



Public Dialogue Process on Justice System Reform in the West Bank and Gaza

Arkan Project

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LIST OF ACRONYMS

ABA/CEELI	American Bar Association/Central Europe and Eurasia.....
CLE	Continuing Legal Education
JTP	Judicial Training Program
LOE	Level of Effort
NGOs	Non-Governmental Organizations
PAC	Palestinian Arbitration Center
PBA	Palestinian Bar Association
PLC	Palestinian Legislative Council
RLAC	Rule of Law Advisory Committee
SOW	Scope of Work
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

This consultancy was conducted from May 13, 2005 through June 10, 2005 for the *Arkan* Project in the West Bank and Gaza. The consultant, a legal system dialogue specialist, had the following tasks in her scope of work:

- Develop a program for a legal professional, public dialogue on legal reform priorities in West Bank & Gaza;
- Work closely with the *Arkan* Project staff to conduct on-site discussions with a variety of interested legal professionals, non-governmental organizations (NGOs), businesses, and other entities regarding the form and goals of a public dialogue on legal reform program; and,
- Work with the Steering Committee for the Development of the Judiciary and Justice in the West Bank and Gaza.

The deliverables under this consultancy were to:

- Outline the public dialogue process (see Annex A); and,
- Submit an interim progress report on the activities conducted with recommendations, describing discussions with counterparts in significant detail.

Together with project staff, partners, and beneficiaries, the consultant endeavored to enhance the public dialogue process by conducting considerable on-site discussions with key stakeholders who represented legal and judicial professionals within the law schools, legal profession, judiciary, government, non-governmental organizations, business community and press.

It was determined that the key stakeholders are:

Key Group	Specific Stakeholders
Legal Education	<ul style="list-style-type: none">• Local Universities (Al Azhar, Al Quds, An Najah, and Birzeit)• Law Professors• Law Students• Law Librarians
Legal Profession	<ul style="list-style-type: none">• Attorneys• Government Lawyers (including Notaries)• Corporate (in-house) Lawyers• Palestinian Bar Association
Judiciary	<ul style="list-style-type: none">• Judges• Courts of Conciliation (Courts of Peace)• Courts of First Instance• Courts of Appeal• Supreme Court• Palestinian Judges Association (West Bank)• Palestinian Judges Club (Gaza)• Attorney General (according to Palestinian law)• Prosecutors (according to Palestinian law)
Government Officials	<ul style="list-style-type: none">• Ministry of Justice

	<ul style="list-style-type: none"> • High Judicial Council • Steering Committee for the Development of the Judiciary • Legal Committee of the Palestinian Legislative Council • Legal Department of the Palestinian Legislative Council
Other	<ul style="list-style-type: none"> • Non-Governmental Organizations • Business Community • Press

From the outset of this consultancy, it was agreed that the purposes of the public dialogue process with the counterparts are:

- to develop broad local support for justice system reform in the West Bank and Gaza;
- to assess interest in developing a multi-year strategic plan for the legal education sector of the justice system;
- to assess interest in developing a multi-year strategic plan for the legal profession sector of the justice system;
- to assist the Steering Committee for the Development of the Judiciary and Justice to accomplish its objectives, when resources and expertise are available; and,
- to respond to other demand-driven needs and priorities.

I. PUBLIC DIALOGUE WITH COUNTERPARTS

The public dialogue process contemplates multi-steps that can occur sequentially as well as simultaneously. During this consultancy, the process began with site visits and meetings with individual key stakeholders, was broadened to focus group meetings and forum with interested legal and judicial professionals, and will expand to an inter-disciplinary conference with the expectation that a strategic plan for legal education and a strategic plan for the legal profession will be developed.

Site visits were held at the Hebron, Bethlehem, and Jenin First Instance Courts; at the local bar association offices in Hebron, Bethlehem, Jenin, and Nablus; at An-Najah University Law School in Nablus; and, at the Palestinian Legislative Council to observe first-hand the conditions of the justice system, and to generate interest among the professionals to participate in the justice system reform process.

Throughout the public dialogue process the International Standards of the Legal Profession (see Annex B), and the International Standards of Judicial Independence (see Annex C) were distributed to many participants. Both documents contain standards compiled by the American Bar Association, Central European and Eurasia Law Initiative (ABA/CEELI), and were derived from internationally recognized standards identified in United Nations' documents and Council of Europe's documents. These documents were distributed as a means of informing key stakeholders about the type of legal education, legal profession and judiciary they may strive for, and to assess their interest in pursuing strategic plans that would incorporate several of the international standards.

We also distributed the *Beirut Declaration, Recommendations of the First Arab Conference on Justice*, Beirut, 14-16 June 1999, and the *Cairo Declaration on Judicial Independence, "Supporting and Promoting the Independence of Judiciary"* from the Second Arab Justice Conference, Cairo, February 21-24, 2003.

A description of the discussions held, is available in Annex D. A schedule of meetings is provided in Annex E, which also includes a list of the individuals met as well.

II. RECOMMENDATIONS

A. Develop Strategic Plans and Accompany Action Plans for Legal Education, Legal Profession, and an Independent Judiciary

Throughout the public dialogue process, it became evident that the key stakeholders are painfully aware of the problems confronting the three major justice system sectors. An analysis of the description of the individual meetings, focus group meetings, and forums clearly demonstrates that the participants are cognizant of the issues they must confront.

There is no longer the necessity to raise the awareness of legal and judicial professionals of the need for structural legal reforms, nor to assist them in identifying the weaknesses of the current legal system. Coupled with their perception of the specific reforms that must take place to ensure a democratic legal system is their evident frustration over the lack of genuine reforms during the past several years. Many of the participants complained that they have been called upon repeatedly over the years to present their views to numerous international donors and local counterparts on the problems facing the justice system sectors, but have witnessed few results.

Thus, the time is ripe to elevate the public dialogue process to another level, which will ensure that significant results ensue from additional discussions.

Given that there is a general consensus concerning the problems facing legal education, the legal profession and judicial independence, it is timely to engage in a multi-year strategic planning process. Ideally, there would be one strategic plan for the justice system of the West Bank and Gaza that would encompass the three major sectors. However, since *Arkan* is limited primarily to the first two sectors, legal education and legal profession, *Arkan* may want to undertake the development of strategic plans for the first two sectors, while working with other entities assuming the responsibility of developing a strategic plan for judicial independence, so the three strategic plans could be incorporated into one document.

It is interesting to note that during the discussions about the need to develop a strategic plan for the justice system of the West Bank and Gaza, very few individuals mentioned or even knew of the existence of the 1996 Strategic Plan for the Judiciary. Apparently, the 1996 Strategic Plan is a product of an international donor who worked primarily with the top echelons of government. It is unclear whether the 1996 Strategic Plan was rejected, ignored or simply forgotten. Without pre-judging the quality of the 1996 Strategic Plan, it would be wise for *Arkan* to seriously consider the substance of the 1996 Strategic Plan in its pursuit in developing new strategic plans.

Strategic planning facilitates the process whereby a justice system focuses on its basic purposes; prioritizes the most important issues to be addressed; identifies approaches to address those issues; and develops a plan of action. The plan of action typically includes tasks, benchmarks and milestones that allow for progress to be measured, a description of resource needs, and a timeline for the completion of tasks.

The strategic planning process will help the key stakeholders identify the fundamental values of the justice system they envision, and will help guide them to coordinate legal and judicial

reforms over a period of five years or more. Rather than pursue reforms in a piecemeal manner, they will be able to work toward a shared vision.

The strategic plan and accompanying action plan will place the stakeholders in the principal position of determining which reforms should be undertaken in the West Bank and Gaza, when they should occur, and by what method. At the present time, reforms are taking place in an *ad hoc* manner, and are often in response to an international donor's appeal, which is usually driven by the donor's agenda. Without Palestinian policy-level deliberations on the common goals of a justice system, these *ad hoc* reforms can result in overlapping and even conflicting objectives. A comprehensive strategic plan that incorporates future reform initiatives will assist the international donors to identify those initiatives that correspond to their own assistance program.

During many of the meetings, we discussed the strategic planning process and received a positive, often enthusiastic, response of the need for a strategic plan for the justice system of the West Bank and Gaza. The fundamental concern was not if, but how to develop such a strategic plan.

III. STRATEGIC PLANNING PROCESS: NEXT STEPS

A. Obtain Support of the Rule of Law Advisory Committee

The first step is to present the strategic planning process to the Rule of Law Advisory Committee (RLAC) to seek its input into the process and to obtain its commitment to provide guidance in developing the strategic plans and action plans for legal education and the legal profession. Ideally, if the mandate of *Arkan* is broadened, the strategic plan and action plan for the judiciary could be included in this process. Given the limited mandate today, this report will focus on legal education and the legal profession, yet the strategic planning process for the judiciary is similar.

The RLAC, with its broad representation, may develop a mission statement for legal education and the legal profession, which would provide the reference point for the ensuing strategic planning process. Essentially, the mission statement is to define the purpose of legal education and the legal profession, and based on past experiences, current conditions and future expectations (an essential step given the volatile Palestinian political circumstances), determine the basic philosophy and values of legal education and the legal profession, what they intend to accomplish, and whom they intend to serve.

B. Identify Individuals within each Stakeholder Group

The second step is to identify individuals who would be interested in actively participating in the strategic planning process, and obtain their commitment. They must be willing to be involved in defining their vision of legal education and the legal profession; recognize the critical purposes of legal education and the legal profession; identify the major obstacles and resolutions to establishing the type of legal educational system and the legal profession they envision; and set priorities for the implementation of reforms. Although many individuals whom we met believe in the worthiness of a strategic plan, not all of them may be willing to actively participate in the process.

Individuals representing law students, law faculty of the four law schools in *Arkan*, and preferably the fifth law school, the PBA, NGOs, such as Panorama and Musawa, the PLC, and the business community should be included. Although *Arkan* may not be developing the strategic plan for the judiciary, it is wise for judges and other justice officials to participate in the strategic planning process for legal education and the legal profession; thus, judges and key representatives of the Ministry of Justice, the High Judicial Council and the Steering Committee for the Development of the Judiciary and Justice should also be consulted.

C. Conduct Focus Group Meetings

Conducting focus group meetings throughout the West Bank and Gaza will further the discussions already undertaken during the Legal System Dialogue process but they will now be directed toward developing a strategic plan.

Using the appropriate mission statement prepared by RLAC as a basis for their discussion, members of the focus group meetings will assess the strengths and weaknesses of legal education or the legal profession, as appropriate, identify the goals, develop strategic solutions, and set priorities for implementation. Essentially, this will be the work of all group meetings throughout

the strategic planning process. As consensus is reached on issues, goals, strategies and priorities, the strategic plan will become more refined until a final document is prepared. To ensure effective discussion and building of consensus, the focus groups should be limited in size while adequate representation is ensured.

For the strategic plan for legal education, it would be advisable to hold a focus group meeting at each of the four (or five) law schools with representatives of the law student association in each of the law schools, as well as representatives of the faculty association, to the extent it exists, who can contribute towards the improvement of legal education.

For the strategic plan for the legal profession, it would be advisable to hold a focus group meeting at each of the major bar association offices, as well as a few minor ones to obtain a diversity of opinion.

As a means of fostering the public dialogue process and focusing the working groups toward developing a strategic plan, the International Standards for the Legal Profession could be utilized as a basis for discussion and to provide direction in determining which Standards are more suitable for the West Bank and Gaza.

For example, Standards number 7 and 8 of the International Standards for the Legal Profession could be the basis for discussion among the legal education working groups, while the remaining Standards could be the basis for discussion among the legal profession working groups.

Following the completion of the focus group meetings, a paper on legal education and one on the legal profession compiling the results of each focus group may be prepared which will be the basis of discussion at the Forum.

D. Conduct Forum

Following the methodology of the focus group meetings, a forum(s) on legal education and a forum(s) on the legal profession will be conducted which will include a broader representation of the key stakeholders in order to not only widen the participation, but also enhance consensus-building.

Representatives of each focus group will attend the appropriate forum to present the results of their focus groups and to develop a consensus of the issues raised and their priorities. The forum on legal education would have representatives of the four focus groups each representing a different law school. The forum on the legal profession would have representatives of each focus group representing bar association offices in major and smaller cities.

Each forum may also include representatives of a broader group of stakeholders such as: judges, representatives of the appropriate governmental ministry, and other governmental bodies, NGOs, the business community and press.

It would be advisable to have initial and separate meetings with representatives of the business community, NGOs and the press prior to inviting them to participate in the forum in order to explain the strategic planning process and seek their commitment to the process. Particularly

with regard to the separate meetings with representatives of the NGOs and journalists, the meetings should also include a brainstorming session concerning ways in which they could help educate the public during the strategic planning process.

As part of the strategic planning process, a law faculty-bar association forum consisting of a collaborative group of law professors and attorneys throughout the West Bank and Gaza may be held periodically during the strategic planning process to not only discuss the two strategic plans, but also to assess the timing and sequencing of practical skills training activities which affect the law schools, the PBA and practicing attorneys. During the public dialogue process, it was evident that many attorneys would be willing to work more closely with the law faculties in order to enhance the practical skills of law students. Such a forum would facilitate that process.

The work of the forums will continue until a consensus is reached on the goals, strategic solutions, and priorities for implementation. Following the conclusion of the forums, two “white papers,” one for legal education and another for the legal profession will be prepared for distribution to all legal professionals and appropriate governmental officials.

E. Conduct Legal System Assessment Conference

In order to provide for a diversity of participants in the strategic planning process and ensure that the substance of the strategic plans are accepted and “owned” by the very people they will affect most directly, a legal system assessment conference consisting of law students, law professors, attorneys, prosecutors, judges, representatives of the government, NGOs, business community and the press will convene for the purpose of reaching a consensus on the two “white papers”.

F. Create Working Groups to Draft Strategic Plans and Action Plans

Two working groups (one for legal education and one for the legal profession) may be created of five to ten members each who would be willing to draft the appropriate strategic plan based upon the consensus reached during the Legal System Assessment Conference, and an accompanying action plan, which would include tasks, benchmarks and milestones that allow for progress to be measured, a description of resource needs, and a timeline for the completion of tasks. *Arkan* would be instrumental in directing the work of the two working groups, and assisting in the drafting when necessary.

G. Seek Support of the Strategic Plans and Action Plans by the Palestinian Legislative Council

Ultimately, since many of the reforms that are to be undertaken will require substantial governmental financial, technical and personnel resources, it is incumbent upon the PLC to recognize its obligation and willingness to assist in implementing the strategic plans and action plans. *Arkan* will advance the strategic planning process with the PLC.

During the elections for the PLC, *Arkan*, in conjunction with the appropriate NGOs, may urge certain PLC candidates to include the strategic planning process in their campaign manifestos. As previously stated, not only would this expose the strategic planning process to the public, it would also demonstrate the importance legal and judicial reform has on the national agenda, and hopefully hold the candidates accountable to the strategic planning process should they win election.

H. Conduct Activities throughout the Strategic Planning Process

Arkan may also engage in the following activities throughout the strategic planning process:

- provide information on comparative laws and international practices in the areas of legal education, legal profession and the judiciary.
- provide questionnaires to participants of focus groups and sector forums on specific areas of interest to them.
- conduct public opinion surveys to obtain a general understanding of the public's perception of the Justice System, provided resources are available.
- support visits by international experts to provide advice and guidance on specific areas of interest to the key stakeholders.
- support the attendance of key stakeholders, when financially feasible, at international conferences in the region to expand the dialogue beyond the borders of the West Bank and Gaza in order to obtain first-hand knowledge of common problems and solutions.
- conduct public awareness campaigns to keep the public abreast of the activities and results of the public dialogue process.
- develop a media policy to promote the strategic planning process by incorporating media tools such as newspaper coverage, TV and radio programs or spots, to not only explain the strategic planning process to the public, but to also elicit their views on the issues being undertaken by the working groups, forum and conferences.
- provide the press with information describing the public dialogue process, and the results of the various focus group meetings, sector forums and conferences.

I. Completion of the Strategic Plans

Depending upon the level of effort and interest in developing the two (and perhaps three) strategic plans, the goal is have the strategic plans finalized for presentation to the Palestinian Legislative Council's Democracy Day scheduled for March 2006.

ANNEX 1
BACKGROUND, SCOPE OF WORK
AND DELIVERABLES

Section A. Background, Scope of Work, and Deliverables

Legal System Dialogue Specialist Scope of Work

Background

The *Arkan* Project is a three year, USAID-funded program to support rule of law reform in Palestine through the provision of assistance to strengthen legal education, improve bar association membership services and involvement, and foster public trust in the Palestinian legal system. *Arkan* works with law faculties, civil society organizations, and professional groups across the West Bank and Gaza, seeking to facilitate reform through collective dialogue and shared responsibility for the challenges of reform.

Several matters are high on the rule of law reform agenda in Palestine.

- *Creation of a Palestinian legal culture.* Differing political histories in the West Bank and Gaza Strip have introduced disagreement regarding legal norms. Legal professionals in the West Bank, many educated in Jordan, hew toward a “Jordanian” view of law and legal interpretation, while those in the Gaza Strip, near Egypt, trend toward a more “Egyptian” view. Leaders in the law throughout Palestine, however, are eager to make strides toward a cohesive system with a Palestinian character.
- *Public trust.* The rule of the law is founded on public trust. Weak legal institutions and inconsistent regulation of legal professionals can shatter that trust, opening the proverbial door to corruption, organized crime, vigilantism, and chaos.
- *Legal profession reform.* It is not easy to be a legal professional in the West Bank and Gaza, where legally educated individuals tend to be perceived as functionaries rather than professionals. Current practitioners have little faith in the member services offered by the Palestinian Bar Association (PBA) and the lack of practical skills among new lawyers.
- *Restructuring of Palestinian legal education.* The law is not a static profession, but should be engaged in a constant effort at self-improvement: law schools should be venues for legal theory, ethics, and other professional challenges to be addressed, debated, and refined. Palestinian law schools are in a state of transition. Many practitioners would like to see a Palestinian-specific legal educational system that emphasizes fundamental practical skills, which facilitate lawyers becoming self-educating, self-regulating professionals (and thus worthy of public trust).

Summary of Assignment

Arkan seeks to foster a public dialogue among legal professionals, aspiring legal professionals, businesses and private sector groups, as well as civil society. Hallmarks of *Arkan*'s programs include the development of broad local support and the integration of demand-driven activities. Accordingly, *Arkan* intends to facilitate a public dialogue generally covering broad legal systemic and judicial reform goals for the legal system and how legal professionals, as well as those who use their services, can contribute positively towards realizing these goals. Expected outcomes include suggestions for reform interventions, such as enhancing practical skills training in legal education, but also key strategic linkages identified by participants, i.e., which business issues of importance to business, the practicing bar, and other interested entities require immediate attention.

It has been several years (in 1996, just two years after its inception) since the Palestinian Authority highlighted its rule of law goals in its Rule of Law Strategic Development Plan and recent events (successful elections, a new PA leadership, and the prospect of a new peace) make the time ripe for such a conversation.

The Legal System Dialogue Specialist will provide technical assistance, including substantive information, process development, and oversight to foster such a public discussion. In addition to the dialogue itself, the Specialist will identify key issues of interest to Palestinian government, legal, business, and civil society professionals, suggesting potential technical assistance interventions. If requested, the Specialist will distill the discussions, key issues, and potential next steps into an updated legal system strategic plan for further discussion by the Palestinian participants.

Scope of Work

Under this SOW, the Legal System Dialogue Specialist will undertake and complete the following specific tasks:

1. Provide substantive information and process, including site visits with potential participants to develop a program for a legal professional, public dialogue on legal reform priorities in Palestine. Key features of this program must include a) mechanisms for participation (e.g., focus groups, facilitated discussions, etc.) to identify key issues; b) organized, time limited feedback to those participating (e.g., dissemination of a summary of the issues discussed and next steps); and a process from taking the discussion from its initial point to consensus among some groups as to recommendations and next steps.

The Legal System Dialogue Specialist will deliver an outline of this process prior to the first site visit to the *Arkan* project for review and comment.

2. Working closely with *Arkan* project staff, conduct on site discussions with a wide variety of interested legal professionals, NGOs, business, and other entities with an interest in systemic reform of the legal system, regarding the form and goals of such a public dialogue, as well as best outcomes (e.g., a legal system strategic plan, or addendum to the 1996 PA plan, etc).
3. Develop and deliver an outline of a final report for the activities under this SOW.
4. Collaborate with and provide information to and otherwise supporting the work of *Arkan's* Judicial Reform Specialist, working with the Steering Committee for the Development of the Judiciary in Palestine (who will need public and stakeholder input regarding judicial reform priorities).
5. Draft a final report on an evaluation of the program as a whole and findings from the consultancy. The report should also include recommendations. The report will be reviewed by *Arkan* project staff prior to acceptance and the project may request modifications.

The *Arkan* project may request other related tasks of the consultant, depending on a number of factors, including development of the political situation throughout the remainder of 2005. Such tasks may include assistance to the Palestinian consultants as they plan training of additional numbers of lawyers, should there be enough demand. Additional level of effort (LOE) may be allocated below for this purpose.

The *Arkan* project specifically requests that the Legal System Dialogue Specialist address and consider during the above-described efforts, and in the final report, the efficacy and timing of, including how to structure, the following:

1. *A legal system assessment conference.* Significant data is available on the work done so far to develop and improve the Palestinian legal sector. A recent conference, “Judging Under Tension” held at Birzeit University, provides a potential model for a meeting to foster and discuss locally-driven analysis of legal sector reform, its difficulties, and its prospects.
2. *A formal law faculty-bar association forum.* Law faculty and practicing attorneys are societal leaders. They not only share common interests in the profession they are both part of, but also in the students the faculty prepare and practicing attorneys employ. Currently, no formal, regular means of dialogue between law professors and the bar exists. What form might such an endeavor take and what is the current interest level?

Deliverables

The Legal System Dialogue Specialist will deliver the following to complete the assignment (as described above under “Tasks”):

1. Outline of the public dialogue process, due within two days of commencement of the assignment.
2. Interim progress reports and draft and final versions of a report on the activities conducted under this SOW, with recommendations, describing discussions with counterparts in significant detail. Draft report is due within two weeks following/of the final site visit, in discussions with the *Arkan* project Chief of Party. Final report is due within one month following submission of the draft report.

Level of Effort and Timing

A maximum of **50** days LOE (in the West Bank and Gaza) is allocated for this assignment, divided as follows:

- Meetings, participant discussion, materials review, and outline development, **32 days**
- Meetings and program development for the development of the judiciary with the Steering Committee, **5 days**
- Interim, draft, and final report preparation, **6 days**
- Travel time, 4 days

If additional assistance is required, in particular assistance with the second round of workshops, up to 10 additional days of LOE can be added to this SOW with the expressed, written approval of the *Arkan* project chief of party.

This assignment will begin on or about **April 2005** and conclude on or about **September 2005**.

ANNEX 2
CV OF LEGAL SYSTEM DIALOGUE SPECIALIST
MARY NOEL PEPYS

Chemonics International, Inc.

Legal Systems Dialogue Specialist

MARY NOEL PEPYS

An attorney with more than 20 years of experience in rule of law institution building, legal and judicial reform, legal and judicial training, and drafting and passage of laws. Has designed and implemented legal and judicial reform projects in 20 CEE/NIS countries; conducted numerous workshops and conferences in judicial and legal training; and developed numerous judicial training centers throughout the region. As a legal specialist for the American Bar Association/Central and East European Law Initiative (ABA/CEELI), coordinated the creation of Judicial Training Center in Lithuania; assisted in the development of a Center for Continuing Legal Education and Bar Association in Uzbekistan; and organized and co-chaired the Central Asia Regional Judicial Workshop for judges from all five republics. Recently, for USAID: assessed the institutional capacity of the National Center for Judicial Studies in Egypt; assessed the Magistrates Apprenticeship Program in Bulgaria; and assisted the Ministry of Justice to draft a strategic plan for judicial independence in Mongolia.

EDUCATION J.D., Hastings College of the Law, San Francisco, California, 1978.
B.A., political science, San Jose State University, San Jose, California, 1968.

PROFESSIONAL HISTORY

1999-present Legal consultant, worldwide. Examples of international assignments include:

- ABA/CEELI, Bulgaria. Researched and prepared an assessment of the Judicial Reform Index.
- MSI, Albania. Researched and prepared an assessment of the level of corruption within the justice sector and identified remedies.
- IRIS Center, Uzbekistan. Researched and prepared an assessment of the judicial training center in Uzbekistan.
- ABA/Africa, Algeria. Researched and prepared an assessment of the justice system of Algeria.
- The World Bank, Papua New Guinea. Researched and prepared an assessment of the legal and judicial sectors.

- ARD, Inc., USAID/Egypt. Assessed the institutional capacity of the National Center for Judicial Studies (NCJS) and made recommendations to USAID for continual support of the NCJS.
- DPK Consulting, Inc., USAID/Kosovo. Worked with Kosovar judges and prosecutors and with UNMIK officials to develop a strategy for the justice system.
- ABA/CEELI, Serbia. Developed the initial organizational structure and programs for the Judicial Training Center.
- East-West Management Institute, USAID/Bulgaria. Assessed the Magistrates Apprenticeship Program.
- National Center for State Courts, USAID/Mongolia. Helped the Mongolian Ministry of Justice draft a strategic plan for judicial independence.
- ABA/CEELI, Morocco. Wrote an overview of the Justice System of Morocco.

1995-1998

Legal specialist, American Bar Association/Central and East European Law Initiative (ABA/CEELI), Washington, D.C. Created and implemented legal and judicial reform projects throughout the CEE/NIS, including the coordination of financial and technical resources. Conducted numerous workshops and international conferences in judicial and legal training. Representative assignments include:

- In Latvia, coordinated with the Latvian Judges' Association, the Ministry of Justice and the Supreme Court to create a Judicial Training Center.
- In Lithuania, coordinated foreign monetary and technical support for the creation of the Lithuanian Judicial Training Center.
- In Bulgaria, assisted in developing a legal training center, PIOR, and various legal and judicial publications.
- Assisted in developing judicial training workshops and coordinated funding and administrative support for the Magistrates' School of Albania and Associations of Judges in the Federation of Bosnia and Herzegovina, Croatia, Macedonia, Slovenia, Poland, Romania, and Slovakia.
- In Uzbekistan, assisted in the development of the Uzbek Center for Continuing Legal Education and the Uzbek Bar Association.

- Organized and co-chaired the Central Asia Regional Judicial Workshop, for judges from all five republics, to develop judges' associations and create judicial training centers.

1993 Private practitioner, Law Office of Mary Noel Pepys, San Francisco. Specialized in land-use law, providing consultation to clients in titling, registration, zoning, taxation, and sale/purchase of land.

1984-1986 Lawyer, Heller Ehrman White & McAuliffe, San Francisco. Negotiated real estate transactions and drafted related documents.

1982-1984 Legal officer, Multinational Force and Observers, Rome. For this international peacekeeping force designed to monitor the Sinai security arrangements of the Egypt-Israel Peace Treaty, resolved legal issues arising between the MFO and its participants. Negotiated the Participation Agreements between the MFO and the governments of Italy and France.

1981-1982 Special assistant to Ambassador Daniel J. Terra, U.S. Department of State. Helped write a tax credit plan to encourage more private contributions to the arts and humanities. Worked with the President's Council on Arts and Humanities.

1981 Researcher, Committee on Banking, Finance and Urban Affairs, U.S. House of Representatives, Washington, D.C. Researched and wrote legislation pertaining to the Federal Reserve System.

1978-1979 Lawyer to Thomas A. Caldecott, presiding justice, California Court of Appeals. Researched and wrote court opinions on appellate cases.

1977 Legal extern to Justice William P. Clark, Jr, California Supreme Court.

1977 Law clerk, California Attorney General.

1969-1971 Assistant to Dianne Feinstein and John Ertola, San Francisco Board of Supervisors.

PERSONAL U.S. citizen.

ANNEX 3
OUTLINE OF THE PUBLIC
DIALOGUE PROCESS

Outline of the Public Dialogue Process

On Judicial Reform in the West Bank and Gaza

The goal of the public dialogue process is to develop broad local support for Justice System reform in the West Bank and Gaza; to develop multi-year Strategic Plans and Actions Plans for the Legal Education sector and the Legal Profession sector of the Justice System; to assist the Steering Committee for the Development of the Judiciary to accomplish its objectives, when resources and expertise are available; and to respond to other demand-driven needs and priorities.

I. Individual Meetings with Key Stakeholders to learn their perception of the Justice System and their views toward improving it. The Key Stakeholders are:

LEGAL EDUCATION (Al-Azhar in Gaza, Al-Quds in Abu-Dis, An-Najah in Nablus, and Birzeit in Birzeit)

- Law Professors
- Law Students

LEGAL PROFESSION

- Attorneys
- Government lawyers, including Notaries
- Corporate (in-house) lawyers
- Palestinian Bar Association

JUDICIARY

- Judges
 - Courts of Conciliation (Courts of Peace)
 - Courts of First Instance
 - Courts of Appeal
 - Supreme Court
- Palestinian Judges Association (West Bank)
- Palestinian Judges Club (Gaza)
- Attorney General (according to Palestinian law)
- Prosecutors (according to Palestinian law)

GOVERNMENTAL OFFICIALS

- Ministry of Justice
- High Judicial Council
- Steering Committee for the Development of the Judiciary
- Legal Committee of the Palestinian Legislative Council
- Law Department of the Palestinian Legislative Council

OTHER

- Non-Governmental Organizations
- Business
- Press

II. Individual Meetings with Donors to learn their perception of the Justice System and their programs to enhance it.

III. Site Visits to government offices, courts, private law offices, and law faculties to observe first-hand the conditions of the Justice System, and to generate interest among the professionals to participate in the Justice System reform process.

IV. Focus Group Meetings with key stakeholders within the three major sectors of the Justice System: Legal Education, Legal Profession and Judiciary, to discuss the outstanding issues, and to develop a list of priorities for legal and judicial reforms.

Focus group meetings will ideally consist of 15 individuals. Each focus group meeting will be facilitated by the appropriate *Arkan* staff member or short-term consultant who will summarize the results of the group meeting. When possible, the discussion will be led by a member of the focus group using interactive group techniques to ensure that all participants engage in the discussion.

V. Sector Forums. Forums on each of the three major sectors: **Legal Education, Legal Profession, and Judiciary** will be conducted to discuss the results of previous focus group meetings, and to develop a consensus of the priorities of the issues raised.

The first legal education forum will be held on May 31, 2005, during which the Deans of the five law schools in Gaza and the West Bank will convene in Ramallah to discuss their role in enhancing the rule of law, and their views concerning the need for improvement of legal education, the enhancement of the legal profession, and the independence of the judiciary.

The first judicial independence forum will be held on June 1, 2005 in Ramallah during which key representatives of the judiciary, bar, law schools and government will convene to discuss the issues in developing a judicial training center, and the International Standards of the Independence of the Judiciary, developed by ABA/CEELI (attached).

The first legal profession forum may be held during the Palestinian Lawyers Day scheduled for July 9, 2005, during which the International Standards of the Legal Profession, developed by ABA/CEELI (attached), may be discussed.

VI. Summary of Key Issues and Priorities raised and observed during the individual meetings, site visits, focus group meetings and sector forums will be prepared by the appropriate *Arkan* staff member or short-term consultant.

VII. In addition to the Steering Committee for the Development of the Judiciary, two additional groups will be formed which will focus on the remaining two Justice System sectors: Legal Education and the Legal Profession.

An *Arkan* staff member or short-term consultant will assist the Steering Committee for the Development of the Judiciary to accomplish its objectives, when appropriate resources and expertise are available.

An *Arkan* staff member or short-term consultant will assist the other two Steering Committees to reach a consensus of the goals and priorities to improve their sector, and to develop a multi-year **Strategic Plan and an Action Plan** with a clear set of timelines and responsibilities for implementing the Strategic Plan for the Legal Education sector and the Legal Profession sector.

IX. During the public dialogue process, the **Rule of Law Advisory Committee (RLAC)** for *Arkan* will provide guidance in developing the Strategic Plans and Action Plans for the Legal Education sector and the Legal Profession sector.

X. Throughout the Public Dialogue Process, *Arkan* may:

- provide information on comparative laws and international practices in the areas of legal education, legal profession and the judiciary.
- provide questionnaires to participants of focus groups and sector forums on specific areas of interest to them.
- conduct public opinion surveys to obtain a general understanding of the public's perception of the Justice System, provided resources are available.
- support visits by international experts to provide advice and guidance on specific areas of interest to the key stakeholders.
- support the attendance of key stakeholders, when financially feasible, at international conferences in the region to expand the dialogue beyond the borders of the West Bank and Gaza in order to obtain first-hand knowledge of common problems and solutions.
- conduct public awareness campaigns to keep the public abreast of the activities and results of the public dialogue process, and
- provide the press with information describing the public dialogue process, and the results of the various focus group meetings, sector forums and steering committee meetings.

ANNEX 4
INTERNATIONAL STANDARDS OF THE
LEGAL PROFESSION

INTERNATIONAL STANDARDS of the LEGAL PROFESSION

The twenty-four factors below were compiled by the American Bar Association, Central European and Eurasia Law Initiative, and are derived from internationally recognized standards for the legal profession identified by international organizations, such as the United Nations and the Council of Europe.

The twenty-four factors will provide benchmarks on the standards of the legal profession in the West Bank and Gaza, and will enable attorneys and other legal professionals to monitor their progress towards establishing a more effective, ethical, and independent profession of lawyers.

I. Professional Freedoms and Guarantees

1. Lawyers are able to practice without improper interference, intimidation, or sanction when acting in accordance with the standards of the profession.
2. Lawyers are not identified with their clients or the clients' causes and enjoy immunity for statements made in good faith on behalf of their clients during a proceeding.
3. Lawyers have access to clients, especially those deprived of their liberty, and are provided adequate time and facilities for communications and preparation of a defense.
4. Lawyers have a legal right to confidential, professional communications and consultations with their clients, which right is respected by the state.
5. Lawyers have adequate access to information relevant to the representation of clients, including information to which opposing counsel is privy.
6. Lawyers, who have the right to appear before judicial or administrative bodies on behalf of their clients, are not refused that right and are treated equally by such bodies.

II. Education, Training and Admission to the Legal Profession

7. Lawyers have a formal, university-level legal education from institutions authorized to award degrees in law.
8. Lawyers possess adequate knowledge, skills, and training to practice law upon completion of legal education
9. Admission to the legal profession is based upon passing a fair, rigorous, and transparent examination and the completion of a supervised apprenticeship
10. Admission to the legal profession is administered by an impartial body, and is subject to review by an independent and impartial judicial authority.
11. Admission to the legal profession is not denied for reasons of race, sex, sexual orientation, color, religion, political or other opinion, ethnic or social origin, membership in a national minority, property, birth, or physical disabilities.

III. Conditions and Standards of Practice

12. Lawyers are able to practice law independently or in association with other lawyers
13. Lawyers have access to legal information and other resources necessary to provide competent legal services and are adequately remunerated for these services.
14. Lawyers have access to continuing legal education to maintain and strengthen the skills and knowledge required by the legal profession.
15. Ethnic and religious minorities, as well as both genders, are adequately represented in the legal profession.

16. Codes and standards of professional ethics and conduct are established for and adhered to by lawyers.
17. Lawyers are subject to disciplinary proceedings and sanctions for violating standards and rules of the legal profession.

IV. Legal Services

18. A sufficient number of qualified lawyers practice law in all regions of the country, so that all persons have adequate and timely access to legal services appropriate to their needs.
19. Lawyers participate in special programs to ensure that all persons, especially the indigent and those deprived of their liberty, have effective access to legal services.
20. Lawyers advise their clients on the existence and availability of mediation, arbitration, or similar alternatives to litigation.

V.. Professional Associations

21. Professional associations of lawyers are self-governing, democratic, and independent from state authorities.
22. Professional associations of lawyers actively promote the interests and the independence of the profession, establish professional standards, and provide educational and other opportunities to their members.
23. Professional associations of lawyers support programs that educate and inform the public about its duties and rights under the law, as well as the lawyer's role in assisting the public in defending such rights.
24. Professional associations of lawyers are actively involved in the country's law reform process.

ANNEX 5
INTERNATIONAL STANDARDS OF
JUDICIAL INDEPENDENCE

INTERNATIONAL STANDARDS OF JUDICIAL INDEPENDENCE

The thirty factors below were compiled by the American Bar Association, Central European and Eurasia Law Initiative, and are derived from internationally recognized standards for judicial independence identified in the *United National Basic Principles on the Independence of the Judiciary*; Council of Europe's *Recommendation R(94)12 "On the Independence, Efficiency, and Role of Judges"*; and the European Charter on the Statute for Judges. Reference may also be made to the *Beirut Declaration, Recommendations of the First Arab Conference on Justice*, Beirut, 14-16 June 1999; and the *Cairo Declaration on Judicial Independence, "Supporting and Promoting the Independence of Judiciary"* at the Second Arab Justice Conference, Cairo, February 21-24, 2003.

The thirty factors provide benchmarks on the standards of judicial independence in the West Bank and Gaza, and will enable judges and other justice officials to monitor their progress towards establishing a more competent, impartial and independent judiciary.

I. QUALITY, EDUCATION, AND DIVERSITY

Factor 1: Judicial Qualification and Preparation

Judges have formal university-level legal training and have practiced before tribunals or, before taking the bench, are required (without cost to the judges) to take relevant courses concerning basic substantive and procedural areas of the law, the role of the judge in society, and cultural sensitivity.

Factor 2: Selection/Appointment Process

Judges are appointed based on objective criteria, such as passage of an exam, performance in law school, other training, experience, professionalism, and reputation in the legal community. While political elements may be involved, the overall system should foster the selection of independent, impartial judges.

Factor 3: Continuing Legal Education

Judges must undergo, on a regular basis and without cost to them, professionally prepared continuing legal education courses, the subject matters of which are generally determined by the judges themselves and which inform them of changes and developments in the law.

Factor 4: Minority and Gender Representation

Ethnic and religious minorities, as well as both genders, are represented amongst the pool of nominees and in the judiciary generally.

II. JUDICIAL POWERS

Factor 5: Judicial Review of Legislation

A judicial organ has the power to determine the ultimate constitutionality of legislation and official acts, and such decisions are enforced.

Factor 6: Judicial Oversight of Administrative Practice

The judiciary has the power to review administrative acts and to compel the government to act where a legal duty to act exists.

Factor 7: Judicial Jurisdiction over Civil Liberties

The judiciary has exclusive, ultimate jurisdiction over all cases concerning civil rights and liberties.

Factor 8: System of Appellate Review

Judicial decisions may be reversed only through the judicial appellate process.

Factor 9: Contempt/Subpoena/ Enforcement

Judges have adequate subpoena, contempt, and/or enforcement powers, which are utilized, and these powers are respected and supported by other branches of government.

III. FINANCIAL RESOURCES

Factor 10: Budgetary Input

The judiciary has a meaningful opportunity to influence the amount of money allocated to it by the legislative and/or executive branches, and, once funds are allocated to the judiciary, the judiciary has control over its own budget and how such funds are expended.

Factor 11: Adequacy of Judicial Salaries

Judicial salaries are generally sufficient to attract and retain qualified judges, enabling them to support their families and live in a reasonably secure environment, without having to have recourse to other sources of income.

Factor 12: Judicial Buildings

Judicial buildings are conveniently located and easy to find, and they provide a respectable environment for the dispensation of justice with adequate infrastructure.

Factor 13: Judicial Security

Sufficient resources are allocated to protect judges from threats such as harassment, assault, and assassination.

IV. STRUCTURAL SAFEGUARDS**Factor 14: Guaranteed Tenure**

Senior level judges are appointed for fixed terms that provide a guaranteed tenure, which is protected until retirement age or the expiration of a defined term of substantial duration.

Factor 15: Objective Judicial Advancement Criteria

Judges are advanced through the judicial system on the basis of objective criteria such as ability, integrity, and experience.

Factor 16: Judicial Immunity for Official Actions

Judges have immunity for actions taken in their official capacity.

Factor 17: Removal and Discipline of Judges

Judges may be removed from office or otherwise punished only for specified official misconduct and through a transparent process, governed by objective criteria.

Factor 18: Case Assignment

Judges are assigned to cases by an objective method, such as by lottery, or according to their specific areas of expertise, and they may be removed only for good cause, such as a conflict of interest or an unduly heavy workload.

Factor 19: Judicial Associations

An association exists, the sole aim of which is to protect and promote the interests of the judiciary, and this organization is active.

V. ACCOUNTABILITY AND TRANSPARENCY

Factor 20: Judicial Decisions and Improper Influence

Judicial decisions are based solely on the facts and law without any undue influence from senior judges (e.g., court presidents), private interests, or other branches of government.

Factor 21: Code of Ethics

A judicial code of ethics exists to address major issues such as conflicts of interest, ex parte communications, and inappropriate political activity, and judges are required to receive training concerning this code both before taking office and during their tenure.

Factor 22: Judicial Conduct Complaint Process

A meaningful process exists under which other judges, lawyers, and the public may register complaints concerning judicial conduct.

Factor 23: Public and Media Access to Proceedings

Courtroom proceedings are open to, and can accommodate, the public and the media.

Factor 24: Publication of Judicial Decisions

Judicial decisions are generally a matter of public record, and significant appellate opinions are published and open to academic and public scrutiny.

Factor 25: Maintenance of Trial Records

A transcript or some other reliable record of courtroom proceedings is maintained and is available to the public.

VI. EFFICIENCY

Factor 26: Court Support Staff

Each judge has the basic human resource support necessary to do his or her job, e.g., adequate support staff to handle documentation and legal research.

Factor 27: Judicial Positions

A system exists so that new judicial positions are created as needed.

Factor 28: Case Filing and Tracking Systems

The judicial system maintains a case filing and tracking system that ensures cases are heard in a reasonably efficient manner.

Factor 29: Computers and Office Equipment

The judicial system operates with a sufficient number of computers and other equipment to enable it to handle its caseload in a reasonably efficient manner.

Factor 30: Distribution and Indexing of Current Law

A system exists whereby all judges receive current domestic laws and jurisprudence in a timely manner, and there is a nationally recognized system for identifying and organizing changes in the law.

ANNEX 6
DETAILED DESCRIPTION
OF DISCUSSIONS HELD

DETAILED DESCRIPTION OF DISCUSSIONS HELD

The following is a description in significant detail of the discussions held. Schedule of Meetings is provided in Annex 7, which also includes a list of the individuals met.

A. Meetings with Individual Key Stakeholders

We held the following meetings with individuals to learn their perception of the justice system and their views toward improving it.

1. Meeting with Camille Mansour, Secretary of the Steering Committee for the Development of the Judiciary and Justice, May 18, 2005

Mustafa Mari, Khalil Ansara and I met with Camille Mansour, Hussein Sholi, Legal Advisor, and Ma'ali Shawish, Project Coordinator, to discuss how *Arkan* can assist the Steering Committee in meeting some of its eight objectives listed in Article (2) of the Decree No. () of 2005.

Dr. Mansour expressed an interest in having *Arkan* encourage judges by writing editorials to promote rule of law reform, and by working with NGOs to gain community support for the draft amended Judicial Authority Law.

Dr. Mansour also expressed an interest in *Arkan* assisting the Steering Committee to provide advice and guidance in creating a judicial training program. Recognizing that a discussion concerning legal education and judicial training would enhance the public dialogue process toward rule of law reform, we agreed to hold a joint forum with key stakeholders within the legal and judicial communities on June 1, 2005.

I was asked to present the key issues that must be considered in developing a judicial training program, using the models adopted by other countries, and to demonstrate their advantages and disadvantages. Dr. Mansour requested that I prepare, in advance of the forum, a summary of my presentation. (see Attachment F)

2. Meeting with Abdul Ghani Al Ouwewi, Chief Judge of the First Instance Court, Hebron, May 23, 2005

Khalil Ansara, Lucy Raii, and I met with Chief Judge Ouwewi to present *Arkan* and to seek his perception of the justice system and his solutions as to how it may be improved.

Chief Judge Ouwewi stated that there are two major sets of problems. The first set pertains to the political, economic and social environment due to the Israeli occupation. Numerous problems emanate from the occupation. The courts have difficulty issuing summons; court hearings are often delayed; and judgments are not always enforced, due in part to the checkpoints which impede easy transport.

The second set of problems pertains to the personnel and financial resources of the justice system. There are not enough judges and magistrates in most courts. The infrastructure is

inadequate. Many courthouses are old with insufficient space and are poorly equipped. Some courts are located in buildings constructed for other purposes. For example, the First Instance Court in Jenin is in a building that has no formal entrance, but just a side stairwell next to a shop selling newspapers and candy. Chief Judge Ouwewi stated that in order to develop respect among the citizenry for the judiciary, the quality of the courthouses, which represents the importance the government places on the justice system, must be enhanced.

Other related issues which Chief Judge Ouwewi mentioned are:

- Judges need a judicial training program as many judges are not as familiar with current domestic laws and international covenants as they should be.
- The requirements to become a judge must be stricter.
- Case delay is a serious problem in the regular courts, which necessitates the introduction of a formal alternative dispute resolution process.
- Resolution of disputes by customary law is more effective.
- The Shari'a courts are more efficient than the regular courts.
- There is a serious need to raise public awareness of the laws.
- The Supreme Court must become a stronger court.

Chief Judge Ouwewi supports the need for a strategic plan for an independent judiciary, but insists that the decision to develop the strategic plan must emanate from the President and/or the Palestinian Legislative Council (PLC) as there must be the political will for such the strategic planning process.

3. Meeting with Waheed Al Amleh, Chief Judge of the First Instance Court, and four other Judges, Bethlehem, May 25, 2005

Khalil Ansara, Lucy Raii and I met with the Chief Judge of the First Instance Court of Bethlehem, and after our initial discussion he called for four Judges from the court to join the discussion.

Their first concern about the rule of law in the West Bank and Gaza is the occupation. The checkpoints have a deleterious impact on the smooth operations of the courts, as judges and lawyers are unreasonably delayed at the checkpoints even though they possess a special card that should ensure a speedy crossing. Police have difficulty transporting suspected felons, while victims and witnesses are also held up at the checkpoints. Consequently, there is no certainty in the timing of court hearings.

They claim that for the Palestinian Authority to have authority over the courts, its authority over the land should first be secured.

As with other judges, they contend that the justice system, such as it is, lacks human and technical resources to operate efficiently. The judicial system lacks an adequate number of magistrates and judges to reduce case delay. Courthouses are insufficient; there is limited space, and what does exist does not command the respect judges deserve. Their support staff lacks professionalism and their basic technological needs are not met.

Many judges do not have immediate access to the laws or amendments to the laws; they have a paltry legal recourse center that typically contains old Jordanian or Egyptian legal texts, or no law library at all; and their security is threatened.

They suggest that building the institutional capacity of the Judges Association would help represent the collective interests of all judges.

4. Meeting with Ibrahim Al-Barghouthi, Executive Director, Musawa, June 5, 2005

Khalil Ansara and I met with Mr. Barghouthi, Executive Director of Musawa, “Equity” in Arabic. We discussed not only the program of Musawa, but ways in which Arkan and Musawa can collaborate in the future in the area of legal and judicial reforms.

Musawa was established in 2002 as an NGO to help ensure the independence of the judiciary and to enhance the rule of law through legislation and through support of the Palestinian Bar Association (PBA). Musawa acts as a watchdog in monitoring court cases; reviews and comments on judicial decisions; networks and lobbies for legal and judicial reforms; monitors legislation to ensure that human rights and civil liberties are being protected; and issues publications assessing the state of the legal and judicial systems in the West Bank and Gaza.

We discussed areas in which *Arkan* and Musawa could collaborate. The first is Lawyers Day to be held on July 9 during which a general assembly of all the Palestinian lawyers, approximately 1,200, will be held. During this time, we suggested that *Arkan* present the International Standards of the Legal Profession, a copy of which we gave to Mr. Barghouthi, along with the International Standards of Judicial Independence.

Mr. Barghouthi agreed with the need to create strategic plans for legal education and for the legal profession and is willing to support and participate in the process of developing the strategic plans. He suggested that a committee of the PBA be responsible for developing the draft of the strategic plan for the legal profession.

Arkan and Musawa agreed to conduct joint Continuing Legal Education (CLE) training of attorneys.

5. Meeting with Jamal al Khatib, Head of the Legal Department, and Muhammed M. Rabi, Legal Advisor, Palestinian Legislative Council, June 5, 2005

Khalil Ansara and I met with Mr. Khatib and Mr. Rabi to discuss the need to develop strategic plans for legal education, for the legal profession, and for judicial independence. We provided them with the English texts of the International Standards for the Legal Education, and the International Standards for Judicial Independence, and promised to fax to them the two documents in Arabic, as well as the *Beirut Declaration, Recommendations of the First Arab Conference on Justice, and the Cairo Declaration on Judicial Independence* in Arabic.

They believe that the judicial system should be assessed before a strategic plan is prepared. The PLC needs to understand the current conditions of the court system in much greater detail before it can determine which judicial reforms to implement.

They believe one of the biggest problems is the absence of, or lack of respect for, the separation of powers. Although the principle for the separation of powers is stated in the law, it is not practiced. They suggest that governmental regulations are necessary to ensure that the three branches of government respect the powers of the other.

6. Meeting with Said Al Sheik, Chief Judge and Taleb Al Bzour, Judge of the First Instance Court in Jenin, June 6, 2005

Mustafa Mari, Khalil Ansara, Suzanne Morrison, Lucy Raii and I met with Said Al Sheik and Taleb Al Bzour to present *Arkan*.

The major issue discussed is the ineffective enforcement of judgments. It is a serious problem, not only because the courts do not have sufficient resources to enforce the judgments, but also because judgments are not respected. Those in charge of enforcing judgments often ignore them. For example, some well-connected guilty defendants who were to be incarcerated were set free by others who are politically armed, both literally and figuratively.

The judges also mentioned that their courthouse, which was originally built as a commercial enterprise is an inappropriate building to house the local justice system. As described earlier, the courthouse is in a building that has no formal entrance. There is a side entrance with a stairwell next to an interior shop selling newspapers and candy. There is no security, no police, nor electronic surveillance equipment.

7. Meeting with Dr. Hasan Khreisheh, First Deputy of the Speaker of the Palestinian Legislative Council, June 7, 2005

Ali Khashan, Khalil Ansara, Suzanne Morrison and I met to present *Arkan* and to discuss the need to develop on a grassroots level a strategic plan for legal education, a strategic plan for the legal profession, and a strategic plan for judicial independence, emphasizing that *Arkan* will focus on the first two strategic plans. We presented the International Standards for the Legal Education, International Standards for Judicial Independence, the *Beirut Declaration*, *Recommendations of the First Arab Conference on Justice*, and the *Cairo Declaration on Judicial Independence*.

Dr. Khreisheh stressed the need to evaluate the appointment process of judges since 76% of Palestinians believe there is corruption in the judiciary. This perception results in many Palestinian citizens turning to customary law to resolve their disputes.

He agreed with the need to develop strategic plans for legal education, the legal profession, and judicial independence, as well as the need to obtain support from within the PLC, including the President. In order for the strategic plans to be taken seriously, the political will must exist at the highest levels of government. He suggested that *Arkan* work with the Legal Committee and the

Human Rights Committee of the PLC so they may participate in the process of developing the strategic plans.

8. Meeting with Anan Hamad, Library Director, of the Palestinian Legislative Council, June 7, 2005

Ali Khashan, Khalil Ansara, Suzanne Morrison and I met with Mr. Hamad to discuss *Arkan* and to ascertain the resources in the PLC library.

9. Meeting with Dr. Riad Malki, General Director of Panorama, Palestinian Center for the Dissemination of Democracy and Community Development, June 8, 2005

Khalil Ansara and I had an excellent meeting with Mr Malki, who believes an independent judiciary is one of the most important institutions to receive international attention. He reiterated the sentiments expressed by many individuals we met: there has been an extraordinary amount of time and money invested in discussing issues of democratic reform over the years without any resolution.

Like many individuals, he is frustrated with the dialogue process which has generated few, genuine improvements. He believes the dialogue process continues because new international donors and emerging political leaders present their own agendas without understanding the past failures of reform.

He wholeheartedly supports the concept of creating strategic plans (either for the justice system or for individual sectors of the justice system), acknowledging that the 1996 Strategic Plan was probably not implemented because it was not the result of a grassroots, participatory effort.

After being presented with the International Standards for the Legal Profession and the International Standards for Judicial Independence, he responded that there is no reason why the West Bank and Gaza should not seek to meet such international standards, and adopt the best international practices for its legal and judicial systems.

He urged *Arkan* to identify the real stakeholders of reform, not just the traditional ones, like the Palestinian Authority, and encouraged *Arkan* to begin working closely with NGOs as they are the workhorses of reform. Advocacy and lobbying are essential elements of reform, and those NGOs who pursue such activities should be consulted.

For the strategic planning process, he offered the services of Panorama which has influential contacts locally, among all sectors of Palestinian society, and regionally. He also offered the publishing services of Panorama that contributes to certain newspaper supplements. He would be willing to assist in publishing stories about the strategic planning process.

He suggests there are several NGOs that would be good partners in the strategic planning process whom *Arkan* should include. When asked for the names of such NGOs, Khalil Ansara noted that Passia has such a list.

He proffered an excellent suggestion to elevate the strategic planning process to the national level. Recognizing that the election for the PLC will probably take place before January 9, 2006, Mr. Malki recommended that *Arkan*, in conjunction with the appropriate NGOs, approach the most promising PLC candidates and urge them to include the strategic planning process in their campaign manifestos. Not only would this expose the strategic planning process to the public, it would also demonstrate the importance legal and judicial reform has on the national agenda, and hopefully hold the candidates accountable to the strategic planning process should they win election.

10. Meeting with Bashar Masri, President of Massar Company, June 8, 2005

Khalil Ansara and I had an excellent meeting with Mr. Masri. Mr. Masri supports the idea of creating a strategic plan for the justice system of Palestine, recognizing that *Arkan's* limited mandate may require that individual strategic plans be developed for each sector of the justice system: legal education, legal profession, and the judiciary. He urged *Arkan* to pursue the development of a strategic plan for the judiciary as the courts are a governmental institution no one trusts. Although there are sufficient laws laden with democratic principles, they are ineffectively implemented.

Using the court system is costly, frustrating, lengthy, and unnecessarily exposes private business practices to the public. He is aware that many investors are hesitating and are understandably cautious, waiting for an opportunity to invest without the enormous risks associated with an unreliable justice system. He acknowledged that the resolution of disputes based on customary law is successful and thriving in Palestine, particularly because enforcement of decisions under this alternative system is speedy and effective.

Due to his personal encounters with the court system, which he found to be totally unsatisfactory, he helped to found the Palestinian Arbitration Center (PAC) as an alternative to the regular court system. The PAC uses international arbitration standards and is becoming a resource for attorneys who prefer it to the regular court system.

He suggested that *Arkan* include the business community in the strategic planning process, but limit its representation to the largest business leaders in the community, ones who have high stakes in the outcome of the judicial process, such as Coca Cola and PacBell. He urged *Arkan* to produce short-term results during the strategic planning process in order to encourage skeptics within the business community to engage in the long-term strategic planning process, being assured their time investment will be fruitful.

He believes the business community is interested in legal education and the legal profession; however, *Arkan* should capitalize upon the businessperson's time and use it prudently. Their participation should be limited to the strategic planning process for the judiciary as that is the sector that affects them the most. He cautioned against using traditional business groups in the strategic planning process as there is divisiveness within and among the groups.

Lastly, he suggested that meetings with key business stakeholders include a “carrot”, typically an important individual who may have an impact on the business or political climate of Palestine. This would encourage attendance and participation in the strategic planning process.

11. Meeting with Representatives of the Press, June 9, 2005

Walid Batrawi, Correspondent for the BBC, Adnan Joulani, subject of the documentary “Behind Enemy Lines”, and I met to discuss their views of the judicial system in Palestine and the role of the press in enhancing the public dialogue process.

They, like most Palestinians (according to a recent survey which showed that over 75% of Palestinians distrust the judiciary), believe corruption in the judicial system is widespread. Citing personal examples of judicial indifference, they stressed the need to increase the qualifications of judges. Whether recommended for appointment by the SJC, or directly appointed by the PA President, judges have been subject of attempts at undue influence by elements in the executive branch, civil and security alike. The inappropriate internal and external pressure judges are subjected to negatively impacts the public’s trust of the justice system. Fear of reprisal, nepotism, and political demands are just a few of the pressure points exerted on the judiciary.

They believe the judiciary is a slave to the executive branch. The first step that must be taken to reduce such dependency is for Abu Mazen to declare publicly that not only is the judiciary an independent branch of government, but that the executive branch will no longer interfere in the affairs of the courts. Further, they suggest that either the Sulha process (customary/tribal conflict resolution process), which is working more effectively than the regular court system (a often-heard sentiment), be incorporated into the judicial process as an acceptable ADR mechanism or be eliminated. As it now stands, the Sulha process is working independently from the regular court process and is, at times, at odds with the criminal justice system.

They suggest that the lack of adequate court security seriously infringes all court procedures, including the effective enforcement of judgments.

They are intrigued with the strategic planning process and, not being educated in the law, suggest that they and other journalists be given some training on the basics of the Palestinian legal system. They suggest that *Arkan* create a target group of journalists who would participate in the strategic planning process by not only covering the issues in the press, but also providing their own views on the issues.

12. Meeting with Camille Mansour, Secretary of the Steering Committee for the Development of the Judiciary and Justice, June 9, 2005

The purpose of the meeting was to evaluate the Judicial Independence Forum and to determine the next steps. Mr. Mansour was complimentary about the organization of the Forum as it encouraged the participants to actively engage in the discussion. He was pleased that all participants, law professors, attorneys, prosecutors, and judges, willingly expressed their views

in front of the others. Mustafa Mari noted that most of the participants were hand-picked as *Arkan* was well aware of their willingness to participate in an open discussion.

Mr. Mansour is eager to move forward on developing a judicial training center and is looking to *Arkan* for assistance, at least until the EU begins implementing its project to develop a judicial training center, which he envisages will begin in January, 2006.

We discussed the next steps, which include a national Palestinian conference on developing a judicial training center to which international experts will be invited. I suggested the names of judges from Austria, the Netherlands and Bulgaria who could speak on their own country's experience in developing and managing a judicial training center.

Mustafa suggested that we begin the process with a small working group of no more than 10 individuals representing key stakeholders, who could begin to tackle all the issues that need to be decided in creating a judicial training center. The results of the working group would be written in a "white paper" that would then be the subject of the national conference.

13. Telephone Meeting with Samer Fares, Legal Department Head, School of Law and Public Administration, University of Birzeit, June 9, 2005

Professor Fares enthusiastically supports the concept of developing a strategic plan for legal education, recognizing that the numerous issues confronting legal education in Palestine must be addressed in a holistic manner. He suggests that the working groups in developing the strategic plan consist of not only law professors, but law students, lawyers, and judges as well. He also suggests that there be at least two working groups, one in Gaza, and one or more in the West Bank. After each working group has reached their own solutions to certain issues, joint meetings could be periodically held to create a consensus of the issues.

Professor Fares supports the idea of creating a formal law faculty-bar association forum, as representatives of these stakeholders rarely communicate in a formal manner on legal reform issues. He suggests that the judges' association be included in the formal forum as he envisions judges teaching in the law schools, and law professors teaching at the new judicial training program.

B. Focus Group Meetings

Focus Group Meetings were held with key stakeholders within the three major sectors of the justice system: legal education, legal profession and judiciary, to discuss the outstanding issues, and to develop a list of priorities for legal and judicial reforms.

Most of the focus group meetings consisted of 15 individuals. Each focus group meeting was facilitated by Khalil Ansara who used interactive teaching techniques ensuring that all participants engaged in the discussion.

1. Focus Group Meeting with Law Students at An-Najah University Law School, Nablus, May 19, 2005

Ali Khashan, Khalil Ansara, Lucy Raii and I met with ten law students from An Najah University Law Faculty to hear their views concerning the curriculum and teaching methodology of their law faculty. The meeting lasted for one hour, and the discussion was very lively with all students, particularly Bahiyya Qusher and another women law student, actively participating.

The law students seemed to be in agreement on most of the issues raised, which centered around the outdated and irrelevant laws they were being taught, the absence of learning the practical applications of the law, and the need for the Socratic method of teaching.

In several classes, the law books consist of Jordanian law, which, although interesting, is irrelevant, while in other classes the law books are so old they have become obsolete. For instance, even though there is a new penal code, the students are using a textbook on penal law that is 20 years old.

Law professors only provide a theoretical presentation of the law, and refrain from teaching the practical application of the law. They urged that students, during their third and fourth years, learn the practical application of the law in conjunction with theoretical law.

Many law professors teach using the lecture format, and ask questions that require a direct quote from the code rather than an analytical answer. Students are not given fact situations which they are to analyze and apply the law. Even the final examinations do not require analytical thought or practical application of the laws. Thus, some students indicated they learned the law primarily during the two-year internship following graduation.

More specific concerns raised were the following:

- the class size is too large to foster discussion among students;
- there are so few faculty members with only one law professor per subject which results in some law professors being ineffective since they have no competition;
- students should have a personal interview prior to entering the law school as not all law students possess the qualities to be a lawyer;
- there should be a course on communication skills, how to communicate with clients, and how to present yourself;
- students should not have to take courses on animal care or plant care; however, another student stated that such courses were elective;
- students would like to learn foreign languages, and English legal terminology;
- the quality of some law graduates is low as some students graduate on the basis of who they know, not what they know; and
- there should be a box for suggestions at the school so that students' voices may be heard.

Following the discussion, the law students completed a questionnaire which results are being compiled by *Arkan*.

2. Focus Group Meeting in Hebron with Representatives of the Palestinian Bar Association and other Attorneys, May 23, 2005

Khalil Ansara, Lucy Raii and I met with seventeen attorneys who actively participated in the discussion concerning the needs of the legal system. They cautioned us that we should not isolate the issues confronting the legal system from the political ramifications due to the Israeli occupation. Reiterating what Chief Judge Ouwewi stated, it is often very difficult to conduct trials or court hearings on a timely basis as the checkpoints can significantly delay judges, attorneys, clients or witnesses. In fact, checkpoints do not allow the rule of law to take hold. Furthermore, since the regular court system is so slow, due in part to the checkpoints, many Palestinians go outside the court system and resolve their disputes by customary law.

Within the regular court system, judges must show respect to the attorney. It is not uncommon for a judge to show more respect to the criminal defendant than his attorney. Also, some judges do not hesitate to yell at the attorney during the court hearing, which has a negative impact on the client's perception of his attorney.

They believe lawyers lack the professional capacity to practice law, due primarily to the absence of legal resources, such as having current access to the laws, commentaries, journals, and international treaties. It is not uncommon for the lawyer or judge to refer to outdated law in cases involving uncommon trial subject. Although precedence is not an element of the justice system in Palestine, they noted that it is helpful to have resource material containing the decisions of other judges. Lawyers need a legal library and access to a legal database, such as the one developed by Birzeit University Law School.

A major theme among all the attorneys we met is that the organization of the Palestinian Bar Association (PBA) needs to be improved. Although attorneys are issued a PBA card, which should allow them easier access through the checkpoints, no one respects the card.

The PBA should have a greater role in commenting on proposed legislation. The PBA has not been consulted on draft laws; thus, without such legal expertise from practicing attorneys, the current laws, such as labor laws, do not reflect local conditions. The PLC should work closely with the PBA and other interested parties to draft laws that respond to local problems, rather than adopting laws based on foreign conditions. Using Jordanian or Egyptian law as a basis for Palestinian law without adapting it to the needs of Palestine is counter-productive. The civil procedure law was adopted in large part from Egypt and Jordan without adjusting it to Palestinian court procedures.

The attorneys requested specific training on computer skills; communication skills; foreign language skills, particularly English and legal English; international human rights law; law office management, including the financial arrangements between lawyer and client; legal ethics; legal drafting; and developing specialized areas of law. The attorneys want to know how to create law firms where each member has his/her own specialty and are equal to one another, rather than the current system that is usually dominated by one lawyer at the top.

They suggest that the PBA conduct some of its CLE courses in Hebron as it is too difficult to come to Ramallah for the courses. Further, they suggest that the CLE courses include instruction on the practical application of the law, rather than focus solely on the theoretical law.

The PBA should vigorously enforce ethical violations by attorneys.

The PBA should also assist attorneys to provide better advice, guidance and supervision to “training lawyers”, law school graduates who are required to work for two years in a law firm to qualify as a lawyer.

There is a serious need for a public legal awareness campaign. Each local PBA office should conduct basic workshops for local citizens to learn about their rights and obligations.

3. Focus Group Meeting in Bethlehem with Representatives of the Palestinian Bar Association and other Attorneys, May 25, 2005

Khalil Ansara, Lucy Raii and I met with thirteen attorneys who were collectively engaged in the discussion and had numerous suggestions for reform, after expressing their concern that they were weary of expressing their views to various solicitors and attending workshops without seeing results.

Practicing lawyers greatly need a comprehensive legal resource center, legal texts from neighboring countries, international treaties and conventions, and immediate access to their own laws, commentaries to the laws, and judicial decisions, most of which are rarely published.

One of their major concerns is that lawyers and judges do not behave in a professional manner, nor do they have a decent work ethic. In fact, they assert that if there were a professional code of ethics that is vigorously enforced, then many of their problems would be resolved.

They need current training on new Palestinian laws, such as banking and insurance laws; skills training on law office management; client/attorney relationship including charging and collecting fees; communication skills; computer skills; English and Hebrew-language skills; and would welcome the creation of a judicial training program that could provide CLE courses.

They believe the PBA is not a strong organization that represents the rights of practicing attorneys, nor does it issue necessary procedures to regulate the work of legal professionals, including their fees. The PBA should increase its presence in the Palestinian Authority by being more involved in legislative-drafting and in commenting on laws during the legislative process. They contend that laws are approved so rapidly by the PLC that many are overlapping, even conflicting while others have no basis in reality.

There is a conflict between West Bank attorneys and Gaza attorneys concerning bar association representation, as Gaza attorneys are supported by the fees paid by the West Bank attorneys. Some of the Bethlehem attorneys suggest that the issue should be resolved by the creation of one bar association with two offices.

They also suggest that the PBA should require or provide financial support for the “training lawyer.”

They submit that judges are unprofessional with attorneys, treating them with disrespect in the courtroom. Some judges yell at attorneys in front of their clients causing the clients to question why they should respect their lawyer when the judge does not.

They also suggest that judges are not as independent nor as qualified as they should be. Many of the judges received political appointments from the executive power and are not fully competent. Some judges rely too heavily upon prosecutors' legal arguments and case files, even prior to the trial.

During the focus group meeting, we distributed the International Standards for the Legal Profession and asked that they indicate after each Standard whether it applies in Palestine. This informal means of questioning the attorneys helps to establish a benchmark by which they may monitor their progress toward establishing a more effective, ethical and independent profession of lawyers. The results of the survey are being compiled by *Arkan*.

4. Focus Group Meeting in Jenin with Representatives of the Palestinian Bar Association and other Attorneys, June 6, 2005

Mustafa Mari, Khalil Ansara, Suzanne Morrison, Lucy Raii and I met with twenty attorneys who were very active participants in the discussion. After presenting *Arkan*, we distributed the International Standards for the Legal Profession.

They began with a common theme, that the political environment in the West Bank and Gaza does not support the rule of law.

The legal profession has suffered in prestige due to the lax procedures in obtaining a legal education and in becoming a practicing attorney. In the past, only children of the wealthy became attorneys, had self-esteem, and were highly valued. Now, anyone may become an attorney, which has had a negative impact on the public's respect for the profession.

Attorneys must have access to all laws and should have commentaries on the laws as many of the laws are vague. Attorneys are not well educated in commercial laws and need training on new economic principles. Attorneys also need to increase their legal ethics and engage in *pro bono* work.

They believe the PBA does not have a good reputation because, although it is active, it is not a decisive organization. Board members of the PBA should deliver what they promise during their campaigns for office. The PBA must develop and vigorously enforce regulations covering the practice of law in order to improve the quality of attorneys, and should increase the criteria to become an attorney.

In fact, they question the need for five law schools in Palestine. The legal education curriculum among the five law schools is inconsistent and not of high quality. Furthermore, the population cannot support the increased number of new and often unqualified lawyers. In order to resolve this problem, there should be a higher standard of accreditation.

They referred to the decaying courthouses, which do not command respect from the public. Given the political condition of Palestine, the courthouses need to be secure for all court users, yet most courthouses lack any type of security. Even when security is provided, the officers are fearful, and have been known to flee when trouble ensues in a courtroom.

Case delay is so acute that many citizens are resorting to customary legal procedures. There must be increased public awareness of the laws, of citizens' rights and obligations, and of the role and responsibilities of the judge, prosecutor and attorney.

5. Focus Group Meeting in Nablus with Representatives of the Palestinian Bar Association and other Attorneys, June 6, 2005

Khalil Ansara, Suzanne Morrison, Lucy Raii and I met with eighteen attorneys who were quite adamant about the lack of progress in legal reforms even though they have had numerous meetings with donors and other interested groups.

They suggested training in office management skills, legal research skills, legal drafting skills, and communication skills. Attorneys need a legal resource center with all new laws, commentaries on the law, and laws from other countries as they must increase their exposure to international law.

They need training in specific areas of the law, such as commercial law and international law, as they would like to become specialized, rather than generalists. The specialized attorneys could then be the instructors at CLE courses.

Attorneys should be able to advertise and promote his or her services.

They suggest that the PBA have a moot court to provide practical experience to "training lawyers". Furthermore, they believe that "training lawyers" should receive compensation during their two-year internship program.

They would like the PBA to increase its cooperation with the law schools and work together to enhance the quality of the law school graduate. They suggest producing a stricter entrance exam and requiring a higher passage rate to qualify for law school. There was an opposing view that anyone who wanted to study law should be able to.

Lastly, the public's trust of the judge must be increased, as well as the judges' respect for the attorney.

C. Sector Forums

As a means of broadening the participation of key stakeholders in the public dialogue process, forums on specific topics relating to legal education, the legal profession, and judicial independence were conducted to bring together interested individuals throughout the West Bank and Gaza.

1. Legal Education Forum

The first legal education forum was held on May 31, 2005, during which deans and law professors representing the five law schools in Gaza and the West Bank convened in Ramallah to discuss the role of legal educators in enhancing the rule of law, their views concerning the need for improvement of legal education, and the need for legal research skills.

Given the participants eagerness to discuss the first topic: the role of legal educators in enhancing the rule of law, the time for my presentation was shortened, thus I presented one of several topics. While trying to present the benefits of legal education reform, I discussed the need for a strict accreditation process that is scrupulously enforced. The participants were not very receptive as it appears that they are satisfied with the current accreditation requirements, even though we understand they are not strict nor vigorously enforced.

I had prepared additional topics to present which included: new methods of interactive teaching by law professors; the need to enhance the curriculum to include practical training, including moot court, law clinics and law journal; the benefits of a national bar examination; structures of comparative legal internship programs in other countries, and comparative requirements for bar membership.

Had time permitted, we were also planning to introduce the International Standards of the Legal Profession, which comprise of Standards that directly relate to legal education.

Ali Khashan and Suzanne Morrison were the major presenters and, presumably, have provided reports on their presentations.

2. Judicial Independence Forum

The first judicial independence forum was held on June 1, 2005 in conjunction with the Steering Committee for the Development of the Judiciary and Justice during which key representatives of the judiciary, bar, and law schools convened to discuss the issues in developing a judicial training program, and the International Standards of the Independence of the Judiciary.

Having prepared in advance of the Forum a list of numerous issues which should be taken into consideration in developing a judicial training program, I reduced the number of issues based upon Camille Mansour's suggestion that I present only those issues which directly relate to the trainees, entry requirements, duration, and exit requirements. Issues relating to the administration, management, organizational structure, needs assessment, and funding of the judicial training program were set aside to be considered at a later date. Dr. Mansour and Assad Mubarak requested that the Forum refer to a judicial training program rather than to a judicial training center, and that only initial training for new judges be presented, not continuing training for sitting judges.

The discussion on each issue was lively and many participants had varying views that allowed for thoughtful consideration of each issue. From the outset, it was clear that all participants agreed that the needs of the judicial system be examined and assessed as a prerequisite to developing a judicial training program.

The following issues were specifically presented and discussed:

1. Who should attend the Judicial Training Program (JTP)?

Most participants believe that judges and prosecutors should attend the JTP, although some suggested that attorneys should also attend. There is a need for common training of judges, prosecutors and attorneys, and with such common training, respect for the other profession would be developed. A few participants preferred that judges be trained alone.

The participants believe that court staff should also be trained with their own curriculum.

Some participants presented the idea of creating a JTP that would be qualified to issue a MA in judicial studies.

2. When should the trainees attend the JTP?

While appreciating that the present requirement in Palestine to become a judge is after several years of practicing law, there were a wide variety of opinions. Learning that in other countries, trainees may attend a judicial training center either directly after graduation from law school or after a required internship, most suggested that an applicant must, at least, finish an effective internship during which practical skills are taught, although some believe that the two-year internship that currently exists is a waste of time.

Requiring a number of years of private practice before being eligible to attend the JTP may be a hardship for many prospective judges and prosecutors as they may not have the necessary capital to practice law before being eligible to receive training at the JTP.

3. What are the requirements for being admitted to the JTP?

Most participants agree that after graduation from law school, a bar examination should be administered by the PBA which would be one of the major requirements for entry into the JTP.

4. What should be the duration of the JTP?

Having been presented with the durations of other judicial training centers, ranging from six months to six years, the participants had a variety of responses, beginning with six months, while also acknowledging that a ten-year duration would not even be enough for some existing judges.

5. If prospective prosecutors and judges are trained together at the JTP, at what point should the decision be made to choose their profession?

Some participants believe that the trainees should choose at the end of training while others, learning that in some European countries the decision is usually made two-thirds into the training program, agreed with that principle. A few participants believe that the trainees should not be given the choice at all, but should be appointed as a judge or prosecutor based on their performance at the JTP.

6. What are the requirements for graduating from the JTP and are graduates assured a position after the JTP?

The participants discussed the models in other countries that were presented, which ranged from having no exit requirement to a series of examinations, including a psychological examination, or the preparation of a thesis. In some countries, the top trainee may choose his or her position,

judge or prosecutor, as well as court location; while in other countries the high council of judges determines both position and court location.

The Judicial Independence Forum was a success primarily because all the participants actively engaged in the discussion and focused their attention on the practical application of the issues in developing a JTP.

ANNEX 7
SCHEDULE OF MEETINGS

SCHEDULE OF MEETINGS FOR
LEGAL REFORM DIALOGUE SPECIALIST
May 15, 2005 to June 10, 2005

Event	Date	Participants
May 18, 2005	Meeting with Steering Committee for the Development of the Judiciary and Justice	Camille Mansour, Secretary, Hussein Sholi, Legal Advisor, and Ma'ali Shawish, Project Coordinator
May 19, 2005	Focus Group Meeting in Nablus with Law Students at An-Najah Law School	See List One Below
May 19, 2005	Lunch with Law Professors in Nablus of An-Najah Law School	See List Two Below
May 23, 2005	Meeting in Hebron with the Chief Judge of the First Instance Court	Abdul Ghani Al Ouwewi
May 23, 2005	Focus Group Meeting in Hebron with Representatives of the Palestinian Bar Association and other Attorneys	See List Three Below
May 24, 2005	Meeting with staff members of the Steering Committee for the Development of the Judiciary and Justice	Hussein Sholi, Legal Advisor, and Ma'ali Shawish, Project Coordinator
May 25 2005	Meeting in Bethlehem with Chief Judge and other Judges of the First Instance Court	Waheed Al Amleh, Chief Judge, and Judge Arlette Simon, Judge Awni Al barbarawi, Judge Mohammed Musallam, and Judge Sami Al Gabari
May 25, 2005	Focus Group Meeting in Bethlehem with Representatives of the Palestinian Bar Association and other Attorneys	See List Four Below
May 26, 2005	Attend Musawa (Palestinian Center for the Independence of the Judiciary and the Legal Profession) workshop to evaluate the Judicial	Ibrahim Al-Barghouthi, Executive Director

	Reform Conference	
May 26, 2005	Meeting with CTO of USAID	Rasem Kamal
May 31, 2005	Legal Education Forum	See List Five Below
June 1, 2005	Judicial Independence Forum	See List Six Below
June 5, 2005	Meeting with Musawa (Palestinian Center for the Independence of the Judiciary and the Legal Profession)	Ibrahim Al-Barghouthi, Executive Director
June 5, 2005	Meeting with the Legal Department of the Palestinian Legislative Council	Jamal al Khatib, Head of Legal Department; Muhammed M. Rabi, Legal Advisor
June 6, 2005	Meeting in Jenin with the Chief Judge and another Judge of the First Instance Court.	Said Al Sheik, Chief Judge, Taleb Al Bzour, Judge,
June 6, 2005	Focus Group Meeting in Jenin with Representatives of the Palestinian Bar Association and other Attorneys	See List Seven Below
June 6, 2005	Focus Group Meeting in Nablus with Representatives of the Palestinian Bar Association and other Attorneys	See List Eight Below
June 7, 2005	Meeting with First Deputy of the Speaker of the Palestinian Legislative Council	Dr. Hasan Khreisheh
June 7, 2005	Meeting with the Library Director of the Palestinian Legislative Council	Anan Hamad
June 8, 2005	Meeting with Panorama (The Palestinian Center for the Dissemination of Democracy and Community Development)	Dr. Riad Malki, General Director
June 8, 2005	Meeting with Massar Company	Bashar Masri, President
June 9, 2005	Meeting with Representatives of the Press	Walid Batrawi, Correspondent, BBC

		Adnan Joulani
June 9, 2005	Meeting with Steering Committee for the Development of the Judiciary and Justice	Camille Mansour, Secretary, Hussein Sholi, Legal Advisor, and Ma'ali Shawish, Project Coordinator
June 9, 2005	Telephone Meeting with Birzeit Law Professor	Samer Fares

List One: Students of Al Najah University Law School

1. Bahiyya Qusheir
2. Mushtaq Al Qadi
3. Anwar Dweikat
4. Saqer Abdul Kareem
5. Amjad Qabaha
6. Rula Al Bizra
7. Noor Qanni
8. Shadi Zabadi
9. Ahmed Al Bishtawi
10. Rami Odeh

List Two: Faculty of Al Najah University Law School

1. Mohammed Shuraka
2. Ghazi Minawer
3. Ali Al Sartawi
4. Hussein Mishaqi
5. Basem Mansour
6. Gassan Khalid

List Three: Focus Group Meeting with Attorneys in Hebron

1. Rashed Arafah
2. Sa'ad Sweity
3. Rifa'at Al karaki
4. Akram Al Atawneh
5. Bassam Zreikat
6. Tareq Al Batran
7. Ibrahim Al Khatib
8. Arafat Al Qessiyeh
9. Waseem Rajabi
10. Mohammed Hatheef
11. Awad Al Batran
12. Issa Al Hboor
13. Ra'afat Al Tmeizy
14. Nour Eddin Abu Meisar

15. Subhi Al Jabari
16. Sereen Al Sha'arawi
17. Mohammed Said

List Four: Focus Group Meeting with Attorneys in Bethlehem

1. Mussa Shakarneh
2. Mohammed Zaki
3. Marwan Shakarneh
4. Khalil Al Ramahi
5. Sa'ed Salah
6. Nassem Al Duqmaq
7. Farid Al Atrash
8. Mohammed Kleif
9. Ahmed Al Hroub
10. Hisham Rahhal
11. Tamer Al Hurub
12. Anton Abu Jaber
13. Imad Batarseh

List Five: Legal Education Forum

1. Mustafa Ayyad, Al Azhar University Gaza
2. Mohammed Abu Amara, Al Azhar University Gaza
3. Khalil Kadada, Al Azhar University Gaza
4. Salem Al Qurd, Al Azhar University Gaza
5. Mohammed Sharaqa, Al Najah University, Nablus
6. Amin Dawwas, Arab American University of Jenin
7. Samer Fares, Bir Zeit University
8. Mussa Abu Malloh, Al Azhar University Gaza
9. Khader Abu Alya, Bir Zeit University
10. Adnan Amro, Al Quds University
11. Abdullah Abu Eid, Bir Zeit University
12. Akram Dahood, Arab American University of Jenin
13. Mudar Qassis, Bir Zeit University

List Six: Judicial Independence Forum

1. Jamil Salem, Bir Zeit Institute of Law
2. Assa'a Mubarak, Judge
3. Hani Natour, Judge
4. Fathi Abu Srour, Judge
5. Mohammed Yassin, Judge
6. Hazam Tahboob, assistant to the Judicial Education Committee
7. Hussein Sholi, Steering Committee for the Development of the Judiciary and Justice
8. Mustafa Ayyad, Al Azhar University Gaza
9. Khalid Ziadeh, assistant prosecutor Ramallah
10. Hussein Shababeh, Palestinian Bar Association
11. Camille Mansour, Steering Committee for the Development of the Judiciary and Justice

12. Ma'ali Shawish, Steering Committee for the Development of the Judiciary and Justice
13. Maureen Marroum, American Consulate
14. Hassan Al Ouri, Palestinian Bar Association
15. Iman Nasser Eddin, Judge
16. Rasem Kamal, USAID
17. Adnan Amro, Al Quds University
18. Ghassan Faramand, Bir Zeit Institute of Law.

List Seven: Focus Group Meeting with Attorneys in Nablus

1. Mujahed Marmash
2. Muhannad Qababji
3. Bilal Abu Hantash
4. Nidal Manna'a
5. Salem Al naqib
6. Rida Malhes
7. Nael Taha
8. Ashraf Bahloul
9. Asa'ad Al Dahdouh
10. Rawan Al Ateera
11. Dalila Shomali
12. Rula Mari
13. Samah Al Said
14. May Druza
15. Samer Shtewi
16. Raed Al Abwa
17. Fawwaz Saymeh
18. Mahdi Qirresh

List Eight: Focus Group Meeting with Attorneys in Jenin

1. AbdulMalek Sa'oudi
2. Shadi Hushieh
3. Walid Arda
4. Naser Anabtawi
5. Jamal Khalil
6. Mahmoud Al Mallah
7. Alam Abbadi
8. Yousef Jafar
9. Gassan Dababneh
10. Khulud Al Ahmed
11. Amneh Hamarsheh
12. Louay Hamarsheh
13. Saed Sadaqa
14. Riyadh Al Ardah
15. Ma'amoun Kalsh
16. Hisham Jarrar
17. Zuhair Murad

18. Raed Daraghmeh
19. Mohammed Hantouli
20. Ali Kmel

ANNEX 8
PRESENTATION SUMMARY

ATTACHMENT F

SUMMARY OF PRESENTATION ON DEVELOPING A JUDICIAL TRAINING CENTER AND ENHANCING JUDICIAL INDEPENDENCE AT THE JUDICIAL INDEPENDENCE FORUM

June 1, 2005

The Judicial Independence Forum to be held on Wednesday, June 1, 2005 is the next step following the Conference on Judicial Education and the Advancement of Human Dignity organized by the Birzeit University Institute of Law, the High Judicial Council, and CIDA held on 18-20 February 2005.

Since the Conference covered numerous topics relating to the theory of judicial education and training presented by various local and international speakers, and since the majority of participants at the Conference were judges, the Judicial Independence Forum will focus on the practical issues to be considered in creating a judicial training center and will include a broader audience of not only judges, but also attorneys, law professors and governmental officials

After appropriate introductions, the Forum will commence with a 20-minute Power Point presentation by Mary Noel Pepys in which the major issues in developing a judicial training center will be covered. Thereafter, Khalil Ansara and Mary Noel Pepys will lead a discussion on the major issues presented.

The major issues are:

- Determining the role of the Ministry of Justice, the High Judicial Council and the regular courts in administering the Judicial Training Center
- Determining the budget and finances of the Judicial Training Center
- Determining the mission of the Judicial Training Center
- Developing the organizational structure of the Judicial Training Center
- Developing a needs assessment for initial and continuing judicial education
- Designing the curriculum and duration for initial judicial training program
- Designing the curriculum and requirements for continuing judicial education
- Developing a faculty development program
- Determining the criteria for admission to the Judicial Training Center
- Determining the requirements for graduation from the Judicial Training Center and the placement of graduates

Following a one-hour lunch break the Forum will resume and Mary Noel Pepys will present the thirty Factors of the International Standards of Judicial Independence developed by ABA/CEELI, and will demonstrate their relevance to the *Beirut Declaration, Recommendations of the First Arab Conference on Justice*, Beirut, 14-16 June 1999; and the *Cairo Declaration on Judicial Independence, "Supporting and Promoting the Independence of Judiciary"* at the Second Arab Justice Conference, Cairo, February 21-24, 2003.

Following the presentation, a discussion moderated by Khalil Ansara and Mary Noel Pepys will focus on the following four Factors:

Factor 19: Judicial Associations

An association exists, the sole aim of which is to protect and promote the interests of the judiciary, and this organization is active.

Factor 23: Public and Media Access to Proceedings

Courtroom proceedings are open to, and can accommodate, the public and the media.

Factor 22: Judicial Conduct Complaint Process

A meaningful process exists under which other judges, lawyers, and the public may register complaints concerning judicial conduct.

Factor 20: Judicial Decisions and Improper Influence

Judicial decisions are based solely on the facts and law without any undue influence from senior judges (e.g., court presidents), private interests, or other branches of government.

With time permitting, the International Standards of the Legal Profession, also developed by ABA/CEELI, will be presented.