



Legal and Judicial Reform Unit

Legal Department

The World Bank

Judicial Reform

A Process of Change Through Pilot Courts



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Judicial Reform

A Process of Change Through Pilot Courts

Introduction

Many developing countries are giving priority to judicial reform as a necessary precondition for encouraging new investment. Governments in Eastern Europe and Latin America realize that they cannot complete their economic reforms until they have made a corresponding change in laws and legal processes. The adoption of reforms varies from region to region: while some Eastern European countries included the judiciary as part of their initial public-sector reforms, Latin America has left it for last, making changes to the judiciary as part of a second generation of reforms that focuses on institutional strengthening. Reformers in both regions share four core goals, however: each country aims to have an impartial, predictable,¹ accessible, and efficient judicial system.

The pressure on governments to reform comes from both local and foreign interests. At the national level, privatization of large state enterprises has raised issues concerning contracts, labor, and competition that the judiciaries were ill-equipped to handle. In addition, as democracies stabilize, public opinion has begun to play a larger role in decision-making, and public dissatisfaction with the judiciary runs high in many countries. At the international level, economic integration also pushes countries to change their laws and legal processes²—not only is there greater pressure for efficient enforcement of laws, but there is also the need to rewrite legislation to conform to regional and international standards³ and the need to establish new institutions.⁴ In addition, when countries apply to join international trade organizations such as the WTO, they must comply with certain legal prerequisites, and they come under pressure to allow foreign institutions to review their administration of law.⁵ Finally, as countries try to make themselves more attractive to foreign investment, they find that an inefficient judiciary may repel potential investors. One factor that investors consider when rating a country is whether they will have access to suitable mechanisms by which to resolve disputes. For example, in a recent poll, more than 90 percent of businesses cited delay as the main problem of the judiciary in Brazil.⁶ In the same poll, 66 percent stated that judicial uncertainty directly harmed their business.⁷

Judicial Reform

The judicial sector in many countries is inefficient and distrusted. In Hungary, 55 percent of judges were appointed before 1989. Rapid changes to the judiciary caused problems for judges from the old system as well as for those newly appointed judges who were in need of training from the start.⁸ The result is that while most judges here are respected for being impartial and fair,⁹ they are often accused of inexperience, and this calls into question the fair administration of justice.¹⁰ Judges in Hungary have also been under tremendous pressure—the number of cases filed in one Hungarian court increased by more than 500 percent over 1990–96.¹¹

While these countries are responding to calls for judicial reform, modernization cannot be achieved with one five-year project. Reform requires both cultural change and a systematic change in the delivery of justice,¹² so countries need to institute the reform process in a program of stages.¹³ Such a program often includes court modernization, legal reform, and alternative dispute-resolution mechanisms; training for judges, court personnel, lawyers, students, and civil society; and improved access to justice. The starting point for the program should be a clear plan that focuses on activities that have a high probability of success and that provide immediate benefits. This helps to win over judges and political actors who may have a vested interest in the continued inefficiency of the judiciary.

Why Pilots?

One way to begin the process is via a pilot program of court modernization. Courts usually have limited experience of reform processes. Pilot courts can help the judiciary develop the tools needed to manage projects and implement reforms, and can serve as the basis for much larger efforts. They foster teamwork, and can help identify and create leaders and train personnel to carry the judiciary into future projects.¹⁴

Pilots allow courts to focus on specific issues, often emphasizing organization or efficiency, and help them to define goals and test them for practicability.¹⁵ They allow the judiciary to estimate the costs of reforms and the time needed to implement them, and to define the main obstacles to further reform. In addition, pilots can serve as models for the reform of larger systems, and can be tested and evaluated for efficiency and effectiveness before the full reform is imposed.¹⁶ By testing regulations in this way, legislators and administrators can avoid the steep economic and political costs of revision or repeal. A mediation pilot in Argentina, for example, began in the capital city and saw agreement reached in more than 60 percent of the cases in the federal court.¹⁷ After evaluation and

revision, the pilot will be expanded to the rest of the country's federal courts.

An essential element of judicial reform is consensus, and building that consensus is often one of the first stages of a reform program. Without consensus, obstacles to reform may be overwhelming. Pilots lend themselves to the first stages of the judicial reform process because they can help to communicate a vision of the change process, and can help judiciaries to see beyond their vested interests and work together to reach consensus.¹⁸ They help reformers avoid setting unattainable goals, and reduce the risk of failure and the loss of valuable resources. They also generate ownership of the reforms, and generate a political and social commitment for change that makes reforms difficult to reverse. This paper will highlight examples of pilot courts in Eastern Europe and the Americas, and will discuss some of the lessons learned from them.

A Process of Change: Leadership and Management

A pilot project only makes sense if there are long-term objectives, in general related to the overall judicial reform program. In this way, the pilot can build knowledge and prepare the way for more profound reforms. The main elements of the knowledge needed can be classified as leadership and management. Management is a set of processes that keeps a complicated system of people and technology running smoothly.¹⁹ These include planning, budgeting, organization, staffing, problem solving, training, automation, and case-flow management processes, as well as others. Leadership is a set of processes that creates new organizations or adapts existing organizations to changing circumstances. Leadership defines what the future should be like, aligns the people with that vision, and inspires them to achieve it despite the obstacles.²⁰

Some authors argue that successful reforms are due 90 percent to leadership and 10 percent to management. Reform requires a change in attitudes, which implies also a cultural change. Due to their traditional culture, judiciaries are often not accustomed to change and seldom initiate reform.²¹ In one pilot court discussed below, the judges were resistant at first to the recommended reforms; they later came to embrace the program, however, and ensured its success through their strong support.²²

To overcome cultural resistance to change, the early participation of the main actors in the change process has become a powerful tool to help achieve full commitment to the process. As seen in the cases discussed in this paper, Total Quality Management (TQM), a system that specifies full management participation, has become an effective way to begin the reform and innovation process.²³ Each pilot presented in this paper is based on the concept of TQM. Most of the pilot courts have used TQM tools to

strengthen and support their internal leadership capability, to encourage cultural change, to assist communication of the vision and creation of the learning process, and to provide other short-term benefits. The pilots show that building the knowledge necessary for change is also part of the greater medium- and long-term processes.

Participation

Participation is a key ingredient in the process of change, and the small, local scale of pilots means they are particularly well suited to fostering this participation. Groups that should have a voice in the process include the higher and lower courts, the legislative and the executive branches of government, nongovernmental organizations, citizen groups, law schools, bar associations, judicial associations, business groups, and other stakeholders in the reform process. However, the judiciary is sometimes reluctant to encourage participation because of fear of criticism or occasionally because of its own inexperience in dealing with these different stakeholders—it may even not be aware that stakeholders outside the judiciary exist. This is one of the hardest stages of cultural change to overcome.

Participation by the general public is important. One pilot found that public input raised important issues that judges and lawyers would not otherwise have noticed.²⁴ Some countries have large minority groups that may have special access issues, and that usually have complaints about the judiciary. Other issues that the public can help appraise are access to justice, and faith in the system. A study reflecting more voices yields a more complete map of the main problems in the system. Wide participation also has the advantage that it engenders a feeling of ownership and enthusiasm in those involved. Such a spirit is crucial, particularly for longer-term reforms, which can be difficult, time-consuming, and politically costly. The participation of judges is crucial to the process. In the United States, a review of a six-court pilot program showed that one reason the program had not been as successful as others was because no active federal judge had taken part in the planning stages of the reform.²⁵

Another way to foster participation is to make the reform program voluntary.²⁶ This method tends to encourage those judges interested, and also encourages further experimentation among other courts: if a few courts experiment and are successful, others may choose to follow. Participation will also be wider if the higher courts encourage the lower courts to initiate their own experiments, thereby providing a basis for innovation. One way to achieve this is through a court resolution explicitly permitting pilot programs. In this way, the lower courts are not discouraged if a law must be changed before undertaking a pilot project.

Pilot Courts around the World

While pilot methods vary from country to country, they share several characteristics that make them useful tools for judicial reform. They permit experimentation, and they are instructive for those who want to implement other, related reforms. International exchange of pilot experiences, for example, can be useful in generating ideas for further reforms. Although reformers must be sensitive to the cultural and structural differences between countries, the exchange of experiences can also help to build support for the pilot projects, create working relationships among judiciaries, and legitimize the reform process.

Even within a country, pilots provide fertile learning ground. In the United States, for example, one pilot project set certain specific goals—reducing cost and delay, creating uniform case management, establishing judicial control of cases, and making judges accountable for their cases—but allowed each participating court to choose how it would attain those goals.²⁷ The result was a rich diversity of solutions: one court designed a case-tracking system, another created an early assessment program, and another scheduled “settlement weeks,” in which courts focused on mediating cases deemed ready for settlement discussions.²⁸ In Ecuador, a similar system allows courts to develop their own program and submit that program to a grant facility for funding. The result is that subsequent reformers have a greater array of solutions to study and choose from.

Colombia

In Colombia, the Itagüí municipality launched its first pilot court reform project in 1989. Colombia is a country plagued by extreme violence that has undermined the system of justice.²⁹ Military and paramilitary death squads have placed pressure on the government to act outside its official mandate,³⁰ with the result that the Colombian judicial system suffers from inefficiency and low public confidence—the country ranked 45 out of 46 countries in a study of public confidence in the fair administration of justice.³¹ Six years after the 1991 reforms, the courts were less productive than before those reforms.³²

An efficient and effective judiciary is crucial in this environment, but instead there is a 99 percent impunity rate and a constant threat of violence against the judiciary itself. Although general reforms were not so successful, there has been an important success story. The local business guild initiated the Itagüí pilot after conducting a study that revealed that 61.2 percent of the Itagüí community had no confidence in the judicial system, and 85 percent did not bother to report violations of the law. The pilot experience in Colombia is an example of an effort to improve confidence in a system that desperately needs some form of dispute resolution

that works.³³ This pilot is an example of cooperation between the individual court and its community, and a clear example of a cultural change in the judiciary that has yielded positive results.

The goal of the Itagüí pilot was for courts of first instance to adopt modern administration techniques to increase their productivity, improve the quality of their service, and restore confidence in the judiciary. Eleven courts volunteered to participate in the program, which comprised two main phases. The first phase required the design of the proposal, which was to be presented to the judges of Itagüí by the business association and the nonprofit group. The proposal focused on reorganizing the court administration, creating working groups to implement the changes, and developing a financial strategy. Once the judges approved the plan, phase two, the implementation of the changes, began. In broad strokes, the plan proposed centralizing the administrative work of the 11 courts in one office, allowing judges to focus principally on judicial tasks. This office was to be managed using modern organizational techniques, with efficiency, quality of service, and continual improvement as top priorities. At the same time, the courts would improve their public image through community outreach and other communications strategies.

So far, the project has been a success. In 1991, plaintiffs filed 3,400 cases, but judges resolved only 2,200 cases (65 percent). In 1997, 6,700 cases were filed—an increase of almost 100 percent—of which 5,400, or 81 percent, were resolved. The judiciary improved the proportion of cases it resolved despite a dramatic rise in the number of cases filed. This is consistent with the philosophy that when the judiciary improves its efficiency, people will seek judicial help in the belief that help will be forthcoming.³⁴ The increase in cases filed here suggests greater public confidence in the judiciary.

Five main elements were key to the project's success, and could provide useful guidance for other pilots:

- strong, involved leadership from both the public and the private sector
- the use of modern management techniques
- participation at all levels
- efforts to improve the judicial system's public image
- the application of strategic change management

The Itagüí pilot reform program was a collaborative effort between a business association, a nonprofit organization, the Municipality of Itagüí, the Tribunal Superior, and court personnel. The pilot enjoyed strong support from high government officials, including the Ministry of Justice, and the Supreme Court.³⁵ The private sector provided part of the funds and technical support for management reforms, and it continually voiced its

support for the project, publicizing its success locally and abroad.³⁶ Although it is unusual for the private sector to participate so intimately in judicial reform, the business sector in Itagüí has a tradition of contributing to public welfare,³⁷ and participants in the program aver that judicial independence was not compromised. Other pilot programs considering private sector support may prefer to have funds channeled through a nonprofit group to avoid allegations that judicial independence is being compromised.

The participation of judges and magistrates added validity to the reform program and strength to its leadership. By involving judges in the pilot and thus conferring on them status that they lack in the rest of Colombia and most of Latin America, the creators of the pilot ensured their support was strong. Judges and public officials in fact formed one of the three main working groups, and they became leaders of the activities. This new sense of their importance secured their involvement in the project, and enhanced their attitude toward their work and the law.

The Itagüí project also relied on the support of the legislature. In Latin America, where public bodies are often created and managed under complex norms and regulations, laws tend to restrict the implementation of change. The Itagüí pilot needed to address public demand for change, the fear for personal safety, and the delay in the administration of justice. In 1990, *la Sala de Gobierno del Tribunal Superior de Medellín* passed Resolution 158, which allowed the courts to centralize their administrative tasks in a specialized office. Other changes in the national legal framework of justice administration also opened the way for reform.

Like many of Latin America's legal reforms, the Itagüí pilot focused on streamlining administrative processes. Borrowing from the schools of reengineering, continual improvement, and strategic management, the reform planners were able to design more efficient, service-oriented processes, and make personnel more efficient, creative, and committed. There was also an effort to transform the judicial mentality to accept that the role of the judiciary is to provide a service to the public.

Traditionally, Latin American trial judges spend a high percentage of their time on administrative tasks, and there is no clear division between administrative and judicial work. In addition, judges are accustomed to working alone with their own staff. The Itagüí project, by contrast, places most administrative tasks with the Cooperative Administrative Office (*Oficina de Apoyo Judicial (OAJ)*), freeing judges and other staff for purely judicial tasks. The OAJ receives and tracks cases, files documents, sends out notices, and keeps parties informed, while judges and clerks focus almost exclusively on investigating cases and writing opinions. By centralizing administrative tasks in the OAJ and focusing on efficiency, the Itagüí trial courts have been able to improve their systems for tracking

cases, assigning judges to cases by lottery, and sending notices—just by reengineering the process of sending notices, the pilot was able to eliminate a step in the process. The structural changes and process reengineering have translated into client benefits. Today, cases are processed more quickly, clients receive better service, and they have access to more readily available, more reliable information.

The management of the OAJ is in the hands of the judges who design the changes. Every six months, a new director judge is chosen, based on his or her knowledge of the judicial process and of the problems facing the courts. Each judge has the opportunity to build leadership skills in the director position, and to learn the importance of teamwork to achieving results.

Continual quality improvement is another distinguishing characteristic of the Itagüí reform. The pilot courts track client satisfaction as well as other indicators. Every six months, for example, the OAJ conducts a client survey to learn who the clients are, when they come to the system, and where their dissatisfaction with the service may lie. The surveys help the OAJ to meet client needs better, and provide new ideas for change. It was through this system, for example, that the OAJ learnt that many clients do not understand the legal system, making it difficult for judges and staff to work with them. In response, the OAJ created communication and education programs, in which judges give classes on law and procedure for the community. By reaching out to the community and demonstrating their skills and knowledge, judges at the same time gain the respect of the community that had previously been lacking.

The OAJ also uses performance indicators to encourage staff efficiency. It has defined eight types of services, and created a time limit for each.³⁸ Time limits set by law are often not enforced, so establishing time limits agreed to by the staff is crucial. Each OAJ staff member makes a commitment to perform these tasks within the defined limits,³⁹ and work is assessed to see if it has been completed on time. The pilots also measure the productivity of their judges, by tracking the cases that are filed, the cases pending, and the cases resolved. In many developing countries this tracking is not done because statistics are unreliable or are simply not gathered—the Itagüí pilot, in contrast, keeps strict data that can be used for measurement. In addition, judges also have performance goals, and strive to resolve a certain number of cases each month.⁴⁰

The designers of the Itagüí project were able to clearly define long-term goals, elaborate the strategies to achieve those goals, and communicate these goals and strategies to all involved. These goals were communicated to their own personnel, to the higher courts, lawyers, and the community at large. In this way everyone was aware of the goals of the pilot and the results that were being sought. This transparency is important in judicial

reform management. Two other important characteristics of Itagüí's planning were that judges were included early in the process, and that long-term goals and strategies are reviewed on a regular basis.

Just as it is important to have judges involved in developing and implementing reforms, it is important that staff of all levels are aware of, committed to, and actively participating in the reform. The Itagüí project was successful in training employees in new management and performance skills, and in incorporating their input into the reforms, eventually resulting in a high level of job satisfaction. Training included a clear definition of the court mission, values, beliefs, and main strategies. These messages were printed on signs posted throughout the hallways and conference rooms, and were included in the employee manual. Interviews with staff revealed a high level of awareness of the court's stated mission and a good understanding of the goals.

A survey of several Colombian jurisdictions showed that employees who participated in the Itagüí pilot project are more open than is typical to innovation and improvement. On a scale of 1 to 5, in which 5 signifies a corporate culture of innovation and 1 a traditional corporate culture, Itagüí scored 4.4. Other jurisdictions scored in the range of 3.2 to 3.7. Itagüí employees also displayed a greater level of knowledge about administrative and organizational issues than is evident in comparable jurisdictions. They were familiar with concepts such as teamwork, reengineering, continual improvement, and performance indicators, which they used daily. This was true even though most courts do not have specialist administrative staff.

Institutional reforms have to strike a balance between top-down and bottom-up changes. If decisions are made exclusively in the upper levels of management, those who implement them at the lower end will be less committed and less knowledgeable. But there is also a need for leadership to ensure that all proposed changes work toward a common goal. The Itagüí pilot struck a good balance in this regard. Upper management provided strong leadership and support, but employees were encouraged to submit their own proposals for changes. If they were approved, the proposals were financed and implemented. If not, the employee was given an explanation for the decision taken. The archive keeper, for example, suggested and then implemented a method of facilitating retrieval by keeping a computer database of where archives are stored. Having this sort of input gave employees a stake in the reforms, and allowed the reforms to benefit from the hands-on knowledge of those who worked in the organization. The process gave the employees a permanent voice, which encouraged participation and built consensus.

A survey of the "organizational climate" of Colombia's courts revealed that the Itagüí staff was more content with the court work environment than

the staff of other courts.⁴¹ This can be partly attributed to the fact that the Itagüí staff was actively involved in the project, and received positive feedback from clients, through performance measures, and from the community and the nation at large. An important aim of the pilot project was to change the public's perception of the judiciary, and the result was that the judiciary's image improved. Its increase in efficiency alone boosted its image.

Itagüí was able to achieve its goals, and its courts and administration are now in a constant cycle of self-improvement. Evidence of its success is that Colombia's judicial council is replicating many of the Itagüí strategies as it strives for greater administrative efficiency in other areas of the country.

Peru

Even in a country where there is arguably little judicial independence, pilot projects can provide a mechanism that works at different levels of the courts. In 1995, and under pressure from the Peruvian executive, the judiciary in Peru embarked on a program of emergency reforms that was scheduled to last until the end of 1998. The reforms included measures to improve the management of human and financial resources, the use of information technology, and courtroom organization and infrastructure. Training has been stepped up, and salaries increased.

Launched in 1996, the Chiclayo pilot project is a product of this program and is an example of the top-down approach of initiating reforms. It shares many goals and methods with the Itagüí project. The Chiclayo project, which included five courts, aimed to make a clear separation between judicial and administrative functions, centralizing administrative functions in one office.⁴² Another goal was to make administrative processes more efficient through the use of technology.

The first step in the project was to analyze the existing processes, codes, and regulations, and compare them with those used following reforms undertaken in Costa Rica, Colombia, and the United States. The second step was to create a conceptual framework pinpointing a few clear, critical goals. It is too early to properly evaluate the Chiclayo project, but it does exhibit important characteristics that would be helpful in creating another pilot project. It also helps to highlight how even a newly launched project needs to be continually assessed and adjusted to suit changing circumstances. Like the Itagüí project, Chiclayo has benefited from the support of high-level officials and the active involvement of judges and the Supreme Court. This support has not only boosted morale, but has assured Chiclayo of its ability to carry out the project.

The five magistrates of the pilot were active participants in the reform, and together created a system of management for the courts. As in Colombia, they were an important part of the design process. They also alternate in the acting president role, a position that includes the responsibility of

managing relations with the president of the Superior Court, the general and executive management of the courts, and other institutions. The skill of the magistrates in working together has been one of the strong points of the reform project.

One of the first changes made was to place administrative staff in charge of public relations, pure administrative tasks, and procedural tasks that are not judicial in nature. This is different from most Latin American courts, where most employees—including the judges—attend to the public. In addition, a common administrative office was created. Administrative personnel work with all judges.

The courts began with newly trained staff who had not previously worked in the courts. By including new staff, the pilot managers avoided the common problems of resistance to change and of carrying over the culture and bad habits of the old system into the new. Classes were also offered in computer use and in the new processes that the reforms were to employ. A key characteristic of the Chiclayo pilot has been the use of computers to speed up case processing and other administrative tasks—every staff member has a computer terminal. Judges and staff also agree that there is a need for more courses, which is a positive result, as training is an essential ingredient of continual improvement.

Although judges participated in the process, the group in charge of re-designing processes in Chiclayo worked separately from the group that was eventually to implement these processes. Lawyers and other users of the system did not participate at all, and later felt alienated by the changes, especially as there was little effort to explain why the changes were being made. Chiclayo would probably benefit by using the Itagüí model of consultation for any future changes.

The Chiclayo project began without a caseload. The idea was that startup would be smoother if the system was not immediately inundated with cases. After a year and a half, however, Chiclayo's caseload has grown to a regular size, and the administration has not been able to keep up with demand. The court was not prepared to increase its output from the first year; clients complain they must wait in long lines, computer systems need maintenance, and judges worry that they don't have enough administrative staff. The complaint that more staff are needed, rather than better procedures, is common.⁴³ Chiclayo's next step is to reassess its administrative needs and carefully define the responsibilities of each position. Such a reassessment could provide insight into where efficiency could be improved. Perhaps if the Chiclayo pilot had started with a regular caseload it would have been more realistic in its expectations of performance.

Chiclayo used the jurisdictional procedures prescribed by the existing codes and rules. The result is a mix of modern organization and management, focused on service and efficiency, with procedures that were origi-

nally fixed with a different set of priorities. This is an example of a pilot working within the existing legislation, and could lead to changes in the law. Specifically, Chiclayo should ascertain if the time allowed for each step of the procedure is reasonable or too long; if each procedure reflects the goal of efficiency;⁴⁴ if it is clear which party is responsible for each step of each procedure; and if there are any conflicts between the Chiclayo procedures and the existing codes and regulations. Based on a study of its pilot experience, Chiclayo could make recommendations for administrative or legislative changes.

There are many benefits to seeing how different models work, and especially to discussing the results of each experience. An analysis of the Chiclayo pilot could look into the financial viability of a reform that requires each staff member to have a computer. It may also be unrealistic to start without a caseload: temporary judges could be used instead. Peru has successfully used temporary judges in many courts to reduce pending cases, and this model could perhaps be adopted for future courts.

A comparison with the 40 pilot courts in Lima could also prove useful. While the Lima and Chiclayo model courts share many characteristics, there are some key differences, and it is important to understand how these differences play out in day-to-day administration. In Lima, for example, a coordinating judge acts as liaison between the public and the other judges, whereas in Chiclayo there is no judge in this role. Lima has more specialized functions, such as a team focusing on notices, whereas in Chiclayo this is the job of the regular staff. Lima began with a pending caseload, reducing the pending cases during the pilot rather than prior to the start;⁴⁵ it created information windows to answer public queries about case status; and it set up a cooperative administrative office for its six judges using existing personnel, in contrast to Chiclayo's use of new personnel.

The pilots in Lima have already shown successful results. The clearance rate reached 126 percent in 1997, a substantial improvement from 66 percent in 1995. This reflects the effective use of management tools, tools that perhaps could be adapted to other courts to ensure that the changes become part of the institutional culture.⁴⁶ Both the Lima and Chiclayo systems have strengths and weaknesses, and it is important to keep in mind their different settings when comparing them. One is in a large city, the other in a more rural area, and some processes will inevitably work better in one setting than the other. Reformers in Peru are fortunate to have the two projects working side by side, and a comparative analysis of the two should offer many benefits.

Ukraine

In Ukraine, three model courts are being tested over a three-year period. Ukraine has changed to a market economy, and the consequent change in

the types of legal cases it receives has forced the country to address the weakness of its judiciary. In addition, the 1996 constitution deemed the judicial branch an independent branch of government, increasing the expectation of change. Rapid reform is needed, and the pilot courts are an example of a way to begin the change process.

As in many Latin American countries, Ukrainian judges are traditionally responsible for the administrative work in the courts, and attend the public for a large part of the day. It is common for judges to hear the grounds for filing a case, decide if they are sufficient grounds, assign the case, and then hear the case. The pilots are seeking to gain a better understanding of the judicial and administrative roles, in order to allocate human resources more efficiently and to revise administrative procedures. The judges have been given the opportunity to study other systems and design their own project.

Between 1992 and 1996, the number of cases filed at one of the three courts fell 13 percent, due to the decline in economic activity and the lack of public confidence in the judicial system. Since its commencement, the project has seen an increase in the number of cases opened—possibly a result of greater public confidence. To ensure quality in the system, it is hoped that the pilot will address the fact that judges do not have timely access to current laws, a problem exacerbated by the fact that there is a new constitution and a new civil procedure code.

The courts also face problems of poor infrastructure, low judicial salaries, and lack of modern technology—some do not even have typewriters or photocopiers. Correcting these problems requires additional resources. As in many Eastern European countries, the court administrative budget and policy are under the authority of the Ministry of Justice. To implement new processes, the pilot therefore requires the cooperation of the Ministry of Justice as well as the judiciary. The Ministry of Justice was to provide formal authorization for the pilots to proceed. The plan also specifies building renovations, to provide judges with more privacy and to give the public better access through a new reception area. This pilot is just in the beginning stages. Although there are no results yet, the design process has emphasized participation—not, however, of the degree practiced by Itagüí.

Argentina

Argentina has set judicial reform as a priority. The judiciary has been strongly criticized for its apparent lack of independence.⁴⁷ One poll shows that more than 75 percent of the population does not believe that the judiciary is either independent or efficient,⁴⁸ and the recent increase of the Supreme Court from five to nine judges may have reinforced this view. Although many structural reforms have taken place to improve the economy, the judiciary has been left for last.

The pilot experience in Argentina is an example of a cooperative effort between the judiciary and the executive branch. Although the initial idea came from the executive branch, the judiciary and the individual courts welcomed the project. Involvement from the executive is not uncommon, and this coordination of the different branches of government may in fact encourage the process of reform.⁴⁹ For example, although judges initially resented it, the state of California legislature imposed a delay-reduction initiative on the courts.⁵⁰

One study in Argentina resulted in findings that some of the Civil Trial Courts only disposed 20 percent of the cases filed in 1993, although the median number of filings per judge decreased.⁵¹ The costs incurred by court users have increased as a result of current caseloads. The delays in the courts have also increased, in part because of the administrative burden on the judges. Administrative responsibilities of the judges are not being delegated. The situation is exacerbated by the fact that some courts end work at 1:30 in the afternoon.

A program has been approved to create Model Courts to address some of these issues.⁵² Two courts that stand out—each has a pending caseload of more than 50,000 cases—were chosen.⁵³ These courts represent two different types of Federal First Instance Courts: Mar del Plata is a multi-jurisdictional court that receives civil, commercial, and labor cases; Resistencia is also multi-jurisdictional, and receives civil, commercial, labor, and criminal cases. These courts were chosen because of their large caseloads, enthusiasm to participate, and willingness to try something different—which will not in this case involve simply increasing the number of judges or courts.⁵⁴ The program has been planned such that the judges themselves are the main part of the design process, and it is hoped that they will lead the process.

The model court operation is designed to address key administrative issues at the court level. These issues include designing different administrative techniques, introducing management systems, training judges and personnel, and disseminating information and evaluating progress. Each model court will test and evaluate different measures that can later be expanded to the entire system. A new organizational structure will be implemented in each court that will attempt to employ existing personnel in the most efficient manner; a separate group will be hired in the interim to implement a delay-reduction program of existing cases.⁵⁵

The project will develop court performance standards that each court can use to evaluate progress. It will also train judges in the areas addressed by the project, focusing on an understanding of leadership, the importance of delegation, and the management of change. Court personnel will be trained in new administrative and case management techniques, the collection and reporting of cases, information technology,

records management, the development of forms, the development of a budget, and human resources management, including motivating personnel.

Similar to the pilots in Lima, information centers will be established in the courts to serve the public. These will provide information on the court process and case status, and will receive comments, suggestions, and complaints about the process. Trained personnel will staff these information centers, alleviating the burden previously borne by the judges and also providing a more professional public service.

The model court project will emphasize decentralization and stakeholder participation. Seminars will be held and working groups will be formed to review the design of the model courts, the different stages of progress, and the results. Surveys will be used to evaluate the courts, and it is hoped that success of the pilot will produce results that can be applied elsewhere in Argentina.

Evaluating Progress

Thorough, constant evaluation is one of the most important aspects of managing a successful pilot project. By assessing each measure of the project, reformers can better judge if it is suitable for adoption in another region, or even in another country. With the exception of a few pilots in the United States, Colombia, and Peru, however, scant literature exists on the lessons learned from these projects,⁵⁶ and there has been little international exchange of pilot experiences. This section highlights the importance of evaluation, and discusses some of the lessons learned on how best to conduct them.

One lesson that has been documented concerns who conducts the study—it is important to have evaluations from sources not involved in the reform.⁵⁷ In the evaluation of pilot courts in the United States, researchers found that while internal reports indicated a successful reduction of time-to-deposition, independent reports saw no significant change.⁵⁸ Self-evaluation of the process is important, but there is always a need for an objective review. This type of independent evaluation was conducted in Peru and is being planned in Argentina.

Another important lesson about the evaluation process is that the subject of study should be carefully chosen. Assessments of judicial reform projects in developing countries have not focused on the impact of the new activities, but on whether or not projects were completed and how funding was used.⁵⁹ The reason is not only that impact studies cost more, but also that most institutions conduct assessments for only a short period at the end of the project, when the impact is not accurately measurable.⁶⁰ Some way to measure the impact should be considered during project

implementation, as has been done in Colombia. This also makes it essential to define goals prior to the launch of the project.

Pilots should also be reviewed during implementation to determine if adjustments should be made along the way. This is something being considered in Peru. The process of reform is just as important as the end result; by studying this process, one can learn the causes for success or failure of a reform. For example, measuring the level of involvement of the organizations that finance the effort is important to the progress assessment, and could benefit other projects in other parts of the world.⁶¹ In the Argentina pilot, project evaluation and dissemination of this evaluation is an important, ongoing activity.

Before and after data are also important in showing the effect of changes, as the ability to demonstrate positive change enables reformers to win support. The Colombia pilot shows these positive results through statistics and surveys. Both objective and subjective data are measured throughout the process, providing information that enables an analysis of the pilot's impact. Evaluations, if designed thoughtfully, can also yield unexpected results. In the United States, for example, one evaluation revealed that a pilot's tracking system⁶² had actually helped create a structural backbone for the courts, and provided guidelines that were particularly useful for new judges.⁶³ This sort of added benefit can help team spirit within the courts, and help create an environment that supports innovation.

Although not all pilots will be successful, there is much to learn from each experience. One pilot project, for example, found that the changes implemented had had little effect on time-to-disposition or litigation costs.⁶⁴ Another project revealed that early judicial case management means reduced time-to-disposition, but at the cost of more attorney hours.⁶⁵ If the pilot is successful, however, the data it provides can be useful in developing a national program, or in replicating its benefits in other courts. And the more pilots that are conducted, the easier it is for reformers to compare different methods and choose the best among them.

Some Lessons Learned

One element necessary for success is the support of a political authority to guide and promote the project while protecting it from the sabotage of vested interests.⁶⁶ It is also essential that the chief judge of each court be supportive and provide leadership,⁶⁷ as in the rotation of leaders in the Colombia and Peru pilots. As evidenced by many of the pilots, participation is essential by all interested parties. It is interesting to note that most of the time, pilot reforms begin in the lower courts. In this respect, they tend to work from the bottom up, with support from the top: This support can mean the difference between success and failure.

Another important finding is that the success of a pilot depends in great part on the strength of the court personnel participating in the pilot.⁶⁸ A good example of this is the participation encouraged in the Colombia pilot. To carry through a project, judges must work closely with their staff, as well as with the bar and other interested parties. As a result, collegiality among the staff and judges typically increases after pilot experiences.⁶⁹

Beyond the judiciary, pilots require the cooperation of the community at large. The process and design of the pilot should include “everyone who would benefit from the fair, prompt, and economical resolution of disputes.”⁷⁰ They require an interdisciplinary and multidisciplinary approach⁷¹ that allows for cooperation in removing the obstacles to fair and efficient judicial dispositions. This is consistent with the fact that courts are a service to society, and there are therefore many stakeholders in the reform process who should participate so that the reforms cannot be reversed.

Participation requires that there be access to information. Pilots teach us that it is important to establish a mechanism to report and disseminate information on performance standards. This information permits civil society to hold the judiciary accountable, and can assist in developing clear performance standards by which to assess the progress of the pilot. This was done in Colombia.⁷² Performance measures can also be used to improve management in the courts, and to encourage efficiency.⁷³ One way is to report judges’ case statistics⁷⁴—one pilot found that a decrease in the number of pending cases could be associated with the public reporting of the judges’ calendars.⁷⁵ The courts themselves set the goals, and it is up to them to meet the goals.⁷⁶

Many successful pilot programs use intensive training during the design as well as the implementation stages of the program. In one pilot in California, training included teams of judges, court personnel, and members of the bar associations.⁷⁷ Training was also an important element in the Colombia and Peru pilots. Emphasis should be given to leadership training, since this is essential to motivating others. Other training is also essential if there is to be a change in the work culture of the courts. It is not enough just to change the process.

Change in Culture

Changing the legal culture has been a common goal of the pilot projects discussed in this paper. Although each country has a different legal system, each has attempted to change the culture in which the courts operate in order to complement the administrative and procedural reforms introduced. The culture of service in the judiciary requires management, participation, and leadership, and these characteristics are clearly new for

many judiciaries. Changing the court culture needs an attitudinal change, such that the problems related to delay are no longer seen as external but instead as something that can be effectively managed by the judges themselves.⁷⁸ For example, judges often argue that too few judges is the primary cause for delay, but this perception appears to be most common primarily in unreformed courts.⁷⁹

Where it has been implemented, change in the legal culture has also encouraged the judiciary to take into account client satisfaction. This was seen in the Colombian pilot experience. Although Colombia is quite different from Ukraine, other pilots have also attempted to change the legal culture to produce a more service- and management-oriented judiciary. This supports the argument that a service culture can perhaps be transported from one country to another, regardless of the legal framework.⁸⁰

Conclusion

The number of pilot programs in operation is still low, and there is a dearth of information on those that have been implemented. However, a growing number of countries are introducing pilot reforms. As governments across Eastern Europe and Latin America consider how best to implement judicial reforms, they should note that pilot programs offer an informative, low-risk alternative. Pilots can be less costly than larger-scale reforms, and can be financed through innovative ways, such as by the private sector or by international organizations like those financing the Ukraine and Argentina pilots. Some organizations, including the World Bank, have designed new instruments specifically to facilitate learning and innovation projects.⁸¹ These instruments allow for flexible designs, experimentation, and partnership building and consensus. They also represent a new paradigm in the role of multilateral cooperation: Encourage countries to use pilots to bring innovation to their normal process of development.

Many different judiciaries are experiencing similar challenges, and there is a movement toward a globalization of judicial reform. As a result, the need for greater cooperation has increased. Greater investment in learning and in the sharing of knowledge is essential for the innovation process. Countries such as Colombia, Peru, Ukraine, and Argentina need to share their experiences⁸² to expand awareness of the challenges of judicial reform.⁸³ Globalization of reform can increase the likelihood that courts will succeed in their quest to provide better quality, greater efficiency, and better public access to the services they offer.

Endnotes

1. "The prediction of the incidence of the public force through the instrumentality of the courts," Oliver Wendell Holmes, Jr. as cited in Andrew J. Wistrich, *Why Judges Do What They Do*, *Judicature*, vol. 82, No.2 September–October 1998, p.88.

2. Carlos Maria Regunaga sounds a call for an international commercial court for matters pertaining to Mercosur. Otherwise, the interpretation of the same law may vary from country to country. Carlos Maria Regunaga, *Seguridad Juridica in Mercosur*, Comments on Argentine trade, Vol 78, No. 4, November 1996. p.27

3. Maria Dakolias, *The Judicial Sector in Latin America and the Caribbean: Elements of Reform*, World Bank Technical Paper No. 319, 1997, p.3.

4. FBIS December 25, 1996, "Official Views State of Judicial Reform," Ukraine joined the Council of Europe, which obliged it to bring its legislation into conformity with European Union legal norms and establish new institutions.

5. See H.M. Arturo Hoyos, *El Organo Judicial ante los desafíos del Siglo XXI* (The Judicial Organ before the Challenges of the 21st Century), *El Organo Judicial en Democracia* (The Judicial Organ in Democracy), The Panama Supreme Court 1994. See also Carlos Maria Regunaga, "Seguridad Juridica in Mercosur," Comments on Argentine trade, Vol 78, No. 4, November 1996.

6. Armando Castelar Pinheiro, *The Judiciary and the Economy: Estimates for Brazil*, April 1998, p.2

7. *id.*

8. The increase of the volume of business transactions proved difficult for judges because they involve complex issues. In addition, judges had been trained in the past to promote state interests. *Social Role of the Legal Profession*, edited by Kahei Rokumoto, International Center for Comparative Law and Politics, Faculty of Law, the University of Tokyo, Japan, Pro-

ceedings of the International Colloquium of the International Association of Legal Science, September 1991, p.133.

9. *Nations in Transit*, Adam Karatnycky, et al., eds. 1997. p.185.

10. The World Competitiveness Yearbook (1998) ranked Hungary 28 of 46 countries whose public do not have confidence in the fair administration of justice. *The World Competitiveness Yearbook 1998*, World Economic Forum, Lausanne, 1998.

11. The clearance rate is the ratio of cases disposed as a percentage of cases filed. These statistics are from the first instance civil courts in the District Court of Budapest. See World Bank Judicial Indicators Database.

12. See John Henry Merryman, David S. Clark, and Lawrence M. Friedman, *Law and Social Change in Mediterranean Europe and Latin America: A Handbook of Legal and Social Indicators for Comparative Study*, Stanford Studies in Law and Development, 1979.

13. See Buscaglia and Dakolias, *Judicial Reform in Latin American Courts: The Experience in Ecuador and Argentina*, World Bank Technical Paper 350 (1996).

14. It is noted that programs that succeeded involved very strong judicial leadership. Douglas K. Somerlot and Barry Mohoney, "What are the Lessons of Civil Justice Reform? Rethinking Brookings, the CJRA, RAND, and State Initiatives," *Getting a Handle on Civil Justice Reform, Judges' Journal*, Spring 1988, Vol. 37, No.2, American Bar Association, p.6.

15. A single computer made the *Juzgado 23 Civil del Circuito de Bogota* more efficient by reducing pending caseloads and speeding up filing processes. The computer paid for itself in one year. (p.13). *Evaluacion del logro en el juzgado 23 civil del circuito de Bogota, como resultado de la sistematizacion*. Instituto Ser de Investigacion, 1986. (unpublished report on file with authors).

16. Under the pilot program in the United States, the pilots were used to make recommendations to Congress that would serve as the basis for changes made in all federal district courts. Donna Sienstra, "Judicial Perceptions of DCM and ADR in Five Court Demonstration Programs Under the CJRA," *Getting a Handle on Civil Justice Reform, Judges' Journal*, Spring 1988, Vol. 37, No.2, American Bar Association, p.17.

17. Maria Dakolias, *The Judicial Sector in Latin America and the Caribbean: Elements of Reform*, World Bank Technical Paper No. 319, 1997, p.48.

18. Steinstra, *Judges Journal*, p.19.

19. John P. Kotter, *Leading Change*, Harvard Business School Press, September 1996, p.25

20. *id.*, p.25.

21. One study shows that the majority of judges resist change and working in committees. However, women judges are challenged by leading change while male judges are resistant to change. John W. Kennedy Jr. "Personality Type and Judicial Decision Making," *The Judges' Journal*, Summer 1998, Vol. 37, no.3 pp.6-7. Perhaps the pilot in Chiclayo Peru supports this argument since five women judges were responsible.

22. Ninety-five percent of the judges in the California state pilot came to support judicial control of the pace of litigation. Half the judges changed their opinion about delay reduction after the program. Somerlot, *Judges Journal*, p.7

23. The fundamental concepts of TQM are teamwork, participation, suggestion system, customer orientation (quality service), performance indicators, standardization, delegation, and statistical process control.

24. D. Brock Hornby, "Recent Judicial Conference Recommendations for Achieving Cost and Delay Reduction in the Federal Courts," *Judges' Journal*, Spring 1988, Vol. 37, No.2, American Bar Association, p.13.

25. Douglas K. Somerlot and Barry Mohoney, "What are the Lessons of Civil Justice Reform? Rethinking Brookings, the CJRA, RAND, and State Initiatives," *Getting a Handle on Civil Justice Reform*, *Judges' Journal*, Spring 1988, Vol. 37, No.2, American Bar Association, p.5.

26. Experience shows that both designation and voluntary participation can be successful.

27. Donna Sienstra, "Judicial Perceptions of DCM and ADR in Five Court Demonstration Programs Under the CJRA," *Getting a Handle on Civil Justice Reform*, *Judges' Journal*, Spring 1988, Vol. 37, No.2, American Bar Association, p.18.

28. *id.*

29. It is estimated that in 1995 only 26 percent of the crimes were brought to the justice system. *Viva la Ciudadania Corporacion S.O.S., Colombia Proyecto Comision Nacional Contra La Impunidad*, September 1997.

30. Kim Thachuck, Politics, Corruption and Drug Policy in Colombia, Simon Fraser University, September 1997, p.81.

31. The survey results show that Venezuela is the worst justice system in the world. *The World Competitiveness Yearbook 1998*, World Economic Forum, Lausanne 1998. Even the judicial employees are unsatisfied with the system—see FBIS, September 30, 1997 “Government Threatens Judiciary Strikers with Dismissal.”

32. *id.*, p.3. See also J. Giraldo Angel “*El Fracaso de la Reforma Constitucional de la Justicia: Coyuntura Social*,” Instituto SER—Fedesarrollo, 1996.

33. The following is based on Javier Said, “*Modernización de Juzgados de Itagui: Un case de gestion y liderazgo*,” unpublished paper, June 1998.

34. Buscaglia and Dakolias, World Bank Technical Note 350, p.18.

35. Colombian President Cesar Gaviria even attended its inauguration.

36. Not including hours and expertise volunteered, CITA spent US\$200,000 on the pilot.

37. Javier Said, “*Modernización de Juzgados de Itagui: Un case de gestion y liderazgo*,” unpublished paper, June 1998, p.18. Similarly, French business groups contribute to the normal operation of the commercial courts in France. Funds come from member businesses.

38. The American Bar Association standard is that civil cases should be resolved within two years of filing. John Goerdt with Chris Lomvardias and Geoff Gallas, *Reexamining the Pace of Litigation in 39 Urban Trial Courts*, National Center for State Courts, 1991, p.36.

39. John Goerdt with Chris Lomvardias, Geoff Gallas, Barry Mahoney, *Examining Court Delay: the Pace of Litigation in 26 Urban Trial Courts*, 1987, p.35.

40. Setting case goals for judges can be a controversial measure. Critics argue that it causes judges to sacrifice justice for speed: perhaps a judge

won't investigate a complicated case as thoroughly as she would if she didn't have to meet set performance goals. In the US, pilots have shown that publishing information about judges' caseloads can be enough to encourage judges to be efficient. Somerlot, *Judges' Journal*, p.6

41. On a scale of 1 to 5, Itagüí scored 4, compared to an average of 3.5.

42. The following is based on an interview with Robert Page, principal of DPK consulting, Nov. 10, 1998 in Quito, Ecuador..

43. Goerdt, *Examining Court Delay*, pp.40-41.

44. Efficiency is a complex concept that includes both time and quality. See Brian J. Ostrom, Roger A. Hanson with John Goerdt and Donald Rebovich, *Efficiency, Timeliness and Quality: A New Perspective from Nine State Criminal Trial Courts*, National Center for State Courts and the American Prosecutors Research Institute, 1998, p.3 (Unpublished and on file with authors).

45. This explains the higher pending cases in the system (about 950 cases per judge). Pending cases can influence the time to resolve a case so if the courts can dispose of the inactive caseload this may improve the pace of litigation. Goerdt, *Examining Court Delay*, p.14. This may also explain the high clearance rate since many of the inactive cases are being disposed of as well.

46. See Kotter, *Leading Change*.

47. Argentina ranks 43 out of the worst 46 countries for the lowest confidence in fair administration of justice by society. World Competitiveness Yearbook 1998.

48. Marcela Goldin, "La infrajusticia," Noticias, April 25, 1993.

49. The Civil Justice Reform Act of 1990 by the Legislature in the United States required the Federal Courts to develop a plan for reducing cost and delays in the courts. *Just, Speedy, and Inexpensive? An Evaluation of Judicial Case Management Under the CJRA*, Research Brief, RAND Institute for Civil Justice, p.1.

50. Somerlet, *Judge's Journal*, p.6.

51. Edgardo Buscaglia and Maria Dakolias, *Judicial Reform in Latin America Courts: the Experience in Argentina and Ecuador*, World Bank Technical Paper 350, p.9.

52. See Model Court Development Project Appraisal Document, March 1998, World Bank Document, Report No. 17459-AR.

53. The pilot program will also include a group of 10 judges in Buenos Aires.

54. In Santiago, Chile, between 1979 and 1991, the number of civil courts quadrupled as courts serving other purposes were converted into civil courts. However, the duration of both instances did not change. *Duracion del Procedimiento Sumario en los Juzgados de Santiago*. Carlos Cerda Fernandez, 1993, Universidad Diego Portales, p.8

55. For a description of delay reduction programs that include: measuring disposition times (p.7), calendaring systems (p.13), case management (p.15), case processing time standards (p.17), backlog (p.18), and ADR (p.19) see *Implementing Delay Reduction and Delay Prevention Programs in Urban Trial Courts; Preliminary Findings from Current Research*, National Center for State Courts, Barry Mahoney, Larry L. Sipes, and Jeanne A. Ito, September 1985.

56. The Rand Evaluation took place over five years and compared more than 12,000 cases in the pilot and comparison courts as well as case cost and delay data from before and after implementation of the Civil Justice Reform Act of 1990 (CJRA). Hornby, *Judges Journal*, p.15. Giuseppe Di Federico conducted pilots in Italy as well.

57. One example of this is the evaluation done by Javier Said of Itagui in Colombia.

58. The Administrative Office of the U.S. Courts states that a one-month decrease is important. Gail Carter, *Is Differentiated Case Management Working in U.S. District Courts? Getting a Handle on Civil Justice Reform*, *Judges' Journal*, Spring 1988, Vol. 37, No.2, American Bar Association, p.39.

59. Stephen Golub, *Assessing and Enhancing the Impact of Democratic Development Projects: A Practitioner's Perspective*, *Studies in Comparative International Development*, Volume 28 (Spring), 1993, No.1, p.25

60. *id.*, p.63

61. *id.*, p.64

62. Differentiated case management assigns similar cases to similar processing procedures based on the level of court resources and judicial

preparation required for fair and timely disposition. Carter, *Judges Journal*, p.38.

63. Stienstra, *Judges Journal*, p.20.

64. Somerlot, *Judges Journal*, p.6. See also *Just, Speedy, and Inexpensive? An Evaluation of Judicial Case Management Under the CJRA*, Research Brief, RAND Institute for Civil Justice. The objectives of the pilot were to improve efficiency and cut costs without decreasing satisfaction of the users. The results were that there was no effect on time. The cost for the litigant increased with early judicial management and alternative dispute resolution did not have any significant effect on time, cost or attorney satisfaction, though participants preferred ADR.

65. *id.*

66. In California, Chief Justice Malcolm Lucas made the project a priority while in the Federal Court System in the United States there was no active federal judge to provide leadership; rather an outside institution was in charge of the task force. Somerlot, *Judges Journal*, p.7.

67. This has been essential for promoting efficient case management. Hornby, *Judges Journal*, p.14. Also Goerd, *Examining Court Delay*, p.4.; Judges need commitment to implement efficient case processing. Goerd, *Examining Court Delay*, pp.40-41

68. Somerlot, *Judges Journal*, p.6.

69. *id.*

70. *id.*, p.62

71. *id.*

72. Examples include "Trial Court Performance Standards," The Commission on Trial Court Performance Standards (a judicial project of the National Center for State Courts and the Bureau of Justice Assistance, United States Department of Justice), 1990; "Report on Government Services, Volume One: Education, Health, Justice Emergency Management," The Steering Committee for the Review of Commonwealth/State Service Provision, 1998; "Evaluación Cuantitativa de la Justicia, Período de 1994," Ministerio de Justicia y del Derecho and Instituto Ser de Investigación, 1996; Impact Assessment of Legal Reform Measures, Stefanie Lorenzen, World Bank Work in Progress, 1997.

73. Steinstra, *Judges Journal*, p.20.

74. The United States Congress enacted mandatory statistical reports. Hornby, *Judges Journal*, p.15, footnote 7. Many state courts report statistics monthly. Goerdt, *Examining Court Delay*, p.35.

75. *id.*, p.6.

76. Goerdt, *Examining Court Delay*, p.41.

77. Somerlot, *Judges Journal*, p.61.

78. Perceptions about the problems were different in courts that did not implement delay reduction programs. Goerdt, *Examining Court Delay*, p.45

79. John Goerdt with Chris Lomvardias, Geoff Gallas and Barry Mahoney, *Examining Court Delay: The Pace of Litigation in 26 Urban Trial Courts*, 1987, National Center for State Courts, 1989, pp.41–42.

80. George Priest, “private litigants and the court congestion problem,” *Boston University Law Review* Vol. 69, p.530.

81. Adaptable Lending Instruments were introduced in the World Bank in 1997 and have been used to finance a judicial reform pilot project in Argentina.

82. Examples of such exchanges include China and Argentina which agreed to exchange information on laws and regulations, FBIS, June 8, 1998, “Argentina, PRC Sign Judicial Cooperation Accord;” and Spain and Germany are designing ways to fight terrorism, drug trafficking and prostitution, FBIS, January 30, 1997, “Spain, Germany: Agreement on Defense, Judicial Issues Reached at Bonn Summit.”

83. This may even promote more legal integration. See proposal of President Chirac FBIS Feb. 7, 1997, France, “Chirac Pushing for European Judicial Police Integration.