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**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. 10
April 1, 2010 – June 30, 2010**

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OVERVIEW

Highlight of Activities

- At the request of the MOJ, a local expert completed a training curriculum for the judicial inspection unit. The project also provided IT equipment (7 laptops) to the Unit. A study tour was prepared for some key members of the Unit. The tour will be held from July 17-24th, 2010.
- At the request of the High Judicial Council (HJC), SIJCAJ continues 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.
- A local consultant presented a draft legal aid needs based assessment for the Bar Association. This study will guide the decision-making process of how to target outreach and community education efforts, a prioritization process that is critical in times of limited resources.
- SIJCAJ provided IT equipment to the Beirut Bar Legal Aid Commission. With project support, software was also designed to improve operational capacities of this institution.
- Judges and Clerks from the Model Court and Office of Contentious Issues successfully completed the Court Administration Study Tour in the United States.
- SIJCAJ hosted three additional trainings for Model Court judges and clerks on change management, records management and introduction to IT. Two Model Court judges played an active role in conducting the training sessions. Judge Chemmesdine, provided training on records management and Judge Makki introduced the newly created case-tracking system for use within the Enforcement Court.
- The renovation and equipping of Lebanon's Judicial Training Institute (JTI) were completed and preparations are underway for the Opening Ceremony in July.
- Judge (ret.) Muheeb Maamari completed his analysis JTI's curriculum and his recommendations on how to improve and modernize the curriculum.
- SIJCAJ Grantees finalized their activities in Q9, and in Q10 they submitted the required reports and financial statements.

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

Subtask I.1 JTI Curriculum Development and Training of Judges

A) Curriculum Development: 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 was tasked with preparing, *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.

This Quarter, Judge (ret.) Maamari completed his analysis and recommendations and submitted his report to SIJCAJ (see Annex 1 and 2). After reviewing the report, the CoP forwarded the document to the JTI’s Curriculum Development Committee for its review and action.

B) Judicial Training: this activity will take place after JTI’s Curriculum Development Committee takes action on Judge (ret.) Maamari’s recommendations.

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

Subtask I.2 Develop and Implement a Continuing In-Service Training Program for Judicial Personnel

This subtask is closely associated with Subtask I.1, *supra*. While the JTI does not train sitting judges, it does trains those candidates that passed the JTI competition exams, i.e., the judge trainees. In collaboration with JTI, SIJCAJ assisted JTI in organizing a number of in-service training for sitting judges. However, due to previous commitments made by JTI

officials and other senior judges, JTI officials requested that SIJCAJ not hold any training seminars in the 10th Quarter.

A) Train the Trainers Course: Nothing to report.

Subtask 1.3 Developing JTI Library Capacity

As set out in earlier Quarterly Reports and Work Plans, SIJCAJ coordinated the selection of legal books with one of its partners, Sader Publishing. This Quarter, SIJCAJ purchased the requested legal books from Sader Publishing and placed them, along with other JTI legal materials, in the newly renovated JTI library.

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. In the 5th Quarter, Dr. Karam completed the psychological selection tool and trained the HJC on how to effectively use the psychological selection tool in its recruitment process. The HJC used the psychological selection materials in its oral interview process for the JTI examinations and, out of approximately 950 applicants, chose 15 candidates who commenced training 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 in the 9th Quarter.

Subtask 1.5 Windows of Opportunity

Nothing to report.

2. TASK 2. ENHANCE JUDICIAL INDEPENDENCE

The project continues to support the momentum to increase accountability and independence of the judiciary. Efforts to refine the Draft Code of Ethics, to complete the new legislation on the Independence of the Judiciary, and to strengthen the newly staff Judicial Inspection Unit have been successfully carried out.

Subtask 2.1 Fostering Institutional Consensus on Judicial Independence Reform

A) Technical Assistance for Drafting New Legislation: In the past quarter, 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. This consultancy is responsive to the HJC needs to increase judges' independence. During the reporting period, the Judicial Independence and Reform Expert began working on the draft legislation. The

bulk of his work consists of reviewing Decree 150 (Law on the Judiciary/1983) on the independence of the judiciary and revising provisions that improved the laws content and strengthen the judiciary's independence. The revision process is proceeding slowly. According to Judge Chamseddine, the assignment needs to be done in close collaboration with HJC President, who has been out of the country on official duty for much of the past quarter. SIJCAJ met with President Ghanem, and he explains that he will have more time to devote to the draft next quarter. President Ghanem expects to complete the revisions during the next quarter.

B) Study Tour - Independence of the Judiciary: SIJCAJ continued to work in close conjunction with the MOJ on the organization of the study tour to be conducted in September 10 in the United States. Minister Najjar proposed a list of candidates including parliamentarians, judges, MOJ representatives, and members of the HJC. NCSC home office has prepared a draft budget. An agenda is also currently being developed. The objective is to provide Lebanese key stakeholders the opportunity to see how the United States has developed its system of separation of powers among the three branches of government and within that framework balances judicial independence with accountability. Topics for the study trip will include, among others, : 1) selection, promotion, and appointment of judges, 2) preparation and management of budget for courts, 3) judicial ethics and discipline, and 4) the judiciary's role disseminating information to the public, engaging the media, and responding to attacks on judicial independence in a public forum,.

Subtask 2.2 Improved Foundations for Judicial Ethics Reform

In order to obtain greater independence, members of the judiciary need to demonstrate accountability. The development and implementation of a Code of Ethics is an important step in this direction.

A) Technical expertise: Last 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. Judge Gabriel Syriani worked extensively on the document and prepared a report for the President of the HJC. Judge Syriani is not convinced that new legislation governing judicial ethics needs to be drafted. According to him, all key ethics provisions are already contained in various laws. He deemed more useful gathering them into a code format with practical explanation and comments for judges. HJC President Ghanem originally advocated for the adoption of new legislation. Following a recent working session with the Judge Syriani, President Ghanem told SIJCAJ that he now shares Judge Syriani's view and believes a code/guide book is more appropriate. During the reporting period, Judge Syriani continued to work on the draft judicial code of ethics. Progress is slow because the HJC President which was out of the country on official duty for most part of the quarter. However, it expected that the pace will quicken next quarter and that Judge Syriani will produce a final draft of the code.

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

Subtask 2.3 Strengthening the Judicial Disciplinary Process

Last quarter, the government appointed a head of the Judicial Inspection Unit (JIU). This position has been vacant since 2004. In fact, since its inception 1959 the JIU has never been fully staffed. The JIU provides audit services to improve court efficiency and investigates allegations of judicial misconduct. The MOJ has selected eight new inspectors to fill all vacant positions. They were officially appointed this quarter. The JIU generally lacks in professional training and equipment. The project is supporting the JIU in a number of areas: training curriculum, IT equipment upgrades, study tour to France, etc.

A) Technical Assistance to Improve the Disciplinary Process: Dispositions regarding the disciplinary process are included in the Decree 150 of 1983 which is currently being reviewed by SIJCAJ expert, Judge Afif Chamseddine (see Subtask 2.1 B). HJC President Ghanem explained to SIJCAJ that the code of ethics that is currently being drafted with Judge Syriani's assistance will contain disciplinary provisions. According to HJC President Ghanem HJC documents concerning judicial ethics and discipline will be presented to MOJ Najjar during the next quarter. Finally, SIJCAJ's JIU training expert, Maurice Khawam (see Section 2.3 B and Annex 3) has included in his training curriculum a series of recommendations aimed at improving the disciplinary process, including revisions of Decree 150 of 1983 (Law on the Judiciary), which governs disciplinary procedures.

B) Training for JIU: In the previous quarter, the MOJ Najjar stressed the necessity to train new JIU inspectors. In coordination with the MOJ, NCSC identified former Judge Maurice Khawam to provide technical assistance. Judge Khawam met with MOJ and SIJCAJ staff. Based on his experience as a former president of the public disciplinary council and as Prosecutor General within the JIU, the Judge Khawam prepared a training curriculum for JIU staff that identifies the following areas for training: investigation techniques, control of court case flow, control of judgment records and decisions, and performance evaluations. The consultant also proposed a series of legislative modifications to improve the role of the JIU, including privileges and immunities. The proposed modifications will be discussed with the inspectors during the training sessions in the next quarter. The consultant also provided a copy of the proposed modifications and overall draft curriculum to MOJ Najjar.

C) Study tour for the Members of the JIU: In order to provide comparative knowledge and experience for JIU staff, the project is organizing a study tour in France (July 17-24th, 2010). The French legal system includes judicial inspection and discipline. It is viewed as a leader and has developed best practices for judicial inspection functions. In fact, countries from around the world, including the Middle East, that have judicial inspection functions routinely send a delegation to France to learn about best practices. In February 2010, France hosted the EU annual convention of all EU Inspection Units SIJCAJ is collaborating closely with the French JIU counterpart in planning the study tour. The study tour for members of the Lebanese JIU will provide participants with firsthand knowledge of a country with a functional judicial inspection unit. Participants will be exposed to a strong operational structure and well-organized procedures. By focusing on an inspection unit that operates proficiently, Lebanese inspectors will learn organizational best practices, especially regarding investigation techniques.

By the end of the study tour, the participants will be able to: 1) improve investigation techniques, 2) evaluate management and organizational policies, 3) identify methods to improve the quality of files they transfer to the disciplinary council, 4) reinforce their knowledge and experience in evaluation of judicial personnel, and 5) articulate a vision for the organizational development of the JIU.

D) Material Assistance to the Unit: The JIU is poorly equipped. In fact few inspectors have an office space. In coordination with the head of the JIU, SIJCAJ purchased seven laptops for JIU use. Inspectors travel extensively throughout Lebanon for their investigations, and these laptops will equip them to gather facts and document findings.

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

A) Develop MOJ Public Information and Communications Capacity: Prior to developing the Fiscal Year 3 work plan (FY3 work plan), 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 FY3 work plan. In a subsequent meeting on March 9th, MOJ Najjar and the head of his public relations department deemed this assistance unnecessary. As requested by USAID, NCSC obtained a letter from Minister Najjar explaining his position. As agreed with the MOJ the head of the MOJ's public relation department will take 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, it would make sense for the head of the department to take part in the study tour being planned under Section 2.1, Subtask 2 – judicial independence and accountability.

B) National Campaign: During the reporting period, MOJ 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 in September. The Minister deemed that spring was not appropriate to conduct the campaign because of the municipal elections. Because of the judicial recess this summer, the campaign shall take place in the fall.

C) Guide Books: The guide books for the *Cour De Cassation* and for the HJC developed with SIJCAJ support were distributed during this quarter at the Supreme Court and in the six jurisdictions where the courts of appeal are located (3,000 copies).

Subtask 2.5 Improved Budget Process within Judiciary

A) Judicial Budget Assessment and Recommendations: The assessment was completed in November 09 and distributed to all key stakeholders.

B) Draft Legislation Advisory Support: The judicial budget assessment presently serves as a resource for retired judge Afif Chamseddine, who is currently completing draft legislation on the judiciary (see section 2.1-A). The draft legislation should be ready this fiscal year and will take into account budgetary considerations. However, it is unlikely that legislation will be passed. Thus, timing will impact all possible follow-up activities - “technical support to budget process” and “training.”

Subtask 2.6 Windows of Opportunity

Nothing to report.

3. TASK 3. COURT ADMINISTRATION REFORM

SIJCAJ continues to provide on-site mentoring to judges and staff of the Beirut Judgment Enforcement Court (Model Court) on improving court administration practices. Due to the completion of the renovations of the Model Court and the opening ceremony preparations, it was difficult to hold training sessions and workshops in the last quarter. However, in Quarter 10, Task 3 conducted four training events, including a Court Administration Study Tour to the United States.

During the reporting period, the MOJ agreed to reconstitute the Executive Committee and identified the Baabda Enforcement Court as a second court counterpart. SIJCAJ will share modern court administration practices developed in the Beirut Enforcement Court with the Baabda Enforcement Court. The MOJ requested that the Executive Committee include all of the first presidents of all the courts of Lebanon and the Director General of the MOJ, Mr. Omar Natour. Unfortunately, it is clear from the meetings with partners and stakeholders that that, while the reactivation of the Executive Committee is an important aspect to court administration reform, it is not the most pressing priority at this time. Gathering first presidents from all of the Enforcement Courts in Lebanon may not be logistically feasible. Nonetheless, SIJCAJ will begin holding Executive Committee meetings for those who can attend and use the opportunity to introduce the basic tenets of court administration and its importance from a policy level. Judges from the Model Court will also participate in future workshops to share ideas, best practices and training. As an initial starting point, NCSC will focus on sharing information and introducing procedures on case classifications and the numbering system in Enforcement Courts around Lebanon.

3.1 Policy Development for Court Administrative Reform

A. Reactivation of Executive Committee. At the end of the quarter, Task 3 held a meeting with MOJ Najjar on reviving the Executive Committee. As discussed above, MOJ Najjar agreed to reconstitute the Committee. SIJCAJ will support the convening of regular meetings and use this forum to introduce basic principles on court administration to other courts. It is clear from meetings with stakeholders that now is not an opportune time to press for policy changes; however, it does not preclude SIJCAJ and stakeholders from introducing best practices into other enforcement courts.

B. Monthly Meetings. Now that the Executive Committee is reconstituted, Task 3 will hold regular meetings on court administration reform and best practices.

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. Last quarter, the Model Court staff moved into the new facility. However, transferring all of the files from the temporary room to the new archives is still ongoing. During the next quarter, Task 3 will invite senior members from the MOJ, possibly the HJC, and other Enforcement Court judges and clerks to attend a workshop in order to get buy-in for court administration reform. 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. Now that the Enforcement Court of Baabda has identified as a SIJCAJ counterpart court, Task 3 staff is preparing to hold a seminar during

the 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 some of the best practices at other Enforcement Courts. In particular, SIJCAJ with the help of Model Court judges will introduce case classifications and the numbering system used in the Model Court.

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. Through on-site mentoring by SIJCAJ staff and meeting regularly with the Change Management Committee, SIJCAJ and court staff continued to streamline practices and conducted four training sessions related to the new case tracking system designed specifically for the Model Court.

In Quarter 10, the interns began working in the Model Court reclassifying, labeling and moving the files to the Model Court archive room. This process will take some time. The implementation of the Model Court's backlog reduction plan, created by Peter Kiefer, an international consultant, is well underway.

(1) Change Management

- A. Model Court Change Management Team. During Quarter 10, 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 continues to streamline manual practices, creating logistical steps for use of interns in implementing the backlog reduction plan, as well as following-up on case numbering issues, and drafting rules and regulations for clerks to follow. During this period, two of the members held training for court staff. These judges will assist in future trainings and workshops for other courts.
- B. Workshop on Change Management. Task 3 will organize an additional workshop on change management and include members from other courts.
- C. Workshop – Follow-up on Change Management Training. Dr. Naji Bejani conducted a follow-up workshop on Change Management on June 3, 2010 at the Beirut Enforcement Court. The training reviewed the principles of change and what changes have been made within the court that are successful and those that remain a challenge.
- 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. Completed – See Subtask 8.1. Task 3 is currently following up on some construction issues raised after the completion of the Model Court.

(3) Records Management

- A. Records Management Training. On April 16, 2010, Judge Ghada Chemmsedine conducted her first training on records management in the Model Court. This training included all of the best practices created thus far relating to case numbering, labeling of file folders, storage of files, rules and regulations for clerks to follow and an update on customer service. It also included role-playing and ended with a question and answer session. Judge Makki briefly introduced the new case tracking system laying the groundwork for the demonstration of its use in subsequent training.
- Install Modern Filing System (Office of Contentious Issues). Task 3 staff continues to work with the Office 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 the last quarter, estimates were received on upgrading a small room designated to become a registry. Judge Tabet chose file folders. During the next quarter, upgrades to the archive room should be complete and use of new file folders should be in use.
 - Follow-on Assistance. Tasks 3 court administration experts will monitor progress and assist Model Court staff and the Office of Contentious Issues with troubleshooting implementation obstacles. They have devised a strategy to expand some of the best practices developed in the Model Court to other courts in general and Baabda Enforcement Court in particular.

(4) Court Administration Workshop

- A. Court Administration Workshop for Model Court and Other Judgment Execution Court Staff. This activity will be carried out in the next quarter now that the MOJ has identified the Baabda Enforcement Court as a project counterpart.

(5) Court Administration Study Tour

- A. Study Tour. NCSC International Visitors Program based in Arlington, VA hosted six judges and two clerks during the Court Administration Study Tour in the US. The study tour commenced on June 12, 2010 in Williamsburg, VA and ended on June 22, 2010 in Arlington, VA. Among the participants included were the First President of the Beirut Courts and Higher Judicial Council member, President Jean Fahed, Judge Habib Rizkallah, Judge of the first instance court in Beirut, and Judge Tabet, from the Office of Contentious Issues. Three judges and two clerks from the Model Court also attended. The study tour covered several topics including records management, case flow management, court automation and human resource development. Participants engaged in an action planning workshop where they chose three priority

for implementation upon return to Lebanon. The agenda for the study tour is attached (see Annex 4).

(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. The MOJ informed that it is unable to provide additional staff at this time. Therefore, the Model Court will not receive the additional staff needed as envisioned. Clerks will have to take on additional tasks until further notice.
- B. Management Training. Nothing to report.
- 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 II.
- B. Court Use of New Technologies. On April 23, 2010, Judge Makki, a Model Court judge, gave a demonstration of the new case tracking system to all judges and clerks. Additionally, IT specialists, Tevega, provided an introduction and training on the electronic equipment purchased for the use in the Model Court. This includes scanners, printers, projector and computers. Upon completion of the JTI in June 2010, and after the judicial recess, clerks will commence basic computer training in preparation for the use of an electronic-based case tracking system. The specific timing of the training will depend on the availability of the computer room. Planning is underway.

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. In Quarter 8, 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 were to begin work during this quarter, but due to final exams, less than half of that figure were able to work. At the end of this reporting period, the number has increased to 20 and more are anticipated to assist during the summer months.

- 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 commenced with the help of law students in organizing case files. This includes counting, categorizing and capturing data. The process is ongoing and will continue until all files are moved and categorized in the archive room. As mentioned previously, due to lack of human resources, the Model Court is relying solely on interns to assist the Model Court staff with this endeavor.

- B. Case Timelines and Backlog Reduction Plan. The Backlog Reduction Plan is complete. A case timeline assessment is on-going. Administrative compliance with case timelines will be discussed and incorporated into a workshop on court administration, to be held in the next quarter.

3.3 Automation of Procurements Office

Nothing to report.

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. Nothing to report. Meetings will resume next reporting period.

D. 3.4 Alternative Dispute Resolution

As foreseen under Section 3.4 of the FY 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 is currently conducting a detailed assessment identifying ADR solutions with the possibility of adopting an ADR program in Lebanon.

- A. ADR Program Assessment. At the beginning of Quarter 10, USAID approved the SOW for Mr. Safa. He began working in May of this quarter and should complete the assessment at the beginning of Quarter 11. He has completed the list of interviewees and designed the questionnaire. In May 2010, Mr. Safa requested a no cost extension, which was granted by the CoP. Task 3 is anticipating a final report at the end of July 2010.
- B. Follow-on Assistance. Nothing to report

3.5 Windows of Opportunity

Open House. Last quarter, many of the lawyers wanted a tour of the new Model Court to learn more about the new practices that are being implemented in the court. The Change Management Committee decided to hold an open house for lawyers and litigants. However, due to challenges encountered in moving the files from the temporary room to the Model Court, the Committee decided to postpone the open house until the files are moved. A new date is to be determined.

4. TASK 4. IMPROVE ACCESS TO JUSTICE

Subtask 4.1 Bar Association Consensus for Legal Aid Procedural Reform

A) Study Trip: Conducted in November 09

B) Follow-on Workshops - Legal Aid Assessment: Completed in Quarter 9.

Subtask 4.2 Improving Bar Association Capacity to Provide Legal Aid Services

A) Needs-Based Assessment: According to the Judge Swanson's report (Sept. 09), 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. Going forward, there will be limited resources for the funding of the legal aid program administered by the Bar Associations. Therefore, it is essential that the Associations make every effort to use those limited resources to meet the most compelling needs for legal aid representation.

During this quarter, NCSC's consultant, Oussama Safa, Director of the Lebanese Center for Policy Studies (LCPS), presented draft research. The objective of the needs based assessment is to inform the decision-making process of how to target outreach and community education efforts, a prioritization process that is critical in times of limited resources. It also can guide efforts to expand legal aid coverage through collaborative agreements with NGO's, thereby providing quasi-legal aid services to targeted populations.

As suggested by Judge Swanson, the needs base assessment includes key categories: (1) a review of the latest data on population, (2) a review of the latest data on income levels and poverty, (3) a review of the prison population, segregated by subgroups (convicted and awaiting trials), and (4) a survey to determine the percentage of the prison population that is/was afforded a lawyer and that is aware of the right to be afforded legal services. Based upon the results of the needs assessment, SIJCAJ will coordinate with the Bar Associations on how to target its efforts to deliver legal aid to those most in need, including developing networks for assistance with other NGO's and government bodies.

Some of the highlights of the draft study are:

- 1) Poverty: regional disparities are striking. In general, the North governorate has been lagging behind the rest of the country and thus its poverty rate has become disproportionately higher than the average for Lebanon. Levels of poverty are above-average in the South and Bekaa. The bulk of poverty is concentrated in four strata: Tripoli City, Akkar/Minieh-Dennieh, Jezzine/Saida and Hermel/Baalbek. These regions account for half of the entire poor population (two-thirds of the extremely poor), while only constituting one-third of the population. Poverty rates are comparatively insignificant in Beirut, the capital. It is estimated below 6%, while the North constitutes 53% of overall poverty, the Bekaa 29%, the South 22% and 20% poverty rates in Nabatieh and Mouth Lebanon.

¹ "Poverty, Growth and Income distribution in Lebanon", op. cit. chapter four, p.77

- 2) Prisons: The total number of inmates is 6,015 prisoners, while the maximum capacity is for 4,800 prisoners. 68.4% of them are in pre-trial detention while only 31.6% are convicted. Most prisoners are male; 215 women are in jail. The total number of foreign prisoners who have executed their sentences and are still incarcerated is 273.
- 3) There are hundreds of civil society organizations (CSOs) in Lebanon working in the areas of the environment, health, disability, human rights, culture, economic development, and other fields. There is limited civil society participation, however, in the legal and judicial sector. Few of the CSOs are providing legal assistance.

NCSC provided comments on the consultant's draft. The final version will be completed early in the next quarter.

B) Public Information Campaign: During this quarter, the Beirut Bar Association and SIJCAJ worked in conjunction to develop a public information campaign focusing on police. Individuals that are arrested and detained in Lebanon are usually not aware of the existence of the Bar Association's legal aid services. It was agreed to produce a poster that will be distributed in select police stations. The proposed poster was designed by the firm Roof Eleven. SIJCAJ has provided a sample to the President of the Bar Association and awaits feedback. Once approved by the Bar Association, it will be printed and distributed to the police stations through the Ministry of Interior. The Tripoli Bar refused to conduct a public information campaign. At the request of USAID SIJCAJ obtained a letter from the Tripoli Bar Association explaining its position.

C) Administrative and Technology Assistance: In his assessment, Judge Swanson pointed out the necessity for the legal aid commission to up-date its software and hardware in order to increase their capacity. During this quarter, NCSC provided a new computer and one scanner to the Beirut Bar Legal Aid Commission. The project also provided software especially designed for the operational needs of the Legal Aid Commission. Software originally developed for management of law firms was adapted so that it complies with the Commission's requirements and needs (see Annex 5). The Commission will be in a better position to gather statistics relevant to its activities.

The president of the Tripoli Bar originally expressed interested in getting the software. However, since the Bar has suspended all activities with international organizations, NCSC has not been able to reach agreement with the Tripoli Bar Association about use and implementation of the software (see Section II, Difficulties Encountered).

D) Workshops on Procedural Up-grade: This activity was completed in the previous quarter with the assistance of international expert Steve Swanson and local consultant Aida Abou Eid.

Subtask 4.3 Legal Aid Training and Sustainable Training Program

Framework for Sustainable Training Program

A) Training Needs Assessment and Legal Aid Curriculum: This activity was completed in the previous quarter with the assistance of international expert Steve Swanson and local consultant Aida Abou Eid.

Legal Aid Training and Public Outreach

A) Training of Trainers: Programmatic: On June 4th a training of trainers session was scheduled to be conducted in Tripoli. An agenda was prepared with the president of the Tripoli Bar Association. However, the day before the event, the project was informed that the Board of the Bar Association had suspended its collaboration with all international organization until further notice (see Section 11, Difficulties Encountered).

B) Legal Aid Certificate Ceremony: A ceremony will be held in the next quarter.

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 expressed a desire to hold the event in September 2010.

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. At the request of USAID, SIJCAJ obtained a letter from UNDP confirming the status of their funding and implementation stage regarding this activity. Similarly, the president of the Tripoli Bar Association has mentioned to SIJCAJ that he is not interested in obtaining a kiosk. At the request of USAID, NCSC obtained in that regard a letter from the Tripoli Bar Association. Accordingly, NCSC will not purchase and install kiosk in the Beirut and Tripoli courthouses.

Subtask 4.4 Recruitment of Legal Aid Attorneys

The annual awards ceremony is a key event to recruit and recognize legal aid attorneys. The ceremony will be organized this coming fall.

TASK 5 SUB-GRANTS TO ENHANCE THE RULE OF LAW

Subtask 5.1 Awarding Grants

TASK 5 SUB-GRANTS TO ENHANCE THE RULE OF LAW

Subtask 5.1 Awarding Grants

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 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, the three NGOs submitted the required technical and financial reports to SIJCAJ.

TASK 6. JUDICIAL SECTOR STRATEGIC PLANNING

Subtask 6.1 Strategic Planning Initiative

In each of the past two quarters, SIJCAJ supported strategic planning sessions for the MOJ and the judiciary. Both led to the development of recommendations. Previously, MOJ Najjar announced that the next strategic planning session (retreat) will focus on the issue of judicial independence. According to MOJ Najjar and HJC President Ghanem, this retreat could not be organized this quarter because of conflicts and an overload of activities. No date has yet been scheduled for this next planning session. The judiciary is on vacation recess from July 15 to September and, thus, the retreat cannot be scheduled until after the judicial recess ends.

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

Activity completed during Quarter 8 (Oct-Dec, 10).

TASK 8. REFURBISHMENT OF MODEL COURT AND JUDICIAL TRAINING INSTITUTE

Subtask 8.1 Model Court

Activity completed in Quarter 9 (Jan-Mar, 10)

Subtask 8.2 Judicial Training Institute

Construction: During this quarter, Betabat completed the construction work at JTI. The facility is ready for the Opening Ceremony that will be held on 14 July.

9. PERFORMANCE INDICATORS FOR THIS QUARTER

Progress towards achieving indicators during this quarter is set out in the Performance Monitoring Plan. See attachment (Annex 6).

10. CHANGES IN KEY COUNTERPARTS

Nothing special to report.

11. DIFFICULTIES ENCOUNTERED

During this reporting period, the Tripoli Bar Association suspended its cooperation with all international organizations following a conflict with the American Bar Association project in Lebanon (Swedish and Danish funds). The tensions between the two institutions began months ago when the ABA planned to involve Palestinians from the North in one of their project activities (a survey) that could, according to the Tripoli Bar Association, lead to security issues. ABA then obtained an official legal decree for the opening of an agency, (NGO registration). According to the Tripoli Bar Association, the said decree seems to create a new bar in Lebanon in contravention with the “Loi sur la profession des avocats.” The decree was perceived by the Tripoli Bar Association as a way to go around them. This decree supposedly touches upon sensitive issues for lawyers in Lebanon. The Beirut Bar Association is supporting the Tripoli Bar Association in this matter. If the decree is not cancelled, the President will bring this matter in front of the State Council.

SIJCAJ’s CoP met with the President of the Tripoli Bar Association to discuss the situation. The bar association president stressed the fact that appreciates SIJCAJ’s professional approach in collaborating with the Tripoli Bar Association. In fact, the president was pleased to mention that his association is making full use of the protocols developed last quarter with Judge Swanson. The President promised that if the decree adopted on behalf of the ABA is cancelled (deadline July 15th, 2010), he will resume activities immediately with SIJCAJ. He looks forward to future collaborations related to training on the protocols and IT assistance.

12. ACTIVITIES ANTICIPATED IN NEXT QUARTER

- Support the HJC and the MOJ in their effort to produce a strategic planning document
- HJC completes the final version of the judicial ethics code/guide book (local expert)
- HJC completes the revision of the Law on the HJC (local expert)
- Organization of Law Day and MOJ public campaign
- Conduct Beirut bar association public campaign
- Conduct JIU study tour in France (July 19-24)
- Conduct Independence of the Judiciary Study Tour in the US (September 12-19)
- Opening ceremony of the JTI
- Commencement of upgrades and a basic records management and case tracking system within the Office of Contentious Issues
- Various court administration workshops

ATTACHMENT 1

To the respected administration of USAID

In reference to the letter of the JTI president following your letter N° L0954 about you taking note of the establishment by the JTI Board of Directors of an advisory committee (Curriculum Development Committee) entrusted with modernizing the Institute's curriculum related to preparatory or continuous training of judges and assisting staff,

The committee including the First President of the Cassation Court as President, the Director General of the Ministry of Justice as Vice- President, the President of the MoJ Office of Contentious Issues and myself as members

In reference to the task you assigned to us as to conducting an integrated study about the possible ways to modernize the institute's intervention methods,

Pursuant to my first report submitted on 30/10/2009,

I submit hereby the final report about my mission with the introduced and implemented modifications and suggested recommendations.

The Judicial Training Institute in Lebanon is considered to be one of the most influencing judicial bodies because it is through the institute that judges are appointed in different fields and trained. This apparatus is affiliated with the General Directorate of the Ministry of Justice and was established by virtue of the law issued in decree N° 7855 of 16/10/1961 (Statute of judicial judges) amended by decree N° 7238 of 8/5/1967 that determined the teaching system to be used and that was followed by rules of procedure issued by the Ministry of Justice. These texts stayed applicable until the issuance of the last judicial justice law on 16/9/1983 that handled JTI-related issues in many articles (from article 54 to article 76).

The main goal of the institute was to train trainee judges for three years after their appointment so they can enter the cadre of sitting judges in judicial, administrative or financial justice. The law has also entrusted the Institute with training paralegals, public notaries, and experts through special training sessions and training foreign judges as well. However, the essential role of the JTI is to train Lebanese judges, which is extremely important since it is mainly reflected in the work and image of the judiciary. In principle, entering the Institute is the main path to carry out a judicial function unlike many other systems including the French system where qualified persons can be directly appointed, many European systems where judges are elected and the Anglo-Saxon system where judges are elected or some appointed among experienced law professors and lawyers.

The Institute's system has been somewhat amended, yet, this amendment has only affected some details. The main regulations are still the same but some bodies have been modified. For instance, a board of directors was established to be the main reference for the Institute's work and role. The last law did not tackle details unlike the previous law that fixed the curricula, determined course hours and stated details related to exams and grades. Some have criticized this silence in the new law; nevertheless, it was a good choice since going into details imposes meaningless restrictions, prevents interaction and impedes development. The flexibility of the legislative status allows developing programs and training methods without any need to resort to amendments. That was what actually happened since the establishment of the aforementioned committee. The CDC made vigorous and tremendous efforts that lead to the creation of a new distinguished environment favorable to the consolidation of the Institute's work. However, many matters, notably those related to the organizational aspect, have remained the same, not because improving the performance needs texts of law but because it calls for the intervention of the political authority especially that development requires public funds. The committee tried here also to improve the situation and succeeded thanks to external commendable contributions made by USAID and Acojuris mandated by the Community of European States.

This is not the first time that endeavors to consolidate the Institute's work are made.

Professor CATALA had submitted on 19/11/2003 a detailed report in which he did what can be called a comprehensive survey of the situation and presented some suggestions after having met senior judges, JTI officials and political leaders.

On April 16, 2006, a French committee, composed of officials from the judicial institute in France after which the Lebanese JTI was modeled, wrote a comprehensive report known as “AZIBERT report” that tackled all organizational aspects of the JTI and made many recommendations.

These two fundamental reports did not lead to any concrete result and the recommendations only remained wishes. The reason might be that they needed to change the system or that they presented inapplicable solutions.

The newly established committee aimed at treating with the reality and finding pragmatic solutions that do not require the establishment of a brand new structure.

I examined the situation of judicial institutes in France and several Arab countries and met with the JTI director Dr. Sami Mansour and JTI president Souheil Abboud. I also listened to judges especially those graduated from the Institute and thus, got acquainted with their needs. Moreover, I came to know about the recent amendments introduced to the French judicial institute’s system after the visit paid by French officials to Lebanon one month ago. Then, I resumed teaching in the Institute for six months after an absence of ten years during which my work was limited to teaching in universities. I also actively participated in the training of sitting judges and in the development of a training program. Consequently and due to my long experience as a teacher in the Institute, as a former member of the Board of directors and as a former member of the High Judicial Council, I was able to build an integrated perception dominated by realistic solutions that don’t require any modification of the system nor law amendment nor impossible or difficult decisions.

Many of the solutions related to the educational aspect were agreed upon and implemented after being adopted by the committee headed by Dr. Ghaleb Ghanem, President of the High Judicial Council. Some of the solutions have become reachable and don’t demand any decision from the Board of directors. As for the perception pertaining to the organizational aspect, it requires some financial capacities, even if through foreign contributions. The necessity of adopting this perception has become completely anchored in all minds. What is thus required is not difficult to obtain and only needs a decision that implements it.

Section 1: The Judicial Training Institute and its position in the judiciary in Lebanon

The judges

The Judiciary in Lebanon is composed of the judicial, administrative and financial justice. Judicial justice consists of first instance courts chambers or individual judges, of appellate courts that look into appeals, and of a cassation court which is the highest judicial court that reviews the decisions of appellate courts and their applicability on law provisions without reviewing the case again unless the appellate decision is annulled.

Administrative justice examines administrative cases and is headed by the State Council. As for financial justice, it is entrusted to the Court of Audit.

This system largely resembles the French system, but differs from it with respect to the method of appointment of judges. In fact, the role of the French judicial Institute is only related to judicial judges and to paralegals.

The judicial body in Lebanon consists on one hand of courts that look into civil and criminal cases and on the other hand of general prosecutions, all governed by one system. Any judge can move from one position to another during his carrier.

The same system also applies to the appointment of judges. The majority of judges in Lebanon are appointed by means of an exam that enables them to enter the Judicial Training Institute where they spend three years receiving practical lessons and joining courts to acquire the necessary experience. Few judges are appointed amongst lawyers or paralegals. The Institute in Lebanon plays thus a primary role in the selection and training of judges. So the task of the Institute is to train the appointed judges since they are still young, freshly graduated from law school and lack the necessary experience the training they get in the Institute is supposed to provide them eventually with.

Paralegals

This term encompasses courts clerks, public notaries and experts. The clerks have an extremely important role that requires in many cases a minimum of legal knowledge they usually acquire through experience since very few of them have a law degree. They also need training supposed to be provided to them by the Judicial Training Institute for there is no other institute charged with their training as is the case in France.

Public notaries are appointed among the holders of a law degree and are considered as public servants in the broad sense. As for experts, they practice an independent liberal profession and they are specialists in various technical fields, however, they need a minimum of legal knowledge, particularly concerning the respect of basic procedures. The Judicial Training Institute is, to date, the only means to arm them with such knowledge.

The tasks of the JTI have consequently multiple aspects. Article 54 of the law on judicial justice states the following tasks as that of the Institute:

- 1- Preparing trainees to undertake judicial work.
- 2- Organizing training courses for bodies that help the judiciary, paralegals, public notaries, experts, and other persons whom the Minister of Justice considers should attend training sessions.

Many see that the JTI should also play an active role in the continuous training of sitting judges for it is the only studies center affiliated to the Ministry of Justice.

These tasks are various and multiple; therefore the Institute should be well-equipped to accomplish them. It should have as well the necessary human and technical qualifications. These are unachieved matters as we will see later and the institute officials still rely on external contributions provided by European countries through Acojuris and by USAID. This is mainly due to the fact that the Institute has too many needs but does not possess the financial capacities or the human resources to perform these tasks altogether.

In the absence of these capacities or contributions, The Institute's role is only limited to the training of trainee judges.

This initial and essential mission is not easy and is very ramified. The JTI was initially established to train judicial judges but this mission was expanded by virtue of decree law N° 150/83 that founded a public law department in the Institute (article 76) to train trainee judges to become assistant counselors at the State Council. Then in 1992, a financial law department was established to train trainee financial judges to become financial judges at the court of audit. This way, the training to be provided by the Institute as stated in article 54 became three-dimensional unlike the case in France where only judicial judges are trained by the Institute.

Section 2: Current situation of the Institute and improvement methods

First- Situation of the Institute:

The Judicial Training Institute was established in 1992 and was modeled after the French Institute ENM but is totally different from it organizationally since it is not administratively and financially independent.

The JTI in Lebanon is affiliated with the Ministry of Justice and is under the authority of the Minister who is represented by the Director General of the Ministry. Its situation is similar to the "School of clerks" ("Ecole des greffes"). It comprises three main bodies:

- 1- The Institute is headed by a high-ranked judge mandated pursuant to a decree adopted upon proposal of the Minister of Justice after the approval of the High Judicial Council.
- 2- The training is directed by a judge mandated by virtue of a decree issued in the same way. The expression “mandate” means that the Institute’s President and Director hold, in addition to their work in the Institute, judicial posts and that they do not exclusively work for the JTI as is the case generally in France and Arab countries.
- 3- The Board of Directors of the Institute is comprised of the President of the High Judicial Council as president, three permanent members: the Director General of the Ministry of Justice, the President of the JTI and the Director of the JTI, and two sitting judges appointed by virtue of a decision of the Minister of Justice after the approval of the High Judicial Council for three years only renewable once.

The Board of Directors takes all the primary decisions related to the Institute’s affairs. It is in charge of developing the main programs, determining the educational and behavioral evaluation methods, organizing studies, selecting teachers and contracting with them through the President of the Institute, which adds a certain flexibility that allows a continuous modification of the main options.

As for the President of the JTI, he takes all the decisions necessary to enforce the Board’s decisions. He sees to the good work performance and is the head of the employees affiliated with the Institute.

The Director does not have any specified tasks entrusted to him by the law; he only “acts on behalf of the President when the latter is absent”.

From all what precedes, it is clear that the role of the administration is very restricted and that the decisions are eventually taken only by the Board of Directors. In addition, the director has no determined prerogatives. It is this structure that is criticized and that must be modified according to all, for it is not anymore in conformity with the Institute’s developing role, various tasks and expanding needs.

At the time the Judicial Training Institute was founded, its task was to train no more than twenty trainee judges all affiliated with the judicial courts system. Today, the number of trainee judges has exceeded a hundred and training tasks have become more diversified since they now include administrative and financial justice. Moreover, the JTI has turned into a potential center for continuous training of sitting judges and an actual center for training paralegals. The European Union, through Acojuris, is determined in this regard to launch an integrated project that includes a comprehensive review of this regulation and can lead to an essential amendment of the law articles that govern it. This evaluation aims at handling the current laws and suggesting methods that can consolidate the role of the Institute under its current regulation without bringing about any change to the fundamental rules applicable at present.

Second- Methods to consolidate the Institute’s role

This consolidation can be achieved through the following actions:

1- The financial aspect:

The JTI does not have a legal personality or financial independence. It is in fact a body attached to the Ministry of Justice and more particularly to the General Directorate. Many see this fact as a bottleneck that impedes the possibility of developing the Institute. However, we still think it’s possible, even in the current situation, to consolidate the Institute’s role by allocating to it in the public budget enough resources that enable it to achieve the goals it was created for. This measure

does not require any amendment of its legislative regulations and is, for many, enough. There have not been any similar arrangements so far, that is why the JTI depends on the contributions presented by some organizations like Acojuris and USAID so it can fully play its role. This is only a temporary solution until the necessary decisions are taken in this regard, which is absolutely not impossible or difficult.

2- The administrative body:

The President of the JTI is in charge of implementing the decisions taken by the Board of Directors and does not have, legal wise at least, any independence. Yet, this situation has never had to this day any negative influence on his real performance since he is a permanent member of the Board and has a major influence on all the decisions taken. This also applies to the Director of the Institute whose role is limited, according to the law, to act on behalf of the president in case of his absence. Despite this constrained organizational role, the director has really had a big impact on the Institute's daily life thanks to his permanent availability, the review of all relevant details and his participation as a permanent member of the Board of Directors. The criticism addressed in professor Catala's report and judge Azibert's report to the regulation texts are totally relevant from a theoretical viewpoint, yet it did not have any real influence on the performance of the President nor on that of the Director.

The main hurdle to the Institute's work is the lack of employees and technical equipments even very basic ones. The JTI cannot function with this very small number of employees. Increasing this number is a very simple process and the administration can easily do it anytime through opening the door to employment. As a matter of fact, Lebanon is full of university graduates and highly qualified persons. In my opinion, recruiting even a small number of specialists in legal and socio-psychological affairs and IT is enough to fill much of the void and positively reinforce the Institute's role. This measure can be done at first through contraction. This is one of the main problems from which the JTI suffers; the defect does not reside in the texts of law but in the implementation. Taking into consideration these minor details can spare us the review of the entire structure of the Institute.

The bodies that have assumed the responsibility of assisting the JTI like USAID and Acojuris can play in the area a fundamental role even if it were for a limited period of time. They can contract with these specialists and put them at the disposal of the Institute's president and director until the State assumes its duties in this regard.

3- Financial resources and logistics:

The development of the JTI's role and diversification of its tasks require financial and logistical capacities that largely exceed those currently available. Some of the main needs should be provided as quickly as possible.

a) A decent place and equipments

At present, the Institute occupies a floor in the Ministry of Justice building and is not sufficiently equipped. So, one of the first requirements would be to ensure a decent and well-equipped location with enough offices, lecture halls supplied with modern equipments and a library that is able to fit an acceptable number of judges. This major requirement will apparently be fulfilled thanks to USAID. Equipments are one of the essential matters, notably all that is related to modern electronic telecommunication means, printers, scanners, and fax machines.

b) The library

It is the essential medium of work. The JTI library is one of the best libraries attached to the Ministry of Justice and is supposed to be attended by all judges so it can become a means of communication among trainee judges and sitting judges. Therefore, the library must be supplied with legal books and magazines subscription to which costs large sums of money. Legal references must also be expanded so that they don't stay limited to French law but also include other references like Anglo-Saxon laws. Moreover, the library should be equipped with computers to ensure internet access to foreign legal references. Access to some of these references (like

Juriclasseur) requires annual subscriptions yet it is crucial to enable judges to be up-to-date about the evolution of modern jurisprudence. Access to references online also saves space since it is difficult to envision a huge library that contains thousands of books at the time when information can be easily consulted online. It is also essential to have a team of specialists in charge of introducing the judges to the modern communication technologies and the appropriate searching methods.

The bodies ready to offer assistance can also be instrumental in achieving this fundamental kind of gains.

4- The administration, teaching staff and full-time work

It is a crucial issue even more important than the curricula and teaching methods we will tackle later.

All judicial institutes, in France and in the Arab world, have a full-time working teaching staff.

All the officials entrusted with administering them are only dedicated to the judicial educational work.

The reports and studies conducted about the JTI in Lebanon lie within this context. They all mention a consensus about it even among officials.

This total devotion to educational work from some teachers at least has two characteristics: first, it provides a minimum of steadiness in the teaching methodology. It ensures the permanent presence of some teachers in the Institute and a regular contact among them and with judge trainees. It is through this continuous relationship that the trainee judges can acquire the experience they lack to solve dilemmas and problems they might encounter in the cases that will be exposed to them once they are appointed in courts. Appointment in courts is a fundamental part, the foundation even, in the training of trainee judges yet it is not enough at all to develop the trainees' practical way of thinking because many of the judges they will be attached to don't have an extensive experience. Therefore, to rectify this situation, it was necessary to ensure the presence of well-experienced teachers. This essential method should be adopted, or else practice in courts will not be only deficient but will negatively affect the appointed judge who can be influenced by mostly incorrect opinions.

The full-time work issue is brought up with respect to the Institute's administration and teachers.

a) With respect to the Institute's President and Director

The development of the JTI and diversity of its specializations and tasks have become a burden on both the President and Director. They are the ones who perform all these tasks de facto not pursuant to any texts of law whereas there should be a director of external affairs, a director in charge of continuous training and a director entrusted with the training of paralegals. The present situation makes it impossible to assign all these missions to the current administration unless it is exclusively working for the JTI. Full-time work is inevitable, yet, it cannot be imposed on a judge who eventually has the freedom of choice. In this context, it is worth mentioning a practical difficulty that could prevent this wish from coming true. The judicial educational vocation can only be confided to senior judges well-known for their great knowledge and wisdom, thus, their total devotion to educational work might negatively impact the performance of the judiciary in general. Therefore, it would be better to surround them with contractual assistants specialized in the educational field to assist the current administration to do its duties. This practical solution remains possible if complete devotion to teaching can negatively affect the status of the judiciary. Anyway, ensuring this devotion does not require any amendment of law, it can be done through a complete actual delegation.

b) With respect to the teaching staff

The teaching staff is not supposed to be wholly working exclusively in the JTI. Many seminars and lectures are only organized for a short period of time as we will see later. So the judge does not have to join the Institute on a permanent basis and be prevented from exercising his judicial work at a time when the judiciary is in need of active judges. Furthermore, the judges who will be in charge of the training are the cream of the crop, hence, it would be unfair to deprive litigants from their capacities. In the French system, the number of full-time working judges is six at maximum despite the fact that the number of trainee judges is extremely high.

The purpose of exclusive working hours in the JTI is, as previously mentioned, not to designate one judge to give lectures but to educate young judges and arm them with the necessary experience, which can only happen through engaging with the trainees in discussions, listening to them and guiding them. It is thus a continuous high-level educational work that demands permanent communication and collective discussion groups. This is what's required from full-time working teachers whose number is not supposed to be that high. The JTI is not a teaching institute, it's a training institute.

All legal courses despite their ramifications can be divided into few sections each assigned to one teacher so that trainee judges can consult him/her about it. Full-time working teachers rarely give lectures but they are available on a regular basis to motivate the minds, tackle issues and explain general unwritten principles. They play an instrumental role in the education of trainee judges and in all aspects related to continuous training. In fact, they hold periodic workshops to benefit everyone, particularly sitting judges.

This role can also be played by experienced retired judges the Institute can contract with. The presence of these teachers would relieve the administration from a major part of its burden. It is an applicable solution and, in my opinion, a practical way to overcome many of the difficulties the JTI is currently facing.

Section 3: Role of the JTI in training trainee judges

The JTI was initially established to prepare trainee judges to undertake judicial work. Judges in Lebanon are only appointed, in principle, by means of an entrance exam to the Judicial Training Institute organized by the High Judicial Council and the Institute's administration. As for direct appointment of sitting judges, it is an exceptional measure rarely adopted by the Ministry of Justice. There isn't in Lebanon any text of law that allows the direct appointment of some professors or specialists, which is an arrangement adopted in many European countries that follow the French system. This measure is particularly used in France where some of those are appointed as councilors in the cassation court or State Council or financial judiciary. This fact illustrates a lack in the Lebanese legislation that deprives the judiciary from highly competent and experienced individuals knowing that experience is a major factor in a judge's performance. So, the appointment of judges in Lebanon is mostly limited to law school graduates, who are youngsters with no experience in the judicial field. The main goal of the training at the JTI is to give them a minimum of on-the-ground experience. The curriculum was developed on this particular basis, the proof being what is stated in the law of 11/8/1967.

“The Judicial Training Institute provides training for students to be appointed in judicial posts through thorough courses and practical exercises specially conceived for this purpose.”

It is worth noting that the legislator himself used the term “students” because experience can only be acquired by way of in-depth theoretical courses and practical exercises. These courses and exercises are what distinguish the JTI, hence the importance of programs and training. The Judicial Institute cannot play an efficient and active role unless this distinction has a qualitative aspect. So the JTI's performance completely differs from that of law schools because the goal of the training is to give the trainee judges a certain level of experience enabling them to interact with the reality. It is a difficult not to say impossible task since real experience can only be acquired through hard work and years-long practice.

Nevertheless, this is the judicial system in a country that is based on written legislations and where it is widely believed that the judge can solve all the problems he will examine as long as he

does not have a role in creating the legal rule but only explains it according to the dominant meaning given to it in the jurisprudence.

The legislator himself admits that this analysis is not enough that is why he established a two-level court system and gave the appellate judges the right to reexamine the dispute on a second level since they are more experienced than judges of first instance courts. Yet, this dilemma has not been solved adequately so it was necessary to reduce its impact when selecting the judge and determining his training method.

1- Adopted procedures for the selection of trainee judges

Paragraph 1: A look at the adopted procedures

The selection method is not related to the Judicial Training Institute; therefore, it won't be mentioned in detail. Nonetheless, the selection process takes place in collaboration with the JTI's administration, which gives its opinion in the selection of students allowed to present the entrance exam or the PhD holders who can directly join the Institute. Consequently, it was necessary to give an overview of this important matter and suggest some solutions.

Before going into the details, it should be mentioned that for each candidate two conditions must be fulfilled in addition to high moral standards:

First condition: It is the basis of the law and the method used in the exams: the candidate must have a thorough knowledge of the law. This condition is fundamental in our legal system. The accuracy of the information is very meaningful because it is a sort of present and stocked experience. Lebanese judges don't create legal rules; they are not legislators establishing a rule but are only in charge of applying it. Thus, a wide knowledge of the law would give the judge a minimum of experience that allows him, after a sound and sufficient training, to apply the law on the facts. Knowledge is the key to experience in our legal system.

Second condition: It is usually condoned and is related to the personal characteristics that each candidate for a judicial position should have. Exercising judicial work demands characteristics of a special nature such as: Sense of responsibility, strong personality, moral courage, impartiality, self-restraint, ability to deal with others and to accept others' opinions, and so on. The nature of the subjects brought up in the entrance exam doesn't permit at all to evaluate this extremely important and crucial dimension. The adoption of a kind of personality test developed by an expert is currently posed and has been done in some European countries but not in the French system. There isn't anything in Lebanon that prevents introducing such test. In any case, all what is related to the candidates' personality should be taken into account, which can be done by means of an oral test consisting of a series of question to be answered and discussed by the candidate. Some might consider that this particularly essential issue is difficult to achieve because the number of candidates is too high and the High Judicial Council, in charge of supervising the exams and selecting the judges, would not be able to perform this time-consuming task. However, it can be made possible and practical once the written material in the test becomes a means instead of being an end. As a matter of fact, candidates who pass the written exam are considered to be accepted in the job whereas in many countries, including France, entrance to elite higher education institutes (Grandes Ecoles) is conditioned by written preparatory exams followed by a fundamental oral test. Lebanon can clearly adopt this vision at the light of present laws. Since the High Judicial Council is the authority responsible of determining the context, conditions and grades of the exam, there isn't anything that prevents the adoption of this new vision. This way, candidates who pass the written exam are qualified to present the oral test which has thus an important influence on identifying the competent individuals qualified to enter the Institute. The number of succeeding candidates do not usually exceed 20. It's also possible, through expanding this number at a certain rate, to select the best of the best. Candidates who pass the written exams can be subject as well to a human test prepared by a specialist. In any event, the High Judicial Council has the final say.

Paragraph 2: Some suggestions concerning the selection of trainee judges

After these two brief remarks, it is indispensable to discuss the major steps of the entrance exam since the selection of the judges eventually depends on them.

1- The list of candidates in the written exam is put in place by the High Judicial Council, which has a quick interview with the candidates. This interview is preceded by another one organized by a committee regrouping the President of the JTI, the director of the JTI and one judge usually chosen among the members of the High Judicial Council. After the first interview, which is also quick, the committee draws up a general evaluation of the candidate to make it easier for the HJC to make its last decision. The questions raised and asked in these two interviews are of a legal aspect and help exclude all candidates who seem weak in the area. As for the candidates' personality, it is not taken into consideration unless it was clearly obvious that it is not proper for a judge.

2- Accordingly, the emphasis is essentially on the educational aspect, which is not enough for a good selection process. Any weakness in the educational aspect can be subsequently compensated, but a shortcoming in personal qualifications cannot be later redressed and will negatively impact the judge's work. A sitting judge is only declared incompetent for very serious reasons imposing a heavy burden on the judiciary and possibly affecting the image of the judiciary.

Concerning the educational aspect, the written exam usually gives an accurate and real image of the candidates' situation.

Due to the high number of candidates and to the tough competition, universities have created special programs to prepare students for the written exam. The Judicial Training institute has also contributed in the preparation process by putting up a special program for some students who requested that and were chosen following a quick test. This situation can boost the knowledge level of the competitors who spend more than four months preparing for entrance exams. So it is a good activity that can be further improved if the Institute officials communicate with the universities to establish one common program.

Taking into account the principle of equality of all candidates, correctors should not be chosen from the judges who provided this kind of training in law schools. This is a self-evident rule that was not accurately observed despite the consensus about the necessity to respect it.

3- With respect to the programs of the written exams, they have not been modified for as long as the Institute existed. The courses that are topics of the exam are: Code of obligations and contracts, Code of commerce, Code of civil procedure, and a general knowledge question formulated in either French or English.

a) The choice of legal courses is totally relevant considering that these courses are the basis of the legal conception and encompass the general principles that every judge should be well-versed in. The corrections are made by a committee of judges appointed by the HJC. Two grades are given to each test and all names on test papers are hidden. The correctors dress up a list of correct answers with equivalent grades which leads to very accurate, fair and highly objective scores. Yet, in order for these scores to reflect the candidates' true capacities; one common method should be used to ask the questions knowing that this method often varies according to the correctors.

The golden rule to be followed is to have questions about the primary principles not the details, questions aiming at learning about the candidates' intellectual capacities not their ability to memorize details. All the questions are asked in the form of practical questions to be solved. This method is certainly good but it would be also good to just raise the general issues so that the correctors can know to what extent the candidate can use the methodological thinking useful in solving real dilemmas. This variation in the questions method might be helpful in revealing the

true scientific skills of each candidate because analysis by itself does not expose true capacities unless it is founded on abstract thinking.

b) Concerning the general knowledge

The general knowledge test is considered essential in the French system. Law schools that prepare students for the entrance exam see this test as very important and dedicate a significant number of hours to prepare students for it. In Lebanon, the expression “general knowledge” is more of a big title than a reality. I myself have witnessed, when I was once in charge of putting the questions, heated debates about the matter and the majority saw in this test a way to learn about the competitor’s level in the French or English language. A judge’s knowledge level is vital; it gives an idea about his/her intellectual depth and insight. It is part of the judge’s personality, represents his/her human aspect and is not related to the linguistic level that can be evaluated in other ways. Motivating the knowledge-based thinking is inevitable to shape the judge’s personality and to learn about his/her human characteristics and maturity. It is through maturity that life experience, which is not less important than the educational level, is acquired.

4- Article 68 of the law on judicial justice has provided for the possibility of appointing trainee judges holding a PhD degree in Law without having to undergo any examination. This appointment takes place after the approval of the High Judicial Council, which interviews the candidate for thirty minutes and asks him/her questions about the courses tested in the written exam. In principle, this exceptional appointment method encourages the subjective selection factor because the candidate is supposed to be selected based on his/her personal competences not only on his/her legal knowledge.

2- Adopted training methods for trainee judges, improvement ways and practical steps undertaken in this regard:

The training of trainee judges is accomplished through: thorough courses and specialized practical exercises, as mentioned in the law. Light must be shed on both aspects:

1) Legal courses:

This topic raises two issues; the first one is related to the courses and the second to the teaching method. Primary amendments have been introduced to both aspects:

a- Concerning the courses:

The decree issued on 4/9/1962 and linked to the organization of the Judicial Training Institute had determined the courses to be taught during the three years as well as the hours necessary for each course. These courses included in addition to the fundamental laws (obligations, commerce, penal law, code of civil procedure, code of criminal procedure, etc.) some courses related to the ethics of the judiciary, judicial logic and judicial psychology.

After the issuance of the law on judicial justice by decree N° 150/1983 (which is the present law), the selection of the courses became one of the responsibilities of the Board of Directors. Consequently, radical changes were introduced and it was agreed to take the fundamental legal courses out of the circle of theoretical education, and to introduce courses that are not taught in-depth in universities (lease, enforcement procedures, judicial fees, social security) and other courses that keep pace with the recent developments linked to judicial work (accounting, forensics, legal medicine).

These courses are given during three years in two sessions for each year. The first year’s first session is only devoted for courses whereas all other sessions include beside the courses appointment in courts.

After hearing the opinions of recently graduated judges, it became clear that it was necessary to review the courses and the teaching method. Many of the courses that are given as basic courses

and are subjects of exams only need a few lectures given by specialists instead of judges. Furthermore, many of the courses go too much into unneeded details. Anyone who has the general principles is able to understand them very quickly by carefully reading the texts. Specialized laws are very diverse and lots of them are not taught in law schools. They cannot be inserted in the JTI's curriculum without imposing a heavy burden that can be only beneficial on a very limited scale.

The experience I had with the President and Director of the Institute in the training of sitting judges in the context of Acojuris has shown that judges, even experienced ones and those with high qualifications and deep judicial experience, don't need details, but only basic principles enabling them to put each text of law in its right context. The text is nothing but a substance that can only be comprehended by understanding its spirit and thus, by learning about the rule it was built on or the rule that is an application of it or an exception to it.

We have conducted in this context a major test for several months during which the lecturers were divided into two categories. One considered it indispensable to give a detailed idea about the evolution of the modern legal view of certain detailed matters (concerning for instance what is currently called the economic law). Another brought up a kind of general and organized survey centered on some main ideas of a basic legal course.

The result was clear; the participants agreed that the purpose of this training session has been reached through the second vision not the first. This experience was indeed avant-gardist and lead to the same results in all fields: code of obligations, code of commerce, code of civil procedure, code of criminal procedure, ground law. We and the French lecturers from senior judges and professors were able to perceive that our judges do not need to expand the area of their knowledge but to deepen it. Deepening this knowledge can help them understand any detail or any new vision; it can also have them avoid serious mistakes they might commit in good faith.

This experience has prompted us with the Institute's administration to think about introducing a radical change to the courses taught during the three years and the six sessions mentioned earlier. The new teaching program was adopted almost one month ago.

In the first year, as mentioned in a previous report, the basic courses were reintroduced and were given 160 hours after having been removed from the program. These courses are: obligations and contracts, commerce, penal code, code of civil procedure and code of criminal procedure. Dedicating all these hours to such courses was possible since trainee judges are not appointed in courts during this period. In my opinion, this allocation is the ground in which the trainee judge can blossom; it is the basis without which the training is insufficient.

The first year's second session was devoted to lectures on courses that do not need an in-depth study. This is a new pattern that has been adopted throughout the whole three years. There are courses that were considered basic and were introduced as teaching material and other subjects that were considered complementary and were handled in lectures given by specialists amongst judges, professors or others. This distinction is based on the fact that the Judicial Training Institute is not a law school where students get to review what was previously studied. Education in the JTI should be limited to some courses that are the grounds for judicial work or that had not been previously studied in detail or via its practical concept.

As for lectures, they aim either at establishing a general or particular knowledge, either at reviewing the basic principles of the legal system.

The following courses were introduced for instance in the specialized lectures: legal sociology, ethics and deontology, basic principles in a trial and methodology. The first courses are not legal yet they are crucial in shaping a judge's personality, and were topics of a series of lectures given by senior judges during which they presented their long experience in their judicial carrier. The remaining courses are legal but were only presented in universities as part of a global law whereas

they constitute the fundamental principles of this law. Therefore, it was primordial to review them in a clear manner so that the procedures can be generally understood through them as primary rules.

The remaining sessions were formulated based on the same approach and included teaching courses and specialized lectures. Some of the courses were inserted in the series of lectures after perceiving their inefficient or insufficient effect. Explaining the rules of the commercial registry for example does not require any detailed study as the relevant articles are very few and what is important is to give a general idea of the actual transactions and the procedures related to the organization of the registry. As for commercial contracts, which are not taught in universities, they had to be a subject of an in-depth study, that is why commercial representation, leasing, sponsorship and credit contracts became essential. This is also the case of commercial bonds. In fact, we have noticed, through our experience in continuous training, the need to present commercial bonds- related problems in a detailed and clear manner, thus it became a course.

As for international trade law, alternative dispute resolution, arbitration, law on bank secrecy, they are topics related to commercial law that have a real dimension and are not usually taught in law institutes. However, organizing a series of lectures is enough to expose the problems they raise before the judiciary. Arbitration for instance, despite its importance, only concerns the judge when he/she intervenes to support the arbitration or to recognize the “award” later. So it only needs two lectures. The law on bank secrecy is not linked to judicial work except in specific cases that can be examined by means of lectures.

The new approach emphasized on the codes of civil and criminal procedure that are implemented by the judge on a daily basis and closely linked to his practical life. The codes are studied in a general manner through the new method I will later on tackle, and they are examined subsequently in detail: Enforcement, summary affairs, evidence, remedy at law, hence giving them the big share they deserve.

Furthermore, the scope of all issues related to penal and criminal laws was expanded and the following topics were added: criminology, sanctions, drugs law, new criminal investigation techniques, and the law on endangered juveniles.

Languages and informatics are optional courses taught according to the needs and level of each trainee judge, which is natural view the differences of levels that are supposed to be existing among the trainees.

These are, in a nutshell, the main differences between the old and new programs. They reflect a developed view of the urgent needs and the necessity to provide a certain level of training to offer the judges the experience they require in their first years of work. The topics are ramified, diversified and a lot wider than those tackled in the Arab countries or France. Nevertheless, this difficult step, even though it burdened the trainees, was indispensable so they can be able to confront the practical life with enough knowledge.

b- Concerning the teaching method

The distinction between lectures on one hand and courses on the other hand reflects a new idea based on the fact that there is not only one approach adopted in the transfer of knowledge.

i- Specialized lectures:

The adopted educational approach in these lectures is the theoretical presentation without any interaction between the lecturers and the attendees. The role of the lecturer is confined to the clear and brief explanation of issues without details in an argumentative manner. As for the attendees, they have to assimilate the raised issue and ask questions, hence the importance of the lecturer who has to give, in a short period of time, an accurate idea about a possibly broad topic. It became clear to us after an experience with the continuous training for sitting judges that it is totally feasible. The allocated time was short which forced each lecturer to give a full presentation of

maximum one hour. Everybody agreed on the good quality of all presentations and on the fact that they gave a sufficient and accurate idea about the topic even if it was forked.

An issue like commercial bonds for instance is a very complicated topic for which a whole year is devoted in educational institutes. Yet, it can be adequately presented in an hour or even less, which indeed happened.

The consumer protection law includes lots of details but was presented in the same way. The presentation was sufficient, because there was no need to go into the details of the articles but just to compare this law with the code of obligations. This comparison was enough to realize the dimensions of this law.

What is left is to provide good lecturers who can quickly and easily give a clear idea and a comprehensive view of any topic.

ii- Basic courses:

Teaching these courses is subject to completely different rules.

The new teaching method was adopted in the first session for the basic courses (known to everyone) that were presented in a new form. I had given an idea about this question in my first report.

It is not required anymore to re-explain the courses that were once exam topics and basic courses studied in universities. What is necessary is to adopt an argumentative approach instead of the analytical approach based on the presentation of information and the details and complications of particular cases.

The new methodology we tried to adopt consists in debating an issue to approach the principle that was supposed to be focused on to reach the solution. The role of the teacher is not consequently restricted to presenting the rules that should be focused on to reach the solution. The teacher must be able to create an environment enabling the participants to reach the solution by themselves after inciting them to exclude all non-relevant details. Teaching using this new concept is nothing but a means to build an interactive dialogue between the teacher and the attendees. The professor has essentially to run the debate (Maieutics) and can of course eventually reduce the main topics to a few pages that give a clear idea about the intellectual structure of each topic. This would help the trainee judge later on to determine the topic of the practical problem exposed to him thereby paving the way for the solution. Reaching the solution becomes easy since it only requires from the judge some review.

This method is totally different from the one used in colleges that is based on a detailed presentation of the rules and various trends. It is in fact the total opposite. The goal is not anymore to examine different theories and positions but to reach the basis which is at the same time the principle behind the text and the true fact that corresponds to it. It is an attempt to understand the text through the compelling fact that can't be overlooked because it is the basis of the lawmaking itself.

Trainee judges need to understand the interaction between the text of law and the fact because this is the grounds of the experience the judge only acquires after years of practice. The goal of the Institute is not to find solutions but to train the judge on the ways that help him/her reach them.

2) Practical training

It is the main goal of the Institute and almost the only goal in some systems like the French system.

Trainee judges are appointed in different kinds of courts in the second half of the first year. They attend hearings, participate in deliberations, and prepare all sorts of draft judgments and decisions that are often adopted as judgments. This aspect of the training has remained the same and has not

been modified. However, performance in this regard can be improved by adopting the following measures:

- The trainee should only be appointed in judicial bodies where the supervisors can give him/her enough attention. Not all judges have this characteristic, therefore it is important to be attentive to this matter when taking the appointment decision.

- Judges affiliated to the administration of the Institute should be entrusted with supervising this practical training and with contacting for this purpose the head of the judicial body the trainee is appointed in. This direct contact is extremely important because it can help knowing what the trainee needs. It also allows an objective evaluation of the overall training, because the head of the judicial department usually submits a report about the work of the trainee judge and the remarks related to his/her working method, behavior and capacities. The trainee judge is evaluated and graded on the basis of this report. This grade is important, hence the necessity of an objective evaluation. The only way that leads to such a result would be the presence of a judge delegated by the Institute's administration.

- One more crucial matter: the trainee judge might shape, during his training, some false or deficient ideas about the adopted proceeding methods or suggested solutions. The variety of appointments may in a way adjust the situation; nonetheless, it is important that the trainee judge does not get an experience based on possibly inadequate criteria, hence the need for a judge or a teacher from the Institute to follow up on the training. Incumbent teachers at the Institute can perform this task. It is very easy to recruit senior retired judges as full-time teachers to supervise both the teaching and the training processes at the same time.

This is currently not ensured, which is a dangerous lack that can negatively affect the whole training infrastructure. A specialized full-time educational apparatus is absolutely vital.

- Until the void is filled, it was indispensable to hold periodic discussion sessions and address some problems related to judicial provisions and other legal matters. According to the new approach, in each of the six sessions, a seminar must be organized with the participation of Lebanese or foreign jurists. It is a useful attempt to rectify some of the shortcomings resulting from the absence of full-time teachers. It also helps without any doubt in correcting any false ideas that might have got stuck in the trainees' minds during their practical training.

- It is worth mentioning in the same context a previously used method that was criticized. It consists in entrusting every trainee judge with preparing a legal research for each of the six sessions. Preparing such research is certainly helpful as it develops a sort of abstractive thinking, which is essential to acquire experience. However, frequent theoretical researches might have negative consequences on the overall training because valuable researches need a long time. So it was better to charge each judge to present in detail some of the issues he came to know about during his/her training in a judicial department and give his/her opinion in their regard. These issues will have to be discussed before everybody under the supervision of the Institute's teachers and officials. In addition to the practical and experimental benefit these discussions have, they can develop the judge's ability to listen to others, to open up to different opinions and to be endowed with modesty.

- Judges are normally only appointed in first instance and appellate courts. Trainee judges are supposed however to be appointed during their last year of training in the Cassation court so they can have a clear idea about the differentiation between the fact and the law. This appointment also helps in developing their abilities to deal with the fact through detecting the gaps that are attributed to appellate courts in this area. This enables trainee judges to avoid many of the mistakes committed by some judges when they only see in a case a group of legal problems while the dispute does not involve legal rules but attitudes and acts. Realizing this last fact is often enough to reach the legal solution. Failing to clarify and ascertain the fact only becomes clear

when the judge ends his work, i.e. when the case is referred to the cassation court. That is why it was necessary to appoint trainee judges in the Cassation court.

Is a non judicial training required?

In some countries, especially France, judges are appointed in public administrations, prisons, banks, insurance companies and law firms. In Lebanon, training in the past used to be outside the context of judicial bodies but it is not the case anymore nowadays. This appointment certainly enriches the judge and expands the scope of his/her experience; yet, it is hard to envision because of the ramification of the training program. This method is adopted in France where only a few hours are dedicated to courses.

There are some essential suggestions very easy to implement. For instance, joining the courts' registries is imperative and can be easily done once the trainee is appointed in a judicial body. Trainees should also closely examine the work of employees in the commercial register, land register, or enforcement courts, which are activities that don't need a long time.

A final word about the adopted method to evaluate trainee judges and declare their competence. This issue did not undergo any modification. By the end of each session, the trainees present an exam. The passing grade is set at 12/20. By the end of the training period, the administration board draws up a graduation list and submits it with its suggestions to the High Judicial Council that declares whether the trainee judge is competent or not. This process is followed pursuant to article 70 of the law on judicial justice, which also allows, in its last paragraph, the High Judicial Council to declare the incompetence of a trainee judge at the end of each year based on the suggestion of the institute's board.

The legal texts are very clear; the first year cannot be considered, as many have wished, an experimental year that starts with the admission of candidates to the Institute to attend classes and training and ends with a final exam on the basis of which they become trainee judges. This wish requires an amendment of the current laws that state that the Institute does not train anyone who was appointed as a trainee judge, took the oath and became a public servant. At the end of each year, some trainees may be declared incompetent; it has happened before and can reoccur again. It would have been better if the first year was an experimenting period with a number of students exceeding the required number and by the end of which the most adequate individuals to be in the judiciary are selected. It is hard to determine such thing through one test no matter how efficient or useful the used method is.

Section 4: Role of the Institute in the continuous training

The Judicial Training Institute prepares trainees to undertake judicial work and organizes training courses for bodies that assist the judiciary, paralegals, public notaries, experts. (Article 54 of the law on judicial justice)

The training of those individuals, particularly, of clerks and public notaries, is currently ongoing and was ensured by Lebanese judges through short sessions.

As for the continuous training of sitting judges, it is not mentioned in the law. Yet, many attempts have been made in this field via the board of directors and with the assistance of USAID or Acojuris. They were met with success and many sitting judges participated in this kind of sessions despite the fact that they are not mandatory. In France, continuous training has become obligatory and a judge cannot increase his degrees if he does not attend training sessions. In Lebanon, it is still optional.

The sessions organized by Acojuris give a good idea about the approach to be adopted in this area.

In a first phase, there is what is called a training of trainers that consists in selecting a number of Lebanese and French senior judges and professors to give a series of lectures for two weeks in the fundamental fields of law. These lectures aim at training the lecturers that were chosen according

to their judicial specialization to treat the same topics before the rest of the judges. This event is supervised by the core lecturers.

It is supposed, in the context of this continuous training, to create a consultative educational body regrouping full-time teachers to be annexed to the Judicial Training Institute. This body would be in charge of providing continuous training and organizing a series of lectures on various urgent or modern issues. The members stay at the disposal of the sitting judges to offer them consultations in complicated legal matters. It is very urgent to establish such body, and it does not need any amendment of the laws. This type of bodies exists in many countries. More than twenty years ago, I visited with the director general of the Ministry of Justice late Dr. Wajih Khater the “School of clerks” (ecole des greffes) in Dijon specialized in the civil procedures. The school provided written answers related to consultations required by Presidents of Courts even appellate courts about any complicated issue or controversial procedural matter. The JTI can also assume this difficult and useful task. It is indeed helpful because it facilitates the work of judges and ensures a sort of unified interpretation of complete or insufficient texts thanks to senior well-versed judges who can be selected among retired or sitting judges. All these problems can be raised through specialized seminars during which difficulties linked to some cases on one topic are discussed with the participation of specialized judges. This process needs a specialized body exclusively working to run the discussions. The judiciary is an institute that should be looked at as a whole. The structure by itself is not enough to reach this comprehensive vision. Only cooperation and communication can pump a certain spirit in the judicial body. Education as well plays an essential role in this area because true knowledge is the grounds on which the right is built.

Beirut, 14/05/2010

Judge Mouhib Maamari

President of honor in the Lebanese Cassation Court

ATTACHMENT 2

In order to develop this final report, many meetings were held not only with concerned persons and decision makers but also with a number of judges, some of whom were among the new Institute graduates and others were senior judges: judges of appeal, presidents of appellate courts or presidents of first instance chambers.

The goal of meeting new graduates was to hear their opinions about teaching curriculum, adopted teaching methods, and the best ways to achieve practical training. Results of meetings with those judges have shown that it is necessary to introduce essential changes to the curriculum and that many courses should be inserted as main courses whereas some others can be topics of lectures. Regarding teaching methods, surveyed judges mostly considered that there isn't one adopted approach and that the used methods vary according to the lecturers.

Those judges also noticed that practical training ensured through appointment in courts has not always lead to the same result. Some judges are in fact more mindful of training issues than others hence the need to designate one judge or more in the Institute to follow up on the training. Meeting these 15 newly graduated judges was important and fruitful because they have recently entered the practical life and are aware more than others of the difficulties they faced when appointed in their first judicial posts.

As for the meeting with the senior judges among appellate and first instance courts judges and presidents, it aimed at clarifying the way trainee judges appointed in courts are handled and at hearing their opinion about the concept of practical training. One of the questions asked deals with whether a trainee judge should be allowed to actively participate in trial sessions, like being entrusted with administering a hearing under the supervision of the court judges or giving him/her the opportunity to ask questions during interrogations. Most of the surveyed judges considered that this is acceptable and should be adopted whereas a few were reticent to having trainee judges running hearings because the law does not permit it.

The issue related to the grade of the practical training was also discussed, for trainee judges have noticed a significant disparity in the report. They agreed that the grade must be more objective and that the various evaluation criteria must be determined.

Other meetings were held with judges who attended continuous training sessions and who will be in charge of training the trainers and are of course senior judges.

These meetings were held for two consecutive weeks since I was charged by Acojuris with training trainers in economic law. The debate in the meetings was centered on determining the best training methods and if it is necessary to adopt the detailed approach and go into the details of all issues or if it would be better to adopt a logical approach that gives a quick overview of a main course to show how its details are all linked to some primary fundamentals.

This important issue does not only concern continuous training but also training of trainee judges. There was a consensus that the second approach is the best because solving practical questions cannot be done by going into theoretical complications but by realizing the main principles each branch of the law is based on. The goal of the Institute is not to train teachers but to train judges on objectively settling a dispute while reading the fact and realizing to what extent it is linked to the rules.

To write this report, I used a practical view that immensely contributed in giving me a clear idea of the needs of trainee judges through the discussion I had with them during and outside classes and of the main legal principles that should always be present.

The fact that I participated in the training of first session judges has also contributed in giving me a clear perception of the institute's needs concerning the training of trainee judges. In fact, I was able,

through the discussion I had with them during and outside classes, to become aware of the need to adopt a new and unified teaching approach, the one I mention in this report.

Judicial Inspection Unit – Training Curriculum

Submitted by Judge Maurice Khawam (June 28, 2010)

Chapter 1: Introduction

I would like to start this curriculum by exposing some observations related to the Judicial Inspection Unit.

- 1)** This unit is independent with respect to the authority it is given in inspection, the institution of proceedings and the referral to the disciplinary council.
- 2)** This unit is linked to the Minister of Justice through the investigation request and the complaints referred to it from the Minister. Yet, its decision remains in the hand of its members who make a collective decision with the majority adequate to the gravity of the issue.
- 3)** To activate this unit, it is necessary:
 1. To ensure the good choice of its members and give the priority to their personal characteristics such as courage, independence, experience, poise and balance between strictness and wisdom in adopting the adequate measure in case of offense. The choice of members must not be influenced by any considerations that do not serve the required mission like the will to ensure additional compensation sum, or to ensure a post for the member adequate to his job degree.
 2. That the inspection unit organizes its work methodically and according to an annual plan implemented after a collective decision of the unit in the beginning of the judicial year.
 3. That the High judicial Council closely cooperates with the inspection unit through its president who has to submit a report on the occasion of judicial appointments, in addition to the annual report, in which he assesses the work of the judges especially those included in the appointments.

This unit is called “reviewing unit” as a reminder of its role in assessing judges’ work and guiding them if need be. This role remains primary; the disciplinary action, although sometimes necessary, is the exception in the work of this unit.

It is worth mentioning that the powers of the judicial inspection unit include (under the supervision of the Minister of Justice) judicial courts, administrative courts, MoJ bodies, audit court and affiliated registries, and central departments in the MoJ.

Its powers also cover the work of notaries public, experts and assignees of the body of creditors.

On the other hand, it is to be noted that the judicial inspection unit should draw the Minister’s and the HJC’s attention to any deficiency in the work of judges and present the suggestions necessary to repair it.

The inspection unit must also submit a report about its work, its annual program, and adequate suggestions and refer it to the Minister of Justice.

Moreover, the unit may refer judges and clerks to the disciplinary council if it became evident through investigations that one is failing to perform his/her job duties or have done any punishable act or any act that harms honor, dignity or decency.

It is to be mentioned in this context that is considered failure to perform job duties failure to attend hearings, tardiness in adjudication of cases and failure to fix appointments to explain the judgment at the end of the deliberation and discrimination in treatment of litigants, etc.

The Minister of Justice may, upon suggestion of the inspection unit council, suspend from work a judge referred to the disciplinary council provided that the suspended judge is deprived of half his salary and compensations.

Members of the inspection unit have a large power with regards to the right to use all investigation means to perform their duties, to examine documents, files, records, and to interrogate employees or others.

It is noticed that the decisions of the disciplinary council should be issued promptly and that they cannot be challenged and are notified to the Minister of Justice. As for the sanctions, they can reach suspension from work without salary for a certain period, layoff, and even dismissal with denial of layoff compensation or retirement salary.

It should be mentioned as well that the majority of lawyer complaints can be summarized as follows:

1. Administrative courts are not complying with the provisions of the code of civil procedure regarding exchange of briefs in the registry, conclusion of the trial and issuance of judgments.
2. Tardiness in adjudication of cases
3. Impeding the action of summary jurisdiction in matters of special urgency
4. Hearings schedules, particularly in penal justice departments, are not respected
5. Experts do not respect the deadlines fixed for them and some of them are corrupt.

We can suggest some solutions:

1. It is necessary to fully comply with the code of civil procedure with respect to exchange deadlines, preparation of the case for pleading and scheduling a hearing, or conclusion of the trial and postponement to explain the judgment.
2. Judgments should be issued on time.
3. Issuance of preliminary decisions that only delay adjudication has to be limited as much as possible.
4. Urgent deadlines must be reactivated in order for them to be useful (one week or one day for example if necessary)
5. Facts can be exposed concisely to enable the court to issue a higher number of judgments.
6. Judges should come more than two days a week to their work centers.
7. Hearings should be accurately scheduled.

8. It is necessary to closely monitor the work of experts and assignees of the body of creditors.
9. Drastic measures should be taken against anyone who commits offenses so he/she can be an example for others.
10. Productive judges should be distinguished from negligent ones.
11. The work of clerks, paralegals, chief clerks should be monitored and seminars should be organized for them.

Chapter 2: Means to activate the role of the Judicial Inspection Unit

In this chapter, I'm presenting suggestions and amendments that could activate the role of the judicial inspection in Lebanon.

These suggestions can be divided into two kinds:

First kind: Suggestions that can be activated without any amendment.

Second kind: Suggestions that must be activated and developed through amendments.

I- How to activate the role of the judicial inspection according to its current regulations and other texts that mention this role:

1- The Unit's composition:

The Judicial inspection Unit can be composed of an equal number of men and women judges, which gives it the equality aspect on one hand and on the other hand increases the trust in the way it practices its missions in terms of seriousness, transparency, and exclusive influence by the conscience.

Women have proved that they don't get influenced by any sort of pressure in order to preserve their reputation. It is very important to select women judges, who are well-known for their strong personalities, developed intellectualism, abundant productivity and hard work.

- The administrative and financial justice (the State Council and Audit Court) should be represented in this unit in accordance with articles 100 and 101 of section 4 of legislative decree No. 150/83.

What has been done to present concerning the participation of women in the composition of the unit is an acceptable start, however, this participation must be increased to reach half of the number of members. Moreover, the present participation has not known any representation of the administrative justice and the Audit Court.

We note that the absence of the mentioned representation factor deprives the unit from its power to supervise the administrative and financial justice.

2- Reinforcement of the Unit's immunities and privileges:

- Regarding the implementation of article 112 of the unit's regulation, with respect to benefiting from the rights of judges including the provision of security protection.

3- Activation of the powers of the inspection and all the bodies it includes according to article 97 of the regulation:

This can be done through cooperation with all courts and all branches of the judiciary- judicial- administrative- financial. For instance, concerning the supervision of the works of clerks, the judicial inspection unit may have from the financial justice (Audit Court) the decisions and judgments that imposed fines on clerks due to financial contraventions they committed. This way, it will be clear what persons should be continuously and periodically controlled according to the inspection program.

- Meetings with judicial bodies and other bodies included in the unit's powers according to article 97 of its regulation should be intensified in order to listen to explanation of problems and achievements to shape a correct and realistic idea and thus make the necessary instructions to avoid imposing sanctions.
- The role of the unit must be consolidated in terms of the preventive or deterrent aspect (through conferences- lectures- meetings with controlled bodies). Items 1, 2 and 3 of article 98 of the inspection regulation shall be implemented.
- Control on the proper functioning of the judiciary should be reinforced because any negligence in the daily administrative work of the judiciary negatively affects the productivity of judges, which is the actual status quo. Reinforcing the implementation of item 1 of article 98 of the law regulating the judicial inspection could revitalize the judicial sector, authorities of judicial aspect and other bodies supervised by the unit. This can be ensured through controlling contraventions, preventing chaos, imposing the prestige of the judiciary, organizing the work and sanctioning negligence, which positively affects the productivity of judges.
- Items 5 and 6 of the inspection regulation must be activated through continuous and periodical and sometimes surprising follow up and control.
- It is essential to implement item 2 of article 112 of the inspection regulation concerning the work on the central inspection systems in everything that does not conflict with the provisions of judicial regulation.
- In order to reinforce the unit's role, it should exercise its supervisory role in a positive way in terms of the results it gets not only when it comes to responsibilities in the case of negligence or mistakes but it should also praise the good judicial work. The principle of sanction is a double-edged sword. It is not enough to have the wished results; this is why the principle of sanction must be compared with the principle of reward. Any person responsible of a job should be rewarded when he's productive and sanctioned when he's negligent.

These rewards can take many forms, material or moral.

II- Activation of the unit's role through amendment of its regulation as follows:

- **Continuous training (on the knowledge and psychological levels)**
 - a) Organize trainings for inspection judges (control and follow-up systems and methods) and periodically train them (on the knowledge, intellectual and psychological levels).
 - b) Add some courses related to the control and inspection ways and methods and follow-up on the judges' work in terms of effectiveness, productivity and other factors...
 - c) Organize meetings and workshops with judges in various specialties and of various degrees with the presence of inspection judges and a group of specialists

and experts to exchange information pertaining to weak points and work problems, and to propose solutions aiming at strengthening the judicial work and support judges on the practical level to avoid negligence, tardiness or exhaustion and thus prevent any kind of pressure.

- d) Adopt any measure that could keep judges away from committing mistakes or being negligent by using control or deterrence methods, particularly like drawing their attention to the issue, holding meetings for discussion and dialogue, requesting periodical reports regarding the judges' work.

- **Strengthening immunities and privileges:**

a- Consolidation of immunities:

- On the security level- two bodyguards
- On the financial level- high salaries and allocations for specialties and full-time work.
- On the practical level- appointment of specialized and full-time working judges of both genders so that the women's participation in the unit reaches half the number of members.
- Create a training department in the Judicial training Institute to periodically train all judges on various levels and especially organize training sessions for inspection judges (concerning control and inspection methods, systems and ways and other essential issues).
- Adopt the rotation principle for the presidency of the judicial inspection unit between the judicial and the administrative justice. It is also necessary to have members representing the judiciary in all its specializations- judicial, financial and administrative- to guarantee transparency and experience.

b- Consolidation of privileges:

- Immune all judges against abusive and revenging complaints from grudge holders.
- Impose a fixed fee for every complaint submitted against a judge to the inspection unit.
- Impose presenting each complaint to the inspection unit by a registered lawyer.
- Impose a fine for each complaint not conformed to the conditions.
- Confiscate half the value of the fixed fee for the benefit of the judge mutual fund when the complaint is invalid or unserious and pay the other half as a primary compensation to the judge the complaint was submitted against.
- Give back half the amount of the fixed sum to the complainant after ascertaining the validity and seriousness of the complaint and put the other half in the judge mutual fund, in exchange of what the mission will require, in accordance with article 110 of the judicial inspection regulation concerning the use of all means and persons to accomplish the required mission.

- Have the unit or prosecutor general file a lawsuit for slander and defamation when the complaint is dismissed for invalidity, make the complainant pay all the fees and expenses and pay a compensation for the moral and psychological damage.

- Legal texts can be relied on for this aspect in lawsuits: lodging a claim for damages against the judiciary for a miscarriage of justice, slander, defamation, calumny and all crimes against public authorities and crimes disturbing judicial administration and those disturbing the functioning of the judiciary.

The following articles can be considered for analogy:

Article: 383 of the penal code (defamation), article: 345 (slander), article: 402 (inventing crimes and calumny) and articles 403 and 404.

Article 407 (perjury) and articles: 409- 410- 411.

Articles: 417- 418 (judicial immunity and acts impeding the course of justice and article: 419.

Articles: 456, 457 and 458.

c- Consolidation of the workflow:

Many of the suggestions and amendments included in the item on immunities and privileges can be adopted to strengthen the workflow in the context of the judicial inspection unit.

We mention for instance what was stated regarding the necessity of imposing a fixed fee when accepting the complaint submitted against a judge and the necessity of having the complaint submitted by a registered lawyer.

We can also mention not accepting any complaint before making sure of the interest of the complainant and the validity of the right through a preliminary investigation by the inspection unit.

- The judge against whom a complaint was submitted must have a prior authorization from any judicial authority represented in the unit concerning to discuss with him the subject of the complaint.
- Also, the lawyer presenting the complaint should have a prior authorization from the Bar Association.

There are more suggestions that can be handled in a detailed study and can contribute in strengthening the role and effectiveness of judges in the judicial inspection. Above all, we must proceed with strengthening the judiciary in general on various levels with respect and seriousness starting from the selection of inspection judges that must be based on psychological, intellectual, and knowledge-related factors, through the long years of experience in continuous training. We must not forget the most important issue in this support process which is the personal protection and the provision of the pillars of a decent life because this can immune judges against all the temptations and keep them away from the political dependence and its dangerous effects on justice.

Finally, these were the most important suggestions and amendments I consider important to raise in this second chapter on the reorganization and reinforcement of the judiciary in Lebanon.

Chapter 3: Workshop Discussion Topics

In this third chapter, I'm exposing some topics that I consider helpful on the practical and legal levels.

I- The most important useful topics than could be proposed to judicial inspectors from the practical viewpoint are:

- Control of the workflow of courts (judges and employees) through the quality and number of rendered judgments.
- Control of judgments records and decisions, monitoring their time and conforming them to reality.
- Supervision and control of the records of incoming and issued judgments and decisions in all competent judicial branches (judicial, administrative, financial, etc.)
- Performing the quarterly and annual inventory to show the actual situation of the judiciary in all courts jurisdictions, address the problems and organize responsibilities.
- Requesting judges to submit quarterly reports about their judicial and administrative work activity so that reports can be discussed with them and proper measures be taken.
- Giving priority to old files to put them back on their right legal track.
- Reinforcing the control process and consolidating cooperation with the financial justice in order to underline the importance of its role with respect to important financial files it looks in, knowing that these files summarize the general financial situation of the country and contribute to the socio-economic growth at all levels. It should be also mentioned that a general financial income is generated by the fines and fees imposed in judgments and decisions issued by the financial judiciary, and that determined percentages of these sums go to the judges mutual fund and paralegals mutual fund.

II- Some articles that could be discussed at length and could help inspectors in performing their duties:

Articles in the "Discipline" section (law on judicial justice) decree law No. 150/83 after introducing radical amendments to them: articles 83- 84- 85- 87- 95- 96.

Articles in the "regulation of the judicial inspection", particularly, articles: 107- 108- 111. Some of these articles can be amended by adding the possibility for an inspector to automatically move and perform the necessary inspection when detecting anything while present by coincidence in the court site, or through the news diffused in media outlets or according to news in conformity with the code of criminal procedure.

III- Lectures about:

- The most modern control and inspection methods and means according to top world systems_(for example)

- The art of inquiring about information and their veracity.
- Technical methods that contribute to the efficiency of inspection duties such as the use of lie detectors or machines that rely on body movements and expressions.
- Modern sciences that read and study body language and that are now adopted in the most important judicial centers in the world.
- Psychology of societies/ psychology in law

IV-The best methods to perform inspection in financial and administrative justice are the following:

For instance:

- Reinforcing the cooperation between the inspection unit and these two branches at the judicial and administrative levels.
- Exchanging information and experiences.
- Exposing the problems and reaching solutions through discussion and dialogue sessions.
- Establishing of an annual work plan that includes the most important issues handled in the judgments and decisions or the issues mentioned in the files (so they can be substance for inspection).
- Focusing on the most significant financial files in terms of the subject and value in the financial justice.

V- The best methods to perform inspection in offices of public notaries:

For instance:

- Performing unexpected monthly or quarterly inspection.
- Charging public notaries with dressing up a quarterly and annual inventory of their work to be submitted to the judicial inspection unit.
- Carrying out a practical investigation (by inspectors or delegated employees) by performing a simulated proxy or work contract or any other issue that is legally within the notaries' duties.
- Monitoring the working method of the public notary and ascertaining his/her transparency and integrity in the collection of fees and commitment to applicable laws.

VI-Creating a training program:

That includes for instance:

- Inspection judges, the disciplinary board and the high disciplinary body (for the judiciary).
- Employees affiliated to the judicial inspection unit, the disciplinary board and the high disciplinary body.

That handles the following topics for example:

- Training of inspectors at the intellectual, psychological, scientific and corporal levels (i.e. in terms of their energy, quick movement and power of perseverance), in order to choose the best ones who have a youthful, active, effective and lively spirit.
- Seminars, conferences, meetings, discussion tables.
- High level training sessions abroad.
- Communicating with other francophone system countries notably France, Belgium, Switzerland, Italy, etc. to participate on activities aiming at developing the judicial training process.
- Signing agreements or treaties with some countries whose judicial system has proved to be efficient in terms of control and inspection.

VII- Establishing a curriculum specialized in the following courses:

- Ethics of judges:
 - Social level
 - Intellectual level
- Judicial psychology: including human psychology and instructions particular to the mentality and personality of the judge.
- The art of the judiciary: Sciences in the Roman era - Modern sciences.
- Judicial logic: through historical and modern references and works.
- General knowledge:
 - Foundations of social relations and courteous behavior.
 - Ways and methods to improve the appearance
 - Art of the Protocol
 - Art of communication
 - Grammatical rules
 - Additional foreign languages

These were the most important topics and suggestions in this study. By addressing the needs of the inspectors, these suggestions could reinforce and expand the functions of the Judicial Inspection Unit in Lebanon.



**STRENGTHENING THE INDEPENDENCE OF THE JUDICIARY AND CITIZEN
ACCESS TO JUSTICE IN LEBANON (SIJCAJ Project)**

A USAID Project Implemented by National Center for State Courts

AGENDA

COURT ADMINISTRATION AND MANAGEMENT STUDY TOUR LEBANON

JUNE 12-22, 2010

The National Center for State Courts
2425 Wilson Boulevard
Suite 350
Arlington, VA 22201

Contact:
Kala M. Finn, Esq., Director
International Visitors Education Program
Phone: (703) 841-6902
Fax: (703) 841-0206
E-Mail: kfinn@ncsc.org

**NATIONAL CENTER FOR STATE COURTS
INTERNATIONAL PROGRAMS DIVISION**

**AGENDA
STUDY TOUR
COURT ADMINISTRATION AND MANAGEMENT
LEBANESE JUDICIAL OFFICIALS
June 12-22, 2010**

DAY 1 – SATURDAY, June 12 – Travel to Williamsburg, VA – First Delegation Arrives

- 0205 Fly from Beirut to Paris**
Flight# AF563
- 1035 Fly from Paris to Washington, D.C.**
Flight# DL8496
- 1255 Arrive at Washington, D.C. Dulles International Airport**

The delegation will be met by two Interpreters and a Programmatic Escort from NCSC International who will travel with them to Williamsburg, VA.

Travel by minibus to Williamsburg, VA (approximately a four hour drive)

Check into Williamsburg Hotel

Williamsburg Hotel:

Williamsburg Lodge
310 South England Street
Williamsburg, Virginia 23185
757-253-2277

DAY 2 – SUNDAY, June 13 – Williamsburg, VA – Second Delegation Arrives

First Delegation - Breakfast on your own

First Delegation - Free Time in Williamsburg

First Delegation - Lunch and Dinner on your own

- 0205 Second Delegation - Fly from Beirut to Paris**
Flight# AF 563
- 1255 Second Delegation - Fly from Paris to Washington, D.C.**
Flight# DL 8496

Second Delegation - Arrive at Washington, D.C. Dulles International

Airport

The delegation will be met by Mr. Tim Hughes from NCSC International who will travel with them to Williamsburg, VA.

Second Delegation - Travel by minibus to Williamsburg, VA
(approximately a four hour drive)

Second Delegation - Check into Williamsburg Hotel

Williamsburg Hotel:

Williamsburg Lodge
310 South England Street
Williamsburg, Virginia 23185
757-253-2277

DAY 3 – MONDAY, June 14 – Williamsburg, VA
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Business Casual

Breakfast on your own

0830 Meet in the Hotel Lobby and walk to NCSC

It is about a 10 minute walk from the hotel to NCSC

Arrive at the National Center for State Courts – Education and Technology Training Studio

Greeting by Mr. Robert Baldwin, Executive Vice President of the National Center for State Courts

Program Faculty:

Kala Finn, Esq., Director, International Visitors Education Program and Senior Program Manager

Tim Hughes, Esq., Senior Technical Advisor

Amy McDowell, Knowledge Management Analyst

Jim McMillan, Principal Court Technology Consultant

Mary Sammon, Principal Court Management Consultant, Institute for Court Management

0900 to 1200 NCSC Orientation covering the following items:

Kala M. Finn, Esq., Director, International Visitors Education Program, NCSC

- Program agenda and logistics
- Explanation of health insurance coverage
- Distribution of health insurance cards
- Cultural orientation
- Tax forms
- Overview of NCSC
- Overview of U.S. state and federal court systems
- Action Planning Overview

Mission and Structure of the National Center for State Courts

Ms. Finn

The National Center for State Courts (NCSC) has been on the cutting edge of judicial reform in the United States for more than 35 years. It is recognized as a leading authority on administration of justice issues by members of the U.S. judiciary and U.S. government agencies, as well as justice professionals abroad.

During this presentation, Ms. Finn will briefly discuss the organization of NCSC and its mission to provide education, research, information sharing, and technical assistance to the U.S. state courts and justice systems around the world. The objective of this segment is to introduce the participants to an organization established for and by the courts that assists courts in realizing more efficient and effective delivery of justice.

Selecting **Overview of the U.S. State & Federal Court System, Methods of
Judges and Funding the Courts**

Ms. Finn

An understanding of the structure of the U.S. state and federal court system is critical background to understanding the procedures and methodologies used by the U.S. courts. Ms. Finn will make a presentation outlining the structure and function of the various courts that make up the U.S. system, their jurisdictions, and relationships to each other and to the Federal system. Her presentation will also highlight the diversity that exists within the various state courts, the manner in which judges are selected, and the various methods of funding the courts. Particular emphasis will be placed on explaining the structure of courts in Virginia and the District of Columbia.

1200 **Group Lunch at Berrets Seafood Restaurant located in Market Square in
to 1400** **Colonial Williamsburg**

Berrets Seafood Restaurant
Market Square
Williamsburg, VA
757-253-1847

The Berrets Seafood Restaurant has been voted by locals as “Best in Williamsburg” for over 10 years. Berrets actively seeks out the freshest in regional seafoods and produce. The restaurant's proximity to the York and James Rivers, Chesapeake Bay, and offshore Atlantic waters provide a variety of fresh seasonal catches: shad roe, softshell crabs and sea trout in the spring; flounder, cobia, tuna, wahoo and bluefish in the summer; and rockfish, red fish and sea bass each fall. With the availability of local natural oysters and clams and the advent of aquaculture, Berrets offers shellfish year-round.

1400 **Overview of the Project to Strengthen the Independence of the
Judiciary to to 1500** **and Citizen Access to Justice in Lebanon**
Mr. Hughes

Mr. Hughes will provide the delegation with a briefing about the USAID/NCSC Rule of Law Project in Lebanon. He will discuss the Project components and the goals of the Project in the coming months.

1500 **Developing an Action Planning**
Ms. Finn

Ms. Finn will discuss the steps to creating an action plan that is specific and achievable and will provide a systematic methodology for recording observations during the study tour. All Participants will receive Action Planning worksheets to complete during the study tour.

1530 **Closing the Day and Return to Hotel**
Dinner on your own

Business Casual

Breakfast on your own

0830 Meet in the Hotel Lobby walk to NCSC

Arrive at the National Center for State Courts – Education and Technology Training Studio

Beginning the Day- Introduction of the Day’s Topics

Ms. Finn

0900 Human Resources Management and Education, Training, and Development to 1200 Ms. McDowell

Courts need good people - people who are competent, up-to-date, professional, ethical, and committed. Effective Human Resources Management not only enables performance but also increases morale, employee perceptions of fairness, and self-worth. People who work in the courts are special. Their jobs and the work of the courts are not too small for the human spirit. With proper leadership, court Human Resources Management contributes to meaning and pride over and beyond the reward of a paycheck.

Education, Training, and Development help courts improve court and justice system performance and achieve their desired future. Education, Training, and Development programs are aimed at judges, court staff - especially those in and aspiring to leadership position - as well as others on whom the court depends, both inside and outside the courts. Thus, the term “judicial branch education”, as opposed to “judicial education” is preferred. Because judicial branch education helps actuate all other competencies and helps courts maintain balance between the forces of change and enduring principles, effective court leaders take responsibility for it. It is not merely remedial and limited to training. Rather, judicial branch education is strategic and involves Education, Training, and Development.

1200 Lunch on your own in Colonial Williamsburg to 1400

1400 Court Technology - The Impact of New Technology on Court Organization to 1515 Mr. McMillan

This session is an introduction to basic uses of computers and other technologies in the courts. Technologies that have been successfully integrated into court operations include, but are not limited to: facsimile transmission of documents, optical imaging, bar code technologies, video recording and conferencing, office automation, e-mail, courthouse and personal judicial security, and interactive voice and audio recording. Mr. McMillan will also discuss the manner in which technology is used to provide security in U.S. courthouses. This session will also provide an opportunity to think about the impact of these technologies have on the way courts do business and serve their clients.

1530 Closing the Day and Return to Hotel

Dinner on your own

Business Casual

Breakfast on your own

0800 **Check out of the Hotel and leave luggage with the front desk**

0830 **Depart Hotel and walk to NCSC**

Arrive at the National Center for State Courts – Education and Technology Training Studio

0900 **Caseflow Management and CourTools**

to 1045 Ms. Sammon

Caseflow Management is the process by which courts carry out their primary function: moving cases from filing to closure. This includes all pre-trial events, trials, and increasingly, events that follow closure to ensure the integrity of court orders and timely completion of post-disposition case activity. Effective caseflow management makes justice possible not only in individual cases, but also across judicial systems and courts, both trial and appellate. Caseflow Management helps ensure that every litigant receives procedural due process and equal protection. Properly understood, Caseflow Management is the absolute heart of court management.

Effective measurement is key to managing court resources efficiently, letting the public know what your court has achieved, and helping identify the benefits of improved court performance. Courts have long sought a set of balanced and realistic performance measures that are practical to implement and use. The ten *CourTools* performance measures were designed by NCSC for such a purpose.

Break

Walk to the Law School of the College of William and Mary

1100 **Courtroom 21 - Courtroom of the Future**

to 1230 Professor Fred Lederer, Director, Courtroom 21

This session includes a tour, demonstration, and discussion of Courtroom 21. “The Courtroom of the 21st Century Today” is the world’s most technologically advanced courtroom. An international demonstration and experimental site, Courtroom 21 shows how commercially available technology can be used to improve litigation and, as the Project expands, judicial, court administration and law firm operations. Courtroom 21 is a joint project of the College of William and Mary’s Marshall-Wythe School of Law and the National Center for State Courts. It is located in the law school next door to the National Center.

Some of Courtroom 21’s many attributes include: teleconferencing; a wide variety of different types of court record systems, including real time transcription, voice switched multi-camera multi-frame video, computer based digital audio recording with text index and audio tape recording; access to legal information at bench and counsel table via CD-Rom and LEXIS and WestLaw; case organization, support, and presentation software; centralized document imaging; computer stations for judge, counsel, and jurors; multi-media and multi-technology litigator’s presentation system with light pen and bar code reader; TV, computer, and high intensity high resolution front projection TV information and evidence display; remote arraignment; courtroom camera switching, for worldwide interactive legal hearings, witness testimony, and appeals; and 140 language translation capability.

1300 Depart NCSC and Pick Luggage up at the Hotel

1330 to 1700 Stop at the Williamsburg Outlet Mall for Lunch and Shopping

Prime Outlet Mall
5715-62A Richmond Rd.
Williamsburg, VA 23188

2000 Check into the D.C. Metro Area Hotel

Hilton Garden Inn
1333 North Courthouse Road
Arlington, VA 22201
703- 528-4444

Dinner on your own

DAY 6 – THURSDAY, June 17 – Washington, D.C.

Business

Breakfast on your own

0745 Depart the Hotel for Fairfax, Virginia

0900 to 1230 Site visit- Fairfax County Circuit Court- Pending

** Please wear comfortable walking shoes and no cameras (including cell phone cameras)**

Fairfax County Circuit Court
4110 Chain Bridge Road
Fairfax, VA 22030
Suzanne Lubkeman
703-246-2883 (office) or 703-615-0661 (cell)

Participants will visit this general jurisdiction trial court, the largest trial court in Virginia, to bring to life the concepts and procedures they have been working on and discussing during their week of training at the National Center for State Courts. They will meet with the Clerk of Court who is an elected official, and carries out the job duties of a court administrator. Participants will meet with the Clerk of Court to tour the clerk's office and courthouse and discuss the following:

- Office set-up and work flow in the clerk's office
- How papers move through the clerk's office
- How work is organized in the clerk's office
- The role the clerk's office plays in assigning and monitoring cases
- Record management and record retention policies
- Automated case tracking and the role of IT in the court
- Customer/Client service

In addition, participants will look at individual court files to see how they are created; organized; filed in a secure central location; tracked while moved around the court; and discuss the importance of retention and destruction polices.

Prior to departing for Washington, D.C., participants will visit with representatives from the local Sharif Department to hear about the enforcement of judgments in U.S. state courts.

1230 Depart Fairfax, VA for the Residence of the Ambassador of the Republic of Lebanon

1330 Group Luncheon with the Ambassador Chedid

Embassy of Lebanon
2560 28th Street, NW
Washington, DC 20008
Ms Christine de Leon
Office of the Ambassador Antoine Chedid
202-939-6320

Return to Hotel

Dinner on your own

DAY 7 - FRIDAY, June 18 – Washington, D.C.

Business

Breakfast on your own

0830 Depart Hotel for the National Center for State Courts

NCSC
2425 Wilson Blvd., Suite 350
Arlington, VA 22201

0900 to 1115 Action Planning Workshop – Conference Room
Mr. Hughes

Participants will discuss what they have observed and learned during their study tour, and how they can apply this knowledge to the judicial reform efforts being implemented in Lebanon.

1115 Certificate Distribution

1145 to 1330 Group Lunch at Sette Bello

3101 Wilson Boulevard
Arlington, VA 22201-4447
(703) 351-1004

1345 Depart for the D.C. Superior Court

1430 to 1600 Meeting at D.C. Superior Court on Court Automation
Crystal L. Banks, Esq.

202-879-0483

While it is decidedly not an end to itself, Information Technology can help all courts do what they do faster, cheaper, and better. Computerization allows courts to dispense justice in the face of increased expectations of efficient and instant service; significant changes in people's mobility and the social, political, and economic environment; and increased caseload volume and complexity. Court leaders that effectively manage Information Technology know its limitations and the challenges it presents. They also know if its promise is realized, Information Technology can improve court and justice system operation, public access to the courts, and the quality of justice. *Quoted from the NAMC Core Competencies.*

Participants will meet with professional court Administration staff and IT staff to discuss the automated case management systems used by the D.C. Superior Court. Time permitting, participants will observe a demonstration of the court's case management system.

1630 Return to Hotel
Dinner on your own

DAY 8 – SATURDAY, June 19 – Washington, D.C.

Free day in Washington, D.C. for sight seeing and shopping

DAY 9 – SUNDAY, June 20 – Washington, D.C.

Free day in Washington, D.C. for sight seeing and shopping

DAY 10 – MONDAY, June 21 – Baltimore, MD

Business

Breakfast on your own

1045 Meet in the Hotel Lobby and travel to the U.S. Supreme Court

1130 Visit the Supreme Court Gift Shop
to 1200

U.S. Supreme Court
One First Street, S.E.
Washington, DC 20543
Contact: Erin Huckle, Curator's Office
Phone: 202-479-3493

1200 Guided Tour of the U.S. Supreme Court
1300

1300 Lunch at the Supreme Court Cafeteria
to 1345

1345 Travel to the D.C. Superior Court

1430 Site Visit: D.C. Superior Court
to 1700

H. Carl Moultrie Courthouse
500 Indiana Avenue, N.W.
Floor; 5 Room # 5000
Washington, D.C. 20001
Deborah Taylor-Godwin

Participants will receive a briefing about the D.C. Superior Court. They will then meet with judges and staff in the Civil Actions Branch regarding execution of judgments. Participants will tour the division, review motions tracking reports, scheduling reports, and small claims inventory reports. Participants will then observe small claims proceedings (trials, motions, entry of judgments, vacatur of judgments, service issues, mediation) with pro se (self-represented) and represented litigants alike.

1700 Return to Hotel

Dinner on your own

DAY 11 – TUESDAY, June 22 – Washington, D.C.

Business – morning only

Breakfast on your own

0700 Check out of Hotel

Two rooms will be kept for a late check out until 4 p.m.:

1. Krystal Thompson for the women
2. Mr. Wadji Assi for the men

0800 Meet in the Hotel Lobby and Travel to the Administrative Office of the U.S. Courts

*** Please be sure to bring your Passport with you. ***

0900 Meetings at the Administrative Office of the U.S. Courts
to 1030

Administrative Office of the U.S. Courts
One Columbus Circle, NE
Washington, D.C. 20002-8003
Debbie L Galloway
Article III Judges Division
International Judicial Relations Committee
Phone: 202-502-1166

The participants will have a briefing about the way in which the U.S. Federal Courts are administered, both at the national level through the Judicial Conference of the United States and at the circuit and district court levels through the Circuit Councils, the individual Federal court executives and clerks. The presenters will discuss the relationship between the three branches of government while focusing on the independence of the judiciary.

1030 Depart the U.S. AO for the Union Station

1045 Coffee Break at Union Station
to 1115

- 1115** **Depart Union Station for the U.S. Capitol**
- 1150** **Tour of the U.S. Capitol**
to 1330
- 1330** **Depart the U.S. Capitol and Return to the Hotel to Change Clothes**
Ms. Thompson and Mr. Assi will check out of their rooms at this time and all luggage will be left with the front desk
- 1430** **Depart the Hotel for the Home of Judge Mize**
- 1500** **Lunch at the Home of Judge Mize**
5265 Watson Street, NW
Washington, D.C.
Cell: 202-607-6111
- 1730** **Return to the Hotel and Load Luggage on the Minibus**
- 1800** **Depart for the Airport**
- 2200** **Return to Lebanon**
Flight # DL8331

ATTACHMENT 5

On May 27th 2010, I met with the President of the Legal Aid Commission Dr. Lebbos. I presented the software that I have developed for law firms which could be easily adapted for the Bar. President Lebbos expressed satisfaction. He recommended that I meet with the administrator of the Legal Aid Commission, Mrs. Rania El Homsy, to identify the specific requirement of the Legal Aid IT program and equipment.

On July 2, 2010, I reviewed the paperwork and the information technology available at the Legal Aid Commission office in the Beirut Bar Association. Following analysis, I proposed to gather the information in one software to strengthen the management of the Commission and help better monitor cases. This will require to up-grade the Law firm management software that I developed and implemented for various law firms in Lebanon. I included modifications based on the needs and requirements identified with the Administrator of the Legal Aid Commission Mrs Rania El Homsy. Here are the modifications:

في حال وجدت مصاريف تكبدها المحامي
ملف مصروف أو غير مصروف
رقم التكاليف
موقع التكاليف: النقيب المكلف مع اسمه أو امين السرّ المكلف مع اسمه
تعبئة الاستمارة اضافة خانة قاصر او راشد
زيادة المحكمة التي أصدرت حكم المعونة المدنية
الخ... في المحكمة الجزائية اضافة المراجع المختصة : قاضي التحقيق, نيابة عامة, هيئة اتهامية

The price of the software for one workstation is **\$850** (this includes installation, maintenance and training for 1 year) and every added workstation **\$150**.
The modifications are for **\$250**.

Based on my on-site visit at the Beirut Bar, they will also need to install adequate hardware (a scanner and a computer). I suggest the following computers and scanners:

Computer Specifications:

P4 CPU 2.93 Core 2 Duo
Motherboard DG41TY Intel Original
RAM 2 GB
Hard Disk 320 GB
DVD Writer
Case + Keyboard + Mouse Genius
-----**600\$**

LCD 19"-----**145\$**

UPS 650Watt AVR PCE-----45\$

**Scanner HP 5590 Digital-----
690\$**



Scan resolution, optical	Up to 2400 dpi
Automatic document feeder capacity	Optional, 50 sheets
Automatic document feeder speed	Up to 8 pages per minute
Scan file format	Windows: BMP, JPEG, GIF, TIFF, TIFF compressed, PNG, PCX, Flashpix (FPX), PDF, PDF searchable, RTF, HTM, TXT; Macintosh: TIFF, PICT, JPEG, GIF, FlashPix, Plain Text, PDF, HTML, Rich Text

Scanner Canon DR2580C High Speed Document-----1560\$

DR-2580C



Scan resolution, optical	Up to 600 dpi
Automatic document feeder capacity	Optional, 50 sheets
Automatic document feeder speed	25 pages per minute
Scan file format	Windows: BMP, JPEG, GIF, TIFF, TIFF compressed, PNG, PCX, Flashpix (FPX), PDF, PDF searchable, RTF, HTM, TXT; Macintosh: TIFF, PICT, JPEG, GIF, FlashPix, Plain Text, PDF, HTML, Rich Text

Annex 2

PERFORMANCE MONITORING PLAN

SIJCAJ Project – Fiscal Year 3 (Oct 09 – Sep 10)

USAID PMP FY 2009 Indicators

Expected Result	Indicator	Benchmark Measurement	Benchmark Data Source	Year of Baseline	Target Fiscal Year 3	Actual Qrt Rep 8 Oct-Dec 2009	Actual Qrt. Rpt. 9 Jan-Mar 2010	Actual Qrt Rpt. 10 Apr-Jun 2010	Actual Qrt. Rpt. 11 Jul-Sep 2010	Total Achieved FY 3	Percent FY3	Comments
1. Increase Judicial independence	Numbers of draft laws, regulations, and procedures related to judicial independence supported with USG assistance	Completion of drafts laws, regulations, and procedures supported by the project	NCSC	2009/1	2	0	0	0		0	0%	On going/ Draft Law on Independence of the Judiciary, and Code of Ethics will be completed next quarter
2. Increase Judicial independence	Number of judicial training programs provided with USG assistance	Number of judicial training programs	NCSC	2009/6	15	6	1	4		11	73%	Remaining trainings on schedule
3. Increase Judicial independence	Number of USG assisted Courts with improved case management	Number of courts with improved case management	NCSC	2009/1	3	1	1	0		1	33%	Work schedule to begin in two other courts next quarter

TASK I: Develop the Capacity and Infrastructure of the Judicial Training Institute for Initial and Continuing Training

Expected Result	Indicator	Benchmark Measurement	Benchmark Data Source	Year of Baseline	Target Fiscal Year 3	Actual Qrt Rep 8 Oct-Dec 2009	Actual Qrt. Rpt. 9 Jan-Mar 2010	Actual Qrt Rpt. 10 Apr-Jun 2010	Actual Qrt. Rpt. 11 Jul-Sep 2010	Total Achieved FY 3	Percent FY3	Comments
1. Judges are well-trained and qualified	Number of incoming judges trained with Project assistance pre-appointment.	Judicial trainees attending classes at Judicial Training Institute (JTI) renovated by Project, or attending Project supported courses elsewhere	MOJ	2008/0	25	15(9 males)	0	0		15	60%	Supreme Judicial Council selected 50 judge trainees in early 2010 that will be trained in 2010-2011.

Number of sitting judges trained with Project assistance.	Sitting judges trained or participating in study tours /overall SJCAJ project	MOJ/ NCSC	2008/0	120	8 (6 males)	33 (21 males)	0		41 (27 males)	34%	In February, the Project assisted JTI in holding a seminar for sitting judges on human rights law.
Number of legal resources provided with Project assistance	JTI website with legal data base (digitalize legal resources)	MOJ, NCSC	2008/0	1	1	0	0		1	100.00 %	JTI website complete. http://www.jtilebano.com
Number of judicial trainee candidates examined for entry into judicial profession with modern techniques	List of tested candidates	MOJ, NCSC	2008/0	600	0	592	0		592	99%	The Supreme Judicial Council recruited candidates for JTI from two sources: (1) experienced attorneys and (2) recent law graduates.
Percentage of Judge Trainees responding that curriculum is satisfactory in meeting their training needs	Survey	NCSC/ MOJ	2008/0	80%	0	0	0				Will be completed in Q10.
Number of new upgraded IT stations for e-library	Judicial Training Institute e-Library	NCSC/ MOJ	2008/0	4	1	0	40		41	1025%	41 IT stations are in place in the JTI facility.
Number of judicial training management information systems created or supported by the project	Judicial Training Institute automated management system	NCSC/ MOJ	2008/0	1	1	0			1	100%	JTI website is a judicial training management information system

TASK 2: Enhance Judicial Intependence

Expected Result	Indicator	Benchmark Measurement	Bench mark Data Source	Year of Baseline	Target Fiscal	Actual Qrt Rep 8	Actual Qrt. Rpt. 9	Actual Qrt Rpt. 10	Actual Qrt. Rpt. 11	Total Achi eved FY 3	Perce nt FY3	Commen ts
					Year 3	Oct-Dec 2009	Jan-Mar 2010	Apr-Jun 2010	Jul-Sep 2010			

1. Improved judicial independence	Number of programs to enhance public understanding and media coverage of judicial independence and accountability	Assessment on MOJ Public relation capacity, national campaign	NCSC, MOJ public relation Dept	2008/0	2	0	0	0		0	0%	Assessment deemed unnecessary by MOJ (supporting letter), National campaign to be conducted in September 10
	Number of programs to promote High Judicial Council (HJC) control over management of court budget	Assessment for budget control and assistance on drafting legislations	HJC, MOJ, MOF	2008/0	2	1	0	0		1	50%	Assessment completed, on-going consultancy on draft legislation will be completed next quarter
	Number of programs supported by Project to promote judiciary's control over membership of the High Judicial Council (HJC)	Study Tour, and consultancy in drafting legislation on the judiciary	NCSC, MOJ, HJC	2008/0	2	0	0	0		0	0%	On-going consultancy on drafting legislation will be completed next quarter/Study tour Sept 2010
2. Judicial code of professional conduct honored and enforced	Number of programs by Project to reform judicial code of conduct and procedures for enforcement	Consultancy on drafting code, and related roundtables	NCSC, HJC, MOJ	2008/0	2	0	0	0		0	0%	On-going consultancy on Code of Ethics will be completed next quarter
	Number of programs supported by Project to reform procedures for enforcement of judicial discipline	Consultancy to improve judiciary discipline process, Training for JIU, study tour for JIU, JIU IT equipment up-grade program	NCSC, HJC, MOJ, JIU	2008/0	4	0	0	2		0	50%	Study tour July 19-24, draft legislation to improve disciplinary process will be completed next quarter

TASK 3: Support Efforts by the Ministry of Justice to Improve Court Administration

Expected Result	Indicator	Benchmark Measurement	Benchmark Data Source	Year of Baseline	Target Fiscal Year 3	Actual	Actual	Actual	Actual	Total Achieved FY 3	Percent FY3	Comments
						Qrt Rep 8 Oct-Dec 2009	Qrt. Rpt. 9 Jan-Mar 2010	Qrt Rpt. 10 Apr-Jun 2010	Qrt. Rpt. 11 Jul-Sep 2010			
1. Improved court administration	Number of courts with improved infrastructure	Completion of Model Court and information kiosks	NCSC, MOJ,	2008/0	1	0	1	0		1	100%	Target met

	adequate to serve modern court administration											
	Number of modern manual filing system designed, implemented or supported	Installation of modernized filing systems in Model Court and Dept. of State Litigation (Office of Contentious Issues)	NCSC/ MOJ	2008/0	2	0	1	0		1	50%	On-going
	Number of court personnel trained in modern administrative techniques	Participation in seminars, working groups and study tours	NCSC/ MOJ	2008/0	200	21	0	3: 2 male 1, female (20 others already counted in QR 8)		23	12%	4 Trainings this QR with Model Court. All already counted in QR 8 (no right to double count)
	Number of court management information systems (MIS) created or supported by Project	Installation of automation assisted case management systems in Judgment Executions Court (Model Court) Dept. of State Litigation (Office of Contentious Issues)	NCSC, MOJ	2008/0	2	1	0	0		1	50%	Judge Makki, a Model Court Judge has is developing a basic automated case tracking programme for use in Model Court.
	Number of information educational and awareness events regarding court administration improvements completed by the Project	Seminars, training sessions, workshops, study tour	NCSC, MOJ	2008/0	8	3	0	4		7	87%	
	Number of modernized administrative processes and procedures created, implemented or supported by the Project	Court administrative practices of Judgment Executions Court and Dept. of State Litigation(Office of Contentious Issues)	NCSC/ MOJ	2008/0	2	1	0	0		1	50%	Model Court administrative procedures on manual procedures completed . Office of Contentious Issues-ongoing
	Number of alternative dispute resolution (ADR) program supported by project	ADR Assessment	NCSC/LC PS	2010/0	1	0	0	0		0	0%	ADR Report will be completed in July 10

TASK 4: Improve Access to Justice

Expected Result	Indicator	Benchmark Measurement	Benchmark Data Source	Year of Baseline	Target	Actual	Actual	Actual	Actual	Total Achieved FY 3	Percent FY3	Comments
					Fiscal Year 3	Qrt Rep 8 Oct-Dec 2009	Qrt. Rpt. 9 Jan-Mar 2010	Qrt Rpt. 10 Apr-Jun 2010	Qrt. Rpt. 11 Jul-Sep 2010			
1. Indigent citizens receive quality legal services	Number of legal attorneys trained by Project	Study tour and follow-up trainings	NCSC/Beirut and Tripoli Bar Associations	2008/0	25	4 (2 males)	0	0		4	16%	Training for Tripoli lawyers prepared but postponed
	Number of training curriculum developed	Training needs assessment and Legal Aid Curriculum	NCSC/Beirut and Tripoli Bar Associations	2008/0	2	0	2	0		2	100%	Target met
	Number of legal aid administrative systems analyzed and recommended for improvement	Need based assessment, and IT assessment	NCSC/Beirut and Tripoli Bars; MOJ	2008/0	2	0	0	2		2	100%	Target met. Draft completed. Final version of the needs-based assessment will be provided next quarter.
	Number of publicized events in support of legal aid	Public information campaign, legal aid certificate ceremony	NCSC/Beirut and Tripoli Bars; MOJ	2008/0	2	0	0	0		0	0%	Public info campaign designed by Firm Roofelevation, to be display next quarter
2. Public is informed of justice services	Number of informative events targeted for public awareness of justice	Information Kiosk, Law Day, e.g.	NCSC, MOJ	2008/0	1	0	0	0		0	0%	Law day will be conducted in September
	Number of publications created and distributed by Project regarding justice services	State Council Legal Aid Guidebook	NCSC, State Council	2008/0	1	0	0	0		0	0%	On-going to be completed next quarter

TASK 5: Grants Program

Expected Result	Indicator	Benchmark Measurement	Benchmark Data Source	Year of Baseline	Target	Actual	Actual	Actual	Actual	Total Achieved FY 3	Percent FY3	Comments
					Fiscal Year 3	Qrt Rep 8 Oct-Dec 2009	Qrt. Rpt. 9 Jan-Mar 2010	Qrt Rpt. 10 Apr-Jun 2010	Qrt. Rpt. 11 Jul-Sep 2010			

1. Increased public support for reforms and respect for the rule of law	Grants awarded that build public awareness and support for reform	Number of grant applications submitted and awarded	Grant applications and committee awards	2008/0	0	0	0	0				Grant applications received and grant awards completed in FY 2.

TASK 6: Strategic Planning for Justice Sector in Lebanon

Expected Result	Indicator	Benchmark Measurement	Benchmark Data Source	Year of Baseline	Target Fiscal Year 3	Actual Qrt Rep 8 Oct-Dec 2009	Actual Qrt. Rpt. 9 Jan-Mar 2010	Actual Qrt Rpt. 10 Apr-Jun 2010	Actual Qrt. Rpt. 11 Jul-Sep 2010	Total Achieved FY 3	Percent FY3	Comments
1. Institutional consensus on reforms for justice sector for short- to medium-term captured in strategic plan	Number of strategic planning assessment	Assessment report	NCSC, MOJ, HJC	2009/0	1	1	0	0			100%	Target met
	Number of workshop conducted	workshops, retreat	NCSC, MOJ, HJC	2009/0	2	1	1	0			100%	Target met

TASK 7: Facility Assessment and A-E Design/Bid Material

Expected Result	Indicator	Benchmark Measurement	Benchmark Data Source	Year of Baseline	Target Fiscal Year 3	Actual Qrt Rep 8 Oct-Dec 2009	Actual Qrt. Rpt. 9 Jan-Mar 2010	Actual Qrt Rpt. 10 Apr-Jun 2010	Actual Qrt. Rpt. 11 Jul-Sep 2010	Total Achieved FY 3	Percent FY3	Comments
1. Architectural engineering design JTI facility	Architectural design and bid documentation for the Judicial Training Institute completed	Submission of building assessment report	NCSC	2009/1	0	0	0	0			100%	Target met in FY 2
2. Architectural engineering design for Model Court	Architectural design and bid documentation for the Beirut Enforcement Court completed	Submission of building assessment report	NCSC	2009/1	0	0	0	0			100%	Target met in FY 2

TASK 8: Refurbishment of Model Court and Judicial Training Center

Expected Result	Indicator	Benchmark Measurement	Benchmark Data Source	Year of Baseline	Target Fiscal Year 3	Actual Qrt Rep 8 Oct-Dec 2009	Actual Qrt. Rpt. 9 Jan-Mar 2010	Actual Qrt Rpt. 10 Apr-Jun 2010	Actual Qrt. Rpt. 11 Jul-Sep 2010	Total Achieved FY 3	Percent FY3	Comments
1. Renovation of Model Court	Beirut Enforcement Court refurbished	Completion of refurbished of Model Court	NCSC	2009/0	1	0	1				100%	Target met

	Beirut Enforcement Court renovated	Completion of all construction works	NCSC	2009/0	1	0	1				100%	Target met
2. Renovation of JTI Facility	Judicial Training Institute refurbished	Completion of refurbished of JTI	NCSC	2009/0	1	0	0				100%	Target met
	Judicial Training Institute renovated	Completion of all construction works	NCSC	2009/0	1	0	0				100%	Target met