



Administration of Justice Support Project



American Mideast Education and Training Services, Inc.
1730 M Street, NW, Suite 1100 – Washington, DC 20036-4505

Development Experience Clearing House Submissions Form – AID 590-7

USAID Contract #: **USAID/Egypt Contract # 263-C-00-04-00028-00**

Project Title: Administration of Justice Support II (AOJS)

Project #: 263-0288

Strategic Objective: Objective 2: Governing Justly and Democratically; Program Area 2.1: Rule of Law & Human Rights; Program Element 2.1.3: Justice System; Program Sub-Element 2.1.3.4: Access to Justice

SO Number: 2.1.3.4

Document Title/Translated Title: Assessment Report on the NCJS Judicial Education Courses

Author(s): The National Center for Judicial Studies (NCJS)

Contractor's Name: American Mideast Education and Training Services, Inc. (AMIDEAST)

Sponsoring USAID Operating Unit: USAID/Egypt – Democracy and Governance

Language: English

Publication Date: May 2005

Abstract : comprehensive assessment of course materials

Keywords: Assessment, course materials, NCJS, Training,

Name of Person Submitting Report: Ms. Jackie Haralson, AMIDEAST Contracts Manager; 202-776-9600 (office phone); jharalson@amideast.org

Date of Submission: January 31, 2009



USAID
FROM THE AMERICAN PEOPLE

**ASSESSMENT REPORT
ON
THE NCJS JUDICIAL EDUCATION COURSES**

May, 2005

This Publication was produced for review by the United States Agency for International Development. It was prepared by the Administration of Justice Support II Project, which AMIDEAST administers under USAID/Egypt Contract # 263-C-00-04-00028-00 .

ASSESSMENT REPORT
ON
THE NCJS JUDICIAL EDUCATION COURSES

DISCLAIMER

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



THE ADMINISTRATION OF JUSTICE SUPPORT II PROJECT

**ASSESSMENT REPORT
ON
THE NCJS JUDICIAL EDUCATION COURSES**

May 2005

Submitted by: Thomas Nelson Langhorne, Esq.
The Langhorne Group, Inc.
4241 Saratoga Road Suite 100 Richmond, VA., USA
T: 804.323.3989 C: 804.306.3822 F: 804.323.113
rightinfo@aol.com

EXECUTIVE SUMMARY

The National Center for Judicial Studies (NCJS) of Egypt provides entry and continuing education to judges and prosecutors. It is the regional leader in judicial education. The Administration of Justice II (AOJS II) Project hired the consultant to assess NCJS's existing course materials and instructional methodology for judges and make recommendations for enhancement. The consultant's research methodology consisted of interviews with NCJS leadership and staff and a review of NCJS course agendas and written materials. Based on those findings, he developed fourteen recommendations, explained in detail in the body of the report.

1. Prioritize the development and piloting of new commercial law courses to all Egyptian judges in addition to those already offered.
2. Expand current course offerings to include more multi-disciplinary courses that will enhance Egyptian judges' complex problem-solving and analytical thinking abilities, such as banking, credit administration, mergers & acquisitions, capital markets, human psychology, scientific evidence, mortgage law, forensic medicine, leadership, change management, and time management.
3. Offer a "Teambuilding and Judicial Leadership" course for all judges.
4. Develop a portable, easily accessible "bench book" reference resource (note: This is an activity already scheduled under AOJS II, to be completed by Quarter 4 of 2006).
5. Continue to update written course materials for each topic that the participants can keep and to which they can refer after the course is finished. Also, copies of previously developed "faculty master kits" and all copies of course materials should be centrally housed and maintained by NCJS in an easy-to-access location.
6. Develop a mechanism to periodically monitor faculty classroom instruction to ensure that adult education and judicial education principles are actually being applied.
7. Existing course evaluations should be enhanced in order to incorporate a technique to measure whether learning occurs and new skills, abilities and attitudes are being applied in the workplace.
8. Provide a system so judges can take courses in a logical sequence that reflects their career development.
9. Unify existing standards governing judicial conduct and teach those professional standards on a regular basis.

10. Update the NCJS website and course descriptions on a quarterly basis to accurately reflect currently offered courses, and each course listing should include accurate learning objectives.
11. Review relevant Egyptian courts' strategic plans and NCJS' strategic plan to ensure that offered courses advance the larger mission and objectives envisioned by those strategic plans.
12. Develop a more formalized process to teach Chief Judges how to upgrade the skills of right- and left-hand judges through mentoring.
13. On a regular (annual or bi-annual) basis, conduct a thorough "learner needs assessment" using both qualitative research methods (e.g., learner focus groups) and in-depth quantitative needs assessment research methods (e.g., learner surveys, the results of which can be studied using statistical software, such as SPSS, to analyze multivariant relationships).
14. The new judges' orientation course should continue to be mandatory for all new judges. Sitting judges should all be permitted to attend annual continuing judicial education courses appropriate to their level of experience.

The consultant spent the majority of his time performing a comprehensive assessment of existing course materials. Course material enhancement, therefore, is the most important of the current assessment's recommendations for change. NCJS should carry out further internal assessments that assess NCJS courses beyond a materials review, and track NCJS's new course development and other institution capacity-building activities based on NCJS's recently drafted three-year Strategic Plan.

Many of the consultant's recommendations May require reallocation or expansion of NCJS resources. Also, NCJS will be able to implement the majority of these recommendations with the cooperation of AOJS II.

I. INTRODUCTION and DESCRIPTION of ASSIGNMENT

A key part of the capacity-building of the Egyptian court system is to enhance its judicial education programs. As with all enhancement programs, the first step in the process is necessarily assessment of the current situation. Therefore, the consultant was contracted by AOJS II to thoroughly assess NCJS's existing course materials and instructional methodology. Specifically, AOJS II asked the consultant to assess NCJS's current curriculum and identify areas of need that are not currently being addressed.

NCJS is the recognized regional expert in judicial education. Its staff and leadership have built an institution that other countries in the region can only hope to model. However, as the following conclusions and recommendations indicate, there exist many ways in which NCJS can build upon its prior successes and momentum. The consultant believes that NCJS has the internal capacity to move onward to the next level of excellence.

The major challenge for NCJS will be to enhance its systems to uniformly and consistently apply the adult education and judicial education principles that its leadership already embraces and promotes. This can be accomplished by enforcing its high standards for using state-of-the-art adult and judicial education principles, and by modernizing a complete archive of current course-related instructional materials. Additionally, the NCJS Curriculum Development Committee should consider enhancing its curriculum by offering more commercial law courses, change management and team building courses, and multi-disciplinary courses.

II. EXPLANATION of FINDINGS

II.1. Foreword:

During his initial meetings, the consultant requested from the NCJS copies of any and all "course materials" for all courses offered to judges. The request specifically included, but was not limited to, both regularly scheduled and *ad hoc* course materials.

All of the consultant's activities at the NCJS were coordinated by Counselor Ali Shakeeb, Assistant to the Minister for NCJS Affairs and Center Director, with the support of his staff and the members of the NCJS Technical Bureau. The consultant was impressed with Counselor Shakeeb's embrace of modern adult and judicial education principles and with his often-stated commitment to routinely incorporating those principles into all NCJS course offerings. Counselor Shakeeb enjoys an international reputation as an outstanding judicial education faculty member. This is largely due to his own enthusiasm for incorporating state-of-the-art course methodology into his own courses. Moreover, the consultant was repeatedly impressed with Counselor Shakeeb's command of, and commitment to, current adult education principles, which he fully intends to incorporate into all courses designed and offered through NCJS. Counselor Shakeeb was an instrumental leader in developing and delivering a series of successful "Train the Trainers" workshops in order to raise NCJS faculty's skills in effectively designing

learning objectives and specifically tailoring course materials. The NCJS “Train the Trainers” course, throughout the past several years, has been offered nationally and regionally, to unanimous acclaim.

In order to adhere to the NCJS’ excellent capabilities and commitment to producing high quality courses taught through interactive methods and course materials, ideally the course materials should each contain learning objectives, applied learning activities, student handouts and audio-visual materials compiled into “faculty master teaching kits.”

The consultant would have liked to have had more time and opportunity to interview additional NCJS staff members, Technical Bureau members, and Curriculum Development Committee members. Their busy schedules meant that the consultant was only able to interview some Technical Bureau staff members.

Lastly, it should be noted that the NCJS staff with whom the consultant worked during this process are some of the most helpful and warm professionals with whom he has ever collaborated.

II.2 Specific Explanation of Findings:

1. The existing judges’ curriculum could be enhanced by developing new, additional commercial law courses for new and senior judges. To support the top Egyptian priority to attract increased international investments, and to enforce contractual expectations, new commercial law courses should be developed that include:

- An “*Electronic Commerce*” course: This course would enable Egyptian judges to resolve the more prevalent electronic commercial disputes. Basic legal issues regarding interpretation and contractual enforcement of electronic commercial transmissions should be addressed. The course should also focus on the interpretation of the Egyptian Commercial Code in matters regarding e-commerce and methods of authentication and verification.
- A “*Commercial Transactions- Enforcing Contractual and Investment Expectations*” course: This would be a mandatory course surveying the diverse horizon of myriad investment vehicles, uniform commercial code rights and obligations of and by international investors and the role Egyptian courts play in enforcing those rights and expectations.

Other significant topics that should be incorporated into the curriculum are competition law; contract law; oil, gas & mineral rights; equipment leasing, landlord/tenant law; and consumer rights.

Moreover, existing NCJS commercial courses could be enhanced by developing specific course materials for them.

2. Counselor Shakeeb should be commended for embracing and encouraging the inclusion of multi-disciplinary courses into the NCJS curriculum. Therefore, the NCJS curriculum should be expanded to include more multi-disciplinary courses that address non-traditional legal subjects. It is proven that judges' creative problem-solving skills, complex analytical skills, and decision-making skills are improved by exposing them to subjects that impact the legal system in collateral ways. Such courses would include the fields of emerging technologies, trends affecting Egyptian society and courts, as well as banking, credit administration, mergers & acquisitions, capital markets, mortgage law, human psychology, scientific evidence, banking industry, and forensic medicine.

Time Management is a particularly important example, raised by several of the people that the consultant interviewed. Ideally, the topic could be integrated into a Case Management course, so that part of the course would deal with managing personal time and setting personal priorities, and part would deal with the management of a case, involving delegation, setting and enforcement of deadlines, working with court staff and litigants, and generally enhancing the judges' overall positive role in the case management process.

3. The existing judges' curriculum could be enhanced by adding a mandatory "Team Building and Court Leadership" course for all judges. This should be a long-term goal that ties into the long-term post-AOJS II goal to automate the remaining First Instance Courts in Egypt. In the short term, it should be provided initially to judges who will be serving in the Alexandria and Mansoura Courts of First Instance and then to judges in the other courts. In order to effectively integrate the Enhanced Court Management Application (ECMA) into the courts, judges and court staff will need to operate, communicate and manage court dockets as a *team*. Even the most technologically proficient ECMA system will not realize its potential without effective vertical organizational communication, team-based decision-making, collaboration, and leadership from local judges. This may require a cultural shift in the way judges, staff and others view their roles and their relationships with each other.

4. One of the tasks in the AOJS II workplan is to update and condense the judicial bench book. The existing Judges' Bench Book, developed for the Judges' Club in Cairo, is comprised of approximately ten volumes, far too large to be portable or easily accessible as a bench reference. The NCJS could enhance judges' ability for quick problem-solving and effective decision-making if it could develop a portable, easily accessible reference/bench book. The current ten-volume bench book might be synthesized and reduced to include checklists, forms, and compressed guides for decision-making.

NCJS should form a Bench Book Committee to develop this material. Ultimately, this abridged bench book could later be expanded and become more comprehensive as more judges have computer accessibility. The initial publication should be available on a CD-ROM and through NCJS's website for judges who are already technologically competent.

5. NCJS enjoys a well-deserved excellent reputation for being a regional leader in judicial education. Its faculty, technical bureau, and staff are all committed to practicing those principles in their curriculum design and instruction. However, during the consultant's review of all course materials, he was not able to find the faculty "Master Kits" for NCJS training programs, including course learning objectives, detailed program course outlines, lesson plans, audio-visual materials, exercises, handouts, or level 3 and 4 course evaluation forms. The course materials that were provided to the consultant contained lecture outlines. If some courses lack these materials, they should be developed.

Most of the individual course files contain multiple, separately prepared "course lectures." For example, if one were to review the course materials for the New Judges' Orientation course, entitled "Filings and Proceedings of Criminal Courses," one would find three separate lectures, any one of which might be used by the ultimate instructor or presenter. Some courses included as many as eight separate "lectures," apparently developed by different instructors. Where several lecture notes exist within a single course topic, there is often a wide range of key points and content covered and scope and breadth of subject matter included.

It should also be noted that many of the "lectures" only devoted one or two short paragraphs to what should otherwise constitute substantial subject matter. NCJS should be commended for developing several faculty members who can teach a particular course. While the faculty do not "team teach," there is a pool of faculty available to teach a course to maximize points of view and teach in case one instructor has a schedule conflict, or if several simultaneous classes need to be conducted. However, to improve the existing course materials, the consultant suggests that NCJS should create a single, uniform set of course materials for each course. This would enhance NCJS' ability to ensure uniformity and propriety of the subject matter actually being taught. That set of materials would accurately cover all requisite identified learning objectives and knowledge, skills and abilities (KSA's), include specific learning activities, applied learning exercises, relevant audio-visual learning aids, and course/faculty evaluations which measure whether learning occurred. Judicial educators would then utilize and cover the standard course materials, and they could also add their own supplemental material.

Developing a *single set* of course materials would accomplish several worthy objectives:

- A. It would ensure continuity and uniformity regarding the subject matter and learning objectives being taught. Specifically, any of several faculty members teaching a course (or teaching one of several breakout groups) would be following the same learning objectives and covering the same course material.
- B. It would enhance NCJS' "quality control" capability by ensuring that the high standards expected of faculty and their course materials are satisfied.
- C. It would assist faculty in their preparation if a single set of fully developed course materials were easily accessible. In this regard, faculty (even last minute faculty

replacements) could receive the materials and begin the class with minimal advance preparation.

D. It makes it easier to recruit substitute faculty in an emergency.

This practice is used by judicial education institutions in several countries with which the consultant is familiar and is espoused by some American state judicial education organizations. However, at least one national judicial education provider tried this approach and later abandoned it, due to faculty differences in approach and their objection to restriction of academic freedom. Accordingly, NCJS may want to experiment with this recommendation on a smaller scale before implementing it on a wide-scale basis. For example, it could develop detailed course outlines for instructors to follow, while giving them freedom to develop their own materials following the content topics as listed in the outlines. NCJS should continue to promote judicial independence and freedom of expression, and should encourage faculty to share ideas and course materials, as well as to provide each class with written reference materials that can be utilized after the course is over. It is very helpful for participants to have materials for each topic that they can keep and reference after the course is finished. The consultant learned from Mary Frances Edwards, currently the Judicial Education Expert on AOJS II and formerly the Training Expert on the Mongolia Judicial Reform Program, also a USAID project, that in Mongolia, another civil law jurisdiction, a 2003 post-course survey indicated that 77% of participants used course materials on a daily or weekly basis during the six months following a course.

In order to distribute high quality course materials at each program, NCJS needs to expand its professional and staff support to recruit and supervise authors, review materials for quality control, edit them, and physically produce the course materials.

The consultant understands that a mere review of the written course materials in the NCJS archives does not preclude the possibility that some faculty might, in fact, incorporate interactive learning opportunities and adult learning theories in their respective courses. In fact, given that many faculty members have had an extensive Training of Trainers in which they learned about these techniques, it is highly likely that the techniques *are* being used in the classroom. If faculty are using interactive learning techniques, such as exercises, specifically articulated learning objectives, and audio-visuals, those materials should be collected and included and maintained in NCJS' course materials. Instructors' creative use of in-class discussion, role plays, or other forms of exercise that are not reflected in written material could be summarized in training notes and appended to course outlines.

6. The NCJS Technical Bureau should have a mechanism to monitor the faculty's actual instruction. This remedial "quality control" measure will help ensure that the cutting-edge judicial education principles espoused by Counselor Shakeeb are being practiced uniformly by all faculty members.

7. NCJS should be commended for using course evaluations for all their courses. The currently used evaluations measure student satisfaction with a particular course.

These course evaluations could be enhanced by including questions that measure whether learning actually took place, and whether the newly learned skills and behaviors are actually being practiced in the workplace. These evaluations should be regularly reviewed by NCJS leadership and staff, as well by the individual faculty members. Using these evaluations' findings, the courses and faculty presentation methods can be continually modified and improved. See JERITT Monograph One, "*Judicial Education Needs Assessment and Program Evaluation*," and JERITT Monograph Eleven, "*Conducting Impact Evaluation for Judicial Education*." Both monographs offer practical evaluation design advice and sample evaluation forms.

8. NCJS has done an excellent job of embracing the notion that judges who are at "different ages and stages" of their respective careers have different learning needs. The NCJS judges' curriculum could be enhanced by sequencing their courses in a logical progression to accommodate NCJS' commitment to serving judges who are at different stages of professional development.

Additionally, "Specialized Courses for Senior and New Judges" appear to be offered on an *ad hoc* basis. They do not appear to be sequenced in a pedagogically planned, "building block" fashion. Furthermore, a review of all of the available course materials for the "Specialized Courses for Senior and New Judges" seems to indicate that these courses are, at least in format, very similar or identical to the topics covered in the "New Judges' Orientation" courses. If this is true, NCJS should consider whether this approach is the optimal way of addressing the learning needs of the different "ages and stages" of Egyptian judges.

9. NCJS should be strongly commended for including courses addressing the ethical and professional responsibilities of judges. This topic is arguably the most important course for all judges in all countries. Outstanding faculty members are asked to address this important subject matter by sharing their personal experiences and viewpoints on this issue. This approach could be enhanced if NCJS attempted to develop standards of recommended ethical conduct for judges. A standardized set of recommended judicial conduct "guidelines" could serve as the foundation for a "judicial ethics" course. This would also enhance uniformity and predictability of conduct of judges who have had the course.

10. Discrepancies exist between the courses and course schedules (and the topics supposedly covered within each course) and the course materials produced for the consultant's examination. Accordingly, the course descriptions need to be updated to be in line with Curriculum Development Committee-approved course materials.

11. NCJS should be commended for its efforts and devotion to maintaining an excellent judicial education system. After the NCJS Strategic Plan is finalized, the Curriculum Development Committee should review its existing curriculum in light of the new strategic plan's priorities and goals. They could then analyze whether the current course offerings might be adjusted to help advance and achieve those goals.

12. NJS should be commended for conducting new Chief Judge training. The current Chief Judge training could be augmented by developing a specific section of the existing program to enhance Chief Judges' skills in mentoring and coaching, as they are expected to play this role with the left- and right-hand judges on their panels. Optimally, a supportive network of mentors could be developed so that new Chief Judges could also call upon experienced Chief Judges for confidential guidance.

13. Counselor Shakeeb and the NCJS should be commended for their devoted efforts to seek Egyptian judges' input regarding their perceived "learning needs." The NCJS each year mails a survey to the Chief Justices and asks them to distribute the surveys to their respective judges. The surveys are distributed and collected by a training coordination judge who is a member of a panel at the Court in addition to being a liaison for NCJS. It asks judges to indicate those courses that should be added to their upcoming conference schedule. Moreover, as discussed above, Counselor Shakeeb takes the extra effort to interview training coordination judges and students regarding their perceived learning needs.

NCJS technical bureau members are working to reach a consensus regarding what Egyptian judges' core knowledge, skills and abilities (KSAs) are or should be. This complicates their excellent efforts to constantly work towards filling the judges' learning needs gaps. In order to enhance the NCJS' ongoing needs assessment efforts, and to help it better identify the skill sets that judges need to cope with Egypt's changing legal environment, a comprehensive needs assessment ought to be conducted on a regular basis. This needs assessment should target *all* judges and should employ both quantitative and qualitative research methods. Specifically, the consultant recommends that the needs assessment should first be initiated by conducting several "focus groups" of both judges and external stakeholders. After analyzing those qualitative research results, a comprehensive questionnaire should be designed based on those research findings. The questionnaire should be sent to all judges. Chief Justices should strongly encourage a high response rate from their judges. The questionnaire should be designed to be compatible with statistical software, such as SPSS, in order to conduct multi-variant analysis on the resultant data.

14. The consultant concurs with current NCJS policy to make all new judges take mandatory training to acquaint them with their new role, and with the policy for all new Chief Judges to take mandatory training as well. Moreover, as discussed with NCJS senior management, NCJS should offer mandatory continuing education to all judges on a time-frame basis (e.g., annually), in subjects that coincide with their current or upcoming assignments.

Mandatory Judicial Education for Newly-Appointed Judges:

Counselor Shakeeb advised the consultant that all newly-appointed judges are required to take the new judges' orientation course. Therefore, the New Judge orientation is considered mandatory.

The consultant has the impression that the university-level law school training that prospective judges receive does not fully prepare them for their future professional challenges and that the quality of education offered through Egyptian university law faculties continues to decline. As a result, it is critically important for newly-appointed judicial candidates to attend the entire one-month New Judge Orientation. While it is beyond the consultant's scope to recommend how this policy might be enforced in Egypt, some American state courts require the state Chief Justice to specifically approve one's excused absence from an orientation course. Some states will include a new judge's failure to attend orientation in his personnel file. The consultant believes there are some states that may take additional steps including bringing this failure to the attention of those responsible for evaluating and/or reappointing judges.

Mandatory Judicial Education for Judges Other Than Newly Appointed Judges:

Most American state court systems and most foreign courts with whom the consultant has worked have mandatory judicial education requirements for all judges, regardless of seniority. This reflects the prevailing recognition and practice (and in the consultant's opinion, correct recognition and practice) that the multi-faceted roles jurists must play, as well as the increasingly complex nature of issues they must resolve, require constant and active continuing professional education. As mentioned previously, this often requires judges to continually keep abreast not only of new substantive and procedural laws, but also of diverse, multi-disciplinary issues as they manifest themselves in today's courtrooms.

It is the consultant's impression that Egypt does not currently embrace mandatory continuing judicial education for all judges. He believes it should do so. While it is beyond the consultant's scope¹ to recommend the exact structure and/or precise policy that a mandatory education system should embrace, the consultant believes that a continuing judicial education policy should be instituted for all judges.

Mandatory judicial education takes various forms in the United States. Some require judges to satisfy a minimum number of yearly classroom hours. Others require them to attend annual judicial education conferences that offer carefully selected courses. There are many iterations of this "mandatory" concept and each court culture determines which iteration best suits their respective learning needs. In at least one other civil law country, judges are legally entitled to several days of retraining each year. Although they are not compelled to attend, most judges perceive continuing professional development as an entitlement, not a burden, and are eager to participate in continuing judicial education. The NCJS may choose to institutionalize minimum annual continuing judicial education participation through a motivational entitlement approach. NCJS must ensure that there are sufficient CJE courses available to satisfy the demand of any minimum attendance plan, whether mandatory or aspirational.

¹ The information gleaned from the consultant's interviews and document review did not present sufficient information for him to confidently suggest precise mandatory continuing education policies or structures.

As discussed previously, Egypt is in the process of transforming many of its legal, social, commercial and technological institutions and infrastructures. This fact, alone, presents judges with a virtual avalanche of changes for which they must continually prepare themselves. All of these dramatic transitions affecting Egypt, and ultimately the complex issues that judges must resolve, require constant professional and personal growth with concomitant vigilance towards keeping abreast of their learning requirements.

III. SUMMARY and CONCLUSION:

The National Center for Judicial Studies has been working since 1981 to serve the constantly changing training needs of the Egyptian judiciary. It has developed a system that, thus far, has been able to creatively meet those needs on a limited budget and with limited overall resources. It has become a regionally respected institution. Now, as its new director and dedicated technical and administrative staff work to enhance its capacity, the Center has the opportunity to increase its level of excellence to the highest international standards. This assessment was carried out in order to serve as a tool for the National Center for Judicial Studies to use as it moves towards this long-term goal.

Because of the limited time and availability of NCJS technical and administrative staff, the consultant devoted the majority of his time to a comprehensive assessment of existing course materials on file at NCJS to determine its current strengths and to assess any gaps. The issue of materials, therefore, forms the bulk of the current assessment's recommendations for improvements. The consultant was also able to make a few recommendations as to some new courses in specific subject matter areas of which he has some knowledge and which are internationally recognized as key issues for judiciaries everywhere, such as e-government and e-commerce, as well as inter-disciplinary courses.

To be able to assess NCJS's current course offerings in depth, further internal assessments should be carried out in the future that take into account a wider definition of NCJS courses than merely a materials review, including actual monitoring of the courses as they take place, access to NCJS course evaluations and other monitoring data, and tracking of NCJS's new course development and other institution capacity-building activities based on its recently drafted three-year Strategic Plan.

Many of the consultant's recommendations may require reallocation or expansion of NCJS resources. NCJS will be able to implement some recommendations with the cooperation of AOJS II. For instance, the AOJS II workplan already includes providing NCJS with assistance on a bench book, human resources capacity building, website enhancement, database establishment, curriculum development, and establishing a system of continuing judicial education.

Table of Contents:

Section	Page
EXECUTIVE SUMMARY	3
INTRODUCTION and DESCRIPTION of ASSIGNMENT	5
EXPLANATION of FINDINGS	5
SUMMARY and CONCLUSIONS	13
APPENDIX 1: EXPLANATION of RESEARCH METHODOLOGY	14
APPENDIX 2: DETAILED CHART of NCJS COURSE MATERIALS REVIEWED	15

APPENDIX 1:

EXPLANATION of RESEARCH METHODOLOGY

I.1: Pre-Visit Research:

Prior to arriving in Cairo, the consultant conducted Internet research regarding the Center's course offerings by navigating the Center's website. He also studied an advance copy of Alexandre Cordahi's May, 1998 "Training Needs Assessment of Civil Law Judges in Egypt," as well as Anthony Fisser's 1999 "Revised Workflow Process for the Development of NCJS Education Programs." AMIDEAST's Washington, D.C. ("WDC") office also provided miscellaneous material for the consultant's review prior to his Cairo arrival. The consultant, based upon this preliminary research, subsequently emailed specifically tailored questions to the WDC and AOJS II Project offices. His inquiries were always answered promptly.

I.2: The Consultant's On-Site Research Methodology:

Once on-site, the consultant primarily relied upon face-to-face interviews and document inspections of various instruction-related materials. His primary source of information was Counselor Ali Shakeeb, Assistant to the Minister of Justice for NCJS Affairs. He was also able to meet with Counselor Intisaar Nassim, Assistant to the Minister of Justice for Judicial Investigation and member of the NCJS Curriculum Development Committee. The consultant spent several days at the NCJS offices reviewing all of NCJS' course materials. The AOJS II Project's Judicial Education Coordinator explained the content of all course materials provided, and interpreted the consultant's questions and the respondents' answers during personal interviews. Counselor Shakeeb arranged for the consultant to interview some members of the NCJS Technical Bureau about the courses they organize. The consultant also interviewed several AOJS II staff members for background information and to find out more about their own recommendations for the enhancement of judicial education in Egypt.

APPENDIX 2:

DETAILED CHART OF NCJS COURSE MATERIALS REVIEWED

Unless otherwise noted, none of the following courses have written learning objectives, exercises, handouts, audio-visual materials or other traditional course materials maintained at the NCJS headquarters. Because each set of course materials were essentially typed or hand-written lecture notes, the consultant had to extrapolate the course's *general* learning objectives by having each course lecture translated aloud by the Judicial Education Coordinator. The following tries to follow, as closely as possible, the same order of courses as is found on the NCJS Website. The original course survey forms and notes taken by Consultant (from which the following chart is based) are in the possession of Ms. Nadia Magdy at the AOJS II Cairo office.

For each set of course materials reviewed, the following will be discussed (in order):

- *Target Audience;*
- *Mandatory (M) or Elective (E);*
- *Instructional hours;*
- *General Learning Objectives; and*
- *Consultant's Remarks (if any).*

NEW JUDGES ORIENTATION (Part One):

(All the items listed under this heading are targeted to new judges prior to their assuming the bench. As the new judges' program is mandatory in its entirety, all the courses under this heading are also considered mandatory and are offered at least once in the career to every judge.)

First: Procedures and Evidence:

Procedures:

1. Form of Procedural Work (10 hours)

Eligibility to file a case, case filing proceedings, fees' estimation for the case, parties' attendance, new claims made during the course of the proceedings, procedures for adding intervening parties, service, suspension/discontinuation/termination of the case, case abandonment, allowing additional argument and briefings, joining related cases.

Remarks: There were four different sets of lecture notes, only one of which seemed to address the topics found in the outline on the NCJS Website. That set of lecture notes was authored by Counselor Halfawi.

2. How to Run the Session ("The Hearing and Its System") (4 hours)

Conducting the public session, setting the session date and setting continuances, how to manage a disciplined session, keeping session notes, how to handle challenges to the judge, judicial recusal.

Remarks: There were five different sets of lecture notes, all of which varied greatly in terms of content covered, breadth, scope and detail. All, with the exception of Counselor Saber's notes, appeared to be brief speeches. Counselor Saber's was the most comprehensive of the notes examined.

3. *Defenses and Pleas to the Procedural Law (10 hours)*

Lists the substantive defenses and their requisite elements, goes through various procedural pleas during the proceedings.

4. *Orders (4 hours)*

Explains how to write orders for different types of writs, lists things that must be checked for each type of writ.

5. *Judgments (6 hours)*

Most comprehensive materials were from Counselor Wahab, who listed the necessary elements of an opinion and discussed the handling of practical problems of writing judgments, and how to apply the evidence to the relevant articles/law in order to reach an opinion. Other faculty materials focused on different issues, such as how to appeal a judgment.

6. *Enforcement:*

a) *The Enforcement Judge (8 hours)*

Understanding the role of the enforcement judge.

Remarks: The published "bullets" on the NCJS Home page do not match the actual course materials. E.G., the role of the service clerk and the relationship between the clerk and the judge are not covered. This course does contain pre-test/post-test "true or false" questions administered to students to measure their comprehension of the course materials.

b) *Sequestration (2 hours)*

List the properties that are exempt from property liens, jurisdictional issues in lien cases (identify which judges can enforce certain judgments), appealing the lien judgment, responsibilities and roles of the property's "guardian/administrator" once

the lien has been issued, procedures for handling third party claims on the property in question.

Remarks: This does not appear to be a completely accurate course title translation. Specifically, the course content seems to relate more to the *enforcement of lien cases*. There were two different sets of lecture notes, one of which has a detailed “Table of Contents.”

Evidence:

1. The Burden of Evidence (in civil cases) (4 hours)

Define what different types of evidence means, define standards of proof for different types of cases.

Remarks: There were eight different sets of lecture materials found. Counselor Abdellah’s materials included several hypotheticals asking each student to apply lessons learned in the course.

2. Methods of Presenting (Civil) Evidence (12 hours)

List different types of documents introduced into evidence, apply different evidentiary rules to different types of cases and different types of evidence, handle witness testimony (including expert testimony), differentiate between “weights of judgments” attached to the case.

Remarks: Counselor Abdellah included hypotheticals in his materials to reinforce applied learning.

Second: Civil Courses:

1. Contractual Liability (6 hours)

List the elements of contractual liability, distinguish between the different types of contractual liability, explain what constitutes a contractual breach, calculate damages for contractual breach, identify grounds for contractual termination.

2. Liability for Omission (8 hours)

Differentiate between different standards of liability, list different types of liability for omission, determining the amount of damages.

Remarks: Counselor Mokhtar included hypothetical questions for students to answer thereby reinforcing their applied learning process.

3. Evidence (6 hours)

Methods of admitting evidence into the record, grounds and bases for finding for a conviction.

4. Positive Role of the Civil Judge

The concept of the positive role of the judge, the need for the Judge to take control of the cases assigned to him, to reduce delay in hearing the cases and in making decisions, to exercise restraint in sending cases to the experts unnecessarily, and to set and to enforce deadlines.

Third: Commercial Courses

1. Commercial Interactions (2 hours)

Remarks: Consultant did find a separate set of materials that addressed “contracts”; however, Technical Bureau members later indicated those materials were for “Merchant and Non-Merchant Transactions.”

2. Commercial Notes (8 hours)

Remarks: There was a separate course outline for “Contracts,” which may have been intended to serve as “Commercial Notes.”

3. Bankruptcy (8 hours)

List the main issues judges face in bankruptcy proceedings, explain the provisions of the new commercial articles, explain the requisite conditions for issuing a bankruptcy judgment, determine proper jurisdictional issues, enforcing a bankruptcy judgment, bankruptcy’s legal implications on all interested parties, apportioning assets upon dissolution.

4. Companies (Corporations) (4 hours)

Define different types of corporations/companies, explain the “incorporation” proceedings, rules governing corporate contracts, list the requisite elements of a corporate contract, list the conditions/events which automatically dissolve a corporation.

Fourth: Rent Courses:

1. Evidence Rules in Rent Cases (4 hours)

Articles pertaining to lease agreements, evidentiary rules proving a lease agreement.

Remarks: Very little course material was found.

2. *Practical Problems in Rent Law (2 hours)*

Remarks: Virtually no course materials were found.

3. *Reasons for Evacuation in the Rent Law (6 hours)*

Elements of a valid lease agreement, compare provisions of lease contracts to other types of contracts, how judges should determine the amount of rent owed.

4. *Rent Claims (2 hours)*

Procedures for landlords or tenants to change the amount of rent owed, rights and liabilities affecting the improvement or destruction of the property, the role of the court clerk in ensuring all the necessary parties are joined in the rent case, procedures for enforcing judgments in rent cases.

Fifth: Family Courses:

1. *Heirs and Wills (4 hours)*

Wills- General rules covering oral and written wills, capacity to write a valid will, the proper form and elements of a will.

“Heirs”- Rules governing the distribution of estates.

Remarks: The “Heirs” materials are different and separate from the “Wills” materials and each are separately prepared by different faculty, and apparently taught separately as well. The following combines their respective outlines. These materials extensively rely upon the use of hypotheticals in order to teach rules governing the distribution of estates.

2. *Administration of Estates (4 hours)*

Rules and responsibilities for administering Adult Estates and Juvenile Estates, rules governing the discharge of deceased’ estates.

Sixth: Criminal Courses:

Criminal Proceedings (48 hours)

1. *Jurisdiction of Courts (4 hours)*

Jurisdiction of natural courts, specialized courts and courts of appeals, different types of jurisdiction “over the person,” jurisdiction over “the territory,” resolving jurisdictional conflicts.

2. *Filings and Proceedings in Criminal Cases (12 hours)*

Referral orders, issuing summons, limitations of the complaint/order/request, who has the right to file a case, service of process for the litigants, order of evidence and testimony, the right to a defense, relevant Articles governing the case, judicial immunities.

Remarks: There were three different sets of lectures/notes. Not all of the “bullets” appearing in the NCJS website are covered in these materials. All gave very brief attention to the general issues listed above.

3. Methods for Appealing Sentences (4 hours)

Explain what is meant by “Due Process”, list requisite elements and procedures for issuing a valid judgment, methods for appealing different types of judgments (objections and appeals).

Remark: A separate faculty outline discusses Court of Cassation appeals.

4. Reasons for Discontinuing the Case (4 hours)

Reasons for discontinuing various types of cases (for expiration/lapse of statute of limitations), explain different procedures in different types of cases which justify discontinuation of the case.

Remarks: Only hand-written lecture notes were found. This made reading and interpreting the material very difficult.

5. Appeals to Execution of Judgments (4 hours)

Reasons/grounds for filing appeals, proceedings for filing appeals, actions/steps that prosecutors should take if an appeal is taken, the effect that taking an appeal has on the execution of judgment.

6. The Positive Role of the Criminal Court Judge (Time frame unknown)

Explain the importance of the judge playing an active/positive role in the criminal case (how not to merely serve a passive role), identify articles that allow and constrain judges from playing an active role.

Remarks: This set of course materials is not listed under NCJS’s Web Page list of courses. However, NCJS staff indicated that this course is offered as part of the New Judges Orientation.

7. Writing the Criminal Judgment (Time frame unknown)

List the different rules governing the writing of judgments, list different elements required for different types of criminal cases’ written judgments.

Remarks: This course is not currently listed in the NCJS website's list of course offerings.

Juvenile Courses:

1. Juvenile Courts: Formation and Jurisdiction (2 hours)

Remarks: No course materials exist except two very brief articles on Child Law.

2. Rules and Regulations Governing the Case (4 hours)

Remarks: No course materials were found.

3. Appointing Attorneys for Juveniles (Time frame unknown)

Remarks: Only a very short published article on Child Law was found, which is apparently used as a handout.

4. Measures and Penalties for Juveniles (2 hours)

Remarks: Only a very short article on Child Law, presumably used as a handout, was found.

NEW CHIEF JUDGES COURSE

[Note: Of the seven “modules” of this program that are listed on the NCJS website, only two modules contained any course materials. No course materials were found for the following modules: One, Three, Four, Five, and Six.] This course series is considered by NCJS to be mandatory for all new Chief Judges.

Second Module: “Practical Issues In Running the Session” (2 hours)

Various general practical problems which arise in the hearing are discussed, tips on note taking during trial, tips on conducting the deliberations.

Seventh Module: Common Mistakes by Chief Judges (2 hours)

Be able to list and avoid common mistakes made in: signature cases, civil judgment cases, determining case fees, and inheritance cases.

SPECIALIZED COURSES FOR OLD AND NEW JUDGES

Most of the courses listed in NCJS’ Web page as “Specialized Courses for Old and New Judges” are the same course materials for the corresponding courses found under the “New Judges Orientation” courses. Accordingly, those course materials and descriptions will not be repeated here.

Essentially, after the new judges complete their new judges’ orientation and sit as judges for a short period, they then select from the grouping of “specialized” courses those that correspond to their new rotation’s subject matter specialization. For example, new judges about to rotate into the *commercial* courts would take the Fourth Module of specialized “Commercial” courses. Also, as mentioned previously, several “specialized” courses contained no course materials.

Two “specialized” courses were found that are not listed under the New Judges Orientation course offerings. They are:

Commercial Judgment Reasoning (E) (Time frame unknown)

Addresses different elements of the judgment that must be included, rules for reasoning one’s way through commercial cases.

Remarks: This course appears to integrate questions and answers into the lecture that are aimed at reinforcing students’ applied learning opportunities.

The Specialty of the Stock Market (E) (Time frame unknown)

Organizational chart of the Egyptian stock market, legal and regulatory framework of Egypt’s capital markets.

COURSE MATERIALS NOT LOCATED

The consultant was not able to locate course materials for the following courses listed on the NCJS website:

New Judges' Orientation:

Commercial courses:

- Commercial Interactions or Transactions (Arabic term carries both meanings)
- Commercial Notes

Rent Case courses:

- Evidence Rules in Rent Cases
- Practical Problems in the Rent Law
- Rules Governing Rent in the Civil Code

Family Case courses:

- Family Case Proceedings
- Self-Administration
- Administration of the Estate

Juvenile Cases (*the only material found for the following four courses were two Egyptian statutes/Articles*)

- Juvenile Courts: Formation and Jurisdiction
- Rules and Regulations Governing the Case Trial – the Role of the Court
- Appointing an Attorney for the Juvenile
- Measures and Penalties Stipulated for Juveniles

Execution and Enforcement of Judgments:

- Cases of Urgent Enforcement (2 hours)
- Objections to Judgments' Enforcement (8 hours)
- Enforcement of Foreign Judgments (2 hours)

New Chief Judges' Training:

Modules

- One - Relationship between the Chief Judge and the Chief Justice
- Four - Positive Role of the Chief Judge in Monitoring the Administrative Procedures
- Five - Running the Criminal Session
- Six - Assigning Cases, Deliberation, and Judgments Reasoning
- Seven - Running the Civil Session
- Eight - Claiming non-Constitutionality

Specialized Courses for New and Old Judges
(Fourth Module- Commercial Courses)

- General Overview
- Banking
- Commercial Notes
- The Specialty of the Stock Market
- Commercial Judgment Reasoning
- Common Mistakes in Commercial Cases

Additionally, course materials were found on file at NCJS for courses that are not listed on existing course schedules at the NCJS website. These include:

- *The Positive Role of a Criminal Court Judge*
- *Trademarks*
- *New Commercial Code* (apparently offered soon after the adoption of Egypt's New Commercial Code, but no longer offered)
- *How to Write Judgments in Rent Cases*
- *Specifications of a Rent Contract and How It Differs from Other Contracts*

The consultant assumes these six latter courses are either no longer offered or have been developed subsequent to the last update of the Website.