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**UKRAINE RULE OF LAW
PROJECT**

STRENGTHENING THE STRATEGY FOR A NATIONAL COURT CASE MANAGEMENT SYSTEM

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EXECUTIVE SUMMARY

This report could have focused on the question of whether or not the right or wrong technology has been selected to achieve the objectives of the Ukraine court automation endeavor. However, as the research process for this report got underway, it became clear that picking the right or wrong technology solution is of minor importance. Identifying, describing and analyzing the non-technical issues, as is often the case with automation projects, are the more important aspects of this project to resolve.

The more important aspects of this project are whether or not there is an articulated vision, stakeholder buy-in and financial support to achieve the vision, adequate planning, capacity to stay the course, and the will to get it done.

Though it may be surprising to some, a successful automation project is not about technology. A successful automation project is about identifying and seizing opportunities that computer technologies and connectivity bring to courts. It's about vision, leadership, and innovation. It's about investing wisely, making best use of technology, managing risk and ensuring sustainability. It's about developing the skills, knowledge and capacity to improve court performance.

In the end it is not about whether the right or wrong technology has been chosen. It is whether or not court automation will improve public trust and confidence in the Ukraine judicial system. It is absolutely essential that there be a very clear and comprehensive description of what the final objective looks like so that stakeholders will know what the ultimate target is, when it is expected to be completed, what it is projected to cost, who is responsible for getting it done, and the priority order of events leading up to successful completion. Stakeholders, whether they represent the various branches of government, public, or donor community, cannot be expected to support something for which there is not a universally accepted roadmap to success. Before going further with this endeavor, a comprehensive roadmap showing the way to the target destination should be presented to the stakeholder community so they can assess whether or not the target destination meets their expectations.

The author of this report believes court automation can and will improve public trust and confidence in the Ukraine judicial system by providing courts the ability to perform their work transparently, efficiently, and with accountability.

In the following pages the author describes the Ukraine court automation landscape that exists today and offers strategies that, if embraced by organizations tasked with modernizing courts, will accelerate the process and reduce the risk of costly failure. The author agrees with the decision to implement a national “unified” court case management system, but suggests consideration be given to acquiring an existing proven product rather than building one. More importantly, however, the author suggests that the first priority should be the building of the infrastructure needed to support a national “unified” court case management system.¹ The author also points out that broad based stakeholder support is important to success and suggests

¹ See Appendix A for a graphic representation of the alternative approaches to achieving a national “unified” court case management system.

stakeholder involvement in creating a common vision and strategies is essential to the success of this endeavor.

INTRODUCTION AND SCOPE

This report was prepared for the Registry and Case Assignment (2.1) component of the Combating Corruption and Strengthening Rule of Law in Ukraine (UROL) project. The primary purpose of the report is to present strategies that, if followed, will shorten the time needed to implement a national court case management system. The report proposes that necessary planning needs to be completed and infrastructure components need to be in place before deployment of a court case management system begins.

Before getting into the substance of the report, it should be noted that courts at all levels and of all sizes across Ukraine are experiencing extensive changes and growing service demands. Examples of some the complex issues courts are experiencing include:

- social, economic, political, policy changes;
- awareness that court technologies exist and can have a positive impact on court operations;
- complex and evolving laws;
- inadequate funding for the most basic requirements including facilities, lights, heat, and office equipment;
- increasing demands and expectations of court users and the public that courts operate with integrity, efficiency and accountability;
- court personnel anxiety attributable to fear of the unknown regarding how automation will change their jobs;
- scrutiny of judicial system independence and performance by international donor communities, executive and legislative bodies, the media, and the public; and
- diminished public trust and confidence.

In less demanding times *ad hoc*, reactive approaches to managing resources and setting priorities were adequate. However, today such approaches have limited success as evidenced by the intractably slow progress being made in implementing court automation in Ukraine despite significant investment by the Ukraine government and donor community. Clearly, court automation can play an integral role in achieving the goal of transparency, efficiency, and accountability in court administration and judicial decision making, but it will not happen until there is an expression of urgency and focused commitment to getting it done. A comprehensive and clearly articulated vision with broad based judicial branch stakeholder support is needed so that the Ukraine government and donor community can align to it.

BACKGROUND

The primary objectives of the UROL project under the Millennium Challenge Corporation (MCC) Threshold Country Program (TCP) are to combat corruption and strengthen the rule of law in Ukraine. The project recognizes the vital role the judicial system plays in the overall administration of justice in Ukraine society and that to have the trust and confidence of the

people the judicial system must conduct its business in a manner that is transparent, efficient, and accountable. To this end, the UROL project, in cooperation with Ukraine judicial leaders, has begun to lay the foundation for modernizing Ukraine courts.

To achieve its objectives, the UROL project has undertaken efforts to modernize first and second instance general jurisdiction courts of the Ukraine by introducing much needed court automation. This effort is focused on deploying software modules that will perform random case assignment, electronic uploading of case decisions to a central registry maintained by the SJA, and improve "...information exchange between the trial-level and appellate-level administrative courts..." though the use of computer technology.² In 2007 the UROL project accepted an advisory group recommendation that the project also include implementation of a court case management system (CCMS). The project permits project courts to choose between two options for their automation implementations.

The two implementation choices are: (1) Full-Version CCMS which includes random case assignment, case decision electronic upload to the central registry electronically, the ability for trial courts to transfer case information electronically to appellate courts and case management functionality; and (2) Partial-Version CCMS which includes all the functionality of the Full-Version except case management. Experience gained from these implementations is expected to provide decision makers with information needed to develop a strategy for achieving a unified court information system.³

Courts participating in the UROL project are:

- Appeals Court for Donetsk Region
- Appeals Court for Ivano-Frankivsk Region
- Kharkiv Administrative Appeals Court
- District Court Donetsk City/Petrovsky
- City Court Ivano-Frankivsk City
- Kyiv City/Pecherskyi General Jurisdiction Trial Court
- Kharkiv Circuit Administrative Trial Court

A Request for Proposals (RFP) was issued by the UROL project in January 2008 seeking proposals to "...design, deliver, develop, test, install, provide user training for, support, and maintain court case management system (CMS) software...." The apparently successful vendor, Theta, submitted one of four proposals received. The proposal evaluation committee was composed of representatives from the Council of Judges (COJ), State Judicial Administration

² Undated report titled "Status Report On The MCC Pilot Court Automation Project." The report describes decisions that had been made at two previous meetings of the Pilot Courts Advisory Group and an upcoming meeting on 28 September, 2007, of the Council of Judges at which time the recommended pilot courts would be ratified.

³ A Request for Proposals was released on January 21, 2008, seeking vendor proposals for "Development, Installation, Testing, and Support of a Two-Version Case Management System (CMS) for Select General Jurisdiction Courts of Ukraine." Vendor proposals were due March 3, 2008.

(SJA), and the courts. Contract negotiations and USAID approval have been completed and implementation is scheduled to begin the week of July 15, 2008.⁴

A parallel project is in progress under direction of the SJA, an executive branch agency tasked with providing a broad range of support services to first and second instance courts, including court automation. The SJA has entered into an arrangement with Information Court System State Enterprise (ICS), a government enterprise created under Ukrainian law, for software development services.⁵ According to SJA executives, ICS will produce stand-alone modules as outlined in a plan approved by the COJ. SJA executives described their development strategy as being one module at a time, as funding and other priorities allow at any given time.⁶

Thus far, ICS has produced two stand-alone modules: electronic uploading of case decisions and court statistical reporting. Because the SJA does not have adequate electronic data storage capacity, courts are not currently able to send SJA their case decision information and statistical reports electronically. The UROL project has agreed to purchase data storage hardware for SJA to solve this problem. The UROL project has also agreed to produce enhanced versions of the ICS electronic uploading and statistical modules to resolve reported defects.

Though the version of the SJA plan shared with the UROL project does not include details regarding tasks and subtasks, or estimated costs, it does appear to estimate completion of all modules will take between 50 and 69 months. Because the plan does not include actual or estimated start or finish dates it is not possible to estimate when SJA expects their software development project to be completed. Markus B. Zimmer, former Deputy Chief of Party, MCC Ukrainian Rule of Law Project, made similar observations in a 2007 report to Viktor A. Kapustinski, Deputy Head, State Judicial Administration, after reviewing the document “Unified Informational Court System ‘UICS’ Terms of Reference,” at Mr. Kapustinski’s request. In his report, Mr. Zimmer cautioned, “...the State Court Administration has no basis for estimating the level of effort, time frame, costs, or technical requirements for a project whose enormity and complexity as set forth in the TOR is almost certain to guarantee that the effort will fail.”⁷

SJA executives explained they no longer produce detailed software development plans because funding has consistently been far short of what SJA requests. It is now SJA practice to wait until funds are appropriated and then SJA decides what priorities of the moment will get attention.

⁴ The product selected, Theta, is installed in 8 Ukraine courts. Theta uses Lotus Notes and is programmed in C++. It is the opinion of the UROL project that this product is designed for individual court installations and cannot be scaled to serve as a centralized national court case management system. One of the proposing companies was disqualified because it is under investigation for alleged corrupt practices. Competition was limited because of a requirement that a full version of the proposed software had to be installed and in use by at least one general jurisdiction or administrative court of first instance or general jurisdiction or administrative court of appeals for six months.

⁵ A similar state enterprise (Court Information Center) developed a case management system called Delavodstva that is used by all Ukraine commercial courts today. A modified version of this case management software was unsuccessfully tested in the Ivano-Franchivsk Courts of General Jurisdiction approximately four years ago. Source: Online publication “Ukraine Judicial Reform Support Project, Terms of Reference, ICT Project Advisor, 2006.” Document was last viewed on May 28, 2008, at <http://court.gov.ua/home/getfile.php?id=15780>.

⁶ Ukraine State Judicial Administration, “Unified Informational Court System ‘UICS’ Terms of Reference.”

⁷ Zimmer, Markus B., “Comments On Version 0.7 Of The Unified Information Court System Terms Of Reference,” approximately July 2007.

Courtroom audio recording equipment was described as having the highest priority during recent discussions with SJA executives.

A third CCMS development effort is in progress under direction of the High Administrative Court (HAC). The HAC has entered into an agreement with Softline, a Ukraine company, to build a CCMS that will be available for all administrative courts to use. The product is in development at this time with no announced date for implementation to begin.

A fourth CCMS effort is being coordinated by the Canadian government and will result in implementation of Theta software in two general jurisdiction courts. The announced completion date is July 2008.

Though well intentioned, these projects are contributing to an increasingly complex court technology landscape and are incongruent with Council of Judges intentions to have a “unified” case management system. Such projects should be considered a transitory phase leading to a comprehensive national “unified” case management system as envisioned by the Council of Judges.

CURRENT COURT TECHNOLOGY LANDSCAPE

While SJA, HAC, Canadian, and UROL projects are working on their respective initiatives, a few courts are using available local resources to bootstrap automation into their courts. Such efforts range from using freeware office productivity tools to a fairly sophisticated in-house developed case management application using Microsoft Access. A limited number of courts with access to local resources have implemented commercially available case management products, i.e., Theta. Commercial Courts have been using a product called Delavodstva since approximately 2005 that was built for them by a state owned enterprise called Court Information Center.

Though there has been some progress made in automating courts, the technology landscape is becoming a mix of solutions with two characteristics in common. They are:

- not compliant with recognized case management functional standards; and
- installed on servers in local court facilities as stand-alone applications.

As the installed base of local systems grows it will be impractical, if not impossible, to support and manage. Certainly, these local systems should eventually give way to an SJA centrally hosted and supported CCMS.

However, if the early modules produced by the SJA are representative of the overall design and functionality of their planned system, the system will not have a positive impact on court operations.⁸ A centralized SJA CCMS that is compliant with recognized case management functional standards is the best long term solution for Ukraine courts. A well designed central

⁸ Compounding the technical problems with these first two SJA modules, according to court personnel, is the lack of training and technical support by SJA. Courts receive the modules in the mail and are left on their own to figure out how to use them. Calls to the SJA help desk, according to court personnel, go unanswered.

CCMS will not only improve court productivity and accountability, it will be more reliable, secure, and even easier and cheaper to support, maintain, and upgrade over time.

A comparative analysis of the SJA Instruction on Document Management in Courts procedures, Unified Informational Court System “UICS” Terms of Reference, and recognized CCMS functional standards has been completed by the UROL project.⁹ The analysis, results of which will be shared with the SJA, was intended to compare recognized CCMS functional standards and the planned SJA system functional requirements. The analysis revealed substantive SJA functional requirements shortcomings when compared to recognized CCMS functional standards.¹⁰

Instead of continuing on a path to what appears to be a protracted development effort, the SJA would enjoy success quicker if it will embrace an alternative approach. Procuring an established and proven CCMS that can be adapted to Ukraine needs would accelerate deployment of a central CCMS. Assuming such a system could be found, resources could then be focused on building the infrastructure that will be needed for a central CCMS, i.e., Wide Area Network (WAN), data center, help desk, skilled technical support staff etc. Before a centralized CCMS can be deployed even to the first court the infrastructure must be in place. In fact, the WAN and central data center should be completed immediately as they are required to support the SJA case decision upload and statistical modules already deployed to courts.

The preferred alternative to building a system should be the acquisition of an existing proven CCMS that can be adapted to Ukraine needs. One such CCMS that should be evaluated is in use in Bosnian courts today and was developed under USAID sponsorship in 2005 and is available to Ukraine through the UROL project. Its design is based on recognized case management functional standards and includes the ability to present display screens in a language of choice. The system is also scalable so that it can be installed as a local court system and as a central national “unified” system. In addition, user documentation, training models, and training materials could be tailored to meet Ukraine needs.¹¹

BENEFITS OF COURT CASE MANAGEMENT SYSTEMS

Improving the ability of courts to process cases in a transparent, efficient, and accountable manner are things a well designed, properly installed, and ethically administered CCMS is designed to do. As demonstrated in previous efforts to implement CCMS in Ukraine, the donor community has consistently viewed successful implementation of CCMS as a critical success factor in achieving court reform.

⁹ Urban, Andrew, “Combating Corruption and Strengthening Rule of Law In Ukraine, Functional Comparison of Recognized Functional Standards for a Court Case Management System and The State Judicial Administration of Ukraine Unified Informational Court System,” June 2008. See Appendix B.

¹⁰ Ibid. The SJA draft document titled “Unified Informational Court System ‘UICS’ Terms of Reference” appears to indicate detailed requirements for sub-functions will be described in separate Terms of Reference for each subsystem. Unfortunately, this approach is not considered a best practice as the risk of ending up with incompatible functionality is very high.

¹¹ It is USAID policy to license such systems to recipients at no cost.

Courts, by the very nature of the work they do, work with large amounts of information that has to be accurate and timely because decisions affecting people's lives depend on it. For centuries courts have done their work manually. Clerks would make handwritten entries in journals, assemble pages in a folder and then perform a myriad of other time consuming, but very important tasks.

The slower pace was acceptable when paper and pen were considered "high tech" for their day. Then typewriters and photocopy machines came as precursors to the computer technologies we have today. Office productivity expectations were raised even higher. Now, more than thirty years since computers became commercially available, courts have the ability to capture, process, store, and retrieve information in a much more efficient manner. Automation has and will continue to change the way courts perform their work and how they interact with and serve people who look to the courts for timely and fair resolution of their problems. Modern CCMS along with other office productivity tools are enabling courts to perform their work more efficiently, transparently, and responsibly.

CCMS have become an important vehicle for implementing court process changes on a broad scale. This is possible, in part, because well designed CCMS provide courts with the means to track, determine the location of all files within a court, as well as the means to manage judge and administrative staff workloads, monitor judicial performance, limit opportunities for corruption, and improve the management capacity of chief judges. Powerful database functions provide a centralized location for all case information to be stored, including case status, judge assignments, tasks performed, and tasks to be completed. Additionally, all related documents are linked together for a given case and all events concerning a case are recorded.

With implementation of a CCMS, courts stop using antiquated manual registry books and other manual activities to create duplicate records of case activity. Instead, cases are registered electronically and assigned a case number by the system at the time a case is accepted by a court. All case documents are linked together through a centralized virtual record file folder. Chief judges no longer need to review incoming cases to assign them to judges; the system does it automatically and sets case status review dates as well. And finally, by electronically generating task notices for judges and administrative staff, the system ensures that all procedural requirements are met and that no steps are inadvertently or otherwise skipped along the way. An indirect, but important benefit of CCMS is their ability to support standard business processes and procedures. This is important to organizations like the SJA who are responsible for implementing changes in procedures and training staff in the use of the system. If different business processes and procedures existed in each court SJA would have to deliver more than 600 versions of training. Unique documentation and training for each individual court would be impractical and inefficient use of resources.

As was mentioned earlier, CCMS automatically collect statistical information that is used for scheduled and ad hoc management reports. Instead of closing courts for two weeks in July as is the practice in Ukraine to produce semiannual statistical reports for the SJA as required by law, courts would stay open because the CCMS would automatically aggregate the data and produce the reports for the SJA. Implementation of a CCMS would add four additional weeks per year to each courts calendar to handle cases.

Judicial system transparency, efficiency, and accountability can be achieved with a well designed, properly installed, and ethically administered automated CCMS. Such systems provide the following basic functions:¹²

Status Tracking: Case information is entered into the system when the case is initially filed with the court and a unique case number is assigned that exists for the life of the case. Parties to the case are provided the case number so they have a way to easily track case progress. The case number is used to link participants, events, documents etc in the central database, allowing court administrative staff, judges, and chief judges to view all documentation related to a particular case on their computer monitors at any time and even at the same time.

Random Case Assignment: Once a case is entered into the system at the time of filing with the court, the system randomly assigns the case to a judge based on case type, judicial qualifications, workload balance etc. The system then generates the assigned judge's task list for the case. An important function performed by CCMS is the tracking and aging of tasks to be performed. The tasks conform with legally mandated procedures for case processing. From the time a case is filed with a court until a decision is rendered, there is always a "next task" scheduled to prevent inadvertent neglect. Courts are able to manage case load, track judicial standards, combat corruption, and provide information to court management on the efficiency of the court and its various departments.

Data Reuse: A significant benefit of a CCMS is the ability to generate multiple outputs from single inputs. For example, information entered into a system at the time a case is filed with a court will be reused for many purposes during the life of the case. System-generated case lists, name indexing, and document generation are a few examples.

Data Quality: CCMS perform two processes to improve data quality, logical editing and exception reporting. Logical editing occurs when data is first being entered into the system. For example, if a date field requires a date be inserted for a future event but is filled with a date that has already passed, the system will require that it be corrected before proceeding to the next task. Exception reporting occurs, for example, when system case processing rules require certain documents to be filed a fixed number of days before another event, the system will produce an edit report listing cases for which the parties have failed to meet a deadline.

Case Information Accessibility: CCMS provide the ability to perform concurrent updating of case information by staff and the ability to locate case information using multiple query types, i.e., case number or names of the parties involved in the case. Generally speaking, physical custody of the paper case file is no longer necessary for court personnel to perform their duties. Such systems enable staff to track the location of the paper file, review case status, retrieve case information, and summarize information at the press of a button.¹³

Organizational Integration: Most court processes depend on information. By enabling information to be shared between court work units and among courts, CCMS help to integrate organizational components.

¹² "CMS Implementation and Support Manual," Implementation and Management of the Case Management System in the Courts of Bosnia and Herzegovina, October 2006.

¹³ Justice John Dooley, "Combating Corruption and Strengthening Rule of Law in Ukraine, *Transparency Audit: Judicial System of Ukraine*," November 2006.

Management Reporting: CCMS are designed to count, sample, and analyze data needed to satisfy oversight functions, but more importantly to provide information that can be used to improve judicial operations, planning, and policymaking. Statistical reporting and uploading of case decisions to a central registry are accomplished effortlessly.

Efficiency of Operations: CCMS automatically generate notices and service documents thus allowing staff to handle other critical tasks.

Well designed case management systems, properly implemented, perform simple and repetitive tasks faster, with greater precision, and at lower cost than doing them manually. They support modern case flow management methods and can quickly summarize information across large numbers of cases. In addition, management reports can be produced as automatic outputs or ad hoc to identify cases that exceed normal processing parameters so that action can be taken before problems arise and generate statistical reports at the press of a button.

Overall, automated case management systems will: (a) improve staff productivity; (b) reduce case processing time; and (c) enable courts to perform their work in a way that greatly enhances transparency and accountability of court administration and judicial decision making processes.¹⁴

ASSUMPTIONS

The following assumptions served as the basis for the issues, objectives, and strategies presented below.

- It is the intent of the SJA to provide centralized case management system solutions for the least cost as soon as possible;
- It is the intent of the SJA to limit the number of unique case management systems that the SJA must support;
- Only case management systems that are compliant with recognized case management system functional and established security standards will be permitted to connect to the SJA Wide Area Network;
- Funding constraints will be a long term problem making it imperative that stakeholders collaborate and work together toward a common vision; and
- Implementation strategies must be flexible and adaptable to available funding.

¹⁴ An excellent example of how a case management system can improve court operations can be found at the Donetsk First Instance Court (Petrovskiy). The elapsed time from when a case is filed to the rendering of a decision was 23.1% shorter in 2007 when compared to the time it took in 2000. In addition, the number of cases overturned at appeal have declined from 3.1% in 1994 when the court handled less than 2000 cases to only .4% in 2007 when it handled more than 14,000 cases. Source: Donetsk Regional Court, "Experience of Organizational Work of Petrovskiy Regional Court of the City of Donetsk," 2008.

ISSUES, OBJECTIVES AND STRATEGIES

As stated at the beginning, the primary purpose of this report is to present strategies that, if followed, will shorten the time needed to implement a centralized CCMS and ensure that necessary infrastructure components are in place before deployment begins. Following are six key issues that are hindering progress of the Ukraine court automation effort and recommended resolution strategies for each.

Issue #1: Courts on their own and with donor sponsored automation projects are implementing court case management systems that are not compliant with recognized court case management functional standards.

Issue Description: Local court case management systems are already installed in several courts and it is likely more will be implemented until the SJA is capable of implementing a central “unified” case management system. The local case management systems being implemented by courts are not compliant with recognized functional, data and reporting standards. Such systems will likely not be able to exchange data because naming conventions and other data characteristics are not uniformly applied. Establishing functional, data, and reporting standards for court software applications is the first step in achieving the ability of court systems being able to operate successfully together (interoperability).

Objective: Require all future case management systems implemented in Ukraine courts to be compliant with SJA functional, data, and reporting standards.

Strategy:

- (1) SJA should immediately establish a transparent process for identifying and publishing vendor neutral case management system data and report standards;
- (2) SJA regulations should clearly state that case management systems not in compliance with the data standards are not to be implemented regardless the source of funds used to build or acquire such systems;
- (3) SJA should establish a process for “certifying” vendor products compliant with SJA standards before such products are allowed to be connected to the SJA WAN; and
- (4) Once the “unified” case management system is available, courts using certified stand-alone systems may be given the choice of converting to the “unified” system or continuing on their stand-alone system. In the event a court chooses to use their certified stand-alone system they would do so without SJA support.

Issue #2: The infrastructure necessary to support a “unified” case management system does not currently exist.

Issue Description: Before a “unified” case management system can be implemented, there must first be a communications network (Wide Area Network) in place to handle data transmissions between servers located in individual courts, regional SJA server systems, and the central computer upon which the “unified” case management application is installed. In addition, a specially designed data center facility will be required to house the central computer and Wide Area Network hardware. In fact, these basic infrastructure components are needed immediately

to support the software modules already deployed by the SJA, i.e., decision upload to central registry and statistics.

Objective: Establish and make available to courts Wide Area Network services and build a central data center capable of making software applications available to courts 24/7.

Strategy:

- (1) SJA should complete efforts to establish a Wide Area Network and make it available to courts as soon as possible;
- (2) SJA should design and properly equip a data center facility capable of 24/7 service. This would include backup power supply (battery and diesel generator), adequate hardware to host software applications, fire suppression, off-site backup storage etc; and
- (3) SJA should establish a centralized help desk call center function to provide support services to courts.

Issue #3: A “unified” case management system is the right solution, but building it is proving to be elusive and possibly unnecessary.

Issue Description: The Council of Judges has rightly endorsed SJA plans to provide a centralized “unified” case management application for courts. However, SJA efforts to build the application are proving to be slow to deliver and may not be the best use of limited funding. Deploying individual modules to courts without instructions and technical support is compounding the problems courts are experiencing with the first two modules produced by SJA.

Objective: Implement a “unified” case management system that is compliant with recognized functional standards as soon as possible at less cost than building it.

Strategy:

- (1) If the SJA embraces the strategy of procuring an existing proven case management system rather than building its own, the SJA will need to develop a comprehensive plan that places high priority on getting the infrastructure components in place quickly. The revised plan should include a comprehensive and detailed itemization of all tasks to be completed, estimated start and end dates, estimated costs, and assignment of resources. This may require project management training for staff responsible for project oversight and plan development. This needs to be done even if certain responsibilities for completing tasks are done by contractors;
- (2) SJA should immediately evaluate case management applications used in other countries to determine if one could be deployed in Ukraine quicker and at less cost than building a system as currently planned; and
- (3) SJA should abandon its current practice of incrementally building and deploying modules one at a time and replace it with a complete product approach, i.e., implementation of a proven court case management system that is compliant with recognized court case management functional standards.

Issue #4: SJA court automation strategy lacks broad based stakeholder understanding and support.

Issue Description: Though well intentioned, SJA efforts to build case management system modules have not met court user expectations. Court stakeholders are unclear what the SJA court automation vision and strategies are and feel their input is ignored much of the time.

Objective: Broad based stakeholder understanding and support for a common vision and strategies to achieve a “unified” court case management system.

Strategy:

- (1) The SJA should use consensus building processes to gain stakeholder input and support for major initiatives affecting court operations;
- (2) SJA court automation vision, strategies, and plan should be vetted as part of the stakeholder consensus building processes with objective of creating support for a common vision, strategies, and court automation plans; and
- (3) SJA should develop and follow a communications plan to keep stakeholders informed of progress, policy decisions, standards, shift in directions etc. according to pre-determined target audiences and frequency schedule.

Issue #5: SJA organizational placement is incongruent with judicial branch needs and aspirations.

Issue Description: The State Judicial Administration (SJA) as an executive branch agency is tasked with providing a broad range of support services to the judicial branch. However, it is unclear if the SJA is supposed to be an administrative service organization for an independent judiciary or an instrument of control for the executive.

Objective: Clarify who defines SJA purpose, priorities, and accountability as a judicial branch agency.

Strategy:

- (1) Modify existing law to clearly delineate SJA’s role as a service component of the judicial branch that is accountable to, and directed by, the Council of Judges or other more appropriate judicial branch governing body.

Issue #6: Court personnel, in large part, do not possess computer skills necessary to perform their work using an automated case management system.

Issue Description: Most court personnel do not use computers in their daily work and few have access to computers during their time away from the office and have, at best, rudimentary computer skills. Court personnel assigned duties requiring use of a computer in the future will need better than rudimentary computer skills to perform their work effectively and efficiently.

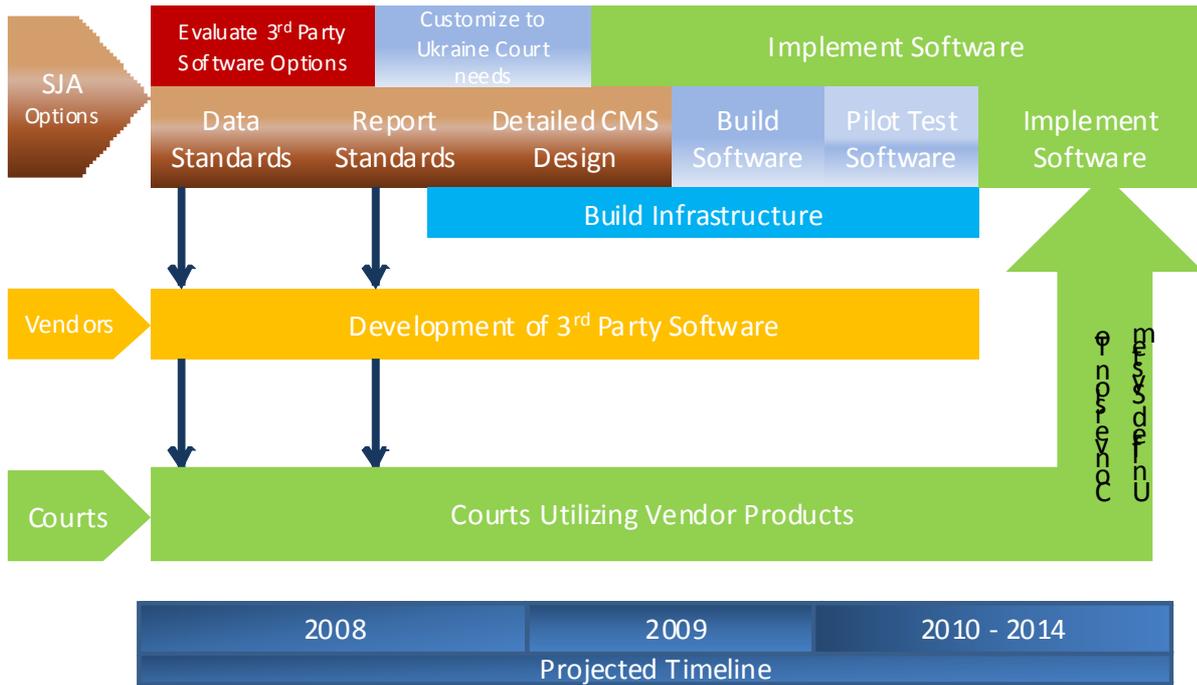
Objective: Improve court employee computer skills prior to deployment of a case management system so employees will be able to perform their work at an acceptable level of proficiency.

Strategy:

- (1) The SJA should include basic computer training as part of its CCMS pre-deployment plans; and
- (2) In anticipation of continued high turnover in court staff, the SJA will need to develop the capacity in its territorial field offices to provide ongoing training of court staff. The training needs are expected to include basic computer skills and case management system user training.

APPENDIX A: STRATEGIC PATH

Strategic Path to Unified Case Management System for Ukrainian Courts



2/06/08

APPENDIX B: SOURCES

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