



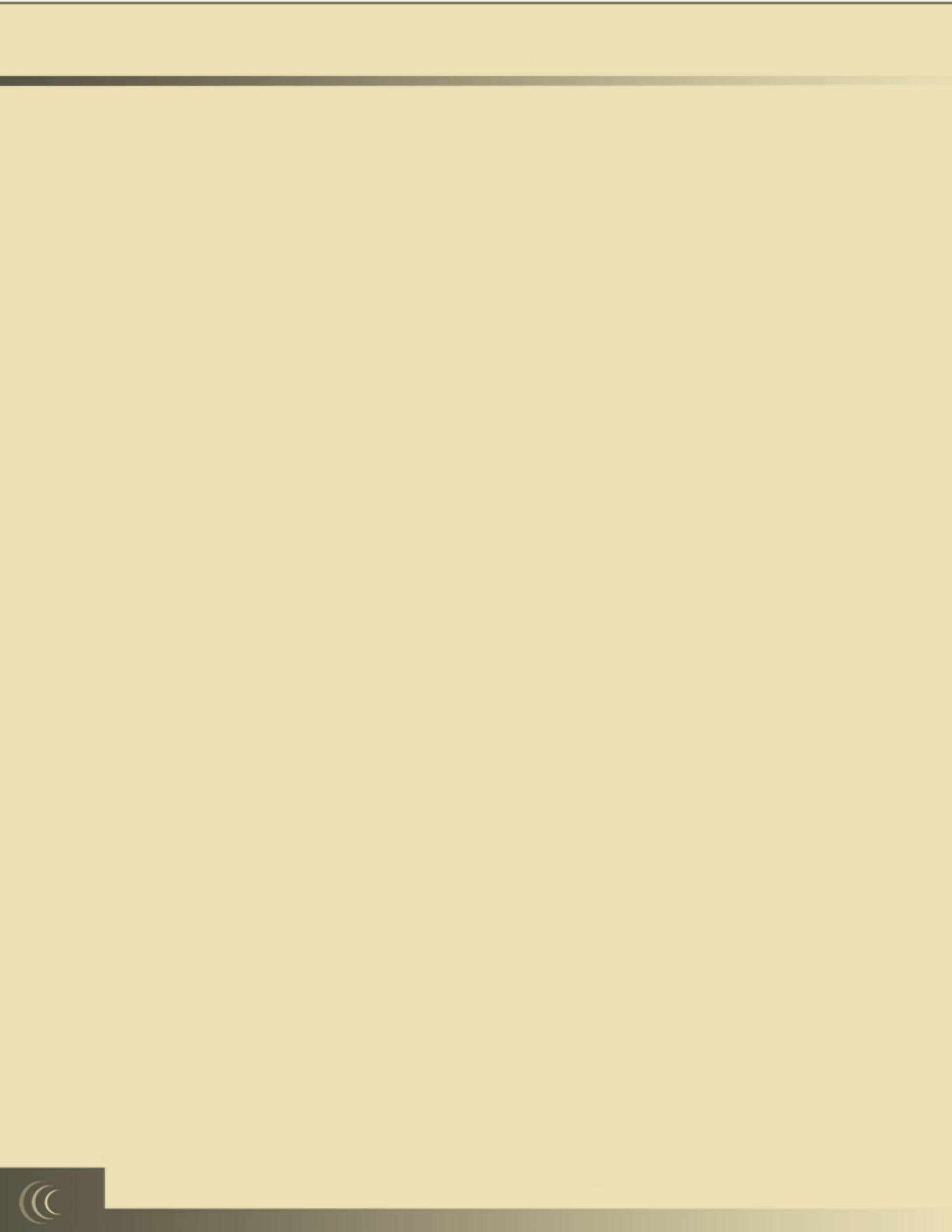
2017



# Case and Court Management

Upgraded Training Manual (Judges)  
Second Revised Edition







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## Guide lines for the Trainer

Teaching adult learners is a tricky business. It needs creativity on the part of the trainer as how to deal with adult learners. Creativity is not possible without critical thinking. Critical thinking is a conscious activity to evaluate a situation and proceed accordingly. The trainer is advised to read the following points for effective delivery:

1. The Manual should be studied one week earlier than the actual event.
2. The Manual provides topic for discussion and debate; the trainer should think over the details and may note them on a paper/computer.
3. The suggested readings will provide the trainer enough material for making his/her input more beneficial.
4. In-text tips have been provided for making the delivery more adult-learner-friendly.
5. The trainer should remain alert to the response of the participants; if they become un-attentive, the teaching style should be changed in the following ways:
  - a. Turn the topic into a discussion
  - b. Ask for practical situations in courts
  - c. Ask for some input on their own
  - d. Change the tone
  - e. As a last resort, give them a short break
6. Examples are more important than verbal explanations.
7. The participants should be asked for their examples as well.
8. Keeping them engaged in activities is the best strategy for “learning by doing.”
9. Certain videos have been suggested on the subject. There are other videos available on the YouTube, which will cause a change in the learning environment.
10. Mini-research on a given topic relating to a situation confronted in courts
11. Participants should be encouraged and motivated for debating and discussing a point.
12. Pre-training test and post-training is a must both for the trainer and the trainees.

13. In each session, get their feedback on how to improve the teaching style and material.
14. Besides a list of resources at the end, relevant websites have been provided through footnotes. The trainer should make the participants work or conduct some research through these resources as well.
15. Final presentations should be individual on “What I De-learned, Learned, and Re-learned.”

**Definitions:**

De-learning: The process of consciously “deleting” a wrongly learned concept or idea.

Learning: The conscious process of adding something new to our inventory of knowledge, skills, and abilities.

Re-learning: The process of refreshing our knowledge, skills, and abilities.

## Introduction

As a third pillar of the state, the institutional responsibilities of judiciary are not only vital but also challenging. Placed in a developing context, like that of Pakistan, the scenario gains more significance in terms of its colonial background, dictatorial history, and emergence of non-state actors.<sup>1</sup> Therefore, judicial education and training are vitally important for enhancing the capacity of the District Judiciary, especially in the province of Khyber-Pakhtunkhwa.

A curriculum is a description of what a learning activity is intended to achieved (aim), what its subject matter will be (content), and how it will be carried out (method). This curriculum is designed for professional development of judicial officers, assuming that they already have the knowledge of the law and basic skills required.

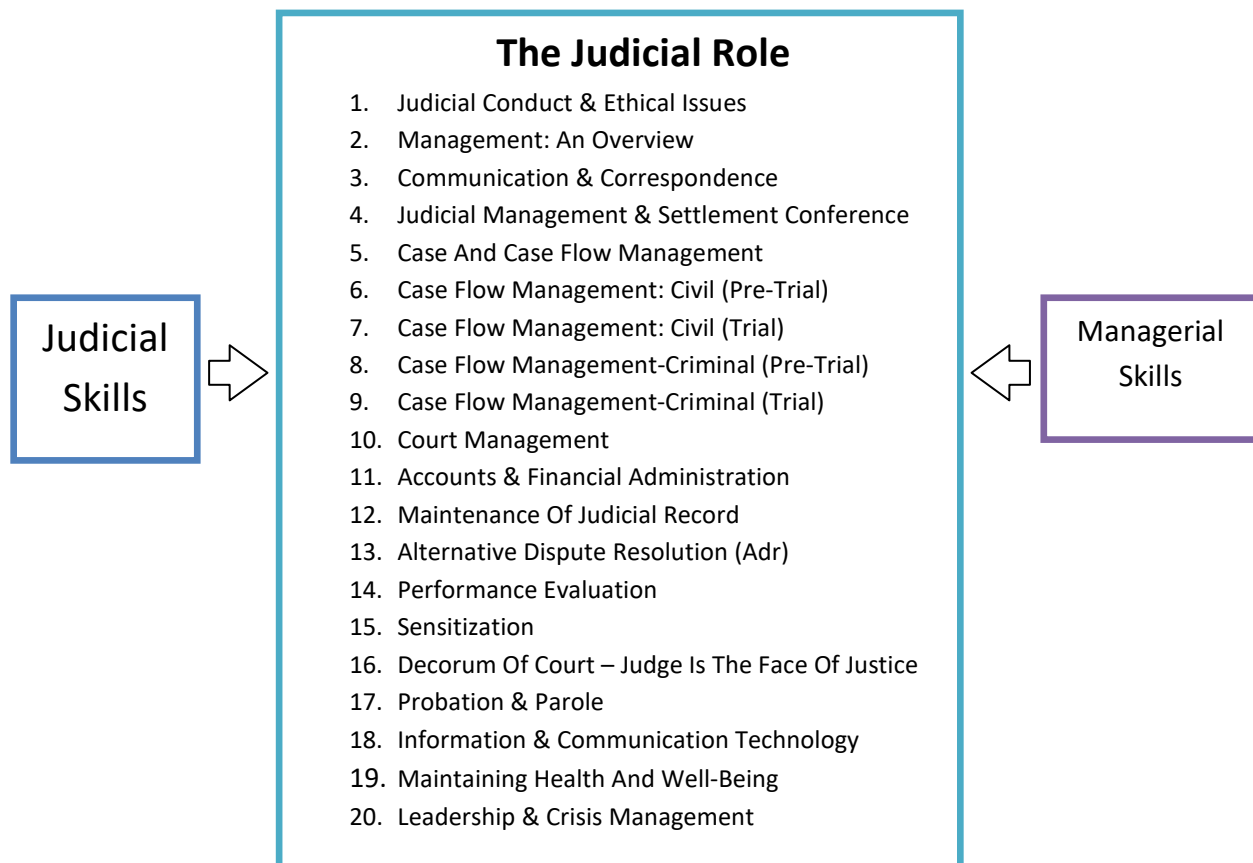
This Manual is on **Case and Court Management** with its focus on familiarizing the participants with the concept and practice of court and case management. The manual was devised for the first time in 2012 and was revised in 2015. However, keeping in view the dire need of skill development and contemporary issues being faced by a judicial officer in day to day dealing of judicial business and on the bases of feedback from different quarters, it was deemed necessary to revisit the manual and to make it more practicable. This revised version aims at improving the skills needed for court and case management, keeping the officers up to date. The Manual will function in a funnel-like fashion: from broader to narrower, from concept to concrete, from idea to office. Each module revolves around the KSA model—knowledge, skills, and abilities development. Knowledge refers to a body of information on a given subject related to a job. Skills refer to the application of knowledge, which can be divided into mental, technical, or emotive. Ability refers to the consistency in the skills. Underlying this curriculum, and providing the basis for its structure, is a concept called the "*the judicial role*". This manual has, as its core, 19 Modules, each of which reflects an aspect of the *judicial role*. The performance of that role, for the purposes of this manual, comprises:-

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<sup>1</sup> For details, see *Report on Review and Up-gradation of the Existing Manuals*, December 2015.

- Applying the law
- managing cases, the court room and one's work
- displaying appropriate standards of judicial conduct
- understanding the relationship between the judiciary and the stakeholders
- keeping abreast of developments and knowledge and the practice that impacts on the law
- using technology in managing judicial and administrative business
- managing one's health and wellbeing

Every module will deal with at least one aspect of that role. In some modules one of the elements will be the major or primary theme and one or more of the other elements will be secondary theme.



A program can be implemented in a specific way in a particular course. A course that implements a program in this manual will have its own distinctive content and methods

depending on factors such as the areas of law with which the participants deal and whether their work is judicial, managerial or administrative. Some judicial officers work in special courts and they, off course, may need other programs which are relevant to their work. Besides aiming at imparting practical knowledge and improvement required skills the manual helps underpin:-

- Assembling the resources necessary to meet the needs of judicial officers for professional development
- Helping judicial officers improve the way in which they perform their work
- Preparation of good quality professional development programs
- Presentation of good quality professional development programs
- Avoid duplication of efforts and waste of resources in the field of judicial education
- Ensure control over court proceedings and curb delay

Final Activity: **individual** Presentations on **“What I De-learned, Learned & Re-Learned.”**

## FOREWORD

The Judicial education was informal in its early days. It was imparted in traditional manner whereby newly appointed judicial officers were allowed to enter into their offices and work independently only after they sit for some days with senior judicial officers at district headquarters. This was termed as on-job training which provided an opportunity to the judicial officers to experience directly how their peers performed and what they are required to do while presiding over their own courts. However, it is now well established that the judicial education, being one of the fields of adult education, also needs education technology and methodology. For imparting judicial education in a best possible way and in accordance with the needs assessment, curriculum has to be defined.

The main curriculum generally includes substantive/procedural law. After establishment in 2012, the Academy in collaboration with UNDP had developed three manuals: two for judges—1) Substantive/procedural law—2) Case & Court Management—3 ) Case & Court Management for court staff.

I am grateful to the faculty of the Academy for their efforts, with the result that these first editions stand exhausted. The present edition, which is third one has been revised and upgraded after consideration of training evaluation reports formal & informal feedback in order to make it more practicable. The amendments and the case law which has become available so far have been inserted and appropriately incorporated in the edition.

I hope that the present edition will prove more useful both for the trainees and the trainers and will enable them to transfer knowledge, build skills and promote attitude. I would appreciate any suggestion to improve the manuals and shall be grateful if any error or misprint is pointed out so as to rectify the next editions.

**Director General**

## MODULE 1: JUDICIAL CONDUCT & ETHICAL ISSUES

### Introduction:

Judicial officers encounter situations in and outside the court room, which require them to consider how they should conduct themselves. This may involve issues which raise questions in regard to appropriate judicial conduct. There would also be a need to provide judicial officers with the opportunity to consider broad issues relevant to their conduct in the context of the judicial system including its independence. The module is designed so as to provide them opportunities to explore ways and means of applicability to their own work of practical issues which can arise in regard to judicial conduct and ethics.

### OBJECTIVES

- To have a normative as well as practical understanding of judicial ethics, its need and significance
- To know national, international, and Islamic standards of judicial ethics
- To create sensitization to ethical problems and discover solutions to such problems
- To create awareness about best practices in other jurisdictions
- To identify common problems that raise questions as to the appropriate standard of conduct or any ethical concerns.
- Providing information about resources available to assist them in resolving such questions.
- To consider and apply the relevant principles.
- Providing guidelines in regard to judicial conduct and ethical problems which arise in an and outside the court room.

### LEARNING OUTCOMES

On completion of this course, the trainees shall be able to-

- Realize that judicial ethics is a *sine qua none* for judicial office
- Practice canons of judicial ethic while in court
- Abstain from judicial vices

- Abide by Islamic judicial ethics
- Quickly and adequately respond to ethical problems in court

## CONTENTS

- **Standards of Judicial Ethics**
  - Relevant parts of the Universal Declaration of Human Rights,
  - The International Covenant on Civil and Political Rights,
  - The UN Basic Principles on Independence of Judiciary, 1985,
  - The Bangalore Principles of Judicial Conduct, 2000,
  - The Commonwealth (Latimer House) Principles on the Three Branches of Government, 2003.
- Code of conduct for District Judiciary
  - The KP Government Servants (Conduct) Rules, 1987;
  - Code of Conduct for Judicial Officers of the Khyber Pakhtunkhwa District Judiciary and Notifications of the Peshawar High Court issued from time to time.
- The Islamic concept of judicial ethics
  - The sanctity of the office of judgeship as reflected in the *Qur'an, Sunnah, Ijma*, and the work of classical and contemporary jurists particularly those who themselves have performed as Qaziz
- The effect of judicial independence on the relationship between bar and bench, heads of different stakeholders departments and judicial officers.
- Boundaries between administrative issues and an independent judiciary
- Handling of complaints against ministerial staff and judicial officers
- Issues about the extent to which and how, judicial officers take some responsibility of having some of the problems they see before them fixed, e.g. In legislation, administration or the outcomes for the people who appear before them.
- Dealing with criticism during proceedings
- Dealing with different colleagues
- Self represented litigants

- Avoiding possible conflict of interest
- The duty to sit and determine cases
- Conduct in court
- Conduct out of court
- Conflicts of interest
- Ostensible bias
- Dealing with problematic lawyers
- Dealing with media
- Speech invitations
- The impact of judicial conduct on others

### **PRACTICAL EXERCISE**

- ➔ A lawyer appears & uses derogatory language besides questioning your impartiality. How will you handle the situation.
- ➔ A judge decreed the case of the plaintiff on the basis of sufficient evidence. The defendant filed an application to the Chief Justice against the judge for his receiving of valuable gifts from the plaintiff during the pendency of the case. The probe confirmed the allegations. It was also confirmed that the case was decreed on merit. Discuss as to what should be the proper order by the high court?

### **CASE LAW**

1. *Ardeshir Cowasjee and others v. K.B.C.A and others*, 2000 CLC 606 Karachi
2. *Federation of Pakistan v. Muhammad Akram Shaikh*, 1989 PLD SC 689
3. *Islamic Republic Of Pakistan through Secretary, Ministry of Interior and Kashmir Affairs, Islamabad v. Abdul Wali Khan, M.N.A.* 1976 PLD SC 57
4. *M.H Khondkar v. The State*, 1966 PLD SC 140

### **REFERENCE MATERIAL**

- Lawrence B. Solum, 'Virtue Jurisprudence: A Virtue-Centered Theory of Judging', available at [http://ssrn.com/abstract\\_id=369940](http://ssrn.com/abstract_id=369940)
- Judicial EstaCode, 2011, Section -356-376
- W. Bradley Wendel, 'Jurisprudence and Judicial Ethics', available at <http://ssrn.com/abstract=1024316>
- Dr. Mehmood Ahmad Ghazi, *Adab-ul-Qazi*, IRI, Islamabad, 1998

## MODULE 2: MANAGEMENT: AN OVERVIEW

Management has emerged as a separate discipline in the world. Its history date's back to the development of industry and technology in Europe. In simple words, management can be defined as “creating an environment and controlling it.” In its technical sense, management<sup>2</sup> can be defined as a process of utilizing all available resources in an efficient and effective manner for achieving institutional/ organizational objectives.

### 2.1 Main Objectives

- To introduce, strengthen, and refresh participants’ knowledge of Court and Case Management
- To develop the professional skills of participants for better performance
- To equip them with the required abilities for promoting effectiveness and efficiency
- To enhance the capacity of judicial officers for expediting the achievement of the organizational objectives:
  - To ensure establishment of Rule of Law in society through which justice can be seen.
  - To strengthen public confidence and trust in the judicial system
  - To promote peace for socio-economic development

**Learning Outcomes:** On successful completion of the training, the participants will be able

- To know and apply management concepts
- To monitor case flow effectively and efficiently
- To manage their respective jurisdictions proficiently
- To manage court staffs productively
- To effectively coordinate with other stakeholders
- To further motivate them for

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<sup>2</sup> Hannagen and Bennet. *Management: Concept and Practice*.  
[https://books.google.com.pk/books?id=W1zEHoN0qmsC&dq=management+concept+and+practice&hl=en&sa=X&redir\\_esc=y](https://books.google.com.pk/books?id=W1zEHoN0qmsC&dq=management+concept+and+practice&hl=en&sa=X&redir_esc=y). For a quick refer, Saleemi Nasir, *Principles and Practice of Management Simplified* by Saleemi Nisar, revised edition, 2006. Principles and practice of management. <http://www.slideshare.net/agarwalcards/principle-and-practices-of-management> .

- Independence
- Fairness
- Transparency
- Accountability
- Uniformity
- To manage stresses and conflicts
- To effectively use technology both for case and court management.

## 2.2 Discussion

In management, the terms “efficient” and “effective” are used in two different senses:

Efficiency refers to the intelligent use of time and other resources, in such a way as to get maximum from the minimum.

**Effectiveness** refers to the achievement of objectives; if objectives are achieved, the program is said to be effective, otherwise not.

What we should be clear about is, the terms have been popularized by the corporate culture whose first main objective is to invest minimum and gain maximum; second, to get the desired objectives.

Tip for trainer: ask the participants whether they would like to apply the definitions to a court matter. After discussing their examples, the trainer turn to the next components of the concept of management:

- POLC principle
  - Planning
  - Organizing
  - Leading and
  - Controlling

At this point, the trainer may ask the participants

What do we mean by planning? Planning can be strategic and non-strategic.

Do you follow planning?

1. As a habit
2. As something imposed from the outside
3. As a conscious activity
4. As a principle in life

Participants may also be asked for a recently planned activity on their part.

Through this exercise, the participant can be influenced for bringing a positive change in their behavior.

The next step is organizing; determining priorities. Determining priorities needs SWOT analysis.

Do they know what SWOT analysis is

- S= Strengths of a decision
- W= Weaknesses of a decision
- Opportunities involved in a decision
- Threats involved in a decision

From a human perspective, nothing can be exempt from Strengths, Weaknesses, Opportunities, and Threats. An intelligent human being is one who follows the principle of SWOT analysis before making a decision.

Here, again, the participants may be asked, do they follow the principle in their lives. They may also be asked to discuss the pros and cons of the principle.

They also be asked to discuss it from a judicial perspective.

The next component of management is leading. In management, leadership can be defined as the “the ability to achieve goals and inspire others along the way.”<sup>3</sup> A good judge is one who is not only a good manager but also a good leader. The points noted below can help you conceptualize the differences between a manager and a leader:

- A manager is one who follows things in a mechanical way
- A leader is one who also applies creative ways
- A manager is one who tells others
  - What to do
  - How to do
  - When to do
  - Where to do and sometimes
    - Why to do
- A leader is one who triggers passion for
  - What to do
  - How to do
  - When to do
  - When to do and
  - Why to do

Now the participants may be asked to take part in a discussion whether they are

- Managers
- Leaders
- A mix of both

The process of management has to utilize the following resources:

- Human
  - Intellectual /mental
  - Physical

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<sup>3</sup> David Barret. The Ability to Inspire is Key to Great Leadership. [https://www.mindtools.com/pages/article/newLDR\\_41.htm](https://www.mindtools.com/pages/article/newLDR_41.htm)  
30 ways to Define the Ways. <http://www.businessnewsdaily.com/3647-leadership-definition.html>.

- Technical (computer skills, for example)
- Financial
- Infrastructural

What we infer from the above concepts is that judiciary is also an organization with its human, technical, and infrastructural resources for achieving the terminal objective of quick and expeditious justice leading to Rule of Law in society. Therefore a good judge on who performs not only as a manager but also as a team leader as well. As a manager he/she has to follow the procedural rules and regulations in a systematic way for optimum efficiency but in an effective manner. As a leader, a judge has to be a role model in terms of character, moral excellence. As a leader, s/he has to induce moral strengths in others as well. As a leader, he/she has to motivate the staff to work with

- Passion and
- Patience

## **MODULE 3: COMMUNICATION & CORRESPONDENCE**

Communication is thought to be the life-blood of an organization. Communication revolves around the idea of sharing information for the achievement of organizational goals. In court environment, a judge must know the art of effective judicial communication. Judges, particularly administrative judges, like District & Sessions Judge and Senior Civil Judge, have to make a number of official correspondences with the High and Supreme Courts, special tribunals and various departments of executive branch. Such official correspondence includes notes, letters, and summaries etc. Capacity building in official correspondence is thus a must. Necessary skills include, drafting official communications and note writing.

### **The objectives of the Module are to**

- Familiarize the participants with the concept of communication in court and in an organization
- To sensitize them to the types, cycle, flow, mediums, and channels of communication
- To enable them to use verbal & non-verbal communication for effective coordination

### **Learning outcomes: On successful completion of the Module, the participants will be able to**

- Know the importance of communication in court and in an organizational environment
- Focus their skills on effective communication
- Employ their abilities for minimizing barriers to communication

### **Principles of Effective Communication**

- a. Conciseness

- b. Clarity
- c. Correctness
- d. Completeness
- e. Concreteness
- f. Considerateness
- g. Courtesy

### **Types of Communication**

- a. Formal
- b. Informal/grapevine
- c. Verbal
  - i. Written
  - ii. Spoken (paralinguistic)
- d. Non-verbal/Body Language
  - i. Postures
  - ii. Gestures
  - iii. Facial Expressions

### **Flow of Communication**

- a. Vertical Communication (Up/Down)
- b. Horizontal Communication (lateral)
- c. Diagonal Communication (slanting)

### **Mechanics of Professional Writing**

- a. Planning
- b. Drafting
- c. Revising
- d. Editing/Proof-reading
- e. Publishing

## **CONTENTS**

1. How to act in court
2. How to speak to lawyers, witnesses
3. How to speak to staff and litigants
4. Barriers to Communication (Noises)
  - a. Natural
  - b. Human
  - c. Technological
5. Secretariat instructions on correspondence 1989 & 2008 Part-III
6. General direction by the Peshawar High Court (HRO Vol-IV, Ch-19)
7. Procedure of Transmission of Files
8. Principles of Simple writing
9. File system/ Registers
10. Important Forms of written communication
  - a. Official
  - b. Memorandum
  - c. Demi official
  - d. Endorsement
  - e. Notifications
  - f. Office Orders

g. Destruction of correspondence record

Activity 1: Draft a letter to the head of the police department seeking some vital facts and figures on a given subject.

Activity 2. Draft a circular memo for holding a meeting on a given issue.

Activity 3. Draft a suggestive memo to the head of District Judiciary on the problems you encounter in your new station.

Assignment: Read the United Nations Correspondence Manual and make a presentation on what you learn from it.

#### **REFERENCE MATERIAL**

- United Nations Correspondence Manual, [archive.unu.edu/hq/library/resource/UN-correspondence-manual.pdf](http://archive.unu.edu/hq/library/resource/UN-correspondence-manual.pdf).
- Walters Well, *Communications in Business*, Dominguez-Hills, California State University, 1985.
- Secretariat instructions on correspondence 1989 & 2008 Part-III
- Peshawar High Court Rules and Orders Vol-IV, Ch-19

## **MODULE 4: JUDICIAL MANAGEMENT & SETTLEMENT CONFERENCE**

### **Introduction:**

Case management is one of the hardest aspects of judicial life because of the need to develop "Quick-fire" skills, especially in the magistrate's court. For example, in magistrate's court it is common to find many matters listed for urgent orders and disposal. An inability to make reasoned and quick decisions will delay the matters. The Juxtaposition of the need for quick decisions and for a party to understand the court process and the result of the case means that judicial officers need special skills in management of the cause list. In the same way, the need to avoid being part-heart, whenever possible, is also part of good case management.

Judicial officers not only preside over trials and decide cases. For some, an aspect of their management of cases is the encouragement of the resolution of disputes between parties by alternative means. Judicial officers influence dispute resolution in various ways and, in doing so, exercise a specific function.

### **Aims and Objectives**

- The course helps judicial officers to conduct settlement conferences and to handle issues likely to unnecessarily prolong litigation.
- The module also focuses on helping judicial officers to manage effectively the pre-trial & trial stages of civil, criminal and family cases mainly. In addition, it also provides mechanism for referral of disputes to mediation or other form of alternate dispute resolution, where appropriate.

### **Learning Outcomes**

At the end of the lecture the trainees/participants will be able to

- Learn & apply the techniques of;
- Effective settlement conferences for summary adjudication or narrowing down the contentions issues

- Effective pre-trial management
- Trial scheduling
- Maintaining qualitative justice
- Curbing the delay

## CONTENTS

- Settlement Conference
  - theory and process
  - Need and significance
  - Role of Judicial officers
  - opening statements
  - what to do when a conference gets stuck
  - communication skills
  - an understanding of the psychology of litigants, particularly those attempting to negotiate from a position of weakness or those unfamiliar with the legal system
- Management of Civil cases
  - Pre-trial
  - Legislation relevant to pre-trial management of civil cases
  - the challenges and problems which can arise pre-trial in civil cases in areas including;
    - a) Pleadings
    - b) Examination of parties
    - c) discoveries
    - d) Interrogatories
    - e) Admissions
    - f) production of documents and exhibits and to abandon un-necessary witnesses
    - g) Expert reports and techniques for dealing with them

- h) Interlocutory applications and commissions
  - i) cases suitable for referral to ADR, within and outside court
  - j) Legal issues
  - k) summary adjudication
- Framing of factual or mixed issues
- List of witnesses
- Managing Civil Trials
  - An identification of the challenges and problems which can arise in a hearing and suggestion of ways to deal with them
  - time frame scheduling
  - techniques for expediting hearings
  - use of technology to manage hearing
  - managing difficult people in the courtroom
  - dealing with contempt of court
  - dealing with witnesses, whose production is inexpedient
  - expert witnesses and court appointed experts (commissions)
  - managing cross examination and objections
  - Managing arguments hearing
  - Managing execution proceedings
- Management of Criminal cases
  - Pre-trial
  - Legislation giving power to manage criminal cases
  - identification of the challenges and problems which can arise pre-trial in criminal cases (challan, absentia proceedings, case property etc)
  - techniques and procedures for dealing with them
  - plea negotiation, Nolo contendere and sentence agreement
  - Bails
  - Expert opinions and reports
  - Age determination
  - Case compounding

- compensation
- summary adjudication
- sentence agreement
- probation
- issues in framing of charge
- plea of alibi and defense evidence
- certificate of readiness
- Managing Criminal Trials
  - An identification of the challenges and problems which can arise in a trial and suggestions of ways to deal with them
  - Techniques and procedures for expediting trials
  - Time frame scheduling
  - Abandoning unnecessary witnesses and witnesses production mechanism (order of examination)
  - Use of IT to manage a trial
  - Dealing with difficult people in the courtroom
  - Dealing multiple head charge
  - Managing cross examinations and objections
  - Managing expert witnesses
  - commissions for evidence
  - managing multi accused trials
  - Consideration of worst case scenarios
- ADR Referral
  - Identifying when a matter should be referred to mediation or other modes
  - How to send a matter to ADR
  - Forms and types of ADR
  - Expert determination & Dispute Resolution Centers
  - Mediation skills
  - Delicate or difficult courtroom situation
  - role of judicial officer

- preserving the integrity of the judicial role
- an understanding of the psychology of litigants, particularly those attempting to negotiate from a position of weakness or those unfamiliar with the legal system.

## **REFERENCE MATERIAL**

- Code of Civil Procedure, 1908
- Code of Criminal Procedure, 1898
- West Pakistan Family Courts Act, 1964
- Report and Recommendations on National One Day Seminar on Case Management & Summary Judgment Rules (Amendment in CPC), available at [www.kpja.edu.pk](http://www.kpja.edu.pk)
- USA's Federal Rules of Civil Procedure, 1938
- UK's Civil Procedure Rules in 1999
- UK's Criminal Procedure Rules, 2005

## MODULE 5: CASE AND CASE FLOW MANAGEMENT

**The objectives of the Module are to**

- Introduce, refresh, and strengthen the participants knowledge, skills, and abilities for
  - Effective Case Management (civil, criminal and corporate)
  - Efficient Court management

**Learning Outcomes:** On successful completion of the Module, the participants will be able to

- Make necessary preparations
- Effectively manage case flow
- Efficiently manage courts
- Promote the process of achieving the organizational objectives

**Case Management involves the process of using all organizational resources to regulate and monitor the progress of cases. Every case has its history right from its registration through different stages to the disposal.**

What is an efficient case flow management? An efficient case flow has the following components:

- Preparation
- Prompt Disposal
- Transparency
- Predictability

The above features are essential for a smooth disposal of a case, in turn, which leads to public trust and confidence.

An efficient case flow management ensures prompt disposal, transparency and predictability, which ultimately enhances public confidence in the judicial system.

It is a usual perception that cases are not disposed in a prompt way. What are main bottlenecks in this regard: for example, lawyers delaying tactics, lack of resources, and capacity. Ask them to come up with some procedural and creative ways of dealing with this problem.

If the participants refer to some institutional involvement, the same may be noted for onward transmission. The point may also be shared with other judges and their experiences may be benefited from.

### **Constitutional Responsibility**

Provision of quick and in-expensive justice is a constitutional obligation of the state. Pakistan's Constitution (1973) recognizes fundamental rights including equality before law and access to justice. Article 37(d) creates an obligation of the state to ensure inexpensive and expeditious justice.

### **How to know a good case flow and a bad case flow?**

It is through evaluation of performance against the standard practices and goals. Courts are under obligation to monitor the flow of a case from its institution to its disposal. Courts can use quantitative measurement as a tool for evaluating the institution –disposal ratio of cases.

The National Judicial Policy Making Committee (NJPMC) devised a National Judicial Policy (NJP). The NJP was revised in 2012. The revised version of the NJP notes that the policy aims at addressing backlog and delay in the administration of justice. <sup>4</sup>The NJP has set time frames for disposal of civil and criminal cases. For example, a bail application shall be decided within 3 days by Magistrate, 5 days by a Court of Sessions and 7 day by High Court. A family case is required to be disposed of within 3-6 months.

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<sup>4</sup> Revised National Judicial Policy, 2012; 1.

The NJP has produced good results in reducing backlog and delay. The policy further notes that the disposal ratio has considerably increased as against the institution

However, there is room for research for evaluating the time-bound mechanism. As there has not been empirical study on the subject to prove that the time-bound mechanism has been productive or otherwise.

At this juncture, each participant should be asked to bring up at least two problems regarding the delay of cases, their causes, and solutions through group discussions. The participants should be asked to come up with something beneficial, relevant, productive, practicable, and functional.

## **MODULE 6: CASE FLOW MANAGEMENT: CIVIL (PRE-TRIAL)**

### **INTRODUCTION**

This module discusses the provisions governing & significance of the pre trial civil proceedings: starting from accrual of cause of action or filing of a plaint to the commencement of trial. It inter alia focuses on the role of judge in supervising and scrutinizing the pleadings, and judge based investigations. It also highlights common mistakes often committed during pre-trial proceedings, the importance of settlement conference, managing and scheduling petitions, referral of disputes to ADR and significance of the summary adjudication.

### **OBJECTIVES**

- To know the need and significance of pre trial proceedings
- To learn skills for effective management of the pre-trial work
- To know about common mistakes resulting into delay
- To revive neglected provisions of CPC pertaining to judge based investigation
- To learn techniques for curbing the delay

### **LEARNING OUTCOMES**

On completion of this course, the trainees shall be able to-

- Apply the relevant provisions properly
- Invoke inquisitorial provisions of the CPC
- Manage and schedule the proceedings effectively
- Have recourse to ADR modes
- Decide appropriate cases summarily
- Pass orders promptly and appropriately
- Scrutinize cases worth trial

### **CONTENTS**

- 1) Scheme of adjudication

- i) Pleadings- order 1-9 (adversarial)
  - ii) Court's power to investigate and summary adjudication Order 10-15 (Inquisitorial)
  - iii) Trials (order 16-29 (adversarial)
  - iv) Executions Order 21
  - v) Miscellaneous
- 2) Pre-drafting Evaluation
  - a) Laws to be seen
    - i) The Limitation Act, 1908
    - ii) The Suits Valuation Act, 1977
    - iii) The Courts Fee Act, 1870
    - iv) The Code Of Civil Procedure, 1908
    - v) The Specific Relief Act, 1877
    - vi) The Substantive Law Concerned
    - vii) The MFLO, 1961 & The Family Courts ACT 1964 (FAMILY LAWS)
    - viii) Relief To Be Claimed
- 3) Determination of Jurisdiction
- 4) Scrutiny of plaint
  - a) Disclosure of cause of action
  - b) relief claimed
  - c) valuation
  - d) legal bar
  - e) amendment
  - f) remedy
  - g) suits by or against government
- 5) Common Problems in process serving
  - a) Process fee
  - b) Cost of service
  - c) Modes of service - delay
  - d) Effect
- 6) Identification of issues in written statements

- a) legal objections
- b) factual objections
- c) specific denial
- d) set off
- e) admissions
- f) striking of defense
- g) amendment
- 7) Pre-trial conferencing
  - a) Examination of parties
  - b) Exchange of Interrogatories
  - c) ADR/Plea settlement
- 8) Production of documents
  - a) Admissibility
  - b) Objections and exhibitions
  - c) Affidavits
  - d) Certified/ public documents
- 9) Summary adjudication
- 10) Petition Management
  - a) Injunctions
  - b) Amendments
  - c) Adding/ striking parties
  - d) Jurisdiction and Rejection
  - e) Res-Judicata
  - f) Commissions
  - g) Consolidation of suits
  - h) Withdrawals
  - i) Other interlocutory orders

## **REFERENCE MATERIAL**

- Code of Civil Procedure, 1908

- Qanun-e-Shahdat Order, 1984
- Report and Recommendations on National One Day Seminar on Case Management & Summary Judgment Rules (Amendment in CPC), available at [www.kpja.edu.pk](http://www.kpja.edu.pk)
- USA's Federal Rules of Civil Procedure, 1938
- UK's Civil Procedure Rules in 1999

## **MODULE 7: CASE FLOW MANAGEMENT: CIVIL (TRIAL)**

### **INTRODUCTION**

The module focuses on timely disposal of a civil trial through effective and efficacious management. A judge besides having command on the procedural law must know the techniques how to be in control of the proceedings. Without compromising on due process of law, he has to curb the delay, ensure fairness, quality and timely adjudication of a case.

### **OBJECTIVES**

- To realize the effects of irregularities and illegalities during trial
- To be mindful of the rights of the parties in general and to the rights of the accused in particular
- To learn curing of irregularities
- Effective management for ensuring delay reduction
- To manage workload
- To conduct pre-trial conference & trial scheduling
- To procure attendance of witnesses
- To manage execution proceedings
- to sensitize the trainees about importance of trial
- Transparency and fairness
- highlighting common mistakes committed during the course of trial

Scheme of activity will be to highlight practical problems, make the trainees learn skills and techniques for coping with scenarios and situations.

### **LEARNING OUTCOMES**

On completion of this course, the trainees shall be able to-

- Conduct the trial properly
- Avoid irregularities and illegalities
- Cure irregularities
- Apply the relevant provisions accurately

- Learn trial scheduling
- Learn techniques of effective management
- Exercise discretion judiciously
- Timely satisfy the decrees

The CPC does not provide a clear time frame for overall disposal of a civil case. However, it provides time frames for certain kinds of proceedings during the trial. The fact remains that comprehensive formal case management techniques, not confined to mere speedy disposal, are yet to be formulated so as to ensure timely adjudication of disputes. The creation of training opportunities in this core area was also felt with concern. This manual seeks to address that concern.

## **CONTENTS**

- 1) Scheduling Trial
  - a) Time frame
  - b) Consultation process with advocates
  - c) Consequences of trial
  - d) Adjournment plan / counter strategy
- 2) Settlement of issues
  - a) Onus placing
  - b) Legal issues
  - c) Material to be considered
  - d) Common mistakes
- 3) List of witnesses
  - a) Description of role of witness
  - b) common mistakes
  - c) Certified copies of public documents
- 4) Evidence
  - a) Right to begin and duty to begin

- b) Order of examination
  - c) handling objections
  - d) supervising examination
  - e) Court witnesses
  - f) Expert evidence
  - g) Exhibition procedure
- 5) Arguments
- a) Notes
  - b) Issue wise
  - c) Handling case law
- 6) Judgment
- a) Summary of facts
  - b) Appreciation of evidence
  - c) Incorporate arguments
  - d) Distinguishing case law
  - e) Recording findings on issues
  - f) Clarity in relief
- 7) Decree sheets
- a) Contents and significance
  - b) Common mistakes

#### **REFERENCE MATERIAL**

- Code of Civil Procedure, 1908
- Qanun-e-Shahdat Order, 1984
- Report and Recommendations on National One Day Seminar on Case Management & Summary Judgment Rules (Amendment in CPC), available at [www.kpja.edu.pk](http://www.kpja.edu.pk)
- USA's Federal Rules of Civil Procedure, 1938
- UK's Civil Procedure Rules in 1999

## MODULE 8: CASE FLOW MANAGEMENT-CRIMINAL (PRE-TRIAL)

This module discusses the provisions governing and significance of the pre trial proceedings: starting with registration of a case or filing of a complaint to the commencement of trial. It inter alia focuses on the role of magistrate in supervising the investigation. It also highlights the difference between administrative and judicial work of a magistrate. Besides, discussion on impact of pre trial proceedings on fundamental rights also makes part of the module.

The target areas of Pre-Trial proceedings mainly include the following:-

1. FIR	2. Arrest & Seizure
3. Custody & Remand	4. Discharge
5. Recovery of Case Property	7. Interim Order in respect of case property
6. Proceedings u/s 156(3) CrPC	
8. Post arrest transitory bail	9. Re-arrest of a bailed out accused
10. Identification parade	11. Statement u/s 161 & 164 CrPC
12. Post arrest bail	13. Bounding down witnesses
14. Confessions (mistakes)	15. Court Marriage
16. Dar-ul-Aman	17. Case Cancellation
18. Report u/s 173 CrPC	19. Sending up case to Court of Sessions
20. Cognizance	21. Plead Guilty & Nolo contendere
22. Absentia Proceedings	23. Forfeiture & Recovery of Bonds
24. Recalling & Cancellation of Bail Order	25. Framing of Charge
26. Statutory Bail	27. Trial Scheduling

## **OBJECTIVES**

- To know the need and significance of pre trial proceedings
- To understand the difference between administrative and judicial duties of a magistrate
- To realize the importance of the supervisory role of a magistrate during investigation
- To understand pre trial proceedings in the context of fundamental rights
  
- to learn skills for effective management of the pre-trial work
- to learn techniques for curbing the delay

## **LEARNING OUTCOMES**

On completion of this course, the trainees shall be able to-

- apply the relevant provisions properly
- supervise the investigation efficiently and effectively
- pass orders promptly and appropriately
- scrutinize cases worth trial

## **CONTENTS**

- 1) Preliminaries
  - a) FIR - social context
  - b) Petition u/s 22-A CrPC
  - c) Complaints
- 2) Role and powers of Magistrate
  - a) Supervisory / Executive
  - b) Judicial
- 3) Investigation and Inquiry - difference
- 4) Target areas of PTP
- 5) Dealing with non-cognizable offenses
- 6) Handling Complaints

## 7) Common Mistakes

- a) Invoking Sec 204 CrPC during investigation
- b) Mechanical custody orders
- c) Defective Confessions
- d) Non-determination of status of seized property
- e) Bail bonds
- f) Juvenile age determination
- g) Delayed and defective identification proceedings
- h) Post-mortem exemption & Medical examination of a woman
- i) Dar ul aman custody - law & practice

## FURTHER READINGS

- Code of Criminal Procedure, 1898
- Police Rules, 1934
- KP Police Act, 2016
- Police Order, 2002
- KP Prosecution Services Act, 2005
- UK's Criminal Procedure Rules, 2005
- 2008 SCMR 181
- 2009 PLD 382 LHR
- Sec 95 of the West Pakistan Motor Vehicle Ordinance, 1965
- 1992 PCRLJ 250
- PLD 1991 Kar 200
- PLD 1975 Kar 509
- 1998 PCRLJ 1089
- 2012 YLR 472 LAH
- 2006 PLD 316 SC
- 2005 MLD 1883 PESH
- PLD 2006 PSH 1
- PLD 1995 PSH 118
- 1990 PCrLJ 1147
- Ch 26, Rule 32, Police Rules, 1934
- Art. 22 Identification parade, YLR 1412 LAH

- 2007 PLD 202 SC
- 2007 PLD 202 SC
- 2014 PCrLJ 323 PESH
- 2014 MLD 942 PSH
- 2014 MLD 476
- PLD 2009 LHR 312 (Nolo Contendere)
- 2003 YLR 2749
- 1995 PCrLJ 1257

## **MODULE 9: CASE FLOW MANAGEMENT-CRIMINAL (TRIAL)**

### **INTRODUCTION**

The module focuses on timely disposal of a criminal trial through effective and efficacious management. A judge besides having command on the procedural law must know the techniques how to be in control of the proceedings. Without compromising on due process of law, he has to curb the delay, ensure fairness, quality and timely adjudication of a case.

### **OBJECTIVES**

- To realize the effects of irregularities and illegalities during trial
- To be mindful of the rights of the parties in general and to the rights of the accused in particular
- To learn curing of irregularities
- To curb delay
- To manage workload
- To conduct pre-trial conference & trial scheduling
- To procure attendance of witnesses
- To learn sentencing standards

### **LEARNING OUTCOMES**

On completion of this course, the trainees shall be able to-

- Conduct the trial properly
- Avoid irregularities and illegalities
- Cure irregularities
- Apply the relevant provisions accurately
- Learn trial scheduling
- Learn techniques of effective management
- Exercise discretion judiciously

### **CONTENTS**

- Problems in procuring attendance of accused & multiple accused trial
- Pre-Trial conference
  - Assessment of pleas,
  - production of documents,
  - charge framing and negotiations,
  - case property,
  - use of probation
- Common mistakes in framing charge
- Trial Scheduling
  - Fixation of dates (tentative time frame)
  - Diary management
  - Sorting & abandoning un-necessary witnesses
  - Experts witnesses
  - Order of examination of witnesses
  - Adjournments plan and counter strategy
- Inquiries during trial
  - Postponement of trial
  - Resumption of trial
- Evidence
  - Supervision of examination
  - Handling vexations cross examination
  - Objections on documents
  - Hostile witnesses
- Arguments
  - Charge
  - Sentencing
- Sentencing parameters
  - General principles of sentencing
  - Trends and initiatives in sentences
  - Mandatory sentencing

- Victim impact
- Sentencing options
- Public opinion / media and sentencing
- Reflection on judicial methods and appellate courts
- Mitigating circumstances
- Judicious Exercise of discretion
- Probation order
- Judgment writing
  - Common mistakes
  - Distinguishing features of case law
  - Determination of compensation
  - Summary of facts
  - Points for determination
  - Admissible and irrelevant evidence
  - Appreciation of relied upon evidence
  - case property disposal
  - Absconding accused

## **CASE LAW**

- *Hakam Deen v. State*, 2005 YLR 2032 SC AJ&K
- *Abdur Rashid v. State*, 1984 PCrLJ 402 Quetta
- *Arshad Ali Shah v. Saeed Ahmad Ashraf*, 1996 PCrLJ 1673 Lah
- *Naveed Asif v. The State*, 1988 PLD SC 99
- *Jehanzeb v. The State*, 2002 PCrLJ 1929 Pesh
- *Ghulam Muhammad v. State*, 1985 SCMR 1442
- *State v. Muhammad Rasheed*, 2008 PCrLJ 247 Shariat-Court AJ&K
- *Naseebullah Khan v. The State*, 1986 PLD 417 Kar
- *Abdul Jabbar v. The State*, 1993 PLD 459 Lahore
- *State v. Abrar Hussain Shah*, 1986 PCrLJ 2941 SC (AJ&K)
- *Muhammad Sadiq v. State*, 1998 MLD 243 FSC
- *Maqsud Ahmad alias Sudi v. The State*, 2012 YLR 1954 FSC

- *Abdul Aziz v. The State*, 2014 YLR 584 KAR
- *Haseeba Taimur Afridi v. The State*, 2013 SCMR 1326
- *Bashir Ahmad v. The State*, 2012 PLD 260 Lah
- *Javed Iqbal v. Crescent Commercial Bank Ltd. Islamabad through Manager and 3 others*, 2009 PLD 382 Lah
- *Akhter Hussain v. Station House Officer and others*, 2007 PCrLJ 1552 Lah
- *Muhammad Babar Khan Ghumman v. Station House Officers and 4 others*, 2012 YLR 472 Lah
- *Mst. Maqsood Mai v. Abdul Rashid and 4 others*, 2006 PLD 306 SC
- *State v. Ubaidullah and another*, 2005 MLD 1883 Pesh
- *Abdi Hussain v. The State and another*, 2014 YLR 61 Lah

#### **REFERENCE MATERIAL**

- The Code of Criminal Procedure, 1908
- The Qanun-e-Shahadat Order, 1984
- The Nizam-e-Adl Regulation, 2009
- Police Rules 1934

## MODULE 10: COURT MANAGEMENT

### INTRODUCTION

Court management could be divided into two cluster areas: first, judicial management, limited to judicial proceedings inside a court and second, auxiliary management. The latter includes a wide range of activities. Key amongst them are: self-management, time management, human and financial resource management, coordination and correspondence with other stakeholders, court decorum, performance evaluation, information sharing, recruitment, gender sensitization, court security, facilities management and crisis management.

Court Management is a mechanism which deals

- Flow of cases
- Utilization of resources
  - Human
  - Physical
  - Financial
  - System (example of blood)

**Utilization of all available resources for achieving the organizational goals through planning, organizing, leading, monitoring, and evaluating.**

It also deals with the conduct of

- Presiding Officer
- Court Staff
- Maintenance of Record

Here the judge should remember his/her role

- As a leader, rather a team leader<sup>5</sup>

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<sup>5</sup> [Better Courts 2015: Judges as leaders | Centre for Justice ...](http://www.justiceinnovation.org/about/.../better-courts-2015-judges-leaders)  
[www.justiceinnovation.org/about/.../better-courts-2015-judges-leaders](http://www.justiceinnovation.org/about/.../better-courts-2015-judges-leaders)

- Manager <sup>6</sup>
- Not only a judicial specialist

Following are the tools of an effective court management:

Kind of management	Traits
Self-management	Punctuality, dress, address, demeanour, working relationship with staff, colleagues, seniors, lawyers and litigant public; efficient use of time. Team leadership. Grip on job description.
Time management	Cause list, short term and long term plans, prioritization, techniques of effective time management
Leadership	The ability to lead a group of individuals to combined action; the ability to get proper input from each individual; the ability to involve all stakeholders (e.g. coordination with other justice sector institutions).
Infrastructural Management	Proper and efficient use and maintenance and repair of

[Explanation Of The Term Judges - Judges As Leaders](http://www.acadar.com/.../19:8909-18:2708-17:1312-16:8-judges-as-leaders)

[www.acadar.com/.../19:8909-18:2708-17:1312-16:8-judges-as-leaders](http://www.acadar.com/.../19:8909-18:2708-17:1312-16:8-judges-as-leaders)

[Judges as Leaders: Stories from Behind the Bench, A Panel ...](http://moritzlaw.osu.edu/.../judges-as-leaders-stories-from)

[moritzlaw.osu.edu/.../judges-as-leaders-stories-from](http://moritzlaw.osu.edu/.../judges-as-leaders-stories-from)

<sup>6</sup> for details, see Managerial Judges.

[http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1974&context=fss\\_papers](http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1974&context=fss_papers)

[Judicial Case Managers | Provincial Court of British Columbia](http://www.provincialcourt.bc.ca/.../judici...)

[www.provincialcourt.bc.ca/.../judici...](http://www.provincialcourt.bc.ca/.../judici...)

[JA Manual for Judges and Court Managers About Judicial ...](http://www.mcgeorge.edu/.../ccglp_pubs_a_manual)

[www.mcgeorge.edu/.../ccglp\\_pubs\\_a\\_manual](http://www.mcgeorge.edu/.../ccglp_pubs_a_manual)

[JA Manual for Judges and Court Managers About Judicial ...](http://www.mcgeorge.edu/.../ccglp_pubs_a_manual)

[www.mcgeorge.edu/.../ccglp\\_pubs\\_a\\_manual](http://www.mcgeorge.edu/.../ccglp_pubs_a_manual)

	buildings, assets and equipments.
Crises Management	The ability to devise a prior information system as a pre-emptive measure; prompt and accurate information when crises erupt.
Stress Management	Subservience to the will of Allah Almighty; setting up of positive goals; self-reliance; commitment and sincerity; the ability to fight not flight; managing anger; organizing life; developing a sense of humour; filling one's life with fun; taking charge of one's life; delegating things when needed.
Maintenance of record	Each Presiding Officer is responsible for creation and efficient maintenance of judicial record. The record shall be strictly in accordance with the standard format, including the prescribed standard of paper, and shall be physically checked by each Presiding Officer as well as by the District & Sessions Judge, following necessary instructions issued from time to time (Vol. IV, Ch. 16, HRO (Civil)).
Financial Management	Auditing, budgeting, procurement, utilization of funds, revenue generation, deposits and withdrawals
Performance evaluation	Personal PER forms, Assessment of performance of subordinates, indicators and parameters, adverse remarks, remedies etc.
Alternate Dispute Resolution	Institutional ADR mechanism, types of ADR, Skills required, difficulties faced by judicial officers and practical steps needed
Human Resource and Assets Management	Appointments, promotions and transfers, Effective utilization of resources, challenging dimensions, short term and long term plans,
Efficiency and discipline	Reporting inefficiency and misconduct, Inquiries (fact

	findings, judicial and under E&D Rules), penalties and remedies, declaration of assets reporting and filing of tax returns
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## Planning

A Judicial Officer shall prepare a plan to achieve the goals and targets set by the High Court.

Do's	Don'ts
<ul style="list-style-type: none"> <li>• Follow time bound policy</li> <li>• Priorities cases. (juvenile, lunatic, narcotics, cases of UTPs etc) (Under trial prisoners)</li> <li>• Be attentive at the time of recording cases.</li> <li>• Take notes at the time of hearing arguments.</li> <li>• Ensure production of UTPs.</li> <li>• Properly utilize the staff</li> <li>• utilize the technology efficiently</li> <li>• Hear patiently</li> <li>• Must be in knowledge of type and number of pending cases.</li> </ul>	<ul style="list-style-type: none"> <li>• Allow frequent adjournments.</li> <li>• Allow piling up of pending cases.</li> <li>• Make case movement staff-dependent.</li> <li>• Depend on prosecutor or lawyers in dictation of evidence.</li> <li>• Delay disposal till the last date of prescribed deadline.</li> <li>• Look casual in the court room.</li> <li>• Indulge in irrelevant discussion with lawyers</li> <li>• Enter in gossip.</li> <li>• Show inclination to a party.</li> <li>• Give priority to one lawyer over the other.</li> </ul>

## Decorum of Court – Judge is the Face of Justice

It is extremely important for a Presiding Officer to maintain decorum during judicial proceedings. At the first instance, a Presiding Officer him/herself has to ensure decorum on his/her part. Then, s/he shall ensure that decorum is maintained by staff, lawyers, witnesses and litigants. (Public appearance of a judge must be according to the proverb as grave as a judge, as patient as a judge)

## **A guide...**

### **Court Room Fundamentals**

- Keep the Court house clean
- Keep the things in order (if possible as prescribed)
- Keep yourself cool(Moderate)
- Be at work on time.
- Tender apology if late
- Follow the cause list
- Be there full time.
- Treat everyone with respect.
- Safeguard the image of the Courtroom and the judge (profession).
- Watch & Listen (to everything).
- Be polite while communicating
- Beware ex parte communications
- Let both the parties feel that they are equally treated.
- Avoid heartening sentiments
- Beware and respect customs and traditions

### **Techniques of Court Room Control/Management**

- Be proactive for following the rules by and set example for others to follow
- Be mechanical for applying rules indiscriminately
- While hearing give importance to substance not to language and style

- Be receptive
- While giving audience don't give an impression that you are not interested in what is being said
- Take every complaint seriously and to its logical end
- While communicating orally, select proper words
- Be formal per rules of decorum
- Keep your voice pleasant
- Be careful in eye contact
- Breathe!
- Take a break

**Activity**

- What does it mean to me to be a good judge?
- List 5 things I plan to do to be a better judge?

### **Coordination: A Key Component in Judicial Management**

Judiciary is a key institution with its organic connection with other institutions, firms, lawyers, police, prosecutors, and the above task is performed through various coordination and liaison committees at the District level. Many pre-and post-meeting activities are required to be carried out. They include: preparation of agenda, issuance of invitations, fixation of date, logistical arrangements, preparation and issuance of minutes, follow up, intimation to the High Court and so on.

**Activity:** Prepare agenda for a meeting. Preside the meeting. Write minutes of the meeting and devise a follow-up mechanism.

## **MODULE 11: ACCOUNTS & FINANCIAL ADMINISTRATION**

### **INTRODUCTION**

The module covers accounts and financial matters related to judicial business. It is of great significance for a judicial officer particularly the new entrants. Lack of proper knowledge of accounts and financial matters in courts often results in mal management. The module, therefore, aims at introducing the new entrants to all the necessary financial rules on judicial side. The complementary part will cover public financial management, focusing on budget and accounts, functions and powers of the DDOs and delegation of powers with special focus on job description of the Senior Civil Judge and the District & Sessions Judges.

### **OBJECTIVES**

- To introduce different financial procedures in courts in general
- To discuss two main deposits in civil court and the difference between them
- To know how and by whom civil court deposits are maintained
- To understand the financial relationship of courts with litigants and the treasury
- To realize the role of ministerial staff in financial administration
- To impart basic information of public financial management

### **LEARNING OUTCOMES**

On completion of this course, the trainees shall be able to-

- Supervise properly financial administration of court
- Differentiate between various modes of financial transactions
- Realize the scope of different deposits maintained in courts
- Safeguard the financial interest of litigants
- Realize the sensitive nature of the financial matters
- To apply financial rules and codal formalities properly

### **CONTENTS**

- Finance & Accounting Difference
- Accounting Organizational Structure

- Constitutional Reference (Art 78 & 118)
- Consolidated Fund
- Public Account
- Accounting Officers of Government
  - Principal Accounting Officer (PAO)
  - District Accounts Officer
  - Drawing & Disbursing Officer
  - The Auditor General
  - Comptroller General
  - Accountant General
- Types of Judicial Accounts
  - Sheriff Petty
  - Cash system,
  - voucher system,
  - Personal Ledger Account
  - Civil court Deposit (Voucher & Cash System)
  - Revenue Deposit
- Directives of Peshawar High Court
  - EstaCode
  - High Court Rules and Orders
- Important Registers
  - Commissions (XIX)
  - Deposits & Refunds of commissions on sale proceeds in executions (XXV)
  - For property of minors (XXVI)
  - Judicial Fines (XIV)
  - Diet Money (XVII)
  - Register of Receipts
  - Register of Disbursement
  - Cash Book
  - Treasury Pass Book

- Deposit & Withdrawal Procedure
- Audit
  - Handling audit paras
- Budget Preparation

### **GROUP ACTIVITY**

- The trainees have to make entries in the relevant registers of sheriff petty accounts and revenue deposits. They shall also practically reconcile the statement of accounts.

### **PRACTICAL EXERCISE**

1. In a civil suit brought by Mr. A, there are 03 official witnesses.
  - i. District Controller of accounts
  - ii. Patwari Halqa.
  - iii. Postman.

Mr. A then applies for the deposit of diet and travel money for these witnesses. How would you compute the diet and travel road money for these witnesses and where it shall be deposited. Similarly what is the procedure for its withdrawal and what deductions shall be made?

2. In a suit for possession through exercise of the right of preemption, the preemptor seeks to deposit 1/3rd of the sale consideration. Where this amount shall be deposited and what is the procedure for its withdrawal?

### **REFERENCE MATERIAL**

- High Court Rules and Orders.
- Judicial Estacode 2011.
- Treasury Rules.
- GFR and Civil Accounts Code.

## **MODULE 12: MAINTENANCE OF JUDICIAL RECORD**

Each Presiding Officer is responsible for creation and efficient maintenance of judicial record. The record shall be strictly in accordance with the standard format, including the prescribed standard of paper, and shall be physically checked by each Presiding Officer as well as by the District & Sessions Judge, following necessary instructions issued from time to time (Vol. IV, Ch. 16, HRO (Civil)).

### **OBJECTIVES**

- Maintenance of true, correct and proper record of Judicial Proceedings is essential for safe administration of justice and for safeguarding valuable rights of citizens.
- Application of judicial mind can only be ensured when diligently prepared correct record is easily available.

### **OUTCOMES**

At the end of the training the participants will be able to:-

- Create only necessary record for efficient and successful operation of the system.
- Ensure timely production of the record when needed
- Retain/preserve only records needed for continued operation of the institution and dispose what is not needed.

### **CONTENTS**

- Life cycle concept
  - Active, inactive and dead
- Principles of effectiveness, efficiency and economy
- Instructions about size and quality of paper (HRO Vol IV, Ch, 16)
- Registers (HRO Vol IV, Ch 24)
- Important registers to be maintained by each court
- List of Civil registers

- List of criminal registers
- Miscellaneous Registers
- Indexing
- Consignment
- Preservation of Record, Measures
- Classification of Records
  - Parts of file
  - Criminal Record
  - Magisterial trial and inquiries
- Classification of records in terms of preservation (retention timeframe)
- Destruction/weeding of judicial record
- Procedure of Destruction
- Destruction of Registers

#### **REFERENCE MATERIAL**

- High Court Rules and Orders Vol I, Ch 1, Part A
- High Court Rules and Orders Vol IV, Ch 16
- High Court Rules and Orders Vol I, Ch 16, Part F
- KP Secretariat Instructions 2008

## **MODULE 13: ALTERNATIVE DISPUTE RESOLUTION (ADR)**

### **INTRODUCTION**

This module introduces ADR as a mechanism of dispute resolution. It discusses its main modes: Arbitration, Mediation, Conciliation, and Negotiation. Shari'ah's view on ADR has also been highlighted. The focus, nonetheless, remains on functioning of ADR in the Pakistani Legal System.

### **OBJECTIVES**

- To understand the informal modes of dispute resolution
- To know the need and significance of ADR techniques
- To sensitize the trainees to the ADR-mandating provisions in various Pakistani statutes
- To learn the various required skills for conducting ADR, particularly mediation
- To study the subject under Islamic Jurisprudence

### **LEARNING OUTCOMES**

On completion of this course, the trainees shall be able to-

- Utilize ADR techniques properly
- Refer appropriate cases to ADR experts courageously
- Determine the feasibility of a case for ADR easily

### **CONTENTS**

- Introduction to the ADR Landscape
  - Need & Significance
  - Classical Islamic Doctrine
  - Formal Justice System
  - Informal Justice System
- Institutionalized ADR Mechanism
  - Sec 89-A CPC, 1908

- Arbitration Act, 1940
- Family Court Act, 1964
- Small claims & Minor Offenses Ordinance 2002
- KP Local Government Act 2013
- KP Police Order 2016, Dispute Resolution Councils
- Nizam-e-Adl Regulations 2009
- Peshawar High Court: Judicial Esta Code
- National Judicial Policy 2009
- Trade Dispute Resolution Organization Act, 2016
- Advantages
  - Cost saving
  - Time saving
  - Permanent Resolution of dispute
  - Court Management; Fast tracking of cases
- Types of ADR
  - Negotiation
  - Mediation
  - Arbitration
  - Conciliation
- Mediation in Criminal cases
  - Murder
  - Domestic Violence
  - Hurts
  - Kidnapping
  - Road Accidents
- Skills
  - Verbal and Non-verbal communication
  - Individual and joint meetings
  - Mediator interventions
  - Facilitating the making of effective order

- Managing options
- Engaging lawyers
- Difficulties
  - No written rules of procedure
  - Litigants not inclined to
  - Lack of professional experts
  - Attitude of lawyers
  - Lack of will on the part o judicial officer
- Practical steps
  - Change attitude
  - Examination of parties
  - Persuade the parties
  - Involve advocates

## **PRACTICAL EXERCISE**

- ➔ Reconcile a family dispute, suit for dissolution of marriage

## **CASE LAW**

1. *Razzaq Hussain Shah v. Qazi with powers of Family Court*, 1986 CLC 1691
2. *Mir Dost Muhammad v. Government of Baluchistan and 3 others*, PLD 1980 Quetta
3. *Junaid Quraishi v. Family Court*, 2003 CLC 1001
4. *Muhammad Akram and others v. Ch. Muhammad Salim*, PLD 1964(W.P.) Lah. 490
5. *Messrs Nizari Co-operative Housing Society Ltd. v. Qamruddin M. Khimani and 4 others*, PLD 1982 Karachi 774
6. *Adamjee Construction Co. Ltd. v. Islamic Republic of Pakistan and 2 others*, PLD 2003 Karachi 180(b)
7. *Federation of Pakistan, Chambers of Commerce and Industry v. Messrs Al-Farooq Builders, Builders and Constructors*, 2001 SCMR 1243
8. *Ismail Brothers Ltd. v. S.M. Fazal ana Co.*, PLD 1958 Karachi 158

9. *Messrs U.I.G. (pvt) Limited through Director and 3 others v. Muhammad Imran Quraishi*, CLC, 2011, Karachi, 758
10. *Dr. MrCs. Yasmin Abbas v. Rana Muhammad Hanif and others*, PLD Lahore, 2005, 742
11. *Mukhtar Ahmad and 3 others v. The State*, 1999 PCrLJ 1107 Lah.
12. *Muhammad Akbar and another v. The State*, PLD 1996 Quetta 56
13. *The State v. Irfanullah Qazi*, 2007 MLD 1269 Karachi

## **REFERENCE MATERIAL**

1. Sura-Al-Hujrat (49) verse 09 & 10, Sura-Al-Nisa (04) 114
2. Jerome T. Barrett & Joseph P. Barrette, *A History of Alternative Dispute Resolution* Jossey-Bass, US, 2004
3. Howard Raiffa, *The art and Science of Negotiation*, Belknap Press US, 1998
4. Herb Cohen, *You Can Negotiate Anything*, Bantam Reissue edition US , 1982
5. Sriram Panchu, *Mediation, Practice and Law*, LexisNexis, Butterworths Wadhwa, Nagpur 2011
6. Madabhushi Sridhar, *Alternate Dispute Resolution*, LexisNexis, New Delhi, 2005

## MODULE 14: PERFORMANCE EVALUATION

Performance Evaluation is an essential component of HRM. This Module focuses on familiarizing the concept and practice of Performance Evaluation.

The objectives of the Module are

- To familiarize the participants with the concept of performance evaluation
- To equip them with the required skills for effective performance evaluation
- To sensitize them to the importance of performance evaluation

Outcomes: on successful completion of the Module, the participants will be able

- To know and understand the concept of performance evaluation
- To use their skills for its effective application
- To focus their abilities on making it an impartially performed exercise

### Performance Evaluation - Time for

District & Sessions Judge has to ensure that the Performance Evaluation Reports (PER) of all Judicial Officers and court staff are written on time and countersigned, where necessary. (Vol.I, Ch. 18-B, HRO).

**Activity:** Write a PER of one a staff member (including a Judicial Officer). Devise a self evaluation mechanism.

### CONTENTS

- Guidelines for Evaluation
- Performance Indicators
- Counselling & Advisories
- Grading Standards
- Subjective & Objective Evaluation

- Adverse Remarks
- Common Mistakes/ pitfalls
- Biases handling
- Barriers to performance
- Source of Information
- Integrity and performance difference

## **MODULE 15: SENSITIZATION**

Sensitization to gender issues is a basic aspect of Human Rights, and this Module focuses on sensitizing the participants to gender issues for deepening their approach to their importance in the contemporary age. The objectives of the Module are

- To familiarize the participants with the concept of sensitization to gender issues
- To sharpen their skills for effective performance regarding women's rights
- To strengthen their abilities for functioning in a gender-sensitive environment

Outcomes: On successful completion of the Module, the participants will be able

- To know and understand the concept of sensitization to gender issues
- To use their skills for promoting sensitization to women's rights
- To focus their abilities on creating gender-sensitive environment

### **Gender Sensitization**

Gender sensitivity is the ability to recognize gender issues especially women's different perceptions and interests arising from their unique social position and gender roles. It calls for an understanding and consideration of the socio-cultural factors underlying discrimination based on sex (whether against women or men!). Courts, on a daily basis, come across female litigants, lawyers and staff members. Gender issues, in public institutions, including judiciary, are also an important area of human rights. There is a growing call for introduction of laws and rules to set out standards for respecting gender rights. A recent example is Pakistan's Prohibition of Sexual Harassment at Workplace Act, 2011.

#### **CONTENTS**

- Perceptions and taboos
- Social context

- Vulnerable segments
- Awareness
- Rights enforceability mechanism
- Burning issues
- Legal framework
- Harassment
- Domestic violence
- Work environment
- Biases
- Recreational services

## MODULE 16: DECORUM OF COURT – JUDGE IS THE FACE OF JUSTICE

It is extremely important for a Presiding Officer to maintain decorum during judicial proceedings. At the first instance, a Presiding Officer him/herself has to ensure decorum on his/her part. Then, s/he shall ensure that decorum is maintained by staff, lawyers, witnesses and litigants. (Public appearance of a judge must be according to the proverb as grave as a judge, as patient as a judge)

### A guide...

#### Court Room Fundamentals

- Keep the Court house clean
- Keep the things in order (if possible as prescribed)
- Keep yourself cool(Moderate)
- Be at work on time.
- Tender apology if late
- Follow the cause list
- Be there full time.
- Treat everyone with respect.
- Safeguard the image of the Courtroom and the judge (profession).
- Watch & Listen (to everything).
- Be polite while communicating
- Beware ex parte communications
- Let both the parties feel that they are equally treated.
- Avoid heartening sentiments
- Beware and respect customs and traditions

## Techniques of Court Room Control/Management

- Be proactive for following the rules by and set example for others to follow
- Be mechanical for applying rules indiscriminately
- While hearing give importance to substance not to language and style
- Be receptive
- While giving audience don't give an impression that you are not interested in what is being said
- Take every complaint seriously and to its logical end
- While communicating orally, select proper words
- Be formal per rules of decorum
- Keep your voice pleasant
- Be careful in eye contact
- Breathe!
- Take a break

### Activity

- What does it mean to me to be a good judge?
- List 5 things I plan to do to be a better judge?

## CONTENTS

- Decorum: Importance as a tool of court management
- Purpose and objective
- Public perception
- Attitude towards stakeholder
- Legal framework (Conduct rules, 1987, Code of conduct for Judicial officers of District Judiciary, 2005, High Court Rules and Orders, Notifications, Circulars and Instructions)
- Legal framework (legal practitioners and Bar council Act, 1973, Professional conduct of a Lawyer)

- Cleanliness
- Dress code
- Resources
- Display of instructions
- Punctuality
- Effect of unilateral hearings
- Consistency and uniformity in exercise of discretion
- Contempt of Court

## **MODULE 17: PROBATION & PAROLE**

### **INTRODUCTION**

This module shall discuss the significance of Probation and Parole laws as alternatives to incarcerations. It explains the difference between the two laws. The main focus, however, remains on Probation which is more relevant to judicial functions. The module also covers the proper application of procedures under the Probation laws at pre, during and at the conclusion of the trial. The structure and functioning of Pakistani Probation and Parole system is also discussed. The module also apprises the trainees about international framework supporting non-custodial measures.

### **OBJECTIVES**

- To sensitize the trainees to the importance of probation & parole
- To understand the difference between parole & probation
- To know the procedure prescribed for probation

### **LEARNING OUTCOMES**

On completion of this course, the trainees shall be able to-

- Confidently implement relevant provisions of probation and parole laws
- Apply the law correctly
- Differentiate between probation & parole
- Study international framework on the subject

### **CONTENTS**

- Preliminaries
  - Meaning and definition
  - Origin and evolution
  - Need and significance
- Structure & functioning of probation & parole system

- Definition
- Difference
- Procedures
- Probation
  - Scope of Probation of Offenders Ordinance,1960
  - Supervision of a Probation Officer
  - Grave offences not entitled to probation
  - Breach of conditions
  - Juvenile Justice System Ordinance,2000
- Parole
  - Meaning
  - Scope of parole system
  - Misuse of parole
  - Refusal of parole
- International framework
  - Tokyo Rules
  - Beijing Rules
  - Bangkok Rules
  - ICCPR

### **GROUP ACTIVITY**

- Causes of less application of Probation Law
- Probation law in Pakistan & India—a comparative study

### **PRACTICAL EXERCISE**

→ Police produces a 16 years old accused before a court. He is charged for attempted murder and is in handcuffs. In the application for his custody, police has mentioned that due to his previous criminal record, he has been produced in handcuffs. The defence counsel takes the plea that his client is mentally ill and produces certificate to this effect. The defence further alleges violation of section 10 (1) (b) and 12(b) of JJSO, 2000. Discuss!

→ Write an order of release of an offender on probation u/s 9(a) CNSA

### **CASE LAW**

- a) *Naseeb Ullah v. The State*, 2014 PLD 69 Peshawar
- b) *Mian Khan v. The State*, 2014 PLD 127 Peshawar
- c) *Ghulam Dastagir v. The State*, 2014 PLD 100 Quetta
- d) *Nidoo alias Nizamuddin v. The State*, 2007 PLD 123 Karachi
- e) *Wazir v. The state*, 2007 PLD 113 Karachi

### **REFERENCE MATERIAL**

- 1) Probation of Offenders Ordinance (XLV of 1960)
- 2) West Pakistan Probation of Offenders Rules, 1961
- 3) The Good Conduct Prisoners Probational Release Act, 1926
- 4) The Good Conduct Prisoners Probational Rules, 1927
- 5) Juvenile Justice System Ordinance, 2000
- 6) The International Covenant on Civil and Political Rights, 1966
- 7) United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) Tokyo Rules, 1990 [G.A. res. 45/110, annex, 45 U.N. GAOR Supp. (No. 49A) at 197, U.N. Doc. A/45/49 (1990)]
- 8) United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), 1985
- 9) The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ('the Bangkok Rules'), 2010

## **MODULE 18: INFORMATION & COMMUNICATION TECHNOLOGY**

### **INTRODUCTION**

The Information and Communication Technology (ICT) has a spectacular impact on each and every discipline. The judiciary and judicial work is no exception to it. The module is therefore aimed to orientate the trainees with use of the ICT and to enrich their literacy on the subject for the purpose. To achieve the purpose, the module covers basics of the ICT and the skills of computer for Microsoft Office and the internet. The module also covers the use of computer and related devices.

### **OBJECTIVES**

- To have basic orientation with the ICT
- To enrich the literacy of the trainees on the subject
- To learn the operation of the computer-related devices
- To comprehend key concepts of the ICT
- To realize the importance of the use of the ICT in judicial work and legal research

### **LEARNING OUTCOMES**

On completion of this course, the trainees shall be able to-

- Operate skilfully computer related devices
- Use software for official work
- Utilize the ICT for improving judicial performance

### **CONTENTS**

- Introduction to ICT, Computer, Networks
  - Introduction & Evolution of ICT
  - Computer & Hardware
  - Software & Operating Systems
  - Network and Internet
- Windows

- Understanding Windows
- Basic Operations
- Settings (control panel)
- Network settings
- files types, extensions
- Installing applications (office, multimedia, utility)
- Microsoft Office (Word)
  - Basics of interface
  - Setting page, printing options
  - Formatting, designing & Editing document, spell check
  - Inserting tables, charts, images, clipart, shapes, smart arts, header, footer, symbols etc
  - Using References, contents, footnote, end notes
  - Labels and Mail merge
- Microsoft Excel
  - Basic Interface
  - Working with Cells, sheets
  - Headers, footers, Print area
  - Calculations using formula
  - Formatting, Sorting, Printing etc
  - Charts, Filters
  - Working with Courts Forms and Data
- Microsoft PowerPoint
  - Basic Interface, Slides, notes page
  - Layouts, Design, Color schemes
  - Inserting slides, Photos, clip arts, charts
  - Animation, Slide Transitions
  - Slide show setting
  - Printing slides, Handouts
- Microsoft Access

- Basic concepts of database (Data, Information, Database, DMBS etc)
- Tables
- Queries
- Forms
- Reports
- Internet & Email
  - Introduction to Internet
  - Networks, LAN/WAN, Intranet/Internet
  - Getting connected (Broadband, Wireless)
  - Websites
  - Email
  - Social Networking
  - Searching
- Legal Research on Internet
  - General Law Sites
  - Law Journals
  - Case Law

### **GROUP ACTIVITY**

- ➔ Understanding judicial statistical statements: preparation of the Peshawar High Court's DPEP statistical program

### **PRACTICAL EXERCISES**

1. Drafting letters, Judgment, Orders using MS Word with all necessary formatting.
2. Using Excel, prepare a worksheet whereby you can maintain a list of cases. The system should be able to give you list of cases in pendency order.
3. Prepare an animated PowerPoint presentation.

### **REFERENCE MATERIAL**

- ➔ Basic IT training manual

## **MODULE 19: MAINTAINING HEALTH AND WELL-BEING**

### **INTRODUCTION**

Judicial officers perform their work under considerable pressure. They need to maintain their physical and mental health. Doing so helps them perform their role more efficiently and effectively.

### **OBJECTIVES**

Professional development activities should help judicial officers –

- to maintain their health and well-being
- to prepare for their retirement.
- stress management and a balanced lifestyle
- maintenance of one's psychological and physical health.

### **Retirement Planning**

These programs provide for all judicial officers, but particularly for those approaching retirement, information about pensions and superannuation, and help them to plan for their retirement.

### **CONTENT**

The programs could encompass –

- Health care facilities
- Retirement income planning
- Investment and tax planning
- How individual pension and superannuation schemes work
- The impact on judicial officers of various scenarios
- How best to plan for retirement
- Life after the bench – work and leisure.

## MODULE 20: LEADERSHIP & CRISIS MANAGEMENT

Crisis Management is essential for effective performance in a judicial environment.

The objectives of the Module are

- To familiarize the participants with the concept of crisis management
- To sharpen their skills for effective management of crises
- To strengthen their abilities for promoting crisis in a judicial environment

**Outcomes:** on successful completion of the course, the participants will be able to

- Know and understand the concept of crisis management
- Use their skills for effective crisis management
- Focus their abilities on effective management of crisis in the working environment.

Certain situations occur which cause great disruption, putting life and property at risk. Such situations are, of course, not normal. They are unplanned. Usually, they occur suddenly. They produce undesirable consequences.

<p><b>Types</b></p> <ul style="list-style-type: none"> <li>○ Natural</li> <li>○ Human</li> <li>○ Crises by group</li> </ul> <p><b>How to manage?</b></p> <ul style="list-style-type: none"> <li>○ Information of crises             <ol style="list-style-type: none"> <li>1. Before hand</li> <li>2. Prompt</li> <li>3. Accurate</li> </ol> </li> </ul>	<p>Process for resolution-</p> <p>Communication→Analysis→Response→Preparedness→Prevention→Mitigation→Preparedness</p> <p>→Options→Plans→Alertness→Strategies→Contingency Plan</p>
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## Risk Probability and Management

	High probability of Occurrence	Low probability of occurrence
High likely impact	High priority Contingency plans Avoid or reduce risk	Serious concern Adapt strategy Limit likely consequences
Low likely impact	Little concern Can be ignored	Some concern Reduce, limit or defect risk

## Conclusion

At a glance, judicial officers are supposed to make a list of ideas and concepts that they learnt through this Manuals regarding:

- Court and Case Management
- Management in general
- Case Flow (Civil)
- Case Flow (Criminal)
- Time Management
- Personal Management
- Crisis Management
- Financial Management
- Human Resource Management
- Coordination
- Case Management Techniques

Each judicial officer is supposed to make a formal presentation, better, in a research format.

## SUGGESTED READINGS

- Alexander B Aikman, *The Art and Practice of Court Management* (New Wales, Taylor, 2007).

- Steven H Wilson. Rise of Judicial Management US District Court. Georgia: University of Georgia Press, 2002.
- **Judicial Management - NET Data**
- [www.netdatacorp.net/judicial.html](http://www.netdatacorp.net/judicial.html)
- **Academy Instructional Modules - International Judicial ...**
- [ijaworld.org/programs/module](http://ijaworld.org/programs/module)
- **The management of judicial time - European Institute of ...**
- [www.eipa.eu/modules/EuroMedJustice/.../1\\_Speech\\_PIM\\_ALBERS\\_The](http://www.eipa.eu/modules/EuroMedJustice/.../1_Speech_PIM_ALBERS_The).
- **Case Management Systems - Courts Today**
- [www.courtstoday.com/article/case-management-systems-38505](http://www.courtstoday.com/article/case-management-systems-38505)
- **WILLIAM H HALL The Judicial Management Module: A ...**
- [heinonlinebackup.com/hol-cgi-bin/get\\_pdf.cgi?handle=hein.journals/...](http://heinonlinebackup.com/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/...)
- **F|judicial management V4.indd - RMS**
- [https://www.rms-inc.com/files/datasheets/Judicial\\_Module.pdf](https://www.rms-inc.com/files/datasheets/Judicial_Module.pdf)
- **Case Management Systems (CMS) - Synergy International ...**
- <https://www.synisys.com/resources/.../Case%20Management%20System>
- **(HRMS)-Judicial Officers Leave Module**
- [202.61.43.37:8082/leave module](http://202.61.43.37:8082/leave_module)
- **Revolutionizing the Interaction between State and Citizens ...**
- <https://books.google.com/books?isbn=146666293X>
- **Judicial Management System**
- [appnet3.sarawaknet.gov.my/sains/solutions/gov\\_judicial.shtml](http://appnet3.sarawaknet.gov.my/sains/solutions/gov_judicial.shtml)
- **Judicial Reform: Improving Performance and Accountability ...**
- [web.worldbank.org/archive/website00818/.../JUDICIAR.PD](http://web.worldbank.org/archive/website00818/.../JUDICIAR.PD)
- **guidelines for best practices in delay reduction and case ...**
- [www.lasc.org/la.../Delay\\_Guidelines.pdf](http://www.lasc.org/la.../Delay_Guidelines.pdf)
- **guiding principles for effective case management**
- [www.justice.gc.ca/eng/rp-pr/csj-sjc/esc-cde/.../eff.pdf](http://www.justice.gc.ca/eng/rp-pr/csj-sjc/esc-cde/.../eff.pdf)
- **Improving Court Performance - East-West Management ...**
- [ewmi.org/sites/ewmi.org/.../JustPalpaperImprovingCourtPerformance.pdf](http://ewmi.org/sites/ewmi.org/.../JustPalpaperImprovingCourtPerformance.pdf)
- **Developing Effective Practices in Criminal Caseflow ...**

- [www.courts.ca.gov/documents/feltrial-rfp-supmanual.pdf](http://www.courts.ca.gov/documents/feltrial-rfp-supmanual.pdf)  
**Key Best Practices for Juvenile A/N/D Court Case ...**
- [www.nccourts.org/Citizens/CPrograms/.../CIPBestPractices.pdf](http://www.nccourts.org/Citizens/CPrograms/.../CIPBestPractices.pdf)
- **BEST PRACTICES GUIDE - Unified Court System**
- [www.nycourts.gov/.../bestpractices\\_courtsystemd](http://www.nycourts.gov/.../bestpractices_courtsystemd).
- **Compendium of “best practices” on time management of ...**
- [euromed-justice.eu/.../20090706165605\\_Coe.CompendiumofBstpractice](http://euromed-justice.eu/.../20090706165605_Coe.CompendiumofBstpractice)
- **Best Practices Guide, Backlog Prevention and Reduction ...**
- [www.vk.sud.rs/sites/default](http://www.vk.sud.rs/sites/default)
- Jeffrey M. Sharman, Judicial Ethics: Independence, Impartiality, and Integrity .  
<http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=991625>
- A Guide to Judicial Conduct. [https://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/Guidance/judicial conduct 2013.pdf](https://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/Guidance/judicial%20conduct%202013.pdf)
- **JUDICIAL ETHICS: EXPLORING MISCONDUCT AND - CJEI**  
[cjei.org/publications/mackay.html](http://cjei.org/publications/mackay.html).