



USAID
FROM THE AMERICAN PEOPLE

AN INFORMATION MANAGEMENT AND ORGANIZATIONAL PLAN FOR THE JUDICIARY OF AFGHANISTAN

FEBRUARY 2009

BARRY WALSH

FEBRUARY 2009

This publication was produced for review by the United States Agency for International Development. It was prepared by Barry Walsh and edited by Afghanistan Rule of Law Project staff.

AN INFORMATION MANAGEMENT AND ORGANIZATIONAL PLAN FOR THE JUDICIARY OF AFGHANISTAN FEBRUARY 2009

BARRY WALSH

**Contracted under USAID Contract DFD-I-00-04-00170-00
Afghanistan Rule of Law Project**

Prime Contractor:

Checchi and Company Consulting, Inc.
1899 L Street NW,
Suite 800
Washington, DC 20036-3804

Subcontractors:

Management Systems International
Corporate Offices
600 Water Street, SW
Washington, DC 20024

DISCLAIMER

The views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

TABLE OF CONTENTS

A. Executive Summary and Terms of Reference..... 3

B. Country Context 4

C. Justice Sector Strategic Planning..... 5

D. General Progress so far 8

E. Donor Activities Relevant to Information Management Improvement in Courts 10

F. The Future of New Technology in Improving Court Services..... 13

G. A Framework for Information Management Planning..... 15

H. Areas of Court Excellence.....16

I. Seven Areas of Information Management..... 18

J. Potential Information Improvement Change Programming..... 22

K. Setting priorities for change programs..... 31

L. Sequencing the Implementation of Information and Organizational Improvement
Change Programs.....32

Attachment A – DRAFT Information Management and Organizational Development
Supplement to the Supreme Court Strategy..... 35

Attachment B – Matrix of Potential Information Management Development
Programs.....37

Attachment C – Barry Walsh CV.....38

* * *

A. EXECUTIVE SUMMARY AND TERMS OF REFERENCE

The general aim of this consultancy during October and November 2008 was to evaluate the options available to the Afghan judiciary for improving its use of information and to suggest practical strategies for implementing them. In the context of the scheduled completion of the USAID Afghanistan Rule of Law Project (AROLP) in early 2009, and the expected launching of a follow-up USAID project soon after, the expectation was that an evaluation of information management and organizational development strategies would assist in guiding and perhaps adjusting current priorities for the Supreme Court and interested donors.

This report reviews and evaluates the history of information management planning and associated organizational development activities within the Afghan judiciary. Based on that assessment, this report offers a list of potential change program activities that are concerned with the collection and processing of management information by courts and which relate to the strategic priorities that the Supreme Court has already identified. Specific matters covered in this report are:

- A review of the development of strategic planning in the judiciary including justice sector priorities established by the Afghanistan Compact, the National Justice Sector Strategy and the Supreme Court Strategy.
- An evaluation of the resource constraints that apply to the judiciary which concludes that there are major shortcomings in available budget resources, judge numbers, judicial and administrative skills, building and office infrastructure, and access to communication and energy infrastructure affecting the court system.
- Progress with donor programs that are concerned specifically with supporting the Afghan judiciary generally and those specifically concerned with improving court processes and information systems. The report concludes that while the impact of improved systems in courts outside the capital has been largely limited to manual process improvements, there are opportunities for expanding the use of computerized information systems in the Supreme Court's central office.

The report reviews the needs of the Afghanistan court system against the recently published International Framework for Court Excellence and concludes that a range of initiatives need to be pursued if the Afghan courts are to successfully pursue international standards for court management excellence.

32 areas are identified in which it is recommended that Afghan courts should actively apply improved processes and information systems. These include areas that are already identified in the Supreme Court Strategy, most of which have donor support, along with a list of new areas of attention. The matrix table in Attachment B describes each and identifies the related areas of process reengineering, software development and associated skills development activities that each will require.

In Attachment A four information management improvement strategies are proposed for adoption by the Supreme Court as a potential supplement to the Supreme Court Strategy 2007. If approved, these strategies would require the Supreme Court to:

- Strategy 1. Revise and simplify all current manual information systems of courts.
- Strategy 2. Improve case management procedures in all courts and the systems for supporting case management.
- Strategy 3. Improve information processing capacity and the use of networked information systems in the Supreme Court's central office.
- Strategy 4. Pursue improved electronic connectivity for courts outside Kabul.

B. COUNTRY CONTEXT

The Afghan judiciary currently comprises a Supreme Court of nine justices, 34 provincial court stations and 408 primary court stations that are distributed over some 400 different locations. There are approximately 6,100 authorized judicial and administrative personnel positions across the court system. This includes around 2,100 sitting judge positions, 2,500 administrators, 1,300 contractors, and 200 military personnel. There are currently 1,400 sitting judges, an effective vacancy rate of 33% against approved positions.

The Afghan judiciary system is sometimes described as a civil law system which applies indigenous civil and criminal law codes incorporating Sharia law and other procedural elements¹. There is a stratified court structure similar to those of countries in the Middle East and Asia and comprising essentially three levels starting with the primary courts, intermediate appellate courts at the provincial level and a Supreme Court which is also a cassation court. All trial and appellate courts in Afghanistan are formally required to hear and adjudicate civil disputes and prosecutions in three-judge panels, although the Law on Courts permits two judges if three are not available. Shortages of available judges affect the capacity of the judiciary to maintain regular court sittings, especially in remote locations.

Primary courts established by law commonly sit in locations other than those assigned. Many judges are prevented from sitting in the locations which are affected by the insurgency and may sit only irregularly in other places, if at all. Also, most cases are heard in judges' offices. And most judges in the primary courts occupy small offices that are shared with at least two other judges. As recently as 2006, judicial salaries in the provincial and primary courts ranged between only \$600 and \$1,700 per year², a factor which has been acknowledged as a driver of judicial corruption³. Although substantial judicial salary increases have since been approved, the base rates may still be insufficient to attract and retain the legal expertise most judiciaries take for granted.

Flowing from the compounding effects of the insurgency, low judicial numbers, substandard infrastructure for courts and poor judicial administrative staff salaries, there are major consequential shortcomings in both the extent of access to justice and in the quality of justice that is provided to those who are able to gain access. If the wherewithal to measure the effectiveness of the judicial system was available, it would be likely to

¹ CIA World Factbook – Afghanistan Judiciary - <https://www.cia.gov/library/publications/the-world-factbook/geos/af.html>

² Strategy of the Judiciary of the Islamic Republic of Afghanistan – Supreme Court Strategy, 15 April 2007, page 15. Since 2006 interim salary increases were granted in the range of \$2,400 to \$6,000 per year.

³ See Strategy and Policy for Anti-Corruption and Administrative Reform, Presidential Commission on Anti-Corruption, Islamic Republic of Afghanistan, Chief Justice Abdul Salam Azimi, Chair, July 2008, p. 84

conclude that court operations in general remain either largely paralyzed or out of the practical reach of the general population because of still profound deficiencies in capacity. A number of reviews have suggested that the problems that would normally flow from such large shortcomings in the formal justice system may be ameliorated, however unsatisfactorily, by the reliance of the general citizenry on the informal justice system. A consequence of this, however, is that the relevance of the Afghan judiciary is reduced, perhaps to the extent of substantially compromising its constitutional responsibility to safeguard the private and public rights and obligations of Afghan society.

C. J USTICE SECTOR STRATEGIC PLANNING

Afghanistan Compact. Since the ousting of the Taliban regime in 2001 there have been several international agreements concerned with the reconstruction of Afghanistan, both generally and in various economic sectors. Of most contemporary relevance is the Afghanistan National Development Strategy (ANDS) which was adopted in late 2005⁴. It was followed by the *Afghanistan Compact* in January 2006⁵ which was essentially a refinement of the ANDS. The Compact affirmed the following four goals for the justice sector of Afghanistan:

- by end-2010 the legal framework required under the constitution, including civil, criminal and commercial law, will be put in place, distributed to all judicial and legislative institutions and made available to the public
- by end-2010 the functioning institutions of justice will be fully operational in each province of Afghanistan and the average time to resolve contract disputes will be reduced as much as possible
- a review and reform of oversight procedures relating to corruption, lack of due process and miscarriage of justice will be initiated by end-2006 and fully implemented by end-2010; by end-2010 reforms will strengthen the professionalism, credibility and integrity of key institutions of the justice system (the Ministry of Justice, the Judiciary, the Attorney-General's office, the Ministry of Interior and the National Directorate of Security)
- by end-2010 justice infrastructure will be rehabilitated; and prisons will have separate facilities for women and juveniles.

National Justice Sector Strategy. A conference in Rome in July 2007 specifically addressed progress made in justice sector development programming and it adopted what is now called the *National Justice Sector Strategy* (NJS S)⁶. This strategy was derived from agency-specific strategies that had been developed by the Ministry of Justice, Attorney General's Office and the Supreme Court, all of which were introduced at that conference. The strategy made no substantive changes to the four goals set in the

⁴ Afghanistan National Development Strategy, Summary Report, 2005 - <http://www.unama-afg.org/news/londonConf/docs/ANDS-SummaryReport-eng.pdf>

⁵ The Afghanistan Compact, Building on Success, The London Conference on Afghanistan 31 January to 1 February 2006 - <http://www.unama-afg.org/news/londonConf/docs/06Jan30-AfghanistanCompact-Final.pdf>

⁶ National Justice Sector Strategy – Joint Recommendations of the Rome Conference on the Rule of Law in Afghanistan (July 2-3, 2007) - <http://www.unama-afg.org/docs/nonUN%20Docs/International-Conferences&Forums/Rome%20Conf/joint-recommendations.pdf>

Afghanistan Compact, but it was focused more on the timing of implementation programs and coordination of donor efforts.

The Supreme Court Strategy 2007. The Supreme Court Strategy⁷ was issued on 15 April 2007 and set priorities for the whole judiciary. It identified judicial goals as being concerned with developing

- professional judges, trained in ethics and who can be held accountable for their actions
- efficient and effective systems including modern case management procedures for administering the courts and managing cases openly and transparently
- an established institute for training judicial officers and court staff
- adequate salaries, facilities, security, and other systems that are vital to the efficient administration of the courts.

The strategy then refined these four general goals into four corresponding priority result areas and, in relation to each, options by which they might be achieved. The options amount to a list of program areas couched in a way which seemed intended to attract the interest of willing donors. The strategy document also offers an estimate of the cost of each option and even indicates whether, at the time the strategy was adopted, donors had actually pledged support for any of them. Those options offer useful insights into the range of outcomes which the Supreme Court considers to be the focal points of change for the ensuing five years. If the options truly reflect the Supreme Court's priorities, then they offer a useful starting point for identifying the associated areas in which there needs to be better information management capacities.

Priority reform areas of the judiciary. The Supreme Court Strategy describes the following strategies. Although many of the strategies identified at the time did not have donors willing to help out, most are now donor supported and have either been initiated or are scheduled to begin:

Priority Expected Result No. 1: Improve the competency of the Afghan judiciary

- Option 1: Increase the length of *stage* training for judges from one year to two years and restructure the curriculum. This option was said in the strategy to be supported through 2008 by Italy, Germany, France, and the United States. USAID has indicated that it is committed to continue providing funding support for the one-year stage for at least the next two years.
- Option 2: Expand the training provided to in-service judges to increase their competency and professionalism. Foundation training is supported through 2008 by the United States and other training by Italy and Canada.
- Option 3: Create a judicial training institute. The record doesn't appear to be any support for a separate judicial training institute among the donors at this time.

⁷ Strategy of the Judiciary of the Islamic Republic of Afghanistan – Supreme Court Strategy, 15 April 2007

- Option 4: Provide scholarships for judicial study-abroad experiences: USAID, INL, DOJ, PPP, USPTO, IDLO and other donors have provided extensive scholarship support for judges.
- Option 5: Create a continuing judicial education program. The strategy document indicates that there is limited financial support for this activity from the United States, Italy, Germany, and Canada. Both USAID and ARTF/World Bank plan to support this effort.

Priority Expected Result No. 2: Provide a properly functioning judiciary in each province in Afghanistan

- Option 1: Construction or renovation of court buildings throughout Afghanistan. USAID is planning to build 30 court buildings over the next five years. ARTF/World Bank plans to build \$1.3 million in new court buildings within the next 24 months and to support development of courthouse designs and judicial facility standards.
- Option 2: Construction of judges' residences in each of the provinces. ARTF/World Bank plans to include judicial residences as part of their phase I (\$1.3 million) construction funding and is designing a judicial residence component for a proposed expansion of INLTC facilities.
- Option 3: Provision to each Afghan court of one vehicle for use by its judges. The ARTF/World Bank phase I project have committed \$2 million for 78 vehicles for courts.
- Option 4: Construction of a new Supreme Court building, with courtrooms, offices and conference rooms for nine justices. The Government of Japan has indicated an interest in donating an estimated \$23 million for the construction of a new Supreme Court headquarters compound in Kabul.

Priority Expected Result No. 3: Strengthen the professionalism, credibility, and integrity of the judiciary

- Option 1: Create a judicial service commission. Support for this initiative is being considered as part of the ARTF/World Bank project.
- Option 2: Increase pay for judges and judicial personnel. Legislation is pending to increase judicial salaries and ARTF/World Bank is exploring providing additional funding based on the Supreme Court's adoption of more transparent judicial performance policies and procedures. The Supreme Court's USAID-funded proposal to implement PRR for non-judicial staff is scheduled to be completed in November 2008.
- Option 3: Develop a code of judicial conduct and an associated enforcement mechanism. USAID funded the development of a code of judicial conduct which was adopted by the Supreme Court in 2007. Training on the code has been provided to all judges in Afghanistan during 2008. AROLP has been assisting the Supreme Court over the past year in developing a mechanism for monitoring and enforcing compliance with the code.

Priority Expected Result No. 4: Increase the efficiency and uniformity of court administration

- Option 1: Review and revise all Supreme Court regulations dealing with the administrative operation of the courts. This is a deliverable under the current USAID project extension plan for AROLP.
- Option 2: Create a management support unit in the Supreme Court. This was established as a project in 2006 with AROLP assistance and funded by GoA. A proposal was submitted by the Supreme Court to the Afghan Ministry of Finance earlier this year for a three year extension.
- Option 3: Develop a national court administration system. The strategy says that this activity is supported by the United States through 2008. USAID plans to support court administration over the next five years as needed to help ensure full implementation and development of the system.
- Option 4: Modernize Afghanistan's commercial court system. USAID plans to subsidize the establishment of at least three more commercial courts in the next two years.
- Option 5: Create a translation and publication unit. The Supreme Court has prepared a proposal seeking \$2 million in donor support for the establishment of this unit. The ARTF/World Bank have indicated an interest in providing at least partial support for this initiative.

D. GENERAL PROGRESS SO FAR

There has been no major shift in Afghanistan Government budget appropriations that might permit the Supreme Court the extra funds for developing its strategic goals without significant donor assistance. This means that the capacity of the Supreme Court to sustain its reform plans remains dependent on substantial donor support. The following outlines progress with the relevant donor program activities.

AROLP programming. AROLP has been active in human capacity building within the Afghan judiciary since 2005. The main achievements include substantial training programs for the benefit of both the judiciary and court administrative personnel. And AROLP has also been engaged in collating, translating and publishing primary legal information such as statutes, legal academic texts and case law using printed and electronic media. This publishing role has helped to reinforce and sustain the training programs for the general development of the judiciary and legal practices in Afghanistan.

Human capacity building. AROLP has also been involved directly in capacity building in the areas of general court administration and case management. This process has been affected by the need for the Supreme Court to develop, since adoption of the new constitution, the capacity to administer the court system in cooperation with the Ministry of Justice Hoquoq Department (for civil cases) and the AGO (for criminal cases). This process has been impeded by the absence of established administrative systems, capital and financial resource deficiencies and judicial management skill levels.

Buildings and equipment. A program to build 40 courthouses was conducted by USAID in 2004-2005. In 2007-2008 AROLP completely furnished two new courthouses, and is providing shelving and equipment to courts throughout the country to facilitate implementation of improved records management systems. Over the next five years USAID plans to fund construction of 30 new courthouses while the ARTF/World Bank project will fund \$1.5 million construction of the Supreme Court's top priority courthouse projects, including the development of model designs and judicial facility standards, over the next 18 months.

Manual process reform. AROLP's chief contribution to improved information management has been to facilitate development and adoption by the judiciary of a streamlined manual court records administration system known as the Afghan Court Administrative System (ACAS). Under ACAS all case records use a single case numbering system and are stored in standardized cardboard jackets that are color coded for different case types. Summary information about all new cases are recorded chronologically in a standard formal book register – instead of many books under the old system. A single index card is also produced for each case and kept in alphabetical order to facilitate later case file searching. Computers are not required to introduce and use ACAS. There is consequently no dependence on electrical power, the Internet or new staff skills. Unlike most prior attempts at introducing information technology to administrative units of the courts, ACAS seem to have succeeded with few qualifications. By November 2008, ACAS had been successfully introduced in 75% of operational court registries and the associated rollout program is expected to cover 100% of courts in Afghanistan by December 2008.

Still major handicaps. Despite these substantial achievements by AROLP and others, the consensus among those who have supported the Afghan judiciary since 2004 is that basic levels of operational capacity are yet to be achieved in most court stations, including the Supreme Court itself. There are still yawning gaps in the capacity of the judiciary to meet operational needs which in most other countries would be taken for granted. Some indicators of the degree of progress yet to be made are these:

- **No caseload data.** No reliable court statistics are generally available or published that might indicate the workload of judges, such as volumes, types or distribution of civil disputes or prosecutions filed with the courts. There remains very little knowledge or transparency about the levels of court workloads and productivity or the levels of state resources that sustain the court system.
- **Security.** The operations of most courts outside Kabul, the capital, are impeded by the ongoing armed insurgency. This has affected the personal safety of judges and staff and their ability to travel and to communicate with the Supreme Court and with judges in other locations.
- **No judicial productivity data.** The number and distribution of operational judicial panels is poorly monitored, other than for purposes of administering judicial payrolls. It is not possible to relate judge numbers to caseload trends even if caseload information were available.
- **Paucity of judicial infrastructure.** Modern systems for administration of courts, such as usable court buildings, landline telephones, electricity supplies and office equipment are available to only a minority of judges. Even in the Supreme Court

in Kabul there is very little use of computerized office equipment. The dominant office technology remains pen and ink on paper.

- **Degraded national infrastructure.** The national infrastructure which might be used by the judiciary and other state agencies for better communication remains inadequate. Few telephone land line connections are reliable if they exist at all. Power supplies are erratic in every city and town and Internet access remains patchy and expensive. Satellite and mobile telephone technology is progressively more accessible in Afghanistan, but is seldom used by courts in any country as a key business tool. Roads are dangerous because of the insurgency and often impassable during poor weather. There are no public transport systems like railways or sealed national highways. There are a few civilian airports although services are limited. Traveling to most locations in Afghanistan is not without risk.
- **Resource enhancement.** Since 2004 there have been significant increases in resources available to courts to improve judicial productivity, including more judges and higher judicial salaries, even as the minimum qualification level for judicial service has been raised. Additional judges and higher salaries, however, have been more driven by the need to catch up than by any substantial advance in judicial system achievements. The extra IROA resources provided to courts has not yet shown any measured improvements in judicial productivity or better community services. Court change programs are still focused on attaining the most basic levels of operational effectiveness.
- **Skills shortages.** Despite significant training programs by AROLP and other donors, there remains a profound shortage of skills needed among court administrative staff necessary to support the adoption of new procedures and technology. Staff salaries are low and programs to modernize personnel administration, salaries and personnel development of employees began in earnest only this year. The Supreme Court's non-judicial personnel PRR proposal is expected to be approved by the High Council and Civil Service Commission by January 2009, which will ultimately result in improved professionalism and higher salaries for staff. The skills gap is then likely to gradually close, possibly over many years, as existing staff and new recruits have incentive and assistance in improving their technical knowledge and aptitudes.
- **Disappointing reform timetables.** The plans developed by most donors to overcome these kinds of handicaps and limitations have largely been delayed. Optimistic expectations proffered by some international observers and donor representatives since 2004 of rapid reforms and enhanced administrative capacity within the judiciary have been checked by the realities of implementation. Experience has shown in Afghanistan and elsewhere that without physical and social infrastructure and a growing economy as a precondition, progress in implementing ambitious reforms is slow and vulnerable to setbacks. Progress in Afghanistan has been impeded further by an insurgency that has not abated over the expected period of planned reconstruction.

E. DONOR ACTIVITIES RELEVANT TO INFORMATION MANAGEMENT IMPROVEMENT IN COURTS

Several donor project activities concerned with improving information management in the judiciary have been advancing or are about to begin. Here is a summation of the significant ones:

UNDP. In September 2008 the UNDP assigned two local staff to assist the Supreme Court's finance department by developing management applications. The effort has begun with the development of an asset management spreadsheet that emulates manual balance sheets and ledgers, and enables the automation and checking of numerical calculations. Consultant staff also plan to provide training on the application to court finance department staff in the early months of 2009. The Supreme Court's AROLP-funded IT manager is supporting this activity by documenting financial management information system requirements and integrating the new spreadsheet applications into an overall financial management information system plan. He is also conducting an IT users' survey to document the kinds of hardware and software court personnel need for sustained use of the new spreadsheet programs.

Afghanistan Reconstruction Trust Fund (ARTF). Funding has been provided by ARTF for a range of projects to strengthen the Afghanistan justice system, including the Supreme Court. The Afghanistan Justice Sector Reform Project (AJSRP) that is being implemented by the World Bank, includes a broad range of projects, including an ICT component for the justice sector that is both sector-wide and agency-specific. The AJSRP project envisions development of a centralized criminal case management information system that may be developed on a modular basis and integrated using web-based communications throughout Afghanistan. The project proposes to fund assessments of the MOJ's and AGO's IT needs and a \$95,000 allocation to fund emergency replacement of each agency's ICT equipment. Likewise, the project allocates \$95,000 to fund replacement of the Supreme Court's ICT equipment.⁸

Although the AJSRP will inform long-term planning and improve capacity in the near-term, it is premature for the Supreme Court and its counterpart agencies to be implementing a national justice sector-wide case management information system at this time. None of the counterpart agencies, including the courts, has yet reengineered their manual procedures, let alone begun to develop and use automated systems. Access to electric power in most provinces is likely to remain unavailable or, even where available, unreliable and relatively unaffordable to GIRA for years to come. And no forum yet exists to resolve legal and operational administrative policy issues, such as conflicting authority between judicial and prosecutorial agencies to manage the pace of litigation.

INL. The Justice Sector Reform Project (JSSP) and the Corrections System Reform Project (CSSP) are two INL-funded projects that have been working closely together to leverage resources supporting the development of a prosecutor management information system to develop a jail inventory application. That application enables MOJ corrections officials to review current and complete sentencing information for all prison inmates to help them identify persons being detained unlawfully who may be eligible for release. On

⁸ A technical assessment of the Supreme Court's IT requirements funded by USAID is to be conducted following the completion of this information management plan.

behalf of the Supreme Court's case management information system (ACAS), AROLP participates with JS SP, C SSP, CJTF and other justice sector agency advisors in an ongoing process to discuss information system development progress in each advisor's counterpart agency and to explore opportunities for information sharing among the counterparts.

USAID/AROLP. AROLP has been providing IT technical support to the Supreme Court since 2004. This has included support in developing and maintaining the Supreme Court's website; installing and maintaining its central local area network; developing applications such as the facilities inventory; and developing databases such as those used for personnel administration. Since 2006 AROLP has been facilitating the development of the Afghanistan Court Administrative System (ACAS), the mainstay of AROLP's court administration improvement programming. Prior efforts to introduce computerization of courts via various small scale pilot initiatives had been consistently frustrated by the deficiencies in the pre-existing manual systems. It was found that computerization would not assist in bringing order to manual systems that generally lacked order. Furthermore, it was found that most court buildings continue to be affected by unreliable town power, that most court staff lacked the skills and incentives to use computers, and that the courts generally lacked the resources and expertise to keep computers in good repair and use. ICT reforms were found to be, in the context of most courts in Afghanistan, at high risk of failure and abandonment, even if they managed to score initial successes. ACAS, on the other hand, has succeeded, it seems, because it is not reliant on the use of computers or printers.

Internet Access in Four Provinces. In 2007 the UNODC provided the funds to establish Internet connections in each of four regional court buildings at Herat, Mazar, Kandahar and Parwan. An objective of that program was to permit the Supreme Court to evaluate the feasibility of using the Internet for communications between provincial courts and the Supreme Court central office in Kabul. Funding for the program, however, did not extend to covering the recurrent operational costs and the Supreme Court lacked its own resources to cover that cost. The four sites have yet to use the Internet and the feasibility and affordability of maintaining web-based services as a business tool for courts is yet to be assessed. Given that electronic connectivity is now a key element of most information technology developments in any industry, a major feature of any ICT strategy for the Supreme Court should entail revival of this project as a bridgehead activity for a range of potential innovations in the use of communications technology in courts.

Supreme Court Network. AROLP installed and now maintains the Supreme Court central office local area network which comprises approximately 45 PC terminals and printers and managed access to the Internet and email. A current proposal is to upgrade the network using wireless technology and to more than double the number of potential users. Preparations for upgrading the network will include a survey of all network users to evaluate how it has been used to date and how it may be used more effectively in future. But for these kinds of modest physical improvements, the extent of the take-up of new technology within the Supreme Court building has been minimal. Few of the ICT changes introduced to date have entailed or resulted in significant changes in work practices or the predominantly paper-based processes of administration that have applied for many years. Some word processing is done using the Supreme Court local area

network and it also provides Internet access to most network users. But in general, technology appears to be widely underutilized, at least so far.

Personnel data base. AROLP has developed one database for use within the Supreme Court building and is about to develop another. The personnel database, developed and maintained using Microsoft Access by AROLP's staff assigned to AROLP's Supreme Court IT office, is fully operational and is soon to be turned over to Supreme Court staff to exclusively operate and maintain. The database contains essential information about each judge and administrative officer of the courts and was designed to provide the Court with complete, current and searchable access to all personnel system records, including dates and types of training received. At the time of this review the database was being used to generate official Supreme Court identification cards for all judicial and non-judicial staff employed throughout the court system.

Court infrastructure database. AROLP staff are also beginning to design a database for future management of the court system's infrastructure resources. This court facilities inventory database is also being developed using Microsoft Access. It will be designed to provide the Court with enough information to enable decision-makers to prioritize and manage courthouse construction and rehabilitation projects across the court system.

Information Technology Support Branch . During 2008 AROLP staff have been assisting the Supreme Court in developing a reorganization plan for the Supreme Court's administrative operations that includes establishing a specialist department for managing new technology systems and supporting change programs that use new technology. A capacity of this kind is needed to enable the Supreme Court to mainstream its use of new technology rather than to remain dependent on expertise employed and supervised by donors. The development of a well-resourced and trained group of ICT specialists is likely to be a key tool in advancing any significant ICT change programs in the courts.

USAID's future programs: While AROLP is currently scheduled to terminate its operations in early 2009, USAID is also currently in the process of selecting a contractor to continue USAID-funded efforts to strengthen court management in Afghanistan over the next five years. It is anticipated that the successor project will build on AROLP development project objectives achieved to date.

F. THE FUTURE OF NEW TECHNOLOGY IN IMPROVING COURT SERVICES

Progressing access to the Internet for courts . Based on the experience of courts in other countries, particularly in developed economies, there is little doubt that the greatest improvements in administrative efficiency and effectiveness can be achieved if the Afghan courts can make use of new information and communications technology. The question for the Afghan judiciary, however, is whether electricity and Internet-dependent communication systems are sufficiently developed as to make those options feasible in the medium term.

2008 donors' report on Achievements in Afghanistan. An achievements report published on behalf of donors in Afghanistan in June 2008 describes a range of outcomes in various sectors including improvements in electricity supply, mobile phone usage and

Internet connectivity⁹. That report describes a dramatic expansion of the mobile phone network coverage to 75% of the population, actual subscribers growing at a rate of 300,000 a month and reaching 4 million in early 2008 (out of a national population of 33 million) and plummeting usage costs. It mentions that the cost of Internet usage has fallen since 2001-2002 from \$10,000 per month for a 64 kilobits per second connection to an average of \$250 per month in 2007. And the report says that while all outgoing Internet traffic had previously been routed through satellite connections, since 2007 terrestrial links (microwave and DSL) to Iran and Pakistan have been established and a fibre optics network was being built along the ring road. The report also says that government offices in all provincial centres and most of the district centres have Internet access through the Government and District Communication Networks. With regard to power supplies, the report says that the domestic production of electricity tripled between 2002 and 2007, from 156 MW to 485 MW. It says that major progress has been accomplished in the electricity transmission network by the construction of lines carrying power from Uzbekistan, Turkmenistan and Tajikistan. Nonetheless, despite impressive average improvements cited in the report, it still holds true that Internet access is costly for cash-strapped government agencies and access to town power remains costly and unreliable, even in provincial capitals.

Thin connection and low wattage options. Part of the equation of the high cost of Internet and energy access associated with the use of new information technology flows from the fact that most technology options applied in developed economies are typically dependent on relatively high power usage and internet bandwidths. In the context of a developing, post-conflict country, these overheads represent significant barriers to access even for government funded agencies. It may be that because of those barriers a medium term strategy should be to eschew conventional ICT solutions in favor of alternatives that make use of mobile phone networks and hardware that is not dependent on continuous town power. A range of innovations are possible using web-enabled mobile phones or laptop computers and peripherals that rely on low wattage power. The concept of the \$100 laptop, now being developed under the auspices of the UN for use by school children in developing countries¹⁰, may offer better prospects of a robust technology solution for courts than conventional models for ICT infrastructure. It would appear, however, that no justice sector agency, perhaps no public sector agency or donor organisation, in Afghanistan is yet contemplating the introduction of thin energy and bandwidth hardware alternatives. The dynamics of funding and operating a computerised court network in Afghanistan would change profoundly if it might be based on the use of \$100 laptops by judges and key court administrators. It would of course not avoid the need to re-engineer manual processes in courts to make them amenable for computerisation. Nor would it avoid the considerable skills development challenges necessary to enable judges and court administrators to use computers. But it could overcome what appears to be an immediate practical and financial barrier to making new ICT available to most court system locations in Afghanistan.

⁹ Achievements report - International Conference in support of Afghanistan, Paris, 24 May • 4 June • 12 June 2008 - <http://www.unama-afg.org/docs/nonUN%20Docs/International-Conferences&Forums/Paris-conference/achievements-2002-2008.pdf>

¹⁰ See the One Laptop Per Child Project promoted by the UN as described at http://en.wikipedia.org/wiki/OLPC_XO-1

Achievable medium term strategies. It seems likely that the time will come when all court locations in Afghanistan will have both Internet connectivity and sufficient power to use the Internet using conventional computer hardware. But it seems unlikely that this will be achieved within the next, say, five years. It is even open to speculation as to whether it is achievable within 10 years, given the daunting economic and geographic disadvantages that apply especially and, most likely, permanently to Afghanistan. If this assumption is correct then it leaves open the question of what practical information management goals the judiciary should be setting for itself over the next five years, if it cannot rely on achieving system-wide access to computer networks in that time.

Two-tiered application of technology. An option for the judiciary is to adopt a two-tiered approach to information management. This would entail extending networked technology options to only a selection of courts, implicitly those that are most strategically important to the overall operation of the courts system. This would mean that a number of courts, perhaps most courts, would be denied access to the benefits of new technology, while the key courts would be able to achieve some early improvements. A variation of this model would be to extend conventional technology to the upper tier and to develop alternative technology for the second tier, such as the thin power and bandwidth options of the kinds suggested above. Ultimately the question of which approach is to be preferred is likely to depend on the funds that are made available to support ICT development.

An ICT budget for courts. To date the Afghan judiciary has not defined the amount of recurrent funds it is able to allocate to new ICT development for better information management. Nor have donors yet offered to generally underwrite the recurrent costs of any new ICT programs. This is partly due to the fact that the costs have not yet been defined. Nor are they likely to be funded adequately until a clear strategy and associated programs can be designed. Given the dependence on donors as a source of funding, the strategy that is most likely to be funded is one that can be scalable, beginning from a modest start up and able to expand in response to progressive successes that may be demonstrated to donors over time.

Elements of ICT hardware and software development planning. The experience of the AROLP and perhaps others confirms the importance of adapting available hardware and software options to the limitations there may be on funding, the skill sets of the participants and institutional readiness to permit new technology to substitute for existing manual systems. This suggests that success of an ICT change program cannot be measured by how effectively new hardware can be procured, or new software designed and installed; but by the readiness of court administrators and judges to faithfully and willingly use new technology as it was intended to be used. Achieving this kind of outcome requires careful attention to the appropriateness of the types of technology selected for adoption and the associated measures needed to make it a success, such as manual process reengineering and improving the skills of participating personnel. In any kind of change management process that entails introduction of a new technology application, these kinds of conditions should be considered prerequisites:

- There should be sufficient ICT infrastructure in place before the new application is introduced. Web-based systems, for example, should not be introduced unless affordable web access is already available to the intended users.

- The manual systems which the new application is to affect or replace should be functioning satisfactorily in terms of its transparency, integrity and compliance with existing rules and laws – ineffective manual systems are unlikely to be made more effective merely by automating them.
- Personnel who are to use the new application should participate fully in its development before, during and after its introduction to the workplace.
- Training and system review programs developed to facilitate the new application should be available at all stages of its development and continuously afterwards.
- The use of the new applications should be supported from its inception by a recurrent budget to cover usage costs, ongoing training and regular design adjustments.

These practical considerations ought to rank highly in selecting priorities for introducing improvement systems for information management. But while this list may assure the quality of the priorities selected, it does not help in ranking alternative priorities in the order of their importance to courts. This gives rise to the question: What information management systems improvements do courts in Afghanistan need and how should the range of those needs be prioritized? This question is addressed in the next section.

G. A FRAMEWORK FOR INFORMATION MANAGEMENT PLANNING

Information management planning for most developed court systems across the world has advanced as an incremental process of trial and error over many years. Few courts begin with a comprehensive vision or an established template to guide them. Until recent times the few available standards were those developed essentially for domestic usage in particular developed countries. Very little is readily available that may be adapted to a developing country system.

An information management strategy for courts needs to start from the question: What do courts aim to do in fulfilling their constitutional role? If this question is adequately answered then it becomes feasible to develop strategies for collecting and using information that can truly help courts do what they seek to do.

A consortium of institutions concerned with court system institutional development recently published the International Framework for Court Excellence that has been designed specifically for use by any institutional court, anywhere in the world¹¹. The Framework represents the best general statement to date of the values and aims of courts. And it thereby offers a structure within which courts can arrange their efforts to develop their operational priorities and the change programs necessary to achieve them. For a court system that seeks to look to its basic information management needs, the Framework offers a rudimentary but comprehensive profile of what courts do, or should be doing.

¹¹ The International Framework for Court Excellence was officially launched in September 2008 at the Court Quality Forum, Sydney, Australia, by the International Consortium for Court Excellence. The consortium comprises the Australasian Institute of Judicial Administration (AIJA), the Federal Judicial Center (USA), the National Center for State Courts (USA) and the Subordinate Courts of Singapore. Assistance in developing the framework was provided by the European Commission for the Efficiency of Justice (CEPEJ), Spring Singapore and the World Bank. The full text of the Framework is available at [http://www.lawlink.nsw.gov.au/lawlink/Corporate/ll_corporate.nsf/vwFiles/framework.pdf/\\$file/framework.pdf](http://www.lawlink.nsw.gov.au/lawlink/Corporate/ll_corporate.nsf/vwFiles/framework.pdf/$file/framework.pdf)

H. Areas of Court Excellence

The Framework is arranged into seven areas of court excellence which it describes as critical to the effective performance of any court, i.e.

- Court management and leadership
- Court policies
- Human, material & financial resources
- Fair, efficient & effective court proceedings
- Meeting client needs & expectations
- Affordability & accessibility of court services
- Public trust and confidence

The successful development of court organizations in each of these areas is affected by the quality of information that the court leadership can collect and use. This includes information that is essential in managing court resources, providing court services and meeting the needs of litigants and other customers of court services.

The areas of court excellence described in the Framework were identified after examining the basic values of courts, namely equality before the law; fairness, impartiality and independence of decision-making, competence, integrity, transparency, accessibility, and timeliness and certainty of decision-making. Courts differ from most other public sector entities in the priority they give to asserting their administrative and judicial independence, an imperative that requires them to operate separately and distinctly from other agencies of the state, particularly ministries of government. The following summarizes what is meant by each of the seven areas, and the information management implications of each:

Area 1. Court management and leadership. Usually via a chief justice or other paramount judge, courts need to define and enforce institutional structures and traditions of courts in terms of judicial hierarchies, lines of command and normal processes of institutional governance. This includes managing the processes of judicial appointments, promotions, transfers, retirements and internal dispute resolution mechanisms that relate purely to judges. It also includes managing external relations, such as those with ministries of government, NGOs, donors and other international organizations. These processes normally require substantial administrative capacity.

Area 2. Court policies. In addition to acting upon and enforcing the national constitution and the legislative statutes and other laws of a state, courts need to develop and formalize other policies. Court rules and administrative directions need to be issued at a formal level by the leadership. And as part of their accountability obligations, courts are invariably bound to apply or conform to public services standards to govern the use and management of administrative staff and budgetary processes.

Area 3. Human, material & financial resources. Courts need to develop and maintain systems and processes to ensure that their physical needs are met. Essential processes include budget estimates and appropriation by the legislature, purchasing, financial payments and accounting, controlling the authority of personnel to spend funds and determine resource priorities, asset management, employing non-judicial personnel and actively developing the competencies and skills of all court personnel.

Area 4. Fair, efficient & effective court proceedings. Often described under the label of *case management*, this area is concerned with implementing transparent and effective processes for disposing of civil and criminal disputes, including records archiving, workflow standards, and processes for issuing and enforcing court decisions.

Area 5. Meeting client needs & expectations. Courts test their self-perceptions of their own effectiveness by engaging with their communities and seeking feedback. In this way courts can influence perceptions of the fairness of their adjudication decisions and adjust their services to meet real, rather than assumed, needs. This area of court interests is akin to the practical need for private businesses to understand and satisfy the needs of their customers.

Area 6. Affordability & accessibility of court services. Community access to the services that courts provide can be inhibited by barriers caused by the cost of access, the physical distances to courts, limited capacities to communicate with courts; and information barriers, such as ignorance of the law or legal remedies and the lack of access to legal advice. Courts alleviate or aggravate these barriers by the decisions they make about where court services will be provided, court fees and the extent to which courts assist litigants who do not have legal representation. The costs of access can be reduced by increasing the transparency and availability of court services and processes. Courts work with bar associations, advocacy organizations and government ministries to increase the options available to litigants to receive legal advice and advocacy assistance.

Area 7. Public trust and confidence. Courts work to engender community support and respect for the role of courts and the adequacy of court decisions. When courts have the respect of their communities, there are higher rates of voluntary compliance with court orders and community expectations that court orders, once made, will be faithfully and promptly obeyed. Courts do not gain public trust passively, but by consistently setting standards and applying them to the decisions they make and services they provide.

The authors of the Framework emphasize that no court can achieve general excellence unless it is substantially active in developing systems and processes in all seven areas. A major failure or neglect of any one area is likely to compromise success in others. This means implicitly that if the Afghan judiciary is to improve itself, it needs to improve itself progressively in all seven areas, not just two or three, using programs that work to reinforce its capacity to pursue the universal court values identified in the Framework. It follows that any information strategy that may be adopted by the Afghan judiciary needs to facilitate the collection and use of information that relate to all seven areas. The implications of this are now considered.

I. SEVEN AREAS OF INFORMATION MANAGEMENT

In each of the seven areas of court excellence it is implicit that courts need to develop systems and processes, all of which are dependent on the gathering and processing of information. The following tables examine the range of systems and processes that courts in most countries typically develop and maintain. And in relation to each there is offered a profile of existing process entities and information systems that exist, or ought to exist, in some form in Afghanistan.

Area 1: Court Management and Leadership

<i>Key court processes</i>	<i>Related entities or information systems in Afghanistan</i>	<i>Potential information management processes</i>
<ul style="list-style-type: none"> • Judicial and institutional hierarchy definition and formalization • Leadership & internal governance processes • Internal dispute resolution mechanisms • Judicial & administrative appointments, promotions, transfers and retirements • Relations with government & other agencies • Relations with foreign donors 	<ul style="list-style-type: none"> • Office of the Chief Justice (supervising judicial and court administration overall) • High Council (administering the formal processes relating to the appointment, deployment or discipline of judges) • Senior judges, court administrators & judicial committees (using court administrators and committees of senior judges to assist the chief justice in administering the court system) • Annual judges' conference (formalization of new judicial policy) • Judicial personnel records (transparency and certainty in processing judicial entitlements, rights and opportunities) • Non-judicial personnel administration, including contract & part-time personnel (civil service appointments, promotions, deployment, dismissal, retirement) 	<ol style="list-style-type: none"> 1. Manual records system improvement <ul style="list-style-type: none"> • Supreme Judicial Council records • Chief Justice's Office records • Court Administration Records • Personal Records for Judges • Personal Records for non-judicial personnel 2. Internal Circulars and administrative orders 3. Judicial inspections and integrity assurance

Area 2: Court Policies

<i>Key court processes</i>	<i>Related entities or information systems in Afghanistan</i>	<i>Potential information management processes</i>
<ul style="list-style-type: none"> • Institutional and procedural laws • Explicit administrative policies • Public services standards • Case adjudicative procedures • Notarial services 	<ul style="list-style-type: none"> • Statutory publication and revision (ensuring adequacy of contemporary law) • Administration manual for court managers and staff (transparency of standards required of administrators) • Court services charter (transparency of service levels which the public is entitled to expect) 	<ol style="list-style-type: none"> 4. Internal Administrative Publishing 5. External Publishing 6. Hard copy library collections and knowledge management

<i>Key court processes</i>	<i>Related entities or information systems in Afghanistan</i>	<i>Potential information management processes</i>
procedures	<ul style="list-style-type: none"> • Case flow management procedural directives (transparency of procedures that courts are obliged to maintain) 	

Area 3: Human, Material and Financial Resources

<i>Key court processes</i>	<i>Related entities or information systems in Afghanistan</i>	<i>Potential information management processes</i>
<ul style="list-style-type: none"> • Budget estimation and appropriation • Budget disbursement and accounting • Financial delegations definition and implementation • Physical asset custody, management and accountability • Court libraries • Judicial officer development • Administrative staff development • Asset management 	<ul style="list-style-type: none"> • Annual budget estimates proposed by the chief justice (ongoing advocacy for adequate resources for courts) • Annual budget appropriation of the legislature (timely implementation of approved budgets) • Account books and balance sheets of the judiciary (protecting the budget from unauthorized use, theft and misappropriation) • Financial delegations directives (assuring accountability for budgetary spending) • Payments and payroll processing • Auditing and compliance inspection plan (detecting and preventing budgetary theft and misappropriation) • Annual judicial and staff development program (assuring standards or judicial competencies and equal career opportunities) • Asset register (accounting for non-cash assets & preventing theft or misuse) • Library materials catalogue (preserving and assuring equitable access to law) 	<ol style="list-style-type: none"> 7. Letters and public notifications production & delivery 8. Internal documents production 9. Asset and procurement management 10. Building & land management 11. Financial delegations and controls 12. Financial accounts and records 13. Budget estimates and appropriation 14. Information technologies infrastructure and services 15. Judicial and staff development 16. Annual judges' conferences

<i>Key court processes</i>	<i>Related entities or information systems in Afghanistan</i>	<i>Potential information management processes</i>
	materials for use by judges)	

Area 4: Fair, Efficient & Effective Court Proceedings

<i>Key court processes</i>	<i>Related entities or information systems in Afghanistan</i>	<i>Potential information management processes</i>
<ul style="list-style-type: none"> • Procedural statute & court procedural rules • Records and archiving • Case adjudication workflow standards • Notifications of court decisions & orders 	<ul style="list-style-type: none"> • Case registration, scheduling and disposition directives • Case management statistical data collection • Case flow management monitoring committees • Notifications of case parties, justice agencies and advocates (ensuring attendance of case parties and detainees) 	<ul style="list-style-type: none"> 17. Court case records (ACAS) 18. Notarial records 19. Case document production & delivery 20. Court house administrative records 21. Public court hearings 22. Courthouse judicial management committees

Area 5: Meeting Client Needs & Expectations

<i>Key court processes</i>	<i>Related entities or information systems in Afghanistan</i>	<i>Potential information management processes</i>
<ul style="list-style-type: none"> • Service standards – case adjudication, notarial processing, in-person public services 	<ul style="list-style-type: none"> • Case adjudication statistical reporting • Notarial services statistical reporting • Courthouse user surveying and reporting 	<ul style="list-style-type: none"> 23. Court monthly statistics reporting 24. Court service charter 25. Court user groups

Area 6: Affordability & Accessibility of Court Services

<i>Key court processes</i>	<i>Related entities or information systems in Afghanistan</i>	<i>Potential information management processes</i>
<ul style="list-style-type: none"> • Court fees and charges • Courthouse (public office) network • Court calendar of public hearings and office hours • Court publications • Service affecting legal profession • Interfaces with other justice agencies 	<ul style="list-style-type: none"> • Court fees and charges directives or orders • Annual book and website publishing program • Annual court calendar • Court user committee system 	<ul style="list-style-type: none"> 26. Court fees and charges schedule and fee waiver 27. Annual court sittings and service locations calendar 28. Court open day and information days 29. Official public and internal websites for courts

Area 7: Public Trust and Confidence

<i>Key court processes</i>	<i>Actual process entities or information systems in Afghanistan</i>	<i>Potential information management processes</i>
<ul style="list-style-type: none"> • Enforcement of court orders • Physical security of judges and court buildings • Transparency and accountability mechanisms 	<ul style="list-style-type: none"> • Court enforcement directives and rules • Judicial security standards • Courthouse security standards • Annual reports to the legislature and the public • Administrative complaints processing • Judicial complaints processing 	<ul style="list-style-type: none"> 30. Annual report production and publication 31. Enforcement of infringement fines and civil compensation orders 32. Complaints against the judiciary system

J. POTENTIAL INFORMATION IMPROVEMENT CHANGE PROGRAMMING

The Afghanistan judiciary would benefit from the development and resourcing of any one of the 32 information management and process improvement areas described in the tables above. Some of them are currently subject to programmed development via AROLP and other donor activities. Some of them are among the options envisioned in the Supreme Court Strategy. And all of them demand the development of policies and associated information systems, with or without significant levels of new technology. The following describes the scope of each and identifies ways in which each may complement existing and future donor programs.

1. Manual Records System Improvement

In addition to the court case records system which has recently been improved via the ACAS program, the courts maintain a variety of administrative records systems which should rightly remain distinct. This range includes records systems used by (i) the secretariat of the High Council of the judiciary; (ii) the chief justice's office; (iii) the office of the general chief administrator of courts; (iv) the judicial inspectors' office; (v) internal auditors; (vi) personal files kept in respect of each judge; and (vii) personal files kept in respect of each court employee. As with management of court case records which has benefited from the ACAS program, the effective management of other kinds of court administrative records could be improved by undertaking a general review of manual records management processes and developing common standards that are more amenable to later use of automated tracking systems. Currently personnel records are tracked using the personnel databases developed with AROLP assistance. The benefits that flow from using databases to locate records might be extended to all classes of records. This could permit the development of a database to track court records of all kinds within the courts.

2. Internal Circulars and Administrative Orders

As the issue of circulars and orders by the High Council is an essential means of managing the court system, an adequate system is needed to store and provide effective access to all circulars of contemporary relevance. This may be achieved by process reengineering the methods by which circulars and orders are prepared, formally issued, allocated a distinguishing number and distributed to those interested in reading them. A review of this kind might be incorporated into processes for developing an internal and external publishing capacity, as proposed below.

3. Judicial Inspections and Integrity Assurance

A distinct record system and associated processes are needed to manage both routine and exceptional inspections and investigations of individual judges and other personnel that may be initiated by a judicial inspections office. This system could be integrated with the newly approved code of conduct and associated systems that may be developed for receiving and investigating public complaints against judges. A program concerned with developing judicial inspection and integrity assurance may also include associated enforcement mechanisms and proposals for increasing judicial salaries, as envisioned by the Supreme Court Strategy.

New technology developed for this purpose might be concerned with tracking manual records established within the branch; managing processes of investigation and reporting in response to complaints or allegations that may be made; and managing regular inspection programs in each court location including the process of reporting confidentially and publicly on inspection outcomes.

4. Internal Administrative Publishing

The senior court administrator needs to maintain a system for assuring the currency of standing directions and administrative orders that are binding on the judges and non-judicial staff of the courts. This may take the form of an administrative procedures

manual that adopts or incorporates administrative orders and advisory notices that may be issued by the chief justice or High Council. A program concerned with developing a manual may also be concerned with reviewing administrative operations of the courts generally and with advancing a proposal to establish a management support unit as envisioned by the Supreme Court Strategy. A program that is concerned with external publishing can also include proposals to establish a translation and publication unit as envisioned in the Supreme Court Strategy.

New technology needed to support internal administrative publishing would include the capacity to author and print manuals in hard copy, to distribute them to all court locations, and to make them available in electronic form for later access by court personnel.

5. External Publishing

The Supreme Court needs the capacity to design and publish material on behalf of the judiciary and for the benefit of the public in general, such as the court annual report and special reports or information material issued on behalf of the High Council. This role may include the consequential need to publish the same materials on the Court's website for wider public access and for permanent preservation after the original versions go out of print.

6. Hard Copy Library Collections and Knowledge Management Systems

The Supreme Court needs the capacity to permanently store and preserve all publications that describe the current laws of Afghanistan, including statutes and academic works, as well as internal publications and directives that are on the public record. Much of this material has already been compiled with the assistance of AROLP in both hard copy and digital form which includes Dari and Pashto translations of a range of material. A physical library organization is needed within the Supreme Court to provide access by the judiciary and others to paper copies of this material and to permanently maintain web-accessible versions. This would entail reinforcing the limited library material already available and using new technology to automate catalogues and systems for providing practical access to materials. A feature of this would be the development of knowledge management software that provides searchable access to both catalogues of hard copy materials and materials that are held in electronic form. AROLP has just completed development of an automated law library catalog in Dari, Pashto and English languages for the Law Library at the International Legal Training Center. This software expected to be soon made available to the Supreme Court and distributed nationally to all court system users. This technology may form the basis of a knowledge management system for all classes of management information used by Supreme Court.

7. Letters and Public Notifications Production & Delivery

The courts need to develop the capacity to produce and print letters, public notifications and orders for delivery to individuals or for publication. This implies the need to develop robust word processing capabilities and the capacity for low cost laser printing of documents. In the Supreme Court this can be achieved by automating processes within its central building, specifically within the correspondence departments that are currently responsible for producing notifications and other documents. And in other court buildings

this can be achieved by the gradual development of standalone and networked word processing and printing systems.

8. Internal Documents Production.

In tandem with the development of documents for public issue and delivery, there is a need for the Supreme Court's registry offices to produce documents by word processing and printing, rather than by hand and ink, as is presently commonplace. Automation of internal document production should be a prelude to the development by court personnel of the competencies for more challenging and responsible administrative roles rather than as lower skilled scribes and administrative assistants.

9. Asset and Procurement Management

The Supreme Court needs to develop the capacity to record the procurement of new assets and then to track them for as long as they are used. This demands the development of asset management databases that are linked with the procurement and financial management system and with the system for controlling administrative delegations. Initially these linkages are ordinarily by paper processes which, once developed, are then amenable to automation. Initially new automated systems may help account for asset procurement and the manner in which assets are deployed and used. But in time, the processes of purchasing might also be automated using software that interfaces with the financial management systems of the Supreme Court.

10. Building and Land Management

The Supreme Court needs a database that permits the tracking of information associated with the construction and ongoing management of each court building and land holding. AROLP is currently designing a facilities inventory database, using data gathered by PRTs conducting a national justice sector facilities survey which is being advanced jointly by ISAF and the World Bank. This database will include each courthouse and each parcel of land that is earmarked for construction of a courthouse. This program addresses those options identified in the Supreme Court Strategy that relate to building and major procurement programs, such as those affecting court buildings and judges' residences. Software, applications will ultimately be developed to facilitate the prioritization and scheduling of construction, maintenance and rehabilitation programs.

11. Financial Delegations and Controls

Accountability systems are needed to ensure that court expenditures and assets are not entrusted to the control of individuals who are not delegated to control approved court appropriations. A delegations database capacity will be needed to relate approved financial delegations to the individuals they apply to and to the funds for which they are responsible. Any database that may be developed to automate this function may eventually be incorporated into an automated financial management and control system for the Supreme Court.

12. Financial Accounts and Records

A database needs to be developed that is capable of managing financial transactions and producing auditable accounts for the courts. Initially this may be managed using spreadsheets and other semi-automated processes. But in the longer term it should entail fully automated and secure accounting systems that may be interfaced with banking and government treasury and auditing systems; and with other Supreme Court systems that are concerned with asset management.

13. Budget Estimates and Appropriation

The Supreme Court needs the capacity to propose and advocate for increased budget appropriations to meet the needs of the judiciary. This implies the need to establish a budget advocacy department within the Supreme Court that uses spreadsheets and other tools to propose new programs in tandem with the court system's administrative priorities. The Supreme Court's budgetary advocacy department would benefit from acquiring software that is capable of interfacing with Ministry of Finance systems.

14. Information Technologies and Services

The Supreme Court needs the capacity to control the development of both ICT infrastructure and the ongoing expansion of the use of new information technologies. In particular, the Supreme Court needs to develop network and printing capacities within the current Supreme Court building as well as in the new Supreme Court building about to be constructed. The Supreme Court network, in turn, should provide the nucleus for the development of an inter-court system network to be linked to other court buildings in Kabul and beyond. A centralized ICT implementation unit can also ensure that the Supreme Court has access to reliable and practical advice and technical expertise to support the change programs required for all new ICT development. As indicated above, AROLP has already committed significant support to developing a central ICT services capacity in the Supreme Court, on which the establishment of a Supreme Court IT Department could be based.

15. Judicial and Staff Development

The Supreme Court is developing the capacity to design annual training and conference programs to engage the participation of every judge every year. The Supreme Court's personnel database currently tracks the participation of each judge in training and development programming. However, those who design and implement annual training programs will benefit from access to a broader range of information sources and automated tools, such as software that is able to rank potential trainees according to their training history, judicial rank and areas of special expertise.

Change initiatives that might also be advanced under this program area would include the Supreme Court Strategy options that relate to training in general, including the establishment of a judicial training institute, continuing judicial education programs and the development of scholarship programs that may include study-abroad experiences.

16. Annual Judges' Conferences

An administrative staff unit is needed to administer the preparations and support requirements of the annual judges conference, as well as regional or special conferences. As a primary vehicle for determining judicial policy, the annual conference requires timely support either via the office of the Director of General Administration of the Judiciary, the High Council secretariat, or via a specially established adjunct of the chief justice's office. The Supreme Court website already publishes minutes of judicial decisions that relate to court administration, a practice that may be expanded and reinforced using knowledge management software.

17. Court Case Records (ACAS)

Although substantial progress has been made via the Afghanistan Case Administration System, ACAS has so far been limited to assuring basic records management processes for court case adjudication records. It is yet to impact on the processes by which courts schedule, determine and document their proceedings. The Supreme Court needs to advance procedural improvement programs to extend ACAS to such areas as hearing scheduling and notification, the conduct of oral court proceedings and the processes of recording court outcomes and publishing them. This may also be extended to the preservation of court records for archiving, perhaps via systems for digitally preserving the essential court record in lieu of preserving paper records. A program for extending ACAS can include the broader concept of developing a national court administration system and of modernizing commercial courts systems as envisioned in the Supreme Court Strategy. The current PRR process in the Supreme Court has recommended that a case management office be established in the general directorate of administration within the Supreme Court. This proposal is likely to offer the mechanism by which the expansion of the ACAS into broader areas can be guided and normalized by the administrative leadership of the Supreme Court.

18. Notarial Records

Notarial records include records of certificates issued or endorsed formally by judges to authenticate private rights in relation to land and other interests. The judiciary needs to develop uniform systems for managing and safekeeping notarial records in similar ways to those that are applied to case adjudication records. Notarial records may need to be stored and remain accessible for much longer periods than case adjudication records, possibly by archival systems that may require central storage and eventually digital facsimiles of court certificates for later electronic access. The success achieved by ACAS with respect to court case records could similarly be applied to notarial records systems, such as the records managed in the Supreme Court's documents and deeds office. It seems likely that the simplification of records management which ACAS has achieved could be readily applied to that office along with future innovations, such as the development of system-wide electronic record indexes for courts.

19. Case Document Production & Delivery

Processes for issuing and delivering court notifications and orders in respect of civil disputes and prosecutions need to be augmented in tandem with improvements in document printing capacity. The court system lacks uniform rules, forms or procedures

for the production and delivery of notices to parties and counsel. The expanded availability of word processing and printing technology in the Supreme Court may offer opportunities for developing and testing automated production and delivery solutions.

20. Courthouse Administrative Records

Transparent and consistently applied systems for regulating and storing courthouse administrative records need to be developed as a logical extension of the attention so far given by ACAS to case records. There is a need for the simplification of courthouse administrative records, an initiative that is likely to facilitate other reform initiatives, such as improved systems governing courthouse statistical reporting and financial accountability.

21. Public Court Hearings

An essential means of increasing public confidence in the Afghan judiciary is the need to review and reinforce standards and practices concerned with the scheduling and conduct of public court hearings. The Supreme Court has recently initiated a pilot effort in the Kabul Court of Appeals to implement the use of new systems to support judges during open hearings. The Kabul Court of Appeals will serve as a laboratory for the testing of the use of technologies, including audio recording of proceedings, preserving records of hearing outcomes, and publishing court calendars. Potential applications to be tested include publishing court hearing notifications on the Internet and notifying attorneys and others using mobile phone message services.

22. Courthouse Judicial Management Committees

Courts that are focused on improving the management of their caseloads may wish to establish colloquiums or committees of judges in each courthouse to regularly discuss ways of improving the disposition of cases and the general management of services they collectively provide to their communities. These committees can assist the chief judge at each courthouse to deal with complaints or to collaborate in managing court case dockets. In court systems which are focused on delay reduction, these committees may review cases that are unduly delayed and develop solutions to ensure that all cases are disposed effectively. Judge committees can also take responsibility for monitoring compliance with courts service charters and any complaints from the public about courthouse services. ACAS was developed using consultative and participatory processes of this kind at the courthouse level, offering a model that can be adapted to other purposes.

23. Court Monthly Statistics Reporting

The Supreme Court collects monthly and quarterly statistical reports from each provincial court summarizing cases filed, pending and disposed in each province. However, the lack of consistency in definition, methodology and reporting renders the results highly unreliable. The Supreme Court has consequently had little success in analyzing the data or in drawing any useful conclusions based on the information collected. A more reliable system should be developed based on data to be generated by ACAS, to include monitoring of case processing from month to month. Manual and computerized technology improvements may be applied to encourage compliance and to facilitate analysis within the Supreme Court of statistical reports received.

24. Court Service Charter

The Supreme Court should define the standards of service which Afghanistan courts intend to provide to the public, advocates, prosecutors, witnesses, litigants and others that use the courts. Service charters define the standards of service that courts seek to provide, such as case disposition standards, and provide information about how the public may lodge complaints and be heard on breaches of the standards. Actual court performance can then be measured against explicit standards as a means of assessing the extent to which change programs may be achieving measurable results. It is ordinarily the role of the Supreme Court to define the court service standards on behalf of the judiciary. This process can be started by establishing the adoption of a service charter as an agenda item for an annual judges' conference and to review the standard at subsequent annual conferences.

25. Court User Groups

Courts may wish to establish committees of key court user representatives. A court user group may include judges, public and private sector attorneys, community representatives and others. The group may be invited to advise the court on the need for improvements in service or the court's compliance with standards. User groups do not ordinarily discuss particular court cases or participate in matters of essentially judicial policies or procedures. But they serve as a mechanism for providing feedback to the court on court performance and as a conduit for channeling direct suggestions for service improvements, thereby facilitating better communication with key court users and information that can help guide the direction and scope of proposed service improvements within each court location.

26. Court Fees and Charges Schedule and Fee Waiver

Courts should adopt and publish schedules of court fees as well as establish viable means for ensuring that the correct fees are paid when required by court rules. The procedures also ensure that court staff do not use court fees as a means of soliciting for bribes, such as when there is a power to waive fees. Court fee procedures also include the means for collecting the correct fee and accounting for it, such as by revising and improving systems for receiving money, issuing receipts and producing auditable cash books and balance sheets. Improvements of this kind at the courthouse level may form part of broader change programs that are aimed at improving the regularity and transparency of financial reporting and accountability processes.

27. Annual Court Sittings and Service Locations Calendar

In Afghanistan the court system should have the capacity to control where scarce judicial resources will be deployed, particularly where it is necessary for decisions to be made to temporarily abandon some courts. While the judiciary is constitutionally and statutorily bound to provide courts at a range of court locations, in reality this is frustrated by circumstances, such as insufficient numbers of judges, delays in recruiting for vacancies and the need for judges to evacuate centers where their personal security cannot be assured. In this climate there needs to be a system for ensuring that the Court determines which courts will be given priority and the means for managing court services in areas which are denied resident judges. An annual court "sittings and service locations

calendar” is a means by which the Judicial Council can determine broad priorities in advance and announce those priorities publicly. This can only be done by establishing a planning and publishing process that is integrated into systems for recruiting and deploying judges. It also implies the need to relate existing records of judges and their locations to proposed court sitting schedules, a function that might be administered using purpose-designed computer software.

28. Court Open Days and Information Days

The judiciary needs the capacity to engender improved support from the general public by offering promotional programs. This is often achieved by staging open days in each courthouse where courts may offer special activities that are aimed at informing their communities about their achievements in making justice more accessible and satisfactory. AROLP has already provided substantial support to the Supreme Court in developing outreach programs, something which USAID is likely to continue providing in the years ahead. The Supreme Court needs to normalize the use of these kinds of initiatives by relating them to a calendar of annual events which involves the participation of judges and administrators across the court system. Scheduled information days in particular courts, a justice week for all courts, and the like, may be used as part of an annual events program that could be incorporated into the judicial calendar proposed above.

29. Official Public and Internal Websites for Courts

Independent judiciaries develop official public websites offering information that is distinct from that provided by associated ministries of justice. The effort and infrastructure required to publish materials for public information on a website can also be used to develop materials for internal use by the judiciary and its staff. This offers the potential for internal websites to be developed into electronic information for general use in the administration of courts. The current Supreme Court website was developed and continues to be maintained by AROLP officers, under the substantive guidance of senior court system managers. The IT Department should facilitate the gradual transition of responsibility to court IT staff to fully manage and maintain the website, both as a public information resource and an internal knowledge management mechanism. Once computer network access can be provided to administrators of the Supreme Court’s central office, there will be the wherewithal to develop an internal, as well as a public, website which can substitute for existing internal manual systems for communication, information sharing and decision-making.

30. Annual Report Production and Publication

Courts publish websites as a means of promoting their successes to the general public and also as a means of accounting for the use of public resources. The public nature of annual reporting usually means that information appearing in published reports is authoritative and likely to be more reliable than reports issued purely for internal use. Because an annual report is implicitly published once a year, a commitment to producing them also ensures timeliness of reporting, a factor that tends to enforce higher standards of accuracy than may normally apply to internal reporting. In the absence of a routine system for disclosing information, public websites can be underutilized, especially in organizations that have traditions of non-disclosure of information unless it is explicitly authorized for publication. An annual report provides explicit information in a form that it designed to

be understood and compared from year to year. And because annual reports are ordinarily provided to the legislature or executive government ministers as well as the public, they may be used by the chief justice to publish an annual state of the judiciary address to explain the practical difficulties judges face and to publicly advocate for better and fairer levels of public resources for courts.

31. Enforcement of Infringement Fines & Civil Compensation Orders

Improvements in the adjudication of civil disputes may be undermined if the processes for enforcing court decisions are deficient. Courts should therefore give as much attention to making enforcement processes efficient as to improving case adjudications processes. The directions in which reforms to enforcement systems are taken often entails reducing the role of judges in administering enforcement tasks in favor of using court administration personnel and better technology. This is because most aspects of enforcing court decisions are largely administrative. By minimizing the time they give to enforcement, judges are expected to have more time for their case adjudication duties. AROLP has been assisting the MOJ in the drafting of reformed enforcement of judgment laws that include, among other things, greater use of the police and other agencies in enforcing court orders. It is likely that an administrative reengineering process that may be associated with enforcement law reforms will produce other reform options which may entail using better manual and automated technology options.

32. Complaints Against the Judiciary System

Courts need to develop transparent systems for receiving and investigating complaints against judges. The processes of judicial complaints investigation are akin to the processes of judicial case adjudication, entailing formal steps of investigation, report, decision-making and then reporting the decision to the complainant and the affected judge. The Supreme Court recently adopted a code of judicial conduct and is currently considering establishment of an enforcement mechanism that could include processes for public complaints against judges. Implementation of public complain systems require administrative support to ensure they operate efficiently and transparently - in effect, complaint systems require case management system policies and procedures.

K. Setting priorities for change programs. The 32 information management improvement focal areas identified above reflect the range of things which, according to the Framework, should be done by any court that seeks to excel. It is consequently difficult to decide which should be done first and which should be left until later. Ideally all should be advanced in some fashion according to what may be affordable and practicable. The elementary tasks required to implement each change area, however, often apply also to others. Attachment B to this report identifies in relation to each of the 32 focal areas the different elements of change activities that are likely to apply. These elements include progressive development of software systems that are concerned with managing financial information, personnel information, records management (including court case management), and knowledge management in general. They also include process reengineering, special database development and associated skills training for those who will use the newly redeveloped systems. Given that there are few databases yet in use by the Afghan judiciary, it is likely that change programming will need to first focus on developing special purpose, low scale databases to meet special needs as a short term measure, which can later be integrated into programs developed for general use

across the Supreme Court. Attachment B reinforces the point that although not every change area requires a computerized database, they all require some degree of process reengineering as a prerequisite to the use of computerized systems.

A recommended approach to setting priorities for change programs is for the Supreme Court to select as many of the 32 focal areas that can be advanced to some measurable degree. A feature of all but a few of them is that they relate to systems and processes which occur predominantly in the Supreme Court's central office. Few of them depend on immediate connectivity with courthouses outside that office, although longer term success may depend on the Supreme Court's ability to roll out to the whole court system innovations developed in the central office. These factors are useful in prioritizing change programs.

L. SEQUENCING THE IMPLEMENTATION OF INFORMATION AND ORGANIZATIONAL IMPROVEMENT CHANGE PROGRAMS

The analysis in this report concludes that implementing information management and organization improvement programs in the Afghan judiciary continues to be affected by resource shortages, limited personnel numbers, a gap in the skills needed to use new technology and infrastructure constraints preventing the ready introduction of networked computer systems. In these circumstances it is recommended that the Supreme Court's strategy for overcoming present constraints should pursue these goals:

Manual process reengineering in courthouses. The Supreme Court should reinforce and complete the development of reformed manual systems for managing information in support of core court administrative and case management processes. In essence, this means that process reengineering should proceed at least to the point of simplifying and quality assuring current manual processes, whether or not advanced computerized tools are yet feasible. Improvements in case management and court administration within the system of courthouses can be pursued in ways that are not dependent on development of electronic databases or Internet access. This would permit the use of PCs and printers for word processing and other stand alone purposes, but would not make the operational integrity of courts dependent on the availability of continuous electrical power or real time access to the Internet.

Process reengineering and automation in the central office. Most of the 32 identified areas for improved information management can be pursued using the computer resources already available via the Supreme Court's central local area network. Although limited to a single building, this existing and still expanding infrastructure can be used immediately to support most of the essential tasks under the proposed change programs, such as

- improved access to processed information by administrative personnel within the Supreme Court building (e.g. access to electronic indexes, published documents in electronic form)
- improved efficiency in printing documents
- the capacity to improve internal and external communication using email and messaging systems for purposes of the head office functions of the Supreme Court

- improved capacity for information processing (e.g. shared access to common spreadsheets, development of network-accessible databases, provision of information to personnel in electronic, rather than printed, form using internal websites)
- expanded capacity to publish information for public use via public websites.

Expanding court system connectivity . The Supreme Court should pursue the goal of connecting all operational courthouses to a wide area network so that each court may eventually use computerized network systems. However, for the reasons described in this report, this goal should not be an early priority, but one that is pursued progressively in tandem with expected improvements in the availability and affordability of new Internet technology. A program for pursuing this goal could first be aimed at establishing connections between the Supreme Court and major nodal courts in the capital and in selected regional centers. This would permit the gradual development of databases and electronic alternatives to manual systems in courthouses as power supplies and affordable Internet services become available in each town and city. Part of the programming that is aimed at improving connectivity can also be dedicated to developing and trialing thin power and bandwidth alternatives of the kind discussed in this report that may be used by courts with only limited access to infrastructure.

Supplementing the Supreme Court Strategy. Successful implementation of change programming demands a commitment to regularly making and updating strategic planning. The Supreme Court Strategy of 2007 remains a relevant and appropriate means of guiding the operational priorities of the court system, although it is now in need of updating. It is consequently proposed that the suggested strategies for improved information management and organizational improvement outlined in this report be put forward for incorporation into the Supreme Court Strategy. To that end Attachment A supported by Attachment B, offers a synopsis of those suggestions in a summary form that is ready for consideration of the Supreme Court and with a view to each attachment being included in an updated Supreme Court Strategy.



Barry Walsh
Judicial and Court Administration Systems Specialist
February 2009

Attachment A

Information Management and Organizational Development Supplement to the Supreme Court Strategy

In developing and prioritising its programs for improving the effective delivery of court services, the Supreme Court will pursue the following information management and organizational development strategies over the next five years:

The Supreme Court of Afghanistan will -

- Strategy 1. Revise and simplify all current manual information systems of courts, especially those areas described in the schedule below.
- Strategy 2. Improve case management procedures in all courts and the systems for supporting case management.
- Strategy 3. Improve information processing capacity and the use of networked information systems in the Supreme Court's central office.
- Strategy 4. Pursue improved electronic connectivity for courts outside Kabul.

Focal Areas for Improved Information Management in the Courts of Afghanistan

Change programming will concern the following 32 focal areas:

1. Manual records system improvement
2. Publication, storage and distribution of internal circulars and administrative orders
3. Judicial inspections and integrity assurance systems
4. Internal administrative publishing
5. External publishing
6. Hard copy library collections and knowledge management systems
7. Letters and public notifications production & delivery systems
8. Internal documents production
9. Asset and procurement management
10. Building & land management
11. Financial delegations and controls
12. Financial accounts and records
13. Budget estimates and appropriation
14. Information technologies infrastructure and services
15. Judicial and staff development
16. Annual judges' conferences
17. Court case records improvements via the Afghanistan Court Administrative System (ACAS)

18. Notarial records
19. Case document production & delivery
20. Court house administrative records
21. Public court hearings
22. Courthouse judicial management committees
23. Court monthly statistics reporting
24. Court service charter development
25. Court user groups
26. Court fees and charges and fee waiver
27. Annual court sittings and service locations calendar
28. Court open day and information days
29. Official public and internal websites for courts
30. Annual report production and publication
31. Enforcement of infringement fines and civil compensation orders
32. Complaints against the judiciary system

Prioritizing change programming

All 32 focal areas may be advanced together according to what may be affordable and practicable. The elementary tasks required to implement each area of ten apply also to others. Attachment B describes, in relation to each of the 32 focal areas, elements of practical change activities that are likely to apply and which fall generally within three streams

- Managerial improvement activities concerned with personnel systems, financial & asset management, and records management.
- Process re engineering activities concerned with improved procedures, legal and policy reform and production of publications that promote and facilitate reengineered processes.
- Computerized systems development concerning networks, ICT skills development, special database development and knowledge management systems.

In pursuing all 32 focal areas, change programming will be arranged into these streams.

* * *

ATTACHMENT B - MATRIX OF POTENTIAL INFORMATION MANAGEMENT DEVELOPMENT PROGRAMS

Potential or current change programs	Personnel systems	Finance & asset management	Records management systems	Publications production capacity	Process reengineering	Network access	Skills in word processing, spreadsheets	Special database development	Knowledge management systems
1 Manual records system improvement			✓		✓	✓	✓	✓	
2 Internal Circulars & administrative orders			✓	✓	✓	✓	✓	✓	✓
3 Judicial inspections & integrity assurance	✓		✓		✓	✓	✓	✓	
4 Internal Administrative Publishing			✓	✓					✓
5 External Publishing				✓					✓
6 Library & knowledge management			✓	✓		✓	✓		✓
7 Letters & notifications production					✓	✓	✓	✓	
8 Internal documents production				✓	✓	✓	✓	✓	
9 Asset and procurement management	✓	✓			✓	✓	✓	✓	✓
10 Building & land management		✓			✓	✓	✓	✓	✓
11 Financial delegations and controls	✓	✓			✓	✓	✓	✓	✓
12 Financial accounts and records	✓	✓			✓	✓	✓	✓	✓
13 Budget estimates and appropriation		✓	✓	✓	✓	✓	✓	✓	✓
14 ICT infrastructure and services				✓	✓	✓	✓	✓	✓
15 Judicial and staff development	✓	✓		✓	✓	✓	✓	✓	✓
16 Annual judges' conferences				✓	✓	✓	✓	✓	✓
17 Court case records (ACAS)			✓		✓	✓	✓	✓	✓
18 Notarial records			✓	✓	✓	✓	✓	✓	✓
19 Case document production & delivery			✓		✓	✓	✓	✓	
20 Court house administrative records	✓	✓	✓		✓	✓	✓	✓	x
21 Public court hearings				✓	✓			✓	
22 Courthouse management committees			✓		✓				✓
23 Court monthly statistics reporting				✓	✓	✓	✓	✓	✓
24 Court service charter				✓	✓				✓
25 Court user groups					✓			✓	
26 Fees & charges schedule and fee waiver		✓	✓		✓			✓	
27 Annual court sittings calendar	✓			✓	✓	✓	✓	✓	✓
28 Court open day and information days				✓					✓
29 Public & internal websites for courts			✓	✓	✓	✓	✓	✓	✓
30 Annual report production & publishing	✓	✓	✓	✓	✓	✓	✓	✓	✓
31 Infringement fines & civil enforcement		✓	✓		✓	✓	✓	✓	✓
32 Complaints against the judiciary	✓		✓		✓	✓	✓	✓	

ATTACHMENT C -- Barry Walsh CV

Curriculum Vitae: **Barry Raymond WALSH**

Date of birth:

Current location: Sydney, Australia

Mail address:

Nationality: Australian

Languages: English

Email:

Telephone:

Corporate affiliate Barry Walsh & Associates Pty Ltd (incorporated in Australia)

Formal qualifications: Diploma of Law – New South Wales (NSW) Barristers and Solicitors Admission Board, Sydney 1984– admitted as a non-practising barrister in 1985.

Graduate Diploma in Public Sector Management (with distinction) – University of Technology, Sydney 1988.

Graduate Certificate in Change Management, Australian Graduate School of Management, University of NSW, Sydney 2001.

Publications: *Judicial Productivity in India*, International Journal for Court Administration, Vol.1, No.1, - p.23, Jan. 2008

SUMMARY OF MAIN POSITIONS HELD

<i>June 2008</i>	Open Society Justice Initiative
<i>2 weeks</i>	Court Administration and Prosecutorial Case Management Specialist , West African Anticorruption Monitoring and Advocacy Project, Nigeria
<i>May 2008</i>	National Center for State Courts
<i>2 weeks</i>	Field Analyst – Assessment of Anti-Corruption Programs in Morocco
<i>Jan & May 2008</i>	American Bar Association Rule of Law Initiative
<i>2.x 2 weeks</i>	Court Administration and Case Management Specialist Trainer, Bahrain
<i>Sept 2007 onwards</i>	World Bank

(intermittent) – Jan & July 08 Court Administration and Case Management Short Term Advisor, Kenya.

Jan 2007 – May 2008 **DPK Consulting**

Intermittent Team Leader & Case Management Advisor, Philippines Improved Administration of Justice and Long Term Justice Sector Development Strategy Project 2007 (funded by the ADB)

Jun 2006 – Oct 2006 **British Council and Altair Asesores SL**

intermittent and then Case Management/ Software Development Expert, Good Governance in the Indonesian Judiciary

Nov 2006 to Jun 2007 (GGIJ) Project (funded by the European Union)

Mar 2006 – Feb 2007 (110 **American Bar Association**

days intermittent) Court Personnel Specialist & Principal Author, Court Personnel Reform Guidebook (funded by USAID)

Mar – April 2006 (4 weeks) **Management Services International**

Senior Court Administration Advisor, Afghanistan Rule of Law Project (funded by USAID)

Dec 2005 (2 weeks) **Royal Danish Ministry of Foreign Affairs**

Curriculum Development Advisor, Danida/Judicial Administration Training Institute (JATI) Project, Bangladesh (funded by Danida and CIDA)

Dec 2004-Sept 2005 (3.5 **The Asia Foundation**

months intermittent) Capacity Building Advisor, Improvement in the Administration of the Supreme Court of Indonesia Project, Jakarta (funded by the Asian Development Bank).

Jan 2005-Aug 2005 **Association of Universities and Colleges of Canada**

(5 months intermittent) Team Leader, India Administration of Justice Program Preparatory Technical Assistance Project, Delhi (funded by the Asian Development Bank).

Jan-Aug 2004 **Association of Universities and Colleges of Canada**

(5.5 months intermittent) Team Leader, India Administration of Justice Advisory Technical Assistance Project, Delhi (funded by the Asian Development Bank).

Mar-Apr 2003 (6 weeks) Oct- **UniQuest Pty Ltd**

Nov2003 (5 weeks) International Business Administration/ Public Administration Expert, Nepal Corporate & Financial Governance Project – Improving Legal Enforcement Mechanisms and Judicial Capacity, Kathmandu (funded by the Asian Development Bank).

July 2002 to Feb 2003, Apr **NSW Attorney General's Department**

2003 to Sept 2003 Business Analyst, CourtLink NSW Project, Sydney, Australia

January 2000 to June 2002 **ACIL Australia Pty Ltd**, International Development Consultants and Project

2.5 years Managers Information Management Adviser, PNG Attorney General's Department
Institutional Strengthening Project, Port Moresby (funded by AusAID).

April 1999 to November **NSW Attorney General's Department**

1999 (9 months) Manager, Court Operations, NSW Supreme Court, Sydney, Australia

August 1997 to March 1999 **NSW Attorney General's Department**

(1 year, 7 months) Special Projects Officer to the CEO & Principal Registrar, NSW Supreme Court.

July 1994 to July 1997 (3 **Industrial Relations Court of Australia**

years) Registrar and CEO of the Court (with Australian Commonwealth agency head status).

November 1986 to June **NSW Attorney General's Department**

1994 (7 years, 7 months) (i) Registrar and CEO, Industrial Court of NSW - Mar 1992 – June 1994. (ii) Manager, Strategic Support, Higher Courts Branch - Sept 1991 – Feb 1992. (iii) Deputy Registrar, District Court Criminal Registry Sydney West - Mar 1990 – Sept 1991. (iii) Senior Policy Officer, Corporate Planning & Establishments - Nov 1986 – Mar 1990.

Feb 1976 to Oct 1986 Various positions in the NSW Ministry of Employment, NSW Premier's Department, NSW Department of Consumer Affairs and Attorney General's Department.

SCOPE OF EXPERIENCE AND ACHIEVEMENTS

Position **Court Administration and Prosecutorial Case Management Specialist in Nigeria** ,(Open Society Justice Initiative)

Scope Provide expert advice and counseling in the fields of court administration and prosecutorial case management in relation to the development of a proposed West African Anticorruption Monitoring and Advocacy Project covering Nigeria, Sierra-Leone and Liberia. CURRENT ASSIGNMENT.

Achieved Prepared, and gave a public presentation on, a report addressing (i) the extent of available information from anticorruption authorities in Nigeria about their performance; (ii) the utility of that information in evaluating their performance; (iii) the perceived needs of key civil society stakeholders with regard to access to information about the performance of the Nigerian anticorruption authorities; and (iv) the tools required to provide independent monitoring and appraisal of the performance of the agencies.

Position **Field Analyst – Assessment of Anti-Corruption Programs in Morocco** (National Center for State Courts)

Scope Undertake a desk review of available literature and interview institutional representatives and advise on the preparation of a program proposal for (i) the assessment of anti-corruption laws in Morocco; (ii) design and implementation of associated judicial training programs; (iii) development and implementation of codes of conduct for court administrators.

Achieved A written evaluation report that related actual and proposed legislative reforms to international standards anti-corruption legislation and programming.

Position **Court Administration and Case Management Specialist Trainer, Bahrain** (ABA Rule of Law Initiative)

Scope Advise on proposed case management reforms in Bahrain and facilitate implementation by conducting structured training sessions on case management for Bahraini trial judges

Achieved Supporting an ongoing court delay reduction reform program by advising on procedural reform options and providing direct training in change management to judges and administrators.

Position **Court Administration and Case Management Short Term Advisor, Kenya** (World Bank)

Scope Undertake analyses and consultations within the Kenya court system to advise on the design of a possible court system loan project concerned with improving case management and court administration
CURRENT ASSIGNMENT

Achieved Advised the World Bank on the design elements of a judicial system development loan project and provided analytical advice on court case workloads and the impact on court delay reduction and judicial effectiveness.

Position **Team Leader and Case Management Advisor, Philippines** (DPK Consulting), Philippines
Improved Administration of Justice and Long Term Justice Sector Development Strategy Project 2007 (funded by the ADB) – Jan 2007-May 2008 (18 months).

Scope Manage two international and eight domestic consultants in developing improved case management workflow systems affecting courts, prosecutors and informal disputes review processes; introduce wireless information systems in pilot courts and enhanced access to judicial information; develop a national justice information strategy and a justice sector wide development strategy

Achieved Developed and finalised a proposed Justice Sector Development Strategy for the Philippines, a Justice Information System Strategy, a Prosecutor Capacity Development Strategy for the Ministry of Justice and Ombudsman's office; introduced improved case tracking system capabilities using IT in a pilot trial court; and surveyed and evaluated the interrelationship of the operations of the formal and informal justice systems of the Philippines.

Position **Case Management/ Software Development Expert, Indonesia** (British Council / Altair Asesores SL), Good Governance in the Indonesian Judiciary (GGIJ) Project (funded by the European Union) – Aug 2006 to June 2007 (8 months intermittent)

Scope Manage a team of consultants tasked to develop improved case management systems and methods in six pilot courts; improved systems for judicial access to legal information materials and publication of court decisions; and development of improved systems for evaluating judicial system performance.

Achieved Guided the development and implementation of transitional case tracking software for use six pilot courts across Indonesia; and designed the change management and administrative structures for the ongoing publication of Indonesian jurisprudence.

Position **Court Personnel Specialist & Principal Author, Court Personnel Reform Guide**, American Bar Association (funded by USAID) – March 2006-February 2007 (110 days intermittent) – due for publication by end 2008

Scope Principally responsible for producing a comprehensive technical guide on court personnel reform that conforms with the USAID Center for Democracy and Governance technical publication series. The *Court Personnel Reform Guide* will (a) include a comparative overview of court functions and structures and the role that court personnel play in the administration of the courts; (b) identify the core needs and key factors in court personnel reform; (c) document prior and existing court personnel reform projects and their relative successes; (d) highlight innovative court personnel reform programs, drawing heavily from field case studies in four developing countries (Philippines, Egypt, Macedonia & Columbia); (e) offer practical recommendations for designing and implementing court personnel reform programs; and (f) provide an annotated list of resources, primarily on-line resources, to ensure wide access.

Position **Case Management/ Software Development Expert, Indonesia** (British Council), Good Governance in the Indonesian Judiciary (GGIJ) Project (funded by the European Union) – June 2006 (1 week); August 2006 (1 week) and October 2006 (1 week).

Scope Advised on the preparation and finalisation of a IT procurement and implementation plan for the installation of case information systems in the Supreme Court of Indonesia

Position **Senior Court Administration Advisor, Afghanistan Rule of Law Project** (funded by USAID) – March-April 2006 (4 weeks)

Scope Developed a concept paper and work plan for a proposed national judicial remuneration commission and a national judicial services commission.

Achieved Developed and submitted a proposal for the establishment of a Judicial Reform Board of Inquiry and a revised midterm program plan for development assistance for the courts of Afghanistan.

Position **Curriculum Development Advisor, Danida/Judicial Administration Training Institute (JATI) Project, Bangladesh** (funded by Danida and CIDA) – Dec 2005 (2 weeks)

Scope Direct short term engagement to analyse and report on the judicial development curriculum of JATI, to identify gaps, to propose improvements and to make recommendations on the need for other experts to further develop and strengthen JATI programs.

Achieved Report submitted December 2005 and its recommendations are currently being scheduled.

Position **Capacity Building Advisor, Indonesia Improvement in the Administration of the Supreme Court Project**, The Asia Foundation, Jakarta (funded by the Asian Development Bank) – Dec 2004 to Sept 2005 (3 months in instalments)

Scope Responsible for TA implementation so far as it relates to capacity building activities – the second of two international advisor positions on the project, assisted by 5 domestic consultants. The project was concerned with improving case management using technology; developing options for a chambers systems for judges; reviewing policies on public access to judgments of the court; and improving systems for the classification of judgments.

Achieved Developed and delivered an administrator training program on improved case management systems in the Supreme Court. This entailed design and implementation of a training needs survey and subsequent development of curricula and delivery of training to 100 staff of the court.

Position **Team Leader, India Administration of Justice Program Preparatory Technical Assistance Project**, Association of Universities and Colleges of Canada, Delhi, India (funded by the Asian Development Bank) – Jan to August 2005 (8 months).

Scope Responsible for TA implementation, including supervision and coordination of all consultants (10). Project objectives included analysis of the Delhi district courts, support to a pilot judges program and design of a future TA loan program for 2006 to be concerned with reducing court congestion and delays in Delhi.

Achieved Led the development and introduction of an ongoing pilot judges program (30 judges) concerned with improved case management systems in trial courts. Led ongoing research into the causes of court delays, adequacy of administrative, IT and financial systems and development of programs concerned with training and effective automation of court processes.

Position **Team Leader, India Administration of Justice Advisory Technical Assistance Project**, Association of Universities and Colleges of Canada, Delhi, India (funded by the Asian Development Bank) – Jan to August 2004 (5 months full time, then part time).

Scope Responsible for TA implementation, including supervision and coordination of all consultants (9). Project objectives were to undertake a diagnostic analysis of the Indian legal and judicial sector, focussing on the Delhi courts, lawyers and citizens; and to identify needs and measures to reduce court congestion and delays.

Achieved Completed the project report on time, the recommendations of which were accepted by the ADB with enthusiasm and form the basis of a program preparatory technical assistance project to be implemented in 2005 (see above).

Position **International Business Administration/ Public Administration Expert, Nepal**, UniQuest Pty Ltd, Kathmandu, Nepal Corporate & Financial Governance Project – Improving Legal Enforcement Mechanisms and Judicial Capacity (funded by the Asia Development Bank). – Feb to March 2003 (6 weeks), Oct to Nov 2003 (5 weeks).

Scope Responsible for the development of business and strategic plans for the National Judicial Academy of Nepal and the Legal Information Centre of Nepal.

Achieved Negotiated the development and acceptance of business and strategic plans for both initiatives.

Position **Business Analyst, CourtLink NSW Project, NSW Attorney General's Department** - Jul 2002 to Feb 2003, April 2003 to 1 October 2003

Scope Responsible for co-ordinating and driving the interface between CourtLink NSW and the legal profession and other justice agencies.

Achieved Proposed and negotiated the acceptance of a system designed for providing online access to courts databases by the legal profession and others. Also developed models for e-commerce with respect to courts including document e-judgment protocols.

Position **Information Management Adviser, Papua New Guinea Attorney General's Department Institutional Strengthening Project**, Port Moresby (funded by AusAID) - Jan 2000 to Jun 2002

Scope Provided specialist information management advice and information technology solutions to improve the operations and functionality of case management, file management and records management systems for the client Department.

Achieved (i) Undertook an IT needs analysis, developed the Department's IT Strategic Plan and guided its implementation. The strategy had special elements designed to maximise the stability and sustainability of those systems and was distinguished by its emphasis on consultation and manager participation; (ii) Developed and implemented an IT training policy and program; (iii) assisted the Department in developing a managerial and budgetary framework for administering and maintaining IT support systems; (iv) coordinated the development of policy and implementation plans with respect to new records management and case management systems; (v) designed and convened a series of staff workshops on records management and case management across Papua New Guinea; (vi) assisted in developing the strategic planning process for the client department; and (vii) managed the development of performance measurement systems, including the development of practical means of collecting management data.

Position **Special Projects Officer & Acting Manager of Court Operations, Supreme Court of NSW** - Aug 1997 – Nov 1999

Scope Secondment to provide advice and assistance directly to the Supreme Court CEO on management and system improvement projects. Later appointed to a deputy level position.

Achieved (i) designed and directly managed development of a registry business planning methodology for the court registry; (ii) advised the Chief Justice on the implementation of national standards for judgment production in electronic form; (iii) advised on and led development of the Court's electronic judgments system by which judgments are published via the Internet; and (iv) advised on the local implementation of the registry's new personal performance planning and development scheme for staff.

Position **Registrar and Chief Executive Officer, Industrial Relations Court of Australia** - July 94 to July 1997

Scope As first registrar of the new court, responsible for assisting the chief justice in the administration of the court. Established in March 94 as an independent statutory agency, the IRCA comprised 11 judges, 16 judicial registrars, 80 public service staff and had a budget of around \$12 million p.a. It was abolished in May 97 following Workplace Relations Law reform legislation that transferred operations to the Federal Court. May 97 to July 97 was spent completing wind up operations.

Achieved (i) As foundation court registrar and CEO, developed new court procedures and rules that were user friendly and technology friendly. (ii) Designed and introduced an effective computerised case management system. (iii) Proposed, negotiated and implemented re-engineered case management procedures. (iv) Established a national computer network for the Court that provided database, e-mail and legal research tool access in all court registries.

Position **Registrar & CEO, Industrial Court of NSW and Registrar, Chief Industrial Magistrate's Court** (NSW Attorney General's Department) – Feb 92 - July 94

Scope As foundation Registrar of this new court, responsible for assisting the Chief Judge of the Industrial Court and Chief Industrial Magistrate in the administration of their courts. The Industrial Court, established in 1992, comprised 11 judges, 23 judicial staff and 15 registry staff operating at two city locations plus circuits.

Achieved (i) Designed and introduced the Court's computerised case management system. (ii) Improved the effectiveness and responsiveness of the small claims and summary prosecutions jurisdictions of the Chief Industrial Magistrate by introducing simplified one-page application forms and conducting weekly call overs. (iii) Personally introduced the Court's first court-annexed mediation program, considered by the judges to be very effective – mediated over 50 disputes.

* * *

