved work techniques to be used in the Model Court. In November 2009, the first workshop was held on implementing efficient work practices, professionalism and customer service in the Model Court; then, in April 2010, a 2nd workshop will be held to support Enforcement Court staff in implementing records management and tracking procedures.

Please see Attachment 7 for more detailed information about the implementation of the activities.

Attachment 1. Change Management Teams

A. Introduction

Change is inevitable and requires an understanding for and appreciation of how one person makes a change successfully. No matter what type of project one works on, the success of the project ultimately lies with each person of a team doing their work differently, multiplied by all the members of the team affected by change. To promote change, then, it is important that the process be well managed and implemented.

With modern technology and new methodologies, reform within the Lebanese court system is possible and indeed necessary. Smart reforms result in improved and modernized court practices and procedures. Therefore, preparing for change is fundamental. It is important that each employee of the Court possess the following:

1. The awareness of the need for change. When the clerks of the court commenced moving files to the temporary room, many did not fully appreciate the importance of having a case tracking system through a common numbering system. When it became apparent

that the space provided was insufficient and we needed an additional room, many worried that they would not be able to locate active files needed. Additionally, since none of the case files is adequately marked by an identifying number, it becomes virtually impossible to find a case quickly especially in a temporary setting. It is through this exercise that many employees see a need to be able to track cases that will benefit them in having control over the cases. Having a system whereby you can quickly identify a case, its location and actions taken in the file leads to efficiency, organization and improved customer service.

2. Desire to change from using inefficient practices. Not uncommonly, people are resistant to change. Many do not want to abandon comfortable, habitual practices for new ones that require employing new concepts and techniques. Therefore, it becomes critical that processes be implemented and well-managed by strong leadership; hence the need for change management. It is expected that Court Presidents lead internal reform to improve court performance. Successful reform is dependent upon strong leadership, attitude and the ability to foster an atmosphere that embraces change.
3. Knowledge on how to change is just as important as the awareness and desire to change. Often times, employees feel overwhelmed when too much “new” information is being provided all at once. The key to sharing information is communication, especially when dealing with several changes at once. Gaining input and ideas from all stakeholders is also useful. Training is essential in providing the tools and methodologies needed for reform and will be provided by SIJCAJ staff, national and international consultants.
4. Ability to implement the changes necessary. To implement changes within the Enforcement Court, materiel and equipment are necessary. For example, in an effort to introduce basic automation, IT equipment has been provided for staff. In order to track cases, mobile shelving units were installed and new file folders with tabs are being purchased. Additionally, new techniques and procedures have been introduced to increase efficiency using these tools. Equally important and often not emphasized is the need to create and revise implementation strategies for ensuring that the changes are sustained. These implementation strategies can be revised when deemed necessary. Mechanisms are being developed to see if change has taken hold and employees are doing their jobs in a new way.
5. Celebrating success! By implementing change, the Enforcement court will serve as a Model court of reform for all the Judiciary. Employees can share their experiences with other courts through training and seminars and demonstrate efficiency through modern court administration practices.

Overall, change management is about helping people through change. It is the process, tools and techniques for proactively managing the people side of change in order to achieve the desired results.

B. Change Management Committees (CMC's)

A Change Management Committees (CMC) was created in the Model Court . These committees contribute toward the organization and management development of the Enforcement Court and to provide court staff with the tools to plan for and implement change. This committee consists of the following membership: the First President of the Beirut Courts, 5 judges, Chief Clerk, clerk and secretary where appropriate. The committee serves as conduit for change and provides for a deeper understanding of the current situation “on the ground.” Through regular meetings, local counterparts contribute to forging a partnership with implementers. Moreover, through CMC's, national counterparts can establish a sense of local ownership of and responsibility of court administration reform in the Model Court.

NCSC is conducting regular site visits to the Court and providing expert advice and assistance with the implementation of the Plan. NCSC is holding regular meetings with the CMT and prepare written minutes of all meetings with court staff on strategy, implementation obstacles and any other issues that arise from the Plan. These minutes are reviewed by the First President for signature and are translated into Arabic for non-English speaking members of the Team.

C. Objectives

- To establish leadership groups within each court that identifies, manages and accounts for the implementation of reform activities.
- To facilitate the introduction, support and sustainability of reforms within the Model court.
- To provide expert advice, training and workshops on managing the change process within the Model court.

D. Output

- CMC's drive the change process by communicating information to all employees so they are fully informed about reform initiatives.
- CMC's ensure staff cooperation in implementing reform.
- CMC's facilitate implementation in other court reform projects by creating best practices.
- CMC's become advocates for court administration reform within the legal community.

E. Change Management Implementation Strategy

- CMC's meets bi-weekly to discuss reform initiatives, implementation and identifies policy issues that need referral to the High Judicial Council and or the Ministry of Justice (MOJ).
- SIJCAJ advisors conduct several visits weekly to the Model Court and provide advice and technical assistance to the President of the Court and court staff.
- In association with the court leadership, SIJCAJ provides updates to the Ministry of Justice on the status of reform activities in the Model Court.

- SIJCAJ advisors provide training and support through change management workshops conducted by national consultants.
- Create court administration sub committees that include one judge, and two clerks that oversee the following topics:
 - Court administration reform including case numbering, records keeping
 - Automation of Model court and IT
 - Human resource planning and development
 - Archival policies
 - Legislative reform

Time line:

- May 09:** Introduction to change Management, workshop given by Dick van Duizend to Enforcement Court judges and clerks, held from May 17-26, 2009.
- May 09:** Formation of Change Management Committee- National Members chosen: members include, the First President of Beirut Courts, Judge Fahed, Court President, Judge Rana Oweidat, Chief Clerk, Ahmad Fawaz,
- Jun 09** Initiation of bi weekly Change Management committee meetings including International Court Administration Advisor, Krystal K. Thompson, JD, and National Court Administration Advisor, May Hammoud.
- Jun-Sept 09** Orientation period with initial intensive visits to the model courts and professional guidance on the components of the Court Administration Improvement Plan.
- Jul 09-Oct 10** Change Management Committee meeting with emphasis on “Change management within the Enforcement court”. Identification of key components of the Court Administration Improvement Plan.
- Sep-Oct 09** Final draft of the Court Intervention Plan for distribution and comments
- Oct 09** Court Administration Workshop which included a discussion on Change Management, in Oct, 16, 2009 and adoption of the Court Intervention Plan.
- Oct 09** 2 day workshop on Change Management and Implementation in a Court setting, conducted by the International Management & Training Institute (IMTI), scheduled for Oct 22-23, 2009.
- Jan-Sept 09** Follow up training on Change Management will be provided.
- Ongoing** Monthly meetings with CMC members for monitoring and evaluation.

Attachment 2.

RENOVATION OF THE BEIRUT JUDGMENT ENFORCEMENTS COURT

A. Introduction

Among the reforms contemplated in the CAIP is improving the existing layout of the court by remodeling the premises. The new design for the Beirut Judgment Enforcements Court allows for efficient use of existing space, privacy for conducting transactions, technical improvements

to accommodate the computerization of the court and improved traffic patterns within the courthouse. The remodeling of the court will also contribute to not only a transformation of the premises but of staff attitudes, a necessary adjustment for successful change management.

B. Background

The Judgment Enforcements Court's interior and exterior were in disrepair, lack furnishings, a courtroom and computers needed for automation. Judges currently hold hearings in their offices, which increased traffic throughout the building. Clerks were scattered throughout the Court surrounded by files. Over 40,000 pending files were being stored in a small room with no security measures in place. They were disorganized, unlabelled and placed in various types of folders. Litigants entered through a side entrance, which did not have signage. Only judges were allowed to enter the court through the main door.

The renovation of the court is designed to link physical premises upgrades to new records management practices. After renovation, all five Judges have their own offices and a courtroom to hear cases. The Registry has been reconfigured to locate all of the Clerks in one registry, providing desks, chairs, and IT equipment. Files will be stored in a secure archive room on mobile shelving which allows for easy access. This enables Clerks to implement records management and case tracking practices increasing efficiency, productivity and improved customer service. Litigants will be able to visit clerks in an orderly fashion through anew queuing system.

Court rehabilitation is an intrusive process and can cause stress and disruption of work. Staff in the Judgment Enforcement Court has experienced this when moving files to the temporary location. Therefore, the Court will be will be expected to plan and implement procedures to ensure a smooth transition from the temporary facility to the newly renovated court.

C. Objectives

- To improve the public image of the court through a centralized registry that encourages better customer service (desks with separations and signage inside and outside the court facilities).
- Renovation of the Judgment Enforcements Court to maximize space utilization that is linked to improved records management practices. Creating a professional appearance to the public which instills dignity within the court setting.

D. Output

- SIJCAJ team surveyed the Judgment Enforcements Court and identified court needs regarding space allocation, archives, renovations, interior fixtures, furniture, custom-made courtroom, and IT equipment installations.
- Renovation of the Judgment Enforcements Court has been made to maximize space utilization that is linked to improved records management practices and created a professional appearance to the public, which instilled dignity within the court setting.

- Judgment Enforcements Court is renovated in a manner that supports optimal space allocation, customer service facilities, computerization of the court and the modernizing court administration practices.
- Easier access by litigants through service desks, directories, signage and organized traffic patterns / Queuing System.

E. Court Renovation Implementation Strategy

- Assess court premises needs through several site visits and meetings with court stakeholders. In coordination with the First President, the Court judges, SIJCAJ determined appropriate assistance with regards to space utilization, furniture, fixtures, equipment and mobile shelving units.
- With the assistance of architecture-engineering expertise, propose the design, layout, and installation of offices, courtroom, registry and signage inside and outside of the court.
- Request for bids of qualified construction firms (subject to donor approval) on renovation works within the court.
- Select qualified construction firm to refurbish courthouse within a 150-day period.
- Installing custom made furniture, mobile shelving units, desks and IT equipment.
- Official opening to the public of the Model Court.

Timeline

Apr-May 09 Court needs survey processed and architectural designs complete.

Jun-Sept 09 Cost estimations for premises refurbishment, and procurement lists prepared for file folders / mobile shelving, furniture / fixtures, and IT equipment.

Aug-Feb 10 Renovations of Judgment Enforcements Court

Feb 10 Installation of customized furniture, mobile shelving and court room

Mar 10 Model Court opening to the public.

Apr 10 Model Court open to the public

Attachment 3. RECORDS MANAGEMENT

A. Introduction

Records management is the practice of receiving, processing and maintaining court documents from the time of opening a case until final disposition. SIJCAJ introduced a records management system in the Model Court and provided a training session on new court administration practices and modernizing current ones.

B. Background

The Judgment Enforcements Court has a very basic intake process. The Clerks log all in coming cases into a Registry. They give cases numbers for each file. Since the lawyers provide files for each case that is opened, there is no uniformity. The files are not clearly labeled. The Clerks are unable to track the cases in terms of status or actual location. Therefore, the Clerks keep files

around their desks and have to search for files when needed. There is no uniformity and the storage of court files. SIJCAJ have introduced a records management system in the Model Court with the goal of implementing records management techniques commencing in next coming period. The records management system will have emphasize multiple features.

(1) Developing a case numbering system that identifies each file by a unique case number.

Since an Enforcement case file could have several case numbers attached to it, a unique case number should be assigned to the file. Consequently, it was essential that a case numbering system be developed as a first step. We will implement the new case numbering system in the Judgment Enforcements Court initially. The successful use of this numbering system will demonstrate the utility in using a common case numbering system which could eventually be used nationwide. This will also allow court staff to work in a more efficient manner. The CMC approved that the number that will be adopted would be the Request Number. This decision goes to all the five types of case files.

Additionally, the CMC decided to use the following designation for the numbering system that will be used in the ECB:

- The language to be used will be Arabic.
- The abbreviation of the “Beirut Enforcement Court” will be written horizontally in Arabic on the top.
- The case type (based on the five categories chosen: Execution, Provisional Seizure, and Executions Lawsuits, Religious-Personal Status, Social Security and Substitutions/Mandates) will be written right underneath horizontally in full words in Arabic.
- The year will be written in numbers (horizontally).
- The request number (number given to all case files of the ECB) will be written in a bigger font size vertically. The length of this section should be as big as the length of the first three sections.

Unique Case number example:

B.E.C.	Abbreviation of Beirut Enforcement Court
Provisional Seizure	Represents the type of case
2010	Represents the year the case commenced
3 0 2	Represents the records number, the unique number given to the file

(2) Introduce uniform file folders that are clearly labeled by case number

SIJCAJ in partnership with the court officials designed a file folder that suits the specific needs of the Judgment Enforcement Court. These file folders are durable, closed on three sides to prevent papers from inadvertently falling out, and have tabs where the unique case number shall be placed on each file. They come in one size (10cm) to reflect the volume of paper generated from the various types of cases.

Due to budgetary constraints, the MOJ's Office of Procurement is unable to guarantee the supply of file folders for the courts. Current practice is for the litigants to buy the folders and present them to the clerks upon initiating a case. The new designed file folders cost \$3.5 which would be made available through the supplier to the MOJ for sale in the Palace of Justice kiosk.

The First President of the Beirut Courts, on behalf of the CMC, approached the Bar Association to get obtain agreement in paying the aforementioned prices for the file folders. Both the Beirut Bar Association and Ministry of Justice approved the use of the file folder. SIJCAJ is providing a set quantity of file folders in advance. However, in order to sustain the use of these folders, buy-in from all stakeholders is necessary. The First President is implementing a policy in the Model Court that obliges all litigants to use these specific file folders.

(3) Modernizing registry and inventory practices that will facilitate implementation of automation and case tracking techniques

Previously, the Judgment Enforcements Court didn't utilize a case tracking procedures. Therefore, creating a basic manual case tracking system allows clerks to find cases quickly and know the status of cases. Case files were given numbers; however, they are not placed on the court files. Therefore, clerks are unable to track cases in terms of actual location. With new file folders that have unique numbers allow the clerks to easily locate the files reducing the time needed to search for files.

Good manual practices are a prerequisite for introducing automation. SIJCAJ assisted the court in enhancing its manual records management system with a basic automated case tracking system. The automated system would not only track the location of cases, but also provide information on the status of the case. This will streamline current work practices that are now inefficient and cumbersome.

Computers have been provided with a basic automation program. In collaboration with Judge Faysal Makki (judge in the ECB), SIJCAJ has been working closely to develop a program that addresses the needs of the Model Court. SIJCAJ, in collaboration with Judge Wassim Hajjar, a former Enforcement Court Judge, and judge Faysal Makki have identified the following fields to be captured by a basic automated case tracking system:

- Name of Parties
- Case Number (unique technical case number generated by the system)
- Case type
- Dates of filings, decisions, requests etc
- Name of clerk entering the information
- Attachments

This automated system will enable court staff to locate case files quickly, track the number of cases, and generate statistical reports than analyze court and judge performance.

(4) Introducing archival storage practices with the use of mobile shelving units.

Modern court administration practices utilize customized case file folders and vertical shelving. SIJCAJ provided mobile shelving units which allow for the quick location of case files. Cases can be identified by their unique case number on file borders, and case files will be stored on vertical shelving allowing easy visibility of case numbers.

C. Objectives

- To implement a new records management practices that allow court staff to work efficiently and in an organized manner.
- To introduce basic automation through a case tracking system that allows for locating cases quickly and ascertaining case status.
- To introduce mobile shelving and archival techniques

D. Output

- The Model Court is implementing a records management system which includes (1) common case numbering system (2) customized file folders (3) vertical mobile shelving units and (4) basic manual and automation case tracking system.
- Reduction in the rate of case misfiling and time spent locating case files.
- Ability to produce basic statistical reports on court performance.
- Organized and professional appearance of Registry and archives room.

E. Implementation Strategy

- SIJCAJ assessed the workflow practices of the Judgment Enforcements Court.
- SIJCAJ and Court President designed a case numbering system to use for the Model Court.
- Model Court obtained buy-in from stakeholders on the use of the customized file folder.
- SIJCAJ and CMC designed a customized file folder that satisfies the needs of the Court staff and litigants.
- SIJCAJ and CMC is modernizing current case intake practices.
- Finalize the rules and procedures for case numbering for use in Model Court
- SIJCAJ, an international automation consultant, OMSAR and Judge F. Makki chose metadata that is required for a basic automation case tracking system.
- Test the automation program.
- Train designated court staff to begin working with program.
- Roll out case tracking system both begin working with program within the Model Court.

Time line

- Jun-Jul 09** Assess the workflow of Judgment Enforcement Court staff
- Jun-Aug 09** Chose a custom made file folder that accounts for court utility
CMC analyzes various options of case numbering and develops a system for the Model Court
Develops basic manual and automated case tracking system for use in the Model Court
- Sept-Oct 09** Finalize decision on use of file folder and order small quantities for sampling
CMC, all Judgment Enforcement Court Judges finalize rules and procedures for case numbering system
Computer training for clerks
Conference on Court Administration, Oct 16, 2009, Movenpick Hotel
- Nov-Dec 09** Train selected staff on automated case tracking system
- Jan 10** Implement modern records management practices which include the new case numbering system, use of customized file folders, basic automated case tracking system.

Attachment 4. Court Administration Workshop

A. Introduction

Since early 2008, the Judgment Enforcements Court has been gearing up for the renovation and introduction of modern court administration practices. In May 2008, a workshop was held by NCSC international consultant, Richard van Duizend, on *Strategic Change and Communication*. In this workshop, participants focused on planning, developing strategies for change and how to communicate change.

To promote change, it is important that the process be well managed and implemented. Therefore, it is important to ensure that all stakeholders are informed especially when dealing with several changes at once.

On October 16, 2009, SIJCAJ held a Court Administration Workshop for all Judgment Enforcements Court Judges and Clerks. This workshop introduced the Court Administration Improvement Plan (CAIP). CAIP is the blueprint for the reforms necessary to modernize the Judgment Enforcements Court. It guided court staff in their preparations for change. Many proposed changes were developed through the Change Management Committee (CMC) meetings especially during the judicial recess. However, gaining further input and ideas from **all** court staff was very useful and necessary in embracing upcoming reforms.

During this workshop, we introduced new file folders; discuss the importance of case tracking through improved manual and automation practices, and backlog reduction strategies. Two national judges spoke about court automation and backlog reduction strategies.

SIJCAJ used this opportunity to update staff on upcoming activities that would be held during 2009.

B. Objectives

- To ensure understanding by all court staff of reform initiatives and implementation strategies by sharing the Court Administration Improvement Plan (CAIP).

- To facilitate the introduction, support and sustainability of reforms within the Model court by guest speaker participation on the utility of using a case tracking program and experience in addressing case management in the Office of Contentious Issues.
- To facilitate, promote and manage the change process.

C. Output

- Drive the change process by communicating information to all employees so they are fully informed about reform initiatives.
- Obtain ideas from all participants on the implementation of reform initiatives.
- To establish leadership teams within the Judgment Enforcement Court that identifies, manages and accounts for specific implementation of reform activities.
- Staff has clear understanding of what it is expected to accomplish.

D. Court Administration Workshop Implementation Strategy

- CMC’s meets bi-weekly to discuss reform initiatives and implementation strategies.
- SIJCAJ drafts a Court Administration Improvement Plan (CAIP) for the Judgment Enforcements Court.
- SIJCAJ identifies speakers for the Court Administration Workshop.
- SIJCAJ provides draft CAIP to all judges and First President of the Judgment Enforcements Court.
- SIJCAJ and all Judges finalize the CAIP and decide on topics that each leadership team will be responsible for.
- SIJCAJ arranges the date and venue of workshop.
- SIJCAJ ensures translation of CAIP.
- SIJCAJ provides CAIP to all participants at least 3 days before workshop.

Time line:

May 09: “*Introduction to Change Management*”, workshop given by Dick van Duizend to Enforcement Court judges and clerks, held from May 17-26, 2009.

Jun09-Ongoing CMC’s meet bi-weekly to discuss Model Court reform initiatives

Jun09-Sep09 Draft Court Administration Improvement Plan (CAIP).

Oct 09 Share CAIP with CMC and all Judges of the Judgment Enforcement Court. Get feed back and comments on draft plan.
 Establish leadership teams amongst Judges on the various topics of reform.
 Send invitations to participants and speakers to the workshop.
 Provide final copy of CAIP to all participants.
 Hold one day Court Administration Workshop.

Oct-Nov 09 Revise and improve CAIP.
 Meet regularly and work with leadership teams on improving and introducing modern court administration practices and implementation strategies.

Plan for follow-up Court Administration Workshop

- Dec 09** Hold one day Court Administration Workshop. Discuss content of future workshops.
- Apr 10** Hold a Court administration and policy-making Workshop for the Executive Committee that demonstrates successful court administration reform attained so far
- May10** Hold a Court administration Seminar for select Enforcements Court judges and clerks on modern court administration techniques that will show a demonstration on modern court administrations practices; The updated version of the CAIP will be shared and discussed with the idea of replicating best practices in other Judgment Enforcement Courts.
- Sep10** Prepare and hold a workshop on successes and challenges in implementing court administration reform. This is a venue to discuss unifying these practices nationwide

Attachment 5. Study Tour-Learning Modern Court Administration Practices

A. Introduction

Study tours that focus on court administration provide participants with firsthand knowledge seeing courts that run efficiently and sound records management practices/procedures. They can watch demonstrations of modern case management programs, case tracking systems and automation, and the use of mobile shelving with unified file folders.

Additionally, participants in study tours can serve as catalysts for change, especially when many are resistant to change. An important component of change management is having the desire to change. By exposing court staff to various court administration practices, participants will embrace revising and learning new and efficient ways of working. They will also be provided with concrete examples of the reforms currently being initiated through the CAIP.

SIJCAJ previously conducted a study to Cairo, Egypt last year to discuss court administration issues. This year, a select group of people from the Judgment Enforcements 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.

B. Objectives

- Provide firsthand knowledge and experience to national counterparts in modern court administration practices in areas of reform recommended in the CAIP.

C. Output

- Well informed court staff on modern court administration practices and techniques.
- Advocates for case administration reform within the Lebanese Judiciary and Ministry of Justice.
- Exposure to efficiently run institutions.

D. Study-Tour Implementation Strategies

- SIJCAJ conducts needs assessment on potential areas of reform in the Judgment Enforcements Court.
- CMCs meet bi-weekly to discuss areas of reform.
- Choose topics of interest for study tour.
- Choose venue for study tour.
- MoJ choose judges and clerks to participate in Study tour.
- Form working group to liaise with NCSC home office on topics of interests for national counterparts and logistical matters.
- Obtain visas for study tour.
- Travel to Washington, DC for 10 days in June 2010.
- Follow-up and debriefing session of study tour.
- Study tour participants prepare paper for court staff on lessons learned and experiences in US.
- Revise and update CAIP as needed.
- Share experiences with other courts interested in case management reform.

Timeline

Jun 09-	SIJCAJ assesses areas of reform in the Judgment Enforcements Court.
Ongoing	CMCs meet bi-weekly to discuss areas of reform.
Sep-Nov 09	SIJCAJ and national counterparts work together in planning study tour Form working group to liaise with NCSC home office on topics of interests for national counterparts and logistical matters. SIJCAJ ensures all logistical matters are dealt with.
Jun 10	Study tour to the United States.

Attachment 6. ADDRESSING CASE FILES BACK LOG

A. Introduction

Addressing substantial backlog of case files is one of the most serious challenges facing the Lebanese Judiciary. In the Judgment Enforcements Court, there are over 40,000+ pending case files. However, the exact number is not known. Due to lack of space, case files are stored in an offsite location adding to the number of case files pending. Additionally, many cases were destroyed in a fire during the civil war. Moreover, there is no accurate statistical data on the number of cases in the Judgment Enforcement Court. And no archive practices or retention schedules for the destruction of closed files. In fact, there is no legislation addressing this issue. SIJCAJ will provide assistance to the Judgment Enforcement Court on creating backlog reduction strategies and plans to be implemented in the Model Court. As a precondition, the court will have to prepare an inventory of all pending cases to identify the backlog and number of incoming cases. With improved records management practices, court staff will be able to

accurately provide statistics about the number of incoming, pending and closed cases in the Model Court.

B. Background

Creating backlog reduction plans and strategies for the Model court will facilitate the reorganization of pending and closed cases. As part of addressing this issue, the Model court case files must be counted and indexed. This will be a large task that will be done by a team of law students. Court staff could also join in this task. They will begin their work in the next coming period.

Another way to approach backlog is by examining rules relating to time lines and recommend modifications where appropriate. Through CMC's, SIJCAJ and national counterparts are beginning to look at time limits that apply in cases filed in the Judgment Enforcements Court. For example, many of the cases in the Judgment Enforcements Courts are still pending because parties have "abandoned" their case; they either moved to another location or have not initiated any action. Some cases are still pending since the 1970's. The CMC has discussed the idea of informing litigants that their case will be dismissed unless a party responds. However, providing notice to parties living in remote areas is difficult and so determining another cost effective method is needed.

Although backlog reduction is a challenging task, it can be done through strong leadership and planning. The Model Court can take the lead in initiating this reform. During the months of October and November 2009, SIJCAJ with the assistance of court staff took a more detailed assessment of the five types of cases filed in the Judgment Enforcements Court. They looked at the length of time each type of case file has been pending and what bottlenecks are contributing to this and they prepared a "Backlog Reduction Assessment". The information provided further information needed to design ways in alleviating these constrictions.

In addition to backlog reduction strategies, creating record retention schedules is a prudent records management policy. A record retention schedule is a table that (1) describes the length of time a file will be retained as an active case file, (2) the reason, for example, legal, financial, and (3) the final disposition of the case file, either the case file will be archived or destroyed. Many courts within Lebanon do not have sufficient space for storage of files. The Judgment Enforcements Court is one such court that has thousands of case files housed offsite in Jdeideh. Record retention policies can help to alleviate this problem.

In Dec09-Jan10, SIJCAJ provided international expert advice and guidance on planning and implementing backlog reduction strategies. Through team effort, the Model Court planned and implemented strategies that could be used a template for other courts in the country.

C. Objectives

- Assist the Model Court in planning, creating and implementing backlog reduction strategies
- Compile an accurate inventory of cases pending and assess by type of case and age of case.
- Conduct a backlog assessment in the Judgment Enforcements Court by examining the five types of cases, age of case and identify bottlenecks contributing to backlog.

- Develop procedures for archiving cases and identify strategies to improve organization of case files.

D. Output

- The Model Court uses the backlog assessment on its five types of cases and specific causes contributing to backlog.
- The Model Court compiles accurate statistics on the number of cases pending.
- The Model Court creates strategies and implements backlog reduction strategies that include modern records management practices such as creating retention schedules and purging of documents.
- The Model Court makes recommendations for legislative reform that addresses backlog reduction.
- Court staff who understand and apply modern archiving and records management practices.

E. Backlog reduction Implementation Strategy

- SIJCAJ and court staff conducts assessment of work flow procedures of clerks in Judgment Enforcements Court.
- Judges and Clerks through CMCs identify and discuss impediments contributing to backlog in the Judgment Enforcements Court.
- SIJCAJ and international court administration consultant provide expert advice on backlog reduction strategies
- CMC through First President Jean Fahed provides recommendations to the MoJ on mechanisms that reduce backlog.
- SIJCAJ and Court leaders will report to stakeholders on Model Courts’ success on reducing case backlog with the aim of introducing national policy change.

Timeline

Jun-Jul 09 Assess the work flow of Judgment Enforcement Court staff

Jun-09

ongoing Begin identifying impediments that cause backlog

Sept-Oct 09 SIJCAJ and court staff commences backlog reduction assessment on five types of cases filed in the Judgment Enforcements Court identifying potential causes for delays

Form leadership team that consists of a Judge and clerk staff specifically tasked to deal with backlog reduction

SIJCAJ and leadership team begin to explore and create plans on back log reduction procedures and practices

Conduct inventory of all pending case files to identify the backlog and number of new case filings.

Nov-Dec 09 SIJCAJ and occasional assistance of international archives consultant provide expert advice and training on case file management and backlog reduction practices.

Attachment 7. COURT STAFF DEVELOPMENT AND MANAGEMENT

A. Introduction

Within the Lebanese Judiciary, there is no systematic training for court support at any level and almost no focus management training. Efforts are being made to address this issue. With the opening of the Judicial Training Institute (JTI) in 2010, a variety of training topics will be offered for all staff within the Judiciary and MOJ.

SIJCAJ will assist the Judgment Enforcements Courts with strengthening the management of personnel and capacity development for court staff in the Model Court As mentioned previously, knowledge on how to change is just as important as the awareness and desire to change. SIJCAJ and will support training that focuses on court administration skills and managing change to support the reforms being implemented under the CAIP.

B. Job descriptions and organizational charts

With the introduction of modern court administration techniques, changes to work flow are necessary. The first step to achieving greater organizational and worker efficiency is to create job descriptions and organizational charts. Job descriptions are communication tools that spell out the responsibilities of a specific job. They set clear expectations of what is expected of staff. Organizational charts are useful in showing the relationships between staff. As staff responsibilities are revised, it becomes easier to incorporate changes. Moreover, new staff will have a clear understanding of the Court structure and their role in it. Therefore, a leadership team has been tasked and worked on job descriptions, assessed current work flow practices and created new ones in line with modernizing the court facilities and court administration practices, and accomplished the requested work on time.

C. Identifying and implementing efficient work practices and training

Through a series of workshops, SIJCAJ assisted the Model Court in creating an organizational staffing chart and updating job descriptions, computer skills, customer service, and incorporate new and improved work techniques that are identified by the leadership team to be used in the Model Court.

Currently, there is no organized system whereby clerks receive the public. For example, intake and reception services are not processed orderly, resulting in customer dissatisfaction. By creating a queuing system, which has been already made possible through renovation of the Model Court, litigant requests will be processed by the clerks in an orderly fashion. This will allow for the easy flow of traffic and a calm, professional atmosphere within the court.

In December 2009, the first workshop entitled “Court Administration –II- (Customer Services and Court Ethics)” was held on implementing efficient work practices that have been identified by the leadership group, professionalism and customer service in the Model Court. This training

involved role-playing and practice sessions to ensure staff is comfortable with the new procedures.

D. Objectives

- To establish a leadership team that identifies, manages and accounts for specific implementation of reform activities.
- To ensure that staff understands their responsibilities and duties within the Model Court by creating job descriptions and organizational charts.
- To identify work practices those need updating and identify new ones that needs implementing.

E. Output

- **Organizational chart that defines organizational hierarchy and positions**
- Job descriptions that clearly define the role, responsibilities and tasks of each court employee
- Clear understanding of what is expected from each employee
- Better management of staff
- More efficient work practices that increase time spent on substantive issues, organization and professionalism

F. Implementation strategies

- Through CMCs, introduce the concept and utility of job descriptions and organizational charts.
- CMC's meets bi-weekly to discuss reform initiatives and implementation strategies.
- Provide samples of job descriptions and organizational charts.
- Form leadership team to create job descriptions, identify current practices that need reform; create new practices based on upcoming reforms in the Model Court and draft strategies for implementing changes.

Time line

Jun-Aug 09 SIJCAJ assesses areas of reform in the Judgment Enforcements Court.

CMC's meets bi-weekly to discuss reform initiatives and implementation strategies.

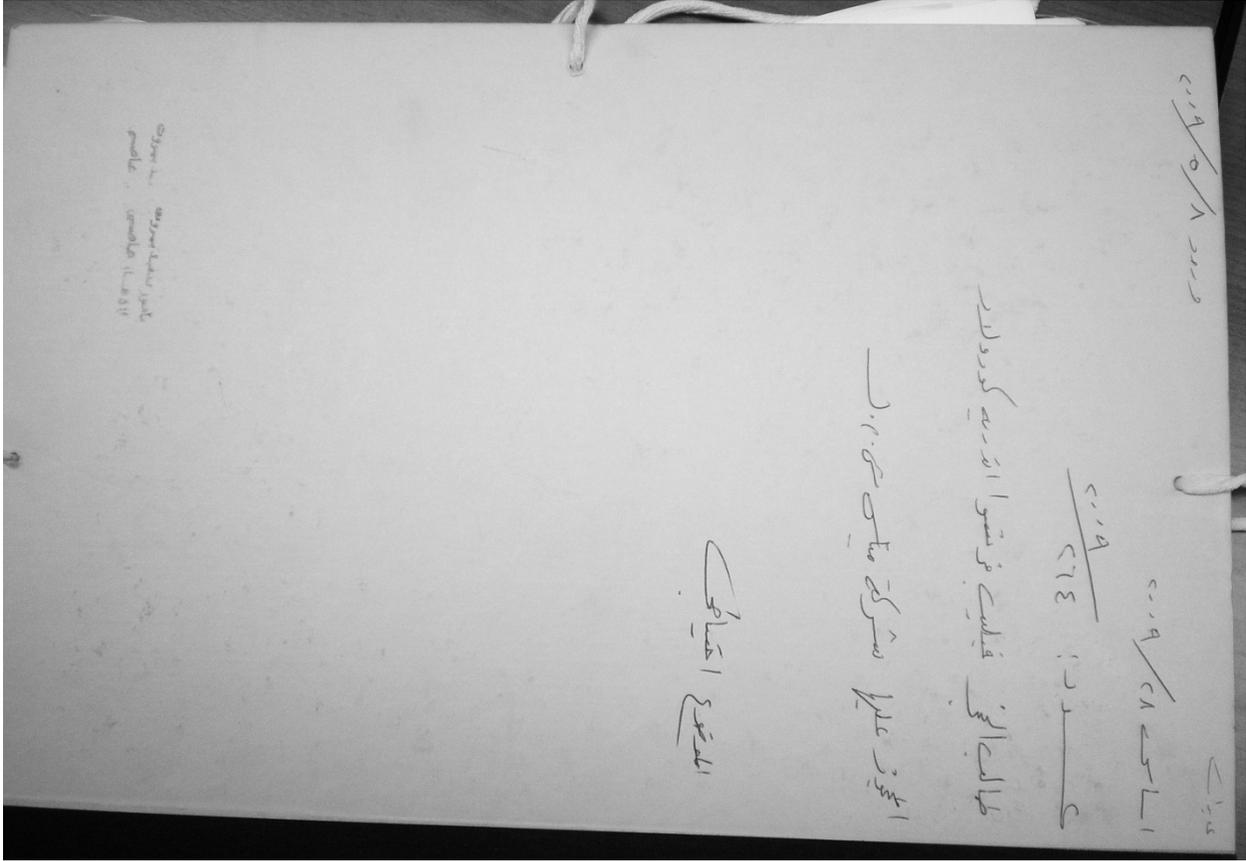
Provide samples of job descriptions and organizational charts.

Sept-Nov 09 Form leadership team to create job descriptions, identify current practices that need reform; create new practices based on upcoming reforms in the Model Court and draft strategies for implementing changes.

SIJCAJ hold training “Court Administration –II- (Customer Services and Court Ethics)” on implementing efficient work practices that have been identified by the leadership group, professionalism and customer service in the Model Court.

Nov-Dec 09 Identify additional areas for training

ATTACHMENT 2



Appendix One
Case File Showing Two Numbers



**Appendix Two
Archive Records Room**



**Appendix Four A
New File Folder Closed**



**Appendix Four B
New File Folder Open**

ATTACHMENT 3

**Beirut Bar Association
Legal Aid Commission**

CAJ-RP-C-CH_____
CH_____

BEIRUT BAR ASSOCIATION LEGAL AID PROGRAM ORIENTATION

MESSAGE FROM THE PRESIDENT

On behalf of myself and the Bar Association of Beirut, I wish to express my sincere appreciation for your willingness to participate in the Legal Aid Program. You will play a critical role in the administration of justice. Because you have accepted an appointment in this case, I know that you understand and are committed to the notion that full and meaningful access to justice for all our people depends upon the availability of high quality and professional legal representation. I am confident that you will provide that level of representation to your client in this case. I also know that in furtherance of the highest ideals of the legal profession, you are providing this service on a *pro bono public* basis. And for that, again I thank you. It is only through your efforts and the efforts of other members of the Association that the promise of equal justice under the law can be fully realized in our country. Good luck.

Sincerely,

Me Amal Fayez Haddad, President

CONSTITUTIONAL AND STATUTORY MANDATE FOR LEGAL AID

The right to counsel in criminal cases is guaranteed under the Constitution of Lebanon. The Preamble to the Constitution, in paragraph b, states in pertinent part that “Lebanon is also a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights.” Article 2 of the Code of Civil Procedures is interpreted to provide that international treaties, covenants, and conventions ratified by Lebanon are binding and applicable in Lebanon as part of the hierarchy of the law. Lebanon has ratified the International Convention on Civil and Political Rights (1976). Article 14 of that Convention provides, in pertinent part, that a person accused of a crime has the right to be present and defend in person, of through counsel of his or her choice, to be advised of these rights, and to be afforded counsel without cost if the person is indigent.

Legal aid to indigent persons in criminal and civil cases is also prescribed by statute in Lebanon. With respect to criminal cases, Article 78 of the Code of Criminal Procedures provides that if a defendant appearing before the investigating judge is unrepresented, the judge either designates a lawyer or refers designation to the president of the competent bar association.

With respect to civil cases, Chapter 7 of the Code of Civil Procedures provides that if one of the parties, who is of Lebanese nationality or a foreigner usually residing in Lebanon where his or her country would grant a reciprocal right to a Lebanese national, cannot pay the charges and fees of a trial, the party may apply for legal aid in order to sue or defend in the first instance or on appeal (articles 425 – 427). The application is submitted in the form of a petition, exempt from fees, in three copies, and is deposited at the registry of the court; the clerk sends one copy to the opposing party, who may respond in writing within five days (article 428). The applying party must attach to the petition a certificate of direct taxes paid by the party issued by the Ministry of Finance and a certificate from any local authority confirming the party's neediness (article 429). Regardless of the financial condition of the party, legal aid will be denied by the court if it is clear that the claim or defense has no merit (article 430). The court summons the parties and holds a hearing, regardless of their presence, and enters a decision, which is provided to the parties and not subject to appeal (articles 431 and 432). A decision granting the petition is provided to the president of the competent bar association, who appoints a lawyer to represent the party (article 433). The lawyer may not receive any remuneration from the client, but the court may order the opposing party to pay the legal fees if unsuccessful and not also receiving legal aid (article 434). The party receiving legal aid may proceed without the payment of registry fees or other necessary expenses, which are paid by the treasury (article 435). If the circumstances under which legal aid was granted change or prove to be invalid, the court may annul its decision, with retroactive effect, on its own or upon the demand of the General Prosecution or Ministry of Finance (article 436). Legal aid ceases without retroactive effect upon the death of the party, subject to a request by the successor (article 437). If the party wins the case, the opposing party must pay the charges, including the advanced charges paid for investigative procedures (article 438). Legal aid continues for the execution of the judgment or for defense in the case where an appeal is taken against the decision (article 439). If the party loses the case, there will be no assessment of attorney fees or repayment of charges unless the party's good financial situation is proved later (article 440). In accordance with the foregoing provisions, the head of the execution department may grant legal aid for the execution of a judgment (article 441).

COURT APPOINTMENT PROCESS

In criminal cases, the appointment of legal aid lawyers typically is accomplished as follows. In police stations, there is a banner advising the persons of their right to a lawyer, among other rights, under article 47 of the Code of Criminal Procedures. When a suspect is summoned to the police station, the suspect has the right to confer with a lawyer, but not to have the lawyer present at the time of the police questioning. Under article 77 of the Code of Criminal Procedures, the suspect has a right to remain silent and not answer any questions. If the Attorney General approves the arrest of a suspect following police questioning, the suspect is referred to the investigative judge, who should, at every appearance, advise the suspect of his or her right to a lawyer, including a legal aid lawyer, to be present during the questioning of the suspect and witnesses by the investigative judge. Upon the request of the suspect, the judge can seek the appointment of a legal aid lawyer through the Bar Association, or, in simpler cases, appoint a lawyer in the courtroom to advise and assist a suspect. Notice of the rights to a lawyer, to a forensic doctor, etc., are stated on the minutes that a suspect is asked to sign, and

the fact that a suspect was advised of these rights must be noted on the minutes completed by the police and the investigative judge.

With respect to civil cases, the President of the High Judicial Council, in consultation with the Minister of Justice, has designated one first instance court in each district to resolve demands for legal aid in civil cases. A demand is made on a form provided by the court. If a demand is made before a judge sitting alone, the judge transfers the demand to the designated three-judge first instance court. The three-judge court sends a formal request to the Ministry of Finance for information as to whether the claimant is registered and paying taxes. The Ministry responds with a letter to the court and, upon receipt, the court makes a decision on the demand. If the letter states that the claimant owns real property, then the court should inquire of the claimant whether he or she is earning income from the property before making a decision. The court endeavors to make a decision within four to six weeks, but there are often lengthy delays in a case resulting from the inability of the Ministry of Finance to timely respond to the request. When a claimant receives a decision granting legal aid, the claimant takes it to the Legal Aid Commission, and is advised by telephone of the name of the appointed lawyer.

THE LEGAL AID COMMISSION

The Legal Aid Commission has an interesting and compelling history, one that demonstrates the long-standing commitment of the Beirut Bar Association to the delivery of legal aid. In 1991, the Association decided to institutionalize the delivery of legal aid through the establishment of the Legal Aid Commission. This decision was taken in response to a need to find representation for approximately 300 accused persons awaiting trial in prison, and in exchange for an agreement with the military court that judges would no longer appoint officers from the courtroom, many of whom were not lawyers. Prior to the establishment of the Commission, legal aid had been provided through an ad hoc system based on direct requests from judges to the President of the Association. In 2000 and 2002, legal aid lawyers represented thousands of persons in serious criminal cases, without regard to nationality or ethnic or religious background. Legal aid lawyers also accepted many juvenile and civil cases.

Presently, the Legal Aid Commission of the Beirut Bar Association has 36 lawyer members, is headed by a President, Dr. Sleiman Lebbos, is served by an Administrator, Ms. Rania Homsy, and maintains an office in the Palace of Justice. The Administrator performs services for the Association in addition to those performed for the Commission. The appointment of members to particular cases is made by the President of the Association, and is confirmed by an official letter of appointment.

Upon the receipt of a request for appointment of a legal aid lawyer in either a criminal or civil case, the Legal Aid Commission Administrator selects a lawyer from the list for referral to the President of the Commission for review and approval and transmittal to the President of the Association. Typically, the Administrator selects a lawyer or trainee lawyer from the list based upon the numerical order of the list. However, based upon their knowledge and experience acquired over several years, the Administrator or the Commission President may go outside of the numerical order in certain complex or more difficult cases, e.g., cases before

the Court of Cassation, to select a particular lawyer or trainee lawyer, or to select trainee lawyers for less serious criminal cases. Otherwise, selection criteria are not applied.

Upon the completion of a case, a Report on Case Proceedings must be submitted to the Commission by the appointed lawyer. Included in the Report are the appointed lawyer's name, the date of appointment, the client's name and nationality, the court and case number, the case type, the number of hearings attended, a code reflecting the outcome, a summary of the case proceedings, the date of judgment (with a summary of the court decision attached), and a place for notes by the President of the Commission.

TERMS OF REPRESENTATION

Having read the above information and understanding my duties and responsibilities, in accepting appointment in this case, I agree:

- To diligently, aggressively, and ethically represent my client in conformance with the highest standards of the legal profession, including promoting the successful resolution of the case through court-assisted mediation.
- To refrain from seeking or accepting remuneration in any form from or on behalf of my client, except funds paid to me by the Beirut Bar Association.
- To respect the confidentiality of the lawyer and client relationship.
- To respect the Law Organizing the Profession of Lawyer and all the internal rules of the Beirut Bar Association.
- To timely and fully inform my client, as well as the Administrator of the Legal Aid Commission, of all significant developments in the case.
- To promptly and thoroughly record all client contacts, deadlines, and case developments in the Case File Memorandum.
- To maintain the Case File Memorandum and the case file in such a manner that a lawyer taking over the case from me would be able to fully understand the case and represent the client following a review of the case file.
- To meet, upon request, with the President of the Commission or any lawyer designated by him to review the case file and the progress on the case (such review will not be considered a violation of lawyer and client confidentiality, the reviewing lawyer will be subject to that confidentiality to the same degree as I am, and the reviewing lawyer will not interfere with my independence inherent in the lawyer and client relationship).
- To attend seminars and courses of particular relevance to the representation of legal aid clients presented by the Legal Aid Commission or the Commission to Oversee the Training of Lawyers.
- To encourage my client, upon the completion of the representation, to complete and return the Client Evaluation Form.

- To complete and submit to the Administrator the Report on Case Proceedings and the case file upon the completion of the representation.

Signature

Date

ATTACHMENT 4

Beirut Bar Association
Legal Aid Commission
CAJ-RP-C-CH _____
CH _____

CASE FILE MEMORANDUM

LAWYER INFORMATION

NAME _____
ADDRESS _____
TELEPHONE NUMBER _____
DATE OF APPOINTMENT _____
____LAWYER ____TRAINEE LAWYER
YEARS OF BAR ASSOCIATION MEMBERSHIP _____
AREAS OF LEGAL SPECIALTY/EXPERTISE _____

CLIENT INFORMATION

NAME _____
ADDRESS _____
TELEPHONE NUMBER _____
DATE OF BIRTH _____ PLACE OF BIRTH _____
GENDER ____M ____F MARITAL STATUS _____
FAMILY SIZE _____ NATIONALITY _____
ETHNIC BACKGROUND _____
RELIGION _____
LANGUAGE(S) _____
DISABILITY IF ANY _____
NAME AND ADDRESS OF EMPLOYER _____

FATHER'S NAME _____

CASE INFORMATION

____CRIMINAL ____CIVIL COURT CASE NUMBER _____
VENUE _____
NAME OF JUDGE(S) _____
DESCRIPTION OF CHARGES OR CIVIL CASE

BASIC CHRONOLOGY OF EVENTS

OPPOSING PARTY OR PARTIES NAME(S) _____

OPPOSING LAWYER

NAME _____

ADDRESS _____

TELEPHONE NUMBER _____

RELEVANT DOCUMENTS _____

POTENTIAL WITNESSES _____

DEADLINES _____

REVIEW OF COURT FILE

DATE _____

NOTES _____

INITIAL CLIENT INTERVIEW

DATE _____

NOTES _____

ON-GOING CASE NOTES BY DATE AND DESCRIPTION OF ACTIVITY

ASSESSMENT AND STRATEGY (ON-GOING)

POTENTIAL LEGAL THEORIES

ELEMENTS OF EACH CLAIM OR DEFENSE OF CLIENT AND EVIDENCE NEEDED TO SUPPORT _____

ELEMENTS OF EACH CLAIM OR DEFENSE OF OPPOSING PARTY AND EVIDENCE NEEDED TO OPPOSE _____

ELEMENTS OF PERSUASION

WHAT IS PERSUASIVE OR HELPFUL TO THE CLIENT

WHAT ARE THE WEAKNESSES OF THE CLIENT'S CASE

REQUIRED RESOURCES

INVESTIGATION _____

EXHIBITS _____

DISCOVERY _____

EXPERT TESTIMONY _____

BEIRUT BAR ASSOCIATION
LEGAL AID PROGRAM

LEGAL AID CLIENT EVALUATION FORM

DEAR CLIENT

We want to find out how well we help our clients so we can improve our services. Please answer these questions and return this form in the envelope provided. No stamp is needed. Your answers will be shared with your lawyer and reviewed by the President of the Bar Association.

Your Name: _____

Your Lawyer's Name: _____

1. What kind of legal problem did you have? _____

2. How happy were you with the legal assistance that you received?

_____ HAPPY _____ IT WAS OK _____ UNHAPPY

Please explain: _____

3. How well did the lawyer listen to what you had to say and understand what you wanted?

_____ VERY WELL _____ IT WAS OK _____ NOT VERY WELL

Please explain: _____

4. Did the lawyer let you know what was going on with your case?

_____ YES _____ SOMETIMES, BUT NOT ENOUGH _____ NO

Please explain: _____
(over)

5. Did the lawyer explain things so that you could understand them?

_____ YES _____ SOMETIMES _____ NO

Please explain: _____

6. Did you feel at ease with the lawyer?

_____ YES _____ NO _____ NOT SURE

Please explain: _____

7. Did the lawyer return phone calls to you right away?

_____ YES _____ SOMETIMES _____ NO

Please explain: _____

8. Was the lawyer on time for appointments with you?

_____ YES _____ SOMETIMES _____ NEVER

Please explain: _____

9. Was the lawyer on time for court?

_____ YES _____ SOMETIMES _____ NEVER

Please explain: _____

10. At the end of the case, did you fully understand the result?

_____ YES _____ UNSURE _____ NO

Please explain: _____

11. Would you request a legal aid lawyer in the future?

_____ YES _____ NO _____ DEPENDS ON THE CASE

Please explain: _____

12. Other comments: _____

**Beirut Bar Association
Legal Aid Committee**

CAJ-RP-C-CH _____
CH _____

Report on Case Proceedings

Designated attorney: _____

Designation date & number: _____ Legal aid petitioner's name & capacity: _____

Nationality: _____ Litigant: _____

Case type code: ___ **Case number:** _____ **Court:** _____

Number of hearings attended by designated attorney: _____

Summary of case proceedings & date of judgment: _____

Additional notes: _____

Case outcome code: _____

Please enclose the following documents with the present report:

- 1) Copy of attorney assignment 2) Copy of summary of Court decision

Signature: _____ Date: _____

Legal Aid Committee

Date of receipt: _____ Recipient's signature: _____

President of the Committee: _____

Notes: _____

Case Type Codes

Case Closing Codes

Criminal
001 – murder

Criminal
100 – legal advice only

002 – conspiracy to murder
003 – assault and battery
004 – threats
005 – terrorism or terrorist acts
006 – domestic violence
007 – criminal associations
008 – conspiracy against the State
009 – carrying unauthorized weapons
010 – denial of freedom
011 – drug and narcotics abuse
012 – drug trafficking
013 – theft
014 – breaking and entering
015 – fraud and trust abuse
016 – false impersonation/public servant
017 – false impersonation/security official
018 – illegal residency
019 – clandestine entry
020 – violation of residency law by foreigner
021 – travel prohibition family sectarian laws
022 – counterfeiting official document
023 – prostitution
024 – facilitation of prostitution or lewdness
025 – slander
026 – drinking and driving
027 – juvenile offenses
028 – prisoner sentence reduction act

Civil

050 – contract claim
051 – contract defense
052 – debt claim
053 – debt defense
054 – eviction claim
055 – mortgage foreclosure
056 – veterans benefits
057 – disability benefits
058 – sale of goods claim
059 – sale of goods defense
060 – property sale claim
061 – property sale defense
062 – social security benefits
063 – divorce with children
064 – divorce without children
065 – spousal support
066 – child support

101 – no indictment
102 – trial acquittal
103 – trial guilty verdict
104 – appeal ct. acquittal
105 – appeal ct. guilty verdict
106 – Cassation acquittal
107 – Cassation guilty verdict
108 – pre-trial detention only
109 – sentencing only
110 – appeal ct. sentence reduction
111 – appeal ct. sentence increase
112 – Cassation sentence reduction
113 – Cassation sentence increase
114 – prisoner sentence reduction
115 – client withdrew from legal aid

Civil

150 – legal advice only
151 – favorable negotiated settlement
152 – unfavorable negotiated settlement
153 – favorable administrative decision
154 – unfavorable administrative decision
155 – favorable trial court decision
156 – unfavorable trial court decision
157 – favorable appeal ct. decision
158 – unfavorable appeal ct. decision
159 – favorable Cassation decision
160 – unfavorable Cassation decision
161 – favorable mediated settlement
162 – unfavorable mediated settlement
163 – favorable arbitration
164 – unfavorable arbitration
165 – favorable collections ct. process
166 – unfavorable collections ct. process

067 – child custody/visitation

068 – paternity

069 – asylum

070 – travel permit

071 – immigration status

072 – citizenship

073 – collections court claim

074 – collections court defense

075 – name change

076 – juvenile neglect or abuse

077 – other juvenile

078 – education

079 – eviction defense

080 – lease claim

081 – lease defense

082 – other landlord and tenant

083 – employment

084 – work permit

085 – wills and estates

086 – miscellaneous

167 – unfavorable collections ct. process

168 – favorable Council of State

169 – unfavorable Council of State

170 – client withdrew from legal aid

ATTACHMENT 7

TRIPOLI BAR ASSOCIATION LEGAL AID PROGRAM ORIENTATION

MESSAGE FROM THE PRESIDENT

On behalf of myself and the Bar Association of Tripoli, I wish to express my sincere appreciation for your willingness to participate in the Legal Aid Program. You will play a critical role in the administration of justice. Because you have accepted an appointment in this case, I know that you understand and are committed to the notion that full and meaningful access to justice for all our people depends upon the availability of high quality and professional legal representation. I am confident that you will provide that level of representation to your client in this case. I also know that in furtherance of the highest ideals of the legal profession, you are providing this service on a *pro bono publico* basis. And for that, again I thank you. It is only through your efforts and the efforts of other members of the Association that the promise of equal justice under the law can be fully realized in our country. Good luck.

Sincerely,
Me Antoine Airut, President

CONSTITUTIONAL AND STATUTORY MANDATE FOR LEGAL AID

The right to counsel in criminal cases is guaranteed under the Constitution of Lebanon. The Preamble to the Constitution, in paragraph b, states in pertinent part that “Lebanon is also a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights.” Article 2 of the Code of Civil Procedures is interpreted to provide that international treaties, covenants, and conventions ratified by Lebanon are binding and applicable in Lebanon as part of the hierarchy of the law. Lebanon has ratified the International Convention on Civil and Political Rights (1976). Article 14 of that Convention provides, in pertinent part, that a person accused of a crime has the right to be present and defend in person, or through counsel of his or her choice, to be advised of these rights, and to be afforded counsel without cost if the person is indigent.

Legal aid to indigent persons in criminal and civil cases is also prescribed by statute in Lebanon. With respect to criminal cases, Article 78 of the Code of Criminal Procedures provides that if a defendant appearing before the investigating judge is unrepresented, the judge either designates a lawyer or refers designation to the president of the competent bar association.

With respect to civil cases, Chapter 7 of the Code of Civil Procedures provides that if one of the parties, who is of Lebanese nationality or a foreigner usually residing in Lebanon where his or her country would grant a reciprocal right to a Lebanese national, cannot pay the charges and fees of a trial, the party may apply for legal aid in order to sue or defend in the first instance or on appeal (articles 425 – 427). The application is submitted in the form of a petition, exempt from fees, in three copies, and is deposited at the registry of the court; the clerk sends one copy to the opposing party, who may respond in writing within five days (article 428). The applying party must attach to the petition a certificate of direct taxes paid by the party issued by the Ministry of Finance and a certificate from any local authority confirming the party’s neediness (article 429). Regardless of the financial condition of the party, legal aid will be denied by the court if it is clear that the claim or defense has no merit (article 430). The court summons the parties and holds a hearing, regardless of their presence, and enters a

decision, which is provided to the parties and not subject to appeal (articles 431 and 432). A decision granting the petition is provided to the president of the competent bar association, who appoints a lawyer to represent the party (article 433). The lawyer may not receive any remuneration from the client, but the court may order the opposing party to pay the legal fees if unsuccessful and not also receiving legal aid (article 434). The party receiving legal aid may proceed without the payment of registry fees or other necessary expenses, which are paid by the treasury (article 435). If the circumstances under which legal aid was granted change or prove to be invalid, the court may annul its decision, with retroactive effect, on its own or upon the demand of the General Prosecution or Ministry of Finance (article 436). Legal aid ceases without retroactive effect upon the death of the party, subject to a request by the successor (article 437). If the party wins the case, the opposing party must pay the charges, including the advanced charges paid for investigative procedures (article 438). Legal aid continues for the execution of the judgment or for defense in the case where an appeal is taken against the decision (article 439). If the party loses the case, there will be no assessment of attorney fees or repayment of charges unless the party's good financial situation is proved later (article 440). In accordance with the foregoing provisions, the head of the execution department may grant legal aid for the execution of a judgment (article 441).

COURT APPOINTMENT PROCESS

In criminal cases, the appointment of legal aid lawyers typically is accomplished as follows. In police stations, there is a banner advising the persons of their right to a lawyer, among other rights, under article 47 of the Code of Criminal Procedures. When a suspect is summoned to the police station, the suspect has the right to confer with a lawyer, but not to have the lawyer present at the time of the police questioning. Under article 77 of the Code of Criminal Procedures, the suspect has a right to remain silent and not answer any questions. If the Attorney General approves the arrest of a suspect following police questioning, the suspect is referred to the investigative judge, who should, at every appearance, advise the suspect of his or her right to a lawyer, including a legal aid lawyer, to be present during the questioning of the suspect and witnesses by the investigative judge. Upon the request of the suspect, the judge can seek the appointment of a legal aid lawyer through the Bar Association, or, in simpler cases, appoint a lawyer in the courtroom to advise and assist a suspect. Notice of the rights to a lawyer, to a forensic doctor, etc., are stated on the minutes that a suspect is asked to sign, and the fact that a suspect was advised of these rights must be noted on the minutes completed by the police and the investigative judge.

With respect to civil cases, the President of the High Judicial Council, in consultation with the Minister of Justice, has designated one first instance court in each district to resolve demands for legal aid in civil cases. A demand is made on a form provided by the court. If a demand is made before a judge sitting alone, the judge transfers the demand to the designated three-judge first instance court. The three-judge court sends a formal request to the Ministry of Finance for information as to whether the claimant is registered and paying taxes. The Ministry responds with a letter to the court and, upon receipt, the court makes a decision on the demand. If the letter states that the claimant owns real property, then the court should inquire of the claimant whether he or she is earning income from the property before making a decision. The court endeavors to make a decision within four to six weeks, but there are often

lengthy delays in a case resulting from the inability of the Ministry of Finance to timely respond to the request.

When a claimant receives a decision granting legal aid, the President of the Bar Association appoints a lawyer to represent the claimant, and the claimant is advised of the lawyer's name and contact information. The appointment is confirmed in writing by the President through an appointment letter to the lawyer.

TERMS OF REPRESENTATION

Having read the above information and understanding my duties and responsibilities, in accepting appointment in this case, I agree:

- To diligently, aggressively, and ethically represent my client in conformance with the highest standards of the legal profession, including promoting the successful resolution of the case through court-assisted mediation.
- To refrain from seeking or accepting remuneration in any form from or on behalf of my client, except funds paid to me by the Tripoli Bar Association.
- To respect the confidentiality of the lawyer and client relationship.
- To respect the Law Organizing the Profession of Lawyer and all the internal rules of the Tripoli Bar Association.
- To timely and fully inform my client, as well as the Administrator of the Legal Aid Program, of all significant developments in the case.
- To promptly and thoroughly record all client contacts, deadlines, and case developments in the Case File Memorandum.
- To maintain the Case File Memorandum and the case file in such a manner that a lawyer taking over the case from me would be able to fully understand the case and represent the client following a review of the case file.
- To meet, upon request, with the President of the Association or any lawyer designated by him to review the case file and the progress on the case (such review will not be considered a violation of lawyer and client confidentiality, the reviewing lawyer will be subject to that confidentiality to the same degree as I am, and the reviewing lawyer will not interfere with my independence inherent in the lawyer and client relationship).
- To attend seminars and courses of particular relevance to the representation of legal aid clients presented by, or on behalf of, the Commission on the Training Institute for Lawyers or the Tripoli Bar Association.
- To encourage my client, upon the completion of the representation, to complete and return the Client Evaluation Form.
- To complete and submit to the Administrator the Report on Case Proceedings and the case file upon the completion of the representation.

Signature

Date

ATTACHMENT 8

TRIPOLI BAR ASSOCIATION
LEGAL AID PROGRAM
CASE FILE MEMORANDUM

LAWYER INFORMATION

NAME _____
ADDRESS _____
TELEPHONE NUMBER _____
DATE OF APPOINTMENT _____
___ LAWYER ___ TRAINEE LAWYER
YEARS OF BAR ASSOCIATION MEMBERSHIP _____
AREAS OF LEGAL INTEREST _____

CLIENT INFORMATION

NAME _____
ADDRESS _____
TELEPHONE NUMBER _____
DATE OF BIRTH _____ **PLACE OF BIRTH** _____
GENDER ___ M ___ F **MARITAL STATUS** _____
FAMILY SIZE _____ **NATIONALITY** _____
LANGUAGE(S) _____
NAME AND ADDRESS OF EMPLOYER _____

FATHER'S NAME _____

CASE INFORMATION

___ CRIMINAL ___ CIVIL **COURT CASE NUMBER** _____
VENUE _____
NAME OF JUDGE(S) _____
DESCRIPTION OF CHARGES OR CIVIL CASE

BASIC CHRONOLOGY OF EVENTS

OPPOSING PARTY OR PARTIES NAME(S) _____

OPPOSING LAWYER

NAME _____

ADDRESS _____

TELEPHONE NUMBER _____

RELEVANT DOCUMENTS _____

POTENTIAL WITNESSES _____

DEADLINES _____

REVIEW OF COURT FILE

DATE _____

NOTES _____

INITIAL CLIENT INTERVIEW

DATE _____

NOTES _____

ON-GOING CASE NOTES BY DATE AND DESCRIPTION OF ACTIVITY

ASSESSMENT AND STRATEGY (ON-GOING)

POTENTIAL LEGAL THEORIES

ELEMENTS OF EACH CLAIM OR DEFENSE OF CLIENT AND EVIDENCE NEEDED TO SUPPORT _____

**ELEMENTS OF EACH CLAIM OR DEFENSE OF OPPOSING PARTY
AND EVIDENCE NEEDED TO OPPOSE**_____

ELEMENTS OF PERSUASION

WHAT IS PERSUASIVE OR HELPFUL TO THE CLIENT

WHAT ARE THE WEAKNESSES OF THE CLIENT'S CASE

REQUIRED RESOURCES

INVESTIGATION_____

EXHIBITS_____

DISCOVERY_____

EXPERT TESTIMONY_____

ATTACHMENT 9

TRIPOLI BAR ASSOCIATION
LEGAL AID PROGRAM
LEGAL AID CLIENT EVALUATION FORM

DEAR CLIENT

We want to find out how well we help our clients so we can improve our services. Please answer these questions and return this form in the envelope provided. No stamp is needed. Your answers will be shared with your lawyer and reviewed by the President of the Bar Association.

Your Name: _____

Your Lawyer's Name: _____

1. What kind of legal problem did you have? _____

2. How happy were you with the legal assistance that you received?

_____ HAPPY _____ IT WAS OK _____ UNHAPPY

Please explain: _____

3. How well did the lawyer listen to what you had to say and understand what you wanted?

_____ VERY WELL _____ IT WAS OK _____ NOT VERY WELL

Please explain: _____

4. Did the lawyer let you know what was going on with your case?

_____ YES _____ SOMETIMES, BUT NOT ENOUGH _____ NO

Please explain: _____

5. Did the lawyer explain things so that you could understand them?

_____ YES _____ SOMETIMES _____ NO

Please explain: _____

6. Did you feel at ease with the lawyer?

_____ YES _____ NO _____ NOT SURE

Please explain: _____

7. Did the lawyer return phone calls to you right away?

_____ YES _____ SOMETIMES _____ NO

Please explain: _____

8. Was the lawyer on time for appointments with you?

_____ YES _____ SOMETIMES _____ NEVER

Please explain: _____

9. Was the lawyer on time for court?

_____ YES _____ SOMETIMES _____ NEVER

Please explain: _____

10. At the end of the case, did you fully understand the result?

_____ YES _____ UNSURE _____ NO

Please explain: _____

11. Would you request a legal aid lawyer in the future?

_____ YES _____ NO _____ DEPENDS ON THE CASE

Please explain: _____
12. Other comments: _____

**TRIPOLI BAR ASSOCIATION
LEGAL AID PROGRAM
REPORT ON CASE DISPOSITION**

Appointed lawyer: _____

Appointment date : _____ Legal aid petitioner's name & capacity: _____

Nationality: _____ Opposing party: _____

Case type code: _____ Case number: _____ Court: _____

Number of hearings attended by appointed attorney: _____

Summary of case proceedings & date of decision: _____

Additional notes:

Case outcome code: _____

Please enclose the following documents with the present report:

- 1) Copy of the minutes of the Court 2) Copy of the Court decision

Signature: _____ Date: _____

Legal Aid Program Administrator

Date of receipt: _____ Recipient's signature: _____

President of the Bar Association: _____

Notes:

Case Type Codes

Criminal Case Type Codes

- 001 – murder
- 002 – conspiracy to murder
- 003 – assault and battery
- 004 – threats
- 005 – terrorism or terrorist acts
- 006 – domestic violence
- 007 – criminal associations
- 008 – conspiracy against the State
- 009 – carrying unauthorized weapons
- 010 – denial of freedom
- 011 – drug and narcotics abuse
- 012 – drug trafficking
- 013 – theft
- 014 – breaking and entering
- 015 – fraud and trust abuse
- 016 – false impersonation/public servant
- 017 – false impersonation/security official
- 018 – illegal residency
- 019 – clandestine entry
- 020 – violation of residency law by foreigner
- 021 – travel prohibition family sectarian laws
- 022 – counterfeiting official document
- 023 – prostitution
- 024 – facilitation of prostitution or lewdness
- 025 – slander
- 026 – drinking and driving
- 027 – juvenile offenses
- 028 – prisoner sentence reduction act

Civil Case Type Codes

- 050 – contract claim
- 051 – contract defense
- 052 – debt claim

Case Outcome Codes

Criminal Outcome Codes

- 100 – legal advice only
- 101 – no indictment
- 102 – trial acquittal
- 103 – trial guilty verdict
- 104 – appeal ct. acquittal
- 105 – appeal ct. guilty verdict
- 106 – Cassation acquittal
- 107 – Cassation guilty verdict
- 108 – pre-trial detention only
- 109 – sentencing only
- 110 – appeal ct. sentence reduction
- 111 – appeal ct. sentence increase
- 112 – Cassation sentence reduction
- 113 – Cassation sentence increase
- 114 – prisoner sentence reduction
- 115 – client withdrew from legal aid

Civil Outcome Codes

- 150 – legal advice only
 - 151 – favorable negotiated settlement
 - 152 – unfavorable negotiated settlement
-

053 – debt defense
054 – eviction claim
055 – mortgage foreclosure
056 – veterans benefits
057 – disability benefits
058 – sale of goods claim
059 – sale of goods defense
060 – property sale claim
061 – property sale defense
062 – social security benefits
063 – divorce with children
064 – divorce without children
065 – spousal support
066 – child support
067 – child custody/visitation
068 – paternity
069 – asylum
070 – travel permit
071 – immigration status
072 – citizenship
073 – collections court claim
074 – collections court defense
075 – name change
076 – juvenile neglect or abuse
077 – other juvenile
078 – education
079 – eviction defense
080 – lease claim
081 – lease defense
082 – other landlord and tenant
083 – employment
084 – work permit
085 – wills and estates
086 - miscellaneous

I53 – favorable administrative decision
I54 – unfavorable administrative decision
I55 – favorable trial court decision
I56 – unfavorable trial court decision
I57 – favorable appeal ct. decision
I58 – unfavorable appeal ct. decision
I59 – favorable Cassation decision
I60 – unfavorable Cassation decision
I61 – favorable mediated settlement
I62 – unfavorable mediated settlement
I63 – favorable arbitration
I64 – unfavorable arbitration
I65 – favorable collections ct. process
I66 – unfavorable collections ct. process
I67 – unfavorable collections ct. process
I68 – favorable Council of State
I69 – unfavorable Council of State
I70 – client withdrew from legal aid

**BEIRUT BAR ASSOCIATION
LEGAL AID TRAINING CURRICULUM**

Course 1 Orientation to Legal Aid Representation

Course Syllabus: The purpose of the course is to provide a thorough introduction to the Beirut Bar Association’s Legal Aid Commission and legal aid program policies and procedures; to reinforce the notion of public interest law; to explain the constitutional and statutory basis for legal aid eligibility in criminal and civil cases and the process available to persons who desire to request legal aid; to review the common types of cases for which legal aid is requested; to provide background information on poverty in Lebanon and particular legal problems faced by the population in poverty and subgroups of that population; to analyze particular problems that may arise in the representation of poor people (e.g., illiteracy, cultural reticence, language capability, religious imperatives, and lack of trust and confidence in the justice system); and to review the expectations placed upon Bar Association members accepting appointment to legal aid cases. The course is intended to be presented over **X** hours in an interactive lecture format.

Course 2 Human Rights and Application of International Covenants and Conventions

Course Syllabus: The purpose of the course is to introduce and reinforce the evolving concept of the application of human rights in criminal cases, with particular reference to the Constitution of Lebanon and the international covenants and conventions ratified in Lebanon and applicable under the hierarchy of the law. This course is intended to be presented over **X** hours in an interactive lecture format.

Course Subject Outline

- Constitution of Lebanon
- Obligation of State under International Law
- Charter of the United Nations
- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child
- Convention on the Elimination of All Forms of Discrimination Against Women
- International Convention on the Elimination of all Forms of Racial Discrimination
- International Covenant on Economic, Social and Cultural Rights

Course 3 Appearing Before the Courts of Lebanon – Practice Tips

Course Syllabus: The purpose of the course is to walk the participants through all aspects of actual practice in the criminal and various civil courts of Lebanon, including the Courts of Appeal and the Court of Cassation; to discuss the requirements for the filing and service of all court papers; to provide practical advice regarding settlement discussions and the resolution of criminal charges before indictment, the drafting of court documents and motions, motion and trial preparation, oral argument, trial strategy and practice, and the preparation of appeal papers; and to stress the importance of effective client contact and involvement. The course is intended to be presented over **X** hours in a combined interactive lecture and practice format.

Course 4 Appearing Before the Religious Courts of Lebanon – Practice Tips

Course Syllabus: The purpose of the course is to explain, in a practical way, information that is necessary to the successful representation of legal aid clients before the various religious courts of Lebanon. This course is intended to be presented over **X** hours in an interactive lecture format.

Course 5 Case Management

Course Syllabus: The purpose of the course is to provide guidance to lawyers in the management of their cases and case files, including client relations, applicable ethical principles, relations with opposing counsel, deadline compliance safeguards, file dictation, recognizing and avoiding conflicts of interest, and relations with judges and court staff. This course is intended to be presented over **X** hours in an interactive lecture format.

Course 6 Common Legal Problems Affecting Prisoners

Course Syllabus: The purpose of this course is to introduce lawyers to common legal problems confronting women and men in prison, either serving sentences or in pre-trial detention, e.g., needs of children and family on the outside, representation in civil matters, challenging pre-trial detention, obtaining legal status and necessary legal documents, and petitioning for sentence reduction. This course is intended to be presented over **X** hours in an interactive lecture format.

Course 7 Special Features of Criminal Defense

Course Syllabus: The purpose of the course is to provide a detailed review and explanation, with reference to the Constitution of Lebanon and the Criminal Procedures Code, of the unique obligations of the criminal defense lawyer, including the obligations to aggressively advocate for the protection of the client's human rights; to aggressively advocate for the client's release from pre-trial detention; to undertake a thorough independent investigation into the law and facts of the case; to decline to assist the prosecutor or court in any way detrimental to the client; and to zealously represent the client in all phases of the criminal proceeding. This course is intended to be presented over **X** hours in an interactive lecture format.

Course Subject Outline

- General Obligation of Defense Counsel
- Initial Interview
- Independent Investigation
- Discovery
- Theory of the Case
- Pretrial Motions
- Trial
 - Preparation
 - Opening Statement
 - Confronting the Prosecutor's Case
 - Presenting the Defense Case
 - Closing Argument
- Sentencing
- Motion for New Trial and Appeal

Course 8 Training of Trainers to Teach English as a Second Language

Course Syllabus: The purpose of the course is to teach a maximum of eight Bar Association members with intermediate English-language skills to be instructors in an English-as-a-second-language (ESL) program for other Bar Association members representing legal aid clients who rely on the English language. The course is intended to be presented in English by an expert in both training of trainers (ToT) methodology and ESL teaching methodology. Assuming moderate English language capability on the part of the members taking the training, it could be accomplished over 30 hours in five days. The members receiving the training would then be qualified to provide English language training to other members of the Bar Association.