

Palestinian National Civil Caseflow Management Plan

General Goal:

The plan aims at creating practical and structural steps that will assist the Palestinian Conciliation and First Instance Courts in implementing the case management procedures to reduce delay, deal with the backlog in an efficient manner, and finally, manage all the cases in a fair, effective and stable manner.

First: Case Tracks and Time Standards:

All civil cases will be classified within the following tracks. Each track has a certain time standard as follows:

First Track: Fast Track

Includes:

All cases must be concluded in twelve months period. Ninety percent of these can be concluded during eight months period.

*Types of cases:

1. Correction cases (correcting a name or a registration).
2. Labor disputes.
3. Money dues.
4. Executing or certifying a foreign judgment.
5. Compensation for material damages.
6. Certifying or nullifying an arbitrator's decision.
7. Selling lien property.
8. Execution of contract
9. Request the court to direct relief from harm done to real or personal property.
10. Summery procedures cases.

Second Track: Ordinary Track

All cases must be concluded in twenty-four months period. Ninety percent of these can be can be concluded during a sixteen months period

Types of cases:

1. Eviction acts.
2. The objection of a third party on the court's ruling.
3. Nullification of a contract.
4. Nullification of a registration.
5. Property division.
6. Conversion of personal property.

Third track: Extraordinary Track

Includes:

All cases must be concluded in thirty-six months period, ninety percent of which can be concluded during twenty-four months period

Types of cases:

1. Priority rights.
2. Ownership confirmation.
3. Trespass of property.
4. Correct boundaries of land.
5. Bankruptcy.
6. Liquidation of companies.
7. Accounting

* The chief judge of the court has the authority to classify any type of case that is not included in the above table temporarily in any category, until a formal categorization by the National Committee for Case Flow Management is done.

Second: Early Intervention System:

The court will follow early intervention procedures in achieving the general goals behind case flow management:

1. Case Review:

When submitting the “list of claims and response list”, the attorneys for the plaintiff and the defendant will complete a “*Case Information Sheet*” form. The form will be supplied to the attorneys so it can be completed and filed in advance.

The Chief Clerk will complete the information related to him/her in the form and the form attached to the case file. The information that appears on the information sheet cannot be considered as evidence in the trial.

After submitting the case file to the concerned judge/panel, the concerned judge/panel will review the case information sheet.

2. Classifying the Case and Setting the Hearings Date:

After reviewing the case information sheet, the following matters should be determined and noted on the sheet in the designated space:

- Classifying the case within its suitable track according to the Track Table.

- Determining the date to conclude the case. Such a date should not exceed the time limit designed for the chosen track.
- Determining the number and dates of the hearing sessions needed to conclude the case (according to the hearing scheduling system: the third section of the plan). The case track, the anticipated trial time, case type, and what is anticipated during the hearings should be taken into consideration when determining the number and dates of the hearings.

3. Notifying the Parties:

After reviewing the case information sheet and determining the case track and the hearings, the parties should be provided with the following information:

- a) The date of the first hearing. b) The case track. c) The anticipated date for concluding the case. d) The number and dates of the hearings.

4. Case Preparation Procedures:

The case preparation procedures aim at providing a last chance for settling the case and to prepare the case before the trial in a way that insures smooth caseflow. This is done through identifying and removing any obstacles before the trial phase.

5. Time Frame for Concluding the Case Preparation Procedures:

The case preparation procedures should be concluded according to the time limits determined below. In certain circumstances the concerned judge/panel can extend the time limit:

- The time limit for the Ordinary and Extraordinary Track cases is 60 days starting from the day the case file is submitted to the judge/panel.
- The time limit for the fast track cases is 30 days from the day the case file is submitted to the judge/panel.

Case Preparation Management System:

The judge/panel implements the case preparation management system through the following steps:

- a) Discussing all the case preparation issues with the attorneys in order to reach a mutual agreement related to these issues.
- b) Reviewing the case track, the time needed to conclude the case, and the number and dates of the hearings.

The issues to be discussed at the case preparation phase are:

- Referring the case to arbitration (if the type of the case allows such referral)
- The parties' pleas regarding the law and the facts of the case, and determining the points where the parties agree and differ.

- Each party has to identify the evidence he/she is going to present in the course of the trial (according to article 120/2 of the Civil and Commercial Procedures Law).
- Identifying the names of the attorneys representing each party.

Case Preparation Form:

The case must be prepared for the first hearing according to the case preparation form (included in this plan). The form should be signed after it is completed by the attorneys, judge and court reporter (clerk). The form will reflect the agreement and the directions of the court. All agreements reached between the parties should be noted in the hearing’s minutes.

Third: Hearings Scheduling System:

The court will follow the following steps:

Hearings Dates Scheduling System:

The Case Flow Management Committee in each court (described in the fourth section of this plan) may choose one of two methods in determining hearing dates:

a) Mixing different types of cases (tracks):

- Cases from the three tracks are scheduled to be heard on a given day according to the number and percentage set forth in the table below. The number of cases and percentages can be modified according to the specific circumstance of each court. The modification is to be done by the Chief Judge of the court.
- Efforts should be made to schedule the hearings of the same type cases on the same day if possible.
- The arrangements are not absolute. The percentage may be changed in scheduling the hearings on any given day if there are special circumstances. The chief judge of the court has the authority to grant a variance of this nature.

Percentage and number of cases from all tracks scheduled to be heard in one day

Total Daily Load	Extra Ordinary Track	Ordinary Track	Fast Track		
				%	Conciliation court
				NO.	
				%	Panel / First Instance Court
				NO	

b) A separate day is assigned to hear cases from the same track:

- Each Conciliation Judge or First Instance Panel is assigned a number of cases from the same track to hear on a given day. The number should not exceed the number stated in the table below. The number of cases may be

modified according to the special circumstances of the court by a decision of the court caseload management committee.

- The committee should define the days assigned to hear the cases of each track, taking into consideration the court caseload from each track.
- To insure a high confidence in the hearings dates by the public, no more than 10% of the hearings that are assigned for one day should be continued. In order to monitor the continuances, a weekly inventory should be done, and priority should be given to continued cases.

The maximum number of cases per day table			
Extra Ordinary Track	Ordinary Track	Fast Track	
			Conciliation court
			Panel / First Instance Court

Continuance System:

In order to insure the efficient use of time and to insure the credibility of the hearings dates the court should take the following steps:

- An adequate period for notification should be taken into consideration when scheduling hearings.
- The parties or their attorneys have the right to request the court to change the hearing date if there is a necessity for such a request. Such a request should be submitted to the court during the first 15 days that follow the date the party was notified. The court should decide within two days from receiving the request if it will accept the revision.
- The continued cases should have a new hearing scheduled as soon as possible.
- The provisions of article 121 of the Civil and Commercial Procedures Law, which forbids the repetition of continuances for the same reason more than once, should be fully implemented by the courts.

Reports and Information Management:

Each court has to prepare a monthly and an annual statistical report that must include the following information:

- **New Cases Filed:** the report should include its number, types, and the numbers of each type.
- **Concluded (closed) Cases:** the report should include: a) the number of concluded cases. b) The concluded cases according to the case tracks and the time needed for concluding the case. c) The average time for concluding the cases and the 90th percentile calculation. d) The annual number and percentage of the newly filed cases compared to the annual number and percentage of the concluded cases.

- **Pending Cases:** the report should include: a) the total number of pending cases. b) The pending cases according to age. c) The pending cases that exceeded the time frame set out for them. The number of such cases and its percentage.
- **Pending Inactive Cases:** a weekly and a monthly inventory should be done.

The report should be distributed regularly to the judges and the members of the Caseflow Management Committee and should be discussed at the committee's meetings in order to use the information in planning for case flow management. A copy of the report should also be sent to the national case flow management committee and the Supreme Judicial Council.

Fourth: The Commitment to the Caseflow Management Process and its Development:

It is important to preserve the commitment of the judges, lawyers, and the bar association in the caseflow management process. It is also important to continue the development of the process. In order to achieve such goals, caseflow management committees should be established and the responsibilities in such committees should be assigned as follows:

Roles and Responsibilities Regarding the Caseflow Management Process:

	Responsibilities
First instance court chief judge/ the most senior conciliation court judge	<ol style="list-style-type: none"> 1. Carry out the duties and powers assigned to him/her in this plan. 2. To make sure that the civil case flow and its management procedures are going smoothly and according to the plan. 3. To work on achieving the goals of the national case flow management plan. 4. Work towards involving other judges and court staff in the planning and implementation of the case flow management plan. 5. Update the attorneys and the judges about case management procedures and hold discussions with them on such issues according to the instructions issued by the SJC.
Chief Clerk	<ol style="list-style-type: none"> 1. Insure the archiving of all the information related to the caseflow management. 2. Carry out all the tasks needed for the smooth implementation of the plan. 3. Prepare and submit regular statistical reports and suggestions to the chief judge and members of the caseflow management committee.
Caseflow management committee.	<ol style="list-style-type: none"> 1. Carry out all the duties and powers designated by the work plan. 2. Assist the chief judge in implementing case flow management procedures. 3. Monitor the success in achieving the caseflow management plan goals and to submit suggestions to the National Caseflow Management Committee by reviewing the monthly and annual court performance reports.

The National Caseflow Management Committee	<ol style="list-style-type: none"> 1. Carry out all the duties and powers designated to it by this plan. 2. Monitor and evaluate the implementation of the case flow management plan. 3. Review the plan after three months of adoption and implementation and to amend it if it is necessary. 4. Evaluate the plan annually and propose suggestions to the SJC .
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Develop and Strengthen the Discussion Process with the Bar Association in the Area of Caseflow Management:

In order to implement, develop, and get the most effective results out of the caseflow management plan, it is important to involve the bar association. This will lead to support and a strengthening of the procedures and a continuation of the work.

To achieve such a goal, a mechanism that insures that the bar and the attorneys are able to view the Caseflow Management Plan and hear their views should be developed according to the JEC directions.

**Palestinian National Authority
The supreme Judicial Council
Case information sheet**

“The information registered here could not be regarded as evidence in the trial of the case”

_____ Court Judge/panel: _____

Case registration number: _____ Case subject matter: _____

Plaintiff/s: _____ Plaintiff Attorney/s: _____

Defendant/s: _____ Defendant Attorney/s: _____

- Desire to refer the case to arbitration:

- The issues the parties agree upon:

- The issues the parties differ upon:

- List of evidences:

- other related cases before the court of _____ case number and type _____ . Case subject matter _____. Its relations with this case

Attorney's signature:

Four court's official use only:

Case track _____, period needed to concluded the case _____

The number of hearings needed: _____

Hearings' dates:

**Palestinian National Authority
The supreme Judicial Council
Case preparation form**

_____ Court Judge/panel: _____

Case registration number: _____ Case subject matter: _____

Plaintiff/s: _____ Plaintiff Attorney/s: _____

Defendant/s: _____ Defendant Attorney/s: _____

1. Desire to refer the case to arbitration:

2. The issues the parties agree upon:

3. The issues the parties differ upon:

4. List of evidences:

Case track _____, period needed to concluded the case _____

The number of hearings needed: _____

Hearings' dates:

Court's reporter

Attorney signatures

Judge/panel