

Najah National University
Faculty of Graduate Studies

Improving the Court's Performance in Palestine Concerning the Time Spent Until the Case Disposition

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concerning the time spent until the case disposition**

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III

Dedication

My Affectionate Parents

Brothers and Sisters.

Special Dedication To

My Father

My Mother

With my Respect and Love

Acknowledgments

I am seizing the opportunity of this research to thank everyone contributed to conduct this research and the ideas developed in this study.

First, I offer my all respect and appreciation to my parents where they have been providing me the support and for all the efforts they spent to give me the precious information which helped strongly in the success fulfillment of thesis.

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They all are the key contributors in this study. Their participation and cooperation enabled me to gather needed information for this study.

الإقرار

أنا الموقع أدناه مقدم الرسالة التي تحمل العنوان

Improving the Court's Performance in Palestine Concerning the Time Spent Until the Case Disposition

أقر بأن ما شملت عليه الرسالة هو نتاج جهدي الخاص, باستثناء ما تمت الإشارة إليه حيثما ورد, وأن هذه الرسالة ككل أو أي جزء منها لم يقدم من قبل لنيل أي درجة أو لقب علمي أو بحثي لدى أي مؤسسة علمية أو بحثية

Declaration

The work provided in this thesis, unless otherwise referenced, is the researcher's own work, and has not been submitted elsewhere for any other degrees or qualifications.

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Date:

التاريخ: 2016/8/21

Table of Contents

Dedication	III
Acknowledgments	IV
Declaration	V
Table of Contents	VI
List of Tables	IX
List of Figures	X
List of Abbreviations	XI
Terminology	XII
Abstract	XX
Chapter One	1
Introduction.....	1
FOREWORD	1
1.1. OVERVIEW	1
1.1.1.The Independency of Judiciary.....	5
1.1.2.Counter Cases	5
1.1.3.The Settlement Judge in Civil Cases	6
1.1.4.How Judges Are Chosen.....	7
1.1.5.Some Interests of the Research.....	8
1.2. STATEMENT OF THE PROBLEM	9
1.3. IMPORTANCE OF THE RESEARCH	12
1.4. OBJECTIVES OF THE RESEARCH.....	13
1.5. QUESTIONS OF THE RESEARCH.....	14
1.6. LIMITATIONS OF THE RESEARCH	14
Chapter Two	15
Literature review	15
2.1. HISTORICAL OVERVIEW	15
2.1.1. Judicial System Reform in Italy	15
2.1.2. Does Court Efficiency have a Deterrent Effect on Crime – Costa Rica - 2010.....	16
2.1.3. Congestion and Delay in the Court System in Asia's Courts - 1985	16
2.1.4. Delay and Settlement in Litigation - 1999.....	17
2.1.5. A Study on Delay in the Disposal of Civil Litigation – 2013	17
2.1.6. Court Performance Indicators.....	17
2.1.7. Court Performance around the World.....	19
2.1.8. Use of Data in Performance Measurement in Chicago-USA-2013.....	22

VII

2.1.9. Case Flow Management Process	23
2.1.10. Measuring Court Performance-Hong Kong Court of Final Appeal - 2006..	25
2.1.11. Palestinians' Evaluation of Justice Institutions – UNDP - 2012.....	25
2.1.12. Administration of Criminal Justice in Palestine – 2010	26
2.1.13. Musawah Evaluation Report for the Justice sector in Palestine	28
2.1.14. The Judge Effort Spent Working on Cases.....	29
2.1.15. The Notifications are the Basis of Judicial Fulfilment	30
2.1.16. Expediting Case Litigation Process through Setting Life Spans	32
2.1.17. The Evolution of Court's Information System in Palestine	32
Chapter Three	36
Research Methodology	36
3.1. STUDY APPROACH.....	36
3.2. RESEARCH FRAMEWORK	38
3.3. THE SAMPLING	40
3.3.1. The Research Community	40
3.3.2. The Sample Size	41
3.4. DATA COLLECTION	43
3.5. RESEARCH TOOLS	44
3.6. EXPLORATORY INTERVIEWS	44
3.7. QUESTIONNAIRES	45
3.8. QUALITY STANDARDS FOR RESEARCH TOOLS	46
3.8.1. Pilot Study	46
Chapter Four	47
The Facets of This Research	47
4.1. THE FACTORS AFFECTING TIME TO DISPOSITION.....	47
4.2. PROCEEDINGS OVERVIEW	54
4.2.1. The Notifications in Palestine's Court System	54
4.2.2. Choice of Settlement.....	56
4.2.3. Court Docket.....	57
4.2.4. Citizens' Waiting Time	58
4.2.5. Sufficiency of Evidences	59
4.3. JUDICIAL SUPPORT SYSTEM	61
4.3.1. First Judicial Support Processes	64
4.3.2. The Processes and Procedures of the Second Judicial Support.....	67
4.3.3. Implementation of the Judicial Support Project	73
4.3.4. The Requirements of Comprehensive Implementation of the Judicial Support Project.....	74
4.4. STANDARDS FOR CASE FLOW MANAGEMENT	75
4.5. NEED FOR QUEUING SYSTEM.....	78
4.6. POTENTIAL SOLUTIONS	80
4.7. RESULTS AND DISCUSSION.....	81

VIII

4.7.1.Performance Measures.....	82
1) Clearance Rate (CR)	92
2) Time to Disposition	95
3) Age of Active Pending Cases	97
4) Trial Date Certainty	98
5) Court Employee Satisfaction	99
6) Judge/Justice Evaluation Survey	107
7) Cost per Case	111
4.7.2.Regression Analysis.....	112
4.7.3.Discussion.....	121
Chapter Five.....	129
The Study Summary and Recommendations	129
5.1. THE STUDY SUMMARY	129
5.2. CONCLUSION	131
5.3. RECOMMENDATIONS	136
5.4. RESEARCH CONTRIBUTION	138
5.5. FUTURE WORK.....	139
References.....	140
Appendices.....	148
Appendix 1.....	148
Appendix 2.....	150
Appendix 3.....	152
Appendix 4.....	154
Thesis Discussion Committee' Members	155
الملخص.....	ب

List of Tables

Table (2. 1): Comparison of CR around the world (Dakolia, 1999).....	21
Table (2. 2): Results of Musawah Evaluation Report – Litigants Group in West Bank	29
Table (2. 3): Judicial hours required for several case types (Dabbas, 2014).....	30
Table (2. 4):The rotatory cases because of the failure of notification process in 2013 (Awwad, 2014)	31
Table (4. 1): The occurrences of causes	53
Table (4. 2): Palestinian Civil CFMS Standards.....	75
Table (4. 3): Model time standards (Model Time Standards. NCSC, 2011)	76
Table (4. 4): Model standard of Felony cases.....	77
Table (4. 5): Model standard of Misdemeanor cases.....	77
Table (4. 6): Model standard of General civil cases	78
Table (4. 7): Descriptive statistics for Access and Fairness survey.....	91
Table (4. 8): Clearance rate per judge-2015 (Rummaneh, 2016)	94
Table (4. 9): Time needed to dispose some different types of cases	94
Table (4. 10): Time to disposition – Civil (Rummaneh, 2016)	96
Table (4. 11): Summary Report of Trial Settings	99
Table (4. 12): The environmental and motivational factors	100
Table (4. 13): Cost per case (NIS)-Nablus Court	112
Table (4. 14): Descriptive statistics for Regression analysis	113
Table (4. 15): Model summary for the models of case types	114
Table (4. 16): Analysis of Variance.....	115
Table (4. 17): Coefficients of Regression.....	116
Table (4. 18): Sensitivity analysis for the case type models of predicting time to disposition	120

List of Figures

Figure (1. 1): Levels of Courts in Palestine	3
Figure (2. 1): Clearance rate of courts around the world (Dakolia, 1999).....	20
Figure (2. 2): The Proceedings-a Penal Case starts by Arrest (Sallmann, 1995)	24
Figure (3. 1): Research framework.....	40
Figure (4. 1): The first judicial support (Muhemeed, 2015).....	62
Figure (4. 2): The second judicial support (Muhemeed, 2015)	62
Figure (4. 3): The final stage (Muhemeed, 2015).....	63
Figure (4. 4): The phases of the judicial Support system (Muhemeed, 2015).....	63
Figure (4. 5): Judicial support processes (Muhemeed, 2015).....	64
Figure (4. 6): The first judicial support processes (Muhemeed, 2015).....	65
Figure (4. 7): Case screening (Muhemeed, 2015)	65
Figure (4. 8): Case classifying and registering (Muhemeed, 2015).....	66
Figure (4. 9): Case scheduling (Muhemeed, 2015)	66
Figure (4. 10): The second judicial support processes (Muhemeed, 2015).....	67
Figure (4. 11): Issuing lawsuit (Muhemeed, 2015)	68
Figure (4. 12): Attending the session date (Muhemeed, 2015)	69
Figure (4. 13): The continuous improvement - PDCA cycle -	74
Figure (4. 14): Queuing system	80
Figure (4. 15): Access survey - Percentage of who responds agree and/or strongly agree	84
Figure (4. 16): Percentage of responses per case type	85
Figure (4. 17): Access & Fairness survey responses by case type	87
Figure (4. 18): Overall index score	87
Figure (4. 19): Percentages by action	88
Figure (4. 20): Percentages by how often the customer visits the court.....	88
Figure (4. 21): Percentages by gender	88
Figure (4. 22): Age of active pending cases (Civil).....	97
Figure (4. 23): Average response scores for court employee survey.....	104
Figure (4. 24): Percentages of judges who Agree/S Agree.....	108
Figure (4. 25): Responses of agreement in performance per experience.....	108
Figure (4. 26): Responses of attorneys regarding the judge performance	110
Figure (4. 27): Years of practice of attorneys	111
Figure (4. 28): How often did the appealed cases win?.....	111
Figure (4. 29): Residual plots for time to disposition- Models by case type.....	114
Figure (5. 1): Monitoring System.....	136

List of Abbreviations

PJI	The Palestinian Judicial Institute
PJS	The Palestinian Justice Sector (Judicial System)
HJC	The High Judicial Council
HC	The High Court
JAL	The Judicial Authority law
MOJ	Ministry of Justice
CJS	Criminal Justice System
PBA	Palestinian Bar Association
OPT	Occupied Palestinian Territories
ADR	Alternative Dispute Resolution
PNA	Palestinian National Authority
PBM	Palestinian Board of Ministers
CCTL	Commercial and Civil Trials Law
PTL	Penal Trials Law
UNDP	United Nations Development Program
NCSC	National Center for State Courts
CFMS	Case Flow Management System
CR	Clearance Rate
CGR	Congestion Rate
JSS	Judicial Support System
PDCA	Plan-Do-Check-Act
SPSS	Statistical Package for Social Sciences

Terminology

A

Access and Fairness: Accessibility and fairness of the judicial services.

Age of Active Pending: The time from case filing to the time of measurement.

Accidental Sampling: Non-probability sampling method that relies on data collection from population members who are conveniently available to participate in study.

Administrative Court: Located in the High Court, and responsible for the judges-related issues.

Arraignment: Is the defendant's initial appearance before the Court, the defendant will be informed of the charges against him/her.

Affidavits: A written sworn statement of fact made by parties administered by a person authorized to do.

Adversaries: the litigants in a lawsuit.

Alternative Dispute Resolution (ADR): A variety of processes that help parties resolve disputes without a trial such as Arbitration.

Arbitration: a neutral person called an "arbitrator" hears arguments and evidence from each side and then decides the outcome. In binding arbitration, parties agree to accept the arbitrator's judgment as

final. In nonbinding arbitration, the parties may request a trial if they do not accept the arbitrator's judgment.

C

Congestion Rate (CGR): The ratio of case backlog to cases disposed.

Clearance Rate (CR): The ratio of cases disposed to cases filed.

Case Disposition: The termination of a court case.

Criminal Justice System (CJS): The set of processes established by governments to control crime and impose penalties on those who violate laws.

Cost per Case: Explains the relationship between dispositions and cost.

CourTools: Tools enable courts to assess the performance in meeting the needs and expectations of customers.

Court: Government entity authorized to resolve legal disputes

Continuances: Postponement of a legal proceeding to a later date, also known Adjournments.

Case Flow Management System (CFMS): The coordination of court processes to ensure timely disposition

Complainant: The party who complains or sues; one who applies to the court for legal redress. Also known the plaintiff.

Civil Trials: The cases against another corporation or individual requesting the court award monetary damages.

Cassation court: Located in the High Court, and appeals the judgments of Court of Appeal.

Constitutional Court: A court deals primarily with constitutional law.

Court of Appeal: Reviews what happened in the court below to determine whether any mistakes occurred.

Commercial and Civil Trials Law (CCTL): The rules of litigation process in Civil cases in Palestine.

Counter Cases: A legal case filed in response to another case.

D

Defendant: The person being sued.

Dismissal: The termination of a lawsuit.

Discovery: A pretrial stage of a court case, both sides collect and exchange information about the case and prepare for trial.

Decision: Administrative and judicial determinations. Decision includes final judgments, rulings, and provisional orders made by court pending the outcome of the case. A decision is considered the initial step in a rendition by a court of a judgment in an action.

Dockets: A list of cases to be heard by a court, also known Agendas or Calendar.

E

Efficiency: The ability to avoid wasting money, and time in producing a desired result.

F

Felonies: A crime of a graver nature than a misdemeanor, usually punishable by imprisonment in a penitentiary for more than a year and/or substantial fines.

First Instance court: Reviews the cases that are not reviewed by Magistrate court and also the Felonies.

H

High Judicial Council (HJC): The head of Judiciary It specializes in instituting policies, supervising judges and organizing the work of the courts of all degrees which adjudicates cases before them.

High Court (HC): The highest court in Palestine and consists of the Cassation court; Administrative court, and dealing with the judges-related issues such as the judge disputes regarding their job ranks.

I

Initial Appearance: is the first proceeding in front of a judge.

Indictment: A written accusation charging a person with a crime.

Islah Men: Informal parties to restore oneself or to reconcile people with one another

Intrinsic needs: Such as personal satisfaction due to self-fulfillment. But promotion, praise are Extrinsic needs.

J

Judicial Authority law (JAL): The laws of the Judicial Authority.

Judiciary: The legal authority of a court to hear and decide a case.

Judicial Support System (JSS): A department shares the judicial services with judges.

Judgment: The final disposition of a lawsuit.

M

Magistrate court: A Court reviews some of Civil cases which are set in the Commercial and Civil Trials code, Misdemeanors, and offences.

Ministry of Justice (MOJ): It plays its role in providing administrative and technical support to the courts and to the public prosecution.

Misdemeanors: The Court of Common Pleas has jurisdiction over misdemeanor offenses generally punishable by a fine and/or a jail term.

Musawah: The Palestinian Center for the independency of Judiciary and Legal Professions is a neutral, unpartisan and independent Palestinian civil society organization based in Ramallah and Gaza, Palestine. MUSAWA is

dedicated to defending the independence of the judiciary and the legal profession.

N

National Center for State Courts (NCSC): Is a non-profit organization charged with improving judicial administration in the United States and around the world

P

Penal Cases: Cases subject to punishment

Penal Trials Law: The rules of litigation process in Penal cases in Palestine.

Preliminary Hearing: The Court of Common Pleas has jurisdiction to hear preliminary hearings in felony matters to determine whether a defendant should be "bound over" for trial. This means that the judicial officer must believe there is sufficient evidence.

Plea: In a criminal proceeding, it is the defendant's declaration in open court that he or she is guilty or not guilty

Pleadings: The written statements of fact and law filed by the parties to a lawsuit.

Proceedings: Legal procedures from filing a case until disposition

Public Prosecution: It specializes in instituting criminal proceeding in the name of the Palestinian people.

Palestinian Judicial Institute (PJI): seeks performance improvement in coordination with High Judicial Council, Public Prosecution, and Ministry of Justice.

Plan-Do-Check-Act (PDCA): The cycle of continuous improvement.

Palestinian Bar Association (PBA): It guarantees the protection of people who resort to lawyers for legal services on the one hand and the protection of the interests of lawyers on the other hand

S

Systematic Sampling: is a random sampling technique.

Statistical Package for the Social Sciences SPSS: A software to analyze data.

Stakeholders: All parties affect or affected by the court activities.

Settlement: An agreement between the parties disposing of a lawsuit by a settlement judge.

Sentencing: if the defendant enters a plea of guilty or is found guilty, the judicial officer determines the penalty or sentence to be imposed

T

Time to disposition: Time from filing a case until disposition, also known Lead Time.

Trial Date Certainty: The number of times cases disposed by trial are scheduled for trial.

U

United Nations Development Program (UNDP): is supporting governments in promoting transparency, integrity and accountability in the judiciary.

V

Verdict: A conclusion, as a fact or law that forms the basis for the court's judgment

XX

Improving the Court's Performance in Palestine Concerning the Time spent until the case disposition

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Abstract

State of Palestine and the other countries all over the world are subjected to many serious obstructions which weaken the Judicial System to be trusted as the system of resolving disputes, this has been leading to worrying consequences such as the lack of people's trust in Justice System to protect his/her rights, so they may forego their entitlements, or take the law into their own hands with violence ensuing. The backlog cases problem due to the long time to disposition, which further diminishes the public's trust in the Judicial System was observed all over the world. The importance of this research is to provide better understanding of the current status of Palestinian Judicial System and its court's performance. Studying the backlog cases in Palestine to seek novel solutions to help in reducing the time to dispose the cases. This enables the Judicial System to be prevailed all over Palestine and to make it a trusted and fair mechanism to dispute resolution through highlighting and implementing the best strategies and practices to help in improving the efficiency of the Judicial System. The research assesses the current performance of the Palestinian Judicial System (PJS), this through the questionnaires to determine the satisfaction and evaluation of the main stakeholders within the Judicial System, and the exploratory interviews to collect data regarding the main factors which contribute to lengthening the

time to disposition, and also to identify the criteria of assessing the performance in terms of the way of managing the cases within the system and the low productivity which is result of working without standards. Also, the research proposes smart solutions and dashboards to help monitoring and controlling the performance, which is needed to apply the accountability in order to increase the efficiency which lead to better confidence in the judicial system. This research included the required data for the study to assess the performance of the judicial system, then suggesting the potential alternatives as solutions to be applied, this through the questionnaires and the statistical tools to analyze the data and extracting the results which are needed for the development, also the study covers the whole community of the study as possible to be able to achieve its objectives through satisfying its whole community, where it involves the Palestinian Judicial Institutions such as the HJC; the courts; and the individuals as litigants. The study provides a high quality monitoring tool on the performance of staff and the case disposition process. The reform helps in improving the performance in a continuous manner through measuring the following performance indicators according to "CourTools" which are provided by the NCSC: Access and Fairness; Clearance Rate (CR); Time to disposition; Age of active pending caseload; Trial date certainty; Court employee satisfaction; and Cost per case. The data gathering process was conducted within the courts of Hebron, Nablus, Jenin, Ramallah governorates to make a clear glance of the Judicial System. Regarding the case type models which help in predicting the time to disposition for each case type, the number of cases of each type which is

required to be as large as enough was collected following the systematic sampling technique in order to make the assessment and generate the results of the judicial system performance. For the measures Time to disposition; Clearance rate (CR); Age of pending cases; Trial date certainty, all cases were taken to measure these indicators. Regarding the evaluation of the stakeholders, the questionnaires were distributed within the court of Nablus only to assess the indicators which concerned with the satisfaction of the courts' audience, this because the study of the stakeholders' evaluation is out of this research scope, where it was studied deeply by a previous research which are cited in this research. Since this research suggests using "CourTools", it was necessary to explain by examples how to use all of the applicable measures, so that the measures of evaluation were used in Nablus Court. 25 questionnaires were distributed to the attorneys (Accidental sampling) to evaluate the skills and knowledge of the judges in managing the cases efficiently, 25 questionnaires were distributed to the staff (As a whole) to evaluate their satisfaction in their positions and the legal works in the courthouse, the litigants of a number 50 (Accidental sampling) as the possible number of visitors within a typical day in Nablus court to evaluate their satisfaction regarding the way they are treated in the court in terms of Access and Fairness measure.

Chapter One

Introduction

Foreword

This chapter provides an overview of this research areas where many aspects are investigated in order to evaluate the performance in Palestine's Judicial System in order to study the problems in this system and try to treat them.

1.1. Overview

This research investigates the Judiciary in Palestine (also known as the Judicial System or Court System) which is the system of courts that interprets and applies the law in the name of the state. The Judiciary is a mechanism for disputes resolution (Fiseha, 2011). The study focuses on what is so-called Speedy trial which is a human right (Chattaraj, 2011).

Palestinian Judicial System (PJS) pillars are Ministry of Justice (MOJ); High Judicial Council (HJC); and the Public Prosecution. Public Prosecutor enjoys full independence in performing its power, it specializes in instituting criminal proceeding in the name of the Palestinian people (Public Prosecution JAL. \ 83, 2005). MOJ plays provides the administrative and technical support to courts and Public Prosecution, also it links the Executive Authority to HJC (Ministry of Justice JAL. \ 90-92, 2005).

High Judicial Council (HJC) is an independent entity, provides the legal framework for the organization of the judiciary, HJC has an authority over the judiciary, including authority over court administration, the appointment, selection, inspection, promotion and training of judges. HJC consists of the President of the High court as a president; the deputy of the High court president as a deputy; two judges from the High Court (HC), the presidents of the Appellate court in Jerusalem and Gaza governorates, the Public Prosecutor; and the under-secretary of justice (HJC Formation JAL. \ 36, 2005). The First Level courts consist of Magistrate; First Instance; Appellate; and the High court (Court Levels PCS. \ 7 & 23, 2001). First level Courts are Magistrate Court and Court of First Instance, Magistrate court reviews Civil cases valued below 10,000JD and Misdemeanors (Purview of Courts CCTL. \ 39, 2005). Court of First Instance reviews Felonies and cases out of Magistrate court cases that mentioned above, and also appeals the judgments of Magistrate court (Purview of Courts CCTL. \ 41, 2001). Appellate Court appeals the judgments of First instance. The High Court consists of Court of Cassation to appeal the judgments of Appellate Court, and High Court of Justice dealing with the courts' administrative issues (Court Levels PCS. \ 7 & 23, 2001) , see Figure 1.1.

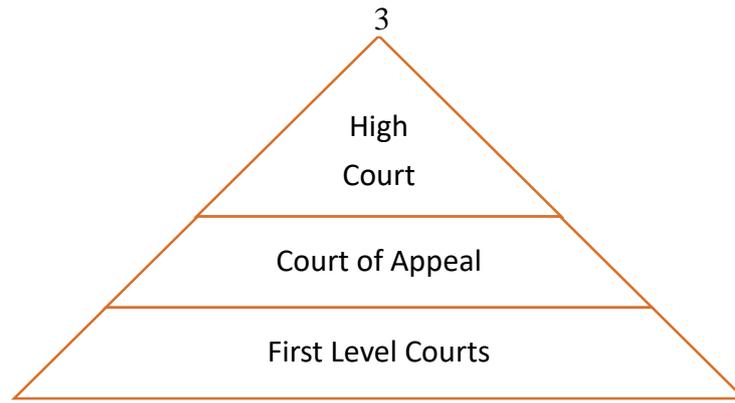


Figure (1. 1): Levels of Courts in Palestine

The importance of this research is highlighted from the significant prolonged time that the cases take until reaching the disposition, where this problem makes the courts system's suffers in terms of efficiency and effectiveness, where some deficiencies in the system such as the lack of using the full features of functionality of the technology which makes the system acts efficiently and effectively to reduce the time; deficiencies in judgments; and the weak performance of the staff and judges due to the scarce of education and training for them to enhance their knowledge and skills in the case management process.

Case Flow management is the process of bringing the case from filing stage to the disposition stage (Agbonika & Alewo, 2014), the courts should pay all attention to this process in order to ensure the cases are disposed within the time standards. So the successful implementation of case management process should be applied to the Judicial System in Palestine in order to help the system and its staff and judges facilitating the services which are provided to the public; to ensure that the judges can manage their case load; and to ensure generating the high quality judgments in a timely manner (Abdelbaqi, 2010).

The technology provides many uses which could help the Judicial System to develop its performance and achieve its goals, where the technology could provide the information and its exchange so fast where it is the main element in processing the judicial system's tasks and also to achieve the efficiency and effectiveness in the organizations. Also it may be used in the research and gathering data processes, the training sessions and education, the communications with other institutions and the citizens, the electronic services, and many applications which may help improving the performance and going with the Judicial System towards the superior success.

The researcher seeks to investigate: To what extent the Judicial System monitor and control the performance in order to continuously improving the case management process of managing the cases? And to what extent the proceedings follow the best practices of doing things?

The study explains the importance of disposing all cases within the standards to control the disposition process, where the delay haunts the administration of justice. Delays postpone the rectification of wrong; the vindication of the unjustly accused; and crowd the dockets of courts (Falavigna, Ippoliti, Manello, & Ramello, 2015). Possibilities for error increase rapidly as time elapses between the original fact and its judicial determination. So the facts should be determined and considered very quickly in order to generate the right judgment in a timely manner.

The reality of the court's performance in Palestine and the obstructions that face the Judicial System should be taken into consideration in order to evaluate the current performance of the Palestinian Judicial System (PJS)

taking the late case disposition and the high load on the system in order to enhance the public trust in the system as a fair and easy way of resolving the disputes (Rummaneh, 2016).

1.1.1. The Independency of Judiciary

The independency of Judiciary should be maintained in order to apply justice in the community (Fiseha, 2011), where a lot of factors affect Judiciary to perform effectively which are: The judicial job security: it means that the judges are protected from being suspended or dismissed unless the behavioral matters where this makes them unable to carry out their tasks; The selection process of judges; The financial independence: to prevent the influence of the other authorities on the judicial authority; The transfer of judges: many states protect the judges from the coercive transfer through giving the authority of transferring the judges only to the higher court.

1.1.2. Counter Cases

The Counter Cases increase the pressure on the PJS. This may refer to the weak performance of the Executive Authority in following up the complaints to validate its truthfulness (Refai, 2015). The experts see that the counter cases as a law phenomenon which occurs at a high rate in the Magistrate Courts, where the defendant makes a complaint against the complainant to blackmail him/her to relinquish his complaint or to lengthen the litigation time or even to evade from being jailed.

Also, the Counter Complaints may occur due to the weak professionalism and credibility in the attorney profession (Barghouthi, 2015). This problem

requires the interplay of Courts; Public Prosecution and attorneys in order to reduce the rate of the counter complaints (Refai, 2015), where the Public Prosecution denied the shortcomings in its performance (Barrak, 2015).

The Palestinian Board of Ministers (PBM) suggests a rule to eliminate the problem of counter cases, this rule increases the fees of litigation by 10 times (Adam, 2015), this could be useful in eliminating the counter cases but it negatively affects the right of accessing the justice, so the PBA had worked hardly to force the board to cancel the rule, the solution for the problem of the increasing number of the counter cases is by imposing fines on the litigants when the court reveals that their cases were counter cases, and this fine could be times the case value of money in order to act as a deterrence for the litigants who are revealed as fraudulent.

1.1.3. The Settlement Judge in Civil Cases

The judge who takes over the task of reconciling the adversaries as possible, he plays an important role in the Judicial System, where he/she is one of its pillars in spite of its absence in the Palestinian courts until now. The focus of his role in directing the adversaries to the judicial settlement and solving their disputes, where he works on obtaining the control on the case early to resolve it or providing the adversaries a chance to solve it through the ADR such as arbitration, rule (68) of the Palestinian code of CCTL of year 2001 states the deputation one of the First Instance Court judges and to organize his sessions in the specialized court (Settlement Judge CCTL. \ 68, 2001), but this rule is not applied within Judiciary so far.

The case processed by the settlement judge takes the following forms of reconciliation: Complete reconciliation and formally documented by the court; Partial reconciliation and the unreconciled issues scheduled to be reviewed by the Trial Court; and No reconciliation which leads the case to be totally reviewed by the Trial Court.

The role of this process has different effects on the Judiciary; Economy; and Society, where it relieves the high pressure on the Judiciary System, increases the confidence in the system and ensures the speedy case disposition (Hamarsheh & Khateeb, 2011).

1.1.4. How Judges Are Chosen

The selection process should follow a strict procedure in order to guarantee the best practices, where the judges are the tool of achieving the justice in the community and their verdicts affect the justice and (Driscoll & Nelson, 2015).

The selection of judges is critical to the process of litigation where the disposition of cases depends on the judge in managing the cases effectively, consequently this helps in reducing the case backlog which is the problem of this research.

The judges should take Judicial Rehabilitation degree in order to provide them the judicial knowledge and skills, where the disposition of cases requires a very high skilled judge because the cases mostly are complex and have numerous aspects, or even controlling the procrastination of attorneys.

Presidents must consider many factors in making their choices for judgeships: Education; Experience; Skills; and Characteristics.

1.1.5. Some Interests of the Research

The research focuses on improving the judiciary's performance in terms of the efficiency, where it focuses on the speed of case disposition, also the research provides a tool for monitoring the whole system in order to ensure applying the responsibility; accountability and the continuous improvement. The research shows the importance of the Judicial Support System (JSS) and the performance indicators, which concern in saving the time and cost spent on the judicial sector, where these are effective tools to monitor the performance in order to highlight the deficiencies as a step to continuous improvement.

The research shows the impact of personal impediments which are the weak competences of judges and staffs in terms of education and skills, also the desire of judges and staffs to perform according to the personal moods and the current proceedings.

The research shows the impact of administrative impediments which are the non-allocation of a department for the developing and monitoring the used technology, the lack of a clear strategy to activate taking the benefits of technology, also the used policies and procedures which are not consistent with the information technology decade.

The research shows the impact of technical impediment which is the lack of competences in dealing with technological techniques, the lack of flexibility

to develop the current technology, the lack of specified standards to be followed in developing the current performance.

The research shows the importance of using mechanisms which lead to broaden the range of benefits of technology; linking the work-related institutions with the whole judicial system, activating the monitoring on the performance, allocating a dedicated department to monitor and develop the technology as needed, setting a clear strategy, planning for the training sessions in the fields of technological techniques and the case management techniques. Linking the new "Meezan" feature with cost per case measure and the judicial quality management system with the cost and time of litigation: The solution for the case backlog problem should be integrated of some areas such as the linking of "Meezan" with the management process, it should schedules the case queue and the judge to review the case considering the load of judge and also the mix of cases of different level of complexity, and also with the CR by judge in order to apply the motivation and accountability. As the JSS explains how the system helps in relieving the load of judges by delegating the works first to the Judicial Support in order to qualify the cases to be reviewed by judge, where these cases didn't obtain a settlement between parties and/or all administrative issues are completely done.

1.2. Statement of the problem

The backlog cases problem is very critical to justice, governments and communities have to actively respond to this phenomena aiming at

minimizing the rate of backlog cases and raising the quality of judgments to reach the community justice (Mubarak, 2011).

This research studies the current situation regarding the delays in the Judicial System. Many countries show a significant change in their Judicial System and many stayed with no positive movement towards the effectiveness (Dakolia, 1999).

The courts suffer from the inefficient progress due to many factors which hinder the system from bringing the case into the disposition stage in a timely manner, this leads to decrease the public trust in the judicial system, and this is a dangerous result where the litigants would never choose the judicial system to resolve their disputes, but rather they would choose to resort to other informal mechanisms which may affect the justice.

Palestine's court system suffers from the slow case disposition and as a result the backlog cases, where Palestine has an average of 30% of case disposition rate (Clearance Rate) in contrast with other countries of an average of 80%, this may be perceived as according to the caseload per judge yearly, but the Palestinian caseload per judge yearly is around 200 cases yearly which is very close to most of the caseload per judge around the world. Also the Palestinian court system suffers from the high age of cases, where 2726 Civil cases aged over 730 days and 2544 Felony cases aged over 365 days.

The courts should be well managed in order to be able to deal with the case load, when the court is well managed through the performance indicators such as the time to disposition and age of pending cases and other useful

measures, the court can eliminate the effect of factors that lengthen the time to disposition.

The slow court system leads to a weak applying of the community justice. The governments focus on improving the Judicial Sector in order to ensure applying the justice (Chih-Fong & Jung-Hsiang, 2010). The Court System should continuously monitor several areas which have critical effects on the system: the Commercial and Civil Trials Law (CCTL) and supporting performance indicators; the capacity and skills of judges and staff (Mubarak, 2011).

The citizens resort to the court system in order to bring back their entitlements, but they need their entitlements in a timely manner where if justice is delayed the justice is denied (Chattaraj, 2011).

The laws of civil trials contribute to the problem of backlog cases where the time to disposition is highly affected by the number of postponements in any case, this would lengthen the waiting time until disposition. These laws should smooth the litigation process but without affecting the speedy trial. The Palestinian commercial and civil trials law states that the postponement twice for the same reason is forbidden (Postponement CCTL. \ 121, 2001). But the courts don't adhere to this rule and the process of postponement would last for much longer, especially when the plaintiff relies on the allowances of since he/she is the claimant in the case, this because the judge tends to postpone the case when the plaintiff doesn't attend the session. This would affect the justice and the trust in the judicial system.

1.3. Importance of the Research

The importance of this research is to assess the Judicial System and the factors affecting the time to disposition, focusing on the backlog cases problem as a result of the long time to disposition in order to propose a framework which suggests an effective way of managing the backlog cases. The effective Judicial System is the system that deals with the high rate of cases filing and also applies time standards on the processes in order to control the performance to be done in a timely manner, which guarantees the speedy trial for the litigants. This helps in applying the accountability to monitor the performance of the judges and staff (Buscaglia & Ulen, 1997). Time spent until disposition can be measured but the other aspects which are concerned with the quality of judgments are more difficult to be measured. When working on reducing the delay of the litigation process it is very important to not affect the judgment quality to ensure achieving the justice. Time standards limit the time spent in processing the cases in order to ensure the time to disposition would never exceed the time standards, but as mentioned without affecting the quality negatively, so the process of litigation should follow and guarantee the just treatment for all litigants and also the quick process to obtain the disposition as quick as possible (Antonucci, Crocetta, & D'Ovidio, 2014).

This research explains the effects of some factors on the time to disposition such as the notifications process, this through analyzing the data for the sample taken to study the relationships between the factors and the time to disposition. This helps in predicting the time to disposition and also the

backlog cases through the case type models, the research suggests performance indicators to monitor and control the procedures taken to bring the cases from filing to disposition stage.

The research uses exploratory interviews to identify the main factors of delay in case disposition, these factors help in predicting the time to disposition or to study the relationships between these factors and time to disposition. The measures of satisfaction and evaluation are tools to gauge the extent to which court-users are satisfied, these measures are just to illustrate the way of using these measures where the satisfaction assessment is not in this research scope. The data collected for the factors affecting time to disposition were collected through "Meezan" which is the court system database, where the cases sample was 383 randomly selected from 68890 cases of different types, this sample was used to generate representative models for the contributions of identified factors in delaying the disposition of these cases. The data for case type models and for satisfaction measures were analyzed by SPSS.

1.4. Objectives of the Research

Current research aims to achieve the following objectives:

- 1) To highlight the main factors of lengthening the time to disposition.
- 2) To highlight the additional required features of technology needed to be integrated to the current used system.
- 3) To generate a new model to monitor and control the pressure on the Judicial System.
- 4) To implement the key Performance Indicators.

5) To explain the role of Judicial Support in Case Flow Management.

1.5. Questions of the Research

Current research will try to answer the following questions:

1. What are the main factors of the prolonged time taken to dispose the cases?
2. What is the role of added technological features in managing the cases efficiently?
3. What are the potential solutions to improve the performance?
4. How to implement and monitor the performance indicators?
5. What is the role of Judicial Support in an effective Case Flow Management system?

1.6. Limitations of the Research

The research considers only the West Bank courts due to the difficulty to take any data from Gaza strip to analyze the situation there, and only the First Instance and Magistrate courts. The research focuses only on the speed case disposition aspect, but the quality of verdicts which contributes highly in the ineffective litigation process is out of this research scope.

Chapter Two

Literature review

Foreword

This chapter reviews the past studies on Judiciary in order to improve the Judiciary performance through clarifying the problems that the judicial system suffers from; and the reforms and developmental projects that have been conducted to treat the elements that hinder the justice in protecting the entitlements of citizens.

2.1. Historical overview

The shortage of the court's staff and judges is not the major problem which leads to prolonged time to disposition, but there are many factors that contribute to this problem. The slow litigation process and the low quality judgments taken by judges lead to increase the number of backlog cases and the pressure on courts. So the Judicial System should implement mechanisms in order to monitor and control the performance (Spigelman, 2006).

2.1.1. Judicial System Reform in Italy

The inefficient court system affect the economic sustainability (Lanau, 2014), where the citizens need their entitlements such as the properties and money to be back as soon as possible, this ensures the continuous rotation of economic wheel due to the improved business climate. This inefficiency might be due to the low court fees which increases the case flow into the court system, this may contribute to higher age of active pending cases. Also

the lengthy and complex proceedings lead to prolonged time until disposition.

2.1.2. Does Court Efficiency have a Deterrent Effect on Crime – Costa Rica - 2010

A study in Costa Rica investigates the relationship between the court of efficiency and the crime rates, this through studying the clearance rate of First Instance courts for the period 2001-2007. The main findings are that an increase in one percentage point of the court efficiency rate can reduce the number of crimes between 14 and 17 percent (Soares & Sviatchi, 2010). When the court efficiency increases the time elapsed between the case filing and case disposition decreases, which forms an effective deterrence against crimes. The paper suggests that one-year delay can increase the number of thefts and robberies in about 18 and 23 respectively.

2.1.3. Congestion and Delay in the Court System in Asia's Courts - 1985

A comparative study about the congestion and delay in the court system in Asia's courts were conducted in order to identify the factors that increase delay in the system, also the paper suggested strategies to reduce the backlog cases and to satisfy the litigants' needs. The author noticed that the factors of backlog cases as well as the tools of relieving the problem may differ from country to another because of their different conditions (Falt, 1985). Some of the factors that were pointed out by the author are: Shortage of judges and staffs; the training of judges on the skills of managing the caseload; monitoring the performance, applying the accountability, long proceedings.

Some of solutions were suggested by the author such as the effective pre-trial proceedings to schedule only the qualified cases for judicial reviewing; and monitoring the unnecessary delays.

2.1.4. Delay and Settlement in Litigation - 1999

The delays in litigation were investigated in a paper that studied the causes of these delays in the court system, the author pointed out that delays affect the litigants and the community, where it may affect the cost on both the litigants and society, and also delay bringing back entitlements of litigants (Fenn & Rickman, 1999).

2.1.5. A Study on Delay in the Disposal of Civil Litigation – 2013

Some factors that contribute to delays in the court system were identified in a paper conducted in Bangladesh in 2013, these factors are the continuous postponements which should be limited to serious reasons; the pre-trial procedures that relieve the caseload through dropping the unqualified cases to be scheduled; the skills of judges in order to manage the cases efficiently; scheduling of cases within the system considering the age of cases; laws have to be moderate to ensure the flexibility but not delays; monitoring the performance of judicial system and the accountability (Chowdhury, 2013).

2.1.6. Court Performance Indicators

"CourTools" are useful indicators providing interpretable results both for internal management and performance assessment by a broad audience of litigants, attorneys, policymakers (Tools for Court Success. NCSC, 2016).

So "CourTools" enable courts to collect and present evidence of their success in meeting the needs and expectations of customers. The court should implement the performance indicators and make it the policy to bring the current status towards the excellence in providing the services in a timely and high quality manner. With performance indicators in place, judges and court managers can gauge how well the court is achieving basic goals, such as Access and Fairness in the provided services, Timeliness, and managerial effectiveness.

Five reasons to assess court performance: Performance evaluation helps citizens understand exactly how things get done in the court; The capacity to identify and focus on areas of greatest importance to a broad and diverse audience; Help staff better understand their individual contributions and empower court staff to devise creative means to achieve the desired outcome; Information on how well the court is doing in different work areas provides essential indicators of whether goals are reasonably being achieved; Efficiency (Doing things right) and Effectiveness (Doing the right thing) in the expenditure of court funds (Tools for Court Success. NCSC, 2016).

The court performance indicators are: Access and Fairness for citizens' satisfaction; Clearance Rate, Time to Disposition; Age of Pending Caseload; Trial Date Certainty; Employees / Attorneys / Judges Satisfaction; and Cost per Case. The HJC should commit and take the responsibility to implement the courts performance indicators, it should monitor the implementation process in order to ensure that the indicators are successfully implemented. HJC should develop a plan to monitor and control the court performance

indicators, the Council should continuously supervise the indicators to highlight the deficiencies in order to make the required modifications (Tools for Court Success. NCSC, 2016).

2.1.7. Court Performance around the World

An effective, accessible Justice System should provide justice and fairness to litigants with reasonable cost and speed. One of the major challenges is that the "output" of the legal system is not easy to quantify, and it is equally difficult to balance "Efficiency" against qualitative objectives such as "Justice" (Dakolia, 1999).

Chilean courts have the highest workload (Dakolia, 1999), reporting over 5,000 cases per year per judge. In contrast, German judges receive only 176 cases per year, Hungarian judges about 226, and French judges about 277. The average number of cases per state court judge in the United States by comparison is 1,300 cases. This is comparable to the survey's average of 1,400. Even as compared to the United States, France, Hungary, and Germany have far fewer cases per year per judge than the other countries surveyed.

The number of cases filed, however, does not seem to affect the CR; Chile has an impressive CR (CR is cases resolved/ cases filed) despite the high filed cases per judge see Figure 2.1. As mentioned before, the speedy trial and the high rate of case disposition mustn't affect the quality of justice. The Congestion Rate (CGR) is the caseload divided by resolved cases, given the productivity of a court the CGR can be determined in order to know how

much time this court needs to dispose its caseload see Figure 2.1. Ecuador needs 10 years to dispose its caseload while Singapore needs 1 year only (Dakolia, 1999).

One study in the United States shows that fast and slow courts have similar numbers of cases filed per judge. Indeed, it has been found that, in some courts, an increase in filed cases causes the courts to internally adapt to the change to maintain its rate of case resolution. If the courts are well-managed, the increase in filings may even result in cases being resolved more quickly (Dakolia, 1999).

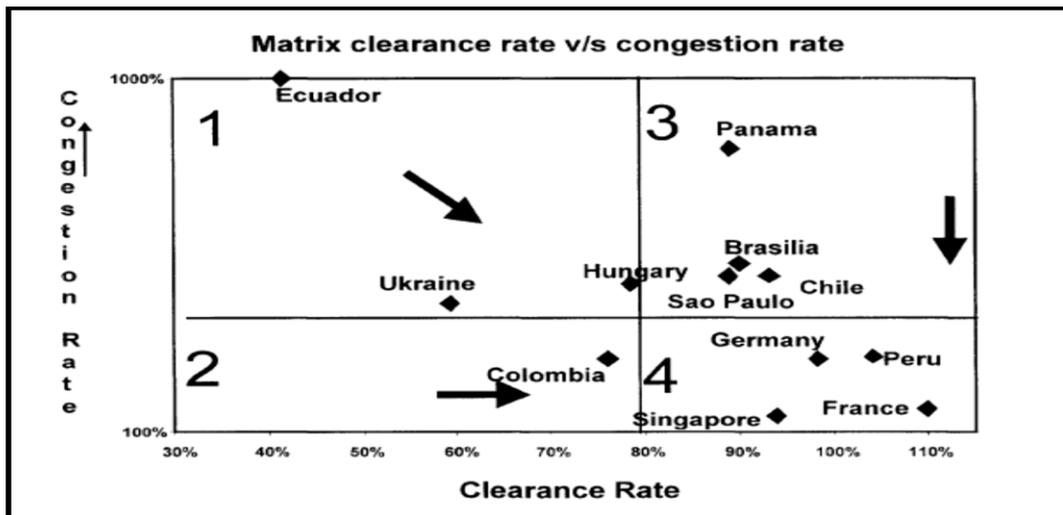


Figure (2. 1): Clearance rate of courts around the world (Dakolia, 1999)

Also, the need to exchange information between courts to see what factors were successful in creating more efficient courts. Comparisons may also stimulate healthy competition between courts (Dakolia, 1999), one of the important roles it has assumed is the collection of empirical data. Without such information exchanged between courts to benefit from the experiences of other courts, reformers end up working in isolation, without benefiting from the experience of other reformers, and not knowing how other systems

resolve similar problems in the areas such as time to disposition and the backlog case problem. With the availability of previous successful reforms information, judicial reform projects financed by such organizations will benefit in both design and evaluation (Dakolia, 1999).

In contrast, Palestine's courts have a very low filed cases per judge in comparison with the countries over the world see Table 2.1, despite of this low value Palestine has a very low value of CR. According to the data shown in Table 2.1, Palestine's courts need a reform to be implemented within the Judicial Sector in order to treat the low performance, and this through a monitoring system and models that can be used to monitor and control the system, this is the concern of this paper which investigates the current system to highlight the main causes of this low performance, and consequently implementing the tools which help in improving the way of managing the cases within the courts.

Table (2. 1):Comparison of CR around the world (Dakolia, 1999)

Country	Number of filed cases (Cases/Judge/Year)	CR
Chile	5000	93%
Germany	176	98%
Hungarian	226	79%
France	277	110%
Palestine	271	30%

Information on court performance can assist in promoting greater confidence in Judiciary and promote good governance through transparency and accountability. The process of good governance should ensure greater respect for the rule of law, confidence in the judiciary, and legal protection of individual rights.

2.1.8. Use of Data in Performance Measurement in Chicago-USA-2013

As mentioned the court performance is difficult to measure. This is because quantifying the outputs that we expect courts to produce is complicated, we can easily count case dispositions, but appraising the quality of justice is more subjective. Early attempts to implement performance measures in state courts "CourTools" which are a comprehensive set of performance measures created by the NCSC (Welter, 2013).

New Jersey's state court system applied the performance indicators in order to reduce case backlog between 1992 and 2006, the state reduced backlog by 50,000 cases. These indicators are to provide a dashboard which explains the courts' performance, but it needs to be linked with incentives to be more effective, where the judges should be followed to ensure the speedy trial for litigants (Welter, 2013).

The Criminal Division of the Cook County Circuit Court ("Court") developed a new digital case management system where each day, judges receive a printout of cases currently on their docket. This "court sheet" gives them some very valuable information. It tells them what the first charge was in the case, the first date on the docket, the status of the case, and the next

scheduled court date. This will force the judges to effectively manage the cases (Welter, 2013).

The challenge in these reforms is to achieve the alignment of the speedy trial with the high quality judgment. The researches argued that some of the main drivers of delay are the lack of attorney preparedness, unwillingness of parties to share evidence, the absence of a assured trial date, and the "continuance culture" within the court which allows for continuous postponements, the following are the components of the court performance programs (Welter, 2013): Measures and Goals to be followed as the standard; Compatible Systems: Ideal IT systems; Uniform Data: to ensure consistency; Incentives: to provide a highly effective management tool; Coordination & Communication.

2.1.9. Case Flow Management Process

The case flow management is a set of activities that bring the case from the registering stage into the case disposition stage, these activities should ensure getting the cases disposed in a timely manner (Sallmann, 1995).

Judicial System has a list of proceedings must be followed in order to process a case, these proceedings differ according to the case type, Civil cases start from registering the case, passing through many procedures inside and outside the court, and ending by the case disposition. The proceedings of Penal cases usually start by investigation; arresting suspects; passing through the Prosecution and end by disposition see Figure 2.2 for the penal cases that

start by arresting suspects, where the core of this research is the proceedings within the court system (Sallmann, 1995).

The proceedings are almost similar around the world, but the difference is in the way that the Judiciary or courts manage their caseload until reaching the disposition.

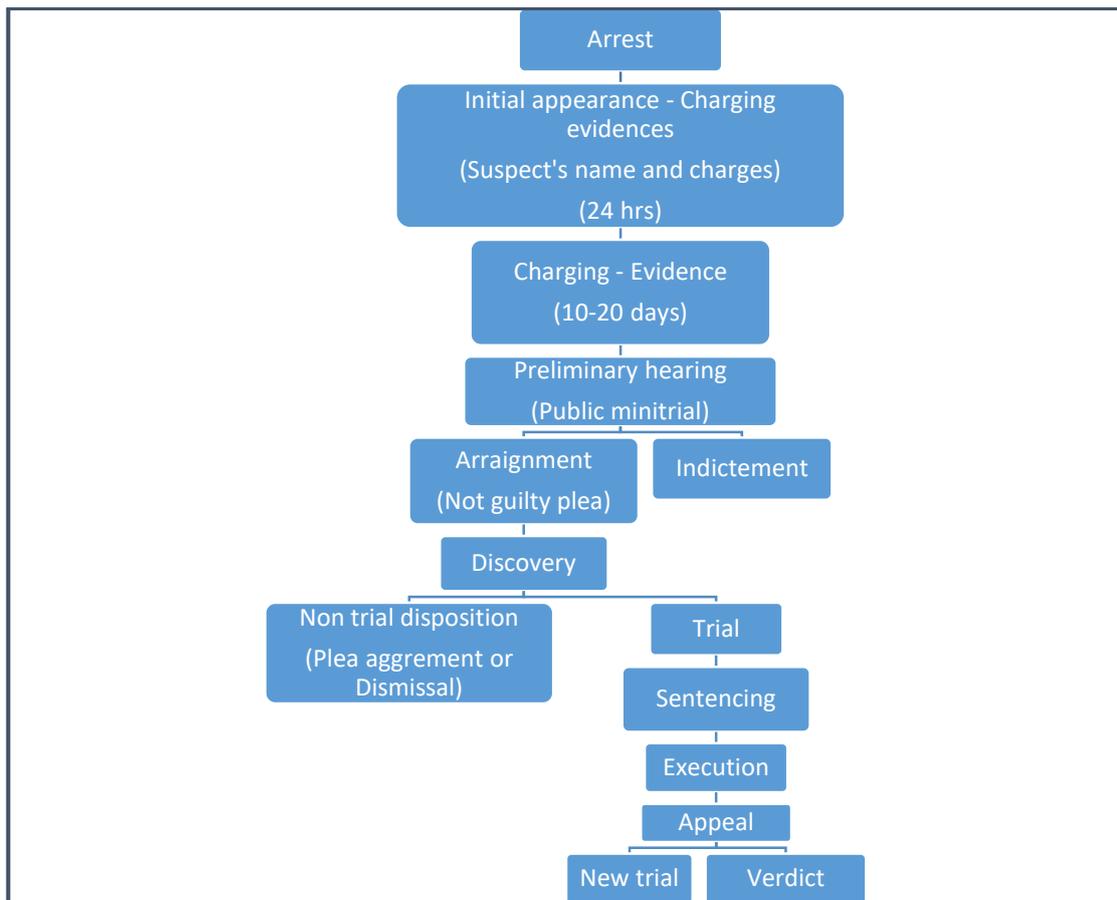


Figure (2. 2): The Proceedings-a Penal Case starts by Arrest (Sallmann, 1995)

The courts need to monitor and control the progress of cases through focusing on the case flow management approach, this ensures processing the cases without any unnecessary delays, the factors related to the case flow management processes that may lengthen the time to disposition are easier

to control than external factors, when these factors are controlled the performance of the Judicial System increases dramatically (Sallmann, 1995).

2.1.10. Measuring Court Performance-Hong Kong Court of Final

Appeal - 2006

Court performance indicators are useful tools to monitor the system which is required to apply the accountability, but the citizens who resort to courts need the justice that is aligned with speedy trial, they don't only the speed to be satisfied (Spigelman, 2006). The quality is difficult to be measured in order to ensure the justice, so when working on expediting the performance of case litigation process, we have to ensure that the justice is not negatively affected.

2.1.11. Palestinians' Evaluation of Justice Institutions – UNDP - 2012

A survey was conducted in order to notice the extent to which the Palestinians resort to courts, as well as the extent to which they trust the Justice Institutions. In case of one doesn't trust justice to protect his/her rights, they may forego their entitlements, or take the law into their own hands, with violence ensuing. 71% of the Palestinians resort to courts to resolve disputes; 51.2% are confident with fair settlements generated through the courts (Adwan, 2012). The people's perception that justice is too slow is the reason for avoiding recourse to courts. 50.2% of people cited 'court cases take too long' chose not to resort to courts (Adwan, 2012). 23.3% of Palestinians perceive that the 'informal' justice mechanisms are faster than courts, but the informal justice mechanisms such as "Islah men"

tend to deny the rights of marginalized groups (Adwan, 2012). Legal literacy is the gateway to accessing rule of law institutions and achieving justice. 'Legally illiterate' persons are less likely to access justice. Legal literacy can be a factor to improve performance. (Adwan, 2012).

2.1.12. Administration of Criminal Justice in Palestine – 2010

The backlog problem in Palestinian justice system was assessed in a book conducted in 2010, this book investigates the delay in civil and criminal cases. Where Palestinian courts are unable to dispose cases within time standards, which lead to accumulation of cases due to filings continuously exceed dispositions, the case flow management was pointed out as proactive proceedings to expedite case disposition, and this ensures filings almost equal dispositions, which means high clearance rate "ratio of dispositions to filings" (Abdelbaqi, 2010).

Judicial systems face challenges in rendering judgments within rational time, where the public satisfaction and confidence in judicial system is crucial to justice. European convention on human rights considers case delay as a violation of human rights. The author mentioned that delay might affect rendering a fair judgment, where the ability to confine the entire details for evaluation and making a fair judgment decreases as the time of processing a case increases (Abdelbaqi, 2010).

The author listed the basic causes for delay which are congestion in courts' dockets; the obsolete procedures that permit excessive continuances; distribution of cases per judge without considering the number of judges in

relative to size of population; political situations which hinder the judicial system's parties attending court sessions. The case management system was pointed out as an effective mechanism to reduce time to disposition and cost of litigation; apply accountability; provides transparency. This helps courts monitoring the performance of staff and judges. The author reviews the American case management system which includes the standard forms to ensure uniformity of data and minimum errors; record control from filing a case until folder creation; case processing through the system; scheduling the cases according to complexity; controlling and storing judgments; and reporting some statistics such as number of filings and dispositions during a certain period, pending cases at the beginning and end of the period (Abdelbaqi, 2010).

The author discussed the case delay in German judicial system as faster than its counterparts worldwide in time to disposition, where average time in 1995 in local courts was 6.7 months, whereas in 1996 was 5 months. Case delay in Palestine in First Instance courts in 2006 was also investigated, where the percentage of cases disposed was 47% (57334 cases) of overall cases filed and recycled. Moreover, the author discussed a project conducted in Palestinian courts by UNDP in 2003 (DPK Consulting Project), this project studied the factors of delay throughout the various steps in litigation process (four prototypes courts were considered), the postponements due to litigants' requests which is the largest contribution of 42% of the overall delay, and because the judge seeks relaxation he/she accepts their requests, the improper notifications of 11% contribution to overall delay, this is due to

checkpoints which hinder bailiffs from successfully notifying the intended parties. The project suggested two mechanisms, the first is to deal with old cases through classifying them in order to provide them priority, the second is to speed up the litigation process through imposing some procedures such as forcing litigants to present evidences in the first session; postponement is forbidden for the same reason; treating plaintiff or his attorney as the defendant so dropping the case due to nonattendance; and transferring scheduled cases to other judges due to judge's absence (Abdelbaqi, 2010).

2.1.13. Musawah Evaluation Report for the Justice sector in Palestine

A surveying study was conducted in 2015 in order to evaluate the justice sector in Palestine (West Bank and Gaza Stripe), this is through the questionnaires distributed over a sample from the audience. These questionnaires investigate the opinions of audience in the justice indicators which were set by Musawah in 2007, where the justice pillars and their indicators were identified. The targeted groups were the Palestinian audience; Litigants; Lawyers; Trainees lawyers; Law Instructors in Palestinian Universities (Musawah, 2015). The following Table 2.2 shows the results of the study.

Table (2. 2): Results of Musawah Evaluation Report – Litigants Group in West Bank

Aspect	Percentage of "Yes" plea
1. Improvement in the Palestinian Judiciary	36%
2. Integrity of Judiciary	51%
3. Slow Case Disposition	71%
4. Security Institutions Intervention	85%
5. Trust in Trial Courts	38%
6. Fair Trial	48%

These results are worrying indicators where the litigants of high percentage noticed that the judiciary is not speedy and fair enough to be a trusted mechanism of resolving disputes, this is very clear from the percentage of litigants that trust the tribal judiciary which is 48%, 53% see that the tribal judiciary is more able than trial courts to resolve disputes. The lawyers of 52% don't believe in the integrity of judiciary, also 54% see the system of appointment doesn't follow the transparency, where 58% think that the system follows some biased considerations in the promotions and appointment processes (Musawah, 2015).

The slow and unfair litigation processes lead to decrease the trust in the Judiciary System, which means that people would choose recourse to informal mechanisms such as the tribal judiciary. Consequently, the justice wouldn't prevail in the whole community.

2.1.14. The Judge Effort Spent Working on Cases

A study was conducted by a specialized team from the HJC and international experts showed that the judge in the Palestinian courts performs

approximately 1400 hours of judicial work yearly, and this through determining the daily judge working hours in the court which is around 7 hours a day (Dabbas, 2014), where the official daily hours are 7 hours, the monthly working days are 22 days, after cutting the yearly judicial vacation 84 days, but the judge actually doesn't adhere to these official rules and works only around 3 to 4 hours daily. Table 2.3 provides an accurate timeline for the number of judicial hours required for each case type in the Magistrate and First Instance courts (Civil and Penal) if the required papers and persons are available.

Table (2. 3): Judicial hours required for several case types (Dabbas, 2014)

Type	Hours
Murder cases	37
<100,000 JD	31.5
Misdemeanor	2
Accident Compensation	6

The following formula is to determine the number of judges needed to be available in each court (Dabbas, 2014).

$$\text{Number of judges} = \frac{\text{Sum of judicial work hours}}{1400}$$

2.1.15. The Notifications are the Basis of Judicial Fulfilment

The Judicial Notification is a technique to communicate with the procedural parties of the judicial work, where it is a formal announcement for the start of litigation with a specified time which notify the other party to attend for a

pre-assigned court session in a particular date to start the required precautions to defend his right in confronting the adversary.

The legislator sets out the notification methods according to rule (7) as follows (Notifications Methods CCTL. \ 7, 2001): By the notifications officer; by the post office; any other methods the court suggests; If the address of person the court needs to notify lies in another court, the judicial notification should be sent to this court registry to undertake the notification process, then sending a report to the source court explaining the details and procedures which were done throughout the process (Awwad, 2014).

The important role of the notification process enforces a special attention to be processed successfully (Awwad, 2014). The non-completion of this process is a major obstacle to apply justice. A lot of cases are postponed due to the incomplete notification process. Table 2.4 shows the statistics issued by IT department information in the HJC for the year 2013, we see varying proportions with respect to the obstructions of the notification process (Awwad, 2014):

Table (2. 4): The rotatory cases because of the failure of notification process in 2013 (Awwad, 2014)

#	Cause of postponement	Rotatory cases
1	Failure to notify the parties the session date	2264
2	Re-notify any of parties	15789
3	Failure to notify the witnesses the session date	62
4	Failure to notify the appellant	309
5	Failure to notify the appellee	140

There is no doubt that the greater the proportion of the disposition of cases the greater the public confidence in the Judiciary. Several factors have the greatest impact in completing the notification process as it may separately or jointly form a real obstacle to the informer to do his job to notify, these factors are: Technical factors; The nature of the work; Geographical factors; Personal factors; Logistic factors; Legal factors (Awwad, 2014).

2.1.16. Expediting Case Litigation Process through Setting Life Spans

In 2014 a project to expedite the court's cases through specifying its life span (Dabbas, 2014), This developmental project was performed by the HJC because of the significant increasing in the registered cases in the courts which may reach to 20% annual increase especially in the Court of First Instance and Magistrate Courts, because the litigation process takes too long and much further than it should take until the disposition of cases, this contributes to the accumulated number of cases which is the result of the increasing of judicial load on courts in comparison with the human capabilities whether judges or staff members. This project was applied through the electronic program to manage the processing of cases "Mezaan " to make the judges able to manage the cases (Dabbas, 2014).

2.1.17. The Evolution of Court's Information System in Palestine

The Judicial System Institutions worked on reforms in order to improve the performance of the Judicial System, these projects contributed in improving the performance in the years before 2009, where "Mezzan" software was applied in 2009 and it is currently used in the justice sector ["Mezzan" is an electronic software to manage the progress of Civil and Penal cases and all

related procedures once it is registered until disposition] but it helps the system as a data base but not as an effective case management tool to ensure the good quality judgment in a short time, where it helps in accessing the information about the cases progress within the court system such as notifications to parties (Rummaneh, 2016).

The used technology in the Judicial System and its courts has evolved through several stages (Rummaneh, 2016) :

1- The stage before "Mezzan"

The system was using the traditional way to archive and retrieve the information manually, but the system suffers from the ineffectiveness in terms of the speed and the accuracy of data to be accessible to all parties.

2- "Mezzan"

"Mezzan 1" was resulted from the efforts of the HJC which worked in identifying the priorities and the security levels to guarantee the ability to save the information, it was generated as a phase 1 which only works on registering the cases electronically and its notifications in the Magistrate Courts.

In phase 2, the council developed the software to work in the courts of its various specializations, to deal with the all kind of cases and its procedures such as registering, notifications and reports, and printing the hearing files electronically. The system still lacks of connection with the related parties and the directorates of the Judicial System. Also the new system helped in reducing to some extent the Judicial Congestion and in speeding up the case proceedings.

In phase 3, the Council developed a new version of the case management software (Mezzan 2) to modify the problems of the first release (Mezzan 1), the new release of "Meezan 2" provides exchanging information between the related Institutions such as the Public Prosecution to exchange the information of Penal cases such as the information of case parties; the PBA to exchange the information of registered lawyers, and the MOJ to exchange the rules of penal for the interest of the central criminal folder.

3- The current performance

The courthouses now use "Mezzan 2" in all their daily procedures to record all proceedings information to ensure the accuracy in the case proceedings, and it provides the lawyers the feature of following up their cases remotely, and providing the HJC the feature of generating the statistical reports regarding the cases and their types, hearings, and the postponement reasons in order to improve the effectiveness.

The current situation is better than ever where "Mezzan" facilitates handling the cases through functioning as a central data base where it provides details about the case progress, but the Court System is still ineffective in terms of the backlog, the speed, and the quality of judgments (Rummaneh, 2016).

The research assumes that the success in implementing the new tools requires the commitment of the HJC to link the suggestions of this research with the strategic goals of the Judicial System. This study investigates the problem of long time to disposition which leads to the backlog case problem, this research studies the factors that lead to these results in order to improve

the performance of PJS to act efficiently. The research uses the tools that the literature used for monitoring the performance of courts, these tools are useful for this research in collecting; analyzing and interpreting the results regarding the factors affecting the time to disposition.

Chapter Three

Research Methodology

Foreword

This chapter explains the study approach and its range and shows the study community and the sampling techniques and the sample size, and also the statistical tools used to investigate the causes.

3.1. Study Approach

The research considers multiple approaches in order to explain and investigate the reasons of case backlog due to the long time to disposition, this is also required to be compatible with the research purpose, the problem area, research questions, and research hypotheses which satisfies the research's requirements in order to reach the desired results (Creswell, 2003).

This research uses an inductive approach in order to move from data to theory (Blackstone, 2012). This research used the inductive approach in generating models from data that are very helpful in predicting the time to disposition and predicting the upcoming caseload. And using the deductive approach to start with a theory which is the standards of time to disposition to check the compliance to these standards and then test its implications with data. A deductive approach in research is to study what others have done, reads existing theories, and then tests hypotheses that emerge from those theories. (Blackstone, 2012).

A quantitative approach is one in which the investigator primarily uses for developing knowledge (i.e., cause and effect thinking, reduction to specific variables and hypotheses and questions, use of measurement and observation, and the test of theories) (Creswell, 2003). The data collection also involves gathering both numeric information (e.g., on instruments) as well as text information (e.g., on interviews), so that the collected information represents both quantitative and qualitative information.

For identifying factors that influence an outcome, a quantitative approach was used to know the important variables to examine (Creswell, 2003). The research uses the qualitative approach to understand the research problem through the exploratory interviews to evaluate the status of the judicial system, this provides a clear picture of the current performance and the impact of this weak performance, this impact affects the citizens and the staff. Also, the study uses the tools needed to highlight the factors of the backlog problem. The research uses tools to quantitatively measure the performance of several areas in case management system where this approach was used to test the hypotheses through collecting quantitative data for the key performance indicators and the statistics were used to generate the correlations between variables. This resulted in connecting the results with research problem and research questions, the exploratory interviews are adopted in order to collect data and understand the conformance to the standards which control the time to disposition.

So, this research investigates the factors that affect the time to disposition in order to identify them; the data for these factors was collected and analyzed

by SPSS. The assessment of current Palestinian Courts performance was in Nablus, Hebron, Jenin, and Ramallah courts which represent the research community and considers only the Magistrate and First Instance courts and their performance in terms of the disposition time and other measures during the period 2013-2015.

3.2. Research Framework

The research assesses the current performance regarding the factors which lengthen the time to disposition, and suggest a model to provide the ability to monitor and control the performance and also to link these performance indicators with the system of motivation.

The following Figure 3.1 explains the research framework which was followed to assess the current performance of Palestinian courts which was needed to identify the research problem, Nablus, Hebron, Jenin, and Ramallah courts represent the research community and considers only the Magistrate and First Instance courts and their performance in terms of the disposition time and other measures during the period 2013-2015. The samples in several areas were chosen to represent the community, these areas are the satisfaction of employees, the evaluation of judges and lawyers, and the performance indicators which were used to highlight the research problem, the exploratory interviews were conducted in order to identify the factors that lengthen the time to disposition, the standards of time to disposition that are considered by the literature were used to set the research hypotheses, the questionnaires were conducted to evaluate the employees

satisfaction, and the evaluation of judges and lawyers (It was mentioned that the evaluation measures are just to explain how to be used), these areas generated the factors which lengthen the time to disposition. These questionnaires were undergone to a Pilot study to ensure the questions are valid and easy to answer, these questionnaires were distributed to the targeted groups and were gathered to be analyzed by SPSS.

The results of the interviews were used to conduct the factors which lengthen the time to disposition, and also to test the compliance to the previous hypotheses as the standards to time to disposition, and to check the validity of the research hypotheses.

The study proposes a model which helps in reducing the load and time which must be done by the judges, and also the cost the courts spend in running the business of courts, the proposed performance indicators should be followed in order to monitor and control the performance to achieve the excellence. The quantitative and qualitative methods were used in order to highlight the areas of poor performance and to propose the novel solution which is the performance indicators.

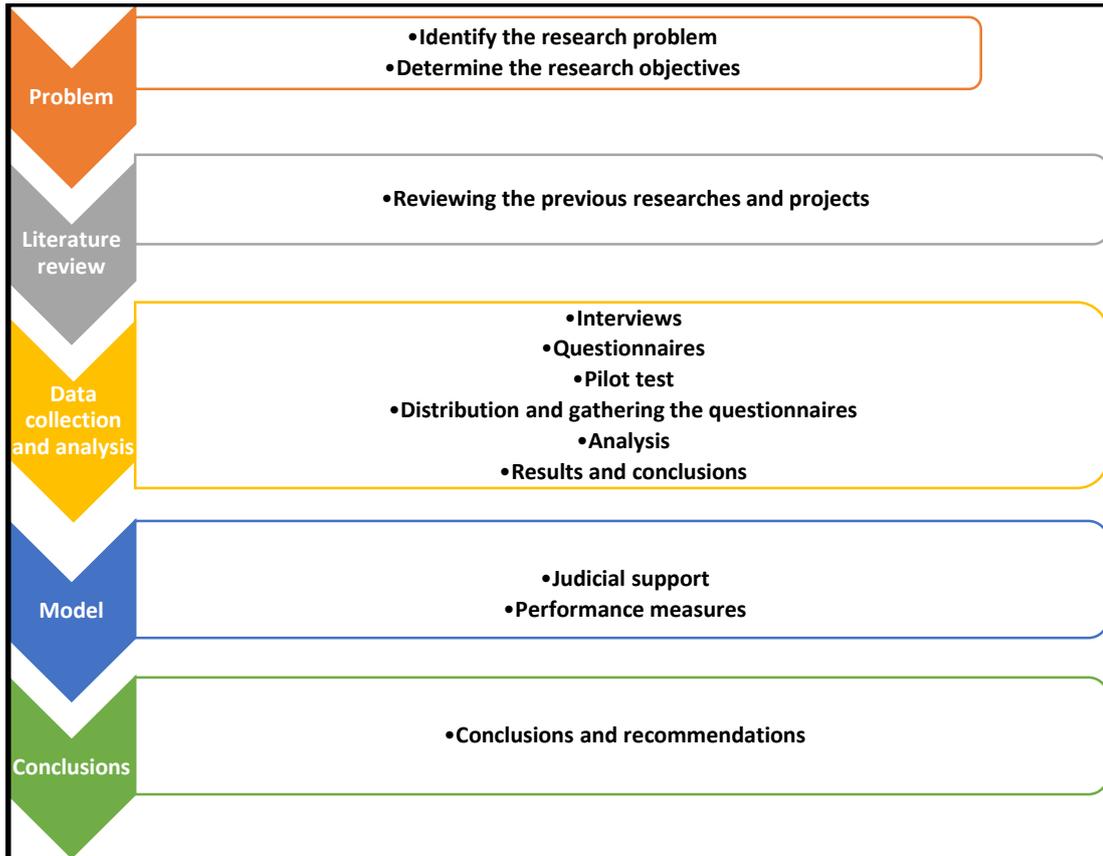


Figure (3. 1): Research framework

3.3. The sampling

The accidental sampling method was used for the questionnaires because the community is not known where the number of citizens and lawyers that visit the court cannot be determined. Since the scope of this study is to discuss the reasons for the backlog in order to find the ways of reducing the time to disposition, which is conducted by the data collected from the databases of the HJC. So the study community of the questionnaires is Nablus court only in its Magistrate and First Instance courts.

3.3.1. The Research Community

The study community regarding the data collected about the caseload of courts is composed of Hebron, Nablus, Jenin, and Ramallah courts and their

Magistrate, First Instance courts. For the questionnaires the study community is Nablus court only involving its judges and administrative staffs.

3.3.2. The Sample Size

The sample size is a group of individuals with specific characteristics which should be taken to represent the population where usually it cannot be taken as a whole. There are several methods to determine the appropriate sample size which must be taken, these methods such as the Simple Random Method, Systematic Random Method, Accidental Sampling Method (McLeod, 2014).

The number of cases for the performance measure (Clearance rate, Time to disposition, Age of pending cases, Trial date certainty) was taken as the whole community, so there is no sampling in this area of research. But there are several characteristics were needed to determine the factors which lengthen the time to disposition and also to generate the correlations between these factors, so that for generating these elements a sample of 383 cases of different types was taken from the community of 68890 cases, so the sample was taken according to the Systematic Random Method (McLeod, 2014).

The questionnaires that measure the satisfaction and evaluation of the stakeholders such as employees, customers, judges, and lawyers were distributed in Nablus court only, where the use of these measures is only to explain how these measures can be used, where the investigation of satisfaction is out of the research scope; and also refers to the homogeneity

of the judicial units' performance within all courts. The researcher pointed out a previous research which was conducted to investigate deeply the satisfaction in the Judicial System (Adwan, 2012)

The reason of taking a small sample of citizens for the evaluation questionnaires is the inability to determine the appropriate number of a sample, so the Accidental Sampling Method where the local citizens visiting the court cannot be identified so the researcher tried to take as much as possible of those visitors (McLeod, 2014).

To show the fit with appropriate confidence interval and confidence level, Thompson formula to determine the sample size, so for CI 5% and 95% CL. (Thompson, 2012).

$$n = \frac{N * P(1 - P)}{\left[(N - 1) * \left(\frac{d^2}{z^2} \right) \right] + P(1 - P)}$$

Where:

n=Sample size

N=Population

d=Percentage error (0.05)

P=proportion of population having the characteristics

z= Corresponding Normal Distribution Values (1.96 for 95% CL)

The questionnaires were distributed as follows: (25) to be distributed to all judges in Magistrate and First Instance courts in Nablus, (25) to all staff members in the same courts. The questionnaires of (25) were distributed to attorneys, and (50) to customers following the Accidental Sampling Method.

The samples of cases are taken from the courthouses to collect data regarding the performance indicators such as CR, and also recording the main causes for long time to disposition. For these questionnaires to be answered completely the researcher and with some help was able to achieve 100% response rate. And also for the focus area which is the performance measures which concern with the efficient way in managing everything in the courts, the interviews with the judges, lawyers, and the technical support were very useful in obtaining the required data for the research.

3.4. Data Collection

Regarding collecting the required data for the research, different sources were identified as the main areas of getting the data which is highly related to the purpose of this research, for measuring the satisfaction and evaluation of the main stakeholders, the structured questionnaires with 5-point Likert scale were distributed to obtain a clear understanding as possible of how people and others working within the judicial sector see and trust the judicial sector performance, so it was needed to obtain a simple overview of their evaluation to be consistent with the calculations and comparisons of the performance measures.

Also, the interviews which were done in order to identify the root causes of lengthening the time to disposition, and also to help in measuring the performance measures which surveys the current performance of measuring the cases within the courts.

3.5. Research Tools

This research is based on survey research tools to collect the data required for the purposes of this research, this is one of the research tools which is chosen according to the research questions (Creswell, 2003), those are the interviews to collect data regarding the performance measures, and the questionnaires which measure the evaluation and satisfaction of the stakeholders.

3.6. Exploratory Interviews

The exploratory interviews are the way of collecting data from the persons close to the work which is needed to be investigated, these may be in different forms such as structured, unstructured, and semi unstructured, and also it may be face to face interviews or face to face group interviews (Rubin & Rubin, 2005).

The structured interviews were used in order to identify the factors from the main areas which were identified as the most appeared causes of lengthening the time to disposition. The questions of interviews concerned in narrowing the wide range of areas which were determined as the main critical areas, so these questions were very useful through providing an overview of several cases in order to consider the main factors that lengthen the time to disposition. Also, the unstructured form was used in order to generate a clear qualitative and quantitative overview of the current performance, these measures were needed to apply the performance indicators which is required to monitor the deficiencies of the system see **Appendix 4**.

3.7. Questionnaires

The questionnaires are very useful and easy way to collect the data required for the research by the respondents, these may be close-ended questionnaires or open-ended questionnaires (Sincero, 2012). The research uses the close-ended questionnaires where the respondents choose from the answers of the Likert scale.

The questionnaires which were used in this research in order to collect data about the evaluation and satisfaction of the respondents regarding the performance of the judicial system, where the first is Access and Fairness see **Appendix 1** which concerns in collecting data about the ease of access to the system, and also about the fairness of treatment for all customers. The second one is the employee satisfaction see **Appendix 2**, this is to collect data about the satisfaction of employees regarding the working conditions and the feel of achievement and motivation in the court house environment. The third questionnaire is the judge evaluation questionnaire see **Appendix 3**, where this one concerns with determining the evaluation of judges to their abilities and skills in managing the cases.

As mentioned, the questionnaires were designed in Arabic and English, and have 5-point Likert scale ranging from Strongly disagree to Strongly agree, and also have some questions about the description of the respondents such as how he/she relate to the judicial system, demographic characteristics.

3.8. Quality Standards for Research Tools

The research collected amounts of data which should be checked in order to ensure the correctness of data to ensure that the results are realistic, and also to ensure the ability to achieve the purposes of this research by these data.

3.8.1. Pilot Study

Pilot study is always used in order to check the consistency of the questionnaires with the purposes of the research, this can be done by experts in the topic of the research and in statistics, this is very useful to make sure that the questionnaires are well designed and ensures the reflection of the real data which is needed for the research to be realistic (Shuttleworth, 2010). These questionnaires of the satisfaction and evaluation were obtained from the National center of state courts (NCSC), they underwent to the evaluation sessions by the experts and the persons of high experience in the field of the research and also in statistics, this was very important in order to get the questionnaires ready to be applicable in Palestine, so several things were modified in order to ensure the questionnaires are consistent and able to be distributed.

Chapter Four

The Facets of This Research

Foreword

For the purpose of achieving the goals of the study, a process of analyzing the responses of the study's members was conducted to answer the study's questions. This chapter studies and investigates the study's samples, the results that the study obtained, its analysis, and its interpretation.

4.1. The Factors Affecting Time to Disposition

PJS struggles to prevail under circumstances which make the Judiciary the slowest path to resolve the disputes between the individuals, the following are the common reasons for the slow proceedings of the Judicial System, some of these causes can be controlled by the system when implementing the performance indicators, others are beyond the control of the system.

Internals are the actions of the system elements which are taken to process and manage the case progress from the registration until disposition, it refers to the **Employee** who is responsible for receiving the requests of lawsuits and the files attached with the lawsuit (Head of M. Registry, 2015), the employee affects the progress of cases where he/she should have the knowledge and skills regarding the requirements of processing a lawsuit and also in treating the parties of litigation as well as the staff and judges of the court, also the employee may make some mistakes in registering and processing the cases, it related to the omissions occur during the data entries

such as missing required papers or errors in the names of parties or attorneys, where "Meezan" database doesn't provide information to the parties or attorneys who are not listed in the case papers (Rummaneh, 2016), this is an important area where these information are very critical to proceed in the case proceedings, for instance, the attorney is responsible to notify his/her clients of the sessions' dates, and also uses these information to process his/her pleadings. So the individuals work in the court need to obtain the intrinsic and extrinsic needs in order to perform efficiently but this requires the HJC commitment in order to implement the effective human resources management system.

Laws are the rules of litigation processes such as the pleadings of sessions, the transactions, and the executing of verdicts, the absence of the legislature hinders making the litigation processes more efficient in processing the cases, where the rules required to smooth the proceedings, such allowances are the postponement flexibility which slows down bringing the case into the judgment stage where the Commercial and Civil Trials Law states that there is no possibility to postpone twice for the same reason, (Postponement CCTL. \ 121, 2001), but the judges should adhere to this rule and control the manipulation of all related persons involved in the litigation process, which usually happens from the litigants' attorneys in order to enjoy more time, but this may affect the justice due to the late case disposition (Chattaraj, 2011).

The number of postponements which mostly happen due to the actions taken to notify the parties of the cases' sessions, these action are the most important elements in the litigation processes to be short and easy to be

disposed, the defendants usually evade from being notified in order to gain more time trying to find a solution which satisfies them, or to make the plaintiff's case idle where the court continuously postpones the case, the notifications should be the first priority to be successfully done to make the court able to dispose the case (Dabbas, 2014).

Also, **Bailiffs** are responsible to achieve the notifications but this requires them to be highly skilled and motivated, they should be trained very well to acquire the techniques of performing the notification process successfully, and also should be motivated to spend high efforts on the process to be done.

The Judge is responsible for reviewing the case and all of its aspects such as the prosecution reports; the evidences presented by attorneys; processing the pleadings; and making the judgment. The judge manages the cases to bring them into the disposition stage.

For these tasks the judge should have the knowledge and skills to manage the cases effectively, he/she needs to be wise and alert and has a broad range of thinking in order to bring the case into the stage of making the verdict, but also the judge who doesn't have the sense of responsibility and integrity affects the case progress and the justice to be achieved, where the judges usually tend to postpone the sessions to feel relax because of the crowded agenda, so that the case load increases and much rather the possibility to be controlled.

The **number of days until first trial date** is very important to be considered where the courts' dockets should be managed efficiently in order to consider the age of cases and the urgency level

The case dependency is a critical problem where the case being reviewed may depend on another case disposition, the independent case might being reviewed so the judgment in the dependent case would be delayed, the Commercial and Civil Trials Law contributes in making some allowances in this matter where the court has the right to merge both of these cases if they were sued for a combination of results for the same issue (Case Dependency CCTL. \ 80, 2001).

The number of parties as the litigants and/or the person who is provided the services of Judicial System, the citizen affects and is affected by the prolonged time to disposition where he/she could be a defendant and/or a plaintiff, the litigant usually contributes to lengthening the time to disposition if he/she is a defendant, the defendant always evades from compliance to the court's commands because these are against him/her because he/she is the suspicious in a Crime or owes someone some Rights, thus the defendant hinders the case progress from reaching the disposition. But if the citizen is a plaintiff so he/she is the claimant of the lawsuit and will follow the commands in order to bring his/her entitlements back (Head of M. Registry, 2015).

Regardless of the litigant description, the legal awareness contributes to facilitate the litigation process and in understanding all the possible paths with all details in order to know what each path generates as a result (Adwan, 2012), this aspect concerns more in the citizen's interests where he/she might be vulnerable to the fraud of attorneys, and also knowing the potential results

helps in deciding whether to sue the defendant or to find another path such as the ADR, or trying to make a settlement with the defendant.

The occupation is one of the most important uncontrolled elements which hinders the judicial processes such as the notification processes to be successfully done; the sure attendance of sessions by parties, judges, and attorneys, all of those are critical element for achieving the litigation processes in a timely manner.

The independency of the Judicial Authority in terms of finance or power ensures the fair and speedy litigation processes, otherwise the judgments or the time to disposition will not be controlled where many external parties affect the judicial processes, and this makes the system unable to achieve justice, and consequently disrupts the public trust in the system.

The corruption also affects the fair and speedy litigation processes where the judge may align the processes to personal or external interests, the corruption is present in any system but it should be monitored and controlled in order to enable the accountability and achieving justice.

Type of case where the cases vary in the lead times and other performance measures due to different complexity, this factor should be considered in measuring the performance, and also in studying the contributions of factors in lengthening the lead times.

The queuing system is important to manage the queue of cases in the court's calendar, and also to manage the daily processes. The current court system asks the parties and attorneys to be in the court at 8:00 am but the judges starts working at 9:00 or 9:30, and the parties or witnesses have to

wait until the queue of case comes, this wastes the time of all stakeholders and costs too much money whether from the court's budget or the costs of moving from city to another to attend the session, also, the speakers in the courthouse cause too much noise which leads to not hear the call for the session where the court is overcrowded, and because the inefficient allowances for adjournments the judge postpones the cases due to the reason of non-attending the sessions by all parties or the plaintiff, the current system provides the ability to know some information about the attorney's agendas in order to know whether the attorney has another session to wait until it is done to allow the attorney to attend the other session, and also to not postpone the case to another session which lengthening the progress until disposition but the judge tend to choose to postpone the case and not to wait until they are able to come, all of these deficiencies slow down the progress and increases the costs to a high level.

The court and all stakeholders need a system which organizes and manages the cases sessions to assure the trial date certainty, this will decrease the time and costs of all stakeholders.

The following Table 4.1 explains the occurrences of different problems which prolong the time of litigation until dispositions (Rummaneh, 2016).

Table (4. 1): The occurrences of causes

Problem Area	Occurrences
1. Due to omissions in files made by employee	25
2. Due to lack of awareness of customers in their rights	18
3. Due to allowances for postponement	10
4. Due to complexity and long proceedings	7
5. Due to lack of flexibility of judges to adhere to the official daily working hours	5
6. Due to lack of knowledge and skills of lawyers in laws	3
7. Due to lack of efforts of judge and lawyer	2
8. Due to lack of discipline of judge and lawyer	5
9. Due to lack of attention of judge	6
10. Due to ignoring the related cases to be linked to	7
11. Due to detentions	12
12. Due to influence of internal relationships with lawyers or other parties	14
13. Due to difficulty to notify	17
14. Due to influence of external parties	18
15. Due to flexibility with defendant lawyer's requests	20
16. Due to desire of judge to postpone	22
17. Due to failure to provide exact dates and times	24
18. Due to the noise of speakers	27
19. Due to lack of "Meezan" features to schedule early dates or to consider load of judges	28
20. Due to Ministry of interior doesn't impose fines for address change	30
21. Due to lack of knowledge and skills of judge in laws	33
22. Due to lawyer is busy in another session	36
23. Due to lack of attendance of attorneys	38
24. Due to number of parties	39
25. Due to lack of compliance to the urgency of attending	40
26. Due to parties evades from the notification	42

Pareto chart is a useful tool to notice that 20% of causes lead to 80% of problems, this is important to highlight the significant contribution of some causes, these deficiencies must take the priority to be solved in order to make

a significant improvement in the performance.

Finally, this study considers some of these variables which are easy to measure, the variables included in the investigation of the lead time are Number of continuances which increase due to the shortcomings in the areas mentioned above (customer, employee, lawyer, and judge), Number of parties (customer), Days until first trial date (employee, system) and Type of case. This study generates models to predict the lead time, and these variables were investigated to check the relationships between them and the lead time.

4.2. Proceedings Overview

In order to study the delay in the court system in Palestine, the proceedings of this system should be investigated in order to clarify the potential reasons for the delays between the case registration and case disposition stages, these delays affect the court efficiency. The following elements are some of the proceedings facets.

4.2.1. The Notifications in Palestine's Court System

The courts ask the claimant to suggest an address for the defendant, otherwise the court waits until receiving the address from him/her. If the defendant changes his/her address without updating the information in the MOI, he/she should be forced to pay a fine but if the system commit linking processes with the MOI. Where the connection with MOI is very useful in decreasing the time elapsed until getting the right address of the case related persons in order to notify them attending the sessions. Providing the bailiffs

the knowledge and skills to perform effectively, and the pay increases are very important to motivate them to perform effectively and complete the process successfully.

The notification department considers several ways to notify parties such as: the intended person; the adult persons live in the same house of the defendant; and any of person bosses to be notified. It is very necessary to apply other ways to be used in the notification process. In Jordan the court system contracts with a company to undertake the notification process as a whole.

The courts notify the witness for one time to attend the session but if he is informed and does not attend the session the court imposes a fine and/or imprisonment up to one month but usually it will be cancelled by supposing an apology to justify his absence. The courts in Civil cases notify the defendant for one time to attend the session but if is informed and does not attend the session the court makes the verdict against him without his attendance (Parties Attendance CCTL. \ 85, 2001).

The current system postpones the case for the claimant if his lawyer is busy in another session but after 12:00pm, but for the defendant he should attend the session with his lawyer otherwise the judge makes the verdict against him if he was notified but if he was not notified the court postpones the case (Parties Attendance CCTL. \ 85, 2001).

The postponement for the same reason is forbidden, where the judge should state an actual reason to postpone the case (Postponement CCTL. \ 121, 2001), but the judge doesn't adhere to this rule and continuously postpones the case. The judge crosses out the case from the calendar after 12:00pm if

neither the claimant nor the defendant attend the session. If the defendant attends and the plaintiff didn't attend the court, so the judge has the right to postpone or cross out the case on its own or upon the defendant's request. If the case is crossed out and the plaintiff didn't present a request to renew the case within 60 days of the crossing out the case will be as it wasn't, and if it is renewed and the defendant didn't attend the first session the court has the right to postpone the case or considering it as it wasn't (Case Cancellation CCTL. \ 88, 2001).

If any of parties was not informed the postponement process lasts without taking any action against the lawyer or defendant unless the lawyer wants to attend because he knows about the session but he was not informed so that the session works. The judge can control the process where he can know if the lawyer is busy in another session. Also the speakers in courts disrupts the good hearing to the call for a session.

"Meezan" provides the communication between the lawyer and the court registry. But the lawyer cannot access any file if the employees in the court registry forget to include the name of lawyer in the case session registry, which affects the time to disposition due to the unsuccessful notification process (Rummaneh, 2016).

4.2.2. Choice of Settlement

The settlement judge is the most important part of the Judicial system which helps in reducing the high rate of scheduled cases, the settlement judge who seeks to find a settlement between adversaries but within 60 days of the

scheduling of a case, if the adversaries agree with it the judge asks them to sign it, then this settlement has the executive power and the three quarters of fees will be refunded (Judicial Settlement Types CCTL. \ 73-76, 2001).

If the settlement was on a part of the dispute the judge will sign the partial settlement and deliver the issues which are still unresolved to the specialized court to review. The high rate of cases ended with a settlement the high relief of the backlog of cases (Hamarshah & Khateeb, 2011). The arbitration is a process to resolve the disputed issue through finding an impartial party which agreed by all parties and this party may be a lawyer or "Islah men", this is to find an agreement which is binding to all parties, once agreed they suggest it to the court to make a verdict, which ensures the speedy disposition (Hamarshah & Khateeb, 2011).

4.2.3. Court Docket

The main screen in the court shows the daily scheduled cases and the judges assigned to review these cases, but working without setting precise times for the sessions causes confusion in the court; the case backlog; and also the disruption of the citizen's schedules (Rummaneh, 2016).

The court registry employees distribute the cases among the judges taking into consideration the pressure of cases on each judge, the distribution is done according to the cases numbers and its turn by the court president, or by the court registry according to the judge name alphabet (Head of C. Registry, 2015).

"Meezan" doesn't distribute the cases by default according to the judges and courts caseload, this makes the management of cases ineffective (Rummaneh, 2016). The postponements are not limited to a certain number, and also doesn't follow a time standard to set the upcoming session, it only depends on the judge to determine the appropriate date according to his/her caseload or sometimes takes into consideration the consistency with the attorneys' agendas and the upcoming session may extend to 1 or 3 months later. "Meezan" doesn't have the feature of setting the appropriate date by itself (Rummaneh, 2016).

4.2.4. Citizens' Waiting Time

The queuing system should arrange the cases in the dockets and also should provide exact times for cases sessions on the day-to-day screens. This is very important because the judge cannot estimate precisely the required time for each case, which forces the litigants to wait all the day. Also all the notifications in the first level courts are at 8:00am for all cases even though the judges come to the work after 9:00 am or start working after 9 or 9:30! As we mentioned above the time setting for the cases is very important to not disrupt the schedules of experts and witnesses and also it reliefs the security needs where the court is overcrowded at 8:00am which forms a burden on the court and its facilities and this is a disrespect of people time, also the judges start working after 9:00 or 9:30 and all are waiting and when a judge calls the adversaries to the session some of them might be anywhere within the court and the judge makes his verdict against the defendant in

spite of his existence!, also the noise of people and speakers disrupt hearing the call for sessions, the crowding may slows down the lawyer progress trying to reach the judge office so the judge makes the verdicts in spite of their existence, this wastes the people time and money; lawyer efforts; and also increases the pressure on the court.

The Israeli occupation and its barriers obstruct the notification process; the attendance of citizens; and the judges come late. This is critical to the case backlog problem, but this supports this research in the need to manage the cases more efficiently.

If the judge is not available due to an emergency absence or vacation the case is postponed to another upcoming session, if he/she is moved out of city the judge is replaced by another if his/her agenda is not overcrowded, this causes the need to repeat the pleadings of trial in front of the new judge.

4.2.5. Sufficiency of Evidences

The lack of knowledge and skills of the judge is critical to evaluate the data sufficiency, the case file management is different among the judges where he/she should determine the truthfulness of affidavits and advocacies (Johnson, 2001), the judge resorts to postpone the case for having more time to study and evaluate the laws or to ask for such case which refers to the lack of skill in managing the case file, also he/she may be influenced by the relationships with lawyers. In Ramallah, the responsible for development or HJC can review the database to generate some data about the cases, the attendance and the reasons for postponement. But it doesn't provide

everything about the factors where the judge desire controls the efficiency of performance. Also, the settlement judge is not implemented yet in spite of the rule which states that HJC should assign judges for the courts to act as the settlement judges (Postponement CCTL. \ 121, 2001).

The judge doesn't adhere to the official work hours where they are working according their moods and desire, the whole system allows them to act as they want because of the position power.

Setting a life span for each case to ensure early disposition needs the knowledge; skills; and experience in the case management, then if the notifications are processed and done successfully the disposition of cases become speedy. For each case the judge confines the process to dispose the case as soon as possible throughout 2 or 3 sessions as the judge sees suitable. So the judge should determine the papers sufficiency presented by the lawyers of all parties to be able to dispose the case without any unnecessary delays.

The court imposes the litigants to limit the witnesses to a certain number, but the papers are not limited to a certain number, but the knowledge and skills of judge should determine the sufficiency of papers from the beginning in order to cut the unnecessary prolonged time of litigation (Falavigna, Ippoliti, Manello, & Ramello, 2015).

A suggested queuing system provides a turn for each case without setting a session time at this point, then opening the case file, exchanging the papers and responses through a certain way then studying its details. When the case turn comes the court notifies the parties to attend the scheduled session, so everything is clear and the judge knows everything about it so that the judge

shapes a way towards a destination, then the judge discusses their points of view in the session and directs them to what should they do, and forces them to agree a solution until the next session, this leads to a judgment within 2 or 3 sessions only.

4.3. Judicial Support System

The Judicial Support System (JSS) applies the concept of quality management to the judicial services, where the services are distributed among the judicial offices and the Judicial Support office in order to reduce the load on the judicial offices, this contributes significantly in reducing the case backlog (Muhemeed, 2015). This concept is being argued within a broad range worldwide where it contributes highly in reducing the case backlog, this was applied in Saudi Arabia especially in Riyadh and approved its effectiveness in reducing the case backlog through qualifying the cases to be reviewed by the judicial offices (Muhemeed, 2015). This project is worthy to investigate the possibility of implementing this project into PJS where it needs such project to reduce the case backlog rather than assigning more judges. The following topics discuss the importance of this project, the methodology to implement the project, and also the significant impact of this project.

The Judicial Support Model

The Judicial Support is the preliminary works which should be done prior to the trial in order to ensure that the case is complete and ready for the trial, this helps in saving the time of judges, and also saves a lot of money which mainly represented by the high cost of hiring more judges, the following

Figure 4.1 explains the workflow of the first stage of this model. The first Judicial Support works on the cases filed in order to bring them from the registration stage to the scheduling stage see Figure 4.1.

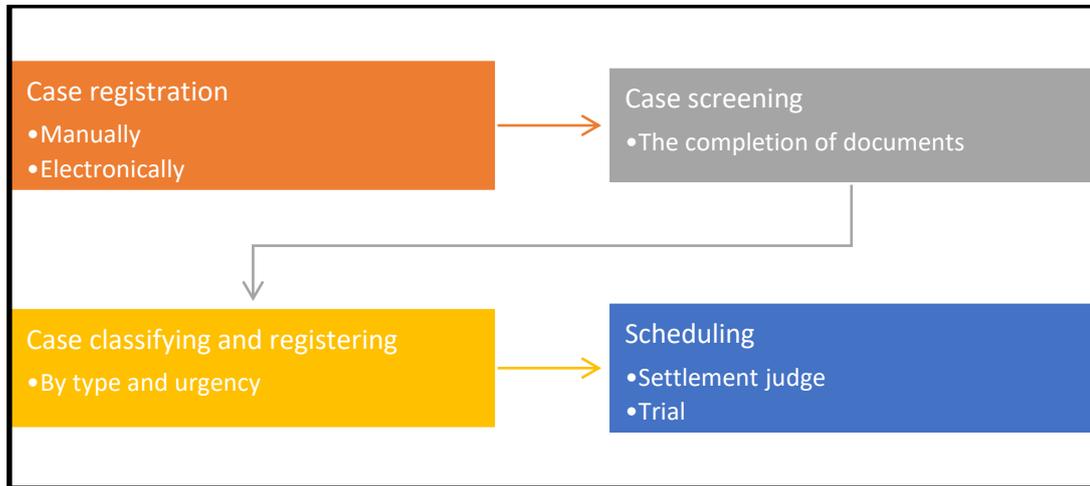


Figure (4. 1): The first judicial support (Muhemeed, 2015)

The second Judicial Support works on the cases scheduled by the first Judicial Support in order to check the correctness, then bring them into the proceedings see Figure 4.2.

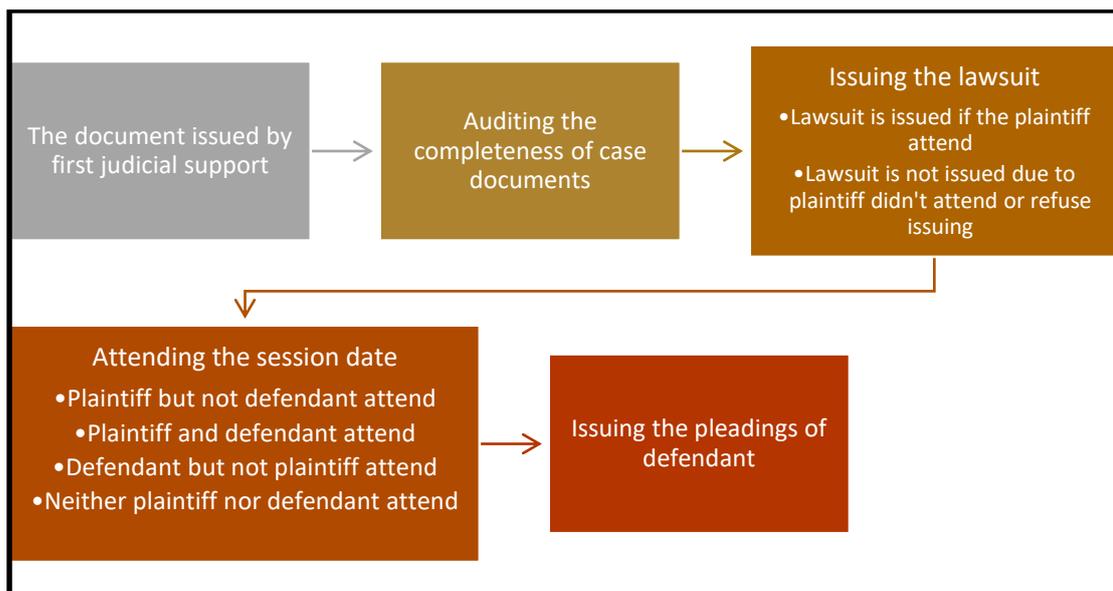


Figure (4. 2): The second judicial support (Muhemeed, 2015)

The final stage represents the judgment stage which is first be issued but not ultimate, and then the judge makes the final stage to be executed see Figure 4.3.

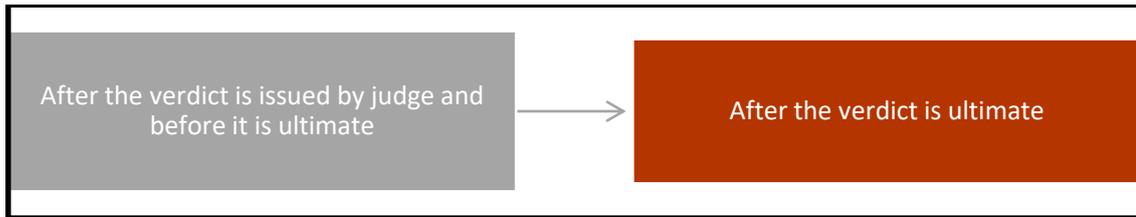


Figure (4. 3): The final stage (Muhemeed, 2015)

The phases of new judicial development

The following Figure 4.4 explains the stages of processing the case from the registration stage to reaching the disposition point.

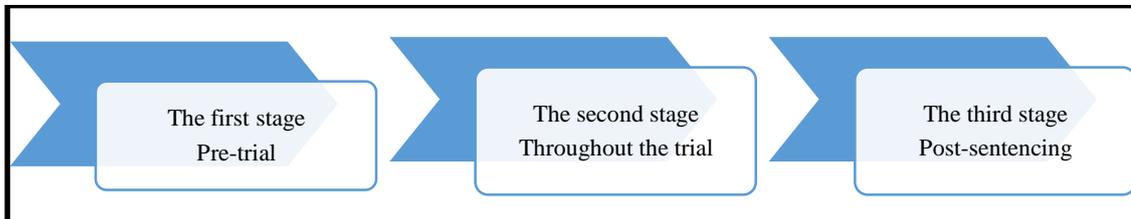


Figure (4. 4): The phases of the judicial Support system (Muhemeed, 2015)

The Judicial Support project is based on the total quality management principles (TQM)

1. Customer focus [Strategic management]
2. Leadership [Strategic management and Empowerment]
3. Involvement of people [Strategic management and Empowerment]
4. Process approach [Organizational structure]
5. System approach to management [Organizational structure]

6. Continual improvement [Strategic management]
7. Factual approach to judgment making [Strategic management and Empowerment]
8. Mutually beneficial stakeholder relationships [Strategic management and Empowerment]

Processes and procedures of the Judicial Support which achieves the fourth principle of quality - process approach – The following Figure 4.5 shows the judicial support processes flow.

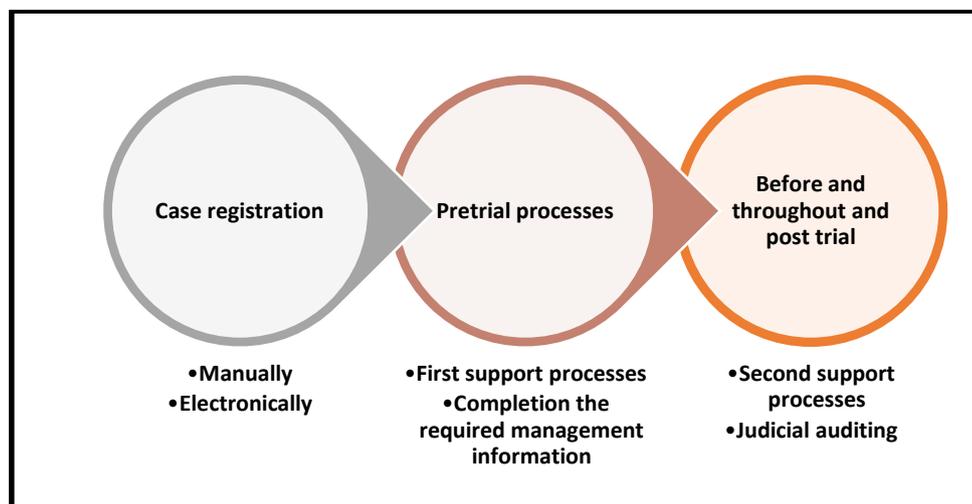


Figure (4. 5): Judicial support processes (Muhemeed, 2015)

4.3.1. First Judicial Support Processes

The stage of pretrial

The procedures of **case registration**: The plaintiff visits the website to know what are the required documents to register the case; The plaintiff prepares and edits the required information, documents, proofs, and sends them electronically to the first Judicial Support; The officer of first Judicial Support reviews the documents and texts the plaintiff to send the missing

information, documents electronically if possible or manually by visiting the office see Figure 4.6.

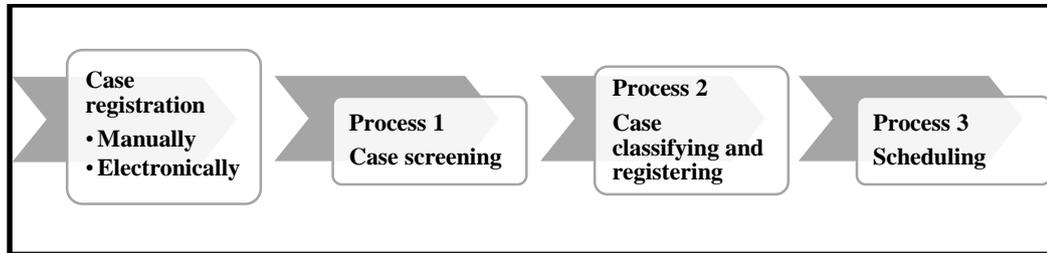


Figure (4. 6): The first judicial support processes (Muhemeed, 2015)

Case screening (process 1)

The **case screening** process procedures to ensure the correctness of type specialization; place specialization; the defendant's address elements see Figure 4.7 (Head of M. Registry, 2015).

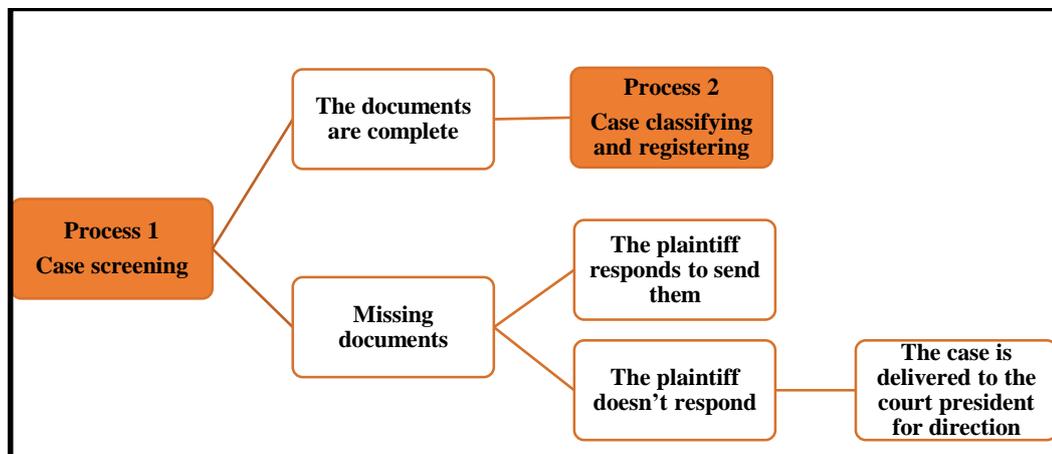


Figure (4. 7): Case screening (Muhemeed, 2015)

Case classifying and registering (process 2)

This process is to categorize the cases according their types and to schedule them into the court's agenda (Head of M. Registry, 2015) see Figure 4.8.

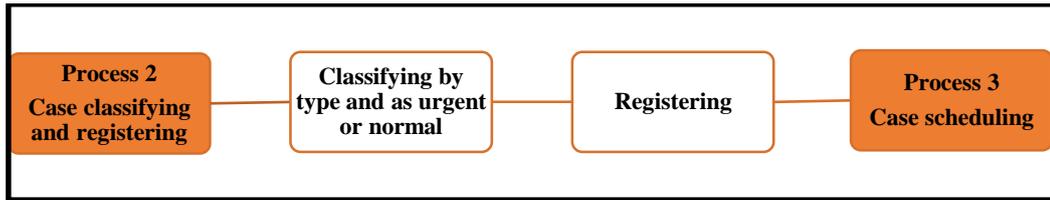


Figure (4. 8): Case classifying and registering (Muhemeed, 2015)

Case scheduling (process 3)

The case scheduling process is concerned to determine the appropriate litigation type, see Figure 4.9.

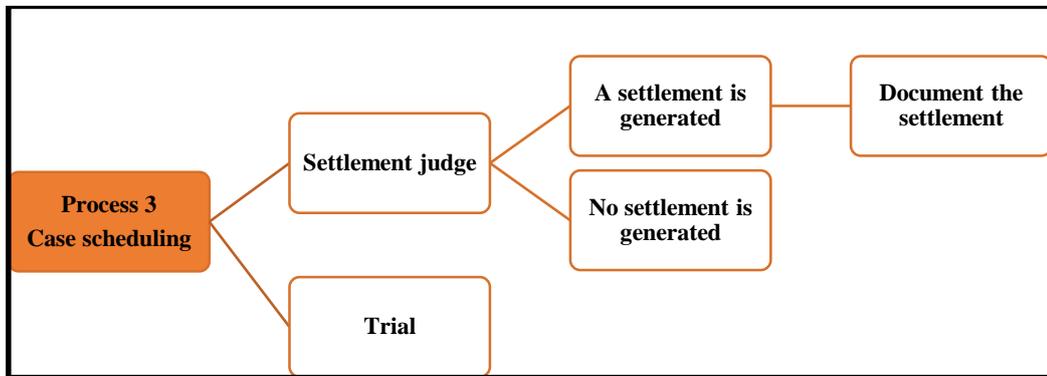


Figure (4. 9): Case scheduling (Muhemeed, 2015)

The **performance indicators** of the first Judicial Support on a regular basis (Head of C. Registry, 2015):

- The cases filed by the website and manually,
- The cases which are not registered due to the specialization whether the type or place.
- The cases which are not registered due to missing some required documents,
- The cases which are registered to the settlement judge office or to a trial,

- The cases which are ended with a settlement or delivered to the court president for directing,
- The cases by type,
- The errors in the cases of the first Judicial Support which are scheduled to the trial.

4.3.2. The Processes and Procedures of the Second Judicial Support

The procedures of **auditing** (process 1) in Figure 4.10 is to check the completeness of case documents: Checking the completeness of the first Judicial Support’s tasks properly; Checking the correctness of issuing the lawsuit and its clarity and that all of its aspects are complementary and signed; Writing the notification speech of the defendant to attend the second Judicial Support sessions; Checking the correctness of affidavits provided by the bailiffs, and making sure that the defendant is notified personally; or handed over to the adult relatives of the defendant who live in the same address of the defendant (Notifications Recipients CCTL. \ 13, 2001).

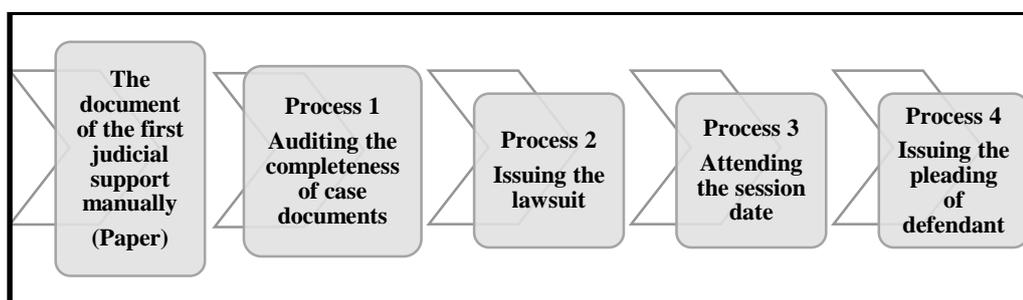


Figure (4. 10): The second judicial support processes (Muhemeed, 2015)

Issuing lawsuit (Process 2)

This process is to issue the formal lawsuit in order to set a trial date, see Figure 4.11.

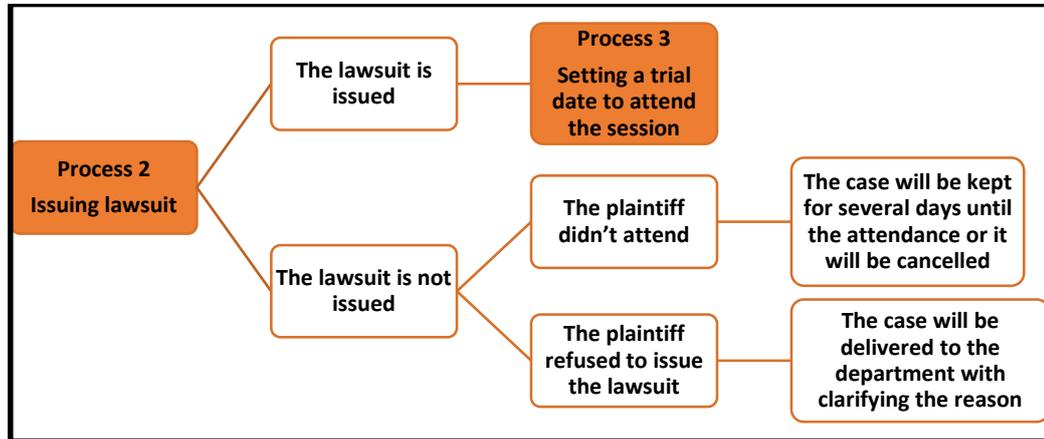


Figure (4. 11): Issuing lawsuit (Muhemeed, 2015)

Attending the session date (process 3)

This process is very important step in the Case Flow Management System, where this process is the longest stage of processing the case, the postponements for many reasons happen during this stage, the judge should have the knowledge and skills in order to ensure that the postponements happen for serious reasons, thus the process follow an efficient way of bringing the case into the disposition stage. See the following Figure 4.12 which explains the steps in this process.

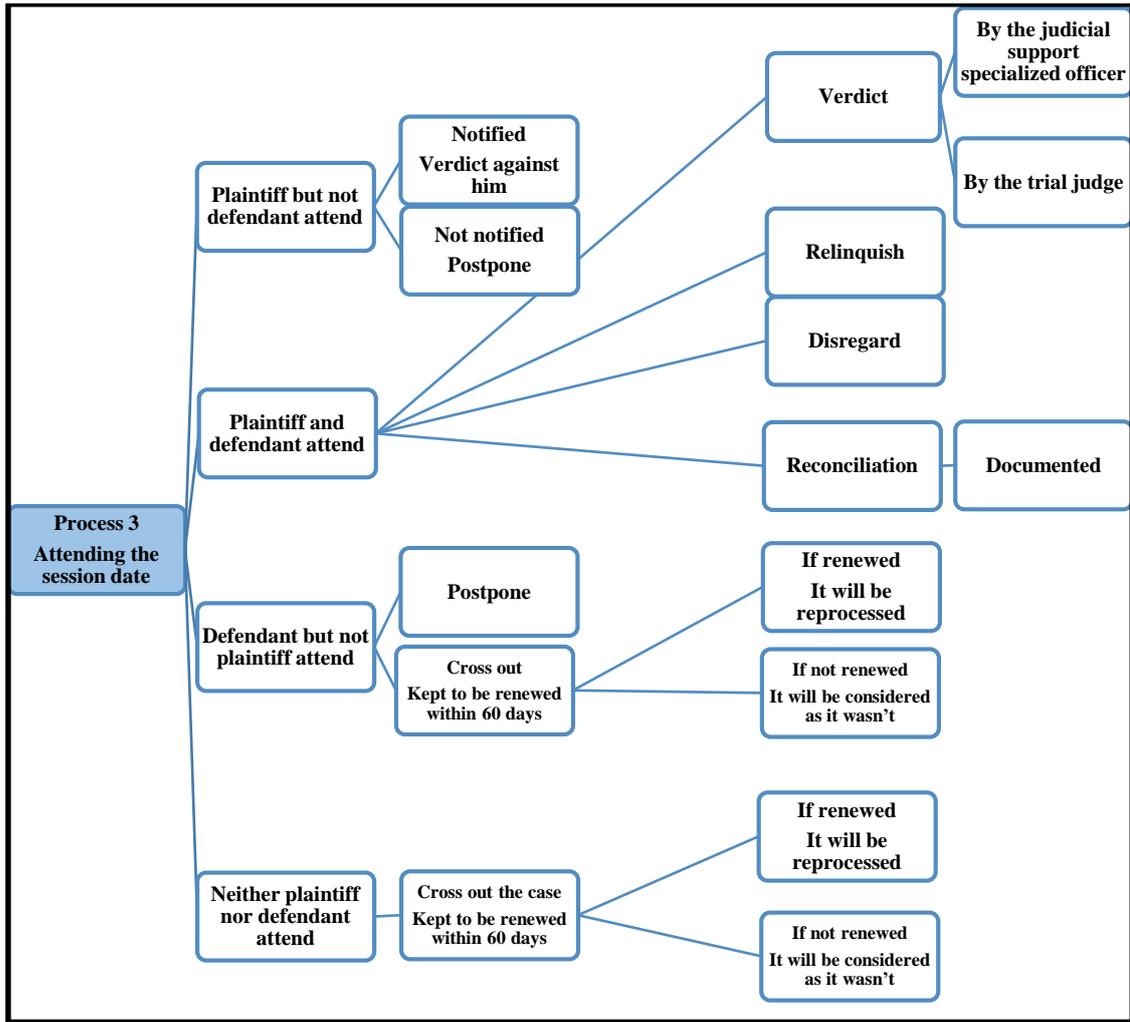


Figure (4. 12): Attending the session date (Muhemeed, 2015)

The proceedings of Process 3: If the plaintiff doesn't attend the session the employee of the second Judicial Support crosses out the case in the name of the trial judge or the specialized officer of the Judicial Support, it will be kept to be renewed within 60 days; but If the defendant doesn't attend the session the employee of the second Judicial Support records the absence and the affidavits of bailiffs to record the reason for the absence; If the defendant wasn't notified, the case will be postponed for this reason; If the court doesn't have a clear address or the bailiffs couldn't notify the defendant because of wrong address, the employee of the Judicial Support follows

alternative procedures to complete the notification process, if the defendant doesn't attend the employee delivers the case to the trial judge to carry out the judicial procedure or the specialized Judicial Support officer to complete reviewing the case; The court should make sure that all aspects of the case are answered by the defendant by confession, complete denial, partial denial and sign it; In case of the defendant relinquishes the lawsuit, or the parties agree to reconcile with each other, or the defendant confessed that all case's aspects are completely true in details, so that the case is qualified to make the verdict. The employee documents the result in the name of the specialized Judicial Support officer and he ends the procedures or the employee prepares the application of relinquish or reconciliation and sends it to the trial judge to complete reviewing the case and close it.

The Stages of the Second Judicial Support Processes

1) Pretrial and throughout the trial

The Judicial Support makes the Scientific research to check the report of the root causes of the dispute which will be presented to the judge; attach the scientific judicial material. **Then** regarding the experts and adversaries' affidavits, the judicial expert prepares the report which investigates all aspects of the dispute and it will be submitted to the judge in order to assist the judge in reviewing the case and generating the fair judgment, then the judge reviews the expert's report concurrently with the adversaries' affidavits in order to check the disputed issues with the expert's opinion.

Then regarding the judicial precedents, usually the judicial precedents assist the judge in reviewing and reaching an appropriate verdict or settlement.

2) Post-verdict

The Judicial Support in this stage is composed of two sections:

The first section: after the verdict is issued and before it is ultimate

1. The objection list is presented to the court of the higher level to appeal the judgment. To appeal the Penal judgments of Magistrate court by objection to the Magistrate court within 10 days which is able to be appealed (Appeal MC Judgment by Objection PTL. \ 314' 316' 319' 326, 2001), or by the appeal to the First Instance court (as an Appellate court) within 30 days for the Public Prosecution and 15 days for the defendant (Appeal MC&FIC Judgment PTL. \ 323' 328' 329, 2001); And within 30 days in Civil cases appeals (Appeal MC&FIC Judgments CCTL. \ 201 & 205, 2001). To appeal the Penal judgments of First Instance court, the appeal should be presented to the Appellate court within 15 days for the defendant and 30 days for public prosecution (Appeal MC&FIC Judgment PTL. \ 323' 328' 329, 2001); And within 30 days in Civil cases appeals (Appeal MC&FIC Judgments CCTL. \ 201 & 205, 2001). To appeal the Penal judgments of Appellate court, the appeal should be presented to the Cassation Court within 40 days (Appeal AC Judgment PTL. \ 355, 2001); And within 40 days in Civil cases appeals (Appeal AC Judgment CCTL. \ 225 & 227, 2001).

2. The judgment is cancelled and/or modified if the higher court approved the appeal.
3. The judgment is ultimate if the legal time to present the appeal is over. Then the judgment is submitted to the Execution Department (in the First Level courts) in order to execute the Civil cases judgments or the Civil rights involved in Penal cases by the executive judge (Execution of Judgments EL. \ 3&4&34, 2005). If the judgment is presented to the Appellate court and approved the appeal, the judgment can be executed by the executive judge in spite of the legal time to appeal the judgment by the Cassation court is not over.

The second section: after the verdict is ultimate

The Civil cases judgments can be executed by the executive judge.

Notes

- The head of Judicial Support has the access to the trial judge processes
- The appeals are presented at the Judicial Support office in order to not crowd the case backlog of the higher courts.

The **performance indicators** of the second Judicial Support:

- The number of cases reviewed and ended by a verdict,
- The number of cases crossed out because the plaintiff didn't attend,
- The number of cases ended by reconciliation and documented in the trial department,
- The number of cases ended by relinquish and documented in the trial department,

- The number of cases ended by disregarding and documented in the trial department,
- The number of cases delivered to the execution judiciary,
- The number of cases followed by scientific research,
- The number of cases followed by (the experts and adversaries)' affidavits,
- The number of cases provided by the judicial precedents,
- The proportion of judge's time saving,
- The average time of case processing until the verdict is issued since the case is delivered to the Judicial Support,
- The proportion of saving in the court's budget

4.3.3. Implementation of the Judicial Support Project

The experimental implementation of the Judicial Support should follow five stages to be completely implemented, also the continuous improvement should be adopted see Figure 4.13.

- 1- Planning stage: Defining the opportunities of solutions to avoid the late dispositions of the trials.
- 2- The experimental implementation stage
- 3- The gradual implementation in some courts stage
- 4- The checking of the experimental implementation results: Studying the improvement indicators, the development obstructions, and improving the suggested solutions, the experimental implementation is

continuously being improved and modified to ensure the correctness of the implementation.

- 5- The complete implementation stage: This stage includes setting an integrated plan for the comprehensive implementation of the Judicial Support in all courts of the West bank, it includes identifying and providing the requirements whether human or technical resources, training, and motivation.

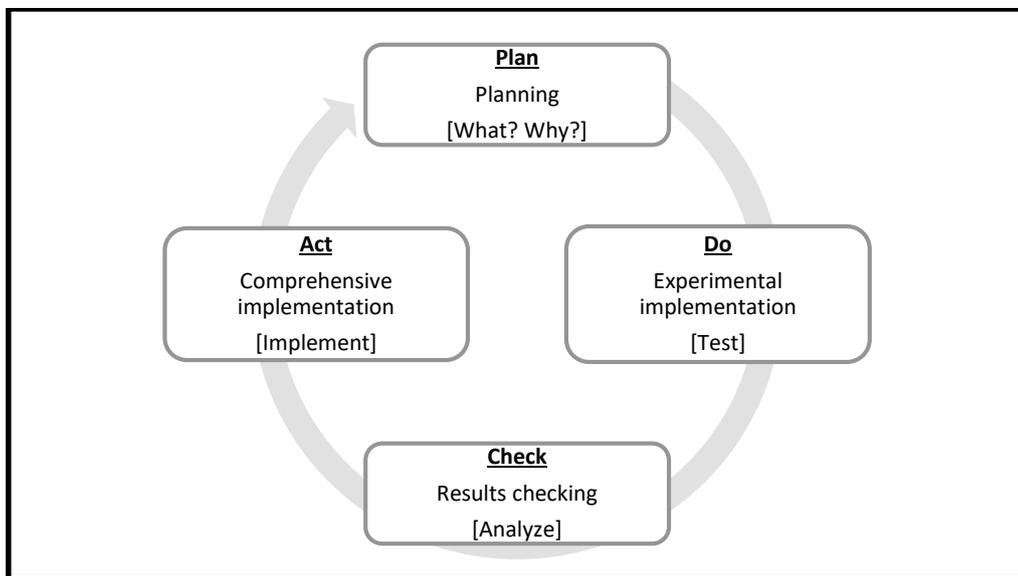


Figure (4. 13): The continuous improvement - PDCA cycle - (Moen & Norman, 2009)

4.3.4. The Requirements of Comprehensive Implementation of the Judicial Support Project

The implementation of the JSS requires the infrastructure of such system, and the resources needed to perform effectively such as the technological tools, the technical support, and computers. The Judicial System develops the judicial services in terms of the time and cost saving, where it prepares and classifies the cases in order to qualify the cases which are not able to be

reviewed by the judge. This will save the judge's time and the costs spent for processing the incomplete cases.

4.4. Standards for Case Flow Management

Case Flow Management System (CFMS) is "The process by which courts convert their inputs (cases) into outputs (dispositions)". Courts should evaluate the number of filed, pending, and disposed cases in relation to established goals to effectively manage the caseload.

The Palestinian Civil CFMS Standards for the First Instance Courts were conducted in order to highlight the main reasons for lengthening the time to disposition (Sourani, 2003). See the following Table 4.2 which explains the types and aims of these standards.

Table (4. 2): Palestinian Civil CFMS Standards

Standard	Type	Aim
1	Time standards	Speeding up disposition
3	Case screening	Tracks to case complexity
5	Early Intervention session	Settlement judges
6	Management Information	Tracking progress regularly
7	Trial date certainty	Reducing postponement, Mix of different complexity cases (5%,40%,55%)
8	Uniform trial postponement	Good cause

So, time standards for all the tracks of cases should be set according to the complexity of cases such as Complex track, Standard track, and Expedited track (Sourani, 2003).

Timing objectives for case disposition

Time standards establishing expectations for timely justice in American courts have been treated. A two-year of reviewing more than 40 years of experience with time-to-disposition standards to generate the time standards for all case types. A study in New Mexico showed that litigants desire to have their civil and family cases decided within one or two months of filing (Model Time Standards. NCSC, 2011). This creates the need for time standards to ensure the speedy litigation process, see Table 4.3.

Table (4. 3): Model time standards (Model Time Standards. NCSC, 2011)

Case category	Case type	Model standards
Criminal	Felony	75% within 90 days
		90% within 180 days
		98% within 365 days
	Misdemeanor	75% within 60 days
		90% within 90 days
		98% within 180 days
Civil	General	75% within 180 days
		90% within 365 days
		98% within 540 days
	Summery civil matters	75% within 60 days
		90% within 90 days
		98% within 180 days

A 98 percent level is used rather than 100 percent because there is a very small number of cases may require more time to resolve such as the highly complex cases, those should be monitored closely to ensure that they proceed to disposition without unnecessary delay (Model Time Standards. NCSC, 2011).

Felony cases model standard

Felony cases are those criminal cases involving “an offense punishable by imprisonment for 3 years or more” (Model Time Standards. NCSC, 2011), see Table 4.4.

Table (4. 4): Model standard of Felony cases

Model Standard
75% within 90 days
90% within 180 days
98% within 365 days

These standards are based on the period between the date on which the case is first filed with a court to the entry of the dispositional order (e.g., a dismissal, sentence).

Misdemeanor cases model standard

Misdemeanors involve “an offense punishable by imprisonment for 1 week to three years and/or fines (Model Time Standards. NCSC, 2011). See Table 4.5.

Table (4. 5): Model standard of Misdemeanor cases

Model Standard
75% within 60 days
90% within 90 days
98% within 180 days

General civil cases model standard

Civil cases are a broad category of cases in which “a plaintiff requests the enforcement or protection of a right or the redress or prevention of a wrong.” They include personal injuries, contract disputes, product liability issues, etc. (Model Time Standards. NCSC, 2011). See Table 4.6.

Table (4. 6): Model standard of General civil cases

Model Standard
75 percent within 180 days
90 percent within 365 days
98 percent within 540 days

The effective CFMS requires **Public accountability, Education programs, the Technical assistance, and Published CFMS plan**

The people may choose not to resort to courts because their perception that the litigation process takes too long until disposition and too much of money, where the long time until disposition the more additional costs (Model Time Standards. NCSC, 2011).

The prolonged time of litigation process is composed of the prolonged time of the pretrial and trial proceedings until disposition, usually the pretrial proceedings take too long before the case is brought to the trial and this time might be larger than the time of trial itself.

4.5. Need for Queuing system

The PJS suffers from the inability to organize the court's daily activities, the courts are always overcrowded by people and lawyers which have obligations required to be processed within the court, this highly contributes to the low performance where they are sick of waiting their queue whether it is for paper's work in the registry's departments or in waiting the sessions in front of judges (Head of M. Registry, 2015), so the courts need to be more managed and organized in order to improve the provided services to citizens and/or the administrative activities which are highly related to those provided services.

The current situation of courts follows the random proceedings where it doesn't follow a restrict procedures to be performed, the people have to come at 8:00am in spite of the judges starts working at 9:30am and sometimes after this time, and citizens have to wait too much time until they are summoned by the court's speakers to attend the sessions, and this contributes to the desire of judge to continuously postpones the cases with the argument of the parties or lawyers don't attend in spite of they are exist in the court, but the noise of speakers and the voices of people which makes hearing of the call very difficult, and also the time spent on the way to the judge's office especially when the lawyer or parties are busy in any other proceedings in the court.

The following Figure 4.14 exhibits a model to be implemented within the courts in order to organize the queuing process from all perspectives, where the customers and lawyers should approve their presence to the court by a machine which loads this information to the court's system, this enables the judge to know about the presence of parties and lawyers, and also the proceedings that are required to be processed in the day. A queuing system helps in managing the daily processes of citizens and it reduces the number of postponements which are related to the non-presence of parties or lawyers, so it is a very important leap towards improvement on the backlog and consequently in the low CR where the dispositions are very smaller than the incoming cases.

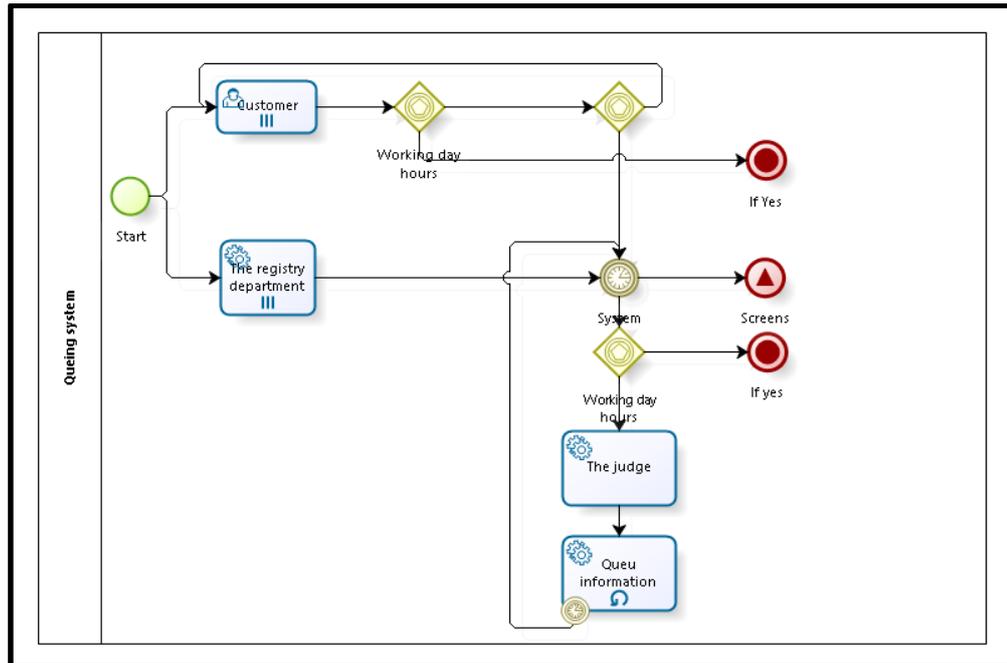


Figure (4. 14): Queuing system

4.6. Potential Solutions

The reform to improve the current situation of the Judicial System may take several forms to be implemented in several areas, so the following points show the forms of development:

- 1) "Meezan" should be able to distribute the cases into the judges' agendas according to their case load, and also able to set the case dates according to their seniority.
- 2) A system to arrange and forecast the precise time of session to avoid the court from being overcrowded, and to not disrupt the lawyer agenda, and to avoid the postponement because of the judge assumes the lawyer is absent.
- 3) Integrated system to electronically communicate with parties, judge, clerks, other institutions, lawyers.

- 4) Uninstalling the speakers from the courthouse because of their noise which obstruct the effective communication and rather installing the mentioned queuing system to simultaneously show everything on a screen.

In addition to the fines which will be imposed on anyone changes his address without updating his information in the MOI, other ways to notify by, sometimes they change their address to evade from being informed.

4.7. Results and Discussion

Surveying questionnaires regarding the satisfaction and evaluation of the system was helpful to make an overview about the system. The data for the Access and Fairness, employees' satisfaction, lawyers and judges' evaluation surveys were gathered from Nablus governorate's court only because these measures are not the main focus of the study. The survey of access and fairness used scales from 1-5 Likert scale comprised of the following options:

1 = Strongly Disagree

2 = Disagree

3 = Neither Disagree nor Agree (or Neutral)

4 = Agree

5 = Strongly Agree

Terms within the surveys analyses include:

Mean: The mean is calculated by adding up all the values in a set of data and then dividing the sum by the number of values in the dataset. A mean is

also referred to as the average (Tools for Court Success. NCSC, 2016).

Index score: An overall score for a grouping of statements; also referred to as index categories. By summing the average scores (Means) for each question, an index is created (Tools for Court Success. NCSC, 2016).

However, the index scores for each section are easier to interpret and compare when placed on a 100-point scale. If there are 5 statements in a section, with a maximum score of 5 points each, the total maximum score possible is 25. Multiplying the summed averages by 4 gives a score on a 100-point scale. For a grouping of 10 statements, the total maximum score is 50, so the multiplier is 2.

Research tests the perceptions of court experience by court users of how they are treated in court, and whether the court's process of making judgments seems fair. People are asked to rate their level of agreement with each item, using a 1-5 scale.

4.7.1. Performance Measures

NCSC recently conducted 10 trial court performance measures by which court managers can examine their management and processing of cases which referred to as "CourTools". These measures include Access and Fairness; Clearance Rate; Time to Disposition; Age of Active Pending Caseload; Trial Date Certainty; and Cost per Case (Tools for Court Success. NCSC, 2016).

1) Access and Fairness

Access and fairness measure is conducted to determine if the citizens feel the justice is accessible and safe when processing a case or doing any action in the courts.

A 50 citizens sample was taken (Nablus court) as an accidental sample (Accidental sampling) because the number of citizens (Community) cannot be defined, so the sample was taken as the possible number of citizens which can be collected within a typical day (McLeod, 2014). See **Appendix 1** (Access and Fairness survey).

Ratings of court users on the court's accessibility and its treatment of customers in terms of fairness, equality, and respect. Everyone in the court on a "Typical" day is asked to fill out a brief self-administered survey as he or she exists in the courthouse. People are asked to rate their level of agreement with each item, using a 1-5 scale (Tools for Court Success. NCSC, 2016).

The survey asks questions on Access and Fairness, along with background information about the respondent. The questionnaire is given to all the individuals who use the court (i.e., are physically in the courthouse) on a typical day. The survey consists of 3 sections and each section contains set of questions, the first section investigates the accessibility of citizens to the court system; the second concerns with the fairness of services; and the third section related to the background information about the respondent.

Section1: Access

Access and Fairness Survey was conducted in Nablus complex court and it

was adapted from the NCSC "CourTools" Access and Fairness Survey. The survey contains 15 questions, divided into two sections: Access, Fairness, and also contains Background information about the respondents. See **Appendix 1**.

A total of 50 surveys were completed by court customers. So 100% response rate. Responses are grouped together for those who “Strongly Agree” and those who “Agree” into an “Agree” grouping. The total number of these responses can be converted into a percentage of all valid responses see Figure 4.15.

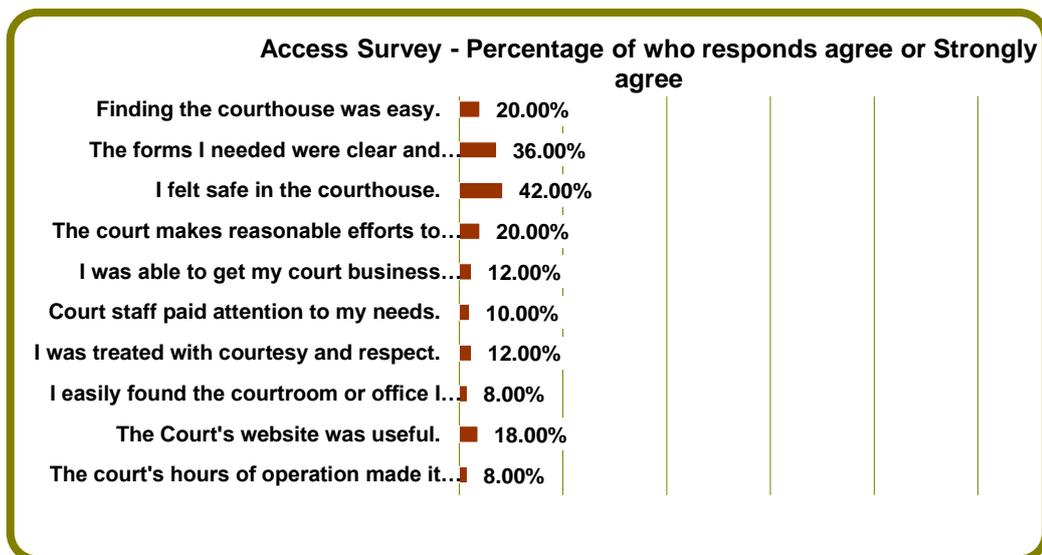


Figure (4. 15): Access survey-Percentage of who responds agree and/or strongly agree

A court may also wish to construct an overall rating of access and an overall rating of fairness. By summing the average scores for each question, an index is created, there are 5 questions in the fairness section, with a maximum score of 5 points each, for a total maximum score of 25. Multiplying the summed averages by 4 gives a score on a 100-point scale. For the 10 access questions, the total maximum score is 50, so the multiplier is 2.

Figure 4.16 below shows the cases types brought to the court by the respondents.

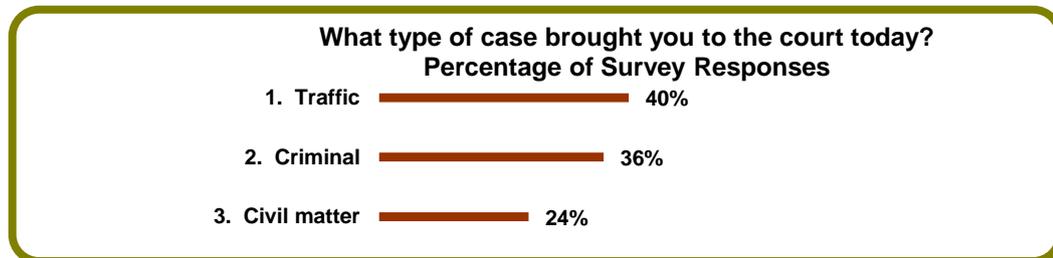


Figure (4. 16): Percentage of responses per case type

Do participants perceive the court to be accessible?

- Over 20 % of respondents who agreed or strongly agreed with statements 1,2,3,4 of 10 statements in the access section.
- Access section index score varies from 2.1 to 3.1 across 10 statements
- The statements 1,2,3,4 has been agreed or strongly agreed more than the other statements.

The court

The degree to which court starts working early to provide the high quality services and concerned to not waste the people time

The results generated from the surveys explain the responses of who agree or strongly agree regarding the ease access to the court and also the staff willingness to provide the high quality service to the citizens, and also the courthouse performance to not waste the people time.

Figure 15 explains the respondents' satisfaction in the access section of surveys, the statements 1,2,3,4 which has the highest percentage of satisfaction where the respondents answered that they are satisfied, these

statements are related to the willingness and cheerfulness of the staff to provide the required information or to process the works. These statements have the highest mean scores which are 2.4, 2.8, 3.1, and 2.4.

- Court staff paid attention to my needs. 10% of respondents respond agree or strongly agree. The average scores for this statement is 2.2

The court staff
The degree to which court staff are pleasant and show the respect and willingness to provide the high quality services

- I was treated with courtesy and respect. 12% of respondents respond agree or strongly agree. The average scores for this statement is 2.3

The statements 5, 10 which has the lowest percentage of satisfaction where the respondents answered that they are dissatisfied, these statements are related to the court performance to start the process of works on time and doesn't make any delays in providing the services, the customer always needs the service to be done in a reasonable time to feel satisfied with the service performance. These statements have the lowest mean scores which are 2.2, 2.1 Also, the mean scores vary by case type where the statement investigate the ability of court to do the respondents' business in a reasonable time, see Figure 4.17 below.

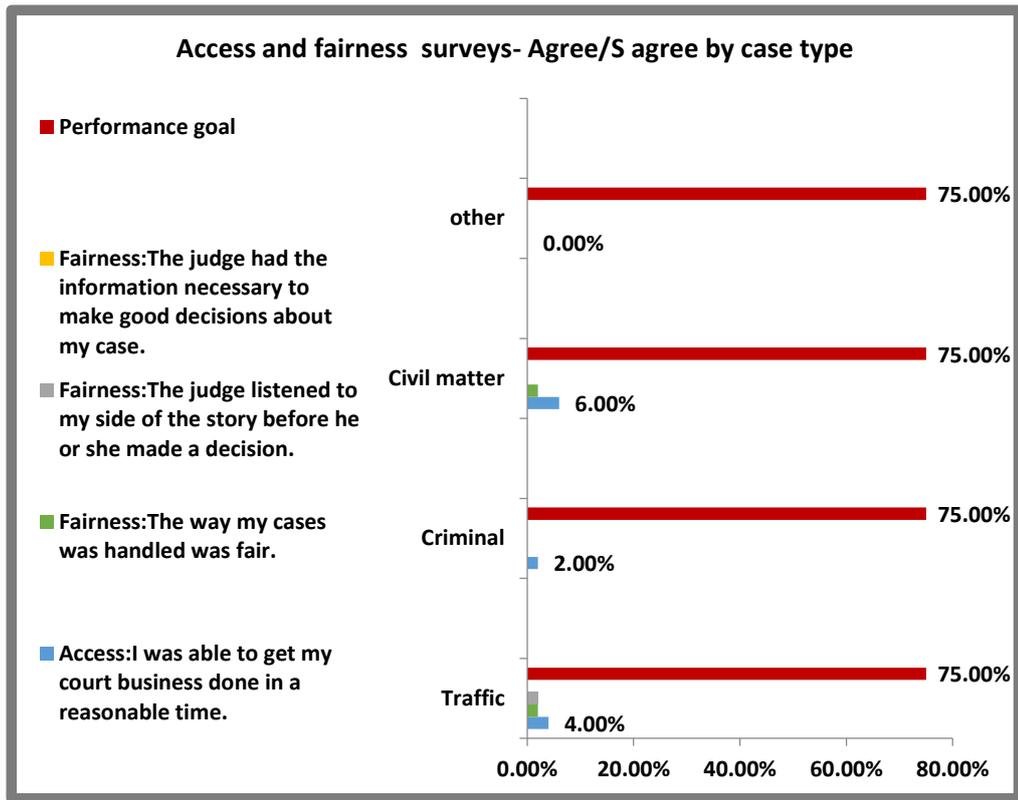


Figure (4. 17): Access & Fairness survey responses by case type

This is related to the statement

- I was able to get my court business done in a reasonable amount of time.

Another way to analyze the responses is by making an overall access index score, the scale is 0-100 scale see Figure 4.18.

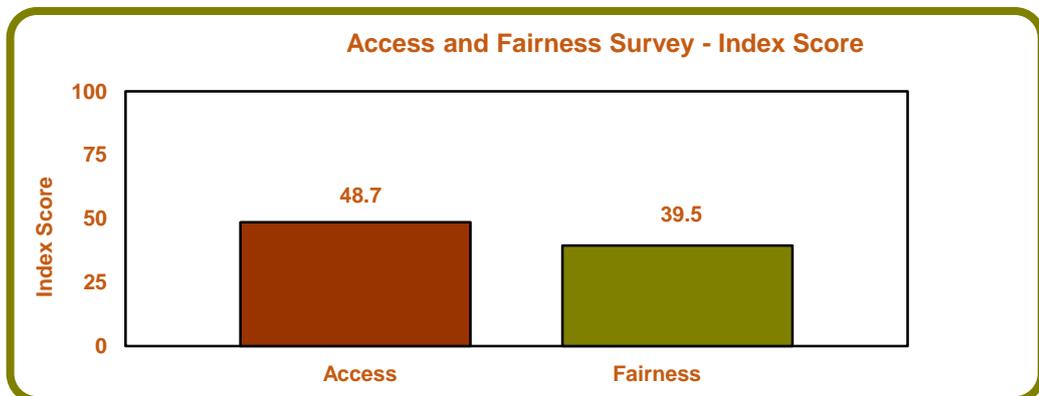


Figure (4. 18): Overall index score

Also, the survey shows the differences across the reasons of the customer visit to the court see Figure 4.19, and how often he/she visits the court see Figures 4.20, and by gender see Figure 4.21.

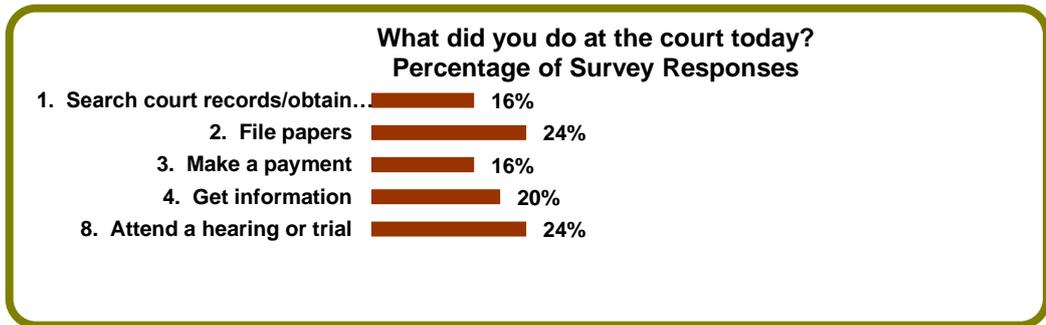


Figure (4. 19): Percentages by action

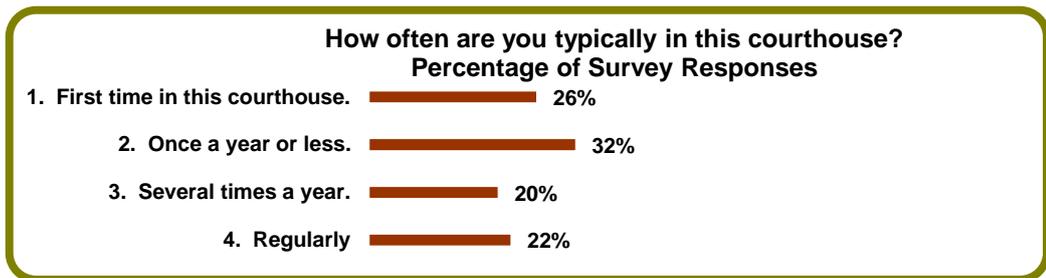


Figure (4. 20): Percentages by how often the customer visits the court



Figure (4. 21): Percentages by gender

Do participants understand the orders given by the court?

- As I leave the court, I know what to do next about my case. Average score for this statement is 1.8.

The court is user-friendly
The degree to which court staff are helpful, and the cases are heard promptly

This statement in the fairness section investigates the excellence in helping the customer not only by providing him the high quality service but also giving him the help to know what to do next.

Section2: Fairness

Do participants perceive they were treated fairly, listened to and are they satisfied with the Court's judgment?

- Fairness section index score varies from 1.8 to 2 across statements 11, 12,13,14,15.
- The statements 11,12,13,14 has been agreed or strongly agreed more than the 15 statement.

The results generated from the surveys explain the responses of who agree or strongly agree regarding the fairness of the court and also the judge willingness to provide the high quality just service to all citizens.

The respondents' satisfaction in the fairness section of surveys, the statements 11,12,13,14 which has the highest percentage of satisfaction where the respondents answered that they are moderately satisfied, these statements are related to the willingness to provide the just and high quality service in processing their cases. These statements have the highest mean scores which are 2, 2, 2, and 2.

The statement 15 which has the lowest percentage of satisfaction where the respondents answered that they are dissatisfied, these statements are related to the court performance to start the process of works on time and doesn't make any delays in providing the services, the customer always needs the

service he seeks to in a reasonable time to be satisfied with the service performance. This statement has the lowest mean scores which is 1.8.

- The way my cases was handled was fair.
- The judge listened to my side of the story before he/she made a judgment.
- The judge had the information necessary to make good judgments about my case.
- I was treated the same as everyone else.

Fair process
The degree to which court provides the services for all litigants fairly

Descriptive analysis

The following Table 4.7 explains the means and standard deviations of the responses to the questions of the questionnaires.

Table (4. 7): Descriptive statistics for Access and Fairness survey

Descriptive Statistics					
	N	Min	Max	Mean	Std. Deviation
Finding the courthouse was easy	50	1.00	5.00	2.4	1.09
The forms I needed were clear and easy to understand	50	1.00	5.00	2.7	1.23
I felt safe in the courthouse	50	1.00	5.00	3.1	1.06
The court makes reasonable efforts to remove physical and language barriers to service	50	1.00	5.00	2.4	1.10
I was able to get my court business done in a reasonable amount of time	50	1.00	5.00	2.2	0.97
Court staff paid attention to my needs	50	1.00	5.00	2.1	1.04
I was treated with courtesy and respect	50	1.00	5.00	2.3	1.04
I easily found the courtroom or office I needed	50	1.00	4.00	2.2	0.91
The court's website was useful	50	1.00	4.00	2.5	0.95
The court's hours of operation made it easy for me to do my business	50	1.00	4.00	2.1	0.84
The way my case was handled was fair	50	1.00	4.00	1.9	0.79
The judge listened to my side of the story before he/she made a judgment	50	1.00	4.00	2.0	0.78
The judge had the information necessary to make good judgments about my case	50	1.00	3.00	2.0	0.72
I was treated the same as everyone else	50	1.00	4.00	2.0	0.82
As I leave the court, I know what to do next about my case	50	1.00	4.00	1.8	0.71
Valid N (list wise)	50				

1) Clearance Rate (CR)

Are trial courts handling cases in a timely manner?

This measure investigates the number of cases disposed and also the cases filed to monitor the performance of courts regarding bringing the cases to the disposition. (Tools for Court Success. NCSC, 2016). The CR should be monitored and compared year by year to notice the performance over years, where some countries brought their performance towards excellence but others became inferior. Also it should be calculated by case type to monitor and control the performance of these case type to not increase the case backlog over years.

The overall CR is the most important indicator where it monitors the whole performance. CR is the ratio of cases disposed to cases filed, CR should be equal or higher than 100% to ensure the efficient performance, this indicates that the court is able to dispose their caseload on time and as scheduled, this ensure that the cases are not shifted to the upcoming years. The data for CR showed variations by case type and by court where some cases types take too long until disposition which contributes to a significant increase in the case backlog.

The following are the CR for Civil, Felonies, and Misdemeanors cases in the considered courts: In Hebron Court the monthly CR was between 10%-50% during 2015, and the yearly CR was around 30% during 2013-2015; In Nablus court the monthly CR was between 5%-45% during 2015, and the yearly CR was around 32% during 2013-2015; In Jenin court the monthly CR was between 10%-55% during 2015, and the yearly CR was around 25%

during 2013-2015; In Ramallah court the monthly CR was between 5%-55% during 2015, and the yearly CR was around 26% during 2013-2015.

The overall Monthly CR in Palestine's courts was between 5%-45% during 2015, and the yearly CR was around 30% during 2013-2015. As the pending caseload grows, delays will certainly last which leads to high costs incurred.

Clearance rate per judge

The PJS follows special considerations in promoting the judges, where the judges are not promoted according to their performance such as the measure of CR, so the motivation process doesn't acquire the benefit of using the motivators which is the improvement of processes and the high quality performance.

Also the promotions of judges should be given to judges who achieves an increasing higher rate of dispositions than others but with regarding the quality of judgments, this to ensure the judges are commit to the reform and to apply the responsibility and accountability (Tools for Court Success. NCSC, 2016).

Regarding the years of experience, the judge continuously acquires the knowledge and skills of processing the cases to bring them into the disposition stage, it is supposed that the judge builds his own body of knowledge throughout the years he/she practices the profession, and this refers to the so called Learning Curve (LC). A learning curve is a graphical representation of the increase of learning (vertical axis) with experience (horizontal axis) (Fioretti, 2007). The term LC is used in two main ways: where the same task is repeated in a series of trials, or where a body of knowledge is learned over time. It is very important to monitor the CR for each judge in order to control the performance of judge, this helps in forcing

the judge to align with the CR goal in order to gain the promotions and/or to avoid the punishment, the motivation process is a very useful element in the system where this leads them to comply to the motivation policy. The following Table 4.8 shows CR for some judges (Rummaneh, 2016).

Table (4. 8): Clearance rate per judge-2015 (Rummaneh, 2016)

City	Judge	Court	CR
Hebron	253	Magistrate	0.699
	43	First Instance	0.328
Nablus	261	Magistrate	0.398
	149	First Instance	0.347
Jenin	248	Magistrate	0.712
	128	First Instance	0.333
Ramallah	239	Magistrate	0.356
	211	First Instance	0.463

Need for new assignments

The need for new assignments should be determined to show the shortage which may causes the case backlog, this requires to know the time needed to review the case when or after all parties, evidences, papers are available and there is no thing that hinders the process from reaching the disposition, these times for some types of cases as in Table 4.9.

(Dabbas, 2014).

Table (4. 9): Time needed to dispose some different types of cases

Case type	# of hours needed to dispose
First Instance /Felonies	37
First Instance /Civil>100K JD	31.5
Magistrate/Misdemeanor	10
Magistrate/Civil<100K JD	20

After collecting the number of incoming cases of these case types so the number of hours needed to dispose all cases are determined, and if compared with the number of assigned judges for these types of cases so the shortage in judges can be calculated.

If the number of judges in Nablus court assigned for the Magistrate court is 27 and for First Instance court is 19, and the number of daily working hours is 7 (Where they actually start working at 9:00am and finish at 1:00pm) and after subtracting 84 days yearly distributed for the official holidays; special vacations; yearly days-off, so the additional number required of judges to be assigned is 65, so there is a shortage of 58.56% where the available capacity is 41.44% (Rummaneh, 2016).

2) Time to Disposition

Time to disposition investigates the achievement of cases within time objectives, this measure explains the time taken for each case type until disposition, for instance the major criminal cases usually take much longer until disposition because its complexity, then it will fail to achieve the time objective to be disposed within 97% or 99% of the time objective (Model Time Standards. NCSC, 2011).

In general, around 90% for all disposed cases achieve the time objective to be disposed within 99% of time objective, and 10% of all disposed cases are disposed beyond this time limit. 5489 Civil cases as a whole were taken from Magistrate/First Instance courts, Table 4.10 shows that only around 58% of Civil cases are disposed within 545 days but this time limit should be adhered

for around 98% of cases and the remaining 2% of cases are disposed beyond this time limit. Regarding the Felony cases, 3188 cases were taken and all of them are disposed within 365 days, but no any felony case is disposed within 180 days where according to the time standards 90% should be disposed within 180 days. The data was taken from the four cities (Ramallah, Nablus, Jenin, and Hebron) of Magistrate and First Instance courts (Model Time Standards. NCSC, 2011).

Table (4. 10): Time to disposition – Civil (Rummaneh, 2016)

Civil				
		Percentage of Cases Disposed		Number of Days
Month	N Size	545 Days	730 Days	Mean
Jan	414	52.66%	71.26%	520.82
Feb	464	50.43%	74.35%	520.49
Mar	470	48.30%	77.23%	524.47
April	422	41.47%	71.56%	597.36
May	500	43.60%	75.40%	568.94
June	436	56.19%	78.21%	511.95
July	480	54.38%	80.42%	488.99
Aug	447	67.79%	84.79%	412.72
Sep	622	68.97%	85.69%	404.59
Oct	399	69.17%	85.96%	422.94
Nov	513	71.54%	91.81%	399.83
Dec	322	66.77%	95.34%	424.37
Total	5489	57.72%	80.93%	481.83

The time to disposition measure determines the time taken for each case type to reach the disposition, it monitors the performance to reduce the delays as

much as possible. Table 4.10 above explains the time to disposition for cases regarding the compliance to the standards, it is obvious that only 58% of Civil cases are disposed within 545 days and around 80% of cases are disposed within 730 days, but according to the standards only the Civil cases of 98% should be disposed within 540 days, regarding the Felony cases of 98% should be disposed within 365 days, and the Misdemeanor cases of 98% should be disposed within 180 days.

3) Age of Active Pending Cases

This measure explains the age of pending cases from filing until the time of measurement for this study (2016), time to disposition measure sets out the time objectives to ensure the cases are disposed within the set time, the cases went unresolved beyond the time limit make a significant contribution to the case backlog. Figure 4.22 shows that 2726 Civil cases aged over 730 days. Also 2544 Felony cases aged over 365 days.

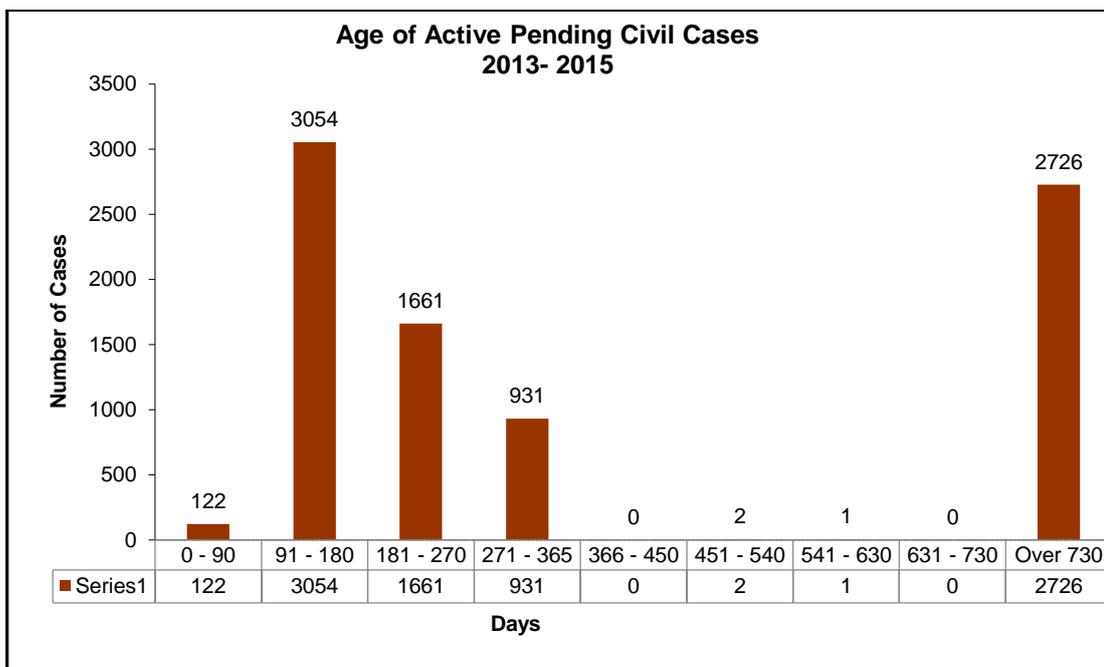


Figure (4. 22): Age of active pending cases (Civil)

4) Trial Date Certainty

The number of times cases disposed by trial are scheduled for trial. A court's ability to hold trials on the first date they are scheduled to be heard (trial date certainty) is closely associated with timely case disposition. This measure provides a tool to evaluate the effectiveness of calendaring and continuance practices (Tools for Court Success. NCSC, 2016).

Measuring trial date certainty requires identifying all cases disposed by trial during a given time period (e.g., a year, quarter, or month). After the cases are identified, additional information must be collected to determine whether those cases were tried on the first date they were set for trial or were continued one or more times before the trial actually began. The first way to examine the data is to look at the proportion of cases that meet a specific performance goal set by the court for trial date certainty. Excellent performance would be measured by 90 percent of the cases disposed by trial actually going to trial on the first or second scheduled trial date. A second way to look at the data is to determine the average (Mean) number of trial settings by case type. For example, the result in the column labeled "Three" settings for Felony is 18 (3 x 6). Doing this calculation for each column across the Felony row shows that there were 76 Total Trial Settings for the 28 cases of this case type and trial type. Dividing 76 by 28 results in the average: 2.7 trial settings per case.

Ongoing feedback on calendar dynamics greatly increases the odds that the court can sustain improvement in trial management. Addressing the larger issue of the underlying causes affecting trial date certainty is critical for

creating the expectation that case events will proceed as scheduled. See Table 4.11 below.

Table (4. 11): Summary Report of Trial Settings

Label	Number	Label	Number
Total cases	89507	Five	4270
Average settings	4	Six	3494
% with =<2	32%	Seven	2898
One	10170	Eight	2498
Two	8289	Nine	2208
Three	6684	Ten	1815
Four	5961		

5) Court Employee Satisfaction

Employee satisfaction is an important aspect to be considered in improving the performance, it has a significant impact on the employee performance where if the employees feel lack of motivation the performance will be affected, and thus the low quality service is provided to the court users. NCSC classified the factors affect the employee satisfaction, these factors are environmental factors which lead to the dissatisfaction and motivational factors which lead to satisfaction through fulfilling the employee needs such as the recognition see Table 4.12 (Tools for Court Success. NCSC, 2016).

Table (4. 12): The environmental and motivational factors

Environmental factors leading to dissatisfaction	Motivational factors leading to satisfaction
Supervision and Management	Achievement
Work Conditions	Work itself
Interpersonal Relationships	Responsibility

These factors are very important and need to be considered where the employee doesn't only get affected by the environmental factors, he/she needs to be intrinsically motivated through the motivational factors. The employee satisfaction survey takes into consideration both of these factors through its questions. See **Appendix 2**

1. Leading to dissatisfaction

1.1. Supervision and Management

- I am treated with respect. (8)
- When I do my job well, I am likely to be recognized and thanked by my supervisor. (9)
- Managers and supervisors follow up on employee suggestions for improvements in services and work processes. (15)
- My meetings with my supervisor are useful and meaningful. (16)
- My supervisor is available when I have questions or need help. (24)
- I feel valued by my supervisor based on my knowledge and contribution to my department, unit, or division. (11)

1.2. Work conditions

- The court is respected in the community. (4)

- My working conditions and environment enable me to do my job well. (10)
- I have the resources (materials, equipment, supplies, etc.) necessary to do my job well. (18)
- I am treated with respect by the public. (30)

1.3. Interpersonal relationships

- The people I work with can be relied upon when I need help. (5)
- My coworkers care about the quality of services and programs we provide. (26)
- I am skilled in communicating and working effectively with coworkers, clients and/or court users from diverse backgrounds. (25)
- The people I work with take a personal interest in me. (14)

2. Leading to satisfaction

2.1. Achievement

- My court's leaders communicate important information to me in a timely manner. (12)
- On my job, I know exactly what is expected of me. (19)
- The court uses my time and talent well. (21)
- I know what it means for me to be successful on the job. (23)
- In the last 6 months, a supervisor/manager has talked with me about my performance/career development. (28)

2.2. Work itself

- I am kept informed about matters that affect me in my workplace. (2)

- I understand how my job contributes to the overall mission of the court. (7)
- I am proud that I work in the court. (20)
- I get the training I need to do the job well. (22)
- I enjoy coming to work. (13)

2.3. Responsibility

- My work unit looks for ways to improve processes and procedures. (1)
- As I gain experience, I am given responsibility for new and exciting challenges at work. (3)
- I have an opportunity to develop my own special abilities. (6)
- When appropriate, I am encouraged to use my own judgment in getting the job done. (17)
- The court and its leaders are dedicated to continuous improvement. (29)
- I have opportunities to express my opinion about how things are done in my division. (27)

The court should plan for implementing these factors in the courthouse in order to motivate the employees, thus they perform as a tool for continuous improvement towards the efficient and effective performance. The results of analyzing the surveys explains the satisfaction of employees regarding their jobs and the work environment. A total of 25 employees in Nablus court (Magistrate/First Instance) filled the surveys of satisfaction, the response rate was 100%. Below 30 % of respondents agreed or strongly agreed with 5,6,14,15,18,25 of 30 statements that they are satisfied regarding their

positions, and the way they are treated with in the courthouse. Over 60 % of respondents disagreed or strongly disagreed with 2, 3, 4, 7, 9, 10, 11, 12, 20, 23, 29 of 30 statements about their work at the court. The survey contains two categories, a category concerned with the environmental factors leading to dissatisfaction, this category investigates the areas of supervision and management, work conditions, and the interpersonal relationships. The category which investigates the areas of achievement, work itself, and responsibility.

1. Factors leading to dissatisfaction

1.1. Management and supervision

The index of management and supervision clarifies the employee satisfaction regarding the way of managing the employees, the respondents vary in their responses where a percentage of 30 % agreed or strongly agreed with the statement (Managers and supervisors follow up on employee suggestions for improvements in services and work processes) to 20 % (My supervisor is available when I have questions or need help).

Two statements in this section had some of the lowest mean scores in the survey see Figure 4.23:

- As I gain experience, I am given responsibility for challenges at work (1.7)
- I know what it means for me to be successful on the job (1.6)

Three statements had over 50 percent of respondents who disagreed or strongly disagreed with the statements:

- I have regular meetings with my supervisor that are useful and meaningful (40%).
- Managers and supervisors follow up on employee suggestions for improvements in services and work processes (60%).
- When I do my job well, I am likely to be recognized and thanked by my supervisor (80%).

Management and supervision
The way of managing the works and supervising the employees makes them feel comfort

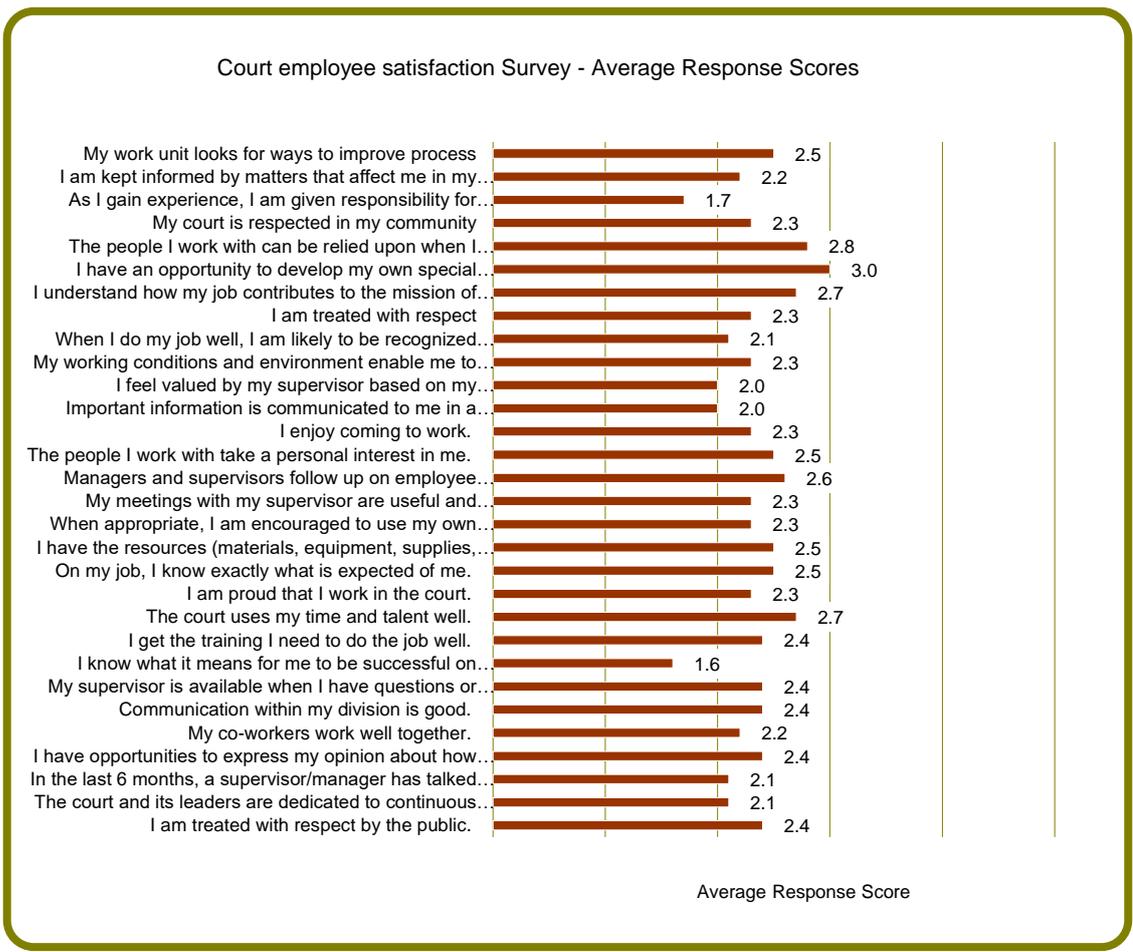


Figure (4. 23): Average response scores for court employee survey

1.2. Work conditions The category of Work Conditions has low index score (2.0) along with Supervision.

There are variations in the responses to the statements in this index section, ranging from 10% of respondents indicating they agree or strongly agree with the statement

(My working conditions and environment enable me to do my job well) to 30% (I have the materials, equipment, and supplies necessary to do get my job well).

Work conditions

The work environment is fueled with the overwhelming odds, the degree to which employee know what should be completed every day and if it possible or not

1.3. Interpersonal relationships

The Interpersonal Relationships element has index score in the survey (2.4).

This is in which at least 30% of respondents agree or strongly agree with all the statements in this index. The question with the highest percentage of respondents who agree or strongly agree is communication within my division is good.

Interpersonal relationships

The employees show the respect and cooperation with each other, working hardly as a team, and the judges are friendly

2. Factors leading to satisfaction

2.1. Achievement

Within the category, there is substantial variation in respondents who agree or strongly agree with the statements from 0% (I know what it means for me to be successful on the job) to 20% (My meetings with my supervisor are

useful and meaningful). The Achievement category also has three statements with over 80% disagreement reported by respondents:

- I feel valued by my supervisor based on my knowledge and contribution to my department, unit, or division (60%)
- Important information is communicated to me in a timely manner (70%)

Achievement

The employees benefit from the meetings, the communications are active, the emails perform as the

2.2. Work itself

Percentages of respondents in agreement with the statements range from 0% (I am proud that I work in my court) to 10% (I understand how my job contributes to the overall mission). The two statements with mean scores in the survey (2.3 and 2.7 respectively) are also in the Work Itself category:

- I understand how my job contributes to the overall mission
- I am proud that I work in my court

One of the six statements had over 80% of respondents indicating disagreement with the statements:

- I am kept informed about matters that affect me in my workplace (60%)

Work itself

The court should be interested to be a part of the whole system and pay attention to the employees to work as a team,

2.3. Responsibility

Just as in the other index categories of Factors Leading to Satisfaction, employees agree or strongly agree their work unit looks for way to improve

processes and procedures (20%) and that they are encouraged to use their own judgment in getting the job done (20%). Two of the statements in the Responsibility category had 90% and 30% of respondents indicate they disagree or strongly disagree:

Responsibility
The degree to which employees feel the spirit of teamwork and have the abilities to carry out the duties and that their supervisor supports

- As I gain experience, I am given responsibility for new and exciting challenges at work (90%).
- I have an opportunity to develop my own special abilities (30%)

6) Judge/Justice Evaluation Survey

A total of 25 judges in Nablus court (Magistrate/First Instance) completed the survey. So the response rate is 100% see Figure 4.24 below. The thirty-six questions have been categorized. To review the judge/justice survey, see **Appendix 3**.

Figure 4.24 shows the judges are highly agreeing that they are qualified and able to make all actions done in a timely and correct manner, but the results of clearance rate demonstrate that the judges don't manage their cases effectively, this is obvious from the CR of judges or the overall CR in the previous clearance rate section.

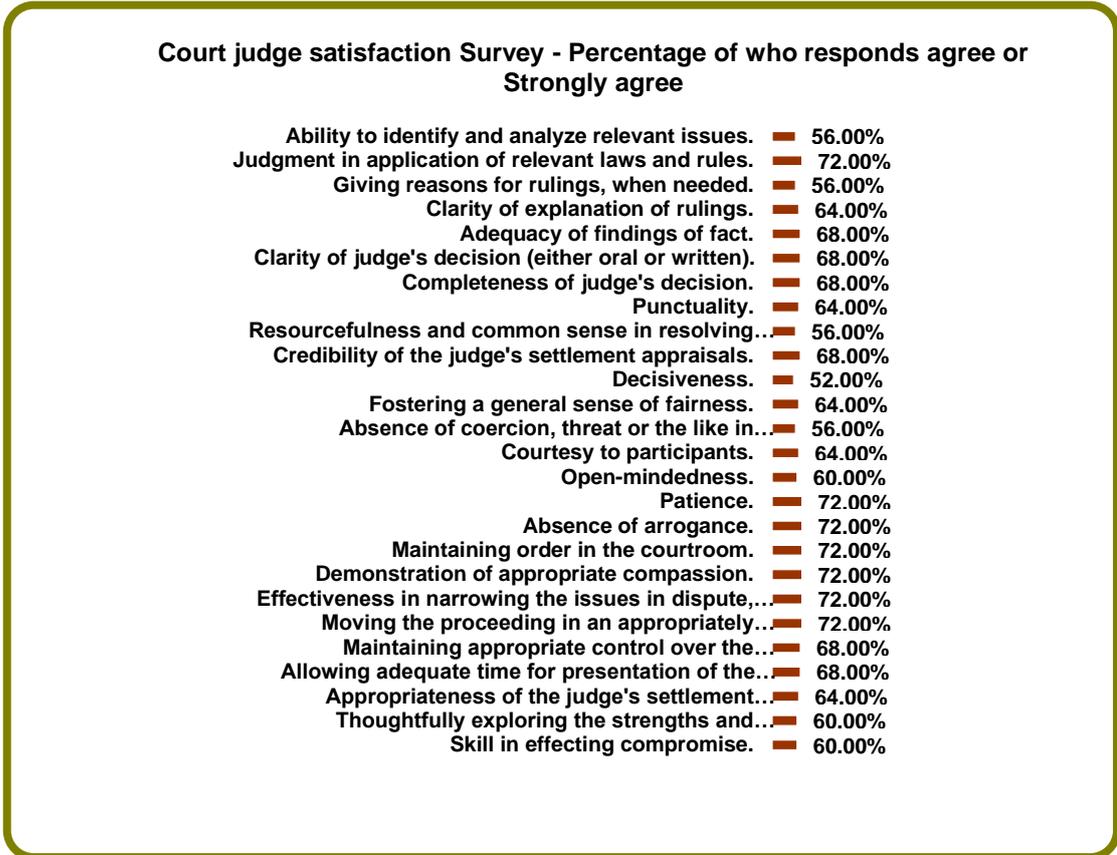


Figure (4. 24): Percentages of judges who Agree/S Agree

Figure 4.25 shows the responses of judges' agreement (by seniority) about managing their caseloads effectively, the experience should exhibit some sort of improvement in performance where the judge acquires the skills throughout the years of experience due to repetitive actions.

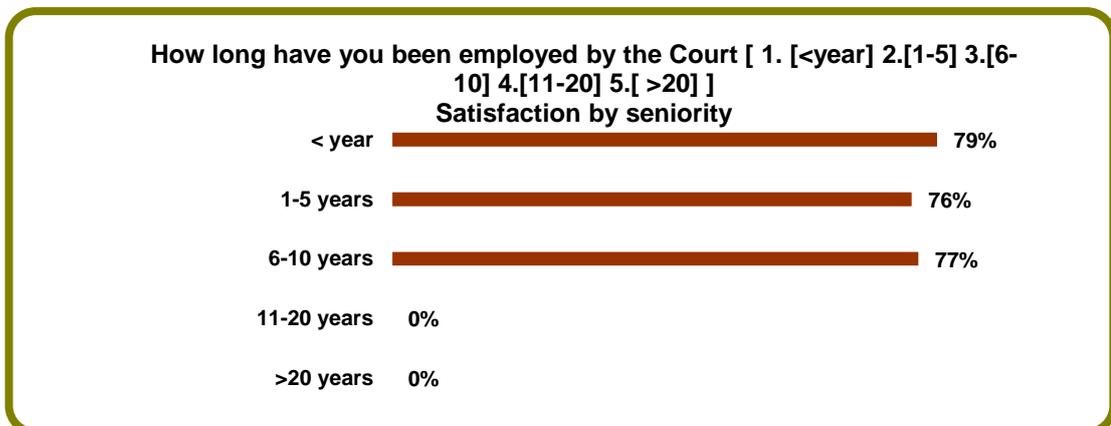


Figure (4. 25): Responses of agreement in performance per experience

2) Attorneys evaluate judge performance

To show the truth of judges' performance it was important to make the attorneys fill the survey in order to evaluate the judge performance, this is important to unveil the deviation from the actual performance of judges, actually it showed the differences obviously. The 25 surveys were retrieved as completely filled so 100% response rate, the sample was taken from highly tenured and skilled attorneys in order to show some sort of truthfulness. The attorneys filled the same survey of which was distributed to judges, this is to make them evaluate the judges in the same points of performance.

The attorneys see that the judges are not skilled and/or qualified to manage and process the cases effectively see Figure 4.26, where those attorneys are highly tenured and skilled and also they have better knowledge than the judges where those have been practicing the advocacy profession for long years and sometimes they are able to be fraudulent to make the processing of the cases in their interest path, this requires the judge to be highly skilled in order to align the cases into the correct path in order to force the dispositions to be done in a timely manner.

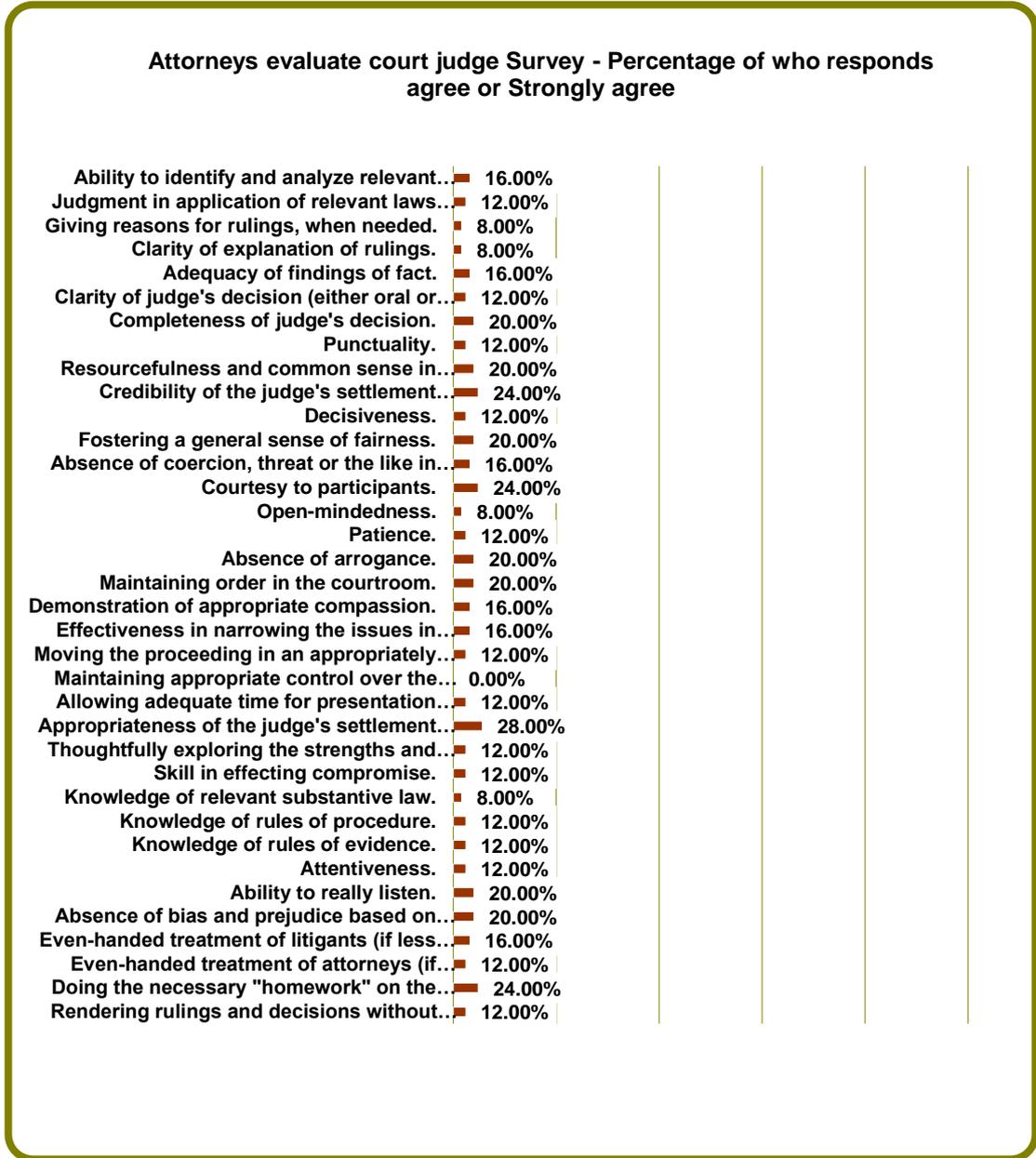


Figure (4. 26): Responses of attorneys regarding the judge performance

The following figure show the satisfaction of attorneys by the period they worked as an attorney see Figure 4.27.



Figure (4. 27): Years of practice of attorneys

The low performance of judges is one of the most factors which contributes to the case backlog, where the short and/or long time to reach the disposition increases the case backlog due to postponements or other reasons, where the short time with low skill may affect the quality of judgment and leads to the appeal court which may exacerbate the problem due to the second degree courts backlog see Figure 4.28, and the long time affect doing the litigation process in a timely manner.

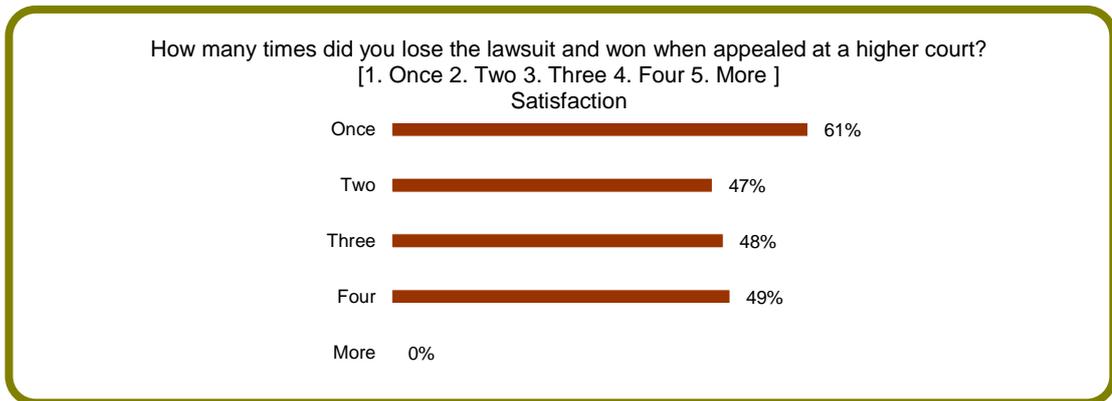


Figure (4. 28): How often did the appealed cases win?

7) Cost per Case

The average cost of processing a single case, by case type. Monitoring cost per case, from year to year, provides a practical means to evaluate existing

case processing practices and to improve court operations (Tools for Court Success. NCSC, 2016). Cost per case forges a direct connection between how much is spent and what is accomplished. This measure provides important insight into the management of a court's limited resources. Cost per case requires the following data for a given time period (e.g., a year): Total court expenditures; Case dispositions (or filings) by major case type; A complete inventory of all judicial officers and court staff. Total costs by case type are then divided by the total number of cases in each relevant case type to obtain the cost of a single case. Cost analyses are critically important for deciding how to allocate funds within the court and for understanding the link between costs and outcomes. See Table 4.13.

Table (4. 13): Cost per case (NIS)-Nablus Court

Case type	Single assignments	FTE personnel			Total court expenditures	Total cost per court	Total dispositions	Cost per case
		Judicial officer	Total	Percent of total				
Magistrate	15	27	42	59.15%	15,498,000.00	9,167,830.99	19783	463.42
First Instance	10	19	29	40.85%		6,330,169.01	3898	623.95
Total	25	46	71	100.00%		15,498,000.00	23681	

4.7.2. Regression Analysis

The regression analysis for the variables generates models that explain the influence of independent variables on the dependent variable which is the Time to disposition (Bloom, 2012). So it is very important to conduct a

model which describes the influence and helps in predicting the time to disposition.

Table 4.14 shows the means and standard deviations of some performance measures. These independent variables were only considered as the variables affecting the time to disposition, this is due to these variables are measurable, and have high impact on the time to disposition, so they were considered as the main reasons of lengthening the time to disposition (Dakolia, 1999).

Table (4. 14): Descriptive statistics for Regression analysis

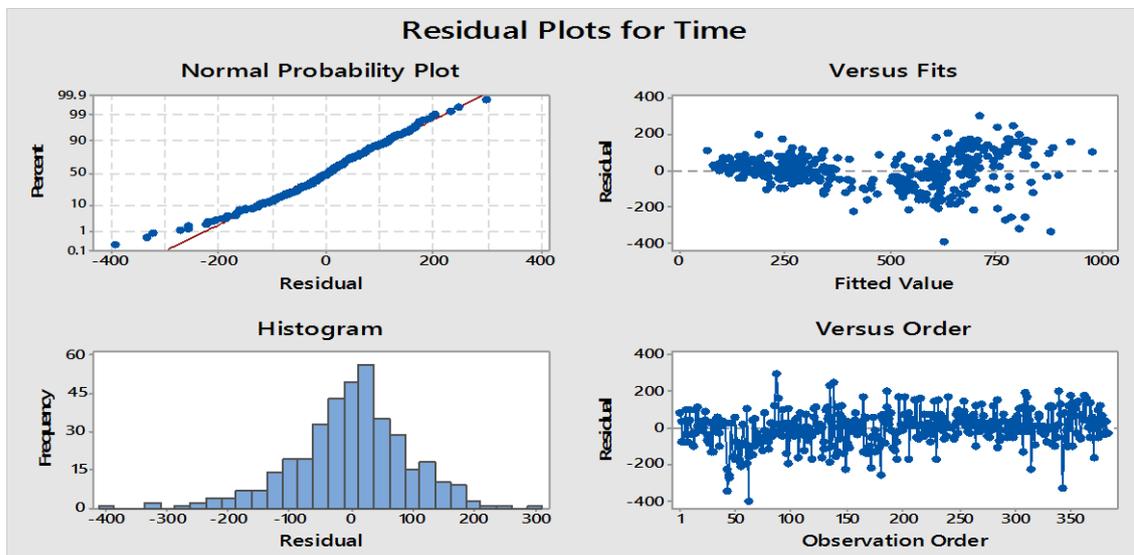
Descriptive Statistics					
	N	Min	Max	Mean	Std. Deviation
Time to disposition	383	61	1056	407.07	250.4
Number of Trial dates	383	1	22	7.95	4.357
Number of Parties	383	2	26	4.82	3.35
Days until first trial date	383	3	130	51.15	24.06
Type of case	383	1	4	2.02	0.81
Valid N (list wise)	383				
Types of cases: Felonies-1, First Instance Civil-2, Magistrate Misdemeanors-3, Magistrate Civil-4					

Table 4.15 shows R^2 (coefficient of determination) which equals to 85.66% and this indicates that 85.66% of the variability in the dependent variable is explained by the independent variables.

Table (4. 15): Model summary for the models of case types

Model Summary			
Model	R Square	Adjusted R Square	Std. Error of the Estimate
1	85.66%	85.43%	95.66 ^a
a. Predictors: (Constant), Days until first trial date, Number of Trial dates, Number of Parties, Case Type			

The Normality Test was done for the residuals of the time to disposition (a random sample of 383 of different case types together was taken) in order to ensure that the data for time to disposition is normally distributed, Figure 4.29 shows that the time to disposition data is normally distributed. P-value for the normality test is less than 0.005 which rejects the null hypothesis that there is a significant difference from normality see Figure 4.29.

**Figure (4. 29): Residual plots for time to disposition- Models by case type**

ANOVA (Table 4.16) tests whether the overall regression model is a good fit for the data. The table shows that the independent variables significantly predict the dependent variable, $p < .05$ (i.e., the regression model is a good fit of the data).

Table (4. 16): Analysis of Variance

ANOVA ^a						
Model		Sum of Squares	Df	Mean Square	F	Sig.
1	Regression	20556626	6	3426104	374.34	.000 ^b
	Residual	5888833	376	9152		
	Total	23997959	382			
a. Dependent Variable: Time to disposition						
b. Predictors: (Constant), Days until first trial date, Number of Trial dates, Number of Parties, Case Type						

Estimated Model Coefficients

Unstandardized coefficients indicate how much the dependent variable varies with an independent variable when all other independent variables are held constant (Bloom, 2012). Consider the effect of the number of trial dates in this example, the unstandardized coefficient, B1 is equal to 49.82 (see **Coefficients** in Table 4.17). This means that for every time increase in trial dates, there is an increase in Time of disposition of 50 days.

To test the statistical significance of each of the independent variables, if $p < .05$ indicates that the variables has a relationship with the time to disposition. P-value are located in the "**Sig.**" **Column**. It can be seen from the "**Sig.**" column that Number of trial dates, Number of parties, Days until first trial date and Type of case as independent variable have relationships with the time to disposition.

Table (4. 17): Coefficients of Regression

Coefficients ^a						
Model	Unstandardized Coefficients		95% CI (Average change in time associated with 1 unit change in independent)	t	Sig.	
	B	Std. Error				
1	(Constant)	119.1	18.3	(83.2) – (155.1)	6.51	0.000
	Number of Trial dates	29.82	1.69	(26.5) – (33.15)	17.63	0.000
	Number of Parties	-4.3	1.48	(-7.22) – (-1.39)	-2.9	0.004
	Days until first trial date	0.665	0.204	(0.264) – (1.06)	3.26	0.001
	Type of case					
	First Instance-Civil	204.3	14.3	(176.2) – (232.4)	14.3	0.000
	Magistrate-Misdemeanors	-56.8	15.7	(-87.8) – (-25.9)	-3.61	0.000
	Magistrate-Civil	-75	23.5	(-121.2) – (-28.8)	-3.19	0.002
a. Dependent Variable: Time to disposition						

It is very important to test the significance of regression in order to check whether the variables affect the time to disposition, it can be checked as follows

Analysis of variance in ANOVA Table 4.16 shows the parameters of regression and residual error where the last one is used to obtain P-value of the model, which shows the statistical significance of the models in predicting the time to disposition.

Alpha (α) represents the possibility of rejecting the null hypothesis in spite of it is true which is also called (Type 1 error), the regression model for time to disposition is designed with $\alpha = 0.05$, thus there is a 5% possibility for Type 1 error to occur. Also, there is another type of error which may occur when failure to reject the null hypothesis in spite of it is wrong, this type is called (Type 2 error). So, P-value is considerably smaller than $\alpha = 0.05$, The null hypothesis should be rejected and this concludes that these independent variables capable of predicting the time to disposition, thus any change in time to disposition might be resulted from the change in these independent variables.

Hypothesis

If Ho (Null hypothesis): Number of trial dates, Number of parties, Days until first trial date and Type of case have no effect on Time to disposition.

But H1 (Alternative hypothesis): Number of trial dates, Number of parties, Days until first trial date and Type of case have an effect on Time to disposition.

So, P-value for each variable can be extracted from Table 4.17 to be compared with $\alpha = 0.05$. Since P-value is considerably smaller than $\alpha = 0.05$, The null hypothesis should be rejected for the regressors B1 which represents the contribution of the number of trial dates variable, and B2 which represents the contribution of the number of parties, B3 which represents the number of days until first trial date, and B4 which represents the type of case, so this concludes that these independent variables affect the

time to disposition, thus any change in time to disposition could be resulted from the change in these independent variables.

For the purpose of increasing the reliability of the model to predict the time to disposition, it was necessarily to engage the type of cases in order to generate a model for each case type, the following are the models for these case types.

Categories of cases

The following are the regression models for time to disposition for the categories of cases. P-value for the models is below 0.05 which indicates that the models are capable of predicting the time to disposition. Also, the variables of these models have P-value less than 0.05 which indicates that these variables affect the time to disposition. These models were extracted from the coefficients of models in Table 4.17.

1- First Instance Court-Felonies

Predicted Time to disposition

$$= 119.1 + 29.82 X1 - 4.30 X2 + 0.665 X3$$

Where

X1: Number of Trial Dates

X2: Number of Parties

X3: Days until First Trial Date

So, the average mean (Expected μ) of time to disposition is around 119 days, but the factors which affect the time to disposition cause the case to be disposed much later than supposed. The regressors of factors show the influence on the time to disposition, for example the number of trial dates,

for each time the number of trial date increases 1 unit then the time to disposition delays around 30 days.

2- First Instance Court-Civil

Predicted Time to disposition

$$= 323.4 + 29.82 X1 - 4.30 X2 + 0.665 X3$$

So, the average mean (Expected μ) of time to disposition is around 323 days.

3- Magistrate Court-Misdemeanors

Predicted Time to disposition

$$= 62.3 + 29.82 X1 - 4.30 X2 + 0.665 X3$$

So, the average mean (Expected μ) of time to disposition is around 62 days.

4- Magistrate Court-Civil

Predicted Time to disposition

$$= 44.1 + 29.82 X1 - 4.30 X2 + 0.665 X3$$

So, the average mean (Expected μ) of time to disposition is around 44 days.

Testing the models

In order to check the reliability of these models in reflecting the time to disposition of the cases, some cases other than those used in the regression analysis were applied to these models, the following Table 4.18 shows these trials to compare the values of the actual time to disposition (Rummaneh, 2016) and the predicted values by the models, the real cases taken to check the models were taken randomly, MAPE (Mean Absolute Percent Error) was used to determine the errors in predicting the time to disposition (see Table 4.18).

Table (4. 18): Sensitivity analysis for the case type models of predicting time to disposition

#	Actual time	Predicted Time	Category	MAPE
1	407	337.60	First Instance-Felonies	12.23
2	420	244.27	First Instance-Felonies	17.16
3	382	531.04	First Instance-Felonies	20.29
4	448	341.34	First Instance-Felonies	20.73
5	391	269.31	First Instance-Felonies	21.88
6	991	826.49	First Instance-Civil	21.35
7	992	757.91	First Instance-Civil	21.56
8	991	823.18	First Instance-Civil	21.17
9	969	812.54	First Instance-Civil	20.79
10	972	878.83	First Instance-Civil	19.99
11	184	182.96	Magistrate-Misdemeanors	18.69
12	203	272.82	Magistrate-Misdemeanors	19.67
13	214	139.35	Magistrate-Misdemeanors	20.57
14	217	231.09	Magistrate-Misdemeanors	19.79
15	263	193.44	Magistrate-Misdemeanors	20.14
16	120	113.45	Magistrate-Civil	19.40
17	125	123.74	Magistrate- Civil	18.53
18	113	86.60	Magistrate- Civil	18.75
19	130	94.27	Magistrate- Civil	19.13
20	112	82.97	Magistrate- Civil	19.41

According to Table 4.18, the models have low MAPE values, so these models are reliable to predict the time to disposition. They have MAPE errors around 20 which indicates that the models are capable of predicting the time to disposition.

4.7.3. Discussion

This research considers the following aspects in investigating the Court System in Palestine such as the importance of performance indicators which are required in order to monitor and control the courts' performance, where these indicators were designed and conducted by the NCSC to suggest new ways of managing everything; the judge role in delivering an efficient litigation process; the laws contribution to the delay in the litigation process; the importance of the judicial monitoring and applying the accountability within the system; the long proceedings especially the notification process and continuous postponements; the settlement judge and the importance of the pre-trial procedures .

Regarding the performance indicators, a study was benchmarked to investigate the effect of the CGR on the CR (Dakolia, 1999), it exhibited the CGR for several countries worldwide where Chilean courts have a rate of more than 5000 cases per judge per year, Germany has a rate of 176 cases per judge per year, Hungary has a rate of 226 per year per judge, France has a rate of 277 cases per judge per year, and United states of America have a rate of 1300 cases per year per judge. USA, France, Hungary, and Germany have far fewer cases per year per judge than the other countries, in contrast

Chile has the highest cases per year per judge but it has the highest CR, so the study proved that the number of cases filed per year in Palestine doesn't seem to affect CR, where CR fluctuations over time doesn't follow the fluctuations in the case inflow. So the countries adapt to maintain the appropriate CR when highly congested (Dakolia, 1999).

This study in Palestine shows consistency with the finding that the CGR doesn't seem to affect the CR, the average of cases per judge per year of 271 which was linked with an average of CR of 0.30, these values are considered according to the time to disposition for these cases in the sample which proved that most of these cases were not disposed within its time standard, and this low CR is due to weak performance but not the CGR, where it is very lower in Palestine than other countries, and this was clear from measuring CR where it doesn't seem to be affected by the increasing trend of the incoming cases since CR was observed to be very low in periods of lower CGR. Many factors contribute to case delay and backlog, so an integration between several elements is required to improve court system performance, where the case flow management system; the analysis of shortage in staffs including judges; and commitment for continuous improvement should be monitored to ensure responding proactively to problems (Abdelbaqi, 2010).

The results showed that the Palestinian courts in 2015 for the cases of which Magistrate-Civil have CR of around 25%, First Instance-Civil of around 27%, and Misdemeanors have a CR around 25%. Felony cases have a CR of around 15%, and below 50%. Palestinian court system was evaluated in 2006

in First Instance courts, a study revealed that cases resolved were 47% of overall filed and recycled cases (Abdelbaqi, 2010). The court system in Palestine still suffers from case delay and backlog.

The previous studies showed the significant reduction in the time to disposition as a result of working in the shadow of the performance indicators which supported the need for this research, where New Jersey's state court implemented the performance indicators within its court in the period 1992-2006, this helped in reducing the backlog by 50,000 cases (Welter, 2013).

Time to disposition measure (2 ranges were considered to measure 180 and 365 days for the Felony cases) showed that all Felonies in 2013 were disposed within 365 days but beyond 240 days and no cases were disposed within 180 days, but according to the standards the Felony cases of 90% should be disposed within 180 days, regarding the Civil cases of 98% (2 ranges were considered to measure 545 and 730 days for the Civil cases) should be disposed within 540 days, but around 55% were disposed within 545 days and around 77% were disposed within 730 days and others were disposed beyond 730 days. These percentages show that a significant proportion of cases significantly exceeded its time standard. Age of pending cases measure showed that around 32% of Civil cases aged over 730 days and all felony cases are older than 365 days.

Time to disposition and age of pending cases measures should be discussed in the presence of Euromed justice program which was conducted in Palestine in 2006 which showed that huge number of pending cases is still

increasing, so this helps in supporting the need for the performance indicators to be implemented (Spigelman, 2006).

Trial date certainty measure was very useful to highlight the effect of the variables on the time to disposition, where the uncertainty of the trial dates contributes significantly in lengthening the time to disposition. The integrative investigation for the three elements required for the continuous improvement should be the basis for monitoring the performance, those are the factors lengthen the lead time, performance indicators, and the commitment of the HJC to continuous improvement.

According to the occurrences of the causes which contribute in lengthening the time to disposition, omissions, flexibility to request a postponement, desire to postpone, no exact dates, noise in the courthouse, and shortcomings of "Meezan", they have an average of around 25, but the other sessions of lawyer, non-attendance of lawyers, number of parties, unsuccessful notification process, these have an average of around 37. This explains that the main contributors to the long time to disposition are these causes, those should be eliminated as possible, and this through implementing the performance indicators and also the Judicial Support, where the performance indicators to monitor the performance, and the Judicial Support to eliminate the deficiencies of system and also to save the time of judges and cost of courts, referring to a book studied the Palestinian court system in 2006, the author discussed the results of a project conducted by UNDP in 2003, this project investigated the factors of case delay, the largest contribution was the postponements due to litigants' requests which contribute by 42% to overall

delay, and postponements due to improper notification which contribute by 11% (Abdelbaqi, 2010).

Linking with the trial date certainty measure, it showed a value of 32% for less than 3 settings, so a high percentage for the settings above two settings, this may refer mainly to the numerous number of postponements whether due to biased causes or actually due to the unsuccessful of the notification process (Awwad, 2014). And this also confirms the need for the Judicial Support which take the task of ensuring that everything is ready to start the litigation process.

The cost per case measure is also useful to be linked with the study, where the cost per case should be minimized as possible, this can be done by decreasing the total cost of court, where the study focused on the role of the JSS section in chapter 4, where the staff of the Judicial Support can be assigned with less salaries compared with judges' salaries, and also the cost may be minimized by increasing the total dispositions which is the focus of this study but without affecting the quality (Tools for Court Success. NCSC, 2016). Regarding the judge role in delivering an efficient litigation process, this research focused on the role of judge which was pointed out by literature (Johnson, 2001), where he/she should have the knowledge and skills in the case flow management, this ensures the judge would determine the sufficiency of papers and proceedings, so that the case will be disposed without any of unnecessary delays (Abdelbaqi, 2010).

The literature noticed that the laws may contribute to the delay in the litigation process (Chowdhury, 2013), where the laws should be flexible but

not a tool of postponement. This research pointed out the rule that is supposed to control the process of postponement, where it states that the impossibility to postpone the case twice for the same reason (Postponement CCTL. \ 121, 2001), this needs the skills of judge to control the manipulation of all parties in the case in order to have more time through postponements (Abdelbaqi, 2010).

The importance of the judicial monitoring and applying the accountability within the system was pointed out in the literature (Falt, 1985); where this research assumes the commitment of the HJC in order to assure the success in any reform, where the manipulation of judges should be monitored and controlled, which ensures the judge focuses on managing the cases efficiently but without affecting the quality of justice.

Also, the long proceedings especially the notification process which significantly delays the case disposition due to continuous postponements; where this was clear from the research results which pointed out that the number of continuances highly affects the time to disposition. The importance of the pre-trial procedures is also noticed in the research, where the Judicial Support helps in relieving the caseload on the courts, this is because the Judicial Support qualifies the cases to be reviewed by the judicial offices, this leads to scheduling only the qualified cases within the Court's docket (Chowdhury, 2013).

The settlement judge is very important to relieve the caseload on courts, and also it provides an easy and cost effective path of litigation (Fenn & Rickman, 1999), in spite of a rule in Palestinian Civil Law states that the

settlement judge should be mandated to act in the courts (Settlement Judge CCTL. \ 68, 2001), but this is still not applied to the Palestinian Court System.

The exploratory interviews were conducted in order to identify the variables (Independent) which contribute highly in lengthening the time to disposition (Dependent), these variables are number of trial dates, number of parties, and the number of days until the first trial date and the type of case. The descriptive analysis showed high variability in the collected data for these variables: Time to Disposition as the dependent variable (Mean=458.22, sigma=250.64). The independent variables: Number of Trial Dates (Mean=7.95, sigma=4.35); Number of Parties (Mean=4.82, sigma=3.35); Number of Days until the First Trial Date (Mean=51.15, sigma=24.06); and the Type of Case (Mean=2.02 (1-Felonies, 2-First Instance-Civil, 3-Misdemeanors, 4-Magistrate Civil), sigma=0.81). Regarding the statistical significance, R-square is 0.856 for the type models which explains that 85.6% of variation in the time to disposition is explained by the independent variables. ANOVA and regression coefficients were used to check the contributions of the independent variables in lengthening the time to disposition, and it showed that any variation in the time to disposition is resulted to some extent from the variation in the independent variables for at least one observation. These results of the type models were investigated and explained in the previous sections.

As seen from the descriptive statistics for the time to disposition and the other factors, the Means of these variables are shifted from the standards

which means a high number of cases lag away from the standards, these Means should be fixed on the standards in order to ensure a very low number of cases only lag from standards. Also the standard deviations are large values which means a high number of cases deviate away from the mean. So the causes of these deficiencies should be monitored and controlled in order to eliminate their contributions to these deviations from the standards.

Chapter Five

The Study Summary and Recommendations

Foreword

The chapter exhibits a summary for the study's contents, the most important of its results, and the most important recommendations the study suggests for improving the performance of the Judicial System courts.

5.1. The Study Summary

This study included five chapters in addition to the references and appendices.

The first chapter forms an overview of the Palestinian Judicial System and the processes taken within the courts system in order to clarify the reasons for the long time to disposition which also leads to high case backlog due to the low rate of case disposition. This chapter exhibits the research Problem; Importance; and Objectives.

The second chapter exhibits the past studies that have been previously done about the Judicial System evolution and the improvements on the processes of this system.

The third chapter exhibited the theoretical frame of the study where the researcher discussed the study's approach and its limits, the study's community and its sample, its tool, the statistical methods which were used in analyzing its data. The study area was in the courthouses and its cases, judges and staffs, the researcher explained the methodology of preparing the

study's tool and the procedures to ensure its structural and apparent credibility. The study was applied on both of citizens and the cases' records where a systematic sample of (50) individuals was taken for the cases, an accidental sample from the original community of litigants for reflecting the first measure which is the access and fairness where this method is the "Accidental Sampling" where the community that visits Nablus' court cannot be defined, likewise the researcher distributed (25) questionnaires to all Magistrate and First Instance judges in the court which is the whole number of the judges assigned in Nablus courts and (25) questionnaires to the most famous lawyers who were in the court, and also (25) to the administrative staff as the whole number, all of questionnaires were retrieved as completed and were undergone to the statistical analysis.

Regarding the remaining measures of "Courtools", all cases of Civil, Misdemeanors, and Felonies types in the period of the study (2013-2015) of Nablus, Jenin, Ramallah, and Hebron were taken as a whole to reflect the measures of (Clearance rate, Time to disposition, Age of pending cases, and Trial date certainty), a random sample (383) of different case types was taken according to the "Systematic Random Sampling" method of the aggregated number of incoming cases of the courts Nablus, Ramallah, Jenin, and Hebron, then processing them in SPSS to analyze and generate the results to show the performance charts.

The fourth chapter exhibited the study results, analysis and interpretation, it focuses on the following elements: the evaluation and satisfaction of the stakeholders regarding the performance of the Judicial System, the

implementation of the performance indicators to monitor and highlight the shortcomings in managing the cases within the courts, and also explaining the effect of the JSS on performance, time, and cost. Moreover, the regression analysis which provides a model for the time to disposition as the dependent variable, which is affected by the independent variables such as the number of parties and number of trial dates.

The fifth chapter shows the study's summary, the most important results and recommendations which the study suggest to improve the way of doing things in the field of courthouses.

5.2. Conclusion

The study investigated the situation within the Palestinian Court System and clarified the reasons for the increasing case backlog, this is very critical when compared with the countries all over the world, so the government should adhere to the continuous improvement through the models and the supporting performance indicators in order to improve the way of managing the cases. The research considers the questions of the study which are clearly answered throughout the research sections as following:

Q1: What are the main factors of the prolonged time taken to dispose the cases?

The research discussed the factors which affect the time to disposition such as those are related with the honesty and commitment of lawyers, judges, and customers, also the causes related with the notifications process. Four of the factors only were included in the regression model

where it was difficult to take much more information about the other factors, so it was impossible to include other factors. These factors are the number of parties, the number of trial dates, Number of days until 1st trial date and Type of case.

Q2: What is the role of added technological features in managing the cases efficiently?

The technology factor was being discussed deeply in all activities of the system or the solutions of the research, where KPIs need the technological infrastructure and also these indicators require some information from several locations to function which needs the technological support. Also the cooperation with "Meezan" to be technologically automated to help achieving the efficiency, where it lacks some features that help in managing the processes in an efficient manner.

Q3: What are the potential solutions to improve the performance?

The research focused on four areas of solution which are: The need for standards which were discussed deeply. The queuing system within the courts to manage dealing with cases and customers. The judicial quality management system to save the time and cost of the courts where it manages the prerequisites of the litigation. The key performance indicators to monitor and control the performance.

Q4: How to implement and monitor the performance indicators?

The fourth question was answered from all facets where the commitment of the judicial council is very important to achieve the success, then the

requirements of applying this feature would be available to implement the performance indicators within the system. Those key performance indicators help in monitoring and controlling the performance in order to highlight the cause of any unnecessary delay, and enhance the principle of responsibility; accountability and transparency.

Q5: What is the role of Judicial Support in an effective Case Flow Management system?

The effective CFMS should be implemented within the courts to ensure working effectively and efficiently, this is an integrated system which is composed of the JSS and the key performance indicators.

The study highlighted the critical areas which form the conditions that the Judicial System works under their umbrella, and also it revealed the prevailing ways of processing the system within the courts, where those were the start of checking the performance indicators and also to emphasize the role of the JSS.

This system leads to reduce the costs of hiring more judges and/or the cost of current assigned judges, where the costs of Judicial Support employees are obviously less than the cost of hiring judges, this also helps the judge in dedicating his/her time to review the core issues of the serious cases in order to dispose them early. Also the cost per case measure which explains how the costs get reduced when the total number of dispositions increases and when the number of judges and staffs for the case types decreases.

The performance indicators for the JSS should be monitored to notice the savings in time and cost, the indicators show the number of cases in which

different actions are done including the actions in the Judicial Support offices where the cases may stop proceeding and also the cases which move to the judicial offices to be reviewed and disposed.

The goal is to make savings in the time of judges in order to reduce the case backlog due to the judge is overloaded, where his/her time is not spent in the most serious cases which are qualified to be reviewed and resolved. According to the average percentage of cases of 45% of the total registered cases in the years 2013, 2014 and 2015 ended by Reconciliation, dismissal, and relinquish, or cases with more than 3 trial settings due to missing or added papers, or due to unsuccessful notifications (Rummaneh, 2016). So, this percentage should be calculated determine the actual saving percentage in the judge time, this by subtracting these cases from the total cases registered, so the percentage would be significantly greater where the judges spend most of their time in dealing the administrative issues rather than reviewing the cases to make judgments.

Regarding the savings in costs, if the total load on judge reduces by 45% yearly which is the reduction in the cases reviewed by the judge due to its non-readiness, and this reduction in the load will be tasked to the Judicial Support officer, so after subtracting the cost of the Judicial Support officer the savings are as follows: if the cost of one judge is 144,000 NIS (12000 per month on average) and the cost of one Judicial Support officer is 30,000 NIS (2500 per month on average), so the savings are $144,000 * 0.45 - 30,000 = 34,800$ NIS per judge yearly, and this amount increases to a level that entails the need for a change as the percentage of time saving in the

judge time increases, and this actually occurs when calculating the percentage from the data of the narrow range experimental implementation. Also, this advantage is clear by the cost per case measure, where the cost per case reduces as the resolutions increases, also this cost decreases as the cost of assigned judges decreases.

Regarding the generated models, they increase the predictability of lead time and if these predicted times are adhered to the time standards of the case types, the case backlog reduces gradually until reaching a degree that the incoming cases are very close to the resolutions, this surely reduces the load on the judges' dockets which helps them working in a comfort zone due to the light schedules, consequently they spend less time on their schedules and this allows them to review the real cases in an efficient time.

This time-saving function has a cost-effective impact where the less time spent by judges on the judicial works is related to less cost incurred by the judicial authority, the judicial hours required to resolve the cases decreases when the case backlog decreases, so the increased number of resolutions reduces the cost per case which is calculated by dividing the court's expenditures on the salaries of judges and staff by the number of resolutions, so that lower costs incurred by the Judicial Authority.

The research focused on creating a monitoring system for the performance of courts, Figure 5.1 explains the benefit from this monitoring system, it functions as a link between the key performance indicators (KPIs) and the models generated by this study, the system helps in predicting the current progress KPIs in order to determine the errors in predicting these KPIs, and

also to highlight the values of factors which affect these KPIs, this helps in taking corrective actions to comply to the standards.

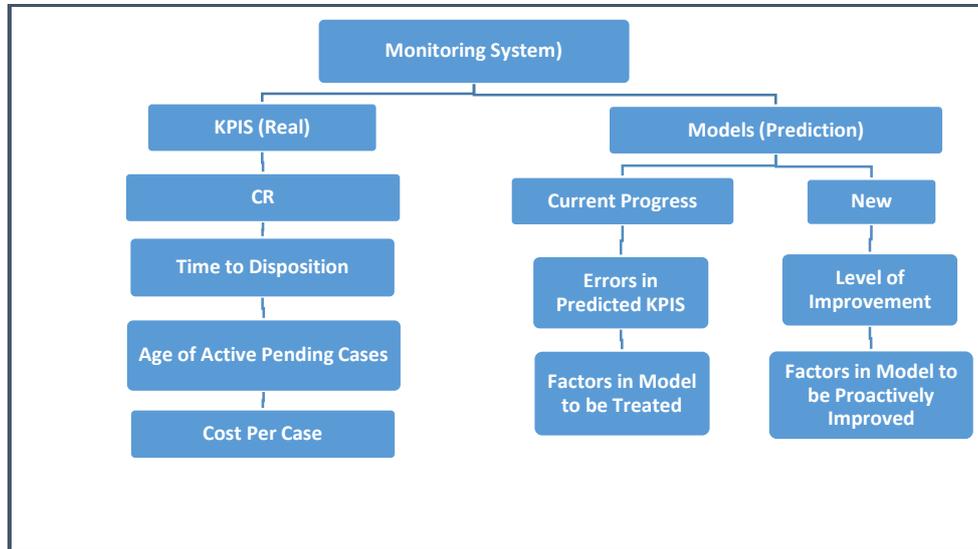


Figure (5. 1): Monitoring System

Also, the models help in predicting the future KPIs which provides the level of improvement from period to period, this is also helpful to move from reactive into proactive in monitoring the factors of these models in order to be proactively improved.

5.3. Recommendations

According to the results of study, the researcher suggests many recommendations which could contribute in increasing the facets of benefit of technology in the courthouses performance. Attempt the HJC to broaden the use of technology in the departments of the judicial system, where this to enable all parties to access the judicial system services, so that it could be developed to perform in an effective and efficient manner because it involves all parties in the development process. This requires:

- 1- Developing the current technology which is used in the courthouses, and

also establishing a dedicated department to monitor and develop the electronic services and the skills of judges and staffs to be keep up with the new systems.

- 2- Setting a clear strategy to activate taking the benefits of technology and link the plans of using policy with the strategic goals of the judicial system.
- 3- Planning for the training sessions in the fields of technological techniques and the case management techniques.
- 4- Reforming the prevailing procedures in the judicial system and develop it to keep up with the information technology decade.
- 5- Allocating a financial tool to guarantee funding the required projects of development, also to ensure the independency of the judicial system in order to ensure the quality and speed of the case disposition is not influenced by other donor institutions.

The awareness sessions for the judicial system staffs to highlight the role of technology in developing the performance and improving the quality of services which are provided to citizens.

- 6- Providing integrated services to enable the citizens achieving their transactions electronically.
- 7- Issuing the legislations and laws which are related to the use of information.
- 8- Developing the education and training to generate the outcomes which are required for the new system.

- 9- Restarting the study again on the whole judicial system after widening the range of using the technology to know if its results matching this study's results.

5.4. Research Contribution

This research assessed the tools used by governments in order to improve the performance of courts, these are the "CourTools" that conducted by the efforts of the NCSC, where those are very useful to bring the Palestinian court's system into more improvements through this research.

Afterwards, the research went deeply in investigating the factors affecting these performance indicators which reflect the quality of the services provided to the citizens, the focus of this research is to investigate the time until disposition, for this study the factors were helpful in identifying the elements that affect the time to disposition. This research conducted models to help in predicting the time to disposition for different case types, these models should be used concurrently with the performance indicators in order to continuously control and improve the time to disposition which leads to relieve the case backlog.

Also, this research suggests many solutions which help in converting the current court system into an efficient environment which provides the services to citizens in a transparent manner, especially regarding the exact dates and times which are needed for all stakeholders to enhance the trust in the court's system.

5.5. Future Work

This research focused on assessing the current performance of the judicial systems in Palestine and on comparing the assessment data with the countries around the world, this was done through collecting data in order to check the performance indicators which are provided by the NCSC, and those were compared and investigated to highlight the issues which may cause the low performance indicators.

The research focused the efforts on the time to disposition which is affected by the issues generated from the assessment process, the time to disposition is one of the most important indicators where it affects the public trust in the judicial sector, so this should be monitored and controlled continuously in order to ensure the cases of litigants are being processed in a timely manner. This research linked several variables which may affect the time to disposition and it generated models in order to be used to predict the time to disposition for the cases. The research focused on the efficiency aspect which is easy to be investigated, monitored and controlled, this is very important to ensure the speedy litigation time.

The second aspect which has to be investigated is the effectiveness which is also required to ensure the quality of judgments issued by the judges, this has several benefits to all stakeholders of the process, where the judicial system and its staffs and judges need to reduce the case load, the litigants need to process their cases in a timely manner and also with high quality judgments and lower costs, also the courts of higher degrees (i.e. Court of Appeal) need to reduce the cases which are delivered to these courts by the lower level of courts in order to be appealed, it is very important to study the aspect of effectiveness in order to ensure the goal of doing the right things.

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Appendices

Appendix 1

Access and Fairness survey

Nablus Court Complex

This survey is requested to be filed, please give us some of your time, this for a project to improve the court's performance.

	Strongly disagree	Disagree	Neither Disagree nor agree	Agree	Strongly agree
1. Finding the courthouse was easy.					
2. The forms I needed were clear and easy to understand.					
3. I felt safe in the courthouse.					
4. The court makes reasonable efforts to remove physical and language barriers to service.					
5. I was able to get my court business done in a reasonable time.					
6. Court staff paid attention to my needs.					
7. I was treated with courtesy and respect.					
8. I easily found the courtroom or office I needed.					
9. The Court's website was useful.					
10. The court's hours of operation made it easy for me to do business.					
11. The way my cases was handled was fair.					
12. The judge listened to my side of the story before he/she made a judgment.					

13. The judge had the information necessary to make good judgments about my case.					
14. I was treated the same as everyone else.					
15. As I leave the court, I know what to do next about my case.					

Background information

1. What did you do at the court today? (enter 1-6) [1. Search/get documents 2. File papers 3. Make payment 4. Get information 5. Witness 6. Attend trial]
2. How often are you typically in this courthouse? (enter 1-4) [1. First time in this courthouse 2. Once a year or less 3. Several times a year 4. Regularly]
3. What type of case brought you to the courthouse today? (enter 1,2,3,4) [1. Traffic 2. Criminal 3. Civil matter 4. Other]
4. What is your gender? (enter 1 or 2) [1. Male 2. Female]

Thank you very much for your time

Appendix 2

Employee satisfaction survey

Nablus Court Complex

This survey is requested to be filed, please give us some of your time, this for a project to improve the court's performance.

	S.disagree	Disagree	Neutral	Agree	S.agree
1. My work unit looks for ways to improve process					
2. I am kept informed by matters that affect me in my workplace					
3. As I gain experience, I am given responsibility for challenges at work					
4. My court is respected in my community					
5. The people I work with can be relied upon when I need help					
6. I have an opportunity to develop my own special abilities					
7. I understand how my job contributes to the mission of my court					
8. I am treated with respect					
9. When I do my job well, I am likely to be recognized and thanked by my supervisor					
10. My working conditions and environment enable me to do my job well.					
11. I feel valued by my supervisor based on my knowledge and contribution to my department, unit, or division.					
12. Important information is communicated to me in a timely manner					
13. I enjoy coming to work.					
14. The people I work with take a personal interest in me.					

15. Managers and supervisors follow up on employee suggestions for improvements in services and work processes.					
16. My meetings with my supervisor are useful and meaningful.					
17. When appropriate, I am encouraged to use my own judgment in getting the job done.					
18. I have the resources (materials, equipment, supplies, etc.) necessary to do my job well.					
19. On my job, I know exactly what is expected of me.					
20. I am proud that I work in the court.					
21. The court uses my time and talent well.					
22. I get the training I need to do the job well.					
23. I know what it means for me to be successful on the job.					
24. My supervisor is available when I have questions or need help.					
25. Communication within my division is good.					
26. My co-workers work well together.					
27. I have opportunities to express my opinion about how things are done in my division.					
28. In the last 6 months, a supervisor/manager has talked with me about my performance/career development.					
29. The court and its leaders are dedicated to continuous improvement.					
30. I am treated with respect by the public.					
Background information					
24 In which Court Division do you work? 1. Magistrate 2. First Instance					
25 How long have you been employed by the Court? 1. [<year] 2. [1-5] 3. [6-10] 4. [11-20] 5. [>20]					
26 I am planning on working for the Court another: 1. [1-2] 2. [3-5] 3. [6-10] 4. [11-20] 5. [>20]					
Thank you very much for your time.					

Appendix 3

Judge self-evaluation survey

Nablus Court Complex

This survey is requested to be filed, please give us some of your time, this for a project to improve the court's performance.

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
1. Ability to identify and analyze relevant issues.					
2. Judgment in application of relevant laws and rules.					
3. Giving reasons for rulings, when needed.					
4. Clarity of explanation of rulings.					
5. Adequacy of findings of fact.					
6. Clarity of judge's judgment (either oral or written).					
7. Completeness of judge's judgment.					
8. Punctuality.					
9. Resourcefulness and common sense in resolving problems arising during the proceeding.					
10. Credibility of the judge's settlement appraisals.					
11. Decisiveness.					
12. Fostering a general sense of fairness.					
13. Absence of coercion, threat or the like in settlement efforts (if less than satisfactory, please explain in comments section).					
14. Courtesy to participants.					
15. Open-mindedness.					
16. Patience.					
17. Absence of arrogance.					

18.Maintaining order in the courtroom.					
19.Demonstration of appropriate compassion.					
20.Effectiveness in narrowing the issues in dispute, when appropriate.					
21.Moving the proceeding in an appropriately expeditious manner.					
22.Maintaining appropriate control over the proceeding.					
23.Allowing adequate time for presentation of the case in light of existing time constraints.					
24.Appropriateness of the judge's settlement initiatives (if less than satisfactory, please explain in the comments section).					
25.Thoughtfully exploring the strengths and weaknesses of each party's case in settlement discussions with the attorneys.					
26.Skill in effecting compromise.					
27.Knowledge of relevant substantive law.					
28.Knowledge of rules of procedure.					
29.Knowledge of rules of evidence.					
30.Attentiveness.					
31.Ability to really listen.					
32.Absence of bias and prejudice based on race, sex, ethnicity, religion, social class, or other factor (if less than satisfactory, please explain in the comments section).					
33.Even-handed treatment of litigants (if less than satisfactory, please explain in the comments section).					
34.Even-handed treatment of attorneys (if less than satisfactory, please explain in the comments section).					
35.Doing the necessary "homework" on the case.					
36.Rendering rulings and judgments without unnecessary delay.					
Thank you very much for your time.					

Appendix 4

The Exploratory Interviews were conducted in order to answer the following questions:

- 1- What are the developmental projects which were implemented within the court's system? And what are the improvements that have actually implemented successfully? What are the implications of these improvements?
- 2- What are the current procedures should be taken by litigants?
- 3- What are the current procedures should be taken by court's staff in processing the cases in the court's docket?
- 4- What are the current procedures taken by the judges in processing the litigants' cases?
- 5- What are the features of the current technology which is used in order to schedule the docket of court?
- 6- What is about the current daily queuing system?
- 7- What are the reasons for long litigation times?
- 8- What are the most happening of these reasons?
- 9- What are the characteristics of cases taken to investigate the factors affecting the time to disposition?

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جامعة النجاح الوطنية

كلية الدراسات العليا

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قدمت هذه الأطروحة استكمالاً لمتطلبات الحصول على درجة الماجستير في الإدارة الهندسية بكلية الدراسات العليا في جامعة النجاح الوطنية في نابلس، فلسطين

2016

ب

تحسين أداء المحاكم في فلسطين فيما يتعلق بالوقت المستهلك حتى البت في القضايا

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الملخص

دولة فلسطين وغيرها من الدول حول العالم معرضة للعديد من المعوقات التي تضعف نظام القضاء ليكون النظام السائد لحل النزاعات، وذلك يؤدي لعواقب مقلقة مثل قلة ثقة العامة بالنظام القضائي كوسيلة لحماية حقوقهم، وبالتالي قد يلجأوا للتنازل عن حقوقهم، أو أن يأخذوا حقوقهم بعنف أيديهم. القضايا المتراكمة بسبب طول الوقت المستهلك حتى البت في القضايا والتي من شأنها أن تضعف ثقة العامة بالقضاء تمت ملاحظتها حول العالم. أهمية هذا البحث هي بتزويد فهم أفضل للوضع الحالي لنظام القضاء الفلسطيني وأداء محاكمه. دراسة القضايا المتراكمة في فلسطين للبحث عن حلول جديدة للمساعدة في تقليل الوقت اللازم للبت في القضايا. هذا سوف يؤدي إلى تمكين النظام القضائي ليكون السائد في فلسطين ولجعله أحد الوسائل المنصفة والسريعة للحكم في حل النزاعات عبر تسليط الضوء وتطبيق الممارسات والإستراتيجيات الأفضل للمساعدة في تحسين كفاءة النظام القضائي. البحث يفحص الأداء الحالي لنظام القضاء الفلسطيني، وذلك عبر الإستبيانات لفحص رضا وتقييم أطراف النظام القضائي، وأيضاً المقابلات الإستكشافية لجمع بيانات حول الأسباب الرئيسية والجذرية التي تساهم في إطالة الوقت اللازم للبت في القضايا، وأيضاً تعريف إجراء فحص الأداء من حيث طريقة إدارة القضايا في النظام و الإنتاجية الضعيفة والتي هي نتيجة العمل بدون معايير. أيضاً، البحث يقترح حلول ذكية وأدوات مراقبة للمساعدة في المراقبة والتحكم بالأداء، وأيضاً تزود أدوات للمساعدة في التنبؤ بالوقت المتوقع لكل قضية حتى يتم البت فيها، والذي يلزم لتطبيق المحاسبة وذلك لرفع الكفاءة والتحسين المستمر للأداء والتي تؤدي لثقة أفضل بالنظام القضائي. هذا البحث شمل البيانات اللازمة للدراسة لفحص الأداء للنظام القضائي، ثم اقتراح البدائل المحتملة كحلول ليتم تطبيقها، هذا عبر الإستبيانات والأدوات الإحصائية لتحليل البيانات واستخراج النتائج التي

تلزم للتطوير، أيضاً الدراسة تغطي المجتمع الكلي للدراسة بقدر الإمكان للتمكن من إنجاز أهدافها عبر إرضاء مجتمعها الكلي، حيث ستدمج المؤسسات القضائية الفلسطينية مثل مجلس القضاء الأعلى، المحاكم والأفراد بصفة المتقاضين. الدراسة تزود أداة مراقبة عالية الجودة لأداء الطاقم وجودة البت في القضايا. هذا التطوير يساعد في تحسين الأداء بشكل مستمر عبر قياس مؤشرات الأداء التالية بالترتيب تبعا لأدوات المحاكم المزودة من المركز الوطني لمحاكم الدولة : قياس الوصول للقضاء والإنصاف في الخدمات المقدمة، قياس معدل البت في القضايا، قياس الوقت المستهلك حتى البت في القضايا، قياس عمر القضايا المتراكمة، قياس مدى التأكد في تواريخ انعقاد الجلسات، قياس رضا موظفين وقضاة المحاكم ، قياس الإرتفاع في التكلفة لكل قضية. عملية جمع البيانات تمت في محاكم محافظات كل من الخليل، نابلس، جنين، رام الله لتكوين لمحة واضحة عن النظام القضائي، وذلك فيما يتعلق بعدد القضايا من كل نوع واللازم أن يكون كبيراً بقدر الإمكان حيث تم جمعها باتباع طريقة العينات المنهجية وذلك لعمل الفحص واستخراج النتائج بشأن أداء النظام القضائي. فيما يتعلق بتقييم أطراف النظام القضائي، الاستبيانات تم توزيعها في محكمة نابلس فقط نظرا لتماثل الإجراءات بين المحاكم، وأيضاً لأن فحص الرضا ليس في صلب وتوجه هذه الدراسة وأيضاً لأن هناك دراسة تم الإشارة لها في هذه الرسالة وتناولت جانب رضا وتقييم أطراف النظام القضائي، هذه الاستبيانات تم توزيعها كالتالي: 25 استبيان للمحامين تم توزيعها باتباع طريقة العينات الصدفية لفحص مهارات ومعرفة القضاة في إدارة القضايا بفعالية; 25 استبيان لموظفين محاكم الصلح والبداية وهو العدد الكلي لفحص رضاهم في مواقعهم والأعمال القانونية في حرم محكمة نابلس; 50 استبيان لمتقاضين محكمة نابلس تم توزيعها باتباع طريقة العينات الصدفية وذلك بالعدد الممكن جمعه من زائرين المحكمة في يوم طبيعي في محكمة نابلس لفحص رضاهم فيما يتعلق بالطريقة التي يتم التعامل معهم بها في المحكمة من حيث الوصول للقضاء والإنصاف في الخدمات المقدمة وذلك عبر أحد مقاييس الأداء وهو استبيان الوصول والإنصاف.