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INITIAL ASSESSMENT REPORT AND RECOMMENDATIONS

MANSOURA COURT OF FIRST INSTANCE

December 15, 2005

ADMINISTRATION OF JUSTICE SUPPORT II PROJECT
USAID/Egypt Contract # 263-C-00-04-00028-0

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MANSOURA COURT OF FIRST INSTANCE INITIAL ASSESSMENT REPORT AND RECOMMENDATIONS

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INITIAL ASSESSMENT
MANSOURA COURT OF FIRST INSTANCE

EXECUTIVE SUMMARY

One of the primary tasks of the Administration of Justice Support II (AOJS II) Project is to replicate certain court reform efforts in the Mansoura and the Alexandria Courts of First Instance (MCOFI and ACOFI). These court reforms were previously implemented in the Courts of First Instance in North Cairo and Ismailia, as part of the Administration of Justice Support I Project, the predecessor to the current AOJS II Project.

The first step in this replication process has been the completion of an assessment of the infrastructure and business practices in each of these "second round" Courts. These assessments provide AOJS II, its partners, the Judicial Information Center (JIC) and the Working Group in each Court, with the data necessary to formulate an appropriate plan for the replication of the AOJS I court reforms, as well as a basis for developing additional recommendations to improve each Court's operating efficiency. In addition, the assessments provide a baseline picture of each Court that will be useful in measuring the future effectiveness of these reform efforts. The assessment of the Alexandria COFI was completed earlier this year. This document focuses on the assessment of the Mansoura COFI and recommendations for the improvement of its operations.

To complete the Mansoura assessment, a team consisting of representatives from AOJS II and the JIC visited the Court in July, August and September. The assessment methodology entailed on-site data collection activities including in-depth interviews with Department/Unit supervisors and Court staff and detailed observations of Court business processes. The team also conducted detailed caseflow and physical infrastructure assessments. Additionally, the team collected, reviewed and analyzed caseload data and human resources information provided by the Court.

The Mansoura COFI is one of the largest in Egypt. Because of the size of its caseload (approximately 37,500 new cases filed each year) and the size of its judicial and administrative infrastructure (119 Full Panel judges and approximately 590 staff employees), improvements to its business processes and case management procedures would have a significant impact both on the ability of the Court to operate more efficiently and the ability of the judiciary to decide cases in a more timely manner. Most importantly, by providing better services to its constituency, the Court will improve the public's overall confidence and trust in the court system and the rule of law.

These recommendations are the product of a collaborative effort involving all members of the AOJS II and JIC Assessment Team. They are submitted as a basis for discussion. We have divided the recommendations into two broad categories: (1) those that specifically address operating efficiency in the Mansoura COFI, and (2) those generally applicable to Courts of First Instance that were also recommendations to the Alexandria COFI, that involve problem areas that would be difficult to resolve at the local level

without the support of the Ministry of Justice and that would benefit from being undertaken in cooperation with the Alexandria Court.

I. Recommendations to Improve Operating Efficiency

These recommendations are focused specifically on improving the operating efficiency of the Mansoura Court of First Instance. Operating efficiency is ***the*** key factor in court performance and is at the core of most of the reforms introduced under AOJS I and now being considered under AOJS II.

Recommendation No. 1: The Court should study the feasibility of designating an individual with the title "Court Administrator", who would be specifically charged with working with the Chief Justice, the Panel Judges, the Chief Clerk, the Panel Clerks, the Experts Office and the other members of the Court staff to focus on caseflow management issues and the development and implementation of policies and procedures to improve case processing. Because of the knowledge and skills required, the position should be filed by a Judge.

Recommendation No. 2: The Court should consider implementing case disposition time standards and a differentiated case management (DCM) system for select case types or groups of cases, which establish specific target times standards for the completion of certain case events and for final disposition.

Recommendation No. 3: To support the Court's caseflow management goals, the Court should design and develop specific caseflow management and other court management reports that can be produced from the new Enhanced Case Management Application

Recommendation No. 4: To enhance the ability of the Court staff, attorneys and litigants to find cases and case information, the Court should review the Index Registry process to determine whether it can be streamlined and whether a new case numbering scheme should be adopted.

Recommendation No. 5: Since the number of Signature cases far exceeds the number for all other case types, the Court should consider applying a DCM system to such cases and consider ways to streamline their processing so that they do not consume a disproportionate amount of court resources.

Recommendation No. 6: The Court should review the caseload information developed by this assessment to determine whether Judge Panels could be more appropriately assigned to better reflect the need for judicial resources.

Recommendation No. 7: The Court should develop policies and procedures to make the best use of the future electronic document imaging system as an integral part of its case management strategies. After implementation of the electronic document imaging

system, the Court should eliminate the microfilm system and reorganize the Archives Unit.

II. Recommendation Concerning Multi-Court Procedural and Institutional Infrastructure Reforms

During the assessment, the Team observed several problem areas that were similar to the problems observed in the Alexandria COFI. The Team also identified several problem areas shared by both Courts that, because of legislation or administrative rules and regulations, are beyond the power of an individual COFI to solve and which will require action on the part of the Ministry of Justice. To maximize the impact of their efforts, the Assessment Team believes that the Mansoura and Alexandria Courts should work together to find solutions to these common problems.

Recommendation No. 8: The Mansoura COFI and the Alexandria COFI should jointly approach the Ministry of Justice to engage in dialogue about problems that cannot be resolved at the individual court level and to develop common solutions to the problems of poorly-designed and non-functional file folders; lack of standard operating procedures and procedural manuals; and, lack of opportunities for managerial and staff training.

Next Steps

This initial Assessment Report is only a first step in assisting the Mansoura COFI to determine its future. It provides a wide-range of information and data that can be used by the Chief Justice, the Working Group and other key Court leaders and stakeholders as they evaluate these recommendations and determine the future course of reform and change in the Court. With this information, these recommendations and the recently adopted Three Year Strategic Plan, the Chief Justice, the Working Group and other Court leaders have the foundation needed to:

- Determine precisely how best to implement reforms;
- Decide which recommendations should be adopted and how they should be put into practice; and,
- Make change and reform a permanent, on-going process within the Court.

Finally, the Team believes that together the Ministry of Justice, the JIC and the NCJS have an important role to play as a catalyst to motivate Court leadership to focus on caseflow management issues, as a facilitator to help create shared vision and commitment and as a training resource so that Courts can gain the knowledge needed to develop good caseflow management plans. The Team also believes that the best way to provide this type of assistance is through a nationwide series of caseflow management programs and workshops. We hope that this Assessment Report will be a first step in this process as well.

Mansoura Court of First Instance Summary Profile

Jurisdiction of the Court	The Court's geographic jurisdiction covers the Mansoura Governorate. The Mansoura Court also includes four (4) Satellite Courts: Dkairness, Manzalah, Metghamr and Sherbien. The Sherbien Satellite Court was added for the 2005 – 2006 judicial year.
Chief Justice	Counselor Yosri Abdel Kerim
Total Number of Full Court Judges	**119**
Total Number of Full Court Judicial Panels	**30**
Total Number of Full Court Three-Judge Panels	**29**
Total Number of Full Court Four-Judge Panels	**1**

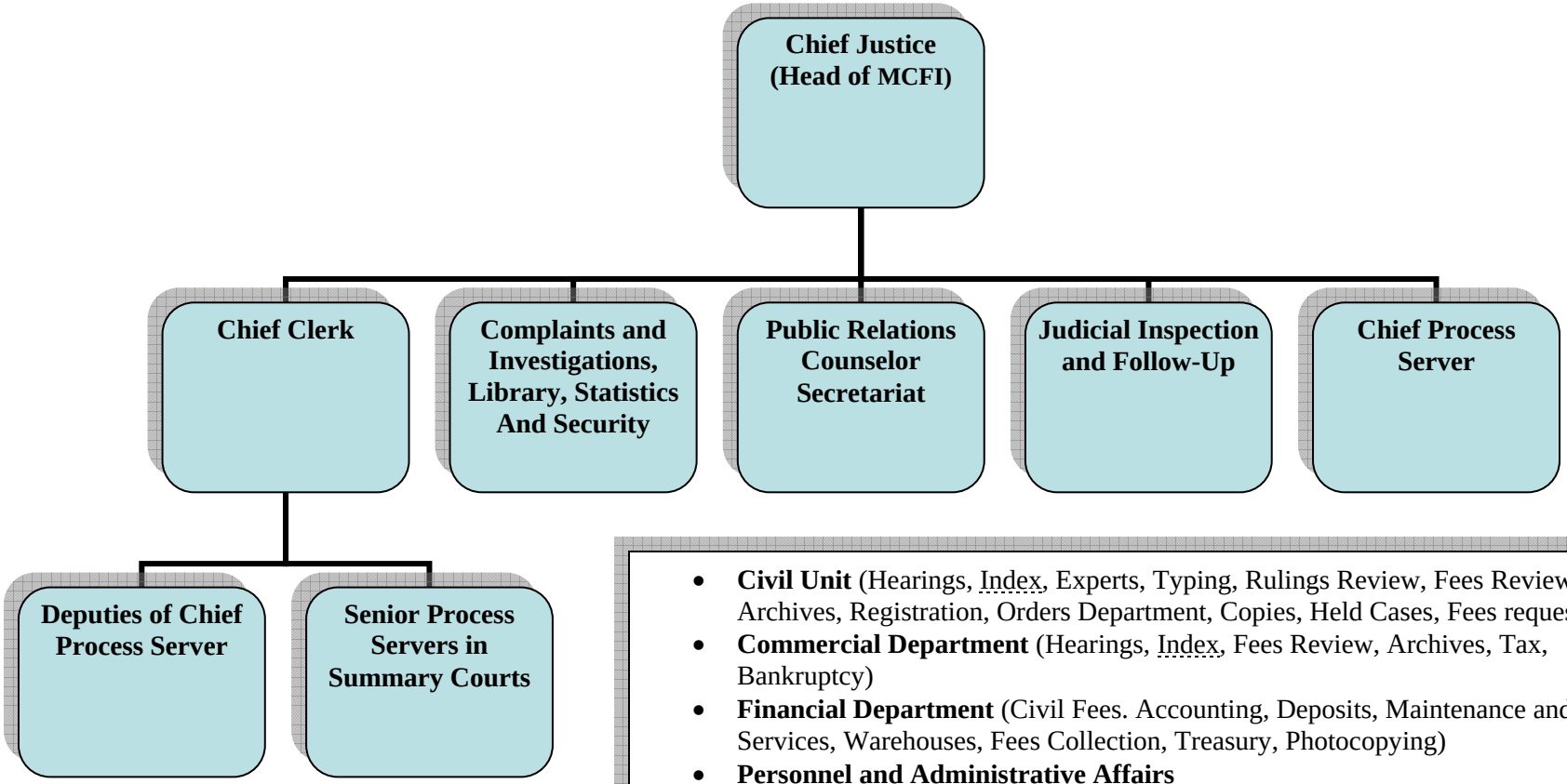
Total Number of Court-Specific Departments/Units	**35**
Total Number of Employees	**587**
Names of Offices / Departments / Units	Chief Justice, Chief Clerk, Indexing, Bankruptcy, Civil, Civil Orders, Commercial, Commercial Archives, Taxes Fees Review, Copies, Service Process, Orders, Typing Pool, Registration, Archives, Fees Collection, Civil Claims, Deposits, Experts, Statistics, Administrative Affairs, Computers, Rulings Review, Attorneys Fees, Held Cases, Financial Affairs, Accounting, Administrative Affairs, Personnel, Civil Investigations, Library, Judicial Inspection, Translation, Treasury

Court Building	Most Court offices are located in two towers, each consisting of 8 stories. The towers are linked by a central structure containing stairways and elevators. There are also two smaller towers located in front of these main towers, one of which contains the Chief Judge's offices. Physically, the facility is in good condition.

Consolidated Caseload Data for the 2003 – 2004 Judicial Year	
Pending at Start of Year	52,009
Filed	37,459
Disposed	34,291
Pending at End of Year	55,177

Automation Capacity	
Computers	4
Printers	1
Photocopiers	

Hierarchal Structure of
Mansoura Court of First Instance



- **Civil Unit** (Hearings, Index, Experts, Typing, Rulings Review, Fees Review, Archives, Registration, Orders Department, Copies, Held Cases, Fees request)
- **Commercial Department** (Hearings, Index, Fees Review, Archives, Tax, Bankruptcy)
- **Financial Department** (Civil Fees. Accounting, Deposits, Maintenance and Services, Warehouses, Fees Collection, Treasury, Photocopying)
- **Personnel and Administrative Affairs**
- **Court Premises**
- **Court Assistance**
- **Translation**
- **Computer**

INITIAL ASSESSMENT
MANSOURA COURT OF FIRST INSTANCE

REPORT AND RECOMMENDATIONS

In July, August and September, 2005[1], a team comprised of the Acting Director of the Judicial Information Center (JIC) and selected JIC staff, Administration of Justice Support II (AOJS II) Project staff members, and a court management expert conducted an initial assessment of the facilities, operations and case processing and associated business practices of the Mansoura Court of First Instance (MCOFI).[2]

This assessment, along with its associated data collection activities, has three (3) primary purposes. First, the assessment provides AOJS II and its partners, the JIC and the Mansoura Court Working Group, with the detailed data and information necessary to formulate an appropriate plan and timetable for the replication and implementation of certain court reform efforts. These court reforms were previously developed and implemented in two pilot Courts of First Instance, North Cairo and Ismailia, as part of the Administration of Justice Support I (AOJS I) Project, the predecessor to the current AOJS II Project. The replication of these court reforms in the Mansoura and the Alexandria Courts of First Instance (MCOFI and AOCFI) is one of the primary tasks of the Administration of Justice Support II (AOJS II) Project. These efforts have just begun in the Mansoura Court.

Second, through synthesis and analysis of the information gathered, the assessment identifies additional areas for improvement in the Court's organizational and operational efficiency and provides recommendations in those areas. The bulk of this assessment report describes these recommendations in detail.

Third, the assessment provides a baseline picture of the Mansoura Court that can be used to measure future change and consequently the effectiveness and success of these reform, modernization and business process reengineering efforts.

The Mansoura COFI is one of the largest Courts of First Instance in Egypt.[3] Because of the size of its caseload and the size of its judicial staff and administrative infrastructure, court reform, modernization and business process reengineering activities could have a

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[1] The Assessment Team made four (4) visits to the Mansoura Court. In addition to data collection, the Team participated in meetings to plan the front counter / case initiation and Typing Pool improvements.

[2] Members of the assessment team included JIC representatives Counselor Hesham Ezz El Arab, Acting Director; Mr. Nader Abdou Ahmed, Technical Support Supervisor; and Mr. Mansour Sabra, Systems Analyst; and AOJS II representatives Judge Curtis DeClue, Court Management Consultant; Attorney Tawheed Ramzy, Legal Expert; Ed Papps, Judicial Information Systems Expert; Rania Radwan, Senior Judicial Translator; and Sahar Abdel Ghaffar, Judicial Translator.

[3] In addition to the main court building in Mansoura proper, the Mansoura COFI has four (4) Satellite Courts: Dkairness, Manzalah, Metghamr and Sherbien. The Sherbien Satellite Court was added for the 2005 – 2006 judicial year.

significant impact both on the ability of the Court to operate more efficiently and the ability of the judiciary to improve its disposition rate by deciding cases in a more timely manner. The overall objective, of course, is to provide better service to the Court's constituency – the litigants, the attorneys and the general public. And, when the level of service improves, the Court promotes the broader social goal of improving the public's overall confidence and trust in the judiciary, the court system and the rule of law.

Mansoura Court of First Instance
2003 – 2004 Judicial Year

- Case Filings: 37,459
- Case Dispositions: 34,291
- Cases Pending Year End: 55,177
- Judges: 119
- Full Judicial Panels: 30
- Court staff: 587

The work of the Assessment Team in Mansoura reflected the lessons learned in the assessment of the Alexandria COFI, completed earlier this year. The Alexandria experience enabled the Assessment Team to focus its data collection efforts earlier in the process on appropriate court resources and the knowledge gained in Alexandria reduced the time necessary for the Team to fully understand the court procedures and business process framework in Mansoura.

The assessment methodology entailed on-site data collection activities including inspection and documentation of the Court building and physical infrastructure, in-depth interviews with Department/Unit supervisors and Court staff and detailed observation of court case processing procedures. The outline of the current MCOFI caseflow and workflow processes is set out in Attachments A and B. Additionally, the Team collected, reviewed and analyzed general caseload data and human resource information provided by the Court. Detailed information about the methodology applied is described in Attachment D.

The recommendations outlined in the report represent preliminary suggestions for initiating the process of change and improvement in the Mansoura COFI. They should be analyzed in conjunction with the Three-Year Strategic Plan[4] developed by the Mansoura Court Working Group as part of a comprehensive and on-going approach to improvement. The Assessment Team also understands that there are institutional, organizational and economic factors that impact the ability of the Mansoura Court to implement any program of change.

[4] *Mansoura Court of First Instance Strategic Plan: 2005 – 2007*. June 27, 2005

In preparing this Report and developing the recommendations, the Assessment Team has focused on internationally recognized and accepted standards for court performance. These standards are discussed in detail in two U.S. documents: the "Trial Court Performance Standards"[5] originally adopted by the Commission on Trial Court Performance Standards of the National Center for State Courts and the Conference of State Court Administrators in 1990, and "CourTools,"[6] a recently updated and streamlined version of these court performance measures. These standards stress access and fairness, case clearance rates, time to disposition, age of pending caseloads, trial date certainty and reliability and integrity of case files as key factors in evaluating court efficiency. Case delay, an internationally recognized and accepted standard for court performance, has been specifically recognized by the Ministry of Justice (MOJ) as a focus for court reform in Egypt. This is reflected in the Ministry's consideration of the Draft National Delay Reduction Plan for Civil and Commercial Cases.[7] A copy of the Plan is included as Attachment H. These areas are also reflected in the Mansoura Working Group's strategic planning efforts.[8]

This report and the recommendations are submitted as the basis for discussion by the Court and the Working Group. The individual recommendations provide information about the benefits and draw-backs of the suggested options, the related resource requirements, some policy decisions required for carrying out the changes, and the general timeframes for implementation.

Some of the recommendations build on changes already underway in the Mansoura Court and the report provides information for further discussion of options that may be considered to enhance these changes. Other suggestions expand on improvements made and lessons learned in similar legal and court environments around the world.

Finally, this report and the recommendations are the product of a close collaboration between AOJS II and the JIC teams at every step of the assessment process. The teams have worked closely in gathering data, meeting with the Mansoura Court personnel, and developing and preparing this report and the recommendations.

I. Recommendations to Improve Court Efficiency

Court operating efficiency is the key factor in court performance and is at the core of most of the reforms that were introduced under AOJS I and are being considered under AOJS II. Improvements in court operating efficiency will have the most immediate and visible impact on the level of service to the Court's constituency and from that perspective provide the Court with the biggest return on its economic and institutional investment.

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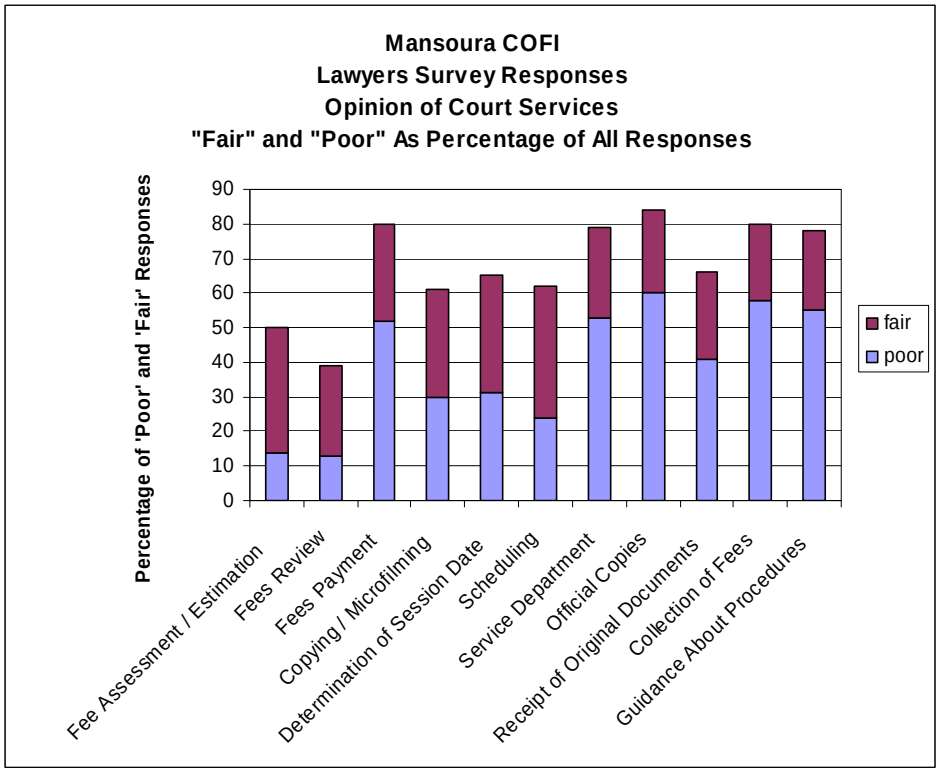
[5] National Center for State Courts, Commission on Trial Court Performance Standards. ***Trial Court Performance Standards.*** 1990 (Revised 2001). Available at www ncsconline.org/D_Research/tcps/index

[6] National Center of State Courts. ***CourTools.*** 2005. Available at www.courtools.org .

[7] Although considered, the National Delay Reduction Plan was never formally adopted.

[8] *Mansoura Court of First Instance Strategic Plan: 2005 – 2007*, pp. 11 and 12.

Clearly lawyers, one of the Court's most important constituent groups, believe that improvement is needed in this area. In September of this year, AOJS II conducted a random survey[9] of lawyers to determine a baseline of their attitudes about the Mansoura COFI. The 125 survey participants were all experienced lawyers who regularly handle Civil and Commercial cases in the Mansoura COFI. The results of this survey show that the majority of lawyers who work in the Court on a day-to-day basis believe that the Court is not operating as effectively as it could. The chart below reflects a composite of the responses to those survey questions dealing with court operations. In nine (9) out of the eleven (11) categories, over 60% of the respondents thought that the Court was performing in only a fair or poor manner and in five (5) of the eleven (11) categories well over 75% of the respondents had an opinion of fair or poor.



Source: Preliminary Draft "*Results of Lawyers Survey – Mansoura COFI*" (October 12, 2005).

With regard to the specific issue of case dispositions, survey participants were asked in an open-ended question to list any suggestions that they may have to reduce case delay and improve Court performance. *Half* of all survey respondents said that judges should not postpone cases as often and should work harder to observe the Court's working hours. Since lawyers' livelihoods depend on prompt and timely case processing by the Court, one would expect such a response from some lawyers. The Team was surprised, however, that half of the survey participants would, without prompting, list scheduling and continuances as areas of concern.

[9] AOJS II Mansoura Lawyers Survey Project. September 20 – 25, 2005.

Many factors affect how efficiently a court is able to dispose of cases. In this Report we will refer to the management of this disposition process as "caseflow management". Since caseflow management is at the heart of what courts are expected to do, the Team examined general factors that affect caseflow efficiency, e.g. caseloads, case disposition rates, time to disposition, the age of the pending caseload and trial date certainly, using international best practices as a guide. The Team also examined several factors that are more unique to the Mansoura COFI and the Egyptian legal system, e.g. the Panel system, the practice of judge rotation and Expert referrals.

In addition, the Team considered factors that affect the general operations and efficiency of the Mansoura COFI, e.g. access and fairness, transparency of the system, staff training and preparedness, physical infrastructure and record keeping.

In developing the specific recommendations, the Team has focused primarily on those areas where we believe that the Mansoura COFI and Working Group can have a significant impact. The recommendations also build on the work currently underway to implement the new front counter / case initiation, automate the Typing Pool and deploy Phase 1 of the new Enhanced Case Management Application (ECMA) software.

In addition to the specific recommendations, there are areas of concern that may be beyond the ability of the Mansoura Court and Working Group to change on their own. The Team has commented in more general terms on those areas in the hope that it can encourage the Mansoura Court and Working Group to work with the Ministry of Justice to address these issues, perhaps in conjunction with the Alexandria COFI and Working Group.

Recommendation No. 1: The Court should study the feasibility of designating a "Court Administrator", who would be specifically charged with the responsibility of working with the Chief Justice, the Panel Judges, the Chief Clerk, the Panel Clerks, the Experts Office and the other members of the Court staff to focus on caseflow management issues and the development and implementation of case management policies and procedures to maximize the impact of the new front counter / case initiation procedures and the new Enhanced Case Management Application (ECMA). Because of the skills, knowledge and leadership qualities required, such a position, if established, should be filled by a Judge.

Analysis

When we discuss effective caseflow management we mean all of the various methods utilized by a court to monitor and control the progress of a case from initiation to final disposition in order to reduce delay and speed the pace of litigation. It has been identified time and again by international commentators as one of the key elements in improving both court efficiency and the public's perception of the court system as a vehicle for dispute resolution. In the U.S., the National Association for Court Management has identified caseflow management as "the absolute heart of court

management."[10] By definition, caseflow management involves virtually every aspect of case processing. For this reason, a good caseflow management plan must deal with many complex issues.

The new front counter / case initiation area will greatly improve the efficiency of front-end case processing and thus become an important component of the Court's caseflow management procedures. The implementation and deployment of the Enhanced Case Management Application (ECMA) will further dramatically improve the caseflow management process by capturing and storing extensive data about cases and making that information easily accessible to Court personnel.

While the new front counter / case initiations procedures will be beneficial, they should not exist in isolation. They constitute only one component of what must be a broad and on-going approach to improving court efficiency and caseflow management.

The new ECMA must be viewed in much the same way. Although the ECMA is a major improvement from the current manually-based system, information is valuable only to the extent that it is used as a management tool. To make a meaningful difference in court operations, an automated case management system must do more than simply display information on a computer screen. If this is the system's only function, then its only benefit is faster access to data. While this is useful, it is only a small part of the potential value of a well-designed system.

Considered more broadly, however, the ECMA can only provide information and analysis. What is most important is how the information is used and how it becomes the basis for decision making. An automated case management system such as the ECMA contributes most to court efficiency when it functions as a management tool to help court personnel perform their jobs more efficiently, when it is used to assemble and analyze information in ways that are meaningful and useful, and when it aids court leaders in the decision making process. In other words, the ECMA must be an integral component of the business practices of the Court and as well as a part of an overall court and caseflow management program.

How can the Mansoura Court realize the full potential of the front-counter / case initiation reforms and the new ECMA? How can the Court maximize the impact of these changes and new systems on Court operations? How can the Court ensure that the front-counter / case initiation reforms and the new ECMA are part of a larger effort to implement, institutionalize and maintain focus on court and caseflow management best practices?

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[10] National Association for Court Management, Professional Development Advisory Committee. *"Core Competency Curriculum Guidelines: History, Overview and Future Uses."* **Court Manager** (Vol. 13, No. 1, 1998)

Key Elements of Effective Caseflow Management

1. **Strong Leadership**
2. Realistic and Enforced Time Standards
3. Early and Continuous Control of Case Progress
4. Firm and Credible Dates for Final Hearings and Case Disposition

It is no surprise that strong leadership has been found to be a fundamental element of almost all successful court and caseflow management improvement programs in the U.S.[11] The important question is: Who should provide this leadership? In the Mansoura Court there are several important sources of leadership: the Ministry of Justice, the Chief Justice, Panel Judges, the Chief Clerk and even individual Court staff members. All can play an essential role. But, can these individuals, functioning in their current capacities, provide the commitment of time and energy and the focus necessary to move such a program from an idea to an on-going reality?

The Team believes that these goals can best be achieved through strong leadership from a "Court Administrator" - an *individual* who is *specifically* assigned with the primary job-duty and responsibility of working with the Chief Justice, the Panel Judges, the Chief Clerk, the Panel Clerks, the Experts Office and the other members of the Court staff on the development and implementation of policies and procedures that will institutionalize caseflow management best practices within the Court (including maximizing the usefulness of the new ECMA system and case initiation procedures caseflow management tools).

Initially the Court Administrator would work with the Court and the Working Group to:

- Develop a consensus definition of caseflow management and a statement of why it is important;
- Develop a strategy for identifying the Court's most critical caseflow management problem areas;
- Define the elements of the Court's caseflow management plan;
- Develop the caseflow management plan;
- Develop a plan for implementing the caseflow management plan; and,

[11] *See generally* David Steelman. *"What Have We Learned About Court Delay, 'Local Legal Culture,' and Caseflow Management Since the Late 1970s?"* **Justice System Journal** (Vol. 19, No. 2, 1997); William E. Hewitt, Geoff Gallas and Barry Mahoney. ***Courts That Succeed: Six Profiles of Successful Courts.*** National Center for State Courts, 1990; Barry Mahoney. ***Changing Times in Trial Courts: Caseflow Management and Delay Reduction in Urban Trial Courts.*** National Center for State Courts, 1988.

- Determine how the ECMA can be used most effectively as an integral part of an overall caseflow management plan.

A model caseflow management plan would include such elements as:

1. A statement of purpose and the overall policy of the Court regarding caseflow management;
2. Case processing and disposition time goals;
3. A scheduling policy for hearings and other court events;
4. A continuance policy; and,
5. A policy for monitoring Expert referrals;
6. The mechanisms that will be used to promote effective caseflow management;
7. Management information reporting that will be used to track performance against stated goals.

Potential Mechanisms for More Effective Caseflow Management:

- Alternative Dispute Resolution
- Prehearing Scheduling Orders
- Differentiated Case Management
- Mandatory Mediation and Settlement Conferences

On a daily on-going basis, the Court Administrator would work with everyone in the Court, the Judges, managers and support staff, to monitor and successfully maintain the operation of the Court's caseflow management plan.

It is easy to see that this would be difficult for someone to do as an adjunct job responsibility.

Implementation Steps, Resource Requirements and Timeframe

Because of the responsibilities involved, the Court Administrator must be an individual who:

- Is a strong Court leader;
- Understands all aspects of Court operations, including the work of the Court administrative staff as well as the work of the Judicial Panels;
- Understands the principles of good caseflow management;
- Realizes the importance of good caseflow management to the success of the Court; and,
- Commands the respect of all Court personnel, including Judges, managers and staff.

Since the Court Administrator would be working very closely with Judges, it is particularly important that this group respect and respond to the person holding this position.

The personality and style of the individual filling this position is also critical. It is important that this individual not be viewed as another "boss", but rather as an individual responsible for providing help, guidance and assistance. At the same time the Court Administrator must be sufficiently empowered and forceful enough to fulfill his mission of maintaining the Court's caseflow management goals and objectives.

Because the effectiveness of this position will be determined to a large degree by the level of perceived authority, we recommend that the Court Administrator report directly to the Chief Justice.

With these qualifications and characteristics in mind, it is seems clear that the best person for this position is a Judge. Only a Judge has the breadth of knowledge, status and authority to bring about the institutional changes that will be necessary in order for good caseflow management to become an on-going, central element of Court operations.

All of this introduces the most difficult aspect of this recommendation. The individual who will perform best in this position is probably already performing to a high level in his or her present position within the Court. Moving a person to this position will likely cause a little needed vacancy in another area.

Now, however, is the best time to create such a position. The Court is undergoing major changes with the implementation of the new front counter / case initiation area and the new ECMA. The addition of the position of Court Administrator at this time could greatly add to the effectiveness of the new procedures and the value of the ECMA as a true management tool. Most importantly, it could help solidify and institutionalize such changes as part of a long-term culture of continuous improvement in Court operations.

It is worth noting that a similar proposal was suggested by the Institute for the Study and Development of Legal Systems (ISDLS) in 1996.[12] This proposal recommended the creation of the position of Case Manager in the Courts of First Instance. The proposal outlines a detailed set of caseflow management duties and responsibilities and, like the Team's recommendation, suggests that a judge would be the best person to occupy such position.

Unlike the Team's recommendation, which envisions a Court Administrator who focuses on the development, implementation, maintenance and monitoring of caseflow management policies and procedures, the ISDLS proposal called for a Court Manager who would exercise powerful authority over the processing of *individual cases.* Under the ISDLS proposal the Case Manager would have, for example, the power to dismiss

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[12] Hiram E. Chodosh, Stephen A. Mayo, Fathi Naguib and Ali El Sadek. *"Egyptian Civil Justice Process Modernization"*. **Michigan Journal of International Law** (Vol. 17, 1996).

cases that did not satisfy pleading requirements. This proposal was never adopted and one can only speculate about the reasons why. No one interviewed by the Assessment Team was familiar with the proposal. It is possible that the creation of such a powerful new position within the Egyptian court structure would have been too much of a departure from the current system.

By way of example, Appendix 1 provides general information to illustrate the role of the court administrator in U.S. courts. It presents several court administrator job descriptions and two documents produced by the National Association for Court Management: "The Court Administrator – A Manual" and "Core Competency Curriculum Guidelines: What Every Court Leader Needs to Know and Be Able to Do." While the role and function of a court administrator in courts in the United States is much broader than what might be appropriate in the Mansoura Court, these materials demonstrate the leadership role that such a position usually occupies in the U.S. If the Mansoura Court and Working Group decide to establish the position of Court Administrator, these materials can also be a useful guide in structuring such a position.

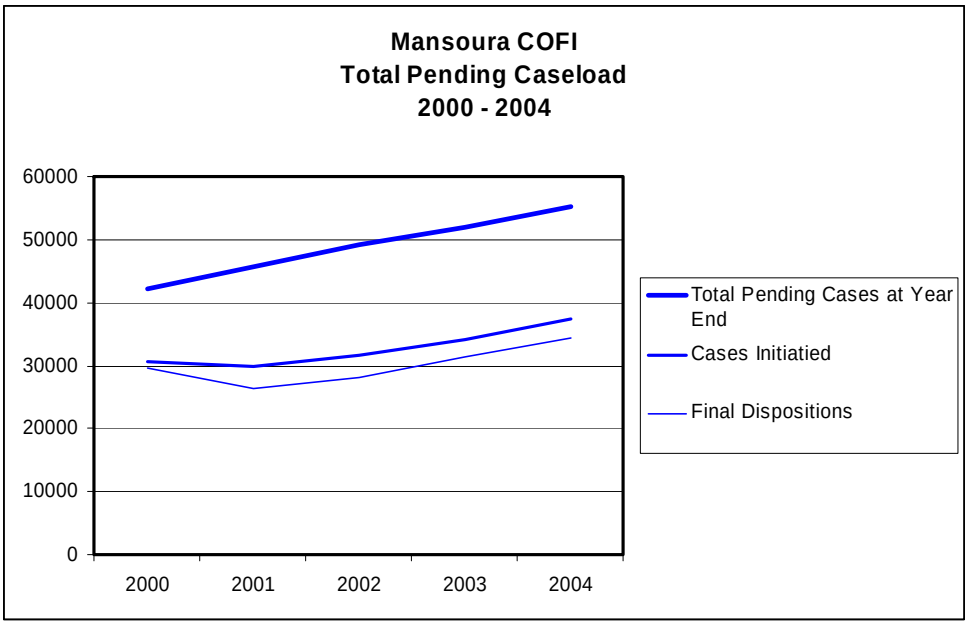
Recommendation No. 2: In order to address the problem of delay, the Court should consider implementing case disposition time standards and a differentiated case management system for select types or groups of cases, particularly in light of the upcoming development and deployment of the new ECMA, which can provide the management information necessary to support such initiatives.

Analysis

The pending caseload in the Mansoura COFI is constantly increasing. It is elementary that if the number of new case filings exceeds the number of case dispositions, the total number of pending cases, i.e. the case backlog, will constantly increase. As the information below demonstrates, this is clearly a problem in the Mansoura Court. The graph below[13] shows filings, dispositions and pending caseloads for all cases at the end of each of the five (5) most recent judicial years[14].

[13] Unless otherwise noted, all statistical information throughout the Report is derived from the data contained in the Mansoura Assessment Tool. Any other sources are specifically identified.

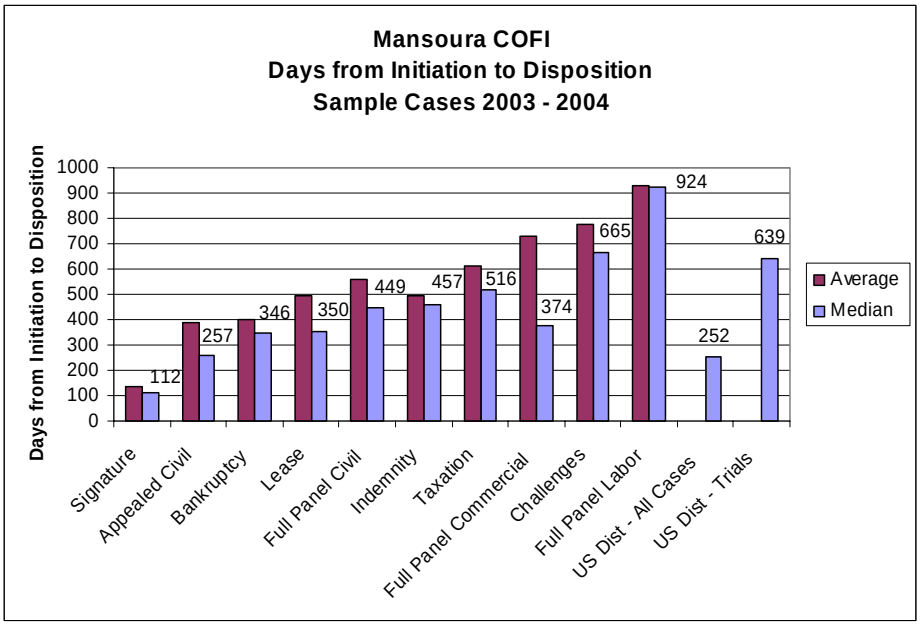
[14] A judicial year begins on October 1 and ends on September 30 of the following calendar year. Judicial years are referred to by the year in which they end. Thus, the 2004 judicial year began on October 1, 2003, and ended September 30, 2004. Unless otherwise noted, all statistical references are to judicial years.



New filings exceeded dispositions every year during the entire five (5) year period examined and in that same five (5) years, the number of pending cases increased from approximately 42,00 to well over 55,000.

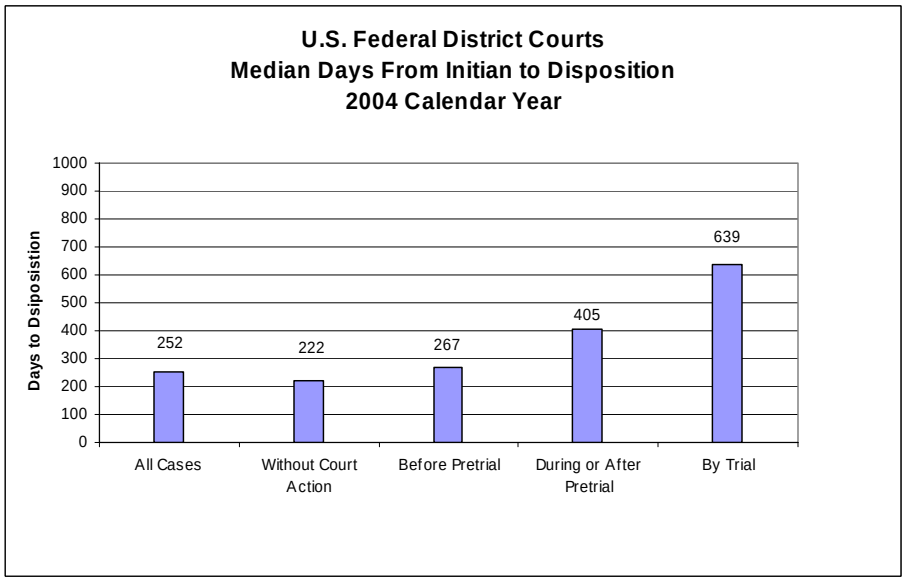
Increasing backlogs lead to increases in case disposition times. At the end of 2001, 4,741 cases had been pending for more than two (2) years. By the end of 2004, that number had increased to 6,180, over 11 % of the total pending caseload.

Information from the recently completed Baseline Case Data Collection Project in Mansoura further illustrates the nature of the problem. As shown on the following graph, the average time to disposition for ***every*** case type in the sample, except Signature cases, exceeded one (1) year. Of that group, two case types had average times to disposition in excess of 1 ½ years; two (2) other case types had averages in excess of two (2) years; and, one (1) case type had an average of almost three (3) years.



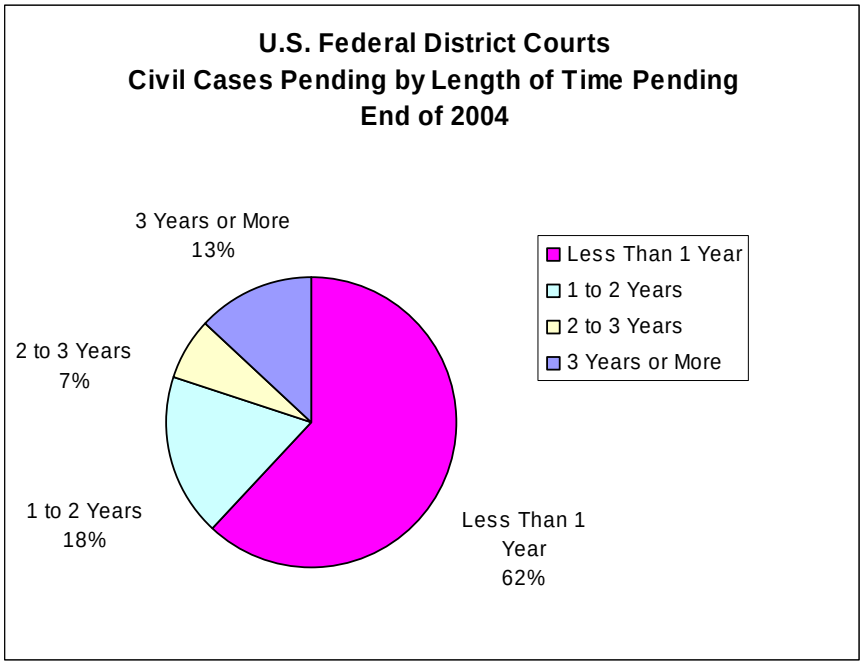
Source: Preliminary Draft "*Results of 2003 – 2004 Baseline Case Data Collection Project – Mansoura COFI*". October, 2005.

For comparison, in the Federal U.S. District Courts, of cases disposed of during the 12 month period ending September 2004, the median time interval from filing to disposition was 8.5 months for all cases and, for over 88% of all cases disposed of during this period, the median time to disposition was less than 8 months. The median time to disposition for the most lengthy disposition category, cases that were disposed of by trial, was only 21.3 months.[15]



[15] Judicial Conference of the United States, Administrative Office of the U.S. Courts. *See* U.S. District Courts statistical profiles at www.uscourts.gov .

During the same period, over 62% of pending Federal District Court cases were less than one year old and only 13% were older than 3 years.[16]



One might argue that U.S. Federal courts have better disposition rates because they have bigger budgets and more resources. However, the situation in local courts in the U.S., where budgets and resources are much more limited, is similar.

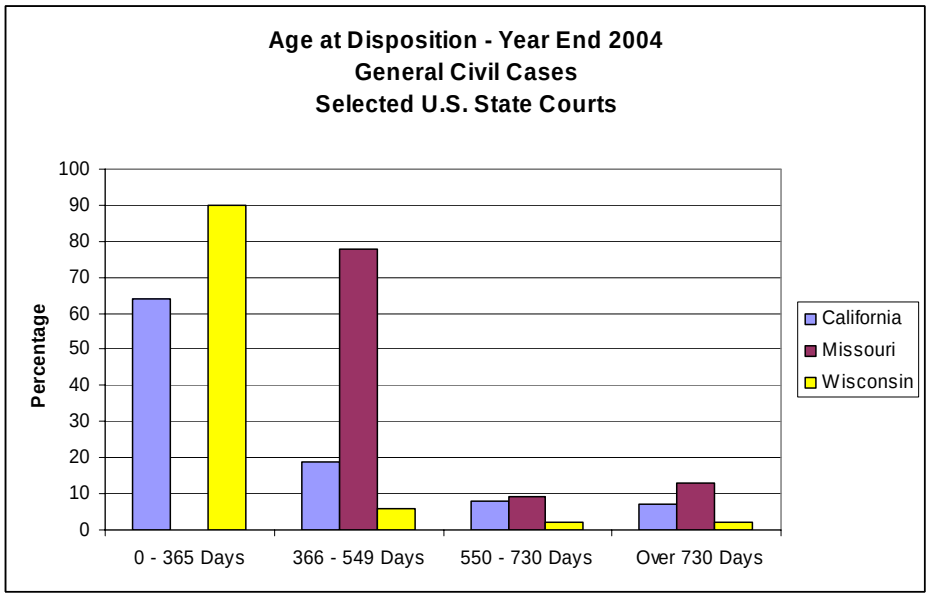
In California, the most heavily populated state in the U.S., of all general civil cases disposed of in 2004, 64% were disposed of within 12 months of initiation, 19% were disposed of within 18 months, 8% were disposed of within 24 months and only 7% were older than 24 months at the time of disposition. In Ohio, another heavily populated state, only 5.8% of civil cases disposed of in 2004 were older than 24 months.

In Maryland, a very small state, the average time from initiation to disposition for all civil cases disposed of in 2004 was 204 days. In Missouri, a mostly rural and less populated state, of general civil cases disposed of in 2004, 78% were disposed of within 18 months of initiation, 9% were disposed of within 24 months and only 13% were older than 24 months at the time of disposition. The average time from initiation to disposition for all civil cases disposed of in Missouri in 2004 was 339 days. In Wisconsin, another rural state, of all general civil cases disposed of in 2004, 90% were disposed of within 12 months of initiation, 6% were disposed of within 18 months, 2% were disposed of within 18 months and only 2% were older than 24 months at the time of disposition. The

[16] The percentage of civil case pending three years or more in the Federal District Courts at the end of 2004 was actually a statistical "spike" as a result of a large number of cases of a single case type that were filed in 2000. The long term historical rate of civil cases pending for three years or more for the ten year period prior to 2000 was approximately 8%.

median time from initiation to disposition for all civil cases disposed of in Wisconsin in 2004 was 95 days.

It is interesting to note that all of the courts mentioned above have adopted statewide case disposition time standards. In the following graph, months have been converted to days for purposes of comparison to the previous Mansoura case age data.[17]



Note: The first case ageing increment tracked by Missouri is 0 – 24 months.

This comparison is not meant to suggest that the U.S disposition time standards are necessarily appropriate for the Mansoura COFI. It does suggest, however, that with the right mechanisms in place, courts of different sizes and divergent circumstances can dispose of cases in a relatively short time period. With the right mechanisms in place, it is reasonable to expect that the Mansoura Court could also achieve significant reductions in case processing times.

Case Disposition Time Standards

The adoption of time standards (i.e. guidelines for the maximum time from case initiation to case disposition) is one of the most straightforward methods of dealing with case delay. Time standards are an essential element of any case management plan because they establish the parameters for the timely administration of justice. As such, time standards perform several functions:

- They establish goals and objectives for the case management plan;
- They provide a basis for measuring the success of the plan; and,
- They provide the basis for determining what needs to be reported in case management reports.

[17] *See* "Bibliography" for state court statistical information sources.

Time standards have been recognized internationally for over two decades as an effective caseflow management tool. They are important elements of both the "Trial Court Performance Standards" and "CourTools" discussed earlier in this Report. Many courts and professional organizations in the U.S. have adopted case disposition time standards. The table below shows examples of some of these time standards. It also illustrates that time standards need not be overly detailed or complex.

Example Civil Case Disposition Time Standards

	COSCA & CCJ	ABA	California Supreme Court	Michigan Supreme Court	Missouri Supreme Court
General Civil	18 months – Jury Trials 12 months – Non-Jury Trials	90% in 12 months 98% in 18 months 100% in 24 months	75% in 12 months 85% in 18 months 100% in 24 months	90% in 273 days 98% in 364 days 100% in 455 days	50% in 12 months 90% in 18 months 98% in 24 months
Summary Proceedings **(small claims, landlord – tenant, etc.)**		100% in 30 days	90% in 12 months 98% in 18 months 100% in 24 months	100% in 124 days (Jury Trials in 154 days)	50% in 4 months 90% in 8 months 98% in 12 months

All time standards are measured from time from filing to trial or disposition.
COSCA: Conference of State Court Administrators
CCJ: Conference of [State Supreme Court] Chief Justices
ABA: American Bar Association

Time Standards Not New to the Egyptian Legal System

In fact, time standards are not new to the Egyptian legal system. The time standards are a part of the MOJ's draft National Delay Reduction Plan and the Code of Procedural Law for Civil and Commercial Cases[18] contains a number of provisions that specify time frames and deadlines for the completion of various court activities. For example, Articles 65 and 66 of the Code set out timeframes and deadlines for several procedures involved in the initiation, hearing and disposition process. Article 98 states that a case may not be postponed more than one time for the same reason and that a postponement should not

[18] See Attachment I for the text of Articles 65, 66, 98 and 99.

exceed three weeks. Article 99 even provides for fines for anyone, including *court personnel*, responsible for delaying any court procedure.

A review of case processing and disposition information from the Court demonstrates clearly that these provisions are not enforced. We believe that they are not enforced for two primary reasons. First, caseflow management is not a key element or focus of the Court's operating environment. Second, there is no supporting infrastructure to provide Court leadership, Court staff and Judges with the tools and information needed to monitor time standards.

Time Standards Require a Supporting Infrastructure

To be successful time standards cannot exist in isolation. It is unrealistic to believe that time standards will have an effect on court performance without a supporting infrastructure that:

- Monitors case progress and provides judges and court staff with the information needed to measure their performance; and,
- Provides judges and court staff with the tools, guidance and assistance needed to achieve the time standard goals.

For these reasons, time standards must be a part of an overall case management plan that addresses the causes of delay and reflects the shared commitment of all Court leaders and Court managers to improve case processing.

Some judges resist the idea of time standards because they view them as rules that interfere with their independence and their authority to manage their cases. Others feel that they fail to reflect the individual nature and complexity of each case. These are the usual objections, not just to time standards, but to the entire concept of caseflow management. Success, however, cannot be measured without goals and objectives. Time standards are simply a method of establishing those goals and objectives in the context of a caseflow management plan.

At the same time, good case management plans and their accompanying time standards are successful, not because they are inflexible, punitive rules, but because they reflect a shared consensus among Court leaders and Court staff about these goals and objectives and about how the Court should be serving its constituency. Well-designed case management plans and time standards must be flexible enough to accommodate the unique and sometimes complex nature of every case that comes before the Court.

Time standards can be implemented as broad guidelines applied to ***all*** cases or they can be further broken-down by case type or some other differentiating factor. While this approach adds to the complexity of setting up and administering the system, it does result in a system that better reflects the wide variation in the work of the various Judicial Panels. Such a system is usually referred to as differentiated case management.

Differentiated Case Management

The idea of differentiated case management (DCM) is simple. Different types of cases can be managed differently. Because cases differ substantially in the time required for a fair and timely disposition, not all cases make the same demands upon judicial resources. Therefore, they do not need to follow the same disposition timetable. Some cases can be disposed of expeditiously, with few intermediate events. Others require extensive court supervision over pre-hearing procedures, scheduling of forensic testimony, referrals to Experts, etc. Even though this concept seems intuitive, it has not been applied to court case management until relatively recently and is still the exception rather than the rule in even the most advanced courts throughout the world.

In a system of differentiated case management, the court establishes a number of "case tracks," each of which reflects the processing requirements of a different case type or category. Within each case track there are specific target time standards for the completion of certain case events and for final disposition. These time standards are then monitored for compliance. Thus, the DCM concept is in a sense simply a refined set of time standards for different case types.

Case track designations, like time standards in general, need not be overly complex. They can be relatively simple, such as that utilized by the U.S. Federal District Court for the Northern District of the State of Ohio:

EXPEDITED: issues are few and clear	To be completed in 9 months
STANDARD: issues are typical	To be completed in 15 months
COMPLEX: issues are numerous or complex	To be completed in 24 months
MASS TORT: multi-District litigation, etc.	Afforded special treatment in accordance with unique aspects of the litigation
ADMINISTRATIVE: social security reviews, student loan defaults, etc.	Can generally be resolved on the pleadings or by motion; referred directly to a Magistrate Judge for a report and recommendation

In a DCM system, cases are screened early to determine the procedures required for processing and they are then prioritized for disposition. Inherent in the concept of DCM is the recognition that many cases can—and should— proceed through the system at a faster pace than others if appropriate procedures are provided. Under a DCM system, cases do not wait for disposition simply on the basis of the chronological order of their filing.

A DCM system is not an easy system to implement. In practical terms, an automated case management system is essential for the necessary reporting and monitoring. With the development and deployment of the ECMA, however, the Mansoura Court will have the tools necessary to implement DCM if it so chooses. Although not easy to implement, the benefits can be substantial.

The Mansoura COFI appears to be an excellent candidate for a DCM system. Presently there is virtually no distinction between the ways cases are managed. Cases are managed on an individual basis, without any particular prior planning for the case disposition process. The only management principle is to dispose of cases as quickly as possible, consistent with the availability of parties, Court and Judge Panel resources. There is no distinction between complex Tax and Commercial cases and the simplest Signature case in terms of procedures and processing.

Benefits of DCM

DCM would enable the Mansoura Court to make better use of judicial and staff resources. Early screening identifies cases that require substantial judicial involvement to ensure timely preparation and disposition as well as those that require less judicial intervention and preparation time. By tailoring the disposition process to the management needs of cases, court resources can be used more efficiently and judges' time can be reserved for functions that require a judge's effort.

The impact of a DCM system on case processing time is particularly apparent in simpler cases, such as most Signature cases, that do not require the full range of procedural steps. Earlier attention to these cases and shorter deadlines for case completion can have a marked impact on the court's overall disposition times.

By tailoring case processing time and procedures to individual case categories, DCM improves the quality of the case process. Early case screening, an essential component of DCM, promotes better attorney preparation and more informed discussion of disputed issues at each event. For the litigants, DCM provides greater certainty that their cases will receive the degree of time and attention necessary and that they will reach timely disposition. DCM also facilitates greater public access to the court process by assuring that the time and procedures allocated for the disposition process are consistent with case requirements.

Improving the court's public image is a very real benefit of implementing a DCM system. The efficiency and predictability achieved through a well-functioning DCM program can

enhance the respect and credibility of the court among the legal community and the general public.

Goals and Objectives of DCM

A DCM system should have two (2) primary goals:

- The timely disposition of all cases consistent with their case management requirements, and
- The improved use of judicial resources by tailoring their use to the specific requirements of the case.

Elements of a DCM System[19]

The basic elements of a DCM system consist of:

- The creation of multiple tracks for case processing and disposition, with differing procedural requirements and timeframes reflecting the requirements of the cases that will be assigned to that track.
- Provision for court screening of each case shortly after filing so that each will be assigned to the proper track according to defined criteria.
- Continuous court monitoring of case progress within each track to ensure that it adheres to track deadlines and requirements.
- Procedures for changing the track assignment in the event the management characteristics of a case change during the case disposition process.

The key element is the development of meaningful DCM track criteria that properly identify the factors that determine the levels of preparation and court intervention required to achieve a just and timely resolution of each case. A variety of approaches have been used. Some courts differentiate on the basis of the seriousness of the case or the characteristics of the claims, such as the amount in controversy. Other courts estimate the time required for preparation and disposition based on the need for experts, the number of parties, or other such factors. Some courts simply differentiate on the basis of case type; others use a combination of these approaches. No approach has been demonstrated to be superior as long as it permits a court to distinguish the amount of preparation and judicial resources needed to resolve each case fairly and in a timely manner.

Caseflow Management Involves All Parts of the Court System

It would be overly simplistic to conclude that most caseflow management problems involve the hearing process and that caseflow management and time standards are primarily issues for Panel Clerks and Judges. Delays in the disposition process can arise

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[19] *See generally* U.S. Bureau of Justice Assistance. ***"Differentiated Case Management Program Brief."*** 1993.

from many areas – an inefficient case initiation, indexing and registration process; delays in service of process; the failure of Panel Clerks to properly mange hearing roles; delays in service during the hearing process; delays in preparing and carrying out judgments; etc. It is for this reason that time standards are measured from *initiation* through *final disposition*, i.e. they seek to measure and monitor *every* step in the process.

If the Court is to succeed in reducing its backlog and creating an efficient case disposition process, good caseflow management techniques, such as time standards and differentiated case management, must be applied to *every* Court department and unit involved in case processing. Every employee of the Court – managers, staff and the Judiciary – must be committed to the concept that efficient caseflow is an essential element of successful Court operations. But, because the work of the Judicial Panels is the central component of all case processing activities, Judges should assume a primary role in the implementation and on-going operation of the caseflow management plan.

Plans Exist; People Succeed

It is important to note that courts, like all organizations, are primarily about people and not plans. People put plans into action. Plans set goals and objectives, but people achieve them.

A good caseflow management plan is no substitute for a knowledgeable, well-trained, hard working court staff. With or without a caseflow management plan, some court personnel, including Judges, will perform more efficiently than others. In some cases, superior performance is the result of hard work and dedication; in other cases, it results from more knowledge and better training; in still others, it comes from more experience.

In this regard, a good caseflow management plan serves two functions. First, it establishes the goals and objectives that enable court leaders and managers to identify superior and sub-standard performance. Second, it provides the caseflow management tools that allow as many court personnel as possible to achieve superior performance.

But, because there is no substitute for a skilled hard working staff, a caseflow management plan must be supported by on-going programs that:

- Promote good work habits;
- Create a shared commitment to the importance of efficient caseflow;
- Explain the purposes, goals, objectives and operation of the plan;
- Train personnel in the use of good caseflow management techniques to achieve the goals and objectives of the plan; and,
- Train personnel in the use of the caseflow management tools provided in the plan.

Implementation Steps, Resource Requirements, Timeframes

The development of effective case disposition time standards and the design of a credible DCM system require much of the same work. The Court and the Working Group should

assign a study group to develop time standards and a DCM program consistent with the goals of the overall Mansoura Court case management system. Since the DCM system in particular will involve almost all aspects of Court operations, the group should consist of key policy as well as operational staff. The complexity of the process will also require leadership both as a part of the study group and in the form of strong support from the Chief Justice and the Working Group. The following steps are necessary to design and implement a DCM program:

- Develop of a common understanding of existing caseflow procedures to include:
    - Key events in the caseflow process,
    - Responsible staff at each stage,
    - Points at which the Court exercises (or loses) control over case progress.
- Determine *realistic* optimal, normal and maximum time frames between events.
- Define criteria for case differentiation and agreeing on DCM track characteristics.
- Define the case characteristics for each track, including the key events in the caseflow process and the timeframes for such events.
- Identify Court procedures that need to be changed or instituted.
- Assure that essential DCM monitoring functions are performed.

Appendix 3 contains examples of administrative orders, court rules and management plans utilized by several U.S. courts that have adopted time standards and/or DCM programs. These documents can serve not only as procedural guides for the Mansoura Court, but also as checklists of the various case management and administrative components of time standards and DCM systems.

As stated earlier, it is obvious that time standards and DCM systems cannot function effectively without a comprehensive caseflow management reporting system. With the development and implementation of Phase 1 and later Phase 2 of the ECMA, such resources will soon be available to the Court. But, there are many technical, procedural and policy issues that need to be addressed in order to determine whether time standards can be administered with success and whether a DCM system is viable in a particular court. For example:

- Does court leadership support the DCM concept?
- Does the court's automated case management system provide the data necessary to support and monitor a DCM system?
- Have the court's existing caseflow management processes been documented in order to plan DCM procedures?
- What cases and case types should be included in the DCM system?
- Can court leaders, and particularly judges, agree on criteria for:
    - Establishing case processing tracks, and
    - Assigning case to individual tracks?
- Is the court willing and able to provide the leadership resources necessary to coordinate, manage and monitor the DCM program?

It will take time to consider all of these issues and develop systems that reflect the needs of the Mansoura COFI. Now is the best time to undertake the substantial planning effort in order to ensure that the Court will be in a position to implement time standards and DCM when the new ECMA is operational.

The implementation of case disposition time standards and DCM is a major undertaking requiring strong leadership and management focus. If the Court chooses to implement the position of Court Administrator, this is also an ideal assignment for that individual.

Recommendation No. 3: The Court should review the design of both Phase 1 and Phase 2 of the new ECMA and the data that will be captured in order to design and develop specific caseflow management and other court management reports that will properly support the Mansoura Court's caseflow management goals and objectives and address the court administration and caseflow management concerns of the Chief Justice, the Panel Judges, the Chief Clerk, the Panel Clerks and the members of the Court staff.

Analysis

Valid, reliable and useful information on the nature, scope and volume of the work before the Court is an absolutely essential element of good case management.[20] But, as discussed in Recommendation No. 1, the most strategic value of an automated case management system is not simply its ability to capture and display information, but rather its ability to accumulate, analyze and report information in a way that is meaningful for making business decisions. With the deployment of the new ECMA, it is important to ensure that the system provides this type of information to the Mansoura Court.

Indicators of a Good Case Management Reporting System

- Reports facilitate the management of case processing
- Reports facilitate the identification of patterns that need to be changed
- Reports promote and support realistic executive decision making
- Reports encourage long-term analysis and reform efforts

A caseflow management plan and case processing standards are ineffective unless they are supported by a methodology for monitoring performance and for comparing that performance to stated goals. Therefore the ability to monitor the progress of individual cases as well as the progress of the Court's aggregate caseload is essential to maintaining an effective caseflow management system. With the deployment of Phase 1 of the new ECMA, the Mansoura Court will have the potential to develop an effective monitoring

[20] National Center for State Courts and State Justice Institute. ***State Court Guide to Statistical Reporting.*** 2003

system. It is important, however, for the Court to translate this potential into reality. Phase 1 of the new ECMA will provide basic information, but Phase 2 is intended to provide additional data fields to expand the capabilities of the system. Now is the appropriate time for the Court to review the design of the ECMA and the information that will be captured, particularly in Phase 2, in order provide input into the Phase 2 design. In this way, the Court will be able to develop specific caseflow and other court management reports to provide this performance monitoring component and at the same time address the caseflow management concerns of the Chief Justice, the Panel Judges, the Chief Clerk, the Panel Clerks and the other members of the Court staff.

Types of Caseflow Management Reports

There are two basic types of caseflow management reports: (1) individual case progress reports, which focus on measurements that show whether individual caseflow and case management goals are being met, and (2) performance indicator reports, which focus on measurements that show, usually after the fact, whether caseflow and caseload goals were met. When considering what specific reports to develop, the number produced should be kept to a minimum; they should present appropriate information and report only the information necessary to get the point across and to get the recipient's attention. If a report requires a great deal of information, it should provide a summary and highlight the most important data. Where appropriate, the reports should provide comparative statistics to place current data in perspective. If possible, a brief analysis should accompany the report to provide the recipient with the purpose of the report, highlights of current and comparative data, and a description of how the information in the report can or should be applied.

Individual case progress reports might include the following information:

- Case status (such as open, pending/disposed, closed)
- Case age (age of the case at any stage in the process)
- Last activity (type of last event and date)
- Next activity (type of next event and date)
- Number of continuances and reasons for continuances
- Compliance with court deadlines or procedural deadlines
- Expert referral information

Examples of case progress reports are: cases with no next action date, no progress or lack of service, age of cases at each event, time intervals between events, and exception reports (i.e. cases which fall outside a defined parameter).

Performance indicator reports include aggregate case reports showing:

- Measures of case inventory;
- Measures of delay;
- Activity measures;
- Case scheduling measures; and,

- Evaluation measures.

The principal measure of case inventory is the number of cases pending. Possible classifications include cases pending at each case processing stage, changes in each category since the last reporting period and the number of cases of each type that exceed case processing time goals. An example of this report is a pending case age inventory. The pending case inventory serves as a snapshot of all pending cases according to case-type, case-age, last action held and date, and next action scheduled and date. The case inventory serves to ensure that no cases are pending for which next action or review dates have not been set.

Closely related to case inventory measures, and of equal or greater importance to caseflow management, are measures of delay. The most significant delay measure is the age of the pending caseload, reported by major case type. This measure describes the inventory awaiting processing including older cases that the court may want to address immediately. A typical measure of delay is the time to disposition. This analysis measures the time courts take to dispose of their cases. This type of report measures the success of courts in the timely processing of cases, identifies the case types where possible delays occur, and assists in assessing the resources needed to improve performance. While this report is primarily used to show past performance, it is more important to use it proactively to manage caseflow.

Activity measures usually include aggregate figures for filings and dispositions and other counts for specific purposes, such as the number of continuances per case or the number of trials, conferences, or hearings held in a given period. Possibly the most useful activity measures are those that report the proportion of filed cases that go to final hearing or that report changes in measures such as filings and dispositions over a period of time. Such comparative information reveals trends that can be useful for planning purposes.

Case scheduling measures show the need for changes in the scheduling system to achieve event date certainty, particularly of final hearings. A useful measure in this area is the number of cases scheduled for a specific calendar period, classified by cases:

- Settled before the final hearing date;
- Continued at the request of an attorney;
- Continued because no judge was available;
- Held over to later dates and disposed; or,
- Proceeding to final hearing on time.

Determining the continuance rate is another essential part of caseflow analysis because continuances granted without good cause undermine a caseflow management system even if the system is credible in other respects. A trial calendar analysis is of equal importance because it helps evaluate judicial resource allocation. Both provide insight into current court scheduling practices.

Evaluation measures should be based on the caseflow goals of the Court or the procedure being examined. For example, if the purpose of a new procedure is to reduce the time between the completion of a particular process or event and the final hearing, then the time between final hearing and the completion of the process or event must be measured in the evaluation. For comparative purposes, this same measure should be applied either to a period before introducing the new procedure or to a group of cases not subject to the change.

Implementation Steps, Resource Requirements and Timeframe

The discussion above only touches on the complexities involved in determining an appropriate set of caseflow management reports. The important points are that:

- Monitoring progress against caseflow management goals is essential to improving court efficiency; and,
- Good caseflow management reporting is essential to the monitoring process.

The new ECMA, particularly after the deployment of Phase 2, will make it possible to produce caseflow management reports in a way that is almost impossible in a manual environment. Since Phase 2 of the ECMA is in the planning and development stage, now is the time for the Mansoura COFI and Working Group to work with resources from the JIC to develop these reports and ensure that the capability to produce these reports is included in the ECMA Phase 2 functionality.

Examples of some of the many caseflow management reports being used by various courts have been collected in Appendix 2. These are provided to assist the Court and the Working Group in developing and designing reports that will reflect the specific caseflow management goals of the Mansoura Court.

One of these reports is particularly worth noting. It is reproduced on the following page, as well as in Appendix 2. It is a composite annual report for a U.S. Federal District Court.[21] It is an excellent example of a report that follows the design principles discussed above. It presents extensive information in a concise manner that is also easy to understand. It gets the readers attention by highlighting the most important data and provides comparative statistics to place current data in perspective

[21]Judicial Conference of the United States, Administrative Office of the U.S. Courts Website. Available at http://www.uscourts.gov/cgi-bin/cmsd2004.pl .

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

			12-MONTH PERIOD ENDING SEPTEMBER 30							
ILLINOIS NORTHERN			2004	2003	2002	2001	2000	1999	Numerical Standing	
OVERALL CASELOAD STATISTICS	Filings*		10,584	11,126	11,135	10,957	9,496	10,053	U.S.	Circuit
	Terminations		11,461	10,888	10,709	10,319	9,784	9,918		
	Pending		7,706	8,699	8,587	8,271	7,713	8,196		
	% Change in Total Filings	Over Last Year		-4.9					70	7
		Over Earlier Years			-5.0	-3.4	11.5	5.3	54	5
Number of Judgeships			22	22	22	22	22	22		
Vacant Judgeship Months**			9.6	22.1	17.8	3.3	19.2	33.2		
ACTIONS PER JUDGESHIP	FILINGS	Total	481	505	506	498	432	457	42	4
		Civil	437	461	459	470	402	431	19	3
		Criminal Felony	32	38	39	28	30	26	88	7
		Supervised Release Hearings**	12	6	8	-	-	-	72	6
	Pending Cases		350	395	390	376	351	373	63	4
	Weighted Filings**		512	526	525	503	482	483	41	4
	Terminations		521	495	487	469	445	451	30	3
	Trials Completed		12	12	14	15	13	15	80	6
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	10.3	9.9	10.3	9.9	11.0	10.8	78	6
		Civil**	5.9	5.5	5.5	5.6	5.1	6.0	4	2
	From Filing to Trial** (Civil Only)		28.4	26.0	26.0	26.3	27.5	28.5	70	7
OTHER	Civil Cases Over 3 Years Old**	Number	337	442	461	485	504	527		
		Percentage	5.0	5.6	6.0	6.4	7.2	6.9	61	6
	Average Number of Felony Defendants Filed Per Case		1.9	1.7	1.7	1.6	1.7	1.7		
	Jurors	Avg. Present for Jury Selection	39.36	45.57	43.63	39.43	38.55	39.23		
		Percent Not Selected or Challenged	31.0	37.3	34.8	36.7	29.5	34.5		

This recommendation also demonstrates the importance of the recommendation concerning the designation of a Court Administrator. It is easy to see from the brief discussion above that there are many factors to be considered in the development of an appropriate set of caseflow management reports. The process can be time consuming and requires a cooperative approach involving Court leadership and managers. It is not a process that happens on its own and almost always requires a strong leadership. This is precisely the role that the Court Administrator can fill.

In addition to strong leadership, the Court should involve members of the Court management staff that represent the concerns and needs of those in the Court other than the judiciary.

Like most efforts, the value that the Court derives from this exercise will be in direct proportion to the effort expended. Sufficient priority must be given to the activity and the right resources must be assigned with clear goals and objectives. The result, however, will be that for the first time the Court will be able to fully understand its work, how it is performing and how it can improve in the future.

Recommendation No. 4: To enhance the ability of the Court staff, attorneys and litigants to find cases and case information, the Court should review the Index Registry process to determine whether it can be streamlined and whether a new case numbering scheme should be adopted.

Analysis

> "A reliable and accurate case file system is fundamental to the effectiveness of day-to-day court operations and fairness of judicial decisions. The maintenance of case records directly affects the timeliness and integrity of case processing."
>
> National Center for State Courts. **CourTools**. 2005.

For producing case files and capturing basic case information, the Mansoura COFI currently uses it own system of Index Registration. All cases, except Signature cases, are indexed in either the General Civil Index (which includes General Civil, Compensation, Labor and Housing cases) or the Commercial Index (which includes Commercial, Taxation and Bankruptcy cases). Signature cases are the only case type that has its own Index. At case initiation, along with each of these main Indexes, Index Department personnel create a series of Sub-Indexes for the various case types. This creates several problems.

First, this means that there is an increased amount of indexing work during the case initiation process, which also introduces the possibility for more errors. In some cases the information between the main Index and the Sub-Index does not match. The result is that litigants and attorneys (and often even Court staff) cannot find information and case

files in a timely manner. As a result, one must review both the main Index and the Sub-Indexes in order to compile any case-type statistics or information.

Second, the case number is assigned from the main Index, rather than from the Sub-Index. This means that the case number on any given case is simply a running serial number unrelated to the case type. Therefore in a series of sequential case numbers, a General Civil case may be followed by a Labor case, which may be followed by a Housing case, which may be followed by two General Civil cases, and so on. The case number consists only of the sequential serial number and it provides no other information about the case. Therefore, if one has only the case number on a misplaced filing or document, it will be necessary to examine a number of Index books in order to relate the item to the proper case and case folder.

Finally, there is no relationship between the case number, which is the most obvious case identifier, and the order in which cases are filed in the Archives. In the Archives, cases are filed first according to the judicial year in which the final judgment was issued, then according to the case type and finally according to the sequential case number. Because there is no relation between the organization of the Archives and the organization of the Index books or the case numbering system, it is virtually impossible to find a file in the Archives without a great deal of research. While not of the same magnitude, this system also makes it more difficult for Panel Clerks to organize their files.

The implementation and deployment of the ECMA should greatly simplify the Indexing process, allowing a single Index entry, accessible to anyone on the Court's computer network, to serve the entire Index process. For this reason, the Court should plan now for how this capability will be used.

We recommend that the Court institute a system of separate Indexes for each case type or a single Index upon implementation of the ECMA. In either event, there appears to be little reason to create a Sub-Index. Such a system simply creates a duplication of effort. The use of a single Index will reduce errors and mismatched information between the Indexes. Once the ECMA is deployed, a user will be able to directly retrieve Index information by a number of different case criteria and the Sub-Index will be unnecessary. If for some purpose, the Court requires a hard copy of the Index, a fully up-to-date copy can be printed at any time, divided by case type if necessary.

The new ECMA will also make it possible to implement a new standardized case numbering system. As described above, the Mansoura Court simply uses a sequential serial identifier as the case number. A case numbering system that uses certain identifiers within the case numbering format (such as filing date, case type, panel number, etc. along with a serial identifier) can be a useful aspect of the case management process. The problem of lost, missing and misplaced case folders may seem like a minor problem – until a court hearing or other matter is delayed for hours or days because a file is not available. It is a problem that can have a huge impact on court efficiency.

Case Numbering Examples from the U.S.

The State of Indiana uses a 15 digit case number. A typical case number in an Indiana court would be:

03C01-0510-CT-0001

This case number contains the following information:

- County (equivalent to a Governorate) Identifier: 03
- Court within the County Identifier: C01
- Year (2005) and Month (10) of Case Initiation: 0510
- Case Type (Civil Tort): CT
- Sequential Serial Number (4 digits minimum): 0001

Indiana Supreme Court. ***Administrative Rule No. 8.*** *Uniform Case Numbering System. Effective September 9, 2005.*

The State of Missouri uses a 14 digit case number. A typical case number in a Missouri court would be:

16-CV-12-05-000001

This case number contains the following information:

- Circuit Court Identifier: 16
- Case Type Identifier (General Civil): CV
- Physical File Folder Location Identifier: 12
- Year (2005) of Case Initiation: 05
- Sequential Serial Number (6 digits minimum): 00001

Supreme Court of Missouri. ***Court Operating Rule 4.*** *Uniform Record Keeping System. Effective January 1, 2004. It should be noted that this Rule also specifies the format of a uniform information sheet that must be filed when a new case is initiated, the format of all Indexes that must be maintained by each court, the format of file folders and a uniform accounting system for court receipts.*

We recommend that the Court review its current filing procedures to determine a more logical and intuitive system. The more logical and intuitive the filing system, the easier it is to retrieve case files. The use of a more logical case numbering system and the use of the case number as the basis for organizing files would enable the Archive Unit to develop better procedures for storing cases on a permanent basis and Panel Clerks to develop a more reliable system for filing current case folders.

Indicators of a Good Record Control System

- Each case has a unique numerical identifier.
- Cases are numbered within year, not consecutively over a multi-year period.
- The index provides cross-references to the names of all parties.
- Cases are housed in folders or other adequate containers and stored in an orderly manner.
- New case papers are placed timely and accurately in the folder.
- There is a system for tracking folders that are temporarily out of place.
- The rate of record loss or misplacement is low.

Center for Democracy and Governance. **Case Management and Tracking Guide**. 2001.

All of this is not to suggest that there is no logic behind the Court's current Indexing, case numbering and Archiving systems. We do believe, however, that the current systems require redundant effort on the part of Court staff in the case initiation process and extra effort on a day-to-day basis to make the systems work.

Implementation Steps, Resource Requirements and Timeframe

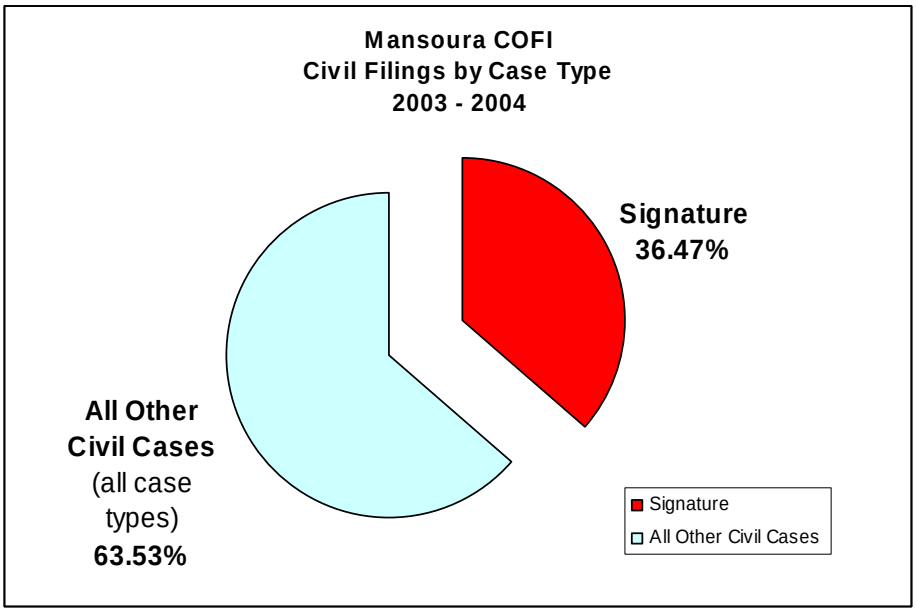
Timing is of the essence of this recommendation. It is likely that a unified case numbering system will be implemented with the new ECMA and it is important for Mansoura to play a proactive part in this development. It is easy for such developments to be adopted from above, without the input of the stakeholders who must work with the system every day. The Mansoura Court staff is in the best position to know and understand what will work in Mansoura. If Mansoura is gong to play and active role in this decision, it should act now.

The Court and the Working Group should determine the direction of the ECMA development, particularly the Phase 2 design, and assign a team to work with the ECMA development and implementation team. It should be made up of individuals from Indexing, Panel Clerks and Archiving, the main units responsible for case files. If the Court chooses to undertake the designation of a Court Administrator, this is also an ideal assignment for that individual. This will require leadership and a willingness to articulate the issues and concerns of the Mansoura Court to make sure that they are reflected in the ECMA design and capabilities.

Recommendation No. 5: Since the number of Signature cases far exceeds the number of cases for all other case types, the Court should consider applying a DCM system to such cases and consider ways to streamline the administration and processing of such cases to ensure that they do not consume a disproportionate amount of court resources and in particular a disproportionate number of Panel Judges who could be assigned to handle more complex cases.

Perhaps more than any other case type, the processing and disposition of Signature cases best illustrates the possibilities for increases in efficiencies that might be derived from a system of differentiated case management.

In terms of sheer numbers, Signature cases are by far the most numerous cases of any type heard in the Mansoura COFI. In the 2003 – 2004 Judicial Year, over 13,600 Signature case were filed. Signature cases consume the efforts of 13 Judicial Panels.



Signature cases are also some of the most routine matters heard by the Court. Signature cases primarily involve the determination of whether the signatures on a document are valid. Although the potential exists for more complex issues to arise, most Signature cases are quite simple and judicial involvement is straightforward. Nevertheless, there are no special case management procedures applied to Signature cases, and they are processed in the same manner as all other cases.

Signature cases are initiated and indexed and opposing litigants must be served using the same procedures as all other cases. The hearing process and the issuance of a judgment take place in the same way as any other case.

In addition, the initiation and disposition of a Signature case is usually only the first step in a longer litigation process. As an example, in the case of a contract, if a litigant is successful in obtaining a final judgment in the Signature case that the signatures on the contract are valid, he must still file a new case to resolve the dispute surrounding the contract itself.

For this reason, Signature cases may be a good test for the application of DCM principles. Signature cases are different from other cases, and it is reasonable to assume that they could be managed in a way that reflects these differences. Because of the size

of the Signature caseload and the Court resources devoted to handling these cases, even small increases in processing efficiencies at the individual case level could result in the freeing up of substantial Court resource overall.

There are several possible procedural changes that could provide a DCM-like solution to streamline the processing of routine Signature cases and potentially free up judicial and Court resources.

- Create a separate case initiation and intake for Signature cases;
- Institute an immediate review and categorization of each Signature case to separate those cases that require only "summary" processing from those that require a more formal hearing and disposition.
- Create a separate Panel Clerk and Judicial Panel structure to deal with the 'summary" Signature cases.
- Provide immediate referral of 'summary" Signature cases for fast track disposition.
- Develop forms and templates for judgments to speed the intake and disposition process.
- Reduce Judicial Panels handling 'summary' Signature cases to a Partial Panel.

Although it marks a major change in accepted procedure, the Court might consider the elimination of signature verification as a separate judicial procedure. Instead, the litigant files one case and the same panel considers the issues involving the validity of the signatures *as well as* the issues underlying the dispute over the terms of the document. At the very least this eliminates duplicate case initiation, service and notification processes and greatly reduces or eliminates other administrative procedures.

Implementation Steps, Resource Requirements and Timeframe

The resources needed to implement these changes in processing would be minimal. They are already in place. The biggest resource requirement, if it can be called such, is to develop the commitment to change traditional ways of doing business that have been in place longer than most of the persons who administer the system.

As with the other recommendations, such an initiative will require strong leadership, the involvement of all stakeholders and a commitment to the change process in order to be successful. However, now is a time of change in the Court. With the changes to the case initiation process, the automation of the typing pool and the implementation of the ECMA, it is an appropriate time to explore other areas to improve case processing and the allocation of Court resource. Once again, this process could be used a vehicle to strengthen and institutionalize the process of change in the Mansoura Court.

<u>Recommendation No. 6:</u> The Court should review the caseload information developed by this assessment to determine whether Judge Panels could be more appropriately assigned to ensure that the distribution of judges and Panels better

reflects the need for judicial resources, the number of cases within case types and disposition rates.

Analysis

One of the most difficult jobs of any manager is ensuring that the proper resources are assigned to any given task within the organization. This task is made all the more difficult by changing and sometimes unpredictable workloads. A court environment presents unique challenges in this regard. On the one hand, cases are assigned on an individual basis and the Court is in complete control of what cases are assigned to a Panel. On the other hand, there must be an element of randomness in the assignment process to prevent "judge shopping". Overall case filings and disposition rates are hard to predict. The unique nature of every case makes it difficult to project in advance how complex it may be and how long it will take to process.

Although broad trends can be predicted with the proper data, even the most up-to-date courts often lack the necessary tools to properly allocate resources. Up to now the Mansoura Court has not had the tools to effectively monitor caseloads and disposition rates without time-consuming manual reporting.

Every commentator on improving caseflow management emphasizes the importance of early and continuous court (not litigant) control over the progress of the case. Therefore, despite these difficulties, the proper allocation of judicial resources is a key element of a good caseflow management system.

As we have discussed throughout the Report, there are a number of ways to measure court performance and efficiency:

- Number of Dispositions
- Dispositions Compared to New Case Filings
- Size and Age of Pending Caseload
- Time from Initiation to Disposition
- Number of Postponements
- Hearing Date Certainty

But, these measures, like all measures, have their limitations and experts express various opinions about which measure or group of measures is the best indicator of court performance. They are primarily measures of outcomes rather than input. They do not measure individual effort or efficiency and as a result there is an underlying assumption that all cases are equal and that each Panel spends the same amount of time on each case. For this reason, they are better indicators of overall court performance than of individual judge or Panel performance.[22] Ultimately, however, deciding which factors to use in

[22] Attempts have been made to address these shortcomings by measuring individual case complexity ("case weights") and actual judicial workload, but these require complex time studies that were beyond the scope of the Assessment. *See generally* Federal Judicial Center. ***2003 - 2004 Case-Weighting Study: Final Report.*** 2005.

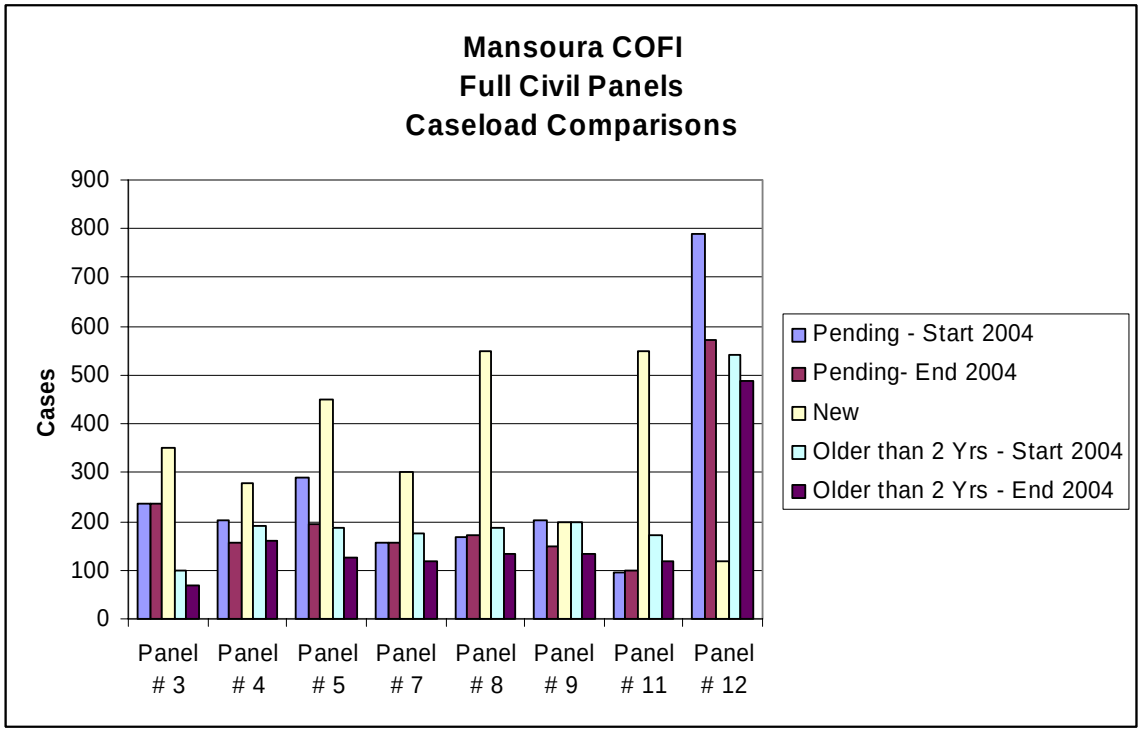
measuring court and judicial performance is not as important as having some logical performance measurement system in place.

In order to be successful in properly allocating judicial resources:

1. The Court must have in place a caseflow management plan which establishes performance goals and objectives.
2. The Court must have some objective criteria for measuring performance.
3. These criteria must be logically related to the Court's performance goals and objectives.
4. Finally, there must be a logical relationship between the caseflow management plan, the plan's performance goals and objectives, the measures of performance and the allocation of cases and judicial resources.

The problem in the Mansoura Court is that there is no overall plan in place to govern caseloads and the assignment of cases, judges and Panels. As a consequence, assignments are made on an ad hoc basis that reflects immediate needs rather than long-term planning. In some instances, this results in a reasonable allocation of resources, but it is more a matter of chance than planning. As shown on the example graph below, in most instances there seems to be no logical relationship between caseloads, performance measures and resource allocation. While the Mansoura Court appears to have done a credible job of controlling the caseloads of the various Judicial Panels, the assessment data indicates that there is room for improvement.

For example, one measure of court performance is the backlog of older cases. The assessment tool measured those cases pending at the end of a judicial year that were over 2 years old. In an ideal system there would be an inverse relationship between the number of new cases assigned to a Panel and the number of old pending cases still being held by the Panel. That is, the greater the number of old pending cases before a Panel, the fewer the new case assignments to that Panel. The theory of course is that fewer new case assignments enable a Panel to deal with its backlog.



Using Full Civil Panels as an example, the assessment data indicates little or no relationship between old pending cases and the number of new cases assigned. In only one instance (Panel # 12) was a high number of old pending cases accompanied by a low number of new case assignments. And, in only one instance (Panel # 11) was the reverse true. That is, a Panel with a low number of old pending cases was assigned a higher number of new cases. In the other instances, there was no correlation.

In general, if resources are being properly allocated, there should be similar, discernable trend lines among the statistical measures shown in the graph. Instead, the numbers are greatly divergent. In fact, the information from the assessment indicates few identifiable performance or efficiency bases for case assignments in Mansoura.

Implementation Steps, Resource Requirements and Timeframe

This is not to say that there is no methodology to case assignments. The assessment data also indicates that many Panels are keeping up with their caseloads, even if not making major reductions in their backlogs. The problem is that to the extent there is any methodology, it is not institutionalized, but is rather the product of the initiative and analysis of individuals. This is not enough.

Since proper allocation of caseloads requires comprehensive, timely and meaningful reporting, the implementation of the ECMA will help. At the same time, the ECMA will only provide the basis for decision making. It will not make decisions.

The Court should act now to include assignment standards as part of its overall case management plan to make sure that each Panel has an on-going workload that reflects its:

- Pending Caseload
- Old Case Backlog
- Disposition Rate

In addition, the Court must make sure that each case type has sufficient Panels to reflect the workload within that case type.

Most importantly, the Court must establish its overall objectives for case processing and caseload management. It must then translate these objectives into individual Panel caseload standards. With these factors in mind, as discussed in Recommendation No. 2, the Court should immediately ensure that the ECMA will provide the reports and information required to make these complex management decisions. In addition, Court personnel will need to be trained to implement these objectives.

Recommendation No. 7: In light of the future installation and implementation of a networked electronic document management system in conjunction with the ECMA, the Court should immediately begin the development of policies and procedures for the use of such electronic document imaging as an integral part of its case management strategies. The Court should move quickly to eliminate the microfilming system entirely and use the implementation of electronic document imaging as an opportunity to reorganize the Archive Unit.

Analysis

The increasing affordability and advanced functionality of electronic document imaging systems has caused courts internationally to rethink the whole concept of document management and long-term document storage and retention. As a result of rapid advances in this area, courts are applying a wide range of electronic document technologies to manage the use, sharing and storage of court documents.

The Advantages of Document Imaging and Electronic Media

Electronic document imaging provides unique advantages over paper documents and non-electronic storage media:

1. Documents can be scanned and saved as PDF or other read-only PDF-files stored on a secure server.

2. If the proper software is installed, individual case documents can be combined to create electronic case files.

3. Electronic documents can be easily shared across a computer network and viewed by multiple persons simultaneously.

4. Security software can track and record all access to electronic documents.

5. Individual electronic documents or complete files can be stored on CD-ROMs, DVDs or other easily transportable and easily storable physical media for archiving.

6. Electronic documents, with proper back-up and redundancy, can eliminate the need for paper documents and the associated costs of storing such documents.

In general, these electronic alternatives are more versatile and greatly simplify the process of sharing and copying of files. Since copies can be created at any network printer directly from the secure "original" file, it is much easier to set up and staff fee-based copying services. Most importantly, these factors combine to give electronic document a significant cost advantage over other forms of document image storage and retrieval.

Those who benefit the most from innovative technology are those who take time to fully understand its potential and to plan for its use and implementation in a way that takes full advantage of this potential. As described earlier, an automated case management system can be used simply to retrieve case information and display it on a computer screen or it can be used as an analytical management tool. So too, an electronic document imaging system can be used to simply replace paper images with electronic images or it can function as a management tool by providing workflow assistance and document processing.

In light of the future installation and implementation of a networked electronic document management system in the Mansoura COFI, we recommend that the Court immediately begin the development of policies and procedures for the use of such electronic document imaging as an integral part of its case management strategies. By doing so, the Court will be able to realize the operating benefits, increased efficiencies and lower costs of the document management system as quickly as possible.

Replacing the Microfilm System

From almost every perspective, as demonstrated above, an electronic document imaging system is superior to microfilming. For this reason, the Court should move as quickly as is feasible to an all-electronic system and eliminate microfilming entirely.

It is relatively simple to implement electronic document imaging for new cases by simply scanning new documents as they are filed. Scanning and imaging of existing and closed case files require a more intensive, less incremental approach, which requires a substantial one time, up-front investment. However, such costs are offset by the substantial out-of-pocket savings realized from the elimination of the personnel,

equipment, maintenance and operating costs associated with the microfilm system.[23] As discussed below, there will be some transition period when it will be necessary to operate both the electronic and microfilm systems in order to provide access to all case documents. However, because of the costs of maintaining two systems, this period should of course be kept to a minimum.

Reorganizing the Archives

The implementation of an electronic document imaging system will also provide the Court with an opportunity to review the entire Archive operation.

By its very nature, a paper archive is difficult to keep organized and operating efficiently. A paper archive is a personnel-intensive operation, with staff required for filing, retrieving, refilling, tracking and transporting in-coming and out-going documents and file folders. The profusion of files means that storage space is always an issue. The constant flow of documents and files in and out means that items get lost or misfiled. This in turn results in delays for those persons needing the documents or files and unproductive time for archive staff devoted to correcting the errors.

Some courts, notably several of the Federal courts in the U.S., have completely eliminated the retention and storage of paper documents. While the Assessment Team does not recommend such an ambitious step at this time, it is an appropriate time to review the operation of the Archives Unit to determine how best to utilize the electronic document imaging system as an integral part of its operations and how such a system might someday be used to change, improve and/or replace some of its current functions and operating procedures. This is an appropriate task for the Court Working Group in conjunction with Archive Unit mangers and staff.

Implementation steps, resource requirements and timeframe

Document Imaging

As discussed above, electronic document imaging represents a paradigm shift in the nature of how documents are managed. For this reason, the Court needs to plan for its deployment and to develop a defined set of policies and procedures if it is to fully realize this technology's potential. This planning obviously must include the JIC, since the equipment and software for the system are components of the IT solution.

Although networked document imaging presents opportunities for a decentralized approach to document management, in the short-term, it is advisable to create no more than two (2) units that would be responsible for scanning documents, saving them into appropriate files and onto appropriate media, providing copies to authorized requesters, and archiving them. It seems logical to locate one unit in close proximity to the

[23] The Assessment Team has not attempted to calculate the exact cost savings and recommends that the Court undertake a cost analysis of replacing the microfilm system and creating electronic document images of all existing and closed case files.

envisioned case initiation counter that would solely focus on saving electronic copies of the initiation documents and scanning hard copies into an electronic data base of initiated cases. Because the case initiation counter will be located in an area that is convenient for litigants/attorneys and the public, it is also logical to permit this unit to providing authorized requesters with copies of the appropriate documents in hard copy. The other unit should be situated in a location on one of the upper floors that is closer to a majority of the Court staff and other Court operations. This unit would provide convenient internal services to Court personnel, such as Panel Clerks and Judicial Panels.

These units must operate under policies and procedures that enable the Court to realize the most benefit from the new system, while ensuring that the system is compatible with the Court's goals of long-term document storage and accessibility, security and privacy. These policies and procedures can be developed now and refined in light of experience with the new system. These policies and procedures must immediately address issues such as:

1. Who within the Court's administrative structure will be ultimately responsible for the operation of the system and for determination and enforcement of operating policies and procedures?
2. When will a particular type of document be scanned into the system?
3. Who will be responsible for scanning documents?
4. Will documents that are not yet "official" be scanned?
5. Who will be able to view documents?
6. How will the Copying process and the process of providing "official" copies change to take advantage of the system?
7. What security will be provided to prevent unauthorized use and/or access?
8. How will the Court handle long-term storage and back-up of electronic document images?
9. What will be the procedures and responsibilities for generating copies and case files for internal use, particularly by Judicial Panels?
10. How will the Archives Unit be affected and how will the system be used by the Archive Unit?

After the Court has more experience with the system and is prepared to move to a more decentralized model, it can resolve those additional issues inherent in having document imaging capacities in most of the Court's offices.

When considered in the context of a broader records management / workflow context, the policy and procedural issues surrounding document imaging systems can be complex. Two standards documents examine these issues in depth and are worth noting: Standard 15489, Records Management, Parts 1 and 2, of the International Organization for Standards[24] and U.S Department of Defense Standard 5015.2, Design Criteria Standard for Electronic Records Management Software Applications.[25] Two documents that specifically deal with these issues in a court and governmental context: *Organizational*

[24] See generally www.iso.org .
[25] Available at www.dtic mil/whs/directives/corres/pdf/50152std_061902/p50152s.pdf .

Alignment of Court Records Management and Technology[26] by Thomas Dibble and the State of California *Electronic Records Management Handbook.*[27]

Transition Away from Microfilming

Initially only select documents will be scanned and stored electronically. Microfilming will continue to play a role in the Court's overall document management processes in order to provide services for old case documents. However, this should be considered only as a transition phase. As recommended, the Court should eliminate microfilm as soon as feasibly possible. The Mansoura Court and the Working Group need to consider several questions and develop policies and procedures to deal with this transition phase and later on the elimination of microfilm. For example:

1. How should closed and exiting case files be scanned and imaged?
2. How long should the two systems be run in parallel?
3. Should the present microfilm images be converted to electronic images?

AOJS II and the JIC can assist in analyzing the various options.

The Mansoura Court has invested heavily (whether from a monetary or procedural point of view) in microfilm technology and it should consider whether there is any future value to be derived from the system. It may be useful to retain the microfilm system to provide for permanent storage and retrieval of old case files. The Assessment Team believes that this decision should be based on a cost / benefit analysis. Does the cost of converting the microfilm images to an electronic format outweigh the benefits to be derived from having such rarely used files in an electronic form? The Assessment Team has made no analysis of this issue, but it should be considered by the Court before a final implementation plan is established.

II. Recommendation Concerning Multi-Court Procedural and Institutional Infrastructure Reforms

During the assessment of the Mansoura Court, the Team observed several problems areas that were very similar to those observed in the Alexandria COFI during the assessment conducted there earlier in the year. These areas were the subject of recommendations in the Alexandria Assessment Report. It is no surprise that Alexandria and Mansoura are contending with similar problems, given the similarities between the Courts as two of the country's largest Courts of First Instance. In fact, because of the broad applicability of the issues, it is likely that most Courts of First Instance are facing these problems.

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[26] Thomas G. Dibble. ***Organizational Alignment of Court Records Management and Technology.*** Institute for Court Management, 2001.

[27] State of California, Department of General Services. ***Electronic Records Management Handbook.*** 2002.

The Team also observed several problems shared by both Courts that, because of administrative rules and regulations, are beyond the power of an individual COFI to solve. These are issues that will require assistance and action at the Ministry of Justice level. For this reason, these issues were not addressed in specific recommendations in the Alexandria Assessment Report.

Now that these observations have been confirmed by the Mansoura Court assessment, the Assessment Team believes that Mansoura and Alexandria should work together to find solutions to these common problems. With respect to those issues requiring participation by the Ministry of Justice, the Mansoura and Alexandria Courts should maximize their clout and impact by making a joint appeal to the Ministry.

Recommendation No. 8: The Mansoura COFI and the Alexandria COFI should jointly approach the Ministry of Justice to engage in dialogue about problems that cannot be resolved at the individual court level and to develop common solutions to the problems of poorly-designed and non-functional file folders; lack of standard operating procedures and procedural manuals; and, lack of opportunities for managerial and staff training.

Analysis

Commonly Shared Problems

The Alexandria Assessment Report set out several recommendations dealing with problems that transcended the specific situation at the Alexandria COFI. They were based on observations at Alexandria, but they are general recommendations that make sense for most Courts of First Instance and the Egyptian court system as a whole. The Mansoura COFI assessment has simply confirmed the observation that these recommendations have wide applicability.

These issues and suggested solutions are set out in Recommendations 7, 8 and 9 of the Alexandria Assessment Report:

- To develop a new file folder to serve as a functional component of the case management process by making it physically durable and adding pre-printed data fields to enhance the capture and notation of important case information in a uniform, easy to access format;
- To develop a manual with standard operating procedures for each Court Department/Unit and provide procedural training for all employees; and,
- To develop a range of mechanisms for on-going enhancement of the skills of Court staff, particularly supervisory and management staff.

These recommendations have been excerpted from the Alexandria COFI Assessment Report and are set out in detail in Attachment C.

In each of these three areas, Mansoura experiences much the same problems as Alexandria. The file folders in Mansoura are essentially the same as the file folders in Alexandria. They are used just like a blank piece of paper for recording case information and they fall apart in the same way.

As in Alexandria, personnel in Mansoura perform what should be the same task in different ways and there is little guidance about Court procedures. In the Mansoura Lawyers Survey, 55% of respondents indicated that the availability of information on Court procedures was poor and another 23% said it was only fair. In addition, one of the more frequent suggestions in the Survey was that Court employees should receive more training in how to do their jobs and that their work should be subject to regular inspection.

Managers and staff in Mansoura have just as few opportunities for professional development as in Alexandria. Within the last three years, 50 Mansoura Court employees have attended a total of six (6) training workshops. Most of these were refresher courses on MS Windows and Word. Only four (4) courses provided substantial job-related training: an AOJS II-sponsored change management course; a general court procedures workshop; a bankruptcy procedures course and a course for Experts Office personnel. These were attended by only 22 people out of almost 600 employees.

Institutional Issues Requiring Action at the Ministry of Justice Level

Several problems areas observed in both the Mansoura and Alexandria Courts involve issues that would be difficult to solve purely at the local level:

- Double Entry of Fee Collections
- Judicial Assignment, Scheduling and Rotation System

Because of their nature, solutions will require the approval of the Ministry of Justice or other government ministries and changes in existing rules and regulations. For these reasons the Assessment Team has not included these areas in its specific recommendations.

At the same time, these issues have a significant impact on court efficiency and at some point are likely to affect all Courts of First Instance. As a consequence, it makes sense to solve these problems at the national level so that all COFIs could benefit. Because of their size and significance within the Egyptian judiciary, the Mansoura and Alexandria Courts are in the best position to lead efforts to solve these problems and the Team believes that by combining their efforts they will further maximize their impact. While not recommending any specific solutions, the Team does recommend that Mansoura and Alexandria engage the Ministry of Justice in dialogue about these issues to seek potential solutions.

Double Entry of Fee Information and Manual Receipting

The current plan for the implementation of the new front counter / case initiation area in Mansoura (as well as Alexandria) and the accompanying deployment of the ECMA calls for a fee collection similar to the system currently in place in North Cairo COFI. When paid, fees will be entered into the ECMA and tabulated. The ECMA then produces a complete receipt showing all of the relevant case information and a complete breakdown of all of the fee information. A copy of the receipt produced by the automated fee collection system in North Cairo is shown in Attachment F. This is similar to the receipt which will be generated by the new ECMA in Mansour and Alexandria. It was expected that this automation of the fees collection process would be one of the major benefits of the new case initiation system and the deployment of the ECMA.

Unfortunately, because the Ministry of Finance has not approved the automated process and the receipt produced by the computer, a duplicate manual receipting process takes place. In North Cairo the Fees Collection employee hands all of the case documentation, including the computer-generated receipt, to another Fees Collection employee sitting at a desk behind the Fees Collection intake desk. The second Fees Collection employee repeats the entire receipting process manually and prepares a hand-written receipt for the attorney or litigant. The Mansoura and Alexandria case initiation areas have been designed with this same dual process in mind.

Since the manual process is essentially the same as the current non-automated system, the addition of the automated steps will mean that the Fees Collection process will actually take longer than it does now. In the Mansoura Lawyers Survey, 53% of respondents indicated that the present system is already poor and another 28 % said it is only fair. The extra time needed to reenter data and produce the manual receipt eliminates a portion of the efficiency that the automated case initiation system is intended to introduce. This translates into extra Court personnel assigned to Fees Collection and more time for litigants and attorneys. The manual process also introduces one more opportunity for clerical error. Finally, audit personnel, either from the Court or the Ministry, gain no efficiency from the new ECMA and must still perform manual audits of Fee Collection accounts.

Mansoura and Alexandria should pursue efforts to demonstrate to the Ministry of Justice and the Ministry of Finance that the new automated fee collection system provides an efficient, reliable and time-saving alternative (and not just a supplement) to the current manual system. They should demonstrate that the efficiencies provided by the new system would benefit Ministry audit and review personnel as well, and not just the Court. Finally, they should demonstrate that whatever system is followed in the future, an automated system or a dual automated – manual system, the efficiencies or inefficiencies will be multiplied by 24 as automation is rolled out by the JIC to all Courts of First Instance.

Judicial Assignment, Scheduling and Rotation System

Mansoura, Alexandria and the other Courts of First Instance share a similar methodology for case type assignments and case scheduling. Judicial Panels in Mansoura are assigned

to hear several different types of cases – usually three or four – on a weekly schedule, each type of case being scheduled for hearings on a different day of the week. The following are example case distributions and schedules for the 2005 – 2006 judicial year for a sample of four (4) Mansoura Full Court Judicial Panels:

Panel	Saturday Case Types	Sunday Case Types	Monday Case Types	Tuesday Case Types	Wednesday Case Types	Thursday Case Types
2	Contraventions and Misdemeanors	Civil Appealed and Signature	Civil Appealed and Leasing Challenges			
3				Contraventions and Misdemeanors	General Civil	General Civil and Signature
7	General Commercial, Bankruptcy and Signature	Partial Juvenile	Family Court			
12				Labor Committee and Signature	Leasing	General Civil (Govern-mental)

Under this type of assignment and scheduling system, Judicial Panels must conduct case hearings in an often lengthy and discontinuous process. Since all cases require multiple hearings, instead of the hearings being spread out over several consecutive days, they are spread out over multiple weeks. If a hearing cannot be completed on the day designated, it must be postponed and carried over, *at the soonest*, to the next day scheduled for hearing the appropriate case type – essentially one week later. As shown in the Baseline Case Data Project, it is not unusual for case to have 5, 10. 15 or even 20 hearings before a final judgment is entered. This means that hearings can extend over many weeks and months. This system is one of the major causes of the lengthy disposition times.

Not only does this system increase overall disposition times, it also creates inefficiency at the individual hearing level. Lengthy times between hearings mean that a Judge must spend a significant portion of many hearings once again becoming familiar with the case documents and the results of previous hearings. Therefore, even when a hearing takes place, less is accomplished than might be possible in a process with more continuity.

Some judges are more productive when assigned to a single type of case. These judges benefit from the focus that such a system allows. They can develop a level of expertise that enables them to analyze and resolve legal and factual issues more efficiently, perhaps

with fewer referrals to the Experts Office. Not all judges are more productive in such a system, but for those that are, there is no such option in either Mansoura or Alexandria.

Finally, although less of a contributing factor to delay and backlog, the practice of periodically rotating Judges among the Courts of First Instance also introduces inefficiencies that should be weighed against the perceived benefits of the rotation system. Although such rotations are not frequent, when a new Judge or Judicial Panel takes over a case, much of the continuity in case management is lost. At best this means that the new Judge or Judicial Panel must take time to become familiar with the status of the case; at worst, particularly for litigants and attorneys, it means essentially starting over.

Mansoura and Alexandria should together explore alternative methods of assigning Judges and Judicial Panels to cases and creating weekly schedules. The Courts should consider methodologies that:

- Give more flexibility to individual Panels for weekly case scheduling; and,
- Provide opportunities for more focus and specialization in case type assignments.

The Mansoura and Alexandria Courts should also work with the MOJ to identify any legal and administrative impediments to more flexible and creative Judge and Judicial Panel assignment and scheduling.

Implementation Steps, Resource Requirements and Time Frames.

Since these recommendations are broadly applicable, they would benefit from the involvement of as many COFI perspectives as possible. In addition, these recommendations are not simple. The study and analysis necessary will require substantial effort and resources. A division of labor may make it easier to realize these recommendations.

As two of the largest Courts of First Instance and because of their geographical proximity, both Mansoura and Alexandria have an interest in cooperating in mutually beneficial projects. Because of their similarities, the precise solutions to the issues presented in these broad-based recommendations are more likely to be similar than dissimilar.

This is an area where resources consist only of personnel and expertise from each of the Courts and the only barriers to beginning the process immediately are the resource constraints of the Courts themselves. Unlike the ECMA, they need no outside assistance. Therefore, if the respective Courts believe that these recommendations make sense, then the sooner that the process is started, the sooner that it will produce results.

Finally, the mere process of cooperating on issues of mutual concern would be a new process for both the Alexandria and Mansoura Courts. Such cooperation could only

serve to strengthen the institutional capacity of both Courts for long-term change. In the end, that is probably the most important goal and hoped for outcome of the entire project.

A Note on the Implementation of the Front Counter / Case Initiation and Typing Pool Automation Initiatives

As discussed previously, one of the primary purposes of this assessment has been to provide the basis for replication of certain court reform previously developed and implemented in two pilot Courts of First Instance, North Cairo and Ismailia, as part of the Administration of Justice Support I (AOJS I) Project, namely the design and implementation of a front counter / case initiation area on the ground floor of the Mansoura main court building and the automation of the typing pool. The front counter / case initiation area will provide a single location for all case initiation activities, as well as the initial document imaging of case documents. The automation of the typing pool will enable the production of judgments using word processing and will greatly speed the process of review and modification of judgments.

While the physical situation in the Mansoura court building is not as bad as the situation in Alexandria, the current physical layout of the Mansoura Court still requires that litigants and attorneys proceed to the upper floors of the main building via stairways or elevators and navigate three (3) different floors and up to six (6) different offices in order to initiate a case. Although not as difficult as Alexandria (where litigants and attorneys have to navigate up to six (6) floors spread throughout the building), the case initiation process in Mansoura still requires the litigant / attorney to move through several different locations within the main court building where space is at a premium. Because of this, the current process takes about two (2) hours and it can be an additional day or two before the litigant / attorney is notified of the Judicial Panel to which the case has been assigned and the date of the first hearing.[28] As a consequence, the Mansoura COFI is an excellent site for the replication and implementation of the AOJS I reform and modernization efforts.

The current plan for the front counter / case initiation area involves the creation of two (2) areas on the ground floor entrance. The primary case initiation area will have twelve service (12) windows for document review, case initiation, Indexing and cashiers. The other area will provide six (6) service windows for information, copying and the issuing of certificates[29].

Since these efforts are now underway, these initiatives are not the subject of recommendations per se. The Assessment Team does believe, however, that it is important to remind the Court that these changes should not be viewed in isolation. Although the majority of the planning and implementation assistance has come from the JIC, the involvement of the Mansoura Court and the Working Group is essential. These changes must be a part of a long-term commitment to on-going change within the Mansoura Court. The Court and the Working Group should be exploring ways in which

[28] See the graphical workflow diagrams prepared by the Mansoura Court staff included in Attachment B.
[29] The plan for the ground floor front counter / case initiation area is shown in Attachment G.

these changes and others like them can be leveraged to improve other processes within the Court. The Court and the Working Group should do all that it can to incorporate these changes as part of a culture of change in the Mansoura Court and use the results of these efforts to promote and encourage reform and support for reform among the Court leadership, the judiciary and the Court staff. This will be the measure of the success of these initiatives.

CONCLUSIONS AND NEXT STEPS

It is hoped that the extensive data and information provided by the assessment will provide the Mansoura Court with the comprehensive picture of the Court and its facilities, operations and personnel that it will need as it begins the process of court reform and change. The recommendations contained in this Report are by no means the last word on change and reform in the Mansoura Court, but they do provide a framework for looking at the Court from a fresh perspective. As much as this Report is intended to make specific recommendations for change, it is also intended to create a basis for discussion and examination of alternate recommendations and approaches and of the entire process of court reform

This Assessment Report should be presented to the Chief Justice of the Mansoura Court of First Instance and to the Court Working Group. After a thorough review of the document and discussions about the recommendations, an action plan should be developed with the Working Group to schedule the implementation of priority recommendations and activities.

The Working Group's involvement in the planning and implementation of the recommended activities is essential to the success of the enhancements efforts at the Mansoura COFI. The Working Group will play a significant and instrumental role in assessing, analyzing, recommending and actively participating in all activities at the Court during the upcoming three years. As such, the JIC and the AOJS II Project team will ensure that it is providing any required assistance and guidance to the Working Group throughout the coming years.

Additionally, although a number of the recommended activities may not be fully implemented until the installation and operation of the ECMA, the Court may nevertheless initiate the majority, if not all, of the recommended activities immediately. By doing so, the Court will position itself to take full advantage of the EMCA and its automated processes in the shortest time possible after installation and implementation.

Furthermore, the active participation of Judges and Court staff, who are not members of the Working group, in project activities will be elicited and encouraged. Feedback from Judges will be sought and case management issues and concerns facing them will be taken into consideration when implementing court reform activities.

Final Word: The Role of the Ministry, the JIC and the NCJS

While working in Alexandria and Mansoura, the Assessment Team arrived at several similar conclusions. Leaders in both Courts, including members of the judiciary, understand that "caseflow management is the absolute heart of court management" and that good caseflow management is an essential element of a successful court. At the same time there is a lack of understanding in both Courts about the technical details. They want to do a better job of handing and disposing of cases. They know where they want to go, but they don't know how to get there:

- How do we get everyone in the Court to understand the importance of good caseflow management?
- How do we develop a good caseflow management plan?
- How do we determine what caseflow management techniques will work best in each court?
- How do we get everyone in the Court to follow the plan once it is in place?
- Will a case management plan make everyone work harder?
- How do we determine what performance measures, such as time standards, will work in each Court?
- Isn't differentiated caseflow management too complicated for my Court?
- Once performance measures are in place, how do we get judges to comply without threatening judicial independence?
- How do we get all members of the Court staff to understand that they have a role in good caseflow management and the timely disposition of cases?

Good caseflow management on a court-wide basis rarely takes place spontaneously. It is the product of good planning supported by a shared vision, a shared commitment, strong leadership and technical knowledge. Often even the best courts need help in this effort.

The Team believes that together the Ministry of Justice, the JIC and the NCJS have an important role to play as a catalyst to motivate Court leadership to focus on caseflow management issues, as a facilitator to help create shared vision and commitment and as a training resource so that Courts can gain the knowledge needed to develop good caseflow management plans.

The Team also believes that the best way to provide this type of assistance is through a nationwide series of caseflow management programs and workshops. AOJS II has proposed a future meeting of all COFI Chief Justices and, given the importance of strong leadership in any caseflow management planning effort, this meeting could serve as the kick-off for such a series of programs. Such a program of meetings and workshops should not be limited to Court leaders, however, but should eventually involve all Court stakeholders – Judges, managers and staff -- because every worker in the Court has a part to play in better caseflow management.

In addition to giving a momentum to the adoption of caseflow management plans in each of the Courts of First Instance, such assistance would promote nationwide consistency as part of the traditional responsibility of the Ministry and its associated agencies for overall court administration.

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ATTACHMENT A

HIGH-LEVEL SEQUENTIAL CASE WORKFLOW

MANSOURA COURT OF FIRST INSTANCE

HIGH-LEVEL SEQUENTIAL CASE WORKFLOW
MANSOURA COURT OF FIRST INSTANCE

This appendix presents a high-level description of the sequential workflow steps involved in the processing of a Civil, Commercial or Signature case in the Mansoura Court of First Instance. The workflow follows the case processing procedures from case initiation through final disposition.

In developing this workflow, the primary focus has been to document, describe and analyze the major steps in the caseflow process and those steps that have the greatest potential to benefit from process reengineering. It is not intended to be an exhaustive treatment of every processing event that occurs in the Court. Although the workflow describes eighteen (18) major steps and 126 individual process elements within those steps, the emphasis is on workflow steps, rather than case management procedures within individual steps. In this way the workflow provides the level of detail necessary for understanding the essential elements of the caseflow process and provides a solid basis for analysis.

For this reason, we have presented those steps that represent the processing of the typical, rather than the exceptional case. This means that some minor procedures that differ by case type, as well as the appeals process, are not included in the workflow. As indicated above, because this is an analysis of workflow, some case management procedures that occur internally within a workflow step and some routine sub-processes that are not an integral part of the caseflow process itself (e.g. the microfilming process) may not be described in complete detail.

This workflow is based on the workflow meetings described in the Report, the documentation produced in those meetings (including the notes of the participants), detailed interviews with Department and Unit Supervisors and other Court personnel, and the notes and observations from a final walk-through of Court offices to verify the results of the previously developed information. In some instances, different sources provided different information about the same event. Often this results from the fact that different offices follow slightly different procedures to perform the same task, and the Court does not currently have written standard operating procedures for handling caseflow. Therefore, while every effort has been made to present accurate information, some process elements may require revision or further clarification.

Another invaluable tool in documenting caseflow was a visual representation of the workflow in the MCOFI prepared by Mr. Farag Tawfiq Gerges, the Supervisor of the Civil Unit. Copies of these diagrams follow this document as Appendix xx. Mr. Gerges prepared these diagrams to assist the assessment team in its analysis. They are excellent visual depictions of case processing in the MCOFI. They are also good examples of the principles of Edward Tufte, as described in his pioneering work “The Visual Display of Quantitative Information.” In this book Mr. Tufte addresses the problem of presenting large amounts of information in a way that is compact, accurate, adequate for the

purpose, and easy to understand. What impressed the Assessment Team most about these diagrams is that they were prepared by Mr. Gerges entirely on his own initiative after meeting with the Team to discuss workflow. He indicated that the meetings had helped him understand the importance of workflow. With that in mind he thought that it would be useful for the assessment Team, as well as the Court staff, to see a visual representation of the Court's major workflow processes.

High-Level Sequential Case Workflow
Mansoura Court of First Instance

Section I: Case Initiation

1. Microfilm Unit (Fourth Floor):

- The litigant/attorney proceeds to the Microfilm Unit to submit the original Writ of Summons (W.O.S.) and the case documents to the Microfilm employee.
- The litigant/attorney receives a receipt from the Microfilm indicating that the W.O.S. and the case documents have been copied.
- The litigant/attorney pays the microfilm fees in the same Microfilm room on the fourth floor of the Court building.
- The litigant/attorney takes the original W.O.S., the case documents and the microfilm receipt to the Supervisor of the Civil Unit office.

2. Head of the Civil Unit (Third Floor)

- The litigant/attorney proceeds to the Supervisor of the Civil Unit office on the third floor.
- The Supervisor of the Civil Unit or the Deputy estimates the case initiation fees based upon the requests in the W.O.S.
- After estimating fees on the original W.O.S., the litigant/attorney proceeds to the Fees office on the same third floor.

3. Fees Review (Third Floor)

- The Fees Review employee reviews the fees estimated by the Supervisor or Deputy of the Civil Unit on the original W.O.S.
- Once fees are reviewed, the Fees Review employee signs the original W.O.S. to confirm fees approval.
- The Fees Review employee also reviews the case folder and identifies the documents that may need stamps, such as contracts.
- Upon verification of documents validity and conformity, the Fees Review employee stamps the case folder with the "Fees Review Seal".

4. Sub-Index Room (Third Floor)

- This Index is affiliated to the Civil Unit. It only receives civil cases of all types, except commercial, bankruptcy, and tax cases, since a separate Index is assigned for these cases.
- The Sub-Index employee receives the W.O.S. and all documents submitted by the litigant/attorney and compiles a Notification Folder.

- The Sub-Index employee verifies names, addresses, and description of litigants; validity of powers of attorney; number of photocopies for summons. He also checks that the case folder is revised and stamped by the Fees Review Unit.
- The Sub-Index employee verifies that the litigant/attorney has paid Microfilming Fees for the W.O.S. and all attachments and makes sure that the Microfilm Receipt is attached together with the submitted documents.
- The Sub-Index employee signs the original W.O.S. to confirm receipt of the original file (which includes notification copies and documents).
- The Sub-Index employee then gives litigant/attorney the original W.O.S. to take to Fees Collection to pay the fees as previously estimated by the Supervisor of the Civil Unit.

5. Fees Collection (Third Floor):

- The litigant/attorney takes the original W.O.S. to Fees Collection and pays the required fees to a Fees Collection employee.
- The litigant/attorney receives a fees receipt (the red copy) from the Fees Collection employee.
- Fees Collection employee attaches another copy of the fees receipt (the blue copy) to the W.O.S. and stamps the original W.O.S. with the Fees Collection Stamp to verify the collection of fees.
- Another Fees Collection employee compiles all of the W.O.S.s received and registers them in the W.O.S. Book according to the serial number on the receipt.
- After registration in the W.O.S. Book, the Fees Collection employee gathers the W.O.S.s and submits them to the Sub-Index in the Civil Unit.

6. Sub-Index, Civil Unit Head Office (Third Floor):

- The Sub-Index employee receives the various W.O.S.s from the Fees Collection employee and files each in its corresponding original case folder that he has previously compiled.
- The Sub-Index employee registers each W.O.S. according to its type (signature /civil) in the respective book for that case type.. From this point, procedures differ according to the type of case and W.O.S.

<u>Specific Procedures Followed in Signature Cases:</u>

A. The Signature Book is available in the Sub-Index Room. It conforms to the serial numbers of the Court's General Index.
B. The Sub-Index employee registers the Signature W.O.S. with a serial number in the respective book where he records the:
   - Number of the W.O.S.
   - Name of plaintiff
   - Name of defendant
   - Date of first hearing

- Required number of copies for notification of the litigants.

C. Having verified the first hearing date, the Sub-Index employee registers the date in the respective book and records the date on the original W.O.S. and the notification photocopies.
D. The litigant comes after a short period of time to enquire from the employee about W.O.S. data, first hearing date, Judge Panel where the claim will be heard. The litigant receives this information orally from the employee or from the Signature Book in the Sub-Index Room affiliated to the Civil Unit.

Specific Procedures Followed in Other Civil Cases:

All previous procedures are followed, except for W.O.S registration, which is done as follows:

A. The Sub-Index employee gathers other civil cases after receiving them from the Fees Collection Unit.
B. The Sub-Index employee then attaches the W.O.S. of the claims to their corresponding files.
C. The Sub-Index employee registers such claims in a special records sheet.
D. Having gathered these civil claims, the employee goes to the Supervisor of the Civil Unit to determine date, the Judge Panel, and appropriate departments for hearing the claim.
E. The Sub-Index employee records hearing dates in the "Civil Book" to confirm date and Judge Panel for the hearing.
F. The original W.O.S. is then stamped with the Seal of the Republic by the Supervisor of the Civil Department.

7. General Index (Fourth Floor):

The General Index Unit is responsible for all Signature cases and all Civil Claims such as compensations claims, government claims, lease claims, appeals claims and labor claims)

- The General Index employee divides Signature cases according to registration number (even/odd numbers).
- The General Index employee registers the case according to its number and records all data in the respective book for that case type. Because of the large number of Signatures cases, these cases are registered either in an “even number” Index or an “odd number” Index. This methodology assists in assigning Judge Panels to these cases.
- The following data is registered in the book:
    - Number of claim
    - Date of registration
    - Names, addresses, and selected domiciles of litigants
    - Date of hearing

    - Final requests mentioned in the original W.O.S.
    - Fees paid upon filing of claim as shown on the original W.O.S.
    - Date of payment and number of coupon
    - Attorneys tax (if paid)
- The General Index employee verifies the payment receipt of the original W.O.S. and microfilming fees receipt.
- Having verified the microfilming receipt, the General Index employee goes to the Microfilm Unit to microfilm the original W.O.S. and the attached documents.
- The General Index employee registers claim numbers in the "Notification Book" where he writes number and addresses of litigants.
- Having verified the litigants' addresses in the W.O.S. and the notification copies, the General Index employee specifies the appropriate Process Service Department on the back of the original W.O.S. and the notification copies.
- The General Index employee goes to the Registration Unit in the fourth floor to submit the original W.O.S. and as many copies as the number of litigants.

8. Registration Unit (Fifth Floor):

- The Registration Unit employee receives the original W.O.S. and the notification copies according to number of litigants and registers them in the Registration Unit's records sheet.
- The Registration Unit employee sends all papers to the appropriate Process Service Department according the addresses of litigants to be notified.
- In all cases where notifications are to be sent within the jurisdiction of the MCOFI, such notifications are sent with a special representative from the Registration Unit to the appropriate Process Service Department for delivery of notifications.
- In all cases where notifications are NOT to be sent within the jurisdiction of the MCOFI, such notifications are sent via mail.

Section II: Notification Stage

9. General Index (Fourth Floor):

- The General Index employee prepares the number of copies of the Summons as are needed for notification of the parties. These are sent according to the Pleading Law.
- The General Index employee prepares the Summons for all litigants by entering all data connected to the claim:
    - Type of claim,
    - Names of litigants
    - Date of hearing,
    - Appropriate Judge Panel

- Having prepared the notifications, the General Index employee attaches a copy of the W.O.S with each Summons to be sent to all litigants (plaintiffs and defendants).
- The General Index employee gathers the prepared Summons and submits them to the Registration Unit together with the W.O.S copies. The Registration Unit then sends such Summons via mail.

10. Registration Unit (Fifth Floor):

- The Registration Unit employee records the notifications in a special registry book for the Unit.
- The Registration Unit employee seals each notification in an envelope and writes the receiver's name and address on it.
- The Registration Unit employee then sends all Summons via regular mail to litigants.

11. General Index (Fourth Floor):

- The General Index Unit employee gathers all the claim case folders under his custody, divides them among Judge Panels, and registers them in the Case Division Book.
- The General Index Unit employee distributes claim folders and submits them to the Panel Clerk of each respective Judge Panel.

Section III: Post-Notification Stage

12. General Index (Post-Notification Stage):

- After notifications are sent by the appropriate Process Service Unit, W.O.S. are returned to the Court to gathered in the Registration Unit again, they then are submitted to the General Index Unit.
- The General Index employee signs the index of the respective claim and returns its W.O.S. where its receipt date is recorded regardless if its notification is sent or not.
- The original W.O.S. is then re-microfilmed after it's returned to the Department.
- Having microfilmed the W.O.S. and the attached copies (if available), the General Index employee submits them to the Panel Clerk of the appropriate Judge Panel as per type of claim.
- The Panel Clerk records the effectuating of notification next to the name of defendants according to the serial number or the order their names. This data is also recorded in the cases roll of the judges of the appropriate Judge Panel.

Section IV: Case / Claim Processing Procedures

13. Case and Hearing Administration Procedures - General:

- The Panel Clerk prepares a claim file and writes date of the hearing and all relevant information about the hearing in the Judge Panel's Hearings Agenda (where he writes names of litigants, number of claim, and date of next /last hearing if the claim is still being processed).
- The Panel Clerk writes a roll number on the claim cover, and prepares a claim cover for each judge on the Judge Panel (the role a small paper where each judge writes his remarks and the final judgment of the Panel). Rolls are then collected according to the order of cases in the hearing.
- The Panel Clerk prepares and distributes Sub-files of the roles among the judges to write the decision they have made during the hearing. By the end of the hearing the Panel Clerk gathers all rolls after the Chief Judge makes the final judgment and keeps them in the claim file in his custody.
- The Panel Clerk makes a Hearing Minutes Sheet prior to opening of the hearing, on which he enters:
  - Date of hearing
  - Formation of Judge Panel
  - Claim number and
  - Registration year
  - Names of all litigants – plaintiffs and defendants regardless of their number
  - All hearing proceedings including attendance or absence of litigants
  - All claims and pleadings, entered separately according to the litigants
- At the end of the Hearings Minutes Sheet the Panel Clerk records the judgment of the Chief Judge and the Sheet is signed both by the Chief Judge and the Panel Clerk.

14. Case and Hearing Administration Procedures – Special Events:

The Panel Clerk also plays an important role during case processing when special events take place, such as re-notification, claim rectification, conducting of sub-claim/meeting, original W.O.S. notification, etc). In general, these are the same type of procedures that take place upon case initiation, but in these special situations the Panel Clerk performs all of the functions that would normally be performed by the case initiation personnel from the respective Departments / Units

In these cases, the following procedures are followed:

- The litigant/attorney files the required W.O.S. according to the judgment of the Judge Panel.
- The litigant/attorney goes to the Panel Clerk to receive an estimate the due fees.
- The litigant/attorney then goes to the Fees Review Department to have the estimated fees reviewed.

- The litigant/attorney then goes to the Fees Collection Department (Treasury) to pay the fees that are due.
- The litigant/attorney then goes to the Civil Unit Supervisor to have the W.O.S. stamped with the Seal of the Republic.
- Once these procedures are all completed, the litigant/attorney goes to the Process Service Department designated for execution of the notification.
- Having verified the notification, the litigant/attorney goes to the Process Service Department to receive the original notification.
- Upon completion of notification by a Server, the litigant/attorney submits original proof of notification to the Judge Panel at the next hearing.
- It should be noted that the described procedures apply only if notification is made with the original W.O.S. and returned to the Department.

In case of claim recertification for the inclusion of new or the exclusion of existing litigant/attorneys; entering a counter-claim; or modification of the plaintiff's requests, the previously described procedures are followed. However, after payment of fees, the following also takes place:

- The litigant/attorney goes to the Index Unit to get his original copy of the revised W.O.S. signed into the Court's Index.
- The Index employee records the new/modified requests from the original copy of the revised W.O.S. in the Index Book on the same page where the claim was recorded the first time it was brought to the Court.
- After recording the new/modified requests, the Index employee signs the original copy of the revised W.O.S. and the notification copies.
- The litigant/attorney goes to the Civil Unit Supervisor to have the original copy of the revised W.O.S. and notification copies stamped with the Seal of the Republic.
- The litigant/attorney receives the original copy of the revised W.O.S. and notification copies and goes to the Process Service Department responsible for delivery of the notifications.
- After completion of notification, the litigant/attorney goes to the appropriate Process Service Department to receive the proof of notification. The litigant/attorney then submits the original copy of the revised W.O.S. and the modified request to the appropriate panel to be heard in the next hearing.

15. Case and Hearing Administration Procedures - Referring a Claim to the Experts Office:

- If a preliminary judgment is entered to appoint an expert from the Experts Office or from the Forensic Medicine Authority, the Panel Clerk records the judgment in the Hearing Minutes Sheet on the same day when the judgment was made or on the second day at most. The Hearing Minutes Sheet is then signed by both the Panel Clerk and the Chief Judge.

- The Panel Clerk identifies and collects the cases referred to the Experts Office and takes such cases to the Experts Department to record the data of the cases in their books.
- The Experts Office employee records the cases referred to the unit in the appropriate books, and writes the Expert Office's case registration number on the cover of the case's file folder.
- The Panel Clerk submits to the Typing Pool all the drafts of the judgments ordering the referral to the Experts Office along with the original W.O.S. (to verify names and addresses of litigants and conformity of data with the original W.O.S.).
- Once typed at the Typing Pool, drafts are revised by the Judgments Review Department.
- Having verified the accuracy of typed judgments, the Judgments Review employee submits them to the appropriate Panel Clerk.
- Upon receipt of copied judgments, the Panel Clerk submits them to the Chief Judge for signature. The Panel Clerk also signs the judgment.
- The Panel Clerk places the Judgments in the respective case file folders.
- The Panel Clerk notifies litigant/attorney of the preliminary Judgment by means of an administrative notification filled on forms prepared by the Ministry of Justice to notify the litigants of case proceedings.
- If the referral Judgment obligates a litigant/attorney to pay the experts fees before the file is sent to the Experts Office, such litigant will have to pay the fees as per the wording of the Judgment. (Note: In almost all instances, a case can be referred to the Experts Office only if the fees are paid).
- In such case, the litigant/attorney goes to the Panel Clerk to estimate the fees to be paid at the end of or after the referral judgment is made.
- The litigant pays the fees at the Fees Collection Department (Treasury) where the original judgment is stamped with the Treasury's seal, which confirms payment of fees. The litigant/attorney may also be given a copy of the receipt (the red copy). The other copy (the blue copy) is attached to the original judgment.
- Having verified the payment of the fees, the Panel Clerk places the original judgment into the case's original file folder. Another case file folder is then created for the case and the Panel Clerk records on it the:
  - Claim number
  - Names of litigants
  - Date of the next hearing (following the issuance of the referral preliminary judgment)
- The Panel Clerk then proceeds to the Experts Office to record in its books (in the space next to the registration number of the case) that fees are paid (as mentioned above).
- The Panel Clerk then records the number and date of the payment receipt in the appropriate book in the space next to the claim number.
- The Panel Clerk sends a letter to the Experts Authority concerned with the claim and takes both the original and the sub- files of the claim to the Registration Unit.

- The Panel Clerk submits the original claim file folder together with the original letter to the Registration Unit employee to send them to the Experts Authority. The Registration Unit employee then signs the sub-file confirming receipt of the original file and letter. He also writes on the sub-file the date of receipt and the reference number of the letter.
- In the event that the case is referred to the Forensic Medicine Authority, all previous steps are followed except the recording of the case file in the Experts Office. Instead the Panel Clerk goes directly to the Registration Unit. A Registration Unit employee receives the original case file folder and sends it to the Forensic Medicine Authority after signing an acknowledgement of receipt.

16. Case and Hearing Administration Procedures – Obtaining an Official Copy of a Document during Case Processing:

- The litigant/attorney submits a request to the Panel Clerk indicating the document of which he needs an official copy and the number of copies needed.
- The Panel Clerk gives the original document to the litigant/attorney for photocopying after verifying his name and capacity.
- The litigant/attorney goes to the Copies Unit where an employee estimates the fees for official copy extraction after verifying the capacity of litigant/attorney.
- After fees are estimated the litigant/attorney goes to the Fees Review Department to approve the fees before payment.
- The litigant/attorney goes to the Fees Collection Department (Treasury) to pay the fees.
- The litigant/attorney makes photocopies of the document as requested.
- The litigant/attorney goes to the Copies Unit to review and “conform” the original and copied documents, that is, that the copy and the original are duplicates. After verification, the Copies Unit employee writes on the copy: "conforms to the original".
- The Copies Unit employee writes the data of the copied document in the Copies Book and writes the serial number on the copy as it is in the book. The date of copying, the fees paid and the fees receipt serial number are all entered on both the original and the copied documents.
- In the presence of a Copies Unit employee, the litigant/attorney signs in the appropriate space in the Copies book and write his name and capacity. The copy is then approved by the Supervisor of the Copies Unit.
- The litigant/attorney then returns the original document to the Panel Clerk.
- Finally the litigant/attorney takes the copy he got to the Supervisor of the Civil Unit for approval and to stamp it with the Seal of the Republic.

17. Case and Hearing Administration Procedures – Post-Judgment Procedures:

- After the judgment is entered, the Panel Clerk prepares an attorney’s fees payment order for each case that receives a judgment. Such order is binding on

one of the litigants. The order must indicate the number of case, the date of judgment, the name and address of the litigant who has to pay the fees, and the amount of fees to be paid. The Panel Clerk then submits the order to the Orders Unit.

- The Panel Clerk submits all file folders of cases that have received judgments successively to the Fees Review Department to estimate the judicial fees associated with each judgment.
- The Fees Review employee signs an acknowledgement of receipt for each file folder in the records sheet of the Panel Clerk. This is the last activity for which the Panel Clerk is responsible.
- The Fees Review employee estimates the judgment fees if they are payable. The court may waiver judicial fees that have to be paid by the litigant who lost the case. All payment orders are then submitted to the Fees Demand Department.
- The Fees Review employee writes on the back of the case file folder: "reviewed and filed". He also writes "reviewed" on the original judgment, and enters all the results of the review process and any due fees to be paid.
- After reviewing the case file folders, the Fees Review employee submits them to the Archive Unit to be filed according to the year when the case was registered. Case file folders are filed within the Archive Unit according the year of case registration. Each Archive Unit employee is responsible for a certain number of years.

18. Case and Hearing Administration Procedures – Procedures for Obtaining an Official or Execution Copy of the Judgment:

- To get an official or execution copy of the judgment, the litigant/attorney goes to the Archive Unit to identify the file to be retrieved.
- The Archive Unit employee places the claim file in the appropriate portfolio according to the cases serial number.
- The Archive Unit employee verifies the microfilming of all documents and claim papers.
- If the Archive Unit employee finds documents in the case folder that have not been microfilmed, he prepares a form directed to the Microfilm Department and asks the litigant/attorney to go there to pay the fees for microfilming such papers.
- Having paid the microfilming fees, the litigant/attorney goes back to the Filing Unit with the fees payment receipt and submits it to the appropriate employee who copies the documents by virtue of the payment receipt. This process may take several days.
- The Archive Unit employee gathers requests submitted for copying original judgments, whether official or execution, and makes a list of the cases which require documents to be copied or, alternatively, records such numbers in the Unit's official or execution copy record. The Archive Unit employee then takes the judgments from their files and gives them to the Copies Unit for copying.
- The Copies Unit Employee then reviews and "conforms" the copies with the original documents and records the data in the Copies Unit Book. The

litigant/attorney receives the copies after they are approved and after they receive the Seal of the Republic (see the procedures needed for acquiring copies, described above).

In event that the litigant/attorney wants to obtain an execution form of the judgment, there are several alternatives:

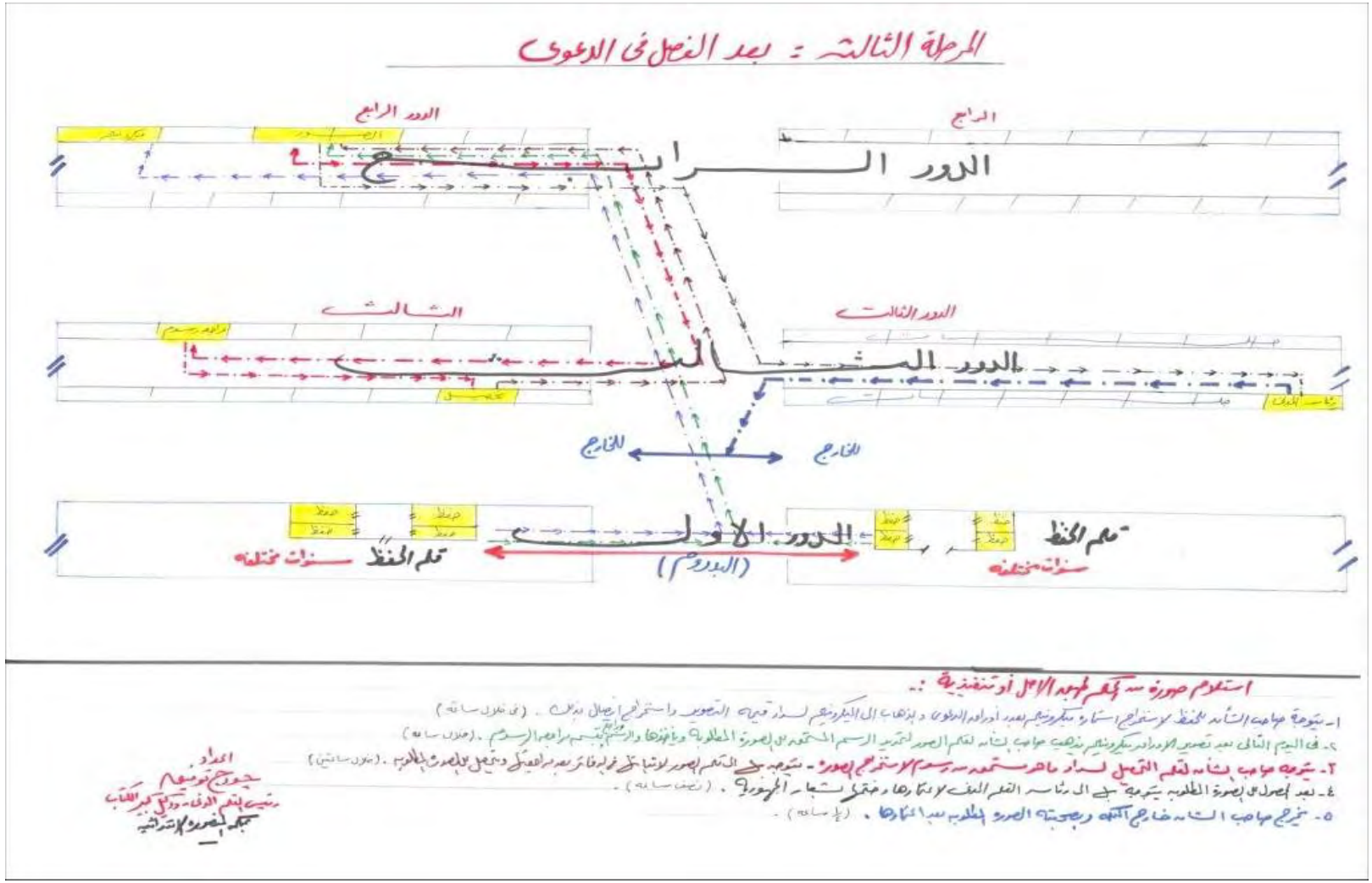
- In case of an “in-presence judgment” (i.e. the litigant/attorney was present in Court), litigant/attorney must prove that the judgment was final by submitting an official copy of the Court of Appeals judgment (if the case was appealed from a First Instance Court, otherwise, the litigant/attorney has to submit a certificate from the Court of Appeals proving that this case wasn’t appealed there).
- In case of a “by-default judgment” on account of the absence of litigant(s)/attorney (the judgment should be by-default for absent litigants only), the litigant/attorneys who requests the execution copy has to submit an authenticated copy of the judgment. The litigant/attorney has to wait for 40 days as of day of notification (appealing period), then he can get a certificate from the Court of Appeals proving that no appeal has been made within the 40 days next to notification, then the litigant/attorney will have the right to receive an execution copy of the judgment.
- A litigant/attorney proves his capacity (i.e. that he was the successful litigant/attorney) and submits the documents needed for obtaining an execution copy (according to copies receipt procedures), the Copies Unit employee verifies the litigant/attorney's capacity, that the judgment is final, and the validity of powers of attorney (if the person asking for the execution copy is the attorney of the litigant).
- Finally the copies are approved by the Supervisor of the Copies Unit and are given to the litigant/attorney after receiving the Seal of the Republic available in the Civil Unit

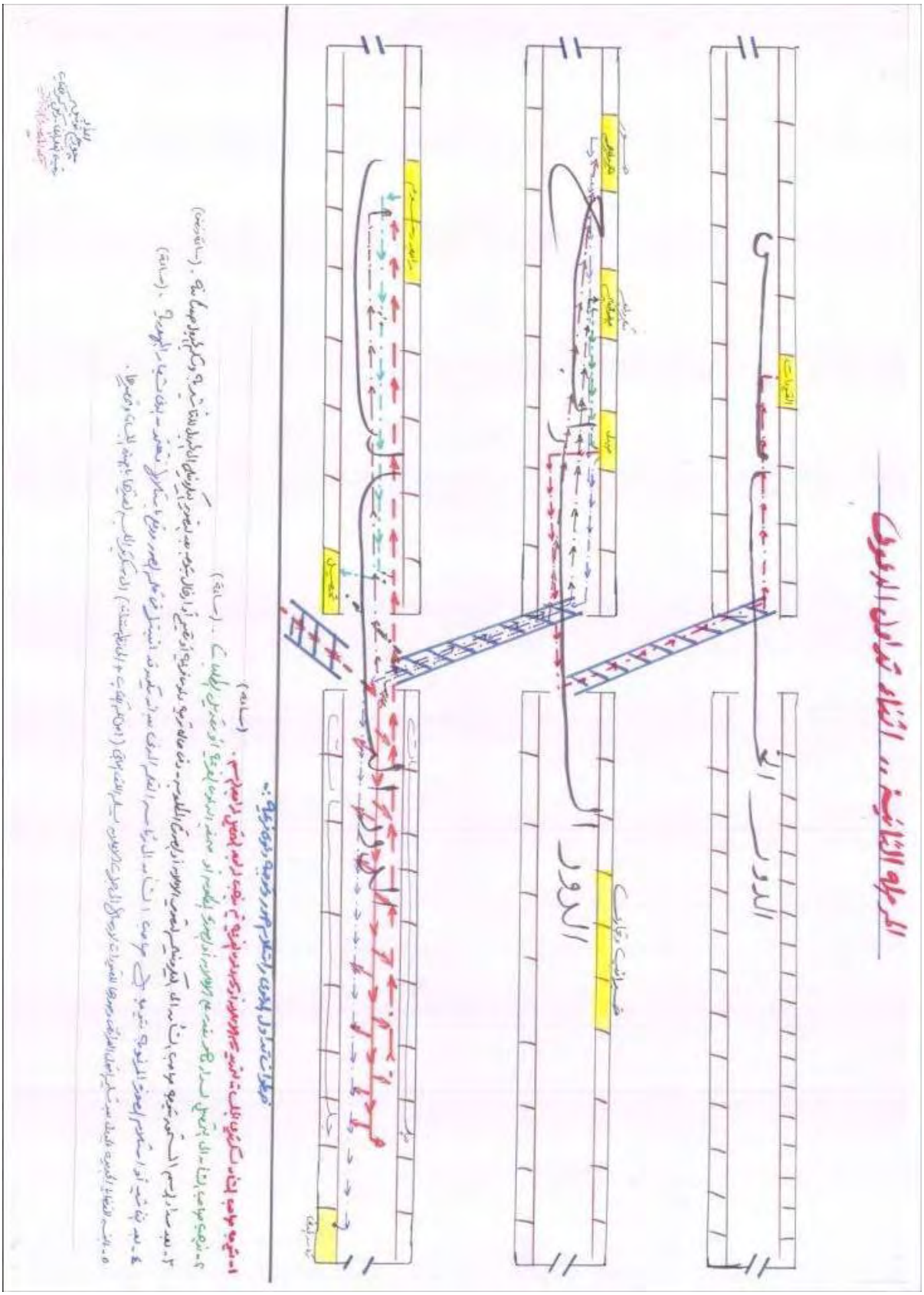
NOTE: If the litigant/attorney simply wants to obtain an authentic copy of a judgment, he goes directly to the Copies Unit. The litigant/attorney follows the normal procedures starting with making the necessary copies then paying the estimated fees.

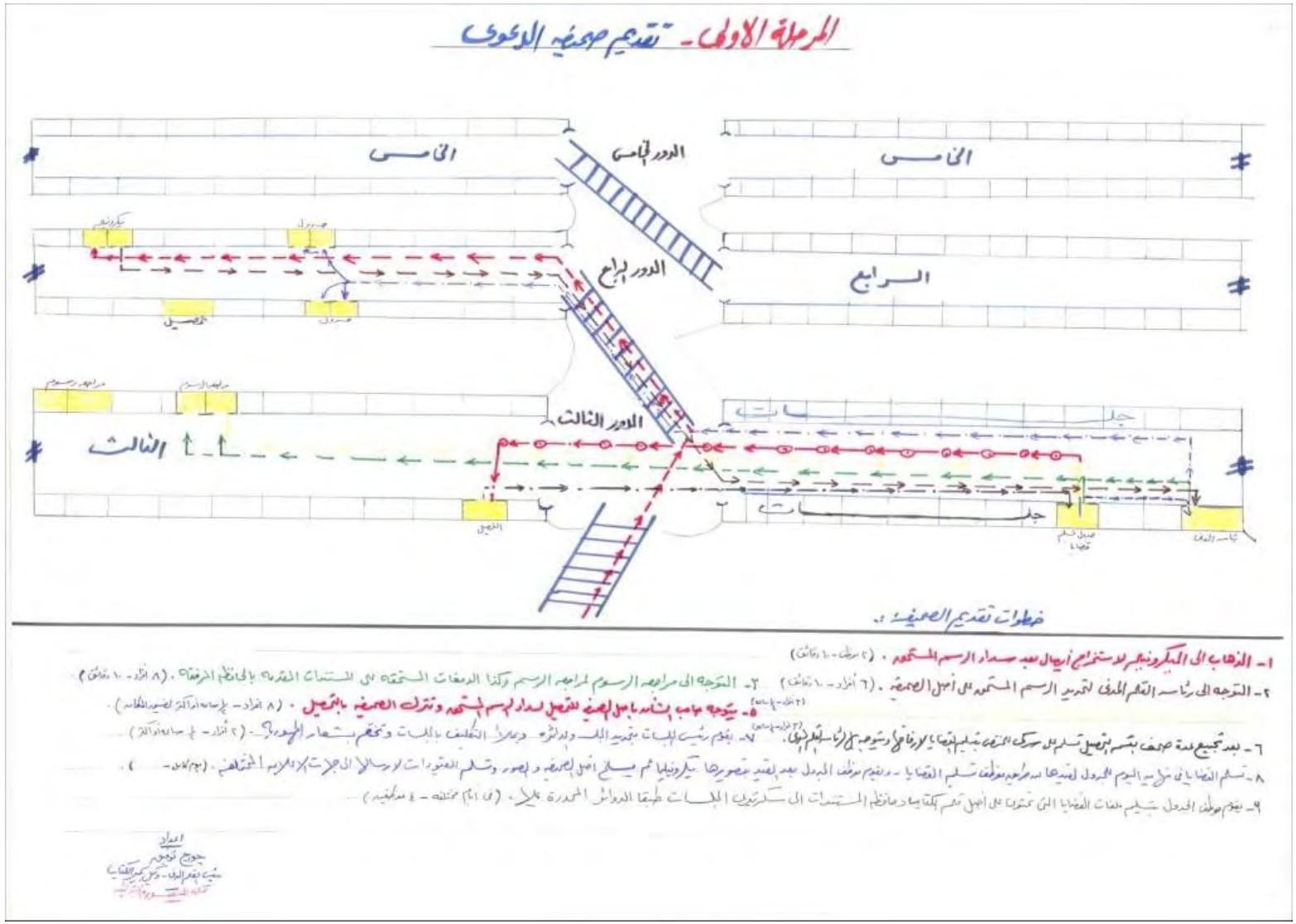
ATTACHMENT B

VISUAL CASE PROCESSING WORKFLOW DIAGRAMS

MANSOURA COURT OF FIRST INSTANCE


المرحلة الثالثة : بعد الفصل في الدعوى
الدور الرابع
الدور الرابع
الدور الثالث
الدور الثالث
الدور الثاني
الخارج
الخارج
الدور الأول
(البدروم)
قلم الحفظ
سنوات مختلفة
قلم الحفظ
سنوات مختلفة
استلام صورة من القلم لوجه الأصل أو تنفيذية :-
١- يتوجه صاحب الشأن للحفظ لاستخراج استمارة ميكروفيلم بعد أداء الرسوم و يذهب إلى الميكروفيلم لسداد قيمة التصوير واستخراج إيصال بذلك . (في خلال ساعة)
٢- في اليوم التالي بعد تصدير الأوراد من ميكروفيلم يذهب صاحب الشأن لقلم الصور لتحرير الرسم المستحق على الصورة المطلوبة ويأخذها والرسم ويقدم مراجعة الرسوم . (خلال ساعة)
٣- يتوجه صاحب الشأن لقلم التسجيل لسداد باقي مستحق من رسم الاستخراج الصورة - يتوجه بعد ذلك القلم الصور لاستلام غرفة فاتر بعد تفصيل وتجهيز الصورة المطلوبة . (خلال ساعتين)
٤- بعد الحصول على الصورة المطلوبة يتوجه إلى رئاسة القلم المختص لاعتمادها وختمها بشعار الجمهورية . (نصف ساعة) .
٥- يتوجه صاحب الشأن خارج المحكمة وبحوزته الصور المطلوبة بعد اعتمادها . (ساعة) .
اعداد
جورج توفيق
رئيس قلم الوفاء وكيل كبير الكتاب
بمحكمة بنصر والاستئنافية


المرحلة الثانية ... أثناء تداول الدور
الدور الأول
الدور الثاني


المرحلة الاولى - تقديم صحيفة الدعوى
الخامس
الدور الخامس
الخامس
الدور الرابع
الرابع
الدور الثالث
الثالث
خطوات تقديم الصحيفة :
١- الذهاب الى الميكروبايلر لاستخراج ايصال بعد سداد الرسم المستحق . (٢ دقائق - ١٠ دقائق)
٢- التوجه الى رئاسة القلم المدني لتقديم الرسم المستحق على أصل الصحيفة . (٦ أفراد - ١٠ دقائق)
٣- التوجه الى مراجعة الرسوم لمراجعة الرسم وكذا الدمغات المستحقة على المستندات المقدمة بالحافظة المرفقة . (٨ أفراد - ١٠ دقائق)
٥- يتوجه جانب إثنان بأصل الصحيفة لتحصيل سداد الرسم المستحق وتترك الصحيفة بالتحصيل . (٨ أفراد - ½ ساعة أو أكثر لتحصيل الطلبات)
٦- بعد تجميع عدة صحف بقسم يتم تسليم الى حركة المدني بتسليم القضايا لإدخالها وتوجيهها الى رئاسة القلم المدني
٨- تسلم القضايا في نفس اليوم المعدل لقيدها بمراجعة موظف تسليم القضايا - ويقوم موظف المعدل بعد القيد بتصويرها ميكروفيلما ثم يسلم أصل الصحيفة و الصور وتسلم المقتوبات لوسالا الى جلسات الأربعاء المختلفة . (يوم كامل -)
٩- يقوم موظف المعدل بتسليم ملفات القضايا التي تحتوي على أصل تم إكتمالها وحافظة المستندات الى سكرتيرة الجلسات طبقا الدوائر المحددة بالملف . (في أيام مختلفة - ½ ساعة)
إعداد
جورج توفيق
نائب القلم المدني - وكيل كبير الكتاب

ATTACHMENT C

RECOMMENDATIONS 7, 8 AND 9
ALEXANDRIA COFI ASSSESSMENT REPORT

MANSOURA COURT OF FIRST INSTANCE

ALEXANDRIA COFI ASSESSMENT RECOMMENDATIONS[1] APPLICABLE TO THE MANSOURA COURT OF FIRST INSTANCE

Recommendation No. 7: Utilize the file folder as a functional component of the case management process (rather than simply as a mechanism for storing case documents) by making it more physically durable and by adding pre-printed data fields to enhance the capture and notation of important case information in a uniform, easy to access format.

In order to ensure that case information is complete and assembled in a standardized manner (that may vary to some extent among different case types) case files need to be structured to guide the document assembly process and simplify the review for missing information or documents. Also, in order to enhance and simplify any required review of file documents and to provide the court with information to assist with managing the flow of cases – be it manually or supported by automation - case files must be logically organized. The files must also contain basic case information that is recorded consistently and uniformly for ease of access and for verification purposes. As such, the file folder serves as an important case management tool.

Currently, the file folders used at the ACOFI function simply as a mechanism for storing case documents. Nothing about the current file folders serves to assist Court personnel in organizing the documents in any logical way. As a result, there is no consistency in the order in which documents are placed in a file folder, other than perhaps chronologically. Other than two columns of generic data fields that could be used for entering anything, the file folder provides nothing to facilitate and guide Court personnel in capturing and recording important information about the case and case events. Currently information about the case, case events, fees, copies, etc., is simply noted on the various case documents wherever this information can be written. As a result, there is no order or consistency in the content of the information that is captured or in the manner in which it is recorded. This makes case file reviews difficult and time consuming. The inconsistent and unstructured entry of case processing information in the file folder impedes any efforts at managing the caseflow and identifying if individual cases have been "lingering" within processing steps. Particularly in view of the planned automation of the ACOFI, this situation needs to be corrected.

Using lessons learned from other courts, a redesigned file folder for use by the ACOFI might have several separate tabbed sections, each of which could accommodate a designated category of documents, such as:

[1] Administration of Justice Support II Project. **"Initial Assessment of the Alexandria Court of First Instance – Report and Recommendations."** June, 2005.

- the Writ of Summons and other documents filed by the litigants;
- Court-generated documents, such as the Circuit Clerk's case summary, Service of Process – Notification documents, Expert process documents and Service of Process Execution documents;
- Judicial Panel-generated documents, including the Final Judgment

The file folder itself might have designated sections, with appropriate data fields, for capturing:

- Case Status and "Next" Event
- Basic case information
    - Date of filing
    - Names of litigants
    - Names of attorneys
    - Case type and sub-type
    - Summary of the case
    - Requests and demands from the Writ of Summons
    - Judicial Panel assigned
- Fee information
    - Description of fee
    - Amount
    - Date of payment
    - Who paid
- Documents filed by litigants
    - Description of document
    - Date of filing
- Scheduled Court Events and Hearings Information
    - Date and time
    - Description of event / hearing
    - Result
- Expert Referral Information
    - Date of referral
    - Expert
    - Scheduled date of return
    - Actual date of return
- Judgment Information, Including Final Judgment
    - Date
    - Description
- Service of Process – Notification and Execution Information
    - Document received
    - Description
    - Date
    - Description of activities and result
- Microfilming and Copying Notations

These are only examples. In designing a printed file folder for entering summary data and information, a good approach is to think about the pieces of information that are accessed most often by Court personnel in the case management process and what information would be the most useful to Court personnel in determining, at a glance, whether a case is moving forward towards disposition. Another approach would be to look at the type of information that will be captured in summary fashion in the ECMA. This approach would have the additional value of introducing Court personnel to the approach of recording summary data in the same manner as an automated system.

Such file folders will be designed according to case types. The required fields will be determined based on the type of case and the documents customarily filed for the case.

The creation of such a file folder, combined with instructions for all relevant staff on how to systematically record information for every processing step, will provide clarity and structure for court staff, ease the supervision of these processes, provide systematic information for case tracking, and provide Judges with case files that are easier to review. Also, a redesigned file folder will mirror the enhanced electronic tracking of the case flow processes that the Project is planning with the development of the comprehensive ECMA.

Implementation steps, resource requirements, timeframe

In order to address this issue it is recommended that the Alexandria Court designate a team made up of selected Judges and representatives from each Department directly involved in case initiation and case processing and the Working Group, with the assistance of the JIC, to develop the design of a new pre-printed file folder as outlined above. The team would need to consider the processing steps outlined above to determine the information that needs to be captured and the logical organization of the file folder. In order to assist the team with this process, the AOJS II Project could provide sample file folders from other jurisdictions and provide recommendations throughout the design process

The Court should then plan to utilize the new file folder for a trial period of one year to determine its utility and whether the design needs modifications.

Recommendation No. 8: Develop a manual with standard operating procedures for each Department/Unit and related training for all employees.

Throughout the Department/Unit-wide meetings held at the ACOFI in March, the Assessment Team observed that members of the same Department/Unit or office occasionally differed in their descriptions and explanations of the same work processes and procedures. These differences of opinion as to how the work in their respective Departments/Units is performed result not from misunderstandings or erroneous information, but from the fact that there are no standard operating procedures in place. Also, the staff indicated that there is little training provided to new and veteran employees in the Court. Therefore, Court personnel sometimes performs the same task in

different ways. These inconsistencies may negatively impact the workflow as well as confuse litigants and attorneys.

Accordingly, developing a manual for each Department/Unit, outlining standard operating steps, requirements, and policies would be beneficial to ensuring that information is gathered, processed, and disseminated in a uniform and efficient manner.

In order to ensure that these standard policies and procedures are followed, the manual can be used as the basis for staff training and a copy of the relevant standard policies and procedures should be provided to each staff member as a reference for the day-to-day operations. In fact, such manuals greatly simplify the process of developing staff training programs.

In addition, the Manual should feature detailed job descriptions for each category of employee in the Department/Unit. These job descriptions would establish defined responsibilities, thereby providing a framework for establishing consistency among Departments/Units. This consistency will also assist in eliminating some of the problems created by staff absences and turnover, and the lack of adequate, formal training for Court employees. Having the Manual will also allow new Chief Justices to learn about Court operations and workflow procedures in an efficient manner at the beginning of their respective tenures at the Court. This Manual will also have a direct impact on the impression that litigants and attorneys have about Court operations, and, as a result, increase their confidence in the Court.

Implementation steps, resource requirements, timeframe

The following approaches are recommended for developing a standard operating procedures manual for the ACOFI:

1. It is recommended that the Working Group, with the guidance of the Project and JIC, conduct separate meetings with each Department/Unit supervisors and key personnel to initially determine the exact function of the Department/Unit within the overall workflow processes of the Court. Thereafter, these individuals should define the job responsibilities for each category of employee within the Department/Unit, including identifying procedures for carrying out the specific tasks.

2. Alternatively, the Working Group could instruct the Department/Unit supervisors to conduct in-depth meetings with their employees in order to determine the specific responsibilities that each employee carries out on a daily basis. Considering that the work steps within each unit are not very complex, this exercise should not take more then a few hours, at most. The information developed, combined with copies of each standard form used, could then be forwarded to the Working Group which could review the submitted information with the supervisor for completeness.

Under either approach, once this information is compiled, reviewed, and agreed upon, the Working Group, with assistance from the Project, will develop the Manual containing

standard operating procedures, job descriptions, and required forms and checklists. Using templates for the manual pages, one or two members of the Typing Pool (equipped with a computer provided by the AOJS II Project) could be designated to receive the information developed by each Department/Unit and enter it into the chosen format for the manual pages. A copy of the Manual will be given to the Chief Justice of the Court, the Chief Clerk, the Supervisor of the Human Resources/Finance Department, and the other Department/Units Supervisors. Equally important, employees will be provided with individual copies of the Manual as a guide and reference for implementing their respective work responsibilities. Formal training sessions will be conducted to orient the employees to the content and purpose of the Manual.

An electronic version of the Manual should be stored on the computer network for ease of reference and to facilitate any required updates to the Manual. It should be noted that internationally some courts have even placed those policies and procedures that are relevant to the public, including any forms litigants and attorneys may need to complete, on a website. This greatly increases the public's understanding of, and confidence in, court processes.

As mentioned earlier, these policies and procedures can be the basis for training new staff members, as part of in-house training or external training; they can be the basis for refresher training for current Court staff and used as a tool to assist staff members that appear to have difficulties performing their jobs. Providing each newly hired staff member with a copy of the relevant policies and procedures at the start of their work could then be a standard procedure for the hiring process.

Another added benefit of developing standard, written operating procedures is that the Manual will provide the basis for improving work processes. By documenting the work processes of the Court, the Court will have a tool that can be used as a basis for reengineering efforts. As automation progresses at the Court, the Working Group will be able to update the Manual by adding or modifying information about more relevant procedures and jobs.

This Manual could also serve as a guiding tool for the other Courts of First Instance in Egypt by providing a written framework of basic Court operations.

It is recommended that the Working Group begin this process immediately because the task of developing the Manual does not necessarily require any special resources.

<u>Recommendation No. 9:</u> Develop a range of mechanisms for on-going enhancement of the knowledge and skills of ACOFI Court staff, particularly supervisory and management staff.

As mentioned in the previous recommendation, all court employees require a certain amount of training to equip them with the skills and tools necessary for carrying out their respective duties at the Court. The Court should therefore provide its employees with opportunities to educate, update and enhance their knowledge, skills, and abilities. As in

many other countries, training for court staff is often a lesser priority than training for Judges. This situation exists despite the fact that Court staff is primarily responsible for carrying out the majority of the work in a Court and their level of performance is one of the major indicators of a Court's efficiency. It is the staff with whom the litigants/attorneys interact on a regular basis. There is a direct correlation between the Court staff's performance and the litigants/attorneys' levels of satisfaction of Court operations.

Accordingly, it is essential that Court provide staff with the opportunity to attend professional enhancement training programs on a regular basis. Based on the assessment of the Court, the assessment team learned that there is no, formal mandatory new employee orientation training. In fact, any new employee training that may occur is done on an informal, ad hoc basis, and is mostly comprised of a supervisor or veteran staff member explaining a procedure or process to the new employee as a form of on-the-job training. Also, based on the assessment, the team learned that the MOJ provides some training to Court employees on content areas related to their work processes, while the Court provides other training opportunities on an infrequent basis. The majority of this training consists of instructor-led lectures. The team also learned that the Court staff is interesting in upgrading their knowledge and skills through more substantive, interactive training that is conducted on a regular basis.

Therefore, the Working Group should consider instituting the following training programs and activities for Court staff:

1. Orientation Training for New Employees

   Orientation training for new employees should focus on the overall workflow of court operations; individual work responsibilities; human resources issues such as performance evaluations, policies, and employees rights and benefits.

   As a part of this training, employees will receive a personal copy of the Manual of standard operating procedures, and will be oriented to the content of the document.

2. Continuing Professional Education.

   Mandatory annual or biannual training for all employees in areas such as basic management skills, customer service, legal updates, and computer skills are recommended.

   It is also helpful to offer regular refresher courses to update skills that are not regularly used or that may be needed if Court employees are transferred to other Departments/Units. Again these courses may be conducted by senior staff or Supervisors, as is currently done at the Court, in the relevant Departments/Units on an as needed basis or offered court-wide on a regular

basis. In addition, it may be helpful to offer additional training courses that particularly target and assist supervisors and managers with their responsibilities. The change management training recently offered at the Court is one such example. Particularly when the Court moves to enhance court administration and management, courses related to these functions will be needed. In order to determine its training needs, the Court could consider conducting a training needs assessment. This exercise should take place after the completion of the Court's Three-Year Strategic Plan. AOJS II can assist in designing such assessment if the Working Group desires. An early assessment will ensure that the training required, material and resources are available.

However, to ensure that all staff have access to this training, the Working Group needs to develop criteria for participating in training programs that are fair, equitable, and uniformly applied. This strategy will allow all individuals the chance to participate in training programs that relate to their required professional enhancement needs.

3. National or Regional Workshops and Conferences

Conferences and seminars are an efficient way of disseminating information and providing the opportunity for people to share knowledge and experience and to interact with their peers. Court staff can exchange ideas, discuss common problems and benefit from the combined knowledge of others who perform similar work and who have similar goals and objectives. This type of interaction provides the opportunity for not only increasing a person's knowledge base, but also for building a professional network that can contribute to increased job performance. For example, members of the NCJS and JIC will have the opportunity to attend the 9th Court Technology Conference in September 2005; this is a biennial, international event that focuses primarily on court technology issues. This conference will provide the participants with the opportunity to upgrade their knowledge on court technology issues and provide them the opportunity to interact with professional colleagues from all over the world. Although this event requires a great deal of resources, the MOJ may consider organizing similar national and regional events that brings court supervisors, managers, and staff. The Working Group, along with JIC and the Project, may wish to consider organizing such a conference for Delta-based Courts of First Instance to build a constituency for court reform activities.

ATTACHMENT D

ASSESSMENT METHDOLOGY

MANSOURA COURT OF FIRST INSTANCE

ASSESSMENT METHODOLOGY
MANSOURA COURT OF FIRST INSTANCE

Introduction

Business process enhancement projects are often grouped into two categories: process improvement efforts, which focus on fine-tuning and incremental improvements, and process reengineering efforts, which focus on radical redesign and dramatic improvement. In reality most projects are a mix of both.

Every successful process enhancement project, however, whether process improvement or process reengineering, generally follows six (6) steps:

Step 1: Establish organizational goals and objectives and support for change.

Step 2: Develop an "as is" model for current processes.

Step 3: Develop feasible alternatives for existing processes – the "to be" model.

Step 4: Measure the "as is" and "to be" gap and analyze the various alternatives.

Step 5: Select the best alternative and develop the details of the desired solution.

Step 6: Develop a plan for implementing the desired solution and begin implementation.

Step 1 began under the AOJS I Project, with its focus on court reform and modernization issues. Through its work with the JIC and the NCJS and the implementation of specific court reforms in the North Cairo and Ismailia Courts of First Instance, AOJS I established the agenda for court reform and modernization and helped the MOJ create the institutional framework to support further court reform efforts. AOJS II continues to move Step 1 forward by focusing on the replication of these court reforms in the Mansoura and Mansoura Courts of Fist Instance and the development, in conjunction with the JIC and NCJS, of a plan to replicate these reforms nationwide.

The Mansoura COFI Initial Assessment

We now find ourselves at Step 2, the development of an "as is" model. One cannot effectively change what one does not understand. Changing business processes requires a thorough understanding of the current processes. When completed, the "as is" model forms the basis for analysis, creates the framework for identifying potential process improvements and establishes the baseline for measuring the effect of change.

Within this context, the primary purpose of the Initial Assessment is to establish the "as is" model for the Mansoura Court of First Instance. To be effective, this "as is" model

must be a comprehensive picture of the Mansoura Court of First Instance as it exists **today** – how it functions currently, how it is organized, how it performs its work and the nature and condition of the physical facilities in which it operates. If the Assessment achieves this level of completeness, then the "as is" model provides a basis for:

- Analyzing the operations of the Mansoura Court;
- Arriving at a set of proposed process enhancement recommendations for improving those operations;
- Evaluating how the lessons learned in AOJS I might be utilized in the Mansoura Court; and,
- Developing a plan for deploying and implementing the AOJS I court reforms in the Mansoura Court.

Gathering the Data

In order to arrive at this comprehensive picture of the Mansoura Court, or any Court for that matter, one must consider Court operations, the manner in which it conducts its business and the many factors that affect the Court's ability to effectively manage its operations, such as:

- What personnel resources are assigned to the Court? (judges, circuit clerks, etc.)
- What physical resources are available to the Court? (number of courtrooms, office, computer resources
- How is the Court organized?
- What are the size, age, makeup and distribution of the Court's caseload?

In order to answer these questions, conduct effective analysis, develop feasible alternatives for existing processes and generally move forward in the process enhancement project, three (3) types of data and information are needed:

- Court Personnel, Organization, Resources and Physical Environment

- Caseload and Case Processing Statistics

- Case Processing Workflow

As described in more detail in Appendix xxx "Tools" below, the JIC and AOJS II have developed an Assessment Data Tool to facilitate the collection of this data and information in a consistent, organized fashion. To collect and verify the data and information called for in the Assessment Data Tool, the Assessment Team utilized the following methods:

1. Sections of the Assessment Data Tool were provided to selected Department / Unit Supervisors to fill out in advance and these written responses were provided to the Assessment Team.

2. The Assessment Team conducted in-depth interviews with nineteen (19) Department / Unit Supervisors and selected Court personnel, with particular attention to those Departments / Units directly involved in the caseflow process. In addition collecting and verifying the data and information called for in the Assessment Data Tool, the Team used these interviews as an opportunity to gain a fuller understanding of the workings of the Department / Unit, to explore perceptions, attitudes and patterns of behavior in the Department.

3. The Assessment Team inspected the building and its physical infrastructure.

4. Finally, after an initial review of the data and information gathered, the Assessment Team returned to the Court for follow-up meetings to gather additional data.

Developing the Workflow Model

Courts exist in order to dispense justice through the processing of cases and other matters brought before them by litigants and their representatives. In many respects then, each Court is defined by the workflow process that it utilizes to administer cases. Therefore, one of the most important elements of the Assessment process and the creation of the "as is " model is the development of a detailed workflow covering all of the steps and procedures followed by the Court in processing a typical case, from initiation through final disposition.

To develop a detailed case processing workflow model, the Assessment Team conducted meetings with a cross-section of Department Supervisors and Court personnel. In order to verify the workflow findings from the group meetings and to relate the case processing workflow to the Court's actual physical layout in the building, the Team also observed operations in the Court's various case processing offices.

The Team also utilized the visual caseflow diagrams prepared by Mr. Farag Tawfiq Gerges, the Supervisor of the Civil Unit. These diagrams were useful in confirming the analysis and observations of the Team.

Analyzing the Data

In analyzing the work of a complex organization, such as a Court of First Instance, there are no set formulas as in chemistry or physics. Essentially one must observe the Court in operation, gather data about the operations of the Court (both to verify and supplement observed characteristics), translate those observations and the gathered data into findings about the state of the Court and compare those findings against "best practices". These recognized "best practices" are one of the main tolls used to analyze the work of the Court.

Beyond this general methodology, however, these are several specific areas of analysis that are particularly important in a Court setting.

One of the most important is the case processing workflow. First and foremost the business of Courts is to process and decide cases and administer justice. In many ways the case process workflow defines whether a court is operating efficiently and properly serving its constituency. The Assessment Team analyzed the Mansoura Court's case processing workflow to look for bottlenecks, redundant steps, poor flow within the court building and other problems associated with the physical process of moving a case from initiation to disposition. The workflow alone, however, will not necessarily reveal problems associated with the sheer size of the Court's workload and whether that workload, as measured by caseloads, is being managed efficiently.

To analyze the caseload of the Mansoura Court for comparison against "best practices", the Assessment Team looks at aggregate and individual Judge and Judicial Panel caseloads in key areas, such as:

- Size and composition
- Final judgments vs. pending caseload
- Final judgments vs. new filings
- Age of cases at disposition
- Factors, such a postponements and the Expert referral process, that may cause delay
- Allocation of Court resources in relation to the caseloads

The Assessment Team then looks at trends over time – the dynamic nature of this data and information:

- Are caseloads increasing? If so, how fast? Why?
- Is the disposition rate increasing or decreasing? In absolute or relative terms?
- Is the average age at disposition increasing or decreasing?

In identifying negative trends, the Assessment Team must determine the reasons for these trends and in doing so identify Court business process and areas within the Court's operations that might be changed or improved in order to reverse them.

After establishing this "as is" model, the analysis then moves into Step 3 of the process enhancement process: the development of feasible alternatives for existing processes – the "to be" model. These alternatives take the form of the initial Recommendations contained in this Assessment.

ATTACHMENT E

ASSESSMENT TOOLS

MANSOURA COURT OF FIRST INSTANCE

ASSESSMENT TOOLS
MANSOURA COURT OF FIRST INSTANCE

Assessment Data Tool

The most important tool in the Mansoura Initial Survey is the Assessment Data Tool. The data and information captured in the Assessment Data Tool provides the comprehensive picture of Court operations, organization and physical infrastructure that is required in order to conduct meaningful analysis. The Assessment Data Tool consists of eleven (11) sections that cover all of the operating components of a Court of First Instance:

- General Information
- Building and Physical Infrastructure
- Human Resources
- Organizational Chart
- Case Processing and Workflow
- Specific Department / Unit Information and Workflow
- General Caseload Data
- Judicial Panel Caseload Data
- Judge Caseload Data
- Judicial Jurisdiction
- Court Services

As described in Appendix xx "Methodology", the data and information in this Assessment Data Tool is collected as part of a site visit and from interviews of key Court personnel, walk-throughs and personal observations.

In addition to being comprehensive, the Assessment Data Tool facilitates the collection of data and information in a consistent, organized manner. Therefore the Assessment Data Tool can be used in all of the Courts of First Instance and will facilitate systematic comparisons between Courts.

The Assessment Data Tool is also designed to serve as an information baseline to measure and evaluate future change. Therefore, in some instances, a specific Court will find that some parts of the Assessment Tool do not apply. In other instances, a Court will find itself answering "no", "not available" or "don't know" to some questions. This is to be fully expected. It is simply a reflection of the fact that Courts operate differently; that some have different processes and procedures than others; that different Courts collect different statistical information; and, that some Courts are more automated than others. As recommended changes are implemented, it is reasonable to expect that a Court would, in the future, provide different answers to the same Assessment Data Tool questions.

The persons who participate in the caseflow process and caseflow management in the Court are obviously the best source of information. Therefore, the JIC and the AOJS II

Project Team also developed a Case Management Assessment Questionnaire to be used in conjunction with the Assessment Tool. This questionnaire is intended to solicit ideas and opinions from selected Court personnel, particularly members of the Judicial Panels, about the caseflow process and case management mechanisms and practices being used in each Court.

The Assessment Tool was extensively reviewed after the Alexandria COFI assessment. Based on the lessons learned in Alexandria, the Tool was revised to make it more focused and easier to fill out. The caseload data areas were revised to provide more detailed information – by case type, Panel and judge. In many places where previously the document had asked for narrative text, more precise questions were added. Finally, additional data sections were added. As a result the Tool is much easier to use, both for the interviewer and Court personnel.

Baseline Case Data Collection Project

As a part of its most recent annual project plan, AOJS II was required to collect sample data about Civil and Commercial cases in the Mansoura Court that were closed during the judicial year for the period from October 1, 2003 through September 30, 2004 . The purpose of this activity was to collect a number of data points about each case, including:

- Case Initiation Date
- Date of first hearing
- Date of notification of the original Writ of Summons
- Number of postponements because of notification issues
- Number of postponements because Expert issues
- Number of any type of postponements
- Date of first referral to Experts offices
- Date of sending the case folder from the Court to the Experts offices
- Date of receipt of the last report by the Experts
- Date of session for case disposition
- Date of issuance of the final judgment
- Number of hearing sessions including the first hearing and the disposition session

From this data AOJS II and the JIC are able to create a profile of the closed cases for the judicial year that documents statistical information about case processing and disposition timeframes. This activity will be conducted annually in the Court during the life of the AOJS II project to help determine if Project activities at the Court are contributing to a reduction in processing times. The initial effort therefore creates the baseline for comparison in future years.

Collection and analysis of the data was completed in October. The results provided the Assessment Team with valuable information about case processing times and potential delay factors.

Best Practices

Raw data and information by itself does not constitute analysis. Other tools must be used to create the framework for analysis. We call these tools "best practices".

Analyzing Court operations consists of identifying clear problems and comparing the operations of the Court to those practices and procedures that are exemplarity of the best that is being done. We have relied on a wide range of books, documents and other publications documents to suggest "best practices" in the analysis of the Mansoura Court of First Instance. The entire list of these publications is included in the Bibliography included with the Assessment Report and Recommendations.

Court Rules, Statistical Reports and Other Documentation

Many other courts have encountered the same problems as the Mansoura Court. Therefore the Team has done extensive "lessons learned" research to find out how other courts have addressed these issues. The Team has collected court rules, court orders, statistical reports, policy statements, manuals and other documents from a wide variety of sources. These provide real examples of court strategies for dealing with such issues as:

- Delay reduction
- Differentiated case management
- Statistical reporting to support decision making

These examples come from courts recognized as leaders by the National Center for State Courts and the Council of State Court Administrators in the U.S. and such international organizations as the World Bank.

The Team has also reviewed relevant materials from professional organizations, such as the American Bar Association and the National Association for Court Management, that are particularly concerned with court and caseflow management issues.

Copies of relevant materials are included, where appropriate, in Appendices.

ATTACHMENT F

COMPUTER-GENERATED FEE RECEIPT

MANSOURA COURT OF FIRST INSTANCE

٢٠٠٥/٠٨/٠٧ ١٢:٠٢:٢١ م

اختبار

البيـــان

رقم القضية صنت-٢٢- ٢٠٠٥

اسم المدعى محمد حسين

اسم المحامى عماد ىالدين عبد الحسيب

الدائرة ٧ صحة توقيع

ق ٣ دور ٧

تاريخ الجلسة الثلاثاء ٢٠٠٥/٠٩/٠٦ مساءا

نوع الطلب :-

* صحة توقيع (رسم ثابت٣ج)

اجمالى الطلبات ٩,٨٠جنيها

محطة التحصيل

اسم المحصل اختبار النظام

٠٠٠٣,٠٠	رسم ثابت
٠٠٠١,٥٠	رسم إضافى
٠٠٠١,٥٠	صندوق رعاية الخدمات
٠٠٠٠,٤٠	(دمغة نوعية و تنمية)
٠٠٠٣,٠٠	ضريبة المحاماة
٠٠٠٠,٤٠	(دمغة نوعية و تنمية)

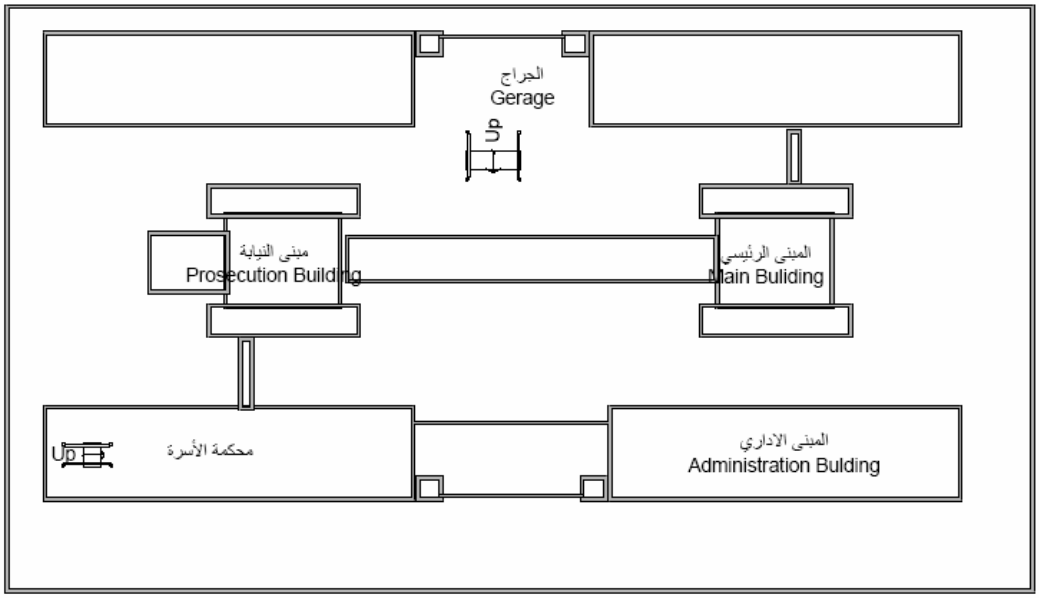
٠٠٠٣,٠٠	رسم ثابت
٠٠٠١,٥٠	رسم إضافى
٠٠٠١,٥٠	صندوق رعاية الخدمات
٠٠٠٠,٨٠	(دمغة نوعية و تنمية)
٠٠٠٣,٠٠	ضريبة المحاماة

ATTACHMENT G

FRONT COUNTER / CASE INITIATION AREA FLOOR PLAN

MANSOURA COURT OF FIRST INSTANCE

مجمع المحاكم
المنصورة
الشكل العام



ATTACHMENT H

DRAFT NATIONAL DELAY REDUCTION PLAN FOR CIVIL AND COMMERCIAL CASES

MANSOURA COURT OF FIRST INSTANCE

In the name of God, most merciful, most compassionate

DRAFT NATIONAL DELAY REDUCTION PLAN FOR CIVIL AND COMMERCIAL CASES IN EGYPTIAN COURTS OF FIRST INSTANCE

OVERALL OBJECTIVE

To develop a mechanism to reduce delay in civil and commercial cases in First Instance Courts in Egypt, by achieving compliance with proposed procedural and time standards by the end of September, 2007.

POSITIVE ROLE OF THE JUDGE

The judge has to activate his positive role as stipulated in the laws of pleadings, evidence and personal matters.

EXPERT CASES

Cases sent to the experts are a serious source of delay in civil and commercial cases. The judges will seek to reduce this delay through the adoption of appropriate measures, such as:

- Limit referrals to cases that require technical expertise.
- Bring experts to the court. At least two experts should be assigned to every First Instance Court.
- Sanctions on the party who deliberately obstructs the work of the expert.

CASE PAPERS

Notification papers and hearing minutes should be updated in such a way that would facilitate the judge's work, and enable him to monitor the work of the servers and the court clerk and ensure discipline. This will spare the judge monitoring the work while the case is awaiting judgment. (See attached forms 1,2, and 3.)

Appendix # 1

Statement presented by the Server

Server's Name: _____

Court where Server works: _____

Case No.	Case Type	No. Of Defendants	Type of Notification
			Personal _____ Chief of Police _____ No service _____ Prosecutor _____ Reason for No Service _____

Signature of Server

_____

Signature of Chief Servers

_____

Appendix # 2

Case Number:

Case Type:

Ser.	Name of Defendant	Date and Time of Service	Signature, capacity, and ID# of service receiver
1.			
2.			
3.			
4.			
5.			

Notice of Completion of Notification

(Court's Postal Employee or Government Postal Employee)

Case #	Name of Defendant	Correspondence #	Date

Post Office Seal

TIME STANDARDS

All panels hearing disputes in civil and commercial cases in the courts of First Instance shall attempt to resolve cases within the following time standards:

STATEMENT OF PROCEDURES

To ensure the timely progress of civil and commercial cases through the courts of First Instance, panels shall take early and positive control of scheduling hearings in each case in accordance with the proposed form. The plaintiff must sign his form at the time the writ of summons is filed, and the defendant must sign his form at the time of his first appearance, and so shall every new party in the case. The form of the statement of procedures shall be the following:

Statement of Events Form

Form #1: Plaintiff's Form

Case #: _____

Date Filed:_____

Name of Plaintiff: _____

Name of Defendant: _____

Case Type:_____

Plaintiff's information:

Are you requesting a hearing for the witnesses? Yes No

If yes, the subject of the witnesses' testimonies:

Names of witnesses:

Witnesses' testimonies hearing:_____

Are you requesting referring the case to an expert? Yes No

What issues would you like the expert to investigate?

Hearing to refer the case to an expert_____

Report Hearing _____

Other procedures to be accomplished? Yes No

Type of Procedure_____

Procedure Hearing_____

Hearing in case none of the above was adopted _____

Statement of the new procedures that surfaced while case was being considered

_____

_____

_____

Hearing to complete all the new procedures that surfaced

_____

_____

Signature

Final Judgment hearing_____

Statement of Events Form

Form #2: Defendant's Form

Case #: _____

Date Filed: _____

Name of Plaintiff: _____

Name of Defendant: _____

Case Type: _____

Defendant's Information:

Are you requesting a hearing for the witnesses? Yes No

If yes, the subject of the witnesses' testimonies:

Names of witnesses:

Witnesses' testimonies hearing: _____

Are you requesting referring the case to an expert? Yes No

What issues would you like the expert to investigate?

Hearing to refer the case to an expert _____

Report Hearing _____

Other procedures to be accomplished? Yes No

Type of Procedure_____

Procedure Hearing_____

Hearing in case none of the above was adopted _____

Statement of the new procedures that surfaced while case was being considered

_____

_____

_____

Hearing to complete all the new procedures that surfaced

_____

_____

Signature

Final Judgment hearing_____

AMICABLE SETTLEMENT

The judges in First Instance Courts shall explore in the first hearing the possibility of reaching an amicable settlement. If the parties are responsive, the judges shall, in a neutral manner, bring the positions of the parties closer to each other in order to reach a settlement. The agreement shall be drafted under the judge's supervision, and the parties shall sign the agreement, which will be incorporated in the case file. If disposing of the case contradicted with what the judge had done in the settlement hearing, then the case will be disposed of in accordance with the provisions of the law.

Case Management

One of the employees at the partial courts should be assigned to:

1. Follow-up registering the cases as stipulated in Article No. 65 of the Procedural Law and as stipulated in the preceding and succeeding articles.
2. Follow-up Case documents servicing.
3. Execution of the court's decision and submission of a status report of the execution procedures undertaken.

Implementation of Plan

This plan will be first implemented as an experiment in North Cairo Courts, Ismailia, Benha, and Tanta. There may also be participation by the court of First Instance in Giza and by other courts of first instance that may be designated by the Ministry of Justice.

The following will be educated on the merits of the above-mentioned suggestions:

- Judges;
- Court Staff;
- Lawyers;
- Experts; and
- The public

This can be done through the support of the officials of the Ministry of Justice. Educational lectures and seminars should be held by the National Center for Judicial Studies on both this new plan and on new technology. Chief justices of courts of first instance can use a broad range of methods for public education purposes, including television and newspapers.

There should be meetings of the delay reduction-planning group each month. The chief justices' meeting in March 2002 will provide an opportunity to present this new plan and to generate support for its implementation. The Officials of the Ministry of Justice can determine the need for other committees to assist in planning and implementation.

Proposed General Timetable

1- Complete draft plan

2- Approval of plan

3- Begin implementation:

4- First evaluation

5- All courts participating

6- Target compliance date

Modern Technologies

We recommend that all courts of First Instance encourage and facilitate the use of modern technologies in all courts and at all levels. Every judge should have his own computer and should receive the proper training on how to use it so that he could:

- Learn about legal research.
- Learn about the decisions of the Constitutional Court and the Court of Cassation.
- Access legal references.
- Use means of communications.
- Communicate with other judges through the e-mail.
- Use spreadsheets to monitor the work of the experts.
- Use electronic records.

ATTACHMENT I

EXCEPTS FROM
EGYPTIAN CODE OF PROCEDURAL LAW FOR CIVIL AND COMMERCIAL CASES

MANSOURA COURT OF FIRST INSTANCE

EXCEPTS FROM
EGYPTIAN CODE OF PROCEDURAL LAW FOR CIVIL AND COMMERCIAL CASES

Article 65:

Court clerks unit registers the writ of summons if accompanied by the following:

1. Fees payment receipt or a document indicating the waiver of payment by the plaintiff.
2. Copying summons for defendants in addition to two (2) copies for clerks unit.
3. Original supporting documents and evidences or copies under the responsibility of the plaintiff.
4. A memo explaining the case or a declaration indicating that the writ of summons includes complete explanation of the case. Copies should be provided.

The court clerk unit registers the date of index registry in all cases. If writ of summons is not registered due to incomplete documents referred to in paragraph 1 above, court clerk raises the issue to the temporary matters judge to take a decision of registering the WOS or requesting the litigant to complete the documents. If the WOS is registered upon the decision of the judge, it will be registered at the same date of registry request.

The court clerk unit sends a registered mail to the defendant within three days, with a copy of the WOS, the explanation memo or declaration, informing the defendant about the case registry, name and demands of plaintiff, and date of hearing. The defendant is asked to read the case file and submit documents and plea memo.

In all cases where date to appear before court is breached other than expedited cases, the defendant must submit a plea memo with attachments or copies of attachments, under his/her own responsibility, at the clerks unit at least three (3) days before session.

Case signature cases for real estate in-kind rights will not be accepted unless their WOS's are registered.

Article 66:

The date to appear before courts of first instance and cassation court is fifteen (15) days and eight (8) days for partial circuits. In emergences, these dates may be reduced to three (3) days and 24 hours respectively.

The date to appear before court on expedited cases is 24 hours. In emergences, this date may be reduced to one (1) hour, providing that notification has been sent to the litigant in person if it is a maritime case.

Reduction of dates will be upon permission by the temporary matters judge. A copy of the judge's permission will be communicated to the litigant with WOS.

Article 98

A case may not be postponed for more than one time for the same reason and the same party. Postponements should not exceed three (3) weeks.

Article 99

The court shall fine whoever is responsible for late submission of documents or delaying any procedure than the date set by the court, whether court clerks or parties, with a minimum of LE 20 and a maximum of LE 200. This is a court order to be stated in the hearing notes and has the same executive enforcement or judgments. This order may not be appealed in any. However, the court may exempt the debtor form the whole or part of the fine if he presents himself to court and provides an acceptable excuse.