



**MISSION TO ETHIOPIA
and the
CENTER FOR DEMOCRACY &
GOVERNANCE**

**ETHIOPIAN COURT ADMINISTRATION
PLANNING SEMINAR**

Trip 1 and 2 FINAL REPORTS

by

**SAMUEL D. CONTI, ESQ.
JUDGE PHILIP A. GRUCCIO, (Ret.)
MARCUS D. INGLE, Ph.D.
ROBERT D. LIPSCHER, ESQ.
and
NANCY A. MCCLINTOCK**

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**Prepared by
Thunder & Associates, Inc.
719 Prince Street
Alexandria, VA 22314
(703) 684-5584, Fax (703) 684-3954
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Trip 1 FINAL

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January 30, 1996

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ETHIOPIAN COURT ADMINISTRATION NEEDS ASSESSMENT & RECOMMENDATIONS

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INTRODUCTION

Purpose of Visit and Report

The authors visited Ethiopia for the first time from January 11-January 17 and met with the leadership of the Ethiopian Central Supreme Court and members of the Ethiopian Judiciary. The purpose of the visit was to review how the different courts at various levels in the Federal level currently manage their information flow and records in court administration. Based on that review and in consultation with personnel in the court system and USAID, to design a course on court administration and information management. At the end of the Introduction is an organizational chart of the different courts in Ethiopia.

During the January 1996 visit, the government of Ethiopia was engaged in reviewing two proposed proclamations before the Council of People's Representatives involving the Federal courts. The consultants were requested by the leadership of the Judiciary to review the proclamations (attached in Appendix A) and were requested to provide suggestions to the Judicial Branch leaders preparing to testify on the pending proclamations and attempts to relate the proposed changes to be introduced by the proclamations (if approved) to the training proposed later in the report. The proclamations are directly related to the scope of work of this delivery order (see Appendix B) and provided the consultants a venue in which to interview a variety of judiciary members to inquire and find out what is presently in place for administering the courts and to provide suggestions for the proclamations and ultimately training, as noted in the original scope of work.

During the end of the first visit, the consultants proposed an Ethiopian Court Administration Planning Seminar to be held upon the consultants return trip in February 1996. The purpose of this seminar is to enable the members of the judiciary sufficient time in which to decide those elements it wishes to be introduced to the judiciary during a series of court administration training seminars at the later date. The proposed agenda for the Planning Seminar is attached in Appendix C. Located in Appendix D is a suggested long-term training outline that can be used by the Judiciary to pick and chose those elements of most interest in planning for a training in court administration.

The consultants have included a wide variety of observations of the Federal Courts. These observations were gathered from the interviews of the members of the Judiciary.

We wish to thank Ato Kemel Bedir, Chief of the Federal Supreme Court, Ato Abdu Ali Higara, Registrar of the Federal Supreme Court, Ato Dessalegn, High Court Justice of the Federal Courts for making several judicial directors available for interviews, and Speaker Ato Dawit of the Peoples Legislature and many other members of the Judiciary for their openness and availability. Finally, we wish to thank USAID and, specifically, Stevens Tucker and Ashton Douglas. Without the relationship with the leaders of the Judiciary they enjoy, this mission would not have been possible.

This report is not intended as a thorough detailed assessment of the needs and capabilities of the Ethiopian Judiciary. Rather, it presents options and recommendations for the leaders of the Federal Courts of Ethiopia to consider as they develop their court administration, a professional staff structure and rules and procedures. Both members and leaders of Judiciary made it clear that they desire a Judiciary which plays a significant role in the life of Ethiopia, and the authors hope that the thoughts and recommendations shared below will be of assistance in this process.

JURISDICTIONAL OUTLINE ETHIOPIA 15 January 1998

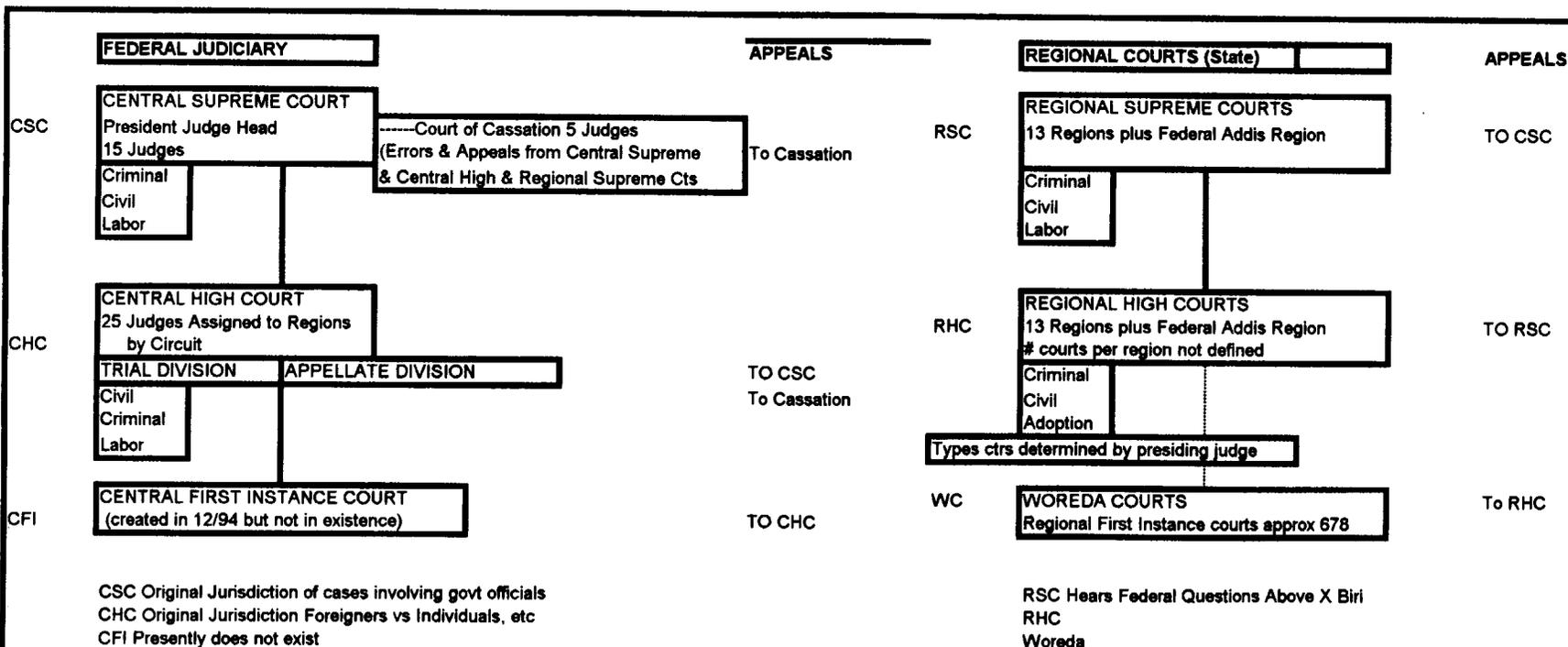


CHART ETHIOPIAN JURISDICTIONAL COURTS
FEDERAL AND REGIONAL COURTS

I. PROCLAMATION REVIEW AND REQUESTED SUGGESTIONS

The original scope of work for the consultancy is to *review and assess the structure and administration of the Federal courts of Ethiopia courts and to suggest training options to improve service*. During the visit, the government of Ethiopia was engaged in reviewing two proposed proclamations (see Appendix A) before the Council of People's Representatives involving the Federal courts, and the consultants were requested to summarize suggestions to Judicial Branch leaders preparing to testify on the pending proclamations and attempts to relate the proposed changes to be introduced by the proclamations (if approved) to the training proposed later in the report. In addition, the consultants followed the original scope of work to do an needs assessment and suggested training options to improve the court administration of Ethiopian courts. .

A. Proposed Proclamations

The following are a set of suggested modifications to the draft judiciary-related proclamations (see Appendix A) pending review in the Council of People's Representatives. The proclamations are: (1) the Federal Courts Proclamation, and (2) a Proclamation to Provide for the Judicial Administration Commission. In addition, some comments on the proclamations have been added.

In the analyses of these proclamations, please note that there are some inconsistencies between and within each. We cannot be sure that all of the inconsistencies in these documents, or in other proclamations, have been identified.

1. Proposed Federal Courts Proclamation

a. The President of the Federal Supreme Court shall be the Chief Justice of all the Ethiopian people, responsible for achieving the following court performance standards:

- (i) equal justice and fair access for all including women, racial, ethnic, religious, and linguistic groups, the disabled, and the poor;
- (ii) high integrity of the judicial process;
- (iii) delivery of high quality judicial services to all who use the courts;
- (iv) well-managed courts; and
- (v) public trust and confidence in the courts;

To meet these standards the President shall:

- (i) represent the court and act as spokesperson for the Judiciary;
- (ii) establish an independent human resources system for the Judiciary and oversee its operations;

- (iii) oversee the financial affairs of the Judiciary including the direct submission of the work plan and budget of the courts to the Council of People's Representatives for approval;
- (iv) assign all judges and oversee assignment of employees of the courts;
- (v) oversee the establishment of uniform court management information and record keeping systems and supervise the preparation of court activity reports supported by statistics;
- (vi) oversee the preparation and distribution of selected judgments and decisions of the courts;
- (vii) organize and oversee the Office of Public Defenders;
- (viii) oversee the publication of the Law Journal of the Federal Supreme Court;
- (ix) submit research reports to the Council regarding the judicial activity of other Federal courts under the Federal Supreme Court;
- (x) oversee and coordinate, in consultation with regional Courts, the better functioning of Regional Courts handling Federal matters;
- (xi) oversee the orderly, expeditious, and cost-effective movement of cases through the courts;
- (xii) authorize research, education, and technical assistance for the continuous improvement of the administration of justice;
- (xiii) oversee the development of uniform and understandable legal language for use in the courts;
- (xiv) perform such other duties as may be entrusted to him by law.

The President shall appoint an Administrative Director of the Courts whose duties shall include the following:

- (i) Serve as liaison for the Judiciary with the other branches and levels of government, the bar, the news media, and the general public and develop systems and procedures to assure equal justice and fair access to all;
- (ii) Prepare and administer standards and procedures for the recruitment, selection, classification, compensation, evaluation, promotion, training, discipline, and termination of all non-judicial personnel in the courts;
- (iii) Financial administration for the judicial system (including budget preparation and administration), fiscal management of appropriated and other funds, purchasing, inventory, property management, accounting, and auditing;
- (iv) Maintain and examine records on the deployment and use of judges and court support staff and make recommendations for assignments and reassignments to meet the needs of Court users;
- (v) Design, implement, and manage modern information and record keeping systems, including the development and promulgation of forms and records, record retention schedules, and maintenance of uniform manual record keeping systems;
- (vi) Gather, organize, and disseminate judgments, opinions, directives, and journals of court proceedings and administrative activities;

- (vii) Monitor and prepare periodic reports on case load and case flow in trial and appellate courts and develop systems and procedures to improve case management;
- (viii) Conduct systems analyses and studies and prepare periodic reports with recommendations for improvement in case management and court practices and procedures;
- (ix) Develop long and short term planning, research, program development, and evaluation and statistical compilation to support the work program of the courts;
- (x) Develop and promulgate facilities standards and coordinate and monitor facility construction, remodeling, and improvement;
- (xi) Manage the courts' continuing education programs for judges and other court personnel;
- (xii) Provide technological and management expertise and assistance to all courts;
- (xiii) Establish standards and procedures for acquisition of furniture and equipment, incidental facilities, and purchased services;
- (xiv) Provide secretariat services to the Federal Supreme Court Plenum, and such other committees as may be established or operate in the Judiciary, as directed by the President;
- (xv) Assist in the design and supervision of the Office of Public Defenders;
- (xvi) Convene, coordinate, and supervise the work of other court administrative personnel;
- (xvii) Establish and maintain liaison with international court organizations;
- (xviii) Conduct, on behalf of the President, such reviews and investigations as may be helpful to assure integrity in the operation of the judiciary; and
- (xix) Perform other duties as assigned by the President.

The Administrative Director of the Courts may appoint such assistants and other staff as may be necessary to carry out the work of an Administrative Office of the Courts of Ethiopia.

2. Judicial Administration Commission Proclamation

Suggested modifications to the Proposed Proclamation for the Judicial Administration Commission.

a) It is recommended that the Commission not be known as the Judicial Administration Commission but rather that the Short Title section contain language to the effect that: The Judicial Administration Commission authorized in this proclamation shall be known as the Commission on Judicial Branch Selection, Discipline, and Removal. By giving this name the work of the commission is more accurately described and the reference to judicial administration is preserved for a broader range of activities than are included in this proclamation.

b) The work of this Commission extends only to judges of the nation. It is recommended that certain limited classes of court support personnel (e.g., Registrars and the Administrative Director and court administrators [if approved]) also be within the purview of this Commission. These high ranking administrative personnel should be accorded the treatment and expectations that will arise by having their performance gauged in this process.

c) Section 4 (2) of the Proclamation should be amended so that a member of the Commission not serve as secretary to the Commission. Rather, secretariat services for this Commission and other Judicial Branch commissions and committees should be provided by the Administrative Office of the Courts (if created).

d) Section 5 (3) of the Proclamation could be amended as follows: "it will enact the [Federal] Judicial Code of Conduct." If the word "Federal" is removed the Code of Conduct could be seen as a document that could be adopted by each of the regional courts, although there is no intention of mandatory adoption by the regions by the elimination of the word.

e) Section 5 (4) presents a conflict with proposed Part Five, Section 17 (2) (a) of the Federal Courts Proclamation. In that section, assignment of judges would be the responsibility of the President of the Federal Supreme Court (in consultation with the Federal High Court and the Federal First Instance Court), although in this analysis it has been recommended that the President "assign all judges and employees of the courts" (Section 1 (d), above). It is recommended that the assignment power in the President alone, as proposed in the Federal Courts Proclamation, is preferable.

f) Section 5 (4) uses the phrase "placement of judges." Without definition the phrase is unclear and may refer simply to the assignment power, and as such would be unnecessary.

g) Section 5 (5) appears to allow suspension from duty but not removal of a judge as approved by the Commission until action by the Prime Minister. It is recommended that the route to final determination on removal need not involve the Prime Minister. Instead, it is suggested that the following steps be available:

(i) the President of the Court should be authorized to impose an immediate suspension from the performance of judicial duties by any judge whose conduct is deemed egregious and harmful to the Judiciary.

(ii) the action of the Commission imposing sanctions on a judge for misconduct should be immediately effective.

(iii) a judge against whom sanctions have been imposed by the Commission should have a right to appeal to the Supreme Court of the jurisdiction in which he has been disciplined.

3. Rule Making Authority

Under the leadership of the President of the Federal Supreme Court the responsibilities of the Plenum will be expanded to include:

- a) adoption by the Judiciary of a set of rules of practices and procedures governing the operations of the courts; and
- b) the preparation of a strategic plan with annual updates, to guide the direction of the Federal and State Judiciaries along mutually beneficial and consistent lines especially with a view toward developing a coherent and cost effective approach to judicial administration.

For purposes of Sections 1 and 2 above, the voting members of the Plenum shall include:

- (i) the President and Vice-President of the Federal Supreme Court;
- (ii) the President of the Federal High Court, the President of the Federal First Instance Court, and the Presidents of the several Regional Supreme Courts;
- (iii) the Presidents of five Regional High Courts from different regions nominated by the Presidents of the respective Regional Supreme Courts;
- (iv) representative judges from three Woreda courts nominated by Presidents of the Regional Supreme Courts; and
- (v) the Director of the Administrative Office of the Courts.

Staff support for the work of the Council shall be provided by the Administrative Office of the Courts.

4. Suggested Topology of Standards and Duties to be Included Under the Proclamations

In the following list the proposed court performance standards serve as categories into which the suggested duties of the President can be organized.

- (a) equal justice and fair access for all including women, racial, religious, and linguistic groups, the disabled, and the poor;
- (b) authorize research, education and technical assistance for the continuous improvement of the administration of justice.
- © the integrity of the judicial process;
- (d) establish an independent human resources system for the Judiciary;
- (e) Oversee the financial affairs of the Judiciary including the direct submission of the work plan and budget of the courts to the Council of the People's Representatives for approval;

- (f) delivery of high quality services to all who use the courts;
- (g) establish an independent human resources system for the Judiciary;
- (h) well-managed courts;
- (I) Oversee the financial affairs of the Judiciary including the direct submission of the work plan and budget of the courts to the Council of the People's Representatives for approval;
- (j) Assign all judges and employees of the courts;
- (k) oversee the orderly, expeditious, and cost-effective movement of cases through the courts.
- (l) public trust and confidence in the courts; (keep the public and the government informed)
 - (i) represent the court and act as spokesperson for the Judiciary;
 - (ii) Oversee the establishment of uniform court management information and record keeping systems and supervise the preparation of court activity reports supported by statistics;
 - (iii) Oversee the preparation and distribution of selected judgments and decisions of the courts;
 - (iv) Oversee the publication of the Law Journal of the courts;
 - (v) submit searched reports to the Council regarding the judicial activity of Other central courts under the Central [Federal] Supreme Court;
- (m) perform such other duties as may be entrusted to him by law.

II. ASSESSMENT AND OBSERVATIONS OF THE CURRENT ROLE OF THE FEDERAL JUDICIARY IN ETHIOPIA

The consultants spent over three days reviewing and interviewing staff from the Federal Supreme Court and the Federal High Court and other judicial personnel. Appendix E gives a complete list of personnel interviewed.

Following are general observations of the Ethiopian court system and the current status of court administration and management within the federal and regional courts.

General Observations

- 1) proclamations which we reviewed were well done but are judge-oriented giving inadequate attention to significant aspects of court administration.
- 2) there is little sense in the Proclamations of court administration as a separate discipline.
- 3) the Proclamations show a good understanding of court structure and judge management.
- 4) there is no reliable statistical information showing performance across the levels and parts of the Judiciary.
- 5) little attention has been given to the implementation of judicial discipline procedures and to transfer of judges.
- 6) there is inadequate use of computers and other modern technology, notably sound recording devices for making the record in the courts.
- 7) planning, budgeting, central services, and personnel management are done in the Federal Supreme Court, not as part of court management, but as functions of the Registrar's Office.
- 8) there is a need for training of both judges and court support staff.
- 9) high level of competition between court leaders can cause problems in building a unified system.
- 10) the desire to create a uniform system is complicated by lack of agreement in relations between Federal and Regional courts.

- 11) rules of civil and criminal procedure can be developed to bridge the gulf between State and Federal Courts if adopted on a national basis.
- 12) in view of scarcity of resources, the competition between Federal and State courts should be reduced and replaced by cooperation through strategic and long-range planning.
- 13) the law schools are producing few lawyers and candidates for judgeships, and more training of judges is needed perhaps using the Japanese model in which selection and training of individuals for judgeship track begins with law school.
- 14) a judge mentoring program in which new judges sit with and are helped by more seasoned judges is needed.
- 15) the number of judges is inadequate or at least unevenly deployed.
- 16) reliance on three judge panels for most cases should be reconsidered.
- 17) greater emphasis should be placed on alternative dispute resolution mechanisms that build upon the history and traditions of the nation.
- 18) the records management system should be modernized.
- 19) plain language and court interpreter initiatives need to be pursued.
- 20) system accountability should be exercised by the President of the Federal Supreme Court with oversight by the full Supreme Court.
- 21) reliance on precedence should be increased -- opinions, judgments, orders, and directives of the courts should be published regularly.
- 22) compensation differences between legal staff in the courts and the Ministry of Justice should be eliminated.
- 23) State courts exercising Federal jurisdiction should be more closely monitored and uniform procedures put in place.
- 24) productivity of judges, court staff, and lawyers should be measured; steps should be taken to improve ratios of dispositions/judge and staff members.
- 25) reports received indicate unacceptable delays in time to disposition which should be monitored and controlled.

- 26) there is no indication that judges are taking leadership in moving cases forward with dispatch -- a strong carefully structured case management system should be put in place.
- 27) analyses of volume and delay need to be made by case types especially in cases concerning the poor and commercial interests.
- 28) some computers are not used for the purposes intended and of which they are capable -- more training is needed.
- 29) training needs assessments should be conducted through the personnel division of the Registrar's office.
- 30) the quality of leadership among those interviewed is good -- intelligent, insightful, open to change, highly motivated, and capable.
- 31) a coordinated approach to administration starting with meetings of key judges and court managers at both the Federal and regional levels needs to be adopted.
- 32) there is a good sense of the independence of the judiciary and a desire to nourish and protect it, nevertheless there is a sense of competition among the branches and some entrenched bureaucracy might be reluctant to allow courts to realize self-government. Efforts should be made to take advantage of court desire to see the independence of the courts grow.
- 33) need to separate to the extent possible from the Ministry of Justice.
- 34) concerns about corruption and the honesty of judges are real and need to be addressed by strong leadership, investigation, prompt action, and training.
- 35) need to develop a judge/court administrator executive component.
- 36) central administrative offices for the federal and regional courts should be created. Administrative functions in each court should be identified.

III . KEY RECOMMENDATIONS ABOUT COURT ADMINISTRATION FOR THE FEDERAL SUPREME COURT OF ETHIOPIA

The following are a set of recommendations for the Federal Supreme Court that are based upon the observations and interviews of this trip.

A. Develop the Mechanisms for an Accountable, Independent Judiciary Which Can Lead Staff Effectively

- 1) **Leadership:** Place overall responsibility in one person (the President Justice) who can be held accountable by Supreme Court;
- 2) **Administrative Hierarchy:** Judge administrators & managers of the courts to be appointed & removed by the President Justice;
- 3) **Create a Cadre of Court Administrative Units** - court administrators at each level of court;
- 4) **Provide the Tools for Effective Leadership:** An Administrative Office of the Courts (AOC) should be created. (N.B. - for effective self governance, the judiciary requires an independent judicial personnel system)
- 5) **Judicial Conference:** Provide for an annual meeting of judges for discussions of judicial plans & directions

B. Create a Means to Develop Rules of Practices & Procedures, Strategic Plans & Overall Policy Directions

- 1) **Expand the Plenum and the Voting Powers of Members.**
- 2) **Utilize Subcommittees of the Plenum** to propose rules which after publication & discussions it may adopt them.

C. Establish an Administrative Office of the Courts

Roles & Responsibilities to include budget, personnel, space, program development, case management, research & training, statistics, development of court management & case management standards, technical assistance, opinion publications, audit, and secretariat services.

D. Establish Mechanisms to Carry out the Disciplinary Functions of the Judicial Administration Commission

- 1) Appoint Staff Director & Personnel**
- 2) Require Financial Reports from Judges & Key Staff**

E. Based on the Current Proclamations Before the Government of Ethiopia Relate to Both the Federal Supreme Court President and the Judicial Administration of the Court. Following Are Some Suggested Changes in Functions of the Federal Supreme Court President and Responsibilities Within the Current Court Structure in the Administration of the Courts.

1. Federal Court Proclamations

- a) Court Administration Responsibilities Are Discussed in Sec 17 - 19 (Powers & Duties of Federal Courts, Presidents & VP's) & Section 34 & 35 (Powers & Duties & Working Procedures of the Plenum)**
- b) The Responsibilities of the President of the Federal Supreme Court includes:**
 - (i) Administration of the Federal Courts;**
 - (ii) Transfer judges & staff & manage them both in consultation with High Court & First Instance Court;**
 - (iii) Development of a work program & budget for the Federal Supreme Court;**
 - (iv) Publish a Federal Supreme Court Journal;**
 - (v) Prepare Activity Reports supported by statistics;**
 - (vi) Train judges & Staff;**
 - (vii). Arrange, in Consultation with the Federal Courts, their better functioning;**
 - (viii) Prepare Reports of Federal Court activities;**
 - (ix) Publish Selected Judgments & Decisions;**
 - (x) Organize a Public Defenders Office;**
- c) The Presidents of the Federal High Court & Federal First Instance Court have responsibility to:**

- d). **Represent each of their respective Courts;**
 - i). **Administer judges and employees in the respective Courts under instructions from the Federal Supreme Court President;**
 - ii) **Prepare Activity Reports for each Respective Court;**
 - iii) **Submit Work Programs & Budget for approval of the President of the Supreme Court;**
 - iv) **Submit Selected Judgments & Decisions to the President of the Federal Supreme Court;**
 - v) **Submit Periodic Activity Reports to the President of the Federal Supreme Court;**
- e) **The Powers & Duties of the Plenum are:**
 - i). **To Identify & Resolve Problems in the Administration of Justice;**
 - ii) **To Issue Directives to the Federal Courts to Improve the Administration of Justice;**
 - iii) **To Recommend Laws to the Council of the People's Representatives;**
 - iv) **Perform such duties as may be appropriate. for the guidance of the Judicial Function;**
- f) **Judicial Administration Commission (JAC) . The Powers of the JAC are:**
 - i). **To Select Judges** (its precise role is unclear);
 - ii). **Enact a Federal Judicial Code of Conduct;**
 - iii) **Determine a Salary & Placement of Judges;** and
 - iv) **Suspend & Terminate Judges as needed;**

F. Together, these 2 proclamations provide the basic directions for Ethiopian federal court administration and management. The next step is to consider programs that can move Ethiopian court administration forward in the same manner and tone established in the Proclamations. One means of doing this is through seminars and training sessions described below.

It would be desirable to convene an executive planning seminar to discuss court management opportunities & problems that flow from adaptation of the proclamations. The executive planning sessions would point the way to the design of a training program and help surmount identified hurdles of court administration progress.

An Executive Planning Seminar (EPS) would point the way to the development of a training program designed to look at current court administration problems and issues and enable a cadre of administrative judges and court administrators to build and manage the institutions and process of judicial self government. Trip 2 will entail delivery of the EPS.

G. Suggested Follow-on Training for Court Administration. The determination of the specific subject matter of this seminar should await the passage of the Proclamations in their final form, further data gathering, and consultation with the Ethiopian courts leaders. Based on the draft legislation several topics appear to be likely candidates for seminar discussions. A menu of these topics are following.

a). Managing Judicial Integrity and Independence:

- I) Protecting the independence of the individual judge in his or her decision-making capacity;
- ii) Preserving the independence of the judiciary as a separate branch of government;
- iii) Enforcing the Code of Judicial Conduct; and
- iv) Assuring public trust & confidence in the courts;

b) Managing the Business Operations of Courts Cost Effectively:

- I) Preparing and Administering Court Budgets;
- ii) Administering the judiciary's human resources system that includes work force planning, personnel system (recruitment, promotion, classification, discipline & termination), labor relations, training;
- iii). Court facilities management; and
- iv) Procurement.

c) Expediting Trial Court Caseflow:

- I) Basic principles of systems analysis for court administrations;

- ii) Primary calendar management options: individual, master, hybrid, differentiated case management;
- iii) Caseflow management steps: screening, tracking, case planning, monitoring, trial date certainty;
- iv) Special problems in managing criminal, civil and family cases; and
- v) Team case management.

d). Managing Appeals:

- I) Preparing the record on appeal;
- ii) Managing the transcript creation process: court reporters, audio recording, video recordings;
- iii) Settlements of Appeals; and
- iv) Expediting the Appellate process.

e) Managing the Court's Clerical and Record Keeping Processes:

- I) Indexing, docketing & filing;
- ii) Fee collectors;
- iii) Forms design; and
- iv) Records management.

f) Managing the Court Information Resources:

- I) Statistical info design: what info to collect;
- ii) Statistical analysis: the meaning of the data;
- iii) Statistical reports design & publications; and
- iv) Automating data collection.

g). Alternatives to Traditional Litigation:

- I) Alternative Dispute Resolution (ADR): mediation, arbitration;
- ii) Settlement and plea bargain processes;
- iii) The use of volunteers and traditional techniques in alternative dispute resolution; and
- iv) User financed ADR systems.

h). Court leadership:

- I) Management styles;
- ii) Gaining judge & employee involvement & commitment;
- iii) Building consensus for court programs;
- iv) Treating employees as stakeholders; and
- v) The development of a strategic plan.

I). External Relationships:

- I) Stakeholder analysis;
- ii) Working with the Executive & Legislative branches of the government;
- iii) Establishing good relationships with the media;
- iv) Building a court constituency ;
- v) Educating the public about the judiciary; and
- vi) Collaboration with the Bar and law schools.

j) Building the Institution of Judiciary Self- Governance:

- I) The central administrative office of the courts;
- ii) The trial court administrators offices:
- iii) The training institute; and

iv) The Judicial Conference.

k). Developing Uniform Rules of Practice & Procedure:

I) Options for authorization;

ii) The use of study committees & reporters;

iii) Committee reports, hearings & the adoption of rules; and

iv) Training on the rules.

l) Federal & State Court cooperation:

I) Joint strategic planning;

ii) Training of judges & staff;

iii) Technical assistance; and

iv) Joint research & program development.

m) Managing Equal Justice for All:

I) Racial, genders, religions & cultural groups - creating a bias free court environment;

ii) The special problems of the poor;

iii) Linguistic problems & the management of interpreters; and

iv) Special problems of the handicapped.

n). Managing Court Technology:

I) Records management technology;

ii) Information management technology;

iii) Space planning & court design; and

iv) Technology for preserving testimony.

o). Reducing the Expense & Delay of Litigation without loss of quality:

- I) Speeding criminal dispositions;
- ii) Expediting civil litigation;
- iii) Civil case cost controls; and
- iv) Civil appeals management plans.

p) Strengthening the Executive Component of the Courts:

- I) Scope of Administrative responsibilities;
- ii) Relations between judges & administrators;
- iii) Managing judicial personnel;
- iv) Managing court support personnel; and
- v) Building a management team
 - = Planning
 - = Operations
 - = Evaluations.

q) Training:

- I) Judicial/court support staff.
- ii) Assessments;
- iii) Curricula;
- iv) Logistics; and
- v) Evaluations.

H. Accountability

One of the challenges of the proclamations is to create an accountability structure in the Ethiopian federal court system. In many judiciaries management responsibility is so diffuse that

no one can be held accountable for its correct operation. By making the President Justice of the Supreme Court the chief administrator of the federal judiciary and in addition, by making him chairperson of the Judicial Administration Commission, the Proclamation has focused personal responsibility on him not only to manage the judiciary well but also to insure its integrity. This is a tall order requiring exceptional leadership to accomplish-- but it can be done.

Often judiciary leaders are not given the tools to exercise command and assert control and their leadership fails as they are left only with such persuasive power as they are able to exert. Some judicial systems have responded to persuasion from the top combined with a strong sense of participation and involvement from below to create over time a first rate system of justice. The better approach for a new system is to make available to the Chief Justice both top down and bottom up leadership tools in order to facilitate the ability and willingness of the court system to achieve management excellence and to establish a standard of uncompromising morality.

To avoid the potential of the President Judge being a voice crying in the wilderness for a well managed and highly principled judiciary it is desirable to give him the tools to make it happen. Among those that should be considered are:

1. The creation of a chain of command of administrative judges whom he appoints and can remove at will for failing to carry out their responsibilities which is to assure that individual judges under their authority work hard, have the tools they need to do their judging, and carry out their judicial responsibilities without the hint of impropriety.
2. The authority to assign, reassign, or transfer judges as he deems necessary anywhere and to any assignment in the court system.
3. The authority on an emergency basis to suspend a judge who has seemingly violated on a prima facie basis his or her oath of office until the Judicial Administration Commission can hear this matter.
4. The appointment by the President Judge of an Administrative Director of the Courts who can hold the office to assist in the management of the courts.
5. The appointment of a Chief Investigator who can investigate complaints who can investigate complaints and prepare charges against judges who have violated the code of judicial ethics.

Some of these powers and means to implement them are already explicitly stated or are foreshadowed and anticipated by the Proclamation. Effective use requires aggregation in the hands of the President Judge. These powers are as awesome as they are essential to a first class judiciary. A President Judge capable of using such authority responsibly must have the confidence and respect of the other branches of government, the judges, and the people. For that reason he

or she should be nominated by the President and confirmed by the Council of People's Representatives after a careful and transparent recruiting process that is above politics.

For a time, at least until the required ethical standards and management systems are in place, the governance of the judiciary may have to be autocratic and hierarchical, but as soon as possible (i.e., when the judicial systems have earned its reputation for honesty and workmanship) the President Judge should begin to manage the court system more by sharing authority, and involving all judges in the management of the courts. Opening the system in this way will gain commitment of the judges and make acceptance of higher standards more easily attainable. But, first there must be trust in the judges based upon demonstrable proof that they have committed to the ethical standards that make them worthy of that greater trust.

**APPENDIX A
PROCLAMATIONS**

1

Proclamation _____ 1996

Federal Courts Proclamation

Whereas Under The Federal Democratic Republic of Ethiopia the judicial jurisdiction is divided between the Federal State and Regional States:

Whereas it was deemed necessary to determine the Jurisdiction of Federal Courts based on the Constitution.

Now therefore in accordance with Art. 55(1) of the Constitution it has been Proclaimed as follows:-

Part One

General

- 1) **Short Title**
This Proclamation may be cited as " Federal Courts Proclamation _____ 1996"
- 2) **Definition**
In this Proclamation
 - 1) "officials of the Federal Government" means

Members of the Peoples Representative Council and members of the Federal Council, officials of the Federal Government above Ministerial rank, Ministers , judges of the Supreme Court and other officials of the Federal government with equivalent rank
 - 2) "civil servants of the Fedral Government" means all those civil servants out of those mentioned under sub(1) of this Article, who are engaged on governmental duties.
 - 3) "Laws of the Federal Government"
means laws which are not inconsitent with the Constitution and those effective laws concerning the power of the Federal Government
 - 4) "Federal Courts" means Federal Supreme Court, Federal High Court and Federal First Instance Court.
 - 5) "Person" means natural or Judicial Person.

3) **Scope of Application**

With the exception of Articles 8, 9, 10, 16(1), 2(a)(b), the first sentence of (c) (d), the first sentence of (e), (f), (g), (h), (i), 17, 18, 19, 20, 21, 22, 23 & 24 of this Proclamation, the rest will be applicable to regional Courts.

Part Two

Judicial Jurisdiction of Federal Courts

4) **Principle**

The Federal Courts shall have Jurisdiction over matters that concern the Constitution, laws of Federal Government, matters of exclusive jurisdiction of the Federal Government and international agreements.

5) **Jurisdiction of Criminal Cases**

Notwithstanding the general jurisdiction given under Art. 3 of this Proclamation, the Federal Courts will have the following jurisdiction of Criminal Cases:-

- 1) offences against the Constitution order and abainst the internal security of the state;
- 2) offences against a foreign State;
- 3) offences against humanity;
- 4) Offences against the fiscal and economic interests of the Federal Government;
- 5) offences of counterfeit currencies;
- 6) Offences relating to forgery of Federal documents;
- 7) offences against the security and freedom relating to massmedias covering more than one region or on international basis;
- 8) Offences of hijacking;

- 9) Offences relating to foreign nationals;
- 10) Offences relating to illegal trafficking of drugs;
- 11) Any offence falling under the jurisdiction of the Federal and the regional courts or falling under the various regions and related offences;
- 12) Offences Committed by officials and Civil Servants of the Federal Government in connection with their official responsibility.

6) **Civil Jurisdiction**

Notwithstanding the general Jurisdiction given under Art. 3 of this Proclamation the Federal Courts will have the following Jurisdiction over Civil Cases.

- 1) suits in which the Federal Government is a party;
- 2) suits between persons permanently residing in different national / regional states;
- 3) suits regarding liability of officials or employees of the Federal Government in Connection with their duties;
- 4) suits in which a foreign national is a party;
- 5) suits regarding nationality;
- 6) suits between commercial enterprises and association established and registered by the Federal Government;
- 7) suits regarding negotiable instruments;
- 8) suits regarding patent and literary ownership;
- 9) suits regarding insurance policy;
- 10) application of habeas Corpus.

7) **Substantive Laws to be applied by Federal Courts.**

- 1) To settle the disputes that come before them the Federal Courts shall:-
 - a) be based on the laws of the Fedral Government & International treaties
 - b) use the regional laws if the case relates to regional issues

- 2) If the law that is to be applied under 1(b) of this Article is inconsistent with the Federal Laws or International instrument it will not be applicable.
- 8) If the Federal Courts face any problem with constitution interpretation with regard to any case they are handling, they will forward the same to the Constitutional Affairs Inquiry Commission before the decision is rendered.

Part Three

Jurisdiction of the Federal Supreme Court.

9) First Instance Jurisdiction of the Central Supreme Court

The Federal Supreme Court shall have exclusive first instance Jurisdiction over the following matters

- 1) Criminal cases regarding the officials of the Federal Government arising from their official duties
- 2) Without Prejudice to the practice of international law and customs, suits brought against foreign ambassadors, consuls, representatives of international organizations, organizations or foreign states.
- 3) Application regarding a change of venue from one Federal High Court to another Federal High Court or change of venue from other Courts to itself in accordance with the law.

10) Appellate Jurisdiction of the Federal Supreme Court

The Federal Supreme Court shall have appellate jurisdiction over.

- 1) Judgements and decisions of the Federal High Court in its first instance jurisdiction.
- 2) Judgements and decisions of the Federal High Court, its appellate jurisdiction given by varying the decision of the Federal first instance Courts.

11) Power of Cassation of Federal Supreme Court.

The Court of Cassation of the Federal Supreme Court has the Power to see the following cases on Cassation where there is a fundamental error of law.

- 1) final decisions of the Federal High Court in its appellate Jurisdiction;

- 2) final decisions on the Federal Supreme Court in its first instance jurisdiction.

Part Four

Judicial Jurisdiction of Federal High Court and Federal First Instance Courts

12) First Instance Civil Jurisdiction of Federal High Court.

The Federal High Court shall have first instance jurisdiction over the following suits when the amount involved is over 500,000 Birr

- a) not with standing the jurisdiction given to the Federal Supreme Court under Art 8 of this Proclamation, Federal Civil suits according to Art 3&5;
 - b) civil suit arising in Addis Ababa and Dire Dawa.
- 2) not with standing sub. Art. (1) (a) of this article, the Federal High Court shall have a first instance jurisdiction over the following
- a) "suits relating to Private International Law
 - b) suits regarding nationality
 - c) suits to enforce foreign judgement
 - d) application regarding change of venue from one Federal First Instance Court to another First Instance Court or change of venue from other Courts to itself in accordance with the law

13) First Instance Penal Jurisdiction of the Federal High Court.

The Federal High Court shall have a first instance jurisdiction over:

- 1) offences falling under Art. 3, Art.4(1) (2) (4) (8) (10) of this Proclamation
- 2) offences that come under the jurisdiction of the High Court and committed at Addis Ababa and Dire Dawa.

14) Appellate Jurisdiction of the Federal High Court.

The Federal High Court shall have appellate Jurisdiction on the judgements of the Federal First Instance Court

15) **Civil Jurisdiction of Federal First Instance Court.**

The Federal First Instance Courts shall have first Instance Jurisdiction over the following cases whose amount does not exceed 500,000 Birr or whose subject matter can't be expressed in money

- 1) notwithstanding the jurisdiction given to the Federal Supreme and Federal High Court under Art. 8 and Art. 11(2) of the Proclamation, over federal civil matters listed under Art 3&5 of this proclamation
- 2) not withstanding the jurisdiction given by law to other bodies, other civil suits arising in Addis Ababa and Dire Dawa.

16) **Criminal jurisdiction of Federal First Instance Court.**

The Federal First Instance Court shall have the first Instance jurisdiction over the following criminal cases,

- 1) Criminal cases indicated under Art. 3, Art 4(3)(5)(6)(7) and 9 of this Proclamation.
- 2) not withstanding the jurisdiction given by law to other bodies, crimes committed in Dire Dawa and Addis Ababa coming under the Awraja and Woreda Courts' Criminal jurisdiction.

Part Five
Federal Court Presidents

17) **Power and Duties of the Federal Supreme Court President**

- 1) The President of the Federal Supreme Court will be responsible to administer the Federal Courts in accordance with the law
- 2) without prejudice to the provision of sub(1) of this article, the president of the Federal Supreme Court;
 - a) assign and administer the Federal Court Judges in consultation with the Federal High Court and Federal First Instance Court;
 - b) employ and adminster the necessary staff for Federal Courts in Consultation with the Presidents of the Federal High Court and Federal First Instance Court;

- c) submit for approval to the council the work program and budget of the court and implement same upon approval ; renders its opinion upon an inquiry by the regional Courts in their deligated capacity on matters relative to budgetary subsidies;
- d) cause the publication of the law journal of the Federal Supreme Court;
- e) cause the Preparation of activity reports of the Federal Court supported by statistics; cause the preparation of activity reports of regional courts relating to Federal matters supported by statistics;
- f) make arrangements of educational training for the judges and other staff;
- g) make the necessary arrangements in consultation with regional Courts for the better functioning of regional courts that handle Federal issues;
- h) submit research reports to the people representative council regarding the judicial activity of the Federal Courts;
- i) cause the publication of selected and educative judgements and decesions of every year;
- j) organize the office of public defenders;
- k) perform such other duties as may be entrusted to him by law.

18) Vice President of the Federal Supreme Court.

The Vice President of the Federal Supreme Court

- 1) shall discharge duties as are assigned to him by the president;
- 2) in absence of the President of the Federal Supreme Court the Vice President shall serve as acting President.

19) The Powers and Duties of the Federal High Court and Federal First Instance Court Presidents.

The President of each Court shall;

- 1) represent his Court
- 2) administer the employees of the Court under the instruction given to him by the Federal Supreme Court President

- 3) cause the preparation of activity report of the Court supported by statistics;
- 4) submit the work program and budget of the court to the president of the Federal Supreme Court and implement when approved;
- 5) submit to the Federal Supreme Court selected and educative judgements and decisions of every year;
- 6) submit periodic activity reports to the president of the Federal Supreme Court;
- 7) perform such other duties as may be entrusted to him by law.

Part Six

Organizational Set up and the Judicial Process of the Federal Courts

- 20) **Federal Supreme Court judges and other employees**
 - 1) Federal Supreme Court shall have a President and such number of judges as may be necessary for its duties
 - 2) The Federal Supreme Court shall have employees necessary for its functions

- 21) **Divisions of the Federal Supreme Court**
 - 1) The Federal Supreme Court shall have
 - a) Civil division
 - b) Criminal division
 - c) Labour division
 - 2) In each division there will be one President and two other judges.
 - 3) The President or the vice president of the Federal Supreme Court may preside over any division

- 22) **Division with no less than five judges**
 - 1) Where the President of the Federal Supreme Court deems it necessary or where division of the Federal Supreme Court refers a case to him or where one of the parties so petitions the president may direct a case to be heard by a division constituted not less than five judges.

- 2) Without prejudice to the provisions of sub article 1, the following matters shall be heard by a divisions constituted not less than five judges:
 - a) cases under the first instance jurisdiction of the Federal Supreme Court;
 - b) where a case relates to a provision of a law with regard to whcih there is a fundamental difference in interpretation between divisions of the Federal Supreme Court;
 - c) where matters under Art. 10 of this Proclamation are determined to be heard in cassation.

23) **Cassation Procedure**

- 1) Final decision can be heard by way of cassation on grounds of error of law where a division of the Federal Supreme Court consisting three judges renders a decesion indicating the existence of fundamental error of law qualifying for cassation.
- 2) The application for a hearing in cassation shall state the reasons for attending the decision to contain fundamental error of law.
- 3) The applicant shall attach and submit a copy of the decision protested and decesion of that of the lower court if any
- 4) an application for a hearing by way of a cassation shall be made within 90 days from the date on which the decision protested in rendered.

24) **Division of Federal High Court and the Federal First Instance Court.**

- 1) The Federal High Court and the Federal First Instance Court shall have
 - a) Civil division
 - b) Criminal division
 - c) Labour division
- 2) Each division shall be composed of a presideing judges and two other judges
- 3) The President or the Vice President of the Federal High Court may preside over any division of their respective Courts.

25) **Place of Sitting**

- 1) The place of sitting of the Federal Supreme Court shall be Addis Ababa.
- 2) The Place of sitting of the Federal High Court and Federal First Instance shall be at Addis Ababa, Dire Dawa and at the place to be determined in accordance with Art.78(2) of the Constitution.
- 3) Where a Federal Court finds it necessary it may hold circuit hearings in any place within the region or area designated for its jurisdiction

26) **Working Language of the Federal Courts**

- 1) Amharic shall be the working language of the Federal Courts.
- 2) The Court shall provide an interpreter to a party who does not understand Amharic.

27) **Open Hearing**

- 1) Courts shall hear cases in open Court
- 2) Notwithstanding the provision of sub article (1) of this Article and without prejudice to other relevant procedural laws cases may be heard in camera where such proceedings are necessary for
 - a) public peace and security, and
 - b) public order and morality.

28) **Withdrawal of Judges**

No Federal judge shall sit in any case where:

- a) he is related to one of the Parties or his advocates by consanguinity or by affinity ;
- b) one of the parties, is a person for whom he acted as tutor, legal representative or advocate;

- c) he has previously acted in the same capacity in connection with the case or the subject matter of the dispute;
 - d) he has a case with one of the parties;
 - e) there is any reasonable ground other than those mentioned from (a) - (d) which would cause miscarriage of justice;
- 2) The judge concerned shall withdraw as soon as he is aware that he should not sit and shall be replaced by another judge.

29) **Application for removal of judge**

- 1) where a party to a case is of the opinion that a judge should not sit for one of the reasons set out in Article 27 here of he shall submit a written application to the court asking that the judges shall not sit.
- 2) The application shall be made before the trial opens or at the moment that the party becomes aware of the reason for making such application
- 3) Where the judge is sitting alone he shall after considering the application either withdraw or shall refer the matter for decision to another division of the same court. Where there is no other division he shall refer the matter for decision to the court in which appeals are heard from the decisions of his court.
- 4) Where the judge is sitting with one or more judges he shall withdraw and remaining judge or judges shall hear the application and give a decision
- 5) Any decision given under sub(3) and (4) of this Article shall be final and there shall be no appeal
- 6) A judge shall comply forth with any decision given under this article.

30) **Costs of Application**

The costs of any application under Art. 28 here of shall form part of the costs in the case. Where the application is dismissed the costs shall be borne by the applicant what ever the result of the case.

- 31) Fine where application is made without good cause.

Where a party makes an application under Art. 10 here of without good cause the Court in addition to dismissing the application may impose a fine on the applicant not exceeding 500 Ethiopian Birr.

Part Seven

Plenum of the Federal Supreme Court

- 32) Plenum of the Federal Supreme Court

The Federal Supreme Court shall have one Supreme Court plenum here in after repercd to as the " plenum"

- 33) Members of the plenum:

- 1) The members of the plenum of the Federal Supreme Court plenum shall be the president of the Federal Supreme Court, the Vice President- judges of the Federal Supreme Court and Presidents of the regional Supreme Courts.
- 2) The Minister of Justice shall participate in the session of the plenum, however he may not have the right to vote.
- 3) Judges not convened under sub(1) of this Article representative of appropriate government offices, associations, law faculties, scientific institution or other individuals may be invited to participate in the plenum of the Federal Supreme Court, however they may not have the right to vote.

- 34) Powers and Duties of the Plenum

The plenum shall have the following powers and duties:

- 1) to deliberate on problems encountered in the administration of justice and workout remedies there to;
- 2) to issue directives to the Federal Courts with the view to improving the administration of justice;

- 3) submit proposal to the peoples council of representatives for the enactment of new laws or the amendment of existing laws;
 - 4) perform such other duties as may be appropriate for the guidance of judicial function, and,
 - 5) issue the necessary regulations for the proper carrying out of its duties.
- 35) Working Procedure of the plenum
- 1) The president of the Federal Supreme Court shall be the Chairman of the plenum
 - 2) The plenum shall designate its own secretariat
 - 3) The plenum shall convene once a year, additional meetings may be called as may be necessary.
 - 4) Two thirds of members of the plenum shall constitute a quorum. Decision shall be adopted by majority vote; in case of a tie the chairman shall have a casting vote.

Part Eight

Miscellaneous

36) Decisions and Orders of Courts

Regional Courts established at all levels shall give due regard to the enforcement of decisions and orders of the Federal Courts at all levels.

37) Pending Cases

Cases pending in Federal Courts Region 14 and Dire Dawa Courts on the effective date of this Proclamation shall be transferred to appropriate Federal Courts pursuant to this Proclamation.

38) Repealed laws

- 1) A Proclamation to Provide for the Establishment of Courts of the Central Transitional Government, Proclamation No. 40/1993 (as amended) is here by repealed.

2) Any law inconsistent with this proclamation shall be in applicable with regard to matters provided for in this proclamation.

39) Effective date

This Proclamation shall be effective as of _____

Addis Ababa
_____ 1996

The President of the
Federal Democratic
Republic of Ethiopia

Proclamation No. _____ 1996

**A Proclamation to Provide for the Establishment
Judicial Administration Commission**

Whereas under the Ethiopian Federal Republic Constitution independent judiciary has been established -

Whereas to ensure the judicial independence it is very crucial to establish a judicial administration free from any influence of any government body or authority.

Now therefore in accordance with Art. 55(1) of the Constitution it has been Proclaimed as follows:-

1) Short Title.

This Proclamation may be cited as " A Proclamation to Provide for the Establishment of Judicial Commission Proclamation No. _____ 1996. "

2) Definition.

In this Proclamation,

- 1) " Disciplinary breach" - is a breach of the disciplinary and code of conduct rules and will also include criminal conviction ; receiving bribes; discrimination by race, religion, sex, political outlook; and mistreatment of parties ~~and~~
- 2) "Manifest incompetency and inefficiency":- is what is described in discipline and judicial the Code of Conduct and with also include committing legal and factual errors unbecoming to the legal knowledge and experience expected of his judgeship

3) Establishment of the Judicial Administration Commission

The Federal Judicial Administration Commission here in after referred to as the "Commission" is here by established

4) Members of the Commission.

- 1) The Commission shall have the following members.

Members:-

- | | |
|---|----------|
| a) The President of Federal Supreme Court | Chairman |
| b) The Vice President of the Federal Supreme Court | Member |
| c) Three representatives from Council of Peoples Representative | Member |
| d) Senior Judge from Federal Supreme Court | Member |
| e) President of the Federal High Court | Member |

- 2) The Commission will appoint its secretary from among its members
- 3) When the Chairman is absent the Vice President of the Supreme Court will act as a Chairman

4) Powers and Duties of the Commission.

The Commission shall have the following powers and duties

- 1) select persons fulfilling the criterias listed under Art. 8 of this Proclamation for appointment as judges from the list of Candidates Presented to it by the members of the Commission.
- 2) according to Art. 81(4) of the Constitution, it will forward views and recommendation on the nominees of state Supreme and High Court Judges submitted to it by the State Commissions of Judicial Administration.
- 3) it will enact the Federal Judicial Code of Conduct.
- 4) decide on the transfer, salary and placement of Judges.
- 5) it will give its decision with regard to matters relating to Art. 9 of this Proclamation to the Prime Minister. Until the final decision is rendered it can suspend the judge from duty.

6) Rules of Procedure of the Commission

- 1) The Commission shall convene regularly once a month, additional meeting may be called as may be necessary.
- 2) The majority of the Commission shall constitute a quorum
- 3) Decision shall be adopted by majority vote. In case of a tie the chairman shall have a casting vote.
- 4) Any judge who is member of the Commission and who is charged by disciplinary breach can not convene the meetings of the commission while his case is pending.
- 5) Without prejudice sub Art.(1) (2) (3) and (4) of this Art. the Commission can enact its own rules of procedure.

7) Powers and duties of the Chairman of the Commission

The Chairman of the Commission shall have the following powers and duties:

- 1) give an overall guidance and supervise the secretariat of the Commission;
- 2) convene the meeting of the Commission;
- 3) preside over the meetings of the Commission;
- 4) present to the Commission the summary of the curriculum vitae of the candidates.

8) Qualification for becoming a Judge

1) Any Ethiopian who:-

- a) is loyal to the Constitution;
- b) has legal training or has acquired broad legal skill through experience;
- c) has a good reputation for his diligence integrity, sense of justice and good Conduct;

d) accepts his appointment as a judge;

e) is not less than 25 years old;

can be appointed as judges.

2) No person may be appointed as a Judge while being simultaneously engaged in any legislative or executive organ of the state or a member of any political organization

9) Termination of Tenure

The term tenure of any Federal judge may be terminated on the following grounds:

1) where he has given a two months prior notice of resignation;

2) when he reaches the age of 60;

3) where he is incapable of discharging his duties due to illness;

4) when he is found guilty of disciplinary breach;

5) when it is decided that he can't discharge his duties properly due to manifest inability and inefficiency;

6) when he breaks disciplinary and Judicial Code of Conduct.

10) Filing of Complaint

Any Person can bring a complaint to the commission against any Federal Judge who is guilty under Art. 9 of the Proclamation.

11) Oath

Judges shall take the following oath before assuming office:

I _____ on this day solemnly swear that I shall be faithful to the great responsibility that I bear as I am appointed as a judge of the _____ Court.

12) Repealed Laws.

The Proclamation No. 23, 1992 is hereby repealed

13) Transfer of Right and Duty.

The right and duty of the judicial Administration Commission as was established under Proclamation 23/92 is here by transfered to the Commission established by this Proclamation.

14) Effective date

This Proclamation shall come with force as of _____

Addis Ababa _____ 1996

The President of Federal
Democratic Republic of Ethiopia

APPENDIX B
USAID SCOPE OF WORK

Scope of Work From Delivery Order #16:

A. COURT ADMINISTRATION TRAINING (ETHIOPIA)

The contractor will visit Ethiopia to review how the different courts at the various levels (First-Instance Courts, High Court, Supreme Court) currently manage their information flow and records. Based on that review and in consultation with personnel in the court system and USAID, the contractor will design a course on information management. Depending on the outcome of the initial consultations and in response to the expressed needs of judicial leadership, either two one-week courses or one two-week course will be planned. The course will include topics such as paper flow, records management, filing systems, managing court calendars, information for the public and litigators. The contractor will recommend, in consultation with USAID/Ethiopia, which court is most appropriate for this training and assist in identifying personnel to undertake the training.

The contractor will arrange for training space, course materials, delivery and evaluation of the training. Registration and certification of participants will be arranged to the extent possible from the US. USAID D/G Project staff will assist with issuing invitations.

ARTICLE IV - REPORTS

A. Court Administration Training

The Contractor shall deliver to USAID/E two hard copies plus an electronic copy on Word Perfect 5.1/5.2 on diskette of a short report (approx. 10 pages) which includes lessons from developing and delivering the curriculum, an evaluation of the usefulness of the training based on instructors' and participants' reflections and recommendations for next steps. Two hard copies plus an electronic copy on Word Perfect 5.1/5.2 on diskette of the curriculum shall also be delivered to USAID/E.

The contractor shall also deliver to G/DC two hard copies of the curriculum and report.

APPENDIX C
Ethiopian Court Administration Planning Seminar
Addis Ababa, 21-23 February 1996

– Proposed Objectives and Agenda –

A. SEMINAR OBJECTIVES

To develop collaboratively a strategic and tactical plan, emphasizing training, for improving the administration of the Ethiopian Court system. Three key issues will be addressed during the seminar:

1. What is the vision of the Ethiopian Court System that will be responsive to society's needs?
2. What are the necessary administrative instrumentalities that will foster the transition to this vision?
3. What are the specialized training courses required to facilitate the implementation of the reformed court system ?

B. SEMINAR AGENDA

February 21, Wednesday

- Morning:** -- Official Seminar Opening
 -- Proclamation Overview: Court Structure and Responsibilities
- Afternoon:** -- The Vision of the Ethiopian Court System
 -- Strategic Planning Exercise and Discussion

February 22, Thursday

- Morning:** -- Court Rule Making and Administrative Practices
 -- Instruments of Administration
- Afternoon:** -- Court Administration Training Needs Assessment
 -- Training Needs Exercise and Presentations

February 23, Friday

- Morning:** -- Development of a Court Administration Training Plan
 -- Training Plan Presentations and Discussion
- Afternoon:** -- Next Steps Planning Exercise
 -- Seminar Closing

APPENDIX D
PRINCIPLES OF EDUCATION AND TRAINING IN THE JUDICIAL ENVIRONMENT

Improved education and training is recommended to:

- 1) facilitate cultural change in the Federal Judiciary;
- 2) help communicate a new value and performance system and build the skills and abilities that will support it and the accountability needed in the Judiciary; and,
- 3) assist in developing understanding and cooperation among Federal and regional court system personnel so that improved services can be rendered to judges, the public, and court users.

The education and training programs should not simply build skills, but should enhance the culture, communication, and community within the entire Judiciary of the nation. This paper explores the reasons for such a program and the steps that can be taken to achieve integrated, nation-wide education and training programs for members of the Judiciary. In its early stages the programs should be modest reaching judges and key administrative leaders in the system (e.g., Registrars) throughout the nation. Gradually, as more members of the judicial community are exposed to new concepts in court administration those who have learned the principles can serve themselves as trainers in a “train the trainers” approach.

Creating a rich learning environment is a key to achieving the fundamental organizational changes being pursued in the courts. Court leaders benefit by having more skilled and responsive staff; and other employees gain by having more rewarding jobs and career growth opportunities. Modest investments now, more in staff time than in new money for programs, should yield significant returns from a better workforce and higher productivity.

Elements in the Education Program Design

The education and training program should include a number of different components. A combination of courses should serve as the core curriculum and as the basis for a specialized program that should be developed for and by judges, managers, and staff members -- tailored to individual needs and those of the court system. An individual education plan will serve to identify the strengths of the judge or employee, their educational requirements, and the steps that an employee must take to advance. It will also serve to show the organization's interest in the person as an individual. The training and education program should include the following components:

I. Mandatory Courses

These courses for all employees of the Federal courts of the nation should include at least the following: Introduction to the Courts, Serving the Public, and Fairness in the Workplace. These should provide necessary information on Judiciary policies and express the common goal for Judiciary employees.

II. Orientation or Introductory Courses

Each employee should be oriented to the Judiciary, to their particular area of the court operations, and to any introductory materials that are necessary for them to perform their duties. The courses should include information that will help employees understand their function and the role they play within the justice system. Introductory courses should also include, where necessary, fundamental automation skills -- basic word processing and understanding of PCS -- so that employees can use new technologies and become more efficient.

III. Case Management Courses

The movement of cases to resolution is at the heart of the judicial administration. All judges and court support staff should be offered education and training programs to introduce and refine modern case management techniques. Court personnel must be aware of the theory and practice of caseload management both in general principles and in the specific requirements associated with the different case types before the courts. Case management study typically involves calendar types, use of complementary dispute resolution mechanisms, understanding and analysis of court statistics reflecting time, volume, clearance, and backlog, case management coordination with the private bar and governmental counsel (e.g., public defenders), the interests and needs of litigants, victims, and witnesses (lay, police, and expert), scheduling social service providers, the demands on judges in scheduling events including emergent hearings, pre-trial matters, trials, motions, post-trial proceedings, and relations with events scheduled in other courts. Intermediate case management courses should be designed and offered to probe these topics in greater detail and should focus on handling specific kinds of cases at the different levels and types of courts. Advanced case management courses should be developed to examine the dynamics of case management in relation to larger legal and socio-economic trends and conditions including pending legislation, shifts in litigation patterns, resource analysis (staff deployment, facilities use, cost/benefit analysis, case cost analysis,) and changes in community/court user demographics. Finally, seminars on case management should be developed and convened occasionally to allow selected participants to reflect upon and theorize about important issues and solutions to selected problems.

The centrality of case management to the operation of the courts argues for joint case management programs for judges and selected staff. While there may be some valid reasons to conduct some programs for judges only, new educational partnerships must be formed so that all members of the Judiciary -- judges and support staff alike -- can better serve the public.

IV. Specialized Areas of Interest.

Beyond the mandatory and introductory courses, there should be courses relating to specialized duties, such as court security, budgeting and accounting, inventory control, personnel management, and records management.

V. Mentoring and Self-improvement Programs

Attention should be given to establishing mentoring programs so that staff can benefit directly from the practical knowledge of more experienced co-workers. Additionally, self-improvement and personal enrichment materials and education programs should be made available to staff.

The education plan consists of a series of steps by which the goals of the program described above can be attained.

The commitment of staff and judges must be gained for education and training programs to succeed. Once judicial personnel begin receiving education and training, they will want more both for their personal growth and to help them provide better service.

Education and training are means of realizing the strategic plan of the Judiciary. Through education and training, personnel can be made familiar with, instructed on, and given a chance to contribute to the strategic plan. Elements of the plan will evolve and as they do courses can be adjusted to reflect those changes and the means of their attainment.

Some courses (including seminars on Management/Leadership and modern management) depend on the "track" upon which the employee/student embarks will depend on the interest and ability of the employee, the needs of the system, and the assessment of managers. For example, although an employee may wish a career path to management, that employee may have unique talents for client user services or specialized case management. In those instances, staff and managers may agree upon course selections that defer redirection until staff member potential and organizational needs can be appraised. Of course, any employee may also choose to pursue opportunity and career change options through education and training programs outside Judiciary-sponsored programs.

Each of the several court locations and employee/judge groups should be asked to create an education subgroup to formulate and propose a curriculum germane to its area or interest. The recommendations of these education subgroups should be forwarded to a Judiciary Education Committee for collation, analysis, and design of courses to meet expressed needs. An education/training needs assessment should be undertaken among various groups of judges and employees as the most efficient way to learn interests and program needs.

Trainers and educators from within the courts and retained elsewhere should review the assessments and begin preparing course outlines and curricula. Proposed course descriptions must be submitted for approval to the appropriate Judiciary leaders. The review and assessment of the proposed courses should be made against the following factors: 1) need, 2) cost, 3) availability of faculty and resources, 4) location and frequency of offering and, 5) consistency with goals both for the court system and for the individual student.

Once the outlines of curricula have been approved, education subgroup committee members should meet to coordinate training sites, logistics, announcements, faculty, and materials. Approved courses, content statements, times, and locations should be posted for the convenience of potential attendees and course catalogues should be issued.

In the training and education program proposed, all courses should be designed to benefit employees, court users, and the Judiciary itself. To meet those ends all programs should be subject to evaluation and to cost/benefit analysis. Written evaluation forms should be distributed at the conclusion of each course. Managers should be expected to measure the performance of each employee after completion of the programs. Finally, the reactions of judges and court users to services provided should be measured in user satisfaction surveys. Where possible, the benefits derived from the education and training should be weighed against costs and reactions of users to services provided. In combination, these measures should disclose the success of programs and point the way for further improvements.

With sharpened skills for doing their work, judges and employees can be expected to achieve greater job satisfaction and to advance along career paths that they themselves have helped to shape. Improving the prestige and professionalism of judges in particular should be an early emphasis of the training/education program. Management training on modern court administration philosophy and techniques also deserves early attention.

Mounting so large a staff education program as has been described here will require additional "central office" staff and managers throughout the system. A decision to proceed with extensive education and training programs in the Judiciary will require a commitment by Judicial branch leaders, managers, and funding authorities that the program will be supported and continued, if shown in evaluations to be successful.

To accomplish the tasks suggested in this summary several steps should be taken. First, the staff in an administrative office needs to be retained and managed. Second, a Judiciary Education Committee should be created and should meet on a regular schedule. Third, a library of training and education materials and resources should be created. Fourth, videotapes for selected training and education programs should be designed and produced.

Suggested Course Areas

Management/Leadership Development
Orientation/Entry-Level Training
Case Management and Support Operations
Court Interpreting
Fairness
Personal Computer (PC) Training

Management/Leadership Development

A fundamental question to be addressed in formulating a training and education program for the nation concerns management development and can be articulated as "What is the role of the judges, managers, and line staff in the courts?" being made, discusses the rationale behind them, and emphasizes leadership through communication. The course includes the following topics:

- Current Trends in Leadership Development
- Team Development and the Leader's Role
- Effective Communication
- Leading a Diversified Work Force
- An Affirmative Approach to Discipline
- Performance Management
- Employment Interviewing
- Managing Change

In addition, there will be a need to develop a skill-building program of continuing education which will explore in detail topics including the following:

- Productive Meetings
- Use of Process Improvement Tools
- Presentation Skills
- Strategic Planning
- Creating a Team Vision, Mission, Goals, and Objectives
- Implementing a Participative Management Process
- The Manager as Coach, Facilitator, Trainer, Motivator
- Measuring, Analyzing and Rewarding Performance
- Budget Development and Management

Orientation/Entry-Level Training

- to orient the new judges/employees to the court system and to present the ethical and professional standards required of employees.
- to provide the basic level of knowledge and skill development needed for adequate performance.

Case Management and Support Operations

An introduction to the theory and practice of caseflow management should be offered to all Judiciary employees.

The general principles related to the following topics should be treated.

calendar types,
understanding statistics reflecting time, volume, clearance, and backlog,
coordination with the private bar and governmental counsel (e.g., prosecutors and public defenders) on case management,
the interests and needs of litigants, victims, and witnesses (lay, police, and expert), helping pro se litigants,
scheduling social service providers and interpreters,
use of alternative dispute resolution mechanisms,
the demands on judges and hearing officers in scheduling events including:
 emergent hearings,
 pre-trial matters,
 trials,
 motions, and
 post-trial proceedings,
automated systems, forms use, and record keeping,
report writing, and
relations with events scheduled in other courts.

Intermediate case management courses from one to three days in length should be designed to treat the introductory topics in greater detail, but with exclusive attention on specific case types. Examples of topics in this series are: suggestions and improvements to automated systems, statistical analysis, reducing calendar conflicts between and among courts, gathering information from earlier reports and files, and writing style.

In advanced case management courses which will require 1-3 days participants will examine the dynamics of case management and larger legal and socio-economic trends and conditions including pending legislation, litigation patterns, staff deployment, cost/benefit

analysis, case cost analysis, and demographic and court use changes. Seminars on case management should be convened to allow selected participants to reflect upon and propose solutions to leading edge issues. The seminars should be held over three days and should be offered to a very limited number of discussants (ideally 7-10). Summary reports of the seminar proceedings should be published and distributed by the Administrative Office of the Courts.

Court Interpreting

A course should be developed to provide:

- a. general introduction to court interpreting
- b. technical analysis of procedures and techniques
- c. overview of current issues and developments in the field.

Fairness

A course should be developed to help judges and court employees assure fairness by examining:

- Strategies for Succeeding in a Culturally Diverse Workplace
- Communicating Across Cultures
- Introduction to Diversity Issues
- Employment Interviewing
- Managing Diversity

Personal Computer (PC) Training

As personal computers become more widespread the need for staff to be conversant with the new technologies increases. Knowledge of PCS and access to court information systems will become essential skills for many Judiciary employees at all levels.

APPENDIX E
PERSONNEL INTERVIEWED 15-19 FEBRUARY 1996
by Thunder Team for USAID/Ethiopia Court Administration Consultancy

1. Ato Kemel Bedir, President, Federal Supreme Court
2. Ato Abdu Ali Higer, Registrar, Federal Supreme Court
3. Ato Dessalegn, President, Federal High Court
4. Ato Beyene, Director Personnel, Federal Supreme Court
5. Ato Atonofu Muluallem, Director of Finance, Federal Supreme Court
6. Ato Johannes Herovi, Director of Planning and Training, Federal Supreme Court
7. Ato Tefera Gelaw, Head of General Services (received prepared document on services)
8. Ato Dawit Yohannes, Speaker of the Council of People's Representatives
9. Ato Ibrahim Idris, Assistant Professor (Faculty of Law) and Dean of the School of Law, Ethiopian Human Rights and Peace Center, Addis Ababa University
10. Mr. Stevens Tucker, USAID Addis Ababa
11. Mr Christian Ahlund, Swedish Lawyer, Evaluating Federal Supreme Court project of Swedish aid.
12. Mr. John Cohen, Harvard Institute of International Development, Harvard University



**MISSION TO ETHIOPIA
and the
CENTER FOR DEMOCRACY &
GOVERNANCE**

**ETHIOPIAN COURT ADMINISTRATION
PLANNING SEMINAR**
Trip 2 FINAL

by

**SAMUEL D. CONTI, ESQ.
JUDGE PHILIP A. GRUCCIO, (Ret.)
MARCUS D. INGLE, Ph.D.**
and
NANCY A. McClintock

February 29, 1996

**Prepared by
Thunder & Associates, Inc.
719 Prince Street
Alexandria, VA 22314
(703) 684-5584, Fax (703) 684-3954
under
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Delivery Order 16**

ETHIOPIAN COURT ADMINISTRATION PLANNING SEMINAR

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I. INTRODUCTION

The United States Agency for International Development in Ethiopia and the USAID Center for Democracy and Governance in Washington, DC requested that Thunder & Associates, Inc. travel to Addis Ababa, Ethiopia to conduct an assessment of the needs of the Ethiopian courts in court administration and to design and deliver a strategic management seminar for the courts (see Appendix C for revised scope of work). This report details the results of the seminar held 21-23 February 1996.

Purpose of Visit and Report

The authors visited Ethiopia on Trip 2 from February 17-24, 1996. The purpose of the trip was to conduct an Executive Planning Seminar for the Ethiopian courts. The consulting team consisted of Nancy A. McClintock and Samuel D. Conti, who both previously visited the courts in January 1996 and prepared along with Robert D. Lipscher the initial needs assessment of the courts, and Dr. Marcus D. Ingle and Judge Philip A. Gruccio. Additional expertise was added to the second trip: Dr. Ingle on participatory seminar design and conduct, and strategic planning and management; and Judge Gruccio on the role of a judge in the administrative functions of the court.

During the first trip to Ethiopia, January 11-17, 1996, the team met with the leadership of the Ethiopian Central Supreme Court and members of the Ethiopian Judiciary. The purpose of Trip 1 was to review how the different courts at various levels in the Federal level currently manage their information flow and records in court administration. Based on that review and in consultation with personnel in the court system and USAID. The team was to design a seminar on court administration and information management.

During the January 1996 visit (see Trip Report 1), the government of Ethiopia was engaged in reviewing two proposed proclamations before the Council of People's Representatives involving the Federal courts. The consultants were requested by the leadership of the Judiciary to review the proclamations and were asked to provide suggestions to the Judicial Branch leaders preparing to testify on the pending proclamations and ways to relate the proposed changes to be introduced by the proclamations (if approved) to the training proposed later in the report. The proclamations are directly related to the scope of work of this delivery order and provided the consultants an opportunity in which to interview a variety of judiciary members to learn what is in place for administering the courts and to provide suggestions for the proclamations and ultimately training, as noted in the original scope of work.

The consultancy team wishes to express its sincere appreciation to the participants of the Executive Planning Seminar for their participation and the excitement and enthusiasm that they brought to the seminar. In addition we wish to thank Ato Kemal Bedri, President of the Federal Supreme Court, Ato Abdu Ali Higer, Registrar of the Federal Supreme Court, Ato Dessalegn Alemu, President of the Federal High Court, and all personnel of the Federal Courts for their

dedicated efforts in arranging the seminar, assisting with its conduct, providing logistical support, and hosting the closing reception. In addition, a special note of thanks goes to Miss Sabel Demissew, Esq. of the Federal Supreme Court. Finally, we wish to thank USAID and, specifically, Dr. Margaret Bonner, Mission Director, and Dr. Stevens Tucker, Democracy Officer, for opening and closing the seminar, and providing continual guidance, support and assistance.

II. TRIP 2 ACTIVITIES AND ACCOMPLISHMENTS

The final deliverables under this contract for Trip 2 consisted of i) an intensive planning seminar design and materials preparation work in the US, ii) discussion and planning sessions with USAID Ethiopia and the Center for Democracy and Governance in Washington, DC and Ethiopian Court officials in Ethiopia prior to the seminar, and iii) conduct and reporting on the Ethiopian Court Administration Planning Seminar.

Prior to the trip, the consultants prepared and shared a seminar plan with USAID and Ethiopian Court officials. This included agreements on a participatory seminar format, a broad-based list of participants drawn from key court administration stakeholder institutions, and logistical arrangements. After agreements were reached, the consultant prepared a detailed session-by-session design for the Planning Seminar drawing on the observations and conclusions from Trip 1. This draft was reviewed by all members of the consultant team prior to departure for Ethiopia, and was used to develop participant training notebooks and materials.

In Ethiopia, the consultant held several seminar planning meetings with Dr. Stevens Tucker, the USAID Democracy and Governance Project Officer, and Ato Abdu Ali Higera, Registrar of the Ethiopian Federal Supreme Court. Copies of the detailed master plan for the seminar and materials were reviewed with these individuals, resulting in several key modifications of the seminar design. Concurrently, members of the consultant team continued their individual assessment of Ethiopia's court organization and legal practices. In this regard, Samuel D. Conti, Esq. and Judge Philip A. Gruccio obtained and reviewed copies of Ethiopia's criminal and civil code for the seminar. Additional information on the current status of the new court proclamations and court administration were obtained during the Planning Seminar and during the several receptions associated with the trip. One of these receptions was sponsored by USAID and Thunder & Associates, Inc. to announce the opening of the seminar, and the other was hosted by the Ethiopian Courts to officially close the seminar.

The major activity of Trip 2 was the conduct of a three-day intensive Executive Planning Seminar on Ethiopian court administration. The objective of the seminar was "to develop a strategic and tactical plan, emphasizing training, for improving the administration of the Ethiopian Court System." To accomplish this objective, the consultant team employed the "Strategic Planning and Management" framework developed through USAID's Implementing Policy Change (IPC) Project management by the Global Bureau's Center for Democracy and Governance. Throughout the seminar, Samuel D. Conti, Esq. and Judge Philip A. Gruccio infused this strategic management framework with current US based court administration standards and experience from the state and federal levels of the US. The rich experience of the US experts was augmented with two important resource documents -- the American Bar Association Standards on Judicial Administration Volume 1, "Standards relating to Court Organization", Volume II, "Standards relating to Trial Courts". Copies of these standards were provided to all participants, and to legal libraries in Ethiopia.

Through a participatory “action-training” process, seminar participants were challenged to consider the importance of developing Ethiopian court administration standards, and where appropriate to adapt US standards and best practices to their own context. This learning process resulted in a draft “Strategic Plan” that was collaboratively developed and refined by participants and the facilitator team on a daily basis. Appendix A contains the draft Strategic Plan developed by participants during the seminar.

The seminar was held at the Ethiopian Red Cross training center on the outskirts of Addis Ababa and the 26 participants who were invited included participants from the Federal Supreme Court, Federal High Court, Regional Supreme and High Courts of Oromiya and Region 14, The Ministry of Justice, the Council of the People’s Representatives, the Law Schools (Addis Ababa University and the Civil Service College), the Bar Association, the Prime Minister’s office, USAID, and the NGOs. The seminar was attended by 21 participants representing 8 different institutions. Appendix B contains the training materials provided during the seminar including a list of seminar participants.

During the final session of the seminar, participants were asked to list key lessons or insights learned during the seminar and to evaluate results. The key insights from the seminar concentrated on the important role of court administration in developing a independent, transparent and efficient court system operating in accordance with the rule of law.

The participant evaluations rated the seminar as very good in location, food, and seminar logistics. Overall participant assessment of the quality of the seminar trainers and materials was very good, but several participants suggested that they would have liked a longer seminar with more time for more detailed discussion about court administration and have available additional materials on court administration that they would receive as handouts.

III. KEY OBSERVATIONS AND RECOMMENDATIONS ABOUT COURT ADMINISTRATION FOR THE FEDERAL SUPREME COURT OF ETHIOPIA

A. Observations from Trip 2

Following are the consultant team's general observations during Trip 2. These observations should be viewed as an elaboration and refinement of those contained in the Trip 1 report.

Informally, many of the recommendations made during Trip 1 were suggested to the Council of People's Representatives. However, there is still concern, as clearly articulated by the participants during the planning seminar, that key issues remain. The Proclamations as approved by the Council of People's Representatives were not available at the time of the seminar. Those elements which were known -- including Executive Branch human resource system control and new opportunities for court system rule development -- prompted lively debate and discussion.

1) There was a strong consensus that the courts must gain control of the Judicial Branch personnel system to assure: (a) fair and competitive compensation, (b) suitable job descriptions, (c) career growth opportunities, and (d) necessary confidentiality.

2) Development of rules by which judges at all levels of the federal and state courts can shape practices, policies and procedures of the courts offered an appealing prospect to the participants. The need to assert and preserve the independence of the Judicial Branch from unwarranted Legislative and Executive Branch involvement was a strong theme throughout the seminar.

3) As will be seen recurrently in Strategic Plan appended to this report, seminar participants appeared to be in uniform agreement that study tours, the availability of subject matter experts from developed nations and additional interactive training seminars will be helpful. Interest was also expressed in learning from and sharing court management information with other nations of Africa.

4) The openness and receptivity to the most modern practices in caseflow management (court control of calendars, differentiated case management [DCM], and Complementary (and Alternative) Dispute Resolution (CDR/ARD) programs) were especially noteworthy.

5) Attention to court interpreting issues and the needs of linguistic minorities were raised repeatedly as areas for further review, analysis, recommendations, and monitoring.

6) Court officials and other participants indicated that the "strategic management approach" and "action-training process" employed during the seminar was challenging, effective and rewarding.

B. Recommendations for Improving Court Administration

The following is a basic set of recommendations for the Federal Supreme Court that are based upon the observations and interviews of this trip.

1) The detailed Strategic Plan appended to this document should be widely distributed for review and comment. It should then be endorsed by the courts and made available to officials in the executive, legislative, and judicial branches.

2) The Mission Statement developed at the seminar should be reviewed by judicial branch leaders, and if approved (as amended), adopted as a guide for future action in the courts of the nation.

3) The courts should approach government agencies, NGOs and donor agencies to determine whether the priority implementation actions in the Strategic Plan fit into their programs and can be funded. If technical assistance, training and study tours take place as proposed in the Strategic Plan, then court judges and administrators along with representatives of other stakeholder groups should participate.

4) In support of the participants of the Strategic Planning Seminar, Administrative Offices of the Courts should be established for all levels of the Judiciary.

APPENDIX A:

**Federal Democratic Republic of Ethiopia
Federal and Regional Courts System**

***ETHIOPIAN COURT
ADMINISTRATION:***

A STRATEGIC PLAN

(Initial Draft)

“Dedicated to Justice and Fairness for All”

**Addis Ababa, Ethiopia
February 1996**

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1. INTRODUCTION: A COURT ADMINISTRATION STRATEGY FOR THE FUTURE

In early 1996, the Federal Democratic Republic of Ethiopia is completing its transition to a fully operational democratic system. In line with this transition is the impending promulgation of two new proclamations involving the Federal Courts and their administration. These proclamations include the (1) Federal Courts Proclamation, and (2) a Proclamation to Provide for the Judicial Administration Commission.

There is also a recognition on the part of the Ethiopia Courts at the federal and regional levels, with the support of other key stakeholders including the Council of People's Representatives, the Ministry of Justice, the Bar Association, and the law schools, of the need to strengthen and modernize the administration of the Ethiopia Court System.

To this end, and with the support of the US Agency for International Development Mission to Ethiopia and the Center of Democracy and Governance in Washington, a strategic planning process for strengthening Ethiopian Court Administration was initiated in January 1996. A team of court administration and planning specialists from Thunder & Associates (including Samuel Conti and Robert Lipscher from the New Jersey Courts System, and Nancy McClintock from Thunder) visited Ethiopia to meet with leadership of the Ethiopian Court system, review the legal context and the draft proclamations, and outline a strategic planning process in cooperation with court officials. In February 1996, Sam Conti and Nancy McClintock returned to Ethiopia with two new team members (Judge Philip Gruccio (retired) of New Jersey and Dr. Marcus Ingle of Thunder) to conduct a strategic planning seminar and assist an executive group of key court administration stakeholders to draft a strategic plan.

The distinguished list of Ethiopians that participated in the drafting of this initial plan include:

Ato Dessalegn Alemu, President Judge, Central High Court, **Ato Mekonnen Ambo**, Judge, Region 14 Supreme Court, **Ato Habtamu Barhanu**, Lecturer Law, Civil Service College, **Ato Kemal Bedri**, President Judge, Central

Supreme Court, **Ato Hagos Debessu**, Head Legal Department, Ministry of Justice, **W/t Sebel Demissew**, Public Defender, Central Supreme Court, **Ato Mesfin Equbeyonas**, Public Defender, Central Supreme Court, **Ato Sayifu Fayisa**, Judge, Central Supreme Court, **Ato Midekissa Gayeessa**, Judge, Supreme Court Oromiya, **Ato Beshada Gemechu**, Vice President, Supreme Court Oromiya, **Ato Tegene Getaneh**, Judge, Central High Court, **Ato Abdu Ali Higer**, Registrar, Central Supreme Court, **Ato Ahmedin Ibrahim**, President, Supreme Court Oromiya, **Ato Ibrahim Idris**, Dean Law School, Addis Ababa University, **Ato Semere Seso**, Parliamentarian, The Parliament, **Ato Hagos Woldu**, President, Region 14 Supreme Court, **Ato Anagaw Workneh**, Parliamentarian, The Parliament, **Ato Fisseha Workneh**, Judge, Central Supreme Court, **Ato Kebede Worku**, The Parliament, **Ato Worku Wube**, Vice President, Region 14 Supreme Court, and **Ato Abate Yimer**, Judge, Central Supreme Court.

This document represent an initial draft plan. It is intended that this plan will be reviewed, revised as necessary, and endorsed over the course of the next month.

After that, the final plan will serve as a general guide for the government to use in strengthening court administration, and in securing financial support from internal and external sources.

2. THE COURT ADMINISTRATION CHALLENGE

President Judge, **Ato Kemal Bedri**, Central Supreme Court keynoted the Ethiopian Court Administration Planning Seminar on February 21, 1996 by noting that it is time for the “Federal and Regional Courts in Ethiopia to augment their attention of substantive legal issues with greater attention to the administration of the court system. The Constitution of the Federal Democratic Republic of Ethiopia and the soon to be announced Council of People’s Representatives Proclamations on the Central Courts both support an independent and unified court system. The challenge is to promulgate these new proclamations in an effective and efficient manner. This requires strong and responsive court administration. “ The President Judge urged the conferees at the seminar to “develop a vision and a strategic plan for a modern court administration system that can be endorsed and implemented.”

3. MISSION STATEMENT FOR ETHIOPIAN COURTS

A Strategic Plan needs to be grounded in a clear vision of future. The vision is typically captured in a concise Mission Statement. The proposed Mission Statement for Ethiopian Courts is:

The Ethiopian Judiciary is dedicated to justice and fairness for all those using the courts. The courts will give special attention to the protection of fundamental human rights and building of public trust and confidence by adhering to the rule of law. The courts will be organized and operated to be efficient, effective, prompt, economical, accessible, responsive and accountable to the needs of the people. The court system will provide judges and staff of integrity who are independent, well trained, and fairly compensated. The courts will be built with sufficient budgets, a judiciary personnel system, and proper facilities, supplies, equipment and services

The metaphor upon which the Mission Statement is based flows from the traditional Ethiopian “tree of justice”. In terms of the “tree of justice” metaphor, the future Ethiopian Court System that is responsive to society’s needs will have:

- its roots of justice in tradition and the people;
- its trunk the constitution, the rule of law, the scale of justice, the promptness of service, the sufficiency of resources, and the muscle of enforcement;
- its branches in equal access to diverse cultures, religions, languages, the poor, and commercial interests; public participation, education and ethics;
- and its outlook a sunny, democratic future.

4. COURT ADMINISTRATION PRINCIPLES AND STANDARDS

The Ethiopian court administration system must be built, and should be based on a series of internationally recognized organizing principles and standards. Two categories of such standards exist -- “overarching” and “instruments of administration”. Many of these standards are articulated with commentary in the American Bar Association, Judicial Administration Division, Standards of Judicial Administration, the Standards Relating to Court Organization (1990) and the Standards Relating to Trial Courts (1992).

The overarching principles of judicial administration include:

1. Unified Jurisdiction Structures:
 - Uniform & simplified jurisdiction
 - Clear lines of administration
 - Executive component of courts with Administrative Office(s) of Courts for planning, budgeting, caseload, support
2. Competent & Sufficient Resources:
 - Judges and staff are educated/trained, competent, fairly compensated, and independent
 - Courts have sufficient budget, facilities, equipment, and education/orientation
3. Uniform Rules and Policies:
 - Rules for standard administrative practices
 - Typology of rules including directives, advisories, etc.

Many of the standards offer detailed guidance on specific instruments of administration including:

1. Rules and Regulations Systems:
 - Rule making process (who and how?)
 - Rule monitoring and enforcement (who and how?)
2. Management Systems:
 - Administrative Office of Courts (AOC) Structure
 - Relationship of AOC to other level AOC's
3. Education and Orientation Systems:
 - Models for Training and Orientation
 - Types of training including orientation, in-service, mentoring, study tours, etc.

5. COURT ADMINISTRATION IMPROVEMENT NEEDS

The table which follows depicts the Ethiopian court administration improvement needs outlined below. The table also contains a brief justification for each of the identified needs.

Rules and Regulations Systems:

1. Vest rule making authority in Chief Justice and Plenum
2. Establish broad-based rules advisory committees
3. Conduct needs assessment for specific rules and regulations systems.

Management Systems:

1. Establish unified administration structure (e.g., Administrative Office of the Courts -- AOCs) at every level with a combined administrative/registrar position.
2. Vest AOCs with key functions including case management, human resources, procurement, etc.
3. Establish Registrar/Administrative Director position
4. Registrar/Administrative Director needs to have superintendence over lower courts
5. Set up conference of President Judges and Administrative Directors
6. Reduce interference in the Judiciary by other branches of government

Education Systems:

1. More trained lawyers
2. Establish functional training institution attached to courts
3. New court personnel should be given orientation
4. Need study tours for judges, staff and other officials
5. Refresher courses needed for judges and staff
6. Judges must be encouraged to do research
7. Publication/documentation center needed
8. Specialized bench training

TABLE 1: INSTRUMENTS OF ADMINISTRATION, NEEDS AND JUSTIFICATION

INSTRUMENTS OF ADMINISTRATION	NEEDS	JUSTIFICATION
1. Rules & Regulation Systems	1. Vesting rule making authority in the Chief Justice of Federal Supreme Court and the Plenum	- Inherent power of the court based on tradition and international standards
	2. Establishing broad-based advisory committees	- Democratic participation in government to resolve unclarity in jurisdiction and accommodate various interests
	3. Needs assessment for rules and regulations including: -records management -regulations for case management -introduction of modern technology -rules and regulations for judicial deliberation and assignment of decision writing	- Uncharted territory contributing to inefficiency, mismanagement and injustice.
2. Administrative Structures	1. Designation Registrar/ Administrative Director -at the FSC/State SC -at the FHC/State HC -at the FFIC/State FIC	- Full exercise of the Judicial structural independence
	2. Identify functions -case management -administrative of non-judicial personnel -procurement and general services -information systems -planning and monitoring - finance and budget -legislative liaison	- To bring professional management skills to bear, and to allow the Chief Justice (CJ) of such functions to have more time for judicial executive functions
	3. Develop procedures manuals	-More effective control by CJ on the administration of the judiciary
	4. Registrar/Administrative Dir of Supreme Courts should have superintendence over other Federal and Regional Administrative Directors, and those of lower (inferior) courts; to consult with CJ of respective courts as well as relevant lower courts	-Development and reinforcement of uniform practice

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INSTRUMENTS OF ADMINISTRATION	NEEDS	JUSTIFICATION
	5. Need to set up a conference of CJs of Federal and State Supreme Courts, and Federal and Regional Administrative Directors	-Common forum for mutual development, etc.
	6. Constant effort to reduce and eliminate interference of other branches of government in the activities of the judiciary	-To exercise the Judicial independence provided by the Constitution
3. Education and Orientation Systems	1. Need to have more trained lawyers for selection into the court system	- Because Ethiopia doesn't have enough qualified lawyers to choose for court positions
	2. Develop a functional training institution attached to the court	- The current institution is weak and it is not serving the training needs of the court
	3. New judges and support staff (personnel, administrators, and clerks, etc.) need orientation	-They need to understand how the court system functions and how the judiciary is different from other government entities -to enable them to get ideas about the law (legal training)
	4. Study tours for judges, staff, and other officials is essential	- Learn from others; understand and conform to international standards
	5. Judges and staff must be given refresher courses	- To familiarize them with new developments (e.g. commercial law, air and space law, human rights laws)
	6. Judges much be encouraged to do research	- Understand more about the law and to manage new challenges
	7. Publication and documentation center--library	- Reading and reference rooms will raise the legal awareness of judges and the public
	8. To create specialized training for specialized benches	- Efficiency and thorough knowledge of the law

5. IMPLEMENTATION PLAN FOR COURT ADMINISTRATION

The following table presents the tactical implementation plan for systematically addressing the court administration needs. The table identifies the priorities for each of the needs (in terms of high, medium and low), lists one or more key activities for the high and medium priority items, provides information on timing and resource requirements, and identifies responsible implementation actors.

Instruments of Administration Areas:	Needs	Priority	Activities	Timing & Resources	Responsible Actors
1. Rules & Procedures Systems	1. Immediate interim assertion of rulemaking authority in the CJ and the Plenum	H	1. Immediate Convening of Plenum and Committee for rules and regulations, and preparation of draft of rules and regulations to present to the entire Plenum (TA & Study Tour)	Three months to initiate.	FSCJ, FH President, RSC President (1)
	2. Justify/secure/validate the rule making power by way of amendment of proclamations	H	Draft the proposal for amending the proclamation (TA and advisory committee)	3 months to initiate	Same plus Law School faculty of law
2. Administrative Structures & Systems	1. Establish administrative officials every level	H	- study functions - assess resources (manpower & financial) -prepare manuals for implementation (job descriptions, org charts) (TA and Study Tours for all of above)	within 1 month of appointment of President	-Des-salegn -Abdu
			-Training needs assessment (T/A)	within 6 months of appoint of Admin. Director	

			- Orientation and training	in first month of appointment of Admin. Dir	
			- conduct study tour (of at least one month) should include more than Judiciary		
	2. Set up conference	H	-draft conference charter -plan conference agenda - conduct conference (TA and Study Tour)	within three months appt of President	-Des-salegn -Abdu
	3. Reduce interference by other branches of Government	M	President discuss with Speaker of the House, Ministers of Finance, Minister of Justice	within 6 months of appt of President	-Des-salegn -Abdu
3. Education & Orientation Systems	1. More Trained Lawyers	M	Undertake study of court's human resource needs and staffing in cooperation with Prime Minister's office and other related agencies(TA)	1 year	Court Png. &MOJ and law schools
	2. Functional Training Institute Attached to Courts	H	- Establish committee (8 from various entities) - Learn from experience of other countries and prepare proposal (TA and Study Tour) - Obtain funds from govt & donors	- immediate - six mths - 6 months (US\$100k US\$150k)	-Abdu -Mesfin -Yo-hannes
	3. Orientation for New Judges & Staff	H	1. Identify coordinator & experts (TA) 2. develop plan and manuals 3. allocate funds 4. train judges how to do orientation	Immediate	Senior Judges & AOC
	4. Study tours for judges, staff and others	M	1. identify needs for study tours 2. Submit proposals 3. Fund raise 4. Study tours with recommendations	June to September	
	5. Refresher courses for judges	H	Same as number 3		
	6. Judges need to do research	L			
	7. Publication & Documentation Center	M			
	8. Specialized trng & CLE for specz benches	L			

APPENDIX B

SEMINAR MATERIALS: ETHIOPIAN COURT ADMINISTRATION

This Appendix contains the training materials and curriculum of the Ethiopian Court Administration Planning Seminar. The materials are organized in the following categories: 1. Planning Seminar Notebooks; 2. Session Presentation Charts, and 3. Participant Handouts. These materials were supplemented by several readings. First, the USAID Implementing Policy Change (IPC) Technical Note by Benjamin L. Crosby, "Strategic Planning and Strategic Management: What are they and how are they different?". Second are the American Bar Association "Standards of Judicial Administration", Volumes I and II.

1. Planning Seminar

Notebook Materials

Ethiopian Court Administration Planning Seminar

Addis Ababa, 21-23 February 1996

–Objectives and Agenda –

A. SEMINAR OBJECTIVES

The objective of the seminar is “to develop a strategic and tactical plan, emphasizing training, for improving the administration of the Ethiopian Court system.” Three key issues will be addressed during this participatory seminar:

1. What is the vision of the Ethiopian Court System that will be responsive to society’s needs?
2. What are the necessary administrative instrumentalities that will foster the transition to this vision?
3. What are the specialized training courses required to facilitate the implementation of the reformed court administration system ?

B. SEMINAR AGENDA

February 21, Wednesday

- Morning: -- Official Seminar Opening
 -- Proclamation Overview: Court Context, Structure and Responsibilities
- Afternoon: -- The Vision of the Ethiopian Court System
 -- Strategic Planning for Results: Preparing a Mission Statement

February 22, Thursday

- Morning: -- Principles of Court Administration
 -- Instruments of Court Administration
- Afternoon: -- Court Administration: A Collaboratory Needs Assessment
 -- Needs Assessment Presentations and Discussion

February 23, Friday

- Morning: -- Development of a Court Administration Implementation Plan
 -- Implementation Plan Presentations and Discussion
- Afternoon: -- Next Steps Planning Exercise
 -- Seminar Closing

ETHIOPIAN COURT ADMINISTRATION PLANNING SEMINAR PARTICIPANT LIST
21-23 February 1996 at the Ethiopian Red Cross Training Center
Funded by USAID Ethiopia, Presented by Thunder & Associates, Inc.

<i>Last Name</i>	<i>First Name</i>	<i>Title</i>	<i>Organization</i>	<i>Address</i>	<i>Tel. 251-1</i>	<i>Fax 251-1</i>
Alemu	Ato Dessalegn	President Judge	Central High Court	Addis Ababa	139747	
Ambo	Ato Mekonnen	Judge	Reg 14 Supreme Court	Addis Ababa	201977	
Barhanu	Ato Habtamu	Lecturer Law	Civil Service College	PO Box 5648 Addis Ababa	182549	
Bedri	Ato Kemal	President Judge	Central Supreme Court	PO Box 8275 Addis Ababa	553400	550278
Debessu	Ato Hagos	Head Legal Dpt	Ministry of Justice	PO Box 101445 Addis Ababa	516384	550384
Demissew	W/t Sebel	Public Defender	Central Supreme Court	PO Box 8275 Addis Ababa	113155	550278
Equbeyonas	Ato Mesfin	Public Defender	Central Supreme Court	PO Box 6166 Addis Ababa	113155	550278
Fayisa	Ato Sayifu	Judge	Central Supreme Court	PO Box 6166 Addis Ababa	553400	550278
Gayeesa	Ato Midekissa	Judge	Supreme Crt Oromiya	PO Box 26110 Addis Ababa		
Gemechu	Ato Beshada	Vice President	Supreme Crt Oromiya	PO Box 26110 Addis Ababa		
Getaneh	Ato Tegene	Judge	Central High Court	Addis Ababa	136190	
Higera	Ato Abdu Ali	Registrar	Central Supreme Court	PO Box 6166 Addis Ababa	553400	550278
Ibrahim	Ato Ahmedin	President	Supreme Crt Oromiya	PO Box 26110 Addis Ababa	122588	
Idris	Ato Ibrahim	Dean Law Sch	Addis Ababa Univ.	PO Box 1176 Addis Ababa	111733	550655
Seso	Ato Semere	Parliamentarian	The Parliament	PO Box 80001 Addis Ababa	553000x128	
Woldu	Ato Hagos	President	Reg. 14 Supreme Court	PO Box 8389 Addis Ababa	133660	
Workneh	Ato Anagaw	Parliamentarian	The Parliament	PO Box 80001 Addis Ababa	553000x128	
Workneh	Ato Fisseha	Judge	Central Supreme Court	PO Box 6166 Addis Ababa	553400	550278
Worku	Ato Kebede		The Parliament	PO Box 80001 Addis Ababa	127899	
Wube	Ato Worku	Vice President	Reg 14 Supreme Court	PO Box 13762 Addis Ababa	133506	
Yimer	Ato Abate	Judge	Central Supreme Court	PO Box 6166 Addis Ababa	553400	550278

THUNDER

Conti	Samuel D. Esq	Asst. Director	NJ State Courts	R. J. Hughes Justice Complex, Trenton, New Jersey, 08625	6199840883	6196337142
Gruccio	Philip A..	Judge	Widner Univ. Sch Law Delaware Campus	PO Box 7474, Wilmington, DE 19803-0474 USA	302-477- 2264	302-477- 2227
Ingle	Dr. Marcus D.	Director	Thunder & Associates, Inc.	719 Prince Street, Alexandria, VA 22314 USA	703- 6845584	703-684- 3954
McClintock	Ms. Nancy A.	Project Manager	Thunder & Associates, Inc.	719 Prince Street, Alexandria, VA 22314 USA	703-684- 5584	703-684- 3954

THUNDER & ASSOCIATES, INC. SEMINAR INSTRUCTOR TEAM

MARCUS D. INGLE, Ph.D., Seminar Co-Director

Dr. Ingle is Director of Thunder & Associates, Inc. and a specialist in administrative training for public sector organizations in Economies in Transition (EIT's). Dr. Ingle has a distinguished career and global reputation for excellence in action-training, organizational learning, and participatory management. At Thunder he serves as a "benefit sustainability" advisor to USAID and has responsibility for expanding Thunder's training activities with private, NGO and public sector institutions. For 1993 to 1996 he worked with the Economic Development Institute of the World Bank and the IMF to develop and offer management training and training-of-trainer programs in Russia and Vietnam as they transition to a market economy. From 1983 to 1993 he was a faculty member and Director of the International Development Management Center at the University of Maryland. Dr. Ingle has experience in Africa, the Middle East, and Asia. He has published books and numerous articles on topics related to program management, information management, public administration training, decentralization, and human resource development. His Ph.D. is from Syracuse University in Social Science and Management, and Masters Degrees in Public Administration and Political Science.

NANCY A. MCCLINTOCK, Seminar Co-Director

Ms. McClintock has worked and lived internationally for over 25 years with sector experience in democracy and governance, civil society organizations, natural resources and the environment, management information systems (hardware and software development), food systems, and small enterprise development in Africa, Latin America, and Asia. She has a broad base of experience in the management, administration, development, and financing of international projects with a wide variety of donors including USAID, World Bank, the UN, and host country governments. Ms. McClintock also has design and implemented over thirty conference and seminar training programs overseas and in the United States. She has organizational experience with public sector organizations, not-for-profit, and university, and for profit organizations. The last year she has managed USAID democratic initiatives in Ethiopia (Courts and the Legislature), Mali (Strategic Planning for USAID Mission), Bolivia (Conference on Best Practices in Modernization of Legislatures), and an evaluation of a labor organization in Haiti. She has prime responsibility for managing Thunder & Associates, Inc. international business development with the U.S. government. She has a Graduate degree from San Francisco State College and a B.A. from Lewis & Clark College.

SAMUEL D. CONTI, ESQ., Assistant Director, New Jersey Courts

Samuel Conti is presently the Assistant Director of Trial Court Support Operations Division of the Administrative Office of the Courts of the State of New Jersey in the United States of America. Before joining the New Jersey Courts, Mr. Conti did independent court consulting work throughout the United States. He served as Administrative Director of the Courts of Illinois after leaving the post as Regional Director (Vice-President) of the National Center for State Courts where he was responsible for court research and technical assistance projects throughout the United States, but predominantly in seventeen states in the northeastern part of the country. He was a trial court administrator, assistant to the Assignment (Chief) Judge, and a probation officer in New Jersey at the beginning of his career in court administration. Mr. Conti is a member of the Bars of New Jersey, New Hampshire, and the United States Supreme Court. He is a Fellow of the Institute for Court Management. In 1988 he was awarded the Distinguished Service Award of the National Center for State Courts. He has written, consulted, and lectured extensively in all areas of judicial administration. He has been an elected official in New Hampshire where he also served as a member of the Constitutional Convention. Mr. Conti is married and the father of three children.

PHILIP A. GRUCCIO, ESQ., New Jersey Appellate Court Division, Retired

Philip A. Gruccio was admitted to the District of Columbia and New Jersey courts in 1952 and thereafter practiced in the military, state, and federal courts until 1972 when he was appointed to the State trial court in New Jersey. He served in all divisions of the New Jersey courts (civil, criminal, family, and labor) and was Assignment Judge (i.e. Chief Justice) for the first Judicial District from 1979 to 1985 when he was appointed to the Appellate Court (Supreme Court by assignment). Mr. Gruccio is a Fellow of the Institute for Court Management and has lectured extensively throughout the United States on the role of the Chief Judge and the equal opportunity conference of the court. He joined the faculty of the Widener University Law School in 1992 and served as Associate Dean from 1993-1995. His teaching responsibility areas include: judicial administration, court management, administrative law equitable remedies and alternative dispute resolution (ADR). Recent awards include the Delaware Volunteer Legal Service Award and the Thomas Moore Award. He is married, the father of five children and three grandchildren.

2. Session Presentation Charts

Ethiopia Planning Seminar: Court Administration

ADDIS ABABA
AT THE ETHIOPIAN RED CROSS CENTER
21-23 February 1996

Ethiopia Court Seminar, Thunder & Associates 2/15/96 1

Seminar Opening and Overview



Ethiopia Court Seminar, Thunder & Associates 2/15/96 2

Seminar Objective



“To develop a strategic and tactical plan, emphasizing training, for improving the administration of the Ethiopian Court System”

Ethiopia Court Seminar, Thunder & Associates 2/15/96 3

Strategic Planning Issues:



- ◆ What vision of the Ethiopian Court System is most responsive to society's needs?
- ◆ What administrative instruments are necessary to foster transition to this vision?
- ◆ What training is required to facilitate implementation of needed administrative reforms?

Ethiopia Court Seminar, Thunder & Associates 2/15/96 4

Seminar Topics



- ◆ Day 1: Court Context, Vision and Mission
- ◆ Day 2: Court Administration Principles, Instruments and Needs Assessment
- ◆ Day 3: Training Planning, Next Steps, and Closing

Ethiopia Court Seminar, Thunder & Associates 2/15/96 5

Suggested Seminar Rules

- ◆ Use a mix of lectures & small working groups
- ◆ Open participation and discussion
- ◆ Agenda is prepared, but we can modify if it helps us to accomplish our objectives
- ◆ We will end on time -- if we start on time
- ◆ Work hard, but in an informal and enjoyable manner
- ◆ Other suggestions?



Ethiopia Court Seminar, Thunder & Associates 2/15/96 6



Vision of the Ethiopian Court System: A Participatory Exercise

Ethiopia Vision Session, Thunder & Associates 2/15/96 1



Session Objectives:



- 1) Understand the role of "visioning" in strategic planning.
- 2) Cooperating in small group teams, develop a vision of the future Ethiopian Court System that incorporates responsiveness to society's needs.
- 3) Explain and discuss your vision with other groups, and compare to US experience.

Ethiopia Vision Session, Thunder & Associates 2/15/96 2



Topic # 1: Strategic Planning and Visioning

- ◆ Strategic Planning:
 - » An iterative process of setting a long-term course of action in light of internal and external circumstances under conditions of change and limited resources (See Crosby in notebook)
- ◆ Visioning:
 - » An early step in the strategic planning process "of imagining (as in a charming sight) how a system (like the courts) will impact on societal values and well being."



Ethiopia Vision Session, Thunder & Associates 2/15/96



Topic # 2: Small Group Visioning Exercise

- ◆ See Handout of Exercise Instructions
- ◆ Break into Small Groups – Marcus will assign
- ◆ Clarification Questions?



Ethiopia Vision Session, Thunder & Associates 2/15/96



Topic # 3: Comparison with US Experience

– Where are commonalities and differences between your visions and US experience?



Ethiopia Vision Session, Thunder & Associates 2/15/96 5



Summary & Closure



Ethiopia Vision Session, Thunder & Associates 2/15/96 6





***Strategic Planning
for Results:***

**Preparing a
Mission Statement**

Ethiopia Courts Mission Statement, Thunder & Associates/8/96

1



Session Topics:

- ◆ Role of a "Mission Statement" in Court System Strategic Planning
- ◆ Small group exercise to develop a concise Mission Statement with measurable indicators for the Ethiopian Court System
- ◆ Presentation of small group products, discussion and comparison to USA experience

Ethiopia Courts Mission Statement, Thunder & Associates/8/96

2

What is a Mission Statement?

A brief narrative description (2 or 3 sentences) that captures the vision of "the desired and attainable future state of affairs" for an organization in measurable terms.

Ethiopia Courts Mission Statement, Thunder & Associates/8/96

3

Example of a Mission Statement and Indicators:

Mission Statement:

The Ethiopian Courts are dedicated to promptness,

Indicators of Success:

(Quantity, Quality, Audience and Timing)

1. Disposition of __% of civil cases of ____ type within a period of __ months.
2.
3.

Ethiopia Courts Mission Statement, Thunder & Associates/8/96

4

84

Administrative Needs Assessment, Thunder & Associates

Ethiopian Court Administration Needs Assessment



Administrative Needs Assessment, Thunder & Associates

2/15/96

1

Session Objectives:



- ◆ Understand the role of needs assessment in a strategic planning process.
- ◆ Be able to identify court administration improvement needs through a comparison of current and desired standards.
- ◆ Present and discuss results with others.

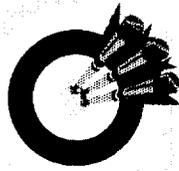
Administrative Needs Assessment, Thunder & Associates

2/15/96

2

Agenda for Afternoon:

- ◆ Overview of Needs Assessment Tool
- ◆ Small Group Needs Assessment Exercise
- ◆ Presentations and Discussion
- ◆ Synthesis of Needs for Strategic Plan



Administrative Needs Assessment, Thunder & Associates

2/15/96

3

Synthesis Questions?

- ◆ Have we covered the major administrative needs for each of the instruments:
 - Systems of Rules and Regulations?
 - Systematic Administration through Management Systems?
 - Systems of Professional Education and Orientation?
- ◆ Do these lists of needs represent a reasonable place to focus training?



Administrative Needs Assessment, Thunder & Associates

2/15/96



Developing a Court Administration Implementation Plan



Ethiopia Training Plan, Thunder & Associates

3/8/96

1

Objectives:



-
- ◆ Understand the role of implementation planning in the strategic planning cycle.
 - ◆ In small groups, develop an implementation plan for the Ethiopian court system.
 - ◆ Present and synthesize findings into a draft implementation plan.

Ethiopia Training Plan, Thunder & Associates

3/8/96

2

Small Group Instructions:

- ◆ See Handout Instructions
- ◆ Return to same groups as yesterday afternoon
- ◆ Be ready to report at: _____.



Ethiopia Training Plan, Thunder & Associates

3/8/96

3

Seminar Next Steps Exercise



Ethiopia Next Steps, Thunder & Associates

2/15/96

1

Session Objectives



✓ **Reflect on most important insight or lesson learned**

✓ **Identify one key step you will take in the future to move ahead with the training plan**

Ethiopia Next Steps, Thunder & Associates

2/15/96

2



Exercise # 1:

- **"What is most important insight or lesson about court administration or training that you learned during seminar? "**
- **Write answer on paper in 5 words or less!**

Ethiopia Next Steps, Thunder & Associates

2/15/96

3



Exercise # 2:

- **"What is one important step that you will take to facilitate the implementation of the plan following the seminar?"**
- **Again, write answer on paper in 5 words or less!**

Ethiopia Next Steps, Thunder & Associates

2/15/96

4

Other Comments?



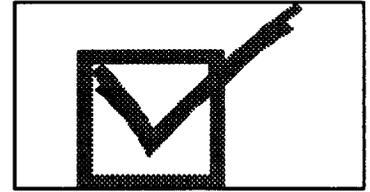
Ethiopia Next Steps, Thunder & Associates

2/15/96

5

3. Participant Handouts and Strategic Planning Exercises

Visioning Instruction Sheet



VISIONING SMALL GROUP EXERCISE

Date: Wednesday

Time: Afternoon Session

Objectives:

1. Working as a member of a small team, be able to develop a future "vision" for the Ethiopian court system that incorporates responsiveness to society's needs.
2. Be able to explain your vision to other groups.

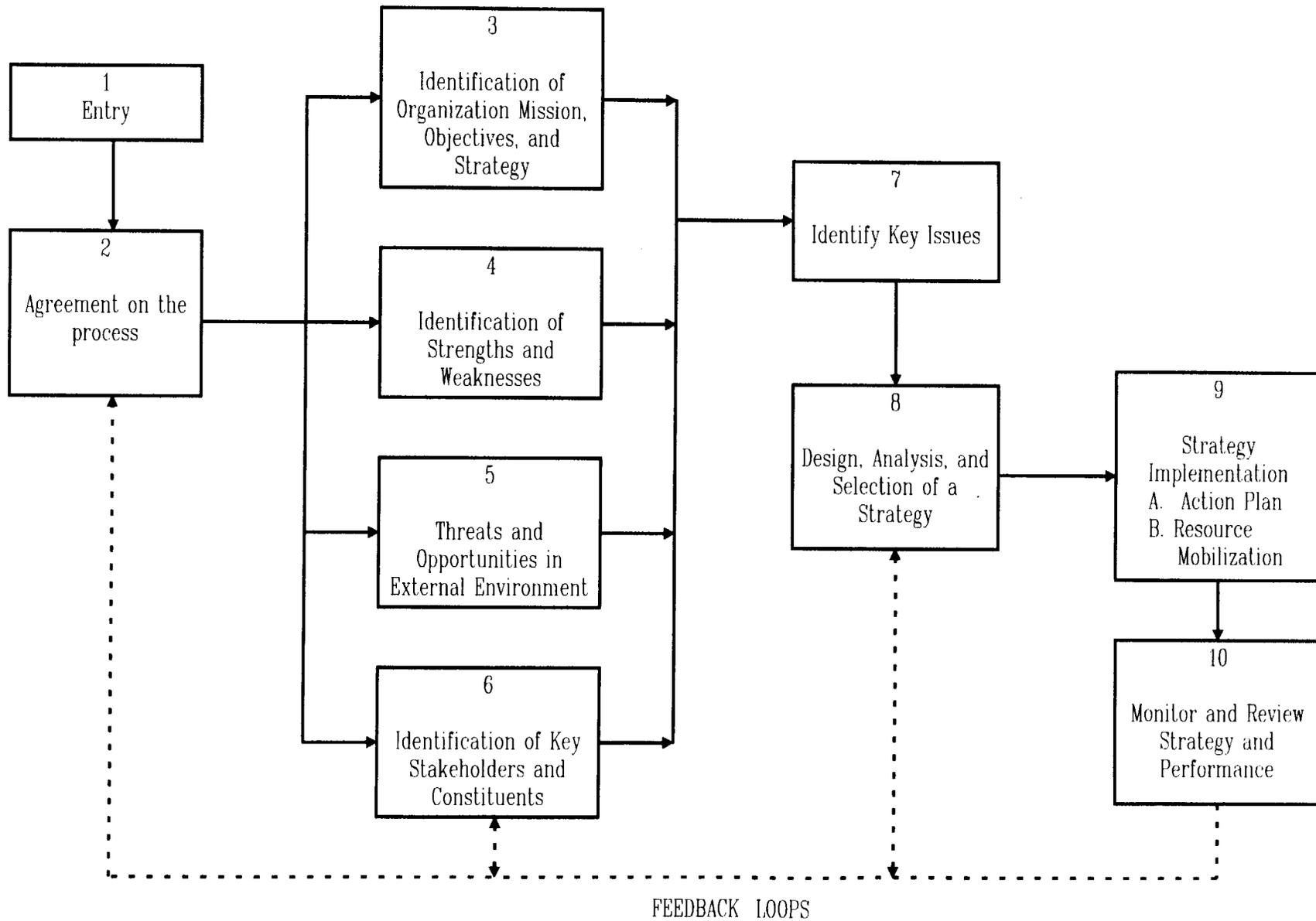
Task Description:

Participants are divided into several randomly assigned groups. Each group will work in an assigned area to complete the following tasks:

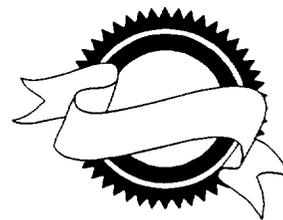
1. Using flip chart paper and colored markers, work as a group to draw a "vision picture" of the future Ethiopian court system. This picture should incorporate your group's image of how the court system will be responsive to Ethiopia's needs.
2. You have about 30 minutes to discuss your ideas and complete the task.
3. Be prepared to post your vision and explain the ideas it contains to others. One member of your group should be assigned to present the group's ideas.

Instructors will serve as resource persons.

STRATEGIC MANAGEMENT AS AN ITERATIVE AND CYCLICAL PROCESS



Source: Developed by M. Ingle
Thunder & Associates, Inc.
from: B. Crosby, "Strategic Planning & Strategic Management"



MISSION STATEMENT GROUP EXERCISE

Date: Wednesday

Time: Late Afternoon

Objectives:

1. Be able to develop a succinct mission statement with measurable indicators based on the "vision pictures".
2. Be able to present and discuss your mission statement and indicators to other groups.

Task Description:

Participants are divided into several new groups. Each group will have about 30 minutes to complete the following tasks:

1. Using the form provided by the instructors, work as a group to draft a succinct "Mission Statement" for the future Ethiopian court system drawing on the best ideas from the earlier visioning exercise.
2. Then, for this Mission Statement, develop a list of the 3 to 5 most important indicators that can be used to measure successful accomplishment of the Mission. For each indicator try to be specific as possible in terms of quality (what kind?), quantity (how much?), target audience (for whom?, and timing (by when?).
3. Put your group products on flip chart paper, and be prepared to explain your ideas to other groups. One member of your group should be assigned to present the group's ideas.

Instructors will serve as resource persons in each group.

MISSION STATEMENT AND INDICATORS FORM

<u>Mission Statement</u> (Narrative Text)	<u>Measurable Indicators</u> (Quantity, Quality, Target Audience, and Timing)
	1. 2. 3. 4. 5.

Instruction Sheet



ADMINISTRATION NEEDS ASSESSMENT EXERCISE

Date: Thursday

Time: Afternoon Session

Objectives:

1. Be able to identify Ethiopia court administration improvement needs based on comparison of existing situation to desired standards.
2. Be able to present your needs assessment to others.

Task Description:

Participants will be divided into three "instruments of court administration" groups (#1 - Rules and regulations systems; #2 - Management systems; and #3- Education and orientation systems) Each group will have until about 3:45 to complete the following tasks:

1. For your "instrument of court administration" area, use the form provided by the instructors to complete a rapid needs assessment.
2. Using the standards introduced in the morning session, identify key administrative areas where improvements are needed and list on the form in the categories provided.
3. You have until about 3:45 to discuss your ideas and complete the task. One member of your group should be assigned to present the group's ideas.

Seminar instructors will serve as resource persons.

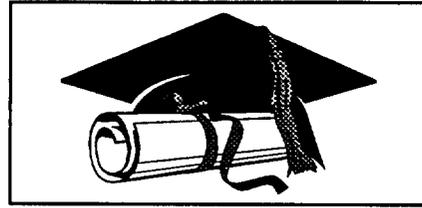
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ADMINISTRATION NEEDS ASSESSMENT FORM

Group Instrument Area: # _____

Needs for a modernized court administrative system:	Justification statement for the identified need:
a.	-
b.	-
c.	-
d.	-
e.	-

Instruction Sheet



***IMPLEMENTATION PLANNING EXERCISE:
COURT ADMINISTRATION***

Date: Friday

Time: Morning Session

Objectives:

1. Be able to develop an implementation plan for the "improvement needs" identified during the Thursday afternoon session.
2. Be able to present your group's proposed implementation plan to others for review and revision.

Task Description:

Participants will return to the three "instruments of court administration" groups from Thursday. Each group will have until about 11:15 am to complete the following tasks:

1. Using the "administrative improvement needs" you identified yesterday, and suggested modifications by other participants, use the form provided by the instructors to prepare an initial implementation plan.
2. Specifically, for the needs you identified yesterday first classify whether you consider the need to be of high, medium or low priority. Then for all high and medium priority needs, list several (3 to 5) key actions for addressing this need. (Consider the following types of actions: (a) planning and evaluation, organizing, capacity building, technical support, training, study tours, or others.) Next, suggest when the activities should start, and estimate human and financial resources that might be required. Finally, identify a two-person team who will accept responsibility for moving ahead with this set of activities.
3. One member of your group should be assigned to present the group's ideas. Instructors will serve as resource persons.

IMPLEMENTATION PLANNING FORM

Group Topic: #

Ethiopian Court Administration Needs (From Thursday Session):	Suggested Priority (Chose from High, Medium or Low):	For High and Medium Priority Items, list of 3 to 5 Action:	For each Need area, estimate Start Date, and Resources:	For each Need area, who is the 2 person team with responsibility?
a.	-	-	-	
b.	-	-	-	
c.	-	-	-	
d.	-	-	-	
e.	-	-	-	

THUNDER & ASSOCIATES, INC.

719 Prince Street

Alexandria, Virginia 22314

Tel: 703-684-5584 Fax: 703-684-3954

ETHIOPIAN COURT ADMINISTRATION PLANNING SEMINAR

Logistics Evaluation

Please rate the following on a scale of 1 to 5, 1 being the greatest level of satisfaction.

LOGISTICS

Please rate the following:

Criteria	Hotel	Training Facilities	Local Travel	Restaurants/ Food	Recreational Activities
Overall Quality					
Cost					
Customer Service					
Location					
General Satisfaction					

Please explain any rating of 3 or below: _____

Are there any logistical resources which you would not recommend for future tours? Which ones and why? _____

Additional comments or suggestions: _____

APPENDIX C

REVISED USAID SCOPE OF WORK

The following is the revised scope of work for the Court Administration part of Delivery Order #16, Court Administration AEP-5451-1-00-2050-00. This revision was approved by Steve Tucker, USAID Addis Ababa, on February 24, 1996.

“Work shall begin in January 1996 and conclude at end of February 1996.

During the first visit to Addis Ababa the contractor’s team will visit Ethiopia to review how the Federal Courts (First Instance, High Court, and Supreme Court) currently manage court administration and provide the next steps for training in court administration. The tasks will include (1) Review and provide suggested changes to the Federal Supreme Court officials on the two current draft legislative proclamations on court administration for the courts of Ethiopia. (2) Interview Federal and High Court personnel on their needs in court administration and provide a written review of the assessment. (3) Based on the assessment and in consultation with the Ethiopian Federal Courts and USAID, the contractor will design a strategic planning seminar for approximately 25 Federal and Regional court administrative officials. (4) During trip two to Ethiopia the contractor will conduct a seminar to approximately 25 Ethiopia court officials.

The consultancy deliverables will include:

A draft report of Trip One of the court needs in court administration, plus provide an initial seminar agenda.

The final report will be based on the Ethiopian Planning Seminar shall include the following documents :

- (1) An Ethiopian Court Mission statement specifically tailored to court administration;
- (2) An Ethiopian Court Administration Improvement Plan;
- (3) Identification of prioritized training needs in court administration;
- (4) Identification of next steps by Ethiopian Court officials on how to implement the needed improvements in court administration and the process the courts plan.”