

**Court Management in Dubai
Between
Present Challenges and Future
Opportunities**



Youssif Ali Humaid Al-Suwaidi

2005

**THE AUSTRALIAN NATIONAL
UNIVERSITY**

**Court Management in Dubai Between
Present Challenges and Future
Opportunity**

by
Yousuf Ali Humaid Al Suwaidi

A thesis submitted for the degree of
Doctor of Philosophy
of
The Australian National University

June 2005

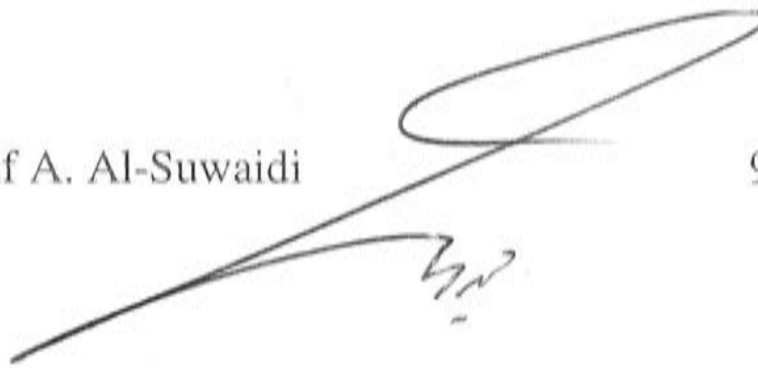
DECLARATION

I hereby declare that this is my own work and that, to the best of my knowledge, it contains no material previously published or written by another person, except where due acknowledgement is made in the text of the thesis. Nor does it contain material that to a substantial extent has been accepted for the award of any other degree or diploma of a university or institute of higher learning.

I hereby certify also that the work contained in this thesis has not been submitted for a higher degree to any other university or institution.

Yousuf A. Al-Suwaidi

9 June 2005

A handwritten signature in black ink, consisting of a long horizontal stroke that curves upwards at the end, followed by a large loop and a smaller flourish below it.

ACKNOWLEDGEMENTS

I would like to express my appreciation to my supervisory committee members for their assistance in the completion of this thesis—Prof. Amin Saikal, and Prof. William Maley of the Australian National University, and Prof. Masood Badri of UAE University. I am thankful to all of them for their guidance and efforts.

I also wish to express my gratitude to Dr. Matthew Gray for reading the draft of the thesis and providing valuable guidance. Further I wish to thank Dr. Matthew May for reading a final draft of the thesis.

Thanks are due to the Dubai Court in the United Arab Emirates for providing me with the opportunity to continue my postgraduate studies and for their great assistance during and after my fieldwork.

Finally, thanks to my family for their patience and special thanks are dedicated to my wife Khawla for her great and invaluable sacrifices and support.

ABSTRACT

Dubai Court, like other trial courts worldwide, operates in a rapidly changing environment. It has to deal with an increasing workload, and complicated caseloads, while at the same time, dealing with changing and inadequately defined stakeholders' requirements. Therefore, there is a need to improve court management for a better level of efficient performance.

The experience of a leading trial court in the Middle East, the Dubai Court, has been studied to find out the best possible answers to the primary research question: "In what ways and by what means could the performance of Dubai Court be improved?" This provides a great opportunity to re-examine and review standards and measures developed by the US Department of Justice as a measurement system for enhancing a court's ability to provide fair and efficient adjudication and disposition of cases. Modifications were made to some of these measures and new means and measures were developed as to how to enhance the performance of the trial courts.

Through the court records review and case data examination, questionnaires, observation and interviews, the thesis empirically examines various issues and aspects that affect three areas that require attention, or may need improvement, and which could significantly provide a basis for court performance enhancement. These areas are the court-users relationship, administrative and judicial activities, and court quality management framework.

The findings reveal that insufficient attention to facts in media coverage causes significant disruptive effects, as do the excessive cost of dispute resolution, and the unnecessary barriers to the trial court services that are built in the court structure and procedures, which make access to justice a difficult issue for many users.

The study finds some failings in the Dubai Court's management of its employees—failings similar to those identified in the literature dealing with trial courts worldwide. Obstacles that would most likely face courts in applying criteria of quality management are revealed and discussed in this study.

Conclusions indicate that a relationship should be built between the court and its users through two-way communication and in particular using the electronic means of communication. The court must find a way of overcoming the high cost of

legal services. This study examines the validity of some alternatives that could help courts improve its communication and provide affordable services.

The court's practices in recruiting and retaining skilled employees are still inefficient. The Dubai Court has been successful in managing some aspects of human resources, but much remains to be done due to its failure in managing several issues generally associated with such activities.

To provide the minimum requirements for the quality service concept in the trial court, this study develops elements (as illustrated in Figure 7.1 on page 209) that would probably help courts control problems resulting from the adverse characteristics and nature of its service.

TABLE OF CONTENTS

| | |
|---|-----|
| Declaration | I |
| Acknowledgements | ii |
| Abstract | iii |
| CHAPTER ONE: INTRODUCTION | |
| 1. <i>GENERAL OVERVIEW</i> ----- | 1 |
| 2. <i>PROBLEM DEFINITION</i> ----- | 2 |
| 3. <i>RESEARCH OBJECTIVES, MAJOR QUESTIONS</i> ----- | 3 |
| 4. <i>THE CENTRAL ISSUE AND CHALLENGES CONFRONTING DUBAI COURT</i> ----- | 4 |
| 5. <i>METHODOLOGY</i> ----- | 7 |
| 6. <i>CHAPTER OUTLINE</i> -- ----- | 8 |
| CHAPTER TWO: THE LITERATURE REVIEW | 9 |
| SECTION ONE: THE COURT-USERS RELATIONSHIP | 13 |
| SECTION TWO: THE CRITERIA FOR HUMAN RESOURCES | 16 |
| 1. <i>RECRUITMENT AND RETENTION</i> ----- | 19 |
| 1. Strategic Planning----- | 23 |
| 2. The job description ----- | 25 |
| 3. The employee turnover rate ----- | 26 |
| 4. Exit Interview ----- | 26 |
| 2. <i>WORKING CONDITIONS</i> ----- | 27 |
| 3. <i>ORIENTATION /TRAINING PROGRAMS</i> ----- | 28 |
| 4. <i>EMPLOYEE PERFORMANCE APPRAISAL (EPA)</i> ----- | 30 |
| 5. <i>COMPENSATION SYSTEM</i> ----- | 31 |
| 6. <i>ASSESSING THE NEED FOR JUDGES' POSITIONS</i> ----- | 31 |
| 7. <i>JUDGES' EVALUATION SYSTEM</i> ----- | 32 |
| 8. <i>THE ASSESSMENT OF THE INTERRELATIONSHIPS OF BOTH JUDICIAL AND ADMINISTRATIVE WORKFORCES</i> ----- | 34 |
| 9. <i>HOW RELEVANT IS THE INFORMATION TO THE JUDGE'S DECISION?</i> ----- | 35 |
| SECTION THREE: THE COURT QUALITY MANAGEMENT FRAMEWORK | 37 |
| 1. <i>CHARACTERISTICS OF QUALITY MANAGEMENT FRAMEWORK IN PUBLIC SECTOR</i> ----- | 37 |
| 2. <i>SERVICE CHARACTERISTICS</i> ----- | 41 |
| 3. <i>QUALITY CONTROL</i> ----- | 45 |

| | |
|---|----|
| CHAPTER THREE: ANALYSIS OF THE COURT'S ENVIRONMENTS | 48 |
| <i>INTRODUCTION</i> ----- | 48 |
| SECTION ONE: THE COURT EXTERNAL ENVIRONMENT | 50 |
| 1. <i>HISTORICAL OUTLINE OF THE UAE AND DUBAI</i> ----- | 50 |
| 2. <i>ENVIRONMENTAL ANALYSIS PROCESS</i> ----- | 51 |
| 3. <i>THE ANALYSIS OF THE EXTERNAL ENVIRONMENT OF COURTS IN DUBAI</i> ---- | 52 |
| 1. The Demographic Segment.----- | 52 |
| 2. The Economic Segment.----- | 55 |
| 3. The Technological Segment.----- | 56 |
| 4. The Political/Legal Segment.----- | 56 |
| SECTION TWO: THE ANALYSIS OF THE INTERNAL AND OPERATIONAL ENVIRONMENT | 58 |
| 1. <i>DUBAI COURT PROFILE</i> ----- | 58 |
| 2. <i>OPERATIONAL ENVIRONMENT</i> ----- | 61 |
| 3. <i>INTERNAL ENVIRONMENT</i> ----- | 65 |
| 4. <i>SUMMARY</i> ----- | 65 |
| CHAPTER FOUR: THE METHODOLOGY | 67 |
| 1. <i>METHODS OF DATA COLLECTION</i> ----- | 67 |
| 2. <i>QUESTIONNAIRE DESIGN</i> ----- | 73 |
| 3. <i>THE RESEARCH PARTICIPANTS</i> ----- | 76 |
| 4. <i>DISTRIBUTION OF THE QUESTIONNAIRES</i> ----- | 78 |
| 5. <i>ANALYSIS TECHNIQUES</i> ----- | 80 |
| 6. <i>RELIABILITY TEST</i> ----- | 82 |
| 7. <i>THE ANALYTICAL FRAMEWORK</i> ----- | 83 |
| 8. <i>FACTUAL INFORMATION ABOUT THE RESPONDENTS</i> ----- | 85 |
| CHAPTER FIVE: THE COURT-USERS RELATIONSHIP | 89 |
| 1. <i>INTRODUCTION</i> ----- | 89 |
| 2. <i>CHAPTER OBJECTIVES</i> ----- | 89 |
| 3. <i>STRUCTURE OF THIS CHAPTER</i> ----- | 90 |
| SECTION ONE: THE ROLE OF THE MEDIA | 92 |
| 1. <i>THE SIGNIFICANCE OF FACTS COVERAGE BY THE MEDIA</i> ----- | 93 |
| 2. <i>WHICH MEDIA CHANNEL COULD GIVE THE COURT BETTER FACTS COVERAGE?</i> ----- | 95 |

| | |
|--|-----|
| 3. <i>EXAMINING WHETHER THE EXISTING COURT'S POLICIES AND PRACTICES EFFECTIVE IN RESPONDING TO THE MEDIA INQUIRIES</i> ----- | 99 |
| SECTION TWO: COST OF THE LEGAL SERVICES | 101 |
| 1. <i>FACTORS THAT MAY FINANCIALLY CONTRIBUTE TO HIGH COSTS OF DISPUTE RESOLUTION AT THE DUBAI COURT</i> ----- | 101 |
| 2. <i>TIME AS AN ELEMENT OF THE COST OF DISPUTE RESOLUTIONS</i> ----- | 106 |
| 3. <i>ACTIVITIES THAT THE COURT SHOULD BE ENGAGED IN TO PROVIDE A REASONABLE AND AFFORDABLE ACCESS TO ITS PROCEEDING</i> ----- | 109 |
| SECTION THREE: USERS' INTERACTIONS WITH COURT'S SERVICES | 115 |
| 1. <i>PHYSICAL COURT STRUCTURE</i> ----- | 115 |
| 2. <i>RESPONSIVENESS OF THE COURT PERSONNEL</i> ----- | 121 |
| 3. <i>EFFECTIVE PARTICIPATIONS OF PEOPLE WITH SPECIAL NEEDS</i> ----- | 125 |
| 4. <i>PUBLIC PROCEEDINGS</i> ----- | 127 |
| 5. <i>EVALUATIONS OF EQUALITY AND FAIRNESS OF THE COURT'S DECISIONS AND ACTIONS</i> ----- | 131 |
| 6. <i>THE COURT PROCEDURES</i> ----- | 133 |
| 7. <i>THE RELATIONSHIP OF THE COURT WITH OTHER COMPONENTS OF THE JUSTICE SYSTEM</i> ----- | 134 |
| 8. <i>CONCLUSIONS</i> ----- | 138 |
| CHAPTER SIX: CRITERIA FOR HUMAN RESOURCES FOCUS | 142 |
| 1. <i>INTRODUCTION</i> ----- | 142 |
| 2. <i>CHAPTER OBJECTIVES</i> ----- | 144 |
| 3. <i>RESEARCH QUESTIONS</i> ----- | 145 |
| 4. <i>RESEARCH PROPOSITIONS</i> ----- | 146 |
| 5. <i>STRUCTURE OF THIS CHAPTER</i> ----- | 146 |
| SECTION ONE: WHAT IS THE COURT DOING RIGHT OR WRONG TO ITS EMPLOYEES | 147 |
| 1. <i>THE RECRUITMENT AND THE RETENTION PRACTICES</i> ----- | 148 |
| 1. The strategic plan ----- | 149 |
| 2. The job description ----- | 152 |
| 3. The turnover among court employees ----- | 155 |
| 4. Exit interviews ----- | 158 |

| | |
|--|-----|
| SECTION TWO: THE FIVE ACTIVITIES OF HUMAN RESOURCES IN THE COURT | 160 |
| 1. <i>ADVANCEMENTS IN THE COURT</i> ----- | 160 |
| 2. <i>COURT WORKING CONDITIONS</i> ----- | 163 |
| 3. <i>COURT ORIENTATION AND TRAINING PROGRAMS</i> ----- | 169 |
| 4. <i>EMPLOYEE PERFORMANCE APPRAISAL (EPA)</i> ----- | 174 |
| 5. <i>COURT COMPENSATION SYSTEM</i> ----- | 175 |
| SECTION THREE: ASSESSING THE NEED FOR JUDGES POSITIONS | 178 |
| 1. <i>CASE FILINGS</i> ----- | 179 |
| 2. <i>NUMBER OF DISPOSITIONS</i> ----- | 180 |
| 3. <i>CASES PROCESSING TIME</i> ----- | 180 |
| 4. <i>POPULATION GROWTH</i> ----- | 181 |
| SECTION FOUR: ASSESSING JUDICIAL AND ADMINISTRATIVE ROLE AND ACCOUNTABILITY | 183 |
| 1. <i>JUDICIAL PERFORMANCE EVALUATION</i> ----- | 183 |
| 2. <i>THE ROLE OF THE ADMINISTRATORS IN INCREASING JUDICIAL ACCOUNTABILITY FOR CASE PROCESSING</i> ----- | 185 |
| 3. <i>THE SCOPE OF COURT INFORMATION MANAGEMENT</i> ----- | 188 |
| 4. <i>AN ASSESSMENT OF THE INTERRELATIONSHIPS OF BOTH JUDICIAL AND ADMINISTRATIVE WORKFORCES</i> ----- | 190 |
| 5. <i>CONCLUSIONS</i> ----- | 193 |
| CHAPTER SEVEN: THE COURT QUALITY MANAGEMENT FRAMEWORK | 203 |
| 1. <i>INTRODUCTION</i> ----- | 203 |
| 2. <i>CHAPTER OBJECTIVES</i> ----- | 205 |
| 3. <i>STRUCTURE OF THIS CHAPTER</i> ----- | 206 |
| SECTION ONE: ASSESSMENT OF ORGANIZATIONAL EXCELLENCE IN THE TRIAL COURT | 207 |
| 1. <i>THE ASSESSMENT OF SOME OF THE CRITERIA AND EFFORTS OF THE SELECTED ORGANIZATIONAL EXCELLENCE PROGRAM OF THE DGEP</i> ----- | 208 |
| 1) Significance, appropriateness and extensiveness of the DGEP criteria Framework --- | 208 |
| 2) Training efforts to ease and improve understanding of the program's criteria ----- | 212 |
| 3) Evaluation of the review process of the DGEP that occurs once an organization submits its application----- | 213 |

| | |
|--|-----|
| 2. ANALYSIS OF THE OBSTACLES ON THE PART OF THE COURT THAT MAY HAVE CAUSED THE COURT'S FAILURE TO WIN THE QUALITY AWARDS OF THE GOVERNMENT PROGRAM | 215 |
| 3. AREAS FOR IMPROVEMENTS IN THE NINE CRITERIA IN THE DUBAI COURT-- | 220 |
| 4. EXPECTED BENEFITS THAT CAN BE GENERATED FROM APPLICATION OF QUALITY CRITERIA IN COURTS | 233 |
| SECTION TWO: ELEMENTS OF THE QUALITY SERVICE | 238 |
| 1. INTANGIBILITY..... | 240 |
| 1) The four substantive elements of effective participation and case processing | 240 |
| a. Expedition and timeliness..... | 240 |
| b. Responsibility for Enforcement | 255 |
| 2) The supportive five elements of the Intangibility | 257 |
| 1. VARIABILITY..... | 260 |
| 2. PERISHABILITY | 261 |
| 3. INSEPARABILITY | 262 |
| SECTION THREE: QUALITY CONTROL IN TRIAL COURT ENVIRONMENT | 263 |
| 1. QUALITY CONTROL IN COURTS | 263 |
| 1) Application of Statistical control in courts | 264 |
| a. Integrity of court decisions | 264 |
| b. Defected-parts tracking system..... | 269 |
| c. The effective use of court resources per outputs..... | 269 |
| d. Rationalization of expenditure | 271 |
| 2) Acceptance sampling plans | 273 |
| 2. THE IMPACT OF PARTICIPATION IN THE QUALITY AWARD PROGRAM | 273 |
| 3. THE RESPONSIBILITY FOR QUALITY | 274 |
| 4. CONCLUSIONS | 277 |
| CHAPTER EIGHT | |
| 1. GENERAL CONCLUSIONS | 285 |
| 2. RECOMMENDATIONS..... | 287 |
| REFERENCES..... | 299 |

TABLE OF APPENDICES, FIGURES, AND FORMS

| No | Appendices | Page |
|----|--|------|
| 1 | Cover letter. (In English).----- | 307 |
| 2 | Cover letter. (In Arabic).----- | 308 |
| 3 | Dubai Court staff survey ----- | 309 |
| 4 | Questionnaire concerning the staff perceptions of the Dubai Courts' Performance. (In English). ----- | 310 |
| 5 | Questionnaire concerning the staff perceptions of the Dubai Courts' Performance (In Arabic). ----- | 326 |
| 6 | Lawyers and Prosecutors questionnaire. (In English). ----- | 339 |
| 7 | Lawyers and Prosecutors questionnaire. (In Arabic). ----- | 347 |
| 8 | Survey for Media Representatives regarding Dubai Court and Media Relations.----- | 358 |
| 9 | Survey Form for Court Employees Regarding Court and Media Relations.----- | 360 |
| 10 | Dubai court customer survey----- | 369 |

| No | Figures | Page |
|------|---|------|
| 3.1 | The court's environments. ----- | 49 |
| 3.2 | Dubai Court Organization Chart. ----- | 60 |
| 4.1 | Areas of concern that diffidently affects the level of court's performance ----- | 84 |
| 5.1 | To what extent do media channels affect the relationship between the court and community? ----- | 94 |
| 5.2 | To what extent is the TV influential in securing a better role of the media in narrowing the gap between the Court and the community? -- | 97 |
| 5.3 | To what extent is the Newspaper influential in securing a better role of the media in narrowing the gap between the Court and the community? ----- | 97 |
| 5.4 | To what extent is the Court Magazine influential in securing a better role of the media in narrowing the gap between the Court and the community? ----- | 97 |
| 5.5 | To what extent is the Court Public Relation Team influential in securing a better role of the media in narrowing the gap between the Court and the community? ----- | 97 |
| 5.6 | To what extent is the Court Website influential in securing a better role of the media in narrowing the gap between the Court and the community? ----- | 97 |
| 5.7 | The Court fees contribution to high costs of disputes resolutions at the Dubai Court. ----- | 104 |
| 5.8 | The lawyers' fees contribution to high costs of disputes resolutions at the Dubai Court. ----- | 104 |
| 5.9 | External experts' fees contribution to high costs of disputes resolutions at the Dubai Court. ----- | 104 |
| 5.10 | Complications of court's procedures contribution to high costs of disputes resolutions at the Dubai Court. ----- | 104 |

| | | |
|------|--|-----|
| 5.11 | Unskilled judges' contribution to high costs of disputes resolutions at the Dubai Court. ----- | 104 |
| 5.12 | Unskilled lawyers' contribution to high costs of disputes resolutions at the Dubai Court. ----- | 104 |
| 5.13 | Level of concern about the courthouse security.----- | 118 |
| 5.14 | Do respondents think court personnel treat people with respect? ----- | 122 |
| 5.15 | How respondents have been treated by the court? ----- | 123 |
| 5.16 | The extent to which respondents believe that individuals have been treated fairly by the court. ----- | 124 |
| 5.17 | Do respondents think the court attempt to meet the special needs of people with physical or mental disabilities? ----- | 127 |
| 5.18 | The extent to which respondents agree or disagree that the audibility was good and understandable.----- | 129 |
| 5.19 | Do respondents think the court provide enough information about its procedures and services? -----=----- | 134 |
| 5.20 | Do respondents think the court work well with other components of the justice system? ----- | 135 |
| 5.21 | How respondents rate the efforts of the Dubai Court's leadership to respond to suggestions or criticism expressed by them or their organization? (3 figures) ----- | 136 |
| 6.1 | The extent to which respondents think that judicial inspection implemented in supervising the courts in Dubai affect judicial efficiency? ----- | 184 |
| 6.2 | The extent to which respondents think that lack of some of judges' computers skills at the Dubai Court could affect judges' performance-- | 189 |
| 6.3 | The extent to which respondents think that judges should be involved in the management of the Dubai Court. ----- | 191 |
| 6.4 | The extent to which respondents think that the creation of the mini-judicial committee would achieve greater efficiency.----- | 192 |
| 7.1 | Elements of quality service.----- | 239 |
| 7.2 | The extent to which respondents think that the court handle cases within a reasonable amount of time.----- | 249 |
| 7.3 | The time frame for the funds held in trust disbursement in Dubai Court in 2001. ----- | 253 |
| 7.4 | Time frame for disbursement of funds to the court's suppliers and other users.----- | 254 |
| 7.5 | The extent to which respondents think that the court's decisions are enforced. ----- | 256 |
| 7.6 | The extent to which respondents think that the court has adequate resources to do its job. ----- | 271 |

| No | Forms | Page |
|-----------|---|-------------|
| 1.1.1 | Record of Access to Courtroom.----- | 362 |
| 1.1.2 | Tracking Court Proceedings. ----- | 363 |
| 1.1.3 | Courtroom Audibility Evaluation. ----- | 364 |
| 1.2.5 | Access to Information by Telephone Directions and Recording Sheet.- | 366 |

| No | Tables | Page |
|-----|---|------|
| 3.1 | Total population in Dubai / by Dubai Municipality- Statistic Center.-- | 54 |
| 4.1 | Reliability analysis by two models.----- | 83 |
| 4.2 | Distribution of (159) respondents by age.----- | 86 |
| 4.3 | Distribution of (159) respondents by gender. ----- | 86 |
| 4.4 | Distribution of (62) respondents for the Judges assistants of the Dubai Court by Educational Level / Tenure/ Age. ----- | 86 |
| 4.5 | Distribution of 159 respondents for by the average number of cases in which they appeared before a judge per year and Average number of hour per week they spent in Dubai Court.----- | 87 |
| 4.6 | Response rate of the different groups.----- | 87 |
| 4.7 | Distribution of (350) respondents among the employees of the Dubai Court by educational level. ----- | 88 |
| 4.8 | Distribution of respondents among the employees of the Dubai Court by the number of year they had worked in the Court and by their nationality/gender. ----- | 88 |
| 4.9 | Distribution of respondents among (130) users of the Dubai Court during year 2001 by court jurisdiction and gender.----- | 88 |
| 5.1 | Values of the test statistic of the questions 20 and 21. ----- | 95 |
| 5.2 | The time span of the external experts of 34 different cases in Dubai.-- | 107 |
| 5.3 | Distribution of responses of lawyers, and prosecutors regarding the Court's resources facilities, from the researcher questionnaire----- | 116 |
| 5.4 | Responses to the Court customer satisfaction questionnaire for the year 2001, which was prepared, distributed, and analyzed by Dubai Court.----- | 117 |
| 5.5 | Time duration to fulfill case file requests ----- | 119 |
| 5.6 | Chi-Square Tests on responsiveness of the court personnel.----- | 121 |
| 5.7 | Chi-Square Tests on effective participation and public proceeding by court user and the relationship of the court with other components of the justice system. ----- | 127 |
| 5.8 | Do you think a litigant's proceeding waiting time is appropriate? ----- | 131 |
| 6.1 | The number of the Dubai Court employees who took leave from work other than annual leave. ----- | 158 |
| 6.2 | Number of employees of the Dubai Court who came late to the work by half an hour, and by more than one hour in 2002-2003.----- | 158 |
| 6.3 | Distribution of the overall responses of 62 judges' assistants from the researcher's questionnaire. ----- | 160 |
| 6.4 | Court employees' satisfaction for 2002, prepared, distributed, and analyzed by Dubai Court.----- | 163 |
| 6.5 | Actual training expenses in the Dubai Court----- | 169 |
| 6.6 | Measures used to determine judges' needs in the Dubai First Instance Court. ----- | 181 |
| 6.7 | How training needs in the court are linked to its long-term goals.----- | 197 |
| 6.8 | Calculating end pending active and inactive caseload ----- | 199 |
| 7.1 | Comparative criteria of both the Dubai Government Excellence Program (DGEP) and the EFQM. ----- | 209 |

| | | |
|------|--|-----|
| 7.2 | Results of the Dubai Court and its Administrative Affairs Division for the criteria of the Dubai Government Excellence Program 2003.----- | 217 |
| 7.3 | Results of the Dubai Government Departments for the Quality Awards of the Dubai Government Excellence Program for the years 2001 and 2003. ----- | 219 |
| 7.4 | Cases processing time /First Assistance Court/1999.----- | 243 |
| 7.5 | Case Processing Time/Appeal Court/1999. ----- | 244 |
| 7.6 | Case Processing Time/Court of Cassation/1999.----- | 244 |
| 7.7 | Cases Processing Time/ three court altogether/Cases disposed in 2001--- | 246 |
| 7.8 | Cases processing time/ three courts/ cases disposed in 1999. ----- | 246 |
| 7.9 | Cases processing time by Judge/First Assistance Court/1999. ----- | 248 |
| 7.10 | Rate of disposition to filing of the civil and sharia cases in the Dubai First Assistance Court. ----- | 250 |
| 7.11 | Age of cases in days/ Dubai First Instance Court/ in 1999. Age of pending caseload (cases exceeded 720 days. ----- | 251 |
| 7.12 | Timeliness of the Court in monthly expenditures reports to the Government, 2001/2002. ----- | 255 |
| 7.13 | The percent of reversal (overruling) of the Court of Cassation decisions. | 268 |
| 7.14 | The financial performance of the Dubai Court.----- | 270 |
| 7.15 | Average expenditure and revenue per case ----- | 272 |
| 8.1 | The proposed experts' and arbitrators' fees.----- | 290 |
| 8.2 | Recommended case processing time standards. ----- | 296 |

CHAPTER ONE

INTRODUCTION

1. *GENERAL OVERVIEW*

Fundamental changes in both court management and the role of the judiciary are taking place in Dubai. These have been a result of inconstant societal, technological, and political changes. In fact, the question of how the Dubai Court operates as an important component of a wider justice system and as a service provider poses a great challenge. The interaction between the court, the community, and the government has become crucial, which presents another challenge. Although the nature of the judges' role as persons to whom cases are presented for decision has not changed, their responsibilities in the administration of criminal and civil justice, as well as their relationship with courts' administrative employees, have become quite visible to the public with respect to the administration of the courts.

The UAE community nowadays expects the Government and its institutions (specifically the courts) to change in such a way as to meet the challenges of a rapidly changing world, with an emphasis on a system of justice that is effective and enjoys the confidence of the community. Khaleej Times newspaper, 2001 reported that the level of public and user satisfaction with the Dubai Court's performance was not satisfactory, as per the results of the "Mystery Shopper" and the "Public Feedback survey". To improve satisfaction levels among the court's stakeholders and shareholders, the court needs to identify measures and gaps in its relationship with its users.

Management of human resources is a key success factor for any business, particularly those that intensively use a workforce, like courts. Managing this area in the court presents several challenges (for example, unusual turnover among employees, and low levels of employee satisfaction) that address the need to understand what the court is doing right or wrong to its employees, and whether or not there are any successful human resources management practices in private sector that can be applied to the court.

Decision-makers in Dubai Court realize the importance of high quality management of justice system services in establishing and maintaining not only a local competitive advantage for the Dubai Court among other Dubai government departments, but also to maintain a global competitive position for Dubai. There has

been an interest in research on quality court management; and as a result questions have been raised by decision-makers of the Dubai Court about which management practices should be emphasized.

In Dubai there have been few attempts to relate empirically the use of certain quality general management practices to quality performance and to overall performance of court management. Since 1999, the Dubai Court has tried to adopt a framework to assess and evaluate the process of implementing total quality management criteria. The Court had no choice other than to pursue its efforts towards implementation of criteria of that quality framework because it was compulsory to do so under the rules of the Dubai Government.

The Dubai Government Excellence Program booklet contains several quality management performance criteria for different areas in management, such as leadership, policy and strategy, human resources, partnership and procedures, operation, customers' results, results of the human resources and society, and main performance results. This program was implemented as a framework for general quality management practices across all Dubai government departments (Dubai Government Excellence Program booklet, 2003).

The Court failed during 1999-2003 to obtain a leading position among Dubai Government departments. Therefore, the application of quality court management at Dubai Court needs to be assessed in order to improve the Court's performance.

Another challenge confronting the court is the academic vacuum in court management, not only in Dubai but also in the majority of the Middle East countries. This reflects both lack of interest on the part of the law faculty and the potential students, and the shortage of scholarly publications on court management.

This study begins by defining the problem, synthesizing findings from the literature and discussions with several experts from the field about court management.

2. PROBLEM DEFINITION

Dubai Court operates in a rapidly changing economic, social and technological environment. Therefore, it has to deal with an increasing workload, complicated caseload, the intricacies of modern business, and backlogs, with limited management capabilities, and limited resources, while, at the same time, dealing with changing and inadequately defined stakeholder requirements.

The core of the problem is the need to improve court management for a better level of efficient performance to enhance the Court's ability to provide fair and efficient adjudication of cases and improve public services.

Defining the problem requires determining the unit of analysis for the study, which is major stakeholders in the reform process. In this research, the focus is on court management, and the case study is the Dubai Court (its organization, departments, work groups, individuals, High Judicial Council), and the Dubai community (lawyers, financial and technical external experts, related work groups, customers, suppliers), as well as Dubai government programs.

3. RESEARCH OBJECTIVES AND QUESTIONS

The major objectives of this research are:

1. To identify the factors that could better explain court-users relationship and to identify perception/satisfaction gaps and measures that could possibly improve court performance.
2. To develop a code of standard practice, which systemizes the relationship between administrative and judicial activities, in the management of Dubai Court affairs, which could lead to an efficient and effective court performance and make its workers feel satisfied and motivated
3. To improve court performance, practices, and services on the basis of a quality management concept that could provide the court with ways of working to achieve balanced stakeholder satisfaction and consequently increase probability of the court's long-term success.

In Tackling These Objectives, The Following Questions Will Be Addressed:

This study will concentrate on finding out best possible answers to the primary research question: "In what ways and by what means could the performance of Dubai Court be improved?" In addition the following questions are addressed.

1. What are the major external social, economic and technological changes in Dubai that could influence management of the Dubai Court?
2. What are the expectations of the government and the community of this Court?
3. What are the factors influencing the inter-relationship between the government, community, lawyers, prosecutors, self-represented litigants, and suppliers and the Dubai Court?

4. What is the Court doing right or wrong with regard to its employees, particularly in activities that include recruitment and retention, training, working conditions, evaluation, and compensation?
5. How could the Court distinguish between the shortage or inefficiency of certain numbers of its judges, and the excess numbers that are not utilized properly?
6. Since judicial and administrative activities play a significant role in the management of court affairs, what is the optimal structure for the positive synergy between these two activities, which could enable Dubai Court to be more efficient and effective in responding to the dynamic forces of rapid economic, social, and technological changes in the city?
7. Can effective court management strengthen the Dubai Court with operational policy development inside the judicial branch?
8. Since some of the trial courts (for example, the Dubai Court) have been involved in implementation of total quality management (TQM) as a means for achieving balanced stakeholder satisfaction, which framework can be used to evaluate successfully their progress in the implementation of the TQM?
9. What are the elements of quality service that the court needs to determine in order to maintain balanced stakeholders' satisfaction?
10. How can the court control and improve the quality of its services in accordance with predetermined domestic or international standards?

This research has identified three areas that require attention, or potentially are in need of improvement to provide a basis for court performance enhancement. These areas are: court-users relationship, criteria for human resources focus, and a court quality management framework.

4. *CENTRAL ISSUES AND CHALLENGES CONFRONTING DUBAI COURT MANAGEMENT*

This study discusses issues relevant to court management that might affect the overall court performance. These issues are classified and presented according to three selected areas as follows:

1) *The Court-Users Relationship*

a. The degree of fact-coverage by the media presents challenges in three areas:

1. The issue of permitting the televising of court proceedings reflects major differences in the role and effect of media in society as compared to the function and operation of the judicial system. On the one hand, television

coverage will lead to a better-informed public about their legal affairs, and consequently greater respect for the administration of justice. On the other hand, the presence of cameras may disturb the legal process, with the potential for adverse impacts on most categories of trial participants.

2. The possibility of a clear choice for fair trial over free or restricted press.
3. Understanding the media channels preferences, among those existing in the community that could give a better coverage of facts.

b. The cost of justice.

1. In Dubai, for each case there are direct costs, such as lawyers' fees, external technical experts' fees and court fees. There are also indirect costs, such as the complications of the court procedures, and utilization of unskilled lawyers and unskilled judges. Delay in reaching a final decision in case processing is an element that contributes greatly to the cost of dispute resolution in the Middle East.

Unless Dubai Court can provide cheaper and quicker resolution of disputes, its credibility as well as its community respect will ultimately decline. There is a strong correlation between access to justice and the cost of obtaining such services. Unfortunately, in most cases the excessive cost of legal services makes access to justice difficult for many. What alternatives could the Court provide to make access to court proceedings affordable in spite of the existence of uncontrolled costs, such as lawyers' fees?

2. There is a mutual benefit in narrowing the gap within the court-users relationship. The Court could respond more effectively to users issues; the users could better understand the administration of justice. Taking that into account, what are the structural, policies, public proceedings, and procedural considerations involved?
3. As a consequence of the cost of justice, there is great concern about meeting the growing needs of self-represented litigants. In fact, they currently continue to be a pressing factor on time and resources (particularly those of judges and court staff) who answer their questions and inquiries about court procedures intensively in "Shari'a" cases (family matters), and also in some civil cases. How could the Court improve access to justice, and by what means would the Court permit self-represented litigants to resolve their legal problems more effectively?

2) The Criteria For Human Resources Focus

1. The role of the court in providing services should be altered to meet the diverse expectations of users. Ultimately, the court workforce must be productive. Therefore, it is important to be aware of what the court is doing right or wrong to its employees, particularly in activities related to recruitment and retention, training, working conditions, evaluation, and compensation. The court also needs to know whether any of the successful human resource practices used in the private sector are applicable to its own working environment or not.
2. There are topics in the daily work of court managers that interfere and interact with policy development in the judicial branch, such as the review of court case management, defense of indigents, management of relationship with the Dubai Government and other Departments, and judges' evaluation. How can the court effectively manage such interference and interaction?
3. Most governments including the Dubai Government are currently requiring accurate justifications for funding their departments. Therefore, the court needs to use various statistical measures to justify obtaining sufficient funds from the government. A vast majority of the court's budget is consumed by its human resource expenditures (almost 80 percent), in particular judges' expenditures. Therefore, the court needs to assess accurately its current and potential need for more or fewer judges, or other staff.
4. There is a tension between the judges and the court's administrative staff regarding the employment of the judges' knowledge and experience in shaping the court policies, the court's future direction, and court administration. This is because of the majority of judges have limited their role in deciding cases, and also due to some senior administrative staff wrongly underestimating the judges' role. This challenge requires establishing a suitable administrative structure to ensure proper utilization of judges' knowledge and expertise.

3) Quality Management Framework

According to report on trends in US states courts (cited by Kuban, 2001; 8),

“Total Quality Management (TQM) is a management system that focuses on providing customer satisfaction through quality service. Within the court setting, TQM practices have been applied to a number of areas including jury management, fines and fees collection, document handling and storage, court reporting, and personnel training.

Although a limited number of courts are currently applying TQM, the number is growing.”

Alexander Aikman views that TQM can be apply in courts. TQM can materially improve court’s performance (Aikman, 1994; 51).

But Kevin Foley remarked that

‘There is now a ground swell in both business and research communities to reject quality management as a management methodology, declare it to be yet another in the ling line of management fads, and seek a substitute methodology. That substitute seems to be organization or business excellence”(Foley, 2000; 1).

The challenge of how to assess courts progress in implementing the many ideas and techniques of the TQM still needs further study to come up with a comprehensive and cohesive set of effective court management practices.

In addition to that, elements of the quality of the court's service need to be examined in a manner similar to the industry sector. Finally, measures to control and improve quality services in the court still suffer from the absence of enough scientific research.

5. METHODOLOGY

To identify areas in need of improvement in the trial courts’ performance, this study employs different data collection methods to gather and analyze various quantitative and qualitative data. Four types of data collection methods are used, including court records review and case data examination, observation, interview and surveys of various groups. 11 measures directly and indirectly related to case management have employed reviews of court cases and records to provide quantitative data.

The observation method is used to measure entrance to court proceedings that should be open to the public, obtain information about the status of scheduled proceedings, and assess how quickly the court responds to requests for information about the time and location of a court proceeding by telephone. Surveys of various groups are implemented to gauge their opinions and attitudes. To explore themes that have emerged and validate findings (qualitative data) interviews are conducted. Depending on the object of the measure and types of data collection methods different types of evaluation tools are employed.

6. *CHAPTER OUTLINE*

A review of the literature on court management is presented in Chapter Two. This chapter outlines available material on court management challenges and issues. It leads to the subsequent three sections—on the court-users relationship; criteria for human resources focus; and a court quality management framework—that require attention in order to provide a basis for enhancement of court performance.

Chapter Three discusses the need for the trial court to prepare an environmental scanning report on a regular basis so as to be able to anticipate and plan its future decisions in a systematic manner. Analysis of the court's environment is presented across three broad domains: general, operational, and internal.

Chapter Four is concerned with presenting the four methods for obtaining and collecting valid data. These methods include questionnaires, court records review and case data examination, systematic observations, and interviews of various reference groups. It shows the various types of tools and techniques used for data analysis. Demographic information about the questionnaires' participants is also presented.

Findings and analysis of the data concerning the three potential areas are consecutively covered in Chapters Five, Six, and Seven. The conclusions of these findings are presented at the end of each chapter. General conclusions and recommendations for the Dubai Court are the last part in this research.

CHAPTER TWO LITERATURE REVIEW

The data for this study was gathered from primary sources such as the study survey, the Dubai Government reports, Dubai Court records and annual reports, and theses, as well as from secondary sources such as the Internet, journals and books.

No comprehensive study has addressed the potential effect of the three areas; the court–users relationship, criteria for human resources focus, and a court quality management framework—on the Dubai Court’s performance for achieving a better level of performance. Therefore, there is no definite answer yet to the simple question: “In what ways and by what means can the performance of Dubai Court be improved to cope with current and future challenges, and to gain the confidence of the government and the community?”

Most studies of the growing management problems of courts are conducted in the United States. Although some of the management problems identified are different in nature from those confronting Dubai Court, some similarities do exist.

Friesen et al., have pointed out that

“the main challenges that have confronted the courts of the United States are: The massive case loads resulting from population increases, the invention and mass production of the automobile, the intricacies of modern business, the growing recognition of individual rights, and the resulting need for new judges and new methods to cope with the mounting case loads and mounting backlogs” (Friesen et al., 1971; 6).

Another study conducted by Pound, of the reform of court administration in Ontario, Canada, notes that

“in mid-1991 the Joint Committee on Court Reform, in its report on Ontario Court Administration, identified a list of existing problems which underline the need for a new management structure. Those were: inherent conflicts in administrative roles, present management as crisis management, an inadequately funded administration, administrative problems preventing the timely processing of cases, and creating delays and costs to the public, and defects in the present system causing its participants to be frustrated and not to work optimally together” (Pound, 1995; 2)

However, most of the findings by the Friesen et al (1971) and Pound (1995) studies were based on the factors generally unique to the judicial system of the United States and Canada. As such, the results suggest that the major critical constraints on court management in North America are distinctive. The right to a

trial by a jury is the most pervasive constraint of American judicial systems; the method of selecting judges is a constraint on the processes of court management—judges are not selected by persons who are responsible for their performance, and the influence of the Bar is increased in areas where lawyers are known to conduct “Bar polls” on the popularity of judges.

As such, studies with samples containing US and Canadian courts, which exist in particular legal environment, and are influenced by political, economic, technological, and social factors in that environment, are heavily influenced by factors particular to the United States and Canada at that time.

The aim of the present study is to extend Friesen et al (1971) and Pound’s (1995) work to the Dubai Court so that certain areas of the court management, such as problems in the court-users relationship, constraints on the court’s management of human resources, governmental relations to the court, judicial responsibility for court management, application of total quality management in trial courts, automation and management information, and the courts as a social force can be tested in a different environment.

Saari’s (1982) study of “American Court Management” represents US study that attempts to resolve the struggle in the field of court management to achieve coherence of knowledge and understanding of organizational phenomena. He organizes his ideas from three perspectives: organizational theory, organizational practice, and key policy issues affecting the delivery of justice to citizens. His methodology shows certain refinements

1. He examines seven significant management areas: structure, effectiveness, human factors, change processes, communication processes, decision-making processes, and leadership processes.
2. He applies the basic and practical management concepts to the five most widely recognized operational subtopics of court management: case flow, personnel, finance, records, and organizational approaches to management.
3. He examines policy issues in the four areas of the judicial branch: speedy trials, jury trial, right to counsel, and affirmative action-equal opportunity” (Saari, 1982; 9)

Saari’s findings are as follows:

“It is appropriate and vitally necessary for court managers to become concerned with both abstract and concrete aspects of management, and if the attention of managers is

directed exclusively to either theory or practice, the odds are high that there will be a deadening in the long run for the individual manager and the court organization.

The meaning of court management is found in court-improvement programs such as: information systems, jury management systems, case management systems, finance, personnel, public relations, which give contemporary meaning of court management.

The six most general propositions as the foundation for thinking managerially about courts are:

- Courts with defective management are likely to produce substandard justice.
- Courts are dynamic, not static organizations.
- Courts are not unique organizations in terms of organizational theory.
- Courts are separate branch of government with checks and balances related to the other branches, but without a monopoly on conflict resolution processes.
- Courts are professionally dominated, complex organizations in which co-equal, elected judicial officials work.
- Courts cannot be structured or managed in one best way.

Court managers promote judicial independence when they negotiate for more resources for a court, when they smooth the case flow, and when they ensure competent defense counsel, and the right of individuals under the Bill of Rights.

The future of the courts in America depends upon their capacity to sense a problem and define it accurately before it looms over the horizon. Team management may enhance the court managers' potential in this field of work. Keeping up with new management literature is another evolution for the court manager. There will be a need to pay careful attention to the way conflict is resolved as continental-sized societies grow to greater sizes not even imagined before" (Saari, 1982; 129-145)

Study of court management in Dubai has developed rapidly in the last seven years relative to its growth in America. It calls for new studies because of rapid accumulation of knowledge, either in theoretical or practical forms in the management field in general, and in court management in particular since Saari successfully summarized all the existing theories and practices in his 1982 work. Saari's study focused on examining the court administrator's job in assisting the judicial branch. In this study, the focus is on the judge's job in assisting the administration of the court, as well as the role of the court manager.

In addition, major organizational changes in Dubai Court have taken place, the most important of which was the merger of all Dubai Courts under one administration in 2000. Work is also underway to establish e-courts and apply a specific framework in all courts to help achieve total quality management. This has created a new era in court management.

SECTION ONE COURT-USERS RELATIONSHIP

The following three sections discuss and review the literature dealing with three areas that require attention, or could be improved to provide a basis for enhancement of court performance. The first area is the court-users relationship that is reviewed in section one. Section two reviews criteria for the Court's management of human resources. The last section presents literature on the court quality management framework.

The objective of the critical literature review in this section is to discuss the factors that could better explain the court-users relationship and to identify perception/satisfaction gaps, and measures that could possibly improve the court's performance. The opinions and attitudes of court users and the public about the court are good guides that help to identify some problems in court services. Survey and direct observation are among best practices for collecting data to measure the public's perception of overall performance.

Khaleej Times writes on the Dubai Government annual reports: "The 'Mystery Shopper' and 'Public Feedback' surveys, conducted under the directions of General Sheikh Mohammed bin Rashid Al Maktoum, Crown Prince of Dubai to evaluate the performance of 22 Dubai government departments, have placed the Dubai Chamber of Commerce and Industry (DCCI) on top of the list. DCCI scored 92 percent marks in the 'Mystery Shopper', while Dubai Civil Aviation (Dubai International Airport) notched up the top position in the 'Public Feedback' results with 76 percent marks" (Khaleej Times, 2001).

The Mystery Shopper survey used several criteria to evaluate each government department, such as telephone inquiries, the quality of reception and customers service system, quality and effectiveness of the services and the simplicity of the procedures, the service achievement speed, computer utilization, equality in treatment, general cleanliness, the general appearance of the headquarters and the general maintenance of buildings inside and outside.

The evaluation of the Public Feedback survey of each governmental department depends on two main factors according to the outputs:

1. The degree of satisfaction with the public service offered by the department.

2. General evaluation of the department services that reflects the composite average of eight main characteristics:

- a. Employee adequacy.
- b. Treatment accuracy level.
- c. Procedures simplicity.
- d. Transaction achievement speed
- e. Computer utilization/information technology.
- f. General appearance of the employee.
- g. The fees paid.
- h. The standard of the transactions.

The 'Mystery Shopper' and 'Public Feedback' surveys were based on a sample of 781 secret visits, 293 telephone inquiries, 4245 public opinion surveys, including 1249 participants by means of the internet and 2996 participants through the regular mail or by direct distribution.

Of the 22 Dubai Government departments surveyed, Dubai Court scored 52 percent and ranked 16th in the "Public Feedback", and scored 86 percent in the "Mystery Shopper", ranking tenth. Neither the Dubai Government nor the Dubai Court was satisfied with this result.

Such evaluation processes have shown that there are gaps between Dubai Court and its users in terms of the service criteria. The problem with these two surveys, however, is that the unique character of the courts' clients, services and the impact of this uniqueness on the surveys' accuracy were ignored and may have created inconsistency and variation.

In fact, the clients who come to a court are commonly those who have committed a certain transgression (felonies, misdemeanors, traffic contraventions, and so forth). One might expect that the state of mind of such people would lead to dissatisfaction. Moreover, in most cases of dispute resolution processes, there will be a loser, with the exception of settlement cases. As a result, the Dubai Court services and clients' uniqueness as well as the community perception/satisfaction relationship demonstrate a necessity for conducting a specifically oriented study that address three propositions:

1. poor perceptions of the court among its users are directly related to the inadequate coverage of facts by the media;

2. poor perceptions of the court among its users are directly related to the high cost of justice in Dubai;
3. poor perceptions of the court among its users could arise when trial courts provide their services in a manner that is not accessible, safe, or convenient.

To identify factors that could better explain the court-users relationship the present study raises related research questions number two and three in page 3.

Richardson found evidence in Australia to suggest that the role of the media and the cost of justice tended to be major elements affecting the relationship between the courts and the community (Richardson, 1995; 82-93). A similar finding was noted in South Australia by (Doyle, 2001; 142), and in Queensland by (Davies, 1996; 184).

Most of these studies were based on the Australian political and legal prerequisites, as well as community values and perceptions. However, the experience of Australia is relevant to the UAE situation in the sense that both countries share similarly inadequate coverage of facts by the media, and a high cost of justice.

The present study comes to similar conclusions. To understand better the role of these two elements in the court-users relationship, the aspects of such relationships could be examined in a different environment. In addition, this study assesses a number of measures that require trial courts to diminish unnecessary barriers to their services for the purpose of narrowing the gap in the court-users relationship. This includes the court's structure, policy, public proceeding, effective participation, treatments of litigants in the Court, and procedural considerations.

SECTION TWO THE CRITERIA FOR HUMAN RESOURCES

To allow the trial courts to use their current human resources effectively and to achieve high performance, courts need to know whether any successful human resources practices identified elsewhere are applicable to their working environment. Courts also need to use a number of related statistical measures to assess the need for more or less judges, or other court staff.

Courts must be able to manage effectively the daily work of court managers that intersect with policy development in the judicial field such as review of court case management, defense of the indigent, relationship with the Government, and selection of judges. Courts also need to be aware of the essential issues normally associated with human resources management in similar service organizations.

Trial Court Performance Standards and Measure, Standard 4.3 requires “the trial court to use fair employment practices, because equal treatment of all persons before the law is essential to the concept of justice. It states that

“fairness in the recruitment, compensation, supervision, and development of court personnel, helps ensure judicial independence, accountability, and organizational competence. Court personnel practices and decisions should establish the highest standard of personal integrity and competence among its employees” (National Criminal Justice Reference Service, 1997; 170).

Brown argues that “the human resources criterion examines how an organization motivates and enables employees to develop and utilize their full potential in alignment with organization’s overall objectives and action plan. It also assesses whether or not organization’s efforts to build and maintain a work environment conducive to performance excellence, and to personal and organizational growth” (Brown, 2001; xii, 186).

Brown states that

“the Baldrige Award examiners are not looking for a single preferred approach to develop the processes to select, develop and motivate the employees in an organization to achieve high performance. What is important is that HR systems are based upon logic and analysis of real needs, rather than tradition to get employees and managers to consistently perform their jobs above the standards” (Brown, 2001; 120)

Neely *et al* support this view, finding that “there are dangers in prescribing a fixed set of best practices for human resources management that can be fairly and

easily benchmarked and copied without distinctiveness. They will soon fail to provide any competitive advantage” (Neely *et al.*, 2002; 275). This view supports the notion developed here that courts with the best quality management would use a coordinated and integrated set of built-in court management practices, rather than focusing their efforts on a few popular general management practices. Consequently, courts need to decide whether any of the successful human resources practices are applicable to its own working environment or not.

The researcher’s own 16 years of experience in court management in Dubai and the literature reviewed, such as Brown (2001) and Neely *et al.* (2002), reveal that courts are not successfully managing their human resources, compared to the private sector, or even to other public sector departments. This is probably because courts, in general, have failed to develop:

- Strategic plans for human resources management that are prepared in a way that demonstrates a clear and logical relationship with the court’s general strategic plan. There must be a clear alignment between these activities and the court’s objectives, to give an employee the ability to see the connection between his/her work and the company’s strategic objectives.
- HRM activities that are integrated in a way that links recruitment and retaining, training, evaluation, working conditions, compensation, and advancement.
- A clear idea of the links between the level of internal service quality (workplace, job design, tools, training, recognition and rewards), and the level of employee satisfaction, retention and productivity to external service quality – a key factor identified in a Harvard Business School study (cited by Neely *et al.*, 2002; 265). External service quality is an outcome of the internal process, the results experienced by the service organization’s users. This in turn is directly linked in the chain to the level of customer satisfaction. To complete the virtuous cycle, the later then needs to be reinvested in improving internal service quality.

To enable courts to meet users’ expectations, ultimately, the court workforce must be productive; the court, therefore, needs to recruit and retain skilled individuals. The successful management of court recruitment, retention and other HRM activities should have a strong relationship with its employee satisfaction. Good management will influence employees’ contributions and productivity, which will ultimately have a positive distinct impact on customer satisfaction. To examine this, both Coleman

(2003; 1) and Rodda (2001; 1) and this research have tried to find answers to the following three questions.

1. What is the court doing wrong for its employees?
2. What is the court doing right for its employees?
3. Are there any of the successful practices in the private sector or other public sector agencies applicable to the court?

There are two more questions that they have not examined:

4. How can the court distinguish between the shortage of the number of judges and excess numbers that are not appropriately utilized?
5. What are the optimal criteria for a positive synergy between the judicial and administrative activities, which could enable Dubai Court to be more efficient and effective in responding to the dynamic forces of rapid economic, social, and technological changes in Dubai?

Both Coleman (2003) and Rodda (2001) in their studies on what the court is doing wrong for its employees have come to almost identical findings to what respondents disliked most about the two courts in their studies:

- Management and leadership came on top as what was liked least, and what the respondents would most like to change, as per Rodda findings. They came as the second, as per Coleman findings who also found that this was associated with poor communication with co-workers.
- Coleman found out that what the survey respondents disliked most about the court was the fact that the court's pay range falls short of the current market rates.
- Both found out that the respondents disliked the attitudes of co-workers. Words such as negative, bad, disrespectful, uninterested, and lazy were used to describe that attitude.
- Both of them have also noticed that a few respondents mentioned the poor facilities, including poor air quality and lack of space availability. Lack of training and compensation also appeared in responses of several areas of the resignation letters, and not enough recognition was also mentioned. Declining job offers at both courts has happened too often, this is partially due to the recruiting and interview process being very slow. This simply means that top candidates will probably receive better other job offers before they get one from the court.

- Finally, they found out that lack of communication is seen as sinister and lead to rumors.

In relation to what the court is doing right for its employees, both Coleman and Rodda discovered that the respondents liked helping customers and the community, the variety of work and the challenge of each day's work, and the courts new approach to customers service, which involved partnering with community agencies to help individuals rather than punish them.

Are any of the successful employee morale and retention practices in the private sector or public sector applicable to the court? Coleman found that

“in spite of the difficulties of evaluating the impact of specific responses on morale, the Circuit Clerk's Office should use a range of measures to monitor some of the outcomes of morale. For example, staff turnover, absence from work, and performance indicators are often monitored numerically” (Coleman, 2003; 68.70).

1. *RECRUITMENT AND RETENTION*

Are there other practices that the court can implement in order to improve recruitment and retention? Rodda found that

“there are several improvements that can be implemented, and have proven successful with other employers. Some of them are worth mentioning.

1. The Court needs to sell itself to the candidates it wishes to hire, to re-recruit existing staff and let them know that they are important, and to pay more attention to the right fit in recruiting.
2. Better allocation of training budget might help to improving employee satisfaction. It is useful also to re-orient current employees every few years. The court needs to improve and strengthen its contacts with the local colleges and universities.
3. Supervisors, managers, and directors need to be constantly reminded of the effect they have on staff. They are the primary reason for employees to leave or stay within an organization.” (Rodda, 2001; 62, 63).

Neely et al. (2002) found that “employee satisfaction and motivation have become a key business issue, because it was recognized that it was expensive and sometimes difficult to replace employees who defect”. They also found that

“disaffected employees lose interest in their employer's objectives and behave accordingly in terms of their contribution. This in turn, tends to negatively impact customers who have choices as to where they buy their goods and services. Bad morale

is bad for business. Furthermore employees behave in ways that reflect the way they are incentivized" (Neely *et al.*, 2002; 253).

The objective of the Rodda study was to make plans for improving recruitment and retention processes applicable to all areas of the court. To do that, he studied what the court was doing right and what it was doing wrong. He discovered that

"recruitment and retention are difficult to separate, because they are so inter-related and the courts are not putting enough emphasis on selling themselves to the candidates. For courts, it seems apparent that the unusually drawn-out recruiting process that public agencies follow, forces higher turnover costs upon them. This begins even before the recruitment process due to the lack of flexibility. Public agencies have to adjust salaries and benefits to keep talented personnel. Private industry managers sometimes have an advantage in this area" (Rodda, 2001; 7, 12, 17)

Coleman states that,

"general differences are becoming more evident in the workforce each year. Awareness, respect and acceptance of diversity allow all involved parties to better avoid friction and move into a position of assistance. Generations are broken down into five groups; pre-boomers or 'veterans' were born between 1935-1945. Boomers between 1946 and 1959. Between the years 1960 and 1965 are Cuspers. The Buster/Generation X, between 1965 and 1975. Most recent group to enter the workforce is the Post TV generation, also called generation Y, born from 1976 to 1981+. The workforce of the future will at some point consist of largely Generation Xers and Post TV employees" (Coleman, 2003; 25)

The review of the generations of the 62 judges' assistants who participated in this study's questionnaire shows that the large minority of them are Buster/Generation X (37.11 percent), and the Cuspers (30.60 percent). 17.70 percent are Post TV generation, the remainder are either Boomers (11.3 percent) or did not indicate their age (3.2 percent).

The work group of judges' assistants was the group that had the highest employees turnover, with six out of 19 employees (31.58 percent) resigning in 2002. It is useful and practical for the court administration in Dubai to use the insights of each generation, in order to determine the retention style that suits each one.

According to the manager's Legal Bulletin,

'an important part of every manager's job is to help retain his/her employees. After all, business runs much smoothly when there is less turnover. But considering the wide variety of generations you may have to manage these days, retaining them all could seem like a daunting task. What may work for one generation is different from other,

however, there is some practical advice that can be used to help ease those retention headaches” (cited by Coleman, 2003; 26).

The 2001 Randstad Survey and Roxanne Emmerich (cited by Coleman, 2003; 27), “looks at how employees in different generations define job satisfaction. It offers the following insights, which managers can look at to determine just what kind of retention style will best suit them”.

Baby Boomers

According to Randstad Survey, the Baby Boomers seem “... to have high level of concern for customer’s and employer’s satisfaction. But they also believe that it is their manager’s responsibility to ensure they are recognized when they contribute to the company. Moreover, they also enjoy flexibility, and balancing their work and personal lives is of great important” (cited by Coleman, 2003; 27).

According to Emmerich,

“most of the baby boomers are naturally over-motivated. They can be seen as workaholics, which can actually be detrimental to their productivity. Their work ethic tends to drive them to work longer hours, which could cause burnout. Therefore, it is important for boomers to have place to go where they can discuss such potential problems with individuals they have confidence in. Boomers also tend to have longer attention spans than either Generations X or Y. Because of this, year-end bonuses and benefits seem to work well, as do yearly performance reviews. While they are used to work individually, it is a good idea to place boomers in mentoring roles” (cited by Coleman, 2003; 28).

Coleman (2003; 30) notes some other important retention efforts that work with the Boomers Generation; such as

1. rewarding their strong work ethics and long hours,
2. giving them plenty of public recognition,
3. always allowing them the chance to prove themselves and their worth,
4. getting their thoughts and feedback on projects, ideas, etc,
5. having them quoted in an industry journal,
6. offering them high status perks, such as a company gold card;

The Generation Xers

According to Randstad Survey,

“to Generation Xers, time is money. Therefore, waiting until the end of the year to reward them for a job well done is not a good idea. They like to receive pay and praise as they go. They question and find new ways of doing things, whereas boomers would

rather be told what to do and then do it. The Xers also tend to like time off. Incentives such as comp time and extra vacation days work well. They also do better with flexible schedules and a casual “fun” type of environment. Continuously learning is important to them. They see any kind of training as valuable and thrive on feedback. Unlike boomers, they work better in teams, rather than individually” (cited by Coleman, 2003; 29)

Coleman notes some other important retention efforts that work with the Generation Xers. He suggests it is wise to

“be careful when doling out high status perks, that is while Xers do not tend to crave expensive recognition, when other receive it with a lot of fanfare and a big to-do, they want it too; give them plenty of projects and allow them to take control of prioritizing and organizing them; and do not be shy about investing in the latest computer technology, as a Xers will see it as an investment in their work” (Coleman, 2003; 31)

The Generation Yers

According to Randstad Survey,

“this generation requires a lot of feedback. They continually ask questions and want to know the how and why. The need for constant reassurance is always present. Consequently, annual reviews should be replaced with quarterly appraisal. They also need to see the bigger picture. They thrive on challenge. They do not see a point in doing things the same way that they have been done for years, so they are constantly looking for a new approach” (cited by Coleman, 2003; 29)

Coleman 2003; 30 claims some other important retention measures that work with Generation Yers include “taking the time to learn about their personal goals and showing them how they can incorporate them with the company; and allowing for educational and skill-building opportunities” (Coleman, 2003; 30).

Emmerich (cited by Coleman, 2003; 29) recommends several different techniques to motivate all these generations at once:

1. Acknowledge the differences. Take a look at the strengths and weaknesses of each group and give out projects accordingly. Keep tasks in the area of their strengths.
2. Clearly articulate the company’s vision. Make sure everyone knows the goal and what it is all about.
3. Praise often. Although Generations X and Y tend to need it more, there is no harm in giving it to boomers as well.
4. Create venues for listening to feedback. Different people need different things at different times, regardless of generation.

5. Always tell the truth. Even in hard times, your employees want to know how the company is doing. Being honest gives you credibility and earns you the trust of all your employees (Coleman, 2003; 29).

Rodda and Coleman have discovered very important findings (see above) about the recruitment, retention, and morale of the court employees. Yet most of their findings have been based only on using the surveys with open-ended questions (with the exception of a work environment true and false survey), which have limitations in examining the court's overall personnel activities.

The methodology I use relies on various data collection methods, including interviews, reviews of court records, observations, and surveys. Multiple choice type questions were used, which reduced the amount of responses without answers; and the majority of the questions were based on reliable sources, such as the Trial Court Performance Standards and Measures developed by the Bureau of Justice Assistance in U.S.A (National Criminal Justice Reference Service, 1997). This approach enables the researcher to collect comprehensive data from different sources and also to make a comparison whenever needed.

To understand the Court recruitment and retention practices the current study reviewed four aspects of its approach: the strategic goals relevant to Court personnel; job-descriptions for positions in the Court; turnover among court employees; and the exist interview. Discussion and review of the importance of these four aspects in the literature is presented as follows:

1) Strategic Planning.

Magnus states that

“the courts, like other institutions, are facing changes as the 21st century approaches. Changes brought about by factors such as social and political demands, the economy, the environment, technology science, produce conflicts that the courts are expected to resolve. The courts are often on the front lines of societal changes. It is thus natural for them to take the lead in the future planning and for the judges to take a proactive role in societal guidance” (Magnus, 1995; 102)

Magnus also writes that “expectedly, future planning may fail for two reasons. First, through the lack of support from identified participants, who are unconvinced of the value and credibility of futures planning. Second, through the failure to implement and constantly revise the plans arrived at through futures planning” (Magnus, 1995; 102).

Lahey suggested that

“Organizations are much involved in strategic planning. Most, if not all, of the research of strategic planning process has been about developing and implementing the strategic planning. Strategic planners, and other those who employ them, have been reluctant to turn the evaluative instruments they advocate for measuring the implementation of strategies on their own work” (Lahey, 2001; 52, 53)..

She concluded that

the evaluation instrument used in this study that has 30 questions divided into groups of five questions is easy to use and can be adapted to any court. It will be beneficial to many organizations, particularly courts that wish to examine the impact of strategic plan and planning process on organizational effectiveness and culture (Lahey, 2001; 52, 53).

Brown, in his book on how organizations develop and deploy action plans to achieve their key strategic objectives, found that

an organization must be able to illustrate many actions on strategic planning development, including how it establishes its strategic objectives, including how to enhance its competitive position and overall performance. The organization must be able to show how relevant data and information are gathered and analyzed. This includes how an organization evaluates and considers their human resources strengths and weaknesses, and how understanding one's own capabilities has helped make the right decisions on business strategies or growth opportunities (Brown, 2001; 110, 127).

Brown also found that “an organization must be able to illustrate many actions on strategic planning deployment, including:

1. How does an organization take the overall goals and cascade them down to different units, functions, and areas of the organization? The key is to illustrate that plans at all levels are linked, so that every employee is working toward the common goals of the entire organization. Every employee needs to understand how his or her job contributes to the company's vision and strategic plan.
2. How plans and goals are communicated to suppliers, so that they can help an organization achieve its goals. How process reengineering or process improvement efforts are linked to the overall goals.
3. How plans are reviewed by various level of employees and translated into individual performance plans. There should be regular meetings among various levels of employees to review plans, discuss progress toward meeting the goal outlined in the plans. How to allocate resources for achievement of the strategic objectives” (Brown, 2001; 120)

Brown illustrates that

an organization must be able to demonstrate that there is a clear and logical relationship between its business plans and its human resources plans. The HR plans must include four types of goals that include: Employee development, Work design, Compensation, and Recruitment. These goals should be set for specific HR measures such as employee satisfaction ratings, safety, training hours per employee, and the like (Brown, 2001; 126)

2) Job Description

To understand job description we need to define the term “job evaluation” and the “responsibility of ensuring accurate position description”, as job evaluation and job description are two different, but linked, terms.

According to the State forest of NSW

“job evaluation is a method for assessing the work value of a position. It provides a systematic, defensible approach for grading a position. In evaluating a job, the position’s requirements are compared to detailed standard definitions to find the level of each factor, which most accurately describes the characteristics of the position. It, then, becomes the responsibility of the position holder, the position’s supervisor and the job analyst to ensure that an accurate and complete position description is prepared” (State Forests Of NSW, 2003; 1).

Grading is determined after each member of the job evaluation panel assesses the position against each factor used by the system. “Work value points”¹ are determined for each position according to the Organization Consulting Resources. Points fall within a particular grade. Work value points to grade tables prescribe the work value points required for each classification and grade” (State Forests Of NSW, 2003; 1)

The literature reviewed requires that

“each member of the organization should have a set of Critical Success Indicators (CSI), that are derived from the organization’s CSI’s. Thus, performance will not be measured on the basis of output, but also on the basis of how that output has helped the organization accomplish its objectives” (Goodstein, Nolan and Pfeiffer cited by Lahely, 2001; 24).

According to Kern et al (2001)

“determining individual goals is one of the most important and difficult steps. It involves that the management should be able to select goals based on each staff member’s individual duties and specialties. The next step is to quantify the results of

¹ Work value points are the points arrived at the following evaluation of a position. These points then ensure equate to a ‘points to grade table’ which prescribes the work value points required for each grade of a specific classification.(Sate Forest of NSW).

meeting the goals in terms of dollars or percentage. Establish a timetable over the next performance period in which these goals must be met. Be sure that they can be achieved within that timeframe” (Kern, DeWenter, Viere, Ltd, 2001)

Consequently, courts must ensure the job description contains individuals’ duties to facilitate the process of appropriately measuring the performance of each employee.

3) Employee Turnover Rate

Brown considers employee turnover as one of the means to measure employee's satisfaction. He reports that organizations should use this measure with reasonable frequency. It must have a proper process for reviewing data on employee satisfaction and developing action plans to improve the issues uncovered in the different measures that are used to collect data including, “the employee turnover rate, survey, and absenteeism rate”(Brown, 2001; 220).

Thomas C. Timmerck (cited by Ashely, 2003; 21) stated that

“Job satisfaction and motivation issues are central to reducing turnover, producing quality, containing costs, and developing satisfy and productive work relation. Untrained supervisors in the area of motivation may end up managing policy rather than people and sometimes unnecessarily cause employee dissatisfaction by placing more emphasis on restrictive rules of work, than on goals and purposes of the tasks”

In fact, this factor could be linked with the elements that affect the work condition environment that will be discussed after the next paragraph.

4) Exit Interview

An exit interview can provide managers with useful information to enable them to retain employees better in the future, by discovering what aspects in the working environment have led some of the employees to leave and seek placements elsewhere. Yet they must act on the information gathered. On the other hand, some of the positive information provided by leavers could be used to sell the organization to new candidates during the entrance interviews.

According to Faye Coleman

“the answers of the departing employees on the form will not tell the whole story, but they will be useful for preparing specific follow-up questions for the exit interview itself. The pre-interview form should cover basic questions that include: What are the primary reasons that make an employee decides to leave his/her position? How did he/she feel about working with other employees in the department? In what way did this job fail to meet the employees’ career objectives? What would the employee have done

differently if he had been the manager? How would the employee evaluate his own performance? What part of dealing with other people did he/she find most frustrating? How would he/she rate his/her pay, benefits, overall working conditions, opportunities for advancement, and the training he received? If he/she could have made any job changes, what would they have been? Has the employee already accepted another job? If so, in what ways does he/she find the new job attractive?" (Coleman, 2003; 35)

Coleman also reported that

"according to one survey, while 87 percent of companies conduct exit interview, only 50 percent act on the information gathered. That may be due, in part, to managers not knowing how to effectively conduct such interviews" (Coleman, 2003; 35)

2. WORKING CONDITIONS

To attract skilled candidates, and to retain most of the current productive employees, the court must create an optimum working environment. The literature reviewed has provided us with many elements on this environment.

The relation with supervisors is one important element. According to Padgett-Thompson Career Tips

"five hundred retention and employee specialists were surveyed about the cause of employee dissatisfaction. Their responses showed that the three most frequent responses were dissatisfaction with the boss, lack of respect for the boss, and the lack of integrity of the manager. Employees want to know that their supervisors care about them as individuals. Employees want to work in departments that embrace communication and growth as well as in ones that are physically comfortable. They want to be asked about their opinions and then know that they count" (cited by Rodda, 20001; 17)

If the work duties and the responsibilities are not fairly allocated among court employees, it simply means that some of them are not challenged or fully utilized. According to Denise. H. Todd (cited by Rodda, 20001; 14), studies show that "most employees do not leave because of the money, but because their jobs are not challenging enough or they feel that management does not appreciate their work. If someone is not challenged, that means the company is not getting as much out of that employee as it could".

Neely et al. comments on what employees want and need from their employers. They found that

"employees would like their jobs to be designed in a way that encompasses sufficient variety, not to be boring or tedious, but at the same time not to be so pressurized, overworked or subject to abusiveness that employment becomes unacceptably

consuming or stressful. A 'good job' also needs to be properly supported with systems that enable employees to be productive and gives access to the space, equipment and information that employees need to do their work" (Neely et al., 2002; 254)

Rodda argues that

"under work pressure in some organization such as courts, some employees may thirst for a fair opportunity to air grievances and have them redressed and they also want to use their earned benefits (such as, annual leave). The response to a Texas study of employee satisfaction at a government agency show that over 80 percent of the respondents have some concern about the balance between their work and their personal life" (Rodda, 2001; 16)

Safety and employee health are elements of the work environment that must be measured in both a detective and preventive manner. Brown stated that

"one key indicator of a detection approach to safety is in how the organization measures safety. Most companies measure safety in lost time from accidents, or by incident rates. A company can learn from the accident and correct the situation that allowed it to occur, but this is a detection approach. Monitoring employee's behavior for safety practices on a daily basis is a preventive approach" (Brown, 2001; 212).

These measures have different name that is "lagging and leading indicators" but share similarity in application, which is dealt with in a later section.

3. *ORIENTATION/TRAINING PROGRAMS*

The literature reviewed reveals that a

"needs assessment is the first step in identifying educational activities that will help judges and other court personnel improve their performance. An integral step in investigating any needs assessment requires setting performance standards. Without a set of standards relating to the levels of knowledge, skill or performance, the word "need" is merely subjective. To get to the point of planning training; needs assessment is necessary to identify the level of employee performance as it relates to required standards. Another way to assess the needs is to list specific duties for each job in the organization, then decide if each member is adequately skilled or has received sufficient training to perform the tasks" (Ashley, 2003; 13, 24).

Ashley (2003; 14) reported five reasons to conduct such assessment:

1. to determine what training is relevant to an employee's jobs
2. to determine what training will improve performance.
3. to determine if training will make a difference.
4. to distinguish training needs from organizational problems.

5. to link improved job performance with the organization's goals.

According to National Center for State Courts

"Employee development, through ongoing training, education, performance evaluations, and feedback, enables employees to understand the values they offer the organization and what is expected of them. It is important for courts and organizations to evaluate these assets in a strategic manner to optimize their value to the organization. Employers often use development programs as a hiring tool. In addition, employees are more likely to join an organization and stay longer if training is provided" (National Center for State Courts, 2004; 3).

To create an effective link between training strategy and the organizational strategy, Brown suggests that the

"strategic plan should be the driver for identification of some of training needs. Once organizations have identified specific action plans or strategies, they need to identify the knowledge, skills, and competencies needed to be successful. Sometimes these three elements need to be developed internally through training. The best way of showing the linkage between the training needs and the organization goals is by creating a matrix that list goals on the left side and major training initiative along the top" (Brown, 2001; 201).

According to Rodda

"Organizations noted for best practice in customer services invest heavily in initial training and in subsequent annual training. Hours of initial training ranged from 150 to 1008 with an average of 397. Annual training ranged from 16 to 60 with an average of 39 hours. The survey data of the American Customer Satisfaction reveals that employees that are poorly trained will have a much lower job satisfaction, which in turn will reduce customer satisfaction" (Rodda, 2001; 12, 13).

Brown reports that

"education and training should be evaluated on four dimensions: reaction, learning, behavior change, and results. The reaction data are collected via questionnaires at the end of a class; these data include rating the course, the instructor, the content, and the relevancy of the material. The learning data should not simply report what the participants thought of the courses, but rather should indicate whether or not employees have mastered the material covered. In any course in which skills are taught, performance tests such as a case study, a simulation, a role play or a demonstration are much better than written tests" (Brown, 2001; 208).

"The behavior changes consider whether trainees' behavior on the job has changed as a result of the training/education they received, and how they apply the skills on the job.

Data collected via follow-up surveys (behavior) of the trainees, their supervisors, and their peers and by objective (accomplishments) way by a measurement or audit of the actual products. The quality results dimension measure improvement on the results. Organization should compare performance results data, both before and after the training to see whether the training has made any difference. An organization should identify and measure key dimensions of performance that will be impacted by each course in their education and training curriculum" (Brown, 2001; 208).

4. *EMPLOYEE PERFORMANCE APPRAISAL (EPA)*

Generally the court's EPA consists of two independent systems, one for the judges and another for the administrative employees. The two systems share some of the EPA objectives reported in the literature (Texas A&M University, 2002; 1, 3) such as

- 1) providing employees/judges with feedback to improve or maintain job performance.
- 2) outlining areas for employee/judge development.
- 3) developing goals for the next review.
- 4) recognizing job-related accomplishments.
- 5) enhancing communication between working relationships.

Criteria for assessing employee performance may include performance skills such as application of work, quality of work and work ethics, plus behavioral skills such as teamwork, diversity, customer relations, decision-making, dependability and initiative.

According to the Texas A&M University (2002; 1), preparing for the employee performance review requires the following

1. Reviewing and, if applicable, updating the employee's position description (PD) with the employee. Both the supervisor and the employee should sign the updated PD so there is a mutual understanding of the job duty. The updated PD should be attached to the job performance appraisal. The employee should be given the self-evaluation form to complete and return prior to supervisor face-to-face meeting;
2. Evaluation of job performance versus job expectations for the appraisal period;
3. The completed performance appraisal and the employee self-evaluation forms should be exchanged with the employee prior to supervisor face-to-face meeting;

4. After the supervisor and the employee have reviewed and signed the performance appraisal form, the supervisor should send it to the manager for review and signature.

Performance appraisal is a system for achieving organizational goals through the review of the employee performance against individual and group objectives.

Cognology Learning Centre remarks that

“The basis of the performance appraisal is the organization’s goals. These goals are broken down into departmental or team goals that show how each will contribute to the overall organization goals. Objectives are then created for each position to show how they will contribute to the overall team goals. The performance of individuals against these objectives will determine whether the organization meets its goals. Employee performance is reviewed for two reasons. First, to reward employees for objectives met and exceeded. Second, to determine which objectives were not met and to develop action plans to ensure they are achieved in future” (Cognology Learning Centre, nd; 1).

5. *COMPENSATION SYSTEM*

According to Brown

“the ideal situation is that a large percentage of all employees’ compensation is based upon their individual and group performance against quality goals and standards. Three criteria are important in assessing the compensation system in a company. First, a portion of employees’ compensation should be based upon the degree to which individual and group performance goals have been met. The second criterion is that all levels and categories of employees should participate in performance-based compensation programs. Third, a large enough percentage of income should be based upon quality results to make a difference in motivating employees” (Brown, 2001; 194)

6. *ASSESSING THE NEED FOR JUDGES’ POSITIONS*

According to Standard 4.2 of the TCPSM

““trial court responsibly seeks the resources needed to meet its judicial responsibilities, use those resources prudently, even if they are inadequate, and account for their use. Resource allocation to cases, categories of cases, and case processing are at the heart of the trial court management. Assessment of judges and allocation of other resources must be responsive to established case processing goals and priorities, and must be effectively and evaluated continuously” (National Criminal Justice Reference Service, 1997; 160).

The National Center for State Courts contributed greatly to this field when Victor E. Flango and his group produced quality research on assessing the need for judges and court supportive staff. To summarize their work concepts (Flango *et al*, 1996; VIII):

1. The need for judicial and court supportive staff positions should be assessed against:
 - a. Measures of demand for services.
 - b. Statewide standards of judgeship needs.
 - c. Effective use of existing resources.
2. The number of judgeship and court support staff positions required should depend upon satisfying preestablished criteria. The criteria should be established by the state court administrative office, prior to the analysis of need in any particular locality, and should include consequences to the public of not adding judges or court support staff.
3. The best direct measure of demand for judges or court support staff is the number of weight fillings (weight caseload), tempered by qualitative considerations.
4. Existing resources should be evaluated in terms of a standard year and full time equivalent hours per day for judges and court support staff.
5. Before new judges or court support staff are requested, the current distribution of caseloads should be examined to ensure the existing judges or court support staff are allocated equitably among jurisdictions.
6. The need for judges, quasi-judicial officers, and court support staff should be assessed together if at all possible, because the addition of one type of court personnel may affect the overall need for resources.
7. There should be an independent review of whether a court appearing to need additional judges could reduce or eliminate the apparent need through operational changes.

7. JUDGES' EVALUATION SYSTEM

Goodstein, Nolan and Pheiffer (cited by Lahely, 2001; 24) note that "the performance appraisals of all members of the organization include a test of how their work since the previous review has helped carry out the strategic plan of the organization."

The Guide to performance management describes the performance appraisal as "a process of assessing, summarizing and developing the work performance of an employee. Every career employee should receive a written performance appraisal at least annually" (MAP for Nonprofits. Guide to Performance Management, nd; 1)

Lahey states that

“measurement of this kind is particularly difficult in court environment, as many judges think performance appraisals infringe on their judicial independence. The difficulty in having performance appraisals for staff and not judges is that it can contribute to two separate cultures. Performance measurement therefore needs to become part of the organization’s internal culture. Employee involvement is one of the best ways to do this. Employees must understand that performance measurement is about achieving the organization’s goals, and not just about evaluating employees. Communicating the performance results enables employees to see how their efforts have helped to move the organization ahead. It provides them with insight as to where they fit into the whole process” (Lahey, 2001; 24, 26)

Greenstein et al, define evaluation judicial performance as "a disciplined method for assessing various judicial qualities with objective criteria and methodology". They state that “in 1985, the American Bar Association (ABA) published guidelines for the evaluation of judicial performance that initiated the idea of judicial performance evaluation with the primary purpose of improving each individual judge’s performance” (Greenstein et al., 2002; 1).

Criteria for assessing how close judges are to achieving quality performance are different from those related to assessing employees’ quality performance. Greenstein et al., report some of the judges’ criteria that may include “integrity (emphasizing freedom from bias), legal knowledge, effective communication, courtroom effectiveness, management skills, service to the community and the profession, and working well with colleagues” (Greenstein et al., 2002; 5).

Selecting suitable data-collecting methods that can accurately evaluate how close a judge is to the quality performance criteria may not an easy task, particularly in Dubai, where the only method used is a random court file reviews.

Greenstein et al. also noted that

“traditionally, and continuing today, surveys of various court users and employees are the most widely used and the most effective means to acquire information for an effective and accurate evaluation of the above criteria. In addition, several programs use personal interviews, random court files reviews, focus groups, solicited and unsolicited comments. Sources for the information are most often the lawyers who appear before the judges, parties, witnesses, jurors, fellow judges, other court employees, and court-watching groups” (Greenstein et al., 2002; 6).

Al-Hosani found that “almost half of the respondents in his study considered that the system of judicial inspection of UAE courts as practiced hitherto had not provided the necessary supervision of their work”.

He concluded that

“the Department of Judicial Inspection has failed to fulfill its obligations in the UAE Federal Courts. There have been shortcomings in supervision of the courts, evident in the delays in arriving at judicial decisions and in the inefficiency of court assistants in carrying out their duties” (Al-Hosani, 1989; 283).

8. ASSESSMENT OF THE INTERRELATIONSHIPS OF BOTH JUDICIAL AND ADMINISTRATIVE WORKFORCES

The sixth question in this study is the optimal structure for synergy between administrative and judicial activities, which could enable the Dubai Court to be more efficient and effective in responding to the dynamic forces of rapid economic, social, and technological changes in Dubai.

Doyle has tried to clarify the tension between the role of the judiciary administering justice and their place in a court. He concluded that, “in South Australia, legislation which established the Courts Administration Council has put the judiciary in charge of the provision of administrative services that support the courts”(Doyle, 2001; 135). Practice elsewhere restricts the judiciary function to deciding cases, and courts are administered by the Ministry of Justice, as in the case of UAE Courts.

Another study by Pound on the Ontario Court administration has shown that

“the single most important area which continues to frustrate an effective and co-operative system of administration, is that involving the tension and conflict between the administrative role of judges and government. This in turn results in poor allocation of resources and ineffective management, and translates into situations, at the everyday operational level, where things simply do not work. As a solution, a Head of Court Committee has been established to meet regularly to address the issues of mutual concern in relation to court administration in Ontario. It consists of the “heads” of the various Courts of the Province together with the Deputy Attorney General and the Assistant Deputy Attorney General in charge of Courts Administration” (Pound, 1995; 3).

Pound summarized that what is needed is a structure that incorporates and balances the following key elements: “judicial independence, strong community input and public involvement, accountability to the public through the legislature for expenditure of public funds, the ability to attract adequate public funding, and finally smooth, professional, effective, and efficient management” (Pound, 1995; 5).

Studies on court management in the Middle East have focused mainly on the judicial process with no consideration towards the administrative activities, (as in the case of the study by Al-Hosani). There are several possible reasons for this: the majority of courts were administered by judges (such as in Egypt) or the courts are remotely managed by the Ministry of Justice (such as UAE Federal Courts), and there is no academic field at the universities and colleges concerned with court management, as there are with school and hospital management.

Al-Hosani has examined the extent to which the judicial system in the UAE is compatible with the theoretical framework for example, laws, orders and regulations, and explored the means and methods that will help in promoting current judicial practices.

The present study will extend Al-Hosani's work with regard to the role of judicial activities in UAE Courts (Federal level), to a more focused analysis of the Dubai Court. This extension will not be a repetition of Hosani's work, because neither Dubai Court nor its judicial activities was included in his work. Besides, the population of Dubai is approximately one third of the UAE's total population. In addition the current study sheds light on the value of the administrative activities, and the judicial responsibility for court management, as well as the possibilities of making efforts towards integration between these two activities in certain areas of court management.

9. HOW RELEVANT IS THE INFORMATION TO THE JUDGE'S DECISION?

Doyle has supported "the need to apply an electronic approach through information technology in a court's system, and to clarify the role of the judiciary administering justice and their place in a court, which is an institution from which the public expects good service" (Doyle, 2001; 144).

Conner states that

"there are basically six methods of caseflow management:

1. Early court intervention and continuous control over case process.
2. Differential case management.
3. Realistic schedules and meaningful pretrial court even.
4. Firm trial dates.
5. Management of trials.
6. Management of court events after initial disposition" (Conner, 2001: 16)

Such studies have shown the seriousness of these aspects of (1) the relationship between the administrative and judicial activities, (2) the role of the information system in the court management. The visible solution found by these studies was the formation of a committee or council. However, based on the fact that each justice system worldwide has its own unique features, consequently this difference affects the decision of which each will have a different structure that best organizes the relationship between the judicial and administrative activities in managing the court.

The characteristics of the judges in Dubai are different. More than 50 percent are expatriates, with two years working contracts; they are not elected to their jobs, but selected by certain employment committees. The judicial experience of UAE national judges is limited and not sufficient (they appointed in 1998). Also the creation of the Dubai Judicial Council in Dubai in 1992 did not lead to an appropriate organizing relationship between the administrative and judicial activities. The present research will study aspects of this relationship in Dubai Court, and will test the related research questions 5, 6 and 7 listed on page 3.

SECTION THREE

COURT QUALITY MANAGEMENT FRAMEWORK

The final area of concern is to promote the court's performance, practices, and services on the basis of quality management concepts that could provide the court with ways of working to achieve balanced stakeholders satisfaction and consequently increase the probability of its long-term success.

1. CHARACTERISTICS OF QUALITY MANAGEMENT FRAMEWORK IN PUBLIC SECTOR

According to Foster and Jonker "total quality management (TQM) is often described as a philosophy of management that strives to make the best use of available resources and opportunities by constant improvement"(Foster and Jonker, 2002; 1). Given the acknowledged diversity of TQM definitions (Oakland and Sohal, 1996, cited by Foster and Jonker 2002; 1), and the desire of organizations to assess their progress in implementing the many ideas and techniques of the TQM (see page 188), there has been a search for a standard or framework against which organizations may be assessed or compare themselves.

This has resulted in various frameworks, which include the US Baldrige Award, the UK quality Award, the European Excellence Model and the Australian Quality Award (Evans and Lindsay 1995, cited by Foster and Jonker 2002; 1). Although developed independently, and often reflecting the needs and particular circumstances of the country in which it operates, they all have a lot in common. These include a focus on the organization's processes, quality management system, human resources management, results and customer satisfaction (Oakland and Sohal, 1996: 97, cited by Foster and Jonker nd; 1).

The relationship between TQM and service quality is significantly positive in profit-making organizations (Cohen and Braand, 1993; Crosby, 1980; Deming, 1986; Pike and Brarnes, 1996 cited by Hsieh *et al.*, 2002; 2). Some researchers have found of the effectiveness of TQM in enhancing the service quality in the public sector (Chen & Brand, 1993; Morgan & Murgatroyd, 1994; Rago, 1994 cited by Hsieh *et al.*, 2002; 2). On the other hand, many writers have suggested that "TQM is ill suited to the public sector itself for several reasons. These reasons include the nature of TQM itself, the nature of the public sector itself, the work cultures of the professionals in the public sector, and the more problematic concept of the customer

in the public sector, all of which may make the public sector services inimical to TQM" (Morgan & Murgatroyd, 1994, Swiss, 1992 cited by Hsieh *et al.*, 2002; 2).

Hsieh *et al.*, (2002; 901) state that the following review of TQM research in the public sector summarizes the characteristics of the public organizations that can weaken the relationship between TQM and service quality:

1. the limited commitment and the discontinuity of top managers of the public services.
2. the concentration on produce services rather than goods. Because services are labor intensive, it is difficult to make the output uniform and the service quality concept is difficult to define (Morgan & Murgatroyd, 1994; Swiss 1992; Wilkinson *et al.*, 1998).
3. a traditional focus less on outputs than on inputs and processes.
4. fewer incentives to become customer oriented (Milakovich, 1994/95; Morgan & Murgatroyd, 1994; Wilkinson *et al.*, 1998).
5. the rigid rules and systems inherent in a bureaucracy. These act as cues to inform employees about the lowest level of performance that is acceptable to an organization. In other words, setting minimum standards will encourage employees to reach only the absolute minimum level of quality. This may lead to the development of a culture of bureaucratic inertia that reduces flexibility and discourages innovation (Cohen & Brand, 1993).

Bin Obude defined four obstacles that hinder the implementation of total quality management in Dubai government Departments. These are

1. the problem of accurately defining the government department customers.
2. difficulty in measuring the level of services provided and its productivity.
3. the intensive emphasis on system-inputs and system-processes rather than system-outputs.
4. the nature of the organizational culture adapted by these departments" (Bin Obude, 2003).

Most observers recognize the general benefits of TQM in both private and public sectors. Courts have specific interests in the application of TQM. As Alexander Alexander Aikman noted,

"it enhances the file room's docket section's, jury management, achieving justice in individual cases and being perceived as improving justice. It enables courts to respond more effectively to private sector competition for resolution of civil disputes such as

private judging. Enables courts to more effectively provide swifter resolution of criminal matters, thereby reducing the risk of increased self-help and vigilante-ism in the streets. And it extends efforts to use and implement the Trial Court Performance Standards” (Aikman, 1994; 7)

The focus of TQM principle is on the customer. However, the definition of the customer in the public sector is more complex compared to the private sector. This complexity appears when we ask questions such as: who are court’s users, and what are their needs? Many scholars have promoted the importance of the stakeholder model of quality. Implicit in this is the idea that survival depends on the firm’s relationship with the external world (Evan and Freeman 1988; Preston and Sapienza 1990 cited by Foster and Jonker, 2002; 3).

Foley (cited by Foster and Jonker, 2002; 4) believes that “business enterprises should develop ways to identify and meet the needs of stakeholders, and the ways to present information on action taken to meet these needs”. In his stakeholder model of the business enterprise, he introduced “11 issues or outputs on which stakeholders base their behavior in relation to that business, and quality of management is judged by the organization’s ability to adapt to changing circumstances in a manner acceptable to stakeholders” (Fole, 1999 cited by Foster and Jonker, 2002; 4).

Greenley and Foxall, (cited by Foster, 2000; 5) goes so far as to suggest that “the interests of stakeholders groups are wide and diverse, and failure by companies to address these interests may be detrimental to their performance”. According to Greenley and Foxall, (cited by Foster, 2000; 6) a stakeholder is “any group who can affect, or is affected by, the achievement of an organization’s purpose.”

Hardie suggests that management of a business organization “has to co-ordinate the interaction of stakeholders so that the organization continues to add value”. He goes on to state that

‘each stakeholder has a contribution to make to the organization; and each stakeholder requires value from the organization in return. The art of management is to balance the demands placed on the stakeholders and to balance the value which is provided to them. If the balance is not achieved, the organization suffers” (Hardie, 1997:30 cited by Foster, 2000; 6).

David Foster concluded that

“while the emphasis on the customer is admirable, this should not be at the expense of a wider range of stakeholders. Indeed, for many public sector organizations it is possible

that customers should be regarded as only one of a member of external stakeholders. Managers of such organizations must learn to address the needs of all these multiple stakeholders in a manner that recognizes their potential impact on operations. This includes a need to ensure that reporting systems include information that is relevant to the interests of all stakeholders" (Foster, 2000; 8).

The review of various studies that have introduced frameworks to the quality concept includes George and Weimerskirch, who states that

"the Baldrige system was created to promote an understanding of the requirements for world-class performance. That system also defines a new management model that surprises no one who has been active in the implementation of total quality management (TQM). They add that quality has been widely defined as 'meeting or exceeding customer expectations', a criterion that also happens to be the focus of the new management model. The best system for meeting or exceeding customer requirements is defined by the Baldrige criteria" (George and Weimerskirch, 1994; 6).

The existence of the Baldrige Award is based upon Public Law 100-107, which creates a public-private partnership designed to encourage quality from US companies. The findings and purposes section of this law state that the concept of the quality improvement is directly applicable to small companies as well as large, to service industries as well as manufacturing, and to the public sector as well as the private enterprise. In order to be successful, quality improvement programs must be management-led and customer-oriented, and this may require fundamental changes in the way companies and agencies do business.

Thus, the quality concept is applicable to a trial court's business, which is a public service, yet the past application of the Baldrige criteria was limited to education and medication organizations. Understanding the suitable contents of a "quality management framework" that could be applicable to court business present another challenge.

Therefore, this study needs to assess quality management frameworks in trial court elsewhere for the potential challenges and benefits they can yield. From the literature reviewed it appears that none of the previous quality frameworks have been applied into the trial court business except the Dubai Government Excellence Award Program (DGEAP).

This study selected the DGEAP as a quality management framework for many reasons, which are presented in detail in Chapter Seven. Implementation of this

framework in the Dubai Court during the last five years (1999-2003) was the major source that could provide this study with a broad picture.

2. *SERVICE CHARACTERISTICS*

According to Kotler and Armstrong services present some special problems calling for special solutions. Services are intangibility, inseparability, variability, and perishability. Each characteristic poses problems and requires particular strategies. Management has to find ways to make the service more tangible, to increase the productivity of providers who are inseparable from their products, to standardize the quality in the face of variability, and to improve demand movements and supply capacities in the face of service perishability (Kotler and Armstrong, 1993; 512).

A company must consider four service characteristics associated with delivery of quality service that include:

1. Intangibility means that services cannot be seen, felt, or heard before they are received (Kotler and Armstrong, 1993; 495). Users only have promise of instant, timely and quality delivery of justice upon dispute resolutions. They are looking for signs of service quality. They most likely draw their conclusions about quality of services from the courthouse, the court's employees and equipment, communication material, and price (cost of the service) that they can see. Therefore, a court should make its services tangible.
2. Inseparability means that services are first sold, then produced and consumed at the same time. Provider-client interaction is a special feature of services (Kotler and Armstrong, 1993; 496). Both the provider and the client affect the service outcome.
3. Services are highly variable; their quality depends on who provides them, as well as when, where, and how they are provided. The quality of a single employee's services varies according to her or his energy and frame of mind at the time of each customer contact (Kotler and Armstrong, 1993; 496).
4. Services are perishable; they cannot be stored for later use (Kotler and Armstrong, 1993; 497). For example, notarizations of documents in the Dubai Court have to use more employees and equipments because of rush-hour demand (at 10 am) than they would if demand were constant throughout the day.

Sturdy et al. (2001) and Curry et al.(1998) state that

“the public services can be usefully divided into three different categories of quality: client quality, professional quality, and management quality. Client quality relates to what it is that customers want from the service, both as individuals and in aggregate. Professional quality relates to the effective deployment of appropriate techniques and procedures to satisfy customer needs. Management quality relates to the most efficient and productive use of resources to meet consumer needs” (cited by Wong and Juniper, 2002; 3).

Services provided by the public sector vary, which complicating the creation of universal quality principles and the ways in which quality can be measured. Trial courts are unique in their services to the degree that the Honourable J J Spigelman AC, chief justice of New South Wales, argues that

“he has no doubt that there are important areas of government in which the emphasis on a consumer perspective and the analogy with the free market have been adopted with substantial benefits. However, not all areas of government are capable of being molded by this analogy. The administration of justice is an area in which this analogy has little useful to contribute. Human life cannot be characterized simply as a series of consumer choices. Litigants are not consumers. Litigants have rights. They come to the court to assert their rights, not to exercise some form of consumer choice. (Spigelman, 2001; 3)

According to Spigelman

“the difficulties of measuring quality can be illustrated by the proposal that is sometimes made by managers as how to assess that quality of the decision-making in courts. It is proposed that there should be some form of survey of opinions about various matters including the quality of the court's decision-making processes. There is little doubt that in certain areas of court administration, surveys of persons attending at court are useful, for example convenience of facilities” (Spigelman, 2001; 4).

Spigelman does not

“believe that there is any proper basis for surveys, even lawyers let alone litigants, for the purpose of assessing the judgments of a court. Opinion surveys about quality are, necessarily, in large measure surveys of reputation. Reputation is not necessarily related in any direct, or even rational way, to the matter sought to be assessed in this qualitative manner. They are a grotesquely unreliable form of assessing quality” (Spigelman, 2001; 4).

Spigelman's view diverges from Standard 3.3, of the Court Decision and Actions of the TCPSM, which states that

“trial courts must give attention to cases, deciding them without undue disparity among like cases, and upon legally relevant factors. To measure this, court should begin with

simplest approach that is to focus on the opinions of experts, court users, and the community via the questionnaire. Then focus group approach, and finally gathering of more and detailed information through the quantitative measures” (National Criminal Justice Reference Service, 1997; 110)

The Hon Justice Young Pung How, Chief Justice of Singapore, argues that “the judiciary must incorporate quality improvement principles and customer-driven practices in their delivery of justice. By quality he does not mean only quality in term of its decisions. Quality does not mean only quality in terms of court’s decisions. Quality principles must be applied to court procedures and processes, the courtroom and buildings must not intimidate their user; but instead they should be user-friendly. Court schedules should also be adhered to. Judges should commence their sittings precisely on time and make efficient use of trial time. After the conclusion of hearings, judges must deliver their judgments promptly and without delay” (How, 1995; 79).

How also states that

“externally, comprehensive performance indicators to measure court performance standards should be formulated and published. In addition, there should be regular reports on the extent to which actual performance matches those standards. Over time, through the application of quality management principles to the justice delivery process, public confidence in the judiciary will be enhanced” (How, 1995; 79).

Ostrom and Hanson developed a framework to show how the value of timeliness and quality are affected by the concept of efficiency. They found that “well-performing courts should be expected to excel in terms of both timeliness and quality” (Ostrom and Hanson, 2000; xii). They stated that there is far less general acceptance on how to measure the quality of case processing. In their study, they focused on one critical dimension of quality case processing: the extent to which cases are given individual attention and whether the criminal court system is conducive to providing effective advocacy to cases. Efficiency within the context of case resolution means to use resources in their most productive fashion to produce the most of what a court system values” (Ostrom and Hanson, 2000; xii).

Ostrom and Hanson suggested three avenues for future research to refine the results of their study. The second and third avenues are relevant to this research and include whether studies of caseload composition and timeliness in other courts confirm the current results. As their research focuses exclusively on criminal courts, what is the parallel research agenda for the study of timeliness in civil litigation? (Ostrom and Hanson, 2000; 112).

Friesen et al emphasize the fact that courts require viable management models for modernizing their operations, stating that

“the greatest danger in adapting existing knowledge about administration to the courts is borrowing what’s bad from other systems, Particularly in regard to personnel, finance, or physical planning. The challenge many courts face now is how to develop and operationalize a management model that fits the courts unique features, yet benefits from the experiences of other complex organization with which they share common problems” (Friesen *et al*, 1971; 9).

Their conclusion was consistent with the results of the Dubai Court’s 2001 evaluation report.

Bin Huwaidi presented the annual evaluation report of the Dubai Government about the development and improvement requirements to the Cases Affairs Department of the Dubai Court. Those requirements were identified as follows.

1. To create standard performance indicators.
2. To review and modify the administration framework.
3. To review the goals and objectives of the administration in conformity with the Dubai Court strategic plan.
4. To prepare a plan for administrative and judicial job descriptions.
5. To determine the administration’s mission statement in conformity with the Dubai Court vision and mission statement”(Al Bayan Newspaper, 2001).

The content of the report demonstrated the weakness of one of the main departments in the Dubai Court, which could negatively affect the entire image of the standard of court management in the Dubai Court. On the other hand, this report illustrates the ability and competence of the Dubai government evaluation system.

The present study examines the perspective of the court’s unique management model by studying the application of the total quality management framework of the Dubai government Excellence Program, which consists of nine quality management performance criteria. This study plays a major role in developing and improving the existing management of Dubai Court, to obtain an improved management model, which could appropriately apply the requirements of TQM and anticipate the Dubai government’s requirements, as well as the perception/satisfaction of the Dubai community. Therefore, the third and final area in this study addresses the following propositions.

1. Quality court management is directly related to the use of a framework to appropriately evaluate the implementation of total quality management.
2. Overcoming the Dubai Court's current and future challenges, as well meeting the court's users requirements, is directly related to the clear understanding of the elements of quality services.

3. *QUALITY CONTROL*

There are many successful quality control approaches and techniques that could be applied in public services organizations such as the trial courts. One of the interesting approaches in dealing with the quality concept is the statistics for process control. In this approach, quality control is based on using statistical analysis to measure and predict the performance of processes.

Amitava Mitra defines quality control as “a system that is used to maintain a desired level of quality. He remarks that this task may be achieved through statistical process control and acceptance sampling plans”(Mitra, 1993; 10).

Statistics for the process control approach could easily be used to improve court performance through monitoring the quality of case management process and other non-related case processes. Similar improvement goals of the above approach would likely be applicable to the court's performance, which include cutting down the cycle time and reducing the cost of the processes. These two goals are among the top needs and expectations of the court's users. To shed light upon these goals (time and cost) in the court business, some examples of the court's processes are worth noting.

According to TCPMS

“the requirement of timely case processing applies to trial, pretrial, and post-trial events. The court must control the time from case filing or criminal arrest to trial or other final disposition. Any time beyond that necessary to prepare and conclude a case constitute delay” (National Criminal Justice Reference Service, 1997; 66).

Time to disposition is the measure that provides information regarding the time it takes to process cases. Case processing time is calculated by measuring times between filing and disposition of each case. Case processing includes sub-processes such as cycle time of third parties technical experts' reports (during trial event), case notification process to all individuals involved in the case (pretrial event), and judgments enforcement processes (post-trial event).

Chapter Five and seven in this study have included some factual data regarding these processes to show the importance of statistics for process control. Undoubtedly

these previous examples firmly establish that this approach is expected to detect defective task processing and provide feedback on these processes.

Chapter Seven presents another example of using a statistical control approach which measures the number of cases disposed by each judge. It finds, unexpectedly, that six judges were processing cases more slowly than set by the standards of performance. This approach is also used in this study to measure the performance of “two non-related processes to case management”² that include the time cycle of payment by court to suppliers and time of returning money held in trust by the court. The findings show some problems: most payments transactions take longer than expected, which likely has an unacceptable effect on the court’s performance.

Another example of using this approach is the pilot project of applying quality management principles to study, analyze, and formulate recommendations for improving internal work processes—from filing to determination—which began in August 2000 and concluded in June 2001 in Florida’s District Court of Appeal. This project finds a number of factors that contribute to the success of implementing quality management process, including the following

1. Judges should be involved in the project from the beginning.
2. Everyone in the court should be informed about the project.
3. Process mapping should be used. When an entire process is mapped, many ways to improve efficiency can be found at the task level. Process mapping also provides a tangible method of accountability to show that the entire court process has been reviewed.

Florida’s project concluded that continuous quality improvement has proven to be an effective approach to dealing with the workload issues facing courts today (Warner *et al.* , 2002; 8,9).

Alexander Aikman (1994; 19) reports that

“it is still important to recognize that poor quality costs money in courts just as it does in private sector. The costs are attributable to redoing incorrect or incomplete work such as extra staff or supervisory time and possibly, positions and to delays in completing work. Improved quality will reduce cost even if the savings do not always translate to reductions in budget line items.”

² These criteria are not based upon measures that can be affected by judicial actions, but are strong indicators of increasing workload or are closely tied to the future flow of work entering the courts (Flango *et al.* 1996; 19)

The other interesting approach is the quality measurement system that measures the cost of quality. It states that measuring quality cost is important in providing the information needed to analyze where the excess cost is occurring. One can then create targeted improvement projects to reduce those costs. This approach divides quality costs into failure costs, appraisal costs and preventive costs.

In court business, the major outputs are the judgments (decision-making) on disputes. Courts need to develop measures to compute their various categories of quality costs. The failure costs category in court process may include costs associated with rework of cases that sometimes are returned from the High Court to the Appeal Court or from the Appeal Court to the Primary Court.

The Australian Government productivity Commission (2002; 494) report on court administration presented a performance indicator framework for court administration. According to this report, the effectiveness of court performance consists of three elements:

1. Quality (client satisfaction, and alternative dispute resolution services).
2. Access (affordability, timeliness and delay, and geographic accessibility).
3. Enforcement of court warrants. Efficiency is the input per output unit (cost per case).

Kotler and Armstrong reported that

“studies of well-managed service companies show that they share a number of common virtues regarding service quality. First, they have a history of top management commitment to quality. Second, the best service providers set high service-quality standards. Third, the top service firms watch service performance closely, both their own and that of competitors. Fourth, good service companies communicate their concern about service quality to employees and provide performance feedback. Finally, well-managed service companies satisfy employees as well as customers (Kotler and Armstrong, 1993; 503).

CHAPTER THREE

ANALYSIS OF THE COURT'S ENVIRONMENTS

1. *INTRODUCTION*

Courts have two choices when it comes to the future: wait and react or anticipate and plan. The National Center for State Courts (NCSC) helps courts to prepare today for what is to come tomorrow by preparing an Annual Report on Trends in the State Courts. A key element of producing this report is regular environmental scanning (National Center for State Courts, 2002a; V).

The Dubai Court evaluation report stated that "the Court needs to widen the process of studying and analyzing the external environment, particularly with regard to understanding and analyzing present and future opportunities"(Dubai Government, 2003; 14). As we shall see in Chapter Seven, this is one of the Court's weaknesses in the criterion of policy and strategy.

The work of trial courts has been mainly related to dispute resolution, which is affected by many issues resulting from trends and changes in the external environment. Courts, like most other institutions, must be aware of the changes and trends that are taking place, and must understand how these issues might change the way they conduct their business so that they are able to increase their effectiveness and efficiency.

Understanding the court's internal and operational environment is also fundamental for the success of the Court administration. Dividing the court environment into two major segments [internal and operational] can aid study of the environmental effects. The components of the environments categories are presented in Figure 3.1.

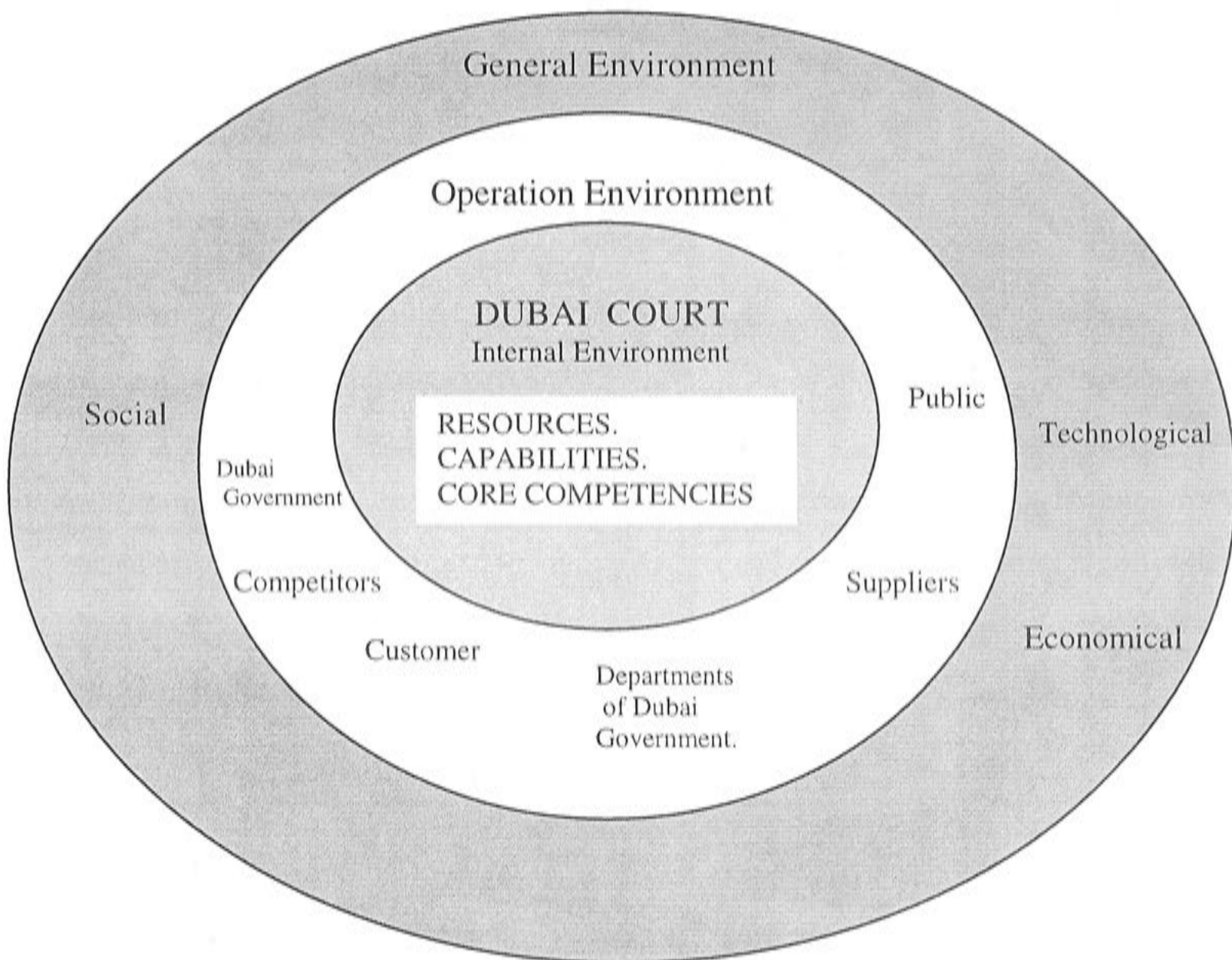
Researchers have defined environmental analysis as "a process of picking up signals from the larger environment, analyzing their significance for the organization, and tracking the most relevant of these signals" (Ferguson, 1993; 2). Courts, like other organizations face complex external and operational environment issues, particularly in a place like Dubai, where changes are observed every day.

The environmental issues and trends analysis should not be limited only to predicting the court's future, but should also aim to deal instantly with issues whenever they appear. Such analysis will be helpful in defining the potential threats and opportunities that exist in the environment, so that the court management could

develop appropriate service strategies and take suitable resources–use decisions. Realizing the implications of trends for the justice system is among the major objectives of the analysis of environment changes.

This chapter presents an historical outline of the UAE, and Dubai emirate in particular, and explores issues related to the external environment in the first section. The second section provides a profile of Dubai Court and discusses components of its internal and operational environments.

Figure 3.1 The court's environments



SECTION ONE

THE COURT EXTERNAL ENVIRONMENT

1. *HISTORICAL OUTLINE OF UAE AND DUBAI CITY*

The United Arab Emirates (UAE) was established on 2 December 1971, as a federation of seven Emirates; each individual emirate retains its legal jurisdiction and political power, unless otherwise provided by the provisional constitution or by agreements transferring these to the Federal Government. The Federal Government maintains exclusive jurisdiction in a number of areas such as foreign affairs, defence, health and education, while the individual emirates have exclusive jurisdiction in matters relating to municipal work and national resources.

The Federal Supreme Council governs the UAE and consists of the rulers of the seven emirates. It is primarily responsible for the formulation of policy decisions relating to federal matters. It also has a legislative arm, which sanctions various laws and decrees, including the ratification of international treaties (UAE Constitution Articles 1, 46, 47 and 120). Policy decisions of the Federal Supreme Council are implemented by the Federal Council of Ministers, which is also in charge of issuing regulations and preparing draft laws.

The Federal National Council is composed of 40 members of the national community who are recommended by the ruler of each emirate. It is responsible for considering and reviewing draft federal laws or bills before they are submitted to the President and the Federal Supreme Council for consideration and subsequent enactment (UAE Constitution, Articles 60 and 89).

Under the Constitution, each Emirate is permitted to maintain its own legislative body and judicial authority. Accordingly, there are federal and local courts in the UAE. All emirates, with the exception of Dubai and Ras Al Khaimah, however, have transferred their judicial systems to the UAE Federal Judicial Authority, which is run and supervised by the Federal Ministry of Justice. Dubai and Ras Al Khamah maintain their local courts (UAE Constitution, 1971, Article 149).

Dubai is the second largest emirate in the UAE, and is situated on the west coast of the UAE, in the southwestern part of the Arabian Gulf. It is the leading industrial and trading center in the Middle East. Although rich in oil, it has made great efforts to reduce its economic dependence on oil revenue. Low levels of business and market regulations have deliberately been adopted in order to

encourage overseas investment in the non-oil sector. The total area of Dubai is 4,111 km², equivalent to 5 percent of the total 83,600 km² area of UAE. Four-fifth of the UAE land area is arid desert.

2. ENVIRONMENTAL ANALYSIS PROCESS

Court understanding of the changes in the external environment has to be involved in four activities—scanning, monitoring, forecasting, and assessing. As there are many previous specialized studies of these activities, they will be dealt with briefly in the following paragraphs:

1) Scanning

Environmental scanning was defined by the Environmental Scanning Team 2000-01 as “a method that enables decision-makers both to understand the external environment and the interconnections of its various sectors and to translate this understanding into the institution’s planning and decision-making processes” (Scanning Abstract, 2000-2001; 1).

“Environmental scanning attempts to identify events, trends, and developments, or drivers, shaping the future. Scanning especially involves trying to understand which issues might take a court beyond its current ways of doing things” (National Center for State Courts, 2002a; V)

Scanning detects early signs of changes and trends in all relevant environment segments. It is often limited, therefore, to broadly identifying what might be regarded as an issue that arises out of a trend, change, or event of potential interest to the court business. Analysis of such issues has to consider its impact on a court from different dimensions such as political and regulatory concerns and public attitudes and the impact on court operations.

The scanning process relies on many sources, including television programs and particularly panel discussions, specialized magazines, books, domestic and international courts conferences, and newspapers. As a change or an idea generally takes a long time to become a law or a serious issue that affects a court operation, it is very important for a court to give more commitment and attention to scanning the environment in a systematic way, which requires several decisions to clarify who will do it, when and how it should be done.

2) **Monitoring**

Monitoring involves examination of what has been recognized before as an issue and trend, which may have implication for court operations. This involvement uses different tools including public opinion surveys and media analysis, and it may require a detailed attention to a specific issue over a period of time by using informal or formal search depending on how significant the issue is for the court.

3) **Forecasting**

Hitt *et al* view that

“scanning and monitoring are concerned with events in the general environment at a point in time. When forecasting, analysts develop feasible projections of what might happen, and how quickly, as a result of the changes and trends detected through scanning and monitoring” (Hitt *et al.*, 1998; 49).

4) **Assessing**

Hitt *et al* consider that

“the objective of assessing is to determine the timing and significance of the effects of environmental changes and trends on the strategic management of a firm. The intent of the assessment is to specify the implications of that understanding for the general environment of the organization” (Hitt *et al.*, 1998; 50).

3. ***ANALYSIS OF THE EXTERNAL ENVIRONMENT OF COURTS IN DUBAI***

The external environment of a court consists of several segments including: demographic/ sociocultural, economic, political/legal, and technological elements.

1) **Demographic Segment**

This segment is about population size, age structure, geographic distribution, and ethnic mix. Some of the demographic trends in Dubai are presented below.

a. ***Dubai Population***

The study conducted in 1996 by the National Center for State Courts (Flango, 1996; 19) to assess the need for judges and court support staff, used population growth as one of the criteria in determining the need for judges, as well as to measure the expected caseload.

The annual population growth rate in Dubai is 5.6 percent (between 50,000 to 80,000) per annum (see Table 3.1). This rate could be used by the court in deciding whether to recruit additional number of judges and other resources to face the expected increase in cases as per the formula given by NCSC. This study has used

this factor to measure the Dubai Court's performance with regard to assessing the number of judges needed. Details of this analysis are given in Chapter Five.

b. *Age Structure*

In 2001, Dubai's crude birth rate was 18.4 percent (male 50.9 percent, female 49.1 percent), with crude death rate 1.6 percent (male 73.2 percent, female 26.8 percent), the estimated neonatal mortality rate was 6 percent (male 63.4 percent, female 36.6 percent), and the majority of the work force was in the age category 20–49 (92.1 percent in 1995, 92.5 percent in 2000).

Such rates will produce a natural increase in the female population, but Table 3.1 below shows that the number of males increased more than the number of females (6.61 percent male compared with 2.99 percent female, and the total population consisted of 28 percent female and 72 percent male in 2001). This is because of the specific nature of the Dubai community, where a majority of labor immigrants are young males who join the workforce in the construction and other industrial segments.

This growth rate can be used by the court as an indicator for civil cases (for example, immigration, and labor); to demonstrate this relationship, the analysis of the condemned persons in punitive cases by age indicates that the majority of those convicted in the period from 1997 to 2001, were in the age range 30-44, followed by age range 24-29 (Dubai Municipality, 1993; 433).

These results could be compared with the population distribution by work status and age group, which shows that the majority of the work force is in the age range 30-40 (39.74 percent, 38.10 percent, and 40.30 percent, consecutively in years 1993, 1995, 2000) and this group experiences considerable unemployment, representing 18.10 percent of the unemployed (of the total 1.4 percent unemployed in 1993), 18.17 percent (of the total 1.5 percent unemployed in 1995), and 15.37 percent (of the total 1.7 percent of the total unemployed in 2000) (Dubai Municipality, 1993; 433). Accurate prediction of future trends of the different factors that affect the expected numbers and types of cases, such as population age growth, would help a court in planning resources use.

Table 3.1 Total population (estimated) in Dubai.

| | 1993 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 |
|--------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Male | 406,129 | 611,799 | 652,239 | 695,352 | 741,315 | 790,316 | 842,555 |
| Female | 204,797 | 250,588 | 258,097 | 265,598 | 273,065 | 280,463 | 287,759 |
| Total | 610,926 | 862,387 | 910,336 | 960,950 | 1,014,379 | 1,070,773 | 1,130,314 |
| | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
| Male | 898,248 | 957,623 | 1,020,921 | 1,088,404 | 1,160,348 | 1,237,047 | 1,318,816 |
| Female | 294,911 | 301,877 | 308,606 | 315,045 | 321,133 | 326,804 | 331,986 |
| Total | 1,193,159 | 1,259,499 | 1,329,527 | 1,403,449 | 1,481,481 | 1,563,851 | 1,650,802 |

Source: Dubai Municipality- Statistic Center/ 1993-2012

c. Ethnic mix

Dubai's population has a diverse ethnic mix and only approximately 11 percent of the population is locals. The changes that are taking place in the ethnic structure are relevant for the Court. They may affect several court activities, such as interpretation, marriage, family cases, and inheritance cases. The criminal cases could also be affected by such a factor. For instance, statistics of cases by nationality show that the people from Asian countries formed 56.02 percent of condemned persons in punitive cases in 2001, 54.47 percent in 2000, 64.68 percent in 1999, and 67.11 percent in 1998 (Dubai Municipality, 1993; 432).

In 2002, Dubai Court has requested the different foreign consulates in Dubai (for example, Korea, Spain, and Philippine) supply the Court with the national family laws of each country. These laws have a significant value in solving the legal disputes between non-Muslims. During interviews with the chief judges of the Dubai First Instance Court in January 2003, these correspondences as well as the positive responses from most embassies were viewed.

This reflected the court's concern for the different needs among the Dubai population, because the law in the UAE has organized only family matters between Muslims. In disputes between non-Muslims, the court should apply the law of the country of the litigants. Among the potential implications for the Court of these demographic trends are

1. a need to proper analysis to the diverse expectations about the appropriate role of the court in society.
2. an increased demand for court educational materials in different languages.

3. the potential discrimination and bias on the basis of race, gender, or any other factor. The court must treat every case with individual attention in a consistent manner on the basis of legally relevant factors. Therefore, courts are required to evaluate the veracity of that perceptions of bias and to find ways and means to address these treat perceptions of the users' biases.
4. an increased demand for interpreters.

2) Economic segment

Trends in the economic segment may affect the caseloads (for example, the rate of business formation and failure). It may also affect the resource base of the court, as the flow of funds to the government from sales of natural resources (that is, oil) is limited over the next ten years. Therefore, intense competition for government funding between the government agencies is expected, and the court may expect budget shortfalls.

The traditional commercial law will face a great challenge as international trade increases (for example, some of the international sale contracts may challenge the court's jurisdictions). The current cost of arbitration in Dubai is considered high for most consumers and the court will need to find other dispute resolutions procedures as well as finding a way to control costs and neutrality. Potential implications for more court accountability include

1. a need to develop more sophisticated workload indicators (for example, weighted caseload).
2. increased expectations for better collaboration among the justice agencies to share the government funds, to develop the restorative justice program for participants in the crimes (victim, offender, and community), and to use integrated communication systems.
3. the need for more efficiency in the field of the court administration is required.
4. increased need for flexibility in foreign legal representation.
5. increasing the opportunity for Alternative Dispute Resolution (ADR) mechanisms that could minimize the cost and the time for the court's users should be provided. This change from the traditional way of dispute resolution will reduce cost of the court operations, and courts are also expected to lose some revenue. It is expected that "the courts will be encouraged to develop or expand their own arbitration programs, particularly to ensure neutrality of the arbiters" (National Center for State Courts, 2002a; 23).

3) Technological segment

Court effectiveness and efficiency depend on the court ability to match opportunities that exist in its external environments with court's core competencies. For example, courts may replicate or imitate the capabilities of successful technologies firms, as was the case with Dubai Court when they developed their case file tracking system by utilizing the technology knowledge that existed in Dubai. This action has advanced their case management system, which is considered a core competency for any trial court.

The court must use its internal strength to overcome the challenges that are caused by environment trends. For example, Dubai Court has faced pressure from users' inquiries for information on the status of their cases. This pressure was associated with the increasing number of cases that requires actions and responses, which has led the Court to develop the internal strength of their IT systems. In addition, the court encouraged use of technology facilities among its main clients, such as lawyers and prosecutors, to facilitate external access for these two groups by means of internet through the Court website, allowing individuals to access to their cases at any time using PIN number given to them by the Court officials.

The rapid progress in the Dubai Criminal Laboratory, particularly the application of DNA analysis to criminal investigations, has been a great challenge for the justice system and the court. It raises issues about the reliability of new biometrical methods³ for identifying individuals, and the importance of developing ways of securing and preserving evidence that is handled electronically.

4) Political segment

The war on terrorism has caused complexities for the criminal justice system in most countries, including the "UAE, whose "[n]ew anti-terror law is expected to be approved by the UAE in 2004"(Al-Bayan, 2004). National and community security attracts public and government attention. With global communication and business, the court deals with very complicated issues.

³ The term "biometrics is generally used to describe the science, techniques, and technologies concerned with measuring and analyzing human physiological or behavioral characteristics, especially for recognizing or authenticating individuals. The leading biometrics technologies include fingerprints, eye scans (iris or retinal), facial recognition, hand geometry, and voice recognition (National Center for State Courts 2002b; 1)

Potential implications for the court may include:

1. an increased need for a long-term offender assessment program of offenders post-adjudication.
2. an increased need to evaluate the security element in the courthouse and within the community.
3. a need to develop training programs for judges and some of the court staff to prepare them for the implementation of the anti-terror law.
4. increased public expectation of tough judgments by the court in the criminal cases, more collaboration between the court and the media, and an increase in the number of the community programs that are provided by the court.
5. a need to develop efficient ways to resolve disputes across nations and enter in collaboration agreements with courts in other countries.

SECTION TWO

THE INTERNAL AND OPERATIONAL ENVIRONMENTS

The Dubai Court's profile, and components of its operational and internal environments are discussed below.

1. DUBAI COURT PROFILE

Writing the history of Dubai Court means writing the history of the Dubai emirate itself. Before 1912, claimants used to turn to the Ruler, who would either pass a rule or ask a judge who used to run his court from his house to adjudicate. After 1912, judges used Al Ahmadiya School as a place for trials. In 1930, this task was assigned to Sheikh Hasher Al Maktoum, who heard cases in a shop in Al Arsa market in Deira, and before 1939 the court moved to the house of Mr. Mohamed Ali Badri in 1956. Then in 1958, it moved to Naif Fort and continued to operate from there until 1979, when it was moved to a building near the present Dubai Municipality Building. As of 1992 the Dubai Court buildings are situated near Al-Maktoum Bridge overlooking the Dubai Creek (Dubai Justice Department, 2004).

It is important to mention that the first judges were knowledgeable, conscientious, men of religion and Islamic sciences, such as Sheikh Mohamed Bin Abdul Salam Al Maghriby and Hassan Al-Khazrajy. There were other judges, known as "Asalfa", who used to rule in disputes relating to the diving business. The best known of which was Ahmed bin Harib. When Sheikh Mohamed Bin Hasher Al-Maktoum, the President of the Judiciary Board, was assigned to the court's administration in 1956, all the judges were Islamic judges and included the Sheikhs Ahmed Bin Hassan Al-Khazrajy, Adajani, Ashangheety and Assaquaf. (Dubai Justice Department, 2004).

In 1970, the Courts Formation Law was passed; and the Civil Court and the Court of Appeal were established. This first was headed by the late judge Uday Al-Bitar and his successor Judge Ghalib Al-Bastamy. In 1988, the Court of Cassation⁴

⁴ The responsibilities of the Court of Cassation, which stipulated in the UAE law include:

- 1) The adversaries may contest the ruling issued by the Appeal Court at Cassation if the value of the claim exceeds 10,000 UAE Dirhams or if its value has not been assessed if (see page 255).
- 2) Ruling issued by the Appeal Court which are in the process of implementation shall not be subject to contest at Cassation (Article 173).
- 3) The Public Prosecutor may make a contest by means of Cassation in the interest of the law in final rulings by whatever court they are issued if the ruling is based on a contravention of the law or an error in its application or interpretation in: A. ruling which the law does not permit the adversaries to contest. B. ruling with respect to which the deadline for the adversaries to

was established. A law that combines the three courts was not issued until 1992. This law specified the three courts' jurisdictional apportionment.

As the Court was developing and its jurisdiction was increasing, it was essential to form an administrative body to support it, and many employees were appointed to the Court (administrative and financial). The Court's administration had a number of successive directors, including Mr. Ibrahim Abu Melha who is now the Dubai Attorney General. The present director is Mr. Ahmad Ateej Al-Muri, who was appointed in 2000.

Before the establishment of the civil court in 1970, the Dubai Court did not have an administrative framework. It consisted simply of the Shari'a Court and an office of clerks who aided the court in its administrative and financial affairs. Between 1970 and 1974, the court had many departments (rights, shari'a, verdicts, traffic, and treasury). In 1974, the post of the Notary Public was added. In 1976, the personnel department was established. (Dubai Justice Department, 2004).

Since 1994, the Dubai Court has witnessed a number of changes. The recent changes (see Figure 3.2) include the Information Technology Department, which has revolutionized the working process in an unprecedented way with regard to judiciary, financial and administrative processes. More than 90 percent of the Court's activities are now computerized (Dubai Justice Department, 2004).

Since its start, the Dubai Court has increased its working staff across the judiciary, financial and administrative fields. The number of judges has jumped from three to twenty. In the early 1980s all were expatriates (90 percent of whom were from Egypt). In 1998, 29 percent of judges were national. This percentage increased to 33 percent in 1999, and 44 percent in 2001, with 41 of them being placed in Dubai First Instance Court. The total number of judges in the three courts is 73 (Dubai Justice Department, 2004).

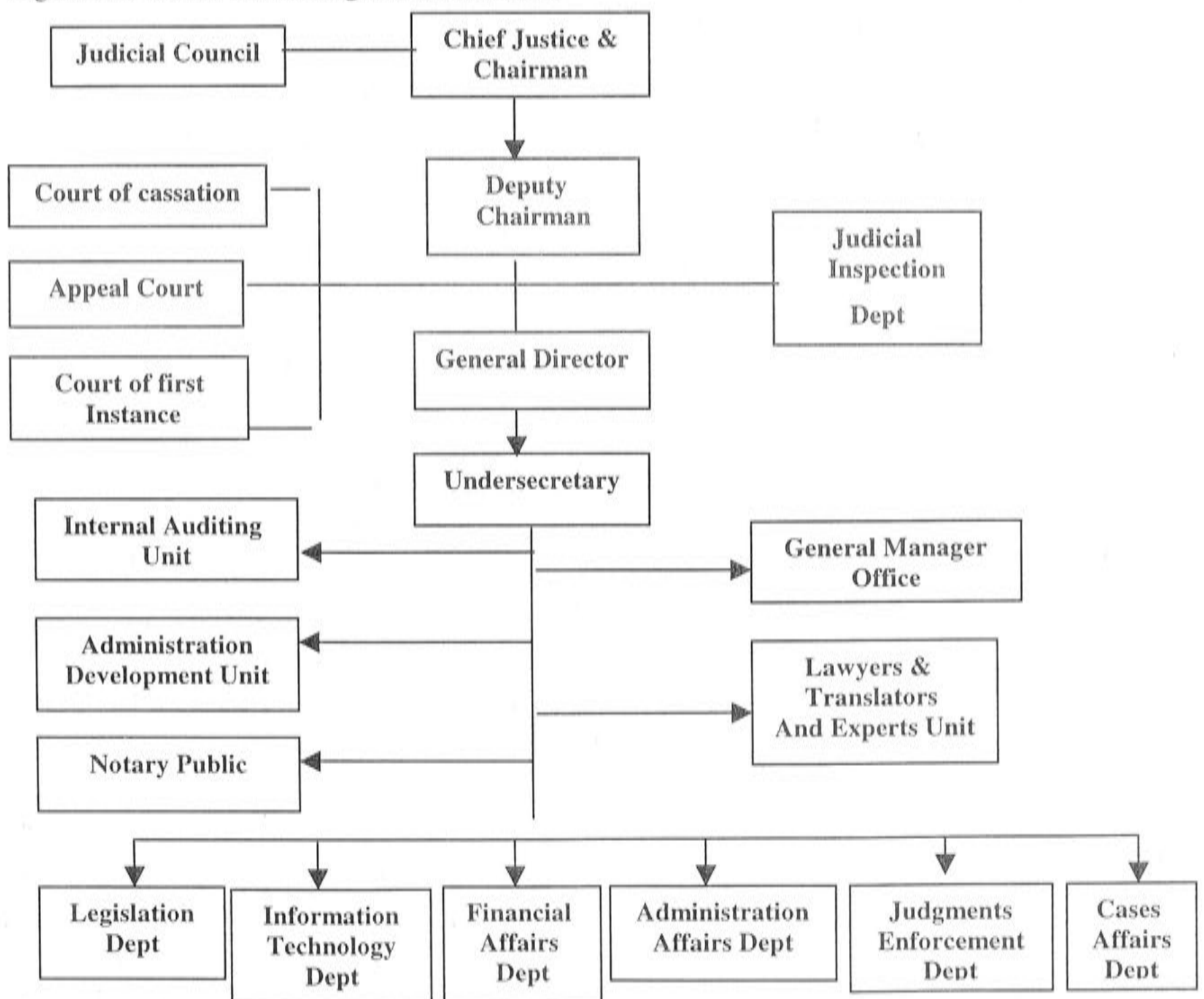
contest them has expired or which they have waived the right to contest or in which they have filed a contest which has been ruled unacceptable (Article 174).

- 4) 1. The president of the circuit, which has jurisdiction, shall appoint a judge to prepare a summarized report on the points of the contest and the replies to these. The office of the clerks to the court shall be required upon the lodging of the report to present the claim file to the president to arrange a session for hearing the contest. 2. The summarized report shall be read at the session and the court shall rule on the contest after deliberation and without any proceedings. It may hear the testimony of the lawyers on behalf of the adversaries or the adversaries themselves in response to their request or if the court considers this necessary (United Arab Emirates, 1992; 118).

Regarding the Dubai court's administrative employees, the Court's statistics of the Court of First Instance show that in 1983 only 9 of 89 employees (10.1 percent) were UAE national. The number increased progressively to 62.61 percent in general posts and to 100 percent in administrative supervision posts by 1999. The number of UAE national employees reached 139 in 1999, while the number of expatriates was 83. The total number of employees at the beginning of 2001 was 331 (Dubai Court Department, 2001).

The Ruler of Dubai has the power to order from time to time the formation of Special Courts and Judicial Committees for judgment of particular cases or as required by a particular law. All these courts are under the chairmanship of the Chief Justice, who is appointed by the Ruler, and is assigned administrative supervision of the judicial authorities. The Chief Justice appoints the Chief Judge and other judges with the consent of the Ruler. He also appoints the court's non-judicial employees. (Dubai Justice Department, 2004).

Figure 3.2 Dubai Court Organization Chart.



Source: Dubai Court records

2. *OPERATIONAL ENVIRONMENT*

Figure 3.1 shows elements of the Dubai Court's operational environment. The success of court management is affected by the court's ability to define its users, the users' current needs, the users' future needs and expectations, and how the court can fulfill such needs.

1) **Court's users**

Court users include lawyers, prosecutors, self-represented litigants, individuals, the Dubai government, other public organizations, and suppliers as well as the community. The court's employees are not included as one of the users here, even though they are stakeholders (discussed in Chapter Six). The adopted definition of the word "community" in this study is similar to the definition used by the Judicial Council of California

"community means all of those individuals, and the organizations to which those individuals belong or with they affiliate, who reside in the locales [eg, Dubai] in which courts [eg, Dubai Court] operate and who look to the court to provide justice in a civil society" (Judicial Council of California, 1999; 1,3).

a. *How the court determines users' needs?*

The court could determine needs of individuals by establishing channels of communication such as public meetings, individuals' interaction inside the courthouse, and the use of media channels to educate and inform its users. The court could also sponsor education programs, monitor and measure the level of users' satisfaction concerning their relationship with the court via questionnaires.

Such interactions would give the court a great deal of input to guide its services design by determining which specifications are critical from the users' perspective or could lead to new service features more satisfactory to users. The National Center for State Courts has also identified the following six primary benefits that can result from court and community collaboration (Grogory, S. Prince, J cited by Judicial Council of California, 1999; 4).

1. Reconciles the bench and public. Affords individuals courts and court systems a means to influence public opinion at the local level through education and by becoming more accessible, fair, timely, and accountable.

2. Strengthens judicial independence. Provides a forum for an ongoing informal exchange, avoiding a case-by-case accounting and allowing judges to respond to unfair attacks and misperceptions of the judicial role.
3. Improves case disposition. Can build more appropriate and more effective choices for judges in criminal and civil cases. Collaboration directs attention to those procedures and options that tend to result in positive impacts on communities.
4. Attracts new resources. Provides courts with the talents and energy of volunteers.
5. Strengthens communities. Creates a unique vehicle for addressing local problems, combining the teeth of court sanctions with the power of the community networks to forge more effective forms of treatment and social service delivery.
6. Accommodates diversity. Provides an opportunity for judges and court staff to access and become sensitive to the distinctive and concerns of racial, ethnic, and class group.

Given taking into our consideration that people the court serves often do not readily understand the judicial process. Therefore, it is the duty of the court management to become aware of this fact and to consider all the steps that could reduce lack of public understanding. As mentioned before, neither the Dubai Government nor the Dubai Court were satisfied because the government surveys have revealed that there are gaps between the Dubai Court and the public in terms of the service criteria.

In fact, the unique character of the courts users, services, and the general nature of the survey's contents were the major factors behind a significant deterioration in users' and community opinions of the justice system, which leaves no doubt that there is a certain lack of understanding about the Court. Therefore, the Court needs to work as much as possible to open different communication channels with its users and community.

- b. *What are the users' current and future needs and expectations? How can the court fulfill its users' needs?*

The different needs of each group of users has a direct effect on the court-user relationship. Court failure to respond to such needs may cause

perception/satisfaction gaps. Some of the users' needs and empirical data about measures and factors that help the court meet its users' needs include the following.

1. The court must make sure that its physical structure, procedures, public proceeding, personnel and affordability, are accessible, to facilitate the entry of the users into the judicial system. The Dubai Court's efforts related to these matters are discussed in Chapter Five.
2. Users need to feel that their rights are respected (such as, in impartial hearings, cross-examination, and confrontation). Otherwise, they will not feel the presence of fairness in the court process. Any individual who interacts with any business provider requires that his or her request will receive attention. Likewise, the court user needs to receive attention without any variation based on individual characteristics, (for example, race, age, color, or gender) and without unjustified difference between similar cases. Chapter Five will include analysis of this subject.

It is very important for the court users to be assured that court decisions and actions adhere to the obligations imposed on the court by relevant laws, rules, policies, and ethical standards. The court users need to have confidence that the court will take responsibility for enforcing its decisions.

3. In most countries the public knows little about the court, and the media channels, lawyers, and court staff are the main sources of information about the court. Unless the court manages to educate and inform its community through effective utilization of such channels, the public will not understand the administration of justice. Therefore, there is a strong need for the community to be educated and informed, which is the responsibility of the court. The Judicial Council of California also reports this view in the study that "it is the court's responsibility to meet the needs of the news media and develop a partnership based on respect and mutual desire to keep the public informed of court activities"(Judicial Council of California, 1999; 2-16). This need is also covered in detail in Chapter Five.
4. Court suppliers play an important role in improving the quality performance in many ways, including through involvement in providing information about the abilities of purchased equipment and materials in improvements of court processes. Flynn et al, argue that "the selection of a small number of suppliers and the establishment of a long-term relationship with them based on quality considerations, rather than cost, encourages the provision of high quality parts. Interdependence and corporation with suppliers establish links to systematically exchange information that could help

courts to improve the standard of their services”(Flynn *et al.*, 1995, 663). Part of this relationship is the effectiveness of the court for services provided by suppliers. Details of this topic are discussed in Chapter Seven.

5. The court's Competitors are the group of alternative ways for the court's users to obtain the service they desire, rather than being direct competitors provide certain services. For example, legal firms provide reconciliation for their customers' disputes. Moreover, there is severe competition in the internal workforce market between the Dubai government organizations for recruiting skilled individuals, which has recently resulted in unusual employee turnover in the Dubai Court.

Government decisions and actions may give certain committees or firms authority to perform some work that is similar to the court jurisdictions and authorities. For example, leasing disputes are resolved by special committee in the Dubai Municipality. Commercial disputes can be arbitrated in the Dubai Chamber of Commerce. Soon there will be a special arbitration committee for resolving financial disputes in the Dubai International Financial Center. In addition, there is a growing trend for disputes relating to areas such as immigration, labor, and traffic disputes to be resolved through pre-established decisions ruled by special authorized administrators

The courts can avoid such types of competition by accurately analyzing changes and trends in its surrounding operational and external environments in a way that enable it to add value to users they serve, including to the government. One of the major obvious needs for example, is that most of users want to resolve their disputes in a timely and affordable manner, and this can be obtained through promoting alternative dispute resolution (ADR). Therefore, Dubai Court is currently studying a project proposed by this study for establishing an ADR center within its structure. This is expected to make a dramatic change in resolving many types of commercial, civil, and labor disputes.

6. the court must avoid any delay in its case processing. Delays in trial court business have a great value, particularly in the Middle East, where the excessive length of the cases processing has become a clear characteristic that diminishes users' trust and confidence in the court. It causes serious negative consequences for individuals. The Court would find a real advantage if it could ensure control of timely case processing while at the same time, keeping current with its incoming caseload.

The Court also should consider the importance of time, not only for case processing but also for other court activities such as distributing funds held by the court, issuing marriage certificates, external experts' reporting to case processing, and responding to requests for information by its users. To evaluate court performance related to this matter, most areas that have reducing time as a factor for increasing efficiency are examined in Chapter Seven.

3. *THE INTERNAL ENVIRONMENT*

A proper analysis of the court's internal environment such as its unique resources, capabilities, and core competencies⁵ would allow the court to determine what it can do compared with what it might do, during strategies creation.

It is very important for the court to recognize the strategic value of its tangible and intangible resources and to possess a suitable capability. The value of some of these resources is discussed in Chapter Seven. The wisdom that the "ends justify the means" represents the appropriate approach for the court. This means that the court must start from understanding which of its core activities reflect its competency (for example, dispute resolution) and selecting the resources and capabilities that could optimally promote this core competency, ultimately providing value to its customers.

The court as a customer-focused service provider may need to outsource some of its activities to obtain such value. A good example is when the Dubai Court authorized the National Bank of Dubai to collect the court's fees and fund deposits.

4. *SUMMARY*

Court management success is enhanced when the court implements and sustains a value-created strategy that satisfies the majority of its stakeholders. This understanding of a value-add process is connected with the analysis of the external, and operational environment on a continuous basis. Scanning, monitoring, forecasting, and assessing, as outlined, are the four essential activities that need to be adopted for the success of the environmental analysis process.

⁵ "Resources are the input into [a court's] operational processes such as equipment, the skills of employees, the [court's] ability to generate funds, access to information, patents, and talented managers. A "capability" is the [court's] ability to deploy its resources to achieve a desired end. Skills, knowledge, and expertise of employees are the main source for the [court's] capabilities. Core competencies [of the court] are what makes [the court] unique in its ability to provide value in its services to customers which their strategic actions can be framed around" (Hitt *et al.*, 1998; 91, 94, 96) such as dispute resolution and enforcement of judgments.

Elements of the operational environment have direct effect on the court's efforts to achieve its desired ends. The court needs to identify and focus on its core competencies, which are strategic capabilities not possessed by many others.

The court is an institution comprising professionals (for example, judges and prosecutors), their skills and knowledge should be considered the primary basis for most of court's capabilities. Therefore, the court needs to develop its human resources appropriately and share decisions with staff regarding well administration of its both tangible and intangible resources. Outsourcing some of the court's activities can be considered way of obtaining cost effectiveness and focusing on providing better customer services.

CHAPTER FOUR THE METHODOLOGY

The purpose of this chapter is to present the methodology by which this study was conducted. It outlines the research approach and data collection methods, questionnaire design, the research participants, analysis methods, reliability tests, materials and procedures. The analytical framework is also explained in this chapter, to show how the study could improve the effectiveness and efficiency of the court management in Dubai. Demographic information about the respondents is presented at the end of the chapter.

1. *METHODS OF DATA COLLECTION*

This study was conducted in Dubai Court, which is known as one of the leading Courts in the Middle East (see Chapter Three for details). During fieldwork for three months in 2002, a combination of data collection methods were used including Dubai Court records review and case data examination, surveys, personal observations, and interviews.

Measuring the opinions of individuals and constituencies who have had contacted with the court by using surveys is appropriate for evaluating court performance, and this research therefore employs a questionnaire. Along with this, it also relies on several data-gathering methods and uses diverse data sources to inform its conclusion.

This approach to understand the major issues confronting court management consists of the three areas, including the court-users relationship, administrative and judicial activities, and court quality management framework, is unique in the sense that no prior studies in the Middle East have used this method, when dealing with this topic. There was no clear guidance in the Dubai Court on how to measure trial court performance in various areas, which is probably due to several reasons, including

1. the absence of court performance standards in the majority of its main activities, such as the case management system, and case decision enforcement. Due to this, there are no tools to assess court performance standards. Even though if they do exist in few areas such as information system functioning and client

surveys, but they are not sufficient to effectively gauge court performance effectiveness properly.

2. that the criteria used are insufficient to measure the performance of other court activities such as the relationship between the Court as an organization with other organizations and with the public, financial performance, and administrative performance.

To improve the efficiency and effectiveness of Dubai Court, we need to pay close attention to court performance, court self-assessment, and court self-improvement. This means that the Court needs to establish and use certain standards for different areas of court administration, use various methods to collect data from different sources, and develop tools to assess those performance standards. Most of the court performance guiding principles, standards, and benchmarks in this study are derived from three sources:

1. The Trial Courts Performance Standards and Measures (TCPSM) that were initiated and developed by the US National Center for State Courts (NCSC). These principles and criteria have already been tested and used by several courts as a basis for court management including 12 trial courts in Ohio, New Jersey, Virginia, and Washington and also courts in the Australian state of New South Wales (National Criminal Justice Reference Service. (1997).
2. The criteria and elements of evaluation that were initiated and developed by the Dubai Government Excellence Program (DGEP).
3. The standards, measures, and benchmarks that existed in Dubai Court working environments.

These elements were subsequently developed on advice from several groups in Dubai including judges, lawyers, and professional academics, as well as members of the supervising research committee from The Australian National University (ANU). Field testing of the final version of court performance standards and measurements was conducted in Dubai Court by using four types of data collecting and measurement methods: 1) Court records review and case data examination, 2) Systematic observations, 3) Structured interviews, 4) Surveys of various groups. These methods are explained in detail as follows.

1) Court records review and case data examination

These reviews were objective in evaluating the court's performance because they provided primarily quantitative information. They involved studying docket sheets,

cases files, and financial and administrative reports. Various measures have employed the court cases and records review to determine whether the court performance with respect to specific standards has improved, remained the same, or deteriorated. Those measures include the following.

a. *Measures directly related to case management:*

1. Time to Disposition. According to TCPSM, “a trial court should meet its responsibilities to everyone affected by its actions and activities in a timely and expeditious manner, one that does not cause delay. Unnecessary delay causes injustice and hardship. It is a primary cause of diminished public trust and confidence in the court” (National Criminal Justice Reference Service, 1997; 68).

This measure “evaluates timely case processing from case filing to disposition. Based on a large sample of cases, processing times are calculated by measuring the time between filing and disposition for each case. By comparing its own processing times with recommended standards, the court examines how closely it approximates the standards” (National Criminal Justice Reference Service, 1997; 71).

2. Ratio of case disposition to case filings.
3. Age of pending caseload. This measure is designed to determine whether a backlog exists and, if so, to evaluate its importance.
4. Integrity of court decisions. A number of Appeal and High Court outcomes were examined to review the performance of the Dubai First Instance Court with regard to this measure.
5. Evaluation of court activities related to enforcement of the court’s decisions. This study first examines the court records to collect information regarding evidence of enforcement actions, in addition to measure the perception of the users via the question no 6J in the questionnaire.
6. Integrity of trial court was examined through evaluating the standard of production and preservation of records, which requires trial courts to preserve an accurate record of their proceedings. Three measures were used: reliability of the file control, adequate storage and preservation of records, and assessing the accuracy, consistency, and utility of the case docket system. Data were collected and examined through visual inspection of the cases files and the record storage area and verification of the file control system.

7. Cost recovery (the level of court fees revenue divided by court expenditure) is used in Chapter Seven to assess the application of statistical process to measure quality control in court. The other measure used to determine the productivity and the cost of the trial court is the average expenditure per case. Descriptive statistics (such as averages and percentages) are used as the basis for evaluating these two measures.

These measure above (1, 2, and 3) were used to evaluate and establish benchmarks of the Dubai Court with regard to court performance on the standard of the case processing. In addition to that, these three measures (along with the measures 4, and 5) were used also to discuss and determine the elements of the quality service concept in the trial courts (see Chapter Seven). Two approaches were used to collect data—namely the case file examination and the questionnaire.

b. Measures that are not related to case management (administrative criteria)

The following first two measures (1 and 2) are used in Chapter Seven to determine elements of service quality in the trial court. The court records were the source of this data and the descriptive statistics were the basis for evaluation. Examination of data in the court's information system is used as a method to collect these data. Administrative criteria used are:

1. the time taken to return money held in trust by the court to litigants, and payments to court suppliers.
2. the assessment of the court's level of compliance with established reporting schedules for court activities.
3. the evaluation of how promptly the court provides various types of customer services, such as interpretation services, which influence how effectively users participate in the court proceedings. The survey and the court records are used in Chapter Five to collate the data. Access to affordable legal services (such as procedure for waivers of courts fees and free legal assistance via volunteer lawyers) is used to determine the degree to which access to court services are hindered due to cost or complexity of procedures. Review of the court records is used to collect data that was statistically interpreted.
4. examination of the Court's policies or practices relating to media requests for information, to determine whether the court responses are timely, and whether they are of a high quality or not. This examination was conducted in Chapter Five to analyze the court-users relationship based on the standard of public

education, which requires the court to deal with the media as a major source of public opinion. Two surveys were conducted through personal interviews to collect data with regard to the opinion of media representatives and the court employees. The surveys are designed in an open-ended format. For the analysis, the study used simple frequencies⁶ that show a summary of the participants' responses to measure aspects of court performance with respect to the court-media relationship.

2) Observations

An observer who was unfamiliar with court facilities and procedures was assigned to collect information to evaluate and examine court performance with regard to the four measures outlined below. A survey questionnaire was given to the observer in addition to some basic information about 10 real cases. For data analysis, the response for each of the questions was reviewed and then compared across the 10 surveys. The measures were as follows.

1. Access to open hearings/tracking court proceedings to examines whether or not observer has access to court proceedings that should be open to the public and could obtain information about the status of specific court proceedings on the court's calendar.
2. Rating the audibility of participants during open court proceedings to obtain qualitative data regarding factors that may affect audibility in the courtroom.
3. Measuring the observer's access to information by telephone, knowing only the name of the litigant and the date of a case, to examine whether he can obtain information about the specific time, case number and type, and the location of the court proceeding.
4. Assessing how quickly the court responds to requests for information from the public.

3) Surveys of various reference groups

Most of these surveys are designed to gauge the opinions and attitudes of different groups of court users on several topics. The purpose of the research was clarified in the covering letter of the surveys (see Appendix 1). The researcher prepared two surveys consisting of 25 questions and distributed one survey to a group of judges'

⁶ According to Zikmund frequency table is " a simple tabulation that indicates the frequency with which respondents give a particular answer" (Zikmund, 2000; 437).

assistants and the other to a group of lawyers and prosecutors. Many points and questions incorporated in the researcher's surveys were derived from the TCPSM.

To gauge the general public perceptions, this study analysed the results of a customer survey distributed by Court officials during the same period (September 2002. see Appendix. 3). By using this data collection method, the study was able to obtain information about the following topics.

1. perception of courthouse security, accessibility and convenience, the courtesy and responsiveness of court personnel, and the barriers to accessing the needed court services.
2. the court's performance in applying the law. Practising attorneys and employees of the Court were surveyed to examine whether or not the Court was perceived as faithfully applying the requirement of substantive and procedural law, thereby determining the integrity of the court's procedures.
3. the equality and fairness of the court's decisions and actions. Lawyers' and court employees' views of these matters—whether or not the Court treats individuals fairly, provides similar outcomes among like cases, and relies upon legally relevant factors in making decisions—were examined.
4. regular court users perceptions of equality and fairness in court sentencing, and the extent to which lack of clarity is seen as problematic by various individuals in reading and interpreting courts' order and judgment.
5. attorneys' views concerning the quality of the records of the Court proceedings. Gauging perceptions of the Court's independence and comity among those who interact with the court either on case-related matters or on administrative matters.
6. court employees' responses to structured questions about fairness in personnel practices.
7. court employees' and the public perceptions of the Court's performance.

4) Interviews

This study also employs interviews to gather information and opinion from court personnel and court users such as court employees and judges, individual lawyers, and the public. Interviews are used here as a method for collecting more detailed responses or clarifying information.

The type of interviews was semi-structured to explore themes that have emerged and to validate findings from the questionnaire (Wass and Wells, 1994, cited by Saunders, 2000; 245). The data was recorded by note taking.

The researcher conducted interviews with several individuals, including the Chief Judge of Dubai First Instance Court in 3 September 2001 and General Director of Dubai Court in 8 September 2001 and requested their help in facilitating the study task. Other interviews included:

1. the chief judge of the Dubai First Instance Court on 29 January 2003 in addition to a judge on 30 August 2003 from the same court to clarify information collected in the questionnaire, specifically that related to case processing (questions 28, 29).
2. the court financial officers to collect detailed information when more details were required, such as in assessing the effective use of court resources per outputs and rationalization of expenditure.
3. representatives of the media and court personnel on 29 January 2003 and 2 July 2003 regarding court and media relations, in particular to assess the Court practices when responding to media inquiries.
4. lawyers on 30 August 2003 to clarify some of the findings from the questionnaires, and to determine their opinions about some of the recommendations such as those related to establishing a volunteer lawyers list, or the validity of the arbitration cost scheme.
5. the head of the human resource section and the head of Cases Affairs Department of the court on 20 December 2003 to explain some of the findings of the questions relating to advancement, working conditions, training, performance evaluation, and compensation.

2. *QUESTIONNAIRE DESIGN*

To ensure the accuracy of the respondents' feedback, an assessment of questionnaire content in the pilot test phase was conducted. A pilot test of questionnaires was prepared and distributed to two experienced lawyers, two experienced court administrators and two academic members. This pilot test helped refine the questionnaire. Then, the questions were targeted at respondents who were expected to be most knowledgeable about the content.

Legal correspondence and court proceedings are all carried out in Arabic, and therefore the questionnaires were first written in English but then translated into

Arabic for distribution and completion, and finally were translated back into English for data processing.

The study performed reliability/validity statistical tests to design the final version of the questionnaires. The source of most of the questions is the TCPSM (National Criminal Justice Reference Service, 1997) that give such reliability and validity. Moreover, the final version of the questionnaire was reviewed by a lecturer from the Statistical Unit at the Australian National University during the first quarter of 2002. An English/Arabic legal translator reviewed the Arabic final copy of the questionnaire.

The questionnaire had two parts. The first contained questions relating to attitudes, beliefs and opinions. This part was mainly concerned with the management of Dubai Court, in particular the relationship between the court and the community, the relationship between judicial and administrative activities at the court, and finally the factors of quality management practices that should be emphasized by the Dubai Court to meet the Dubai government's program requirements.

The second part consisted of questions requesting basic demographic information about each respondent such as age, occupation, nationality, education level, and legal experience in Dubai. These items were included at the end of each questionnaire because respondents are less likely to refuse the process if they have been cooperating for some time.

This study includes two surveys. The first was the court employees' (the judges' assistants) survey, to examine their perception on how the court is performing with regard to various work standards, including human resources activities. The latter is very important factor because, if the court's employees are dissatisfied with the court's performance with regard to personnel activities, they are not likely to convey a positive level of performance to the court users. The second survey was addressed to the most regular court users; that is, lawyers and prosecutors who have a reliable knowledge of many areas of the court performance.

To measure public opinion on how the court is performing, the study relied on two sources. One was the public survey distributed by the Court's officials during September 2001 and September 2002. The second source was the public surveys distributed annually by the Dubai Government to gauge the perceptions of the public with regard to the performance of each of the public departments, including Dubai Court.

The TCPSM states that

“the employees’ and lawyers’ perceptions of court’s performance provide the court with the most useful information for developing an action plan for improving the court performance. The public survey would provide a benchmark of the public’s perception of overall court performance. This benchmark serves as a gauge for comparing the results of future surveys of public perception. However, because the public has little firsthand information about trial courts, results provide only limited help in developing an action plan for improvement” (National Criminal Justice Reference Service, 1997; 203)

The public perception was gauged in this research by two surveys, one by the court and the other by Dubai Government. The latter is used as a benchmark, but the one distributed by the court is not only used as a benchmark but also to determine the court’s level of performance in different areas because the participants had included defendants, claimants/plaintiffs, witness, third parties such as external experts, guardians, lawyers, and inheritors, all of whom have knowledge about the court.

This study used two questionnaires, one for the court staff (Appendix 4), which consists of 33 questions and the other for the lawyers and the prosecutors (Appendix 6), which consists of 32 questions. The two questionnaires contain the same list of 25 questions. The only difference is that the court staff are asked in questions No. 1, 2, 4, 19, 32, and 33 to evaluate the court performance with regard to advancement, work condition, orientation/training, evaluation, and compensation system.

The content of questions 1, 2, 4, 19 (A to E only), 32, and 33 that are used in the staff survey was derived from TCPSM form number 4.3.2 of Court Employee survey on Personnel Practices and Employee Morale, question number 17 (A to K) from form number 5.1.1 of Court Employees’ Perceptions of Court Performance, and question number 6 (A to M) from form 5.1.3 Public Perceptions of Court Performance.

Contents of the staff survey

In five sections of this questionnaire staff were requested to indicate whether they agree or disagree about the court’s advancement, work conditions, orientation/training, evaluation, and compensation system by circling the appropriate number on a scale of five (with 1 meaning ‘strongly agree with statement’ to 5

meaning 'strongly disagree') against each statement. They were also requested at the end of each of the five sections to provide comments.

3. THE RESEARCH PARTICIPANTS

The Subject Test Groups

The participants in this study include Dubai Court administrative employees, lawyers, regular court clients and suppliers, and the public. The first test group consists of Dubai Court administrative staff, which includes a population of 76 judges' assistants (judicial clerks). The list was obtained from the Personnel Affairs Department of the Dubai Court. This group is referred to as "Group I." The actual sample size from this group, which participated in completing the questionnaire, was 76 employees after subtracting the remaining number of the judges' assistants who were on leave. The majority of this group either are graduates or have considerable experience and knowledge.

The study acquired useful information from both the staff survey and client survey organized, distributed, and collected by the Court officials during September 2002. The staff survey in 2002 covered many very important aspects of the Court performance with regard to certain activities such as the work environment, training, evaluation, and advancement.

The population of the court survey was 350 employees, which was 83.37 percent of the total of 418 Court employees excluding judges, which was sufficient to reflect their opinions about the Court's performance. This has given weight to the findings. Moreover, the steps that accompanied the survey process were reviewed to ensure the reliability of the results. These steps included

1. ensuring the survey contents were relevant to assess the performance of the Court. As the existing Court resources had facilitated the participation of 83.37 percent of the Court employees in their questionnaire, it met the requirements for a proper level of confidence. Alreck and Settle view that "the more respondents are likely to differ on key items of the survey [expected among court's employee], the larger the sample must be in order to reach a given level of confidence" (Alreck and Settle, 1985; 88).

This is also consistent with the view of TCPSM that

"in general, the reliability of statistical analyses increases as the size of the sample increases. Therefore, court officials should consider increasing the sample size if the court has the resources to do so. Increasing the sample will help ensure that analyses

performed on subgroups of the sample yield reliable results” (National Criminal Justice Reference Service, 1997; 66).

2. testing for reliability. The fundamental test of reliability is “repeatability”, which simply is the ability to obtain the same response, time after time, from one particular respondent who was asked the same questions several times in a specific period of time. Zikmund argues that “reliability applies to a measure when similar results are obtained over time and across situations” (Zikmund, 2000; 280). This was the case in the Dubai Court, because this is the third time (year 2002) that the same questions were distributed to court employees, and obtained almost the same response (the overall response was 69.72 per cent in 2002 compared with 71.68 per cent in 2001). This action has given the Court the opportunity to compare survey data from a number of years.
3. in the Dubai Court's survey, the sample units were the organization units that consist of individual staff. The results were analyzed for each individual staff within each unit and were compared between the different units in the Court. This process has reduced the sample error or any misleading impression that might come from the results.
4. assessing the appropriateness of the “Likert” scale. Court officials have correctly used the Likert-type scale to report the distribution of the respondents along the scale and perform a comparison between the groups. The Likert scale has been appropriately used in this survey to gauge the staff opinions about certain issues. A scale one to five (1.strongly dissatisfied, 2. dissatisfied, 3.neutral, 4. satisfied, 5. strongly satisfied) was used to measure the thirty statements that have represented particular opinions.

According to Zikmund

“Likert, is extremely popular for measuring attitudes because the method is simple to administer. With Likert scale, respondents indicate their attitudes by checking how strongly they agree or disagree with carefully constructed statements that range from very positive to very negative toward the attitudinal object” (Zikmund, 2000; 291).

5. use of a custom program written specifically for processing the survey data. This facility was provided by the Information Technology Department within the Court, which has produced the survey result in a timely and accurate manner.

The second population of the test group consisted of individual lawyers. The list contains 159 local and 45 non-local individual lawyers, authorized to work in

Dubai. This group is referred to as "Group 2." The actual sample size involved in the questionnaires was 204. The interviews included 3 individual lawyers. The type of interviews and the data recording methods were also the same as for the first group.

The third population of the test group consisted of 15 prosecutors, almost half the total number of prosecutors. The researcher was able to obtain a "no-objection" letter from the Prosecutor General of Dubai Government to distribute the survey. The researcher also visited staff who were appointed to follow the collection of the survey and had tried to encourage their supervisors to facilitate the task. However, only 8 (or 53.33 percent) responded, with the others claiming to be too busy at that time. Since this group had shared the same 25 questions with other groups, their opinions were still very important for this study.

The final population of the test group included 320 Court clients, and the general public. This group is referred to as "Group 3." The information collected from this group represents the opinion of the community concerning the Dubai Court, and specifically the standard of court management. Their knowledge with respect to the Dubai Court performance could have an important effect on how Dubai Court is perceived by those parties. As we discussed in Chapter Five, public perception and understanding of court may be distort by a lack of proper factual coverage in the media, therefore it is important for courts to rely on more objective information collected through a questionnaire.

This research relies on the data of the survey that was distributed to the court's clients during September 2002 by court officials. It was used to identify their satisfaction level with the court's services and thus to improve the court's performance in many areas. This included the telephone operator, the court's facilities, information counters, the provided services, knowledge, courtesy and ability of the court's staff, and the court's website. The considerable number of participants from these different groups certainly contributed to the reliability of the research findings.

4. *DISTRIBUTION OF THE QUESTIONNAIRES*

The surveys were the primary data collection instrument. The Dubai court provided a list of names of their current employees and authorized lawyers. The researcher visited the majority of the court's employees, and certain legal firms, to convey the importance of the study prior to distributing the questionnaires. The information gathered from the two groups was helpful in testing all the research questions.

The staff survey was conducted on September 4, 2002. On September 9, 2002 both the lawyers and prosecutors surveys were conducted. For the respondents in the first group, 76 questionnaires were handed over by volunteers from schools and universities as personnel representatives, in order to make them feel more at ease. The remaining 169 questionnaires for group 2 were handed over by volunteers, as well as through the Court official channels. As means to track the surveys, while still preserving the confidentiality, each questionnaire had a code number that corresponded to a master list of the survey recipients.

Recipients were instructed that they should return their completed questionnaire within a week, and for their convenience, pre-addressed and stamped envelopes were enclosed. They also were informed that the code-number would not be used for identification purposes, but only to determine which surveys were still outstanding and hence requiring a reminder note. The recipients were also informed that the researcher would be the only person to see the original survey, and the responses would be presented to the court only in aggregated statistical forms. Copies of these communications documents and these questionnaires are attached with this study as Appendices 1, 3, and 6.

A total of 159 responses out of 295 participants were received in this study, giving a return rate 53.89 percent (Table 4.6). This met the level of adequate confidence, which requires 10 percent of the practical sample size or 100 respondents as a minimum sample size (Alreck and Settle, 1985; 88. 89).

The responses return rate was practicable compared to other similar studies that were reviewed in the literature. The 81.58 percent of the Dubai Court's staff survey return rate is significantly high compared to the return rate of 67 percent in Coleman (2003; 52), 52 percent of the survey that was distributed in 2001 and 67 percent in 2002 by Ashley (2003; 30), and 47 percent by Rodda (2001; 30).

This return rate is also consistent with the requirement of the TCPSM that "analysis of the results of the court's staff questionnaire should not begin until at least 80 percent of the questionnaires are returned" (National Criminal Justice Reference Service, 1997; 183). As the sub-samples of the four groups are used separately in data analysis of this study, the size of each sub-sample has been determined separately.

5. ANALYSIS TECHNIQUES

Different types of evaluation tools and techniques were employed depending on the object of the measure and types of collection methods. These tools included the following.

1. The majority of the main court data, such as the cases data, civil transactions, and family matters transactions were collected as Microsoft Excel tables directly from the Court's database. Next, SPSS statistical software was used to compute the number of days from the case filing to disposition, and to summarize the result by the number and percentage of cases disposed. The results were compared with the Dubai Court case processing time standard as well as the time standards adopted by the American Bar Association (ABA).

This type of comparative data analysis was used in several measures of court and case record review, including measures of time to deposition, the ratio of case dispositions to case filing, the court's level of compliance with established reporting schedules, the prompt payment of moneys, and the age of the pending caseload.

2. The study used a volunteer to collect data on court proceedings and to access to court information, who provided the study with good explanations, descriptions, and suggestions to support what is provided on other measure such as the questionnaires.
3. Data acquired from the measure of one standard were relevant to the assessment of performance for another standard. For example, the results obtained from the measure of time to disposition in the First Instance Court were used to assess case processing time for each judge in the same court.
4. Two sets of analyses were conducted by means of using SPSS specifically with the data collected using surveys. These sets include the frequency or percentage of responses analyzed for each category of each item in the survey. The responses on one item were compared with responses on the other items through the use of a cross-tabulation procedure. For clarification, the terms "don't know" or "no answer" were not counted, particularly when this study measured the reliability, validity, and whether or not differences do exist between the respondents groups.

5. Since the majority of the questions in this study are designed to obtain people's "views" on certain issues or conclusions, the "Likert scale" was used, because this scale provides answers in a form of coded data that are comparable and can readily be manipulated. It is also a common form of opinion or attitude measurement.
6. The pattern of the questionnaire analysis in this study has the following five components:
 - a. A Chi-square test⁷ was used to examine some of the research propositions to explain if the two (or more) groups are similar or different in their responses to the questionnaires. Most researchers think that, for exploratory studies such as this, a probability of 0.05 means that there is only a 5 percent chance that the variables are independent of each other. Therefore, if the level of significance is 0.05 or smaller (or above the rejection region of chi-square value), then there is difference among the responses, or in other words we can be at least 95 percent certain that our two variables are not significantly associated. In such a case we should reject the null hypothesis that the variables are independent and conclude that there is a relationship between the two variables (Keller and Warrack, 2000; 602) and (Monks and Newton, 1988; 345). Thus 0.05 has been designated as a level of significance.⁸
 - b. The Kruskal-Wallis test⁹ is also used to examine some of the research propositions. In all applications of this test, the locations of all populations are the same (null hypothesis), and at least two population locations differ (alternative hypothesis). In this test we should reject the null hypothesis if the test statistic value is sufficiently large than the rejection region value.

⁷ Chi-square test: a test that statistically determines significance in the analysis of frequency distributions. The chi-square distribution provides a mean for testing the statistical significance of contingency table (is one of the simplest techniques for describing sets of relationships). This allows us to test for differences in two groups' distributions across categories. (Zikmund, 2000; 470, 480)

⁸ These tests are applied to a problem with the following characteristics: 1. The problem objective is to compare two or more populations. 2. Data are either ranked or quantitative but nonnormal. 3. Samples sizes are independent. (Keller, 2000; 602).

⁹ The Kruskal-Wallis test is a technique to determine if the three populations have the same distribution shape and dispersion. When a researcher wishes to compare three or more groups or populations and the data are ordinal, the Kruskal-Wallis test is the appropriate technique. (Zikmund, 2000; 502, 503)

- c. Each question is examined to determine the level of agreement and disagreement among the respondents with the question or the statement.
- d. Given that there are three respondent groups (lawyers, prosecutors, judges' assistants), this study compared their responses.
- e. Finally, the extra comments from the respondents to the questionnaires and from the interviews are analyzed qualitatively.

The Court users in this study include two groups. First are the external users including sub-groups such as legal practitioners (for example, lawyers), individuals who appear before or attend the courts (for example, litigants, witnesses), other companies' representatives seeking or providing services from or to the court (for example, suppliers), those who seldom experience direct contact with courts (for example, general public) and rely on the media, those who report courts' events to the public (media representatives), or other government institutions who have contact with the courts on a daily basis (for example, prosecutors, police and immigration departments). Second, the internal users also include sub-groups such as the court staff and the judges.

6. *RELIABILITY TEST*

The reliability of a standardized test is usually expressed as a coefficient. Reliability coefficients vary between values of .00 and 1.00, with 1.00 indicating perfect reliability and .00 indicating no reliability. The reliability coefficient reflects the extent to which a test is free of error variance. The reliability coefficient can be obtained by several different approaches (Borg and Gall, 1991; 284).

The coefficient of internal consistency is one of the types that is in common use and the commonly used methods of computing internal consistency are the Split-Half¹⁰, and Cronbach's Coefficient Alpha. To determine the extent to which some questions that have many items are consistent, the Alpha (Cronbach) scale was used to measure the coefficient of the internal consistency, based on the average inter-item correlation. The Split-Half model was used to examine the correlation between the parts.

Table 4.1 shows that the Alpha scores of the selected questions was acceptable (above 0.7). It indicates that the overall internal relationships between the items are consistent and that these items are related to each other. Split-Half (Unequal-length

¹⁰ Split-Half is a method that measure the degree of internal consistency by checking one half of the results of asset of scaled items againsy the other half (Zikmund, 2000; GL-13)

Spearman-Brown) scores also show accepted (above 0.6) level of correlation between the parts (These results allow us to argue that the contents of the questionnaires measured users' opinions in a useful way and did not identify problem items that should be excluded.

Table 4.1: Reliability analysis by two models.

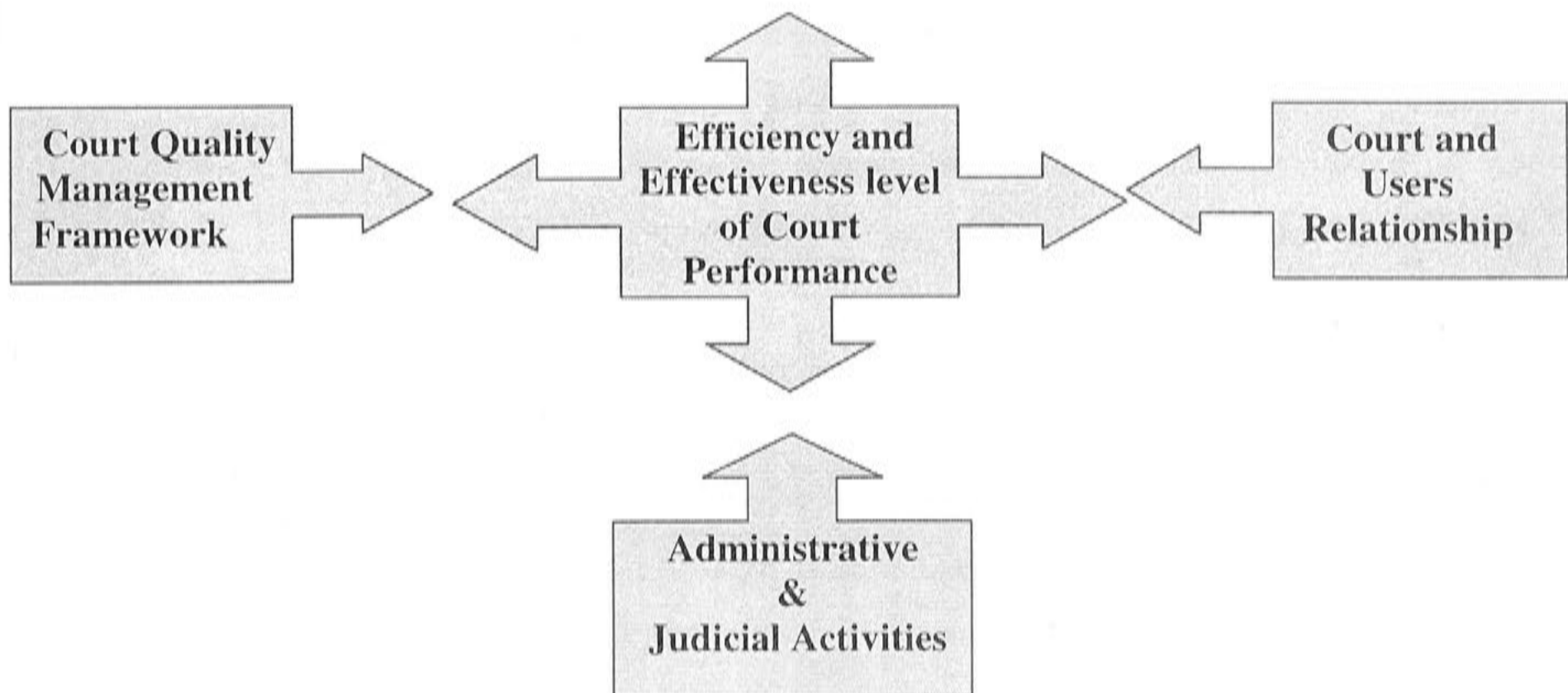
| Dimension | Question No | Number of items | Cronbach's Alpha | Split-Half (Unequal-length Spearman-Brown) |
|---|-------------|-----------------|------------------|--|
| How easy it was for the respondents to access to the court's various services and facilities. | 6 | 14 | 0.885 | 0.797 |
| Evaluation of favoritism In the court's rulings. | 10 | 7 | 0.920 | 0.895 |
| Evaluation of antagonism In the court's rulings. | 11 | 7 | 0.958 | 0.947 |
| Evaluation of race, gender In the court's rulings. | 12 | 6 | 0.920 | 0.828 |
| Media channels' Importance. | 21 | 5 | 0.725 | 0.675 |
| Factors that contribute to high cost of dispute resolution. | 22 | 6 | 0.737 | 0.643 |
| Factors that may cause delay in reaching a final decision in cases. | 25 | 6 | 0.688 | 0.714 |

7. THE ANALYTICAL FRAMEWORK

The analytical framework (see Figure 4.1) is developed to show how the primary goal of improving the efficiency and effectiveness of the court's performance is affected by three particular performance areas of concern (areas requiring attention or potentially in need of improvement). The aim of proposing these areas, is not to claim that a set of elements has been produced that definitely characterize the effectiveness and efficiency of the court performance; but, rather, to suggest measurable elements that emerge from an analysis of these areas' components that could improve court performance and provide a basis for future research concerning improving the court's performance, not only within the Arabian Gulf Countries but also in the Middle East at large.

In fact, many of the measures that have been used in this research were derived from the work of the Trial Court Performance Standards and Measures (National Criminal Justice Reference Service, 1997), initiated in 1987 by the National Center for State Courts and the Bureau of Justice Assistance in North America. These have not been used, applied, or tested before in the Gulf region.

Figure 4.1. Areas of concern that definitely affects the level of court's performance.



A number of these measures were carefully selected and modified to address the Dubai Court's needs and the environment in which the Court operates. Moreover, additional measures were developed and introduced in different areas of the analysis. For example, factors that may contribute to the high cost of dispute resolutions, the court quality management framework, case processing time in the three courts of different jurisdictions altogether, case processing time for each judge in the FCA, the Court users' perceptions of the case processing time, and the effective use of court resources per outputs.

The court users in this study include two groups—the external users and the internal users—as discussed in Chapter Four. The needs of each of these groups are most likely different, but sometimes they share some needs. The challenge for the court emerges from whether it can respond and comply effectively with such different needs.

Ideally, the effectiveness and efficiency of the court performance must meet certain performance standards to satisfy the current and future needs of each group of users. This study used a highly-praised set of court standards and measures derived from the principles created by the National Center for State Court (National Criminal Justice Reference Service, 1997). These principles and standard include

1. the independence and accountability of the court and the standard of public education. This standard is a very important standard because of its significant effects on the court-users relationship.
2. that access to the court's proceedings or records is affordable and practicable. This standard measures the degree to which access to court services is difficult because of the cost or other factors. This standard was derived from the principle of access to justice, which requires the court to eliminate any barriers to its services.
3. A number of standards were derived from this principle of access to justice. These include
 - a. the Safety, Accessibility, and Convenience standard.
 - b. the Courtesy, responsiveness, and respect standard.
 - c. the Effective Participation standard to assess non-Arabic language speakers' access through back interpretation and participation by persons with disabilities.
 - d. the Public proceeding standard.

8. *FACTUAL INFORMATION ABOUT THE RESPONDENTS*

This section consists of two parts. Part one sets out some basic information about the 159 respondents involved in this study, including their work experience, education level, age, response rate, and gender. Part two contains information about 350 Dubai Court Staff, and 150 Court users engaged in the two questionnaires that were distributed by the Court as part of its regular self-assessment process.

1) **Information about respondents participating in the questionnaires**

Almost 70 percent of the respondents are in the age groups of 25-34 and 35-44 (Table 4.2). Table 4.3 indicates that the majority (90.6) percent of the respondents were males and, of the 13 females respondents 12 were lawyers; the other female worked as social consultant at the social pre-consulting section.

From Table 4.4 one can see that 50 percent of the judges' assistants hold undergraduate degrees, and 45.2 percent hold graduate degrees. The remaining two respondents groups—lawyers and prosecutors—are holders of university degrees by law. Therefore, their questionnaires did not include a question about their level of formal education. However, we can conclude that 78.6 percent of the respondents are university degree holders, 19.5 percent are undergraduate, and 1.9 do not indicate their level of education.

The majority of judges' assistants (66.1 percent) served in the Courts for more than five years; only 8.1 percent had worked for just 1-2 years, compared to 20 percent of the total 350 employees as shown in Table 4.4, which indicates that only a few of the newly recruited employees are directed to support the judges' assistants

Table 4.2 Distribution of (159) respondents by age

| Age | Frequency | Percent | Cumulative Percent |
|---------|-----------|---------|--------------------|
| 18-24 | 15 | 9.4 | 9.4 |
| 25-34 | 53 | 33.3 | 42.8 |
| 35-44 | 58 | 36.5 | 79.2 |
| 45-54 | 17 | 10.7 | 89.9 |
| 55-65 | 11 | 6.9 | 96.9 |
| OVER 65 | 5 | 3.1 | 100 |
| Total | 159 | 100 | |

Table 4.3 Distribution of (159) respondents by gender.

| Gender | Frequency | Percent | Cumulative Percent |
|------------|-----------|---------|--------------------|
| Male | 144 | 90.6 | 90.6 |
| Female | 13 | 8.2 | 98.8 |
| Unrecorded | 2 | 1.2 | 100 |
| Total | 159 | 100 | |

Table 4.4 Distribution of (62) respondents for the judges' assistants of the Dubai Court by educational level /tenure/age.

| Educational Level | Number | Percent | Tenure (Years) | | Age | | | |
|-------------------|--------|---------|----------------|---------|--------|--------------|---------|--------|
| | | | Number | Percent | Number | Percent | Percent | |
| Undergraduate | 31 | 50 % | 1-2 | 5 | 8.1 % | 18-24 | 11 | 17.7 % |
| Graduate | 28 | 45.2 % | 3-5 | 10 | 16.1 % | 25-34 | 23 | 37.1 % |
| Nil | 3 | 4.8 % | More than 5 | 41 | 66.1 % | 35-44 | 19 | 30.6 % |
| | | | Didn't mention | 6 | 9.7 % | 45-54 | 7 | 11.3 % |
| | | | | | | NIL | 2 | 3.2 % |
| Total | 62 | 100 % | Total | 62 | 100 % | Total | 62 | 100 % |

Table 4.5 shows that the majority of the respondents (61.6 percent) attend less than an average of 100 cases per year; 8.6 percent from 101 to 250, 14.6 percent from 251 to 500, and only 9.2 over 1000. However, 5 percent do not mention their legal experience.

In addition, 60 percent of the respondents spent an average of less than 10 hours per week in Dubai Court, either attending court hearings (as for the case with the judges' assistants), or as a general attendance including at the Court hearings (for the lawyers and the prosecutors). Only a few of the respondents (5.6 percent) do not mention the average number of hours spent in Dubai Courts, but this is reasonable because not all of them attend the court hearings, particularly some of the judges' assistants. These findings present a good basis for the validity of the information that is collected during the fieldwork via the questionnaires.

Table 4.5: Distribution of 159 respondents for by the average number of cases in which they appeared before a judge per year and average number of hour per week they spent in Dubai Court.

| Legal experience Average number of cases per year | Number | Valid Percent | Average number Of hours per Week | Number | Valid Percent |
|---|--------|------------------|--|--------|------------------|
| Less than 100 cases | 93 | 61.6 % | Less than 10 | 90 | 60 % |
| From 101 to 250 | 13 | 8.6 % | From 10 to 25 | 55 | 36.7 % |
| From 251 to 500 | 22 | 14.6 % | From 26 to 50 | 4 | 2.7 % |
| From 501 to 1000 | 9 | 6 % | Over 50 hour | 1 | 0.6 % |
| Over 1000 | 14 | 9.2 % | Total | 150 | 100 % |
| Total | 151 | 100 | | | |
| Did not mention | 8 | | Did not mention | 9 | |
| Total | 159 | | Total | 159 | |

After several follow-up personal contacts and telephone calls, the response rate for group 1–judges’ assistants (circuits’ clerks)—was 81.58 percent, 46.54 percent for group 2 national lawyers, 33.33 percent for expatriate lawyers, and 53.33 percent for group 3 prosecutors. Group 2 had the lowest response rate of 33.33 percent and 46.54 percent, which is expected because there is a communication problem as some of their offices are located in other cities, such as Abu Dhabi, Al-Ain, and Sharjah. The participants of this group were either too busy to respond or not interested in the study.

Table 4.6: Response rate of different groups

| Group Type | Total Distribution | Delivered By | | Total Received | Response Rate |
|--------------------------------|-----------------------|--------------|------|-------------------|------------------|
| | | Hand | Mail | | |
| Group 1: Judges Assistants | 76 | 76 | il | 62 | 81.58 % |
| Group 2: National Lawyers | 159 | 139 | 20 | 74 | 46.54 % |
| Group 2: Expatriate Lawyers | 45 | 30 | 15 | 15 | 33.33 % |
| Group 3: Prosecutors | 15 | 15 | 0 | 8 | 53.33 % |
| Total | 295 | 260 | 35 | 159 | 53.89 % |

Table 4.6 indicates that the overall response rate is 53.89 percent. This response rate is encouraging, considering the intensity of details in the questionnaires.

2) Information about respondents of the two questionnaires that were distributed by the Dubai Court

Table 4.7 shows that the majority of the respondents among the employees were undergraduates (58.29 percent), and only 1.71 percent were postgraduates, while 3.71 percent had not completed education.

From Table 4.8 we can see that 45.14 percent of the Court's employees were national males. National females represent 16 percent, and the expatriate employees 36.8 percent, indicating that there are many expatriates working in the Court; the 136 expatriates include 69 who work as drivers, office boys, messengers, and electricians.

Table 4.7: Distribution of (350) respondents among the employees of the Dubai Court by educational level.

| Educational Level | Number | Percent |
|-------------------|--------|---------|
| Postgraduate | 6 | 1.71 % |
| Graduate | 127 | 36.29 % |
| Undergraduate | 204 | 58.29 % |
| Uneducated | 13 | 3.71 % |
| Total | 350 | 100 % |

Table 4.8: Distribution of respondents among the employees of the Dubai Court by the number of year they had worked in the Court and by their nationality/Gender.

| Gender /Nationality | Number | Per cent | Tenure | Number | Per cent |
|---------------------|--------|----------|---------------|--------|----------|
| National/ Male | 158 | 45.14 % | Less than 2 | 70 | 20 % |
| National / Female | 56 | 16 % | From 3 to 6 | 92 | 26.29% |
| Expatriates | 136 | 38.86 % | From 7 to 10 | 70 | 20 % |
| | | | From 11 to 20 | 81 | 23.14 % |
| | | | Over 20 years | 37 | 10.57 % |
| Total | 350 | 100 | Total | 350 | 100 |

46.29 percent of the court's employees have less than six years working experience; 43.21 percent of them have only two years of experience or less. However, the Court has a sufficient number of experienced employees (33.71 percent), who can provide it with the required knowledge.

Table 4.9: Distribution of respondents among (130) users of Dubai Court during 2001 by court jurisdiction and gender.

| Gender / Nationality | Number | Percent | Court | Number | Percent |
|----------------------|--------|---------|--------------------|--------|---------|
| Male | 99 | 76.15 % | First Instance | 44 | 33.85 % |
| Female | 31 | 23.85 % | Appeal | 10 | 7.69 % |
| | | | Court of Cassation | 2 | 1.54% |
| | | | All | 29 | 22.31 % |
| | | | Didn't mention | 45 | 34.62 % |
| Total | 130 | 100 | Total | 130 | 100 |

Table 4.9 shows that 76.15 percent of the Court users are males, while females represent 23.85 percent. 33.85 percent of the users' transactions are made with the First Instance Court and 1.54 percent of their transactions are with Court of Cassation.

CHAPTER FIVE

THE COURT-USERS RELATIONSHIP

1. INTRODUCTION

The research has identified three areas that potentially require attention, or are in need of improvement, that could significantly provide a basis for enhancement of court performance. Those areas are court-users relationship, administrative and judicial activities, and a court quality management framework.

This chapter seeks to define, measure, and analyze the key role of the court-users relationship in improving the effectiveness and efficiency of court performance. In doing so, it examines whether a higher level of court performance is associated with identifying satisfaction gaps and measures that could explain this relationship, and consequently improve court performance or not.

The court-users relationship is an area of crucial importance for the court, because the court exists primarily to serve the public, and is judged by them according to the effectiveness and efficiency of its performance in providing its services. Yet, as mentioned in Chapter Two, there are still many issues in the court's relationship with its users that deserve analysis.

2. OBJECTIVES OF THIS CHAPTER

This chapter will clarify how important it is for the court to identify factors that could better explain the relationship between the court and the local community, lawyers, prosecutors, litigants, media reporters, suppliers and the government, and identify perception/satisfaction gaps and measures which will help to reduce such gaps. Thus, the chapter has four objectives.

The first is to examine those court users' perceptions that will certainly improve the court's ability to provide its services effectively and efficiently. The second is to explore different types of measures that are used in this study to provide the Court with the tools needed for identifying its users' perception gaps and areas in need of improvements. The third objective is to draw the court's attention towards dealing with issues that affect this relationship. The fourth and final objective is to help the court determine whether previous efforts to improve the services have been successful and effective or whether they are still in need of changes.

Three major hypotheses are proposed to understand and identify the factors that may affect this relationship:

1. Gaps in court-users interrelationship are directly related to the coverage of facts through the media.
2. Gaps in court-users interrelationship are directly related to the cost of justice in Dubai.
3. Gaps in court-users interrelationship are directly related to the Court structure, policy, public proceeding, and procedural considerations.

3. *STRUCTURE OF THIS CHAPTER*

The contents of this chapter are organized into three sections. The first section is the analysis of Court-users relationship based on the standard 4.4 of Public Education (National Criminal Justice Reference Service, 1997), which requires the trial courts to inform and educate the public. It establishes that the court must deal with the media as a major source of public opinions. The court faces the challenge of providing the maximum possible freedom of the press while safeguarding the fairness of trials. It must also assess the risks and benefits to be gained from electronic media coverage of court proceedings.

Taking into consideration that there are many media channels in the community, deciding which one or optimal mix of media channels could give the court a better factual coverage is an additional challenge. The research analyzes two questions and examines existing court policy and practices in responding to media inquiries in Dubai.

Section two analyzes the issue of the excessive cost of legal services, which makes access to justice difficult for many users. What alternatives could the Court offer to provide affordable access to the court, in spite of other uncontrolled costs such as lawyers' fees or third-party expenses? The study relies on the standard 1.5 of the Affordable Costs of Access derived from the principle of the Access to Justice (National Criminal Justice Reference Service, 1997).

This section examines the respondents' opinion with regard to six items that are likely to contribute to high cost of dispute resolutions in Dubai, exploring time as an element of the cost of dispute resolution, and finally reviewing activities that the court should be engaged in to provide reasonable and affordable access. This analysis will uncover how these items vary in their contribution to cost, and to determine how this issue can be resolved.

Finally, section three assesses a number of measures for trial courts to diminish unnecessary barriers to their services so as to narrow the gap in the court-users

relationship. What aspects of the Court's structure, policy, public proceeding, effective participation, treatments of litigants in the Court, and procedural considerations are involved in narrowing the gap in the Court- users relationship? The analysis relies on different data collection methods and uses a variety of data analysis techniques.

SECTION ONE THE ROLE OF THE MEDIA

This part is concerned with testing and analyzing the responses related to the first hypothesis, which is: “Gaps in court-users interrelationship are directly related to the coverage of facts through the media”.

In 2001, the Dubai Government has conducted a ‘Mystery Shopper’ survey that helped identify the needs of court users, and a ‘Public Feedback’ survey that helped assess the public’s level of familiarity with the courts and the quality of the court’s services. These surveys documented the decline in the public’s and users’ understanding of the courts, as well as substantiating the proposition of a gap in the court-users relationship.

The maxim “Justice should not only be done, but should be *seen* to be done” shows that the court users’ perceptions may be in contrast with the court’s actual performance. Sometimes, users may be dissatisfied even if the court performs its duties and responsibilities in accordance with the required standards; this may be because of distorted facts as a result of ineffective channels of communication. Or the court may be perceived as better than it is in reality. In both cases, the court performance will be negatively affected (National Criminal Justice Reference Service, 1997; 201).

This study examines the significance of the coverage of facts through channels of communication, drawing on the principle of independence and accountability, focusing on standard 4.4 of Public Education which requires that “trial courts to inform and educate the public” (National Criminal Justice Reference Service, 1997; 188). Basically, there are two ways of communication; the first is direct communication (for example, through public meetings, court-sponsored education programs, and individual interaction inside the courthouse); the second is indirect communication through the use of many forms of media to inform and educate the public. This section will assess this second factor—indirect communication through the media—leaving individual interactions to be dealt with in section three of the current chapter.

The Rt Hon Sir Ivor Richardson, one of the foremost scholars on the relationship between the courts and the users, addressed a range of questions relating to this relationship. Among these was “How can the courts assist the media to ensure

fair and accurate reporting of cases and of the functioning of the courts?"(Richardson, 1995; 88). Although this was one of the best attempts to clarify the role of the media, he focused only on the role of televising of court proceedings.

This study argues that the fundamental challenge with respect to the media's role is whether the court's staff and users appreciate the effect of the media on this relationship. Also important is the role that each media channel plays in securing better media presentation of facts. Finally, it is important to ascertain whether or not existing court policies and practices are effective in responding to media inquiries.

In the following, the findings on each of these challenges are presented to examine the role that the media play on the court-users relationship:

1. *THE SIGNIFICANCE OF FACTS COVERAGE BY THE MEDIA (THE PERCEPTION OF THE EFFECT OF THE MEDIA)*

The review in this research consists of examining questions 20 and 21 in the questionnaires, to measure the respondents' perception, and the effect of each media channel. It also includes interviews with media representatives and the court staff familiar with the court's practices, as well as reviewing the court's policies.

In the following, the descriptive statistic is used first to measure the respondents' replies on the questionnaires. Then, a non-parametric statistical test is performed using chi-square test and kruskal-Wallis test to examine the research propositions and to determine whether a difference exists between the three groups of participants, followed by the results of the interviews.

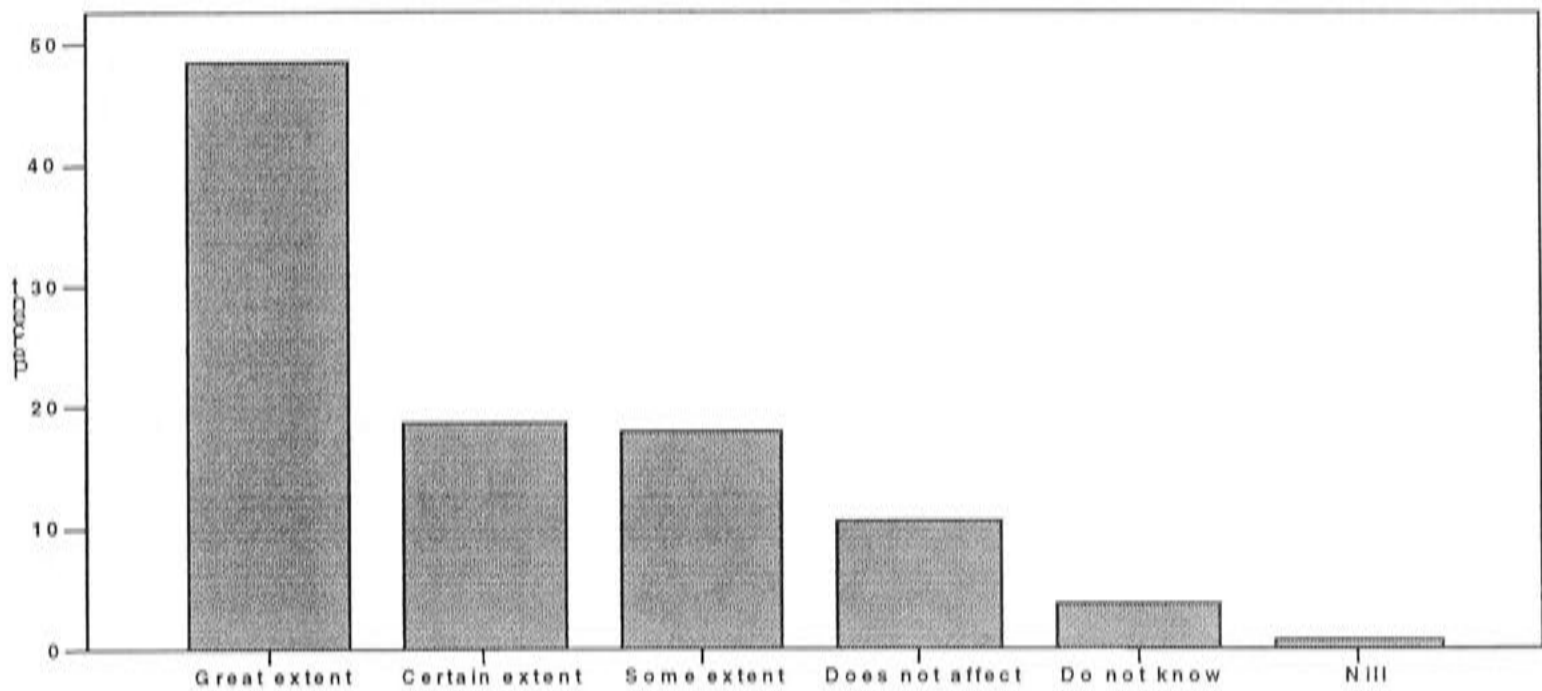
Question 20: "To what extent do media channels affect the relationship between the court and the community?"

Figure 5.1 indicates that the great majority of respondents (85.1 percent—including indicating 48.5 percent to a great extent, 18.7 percent to a certain extent, and 17.9 percent to some extent) agreed that the media does affect the relationship between the court and the users, and only 10.4 percent did not accept that the media would affect such a relationship. However, 3.7 percent indicated that they do not know and 0.7 percent did not reply to the question.

The overall results show that more than two thirds of the respondents feel that the media channels do affect the court-users relationship. This is consistent with most experts' views previously reported from the literature. Therefore, the court has the opportunity to use this as a means to narrow the gap in the court-users relationship, to understand and resolve distorted facts as a result of ineffective

communication, and subsequently improving its ability to provide effective and efficient services.

Figure 5.1 To what extent do media channels affect the relationship between the court and community (q.20)



It is reasonable to believe that the media affects the court-users relationship as much as it significantly affects the relationship of other organizations within the community. On the other hand, one might expect that the media do not perform that role specifically in the court-users relationship. Testing these two propositions by non-parametric statistical technique is important to support, or otherwise disprove the proposition that gaps in the court-users interrelationship are directly related to the coverage of facts through the media.

The researcher has used the kruskal-Wallis test to compare three groups' perceptions—those of staff, lawyers, and prosecutors—in order to determine if there is enough evidence to infer that no differences exist among the respondents' opinions about the current proposition (null) that the media channels do affect the relationship. A .05 level of significance is employed in all of the testing.

Table 5.1 illustrates that the computed value of the statistic test was 0.754 with a level of significance of 0.686 and as this is a small value compared with the rejection region value (5.991), there is therefore enough evidence to show an agreement of opinions between the groups about the current proposition. This means that the media channels do affect this relationship; therefore, we should reject the second proposition. Understanding the media requires the court to decide which channels of communication should receive the court's attention.

Table 5.1: Values of the test statistic of the questions 20 and 21.

| Factors | Value of the statistic test | Level of Significance |
|--|-----------------------------|-----------------------|
| Do media channels affect the relationship Between court and community? | 0.754 | 0.686 |
| TV is an influential media channels. | 1.998 | 0.368 |
| Newspaper is an influential media channels. | 0.208 | 0.901 |
| Court Magazine is an influential media channels. | 0.805 | 0.669 |
| Public relation team is an influential media channels. | 5.468 | 0.065 |
| Court Website is an influential media channels. | 3.679 | 0.159 |

2. WHICH MEDIA CHANNEL IS BEST FOR COVERAGE OF FACTS RELATING TO THE COURT?

It is very important for the Court to prioritize its efforts when selecting the optimal mix of media channels to yield the most significant impact in communicating with its users. Therefore, the present study has listed in question 21 five channels that may have a considerable effect in securing a better role for coverage by the media.

Question. 21.

“To what extent are the following channels influential in securing a better role of the media in narrowing the gap between the Court and the community?” (Figures 5.2 to 5.6).

The Kruskal-wallis test is used to examine how the three groups of respondents rate the effect of each of the five media channels, and to determine whether or not a difference exists between these groups. The null proposition was that all of these media channels are influential in securing a better role of the media, and the alternative proposition was that at least two of the populations perceive the effect of these media channels differently. It is evident that on the variable "TV is an influential media channel" there is no significant difference between lawyers, prosecutors, and judges' assistants. The value of the statistic is low at 1.998 with a 0.368 level of significance.

Table 5.1 shows the values of the statistic test that corresponds to each of the remaining media channels. The value ranges from .208 to 5.468, which is smaller than the value of the rejection region. There is not enough evidence to infer that a significant difference in the perception among the three groups does exist. The court's management should assume that all five media channels are influential in securing a better role of the media, and improvement should be applied to all of the five channels.

Although the proposed five channels are important; facts indicate that the court has limited resources. On the other hand, the court is also required to be effective and efficient in using its resources to obtain the best results. Therefore, the descriptive statistic was used to measure the respondents' perceptions in rating the effect of each of the five media channels in order to enable the court officials to take the right decisions, the respondents' views were as follows:

2.1 Television.

Figure 5.2 shows that the majority of the respondents (93.1 percent) believe that the television is an influential media channel; almost 57 percent of them are lawyers and prosecutors. Only 4.9 percent do not agree, while 2.1 percent do not know its effect.

Television is recognized by the respondents as the third influential media channel in securing a better role for the media in narrowing the gap between the court and its users. But these refer to the normal programs, and do not consider the benefits and the risks of permitting the presence of television cameras in court. The literature has demonstrated some fears and potential benefits that we summarize here.

“The main benefits are the educative and informative value of electronic media coverage of proceedings. It makes courts more accessible to the public. It opens the administration of justice to public scrutiny, and thus it promotes public confidence in the legal system, and its capacity to counter existing misrepresentation and distraction of judicial proceedings” (Federal Court of Australia, 1998; 22).

“The key concerns are the distracting and disruptive effect of the presence of television cameras in court, the detrimental effect of electronic media coverage on participants to judicial proceedings, and the electronic media's alleged sensationalisation, misrepresentation and distortion of judicial proceedings” (Federal Court of Australia, 1998; 22).

This study believes that the court's decision to restrict or prohibit electronic media should be based on whether or not these concerns are justified in their environment. In Dubai, lacking previous experience in this, it is recommended to take advantage of other courts experiences such as those of the United States and Australia, so that users' concerns are considered by means of users' feedbacks. In addition the Court can take advantage of the existence of modern technology in Dubai to eliminate the distraction caused by cameras in the courtroom.

Influential channels securing a better role of the media in narrowing the gap between court and community.

Figure 5.2 the TV (q.21.a)

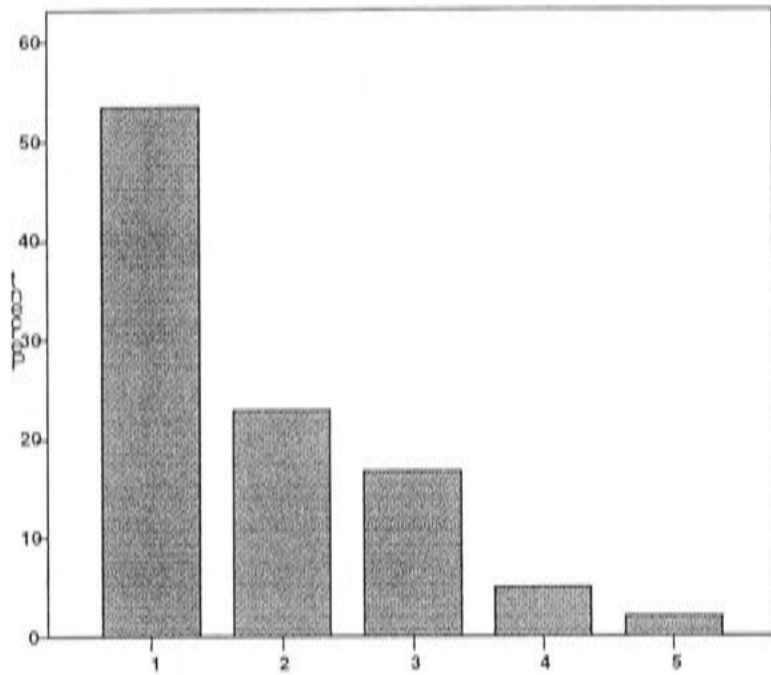


Figure 5.3 the Newspaper (q.21.b)

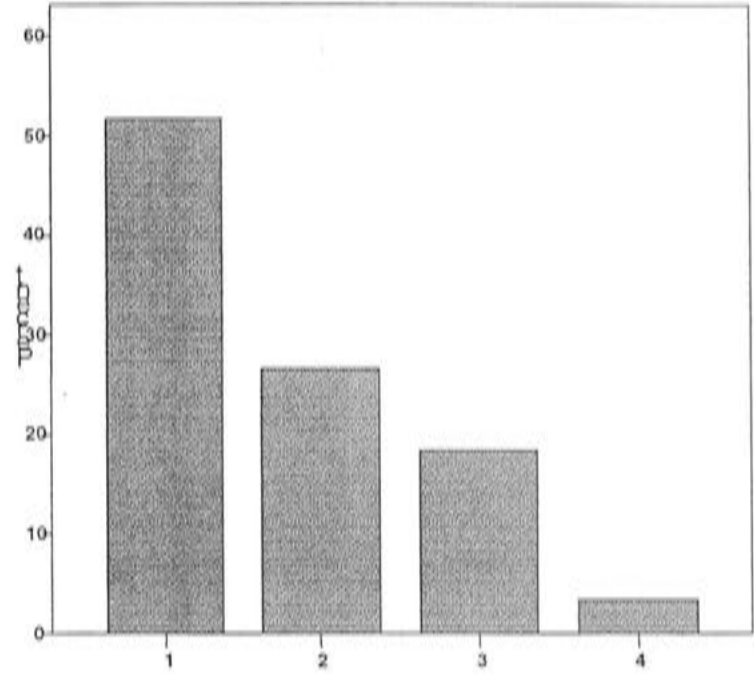


Figure 5.4 Court Magazine (q.21.c)

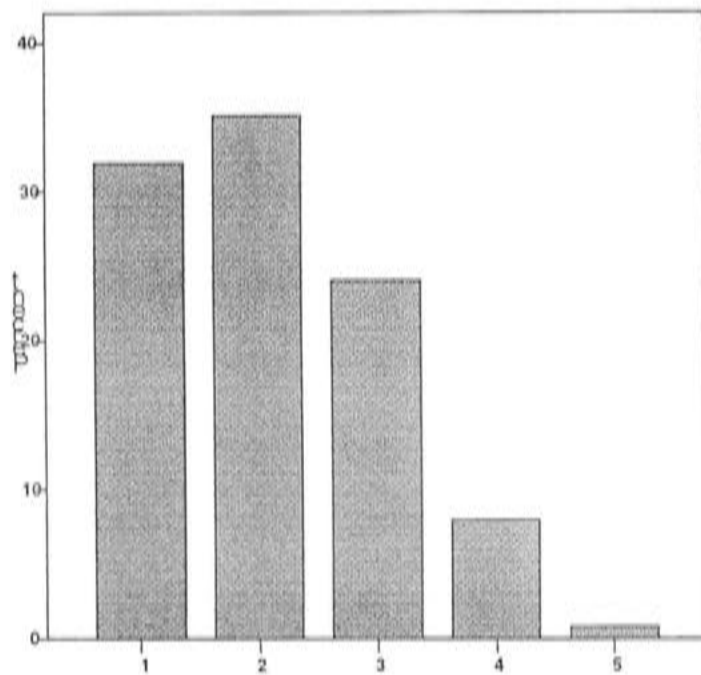


Figure 5.5 Court Public Relation team q.21.d)

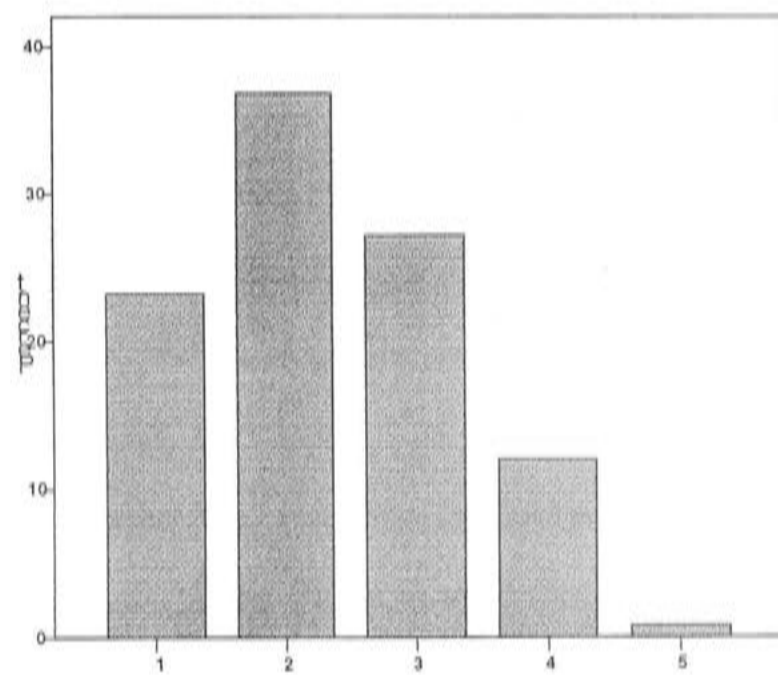
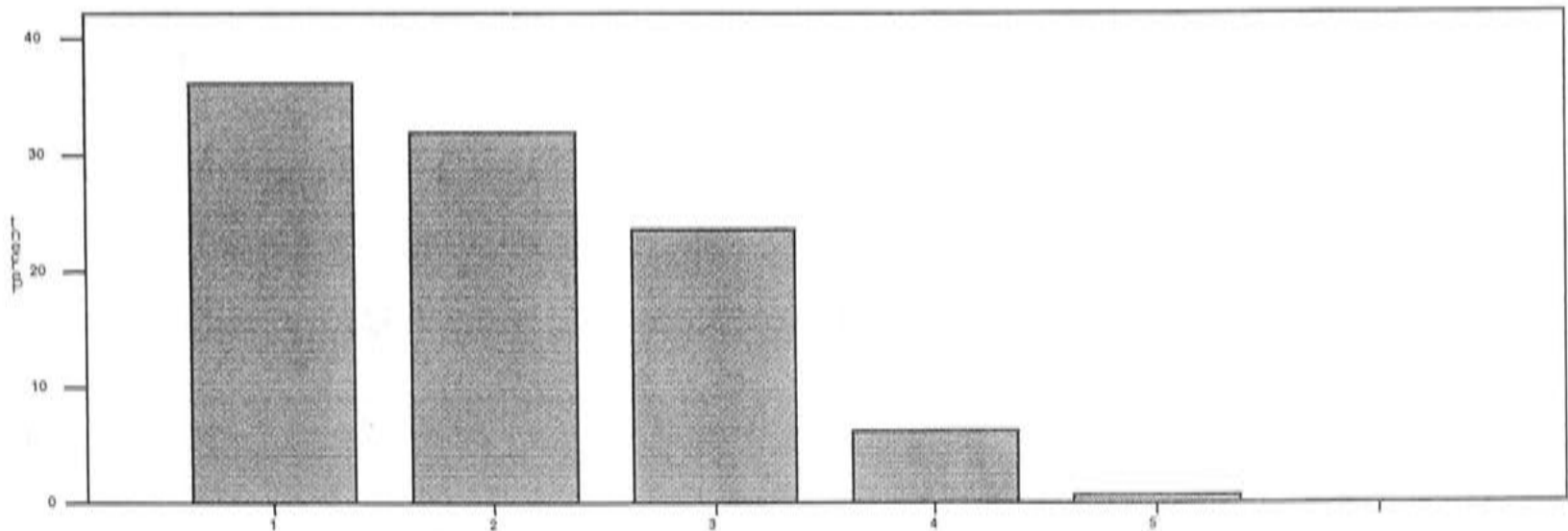


Figure 5.6 Website (q.21.e)



1. To a great extent. 2. To a certain extent. 3. To some extent. 4. Does not effect. 5. Do not know.

2.2. Newspapers

Figure 5.3 illustrates that the great majority (96.6 percent) of the respondents agree that the newspaper is an influential channel. It is worth mentioning that among those who agree, 51.7 percent strongly agree. All of the 8 prosecutors, and 98.27 percent of the judges' assistants, agree, and only 3.4 percent of the total respondents do not agree.

2.3. The Court Magazine

Although it is only a proposed idea, and most of the respondents are not familiar with the advantages of such a magazine, 91.2 percent agreed; and among those who agreed, 32 percent strongly agreed. This result places this media channel in the fourth preference place among the five channels that were included in this study. Figure 5.4 demonstrates the results.

2.4. The Court Public Relation Team

Figure 5.5 shows that 87.2 percent of the respondents agree including 23.2 percent who strongly agree. This result suggests that this channel is regarded as the least attractive choice the court should consider.

2.5. The Court Website

The Dubai Court website was launched in 2001 and is posted only in Arabic. This constraint does not affect the respondents of this study, since Arabic is their native language. However, it would certainly affect individuals or organizations in the community who would not be able to access and use the court website because many lack skills in Arabic. Figure 5.6 illustrates that 91.7 percent agree and 6.3 percent disagree.

It should be noted that the newspaper is the highest choice among other media channels with 96.6 percent, then comes the television with 93.1 percent, then the court website with 91.7 percent, followed by the court magazine with 91.2 percent, and finally the court public relations team with 87.2 percent. This result outlines the degree to which Court resources should be utilized in promoting its two ways of communication through the proposed media channels. The Court resources should be spent in proportion with these figures.

3. *EXAMINING WHETHER THE EXISTING COURT POLICIES AND PRACTICES ARE EFFECTIVE IN RESPONDING TO THE MEDIA INQUIRIES*

Although the Court strategic plan for 2000-03 included effective mass media programs, only a few have been implemented.¹¹ One can hardly see more than two articles per month (on average) in the newspapers about the Court's activities, excluding the daily articles about criminal cases or the Court notifications that have to be published in the newspaper.¹² Excluding the Family Affairs Reconciliation Section TV programs, almost no other program has been recorded.

The Court's best practices in adapting its communication channels is noticeable from its very practical website, where many users such as lawyers, third parties, litigants, and judges can easily access their cases and find out about a decision or process that has been taken. Litigants can inquire about Court services and instantly obtain information concerning requirements and procedures for each type of service. It is a good example of an effective two-way communications model.

The Court's policies and practices governing the response to media inquiries were reviewed to determine whether or not media representatives and court's employees know the Court's policy, whether or not the court responses are timely, and whether or not these responses are of high quality¹³. Two surveys (open-ended responses) were conducted in an interview format to reveal the views of three of the editors from the main five newspapers in Dubai (three in Arabic, two in English), who interact with the Court frequently, and Court personnel who respond to media inquiries (Appendixes No. 8 and 9). The findings of these interviews indicate that:

1. The Court has not yet established a written policy that designates the manner in which media inquiries are to be handled and by whom, or how the court monitors the media.

¹¹ For instance, the Family Affairs Reconciliation Section during 2002 participated in 90 TV social programs in domestic and regional satellite channels, wrote 67 social articles in the newspapers and magazines, and distributed 1200 "social briefcases" containing at least 16 different brochures, to the newly married in the Court.

¹² If the court establishes that the person to be notified has no known domicile or place of work then the notice shall be served by publication in a widely distributed Arabic language daily newspaper which is published in the state and in another newspaper published in a foreign language if the situation requires this. The date of publication shall be considered the date of service of notice. UAE Federal Law No (11) of 1999 Article 7. pp, 4.1-1

¹³ Measure 4.4.2, TCPSM, addressed these three topics (National Criminal Justice Reference Service, 1997; 190).

2. Court responses are not timely due to several reasons, principally because the Court did not designate a specific individual, office, or telephone number to ensure that the media inquiries receive responses; court personnel do not understand their own procedures for responding to the media requests for information; court staff are not given adequate time to respond to media information requests; and verbal restrictions are placed by the court on their staff which affects their ability to respond to the information requested by the media.
3. The Court sometimes does not provide an adequate response to a request from the media, mainly due to the lack of coordination and the presence of some restrictions, which lead it to give a mere synopsis of events, or to not provide timely information, or not to meet a given time deadline, or to not present any information at all.

SECTION TWO THE COST OF LEGAL SERVICES

The court must make sure its services can be obtained at an affordable cost. These costs may include money, time, or court procedures that must be followed. As noted in the first chapter, excessive costs of legal services make access to justice difficult for many people. Hence, we need to identify alternative measures the court can take to provide affordable access to court proceedings, in spite of the existence of uncontrolled costs such as lawyers' fees and third-party expenses.

This study has proposed that gaps in court-users interrelationship are directly related to the cost of justice in Dubai; consequently, this gap may have a harmful impact upon the effectiveness and efficiency of court performance. To gauge the dimension of this proposition factors that may financially contribute to the high cost of dispute resolutions at the Dubai Court were examined, and time was analyzed as an element of the cost of dispute resolution. Activities that the court should be engaged in to provide reasonable and affordable access to its proceeding and court records were also reviewed. In the following, the respondents' views concerning the six factors will be examined.

1. FACTORS THAT MAY FINANCIALLY CONTRIBUTE TO THE HIGH COST OF DISPUTE RESOLUTION AT THE DUBAI COURT

The extent to which six selected factors are perceived by respondents as likely to contribute to the high cost of dispute resolution at the Dubai Court is examined through question number 22 (A, B, C, D, E, and F) in the questionnaire.

This question reads as follows: "Which of the following elements (court fees, lawyers' fees, experts' fees, complications of court procedures, unskilled judges, and unskilled lawyers) may typically contribute to high costs of dispute resolution at the Dubai Court?"

Responses are illustrated by means of bar charts in Figures 5.7 to 5.12. The respondents were requested to answer to each factor either by; (1) agree strongly, (2) agree, (3) disagree, (4) disagree strongly, or (5) don't know. In the following paragraph the results of each factor will be presented:

1. The majority of respondents, 85.1 percent agreed (including 38.5 percent who strongly agreed) that the Court fees¹⁴ would contribute to the high cost of dispute resolution, and hence, caused pressure on the litigants. It is also worth pointing out that among those who agreed, 66.67 percent were lawyers and prosecutors, and 33.33 percent were judges' assistants. While 13 percent expressed disagreements, 61.9 percent of them were judges' assistants. These results are presented in figure 5.7.
2. Figure 5.8 shows that 62.4 percent of the respondents agree that the high cost of dispute resolution is caused by lawyers' fees (Among those who agree, 48.86 percent are lawyers, 7.96 percent are prosecutors, and 43.18 percent of judges' assistants). While the remaining 37.6 percent disagree, that figure includes 67.92 percent lawyers.

The UAE Law stipulates that "lawyer's fees shall be determined according to a written agreement between the lawyer and his client"(United Arab Emirates, 1991; 31). However, the observed practice among most lawyers suggests that 10 percent of the case amount is the basis to estimate the lawyer's fees. The absence of specific codification for these fees creates a fertile ground for problems to arise between both sides. Even in 2002 the Lawyers Section at the Dubai Court received 38 complains from litigants against their lawyers that included this type of problem.

This factor is rated four out of six according to the findings of this study, but would likely have been positioned higher if the research had included participants from the general public such as litigants who have been involved with any type of payments to the lawyers, as the current composition of the respondents contains 55.97 percent lawyers.

The supporting evidence for this includes the fact that almost 50 percent of lawyers agree that their fees contributed to a high cost of dispute resolution. On the other hand, lawyers' fees are not included within the cases file documents. Therefore, neither the prosecutors nor court staff has access to such information. They only rely on what they hear from the litigants. This has to be considered when rating the effect of each of these six factors on the cost of the dispute resolution.

¹⁴ The court's fees are computed by 7.50 percent of the case amount that should be estimated on the day lodged, and in all cases, the estimation is based on the litigants' request, the total of the Court's fees should not exceed US \$ 8175 per case.

3. Al-Hosani studied the reliability of the technical and accountancy legal experts' reports issue, and the extent to which such reports, contribute to delaying the court reaching a final decisions. He also studied whether or not the appointment of legal experts in the Ministry of Justice in UAE would create efficiency and impartiality in court decisions. He concluded that the present situation in which legal experts do not have direct links with the Ministry of Justice is suitable to UAE society and should be maintained. However, it desirable that the Ministry of Justice monitor the experts' work to ensure better performance of their duties (Al-Hosani, 1989; 255. 272)

This conclusion will not be suitable for the Dubai Court, because most of the findings of Al-Hosani were only based on the responses collected through interviews or via a questionnaire distributed to 77 lawyers and 42 judges. Those respondents are different from the Dubai Courts' users. In addition, the present study used other practical means to investigate the effect of the experts' work, which relies on reviewing court records and cases along with the court's users opinions. Therefore, the court should be involved directly in managing the work of the experts.

Figure 5.9 indicates that 69.5 percent of the respondents agree that external experts' fees contributed to the high cost of dispute resolutions. 30.5 percent disagree that the external experts' fees (as a third party in the trial cases), have a major effect and hence increase the pressure on the court users. It is worth pointing out that among those who disagree, 76.74 percent are lawyers and prosecutors, and only 24.39 percent are judges' assistants.

It should also be noted that the majority of the respondents' opinions are influenced by the official documents presented in the Court¹⁵. There might, however, be off-the-record transactions (called baksheesh payment, and often on the pretext of a payment to the expert as a premium for his extra efforts) between the expert and the litigant, sometimes even without his lawyer's knowledge. This would thus not be noticed by the judges' assistants or by the lawyers who participated in the questionnaire. Although the occurrence of such events is rare, when it occurs, it certainly has a serious effect on the cost of dispute resolutions, as well as on demolishing the trust and confidence of the Court's users in the entire judicial system.

¹⁵ This is because the respondents can notice only the amount of payments that are presented in the case, which are often a small part of the actual total payment paid to the expert compared to the remaining part which in all cases occur without any evidence in writing.

Factors that may contribute to high cost of dispute resolutions at the Dubai Court.

Figure 5.8 the lawyers' fees (q.22.b)

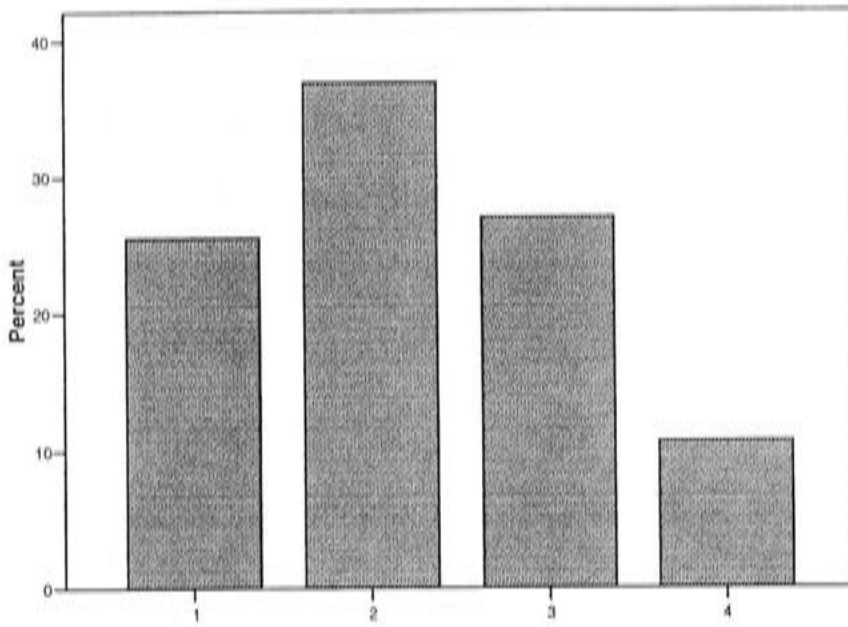


Figure 5.7 the court fees (q.22.a)

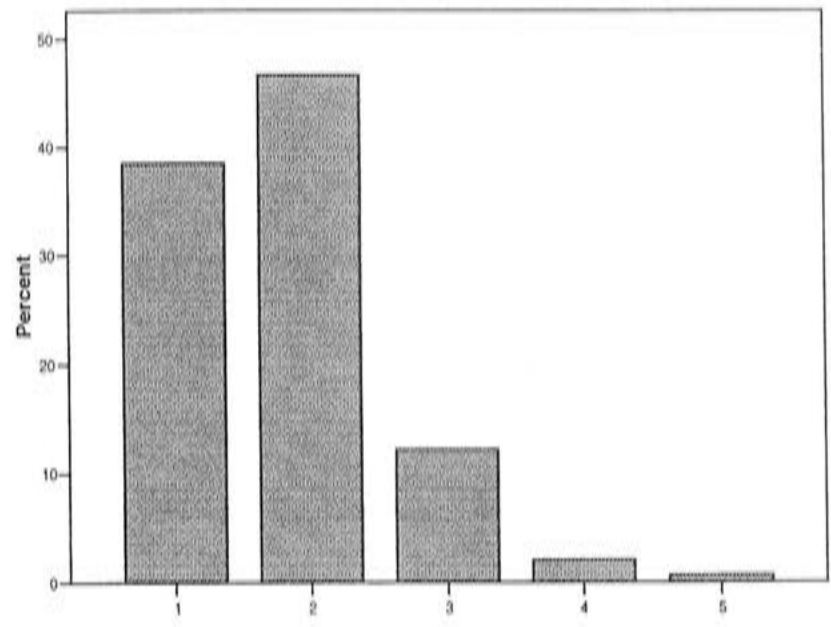


Figure 5.9 External experts\ fees (q.22.c)

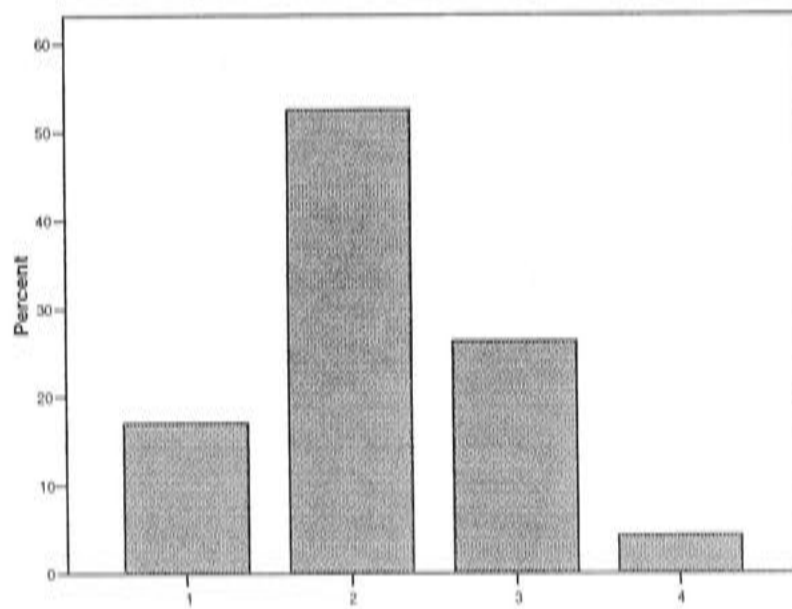


Figure 5.10 Complications of court's procedures (q.22.d)

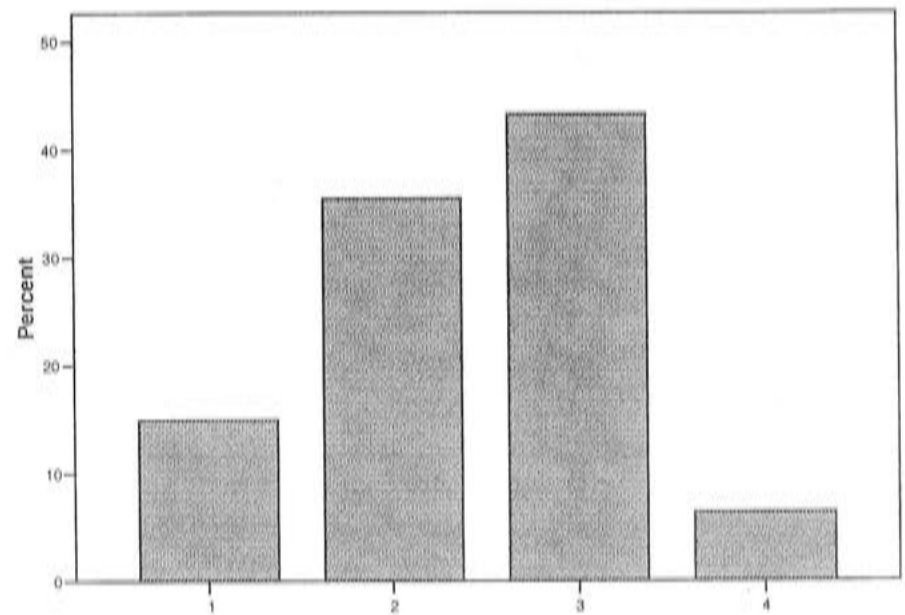


Figure 5.12 Unskilled lawyers (q.22.f)

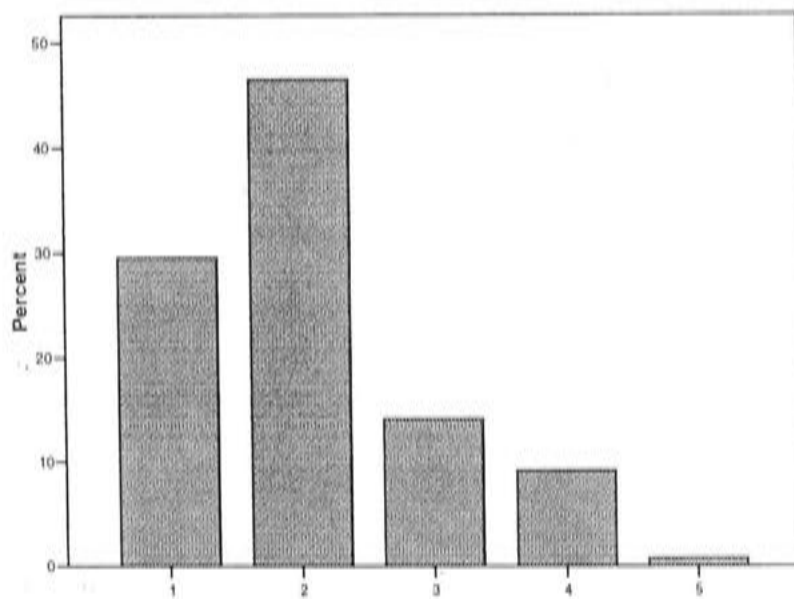
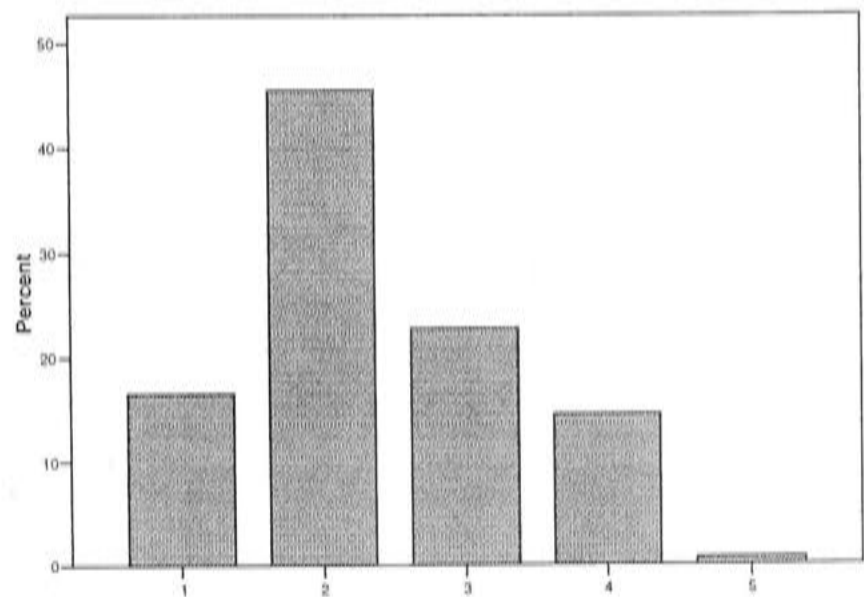


Figure 5.11 Unskilled Judges (q.22.e)



(1) Agree Strongly. (2) Agree. (3) Disagree. (4) Disagree Strongly. (5) Don't Know.

4. There was balance in the level of agreement (50.4 percent) and disagreement (49.6 percent) among respondents as to whether complications in court procedures lead to a high cost of dispute resolution or not (Figure 5.10). Moreover the responses from judges' assistants were identical, 27 agreed and 27 disagreed. There was almost the same response rate from the lawyers group (41 agreed and 38 disagreed). However, 62.5 percent of the prosecutors disagreed and only 37.5 percent agreed.
5. Unskilled judges may also contribute to the high cost of dispute resolutions, as they sometime cause delay in arriving at final decisions on cases. The results in Figure 5.11 show that 37.3 percent of the survey respondents disagreed with this proposition and 62.1 percent agreed. Among those who agreed 42.22 percent were judges' assistants and prosecutors, which clarifies that this result is not affected by the disappointment of some of unsuccessful lawyers.

This result indicates that the court must work hard to provide suitable training and to allocate sufficient funds to this, particularly in the field of case management and utilizing the existing court information technology in controlling cases processes.

6. Figure 5.12 illustrates that 76.1 percent of the respondents agree on the role of unskilled lawyers in increasing the cost of dispute resolution. More than two thirds of the lawyers (74.07 percent) as well as more than two thirds (77.36 percent) of the judges' assistants agree on this, in addition to 87.5 percent of the prosecutors who participated in the research questionnaire. Among the remaining respondents, only 23.3 percent disagreed with this proposition.

These results showed this factor as the second most important in increasing the cost of dispute resolution. This indicates that to improve the operation of justice in practice and increase the public confidence, UAE universities should review the contents of their subjects/courses in the field of law and extend their work-placement training during the academic years. In the meantime the Ministry of Justice should also improve the means and methods of its compulsory lawyers' training programs.

The overall findings of the main financial barriers that face the litigants as a whole reveal that, in the view of the responses received, Court fees (85.1 percent) is the most important factor. Next is the burden of unskilled lawyers (76.1 percent), followed by external experts' fees (69.5 percent), lawyers' fees (62.4 percent), and finally unskilled judges (62.1 percent). Special attention should be given to lawyers' fees for the reasons mentioned.

In fact, one more factor is not included here—the complexity of court procedures. Only an insignificant percentage (0.8 percent) of respondents agreed that this factor would cause a high cost of dispute resolution, exceeded the percentage of respondents who disagreed to that point. This study view that the uncomplicated ones among these six factors is the Court's procedure, providing users affordable access to the court's services as this element is under the influence and control of the court. Means to attain this may include simplification of procedures and reduction of paperwork in uncontested matters.

2. TIME AS AN ELEMENT OF THE COST OF DISPUTE RESOLUTION

The time needed for a case is an element that contributes to the cost of dispute resolution, specifically in commercial cases. Therefore, the extent to which six factors may cause delay in reaching a final decision was examined in question No 25 (this question reads as follows: (Do you think any of the following factors may cause delay in reaching a final decision in cases at Dubai Court?). These factors include delays by experts in submitting their final reports, adjournment demands by lawyers, complications and lengthy court procedures, unskilled judges, delegations' requests by lawyers, and inadequate judicial staff (such as, interpreters, notifiers).

The analysis revealed that in the respondents' views, the delay of experts (94.1 percent) is the most important factor in causing the postponement of case disposition. Next comes the adjournment demands by lawyers (86.6 percent), followed by inadequate judicial staff (67.8 percent), unskilled judges (61.3 percent), delegations' requests by lawyers (60.9 percent), and finally complications and lengthy court procedures (57.8).

Since these results uncovered the significance of experts' reports in causing delays, further analysis was done to find out how this factor extends the time for a final decision. This analysis consisted of, first measuring the time span between the dates of four processes of 34 different cases (commercial and civil labor, disposed in 1997, 2000, 2001, and 2002); second, examining the reliability of the experts' reports; and finally, assessing the opinion of the Chief Judge of the Dubai First Instance Court. The findings are as follows.

The time of the experts' procedures in the court consists of four dates that can be measured. These dates include the date of the judge's decision on appointment of the expert, the date of the nomination of the expert either by both litigants or from

the court's experts list, the date of carrying out the expert's assignment, and the date of the expert submission of his report. Table 5.2 presents the findings.

From the table it is clear that more than 20.5 percent of the cases took from 1-3 months and 6 percent took 3-6 months from the date of the judge decision to appoint an expert and that expert's nomination. This indicates inefficient and inconsistent levels of performance for determining simple process.

Only 2.9 percent of experts' reports were presented to the Court within the first month of engagement, compared with 50 percent within 3 months and 26.5 percent within 6 months. Additionally, 20.6 percent took more than 6 months.

Table 5.2: The time span of the external experts of 34 different cases in Dubai.

| The process | Less than one month | | 1-3 Months | | 3-6 Months | | More than 6 Months | |
|---|---------------------|------|------------|------|------------|------|--------------------|------|
| | No | % | No | % | No | % | No | % |
| From judge decision to the nomination of the expert | 25 | 73.5 | 7 | 20.5 | 2 | 6 | 00 | 00 |
| From date of carrying out the assignment to the date of the Expert submission | 1 | 2.9 | 17 | 50 | 9 | 26.5 | 7 | 20.6 |
| From judge decision to the date of expert submission | 00 | 00 | 1 | 2.9 | 9 | 26.5 | 24 | 70.6 |

On the last process, none of the experts' reports were submitted to the Court during the first month, only 1 report was submitted during a period of 1-3 months, and about one quarter (26.5 percent) were presented within 3-6 months. The duration of the majority (70.6 percent) of the reports was clearly unsatisfactory. The actual negative effects of these reports is evident in a time to disposition of the grand civil cases and the grand commercial cases, which will be discussed further in Chapter Seven. The reliability of the experts' reports was reviewed by question number 23 in the questionnaire.

This question reads as follow:

“How reliable do you think are technical and accountancy experts' reports?”

More than two thirds of the respondents (78.8 percent) believed that the experts' reports were not completely reliable; this included 49.3 percent who viewed these reports as fairly reliable and 29.5 percent who saw these reports as usually reliable. Only 5.5 percent regarded them as completely reliable, compared to 15.8 percent of the respondents who regarded them as unreliable.

It is obvious that these experts' reports have lost the full confidence of the users, which may ultimately affect the reliability of the court's decisions. Therefore, the current process of appointing external experts from a list controlled by the court needs to be re-evaluated to attain users' confidence.

Subsequently, investigation of the expert reports' unacceptable performance occurred when the Chief Judge of the Dubai First Instance Court was interviewed on 29 January 2003. The Chief Judge's explanations included that:

1. The preliminary judge's decision related to the appointment of the expert takes time before it is notified to the litigants.
2. Litigants sometimes appeal the preliminary decision.
3. Litigants often do not pay the deposits of the expert's fees on time.
4. Sometimes experts do not accept the value of the deposit.

Such obstacles underpin the unacceptable performance of experts' reporting revealed here.

Adjournment¹⁶ demands by lawyers is the second factor, cited by 86.5 percent of the respondents. One of the lawyers who rejected this proposition has noted that it is up to the judge to accept or reject the lawyer's request, so it is the court's responsibility. The study reviewed the list that contained comparative statistics of adjournment reasons for different types of cases in the Dubai Court. It found that lawyers' role was not direct but that lawyers indirectly affect the adjournments through the process of the case declaration by the summons on the basis of different reasons such as the unavailability of witnesses or parties who are not ready, which appeared to be the second reason after the adjournment for receiving the experts' reports.

¹⁶ The adjournment rate is the ratio between the number of lawyers (or by the court) requested adjournments to the number of court hearings or trials for each category of cases for reasons such as the unavailability of a witness; the failure of accused to appear; the granting of an application for more time; or pleading on the day (definition derived from Australian Government. Productivity Report, 2003; 60, 63).

In fact, a major part of the problem lies with the role of the court in organizing the summons processes. It is partly true to infer that the court's failure to do this has led to limited controls of the adjournment process, because the Court did not establish a standard to measure performance, irrespective of the law in this regard in Article 75.¹⁷

3. *ACTIVITIES THAT THE COURT SHOULD BE ENGAGED IN TO PROVIDE REASONABLE AND AFFORDABLE ACCESS TO ITS PROCEEDING*

As we have so far examined the elements of money and time that affect the cost of legal services. It is also essential to review the activities the court engages in, to facilitate affordable access to the judicial system in Dubai. This will help to assess whether the court has succeeded in its efforts to assure affordable access.

1. According to Measure 1.5.1. TCPSM. (National Criminal Justice Reference Service, 1997; 58) trial courts should have written goals or policies regarding the information that should be available to help the public access affordable legal services. The Dubai Court does not have such written policies.
2. According to Standard 1.5. TCPSM. (National Criminal Justice Reference Service, 1997; 56) Trial courts should sponsor efforts to develop reproducible forms approved by the Court that may be used by its users when they prepare required legal documents. The Court established its staff co-op association in 1994 that opened three offices within the courthouse to make such forms available at low (symbolic) cost.
- 3 The procedures for obtaining waivers of courts fees should be stated clearly, and these procedures should be easy to follow by the users without the assistance of an attorney (see the above, 1.5 standard). In evaluating this process in Dubai Court, the study found that irrespective of the Court's Fees Law No.1/1994; Article 18,¹⁸ the Court does not have written procedures. However, they have an unwritten procedure that is known by the Court personnel, which can be followed without assistance.

¹⁷ "The court may not postpone the case more than once for a single reason related to one of the adversaries unless there is an acceptable justification, and such postponement should not exceed two weeks" (United Arab Emirates, 1992; 57)

¹⁸ "If a person claims that he can not afford paying the Court's fees in any of the civil rights cases, the Chief Judge of the First Instance Court or judge of the summary circuits of the First Instance Court undertake investigation to verify that claim, if the court is convinced of the person inability, then the judge can accept his case without fees, or with part of the fees" (Dubai Justice Department, 2004)

Among the best practices by courts with regard to the written procedure for exemption and waiver of court's fees, is the practice of the Federal Court of Australia, which successfully provides their users two types of written procedures; one is for an individual, and the other is for a corporation (Federal Court of Australia, 2004). It includes full information on when individuals are exempt from paying fees, when fees will be waived, and how to apply to have a fee waived. An application form is provided for exemption or waiver of the fees, as well as papers in support of an application to have a fee waived, information on processing the application, and what to do if the application for waiver is refused.

4. The Court should provide written materials that explain the costs and eligibility requirements for obtaining various forms of legal services. The Dubai Court provides such material; the users can read it on the court website, through booklets available at the courthouse, or they can ask the Court personnel for assistance.
5. Free legal assistance via volunteer lawyers to help individuals with low income in the community was reviewed in Dubai Court. The finding shows that such a system was not adopted.
6. The Court must also be involved directly with management or associations in quasi-judicial services (for example, mediation, arbitration) as appropriate alternatives for resolving disputes (ADR) that increase the opportunity for low cost access to the judicial system (1.5 standard 1.5. TCPSM: Page 56). The issue of the ADR is well introduced by the Hon John Doyle when he stated that
"the challenge for the courts is to decide to what extent they encourage the use of ADR methods, and whether the courts themselves play an active part in these processes by providing for them within the court system" (Doyle, 2001; 143)

The Court has been involved in several such activities, including:

a. Mediation

Mediation activities in Dubai Court cases take several forms and are implemented at different points of a case. These types include either a single individual mediator, a team of mediators, or the Court Reconciliation Section for family affairs.

In fact, the pre-trial mediation is obligatory in family matters since these kinds of matters are not referred to a judge, unless they are consulted first by the Family

Affairs Reconciliation Section in the Court, which proved to be successful during the first two years of its services.¹⁹

The Court Initiative No. 2132 in the Court strategic plan stipulates that an understanding charter will be prepared in consultation with lawyers to ensure that mediation philosophy does not contradict their legal profession. This initiative sought for an additional 2 percent of out-of-court cases per year be settled by reconciliation. Although the project was excellent, no statistics related to the number of these reconciliations or even any agreed charter between the Court and the lawyers are available.

b. Arbitration

Arbitration in Dubai has different forms; it can be claimed upon the dispute hearing in the Court, by litigants outside the Court, or in the Dubai Chamber of Commerce. The UAE Federal Law No. 11 for 1992, Article 203,²⁰ stipulates these different forms and conditions.

UAE companies law stipulates that the arbitration clause must be included in the partners' agreement upon establishing certain companies such as limited liability companies. In other cases, the Notary Public strongly advises most of the partners, upon ratifying partners' agreements (this attestation is compulsory by the law), that the arbitration clause must be included in the agreement.

To understand the role of the Court in providing arbitration to its users at affordable cost, three factors that comprise a cost must be examined. These factors are: (1) time, (2) money, and (3) court procedures. The review of these three factors is presented consecutively in the following paragraph:

¹⁹ During 2002, from 1496 cases that were registered, only 42 percent were referred to a judge, 32 percent reestablished normal relations between parties, 13 percent brought about an agreement, the remaining were undecided. It is also worth mentioning that the section had succeeded in reducing the divorces case rates in Dubai from 35 per cent in 2000 to 24 percent in 2002.

²⁰ "1.Contracting parties shall be permitted in general terms to stipulate in the main contract or subsequent agreement that any dispute arising between them concerning the implementation of a specific contract be submitted to one or more arbitrators. Agreement may likewise be made for arbitration in a certain dispute according to specific conditions. An agreement on arbitration may only proved if it is written...3.The subject of the dispute must be defined in the arbitration document or during the examination of the claim even if the arbitrators are empowered to make a settlement, otherwise the arbitration shall be invalid...5. If litigants agree upon arbitration in a dispute, it shall not be permissible for a claim to be filled in it before the law. Nevertheless, if a party lodges a case without considering the arbitration clause and the other party does not object at the first hearing, the case may be heard and the arbitration clause shall be considered deemed cancelled"(United Arab Emirates, 1992; 141)

(b.1) Time:

Law No .11, Articles 208,²¹ stipulates 30 days for the arbitrator to notify the litigants of the date and place of the first session. Why is 30 days stipulated, instead of seven days, or even less? As a law, the court does not have the authority to change the law.

Article 213²² also indicates that arbitration process of lodging the rulings in the court takes three-times longer than arbitration outside the court. Certainly, these clauses will affect the length of the litigation process and will consequently affect the cost. In fact, the advantage of establishing a good relationship between the legislation and the Court can be tested in situations similar to this for the objective of enhancing the Court performance by passing amendments that could overcome the obstacles to the implementation of the laws.

(b.2) Money:

This affects affordability directly if left vague and without clear rules or other arrangements by the court. The existing law, Article 218²³, permits arbitrators to assess their fees and the costs of the arbitration.

In practice, however, the majority of arbitrators have abused this right, by exaggerating the arbitration costs and fees.²⁴ Is any visible reasonable guidance list for arbitration fees? What is the role of the court in this matter? No-one could challenge that the issue of arbitration cost must be solved if access to justice is to be affordable. This study provides reasonable solutions to these enquiries at the end of this chapter.

²¹ "An arbitrator shall, within 30 days at the most from the acceptance of arbitration, notify the litigants of the date and place of the first session fixed to look into a dispute. This shall not be restricted by the principles relating to notification established in this law. He shall also fix them a date to present their documents, memos and points of their defence"(United Arab Emirates, 1992; 143)

²² "1. In the case of arbitration, which takes place by means of the court arbitrators must lodge the ruling along with the original arbitration document, the records and papers with the office of the clerks to the court which essentially has jurisdiction to hear the case within 15 days of the issuing of the ruling. They must also deposit a copy of the ruling with the same office to be given to each of the parties within five days of the lodging of the original. 3. However, in the case of the arbitration which takes place between adversaries outside the courts, arbitrators must give a copy of the ruling to each party within five days of issue of the arbitration decision"(United Arab Emirates, 1992; 147).

²³ "It shall be left to the arbitrators to assess their fees and the costs of the arbitration and they may impose all or part of this on the losing party, and at the request of one of the adversaries the court may amend this assessment in a manner appropriate to the effort expended and the nature of the dispute"(United Arab Emirates, 1992; 150).

²⁴ The researcher came to this conclusion by his previous long experience as an arbitrator and by his access to the cases that are lodged by parties related to this matter in the Court.

(b.3) Court procedures

Court procedures may include: (1) appointing/dismissing the arbitrators, (2) ratification of the arbitrators' rulings, and (3) implementing of the arbitrators' rulings. The court must make sure that its procedures in this regard are efficient; otherwise, the cost of litigation will not be affordable. In examining each of these three activities with respect to UAE Federal Law Number 11 of 1992 (The Law of Civil Procedure) and the Court practice, the following results were observed.

1. Appointing the arbitrators

The role of the Court in appointing the arbitrators is determined in Article 204.²⁵ The court's internal process in appointing arbitrators is by nominating one from the financial experts list as per the specific role. In examining this process, two facts have to be considered, on the one hand, those experts have different levels of experience and knowledge. Some of them have legal background while others have only financial. On the other hand, cases have different levels of complexity and may require a specific field of specialization (for example, marine, banking). Certainly, these two dimensions must be coordinated, otherwise not only will the cost be affected, but justice will be diminished, particularly when arbitrators' ruling cannot be contested according to Article 217.²⁶

There is another reason why the court should give more consideration to developing the process of appointing arbitrators. Dismissing arbitrators or preventing them from passing a ruling in the later stages of the arbitration process is not easy—clear from Article 207²⁷—therefore the process of appointing and selecting those arbitrators should be at least in balance with the difficulties of dismissing them.

²⁵ "1.If a dispute arises and the adversaries have not agreed on the arbitrators, or if one or more of the arbitrators agreed upon refuses the task, withdraws from it, is removed from it or ruling is made to reject him, or if some impediment arises to prevent him from performing it and there is no agreement on this matter between the adversaries, the court which essentially has jurisdiction to hear the dispute shall appoint the required arbitrators. This shall be on the basis of the request of one of the adversaries and by the normal procedures for the filing of claims. The number those appointed by the court must be equal to the number agreed upon by the adversaries or must complete this number. 2. The ruling issued in this matter may not be contested by any of the means of contestation" (United Arab Emirates, 1992; 141).

²⁶ "1.Arbitrators' ruling shall not be subject to contest by any of the means of contestation. 2. A ruling issued confirming the arbitrators' ruling or invalidating it may be contested by appropriate means of contestation. As an exception to the provision of paragraph (2), the ruling shall not be subject to appeal if the arbitrators are authorized to make a settlement or if the adversaries have explicitly waived the right to appeal, or if the value of the dispute does not exceed US\$2,724" (United Arab Emirates, 1992; 149).

²⁷ "3. He may only be removed (revoked) with agreement of the adversaries jointly. However, the court which essentially has jurisdiction to hear the dispute may at the request of one of the adversaries dismiss the arbitrator and appoint a substitute by the manner in which he was

2. Ratification of the arbitrators' rulings

As per the law, the court has three roles during the hearing for ratification of arbitrators' ruling: the court may return it to them for examination of any issue in the arbitration which they omitted to decide upon; it may clarify the ruling if it is not specific to the degree of implementation; or it may approve the ratification. The law, in article 214,²⁸ specifies three months period for such two corrections. The majority of court rulings apply the law and give three months for such corrections. The question to be asked here is whether this period of time is justifiable for only the correction?

Moreover, Articles 215²⁹ and 137³⁰ gave the court a limited role in controlling the quality of rulings. The Court should study this process very carefully within the requirements of the law, and conduct an evaluation of a number of previous arbitration rulings to verify the reliability of such rulings. Judges from the Appeal Court should do this evaluation.

3. Implementing of the arbitrators' rulings

After the Court examines the arbitrators' rulings, and in the event that there are no impediments, the execution judge shall have the authority to implement those rulings. Court users' satisfaction about the procedure in enforcing rulings will be examined in Chapter Seven when this study examines the court's responsibility for enforcement of its decisions and orders.

appointed in the first instance. This shall be in the case where it is proved that the arbitrator deliberately neglected the task according to the arbitration agreement despite it being brought to his attention in writing. 4. He may only be prevented from ruling for reasons occurring or appearing after his appointment. Rejection shall be requested for the same reasons on which a judge is rejected or on which he is considered disqualified for adjudicating. In all events, the application for rejection shall not be accepted if the ruling of the court has been issued or if the arguments in the case have been closed" (United Arab Emirates, 1992; 142).

²⁸ "The arbitrator shall be required in these two cases to issue their decision within three months of the date of their being informed of this ruling unless the court specifies otherwise"(United Arab Emirates, 1992; 147).

²⁹ "Court shall have authority to correct material flaws in the arbitrators' ruling at the request of the parties concerned by means established for amendment of rulings" (United Arab Emirates, 1992; 148).

³⁰ "The court may by a decision which it shall be issue at the request of one of the adversaries, or of its own accord, without any legal proceedings, correct any material errors which occur in a written or calculated part of its ruling"(United Arab Emirates, 1992; 93).

SECTION THREE

USERS' INTERACTIONS WITH COURT'S SERVICES

The intent in the first two sections was to explore the effect of different elements of communication and cost on the gaps in the court-users relationship, with the objective of understanding how to improve the efficiency and effectiveness of court performance.

Ultimately, such a relationship needs to be examined according to how the users receive the court services, to determine the degree to which a court effectively and efficiently conducts its business. Gaps in the court-users relationship could exist at that point of interaction, when users receive and experience court's services. Trial courts should provide their services in a manner that is accessible, safe, and convenient. Courts are required to eliminate unnecessary barriers to access to their services. In fact, the researcher's opinion about the importance of users interaction upon receiving the court's services is entirely consistent with Jean Guccione's opinion.³¹

This section will explore court-users' interactions at different points of the court's services: (1) physical court structure, (2) responsiveness of the court personnel, (3) Effective participation, (4) public proceeding, (5) evaluations of equality and fairness of the court's decisions and actions, (6) the court procedures and (7) the relationship of the Court with other components of the justice system. The research findings are presented in the light of the results of the questionnaires, and the volunteer observer.

1. *PHYSICAL COURT STRUCTURE*

Physical court structure includes elements such as: (1.1) Adequate parking spaces, information directory, information counter, facility diagram, signs showing directions within the Court building, and (1.2) courthouse security.

³¹ When she reported that "There is a need to build the relationship with journalists who cover the courts regularly even before they are needed for a court program. The media has a huge influence over public perception but there is also a perception that people get when they walk into the courthouse. There is a false impression that having good media, good stories in the newspaper about the court, can erase all of the negative experiences that people have with the courts either on jury duty, paying a traffic ticket, or in family law court. The media cannot help correct everything. We can only report what's going on in the system. Thousands of people enter courthouse every day throughout the state and you've got to address their issues. Make the experience good for them when they walk into the courthouse because if that one experience is bad you can forget about them reading stories about judges going out to schools and things. That is not going to change the public perception of the courts" (Judicial Council of California, 1999; 2-16).

1.1 The respondents were requested to evaluate how easy it was for them to access to the Dubai Courthouse's various facilities for the purpose of measuring how easy and convenient it is to conduct business with the Court. This is covered in question 4 in the researcher questionnaire, which was distributed to a specific group of the Court users (lawyers and prosecutors).

This question reads as follow: "By circling the appropriate number, please tell us how easy it was to do each of the following?"

The Court's officials addressed the same question to general users (130 users in 2001) of the Dubai Court in the survey that was distributed during their self-assessment process. The results of both questionnaires are presented here.

A. From the researcher questionnaire

Table 5.3 shows that almost two thirds (70.33 percent) of the respondents found no difficulties in using the Courthouse resources facilities; only 14.85 percent indicated some difficulties. The information counters produced the highest satisfaction rate—98.6 percent with zero percent—difficulties, while the Court parking space produced the lowest satisfaction rate, 35.6 percent, along with the highest dissatisfaction rate 49.4 percent. About 29.9 percent indicated that they found it very difficult to find a parking space, followed by 13.4 percent (cafeteria services), and 3.7 percent (reading the map and signs for finding the right location or services in the building).

Table 5.3: Distribution of responses of lawyers and prosecutors regarding the Court's resources facilities, from the researcher questionnaire.

| | Parking space | Information directory | Help at the information counter | Read the map | Follow the signs | Cafeteria Services | Cumulative Percent |
|--------------------|---------------|-----------------------|---------------------------------|--------------|------------------|--------------------|--------------------|
| 1. Very easy | 21.8 % | 56.5 % | 80.6 % | 45.1 % | 50 % | 37.3 % | 48.55 % |
| 2. Easy. | 13.8 % | 29 % | 18.1 % | 21.1 % | 29.3 % | 19.4 % | 21.78 % |
| 3. Average | 15 % | 11.6 % | 1.3 % | 26.8 % | 13.3 % | 20.9 % | 14.82 % |
| 4. Difficult | 19.5 % | 2.9 % | 0 | 5.6 % | 3.7 % | 9 % | 6.78 % |
| 5. Very Difficult. | 29.9 % | 0 | 0 | 1.4 % | 3.7 % | 13.4 % | 8.07 % |

The overall satisfaction rate among respondents was 71.16 percent in the Court questionnaire, however only 23 lawyers participated in this questionnaire, while the researcher's questionnaire contained 70 lawyers out of 88 who responded. This means that proportionally the lawyers had reported more difficulties in getting to or carrying on their work in certain areas in the Dubai courthouse.

B. From the Court questionnaire

Table 5.4 demonstrates the respondents' perceptions concerning several elements of the Court facilities and services. Respondents' answers were evaluated by a scale of five points, from 1 (which indicates least satisfaction) to 5 (which indicates most satisfaction). The result indicates that the total number of accumulated points from the respondents were 4163, for a total 5850 potential satisfaction points. This means that the overall rate of satisfaction with the Court facilities was 71.16.

Table 5.4: Responses to the Court customer satisfaction questionnaire for the year 2001, which was prepared, distributed, and analyzed by Dubai Court.

| | Operato | Facilitie: Areas | Informatio Counters | The providec Services | Services Officers | Court Website | Total |
|--------------------------------------|---------|---------------------|------------------------|--------------------------|----------------------|------------------|---------|
| Responses Points | 1247 | 4163 | 1970 | 2503 | 3247 | 877 | 14007 |
| Respondents Number | 110 | 130 | 122 | 122 | 126 | 58 | 668 |
| Total Satisfaction Points | 1650 | 5850 | 2440 | 3660 | 4410 | 1160 | 19170 |
| Percent of the Total satisfaction | 75.58 % | 71.16 % | 80.74% | 68.39 % | 73.63 % | 75.60 % | 73.07 % |

It appears that design of the courthouse facilities is not up to the ideal standard, for instance, the weather is quite hot for most of the year, and therefore it is difficult for the Court's users if parking is limited. The court's cafeteria serves more than 700 persons during working hours; therefore, it must be able to provide a suitable standard of services. Further a large area of the three-storey courthouse may confuse users if there is not appropriate directions and signage.

1.2 Courthouse security

To gauge the respondents' views of elements affecting courthouse security, the researcher's questionnaire included the following question:

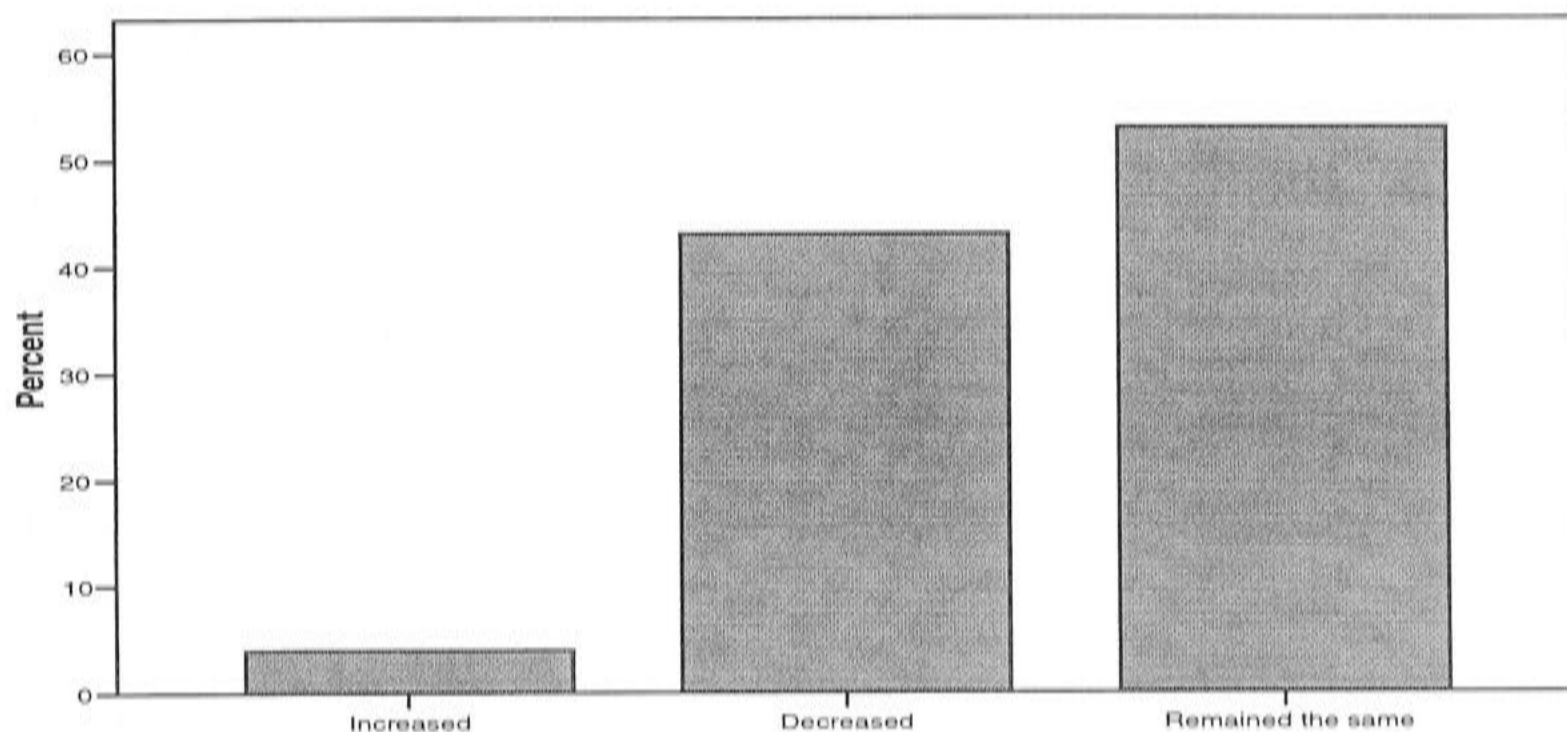
Question no (3)

"Within the past 2 years, has your level of concern about your safety or the safety of your personal property at the courthouse: a. increased, b. decreased, or c. remained the same?"

Figure 5.13 gauges the respondents' sense of threat to their person and property while visiting the Dubai courthouse. In general, the court performance depends on two factors: the number of courthouse areas which are rated safe by a majority of

respondents and the number of crime incidents reported by respondents.³² As perceived safety increases and reported crime decreases, the court performance on this measure improves.

Figure 5.13 Level of concern about the courthouse security (q.3)



From figure 5.13, it can be seen that 43 percent of the respondents feel their level of concern about security at the Dubai courthouse has decreased, and only 4 percent reported that their concern has increased. Meanwhile, the remaining respondents reported that their level of concern had remained the same. Although respondents were requested to identify areas within the courthouse where they thought the level of concern about safety was high, none noted any such concerns.

The overall positive perception among respondents indicates that the Dubai Court is performing well on this measure. Nevertheless, one of the lawyers noted a concern about the process of moving cases files within the courthouse, and to and from the Prosecution Department in the next building using office boys. As most of those who carry out the task usually get the lowest salaries, the issue of the safety of the original documents of the cases is raised, and may affect the interests and rights of litigants.

³² These criteria are recommended by US National Center for State Courts, and were reported in the Trial Court Performance Standards and Measurement. Standard 1.2: Safety, Accessibility, and Convenience. Measure 1.2.3: Perceptions of Courthouse Security (National Criminal Justice Reference Service, 1997; 33).

To review this matter, the researcher examined a limited number (10 cases from Court of Cassation, 36 cases from Appeal, and 38 cases from First Court) of pending, in circulation, closed and onsite cases to evaluate (a) the reliability of the file control system, (b) the adequacy of storage and preservation of physical records, and (c) consistency of the case docket system. The results were as follows:

a. *Reliability of the file control system (TCPSM. Measure 3.6.1)*

The extent to which the case files can be retrieved on request, on time and from the same specified location or person, is a main indicator of reliability of the file control system. Table 5.5 illustrates how long such a request took in both courts; 12.25 minutes in the Appeal Court and 6.92 minutes in the First Instance Court were the average times, with 11 minutes in the Appeal and 3.5 minutes in the First Instance was the median (middle) value.

Table 5.5: Time taken to fulfill case file requests

| Courts | Mean | Median | Mode | Min | Max | Std. Deviation | No of Cases |
|----------------|-------|--------|------|-----|-----|----------------|-------------|
| Appeal | 12.25 | 11 | 8 | 0 | 33 | 7.766 | 36 |
| First Instance | 6.92 | 3.5 | 2 | 2 | 56 | 9.693 | 38 |

Eight minutes in Appeal compared and only two minutes in The First Instance were the most common results. These overall results demonstrate good performance, with the First Instance Court performing better than the Appeal Court. However, two cases in the Appeal and three cases in the First Instance were not retrieved from the same staff and locations identical to those in the computer file control system, as they were retrieved from different locations and under different staff names.

This weakness in the court file control system should be corrected so that the current position of any case file is reliable and precise, and this system must be capable of producing a systematic report about the timeliness of individual case file retrieval.

The researcher also selected ten cases randomly from the Court of Cassation. He was able to retrieve only four cases after 19 minutes and was told that the remaining six cases were with judges and hence could not be retrieved. As these cases were active, were not held for final court's decision, and were recorded as being in the custody of the court's staff, the right of accessibility of cases by litigants may be affected unless the court rules specify otherwise.

The Court should clarify proper procedure regulating the circulation of cases files. The Court must establish a time standard for the file retrieval process. “Excellent performance” for when a file can be retrieved within five minutes, and “good” within ten minutes. Any file retrieval that exceeds ten minutes can indicate a weakness in the court performance. These standards will control the retrieving process.

The staff performance can also be measured in accordance with such a standard, addressing court users’ right to timely access. Staff performance can be assessed in the following way: unsatisfactory—staff seldom file retrieval on time; satisfactory—files retrieval on time (within 10 minutes); and more than satisfactory—file retrieval is completed before deadline (within 5 minutes); and outstanding—work is completed well in advance and volume of work always exceeds job requirement (less than 5 minutes). These levels of performance derived from Texas University employee performance appraisal (Texas A&M University, 2002; 3).

b. *Adequate storage and preservation of physical records (TCPSM. Measure 3.6.2)*

The requirements for storage of closed cases and the media used for storage are based on informal practices, and do not specify for how long these files must be preserved or how can they be preserved. Only the Dubai Government Financial Law No. 7 for 1995, Article 79 specifies that “the records and documents could be destroyed after 15 years excluding the documents that can be used as evidence upon record claim in the court” (Dubai Government, 1996; 33). The Federal Law No. 11 for 1992 does not specify a storage period for the case documents as per the understanding of the articles No. 157, 104, and 160 (United Arab Emirates, 1992).³³

The Electronic Transactions and Trade Law No 2 of 2002 recognizes the legal value of the documents that are stored electronically. The Court scans the case documents and keeps electronic copies of such documents to be used by the Court, yet without court’s storage rules, the main advantage of the electronic copies of the

³³ Article 157 stipulates “Documents may only be returned to the litigants who submitted them until after the expiry of the time limits for contestation or ruling in contents filed. Copies of these documents may however be given to persons concerned who requested them. Further, Article 160 stipulates “if the ruling is issued on the basis of a fraud by one of the adversaries or on the basis of a forged document or false testimony or due to the appearance of some document which is definitive in the case which an adversary had retained the time limit for appeal against the ruling shall not commence until the day on which the deception becomes apparent, when the perpetrator admits his forgery, when the ruling is made confirming it or when ruling is made against the witness for perjury or from the day on which the concealed document appears.

document will be wasted. The study has also noticed that some valuable documents of very old cases were badly preserved. These old documents represent the history of the Court, not just particular cases, and thus deserve to be bound and be displayed at the main entrance of the courthouse.

c. Consistency of the case docket system (TCPSM. Measure 3.6.3)

This consistency measure requires that the court compare the entries in the docket system with information contained in the case files. Dubai Court started using the docket system in 1995. At the same time it started to reenter the previous cases until almost all the previous cases' data were stored in the system. Now, the court needs to establish auditing rules that ensure all the entries per case are correct, clear and understandable.

2. RESPONSIVENESS OF THE COURT PERSONNEL

The Questionnaire that was distributed to the 80 lawyers and eight prosecutors had included three questions (Q.6/A, Q13, Q.14) requesting views about the Court's personnel responsiveness. Furthermore, in the Dubai Court customer satisfaction questionnaire of 2001, the customers were also requested to express their views about the responsiveness of the Court service providers. The results of these three questions are tested by chi-square test and presented consecutively in the following paragraph.

From the researcher questionnaire

Question 6/A. "Do you think that the court personnel treat people with respect?"

Table 5.6 shows that the responses for the question 6/A, indicate a chi-square value (6.344) which is less than the rejection value (below 9.488) and at the level of significance 0.175, which is above the chosen criterion (above .05).

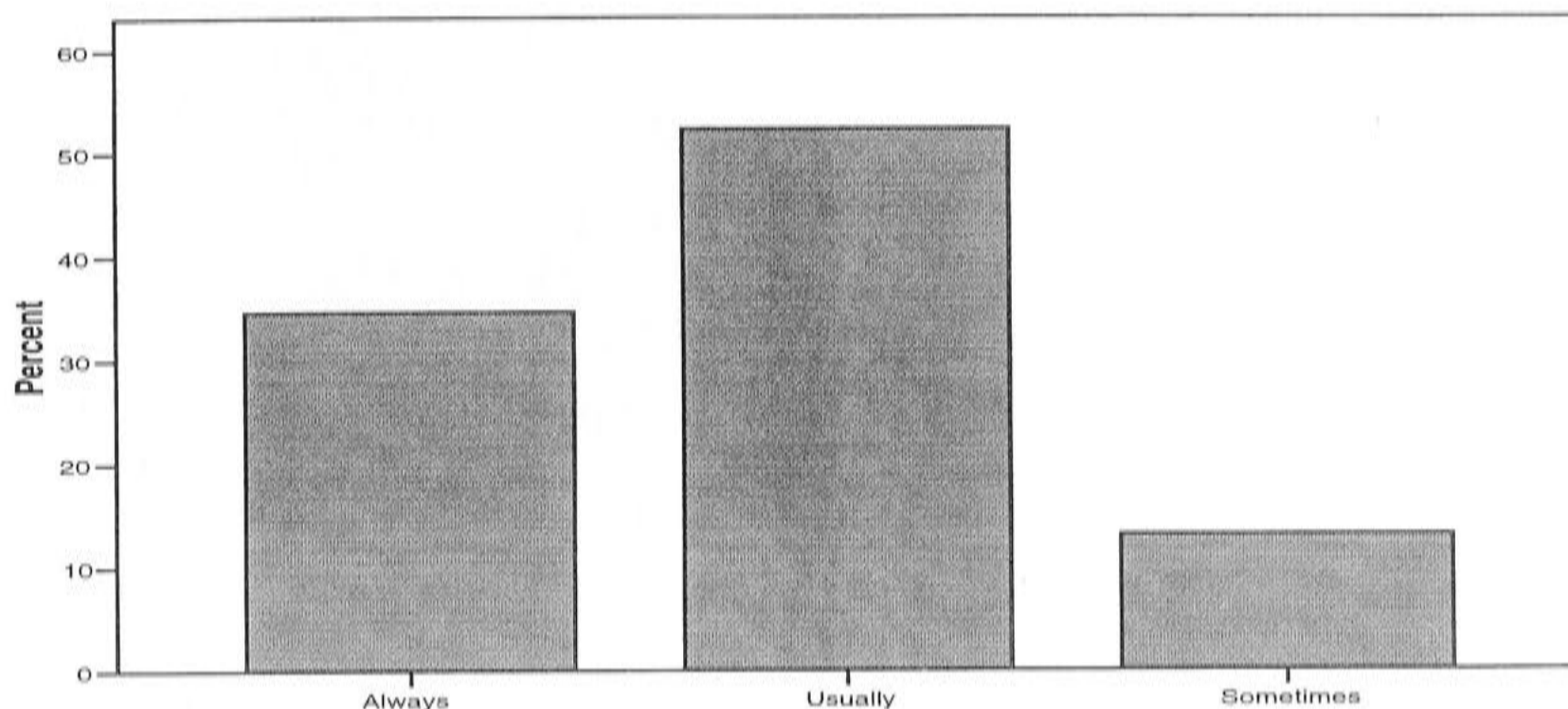
Table 5.6: Chi-Square Tests on responsiveness of the court personnel.

| Factors | Chi-Square Value | Level of Significance |
|---|------------------|-----------------------|
| (Q/6/A) Do the court personnel treat people with respect? | 6.344 | 0.175 |
| (Q 13) The extent of the satisfaction with the court Treatment. | 13.694 | 0.090 |
| (Q 14)The extent of fair treatment to individuals. | 13.576 | 0.094 |

This result shows that participants believe that individuals are treated with respect by Court personnel. This is supported by the results of the descriptive statistic of the level of agreement and disagreement among the respondents (Figure 5.14), which show that the majority of the respondents, 86.9 percent, do think that court

personnel treat people with respect, and only 13.1 percent believe that court personnel do this “from time to time”.

Figure 5.14 Do you think court personnel treat people with respect (q.6.a)

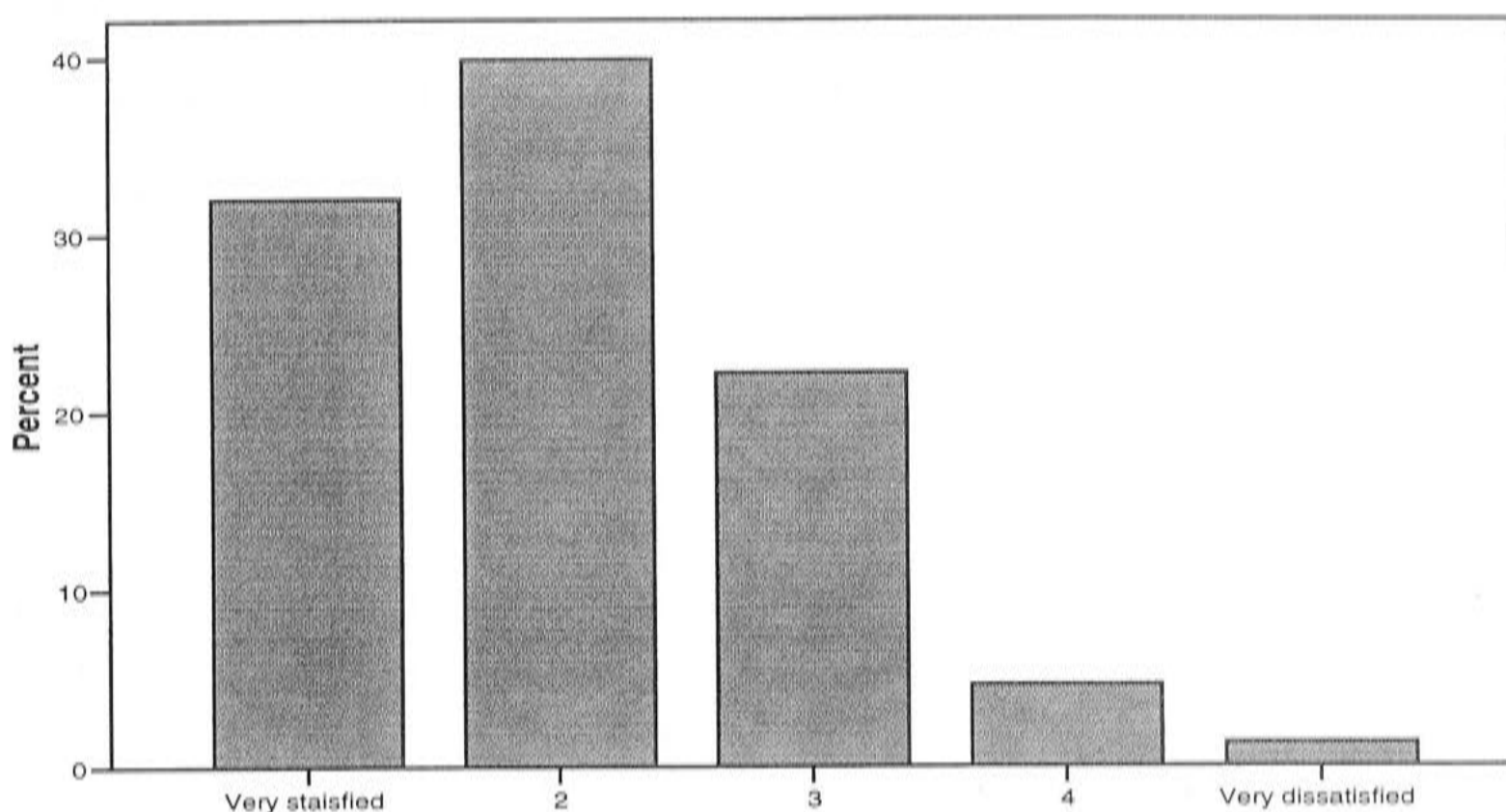


Question 13 “Based on your interaction with the Dubai Court in the last three years, to what extent are you satisfied with how you have been treated by the Court?”

The chi-square value for the extent of the satisfaction with the court treatment is 13.694, which is less than the rejection value of below 15.507, with a level of significance 0.090. Using chi-square, it is evident that the users were satisfied with how they are treated by the court, as there is no significant difference among the lawyers, prosecutors, and judges' assistants on the level of the satisfaction.

Figure 5.15 shows that 71.4 percent of the respondents are satisfied. However, among the three respondents groups, the lowest satisfaction rate is the judges' assistants (30 percent), the highest is the prosecutors (all the eight prosecutors), and the remaining group is the lawyers with 63.64 percent. This result indicates that the Court officials should review the judges' assistants' responses to learn where improvements may be needed the most, in order to enhance this group's level of satisfaction.

Figure 5.15 How they have been treated by the court (q.13)



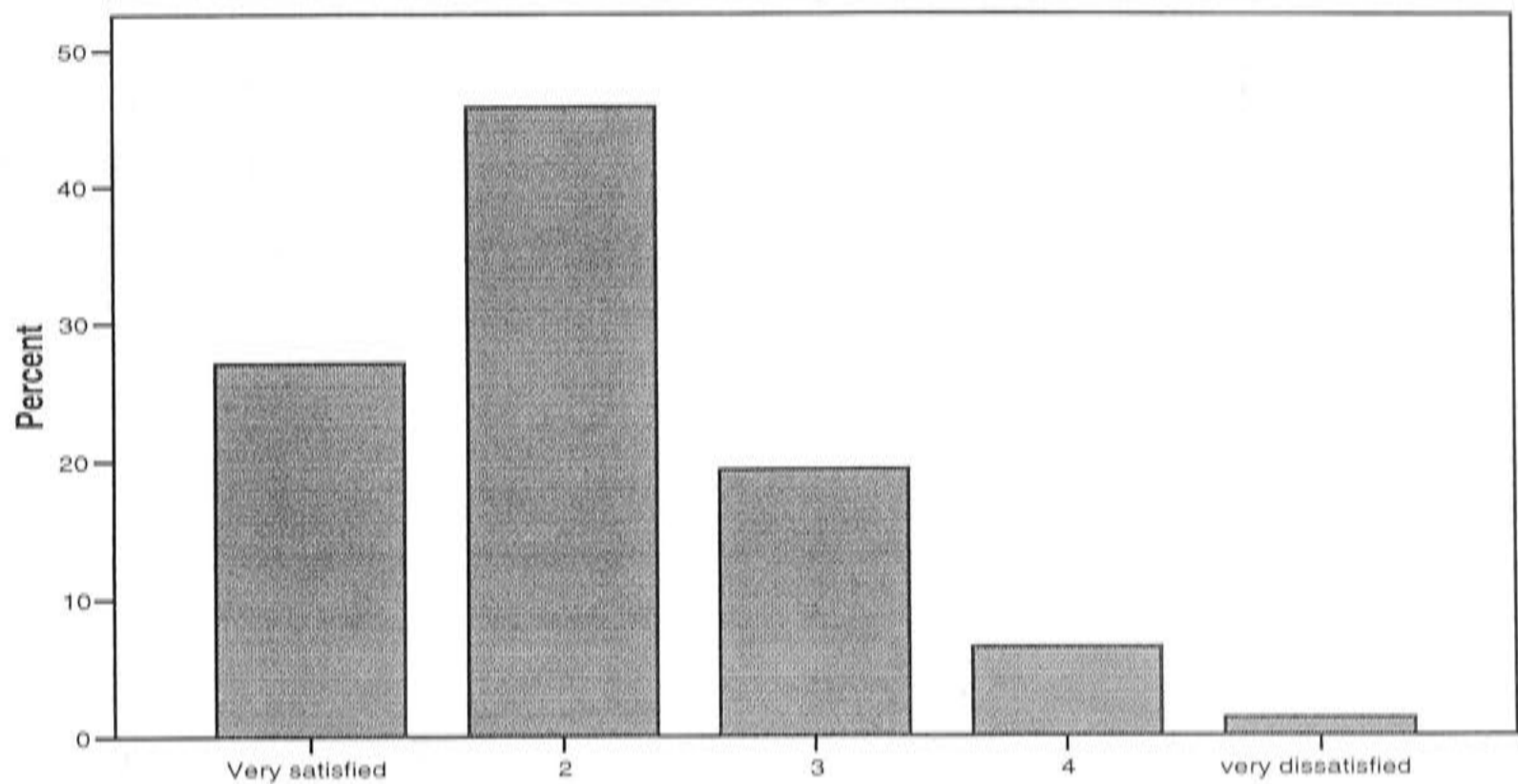
Question 14 “Based on your observation of the benches of Dubai Court in the last three years, to what extent do you believe that individuals have been treated fairly by the Court?”

In examining the extent of fair treatment to individuals by the court personnel, the chi-square value is 13.576 with a level of significance of 0.094. Using the same analysis as above, we can conclude that there is agreement among the groups on fair treatment to individuals.

Figure 5.16 demonstrates the satisfaction rate of individuals about the Court personnel responsiveness, based on the observations of the respondents during their visits to the Court. More than two thirds (72.9 percent) of the respondents believed that individuals are treated fairly by the judges in the Court. One fifth (19.4 percent) of the respondents could not decide, as they were satisfied with some things and dissatisfied with others. A few (6.5 percent) were dissatisfied, and 1.3 percent were strongly dissatisfied; the remaining 2.5 percent did not indicate their opinion.

The Court has not established benchmarks to determine the value of these findings. Yet this performance can be rated “adequate” as per the TCPSM proposed benchmarks for trial courts, which notes that “a ‘good’ rating might mean that at least 98 percent of the respondents agree that they were treated politely, and an ‘adequate’ rating might mean that at least 75 percent of the respondents agree that they were treated politely”(National Criminal Justice Reference Service, 1997; 57).

Figure 5.16 the extent do they believe that individuals have been treated fairly by the bench (q.14)



From the Dubai court customer satisfaction questionnaire

The Court users were requested to record their views regarding the responsiveness of the court personnel as indicated by: knowledge and acquaintance with the job, compliance with the work rules, providing quick and accurate services, ability of expression, co-operation and assistance with clients, politeness and courtesy with clients, and getting information by telephone.

Table 5.4 on page 115 demonstrates that 73.63 percent were satisfied. In analyzing this percentage, we discovered the following facts

1. Female respondents had better satisfaction rate (76.55 percent), than male respondents (72.75 percent).
2. Among the eleven groups who participated in the questionnaire, the witness group had the lowest satisfaction rate (50) percent, and the external experts had the highest (81.43) percent.
3. Between the three courts levels, the First Instance Court had recorded the highest satisfaction rate (74.88 percent), and the Court of Cassation had the lowest (65.71 percent).
4. People who had previously dealt with other courts tended to be more satisfied (78.01 percent), than those who had not (71.36 percent).

3. *EFFECTIVE PARTICIPATION*

This element deals with the right of all participants who appear in Dubai Court to participate effectively in the court proceedings without any inconvenience. This research is concerned with two groups of people with special needs: (1) non-Arabic speaking people who require the services of interpreters, and (2) individuals with physical disabilities.

1) **Non – Arabic speaking group**

The UAE Federal Law No. 11 of 1992, Article 4, concerning civil proceeding, stipulates

“The language of the courts shall be Arabic. The court shall be required to hear the testimony of adversaries, witnesses and others who don't have Arabic through a translator after the latter has sworn the oath if he has not already sworn the oath at the time of his appointment or when he was granted permission to work as a translator” (United Arab Emirates, 1992; 8).

Question 7 in this research questionnaire requested the respondents to measure how closely the Court observed the law. This question reads as follows:

“Are you aware of any requirements of law related to the court's practices that are not routinely followed by most court employees (including judges)?”

Among the few lawyers who had indicated “yes” (11.4 percent), a few noted that:

1. A small number of the Court interpreters had not mastered the appropriate professional interpreting skills, so they were unable to translate the message accurately between the judge and the foreign party.
2. The Court needs to increase the number of interpreters.

In 2001, the number of the civil, shari'a, and criminal registered cases in the Court was 19,543 cases and the number of the interpreters was seven; if we divide this number by the number of working days during the year we will have 95 cases per day. At least 75 percent of the Dubai populations are expatriates, which indicates that the interpreters are working under great pressure. Absence of a translator was one of the factors causing adjournments during the last two years.

This finding reveals that the Dubai Court has to review its interpretation services by contracting interpretation experts to evaluate its interpreters' proficiency, skills, and professional conduct.

The Court must also reexamine its recruitment of interpreters, to obtain a reliable standard of interpretation services, as well as assessing the number of cases

that have involved interpretation during last three years compared with the number of interpreters available to avoid exerting too much pressure on the quality of the interpretation.

2) Individuals with physical disabilities

During the evaluation of the Court general facilities, it was noted that doors and elevators were wide enough for a wheelchair; all the courthouse main entrances had an extra entrance designed to ease the entry of this group. Further, documents can be notarized at places of convenience where necessary (such as, hospitals, home, car). A number of medical wheelchairs are located beside the main entrance that can be used with the help of someone from the Court, if needed.

Furthermore, one of the Court employees had a physical disability, and was offered a job at an office near the entrance of the Courthouse. He was also allowed to leave 10 minutes before the end of official working hours, and was provided with the nearest car park space to the Courthouse. The Court had also sponsored a number of students with physical disabilities during the summer students training programs.

All these activities indicate that the Court has sought to make the Courthouse accessible to those with disabilities. The views of the Court's users were also evaluated in the question number 6/L. This question read as follows:

“Do you think the court attempts to meet the special needs of people with physical or mental disabilities?”

The responses were statistically tested by chi-square test, then the frequencies were analyzed, yielding the following findings.

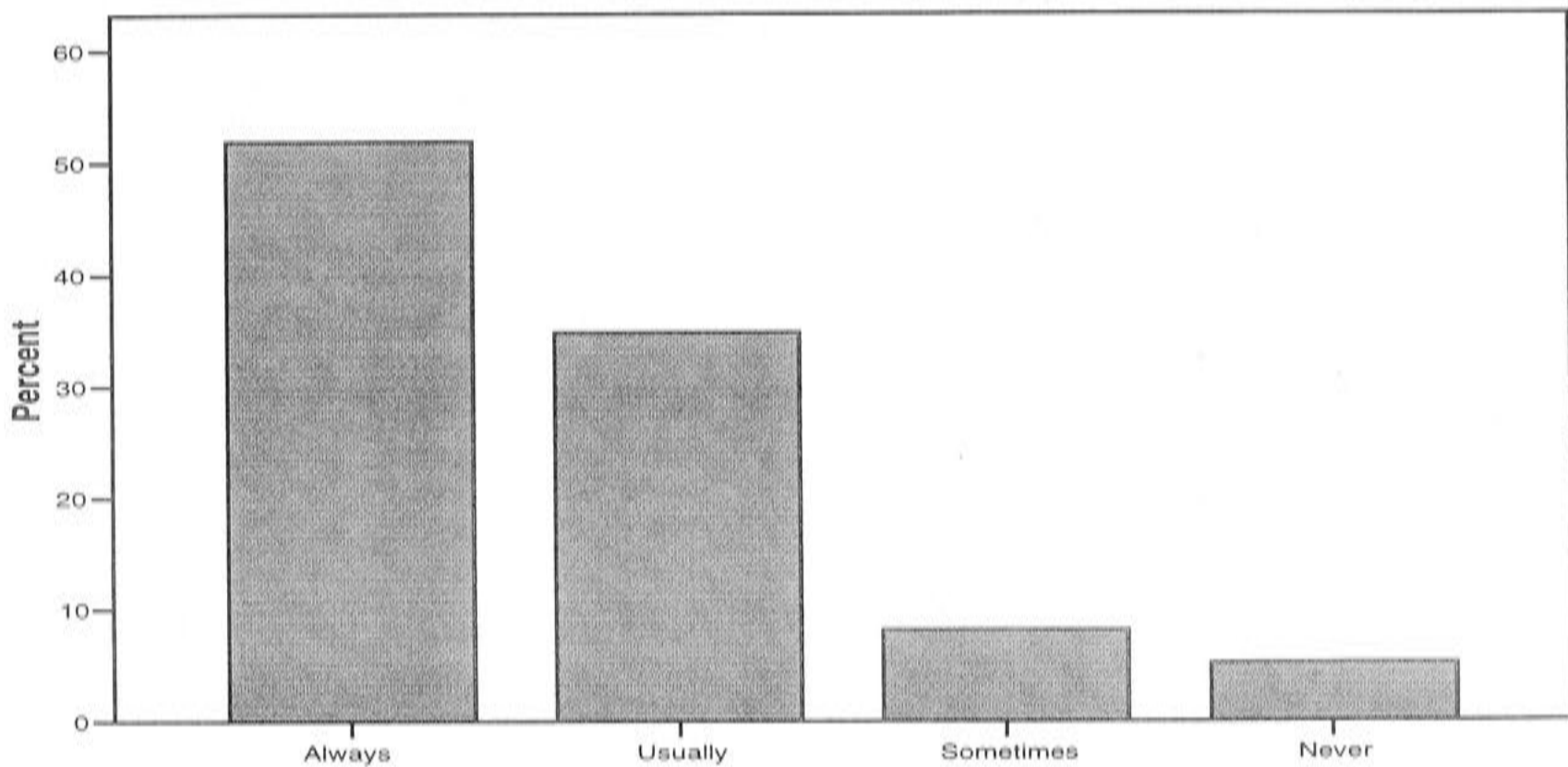
The value of chi-square, 4.517, which is within the acceptance range (below 12.592), with no obvious significance level of difference (0.607) as shown in Table 5-7. This result indicates the agreement among the groups on the efforts of the court to meet the special needs of people with physical disabilities.

Figure 5.17 presents Court users views on whether or not the Court is concerned with providing the needed services to individual with disabilities. 86.7 percent agreed that the Court “always” or “usually” attempts to meet the special needs of this group, only 8.2 percent of the respondents did not agree with this view, and the remaining 8.1 percent agreed that the court “sometimes” meets such needs. The overall findings revealed that the Court has adequately addressed the issue of accessibility for persons with disabilities.

Table 5.7: Chi-Square tests of whether the court meets the special needs of disabled users, provides effective participation and public proceeding for the user and works effectively with other components of the justice system.

| Factors | Chi-Square Value | Level of Significance |
|---|------------------|-----------------------|
| Do the court meet the special needs of people With disabilities. | 4.517 | 0.607 |
| The extent of the satisfaction with the Audibility during the proceeding. | 6.507 | 0.591 |
| Do the court works well with other Components of the justice systems. | 2.090 | 0.911 |
| Do the court organize appropriate time during the proceeding waiting time of the users. | 1.262 | 0.738 |

Figure 5.17 Do you think the court attempts to meet the special needs of people with physical or mental disabilities (q.6.L)



4. PUBLIC PROCEEDINGS

All proceedings must be conducted openly with the exception of closed hearings, which are determined in accordance with the law³⁴. Court hearings must be accessible and audible. To evaluate this standard, the study has used two methods to collect the relevant data: questionnaires, and volunteer observers on accessibility and audibility of the Court proceeding to all participants. This includes reviewing five measures:

1. attainability of information about the status of the Court proceeding.

³⁴ Article 76.Law.No.11/1992.stipulates "The proceedings shall be public unless the court sees either of its own accord or on the basis of the application of one of the adversaries that they be conducted in camera in order to preserve public order, or out of regard for propriety or respect for family (United Arab Emirates, 1992; 53)

2. accessibility of the public to the Court chambers.
3. tracking the Court proceedings.
4. whether judges and other court participants can be heard in open proceedings.
5. whether public-proceeding waiting time is reasonable.

The findings of the first three measures through using a volunteer observer

Some basic information about 10 cases was provided to the volunteer observer in order to evaluate the first four of these measures. The task in detail was explained, and he was supplied him the inspection forms³⁵ and instructed to conduct this observation for several days. The following findings were reported.

The observer successfully obtained (by using Form 1.2.5) information by telephone that included the specific time and location of the concerned cases, the type of hearing, and the case number bearing in mind that the observer knew only the name of one of the litigants, and the date on which the proceeding is scheduled.

The first call took only one minute to find the Court general telephone number through telephone directory assistance, and by calling two persons only, using that number, he was able to get the details of the first case. The remaining cases' time was almost the same as with the first one, with no difficulties reported.

To evaluate the accessibility of the public to the Court chambers, the observer attended each scheduled hearing (of the predetermined 10 cases), at the given location and time. He reported (by using Form 1.1.1) no difficulties in gaining access to the related proceeding, which indicates that the Court is performing well on this measure.

Tracking the Court proceedings examines whether individuals can obtain information about the status of the Court's proceeding on its calendar. The observer used the same sample of court proceedings that was given to him for the standard of attainability of information, and had noted (by using Form 1.1.2) that he did not have any difficulties in discovering the status of the given proceedings.

He found his cases were listed with several other cases and all were scheduled for the same starting time; he also learned the status of the cases that he came to observe from the court officials, who provided the information while the Court was

³⁵ These forms (1.1.1, 1.1.2, 1.1.3, and 1.2.5) as well as the guidance process are recommended by the study by US National Center for State Courts and are reported in the Trial Court Performance Standards and Measurement (National Criminal Justice Reference Service, 1997; 11).

in session or during the break, which shows that the Court is also performing well on this measure.

To test the audibility of participants during open hearing, attended these cases. He reported (by using Form no 1.1.3) no difficulties, with only one exception where he noted that the judge did not speak loudly enough.

Audibility of participants during open court proceedings

The findings through using the questionnaires

Audibility was tested also by one question (No.16) in the questionnaires, in which the respondents were requested to note the extent to which they agreed or disagreed that the sound was clear and understandable during the proceedings. Specifically, the question asked:

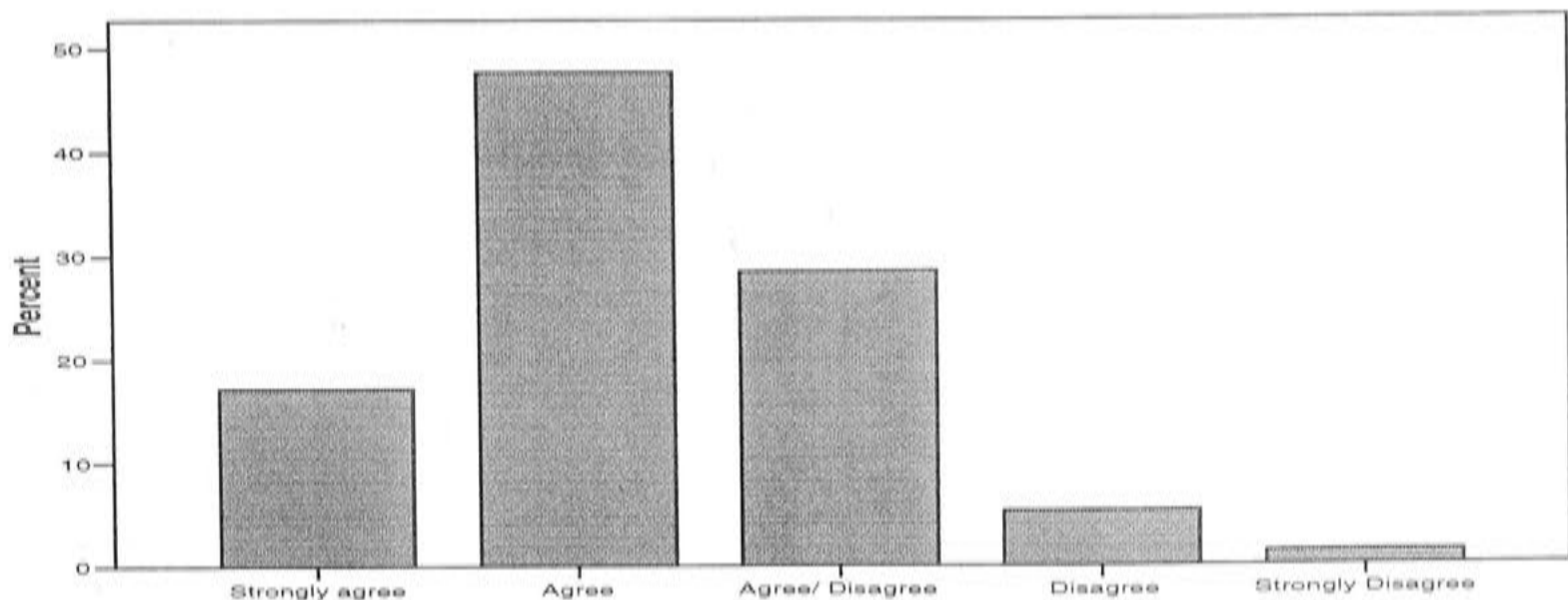
“To what extent do you agree or disagree that the audibility was good and understandable during the proceeding?”

Table 5.8 shows that the value of chi-square was 6.507, which is within the acceptance range (below 15.507), with no obvious significance level of difference (0.591). This result indicates agreement among the groups on the quality of the audibility during the proceedings.

Figure 5.18 shows that 64.9 percent of the respondents agreed; 67.34 percent of this group were lawyers and prosecutors, and the remaining 32.66 percent were judges assistants. 19.4 percent agreed in part/and disagreed in part. 7.8 percent disagreed. A number of the respondents pointed to the following reasons for their disagreement on audibility:

1. disturbance sometimes is caused by the noise outside the Courts' chambers.
2. the judges' voices are sometimes not clear.

Figure 5.18 The extent to which respondents agree or disagree that the audibility was good and understandable (q.16)



Looking at the findings tabulated in Figure 5.18, and the extra respondents' notes in the Questionnaires as a whole, it is noticeable that there is a common audibility problem across the Courtrooms and the Court officials should seriously look for technical and administrative solutions for it.

Although the observer did not indicate any problem in obtaining information about the status of his cases, some lawyers indicated that there is a need for electronic screens to identify which proceeding is underway. This will help to determine when a specific court event will be heard and thus enable lawyers to coordinate between cases that have to be attended during the day in different chambers without disturbing the Court.

In fact this is not a new problem, as the initiative Number 1223 of the Court 1999 Strategic Plan indicated that the Court would install such screens to be used for this purpose, yet the high cost of these screens has apparently caused the delay in the installation process.

Since this service is of value to more than 300 lawyers and almost the same number of other litigants who attend the court on a daily basis, it is the responsibility of the court to purchase and use such screens. Not only that, but also the displayed data must be instantly transferred to the court website so that users are able to use their mobiles to access data remotely from anywhere at any time.

Public proceeding waiting time

Public proceeding waiting time is the final measure that has to be evaluated, as the time element is one of the crucial elements to be considered, in particular in an international commercial city like Dubai. Moreover, it is a major component of quality in the provided services. The questionnaire addressed question 6/N to the 62 judges' assistants and eight prosecutors as they are the groups that usually spend the most time in the Courtrooms.

The findings are presented in Table 5.8. 37.1 percent of the respondents noted that the waiting time is usually appropriate. In addition, 21.4 percent who mentioned that the time was "sometimes" appropriate, more than one-third recorded "always", and the remaining respondents recorded "never". The results are unacceptable because only 35.7 percent of the respondents believe that the waiting time is always appropriate compared with only 27.1 percent who chose "sometimes" or "never".

We can find that it is almost 54 (21.4 percent + 5.7 percent) litigants out of 200 may leave the court chambers dissatisfied daily as a result of this factor, and half

may also be affected by losing their cases, which would compound their disappointment with the court in general.

Table 5.8: Do you think a litigant's proceeding waiting time is appropriate?

| | Judges' assistants | Prosecutor: | Total Number Of Respondents | Valid Percent | Cumulative Percent |
|---------------|--------------------|-------------|-----------------------------|---------------|--------------------|
| 1. Always. | 35.5 % | 37.5 % | 25 | 35.7 % | 35.7 % |
| 2. Usually. | 35.5 % | 50 % | 26 | 37.1 % | 72.9 % |
| 3. Sometimes. | 22.6 % | 12.5 % | 15 | 21.4 % | 94.3 % |
| 4. Never. | 6.5 % | 0 | 4 | 5.7 % | 100 % |
| Total | 100 | 100 | 70 | 100 | - |

The Court should follow the Gloucestershire Magistrates Courts by specifying a waiting time average that can be used to measure its performance. This court has aimed to reduce witnesses' waiting time so that 51 percent (the national average) of witnesses wait for one hour or less (Her Majesty's Courts Service, 2001-2002; 8)

5. EVALUATIONS OF EQUALITY AND FAIRNESS OF THE COURT'S DECISIONS AND ACTIONS

Discrimination and bias on the basis of race, gender, or any other factor is one of the issues confronting the court-users relationship. The judge must treat every case with individual attention in a consistent manner on the basis of legally relevant factors. Therefore, courts are required to evaluate the veracity of that perception and to find ways and means to treat perceptions of biases. Article No 25³⁶ in the UAE Constitution insists upon absolute equality before the law.

As this topic is very sensitive, it has not been yet investigated in the Dubai Court. The study simple approach was to focus on the opinions of Courts' users who have appeared before the Court enough times during the past three years to determine the level of Court performance in this regard. The questionnaire included three questions:

Question 9. "Based on your cases before the bench in the past three years, Dubai Court rulings are affected by: A. Gender of the attorney involved. B. Race of the attorneys involved. C. Nationality of the judge involved?"

Question 10. "Based on your cases before the bench in the past three years, the Court shows favoritism towards: A. Prosecutors in criminal cases. B. Defense attorney in criminal cases. C. Plaintiffs in civil tort case. D. Defendants in civil tort case. E.

³⁶ "All person are equal before the law, and there is no distinction between citizen of the UAE in regard to race, nationality, religious belief or social status" (United Arab Emirates Constitution, 1971; 7)

Individuals of a particular racial/ethnic group who are parties to a case. F. Male parties in Domestic relations cases. G. Female parties in Domestic relations cases.”

Question 11. “Based on your cases before the bench in the past three years, the Court shows antagonism towards:(similar to the seven elements of the question 10).”

The findings of these questions were as follows.

Question 9. 15.7 percent of the respondents agree that the Court’s rulings are affected by the gender of the attorneys involved, compared with 19.9 who agree that rulings are affected by the race of the attorneys involved. Among those who cite race as an issue, 63.33 percent are lawyers and prosecutors.

Unintentionally, the factor of nationality of the judge involved was not addressed to the lawyers, yet 19 respondents (28.8 percent) out of 66 prosecutors and judges’ assistances agree that this factor is affecting the rulings. One of the lawyers noted upon replying to question 10 in the researcher’s questionnaire that sometimes a judge has a bias in favour of the litigants who have his own nationality.

This is one of legally irrelevant factors that may leads to variations in the Court decisions, and some of the outcomes of a case may become predictable depend on which judge presides a hearing. More than one quarter agreement of the respondents on this factor is somehow consider high.

Despite the fact this question examines perceived general bias, these findings revealed that the Court has to conduct more inquiries about these three factors, for instance by gathering more systematic information about length of sentence in similar closed cases from the court case records. This measure can provide a basis for assessing different factors associated with the length of the sentence.

Question 10 and 11. The analysis of the findings will first present the responses of the subgroups of the respondents, and then the overall responses. This approach is important for determining whether or not the opinions of some lawyers, prosecutors, or judges’ assistants are underrepresented.

23.26 of the lawyers and 16 percent of the judges’ assistants in addition to one prosecutor (12.5 percent) agree that the court shows favoritism to prosecutors in criminal cases, which was rejected by the prosecutors. On the contrary, 25 percent of the prosecutors and 10 percent of the judges’ assistants indicated that the court shows favoritism towards defense attorneys in criminal cases. 17.65 percent of the judges’ assistants indicated that the court shows favoritism for plaintiffs in civil tort cases.

Overall, the findings indicate that prosecutors in criminal cases are the first (20.1 percent of respondents agreed) element to be considered in the process of eliminating the courts' users undesirable perceptions of the court's favoritism. Next come individuals of a particular racial/ethnic (11 percent), female parties in domestic relations case (9.9 percent). Then by both plaintiffs and defendants in civil tort cases (8 percent), male parties in domestic relation cases (7.8 percent), and finally the defense attorney in criminal cases (6.2 percent).

Findings of overall court's antagonism revealed that a defense attorney in criminal cases experienced the greatest element with 9.7 percent. 10.5 percent of the lawyers and 7.8 percent of the judges' assistants indicated antagonism of the court towards defense attorneys in criminal cases.

Although, these finding show low percentages in both elements of favoritism and antagonism, the court should seeks better perception among its users, and in general the less the percentage of respondents that agree the court acts with bias, the more the court meets the requirement of equality and fairness of its decisions and actions.

The respondents' views as a measure may not be entirely accurate due to the small number of respondents and the nature of this type of measure. In order to get more accurate results, the court needs to gather detailed information by quantitative measures such as inquiries into individual cases, or data manipulation, which are quite complex and time consuming. Yet it is up to the court to determine the level at which the perception of bias is sufficient to warrant further action, to ensure that litigants receive individual attention and treatment without distinction due to legally irrelevant factors.

The bottom line is that the court should take complete responsibility to examine whether its actions or decisions are contributing to any kind of discrimination, where and how such discrimination occurs, and what should be done to put an end to it.

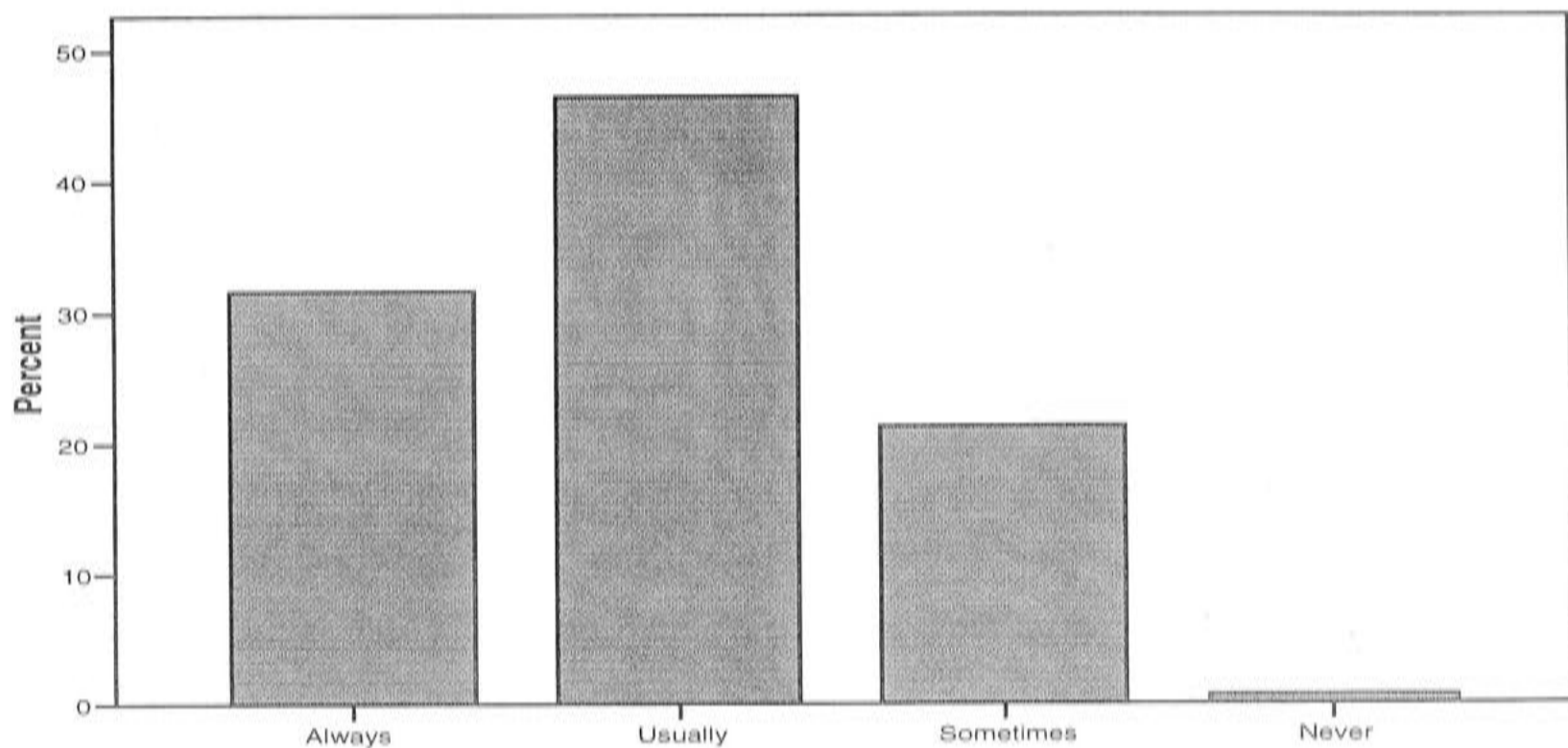
6. THE COURT PROCEDURES

The court should work towards securing the best possible way to enhance its procedural accessibility by using understandable language when instructing users about necessary forms, documents, hearing procedures and court facilities. This can also be done by a simplification of court procedures, including a pretrial and after

trial, and by improving alternatives for resolving disputes that include settlement consultation (in particularly with family disputes matters), mediation, and arbitration.

Figure 5.19 shows the Court users' responses to question 6/C. It indicates that the Court has succeeded in providing enough information to its users; 99.4 percent of the respondents have either responded by "always", "usually", or "sometimes" that the Court did provide information to its users, only 0.6 percent of the respondents indicated "never".

Figure 5.19 Do you think the court provide enough information about its procedures and services (q.6.c)



7. THE RELATIONSHIP OF THE COURT WITH OTHER COMPONENTS OF THE JUSTICE SYSTEM

Among the users who deal with the court on a daily basis are the other stakeholders of the justice system, such as the police, immigration officers, and prosecutors. Unless the court maintains a strong relationship with such representatives, it will be difficult to accomplish its goals and objectives.

A focus group with representatives of the various stakeholders of the justice system is the best method of harvesting information about this relationship. This study, however, relies on the views of lawyers, prosecutor, and judges' assistants collected concerning questions 6/M and 18.

These questions were

Q.6.M. "Do you think the court works well with other components of the justice systems?"

Table 5.7 page 124 shows that the responses to question 6/M, indicating a chi-square value 2.090, which is less than the rejection region (below 12.592) and statistically not significant (0.911). This result means participants agree that the court works well with other stakeholders of the justice system in Dubai.

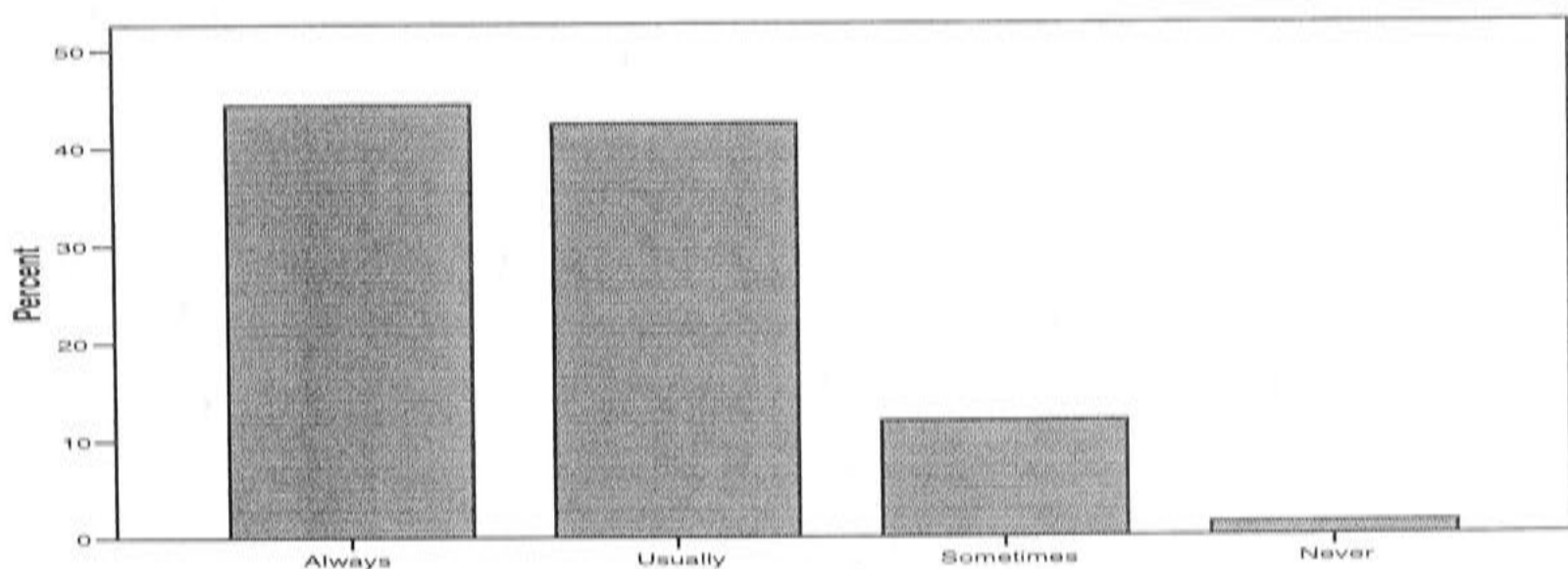
Figure 5.20 illustrates that the large majority (86.8 percent) of the respondents thought that the Court works well with other stakeholders of the justice system, 11.9 percent of them thought that the Court “sometimes” works well, and only 1.3 percent thought it did not. This result confirms the previous chi-square statistical test. However, one of the lawyers noted that the court works well with the Prosecution Department to the degree that it shows courtesy (flattery) on numerous matters in a form it may not consistent with the integrity and neutrality of trial court outcomes.

The court’s decisions and actions should not be seen as being influenced by its partnership with other member of the justice system or others groups. On the other hand, the court must know how to manage its external partnerships.

The TCPSM stated that

“Effective court management enhances independent decisionmaking by trial judges. The court must achieve independent status, however, without damaging the reciprocal relationships that it maintains with others. Trial courts are necessarily dependent upon the cooperation of other components of the justice system over which they have little or no direct authority” (National Criminal Justice Reference Service, 1997; 158).

Figure 5.20 Do you think the court work well with other components of the justice system(q.6.m)



Question 18

“How would you rate the efforts of this court's leadership to respond to suggestions or criticism expressed by you or your organization?”

It appears from the figure 5.21 that the court leadership has performed well in responding to the suggestions and criticism expressed by users or their organizations, particularly lawyers, 41.8 percent of whom agree that court's responsiveness was high (64.70 percent of them were lawyers and prosecutors), and 47.8 percent of whom consider it average.

Figure 5.21 (q.18.a)

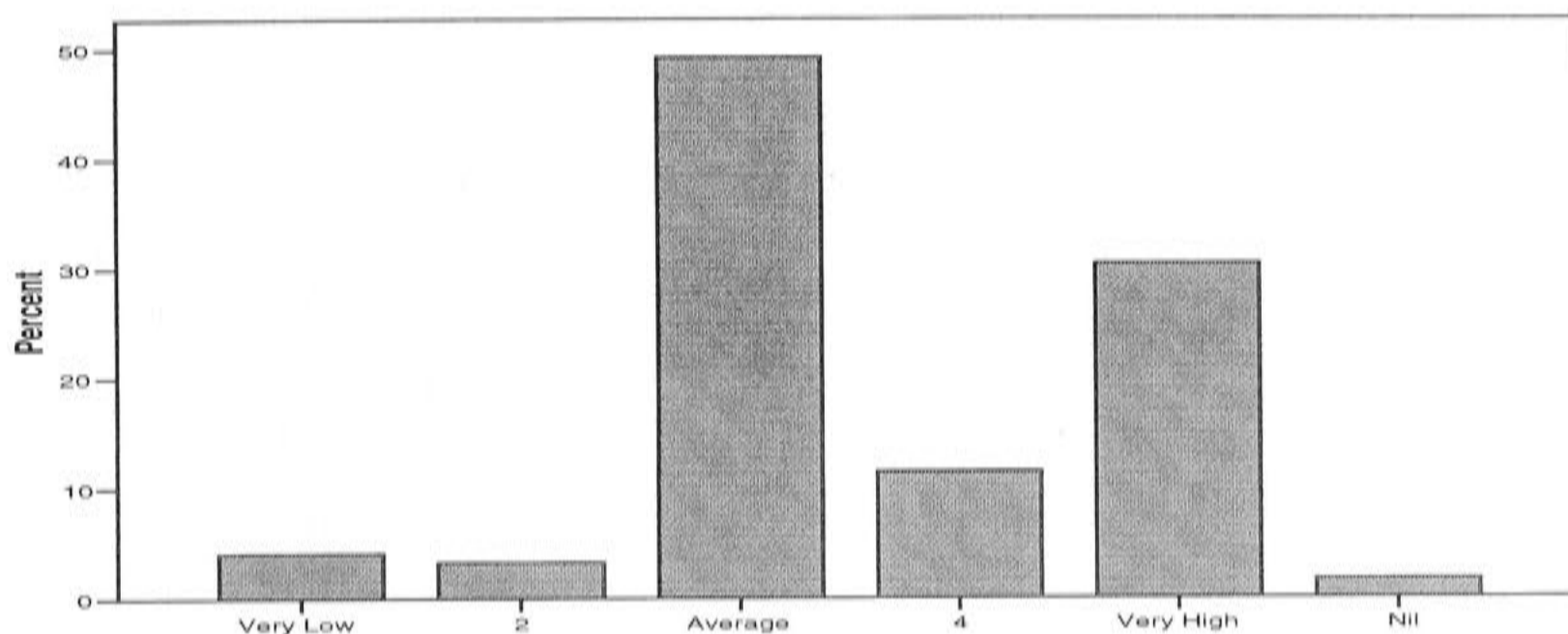


Figure 5.22 shows that 33 percent of the respondents agree that the court was much better than other government departments in addition to 16.5 percent who rated the court better than other departments in responding to suggestions or criticisms. Only 6.8 percent disagreed.

Figure 5.22 (q.18.b)

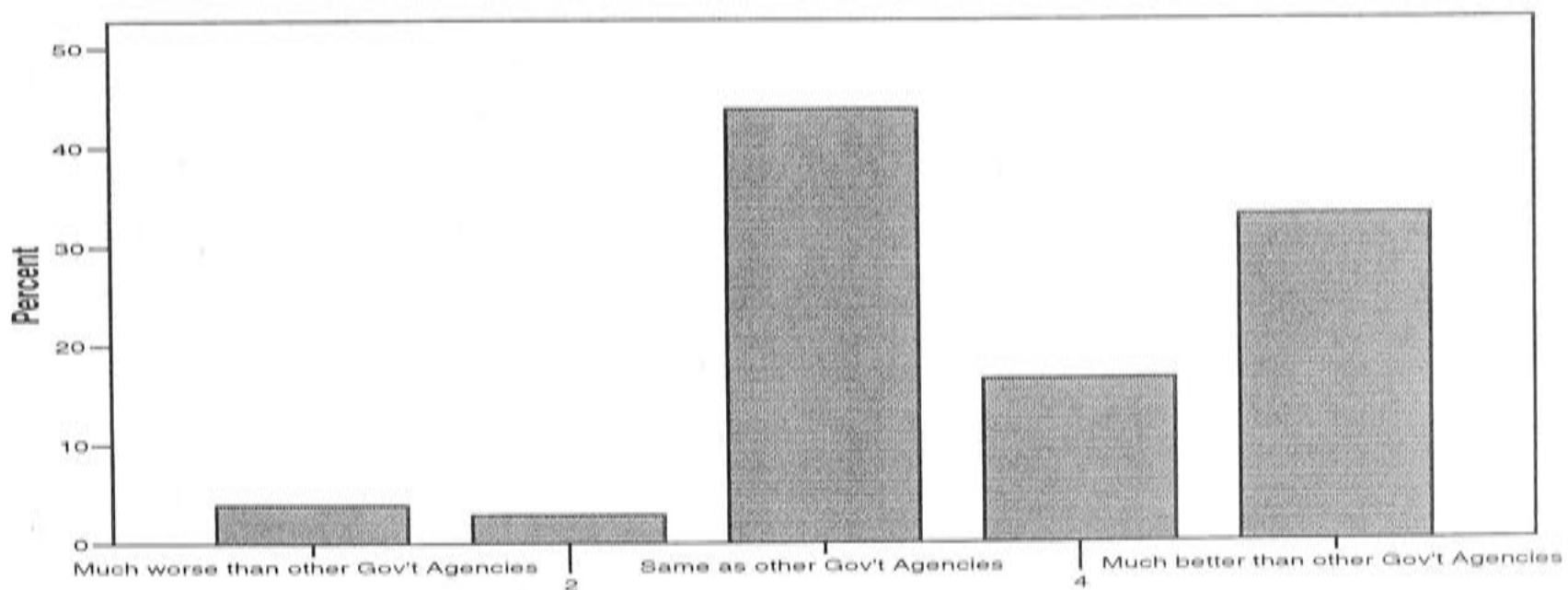
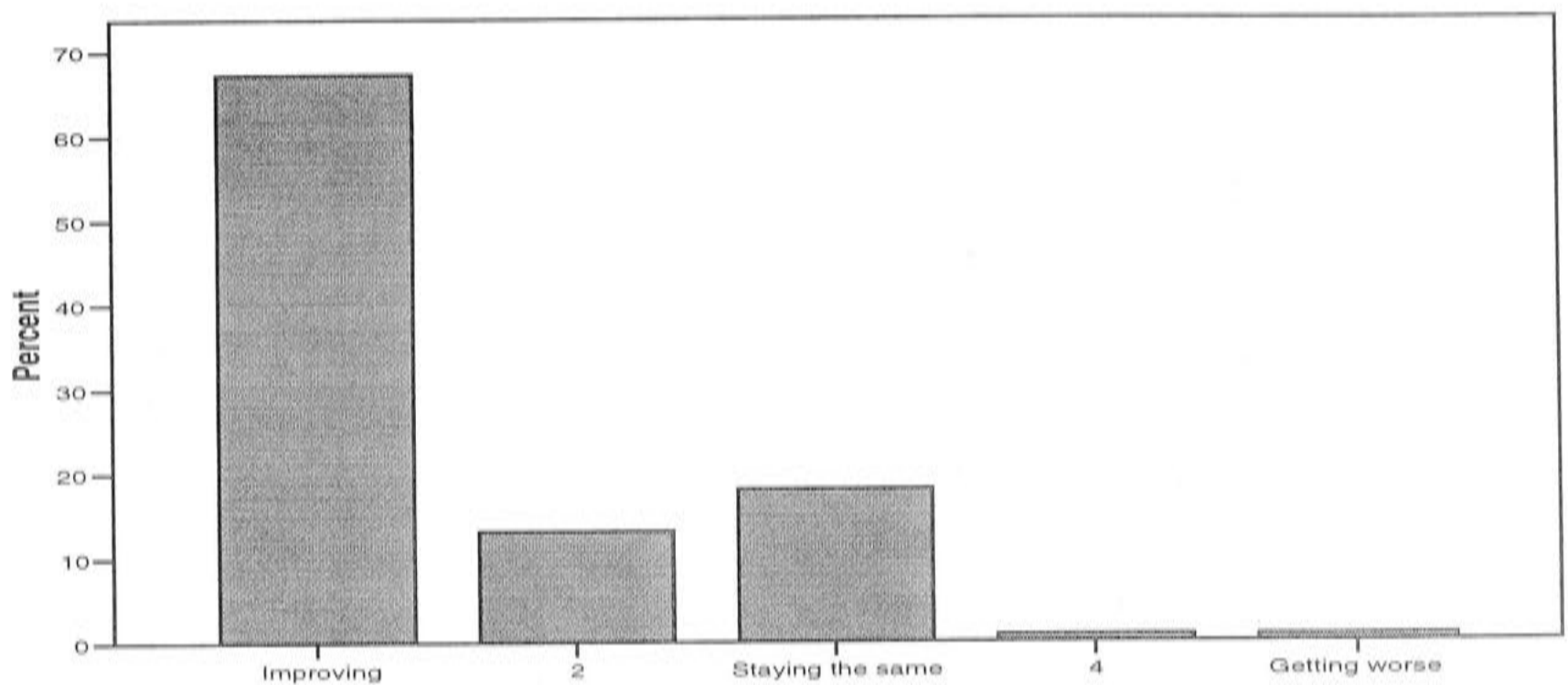


Figure 5.23 supports the previous favorable performance of the court, as more than 80 percent of the respondents agreed that the court is improving in responding to suggestions or criticisms. Only 0.8 percent considered that the Court's efforts are getting worse. These positive opinions are due to the effective suggestions system established in the court three years ago, which uses all type of communication channels to obtain the users' views on proposed changes, or to invite them to suggest other alternatives to solve problems.

Figure 5.23 (q.18.c)



The study believes that it is very important for the court to understand that the nature and consequences of its interactions with other stakeholders of the justice system affects the perception of the court's integrity. This is particularly the case with the police and the prosecutors, who deal with the court in criminal cases, which dominate the core attention of most communities. Fairness, integrity, and neutrality of the court processes and corresponding court outcomes are an important and a difficult subject for the measurement of effective and efficient court performance.

The reinforcement of the Dubai community's trust in the judicial system, which is the first strategic goal of the Dubai Court strategic plan, requires the Court to direct much of its attention to this topic. It should conduct several meetings with lawyers and other users who may have similar negative perceptions.

8. *CONCLUSIONS*

In the light of the perceptions of respondents and the examinations conducted on the Court's practices relating to the role of the media, the cost of legal services, and the court-users interactions, there are eight aspects of Court services that explain the relationship between the Court and the users and identify perception/satisfaction gaps and measures.

First, The users and the public are often confused about the court's judicial processes, and may find the courthouse, judges, and court staff to be evasive. When people do not have proper channels of communication with the court, limited public understanding and distrust will naturally occur.

Findings from the questionnaire suggest that media channels do affect the court-users relationship. They acknowledge also that the most important media channels were the newspaper and the television.

The results of interviews with the media representatives and the court staff, as well as the complete absence of the electronic media coverage for the court proceeding in Dubai, show that poor forms of communication are still presenting a challenge to the Court. Therefore, the court at the very least should hold itself responsible for supporting the proper two-way communication, to ensure the validity of the information.

Overcoming these problems that widen the gap in the court-users relationship requires that both the users and the Court become involved in an ongoing process based on two-way communications, where the court must inform the users about its role and activities, and the court must understand the users needs. Some of these programs may include programs within the courthouse such as "meet your judge" that provides public education about the court. The court can establish "community-court advisory committee" consisting of different members from the stakeholders, to provide advice on court operation.

One of the best practical methods is by establishing a Court Media Advisory Committee that could ensure the success of the ongoing process. The first objective of this committee should be setting out a protocol that explains how media representatives may obtain access to copies of the whole or part of the transcript or documents of proceedings in a court. The court should also take the responsibility of publishing daily information for the media.

Second, a study conducted by the Federal Court of Australia, reported that “the presence of television cameras in court is not an exclusively American phenomenon. A number of overseas and international courts permit judicial proceedings to be televised, while several jurisdictions are currently conducting or considering experimenting with electronic media coverage of court proceedings.”(Federal Court of Australia, 1998; 2)

Therefore, the importance of electronic communication and the role it plays at present and in the future as a leading channel of communication, requires courts to create proper criteria and policies in this respect. The objective of the court electronic communication is to enhance the court’s overall performance, and introduce the court, its achievements and its services to users.

Third, the court is unlikely to be concerned about the issue of lawyers’ fees in most countries, because it generally lies at the introductory phase outside the court and not during trial phase. However, the court must, on behalf of its users, find ways to help overcome the issue of the high cost of legal services, in which lawyers’ fees play a major role. These means could include:

- a. Recommending legislation at the federal or domestic level embodying specific rules that prescribe the scale of the lawyers’ fees. At the very least, the court should, within its authorities, impose such a scale. However, in both cases, permission should be given to both parties to determine the lawyer’s fees according to a written agreement if they wish to do so.
- b. In some cases the court should provide sufficient funds to support the process of appointing lawyers to court users who cannot afford one, particularly in criminal cases.
- c. The court might also adopt something along the lines of the initiative that was established by the Federal Court of Australia. This court established a new assistance scheme in 5 August 1999, to assist unrepresented litigants. The scheme relies upon the willingness of members of the legal profession to volunteer to provide free legal assistance when cases are referred to the scheme by a judge.

The good thing about this scheme is that it is not intended to replace the court’s ordinary legal aid practically in criminal cases, but will rather enable a judge to refer a matter for legal assistance in cases where he considers that

legal representation is needed and appropriate for the interests of administration of justice.

- d. The court should work to simplify its procedures and paperwork for uncontested matters such as divorces, name changes, or any other family matters.
- e. Universities should be encouraged by courts to attract more law students, to increase their numbers in the community so, that supply and demand is well-balanced. As a result, the high fees which lawyers charge their clients would fall.

Fourth, the data shows that arbitration is very important as an alternative form of dispute resolution, either before the trial outside of the court or during the trial. Yet the arbitration merely draws the court's attention to a proper level where most litigants see the arbitration as worth being considered as an alternative form of dispute resolution. The court is called upon by the TCPSM to "devote more attention to setting up the substructure in which the arbitration process works well within its jurisdiction if dispute resolutions are to be made cheaper, quicker, and fairer" (National Criminal Justice Reference Service, 1997; 56)

To provide true justice, the alternative means of dispute resolution, in particular arbitration, should not be seen as inaccessible or unaffordable. The arbitrators should not have the absolute unrestricted discretion to decide their fees, which instead should be paid upon an order of a judge in whole or in part by the losing party. Courts must establish arbitration fee scales similar to the one recommended to the Dubai Court by this study in Table 5.4.

Fifth, the three factors time, money, and court procedures that contribute to cost of dispute resolution with respect to the court's role in arbitration have to be evaluated by the court carefully, in order to provide cheaper and speedier resolutions. Judges need to be aware of the consequences associated with the cost and time of their decisions when they specify periods for ratifying an arbitrator's award, when they modify an arbitrator's fees estimation according to the effort exerted and the nature of dispute, and when they dismiss an arbitrator in cases where he or she intentionally neglects to act according to the arbitration agreement.

Sixth, mediation as another means of dispute resolution is significantly affected by how judges manage their cases. Therefore, judges should be encouraged to facilitate the resolution of disputes by mediated settlement if possible, and make

sure that only relevant issues reach litigation, in order to reduce the time, cost, and the process of dispute resolution. In other words, courts should look to dispute resolution by a trial as a last option, not as a foremost one.

Seventh, developing effective and efficient performance in the area of court services that have direct interactions with the users depends upon the ability of the court to use proper data collection methods that provide the court with the most useful information. For instance, a focus group with other components of the justice system is more useful than simply a mailed survey. Even establishing permanent committees that have a member from each component (similar to the one that was suggested in section two) which may meet quarterly each year is much better for the continuous improvement process of the court performance.

Eighth, many courthouses still preserve their old classical type of interior design, which may cause apprehension to some users. During the last two years, observations were made of many courts in Australia, Singapore, and in UAE, which mostly share this feature. Courthouses should look for examples from other organizations such as banks and hotels in providing better services to their users, starting from the construction, interior design, and reaching customers' expectations. The idea here is not to imitate as much as to learn from different successful business.

CHAPTER SIX

THE CRITERIA FOR HUMAN RESOURCES FOCUS

1. INTRODUCTION

This chapter assesses various aspects of the Dubai Court's human resources practices, which are designed to promote the effectiveness and efficiency of the court's performance, through maximizing the contribution, effort, and productivity of the court's employees.

The courts in the UAE generally work in an environment characterized by heavy workloads and insufficient resources, including the human resources—an environment similar to other courts worldwide. This problem is worsened by the unusually high employee turnover and the recruitment difficulties that confront most courts (such as, the Municipal Court of Seattle and St. Louis Court in Missouri).³⁷

The Dubai Court is not an exception. It also faced similar challenges, where, for instance, a group of 15 judges' assistants resigned within a very short period of time in 2001, and 11.13 percent of the respondents of employees' questionnaire agreed that the turnover in the court is unusually high, (although 48.8% of the respondents either did not know or did not reply). The General Director of the court in his reply to a media inquiry concerning this challenge said that employees resigned because they probably had found better work opportunities in the military, private sector or in other organizations that provided better incentives and advancement (Al-Khaleej, 2001; 12).

The three jurisdiction courts in Dubai started their consolidation in 2000, by virtue of Law Number 3/2000 issued on 31 May 2000. Law 1/2003 was issued on 26 February 2003 and combined the Dubai Prosecution Department (almost 500 employees), and the Dubai Judicial Institute with the three Courts under the one organization, which is known now as the Justice Department. These changes took place within a short interval, and it was not possible to overcome all the problems associated with such great changes. As a result, some of these problems have impacted employees working in these courts.

³⁷ Court of Seattle has experienced an overall vacancy rate of 15% and need to replace 28% of the workforce. The courts across the country facing the dilemma of doing more with less amount of staff (Rodda, 2001; 4). St. Louis Court is facing the dilemma of doing more with less or at best doing more with the same amount of staffing. The court has also faced high turnover due to employee morale and retention problem (Coleman, 2003; 4).

There is also the problem of a substantial foreign workforce in UAE. The domestic public sector consists of 180,000 employees; 155,000 of whom are expatriates and only 25,000 of whom are UAE nationals, as reported by the UAE Ministry of Labor. The minister of labor subsequently asked all government departments, including the courts, to adopt a clear strategy to recruit UAE nationals (Al-Bayan, 2003)

It is necessary for the court to comply also with the Dubai Government Excellence Program Criteria (1999), by developing policies to increase the proportion of local officials, and to demonstrate that UAE national are granted priority in recruitment and job promotions. Dubai Court developed its replacement strategic policy to substitute its expatriate employees with new recruited national employees, including judges, in 1999 (Dubai Court, 1999).

This policy took effect from 2000, with the distribution of an annual notice to different groups of expatriates that included some qualified individuals. The accumulated skills and knowledge of these employees was hard to replace in a short period, particularly as development programs that could improve the performance of the current UAE national employees had not been organized. In addition, during that period the court had not yet established a long-term human resources plan to recruit skilled nationals from the market, and more importantly to secure retention of the competent ones against better opportunities in the private sector or other government agencies.

Another challenge related to Human Resources Management (HRM) in the court, is that 11.71 percent of the 350 employees who were included in the Dubai Court's employees questionnaire had served 16-20 years, and 10.57 percent over 20 years. In addition, 21 percent of the judges' assistants who were included in the researcher's questionnaire are over forty-five years old. The court will need to plan to replace some of these aging employees.

As illustrated earlier in Chapter Two, it is not advisable to acquire ready-made HRM practices. Brown (2001; 120), and Neely. Adams and Kennerly (2002; 275) have supported this concept. Consequently, the court needs to know which successful employee recruitment and retention practices are applicable to its working environment.

2. OBJECTIVES OF THIS CHAPTER

The findings in this chapter are based on a review of relevant literature, a survey of court employees, and interviews with some employees. This research seeks to accomplish the following four objectives:

1. To identify how the Court can effectively make use of its current human resources in general, and judges in particular. In doing so, the court needs to do two things. First, as a result of societal, technological, and political changes (which were presented in detail in Chapter Three, and in the Introduction), the role of the court in providing its services should be changed to meet the diverse expectations of users. Ultimately, the court workforce must be productive. The court needs to recruit and retain skilled individuals and provide them with proper training, to create working conditions that facilitate their tasks, give them feedback on how they are doing, and ensure a competitive compensation system. This study will rely on the data collected from the Dubai Court to examine these activities.
2. The court needs to use a number of statistical measures to assess effectively the need for more or fewer judges, or other staff at the court, in order to justify to the government and the public why it needs such numbers. These measures could also anticipate the proper size of the workforce in future. This research will examine four statistical measures to assess the need for judges' positions. These measures are derived from the National Center for State Courts (Falngo *et al*, 1996), and the pertinent data for this subject were collected from the Dubai Court.
3. To enable the court effectively to manage topics in the daily work of court managers that intersect with policy development in the judicial field, such as review of court case management, the defence of the indigent, the relationship with the Government, and the judges' selection.
4. To facilitate the proper use of judges' knowledge and experience in shaping the court's policies, its future direction, and its administration, to achieve a high level of collaboration with other administrative staff. Currently, in most courts in the UAE, the Gulf Countries and the Middle East, there is a tension with regards to the employment of the judges' knowledge in administering the court beside their function in deciding cases. This is probably caused by two factors: First, a majority of judges themselves have limited their role in deciding cases. Second, most of the administrative employees underestimate the judges' role.

It is necessary to develop a code of standard practice, which systematizes the relationship between administrative activities and judicial activities in the management of the Dubai Court, so as to produce efficient and effective court performance and ensure that its workers feel satisfied and motivated. Characteristics of the external working environment in Dubai, as well as the Court's internal/operational environments as presented in detail in Chapter Three, will have an impact on development of these practices and rules.

People are a key success factor for any business and are widely considered by TQM practitioners as a major factor. The court's employees are also the predominant element in securing optimal outcomes for the Court but also the greatest risk to its image. Improving the court's performance requires productive employees who are satisfied, willing, and have the ability, skills, knowledge, and experience to develop the court performance in a way that enables it to face its current challenges helps the court to be proactive in responding to opportunities. Therefore, significant attention was directed to examine the opinions of the Court personnel regarding the Dubai Court performance in four areas.

3. THE FOLLOWING SETS OF QUESTIONS HIGHLIGHT THESE AREAS AND GUIDE THE CURRENT STUDY:

1. How is the Court performing in providing its services?
2. If court administration could be defined generally as "the universal process of efficiently organizing people and directing their activities toward common goals and objectives"(Megalinks in Criminal Justice, nd; 2), to what extent has the Dubai Court succeeded in performing that role? To assess that role, this study adopts a similar approach to that in studies by (Coleman, 2003; 6) and (Rodda, 2001; 5) by examining what the court is doing right or wrong to its employees, particularly in recruitment and retention, training, working conditions, evaluation, and compensation.
3. How could the court distinguish any shortages or inefficiencies among its judges, and any excess numbers that are not used properly?
4. Judicial and administrative activities play a significant role in the management of court affairs. What are the optimal criteria for synergy between these two activities, which would enable the Dubai Court to be more efficient and effective in responding to the economic, social, and technological changes in Dubai?

4. RESEARCH PROPOSITIONS

Addressing the key research questions advances the three following propositions:

1. Efficient and effective court management in the Dubai court is directly related to the extent to which the court succeeds in managing its human resources activities.
2. Efficient and effective court management in Dubai court is directly related to the scope of court information management.
3. Efficient and effective court management in Dubai court is directly related to the extent to which the court succeeds in creating effective interrelationships between both the judicial and the administrative workforce.

5. THE STRUCTURE OF THIS CHAPTER

To develop proper HRM practice that could improve overall court performance, it is necessary to understand what the court is doing right or wrong to its employees, particularly in activities that include recruitment and retention. Are any successful practices in the private sector or other public sector agencies applicable to the court? Examination of these questions will reveal the extent to which the Dubai Court has efficiently succeeded in performing its role in organizing people and directing their activities toward common goals and objectives. This will form the content of section one.

Section two will assess the five major human resources activities—orientation/training, working conditions, evaluation, compensation, and advancement. Section three will examine four measures that assess the need for judges' positions. These measures include case filings, the number of dispositions, case processing time, and the population growth of Dubai.

Assessment of the judicial and administrative roles and accountabilities will be covered in the fourth section. This assessment will review the effect of the judicial performance evaluation system, including the role of the Judicial Inspection Unit in achieving judicial efficiency. It will also discuss the role of administrators in increasing the judicial accountability for case processing, to enhance the effectiveness of court performance, in addition to the scope of court information system. Finally, it will review the interrelationship of both judicial and administrative activities.

SECTION ONE

WHAT IS THE COURT DOING RIGHT OR WRONG TO ITS EMPLOYEES?

The ultimate goal of the court is to serve justice, by providing a comprehensive public dispute resolution service. The court's success in attaining that goal relies more on its human resources than on its physical assets.

Moreover, according to Hitt et al,

“this element of tangible resources³⁸ is less visible and more difficult for competitors to understand, imitate, or substitute therefore most of the successful managers in leading organizations use this type of resources as the foundation for a firm's capabilities and core competencies” (Hitt *et al*, 1998; 93)

Court employees' satisfaction is therefore considered an early indicator for examining the level of satisfaction of the court users, and the latter is one of the crucial elements of the court's capabilities to obtain competitive advantage.³⁹ This is only half of the truth; the other half is that the court needs to recruit and retain the best available highly skilled and motivated labor; people who are the right fit for the job, and competent to hold their positions.

Among those who have supported this view is Jack Deal. He pointed out that retaining good employees is just as important as recruiting them. “Employees are becoming the competitive advantage for business in the modern world. Bad employees can cause a business to fail, and mediocre ones can cause a business to break even. But good employees can make a business soar.” (Deal cited by Coleman, 2003; 24).

According to Gerald B. Kuban, Principal court management consultant

“the relatively recent discovery of personnel administration by courts and judicial systems is related to and part of the major concern of judicial administration today. Among several reasons for this is whether state or local, appropriation bodies are insisting upon greater productivity and efficiency from public employees and the development of new management techniques and technological applications to meet

³⁸ “Tangible resources are assets that can be seen and quantified” (Hitt *et al*, 1998; 92).

³⁹ “The competitive advantage is the success in the new competitive landscape that requires specific capabilities, including the abilities to: (1) use scarce resources wisely to maintain the lowest possible cost, (2) constantly anticipate frequent changes in customers' preferences, (3) adapt to rapid technological changes, (4) identify, emphasize, and effectively manage what a firm does better than its competitors, (5) continuously structure a firm's operations so objectives can be achieved more efficiently, and (6) successfully manage and gain commitments from a culturally diverse work” (Hitt *et al*, 1998; xxvii).

increasing workloads. This is an important consideration since 75 to 80 percent of operation costs of a court or judicial system are for personnel" (National Center for State Courts, 2001; 1).

Alexander Aikman remarked that

"in many limited jurisdiction courts, eighty percent or more of the total budget can be for personnel. In many jurisdiction courts, often, sixty to seventy percent of the total budget is for staff and judges" (Aikman, 1994; 7).

Court staff expenditure usually consumes a large part of most courts' budgets. It consumed 80.60 percent of the Dubai Court total budget (US\$ 21,571,989) in 2002, 77.94 percent in 2001 and 78.82 percent in 2000. Therefore, it is important to study the criteria, practices, and efforts of the court in acquiring, sustaining, developing and retaining of human resources.

To examine the extent to which the Dubai Court has efficiently succeeded in managing human resources, this study explores six major activities that represent the human resources activities for any organization. These are (1) recruitment/retention (2) orientation/training, (3) working conditions, (4) evaluation, (5) compensation, and (6) advancements. The following paragraphs are reviews of the recruitment/retention practices. Section two includes the findings on the remaining five activities.

1. *THE RECRUITMENT / RETENTION PRACTICES*

In order to enable the court to improve its services, courts need to be aware of issues pertaining to the recruitment and retention of skilled staff. These issues may include a lack of attractive salary levels, lack of a clear job description for most of the work positions in courts, the limited number of certain skilled individuals in the workforce from which to recruit, the effect of turnover among the court staff, and the severe competition in the employment market from both the private and public sectors.

The difficulties in replacing skilled employees who leave the court, in addition to the high cost that is associated with above-average employees turnover, has drawn attention to the issue of improving the retention strategies.

According to National Centre for State Court's research

"good management of the public's courts dictates that trained, qualified personnel be recruited to handle the court's business and they be retained, promoted, disciplined, or removed according to their abilities and job performance. A personnel merit system, properly managed and maintained, provides the framework for good personnel

administration both on the state and trial court level” (National Center for State Courts, 2001; 1)

We may understand how the court’s recruitment and retention practices, by reviewing the following four factors: (1) strategic goals relevant to Court personnel, (2) job-description for positions in the Court, (3) turnover among court employees; and (4) exit interview.

1) The strategic plan

The literature suggests that “the strategic planning process is very important for the productivity of human resources in any organization, including the courts”(Magnus, 1995; 94). “A human resources strategic plan can increase the effectiveness of the court’s human resources functions and align human resources management with the court’s objectives. This plan can specifically address methods for recognizing and retaining key employees, identifying and putting in place a process to replace key talent, and including effective development programs” (National Center for State Courts, 2004; 4).

Therefore, this study has reviewed this process with the objective of determining whether the Dubai Court was successful in adopting the right planning process or not, in a way that helps the court develop the productivity of its employees, recruit skilled employees, and retain good employees.

A proper strategic plan must involve identifying the current issues and future trends that affect the productivity of human resources; developing specific human resources strategic goals that help accomplish the vision and mission statements; determining strategies relevant to its human resources (such as, promoting the court’s concern to develop its employees performance, particularly factors that affect their abilities and motivation).

To achieve its strategic goals, and to measure the court’s progress in attaining its strategic goals, the plan should include a number of objectives associated with each goal (for example, drawing a clear track of job advancement—a ‘career path’—for each work position), and each objective must be measured by performance success indicators.

Brown's book shows that the HR plan should address four different types of goals: employee development, work design, compensation and recruitment. These HR goals should set specific HR measures, such as employee satisfaction rating, safety, training hour per employee (Brown, 2001; 126).

A review of the Dubai Court 1999 Strategic Plan showed that there was no independent HR plan. Yet the business plan had included six strategic goals to be implemented over 2000-04, and the draft of the modified strategic plan of 2003 included five strategic goals, subdivided into twenty objectives, to achieve satisfaction and loyalty among court employees.

The fourth goal in the Court 1999 Strategic Plan was “Nationalizing the juridical, administrative cadres, and human resource development.” As per the 2000-04 plan, the Court will gradually increase its national cadre over the course of the plan period, to 70 percent, without affecting the quality of the court performance. There are four initiatives to accomplish this goal—first, to determine the needed number of employees for the coming five years. Second, to determine the number of judicial staff needed for the same period (section two in this Chapter will discuss the basis that could be used to assess such needs). The remaining two initiatives deal with retirement ages, and contract renewal.

This review also revealed that most of the HR measures used in the plan were inputs rather than outputs, such as to “utilize the full amount of the approved training fund by the end of each fiscal year”, as a substitute for dedicating certain number of training hours per employee each year. It is noticeable that employee satisfaction was not included in the plan.

The court’s records showed that the percentage of the national administrative cadre out of the total employees in the Dubai Court was 48 percent in 1999, 49 percent in 2000, 53 percent in 2001, 56 percent in 2002, and 58 percent during the first six months in 2003. During this period, the Court used a strategy to replace expatriates with qualified UAE nationals. The results indicated that it would be difficult for the Court to accomplish the target of 70 percent in nationalizing its cadres in 2004.

The reasons behind the failure to recruit nationals could be related to many factors that may include that the court failed to sell itself well in the employment market, compared to the private sector and other public and semi-public organizations; that court’s financial resources are limited; that the high turnover rates include nationals, and that the court had no effective HR plan and retention strategies.

The results of the second part of the strategic goal "Human resources development" will be examined while discussing the five remaining activities of HR management.

It is important also to examine whether the court had clearly articulated its vision, ensuring everyone knew its goals, thus motivating different employees who work in the court. Evidence from the literature suggests that this is one of the best techniques for retaining employees (Coleman, 2003; 30).

The review of the strategic planning process showed that the Dubai Court had adopted a better approach, whereby the role of the court's employees was not limited to knowledge of the vision and the goals of the court, as was suggested in the literature (Emmerich cited by Coleman, 2003; 29), but also in their major involvement in all the processes that led to the production of the court's strategic plan. This gave employees the feeling that they contributed to the process and thus should support the planning efforts.

This involvement was clear to the researcher, who was the chair of the first strategic committee in 1999; the current strategic committee followed the same process. In 2003, for instance, over 100 employees, including judges, had attended workshops on strategic planning. The executive committee, which included more than 20 managers, specialists, and the court's general director, had conducted several meetings to support the efforts of the strategic planning committee to articulate that plan, and all employees were informed of these efforts through the internal information website. Senior employees also traveled abroad to see best practices.

This view is consistent with that of Richard Magnus, Senior District Judge of Singapore Subordinate Courts, when he stated that

"Participants in future planning are challenged to think about what they want for the future. They are forced to question existing ways of doing things, and to critically assess if the present methods and systems and techniques will continue to be effective in the future" (Magnus, 1995; 95).

Although the review of the strategic planning development process has proven it to be acceptable, the court failed to originate strategic operation plans for each unit within its structure and to demonstrate that there is a clear and logical relationship between its business plan and its units' plans, particularly the human resources plan.

The deployment of that strategic plan was far from appropriate. The court failed to take its strategic goals down to the different units and functions. There were

no action plans for the courts' different units, and this led to employees' uncertainty as to how their jobs contributed to the overall court strategic goals. The only action plan the study found was the one that dealt with how to increase the number of national administrative staff. There was not even evidence of regular meetings of the Strategic Planning Committee to review the plan, or discuss progress toward meeting the strategic goals. Therefore, the strategic plan of 1999 ended up in a file drawer.

The review of the court's annual budget from 2000 to 2002 did not show a clear link between human resources, funds, and equipment, and the court's strategic goals, with the exception of some funds, such as the staff training and education to increase employees' skills in using the technology, which could be linked with the court's third strategic goal of using the recent computer technology to develop and provide effective public services.

The survey question 31 stated that "The following Dubai government programs did create a lot of work improvements at Dubai Court. What is your opinion?" The respondents were offered three answers—the Dubai Government Excellence Award Program (DGEAP), the Dubai E-government initiative, and the Dubai Strategic Planning Program. Findings show that 98 percent of the responses agreed that the E-government initiative did create a lot of improvements compared to 93.90 percent for the DEAP and 93.5 percent to Strategic Planning Program.

This result indicates that the satisfaction of the respondents was high for all of the three government initiatives, including the Strategic Planning Program. However, satisfaction with regards to the court's strategic planning is mainly due to the involvement of most of the court's users, including the lawyers and the administrative staff during the process of developing the strategic plan, as mentioned before. The court failure was in the deployment process and not in the development process.

2. THE JOB DESCRIPTION CARDS FOR POSITIONS IN THE COURT

The duties and responsibilities of each position in the Court have to be clearly defined to recruit the right employees and to measure the performance of the current employees. To examine this, findings from the two questionnaires will be analysed:

(A) From this researcher's questionnaire

The findings of this questionnaire show the satisfaction level of a specific category of court employee, the judges' assistants. The respondents were requested to state whether they agreed or disagreed with the following statements in the questionnaire.

(Statement 19/B) “The duties of my position are clearly defined”; (Statement 2/E) “the responsibilities are fairly allocated among all court employees”; (Statement 2/F) “the Responsibilities are fairly allocated among court employees performing duties similar to my own”. The elements in these statements measure the extent to which employees realize what is expected of them.

1. The findings of Q19/B show that 64.5 percent of judges’ assistants agreed that the duties of their position were clearly defined. The remaining 35.5 percent included: 19.4 percent who partially agreed and partially disagreed, and 12.9 percent who disagreed.
2. The findings of statement 2/E show that only one third (35.5 percent) agreed that the position responsibilities were fairly allocated among all court employees. The majority (64.5 percent) disagreed: 35.5 percent disagreed outright, and 29 percent agreed in part and disagreed in part.
3. The findings of statement 2/F demonstrate the uncertainty among the large minority of the judges’ assistants at 40.3 percent, on how fairly the Court has allocated the responsibilities among court employees performing duties similar to their own: 21 percent disagreed that the Court had fairly allocated responsibilities. Only the remaining 37.1 percent agreed with the Court’s action.

(B) From the Court questionnaire

In this questionnaire, the respondents were requested to indicate their level of satisfaction on the following statements: (Statement 2), the duties and responsibilities of my position are clearly defined; (Statement 12) “work is suitable to our skills”; (Statement 22) “work is fairly distributed among the employees”.

1. Overall, 64.88 percent of the survey respondents in 2002 answered that they were satisfied with the duties and responsibilities of their job, compared to 67.43 percent in 2001, and 67.45 percent in 1999. This shows a slight decline in positive answers, and it appears that the more new employees were recruited, the less they accepted the absence of a job description. The result of the first statement above in the researcher's questionnaire is consistent with the finding here, and both confirm that 35 percent of the respondents did not agree that the duties and responsibilities of their positions were clearly defined.
2. The data sorted by court jurisdiction show that the Appeal Court employees were the less satisfied (56.52 percent). The highest satisfaction rate was among the employees

of the First Assistance Court, at 65.59 percent, and the Court of Cassation recorded a satisfaction level of 61.33 percent.

3. The female employees' satisfaction were the lowest. Their satisfaction rate was 54.17 percent, compared to 64.39 percent of national males, and 69.85 percent of expatriate males. The Court has no expatriate females at all, and so these figures are for UAE female only.
4. When the results were sorted by organizational units, the Cases Affairs Department employees recorded 63.11 percent, and the Judgments Enforcement Department 62.64 percent, while the Information Technology Department had the highest rate, at 72.67 percent.

The researcher had asked the officer in charge of human resources about the job description cards, and was informed that the majority of positions in the court were not matched by cards that explained job duties, responsibilities and candidates' qualifications, skills, and capabilities (Personal Interview dated 20 December 2003). This is not consistent with the finding that 64 percent of the respondents agreed that their duties and responsibilities were clearly defined. It indicates either that the supervisors verbally defined such information according to their experience, or otherwise some kind of non-official job description is used. In both cases, it is not the most effective way of managing human resources.

The interview with the person who was assigned to establish job description cards for all of the judicial clerks did clarify that "these cards were officially approved for the Cases Affair Department in 1999. However, the Judgments Enforcement Department does not yet have them"(Ahmed Al-Awazi Interview, dated 20 December 2003). As the judges' assistants who have participated in the questionnaire were mainly from these two departments, this could be the reason behind the percentage (64.5 percent) of the respondents who agreed that their duties and responsibilities were clearly defined because they were from the Cases Affair Department. The remaining respondents who fully or partially disagreed were from the Judgments Enforcement Department

The results indicate that the Court has a problem in defining work duties and responsibilities, as a result of the absence of a written job description for some of the positions in the Court, particularly the positions that handle case processing. It is interesting to note that even the allocation of responsibilities and duties among the judges' assistants, who perform similar work, was not fair. This indicates that the

supervisors need to be aware of the unwanted consequences for workflow, as a result of unfair distribution of work within their units.

3. *THE TURNOVER AMONG COURT EMPLOYEES*

To ensure that the court's employees are well motivated, and that the working environment encourages staff commitment and good morale, the court should use different data collection methods, including questionnaires and other quantitative measurement techniques, to analyze its employees' turnover trends and absenteeism on a regular (for example, monthly, quarterly or semi-annual) basis.

Like most of the public service in the Middle East, there are two main problems facing the evaluation of employee turnover: (1) many organizations do not know or sometimes underestimate their true employee turnover cost, (such as, termination pay/benefits, temporary replacement cost, advertisement, test and interviews time, and training), and (2) there is no official national rate of employee turnover for the Dubai Government Departments, which could be calculated by dividing the total number of terminations of employment for the year, (excluding redundancies and so forth) by the total number of employees of an organization.

Calculating the true cost of replacing a lost employee has to include the employee turnover cost, employee turnover rate, and the impact of employee turnover. These three factors have to be considered in measuring the impact of an employee replacement. Each industry has its related standard rate. According to literature reviewed a turnover rate in excess of 10 percent should be treated seriously (The Holst Group, nd). Rodda (2001; 10) reported that the national rate of turnover average 1.2 percent per month or 14.4 percent annualized for 1999. Neely et al. reported that

“other though think that labor turnover is a healthy thing—bringing new ideas, experiences and attitudes to the prevailing inward-looking corporate culture. A balance of the two approaches may seem to be theoretically ideal” (Neely *et al.*, 2002, 259).

In the trial courts business and in particularly in Dubai, this study view that above-average turnover of judges in the First Court Instance can be consider ideal until the Court completed its replacement strategy for expatriates' judges with UAE's judges, and also the same case with administrative employees. However, low-turnover of judges is ideal for Dubai Appeal Court and Dubai Court of Cassation, as work in these courts require long experience, which is not so far obtained by the UAE judges. Yet above-average turnover employee among

expatriates can be reasonable in these two courts. For the UAE national employees, above-average turnover can only be justified if it is determined on the basis of a specific standard of work performance.

In general turnover that exceeds 10 percent therefore is an indicative of something being wrong (such as, changes in working conditions) in respect of that organization or within one of its departments (such as, change of the manager), and that excess should be treated and investigated seriously.

The court's employee turnover and absenteeism have also significant consequences in skills loss. A new employee is unlikely to be fully productive for several months, so service standards can be affected, and critical posts may remain vacant for long periods. Thus employee turnover is a critical success indicator in effective management of any organization.

To examine perception among judges' assistants in the Dubai Court, the respondents were requested in Question (2/A) to indicate whether they agreed or disagreed with the following statement—"the turnover rate among court employees is:(1) unusually low, (2) unusually high, or (3) about average".

Only 29 percent of the respondents agreed that it was unusually low, 11.3 percent indicated unusually high, and 19.3 percent indicated about average. Neither the turnover rate criteria nor, some of the elements of the employees turnover cost statistics were available in the Court records.

A review of the court's documents show that the total employees' replacement was 39 (7 judges and 32 staff) in 2001, and the actual terminations of employment for the same year, not including the redundancies, was only 25 out of 485 employees. With employee turnover rate of 5.14 percent in 2001, 3.63 percent in 2002, and 3.61 percent in 2003, the Dubai Court is performing well.

However, the terminations of the excluded 14 employees (nine staff and five non-national judges, who were excluded because the government reject renewal on expiry of their two-years contracts out of total 77 judges) have to be evaluated very carefully, because this would increase the judges' turnover to 9.09 percent in 2001. The same turnover rate dropped to 8.33 percent in 2002, and exceeded 11.11 percent in 2003, which is considered slightly high. A similar approach could be applied with the remaining nine administrative employees out of 32 terminated positions in 2001.

A review of administrative employee turnover shows that it varies from job to job, and from unit to unit within the court. For instance, in 2002 the Cases Affairs

Department had the highest employees' turnover (7.5 percent), and the judges' assistants had the highest employee replacement, with 6 out of 19 employees (31.58 percent) resigning in 2002.

In the interview with the one of directors of the Cases Affairs Department on 20 December 2003, he attributed the causes of the high turnover rate to two factors, inadequate court incentives and the absence of a career path for most of these positions.

Due to the availability of the workforce in Dubai, the court recruitment process did not face serious difficulties that affected the work, or caused long-term job vacancies. Yet, the calculation of some of the employees' turnover costs of 2001 show that termination pay/benefits was US\$211,956 (excluding benefits paid to the non-national termination), temporary replacement cost (overtime cost paid US\$82,516), advertisement US\$1,782, test and interviews time approximately US\$5,000 and training (no specific fund was allocated for new positions). These figures highlight the need for the court to control the employee turnover rate so as to ensure cost effectiveness.

Absenteeism is a failure of employees to report for work when they are scheduled to work. Both absenteeism and turnover are not causes but symptoms of other problems such as poor working condition, lack of job satisfaction, or low morale, and therefore direct treatment of such symptoms by only disciplinary procedures or even rewards will fail. Courts must look to the underline causes of absenteeism.

The absenteeism rate measures the court employees' contributions. Abnormal employee absenteeism affects the court's performance, it decrease productivity and increase financial and administrative costs. It also indicates the level of employee satisfaction and morale, which thus could affects their retention.

Table 6.1 shows that there has been an increase in the number of Dubai Court employees taking sick, unexpected and unpaid leaves during the last three years (2001-03). Table 6.2 also shows that the employees were late for duty more often in 2003 than in 2002.

Absenteeism not only affects the court's performance, but also training plans for other employees, because the need for someone to carry out the daily work will make supervisors more likely to decline training requests. The court's records,

including its current strategic plan (2000-03), and the draft plan of 2004-09, have not included any performance targets or measures to monitor the absenteeism rates.

Table 6.1: The number of the Dubai Court employees who took leave from work other than annual leave.

| Leave Types | 2001 % of 486 Employees | | 2002 % of 523 Employees | | 2003 % of 498 Employees | |
|-------------|-------------------------------|--------|-------------------------------|--------|-------------------------------|--------|
| | Sick | 176 | 36.21% | 185 | 35.37% | 257 |
| Unexpected | 239 | 49.17% | 217 | 41.49% | 228 | 45.78% |
| Unpaid | 74 | 15.23% | 91 | 17.40% | 87 | 17.47% |
| Total | 489 | | 493 | | 572 | |

Table 6.2: Number of Dubai Court employees who came late to work by half an hour, and by more than one hour in 2002-2003.

| Months | 2002 | 2003 | Comparison |
|--------|------|------|-------------------|
| 1 | 16 | 24 | 2003 33.33% more |
| 2 | 12 | 30 | 2003 60 % more |
| 3 | 14 | 22 | 2003 36.36 % more |
| 4 | 13 | 28 | 2003 53.57 % more |
| 5 | 19 | 19 | Equal |
| 6 | 14 | 19 | 2003 26.32 % more |
| 7 | 15 | 16 | 2003 6.25 % more |
| 9 | 18 | 16 | 2002 11.11 % more |
| 10 | 24 | 14 | 2002 41.67 % more |
| 11 | 19 | 31 | 2003 38.71 % more |
| Total | 164 | 219 | 25% more in 2003 |

To measure overall rate of absenteeism: 1) count the number of staff employed in the court. 2) calculate how many days they were expected to work during the year. 3) calculate number of days each took off because sickness and unexpected absent. 4) overall rate of absenteeism is element 3 as a percentage of 2. The court should target an annual decrease in absenteeism as these lost days affect the court's performance.

4. *EXIT INTERVIEWS*

The literature review shows that one of the important means for retaining court's employees is by conducting a formal interview with the employee who decides to leave his/her position in the court. This interview is also a valuable mean for measuring employee satisfaction. According to Coleman

“by interviewing departing employees, an organization can ferret out key information regarding their satisfaction with their positions, working environment, and pay. An organization you can use this information to help prevent other employees from jumping ship” (Coleman, 2003; 35)

The informal interview tend to have little value in improving employees retention, because they limit the abilities of the human resources managers to put

together all of the interviews for useful analysis that could identify potential problems.

The findings from the court records in Dubai reveal that an informal type of exit interview is the dominant type. It has only a transitory benefit at the time of each interview, since it also denies the court the value of effective analysis of what all exit employees are saying.

As an alternative to a formal questionnaire for departing employees, the resignation letters of 24 employees who left in 2001, 18 in 2002, and 22 in 2003 were reviewed. The overall thrust of their views can be summarized as follows:

1. The majority used the term "personal or private reason" to justify why they want to leave. Four of these had found other jobs. Therefore, one can assume that the majority of this group may have left for similar reasons. Certainly, using this term has no value in identifying any potential work problems.
2. Nine employees explicitly stated that they found a better job with better financial incentives, four left for personal medical reasons, and one left to continue his education abroad, this later was the only case from the Information Technology Department. Kip Rodda remarked that

"money does become a deciding factor for most employees in changing jobs, when the existing salary structure is below the current market rates. However, outside of the information technology area, where salaries have risen sharply, research indicates areas other than money play a larger role in an organization's retention strategy" (Rodda, 2001; 23).

A review of the resignation letters of Dubai Court employees revealed little that could be used to improve retention or recruitment. However, it seems that the Court must conduct proper research on salaries and incentives in the marketplace, and make any required adjustments to remuneration, particularly in the case of judges' assistants.

On the other hand, the court's records show no resignations from the Information Technology Department (20 total employees in 2003) during the last three years, except for the one case mentioned above. This likely proves that they have a solid, successful scheme, which needed to be extended over other departments.

SECTION TWO

THE FIVE ACTIVITIES OF HUMAN RESOURCES IN THE COURT

The findings of the two questionnaires will now be presented, to examine the five inter-related activities of human resources management in the Court.

Findings from the researcher's questionnaire

The survey had included five major questions, along with sub-questions, to examine each of the five activities. Table 6.3 below sorts the findings of the five questions by: (1) advancements, (2) working conditions, (3) orientation /training, (4) evaluation, and (5) compensation. These are presented below.

Table 6.3: Distribution of the overall responses of 62 judges' assistants from the researcher's questionnaire.

| | Advancement | Working Condition | Training / Orientation | Evaluation | Compensation | Average |
|--|-------------|-------------------|------------------------|------------|--------------|---------|
| 1. Strongly agree. | 15.6 | 16.3 | 20.7 | 12.5 | 17.1 | 16.4 % |
| 2. Agree. | 21.1 | 23 | 34.3 | 27.4 | 25.6 | 26.3 % |
| 3. Agree in part/ Disagree in part. | 28 | 32.3 | 28.5 | 35.5 | 26.2 | 30.1 % |
| 4. Disagree. | 18.9 | 14.7 | 9 | 12.1 | 14.9 | 13.9 % |
| 5. Strongly Disagree | 13.2 | 8.4 | 5.5 | 9.3 | 10.5 | 9.4 % |
| Nil | 3.2 | 5.3 | 2 | 3.2 | 5.7 | 3.9 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |

1. *ADVANCEMENTS IN THE COURT*

Employees are most likely to leave when their skills are not properly developed, or court fail to take an interest in their career development. The court's productivity will fall dramatically if discontented employees remain at the workplace and communicate their dissatisfaction to other employees. Therefore, the court must find out how best its human resources skills can be developed and advanced. The ways and means to accomplish this task may include the following.

The rules, policies, and practices for advancement in the court must include a clear career path for each position within its unit and throughout the court. The employee must also be able to perceive positively the contribution of training to advancement and job fulfillment. Moreover, the court must encourage its employees to get higher academic learning and to be conscientious about self-development in learning the technical skills. Finally, an employee must see and experience that there is a fair opportunity for advancement among all the court's employees.

A review of court records shows that one of initiative in the strategic plan of 2000-03 to develop a career path. However, nothing has been done, which could be one of the major factors of failure in retention efforts. The same initiative was included again in the new strategic plan of 2004-09.

The literature review revealed that continuous learning is important to the Buster/Generation X⁴⁰, and we assume here that this US concept really fits the Middle East (similar studies were not been conducted in this region). As 37.11 percent of the judges' assistants are from this generation, in addition to a great number of the court employees, it is important to examine the court's records in this regard. The court paid attention to the value of learning, and the statistics of the last three years show that there was remarkable progress in both the number of employees who took leave to prepare or attend exams, and in the total number of days that they were on leave for this reason.

While there were only 36 employees and 827 leave days in 2001, these numbers rose to 45 employees (20 percent more), and 1048 (21.09 percent more) days in 2002, and to 54 employees (33.33 percent more than 2001) and the number of days increased (by 37.53 percent) to reach as estimated 1324 days. Despite the increase in the number of employees who took such leave, it seems that there was a sense of unfair distribution among the employees, due to the rejection of some of requests, as the judges' assistants respondents were divided more or less equally by 40.3 on the fair opportunity for advancement among court employees performing duties similar to their own.

To accomplish the goal of the development of human resources, which was included in the Court Strategic Plan of 2000-03. The Court adopted an initiative to develop continuous learning. Since it is an ongoing task, the strategic plan of 2004-09 included a similar initiative.

Findings on Court advancement from the researcher questionnaire

The survey included five statements to gauge the perceptions of the judges' assistants of advancement opportunities in the Court, and requested them to indicate whether they agreed or disagreed. These statements were:

- a. I have clear opportunities for advancement; 1. Throughout the court. 2. Within my department.

⁴⁰ According to Coleman Busters/ Generation X were born between 1965 and 1975 (Coleman, 2003; 27)

- b. Ongoing training needs that contribute to my job fulfillment and advancement are readily identified.
- c. I am given the opportunity to compete for and obtain promotions.
- d. I feel there is a fair opportunity for advancement (e.g., promotions, training, and education) among all court employees.
- e. I feel there is a fair opportunity for advancement among court employees performing duties similar to my own.

The following findings illustrate their opinions

- 1- The Court's rules, policies, and practices for advancement did not include a clear career path for each position, either in particular units or throughout the Court. As the findings show, only one third of respondents (33.9 percent) agreed that they have such opportunities throughout the court, compared with 50 percent within their department or unit.
- 2- The employee was also unable to perceive positively the contribution of the training to his or her advancement and job fulfillment. As more than one third of the respondents (35.5 percent) disagreed that ongoing training needs that contribute to their job fulfillment and advancement are readily identified, compared with 29 percent who agreed.
- 3- The respondents were equally divided into two groups, those who agreed, and those who disagreed, at 35.5 percent for each group, on the question of whether they were given the opportunity to compete for and obtain promotions.
- 4- The Court failed to let many of its employees see that there is a fair opportunity for advancement (such as, promotions, training, education), among all of the Court's employees. Forty percent were unable to see such an opportunity among all employees in the Court, and a similar figure when counting Court employees who are performing duties similar to their own.

The Court's internal policy prior to 2003 failed to encourage its employees to obtain higher academic training, or encourage continuous self-development in learning technical skills. However, the Dubai Court issued a new policy in 2003 to counter earlier policy weakness.

Table 6.3 indicates that the overall findings reflect a disagreement between the respondents on their satisfaction with the advancement system in the Court—36.7 percent agreed and 32.1 percent disagreed, while the remaining 28 percent agreed in

part and disagreed in part. The review of the court strategic plan revealed that the court had initiated career paths for each position, but had failed to deploy this initiative due to the absence of an action plan.

Findings on Court advancement from the Court questionnaire

The Court officials had also measured the employees' satisfaction with the Court advancement system. The respondents were requested to evaluate (on a scale of five, from 1 strongly dissatisfied, to 5 strongly satisfied) three statements: (Statement 4) "the incentive and reward systems in the Court are satisfactory"; (Statement 14) "the Court implements a fair promotions system"; (Statement 24) "rewards are correlated with competence, and fairly implemented in the Court".

Table 6.4 shows that the Court's efforts to enhance the employees' perception of the advancement system had made any progress, as the aggregated results computed by the court show that the satisfaction level among employees was almost the same across years—57.43 percent in 2002, compared with 57.38 percent in 2001.

Table 6.4: Court employees' satisfaction for 2002: Prepared, distributed, and analyzed by Dubai Court

| Satisfaction dimensions | 2002 | 2001 | 1999 |
|---|-------|-------|-------|
| Material Incentives. | 57.43 | 57.38 | 44.71 |
| Salaries | 65.03 | 66.54 | 54.40 |
| Responsibilities | 64.88 | 67.43 | 67.45 |
| Recognition / Motivation/ Appreciation | 56.66 | 67.70 | 67.45 |
| Work Adequateness/ Appropriateness/ Suitability/ Admiration | 72.91 | 75.83 | 64.33 |
| Work Environments | 69.68 | 72.83 | 66.61 |
| Job Security | 72.91 | 75.83 | 64.33 |
| Communication /Co-operation / Relationship | 75.68 | 79.01 | 74.70 |
| Capabilities / Competency | 77.10 | 79.53 | 68.78 |
| Supervisors | 79.81 | 82.18 | 76.18 |
| Satisfaction Total Percentage | 69.72 | 71.68 | 64.86 |

Source: Dubai Court records.

It can be noted that almost all respondents shared a view that the advancement system is below that expected by employees. The Court should therefore take urgent actions to change the advancement system.

2. COURT WORKING CONDITIONS

Creating an optimum working environment within the court's units is one of the most effective elements to attract new skilled candidates, to foster the existing employees' attitudes, and to guarantee retention of skilled employees.

This study has used a number of statements to examine the elements needed to provide proper working conditions in the Dubai Court. These elements include supervisors, employee relationships and morale, working environment, work allocation among employees, the opportunity to air grievances, channels of communication, performance problems, and earned benefits.

Findings on court working conditions from the researcher's questionnaire

The researcher's questionnaire posed nine statements to gauge judges' assistants' perception of working conditions in the Court. The following are the responses to these statements:

1. More than half of the respondents (56.50 percent) had not felt that their supervisors unfairly criticized them, and only 17.7 percent had agreed that their supervisors had criticized them unfairly, while 22.6 percent agreed in part and disagreed in part.
2. Half of the respondents (51.6 percent) agreed that the court consistently works to foster better employee relations and morale within the organization, while 21 percent disagreed, leaving 27.4 percent who agreed in part and disagreed in part.
3. Less than half of the respondents (43.5 percent) agreed that the court has an excellent working environment; 20.9 percent disagreed and 35.5 percent agreed in part and disagreed in part.

That said, only one of the employees and five percent of the lawyers and prosecutors who were included in the questionnaire agreed that the level of concern about safety or the safety of their personal property at the courthouse had increased. Furthermore, the court did not use appropriate employee safety and health measures in accordance with both detective and preventive approaches as described in the Chapter Two with the objective of improving their workforce performance. For instance, sick leave per employee could be observed and measured from the HR statistics according to a certain criteria.

As per the Baldrige Award Criteria, the court needs to set annual targets based on benchmarks, to use proper detective and preventive measures, to assign resources and to improve processes to achieve good levels of performance. Currently none of these criteria are implemented in our case study.

According to the Brown interpretation, tracking employee absenteeism and sick leave is, by itself, a detection-oriented measure. Measures need to be preventive as well (Brown, 2001; 213). Tables 6.1 and 6.2 display data on absenteeism prepared

by this study because the court monitors only the dates of employees' absenteeism individually. These data could also be used as a detection measure.

At the same time, for the preventive measure, the court could use data of their employees' health factors such as fitness cards of the gym of the Dubai Police Club, where the government provides memberships for court employees.

4. Large minority of the respondents (40.3 percent) did not accept that the work is fairly allocated among all court employees; only 21 percent agreed. The remaining 38.7 were not sure; some of them agreed in part and others disagreed in part.
5. One third of the respondents (33.9 percent) agreed that the work is fairly allocated among court employees performing duties similar to their own, and 43.5 percent were uncertain. The remaining 19.3 percent rejected this suggestion, and 3.2 percent did not give their opinion.

Findings 4 and 5 could be linked to the high rate of employee turnover amongst the judges' assistants, because the unfair distribution of work is a factor that provokes either stress, when a huge burden of work is assigned to a group, or boredom, when not enough work is given to another. In an interview with the HR manager of the court, he "acknowledged the fact that the turnover is high among the judges' assistants mainly because of the work pressure. They feel that it is unfair to have similar incentives to the others, who perform less work, either in the court or in other public or quasi-public organizations" (HR manager interview on 20 December 2003).

6. "There is a fair opportunity for all the court employees to air grievances and have them redressed". This statement was accepted by 45.2 percent of respondents, 24.2 percent were uncertain, 27.5 percent disagreed, and 3.2 percent did not indicate their opinions. Almost the same result was obtained when the researcher had rephrased the statement to "There is a fair opportunity for court employees performing duties similar to my own to air grievances and have them redressed".
7. Two thirds of the respondents (64.5 percent) agreed that there were appropriate and adequate communication channels with their supervisors: Only 11.3 percent disagreed, and the remaining 24.2 percent were uncertain.
8. 41.9 percent of the respondents agreed that performance problems in the Court are dealt with adequately and fairly; 35.5 percent were uncertain, 19.3 percent disagreed, and 3.2 percent did not give their opinions.

9. Almost two thirds of the respondents (61.3 percent) agreed that employees are allowed to use earned benefits (such as, leave) fairly and equally, only 21 percent were uncertain, 6.2 percent disagreed, and 1.6 percent did not indicate their opinion. Similar responses were collected for the rephrased statement “Among court employees performing duties similar to my own, employees are allowed to use earned benefits (e.g., leave) fairly and equally”.

In light of the responses to the statements related to working conditions in the Court. Table 6.3 indicates that 39.3 percent of overall respondents were satisfied with the areas of concern that were presented to them in the previous nine propositions, 23.1 percent were not satisfied, 32.3 percent were satisfied in part and dissatisfied in part, and the remaining 5.3 percent did not indicate their opinions.

Findings on Court Working Conditions from the Court questionnaire

Table 6.4 includes five elements that examine the working conditions in the Dubai Court. These elements are comprised of: (a) working environment, (b) communication/co-operation/relationship, (c) the supervisors, (d) work adequateness/appropriateness/suitability/admiration, and (e) appreciation/motivation. In the following paragraph the findings for each of these elements will be presented.

(a) Working environment

The employees were requested to respond to three statements: (Statement 9) “your work place is suitable for the service provided by you”; (Statement 19) “the lighting, ventilation, and space are sufficient in your working area”; and (Statement 29) “there are convenient rest and time breaks during the work”. The aggregated results computed by the court of these statements show that the satisfaction percentages were 69.86 percent in 2002, 72.83 percent in 2001, and 66.61 percent in 1999.

When the responses were sorted by the court jurisdictions, the difference was great. While it reached a good level in the case of the Court of Cassation, (82 percent), followed by the Appeal Court, (78.55 percent), the First Instance Court had the lowest percent (68.64). Although the courthouse building was constructed recently, (in 1992), the results show some drop-off in positive answers after year 2001, which indicates that there are some areas of inconveniences in the courthouse structure, mainly in the First Instance Court.

When the responses were sorted by organizational unit, they showed a serious gap that must be filled by the Court officials. 79 percent of the responses from the Information System Department and 75.49 percent from the Administration

Department. indicated that they were satisfied with the work environment, whereas only 58.76 percent of the responses from the Cases Affairs Dept and 62.33 percent from the Judgments Enforcement Dept indicated their satisfaction with the working environment.

(b) Communication /co-operation /relationship

The employees were requested to respond to three statements: (Statement 6) “there is co-operation and interaction between your unit and other units in the Court”; (Statement 16) “there is internal co-operation and team work within your unit; and (Statement 26) “communication channels between your unit and top management units are opened”. The aggregated results computed by the court of these statements show that the satisfaction percentages were 75.68 percent in 2002, 79.01 percent in 2001, and 74.70 percent in 1999.

When the responses were sorted by the court jurisdiction, the Court of Cassation had the lowest satisfaction percentage 70.67 percent, compared with 76 percent in the First Assistance Court. When it was sorted by the organizational unit, we noticed that almost the same level of satisfaction expressed by the units when discussing the work environment. Again the Information Technology Dept had the highest percentage again, (79.33 percent).

(c) Supervisors

To understand the nature of the relationship between the supervisors and their subordinate employees, the respondents were requested to evaluate three statements: (Statement 5) “there is a great deal of trust, understanding, and a good working relationship between you and your supervisor”; (Statement 15) “you find support and help from you supervisor in solving work problem”; and (Statement 25) “the supervising style stimulates you to put more efforts into your work”.

The aggregated results for these statements computed by the court show that the employees’ satisfaction percentages were 79.81 percent in 2002, 82.18 percent in 2001, and 76.18 percent in 1999. When the responses were sorted by the court jurisdiction, the Court of Cassation had the lowest satisfaction percentage (72 percent) in the supervising, compared with 80.25 percent in the First Assistance Court.

When it was sorted by organizational unit, we noticed that the results show that the Cases Affairs Dept had the highest satisfaction (80.71 percent), while the Judgments Enforcement Dept had the lowest satisfaction rate (72.71 percent).

(d) Work adequacy/Appropriateness /Suitability/Admiration

The employees were requested to respond to three statements: (Statement 1) “you are pleased with your work”, (Statement 11) “your work fulfills your personal ambitions”, and (Statement 21) “you current work is the best work for you”.

The aggregated results for these statements computed by the court show that the employees’ satisfaction percentages were 72.91 percent in 2002, 75.83 percent in 2001, and 64.33 percent in 1999. When the responses were sorted by the court jurisdiction, the Court of Cassation had the highest satisfaction percentage (79.33 percent), compared to lowest percentage (72.17 percent) in the Appeal Court, and when it was sorted by the organizational unit, the Judgments Enforcement Department again had the lowest satisfaction rate (66.98 percent).

(e) Appreciation /Motivation

The employees were requested to respond to three statements: (Statement 8) “you get moral appraisal for your good performance”; (Statement 18) “the Court recognizes the good work and extra efforts”; and (Statement 28) “excellent achievement is encouraged in the Court”. The aggregated results computed by the court of these statements show that the employees’ satisfaction percentages had dropped to 56.66 percent in 2002, compared to 67.70 percent in 2001 and 67.45 percent in 1999.

When the responses were sorted by the court jurisdiction, the First Assistance Court had the highest satisfaction percentage (66.27 percent), compared to lowest percentage (59.71 percent) in the Appeal Court, and when it was sorted by the organizational unit, Cases Affairs Department had the lowest satisfaction percentage (63.11 percent), compared to 77.33 percent from the Information System Department.

Overall, findings indicate that satisfaction with working conditions had dropped from 75.51 percent in 2001 to 70.98 percent in 2002. When the results were sorted by the five work conditions elements during 2002, the appreciation/motivation aspects had the worst rate (56.66 percent), while supervision had the highest (79.81 percent).

Replacement of skilled court staff is not an easy, and the way court appreciates its staff does affect its retention of employees and its overall performance. Money indeed is one of the best ways of showing appreciation, particularly in Dubai Court where the existing monetary incentives are below the current standard in other Dubai government departments. Even if the court’s managers have little to do with

monetary incentive, they should know that it is not the only way; there are others ways to show appreciation.

Beverly Kaye and Sharon Jordan (cited by Rodda, 2001; 19) recommended praising employees

- a. Spontaneously. Catch people doing something right and thank them.
- b. Specifically. Praise people for specific accomplishments and efforts.
- c. Privately. Go to your employee's office to give a personal thank-you and appraise.
- d. Publicly. Praise an employee in the presence of others.
- e. In writing. Send a letter, memo or e-mail. Possibly send a copy to team members or higher-level management.

3. *THE COURT ORIENTATION/TRAINING PROGRAMS*

Court employees who get inadequate training will often have a much lower job satisfaction⁴¹, which in turn will diminish the Court customers' satisfaction. Since most of the positions in the Court are different from other positions in either the public or private sectors, they therefore require a considerable amount of training investment.

The Court training program was reviewed by examining the Court financial records to evaluate its investment in this area. From the Court's actual expenses records during the period 1995–2002, which are presented in Table 6.5, it can be seen that the Court had paid considerable attention to investment in workforce development. The investment even went up to 28.60 percent in 2001 and to 58.88 percent in 2002, compared to 2000.

Table 6.5: Actual training expenses in the Dubai Court (US\$)

| 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|--------|--------|--------|--------|--------|--------|---------|---------|
| 26,903 | 31,087 | 48,315 | 53,407 | 66,689 | 95,084 | 122,278 | 151,065 |

Although a great effort had been made to provide training funds in the court's previous budgets, it seems that it is not the question of how much the court could

⁴¹ A study by the US Department of Commerce and Boston Consulting Group using a people factor scorecard, which contained five criteria including staff training and education (spending/days per employee, career-long training opportunities, employee-driven curricula) produced two main findings. First, investing in people – factors criteria strongly increased job satisfaction and employee loyalty. The second finding was that there is a huge gap between what the companies thought they provide and what workers perceived that they received. (Neely, Adams and Kennerley, 2002; 275)

invest, but rather how these investments are to be used. Training resources should be divided according to the following categories: technical, developmental, regulatory, safety, non-technical, leadership, job-specifics, and new employees (Brown, 2001; 200).

The review of the Court's 2001 budget shows that almost one-fifth (17.93) of the training funds were used to train 18 employees from the Information Technology Department, 10.42 percent to train 80 employees from the Cases Affairs Department, and only 4.98 percent used by 67 employees from the Judgment Enforcement Department. In addition to that, it seems that the training programs focus on the middle and front line employees, neglecting the need of the directors and managers of the court who have attended only 15 days of training during 2001.

The literature also revealed that better allocation of the training resources might improve employees' satisfaction (Rodda, 2001; 63). One can assume that those who see themselves as victims of the unfair allocation of training resources, or who feel they are poorly trained, will have much lower job satisfaction. This could be due to many reasons, such as the absence of job descriptions for most of the positions in the Court, the lack of an HR plan, deficiency of the individual performance appraisals and developmental plans created for each type of employee, or inadequacy of the current systematic needs assessment to determine the specific knowledge, skills, and competencies needed by different groups of employees.

Defining human resources training needs, such as the gap between the knowledge and skills of certain positions according to the job description and the actual performance, as per the appraisal evaluation form, has to be the first step in managing the court's training process.

These needs have to be re-evaluated and modified to meet with the court's strategic objectives; this is because it was found from the literature review (Neely, 2002; 268) that "an employee's ability to see the connection between his work and the company's strategic objectives was a driver of a positive behavior". This step must be followed by the development of a comprehensive training program, to raise the level of performance where it is below the requirements of each position, and to raise the requirements of a certain position that the majority of the employees have successfully managed to attain. The court then must use the right methods to measure the extent to which the training is effective.

The trial court often neglects to make use of the expertise of specialists working within its units for training, a pattern which is basically inefficient.

Based on the data collected from the court records and the questionnaire, this study focuses on the main elements of effective training activities such as definition of the training needs, preparation of a comprehensive training plan, measuring the effects of training, and encouraging self-development.

Findings on Court orientation and training from the researcher questionnaire

To understand training, seven questions were addressed to the judges' assistants, and the responses to these questions reveal the Court's efforts with regard to training.

1. The induction process for occupants of new positions is a critical area to which the court should pay more attention, yet the findings show that efforts spent in induction training were not sufficient. Overall, 56.5 percent of the survey respondents agreed that employees in new positions receive adequate in-service training, 14.6 percent disagreed, and 27.4 percent agreed in part and disagreed in part.
2. 53.2 percent of respondents agreed that new employees are well oriented to the court's various functions, only 12.9 percent disagreed, and 32.3 percent agreed in part and disagreed in part. Half of the respondents (50 percent) had agreed that new employees were well oriented to the court's personnel practices, 40.3 percent agreed in part and disagreed in part, and only 8.1 percent disagreed.

Given that most of the employees who participated in the questionnaire are judges' assistants, frustration among some of them about the induction training indicates that the new employees' performance may lag behind the performance of experienced counterparts during the first three months (the probation period), which points to the need to extend the training period of newcomers. If possible, the court should impose a compulsory training requirement (for example, for certain positions such as the judges' assistants), as a precondition for the admitting a candidate.

Because no job description exists for some of the positions in the Court, particularly the positions that handle case processing, the orientation and training for some positions was not sufficient to establish a proper level of knowledge and skill, nor to introduce the employees to the duties and responsibilities that are expected of them.

The literature reviewed indicated that the average ranged of hours of initial training was 150 to 1008, with an average of 397. Annual training ranged from 16 to 60 with an average of 39 hours (Rodda, 2001; 12). The proper measure used in

determining the training time is taken per hour per year per employee. However, the review of the Court records shows no specific training target and measure, either for new employees, or for annual training. The Strategic Plan for 2004-09 proposed nine days per year per employee. Yet, this measure is not accurate enough, because there is a great difference between one hour training per day and nine hours per day.

3. The majority of the respondents (71 percent) stated that the range of their duties had been adequately explained to them by their supervisors. Only 6.4 percent did not agree to that, while 21 percent agreed in part and disagreed in part.
4. Unfortunately, a proper record could not be found that showed the productivity of new employees, to measure the impact of initial training on the overall court performance, from both the perspective of customer and financial cost. Yet findings highlight the need for greater efforts to maintain ongoing training beyond the probation period (three months), in order to improve new employees' initial performance.
5. The literature reveals that "the strategic plan should be the driver for identification of some of training needs"(Brown, 2001; 201).

Mark Brown notes that

"Training/education needs analysis is a process that involves an initial analysis of functions and jobs, and then determination of knowledge and skills needed to carry out the jobs functions correctly. Needs analysis should also be based upon individual performance appraisals and developmental plans created for each type of employee" (Brown, 2001; 203, 204).

More than half of the respondents (54 percent) agreed that training program requirements are related to the outcomes of performance evaluation; almost one third (29 percent) agreed in part and disagreed in part, while only 11.3 percent did not draw any connection between their training and the outcomes of performance evaluation.

Training needs have not been recognized as part of a proper training plan. More than one third of the respondents (35.5 percent) stated that training program requirements were connected mainly with supervisors' wishes and were not determined according to a proper plan; 27.4 percent disagreed, and 30.6 percent agreed in part and disagreed in part.

6. The literature shows that evaluation of education and training should be based on four dimensions—reaction, learning, behaviour change, and results (Brown, 2001; 208). The effectiveness of training should be measured accordingly.

The Dubai Court's training programs were evaluated on the reaction dimension only. At the end of training, data are collected via questionnaires from each participant; these data include a rating of the course, including the instructor, the content, and relevancy of material. By not evaluating whether an employee had mastered the tests (learning dimension), been able to apply the skills on the job (behaviour change dimension), and showed improvement of the outcomes (results dimension), the court cannot evaluate exactly its training investment, and its effect on employee performance and on overall court performance.

Table 6.3 shows that over half (55 percent) of the respondents agreed with the statements about training, while only 14.5 percent disagreed. This indicates the urgent need for the Court to find out the type of training needed to make the employees more productive.

Findings on court training from the Court questionnaire

The Court officials had also measured the employees' satisfaction level for the Court training system within the job requirement. The respondents were requested to evaluate (in a scale of five, from 1 strongly dissatisfied, to 5 strongly satisfied), three statements: (Statement 10) "sufficient and continuous training is provided to you to facilitate your job"; (Statement 20) "job equipments, tools, and programs are easily provided to you"; and (Statement 30) "training opportunities, which are required for your job are obtainable".

The aggregated results of these statements computed by the court show that the satisfaction percentages were 69.03 percent in 2002, 68.44 percent in 2001, and 62.30 percent in 1999. The medial satisfaction level here, as well as on the finding of the previous questionnaire of the judges' assistants, could be related to the fact that the largest part of the training program in Dubai Court is directed to improving the skills of national employees, while the respondents' group on both questionnaires consists of UAE nationals and non-nationals. This is to be expected, as majority of the non-national employees were excluded from training programs.

When the responses were sorted by court jurisdiction, the Court of Cassation had the highest satisfaction level (73.33 percent), followed by the First Instance Court 68.90 percent. The Appeal Court had the lowest (68.70 percent).

When the responses were sorted by organizational unit, a significant gap was shown. Only 65.43 percent of the respondents from the Judgments Enforcement Dept indicated their satisfaction, compared with 81.33 percent of respondents from the Information System Department.

However, as one of the respondents pointed out, although the Human Resources Section in the Court organizes good training programs, the supervisors do not always approve such programs, due to work pressure, which indicates the necessity of developing an earlier shared training plan between human resources unit, supervisors, and employees.

4. *EMPLOYEE PERFORMANCE APPRAISAL (EPA)*

The evaluation process is a very important element in controlling and giving feedback to the workforce in the Court. Generally the court's EPA consists of two independent systems, one for the judges and the other for the administrative employees. Although the two systems share some EPA objectives, their assessment criteria and methodologies differ to evaluate each system accurately. Judges Performance Appraisal will be examined in the next chapter. The review of the administrative performance appraisal is presented in the following paragraphs.

To improve the evaluation system of the workforce in the court, this study believes that certain requirements should be adopted. The following guidelines derived from the Cognology Learning Centre show what is performance appraisal:

1. the Human Resources Section in the Court should identify the desired results (goals) to be obtained from the workforce in all of the court's organizational units.
2. these goals are broken down into departmental or team goals.
3. objectives are then created for each position and show how will contribute to the overall team goals. The performance of individuals against these objectives will determine whether the organization meets its goals.
4. the appraisal system will show how well the performance of the work force is matching their objectives and will enable each unit to track its progress, monitor and control variance, and make necessary changes (Cognology Learning Centre, website).

To examine the EPA system in the Dubai Court, the respondents were asked to indicate their views of four statements, and the findings are presented as follows:

1. Less than half of the respondents (48.4 percent) expressed the view that the Court evaluation system could accurately recognize poor performance, 14.6 percent disagreed, while 33.9 percent agreed in part and disagreed in part.
2. With the same response rate, (43.5 percent) of respondents agreed that the Court evaluation system could accurately recognize the superior performance, 16.1 percent disagreed, while 37.1 percent agreed in part and disagreed in part.
3. Only one third of the respondents (33.9 percent) concluded that they were given adequate feedback regarding their job performance, and one third (33.9 percent) disagreed, while the one remaining third was uncertain.
4. The employee evaluation report should measure criteria of duties and responsibilities for each job description in the court, otherwise the court annual objectives will not be properly obtained. On the contrary, employees will not be able to know what performance is expected from them, and how they are progressing. The findings show that the court is not using this criterion in its evaluation system. One third of the respondents (33.9 percent) concluded that the performance evaluation system criteria adequately reflected the duties of their job, the large minority (41.9 percent) were uncertain, while 21 percent disagreed.

It can be noted from the outcomes derived from the respondents, and from Table 6.3, that only one third of them agreed that the evaluation system in the Court had adequate criteria, feedback, and superior/poor performance recognition, while the remaining two thirds either disagreed or were uncertain.

This is a major challenge confronting Court officials, because they cannot hold their employees accountable unless the Court's goals, objectives, and performance criteria indicators are well known. An effective feedback system should be established to give the employees feedback on their performance.

5. *COMPENSATION SYSTEM*

Studies show that while some positions in the court are similar to those in the private and the public sectors, the majority of them—such as the judges' assistants, judgments enforcement officers, and notaries public, who are often holders of law degrees—are different. It requires considerable effort including a competitive compensation level to recruit them, and substantial work to retain them. Otherwise, the private sector is always the optimal choice for such skills.

The Dubai Government in 1992 established its Personnel Affairs Law containing a unified salaries scheme of four categories that determine salaries and

other benefits, which to a certain degree reduces the competition between the public sector departments in recruiting.

However, the law has a certain weakness, which allow each department to issue its internal rules that organize procedures relevant to human resources, such as training, study leave, and discipline rules. In fact, the quality and comprehensiveness of such internal rules have a great significance for job seekers.

The Court's activities relevant to the compensation system were reviewed by examining the responses from the 62 judges' assistants to six statements in the research questionnaire, as well as three other statements from 350 employees in the Court questionnaire.

Findings on court compensation from the researcher questionnaire

To understand the compensation system in the Dubai Court, the respondents were asked to indicate their views on six statements, and the findings are presented below:

1. Almost half of the respondents (47 percent) agreed that an employee's level of performance had a direct impact on compensation, career advancement, and recognition. 18 percent disagreed, while one fourth (25 percent) were uncertain; the remaining 10 percent did not indicate any views.
2. 40.3 percent of the respondents stated that the pay level clearly reflected differences in job responsibilities, 16.1 percent disagreed, 37.1 agreed in part and disagreed in part; the remaining 6.5 percent did not indicate any views.
3. One third of the respondents (33.9 percent) agreed that salaries are fair among all court employees, and also among those who perform duties similar to their own, 26.6 percent were uncertain, 35.5 disagreed; the remaining (4) percent did not indicate any views.
4. 46 percent of the respondents stated that the earned benefits (such as, leave), are fair and equal among all court employees and also among those who perform duties similar to their own, 22.6 percent were uncertain, 30.4 percent disagreed; the remaining one percent did not indicate any views.

Table 6.3 demonstrates the overall views of the respondents about the compensation system in the Dubai Court. It indicates that 42.7 percent of the respondents were satisfied with the system, 25.4 percent were dissatisfied, while 26.2 percent were uncertain and 5.7 did not indicate any view.

Findings on court compensation from the Court questionnaire

The Court officials had also measured the employees' satisfaction level for the Court compensation system; the respondents were requested to evaluate (in a scale of five, from 1 strongly dissatisfied, to 5 strongly satisfied) three statements:

(Statement 3) "Your salary is appropriate with your work"; (Statement 13) "your income from your work is sufficient to fulfill your life requirements"; and (Statement 23) "the salaries of the court are not less than the salaries of other public organizations".

The aggregated results of these statements computed by the court show that the satisfaction percentages were 65.03 percent in 2002, 66.54 percent in 2001, and 54.40 percent in 1999. This result indicates that at least 35 percent of the court's employees felt that the size of their duties was inappropriate to their positions or with the level of their salaries (grades). In addition to that, they considered their salaries are less than the salaries of other public organizations.

When the responses were sorted by the court jurisdictions the difference was great. In the case of the Court of Cassation, it was 73.33 percent, followed by the First Instance Court at 64.84 percent, and the Appeal Court had the lowest at 64.06 percent.

When the responses were sorted by organizational unit, they showed a gap—only 60.44 percent of the respondents from the Cases Affairs Department and 62.95 percent from the Judgments Enforcement Department indicated their satisfaction about the Court salaries, compared with 70.33 percent of the responses from the Information System Department.

These results are the same as the opinions of the respondents in the previous four human resources activities. They point to a need for a detail study by the Court to find the defects, and to enhance the perception level if the Court is to gain its users' satisfaction.

SECTION THREE

ASSESSING THE NEED FOR JUDGES POSITIONS

This research asked an important question: “How can we improve the efficiency level of the court management to cope with the current and future challenges, to satisfy the confidence of the government and the community?” Part of the answer lies in measuring effectively the number of judges the court needs to process its cases. Courts are required to distinguish between the shortage of judges, and situations where judges are not being used effectively.

The court also needs criteria for assessing how close judges are to achieving quality performance, along with methodologies to obtain information that will enable these criteria to be evaluated accurately. Therefore, the current judge evaluation system needs to be reviewed, enhanced and effectively implemented.

To enhance the effectiveness of the court performance, the role of the administrators in increasing judicial accountability for case processing, and the interrelationship of both judicial and administrative activities should also be assessed. Therefore, the structure of this section and the next one contains the following topics:

1. Assessing the need for judges’ positions.
2. Reviewing the judge evaluation system.
3. Reviewing the role of administrators in increasing judicial accountability for case processing.
4. Assessments of the interrelationship of judicial and administrative activities.

This section provides a summary of measures that are used for determining the need for judges’ positions.

1. *ASSESSING THE NEED FOR JUDGES’ POSITIONS.*

This assessment will clarify whether or not the court is using its resources well. Although the court’s workforce includes both judges and other administrative staff, the focus of this assessment is the judges, and specifically factors that are responsible for determining whether or not more judges are needed.

Expenditure of judges’ consumes a significant proportion of the court budget. This study reviewed one part of the Dubai Court expenditures—court salaries—for the year 2001, including accommodation costs. The result shows that the total of the judges’ salaries for that year were US\$4,497,491, and the court’s total salaries

expenditures were US\$13,736,542. Judges salaries therefore consume 32.74 percent of salaries costs.

The value of the 69 cars used by the judges is US\$485,412 according to the annual insurance company re-evaluation. This value is equivalent to 66.83 percent of the US\$726,305 the value of the 100 cars owned by the court. This is only part of the total expenditures, and does not include allowances, medication cost, flight tickets, electricity on top of the new car every five years and the related insurance expenditure.

The following paragraphs provides four measures that are used for determining the need for judges' positions, on the basis of the data that has been collected by this research from the Dubai Court's records. The assessments include four measures, all of which are adopted from Flango et al research (1996; 6): (1) case filings, (2) number of dispositions, (3) cases' processing time, and (4) population growth.

1) Case filings

Additional judges will be required if case filings increase beyond a certain level.

Flango et al (1996) argue that

“using filings as the only independent variable to estimate the need for judges is straightforward, is easy to interpret, and makes sense. It has a number of advantages over other indicators like dispositions and population:

- a. Filings are a direct measure of the need for court services. Filings come from outside the court. They are generated by the community and provide the best independent measure of judicial need.
- b. Factors such as dispositions and the number of jury trials are indirect measures of judicial need. Their level is subject to greater control by the court filings.
- c. Population is often used as an indicator of judicial need because it is highly related (a surrogate) to the demand for court services (for example, every 1000 people tend to generate X number of filings)” (Flango, 1996; 98).

The review of the court records showed that the Dubai Court had no criterion for determining the appropriate number of judges. Table 6.6 shows that there is no connection between both rows A and B of case filings and the actual growth of the need for judgeships during the four years 1997- 2001, with the exception of year 2000 in row A.

The table indicates also that the number of cases per year for judges has decreased, which is reasonable when it is compared to the formula that was obtained from the study of the National Center for State Courts, which had noted that

“One judgeship is allocated per 550 combined civil and criminal filings in districts containing a city of 50,000 or more people; other districts are entitled to one judgeship per 450 filings or 40,000 people” (Falngo *et al*, 1996; 12)

2) Number of Dispositions

Table 6.6 shows that the difference between disposition rates in two years (1998/c, 2000/c/d) is consistent with the increment ratio of judgeships in the same period. It indicates that this measure could be used to estimate the need for judges.

However, it should be noted that progress in disposition rates does not always indicate that more work is being done by the additional judges (or even that decreases in dispositions are a result of a decrease in the judicial work) since those results could be correlated to other factors too, for example changes in court procedures, more new complex cases that require greater time or extra efforts by judicial clerks. Therefore, caution is required when a court decides to use this measure, and it is practical to use it in combination with other measures.

3) Case Processing Time

The time between the filing of cases and their disposition is also an important measure in judicial needs assessment. Additional judges will decrease the average time to dispose of a caseload.

The data for the civil cases, (coded 12, 13, 20, 22, 23, 210) and shari'a cases (Coded 100, 105, 115), registered in 1999⁴² in Dubai First Assistance Court were reviewed to determine the case processing time. The Court had not yet adopted a disposition time standard, so the result is compared with the time standards adopted by the American Bar Association — “90 percent in 12 months, 98 percent in 18 months, and 100 percent in 24 months” (National Center for State Courts, 2003a; 3). The actual result shows that 92.2 percent had been disposed in 12 months, 97.1 percent in 18 months, and 98.8 percent in 24 months.

This result is excellent for a court seeking to be recognized as a leading trial court in the region. If the Court uses this measure to maintain its 1999 level of

⁴² The cases registered in 1999 were selected because these could be used to examine how much of the cases backlog exceeded 24 months at the time of the fieldwork (2002). Furthermore, the required information of this year was easily obtainable from the Dubai Court's information system.

performance, it would be reasonable so long as other measures are be used to calibrate the results.

Table 6.6: Measures used to determine judges' needs in the Dubai First Instance Court.

| Measures | | 1997 | 1998 | Change on previous year | 1999 | Change on previous year | 2000 | Change on previous year | 2001 | Change on previous year |
|--|-----------------|--------|--------|-------------------------|-----------|-------------------------|--------|-------------------------|----------------------|-------------------------|
| Case filings | A ⁴³ | 5516 | 5669 | 2.8 % | 5373 | -5.2 % | 6568 | 22.2 % | 6589 | 0.3 % |
| | B ⁴⁴ | 14313 | 14452 | 1 % | 15632 | 8.2 % | 17645 | 12.9 % | 17788 | 0.8 % |
| No of cases per one judgeship per year | | 795 | 628 | | 539 | | 504 | | 424 | |
| Number of dispositions | C ⁴⁵ | 3619 | 5491 | 51.7 % | 4479 | -18.4 % | 5280 | 17.9 % | 5079 | -3.8 % |
| | D ⁴⁶ | 26366 | 28129 | 6.7 % | 27824 | -1.1 % | 32800 | 17.9 % | 20936 | -3.6 % |
| Case processing time | | | | | Only 1999 | | | | | |
| Dubai population ⁴⁷ growth | | 757000 | 788000 | 4 % | 858000 | 8.88 % | 913000 | 6.41 % | 910366 ⁴⁸ | -0.3 % |
| Population per one judgeship | | 42055 | 34260 | | 29586 | | 26000 | | 21675 | |
| Number of judges | | 18 | 23 | 27.7 % | 29 | 26 % | 35 | 20.7 % | 42 | 20 % |

The literature reviewed acknowledges that

“additional judges may result in an improvement of case processing time, yet such a conclusion should be drawn with caution, because time to disposition may not improve as much as expected after new judges are added, especially if the added time available is used to improve the quality of decision⁴⁹ making rather than to decide more cases. This measure also requires that all judges should continue working with the same intensity in order to see an effect from new judges” (Flango *et al.*, 1996; 11).

4) Population Growth

It is rational to assume that growth of the population will lead to more legal cases. Table 6.6 shows that there is a relationship between the caseload and the population, and although the ratio of the population per judgeship went below the formula

⁴³ Effective cases (code .no 12,13,20,21,22,23,100,105,120) and excluding cases such as (criminal, traffic, urgent, petition, nonlitigious)

⁴⁴ All cases only excluding cases such as (criminal, traffic)

⁴⁵ Effective cases (code .no 12,13,20,21,22,23,100,105,120) and excluding cases such as (criminal, traffic, urgent, petition, nonlitigious)

⁴⁶ all cases excluding marriage and divorces

⁴⁷ Population estimated. Source. UAE. Ministry of Planning

⁴⁸ Population estimated. Source. Dubai Municipality

⁴⁹ Analysis of how the quality of these decisions can be measured will be presented in the next chapter when we discuss the quantitative analysis of the percent of cases that pass final decisions.

mentioned in the previous measure (case filings). This could be related to a strategic goal of the Dubai Court—to increase the proportion of its UAE national judges to 70 percent of the total number of judges by the end of 2004.

SECTION FOUR ASSESSING JUDICIAL AND ADMINISTRATIVE ROLE AND ACCOUNTABILITY

1. *JUDICIAL PERFORMANCE EVALUATION*

The judicial performance evaluation system within the Court is another sub-system of control and feedback in court quality management. The duties of the Judicial Inspection Department (JID) at the Dubai Court are limited to reviewing judges and prosecutors in the Appeal Court and First Assistance Court.

Judicial performance evaluation in Dubai is administered by the JID, formed by the Law Number 2/1992, which specifies the duties and responsibilities of this unit. It is responsible for inspecting the prosecutors' and judges' work and for examining complaints against them. This unit was initially attached to the Dubai Ruler Office, but in 2000 it was moved to the Dubai Court according to Law 4/2000. Reports are to be submitted to the president of the Dubai High Judicial Council, and consist of

1. statistics and information concerning the court performance, delivered every three months.
2. judges and prosecutors efficiency reports, submitted every six months.

To understand the effect of the judicial performance evaluation system on judicial efficiency, the study tested the judges' assistants, lawyers, and prosecutors' opinions by posing question number 28

“In your opinion, to what extent could the judicial inspection implemented in supervising the Courts in Dubai affect judicial efficiency?”

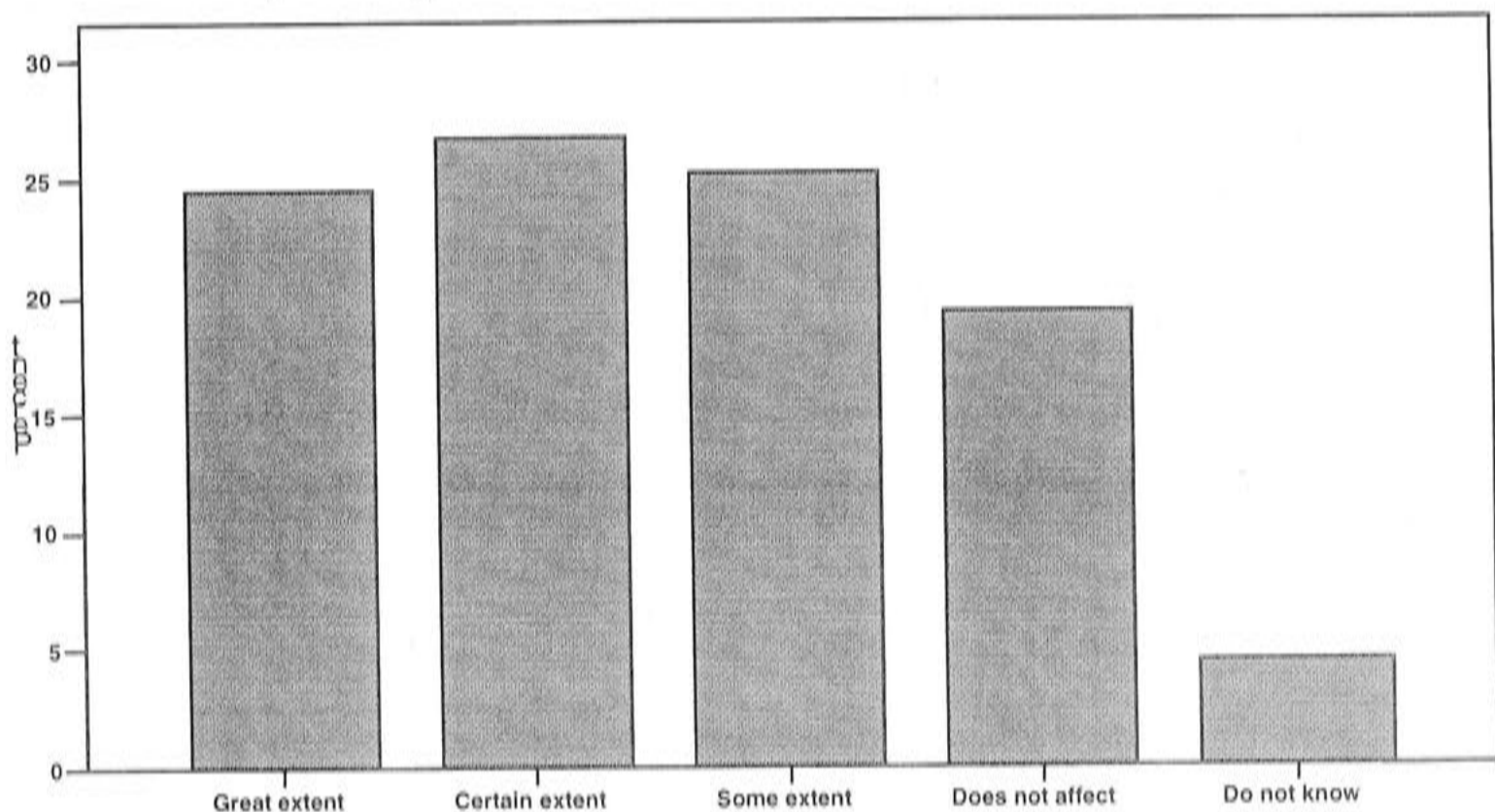
It can be observed from figure 6.1 that half of the respondents (51.1) percent (including 26.7 percent who agreed to a certain extent) considered the system of judicial inspection, as practised by the Dubai Court, to be effective. While 25.2 percent of respondents stated that judicial inspection effort had been effective to some extent, 19.3 percent did not consider this unit effective in enhancing judicial efficiency; and the remaining 4.4 percent did not know.

One of the lawyers pointed out that the JID's current role did not have an effect on the expatriate judges, since those judges are working as per duties and obligations of their contract and are not eligible for any promotion, reward, or premium beyond their package. It may, however, have an effect on the UAE national judges, provided that they have experienced a connection between performance and compensations.

This study reviewed the contents of some of the judges' evaluation reports, the evaluation objectives, the qualities of judge criteria, the data-collecting methods, and the reports' dissemination.

The reports' contents clearly indicate no link made between the individual performance of those judicial personnel and the overall Court goals. They lack proper comparisons between projected performance standards and the actual performance. In other words, the contents neither produce results that clearly show performance has been measured on the basis of anticipated output, nor on the basis of how that actual output has helped the court accomplish its objectives.

Figure 6.1 In your opinion, to what extent could judicial inspection implemented in supervising the courts in Dubai affect judicial efficiency (q.28)



These reports did not include descriptions of criteria that measure some aspects of a judge's performance, such as legal knowledge, communication skills, courtroom effectiveness, management skills, punctuality, service to the community and the profession, and working well with colleagues.

In the interview with the manager of the JID, he clearly mentioned that their efforts are focused mainly on the performance of UAE national judges who had joined the Court since 1998. This is similar to what Lahey described as a difficulty in having performance appraisals for staff and not judges, which can contribute to two separate cultures (Lahey, 2001; 24). Moreover, judicial performance review have not set objectives such as identifying judicial education and training programs, or facilitating the self-improvement of all judges.

Part of the weakness of the current system appears in data-collection methods. Review of the court cases records is the only method used to acquire data. No other methods, such as personal interview or survey of various court users and employees, are implemented.

Finally, the judge evaluation results are disseminated to the Dubai High Judicial Council and copies are distributed to each judge and prosecutor. These results are not used to improve the judges' and prosecutors' performance for a very simple reason—the High Judicial Council has been inactive for the last five years. Therefore, the file drawers are the last destination in the process.

Although a copy of these reports goes to the office of the General Director and to the chief judges of the court, no official process is applied, such as inviting judges to be interviewed to explore problem areas, or even to praise them for their good performance. Consequently, judges are not motivated, as they cannot see how their efforts help move the organization ahead, or where they fit in the whole process.

This shows that an effective method that can provide proper feedback to the judges about the results of their performance evaluation reports is essential to help the judiciary improve itself. This method must be able to support judges' strengths, identify areas needing improvement, and prepare a self-improvement plan on the basis of individual judges' performance.

2. THE ROLE OF THE ADMINISTRATORS IN INCREASING JUDICIAL ACCOUNTABILITY FOR CASE PROCESSING

Administrators bear the main responsibilities for court management. Such responsibilities may include the establishment of court outputs and outcomes of process and service design, determining resource requirements, and working towards securing sufficient government funding. However, the main issue discussed in this section is how administrators could increase judicial accountability for case processing—as a main duty of a court—to enhance the effectiveness of its performance.

The literature reviewed in Chapter Two revealed that most studies have focused on either the examination of the court administrators' job in assisting the judicial branch, or on analyzing the judge's job assisting the administration of the court. This study has instead focused on analyzing both directions, as well as the efforts towards integration between these two activities in certain areas of the court management, which are believed to lead to optimal outcomes. This study has pointed

to issues relevant to court management that might affect the overall court performance, including

1. topics in which the daily work of court managers intersect with policy development in the judicial branch such as review of court case management, defense of the indigent, relationship with the government and other public departments, and the selection of judges.
2. tension between the employment of the judges' knowledge and experience in shaping the court policies, the court's future direction, and court administration in achieving collaboration. This is because a majority of judges have limited their role in deciding cases, and as a result administrative employees underestimate the judges' capabilities to participate in administrative activities.

How could the administrators increase judicial accountability for case management?

Studies show that "caseflow management⁵⁰ is the heart of the court management" (National Center for State Courts, 2002c; 1), and the major role of judges is to decide cases (Doyle, 2001; 135). Participation of the court manager may include

1. establishing proper internal court procedures and policies that comply with time standards for case processing.
2. organizing the work of court clerks in the pre-trial and post-trial.
3. communicating the court's overall goals to judges and other users and get their support and commitment.
4. implementing an effective system that can monitor the progress of case processing.
5. implementing incentive program to recognize distinguished judicial performance.

Review of the Dubai Court's efforts indicates that the court had established procedures and policies to organize most areas of case processing. Yet insufficient effort was directed to including time standards on case processing measures. In Chapter Five, we discussed in detail the Court's efforts in this regard. Previously, in this chapter, we also reviewed court's efforts in communicating its overall goals to judges and other users.

⁵⁰ The author defines caseflow management as "the entire set of action that a court takes to monitor and control the progress of cases, from initiation through trial or other initial disposition to the completion of all postdisposition court work, to make sure that justice is done promptly" (National Center for State Courts, 2002c; 1).

Organizing the work of court clerks in the pre-trial and post-trial phases is a big task, yet in the following paragraphs, this study will review some of the areas where the role of the court manager is essential.

Defence of indigents in both civil and criminal cases is one of the pretrial topics. According to Measure 1.5.1, TCPSM, "this measure determines the degree to which access to court services is hindered due to the cost or complexity of procedures. Lawyers and court fees are the main costs involved by indigents when seeking court services" (National Criminal Justice Reference Service, 1997; 61). We have discussed before how individuals are exempt from paying court fees.

On the other hand, the role of the court manager in assessing lawyers' fees could be examined according to the case category. In criminal cases in UAE, the court must by law provide a lawyer for the indigent. The review of expenditure of the Dubai Court indicated it paid to lawyers US\$66,688 on behalf of indigents in 1999, US\$95,083 in 2000, US\$122,277 in 2001, and US\$140,300 in 2002. With approximate average US\$750 per case, this means that in 2002, 187 indigents received court support. In 2003, according to the records, the Court appointed 256 lawyers.

The review indicates that the court manager consistently succeeded in providing funds to meet the escalated needs of indigents. Yet he failed to establish certain criteria that control quality of services provided by lawyers to those indigents. For instance, the study found that there was no record of how many of these cases were investigated to determine whether lawyers had given such cases proper preparation, time and attention from case filing to disposal.

Studies in many jurisdictions have found that it is more cost-effective to establish a full-time public defender agency than to rely primarily on appointment of private lawyers, usually paid on an hourly basis (National Center for State Courts, 2003a; 11).

To measure how adequate the synergy is in the relationship between administrative activities and judicial activities in the management of court affairs, the next two propositions have been examined:

1. Efficient and effective court management in Dubai Court is directly related to the scope of court information management.
2. Efficient and effective court management in Dubai Court is directly related to interrelationships of both judicial and administrative workforce.

In the following, court information management is presented to demonstrate the Dubai Court's efforts to enhance judges' performance through best practice in sharing information by means of electronic networks. The interrelationship of both judicial and administrative workforce is then discussed.

3. *THE SCOPE OF COURT INFORMATION MANAGEMENT*

There is no doubt that the judges could benefit from better decision making by using the information that is provided to them by the information system of the Court. However, there are some prerequisites to achieve this, including the training of judges and ensuring the relevance of the information to the judge's decision.

1) Training program for Judges

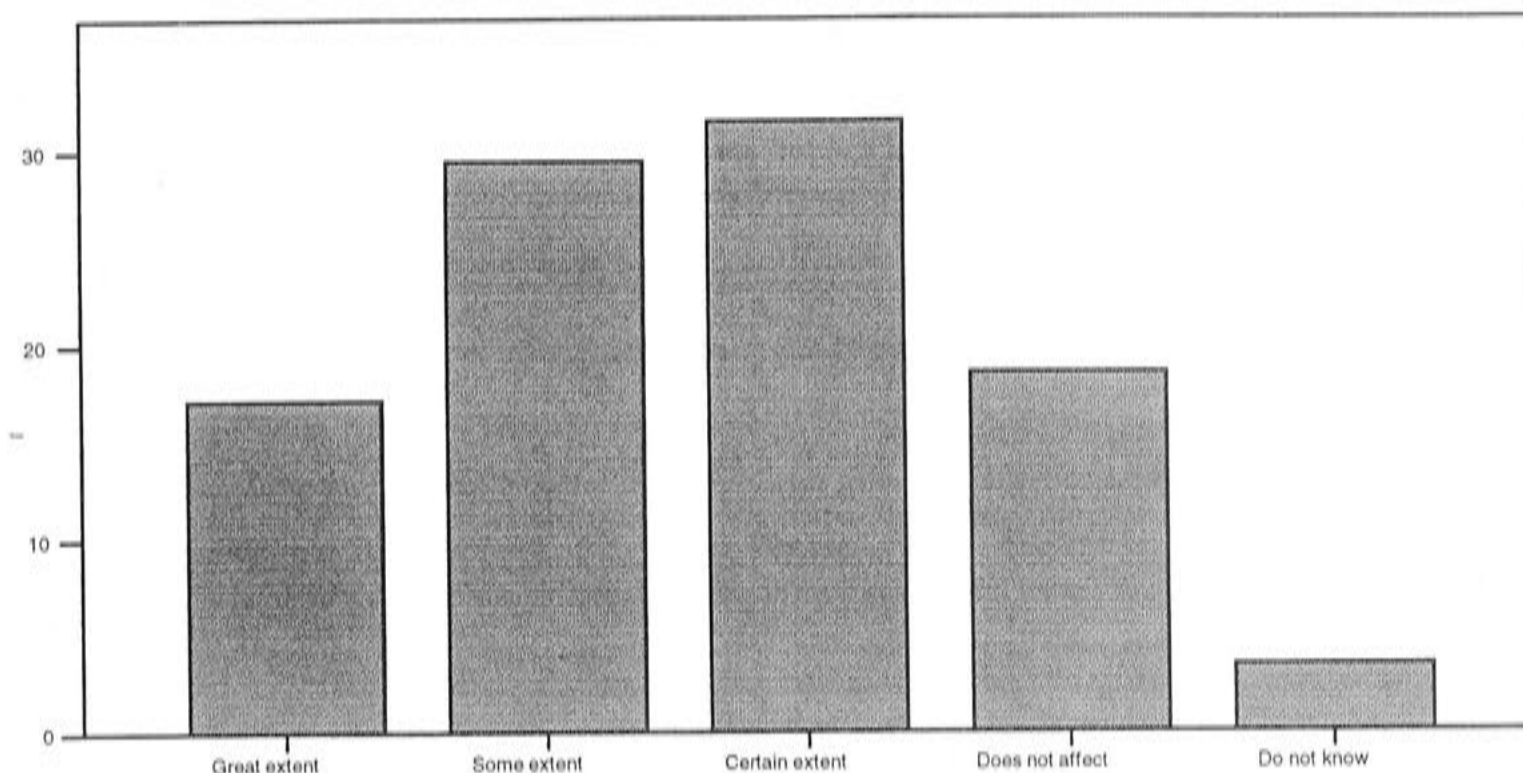
Of the challenges facing courts in implementing technology, the human factor is the most critical. An element of this is judges' use of information technology. Their involvement is essential, and to understand this fact the study posed the question 27, which asked

“To what extent do you think the lack of some of judges' computer skills at Dubai Court could negatively affect judges' performance?”

Figure 6.2 shows that the majority (78.1 percent) of the respondents (including 31.5 percent who agreed to some extent) agreed that the computer training for the judges could positively affect their performance. That is why the Court arranged many computer-training programs during 2001 and 2002. Only 15.2 percent of the respondents did not agree.

This indicates that the Court has made the right investment when it started in-house computer trainings and workshops for judges. Along with sending the judges to specialized institutes to enhance their abilities in using the internet, Microsoft Outlook, and electronic files, the court has ensured that each judge's office is well equipped with a modern-model computer.

Figure 6.2 Do you think the lack of some of judges' computer skills at the Dubai Court could negatively affect judges' performance? (Q.27)



2) The relevance of the information to the judge's decision/work.

Most information has to be relevant for caseload management such as monitoring the current status of each case, electronic calendars for judges to permit computer-assisted scheduling, scanned copies of documents sorted electronically in the case file, date and type of next case. As workloads in the courts continue to increase, availability of an effective information system for case management will be essential. Consequently, the Court must be able to provide instant, relevant and accurate information so that all users can carry out their jobs.

On 3 June 2002, the director of the Information Technology Department in Dubai Court had an open seminar with most of the judges from the three Courts in Dubai to demonstrate the efforts that have been made by Dubai Court to facilitate technologically-based information-sharing systems (Al-Bayan, 2002).

He indicated that, since 1993, the Court has started its project of loading the contents of 27 laws into its database in secure ways, with the option of updating information when necessary. Each judge can now easily obtain information relevant to their needs, review their previous judgments to see the quality of decisions in light of the Appeal Court or Court of Cassation decisions, and trace current cases. It is possible for a judge to access the Court database remotely, and to track the progress in a case through the Court website.

The progress in this field was noticeable to all observers. The availability of useful information for the judges at the individual case level in Dubai Court includes criminal data history, parole and probation status, and drug and alcohol treatment information, all of which are taken directly from the database of the providers (such as, the Prosecution Department, Police).

The existence of skilled programmers and IT systems developers in the Court is one of the success factors that this study had witnessed. Their role in facilitating the flow of information in a form that is easily usable, particularly for the judges, is very important.

The quality of the information is another element that may affect efficiency, particularly the process of receiving and distributing amendments to the law. This study reviewed this process and found that although the Court library distributes the latest amendments using Microsoft Outlook, most of the judges were not used to checking or were unable to check. This could lead to the use of invalid law, and consequently to poor rulings and decisions. This study explained such a possibility to the Court officials.

4. AN ASSESSMENT OF THE INTERRELATIONSHIP OF BOTH JUDICIAL AND ADMINISTRATIVE WORKFORCES

To understand the relationship between the judges and the administration, the study first examined the opinion of the respondents concerning the involvement of the judges in administering the Court, beside their natural role in deciding cases. If a positive perception is obtained, the next step requires us to formulate the shape of that involvement. The study canvassed this through two questions in the survey (questions 29 and 30).

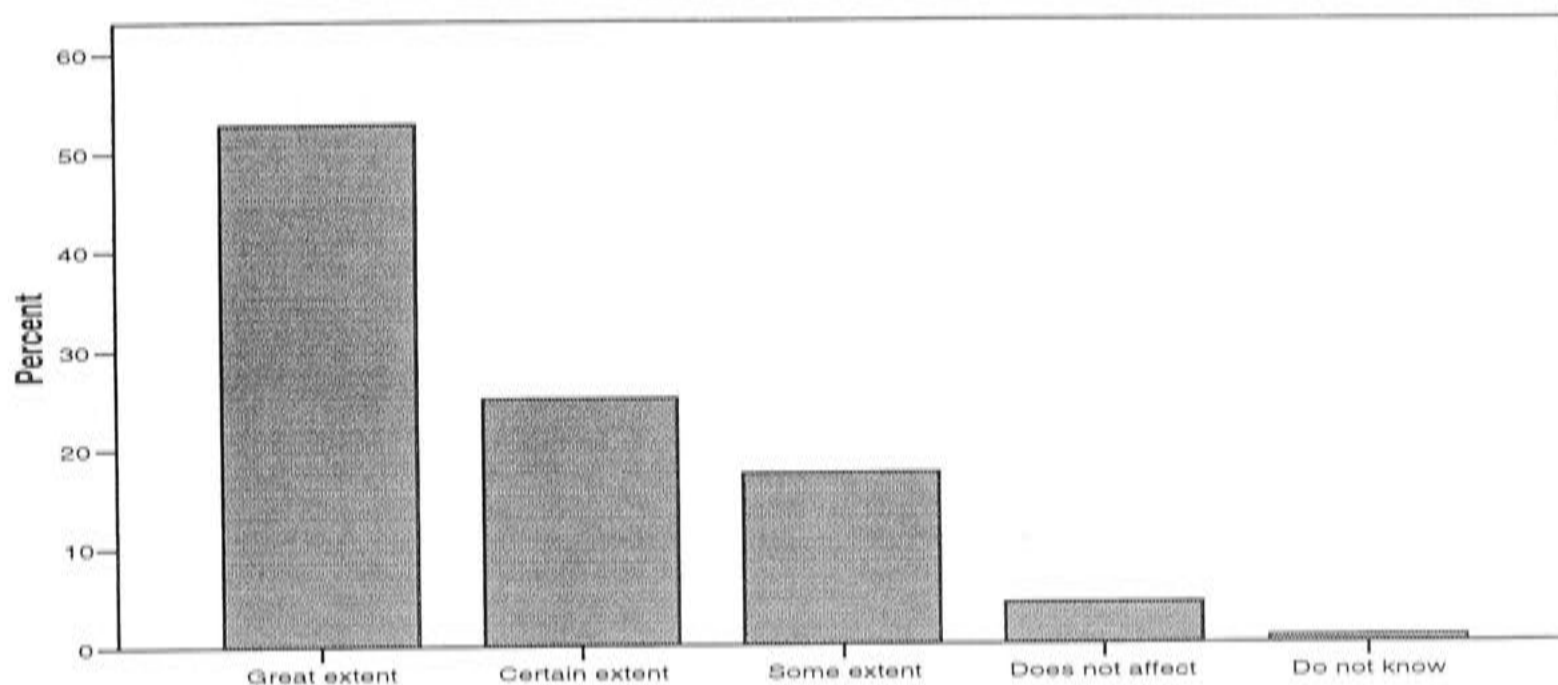
Respondents were asked

“To what extent do you think judges should be involved (beside their role in deciding cases) in the management of Dubai Court (e.g. setting up the Court strategic plan.), particularly, in the area that is related to the judicial issues?”

Using the same rules that are mentioned before, the computed value of the Kruskal-Wallis statistic test was 0.032, and as this is a small value compared with the rejection region value 5.991, therefore there is enough evidence of agreement of opinions between the groups about the current proposition which means that judges should be involved in the management of the court, beside their role in deciding cases.

Figure 6.3 demonstrates the respondents' opinions. It indicates that a large majority of the respondents (95.1 percent) agreed that judges should be involved in the management of the Court, 4.2 percent did not see any effect of the judges' involvements.

Figure 6.3 Do you think judges should be involved in the management of the Dubai Court (q.29)

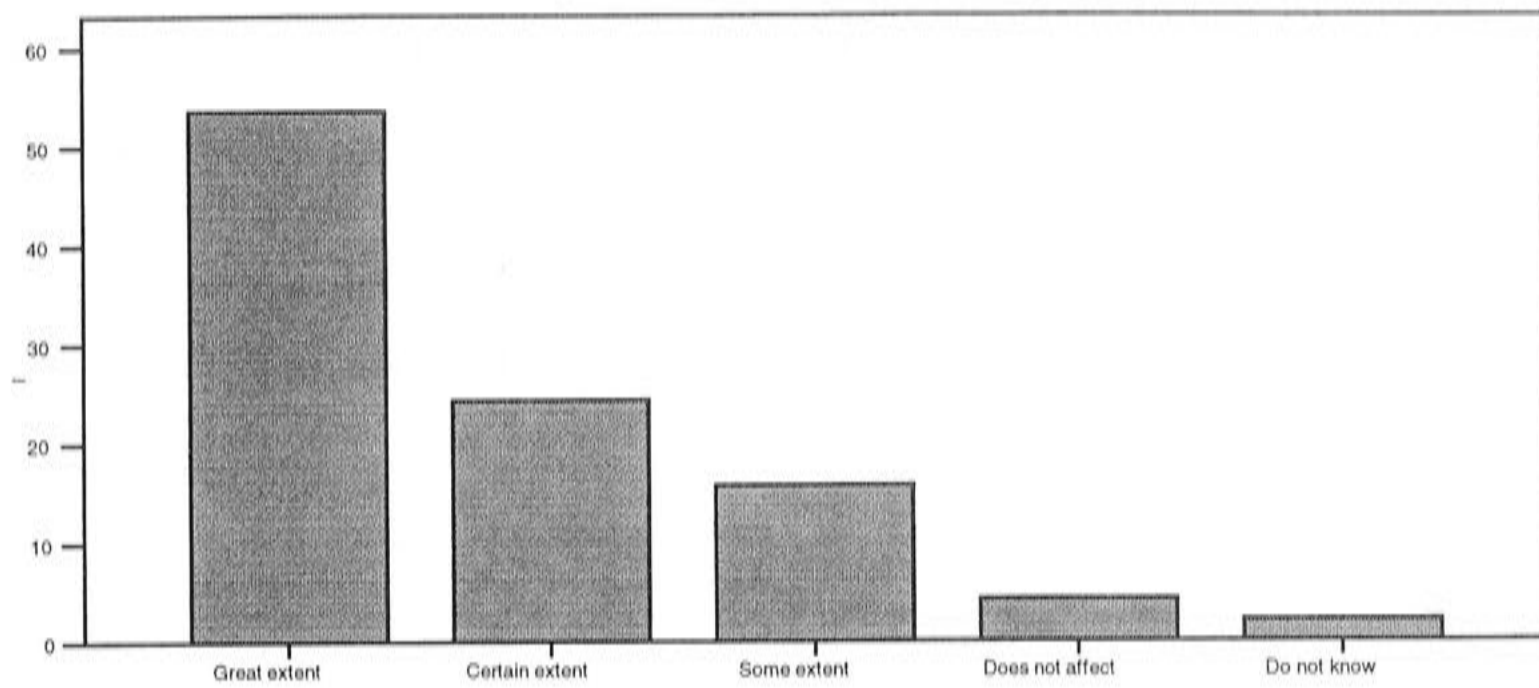


The visible solution in most studies to managing such interrelationships discussed in Chapter Two was the formation of a committee or council. This study has examined the solution in question (30) — “To what extent would the creation of mini-Judicial Council/committee, (consisting of three judges nominated by the Chief Judge of the three levels of the court, one prosecutor nominated by the Prosecutor General, all directors of the court departments, chaired by General Director of the Court) achieve greater efficiency of the judicial system and court management performance in Dubai?”

Figure 6.4 illustrates that the majority of respondents (93.6 percent) expected greater efficiency in the judicial system and court management would be achieved if Court officials formed the proposed committee. A few of the respondents (4.3 percent) considered this proposition as ineffective. Two of the lawyers suggested that the committee should include a lawyer.

The results indicate the effectiveness of the visible solutions that have been mentioned in previous (for example, Pound, 1995; 3) studies. This committee would be able to address the issues of mutual concern in relation to court administration in Dubai.

Figure 6.4 Would the creation of the mini-judicial council/committee achieve greater efficiency (q.30)



5. CONCLUSIONS

In analyzing the factors that could affect the court's process of efficiently organizing people, and directing their activities toward common goals and objectives, it appears from our analysis that the court's practices in recruiting and retaining skilled employees are still inefficient. The Dubai Court's performance indicated success in managing some aspects of human resources that have been examined in this study. Yet the Court had not succeeded in originating, adapting, and developing other aspects. This is due to its failure in managing several issues generally associated with such human resources activities.

This research sought to answer to the following questions: 1) What is the court doing right or wrong to its employees, particularly in activities that include recruitment and retention, training, working conditions, evaluation, and compensation? 2) How can the court distinguish between the shortage or inefficiency of the number of judges, and of excess numbers that are not used effectively? 3) Judicial and administrative activities play a significant role in the management of court affairs. What are the optimal criteria for ensuring positive synergy between these two activities, which could enable the Dubai Court to be more efficient and effective in responding to the dynamic forces of rapid economic, social, and technological change in Dubai?

The following conclusions are drawn from replies to the research questions, as well as from the review of the literature and the examinations of the court's policies, practices, and records.

1. Weaknesses of the court with regard to the recruitment and retention practices:

Although Dubai Court made considerable effort to design a business strategic plan, it shares with other unsuccessful organizations a failure to adopt the right strategic planning deployment process in a way that would help the court to increase employee productivity, recruiting the skilled ones, and retaining most of the efficient ones among them. This finding supports Magnus's view that "future court planning may fail through the failure to implement and constantly revise the plans arrived at through future planning" (Magnus, 1995; 102).

This study supports the view noted in the Court's evaluation 2003 report by the experts examiners that "the Court should conduct a proper evaluation to measure staff understanding and awareness of the court strategic plan" (Dubai Court Evaluation Report, 2003; 15). Among best practices that could help the Court

increase the impact of the strategic planning process on court organizational effectiveness is the evaluation instrument⁵¹ developed by Pamela Ryder Lathy” (Lahey, 2001; 52-54).

During 2000-03 the Court failed to originate strategic plans for individual units, or to demonstrate that there is a clear and logical relationship between its business plans and its units plans, particularly its human resources plan. In its business strategic plan for 2004-09, the Court instructed its units to establish their annual operating plan within 12 months starting in December 2003. This study supports the literature view that this is far too generous; according to Brown, four weeks is a reasonable amount of time to spend writing an annual business plan (Brown, 2001; 113).

The Court did not establish annual targets and measures to monitor the employees’ turnover and absenteeism. Therefore, analyses of the exit interviews, staff turnover rate trends, and staff absenteeism reports were not conducted on a regular basis by the HR unit. Yet such reports needed to be reviewed on a regular basis (for example, monthly, quarterly, or annually) by each manager, as a preliminary step to taking any remedial action. This finding supports a similar finding by Coleman that the court should use such indicators to monitor morale as it affects outcomes (Coleman, 2003; 69, 70).

2. One of the major aspects likely to reduce the courts’ productivity is the failure of skills and career development system, as this failure may lead to difficulties in retaining competent staff, or at least those discontented will communicate their dissatisfaction to other staff. Therefore it is very important for trial courts to develop a proper advancement system and to take into consideration the other opportunities for their staff outside the court.

⁵¹ “This instrument is a survey that was pre-tested on a group of people employed as planners in the public sector. The survey was refined as a result of the pre-tested and it was demonstrated in the Provincial Court of Newfoundland on judges and court staff who have had experience with the strategic planning process. The demonstration in the Provincial Court of Newfoundland illustrated the possible benefits to court personnel interested in strategic planning. The evaluation instrument will help focus the discussion among planners and others on the purposes of the strategic planning process and it will bring the plan back into people’s focus. Tabulated results can give a picture of how effective the strategic plan for improving organizational effectiveness and culture. The data may provide information to make change to the plan or may lead to a decision to terminate the plan of planning process. The evaluation instrument is easy to use and can be adapted to any court” (Lahey, 2001; 52-54).

Trial courts need to be aware of some weaknesses discovered in this study to be able to develop and manage effectively their advancement system. These weaknesses include the advancement policy did not include a clear career path for each position, contribution of training to the employee's advancement is not clear, and a fair opportunity for advancement among all the court's employees is not experienced.

3. The overall findings on court working conditions revealed some elements that were not properly managed. Yet contrary to findings in the literature, the court had to some extent produced good results in other respects, includes the following:

Contrary to Coleman's findings (Coleman, 2003; 66), this research finds that the Dubai Court has appropriately managed employees' communication with supervisors and within the court. Two-thirds of the respondents in the researcher survey agreed with this view, in addition to the acceptable satisfaction level of 75.68 percent in the Court 2002 employee survey.

Despite the fact that 17.7 percent of the respondents were dissatisfied with the ways their supervisors unfairly had criticized them, overall the relationship between the employees and the supervisors indicates a good level of performance (79.81 percent). Since the literature has emphasized the importance of the role of supervisors, the Court needs to organize specific training for them on human resources management skills.

The Court did not set annual targets based on benchmarks, or use proper methods of detection-based and prevention-based measures, to obtain good level of safety and employee health.

Contrary to Boltes, Lippke, and Gregory 4 (cited by Rodda, 2001; 16), this research found that the Court was able to manage the work/life balance of its employees, and provided fair opportunity for all the Court employees to air grievances, along with allowing them to use earned benefits such as leave. In addition the Court worked towards fostering better employee relations and morale.

Judges' assistants disliked the way the Court allocates work among Court employees performing duties similar to their own, as well as among all Court employees. That is why the director of Cases Affairs Department verbally mentioned to the researcher that, "although we had increased the financial incentives for the judges' assistants, it is still difficult to retain many of them" (during the interview dated 20 December 2003).

This finding supports the literature in so far as “some employees do not leave because of money, but because their jobs are not challenging enough or they feel that management does not appreciate their works.” (Denise H. Todd cited by Coleman, 2003; 14).

4. The findings of the Court’s orientation and training revealed some poor practices that needed to be corrected, and some sound practices that needed to be nurtured. These include the following.

It appears that the Court shares some common unsuccessful practices with other public organizations, which use the most common way to evaluate training; the reaction dimension.⁵² One of these means to improve the performance of Dubai Court depends on the Court’s ability accurately to evaluate its training/education programs on all of the four dimensions mentioned in this chapter, along with its ability to show an obvious relationship between improvements in its overall performance, as well as employee performance and training/education programs.

The Court has recently adopted successfully what Brown describes as “a clear way of presenting how training needs in the court are linked to long-term goals”(Brown, 2001; 201). The matrix on page 10 of the court strategic plan (2004-09), includes a distinct relation that shows which type of training is related to which strategic goals (this matrix is also replicated in Table 6.7).

The Court does not use a proper work/employee needs assessment, to determine the specific knowledge, skill, and competencies needed to do jobs, before organizing its training/education plan. Only half of the respondents agreed that training requirements are connected with the outcomes of performance evaluation, and more than one-third of the respondents stated that training program requirements were connected mainly with supervisors’ wishes and were not determined according to a proper plan.

A serious problem is the absence of job descriptions for most of the positions in the Court, the lack of an HR plan, deficiency of individual performance appraisals and developmental programs created for each type of employee, and an inadequate current systematic needs assessment to determine the specific knowledge, skills, and competencies needed by different groups of employees. All of these factors have

⁵² “Reaction data are collected via questionnaires at the end of a class, these data include rating the course, the instructor, the content, and the relevancy of the material” (Brown, 2001; 208).

caused inconsistency in the distribution of training resources, which in turn may undermine employee satisfaction.

Table 6.7: How training needs in the court are linked to its long-term goals.

| Goals/major perspectives | Measures | Targets | | |
|---|---|---------|------|------|
| | | 2004 | 2005 | 2006 |
| Third Perspective. Employee Learning & Growth | | | | |
| 1. Develop skill and knowledge of employees' technical, managerial, and leadership. | Number of training days per employee | 10 | 12 | 14 |
| 2. Develop skill and knowledge with regard of customers service | Number of training days per Employee from customers' Service Unit | 10 | 12 | 14 |

The Court should allocate part of its training funds to promote training/orientation programs for all new employees. There must be a distinction between the three months probation period, and the six months of the proposed training period of a new employee. Probation period is three months that consist of two periods; approximately the first four weeks include induction training about tasks and responsibilities of a position, the remaining two months is used to assess suitability of a new employee for the job. At least satisfactory level must be obtained or otherwise court can terminates his/her employment. The six months training is used to enhance individual's knowledge, attitudes or skills so he/she can better perform a current job. This training must be conducted during the first year that follows the probation period.

5. The administrative employee performance appraisal is also one of the essential means to improve the court performance, to obtain a proper level of job satisfaction, and to develop employee abilities. Yet, from the findings, it is apparent that enormous efforts are needed to overcome the current weaknesses.

In the absence of a proper job description, it is unlikely that there will be an appropriate system of performance appraisal. The findings indicate that only one third of the judges' assistants agreed that the duties of their jobs were adequately reflected in the performance evaluation system. This obstacle was not limited to the non-availability of job descriptions for most positions, for some departments had included only the role of each employee and not the levels of achievement or the

performance standards to be maintained. Therefore, the Court needs to establish a proper job description agreed by employees in those positions and supervisors, and the HR department.

It appears that the prevailing model is one in which the feedback an employee receives is exclusively from the supervisor. This is the dominant type in courts through out the Middle East, not just the Dubai Court. Therefore, the judges' assistants were dissatisfied with the current performance appraisal system, because it failed to recognize both poor and superior performance. One feedback method alone is, in most cases, not especially accurate, and in situations similar to our case study, where a job description is not among the supportive documents, it often becomes subjective. To realize the objectives of performance appraisal, courts should use multiple sources to gather feedback. These sources may include the appraisee, the appraisee's supervisor, peers, and clients.

The literature reviewed (Texas A&M University, 2002; 1) showed that it is essential to exchange the completed performance appraisal and the employee self-evaluation forms with employees prior to face-to-face meeting. Supervisors should discuss the performance appraisal with employees and both sides should sign the report. However, most of the public service providers in the Middle East, including courts, neglect this important step. The Dubai Court is also applying this incorrect process, as only one third of the judges' assistants concluded that they were given feedback regarding their job performance.

Compensation is important to retain skilled employees (Rodda, 2001; 61) and recruit new ones. Therefore, a compensation system should be developed that includes not just the base pay that is based on the job position, but also a component reflecting the employees' performance. This compensation-performance must provide bonuses based on how well individuals or teams achieve goals.

6. The review of the four measures used to determine how many judges' positions the court needs led to the following conclusions:

Case filing is the dominant measure used to determine the judgeship needs in most courts in the Middle East, including Dubai Court. However, the study encountered difficulties in generating quality data that could be used to examine these four measures. These difficulties include case counting procedures and the definition of some terms, due to the many different ways in which the chief judges count case filing or disposal of cases, and the way people in the Information

Technology Department record such data (for example, whether returned cases from Appeal Court to the First Instance Court should be consider new filing, or an extension to the first filing).

Courts need to quantify and document appropriately the data terms and the required counting procedures to ensure the integrity of results acquired from such measures. This study strongly recommends the State Court Guide to Statistical Reporting (National Center for State Courts, 2003; 7) as the best source for courts to organize information on their caseload. The nature of the assistance from this report is a suggested way of counting, defining, and classifying cases when initially filed, and at the final stage when they are resolved. The report provides the following Table 6.8 for facilitating a calculation of pending caseloads.⁵³

Table 6.8: Calculating end pending, active, and inactive caseload

| Case Type | Begin Pending | New Filing | Re-Opened | Re-activated | Dispositions | Placed on Inactive Status | End Pending | Active | Inactive | Entry of Judgment | Re-opened | Active | Inactive |
|-----------|---------------|------------|-----------|--------------|--------------|---------------------------|-------------|--------|----------|-------------------|-----------|--------|----------|
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |

⁵³The following *Caseload Summary* reporting category definitions apply to both the appellate and trial court matrices:

Begin pending

- *Active*: cases that, at the start of the reporting period, are awaiting disposition.
- *Inactive*: cases that, at the start of the reporting period, have been classified by the court as inactive.

Filings

- *New filing*: cases that have been filed with the court for the first time.
- *Reopened*: cases that had previously reached a final disposition, but have been restored to the court's pending caseload due to the requirement of additional judicial activity in the case.
- *Reactivated*: cases that had previously been placed in inactive pending status, but for which further court proceedings and activities can be resumed so that the case can proceed to disposition (to be used only by those courts that can distinguish active versus inactive pending cases).

Dispositions

- *Entry of Judgment*: cases for which an *original* entry of judgment was filed.
- *Reopened*: cases that were disposed of by a modification to, and/or enforcement of, the original judgment of the court.

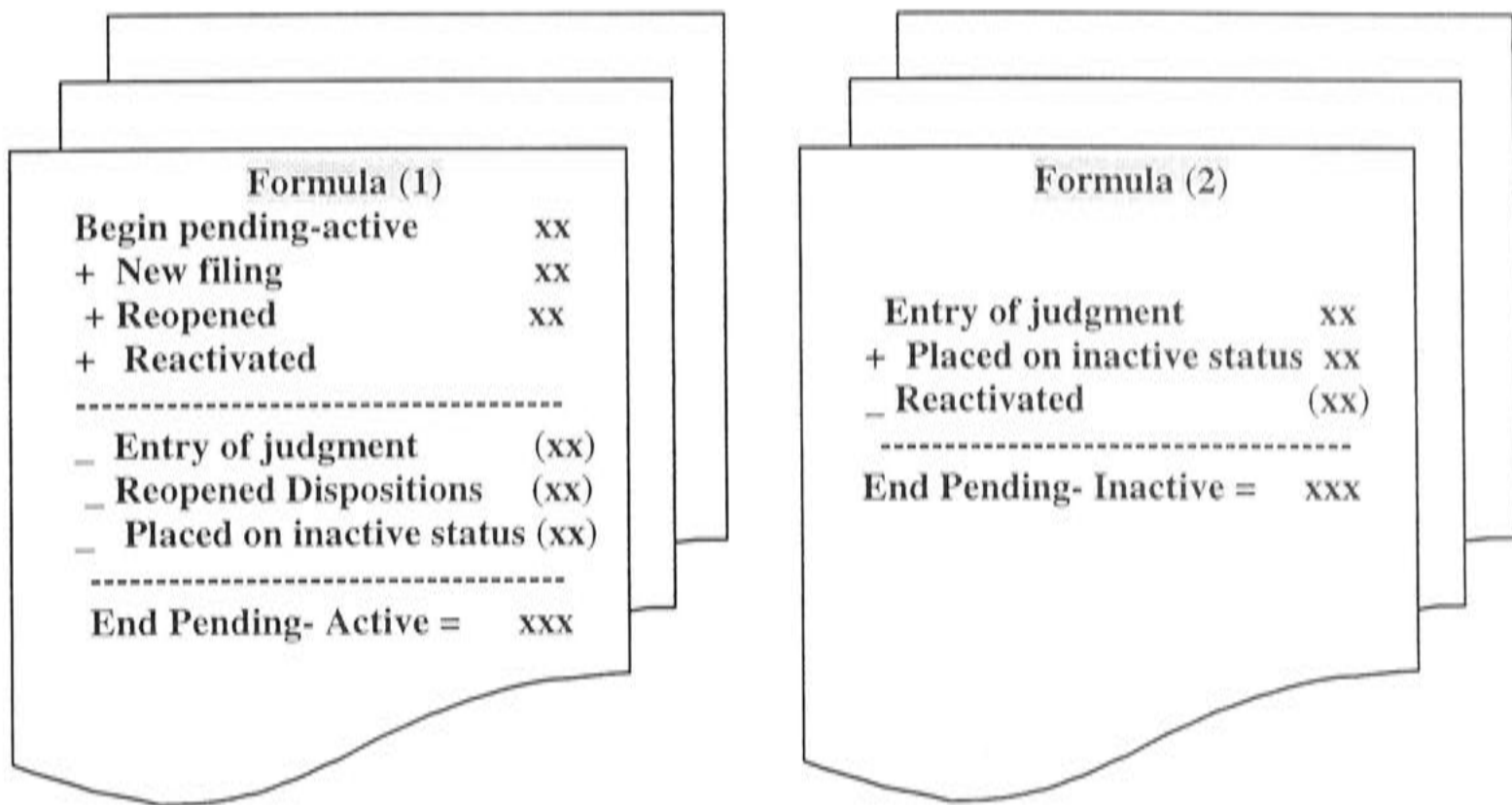
Placed on inactive status

- Cases whose status has been administratively changed to inactive because the court will take no further action in the case until an event restores the case to the court's active pending caseload (to be used only by those courts that can distinguish active versus inactive pending cases).

End pending

- *Active*: cases that, at the end of the reporting period, are awaiting disposition.
- *Inactive*: cases that, at the end of the reporting period, have been administratively classified as inactive (National Center for State Courts, 2003; 9).

Then court can use the following two formulas to calculate the end pending active and inactive caseload:



The use of these four measures (case filings, number of dispositions, cases' processing time, and population growth) in combination to assess the need for judges is recommended over the short run (approximately 1-2 years). Over the long run (approximately 3-4 years), the weighted caseload⁵⁴ is the recommended technique to determine accurately the demand for personnel, including for judges.

This is because the TCPSM recognizes the weighted caseload as the best direct measure of demand for court services. However, they add that

“this technique requires careful guidance from research professional and substantial investment of time from court personnel. Moreover, improperly conducted weighted caseload studies could easily result in inaccurate decisions about the demand for court service-and the way resources should be allocated to meet the demand- that could undermine the intent of Standard 4.2 the Accountability for Public Resources” (National Criminal Justice Reference Service, 1997; 169).

The literature shows that courts need to establish predetermined criteria (standards) before using a variety of measures to assess the need for judges (Flango *et al.*, 1996; 3). These standards should specify the scale on which additional judges (or staff) will be required, if the efficiency of court is to be maintained. These criteria may include case processing time standards, a level for case filings, total number of

⁵⁴ Weighted caseload is “essentially a technique that determine how much time is required to process a given court’s caseload from filing to disposition (Falngo, 1996; 19).

active pending cases, ratio of case filings to judges, and population size to the number of judges. The court may need more judges if, for example, case filings or the active pending cases increase beyond those pre-determined levels.

Pre-established criteria to effectively determine a judgeship and court supportive staff could not be found. Court decision-makers need to transfer the overall goals of the court and cascade them down to judges' category. Then actual performance of these four measures (indicators) could be compared with pre-established criteria to determine whether extra personnel are needed or not.

7. Judicial and administrative activities play a significant role in the management of court affairs. The optimal criteria for ensuring positive synergy between these two activities, which could enable the Dubai Court to be more efficient and effective may include the following.

The current judges' performance evaluation system is not effective and efficient in improving the judiciary and overall court performance. Despite the limitations in the relevant law or inadequacy of the judges' evaluation system courts could overcome these obstacles by, for instance, issuing an internal comprehensive policy that defines what constitutes a well-qualified judge and consistently modifying measures for assessing how close judges are to achieving quality judge performance and overall court performance.

The policy should recommend ways to appraise judges' excellent performance and facilitate the means to recognise or improve performance. It is the responsibility of the court manager to provide sufficient resources to allow a Judge Inspection Unit to implement the above-recommended contents of the court internal policy accurately.

Courts should also support the idea of using a multi-methods approach in collecting information to evaluate the quality performance criteria accurately. In addition to that, this study strongly supports the method of using the judge's self-evaluation report, where judges completed self-evaluation reports in order to rate their own performance via certain goals, objectives, and clear measurable standards. Arizona's Judicial Performance Review Program adopted this method in 1993 (National Centre for State Courts, 2001a; 10)

This study illustrated gap and some weaknesses in following up judges' completion of the evaluation report and dissemination of the results. To provide feedback to the judges, and thus help the judiciary improve itself, Courts must

establish a “Judiciary Advancement Team” responsible for meeting with judges to discuss their strengths, identify areas that need improvement, setting certain performance goals for the judges, and preparing a self-improvement plan on the basis of individual current performance level. This study argues that this team must consist of Chief Judge, General Director of the Court (the CEO), and the Director of the Human Resources. This is somewhat similar to one of the successful initiatives adopted by the Arizona’s Judicial Performance Review Program in 1993 (National Centre for State Courts, 2001a; 10).

Confidence in the bench is likely to improve when training meets judges’ needs and leads to better management of the cases processed in the court. Therefore, a training plan for judges should be published annually. Courts in the region are currently involved in enhancing judges’ computer skills and knowledge. Yet, little efforts has been directed to developing judges’ skills in effective communication, courtroom effectiveness, management skills, and punctuality. Most of these skills are not taught at the majority of law colleges. Therefore, it is the duty of the court manager to organize the time and funds for this training.

The review of the indigents’ system revealed some limitations that may lead to poor cost-effectiveness in court practices. It also raises some doubts about the quality of lawyers’ work, which could deny indigents proper justice. This study emphasized the importance of re-examining the current defence system for indigents and considered the suitability of establishing a full-time public defender within the court structure.

One solution proposed in this chapter to improve judges’ participation in court administration is to establish Judicial Committee. This conclusion supports other studies that agreed on the appropriateness of this committee for setting operational policies and standards for all the courts—for example, Pound, who “strongly recommended that steps be effected immediately to establish a single issue task force, comprised of representatives of Government, Judiciary, Bar and Public”(Pound, 1995; 3).

CHAPTER SEVEN

THE COURT QUALITY MANAGEMENT FRAMEWORK

1. INTRODUCTION

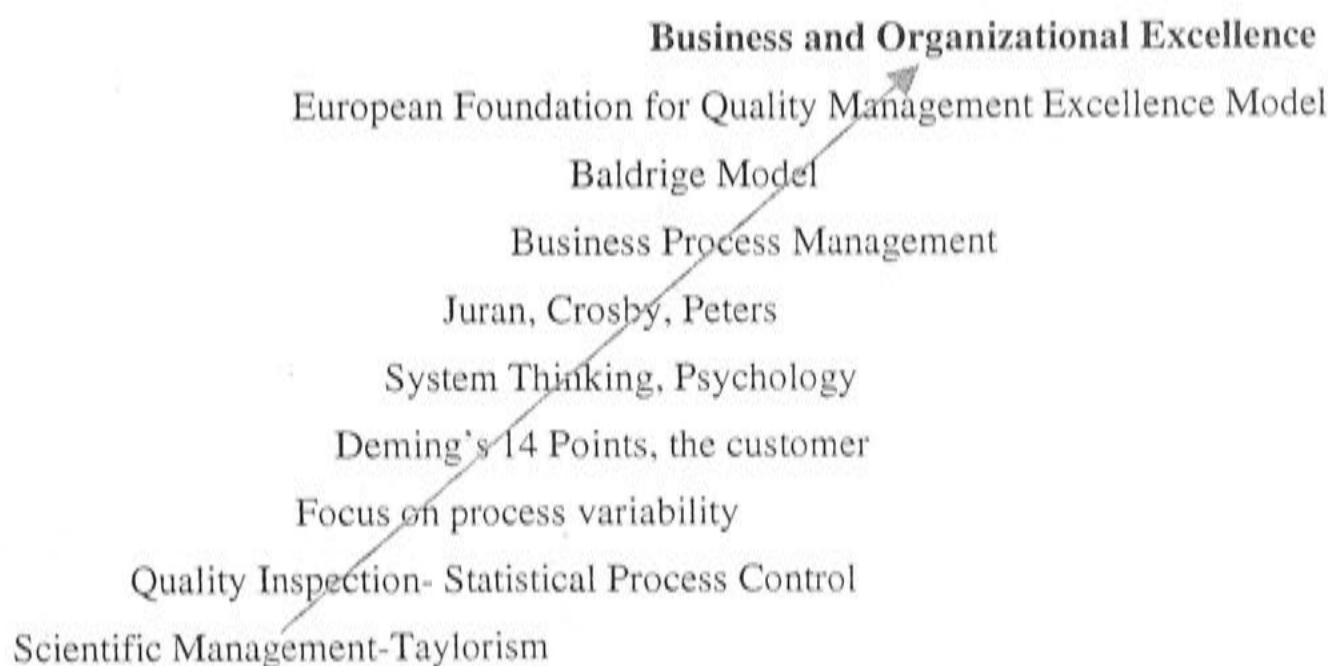
The court, like any other organization, exists to serve the needs of its users. Therefore, it is involved in processes and services that are connected and affect one another. While seeking improvements in their performance, courts have to be more accountable for the use of public resources, and give reasonable scrutiny to the stakeholders and the media.

It is clear from the literature that quality improvement concepts have developed over several decades. According to Hik Shenton Associates,

“they began as a method for sorting out defective products by inspection at the end of the production line. Emphasis changed from inspection to prevention by using sampling methods to monitor processes. Deming’s embraced a number of techniques for process control and that quality should be the responsibility of everyone in the organization. The Japanese extended the application of process improvement from manufacturing to administrative functions and service industries. During the eighties a number of North American manufactures began to implement quality concepts and added other management techniques in the area of employee motivation, measurement and rewards. This blend of quality management techniques and philosophies is generally referred to as Total Quality Management (TQM)” (Hick Shenton Associates, nd; 1).

Kristensen et al., (cited by Pupius, 2001; 2) define TQM as “... the culture of an organization committed to customer satisfaction through continuous improvement”

Evolution of quality management concepts passed various stages towards the concept of organizational excellence. Mike Pupius presented these stages in the following figure (Pupius M, 2001; 2):



Thus, business and organizational excellence is the present stage in the evolution of quality management concepts. This study assesses effect of the implementation of the organizational excellence criteria in the trial courts. The case study of Dubai Court's participation in the Dubai Government Excellence Award is designed to illustrate how this type of quality management framework is coordinated in the trial courts environment.

John Robert, the former president of the European Foundation for Quality Management, described organizational excellence as

"the way of working that enables an organization to achieve balanced stakeholders (such as customer, employee, society and shareholders or government) satisfaction so increasing the probability of long-term success" (Pupius, 2001; 2).

Drawing from this, the definition of quality adopted in this study is meeting or exceeding the needs and expectations of court users subject to meeting or not contradicting the needs and expectations of stakeholders. Thus, the goal of a court should be to find out its users' and stakeholders' expectations of its performance and then modify its process and services, to ensure that these are met or exceeded.

It is important to define the word "excellence". According to the glossary of terms of DGEP, it means

"Uniqueness and supremacy in performance, practices and services, which is considered an advanced stage in the quality and efficiency of work and performance, which is based on pioneering administrative concepts that focus on performance, results, customer service, efficient leadership, grasp of knowledge and facts, process development, human resources involvement, continued improvement, innovation and successful partnerships" (Dubai Government Excellence Program booklet, 2003; 83).

"Quality management framework" in this study is a standard or a framework used by a court to assess and evaluate its progress in implementing the many ideas and techniques of Total Quality Management.

Among the fundamental responsibilities and duties of the trial court are providing justice in individual cases and resolving disputes. Quality may entail more than meeting such fundamental responsibilities and requirements (for example, expedition and timeliness, equality-fairness and integrity), because users also expect the trial court to be open and accessible (location, physical structure, and procedures). They want to be treated with respect, courtesy, and responsiveness by the court's personnel while they receive the court's services.

If the services (judgments or orders) have been delivered without defects (integrity of court outcomes⁵⁵), they want the trial court to take appropriate responsibilities for the enforcement of its judgments and orders. And, finally, court users expect the trial court to take responsibility in seeking the resources needed to meet its responsibilities, and to use those resources prudently.

All these practices and techniques lead to improve the court's productivity and ensure court users' and stakeholders' expectation are met. As quality is an abstract concept, most of the court's users are likely to know what quality service is when they can see it and compare it with their expectations. Therefore, the quality of court's services will be probably met when users' expectations and needs are met and even exceeded.

2. OBJECTIVES OF THIS CHAPTER

This chapter investigates factors affecting successful organizational excellence applications as means of organizational performance improvement in trial courts. The primary objectives of this chapter are

1. to widen the knowledge of organizational excellence by assessing one of the public sector quality management frameworks already applied in the court—the Dubai Government Excellence Program (DGEP).
2. to demonstrate the complexity of various issues facing trial courts (using the Dubai Court Quality Report of 2003 as a case study) when they involve introducing and applying criteria of quality management into their management framework; in other words, the application challenges of the organizational excellence criteria.
3. to tailor and optimize several elements of the quality service concept to fit trial courts' practices and techniques, which would likely ensure court users' and stakeholders' satisfaction.
4. to assess the application of the quality control and quality improvement elements in the trial court environment.

⁵⁵ Integrity of Trial Court Outcomes, examines the integrity of court decisions and actions as indicated by the outcomes of civil and criminal appeals, it addresses adherence to laws or procedures, which can be ascertained explicitly and objectively (National Criminal Justice Reference Service, 1997; 112, 127).

3. *STRUCTURE OF THIS CHAPTER*

Assessment of the organizational excellence application requires analysis of two major parts—the contents of the system that is used (the DGEP), and the applicant's (the Dubai Court) reports. Section one introduces the key elements of the selected organizational excellence system of the DGEP. It includes a theoretical assessment of the program criteria and other contents, and the review process that occurs once an organization has submitted an application. It also examines the obstacles to the court winning the government's quality awards and whether this has affected the development of their quality management.

Balancing stakeholders' satisfaction requires establishing quality in court service. Consequently, the court needs to determine elements of the quality service concept, and also needs to maintain proper processes for improving and controlling the quality of its services in accordance with international standards. Section two assesses four major elements of the quality service concept in trial courts. These elements are derived and developed by this study from the nature and characteristics of a service, including intangibility, variability, perishability, and inseparability.

Section three examines quality control and quality improvements in the trial court environment, with the objective of maintaining a high level of quality in court services. Four measures are introduced to control deviation between the court service or process output and the targeted standards. These measures include the application of statistical control in court, acceptance sampling plans, the impact of participation in the quality award program, and the responsibility for quality.

SECTION ONE

ASSESSMENT OF ORGANIZATIONAL EXCELLENCE IN THE TRIAL COURT

The court is like most other public sector agencies facing a need to improve the quality of their services. Many countries have adopted their own government quality awards programs that recognize the organizational excellence performance (for example, the United State, Australia, Europe, Dubai). Courts' participation in these programs (in some countries) is compulsory in some countries, such as Dubai.

From 1999 to 2003, Dubai Court's participation in the DGEP raised difficulties in terms of all of the program categories. The Court's performance improved noticeably in 2003 according to the Dubai Government's evaluation report, and the distributed surveys in this study have also advocated court improvements. Yet the Court failed to improve its performance to the level of winning awards in any of the major categories in the Dubai quality award programs.

The Court's failure can be probably attributed to many obstacles that needed to be assessed for the organizational excellence criteria to be implemented effectively. Some of these obstacles are likely caused by the program itself, such as the inappropriateness of the program criteria to improve court performance, the insufficient detail of program criteria, failure of the review process that occurs once an organization has submitted an application to the program to accurately measure the court performance, or the intensity of the competition from the other government departments.

Or it may be that the Court needs more time to implement quality improvement perfectly due to the complexity of the court's business, the difficulty in defining the requirements of the court's stakeholders, or a combination of these factors.

These obstacles are not limited to Dubai Court. Indeed, many other trial courts are expected to face the same challenges. The literature reviewed revealed similar challenges facing the implementation of the quality management elements in the service sector (Hsieh et al., 2002; 900) and (Bunning 1992; 26). Further, Bin Obude in 2003 specifically defined four obstacles that hinder implementation of total quality management in Dubai government Departments (Bin Obude, 2003) on page 38.

The area of quality management in trial courts based on organizational excellence is relatively unresearched; its advantages and challenges not well known.

This section assesses this topic by examining four key aspects of the selected organizational excellence system in Dubai, including

- 1) assessment of the criteria and efforts of the selected organizational excellence program of the DGEP
- 2) examining the obstacles that prevented the court from winning government quality
- 3) assessing areas for improvement in the Dubai Court
- 4) assessing the expected benefits from application of quality criteria in courts.

1. ASSESSMENT OF SOME OF THE CRITERIA AND EFFORTS OF THE SELECTED ORGANIZATIONAL EXCELLENCE PROGRAM OF THE DGEP

The following three topics assess the Dubai organizational excellence program.

1. The significance, appropriateness and extensiveness of the DGEP criteria and framework.
2. Training efforts by both the court and the DGEP to ease and improve understanding of the program's criteria in all government departments.
3. Evaluation of the review process of the DGEP that occurs once an organization submits its application.

1) Significance, appropriateness and extensiveness of the DGEP criteria framework.

The Dubai Government Excellence Program (DGEP) is an independent entity with juristic/legal personality that comes under Sheikh Maktoum bin Rashid Al Maktoum, Prime Minister of the UAE and ruler of Dubai, and General Sheikh Mohammed bin Rashid Al Maktoum, Crown Prince of Dubai and Minister of Defence. The DGEP is striving specifically to develop the performance and services of the government sector. Therefore, this program is applicable to the court's business as a public service provider.

The DGEP was developed in 1998 to reflect the specific circumstances and requirements of the work in the UAE in general, and the government sector in Dubai in particular. It is reasonable, therefore, to use the DGEP quality management framework to avoid any adverse circumstances that may appear between the court system operational and external environments (details of which were presented in Chapter Three) and the selected quality framework environments.

To enable Dubai Government Departments to compare their work processes and results with distinguished international institutions, the program applies an international excellence standard for the government and administration, inspired by the European excellence system.

The appropriateness and extensiveness of the DGEP are obvious because the program applies a similar framework model, using the nine criteria (with five “enablers” that cover what the organization does, and four “results” that cover what the organization should achieve) and the thirty-two sub-criteria of the European Foundation for Quality Management (EFQM), which has been used as a practical tool to assist the improvement in the public sector.

Table 7.1 depicts the parallel similarity between the criteria of both programs, with insignificant difference in the terms, which are presented between brackets to indicate the other terms used by the EFQM. Figures in the table show the maximum number of points that are given to each of the criteria. The arrows show creativity and learning help to improve procedures that in turn drive to improve results.

Table 7.1: Comparative criteria of both the Dubai Government Excellence Program (DGEP) and the EFQM

| Procedures (Enablers) | | | Results | |
|---|---|---|-----------------------------------|--|
| Leadership 100 Points | HR 90 Points | Operations (Processes) 140 Points | People Results 90 Points | Results of the Institutional Performance. (Key performance Results). 150 Points |
| | Policy & strategy 80 Points | | Customer Results 200 Points | |
| | Partnership & Resources 90 Points | | Society Results 60 Points | |
| Creativity, learning and transparency (Innovation and learning) | | | | |

The DGEP and the EFQM recognize that there are many approaches to achieving sustainable excellence in all aspects of performance. Therefore, the primary principle of both models (the linkage between the nine criteria and how they work together as a system) is similar.

As a system, the EFQM is based on the premise that

“excellence results with respect to performance, customers, people and society are achieved through leadership driving policy and strategy, that is delivered through people, partnerships and resources and processes” (European Foundation for Quality Management, b; 5).

On the other hand the DGEP approach is based on the fact that

“The government departments and administration excel in the results of their main performance through an effective leadership which lays down the policy/strategy and efficiently manages their resources/partnerships and continuously develops their operations within a creative and transparent work environment that shows great keenness on continuous learning” (Dubai Government Excellence Program booklet, 2003; 13).

Similarity is obvious between the two approaches. The linkage between the DGEP’s criteria is explained later.

It is noticeable that the five categories of the DGEP are more inclusive of the main components of any public organization. These categories include government department, government division, an electronically excelling government department, working team, an excelling administrative experiment, an excelling technical project, and excelling employees. Participation is compulsory for government department group, government division group, and for an excelling employee group. Participation is optional for the rest of the program groups.

Application of the DGEP in these seven categories is useful and may better serve most of the fundamental concepts of excellence, particularly the concepts of customer focus and society focus.

Rago (cited by Hsieh et al., 2002; 902) supports this view, suggesting that

“the unit of analysis in public sector service quality research should be the department rather than the organization, because each department deals with a far more unambiguous part of the organization’s customers”.

The Malcolm Baldrige National Quality Award⁵⁶ (MBNQA) is quite similar to DGEP’s public sector criteria, but assesses more deeply the criteria of the third

⁵⁶ Congress established the award program in 1987 to recognize US organizations for their achievements in quality and performance and to raise awareness about the importance of quality and performance excellence as a competitive edge. The criteria for the Baldrige Award are accepted widely, not only in the United States but also around the world, as the standard for performance excellence. The criteria are designed to help organizations enhance their competitiveness by focusing on two goals: delivering ever-improving value to customers and improving overall

category of for-profit and non-for-profit public, private, and government health care organizations. Yet, the level and locations (sub-criteria) of some of the criteria in these studies are different, as are some other aspects. These can be summarized as follows.

1. There are four similar criteria in both systems. Leadership, strategic planning, staff focus and process management in the MBNQA are equivalent to Leadership, policy and strategy, human resources, and operations in the DGEP.
2. The MBNQA's organizational performance results criteria correspond to four criteria in the DGEP: customer results, results of human resources, results of society, and main performance results. Customer-related matters in the sub-criteria 5/3 in the DGEP include the same elements of the focus on patients.
3. Criterion of Focus on patients-other customer-markets in the MBNQA is similar to the management of knowledge and information presented as sub-criteria under the DGEP's partnership and resources criteria.

The DGEP is also designed to work as a source of self-assessment and self-improvement criteria; it aims to lift government departments' performance by committing them to a process of self-evaluation with respect to the program criteria. This is consistent with the TCPSM's objective of encouraging trial courts to conduct self-assessment and self-improvement as routine court administrative activities (National Criminal Justice Reference Service, 1997; 1).

The previous comparison and facts reveal that the DGEP framework is certainly significant and appropriate for assessing the organizational excellence of all public sector organizations, irrespective of their names or the nature of their work (Ministry, Entity, Administration, Council, Authority).

The extensiveness of the DGEP framework is also recognized by the inclusion of obvious relationships between the contents of its criteria. Most of the procedures criteria can be linked with the results criteria. For example, Human Resources (criterion 3) are clearly linked to Results of Human Resources (criterion 7), Customers-Related Matters (sub-criteria 5/3) are clearly related to Customers Results.

organizational performance. The criteria are designed to help organizations enhance their competitiveness by focusing on two goals: delivering ever improving value to customers and improving overall organizational performance (Baldrige National Quality Program)

The 185 questions attached to each sub-criterion are written in non-prescriptive terms to allow a degree of freedom to each government organization to include information relevant to its work. In fact, the program does not require departments to address each question in the criterion booklet. They may also add any other similar or related questions or information to the main criteria, and ignore inappropriate ones.

2) Training efforts to ease and improve understanding of the program's criteria

The problem with most of the quality management frameworks, such as the Malcolm Baldrige Quality Award (MBQA) and the EFQM, is that users have trouble interpreting the criteria because they are deliberately written very generally to allow them to be applied to a range of organization categories and sizes.

The DGEP criteria are also written in such a general format. This may make it difficult for users to understand the criteria when preparing their forms. Some steps could be taken to eliminate these difficulties, including publishing explanatory booklets to accompany the criteria, expanding training programs, sharing DGEP award winners' successful strategies and experiences, and facilitating exchange of new ideas among departments.

During the last five years, the DGEP has distributed hundreds of copies of booklets that cover topics such as objectives and general principles, nomination instructions, principle guidelines for evaluation, and criteria for evaluating program categories. In addition, these data can be downloaded from the program website.

This study reviewed training efforts by both the court and the DGEP to ease and improve understanding of the program's criteria. During the last two years, the DGEP organized more than 60 introductory training seminars covering the program's aims, categories, criteria, requirements for participation, rules for nomination and assessment methods for all government departments. As of mid 2003, responsibility for training programs that support criteria of the DGEP shifted to the Dubai Institute for Human Resource Development.

The DGEP is striving to develop the performance and services of the government sector. It is, therefore, undertaking a number of development initiatives including the "Knowledge Exchange Teams" in quality in the government, to which each government department nominates a member. The first meeting was held on 17

June 2002 at Emirates Towers, with the rest of the meetings to be held in other government departments on a monthly basis. General objectives of the team include

1. exchanging knowledge and opinions, and holding consultations, at the level of officials and specialists in the field of quality.
2. familiarizing government departments with successful experiments implemented in the government sector, so they can study and benefit from them.
3. examining success stories and outstanding experiences worldwide.
4. contributing to preparation of an advanced core team and a new generation of experts and specialists in quality development in the government sector (Dubai Government Excellence Program, website).

The other successful initiative is the “best practices” two-day seminar. In this seminar, best practices organizations from the Dubai government departments address a specific management practice related to the program criteria. This face –to–face meeting of peers is one of the best and quickest methods to learn about benchmarking ideas and good practices from leading Dubai government organizations. This kind of practice is not only limited to the DGEP; the EFQM is also organizing a similar good practice and benchmarking program, with the purpose of giving the participants an opportunity to share and discuss experiences and learn from others.

The Dubai Court organized 42 training programs in 2002 and 70 programs in 2003, many of which were concerned either directly or indirectly with understanding the DGEP criteria.

This review of the DGEP and the Dubai Court training programs, published materials, and the development learning initiatives indicates that there should be no difficulties in interpreting the program criteria, which are written to be very general and applied equally to various government departments and organizations.

3) Evaluation of the review process of the DGEP that occurs once an organization submits its application

It was interesting to find that the DGEP and the EFQM shared a similar goal of promoting an overall model of how to run a successful business, which placed equal emphasis on both the results the organization achieves and on an organization’s approaches (which indicate the methods, procedures, mechanisms and fashion) and deployment of these approaches. The DGEP model is more like the European Award

because it concentrates equally on results (worth 500 points) and approaches (also worth 500 points), as presented in Figure 7.1.

The participating government department and its division is evaluated every two years (from 1 January to 31 December of the following year). The evaluation of the other five groups is conducted annually (from 1 January to 31 December of the same year). According to the DGEP 2003 report on the Dubai Court, the examiners during their evaluation process rely and focus on four concepts:

- 1) The extent to which approaches (systems) are appropriate, clear and documented for each criterion, and whether approaches are well integrated with the organization's strategic goals.
- 2) Whether the approach is widely implemented in the organization both horizontally and vertically.
- 3) Whether systems are regularly evaluated and are improved.
- 4) Whether performance results are comprehensive on all key measures of performance, showing positive trend, and are regularly evaluated with the objective of enforcing the positive trends and improving negative or flat trends (Dubai Government, 2003; 4).

According to the principle guidelines for evaluation of the DGEP

“certain experts and/or an authorized committee take responsibility for auditing and evaluating the application forms of the nomination, in order to prepare the final technical reports. The evaluation is conducted in accordance with the information and the details on the application forms and also according to the documents and certificates enclosed with the applications, regardless of any pre-existing personal opinions which the evaluation committees may have of the applicants” (Dubai Government Excellence Program booklet, 2000; 1).

The evaluation committee organizes field visits to all government departments and organizations participating in the project. They also interview employees who have already been nominated by their departments to check the nature and the accuracy of all the information in the applications.

The DGEP shares with the EFQM and the MBNQP a similar purpose in conducting site visits

it looks for aspects that may not have been addressed in the application, as well as for weaknesses or parts of the company's system that may not be as effective as they appear in the written application (Brown, 2001; 276).

The guideline also includes a list of texts of answers that to help guide both the examiners and the departments. This list organizes four levels of general grades.⁵⁷

The DGEP evaluation system is almost identical to the EFQM and the MBNQP evaluation systems with the exception that the DGEP performs site visits to all applicants, whereas a minimum number of points is needed prior to site-visits in the other programs (for example, 600 points in the MBNQP). This result indicates that there is no failure in the review process that occurs once an organization has submitted an application to the DGEP to accurately measure the court performance.

Up to this point we have reviewed elements in the DGEP that have provoked analysis of the program's role in the Dubai Court's failure to achieve any awards under the program. These elements included the criteria and framework, training programs, published materials, the development learning, and the evaluation system. This review has indicated that responsibility for success or failure lies with the applicant. In the next paragraph, the research discusses obstacles on the part of the court (the applicant) that may have caused that failure.

2. ANALYSIS OF THE OBSTACLES ON THE PART OF THE COURT THAT MAY HAVE CAUSED THE COURT'S FAILURE TO WIN THE QUALITY AWARDS OF THE GOVERNMENT PROGRAM.

The trial court faces an extremely complex set of issues, especially in introducing and applying criteria of quality management to their management framework, so success will depend on the ability to identify weaknesses in court performance. The evaluation committees' reports themselves point out this complexity in recommending areas that require improvements under the quality criteria.

The purpose of the following discussion is to draw lessons from the Dubai Court's performance in the quality award report that can be applied to other courts implementing Total Quality Management. Both advantages and areas of weakness included in this report are worth consideration as an important basis for deciding

⁵⁷ The four levels of general grades include:

1. Less than 30 percent—"weak, requires changes and full improvements".
2. 30 to 49 percent—"insufficient, requires severe efforts for development and improvement".
3. 50-70 percent—"satisfactory and ordinary and requires continuation of modernization and development processes".
4. More than 70 percent—"distinction and requires the continuous efforts to achieve differentiation and development" (Dubai Government Excellence Program booklet, 2000; 3).

whether or not TQM is the right choice for improving the performance of the trial courts.

This study depended on the recent report prepared by a team of examiners from the DGEP in 2003, which used a quality management framework consisting of nine criteria (Figure 7.1) to evaluate performance of the Dubai Court and its Administrative Affairs Division in 2003. It highlights the best ways of improving and developing the performance of this Court and its division. Data analysis for areas of improvement is presented in the later paragraphs; general analysis of the Dubai Court and its divisions follows.

Dubai Court scores

Table 7.2 contains data from the report showing the scores for both the Court and its divisions. The Court scored 379 points out of 1000 (37.9 percent), which placed the Court 13th out of 18 government departments (the departmental and divisional positions are presented in Table 7.3).

According to the DGEP evaluation guideline

This overall score is less than the expectations of what is required by government department. It indicates insufficient performance, requiring severe efforts for development and improvement. This score contains an insufficient number of examples, figures and supporting documents, facts and listed figures are incomplete or insufficient, and may contain work systems, practices, services and results below the requirements or incomplete (Dubai Government Excellence Program booklet, 2000; 4).

Court Administrative Affairs Division scores

The division scored 281 points out of 1000 points. According to the DGEP guideline this overall score (28.1 percent) indicates

weak performance that requires changes and full improvement. Answers included in the applications do not fulfill the minimum requirements for excellence, and are far beyond expectations of what is required by governmental division (Dubai Government Excellence Program booklet, 2000; 3).

The inadequate performance of this division was almost equally spread across both the procedure (approaches) criteria and the results criteria. The division performed worst on the eighth criterion, the results of the society (10 points), and on the second criterion, policy and strategy (13 points).

Table 7.2: Results of the Dubai Court and its Administrative Affairs Division for the criteria of the Dubai Government Excellence Program 2003.

| | Program Criteria | Program Total Points | Dubai Court Points | Dubai Court Percentage Of Performance | Program Total Points for Government Division | Dubai Court Administrativ Affairs Division Points | Division Percentage Of Performance |
|---|--------------------------------|----------------------|--------------------|---------------------------------------|--|---|------------------------------------|
| 1 | Leadership | 100 | 45 | 45 % | 130 | 35 | 26.92 % |
| 2 | Policy and Strategy | 80 | 33 | 41.25 % | 50 | 13 | 26 % |
| 3 | Human Resources | 90 | 41 | 45.55 % | 100 | 29 | 29 % |
| 4 | Partnerships And Resources | 90 | 42 | 46.66 % | 60 | 19 | 31.66 % |
| 5 | Operation | 140 | 56 | 40 % | 160 | 45 | 28.12 % |
| Sub-Total of the Procedures (Enablers) | | 500 | 217 | 43.4 % | 500 | 141 | 28.2 % |
| <hr/> | | | | | | | |
| 6 | Customer Results | 200 | 66 | 33 % | 200 | 60 | 30 % |
| 7 | Results of the Human Resources | 90 | 27 | 30 % | 100 | 30 | 30 % |
| 8 | Results of the Society | 60 | 19 | 31.66 % | 40 | 10 | 25 % |
| 9 | Main Performance Results | 150 | 50 | 33.33 % | 160 | 40 | 25 % |
| Sub-Total of the Results | | 500 | 162 | 32.4 % | 500 | 140 | 28 % |
| <hr/> | | | | | | | |
| 10 | Grand Total | 1000 | 379 | 37.90 % | 1000 | 281 | 28.1 % |

Court Administrative Affairs Division scores

The division scored 281 points out of 1000 points. According to the DGEP guideline this overall score (28.1 percent) indicates

weak performance that requires changes and full improvement. Answers included in the applications do not fulfill the minimum requirements for excellence, and are far beyond expectations of what is required by governmental division (Dubai Government Excellence Program booklet, 2000; 3).

The inadequate performance of this division was almost equally spread across both the procedure (approaches) criteria and the results criteria. The division performed worst on the eighth criterion, the results of the society (10 points), and on the second criterion, policy and strategy (13 points).

Reports data analysis

The summary of the Dubai Court's performance presented in Table 7.2 indicates that the first sub-total of the procedures (or enablers in the EFQM; approaches in the MBNQP) shows a result of 43.4 percent.

Brown states that

an approach score of 40 percent means that the approach is not yet mature, but it probably has gone through some minor improvements, or at least one evaluation/improvement cycle. More components of the system are also built at the 40 percent level. Deployment score of 40 percent tend to be at least half of the organization (Brown, 2001; 73, 74).

The second sub-total of performance results indicates a lower score compared to the first sub-total above, which shows only 32.4 percent.

Brown states that

scores of 30 percent in results indicates that company would show the beginnings of positive trends in more than half of the company's major indices of performance. The level of results are not that impressive yet, and the company is not doing better than most competitors, but they are improving each year. At the 30 percent level there may be key data that are still missing from the application (Brown, 2001; 73, 74).

The Court achieved its highest scores in the fourth criterion, partnerships and resources (46.66 percent). The lowest score is in the seventh criterion, on results of human resources. The lowest collected point is in the eighth criterion, on results of the society (19 points).

Table 7.3 shows the results for the 18 departments of the Dubai Government in 2001 and 2003. Although the Court's position had improved in 2003, its total point score was lower in 2003 than in 2001. In fact, the Court's total point score (595) in 2001 was better than the point score (590) most highly ranked body in 2003. This is due to three possible reasons.

1. The effect of the change that took place after 2001 in the criteria and their assigned points values. The 10 criteria of 2001 did not put emphasis on the results criteria, in contrast to 2003, when half of the total value (500 points) was given to the results. Only five of the criteria used in 2001 were repeated in 2003 with considerable similarity in contents of their subsidiary criteria. High and international standards of measurement in 2003 made it difficult for the participants to get high scores during the first year.

2. In 2003, examiners' site visits were extended to five days compared to one in 2001. This change provided the examiners and the departments with more time for a better practical measurement process, and this was perhaps consequently reflected in the points.
3. As a result of the Dubai Government's commitment to organizational excellence program, and the great level of competition between the government departments it has become difficult for participants to improve their positions relative to others.

Table 7.3: Results of the Dubai Government Departments for the Quality Awards of the Dubai Government Excellence Program for years 2001 and 2003.

| Winners Positions | Total Number Of points | | % | | Divisions Winners' Positions | Total Number Of Points | | % | |
|-------------------|-------------------------------|------|-------------------------------|------|------------------------------|---|------|---|------|
| | 2001 | 2003 | 2001 | 2003 | | 2001 | 2003 | 2001 | 2003 |
| 1 | 758 | 75.8 | 590 | 59 | 1 | 752 | 75.2 | 620 | 62 |
| 2 | 750 | 75 | 580 | 58 | 2 | 750 | 75 | 521 | 52.1 |
| 3 | 744 | 74.4 | 540 | 54 | 3 | 736 | 73.6 | 521 | 52.1 |
| 4 | 733 | 73.3 | 510 | 51 | 4 | 704 | 70.4 | 494 | 49.4 |
| 5 | 725 | 72.5 | 510 | 51 | 5 | 700 | 70 | 490 | 49 |
| 6 | 719 | 71.9 | 500 | 50 | 6 | 696 | 69.6 | 468 | 46.8 |
| 7 | 712 | 71.2 | 500 | 50 | 7 | 670 | 67 | 424 | 42.4 |
| 8 | 705 | 70.5 | 450 | 45 | 8 | 666 | 66.6 | 395 | 39.5 |
| 9 | 700 | 70 | 420 | 42 | 9 | 640 | 64 | 381 | 38.1 |
| 10 | 677 | 67.7 | 410 | 41 | 10 | 630 | 63 | 351 | 35.1 |
| 11 | 652 | 65.2 | 390 | 39 | 11 | 626 | 62.6 | 332 | 33.2 |
| 12 | 646 | 64.6 | 380 | 38 | 12 | 602 | 60.2 | 321 | 32.1 |
| 13 | 640 | 64 | 380 Dubai Court DEPT | 38 | 13 | 588 | 58.8 | 315 | 31.5 |
| 14 | 626 | 62.6 | 360 | 36 | 14 | 584 | 58.4 | 304 | 30.4 |
| 15 | 595 Dubai Court DEPT | 59.5 | 360 | 36 | 15 | 580 | 58 | 281 Court Administrative Affairs Division | 28.1 |
| 16 | 587 | 58.7 | 330 | 33 | 16 | 544 | 54.4 | 265 | 26.5 |
| 17 | 585 | 58.5 | 330 | 33 | 17 | 534 | 53.4 | 250 | 25 |
| 18 | 366 | 36.6 | 230 | 23 | 18 | 470 Court Financia Affairs Divisior | 47 | 203 | 20.3 |

That said, the court's divisions rose from last position in 2001(18th), to 15th in 2003, which indicates improvements in the Court's performance that were (described above).

The evaluation report overall included 60 positive aspects in their analysis of the nine criteria, compared to 83 weaknesses, or areas for improvement in the Court as a department. All of the positive aspects of the nine criteria are presented later in this section when we examine whether or not previous failure has prevented the court from promoting its quality management. Analysis of the negative aspects of the nine criteria in the Dubai Court that are organized as per the questions, or the aspects that are used to guide the replies of the government department, are presented in the next paragraph.

3. *AREAS FOR IMPROVEMENTS IN THE NINE CRITERIA IN THE DUBAI COURT DEPARTMENT*

1) First Criterion: Leadership

This criterion focuses on the role, performance, practices and skills of the Court's leadership, particularly with regard to the vision, mission and approaches of the department and how to realize them.

The Dubai Court scored fairly high points in this criterion (45 points out of 100). The Dubai Government (2003; 6) Evaluation Report included 12 positive aspects about leadership in the court, and 13 weaknesses and areas for improvement. The weaknesses included the following.

1. Despite the Court's efforts in establishing its strategic plan, it is appropriate for the Court to develop a clear approach (system) to ensure and document effective leadership participation in developing the plan.
2. The Court needs to define its vision and mission to all stakeholders, and to mobilize its efforts to realize this vision, mission, and values.
3. Building on the strategic planning team's efforts to conduct specific clear tasks in the previous period, it is essential for the Court that this team continue to perform its tasks, and define and document its plans and work systems during the coming period.
4. Drawing on the use of scorecards as a method for reviewing implementation of the Court's strategic plan, such an approach should also be deployed at all division units to ensure that the units' (divisions) plans can also be successfully implemented.
5. The strategic team has reviewed and updated the organizational structure of the Court. However, a clear methodology for implementing these findings has to be

established and implemented. This methodology should specify the responsibilities for structural review and update.

6. There is cooperation with other government departments to carry out joint development projects and initiatives. However, it is important to develop and implement a clear mechanism and methodology to evaluate the effectiveness of such initiatives and to secure development and continuation of such cooperation.
7. The Court needs to implement a clear methodology for regular leadership communication with different society categories to collect feedback regularly, and to benefit from such feedback in the development and improvement processes.
8. The Court needs to establish a clear comprehensive plan for the preparation of a new generation of leaders to help in filling senior positions.
9. It is suitable for the Court to increase the personal contribution of the leadership in the development of its human resources, including participation of the leaders as trainers, lecturers or sponsors in the training programs, as well as in specialized conferences and seminars.
10. Membership of the strategic planning team, which currently includes senior leaders, should be open to distinguished employees at all levels in order to encourage creativity in the Court.
11. More efforts are needed in introducing and spreading good examples of creativity, particularly in the field of the electronic applications and its utilization in knowledge transfer.
12. Despite the existence of the authorization guidelines, it is not clear whether there is a methodology for power authorization that covers all working levels, nor whether these guidelines are updated regularly.
13. The Court needs to establish a comprehensive and clear methodology for change management that includes tools to determine the necessity for change, change planning, change implementation tools, and measurement of the effectiveness of change in performance development.

Emphasis on processes, definitions and documentation was clear from the above area for improvements. This supports the argument stressed within this study that quality improvement in the court needs to be enforced, particularly when this

study encourages trial courts to use ISO certification that can verify definitions and documentation of major processes in the Court.

On the other hand, this study argues that the rapid turnover of leaders in the Gulf countries is still part of the problem, and impedes TQM. This is probably due to many reasons, such as that membership of the justice system in this region works according to different rules, and most chief judges are non-national, and thus may quit or be replaced for many reasons, therefore leaving the court and losing bench's membership. For example, in 2002-2003 both the Chief Judge of the Dubai First Instance Court and the General Director resigned. Obviously this affects the stability of the court's leadership and consequently adversely affects application of TQM in the court. Therefore, it is essential to define and document most of the court's processes, as well as developing a new generation of leaders to replace any senior positions as stated above.

This view diverts from Aikman, who remarked that

Loren and Deming both note the problem of rapid turnover of leaders as an impediment to TQM. Courts have a unique advantage over both the private sector and the other two branches of government in this regard. Even in courts whose presiding or chief judge change annually, the bench's membership normally is very stable (Aikman, 1994; 8).

Emphasis on strategic plan deployment and implementation at all divisions in court was stated in point 4 and the point 6 in the following second criterion. This emphasis supports this study's conclusion that the Court needs to adopt appropriate strategic planning deployment and originate strategic plans for individual divisions.

2) Areas for improvement in the second criterion: Policy and Strategy

This criterion concentrates on the means of achieving the mission and vision of the Court through tailoring and implementing clear strategies and developing work policies, plans, programs, goals, systems and procedures.

The Dubai Court scored low points on this criterion—33 points out of 80 (41.25 percent). The Dubai Government (2003; 12) Evaluation Report included seven positive aspects on policy and strategy in the Court, and nine weaknesses and areas for improvement. The weaknesses included the following.

1. It is recommended that Court increase its analysis of both the external environment and the internal environment.
2. The Court strategic plan, which includes specific and clear goals, should be extended to prioritize goals, defining the accomplishment of its goals on the

basis of clear and specific standards (measures), in accordance with the scope of the Dubai Government's vision.

3. The Court needs to establish specific measures to evaluate its performance with regard to its participation in community services. In addition to using suitable indicators to measure the community's opinion of the court, these indicators should also be consistent with the court's vision and strategies.
4. A clear methodology must be established to identify and stay informed of best practices and ensure benefit from such practices.
5. The court had no process of institutional self-evaluation process.
6. Despite assigning responsibility for implementation of the strategic plan to the Quality and Studies Unit, the Court still needs to establish and use a clear methodology that ensures constant review and updating of this plan, in a way that responds to all concerned groups regularly and coincides with the Court's vision and mission.
7. The Court needs to widen the process of studying and analyzing the external environment, particularly with regard to understanding and analyzing present and future opportunities.
8. The Court should determine the general framework, which contains a series of major necessary processes and procedures, and connect that with the goals of the strategic plan (for example, processes that are connected with obtaining the goal of timely case processing have not yet been determined).
9. The Court should intensify efforts to elucidate and circulate its strategic plan to all employees at all levels, and to conduct a proper evaluation to measure their understanding and awareness of this plan.

Points 1–7 above, urging the Court to anticipate and plan its future through a proper assessment of their external environment, which is consistent with the view promoted in this study that satisfying majority of the court's stakeholders depends on the court's ability to create a value adding strategy based on a proper and ongoing analysis of the external and operational environments.

In evaluation the Court's performance in this study, no standards of performance were found, which is highlighted above in points two, three and four. It is clear that the Court needs clear and measurable qualitative and quantitative standards of performance to evaluate the output and outcomes of its operations. This study, assessing the actual performance of the Court, recommended some standards,

particularly in Chapters Five, Six and Seven, which the Court can use to verify the accomplishment of its objectives and goals.

This study shares the examiners' finding mentioned in point five, that one of the major factors in the court's inadequate performance is the absence of proper self-evaluation process. Therefore, the Court must begin the process of pre-testing their performance levels, by preparing evaluation forms for all criteria, or at least those they expect to perform worst at, and to use either internal or external examiner to assess areas for improvements in advance, so the Court can take steps towards suitable remedies. This study provides a survey instrument to improve staff understanding of the court strategic plan. This survey can help the court to respond effectively to point nine.

3) Areas for improvements in the third criterion: Human Resources

This criterion concentrates on how the Court plans, develops, motivates and ensures the participation of its people, and how it connects with them to ensure the motivation of individuals and work teams, to enable them to excel in customer service and perform the mission effectively.

The Dubai Court scored almost half of the total points of this criterion, 41 points out of 90 (45.55 percent). The Dubai Government (2003; 15) Evaluation Report included ten positive aspects about human resources in the court, and 14 weaknesses and areas for improvement. The weaknesses included the following.

1. The Court needs to establish a comprehensive procedure (system) to determine its present and future needs in and its the human resources, and ensure linkage between the human resources plan and the requirements of the effective implementation of the policies, the strategy and the structural organization of the court.
2. It was not clear to the examiners how much the Court benefited from the employee questionnaires, and how the court integrates these results with its strategic plan on a continuous basis.
3. It is recommended that the Court increase opportunities and initiatives for continued learning, by encouraging knowledgeable individuals to prepare and present training lectures in addition to supporting their participation in specialized professional associations.

4. The Court should develop an integral system to evaluate the performance of its human resources effectively in a manner that guarantees efficiency in the evaluation process and connects job progress with the result of the evaluation.
5. It is not clear to the examiners how much the evaluation system influences employee effectiveness, nor to what extent training influences staff performance and behaviour.
6. The Court must seek to empower employees by preparing and implementing specific and clear methodology and guidelines that include all work levels at the court.
7. Despite the existence of internal and external workshops to encourage staff participation in the improvement processes, the effect of these workshops was not clear.
8. The Court should generalize the Family Counseling Unit's commitment to developing its staff's skills in areas such as problem analysis, listening techniques, and evaluates this unit's process of regularly measuring and evaluating staff skills.
9. Communication between the Court and its staff is not effective and needs to be improved.
10. The Court should determine the needs and requirements of effective communication between the department and its staff. Channels of communication are to be activated on the basis of such needs.
11. The Court needs to increase its efforts to broaden throughout the organization any successful and outstanding practices and achievements pioneered by its units, teams, and individuals.
12. Social activities that enhance the integration between the Court and the Prosecution Department, and between the technical and administrative groups including judges and prosecutors, needs to be increased and encouraged by the court.
13. The Court needs to encourage and generalize successful social activities and human relations all over the court's units.
14. It is necessary for the Court to adopt a motivated policies and methodologies that ensure retention of the UAE national competent in their specialized fields of the prosecution and the judicial authorities, and to remain mindful of the existence of other work opportunities for these staff outside the court.

Most of the points above acknowledge the findings and conclusions reached in Chapter Six. The first point, for instance, reflects this study's finding that the Court had failed to develop a human resources plan that demonstrates linkage with its business plan. The examiners also discovered that the court needs to increase opportunities and initiatives for continued learning, supporting the conclusion that the Court needs to rebuild its advancement system, which had failed for instance to establish advancement policy that included a clear career path for each position.

The examiners and this study share the view that the administrative employee performance appraisal in the Court has failed. This study has argued that this failure is most likely due to the absence of basis for employee performance standards, a proper job description, suitable multiple sources to gather data about employee performance, and an appropriate method to give feedback to employees. This study further pointed also to the failure of the judges' performance evaluation system and recommended various ideas to improve this system.

The examiners fifth point clearly shares this study's conclusion that the Court's should evaluate its training/education programs on all of the four dimensions—reaction, learning, behavior change, and results—in order to see the impact of each program on the court's overall performance and employee performance.

The last point in the examiners' report emphasis the importance of staff retention to the Court. This research steered the court's attention to various important issues associated with retention in the court, such as the lack of attractive salaries, clear job description, the effect of exit interviews, and the effect of the employee turnover. It is also important for the court to rebuild the five human resources activities discussed in this research because it was found that they also significantly affect retention.

4) Areas for improvements in the forth criterion: Partnerships and Resources

This criterion focuses on how the Court plans and manages its external partnerships, and how the court manages resources to support its polices and strategies and ensure achievement of its goals.

The Dubai Court's highest score on the nine criteria is in this criterion (46.66 percent). The Dubai Government (2003; 21) Evaluation Report included 11 positive aspects about partnerships and resources in the court, and 13 weaknesses and areas for improvement. The weaknesses included the following.

1. A methodology that organizes how the Court deals with, and evaluates, suppliers' performance was not evident. Therefore the Court needs to establish a methodology to organize its relationship with suppliers.
2. Such efforts as supporting and backing institutional development of the Court and its partners were also not obvious.
3. It is appropriate for the Court to establish a specific framework that ensures the exchange of the institutional know-how between the Court and its partners.
4. There are no clear programs with specific periodic and quantitative goals for improving revenue sources and rationalization of expenditures, or frameworks for reviewing and evaluating the extent to which such programs are accomplished.
5. A proper analysis of results and indicators of the Court's financial performance against appropriated financial resources and the goals of the strategic plan is needed.
6. The Court should examine and analyze the financial implications of implemented projects or projects still in the planning stages.
7. The Court needs to establish a comprehensive methodology for managing and conserving property and resources that better reflects the Court's needs, its acquired sources, and ways of utilizing them in order to accomplish its goals.
8. The Court should implement plans and programs for efficient administration of property maintenance, especially preventive maintenance.
9. The Court needs to establish clear programs for the conservation of non-renewable resources and to specify clear goals for these programs.
10. Despite clear efforts by the Court in administration of technology, it must intensify its efforts to develop and review its systems for administration of technology in an institutional and continuous fashion and not only by individual efforts.
11. No documented methodology for evaluating ideal use of the current technology resources such as equipment, systems, and technical staff, was evident.
12. Despite clear efforts by the Court in the areas of exchange and transfer of information, they are not utilized for classification and administration of information.
13. The Court needs to intensify efforts to measure effectively its endowment and requirement of explicit and implicit knowledge, including employees'

qualifications, capabilities, experiences, practices and skills. The Court also needs to document these practices to ensure their availability and utilization by employees.

The court failed to correctly interpret terms such as methodology, or framework particularly in this criterion and the processes criterion, which led it to use descriptive answers instead of adequately describing its processes or specific manner of work. This a common mistake, frequently reported in the literature (Brown, 2001; 28), but probably prompted the examiners to deduct some marks.

Part of the quality improvement in trial courts depends on the how well they manage strategic planning development, which requires appropriate periodic assessment of the court's suppliers and partners to develop goals and strategies that can help the court improve its performance. That assessment does not just mean a number of meetings per year, as was the case with the Dubai Court, It requires assessment on the basis of quality criteria similar to those used by the quality award program. In some cases, for example, a supplier may be required to be ISO certified as part of quality assurance.

Examiners attach importance to the rationalization of expenditures and effective use of court resources for the success of the court's performance, a viewed shared by this study.

5) Areas for improvements in the fifth criterion: Processes

This criterion focuses on the methodology for designing, managing and improving processes, and simplifying work procedures, to achieve the court's policies and strategies, and to realize distinguished service for customers and others.

The Dubai Court's lowest score in the first five criteria of the procedures criteria is in this criterion (40 percent). The Dubai Government (2003; 26) Evaluation Report included six positive aspects about processes in the Court, and 12 weaknesses and areas for improvement. The weaknesses included the following.

1. Despite the existence of a system for planning, measuring, and administering processes such as the "ARIS", the court needs to intensify and accelerate its efforts to benefit from this system in continuously developing processes.
2. The Court must establish clear bases for setting performance standards for each of the major processes.
3. The Court should use a methodology that explains the manner in which the process development team should perform establishing and implementing clear

and specific frameworks for team formation, team performance review, and accomplishment of assignments.

4. The Court should make use of the creativity of its human resources in simplifying procedures and improving processes by increasing relevant training activities and the number of participants in these activities.
5. The Court needs to intensify its efforts to explain and deliver information to the staff and customers about change, in addition to ensuring that employees receive training before the new or amended processes take place.
6. The Court needs to assess the impact of amended processes on performance and service and how this impact relates to the desired outcome of change.
7. The Court should take note of surveys of its main constituents to identify gaps between planning and performance, and thus to inform its future development.
8. The Court needs to implement a clear and effective methodology for predicting and determining future improvements, in order to ensure ongoing customer satisfaction.
9. The Court needs to spread awareness of its services to current and potential users among the public.
10. Alongside the regular use of customer surveys and complaints and recommendation reports, the court needs to implement an approved methodology to examine and analyze such data on a regular basis, for the purpose of maintaining users' satisfaction.
11. Communication with other government departments was not regular and documented. A well-organized methodology needs to be developed.
12. It is important for the Court to observe and implement a methodology that takes into account users' cultural and social differences in all of its activities and channels of communication.

This study feels that the court's major weaknesses was its failure to develop proper action or deployment plans for their strategic business plan including its processes. As a result of this, processes reengineering and improvement efforts failed to create a linkage with the court's overall goals. This study also concluded that cutting down the case cycle time, and reducing the cost of many of court's internal processes and sub-processes, would likely improve the quality of the court's performance.

The examiners emphasize the importance of analyzing the data collected through the users' survey in maintaining their level of satisfaction and spreading awareness of court's services to users. This view is consistent with what this study found with regard to the importance of communicating a proper feedback to users with regard their opinions and remarks, as well as the importance of published materials including annual reports that show the court's performance.

As noted by the examiners, the court should establish a permanent coordination committee recommended also in this study as a proper way to maintain constant communication with other related government departments.

6) Areas for improvements in the sixth criterion: Customer Results

This criterion focuses on the court's results relating to its relationship with the customers and their level of satisfaction with the court. The Dubai Court scored 66 points out of 200 points (40 percent), which indicates that the Court lost more points (136 points) in this criterion than in any other of the nine criteria. The Dubai Government (2003; 30) Evaluation Report included four positive aspects of customer results in the court, and five weaknesses and areas for improvement. The weaknesses included the following.

1. Despite the existence of numerous surveys measuring users' perceptions and satisfaction, the court should use statistical analysis to take advantage of this data.
2. Despite the court's procedures for measuring the time and accuracy of judgment disposition, these are insufficient to conduct a proper analysis of the trends in the results. It is necessary, therefore, for the court to compute performance levels for all major measurements and for more than two period cycles.
3. The court needs to compare the performance results of customer criteria with projected goals to determine the ratio of accomplishment.
4. The court should analyze the causes of the decline exposed by the resolving complaints indicator and to work towards improving the efficiency in dealing with this matter.
5. It necessary for the Court to measure performance indicators for a number of years, to be able to understand trends in these indicators, and accordingly to consider proper improvement and development of suitable procedures.

The court failed to show the examiners how its users' satisfaction had improved over time owing to the court's efforts to improve performance. The court's failure to present trends in its performance results relative to other comparative organizations was also one of the weaknesses. The examiners also noted the lack of standards of performance particularly for the time and accuracy of judgment disposition. Throughout this study many recommendations are presented to guide and help trial courts overcome similar difficulties.

7) Areas for improvements in the seventh criterion: Human Resources Results

This criterion focuses on the Court's results relating to human resources and staff satisfaction levels. The Dubai Court scored 27 points out of 90 (30 percent), the lowest percentage in the results criteria. The Dubai Government (2003; 32) Evaluation Report included two positive aspects about human resources results in the Court, and five weaknesses and areas for improvement. The weaknesses included the following.

1. It is necessary for the Court to study the relationship between the results on the measurement of human resources opinion and the systems and procedures that are related to human resources, with the objective of improving these systems and procedures in a way that leads to stability and continuity of human resources satisfaction.
2. The court must develop a survey form to measure human resources and widen its range to include other indicators, such as incentive indicators (for example, fair performance appraisal, training and development, functional enabling) and job satisfaction indicators (for example, wages and benefits, facilities and services, job security).
3. It was observed that the number of development and improvement teams in the Court had fallen rather than increased. This was not suitable for this Court, which passes through considerable merging phases, where a lot of processes need to be improved and merged, and which requires more efforts from these teams.
4. The Court should widen its staff survey to include measure of the productivity indicators in all units on the basis of their technical and administrative specialty.
5. The Court forms did not demonstrate measurement results for the responding indicator of inquiries and requests of the staff.

The examiners did not find a properly structured employee survey like the one employed in this study, which assessed most of the HR activities. This study therefore encourages the court to use the survey attached within this study in Appendix 5. Indicators that measure employees' satisfaction are also assessed in this study, which recommends setting annual targets and measures to monitor employee turnover and absenteeism through proper analysis of the exit interviews, staff turnover rate trends, and staff absenteeism reports.

8) Areas for improvements in the eighth criterion: Society Results

This criterion focuses on the Court's results regarding its relationship with, and commitment to society across local, regional and international levels. The Dubai Court scored 19 points out of 60 points (31.66 percent). The Dubai Government (2003; 33) Evaluation Report included only three positive aspects about society results in the Court, and six weaknesses and areas for improvement. The weaknesses included the following.

1. Measurements of society's opinion need to be widened to include specific measurement for relationship efficiency and cooperation with other departments and organization.
2. There were no indicators for transparency related to the Court's business, for example ease of access to information (not only electronically) and the extent to which the court is known for its social achievements, despite the importance of this for the society's opinion about the Court.
3. There were no documented data regarding to the amount of resources allocated to activities and initiatives dedicated to serving society.
4. The Court should establish clear methodology that includes specific criteria for setting up priorities to serve society initiatives according to their importance to the Court and to different user categories.
5. The Court should measure more widely indicators for society's trust to reflect Court transparency in this regard, and to reflect a degree of Court commitment toward the society.
6. The Court should concentrate its efforts for determining and analyzing influences on society results, particularly where indicators have found declining satisfaction.

This study examined issues that are likely affect the court-users relationship including the community. The coverage of facts through the media, the cost of legal

services, and the court's procedural considerations are key aspects in this regard. The study developed various recommendations in chapter five that can assist the court to overcome most of these issues and thus lift perception of the court among all users.

9) Areas for improvements in the ninth criterion: Key Performance Results

This criterion focuses on the Court's results and achievements against the adopted plans and against policies and strategies. The Dubai Court scored 50 points out of 150 (33.33 percent). The Dubai Government (2003; 35) Evaluation Report included five positive aspects about key performance results in the Court, and six weaknesses and areas for improvement. The weaknesses included the following.

1. There was no clear format for measurements of all the goals in the strategic plan, and also for monitoring the accomplishment of these goals.
2. The Court needs to develop frameworks for measuring creativity ratios in developing new projects, and participation ratios for all those who have presented approved and applied recommendations to the court.
3. The Court should increase efforts to measure its non-financial performance indicators (such as, the time needed for the provision of a service) on a periodical basis.
4. There were no measures concerning rates of success in achieving the goals that are related to the Court's vision, mission, and strategy.
5. The designated goals for all financial and non-financial performance measurements need to be reviewed. In addition, these goals should be updated to reflect continuous and accumulated improvements in process performance.

Most of the weaknesses above indicate the Court's failure to take proper steps in deployment of its strategic plan. As this study discussed in Chapter Six, there are no action plans for the courts' different units, which has led to uncertainty about how individual units' work contributes to the court's overall strategic goals. It is clear that the court needs to translate overall goals to annual objectives, and then to projects, programs, and initiatives, and must specify specific teams, individuals' staff or units. For each objective there must be a target, and results of actual performance need to be reviewed and discussed on a regular basis.

4. EXPECTED BENEFITS THAT CAN BE GENERATED FROM APPLICATION OF QUALITY CRITERIA IN COURTS

Has the complexity of various issues (obstacles) prevented the court from increasing its quality management level? Most people agree that there are many advantages in

applying quality management criteria in the courts. However, this is not an easy task, especially in courts, as discussed earlier. This is well defined by Jonathan Walters, who argues that "In the right situations and trained on the right problem, Total Quality Management does seem to work. This is good news. The bad news is that it is very hard to do well"(cited by Aikman, 1994; 17).

Despite the Dubai Court's low score compared with other government departments, it has attained many advantages that are documented in the 2003 Evaluation Report, which included 60 positive aspects amongst all of the nine criteria of the program. In fact these positive aspects are not limited to the Dubai Court; rather, they could be expected from all courts.

Therefore, with the objective of improving trial courts' performance through encouraging other courts to apply the criteria of organizational excellence, this research demonstrates some of the expected positive outcomes that can be generated from an application of quality criteria in courts. A summary of the benefits attained in the Dubai Court during 2002-03 include the following.

1. The Court has succeeded in encouraging its leadership's commitment to, and participation in, quality management, which is an essential element for the success of any organization. Consequently, the court has established its vision, mission, values, and organizational structure.

The Court has also succeeded in its cooperation with other departments to carry out joint development projects and initiatives. It created effective, direct and regular channels of communication with most of its users, such as direct electronic connection with lawyers. It delegated teams of senior employees to travel abroad in order to see the best court practices.

2. In the criterion of policy and strategy, before establishing their strategic goals for the coming period to 2009, the Court took the right step in using the SWOT⁵⁸ (Strength, Weakness, Opportunities, Threats) technique. The examiners found clear evidence that the Court had benefited from its teams'

⁵⁸ According to Allison and Kaye the SWOT analysis is a broad overview of the most important internal strengths and weaknesses and external opportunities and threats. Strengths are the organization's internal strengths "what do we do well?" Weaknesses are the organization's internal weaknesses "where can we improve?" Opportunities are the external opportunities exits with respect to pursuing organization mission "what changes are taking place in our environment which might allow us to better achieve our mission?" Threats are the external threats might hinder the pursuit of organization mission "what changes in the environment do organization need to guard against or prepare for in doing their work?" The SWOT analysis can be done at the level of the whole organization or at the level of each program. (Allison and Kaye, 1997; 79)

visits abroad, as the Court has implemented a methodology that includes preparing detailed reports containing recommendations after each team's visit.

Preparation and development of the court's policies and strategies was linked with the vision and the future approach of the Dubai Government. There was also transparency in development of the Court's strategic plan, as the Court benefits from information gathered through opinion questionnaires and meetings with stakeholders. The Court in 2003 established a Quality and Studies Unit to review and monitor progress in implementation of the strategic plan and in preparing follow-up reports.

3. On the criterion of human resources, the Court makes use of information systems to notify staff of their responsibilities and duties. There are approved guidelines for the staff procedures and systems. The Court encourages and supports the staff to participate in the process of improving performance and services in creativity; they provided all staff with access to an electronic communication system in order to submit their recommendations easily. This system is also supported by an attractive incentive scheme.
4. In management of partnerships, the Court determined its partners (locally, regionally, internationally, across both the government and private sectors), and also benefited from such partnerships for achievement of the exchange benefit,⁵⁹ and in the formation of the strategic goals and the strategic plan.

The Court has prepared its budget, which determines its financial resources requirements, supported by a financial reporting system, to ensure that all of the Court's units adhere to the budget. The two financial systems of the Court and the Prosecution Department are developed and integrated, to ensure compliance by both departments with the budget and the strategic plan.

There is a clear strategy in the Court for the administration and implementation of technology in Court processes, including evaluation and continued development of alternative modern technology, which is concurrent with the vision of the Electronic Government Initiative of the Dubai Government.

⁵⁹ These benefits have included things like organizing free training programs for the court's staff with the Dubai Institute for Human Resources Development (established by the Dubai Government), and exchanging judicial knowledge with other overseas courts from the United States, Thailand, and Singapore .

Dedication to technology to support efforts aimed at continued modernization and improvement through many applications such as the electronic interrogation, employee's electronic file, and issuing and implementing a specific law for electronic signature. The Court had implemented "Data Warehousing", which enables it optimally to maximize the benefits from information and knowledge. The Court facilitated access to information and knowledge to most users, within and from outside the Court, such as the staff, judges, prosecutors, and lawyers. The Court's electronic library enables all internal and external users to access information and knowledge.

5. The Court had determined its all-major processes, distributed in seven categories associated the services that are circulated and documented within a specific process management system. Guidelines and regulations of these processes are also documented within a specific system for administration of the processes.

Quality coordinators for all the Court's units were appointed in 2003 to ensure the resolution of issues related to overlapping and duplicated tasks, which will help in developing and improving processes.

Electronic litigant services are implemented in a way that enables users to get information such as hearing times, the name of the judge, and the hearing location. The Court also uses regular analyses of incoming complaints and recommendations to help improve the processes, as well as increasing the users' satisfaction level as a result of deployment of such a system.

6. The level of staff response to opinion polls has increased in the second half of 2003.
7. The Court understood its social responsibility in accordance with the organizational excellence concepts discussed in Chapter Two. Therefore, the Court adopted various initiatives and programs for participation in community activities that aimed at family reconciliation, and social care such as "the open day program for prisoners and their families", "various generations program" for elderly people, and "I am productive" program for the handicapped. The numbers and types of seminars and edification programs for community services have risen.

8. Issuing of regular reports regarding the third parties experts' reports is considered a real factor for strengthening and speeding the disposition rate. This indicates that the Court determined and analyzed internal measure whose performance impacts court's users satisfaction, as well as on-time delivery of case processing is a key measure of service quality.

All of the above advantages clearly indicate that, despite the obstacles and challenges that face the implementation of organizational excellence criteria in courts, if court fundamental responsibilities and duties are to be achieved, there is no other alternative for trial courts than striving to adopt criteria of quality management that are discussed in the previous paragraphs.

SECTION TWO ELEMENTS OF THE QUALITY SERVICE

The first section discussed and analyzed various aspects of the organizational excellence concept and the DGEP framework used to facilitate and analyze quality management in the court. The advantages and complexities of various issues facing trial courts applying quality management criteria were also examined.

This section discusses elements of the quality service concept in the trial court environment. Achieving balanced stakeholder satisfaction requires meeting or exceeding needs and expectations of court-users, while not prejudicing the needs and expectations of other stakeholders.

Consequently, if trial courts want to establish a quality service standard, and maintain balanced stakeholder satisfaction, they have to find the best possible answers to the following questions. Who are court's users? How does the court determine users' needs? What are the users' current and future needs and expectations? How can a court fulfil its users' needs? What are the elements of the quality service concept, and how can the court maintain a proper process for improving and controlling the quality of its services in accordance with international standards?

Discussion and analysis of the first three questions are the basis for understanding elements of the quality service concept, and this was reviewed in Chapter Three. Improving and controlling the quality of the court's services in accordance with international standards is discussed in the next section. The elements of the quality service concept in trial courts is discussed below.

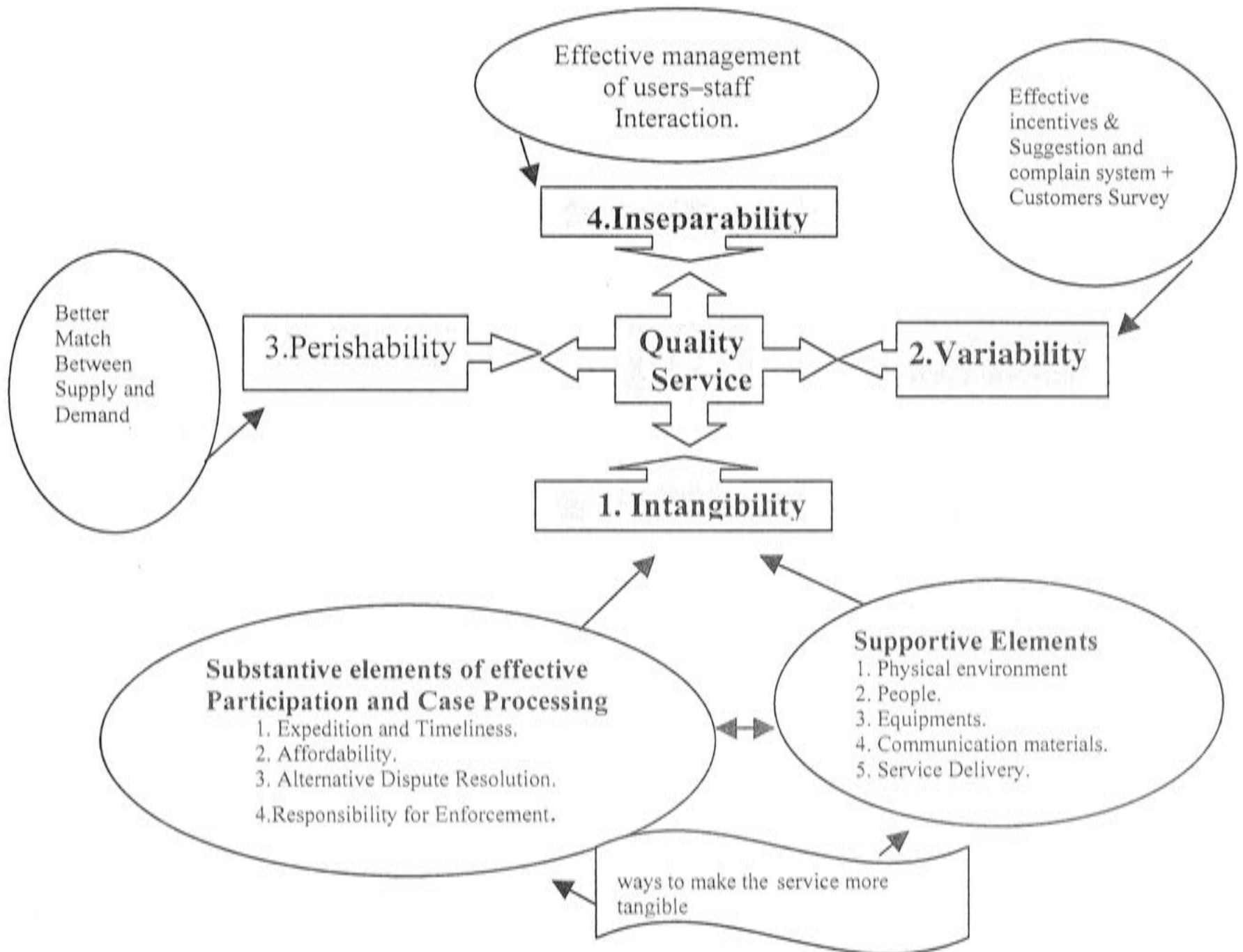
The literature review revealed that services have many characteristics, such as, intangibility, inseparability, variability, and perishability, which make it difficult to manage, measure and improve their quality (Kotler and Armstrong, 1993; 494). This section examines elements of the quality service concept in trial courts.

Figure 7.1 shows the elements of quality service developed in this study building on the work Kotler and Armstrong (1993; 494).

The logic of the relationship between the elements in this figure is that success in obtaining and building quality perception in the services of the public sector depends to a large degree on how can they control and handle problems resulting from these adverse characteristics and nature of services. Figure 7.1 groups quality

service into elements—the four boxes at the center—that describe adverse characteristics of service. The ovals contain elements that are expected to control these adverse characteristics to some extent and thus lead to improved service quality. The arrows imply the direction of its effects.

Figure 7.1: Elements of quality service.



This idea is not new. Kotler and Armstrong (Kotler and Armstrong, 1993; 494) and Lawton (cited by Bunning, 1992; 29) have both supported this approach for achieving quality in the service sector. Positive results would be expected from applying this approach in court services, because most of the elements above are derived from the Trial Court Performance Standards and Measures, in addition to some elements from the criteria used in the organizational excellence framework of the DGEP. Analysis of the four service characteristics is presented as follow.

1. *INTANGIBILITY*

Most services are intangible, because they are performances rather than objects and so cannot be counted, measured, tested or stored in advance of provision to the customers so as to assure quality. It is also difficult to know how customers perceive the service and their quality (Parasuraman et al., 1985 cited by Bunning, 1992; 27).

To reduce uncertainty, buyers thus look for signs of service quality. They draw conclusions about quality from the place, people, equipment, communication material, and the price that they can see. Therefore, the provider's task is to make the service tangible in one or more ways. They try to add tangibles to their intangible offers. (Kotler and Armstrong, 1993; 495).

In this section considerable attention is given to intangibility, specifically the four substantive elements of effective participation and case processing within intangibility. The review and the findings of these elements are presented as follows.

1) The four substantive elements of effective participation and case processing

The effectiveness of all elements of the court's performance is difficult to measure, so this study will be limited to the overall case processing, and a few other non-related case functions such as prompt payment of money and compliance with reporting schedules. This substantive group includes four elements.

- a. *Expedition and timeliness.*
- b. *Responsibility for Enforcement*
- c. *Alternative Dispute Resolution (ADR)*
- d. *Affordability*

The affordability and Alternative Dispute Resolution (ADR) elements were considered in Chapter Five with the objective of determining their effect on reducing the gap in the court-users relationship. Therefore, they are not included in the review below. The analysis of the two remaining elements is presented below.

a. *Expedition and timeliness*

The trial court must avoid delays in its processing of cases. Time is a very important element that affects most users in the public and private sectors. In trial court business it also has great value, particularly in the Middle East, where excessively lengthy case processing times have become common characteristic, reducing users' trust and confidence in the court. A court would have a real advantage if it could control its caseload effectively, processing ongoing cases in a timely manner while preventing backlogs in the incoming caseload.

Courts should also consider the time element for other court activities such as distributing funds held by the court, issuing marriage certificates, external experts' reporting to case processing, and responding to requests for information by its users. Court performance related to this matter is examined later in this section. Analysis for timeliness and delay will be evaluated in two dimensions.

(a. a) Some of the measures that are related to case management include:

- (1) time to disposition
- (2) ratio of case disposition to case filing
- (3) age of pending caseload.

(a.b) Other measures that are not related to case management include:

- (1) prompt payment of money
- (2) compliance with reporting schedules.

The findings of these two dimensions are presented below.

(a.a.1) Time to disposition

Case processing time is measured by the time taken (in number of days) between the case filing and its finalization. Two categories of cases have been selected: civil and shari'a. Then a list was made of all cases of each type disposed in 1999. Small claims, domestic relations, petitions for amendments of orders in general, and all other cases that are non-litigious in nature were excluded from the sample.

Next, a sample of cases was selected, and included all the cases registered in 1999,⁶⁰ because these cases can be used to examine the scale of the backlog exceeding 24 months. Furthermore, the required information for this year was easily obtainable from the information system of the Dubai Court. The study has examined the case processing times in four different categories:

- (a.a.1.1) for each of the three courts (First, Appeal, Cassation).
- (a.a.1.2) for the three courts combined.
- (a.a.1.3) for each judge in the First Instance Court
- (a.a.1.4) according to court users' perceptions.

The results are discussed below.

(a.a.1.1) Case processing time in each of the three courts (First, Appeal, Cassation)

When comparing results across the three courts, one must be cautious because the complexity of cases, caseloads, field of specialization (area of jurisdiction) may

⁶⁰ The fieldwork of this study conducted in 2002, so 1999 was perfect for measuring the case backlog that exceeded 24 months.

differ. This study has noted this difference while reviewing and discussing the findings in the following paragraphs.

1. Case processing time in the First Instance Court

Table 7.4 illustrates the case processing time for five types of civil cases, three types of shari'a cases, and the total performance for the two categories together. The result is summarized by the number and percentage of cases disposed of within the specified timeframes, compared with the local case processing time standards.

Dubai Court has not adopted time standards. Therefore, the result of the case processing time is compared with the time standards adopted by the American Bar Association (ABA), which are 90 percent in 12 month, 98 percent in 18 month, and 100 percent in 24 months (National Center for State Courts, 2003a; 93). The higher the percentage of cases in compliance with these standards, the better the court's performance.

From Table 7.4 we see that the Court's performance in both the civil and shari'a cases has exceeded the completion standard of 90 percent within 12 months. That indicates that efforts have been made in both categories. However, the Court should review its performance on civil cases of grand commercial code type 20, and also grand civil code type 22, because it was below the standard by 15 percent. Due to exceptional results in the shari'a cases (code 100, 105, and 115) the Court should also establish standard to evaluate its performance accurately.

From the Family Court of Australia Annual Report 1999-2000⁶¹ (Family Court of Australia, p 26), as at 30 June 2000, 75 percent of cases had been finalized in less than 20 months. The other 25 percent of litigated cases had been finalized within nine months of filing. The time standards sought by this court are 75 percent finalized/settled within 6 months, 90 percent within 12 months, and 95 percent within 18 months. This result may show the differences in the performance of both courts with relation to family cases.

When we review the performance of the Dubai Court with the standard of 98 percent in 18 months, the overall results still look good with only an insignificant difference of 0.9 percent, or 50 cases. The overall shari'a case performance has exceeded the standard by 0.8 percent, which confirms our previous impression

⁶¹ This period was selected to match the period (1999) of examined similar cases in Dubai Court.

Table 7.4: Cases processing time, First Instance Court, 1999

| Cases types | No of cases | 1- 6 Months | | 7 -12 Months | | 13 - 18 Months | | 19 -24 Months | | More than 24 | |
|--------------|-------------|-------------|-------------|--------------|-------------|----------------|-------------|---------------|-------------|--------------|------------|
| | | No | % | No | % | No | % | No | % | No | % |
| 12 | 1690 | 1093 | 64.7 | 434 | 90.4 | 120 | 97.5 | 30 | 99.2 | 13 | 100 |
| 13 | 803 | 690 | 85.9 | 106 | 99.1 | 6 | 99.9 | 1 | 100 | - | - |
| 20 | 546 | 204 | 37.4 | 206 | 75.1 | 73 | 88.5 | 36 | 95.1 | 27 | 100 |
| 22 | 345 | 144 | 41.7 | 129 | 79.1 | 42 | 91.3 | 17 | 96.2 | 13 | 100 |
| 23 | 138 | 78 | 56.5 | 49 | 92 | 6 | 96.4 | 5 | 100 | - | - |
| 210 | 561 | 558 | 99.5 | 3 | 100 | - | - | - | - | - | - |
| Total | 4083 | 2767 | 67.8 | 927 | 90.5 | 247 | 96.5 | 89 | 98.9 | 53 | 100 |
| 100 | 892 | 776 | 87 | 97 | 97.87 | 12 | 99.2 | 3 | 99.6 | 4 | 100 |
| 105 | 59 | 49 | 83.1 | 4 | 89.8 | 5 | 98.3 | - | - | 1 | 100 |
| 115 | 538 | 510 | 94.8 | 13 | 97 | 6 | 98.1 | 4 | 98.9 | 6 | 100 |
| | 1489 | 1335 | 89.7 | 113 | 97.3 | 23 | 98.9 | 7 | 99.3 | 11 | 100 |
| Total | 5572 | 4102 | 73.6 | 1040 | 92.2 | 270 | 97.1 | 96 | 98.8 | 64 | 100 |

The overall civil cases performance was 96.5 percent, below the standard by 61 cases or 1.5 percent. As was the case with the Court's performance in the previous standard, the Court should put more effort into resolving the civil case type grand commercial code number 20, because it was below the standard by 9.5 percent, and also the grand civil cases code 22.

Finally, the Court's overall performance on the standard of 100 percent completion within 24 months is quite strong at 98.8 percent.

2. Case processing time in the Appeal Court

Table 7.5 shows that this court's the performance has exceeded the standard of 90 percent in 12 months; its performance in 18 months, however, was less than the standard by 2.8 percent, and by 2.5 percent in 24 months. This indicates that the court should raise its efforts to resolve protracted cases.

Table 7.5: Case Processing Time, Appeal Court, 1999

| Cases types | No of cases | 180 Days | | 360 Days | | 540 Days | | 720 Days | | More than 720 | |
|--------------|-------------|-------------|-------------|-------------|-------------|----------------|-------------|--------------|-------------|---------------------|------------|
| | | 1- 6 Months | | 7-12 Months | | 13 - 18 Months | | 19-24 Months | | More than 24 months | |
| | | No | % | No | % | No | % | No | % | No | % |
| 320 | 266 | 214 | 80.5 | 40 | 95.5 | | 95.5 | 11 | 99.6 | 1 | 100 |
| 310 | 1904 | 1443 | 75.8 | 303 | 91.7 | 66 | 95.2 | 39 | 97.2 | 53 | 100 |
| Total | 2170 | 1657 | 76.4 | 343 | 92.2 | 66 | 95.2 | 50 | 97.5 | 54 | 100 |

3. Case processing time in the Court of Cassation

Table 7.6 shows that the Court of Cassation has performed outstandingly, reaching a high standard of completion on all three standards. This may suggest that comparison using these criteria is invalid, because the field of specialization of this court is different to that of the other courts.⁶² It could be argued that its performance should be measured either by other standards, or that the court could compare its performance with a similar court in other developed countries.

Table 7.6: Case Processing Time, Court of Cassation, 1999

| Cases types | No of Cases | 180 Days | | 360 Days | | 540 Days | | 720 Days | | More than 720 | |
|--------------|-------------|-------------|-------------|-------------|-------------|----------------|------------|--------------|----------|---------------|----------|
| | | 1- 6 Months | | 7-12 Months | | 13 - 18 Months | | 19-24 Months | | More than 24 | |
| | | No | % | No | % | No | % | No | % | No | % |
| Hequqe | 550 | 464 | 84.4 | 82 | 99.3 | 4 | 100 | 0 | — | 0 | — |
| Sharia | 62 | 61 | 98.4 | 1 | 100 | 0 | — | 0 | — | 0 | — |
| Total | 612 | 525 | 85.8 | 83 | 99.4 | 4 | 100 | 0 | — | 0 | — |

⁶² This because the UAE Federal Law 11 of 1992 limited this court's field of specialization to assessing contravention of the law or an error in its application. Therefore, its field is unlike the other two courts' jurisdiction, which is focused on disputed subjects of cases. Accordingly, the number of contested cases in the Court of cassation is significantly less compare to the other two courts. Article 173 (United Arab Emirates, 1992; 119) stipulate that "The adversaries my contest the ruling issued by the appeal courts at cassation if the value of the claim exceeds 10,000 (UAE, Dirhams), or if its value has not been assessed if:

- a. the ruling, which is contested, is based on a contravention of the law or an error in its application or interpretation;
- b. some invalidity occurs in the ruling or in the procedures, which influence the ruling;
- c. the ruling, which is contested, was issued contrary to the principles of jurisdiction;
- d. a decision is made in the dispute in contradiction with another ruling in the same matter between the same adversaries, which has the strength of a *fait accompli*;
- e. the ruling is devoid of any grounds or if they are insufficient or obscure;
- f. a ruling is made for something not requested by the adversaries or for more than they requested.

(a.a.1.2) Case processing time in the three courts altogether

UAE Federal Law No 11 of 1992 describes the circumstances in which litigants can take their cases to the Appeal Court (from Article 158 to 168), and to the Court of Cassation (from Article 173 to 188). Because approximately 500 cases a year pass through all three courts, it is relevant to ask courts, "How long may it take a case to be processed through the three courts altogether?"

In fact, this question was also directed to this study by both the General Director of the Dubai Court and by the Director of the Case Affairs Department in the court. To find out the answer to this question, the study requested one of the system analysts in the Information System Department to gather information from the Court of Cassation records about the three-level interconnected cases.

The task was completed in three days, which itself is a good indicator of the court's effectiveness in terms of facilitating access to information and knowledge to all concerned, in addition to ensuring that information available to the administration is recent, accurate, comprehensive and integrated.

SPSS statistical software was used to convert the data, which were in Microsoft Excel sheets, to produce a report on the case processing time in the three courts altogether for the two years 1999 and 2001. The results are presented in Tables 7.7 and 7.8.

The overall case processing time in 1999 was better than in 2001, despite the greater number of cases (515 cases in 1999, versus 448 in 2001). The tables show that, of the total number of cases in 12 months band in 1999, 58.4 percent were disposed, compared to 48.9 percent in 2001. Of the cases in 18 months band, the disposition rate was 76.5 percent for 1999, compared with 70.8 percent in 2001. Total number of disposed cases in 24 months in 1999 has reached 445 cases compared with only 386 cases in 2001. The three courts reached the 100 percent disposition rate after 4.5 years (54 months) in 1999 compared with 5 years (60 months) in 2001.

This type of measure of time calculation is unique. It appears from the literature, such as the TCPSM, that no-one has previously employed a measure that analyses case processing time through all levels of the court system. The difficulty in generating interconnected cases from these three courts is more likely the major obstacle that hinders progress in developing such a significant measure.

Table 7.7: Cases Processing Time: All courts combined, cases disposed in 2001

| Number of days | Number of case disposed | Percent | Cumulative percent |
|----------------|-------------------------|------------|--------------------|
| 90 | 1 | 0.2 | 0.2 |
| 180 | 57 | 12.7 | 12.9 |
| 270 | 96 | 21.4 | 34.4 |
| 360 | 65 | 14.5 | 48.9 |
| 450 | 54 | 12.1 | 60.9 |
| 540 | 44 | 9.8 | 70.8 |
| 630 | 44 | 9.8 | 80.6 |
| 720 | 25 | 5.6 | 86.2 |
| 810 | 18 | 4.0 | 90.2 |
| 900 | 8 | 1.8 | 92.0 |
| 990 | 6 | 1.3 | 93.3 |
| 1080 | 7 | 1.6 | 94.9 |
| 1170 | 5 | 1.1 | 96.0 |
| 1260 | 3 | 0.7 | 96.7 |
| 1440 | 4 | 0.9 | 97.5 |
| 1620 | 6 | 1.3 | 98.9 |
| 1800 | 1 | 0.2 | 99.1 |
| 1801 | 4 | 0.9 | 100.0 |
| Total | 448 | 100 | |

Table 7.8: Cases processing time: Three courts combined, cases disposed in 1999.

| Number of days | Number of case disposed | Percent | Cumulative percent |
|----------------|-------------------------|------------|--------------------|
| 180 | 19 | 3.7 | 3.7 |
| 270 | 93 | 18.1 | 21.7 |
| 360 | 189 | 36.7 | 58.4 |
| 450 | 64 | 12.4 | 70.9 |
| 540 | 29 | 5.6 | 76.5 |
| 630 | 32 | 6.2 | 82.7 |
| 720 | 18 | 3.5 | 86.2 |
| 810 | 14 | 2.7 | 88.9 |
| 900 | 9 | 1.7 | 90.7 |
| 990 | 12 | 2.3 | 93.0 |
| 1080 | 14 | 2.7 | 95.7 |
| 1170 | 13 | 2.5 | 98.3 |
| 1440 | 6 | 1.2 | 99.4 |
| 1620 | 3 | 0.6 | 100.0 |
| Total | 515 | 100 | |

(a.a.1.3) Case processing time for each judge in the First Instance Court

Unless the effectiveness of each judge's performance is measured, case processing times can not be well managed. The number of cases that are disposed by each judge is an internal measure of the court's ability to control its overall case processing time. Therefore, a report was prepared that clarifies each judge's performance in the First Instance Court (FIC) in 1999, with the objective of examining their efficiency in processing cases.

Table 7.9 shows the case processing times for 545 grand commercial cases (case code 20) in 1999, distributed by each judge. The judge's name is replaced by a code to ensure confidentiality.

The previous analysis of case processing time in the First Instance Court (FIC) indicated that the case code 20 needed to be reviewed to increase the case disposition rate. From the table we can easily see that the unacceptable performance under the 12-months standard is associated with particular judges (J10, J6, J23, J13, J7, J38, and J39), and under the 18-months standard is associated with particular judges (J10, J6, J13, J7, J38, and J39). Significantly, the same judges are found in both groups. By using this kind of matrix analysis, the court could determine causes of set backs in its performance.

However, we must be careful here because the judge is not always the only factor that affects case processing time. There might be other factors such as the Judges Assistants (Judicial Clerks). Falngo et al (1996; 11) reported two reason for this caution that applicable to all trial courts; "first, time to disposition may not improve as much as expected after new judges are add, especially if the add time available is used to improve the quality of decision making rather than to decide more cases. Second, the effort expanded by each judge on the bench can affect the pace of litigation in their court. Unless all judges are working with the same intensity".

Notwithstanding the comments by Falngo et al. (1996; 11) the matrix showing case processing time per judge used in this study (Table 7.9) is a useful tool to provide the court with information regarding judges' performance, accordingly court can control effort of each judge that affect the pace of litigation. Table 7.13 enables the trial courts to monitor the quality of the final decision and can be extended to measure the quality of each judge's final decision, subsequently trial courts can measure effect of additional judge with this regards.

Table 7.9: Cases processing time, by judge, First Instance Court, 1999

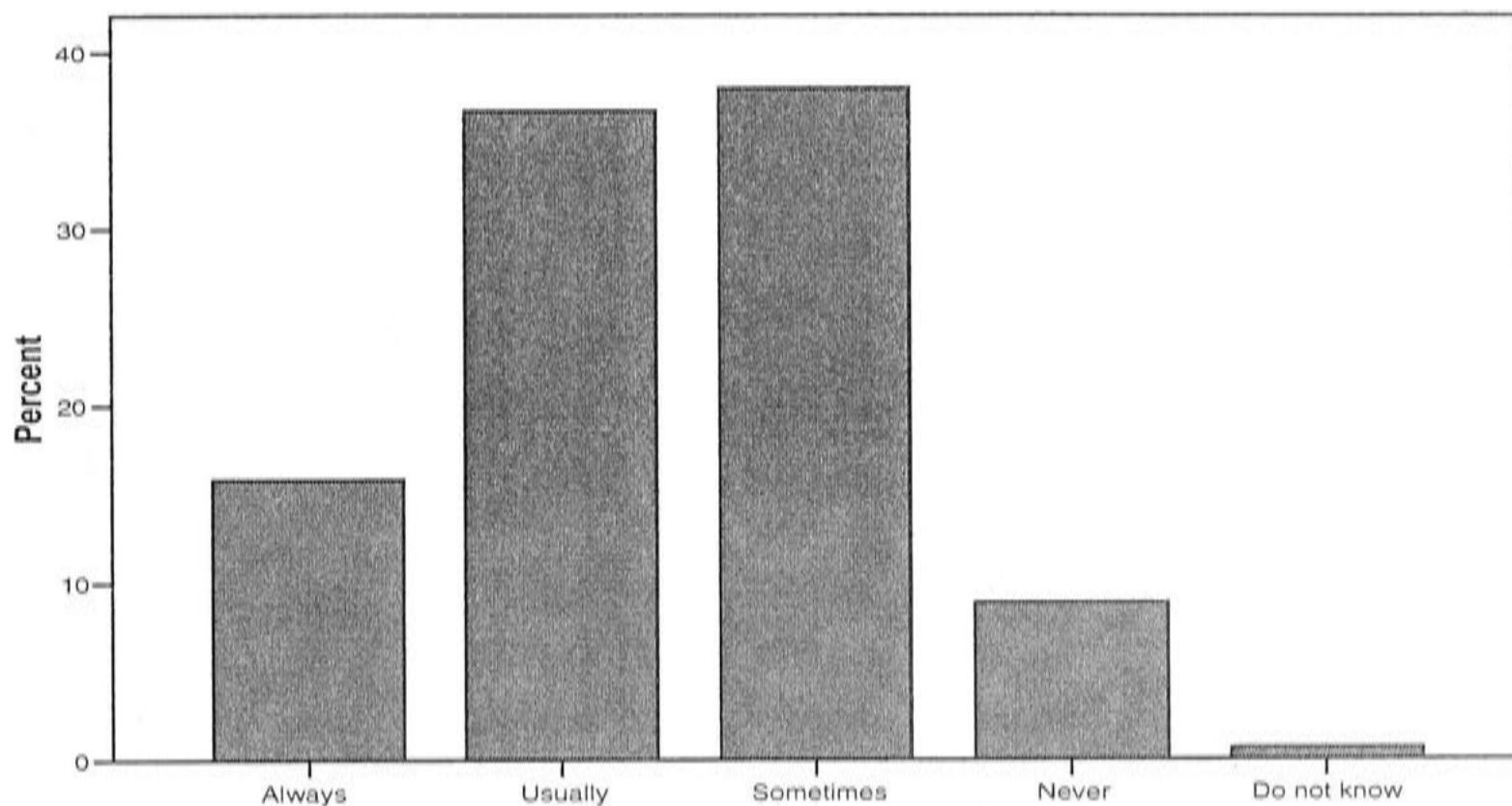
| Judge code | No of cases | 1- 6 Months | | 7 -12 Months | | 13 - 18 Months | | 19 -24 Months | | More than 24 | |
|------------|-------------|-------------|------|--------------|-------|----------------|-------|---------------|-------|--------------|-----|
| | | No | % | No | % | No | % | No | % | No | % |
| J24 | 11 | 7 | 63.6 | 2 | 81.8 | 2 | 100 | 0 | 0 | 0 | 0 |
| J10 | 62 | 24 | 38.7 | 18 | 67.7 | 12 | 87.1 | 7 | 98.4 | 1 | 100 |
| J16 | 18 | 6 | 33.3 | 8 | 77.8 | 4 | 100 | 0 | 0 | 0 | 0 |
| J1 | 88 | 33 | 37.5 | 44 | 87.5 | 8 | 96.6 | 1 | 97.7 | 2 | 100 |
| J8 | 98 | 29 | 29.6 | 49 | 76.6 | 15 | 94.9 | 3 | 98 | 2 | 100 |
| J11 | 21 | 7 | 33.3 | 8 | 71.4 | 0 | 0 | 0 | 0 | 6 | 100 |
| J29 | 8 | 5 | 62.5 | 1 | 75 | 1 | 87.5 | 1 | 100 | 0 | 0 |
| J21 | 12 | 5 | 41.7 | 6 | 91.7 | 1 | 100 | 0 | 0 | 0 | 0 |
| J30 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 100 |
| J14 | 5 | 5 | 100 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| J6 | 40 | 14 | 35 | 12 | 65 | 3 | 72.5 | 9 | 95 | 2 | 100 |
| J23 | 9 | 4 | 44.4 | 2 | 66.7 | 3 | 100 | 0 | 0 | 0 | 0 |
| J13 | 14 | 5 | 35.7 | 1 | 42.9 | 4 | 71.4 | 4 | 100 | 0 | 0 |
| J27 | 12 | 7 | 58.3 | 4 | 91.7 | 0 | 0 | 1 | 100 | 0 | 0 |
| J17 | 19 | 8 | 42.1 | 10 | 94.7 | 1 | 100 | 0 | 0 | 0 | 0 |
| J7 | 20 | 0 | 0 | 6 | 30 | 8 | 70 | 5 | 95 | 1 | 100 |
| J42 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 100 |
| J40 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 100 |
| J36 | 2 | 0 | 0 | 0 | 0 | 2 | 100 | 0 | 0 | 0 | 0 |
| J34 | 6 | 0 | 0 | 6 | 100 | 0 | 0 | 0 | 0 | 0 | 0 |
| J33 | 6 | 2 | 33.3 | 3 | 83.3 | 0 | 0 | 0 | 0 | 1 | 100 |
| J38 | 8 | 0 | 0 | 1 | 12.5 | 4 | 62.5 | 3 | 100 | 0 | 0 |
| J39 | 5 | 0 | 0 | 1 | 20 | 1 | 40 | 2 | 80 | 1 | 100 |
| J28 | 3 | 3 | 100 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| J12 | 68 | 33 | 48.5 | 26 | 86.8 | 5 | 94.1 | 1 | 95.6 | 8 | 100 |
| | 545 | 197 | 36.2 | 208 | 74.31 | 74 | 87.89 | 37 | 94.68 | 29 | 100 |

(a.a.1.4) The court users' perceptions of the case processing time

Figure 7.2 shows that 52.2 percent of the respondents felt that the Court usually and always handled cases within a reasonable amount of time, and 37.7 percent agreed

that the Court sometimes handles cases within a reasonable time. Only 8.8 percent of the respondents thought that the court never processed cases within a reasonable time.

Figure 7.2 Do you think the court handles cases within a reasonable amount of time Q.6.E



This result indicates that the Court users overall are satisfied with the time taken by the Dubai Court to process cases.

(a.a.2) Ratio of case disposition to case filing

This measure assesses the court's effectiveness in keeping up performance with incoming cases. Failure to keep up with the incoming caseload increases the pending caseload. It is measured by dividing the number of cases that are disposed in a given year by the number of filings in the same year for identifiable case types.

Table 7.10 illustrates this data for civil and shari'a case types for the five years 1997-2001 in the FIC. The result represents the court's annual clearance rates for these case types. If the court is keeping up with its incoming caseload, all the percentages on the table will be close to 100. If the court is not keeping up with its incoming caseload, values less than 100 will appear, indicating that a backlog is developing or that an existing backlog is increasing.

The FIC's showed an excellent ratio on this measure in 1998 (97 percent) compared with a very weak performance in 1997 (66 percent). Since 1999, performance has deteriorated (84 percent in 1999, 81 percent in 2000, and 77 percent in 2001), which suggests that the Court is not keeping up with its caseload.

Table 7.10: Rate of disposition to filing of the civil and shari'a cases in the Dubai First Instance Court.

| | | Partial Civil | Grand Civil | Total Civil | Sharia 100 | Sharia 115 | Sharia 120 | Sharia Total | Grand Total |
|------|-------------|------------------|----------------|----------------|---------------|---------------|---------------|-----------------|----------------|
| 1997 | Disposition | 1724 | 695 | 2419 | 607 | 567 | 43 | 1217 | 3625 |
| | Filing | 2815 | 770 | 3585 | 910 | 611 | 410 | 1931 | 5516 |
| | Rate % | 61 | 90 | 68 | 67 | 93 | 11 | 63 | 66 |
| 1998 | Disposition | 2816 | 744 | 3560 | 690 | 583 | 75 | 1931 | 5491 |
| | Filing | 2682 | 928 | 3610 | 1011 | 636 | 412 | 2059 | 5669 |
| | Rate % | 105 | 80 | 99 | 68 | 92 | 18 | 65 | 97 |
| 1999 | Disposition | 2244 | 941 | 3185 | 620 | 518 | 156 | 1294 | 4479 |
| | Filing | 2521 | 1045 | 3566 | 893 | 541 | 373 | 1807 | 5373 |
| | Rate % | 89 | 90 | 89 | 69 | 96 | 42 | 72 | 84 |
| 2000 | Disposition | 2745 | 1168 | 3913 | 657 | 562 | 148 | 1367 | 5280 |
| | Filing | 3392 | 1243 | 4635 | 923 | 587 | 423 | 1933 | 6568 |
| | Rate % | 81 | 94 | 85 | 71 | 96 | 35 | 71 | 81 |
| 2001 | Disposition | 2801 | 1013 | 3815 | 597 | 551 | 116 | 1264 | 5079 |
| | Filing | 3494 | 1280 | 4774 | 787 | 622 | 406 | 1815 | 6589 |
| | Rate % | 80 | 79 | 80 | 76 | 89 | 26 | 70 | 77 |

(a.a.3) Age of pending caseload

This measure is used to evaluate the age of cases awaiting disposition, in order to establish whether a backlog exists and, if so, to determine its magnitude. Table 7.11 shows the cases arranged according to their filing dates, beginning with the oldest pending case.

This arrangement is used to help determine how many cases fall within specified age categories, (for example, the number of civil cases pending 721 days or more). The percentage of pending cases that exceed the maximum disposition, time goal (24 months) for the case type is calculated by dividing the number of pending cases older than a time standard by the total number of pending cases in that case type according to the four timing groups that are presented in the table—the larger the percentage, the larger the backlog.

From the grand total in the table, 22 cases (0.5 percent) exceeded the time goal by three months, 16 cases (0.4 percent) by 3–6 months, 31 cases (0.8 percent) by 6–9 months and nine cases (0.2 percent) by more than nine months. 78 pending cases out of 4084 (1.9 percent) is a reasonable performance if there are reasons to justify such

delays. It indicates also the positive impact of the court's efforts for resolving complex cases within reasonable time

Table 7.11: Age of cases in days, Dubai First Instance Court, in 1999
Age of pending caseload (cases exceeded 720 days)

| No of cases | Cases type | Cases code | 721-810 (27Months) | | 811-900 (30 Months) | | 901-990 (33 Months) | | More than (990) 33 Months | | Total | |
|-------------|--------------------------------|------------|--------------------|-----|---------------------|-----|---------------------|-----|----------------------------|-----|-------|-----|
| | | | No | % | No | % | No | % | No | % | No | % |
| 345 | Grand civil | 22 | 4 | 1.2 | 5 | 1.4 | 2 | 0.6 | 2 | 0.6 | 13 | 3.8 |
| 1690 | Partial civil commercial | 12 | 1 | 0.1 | 4 | 0.2 | 7 | 0.4 | 1 | 0.1 | 13 | 0.8 |
| 546 | Grand.com | 20 | 13 | 2.4 | 6 | 1.1 | 6 | 1.1 | 2 | 0.4 | 27 | 0.5 |
| 2581 | Total decided civil cases | | 18 | 0.7 | 15 | 0.6 | 15 | 0.6 | 5 | 0.2 | 35 | 2.1 |
| 348 | Grand civil | 22 | | | | | 2 | 0.6 | 1 | 0.3 | 3 | 0.9 |
| 554 | Grand commercial | 20 | | | | | 7 | 1.3 | 1 | 0.2 | 8 | 1.5 |
| | Total not decided civil cases | | | | | | 9 | 1.9 | 2 | 0.5 | 11 | 2.8 |
| 2592 | Total civil | | 18 | 0.7 | 15 | 0.6 | 24 | 0.9 | 7 | 0.3 | 64 | 2.5 |
| 892 | Family Muslim matters | 100 | 3 | 0.3 | | | 1 | 0.1 | 1 | | 4 | 0.4 |
| 59 | Non-Muslim matters | 105 | | | | | 1 | 1.7 | | | 1 | 1.7 |
| 538 | Elam shari | 115 | 1 | 0.2 | 1 | 0.2 | 3 | 0.6 | 1 | 0.2 | 6 | 1.2 |
| 1489 | Total decided sharia cases | | 4 | 0.3 | 1 | 0.1 | 5 | 0.3 | 1 | 0.1 | 11 | 0.8 |
| 894 | Family Muslims matters | 100 | | | | | 1 | 0.1 | 1 | 0.1 | 2 | 0.2 |
| 60 | Non-Muslim matters | 105 | | | | | 1 | 1.6 | | | 1 | 1.6 |
| | Total not decided sharia cases | | | | | | 2 | 1.7 | 1 | 0.1 | 3 | 1.8 |
| 1492 | Total Sharia | | 4 | 0.3 | 1 | 0.1 | 7 | 0.4 | 2 | 0.1 | 14 | 0.9 |
| 4084 | Grand Total | | 22 | 0.5 | 16 | 0.4 | 31 | 0.8 | 9 | 0.2 | 78 | 1.9 |

As with the previous case processing time measures, the court needs to calculate the age of the pending caseload for the following two years (2001, 2002) to find out whether the number of cases has escalated or declined. It also needs to develop annual standards for the pending caseload to measure and control its performance. Time is a tangible element that could affect the quality of court service with regard to the age of caseload. The Court therefore must focus on reducing its pending caseload at least for cases over 24 months old, and setting zero cases as the goal.

(a.b) Other measures that are not related to case management

(a.b.1) Prompt payment of money

As the court not only provides services related to case management activities, but also performs other activities that are not by their nature directly related to case management, it is necessary to examine how the court meets its responsibilities, particularly time schedules.

There are funds that pass through the court to their lawful litigant recipients, and most users consider timely disbursement of these funds a major indicator of the quality of court service.

To evaluate whether the court promptly disburses money, including to suppliers and litigants, the study reviewed the Court's policies and procedures for disbursements of funds, and interviewed the head of the Accounts Section and Financial Director to obtain information about the relevant court policies and procedures. Potential areas for investigation included policies and process for

a.b.1.1. returning money held in trust by the court.

a.b.1.2. payments to suppliers.

The findings of these two activities from the Court records are presented below.

(a.b.1.1) Returning money held in trust by the court

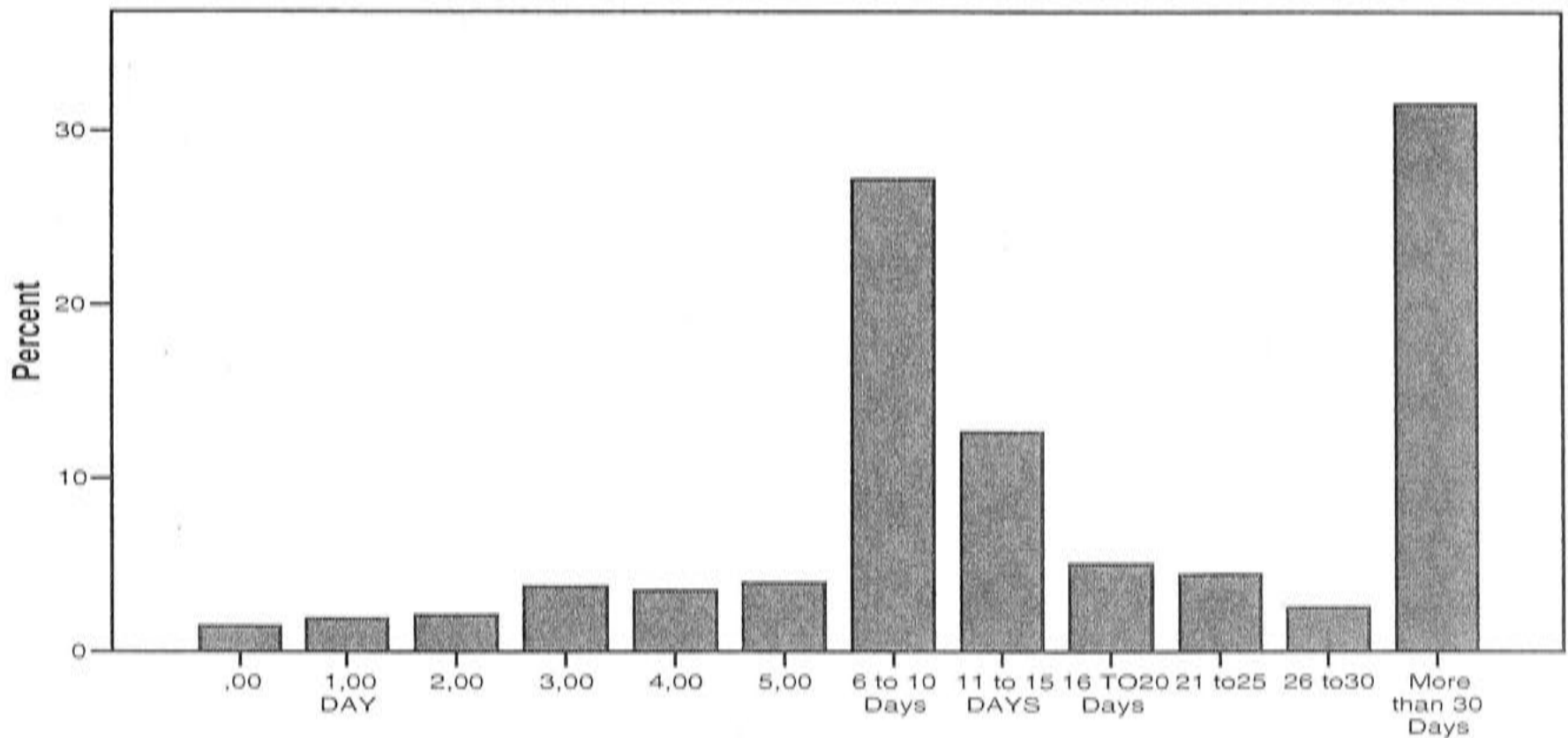
The study obtained the framework required for four stages in the Court process for disbursement of these payments. The records for one year from 1 January 2001 to 31 December 2001 for each selected stage have been examined. These four stages include the period from the date of payment request to the date of judge's approval, then the period to the date when the judicial pay order is issued, then to the date of financial payment order, then to the date when the payment cheque is forwarded to the cashier and thence to the payee. For each stage, the researcher recorded the date financial transactions were ordered/approved and the date transactions were actually made.

Figure 7.3 illustrates the overall evaluation of 4868 payment transactions, with the objective of determining how promptly money held in trust by the First Instance Court was disbursed. It indicates that only 1.5 percent of the transactions were finished in the same day; 26.8 percent were completed between 5–10 days. A substantial minority of the transactions (31.5 percent) took more than 30 days.

The information gathered from disbursement records was not compared with the applicable statutory or procedural timeframe, because the Court had not

established such a timeframe. However, the details in the study report indicated transactions tended to get stuck between the user's payment request and the judge's approval. The results showed that the majority (74.1 percent) of the transaction finished in the same day or the day after, and only 5.5 percent finished in a period more than 30 days. The Court could study the research report on the process in each stage to enhance the effectiveness of its performance.

Figure 7.3 the time frame for the funds disbursement/ Dubai First Assitance Court / in 2001

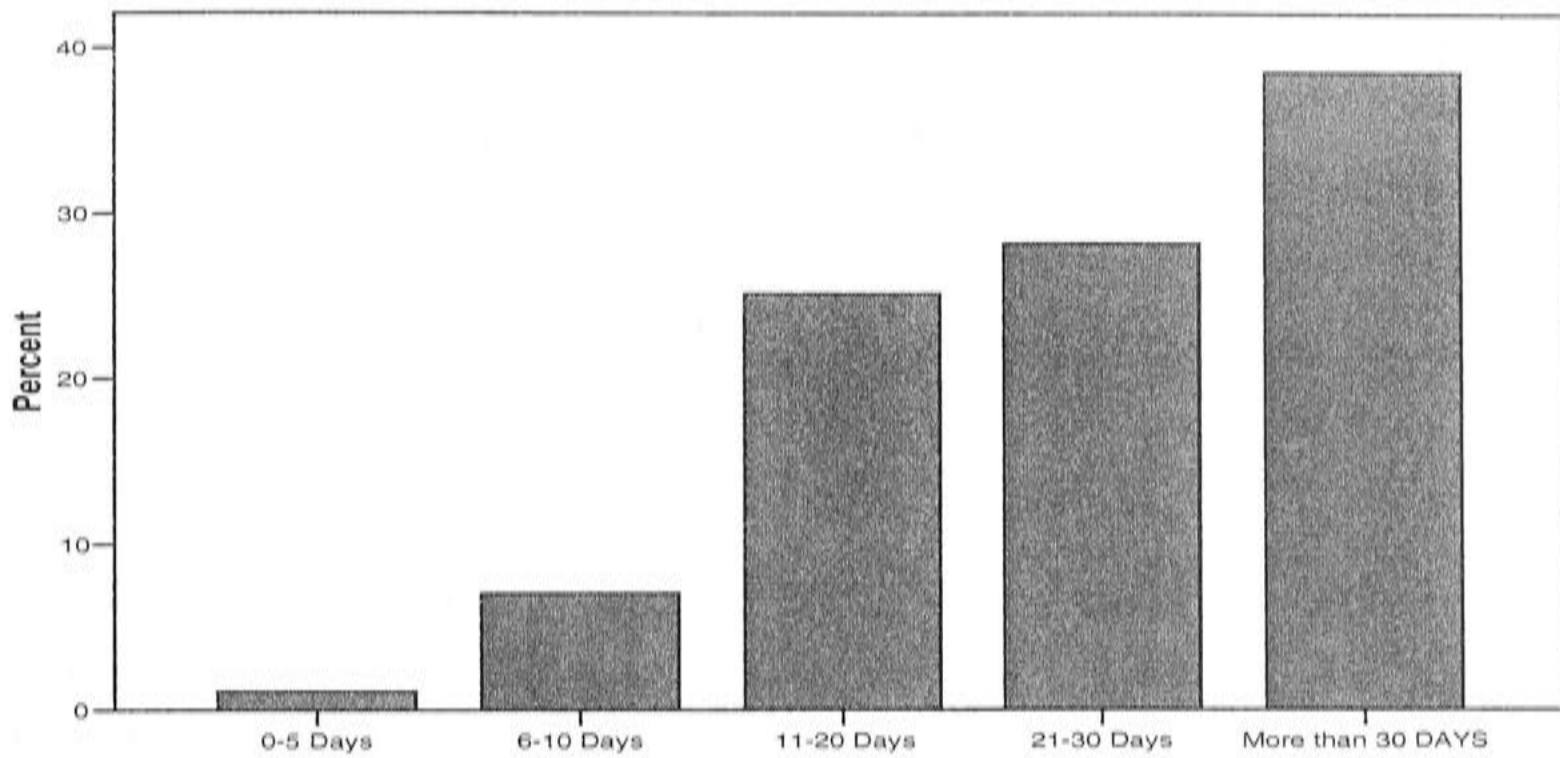


(a.b.1.2) Payments to suppliers and other users

Using data of 625 payment transactions in 2001, Figure 7.4 illustrates the timeliness of the court's payments for services provided to it.

The financial processes were also reviewed. The court had not yet established a procedural timeframe, but Figure 7.4 indicates that 38.6 percent of payments transactions took more than 31 days, 28.2 percent took 21–30 days, and only 1.1 percent were paid in less than five days, which is certainly not an acceptable performance.

Figure 7.4 Timeframe for disbursement of funds to the suppliers and other users



(a.b.2) Compliance with reporting schedules

The study assessed the court's compliance with established reporting schedules for court activity, and gathered specific information on reports the court is required to file, particularly its annual budget and monthly expenditure reports, which have to be presented to the Dubai Government within a specific timeframe. The assessment of these two reports is presented as follow

(a.b.2.1) The court's annual budget

As per Article 15 Law Number 37 of 1996, "All budget plans of the Dubai Government Departments have to be submitted to the Dubai Financial Department within a period not more than end of October from the fiscal year" (Dubai Government, 1996; 12)

Copies of the reports from the previous four years were obtained. For each report reviewed, the percentage of reports filed on time is computed by dividing the total number of reports filed on time by the total number of reports reviewed. The reports' dates were: 29 October 1998, 30 October 1999, 28 October 2000, and 29 October 2002. The Court's performance was timely, as per the legal requirement.

(a.b.2.2) The Court expenditure monthly reports

Article 25 of Financial Law Number 7 of 1995 stipulates that "Each of the Dubai Government Departments should submit its monthly expenditure report in no more than the second week of the next month" (Dubai Government, 1995; 12).

Table 7.12 illustrates the timely performance of the Court in submitting its monthly expenditure report to the government. The performance was calculated by dividing the number of reports filed on time by the total number of reports filed. The closer this figure is to 100 percent, the more timely is the court's performance. Table 7.12 shows that only three reports had been submitted on time out of total number of 13 reports filed, which indicates only 23 percent timely performance.

Table 7.12 Timeliness of the Court in monthly expenditures reports to the government, 2001/2002

| Month | Report due date | Submitting Date | | Month | Report due date | Submitting date | |
|--------------|-----------------|-----------------|-----------|--------------|-----------------|-----------------|-----------|
| June/2001 | 14.7.2001 | 16.7.2001 | + 2 | January/02 | 14.2.2002 | 24.3.2002 | +3 |
| July/2001 | 14.8.2001 | 18.8.2001 | + 4 | February/02 | 14.3.2002 | 3.4.2002 | +2 |
| August/2001 | 14.9.2001 | 11.9.2001 | 0 | March/02 | 14.4.2002 | 13.4.2002 | 0 |
| September | 14.10.2001 | 10.10.2001 | 0 | April/02 | 14.5.2002 | 26.5.2002 | +1 |
| October | 14.11.2001 | 21.11.2001 | + 1 | May/02 | 14.6.2002 | 25.6.2002 | +1 |
| November | 14.12.2001 | 15.12.2001 | + 1 | June/02 | 14.7.02 | 17.7.2002 | 0 |
| December | 14.1.2002 | 2.3.2002 | + 4 | 0 | 0 | 0 | 0 |
| Total | | | +6 | Total | | | +8 |

The average number of days late for each type of report reviewed can also be estimated by dividing the total number of days late by the total number of late reports. From the same table we can see that 143 days is the total number of days late for ten late reports, which means that 14 days is the average number of days late in Dubai Court. This overall performance is certainly not acceptable from an organization that seeks effectiveness in its performance.

The Financial Government Department that receives these monthly reports will likely not be satisfied with the quality of the court's service because, late reporting may cause problems in timely distribution of monthly government funds to departments, including the Court. Time here is a determining tangible element that can influence perceptions of quality of court's performance.

b. *The responsibility for enforcement*

Dispute resolution, by its nature, is a service and not a product. Therefore, litigants even after receiving the court decisions still cannot see or touch the presence of this service. What they receive is nothing more than a piece of paper. Although it may have value, users are not in a position to make a complete judgment until the results

(for example, claim amount, or other rights) are presented and brought to them through enforcement. At this stage, they then can consider the value and quality of the court's service. Enforcement of decision is therefore is a substantive element that can contribute to tangibility of the court's service.

The TCPSM Standard 3.5 states that

trial courts should takes appropriate responsibility for enforcement of its decisions and orders. However, this action varies from case to case; for instance, in some civil cases it is common for a court to remain passive until a litigant requests a court to enforce its decision. In other situations such as criminal cases, nothing less is expected from a court than the prompt enforcement of its orders (National Criminal Justice Reference Service, 1997; 136).

The court's effectiveness is superior when its decisions and orders are implemented. To examine court users' perception of decision enforcement practices in Dubai, the study asked the following question (Number Q.6.J) in the questionnaire "Do you think the court's decisions are enforced?"

Figure 7.5 Do you think the court's decisions are enforced? (Q.6.J)

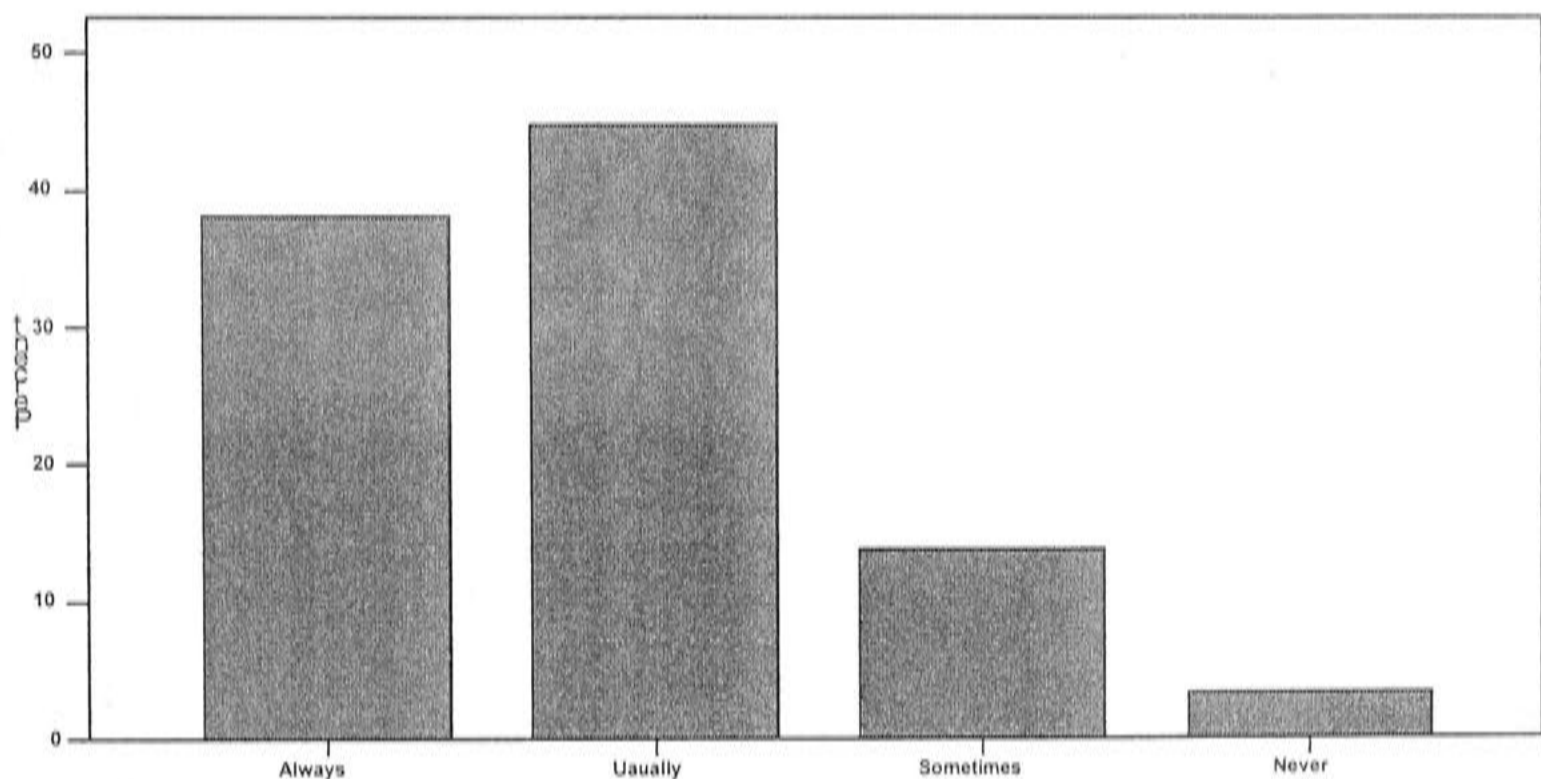


Figure 7.5 illustrates that the vast majority (96.7 percent) of respondents believed that court decisions are enforced, albeit including 13.8 percent who believed they are only sometimes enforced. It is worth mentioning that 87.5 percent of the prosecutors, and all of the 87 lawyers who responded to this question, concluded that the Court's decisions are enforced. Only 3.3 percent disagreed.

2) The supportive five elements of the intangibility

These elements include the court's physical environment, people, equipment, communication materials, and service delivery. The effect of most of these elements on the court-users relationship was discussed in Chapter Five. The TCPSM has provided courts with detailed measures that include these five elements under the area of access to justice (National Criminal Justice Reference Service, 1997; 24).

These five elements reflect the service attributes expected by the court's users. They are also the most visible signs of service quality, and therefore play major roles in adding tangibility to the court's services. Analysis of these elements is presented below.

a. *Physical environment*

The court's physical environment may include adequate parking spaces, information directory, information counter, facility diagram, and signs showing directions within the court building. Elements like these influence users to create mental images that positively (or negatively) influence perceptions of the quality of the provided major services. King stated that "customer satisfaction is known to be largely a function of the degree to which expectations are met. As image creates expectation, image is a quality characteristic" (cited by Bunning, 1992; 28)

According to Mitra

creating a positive environment within the hierarchies of the company often affects the motivation of employees, and thereby influences the service delivery system. Channels of open communication in a friendly atmosphere promote desirable employee behavior. It is difficult for an employee to maintain a degree of warmth with the customer in the service delivery process if the same degree of congeniality does not exist between the employee and his or her supervisor (Mitra, 1993; 568).

Most of these elements also affect the time. For example, a user may lose considerable time searching for a parking place or looking for a specific courtroom. Such wasted time may be added to the case processing time or time of other services. The review of these elements in Chapter Five revealed that the court need to increase the standard of its facilities in order to manage their services well when interacting with the users.

b. *People*

Service quality is influenced by the attitude and behavior of the server (Lefevre et al., Mitra, 1993; 564). Mitra stated that "since the buyers are also involved in the

process, their behaviour also affects the overall quality of the service” (Mitra, 1993; 564). To promote access to justice and to enhance citizens’ confidence and trust in the court, Standard 1.4 in the TCPSM urges all court personnel to accord respect, courtesy, and dignity to all with whom they come into contact. In Chapter Five we reviewed responsiveness of court employees and its affect on services.

Again, this element may affect the case processing time. For example, the absence of a translator in Dubai Court is one factor that has caused adjournments during the last two years. On other occasions, Court interpreters have not mastered the appropriate professional interpreting skills and so have not been able to translate accurately the messages between the judge and the foreign party.

c. Equipment

The court equipment such as photocopiers, faxes, desks, and computers, should be of an appropriate quality. For example, the number of work disruptions due to computer failure must be brought under control to ensure service consistency, particularly nowadays, where advanced generations of computer viruses are widespread. Such disruptions are a tangible aspect of court services that may affect the time element, or even themselves are causing user misperception of the court’s services.

d. Communication materials

The role of the communication materials is to inform users. Despite the Dubai Court’s good efforts to communicate with its users, these must be extended to help those sections of the population that cannot understand Arabic language. Specifically, the Court’s website that includes very valuable communication material which, if translated into English, would significantly improve users understanding of the Court, its requirements, and its services.

Communication is also an effective tool in creating an image that builds user’s expectation level. Image management is a very important aspect for the success of maintaining quality court services, because users come to court with certain expectations, and if these expectations are not met, they will lead to a level of dissatisfaction.

According to Mitra,

in service systems, image management is central to retaining and attracting new customers. The company must be careful to advertise what it can deliver. Building up a certain expectation level in the customer and failing to meet it will create dissatisfied customers (Mitra, 1993; 268).

Mitra states that,

customer expectations are built by customer perceptions of quality. There are internal and external factors that affect these perceptions. Among the external factors are the knowledge of services, and the services offered by the competitors. The internal factors are annual and quarterly reports, advertisements, and client management (Mitra, 1993; 268).

Surrey Magistrates Court has published its own court charter which informs the public about the level of service they can expect from the court, together with a series of specialist leaflets covering the needs of different court users, and general information leaflets that give court users details of the court's location and facilities. There are also service standards relevant to different staff teams, which detail the service standards expected to meet the needs of the public. In 2002, 90 percent of court users surveyed said they were satisfied or very satisfied with the information provided by SMCC (Her Majesty's Courts Service, website).

The review of Dubai Court's practices revealed that published materials to educate users are too narrow. Annual reports are generally produced only for the government. The best channel of communication is the court's website, but this is in Arabic only. Chapter Five concluded that insignificant forms of communication are still presenting a challenge to the Court. In addition, to ensure proper client management, the court needs to use all channels of communication to inform the public what standards they should expect in the quality of services offered, and to make sure that the court meets such expectations. Otherwise, the level of satisfaction with the services will be diminished.

Mirta argues that client management is important for improving and meeting the changing needs of customers. He introduces three activities:

- updating facilities and services to meet client needs
- identifying client needs through interviews, polls and surveys
- motivating consumer participation in service delivery through motivated employees (Mitra., 1993; 269).

The review of these activities in the Dubai Court revealed that the Court updated its courthouse facilities, but some problems remained, including the parking place problem and inappropriate utilization of facilities measures.

Despite the good services provided by the Court, suitable measures to determine their success are still needed, such as the measurement of the level of

innovation and participation (the number of new services and projects, the rate of implemented suggestions), performance linked to goals, and the rate of complaints.

The Court conducts user surveys and meets with users three to four times a year. Yet users do not get proper feedback with regard to their opinions and remarks in that survey, which could limit their interest in participating in such surveys in the future. The Court has two choices: either to conduct client surveys every two years, so they can improve their services before the next survey (which is not recommended), or to inform users on a consistent basis about improved services based on user polls (which is the recommended course of action).

e. Service delivery

The ways in which a court delivers services may also affect the quality of the service. For example, Dubai Court utilized credit card machines in 2000 so that its users can make payments without incurring any extra charges. The e majority of Dubai government departments still do not provide such a service to their users.

In 2004, the Dubai Municipality provided payment cheques delivery service to their users locations (such as, suppliers) via specialized delivery organizations (such as, DHL). Traffic fines can be paid in shopping centers via electronic payment machines similar to ATM machines. These kinds of initiatives add speed and efficiency in the services, which can in turn improve users' perceptions of those services.

2. VARIABILITY

This is the second characteristic of a service that is presented in Figure 7.1. According to Parasuraman (1985, cited by Bunning, 1992; 27) "Services, particularly those with high labour content, are heterogeneous, with their performance varying from producer to producer, from customer to customer, and from day to day" Kotler and Armstrong added that "Even the quality of a single employee's service varies according to his or her energy and frame of mind at the time of each customer contact" (Kotler and Armstrong, 1993; 496).

Courts should provide incentives that emphasize quality, similar to a practice adopted by the Dubai Economic Department, where an employee-of-the-month prize and bonus is awarded on the basis of customer feedback. There is no similar program in the Dubai Court. Yet the Court has changed its service counters in such a way that employees are more visible to users. The Court also deals seriously with all

criticisms and suggestions that affect users' perception of service quality through its effective complaint-suggestion system.

3. *PERISHABILITY*

"Many services are performed on demand, and this may be at a time when organizational conditions are not optimal"(King, 1987, cited by Bunning, 1992; 28). According to Kotler and Armstrong "services are perishable—they cannot be stored for later sale or use. The perishability of services is not a problem when demand is steady. When demand fluctuates, however, service firms often have problems" (Kotler and Armstrong, 1993; 497).

The quality of the court's services is also exposed to unsteady work demand. For example, it was noticed that the daily work is steady during the working hours at the Notary Public Section in the Dubai Court, except between 10am and 2noon, when long queues emerged as a result of the rush-hour demand. Users were more likely to complain.

The problem then is of better matching between supply and demand for service across time. According to the Court's records, the total number of daily transactions (the demand) is consistent with the number of available staff (the supply), and any extra staff would be an excess.

The Court successfully adopted strategies to shift part of the demand to different times by opening evening services from 5 pm to 8 pm, by means of overtime. It also organized the work system by installing automatic ticket machines at the entrance to set user priority. Complementary services are offered to the waiting users, including free magazines, daily Arabic and English newspapers, and a cup of coffee. Users are also provided with a fax service that enables them to send their documents in advance, so the relevant section can review the documents before the user come into the court to complete the process.

Sohal argues that

In applying TQM to services, it is useful to remember that there is usually a tangible product of some kind associated with the service being provided, such as brochures, reports, food and magazines, and so there is an aspect of physical quality to be managed as well (1999; cited by Bunning, 1992; 28)

Currently, the number of transactions in the evening period in that section sometimes equals or exceeds the number in the morning. More transactions produce more revenues, less queuing, and consequently higher user satisfaction.

4. *INSEPARABILITY*

Kotler and Armstrong note that

physical goods are produced, then stored, and later sold, and still later consumed. In contrast, services are first sold, then produced and consumed at the same time. Thus, services are inseparable from their providers. If a person provides the service, then the person is a part of a service. Because the client is also present as the service is produced, provider-client interaction is a special feature of services marketing. Both the provider and the client affect the service outcome (Kotler and Armstrong, 1993; 496).

“Production and consumption of many services are inseparable and, as a consequence, service organizations have less managerial control, as the customer can interact with the producer and so affect the quality”(Parasuraman et al., 1985; cited by Bunning, 1992; 27).

The moment of the employee–user interaction in court should reflect a perfect level of quality regardless of the time and place of interaction. Therefore, the staff should be competent, well educated and trained, motivated and specialized in their field. On the other hand, users should have sufficient information about the court’s services. Parasuraman et al, (1985; cited by Bunning, 1992; 28) identified ten determinants of service quality, including three that describe people’s behavior—responsiveness, competence, and courtesy.

To manage users-staff interaction effectively, court’s staff responsiveness either by word or conduct should be courteous, responsive and respectful, to each other and to all individuals who seeks court’s services. Staff competency, including their skills and knowledge, has to be consistently evaluated, appraised, and developed against standards specified in the job description. Effective training is needed to provide staff with such knowledge and skills to control their work process and to be able to solve work problems in a timely manner.

Supervisors also play a great role in monitoring that moment of interaction, and an essential part of their duty is to encourage their involvement and availability as much as possible in such activities. Findings in Chapter Five showed a good level of performance (79.81 percent) in the overall relationship between the employees and supervisors. This indicates that supervisors may be considering users’ perception when they judge their relationship with their employees.

SECTION THREE QUALITY CONTROL IN THE TRIAL COURT ENVIRONMENT

There is no doubt that courts today face a quality problem, and they are also at different stages of a quality journey: some courts are in the early stages of Total Quality Management, and some others have not started the journey. A few, like the Dubai Court, have reached an advanced stage. Consequently, the application of quality improvement and control tools and methods to each stage is varied.

1. *QUALITY CONTROL IN COURTS*

Quality control may generally be defined as a system that is used to maintain a desired level of quality in a product or service. This may be achieved through different measures such as the use of proper equipment and procedures, inspection, and taking corrective action when a deviation is observed between the product, service or process output and a specific standard (ASQC, 1993; Walsh et al., 1986; cited by Mitra, 1993; 10).

Amitava Mitra says that

process control deals with the special causes that force the system to go out of control. The impact of these causes on the output is significant compared with common causes⁶³. Quality improvement relates to the detection and elimination of common causes those are inherent to the system and are always present. General areas of quality control may be divided into two main subareas: (1) statistical control and (2) acceptance sampling plans (Mitra, 1993; 10, 18).

This study examined these two areas as means of improving quality control in the courts, in addition to two other areas suggested by the researcher that are likely to affect quality control. These suggested two areas include the impact of participation in the quality award program, and the responsibility for quality. The findings are presented as follows.

⁶³ Deming was responsible for the key distinction between common causes of variation and special causes. Common causes of variation arise from the current function of the system and therefore management's responsibility to correct, rather than the workers', because the variations are the results of how the system has been set up. Special causes, by contrast, create one-off events and these are to be pursued individually. Management's mistake, in Deming's view, is that it regards most undesirable variation as being created by individual workers (special causes) when, in fact, the great majority of variation (generally regarded as 80 percent and including many aspects of worker behaviour) is attributable to the way the organization has been created and managed (cited by Bunning, 1992; 10).

1) Application of statistical control in courts

Statistical analysis can be used to measure the performance of the court's processes based on measurements of the output from the case processing system and other productivity functions that can influence quality.

Deming (1986; cited by Bunning, 1992; 9) argues that

Variation in system performance is seen as the central cause of poor quality, with statistical control as the primary measurement tool to be used, the variation is progressively reduced.

The application of statistical process to measure quality control in the court is examined with respect

- a. the integrity of court decisions
- b. a defected-parts tracking system
- c. the effective use of court resources per outputs
- d. the rationalization of expenditure

The results of the review of these measures are presented below.

a. *Integrity of court decisions and orders*

The two categories of online and of-line control for the statistical control process suggested by Mitra could be applied to control the integrity of court decisions. An online control process is one that gathers information about the quality of court decisions while it is functional and alerts the concerned judge to discrepancies in real-time to minimize the recurrence of similar errors. This process, recently implemented by the Dubai Court, adds value by preventing judges from repeating error.

Offline quality control procedures deal with application of statistical process to compute accumulative periodic performance in different categories of cases. Deviation of output from approved standards of performance is detected and necessary corrective actions are identified according to the findings. This is a very important approach to examining the percentage of cases that pass final decisions in the First Instance Court without requiring appeals—the fewer the number of First Instance Court decisions that go to Appeal Court, the more efficient will be the court system's performance overall. There is also a cost dimension: the more decisions that go to the Appeal Court, and from the Appeal Court to the Court of Cassation, the more costly will be access to the justice system for the litigants and the court.

This is an internal measure that the court could use to control its processes so that litigants (or their representatives, particularly lawyers) come to trust the quality of

the court's decisions and find no value in appealing against its decisions. Table 7.13 illustrates both the quality and deficiency of the court's decisions (those of both the First Instance Court and the Appeal Court), in other words, the integrity of trial court outcomes.

According to TCPSM

the deep quantitative analysis of the outcomes of the percent of cases that pass final decisions in terms of either reversal or affirmance, can highlight the pattern of appeal outcomes and the frequency and distribution of error. Through quantitative analyses court can determine whether and the extent to which cases involving certain areas of law, raising particular issues, and being resolved in particular trial court proceedings are more likely to pose problems for trial judges than are other appeals (National Criminal Justice Reference Service, 1997; 127).

Therefore, the court should study the results of the quantitative analysis to determine whether an error occurred because of a new area of law or litigation, a misinterpretation or misapplication of applicable law, or a failure to follow appropriate procedures stipulated by the law. Accordingly Dubai Court will be able to determine areas where performance should improve.

A defect is associated with quality characteristic that does not meet certain standards. Furthermore, the severity of one or more defects in a product or service may cause it to be unacceptable and thus defective (Mitra, 1993; 8).

This study develops two types of lagging and leading⁶⁴ indicators to measure the integrity of the court's decisions. The First Court Initial Acceptance, the First Court Second Acceptance, and the Appeal Initial Acceptance are used in this study as leading indicators. Improvements in these performance measures will drive better performance results in the First Court Final Acceptance as well as in the Appeal Final Acceptance.

Despite the fact that the level of accuracy (integrity that addresses adherence to laws or procedures) of trial court outcomes (the decisions and orders) is an internal control process in the court, it also indicates the level of litigants' confidence in the quality of the court's decisions. There is in fact an adverse relationship between these

⁶⁴ Niven defines the lagging indicator as a performance measure that represents the consequences of actions previously taken, it frequently focuses on results at the end a time period and characterizes historical performance. The leading indicator is a measure that is considered the "driver" of lagging indicators. There is an assumed relationship between the two that suggests that improved performance in a leading indicator will drive better performance in the lagging indicator. For example, lowering absenteeism (a leading indicator) is hypothesized to drive improvement in employee satisfaction (a lagging indicator) (Niven, 2003; 294).

two elements. A decline in litigants' confidence and trust is correlated with an increase in the appeal, and vice versa.

Quality management seeks to prevent defects in services rather than relying on inspection after they occur. Failure analysis of court rulings is a good preventive technique to reduce the cycle time of case processing and reduce the cost of litigation to both the court and the litigants. This kind of analysis can be applied to most of the Court of Appeal rulings when they determine that non-jurisdiction decisions of the First Court rulings be cancelled and claims be heard by First Court.⁶⁵

Data for the number of the First Instance Court cases overruled by the Appeal Court in Table 7.13 include cancelled and reversed (returned) cases. The First Instance Court needs to study the details of both of these types, as well as the category of cases' appealed; then take corrective actions.

The number of contested cases, on the other hand, measures the quality of final level of First Instance Court decisions. It also measures the quality of initial and final decisions of the Appeal Court. The percentage of decisions reversed or upheld by the Court of Cassation will finally reveal the quality of the two lower-level court's decisions.

The following statistical analysis includes more than the "250 to 300" resolved cases each year "...required by the measure 3.3.5 of TCPSM to see broad patterns"(National Criminal Justice Reference Service, 1997; 122). This analysis uses the total number of cases of the three level courts for the years 1999–2001. It involves general examination of a number of cases appealed from first trial court in terms of affirmation and reversal patterns, to determine the quality of first trial court outcomes. It also examines the number of Court of Appeal judgments that are contested. The percentage of reversal and affirmation uncovers variation in the court's outputs and points to where problems occur. Consequently, the court can observe areas where performance should be improved.

⁶⁵ The UAE Federal Law No. 11 of 1992 Article 166 stipulates that "if a First Instance Court rules in the subject matter and the Appeal Court consider there is some invalidity in the judgment or in the procedures which affects the judgment, it shall determine that it be cancelled and rule on the issue. If, however, the First Instance Court rules for non-jurisdiction or for acceptance of a secondary petition the result of which is to prevent the process of the claim and the Appeal Court determine that the ruling of non-jurisdiction be cancelled or the that the secondary petition be rejected and that the claim be heard, it shall return the case to the Primary Court for ruling on its subject matter" (United Arab Emirates, 1992; 115).

From the data, it is notable that the initial quality level of the First Instance Court's decisions (the outcome) scored 53.68 percent in 1999, dropped to 52.38 percent in 2000, and rose to 57.31 percent in 2001(see row 2 in the table). The initial deficiency level (the proportion of cases appealed compared to those resolved in the First Court) declined from 46.32 percent in 1999 to less than 42.68 percent in 2001. Since we consider this indicator as a leading indicator or "driver", we expect a similar trend in both measures—the First Court Second Acceptance and the First Court Final Acceptance.

Row 4 in the table depicts the trend of the First Court Second Acceptance (this indicator excludes overruled cases (of the first court decisions) from the total number of cases appealed from the First Court). This measure scored 82.53 percent in 1999, 84.87 percent in 2000, and 87.02 percent in 2001. Row 8 shows the final deficiency and quality level of the First Instance Court decisions—94.17 percent was the final quality level of this court in 1999, which shows a minor level of deficiency from 100 percent (5.83).

In the following two years the court's performance improved. For instance, in 2000 the quality level was 96.23 percent with less deficiency (3.77 percent), this score was repeated in 2001. The trend of improvement in these results (lagging indicator), to a certain extent follows the trend of the First Court Initial Acceptance (a leading indicator).

Row 9 shows that the initial quality level of the Appeal Court's decisions (a leading indicator) declined from 73.47 percent in 1999 to 51.79 percent in 2000, and rose to 58.47 percent in 2001. The initial deficiency level (the number of judgments contested) rose from 26.53 percent in 1999 to 48.21 percent in 2000 and to 41.53 percent in 2001, which implies the beginning of a significant loss of control in the internal processes of the Appeal Court.

TCPSM states that

Because the imposition of criminal sanctions deprives individuals of their liberty, the fairness of the process and corresponding outcomes is an important topic for the measurement of court performance. In fact, some courts might regard fairness in sentencing to be among the most critically important goals that it should strive to meet (National Criminal Justice Reference Service, 1997; 117).

The Court's internal report with regard to the precision of its decisions in the criminal accusations and charges of the Dubai Prosecution indicates that 92 percent of

accusations have condemned their offenders by the Court, and only 8 percent innocents during the period from 1 January 2003 to 29 October 2003. The precision of the Primary Criminal Court's rulings was quite high at 85.08 percent, with only 1409 judgments out of a total 9442 overruled on appeal.

Table 7.13: The percent of reversal (overruling) in Court of Cassation decisions

| | | 1999 | | 2000 | | 2001 | | | |
|----|---------------------------------|--|---|--|---|--|---|------------------------|-----------------------|
| | | No of cases | % | No of cases | % | No of cases | % | | |
| 1 | First Court | 4803 | First court Initial Acceptance | 5684 | First court Initial Acceptance | 5699 | First court Initial Acceptance | | |
| 2 | Appeal Court | 2225 | 53.68 % $\frac{4803-2225}{4803} \%$ | 2707 | 52.38 % $\frac{5684-2707}{5684} \%$ | 2433 | 57.31 % $\frac{5699-2433}{5699} \%$ | | |
| 3 | Overruling Of First Court | Affirming Of First Court | First Court Second Initial Acceptance | Overruling Of First Court | First Court Second Initial Acceptance | Overruling Of First Court | First Court Second Initial Acceptance | | |
| 4 | 839 (17.47 % From 4803) | 1389 | 82.53 % $\frac{(4803-839)}{4803} \%$ | 860 (15.13 % From 5684) | 84.87 % $\frac{(5684-860)}{5684} \%$ | 740 (12.98 % From 5699) | 87.02 % $\frac{(5699-740)}{5699} \%$ | | |
| 5 | Court of Cassation | 364 | 26.53 % Of Appeal Decisions (1372) | 702 | 48.21 % Of Appeal Decisions (1456) | 620 | 41.53 % Of Appeal Decisions (1493) | | |
| 6 | Overruling of Appeal | Affirmation of Appeal | Overruling of subject | Overruling of Appeal | Affirmation of Appeal | Overruling of subject | Overruling of Appeal | Affirmation of Appeal | Overruling of subject |
| | 51 cases 14 % (364) | 263 cases 72 % (364) | 17 cases 4.7% (364) | 152 cases 22% (702) | 431 cases 61 % (702) | 62 cases 9 % (702) | 171 cases 28 % (620) | 367 cases 59% (620) | 54 cases 9% (620) |
| 8 | First court Final Acceptance | 94.17 % $\frac{4803-263-17}{4803} \%$ | | 96.23 % $\frac{5684-152-62}{5684} \%$ | | 96.05 % $\frac{5699-171-54}{5699} \%$ | | | |
| 9 | Appeal Court Initial Acceptance | | 73.47 % (100-26.53) of the 1372 cases | | 51.79 % (100-48.21) of the 1456 cases | | 58.47 % (100-41.53) of the 1493 Cases | | |
| 10 | Appeal Court Final Acceptance | | 92.64 % $\frac{1372-(364-263)}{1372} \%$ | | 81.39 % $\frac{1456-(702-431)}{1456} \%$ | | 83.05 % $\frac{1493-(620-367)}{1493} \%$ | | |

Quantitative analysis is applied in courts to see the relative frequency of outcomes by case category, subject matter, and court proceeding type. In addition a qualitative analysis is applied to see whether errors (deviation) arise as a result of one of the six issues stipulated in Article 173 (United Arab Emirates, 1992; 119). This include

1. The ruling, which is contested, is based on a contravention of the law or an error in its application or interpretation.
2. Some invalidity occurs in the ruling or in the procedures, which influence the ruling.
3. The ruling, which is contested, was issued contrary to the principles of jurisdiction.
4. A decision is made in the dispute that contradicts another ruling in the same matter between the same adversaries, which has the strength of a *fait accompli*.
5. The ruling is devoid of any grounds or if they are insufficient or obscure.
6. A ruling is made for something not requested by the adversaries or for more than they requested.

Qualitative analysis is beyond the time and capability of this research. However, the court is strongly encouraged to apply both quantitative and qualitative analysis in order to identify the causes of decline. Corrective actions should then be taken to eliminate deficiency and raise the quality level.

b. *Defected-parts tracking system*

The use of statistical control and feedback by the Information Technology Department in Dubai Court has a direct effect on quality performance in that unit, as they can easily trace parts in their system that are not working properly. And fix them, ensuring the consistency of their work. Unfortunately, other units in the Court have not adopted this excellence practice, particularly those responsible for case processing.

c. *The effective use of court resources per outputs.*

The notion that improved productivity and cost reduction do not go hand in hand is a myth. On the contrary, a quality control system achieves precisely these two desirable features in the long run (Mitra, 1993; 12).

Examination of how the court uses its resources and collects revenues is the best way to judge its efficiency. The study reviewed the balance sheet of Dubai Court from 1995 to 2001, finding the following major factors (see Table 7.14).

1. The efficiency of the court's performance can be examined by evaluating changes in its annual total expenditure as a percentage of annual revenues. In 1995, the Court's total expenses were 37 percent of its revenues, and it had a

surplus equivalent to 168 percent of its total expenditures. The rate remained acceptable in 1998 at 23 percent, but reached a nadir in 2001 at 49 percent.

2. The three jurisdiction courts in Dubai started their consolidation in 2000, by virtue of Law No 3/2000 issued on 31 May 2000. As the Court of Cassation prepared to move from its old building to the Dubai Justice Department complex through 2000–2002, court expenditures rose noticeably.
3. The growth rates of the revenue, expenditures, and the surplus were calculated by dividing the amount of the examined year by the amount that appeared in 1995.

The result indicates that the court was able to conduct its business in a cost-effective manner, including its deployment of an integrated financial reporting system to ensure that all of its units adhered to the budget. They also benefited from their external partnerships for achievement of the exchange benefit. However, the review of the court practices revealed that, to maximize cost-effectiveness, the court needs to conduct a proper analysis of its financial performance in the light of the goals elaborated in its strategic plan.

The extent to which the courtrooms are utilized is one of the best ways to measure how the trial court uses its resources. The number of hours these courtrooms are used as a proportion of total annual working hours needs to be reviewed to establish how effective the court's use of its resources is. Review of the court's records showed that it has not established any standard or maintained any data on this matter that could be used to evaluate the court's performance. This is something the court needs to address.

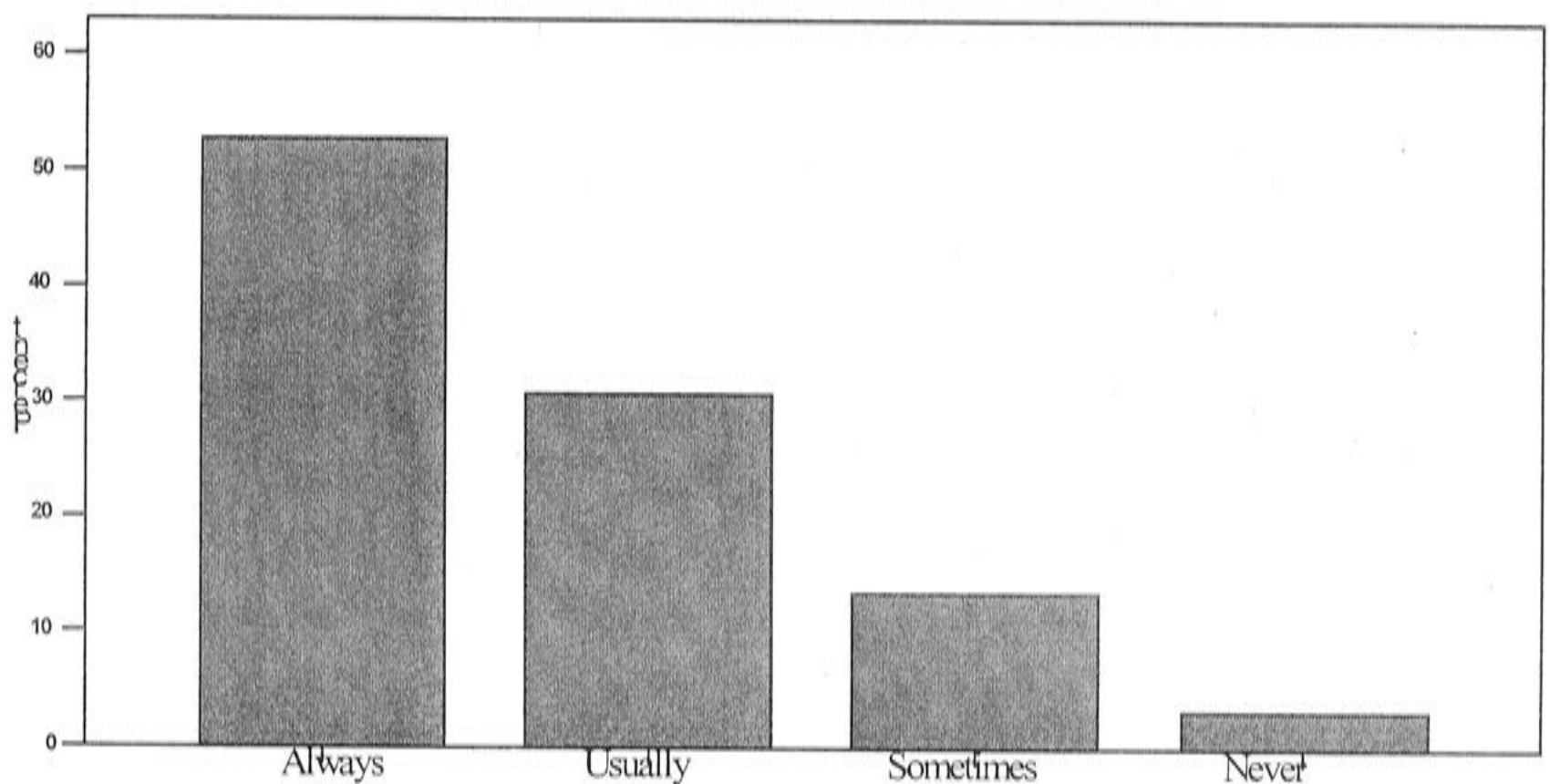
Table 7.14: The financial performance of the Dubai Court

| Year | Rate of revenues growth | Rate of expenditures growth | Rate of surplus growth | Rate of Expenditures to revenues |
|------|-------------------------|-----------------------------|------------------------|----------------------------------|
| 1996 | 17 % | 5 % | 25 % | 33 % |
| 1997 | 48 % | 18 % | 66 % | 30 % |
| 1998 | 124 % | 40 % | 173 % | 23 % |
| 1999 | 107 % | 62 % | 134 % | 29 % |
| 2000 | 99 % | 102 % | 98 % | 38 % |
| 2001 | 113 % | 178 % | 75 % | 49 % |
| 2002 | 163 % | 206 % | 137 % | 44 % |

The study has tested court users' perceptions of whether court officials have adequate resources to do their job. This is a big challenge faced by courts all over the world, and especially in Dubai, where there is no connection between court revenues and court expenditures. The Court's expenditure is not drawn from revenues but from the government budget.

Therefore, it is the court's responsibility to present to the government coherent information about its budget. Figure 7.6 illustrates that 83.5 percent of the respondents thought that the Court (always and usually) had adequate resources, in addition to 13.4 percent who agreed that the court sometimes had adequate resources. This indicates significant success in Court's officials' efforts.

Figure 7.6 Do you think the court has adequate resources to do its job? Q.6.G



d. Rationalization of expenditure

This is one of the main measures that determines success of the court when evaluating its key performance results. If quality can be controlled, cost and productivity will be brought under control in the long run. The average expenditure per case is a very important indicator for trial courts, because this average measures how efficient the court is in handling cases within the resources that are available. The cost per case is calculated by dividing gross expenditure by weighted caseload. This study, however, has not used this measure because the weighted caseload (previously discussed in Chapter Five) is not used in the Dubai Court. As an alternative the total number of cases is used.

The overall financial performance of the Dubai Court is reviewed according to the above measure (the effective use of court resources per output). Net cost to revenue for the aggregated and litigious cases are very important measurements, because they focus more on the production unit of major services, which are the lodgments (or cases). In this measure, the other sources of both revenue and expenditure are excluded. Therefore the net outputs of the aggregated and the litigious number of cases can be used to reflect accurately the productivity and cost of the main services of the court.

Table 7.15 depicts the average expenditure per case and the proportion of cost to revenue for five years of the Dubai Court's operations. The amounts are converted from the UAE currency into US \$ dollars. The aggregated number of cases consists of all cases and matters (simple, complex, non-litigious, and litigious) that were presented to the court during that period. Meanwhile, the net number of cases contains all cases, excluding small claims, appeal and contested cases, criminal cases (excluding the short criminal cases report that is presented below), and any case type that is non-litigious (such as, name changes, and registration of foreign judgments).

Table 7.15: Average expenditure and revenue per case (US\$)

| | 1997 | 1998 | 1999 | 2000 | 2001 |
|--|------------|------------|------------|------------|------------|
| Gross expenditure | 8,294,946 | 9,882,036 | 11,421,916 | 14,231,194 | 19,631,700 |
| Total cases' revenue | 27,808,705 | 38,024,143 | 35,628,795 | 34,337,811 | 37,462,767 |
| Total no of aggregated cases | 53,635 | 56,347 | 62,181 | 76,535 | 77,176 |
| Expenditure per case | 155 | 175 | 184 | 186 | 254 |
| Revenue per case | 519 | 675 | 573 | 449 | 485 |
| % of cost to revenue for aggregated cases | 29.86 % | 25.93 % | 32.11 % | 41.43 % | 52.37 % |
| Total no of litigious cases | 6,354 | 6,619 | 6,374 | 8,578 | 8,659 |
| Net expenditure Per litigious case | 1,305 | 1,493 | 1,792 | 1,659 | 2,267 |
| Net revenue per litigious cases | 4,256 | 5,745 | 5,590 | 4,003 | 4,326 |
| % of cost to revenue for litigious cases | 30.66 % | 25.99 % | 32.06 % | 41.44 % | 52.40 % |

During 1997, 1998, and 1999 the net cost to revenue per aggregated and litigious case was extremely good, with a minimum of less than 26 percent in 1998 and a maximum of 32 percent in 1999. However, in 2000 and in 2001 particular, the case expenditure grew. This is mainly due to the consolidation of the three courts that took place in 2000.

This type of periodic comparison is good, yet the court should establish indicators to measure its performance on a quarterly basis to be able to monitor and control perfectly the quality of its services

2) Acceptance sampling plans

Amitava Mitra remarks that

This branch of quality control deals with the inspection of the product or service. When 100 percent inspection of all items is not feasible, a decision has to be made on the number of items to sample from a batch of items. The information obtained from this sample is used to make a decision on the entire batch, or lot—namely, to accept or reject it. A parameter that needs to be determined in the case of attributes is the acceptable number of nonconforming items (Mitra, 1993; 11).

This approach was used several times to validate quality control of certain tasks and procedures. In fact, during the previous discussion about the integrity of court decisions, this study pointed to the minimum number of cases “that exceeds 250 to 300 cases in each year which are required by the measure 3.3.5 of TCSM to see broad patterns”. This is a parameter used to control the size of the sample upon examining the quality of court decisions.

This approach is frequently used with most of the TCPSM. In Chapter Five, for example, a sample of cases was obtained to measure quality control in case file handling, including the reliability of file control, adequate storage and preservation of physical records, and consistency of the case docket system. A sample of cases was used to determine also the quality of accessibility and audibility of public proceedings.

2. THE IMPACT OF PARTICIPATION IN THE QUALITY AWARD PROGRAM

Courts that have already embarked on TQM processes and participated in the quality award program can benefit from the evaluation reports, to improve and control quality.

Brown recommend that

“a better improvement planning approach is to prioritize the areas for improvement before proceeding to develop action plans. With this approach, you take areas for improvement from the Baldrige assessment and select the most important 10-20 to work on over the next year. Senior executives may assign a score to each area for improvement, using the following variables and scale:

1. **IMPACT:** To what extent will fixing this weakness impact our performance on key measures of quality, customer satisfaction, or financial performance? (1= no impact; 10 = great impact on a number of performance measures).
2. **URGENCY:** To what extent do we have to address this weakness immediately? (1= can be postponed for several years; 10= this need to be fixed now).
3. **TREND:** Is performance in this area currently getting worse, stable, or better? (1= performance is improving rapidly; 10=performance is getting worse all the time).

By adding the scores for each area for improvement, as given by each member of the senior executive team, it should be possible to list 100 or so areas in order of their priority. One can then take the top ten and develop action plans for improving performance in these areas. A project manager is assigned to each action plan, and specific tasks and deadlines are developed for the improvement project” (Brown 2001; 300).

This approach to quality improvement is ideal for courts that have already begun applying total quality management criteria, such as the Dubai Court. However, the review of the Dubai Court’s procedure in dealing with the evaluation reports during the previous years, excluding the 2004 report, revealed that, despite the efforts of the quality committee in preparing the annual quality award applications, the Court is insufficiently concerned about areas for improvement included in the examiners’ evaluation reports. A copy of the previous evaluation report could not be located, and staff did not know where the report might be. This indicates a loss of great opportunity to improve the Court’s performance.

3. ***RESPONSIBILITY FOR QUALITY***

One of the concepts of the TQM is the universal responsibility. This simply means quality is not responsibility of a specific section or unit within the organization structure instead, it should be perceived as a responsibility of every unit and function. This responsibility starts with commitment from top management (such as selection and prioritizing improvement projects, and setting the improvements goals), and filters down to the operator (staff) level.

Several management approaches have been widely used to support quality improvements, including 1) the user contact and staff involvement, and 2) quality

assurance systems in accordance with international standards. The review of these elements in the court is presented below.

1) User contact and staff involvement

One effective method to examine court quality is by obtaining court users' perceptions of court services by means of using surveys. This perception was demonstrated in the previous two chapters. Examination of court quality through these methods requires that the results of surveys should be made available to all participants, including court employees, clients and the local community. The court has to demonstrate how prior survey feedback has resulted in an improvement of its services, by using suitable communication methods such as media channels and direct correspondence.

Review of the Dubai Court's process in this regard shows that neither the survey results nor their relation with improvements to Court services were presented and communicated to participants. This indicates that the Court may miss the benefit of the survey as a major quality tool for self-assessment, self-improvement, and accountability to the public. 'Areas for improvements in the fifth criterion: processes', point 7, indicated similar weakness in the Court process.

Well-trained and motivated staff involvement in improving the process is a critical component of quality management. This can be included through effective suggestion system and improvement teams drawn from across the organization. Such teams are very useful in guiding improvements in system performance and are widely implemented by most organizations. A couple of years ago the Dubai Court established such a team to improve its performance, and recently each member in this team has been a leader of a smaller improvement team in his unit.

2) Quality assurance

Mitra notes that

the important message is that quality is not just the responsibility of one person in the organization. Everyone involved directly or indirectly in the production of a quality item or in the performance of a quality service has an important role. Unfortunately, something that is viewed as everyone's responsibility may fall apart in the implementation phase due to one person feeling that someone else will follow the appropriate procedures. This behaviour may create an ineffective system where the assurance of producing a quality product exist only on a paper. Thus, what is needed is a system that will ensure that all procedures that have been designed and planned are

being followed in implementation. This is precisely the role and purpose of the quality assurance function (Mitra, 1993; 11).

Building a similar formal system into the court's structure may be difficult, but many organizations in the public and private sectors use external quality auditing systems, for example ISO certification.

A court could also use ISO certification to enforce the existing quality in its process, because this is the best way to undertake process definition and documentation. The Purchasing Section in the court is responsible for providing the court with quality materials in order to produce quality services. Therefore, they have to search for quality certified (ISO certification) suppliers. The examination of data from the records and interviews in the Dubai Court has not indicated any action by the Court in this direction.

4. CONCLUSIONS

In analyzing the framework that could be used by trial courts to assess and evaluate their progress in implementing various tools and techniques of quality management, this study has examined the criteria of the Dubai Government Excellence Award program as a model for that framework. It has also assessed issues, advantages, and weaknesses that were discovered in the Dubai Court as a result of applying these criteria. With respect to elements of quality service in the trial courts, this study has developed a diagram (Figure 7.1) to facilitate an understanding of the relationship between these elements. Finally, areas for the quality control and improvement in trial courts were examined. As result, the following sixteen conclusions are presented.

First, this study strengthens the fact that TQM, or its augmented concept “organizational excellence”, is the ultimate option for public organizations, including the trial courts, seeking to promote public service quality in terms of public accountability and responsibilities.

This finding supports the previous conclusion of Hsieh *et al.*, when they stated that

TQM will be the best options that the public sector organization may consider in dealing with increasing service quality, in terms of the principle of legality by Kickert, 1997, and public interest and accountability Johnston, 1996” (Hsieh *et al.*, 2002; 909).

Second, this study found that the three key elements of the DGEP organizational excellence concept (criteria appropriateness, the training efforts, and the program’s evaluation process) are applicable and appropriate to the court’s business. Consequently, the court is responsible for its success or failure in the program through improving its work procedures and performance results.

Despite this, this study has also found that, in most cases, any project requires a level of commitment from the authority to their concepts. This is also arguably true with the case of the promoters of the organizational excellence concept, such as the DGEP, the EFQM, and the MBNQA.

The criterion of partnerships and resources in these programs call for partners to work together to achieve shared goals and to support one another with expertise, resources and knowledge, based on mutual trust and respect. However, this is not always applied between the authorities of these programs—some of the best practices

in one are not shared with others. For instance, the EFQM level of excellence scheme has three standards:

1. *European Quality Award*, which is similar to the Dubai Excellence Award.
2. *Recognized for Excellence*, which requires completion of a shorter application document and a modified assessment process. The program recognizes organizations whose score is confirmed at 400 points or more.
3. *Committed to Excellence*, which is designed for organizations that are at the beginning of their journey to excellence. Its emphasis is on helping organizations understand their current level of performance and establish improvement priorities.

This study strongly believes that schemes similar to the 'Recognized for Excellence' and 'Committed to Excellence' programs should be implemented in Dubai in order to help public organizations having difficulties with the overall program.

The DGEP improvements require obtaining regular user feedback. The Program Consultant of the DGEP acknowledged to this study that the program regularly uses focus groups to obtain feedback and most of the changes to the DGEP criteria, categories, and assessment issues were initiated by such feedback. Unfortunately, this program did not collect data from its diverse groups of participants based on directed surveys as a preferable data collecting method. This improvement approach is well implemented in other quality awards programs such as the MBNQP and the EFFQM.

Third, the weak and insufficient performance of the Dubai Court in four criteria of the results category (32.4 percent or 162 out of 500 points), clearly indicates that the court has failed to present sufficient solid data with respect to its overall performance, its performance relative to industry averages and benchmarks, improvements and positive trends (as a rate, or over a period of time), the scope and extent of its improvement on all key measures of performance, and the regular evaluation of these results with the objective of enforcing positive results and improving negative areas.

This finding supports earlier findings by Bin Obude, who "stated that the problem of intensive emphases on system-inputs and system-processes more than system-outputs is one of four obstacles that hinder implementation of TQM in the Dubai government Departments" (Bin Obude, 2003). It also supports the view of

Brown, who listed similar elements that examiners will most likely look at during the evaluation of results (Brown, 2001; 70).

Fourth, this research discovered that among major obstacles that courts are likely to face in applying criteria of quality management is how to interpret these criteria accurately when preparing the application form. This misunderstanding is not limited to courts, and is the case with the majority of the public organizations.

This finding supports some of what is described by Brown as “ten mistakes to avoid when writing your application” (Brown, 2001; 28). We found, for example, that when the Court was asked to report specifically about its systematic implemented methodology, framework, or system (approximately 13 questions within the criteria have similar nature), it incorrectly replied using descriptive words and general examples instead of adequately describing its processes. An example was a question inquiring about the methodology used to determine the court’s present and future human resources needs (criterion three: human resources, page 8 in the Court’s evaluation report). The court answered with general statements, followed by a few examples, in an identical manner presented under point 2 of Brown’s ten mistakes.

Part of this misunderstanding is probably attributable to the lack of careful reviewing of the DGEP Glossary that is attached to the program criteria. For example, the definition of the word “methodology” is “a documented method that specifies a specific manner of working. It ensures harmonization and agreement in the way a certain work or task is accomplished”. The researcher believes that promoting this understanding would be a proper solution to this kind of problem.

Fifth, one of the major factors in the court’s poor performance is the absence of a proper self-evaluation process against the quality criteria used in the organizational excellence program. The study could not find any court documents showing any attempt to evaluate reports with regard to these quality criteria, except the general reports of customer and employee surveys. However, relying on such reports, or even using specific relevant questionnaires that cover some of these criteria, is not enough.

This research supports Brown’s view that improving scores against quality criteria requires simulating the award evaluation process (Brown, 2001; 65). Therefore, courts, like other successful organizations in similar programs, have to enter into the process of pre-testing of their level of performance by preparing evaluation forms for all criteria or at least for the ones in which they expect to

perform worst. Courts also need to use either their own internal examiner, who has been through a period of training, or ask for help from an external examiner from the program's authority, or someone who has worked with that quality program before.

An approach like this will definitely reveal areas for improvements in advance, so the court can take better steps towards suitable remedies, and consequently receive a higher position in such quality award competitions.

The self-assessment process offers organizations an opportunity to learn about the organization's strengths and weaknesses, about what "excellence" means to the organization's progress on the journey to excellence, how far it still has to go, and how it compares with other organizations (EFQM, 2002; 9).

Sixth, despite the challenges for Dubai Court in implementing the criteria for quality management compared to other organizations in the public sector, the 60 positive aspects demonstrated the importance of applying the organizational excellence concept, even in this unique kind of public organization. The study has also found that investments in quality principles and performance excellence pay off in increased productivity, appreciated employees and satisfied customers.

The successful application of the quality management framework in unique public services indicates that such an approach is not limited to just production units in the public sector; it is rather applicable to most, if not all, public organization categories.

This finding deviates from some of the literature, such as Hsieh et al, who concluded that

the limitation of this study is that the National Tax Administration of Taipei (NTAT) and the like are just one type of public-sector agency. According to Wilson (1989), the public sector agencies can be classified into four categories: production, procedural, craft, and coping organizations. The NTAT can be considered a production agency thus it is much easier to establish TQM programs in production organizations of the public sector, because both outputs and outcomes are more observable than in organizations of other types. This could limit the applicability of the results obtained in this study to other types of public sector agencies (Hsieh et al., 2002; 909).

This finding supports also the view of Bunning, who concluded that TQM has universal application and can be applied in the public sector and to professional services in many different types of organizations. Moreover, sufficient time has

passed for benefits to be achieved and reported, and these are substantial (Bunning, 1992; 52).

Seventh, the identified areas of improvement in the Dubai Court have indicated many points with regard to methodologies (for example, 5, 6, 7, 12, 13 in the first criterion. 4, 6 in the second. 6 in the third. 1, 7, 11 in the fourth in the examiners' report). Therefore, this study argues that specific attention from decision makers in courts is necessary to make sure that they have suitable and appropriate methodologies, which are regularly evaluated, improved, and implemented and which cover most units and work areas.

Eighth, this study found evidence that the Dubai Court handled the more serious, complicated and difficult civil cases with different degrees of timeliness. These cases include the civil case type grand commercial code number 20, and the grand civil cases code 22. The court's performance in these two categories was below time standards adopted by the American Bar Association (ABA), which require 90 percent of cases to be completed within 12 months, and 98 percent within 18 months.

This evidence is consistent with Standard 3.3 (court decisions and actions) of the Trial Court Performance Standards and Measures. This standard explains that the decisions and actions of trial courts should be based on individual attention to each case (National Criminal Justice Reference Service, 1997; 110). The performance of the Dubai Court suggests that, by resolving such civil cases with individual attention, the quality measure was considered.

Ninth, this study makes an important contribution to the literature by developing and testing a quality service framework (Figure 7.1) that describes the adverse characteristics of service and the elements that are expected to control the negative consequences of these characteristics.

The review of the effects of the five supportive elements of intangibility demonstrated how these most visible signs of the court's service can increase the tangibility of the court's services. Trial courts are encouraged to promote these elements in order to provide quality service.

This study developed the idea of Kotler and Armstrong (Kotler and Armstrong, 1993; 494) and Lawton (cited by Bunning, 1992; 29), who have supported this approach for achieving service quality in the service sector, to a sophisticated and serviceable framework that should be useful for future research into service quality in trial courts.

Tenth, despite the fact that trial courts provide intangible services, which are performance rather than objects, this study argues that the court's performance particularly caseflow management, can be measured in advance before presentation to the customers. Trial courts can identify case processing time in advance by using the weighted caseload⁶⁶ and use this information to measure quality of its performance. This argument diverged from the view cited in the literature (Parasuraman et al, 1985 cited by Bunning, 1992; 27) that most services are intangible and thus cannot be measured in advance, rendering it difficult to assure quality.

On the other hand, Flango et al, support this study's conclusion when they remark that

Courts with jurisdictions that range from ordinance violations to product liability cases, however, need some sort of weighting scheme both to estimate the amount of time necessary to clear the dockets and to equalize the workload among judges and court support staff. Judges can legitimately disagree on the "proper amount of time" that should be spent on a case. Is an hour on a minor misdemeanor about right? Too long? Too short? Weighted caseload figures provide the springboard for identifying practices that affect case processing time. The weights also offer valuable baseline information for "quality of justice" discussions (Flango *et al.*, 1996. 20).

Courts should establish and use different timeliness standards for each category and sub-category. Progress was made to establish a unique measure to monitor case processing time in the three courts altogether, which is illustrated in Tables 7.7.and 7.8. This method needs to be added to the other measures used by trial courts in evaluating case processing time.

Table 7.7 also contains a unique statistical matrix, never been used before in the region, that shows case processing time for each judge. It is strongly recommended that trial courts construct and distribute such information to all judges so they can evaluate and improve their performance.

Eleventh, indicators other than caseflow management can affect the quality of service in the trial courts, including disbursement of funds to their lawful recipients and compliance with reporting schedules. These indicators also affect how customers perceive the court's service and their quality, and consequently can reduce the adverse problems of intangibility. This study found that the time element is a

⁶⁶ Chapter three in the Falngo et al's (1996) study provides substantial details about the weighted caseload

tangible factor that can influence court's users' perceptions of service quality. This study, therefore, encourages trial courts to take action to deal with these problems.

Twelfth, the literature reviewed and the findings of this study indicate that, to improve the quality of the court's performance, the court should use statistics for process control, and a quality cost measuring system. Cutting the case cycle time and reducing the cost of many of the court's internal processes would likely improve the quality of its performance. The percentage of resolved cases (those do not require appeal or rework) is one of the dimensions that determine the perceived quality of the court's performance. It could be measured by either the percentage of judgments accepted by the litigants and therefore are not appealed, or the percentage of judgments that are appealed.

Measuring quality costs is also important and would provide the information needed to analyze where excess costs are being incurred. Cases that are resolved within the case processing time standards and without appeal reduce the costs to the court. To improve the quality of court performance, the court should have a system for documenting non-conform judgments that exceed the case processing time standards and overruled cases in order to determine where excess costs are occurring and take the needed actions to reduce them.

The finding in the area of rationalization of expenditure indicates that the net outputs of the litigious and aggregated cases could reflect accurately the productivity and cost of the main services of the court. Therefore, the control of the quality service would be appropriately tested. This finding promotes this measure as one of the tools of statistical control that could be used to control quality of services in trial courts

One of the effective quality improvement approaches depends on the ability of the organization to prioritize areas identified in its quality award evaluation report before developing action plans. Failure to do so hinders improvement in the overall score or performance. The Dubai Court's failure to improve its position among the list of government departments in the Dubai Government Excellence Awards is significantly correlated with its lack of benefiting from the examiners' evaluation reports. This finding affirms the importance of the quality improvement approach recommended by Mark Graham Brown and discussed in this study.

Court employees and users have a major role in affecting the court's service quality. The court can affect both groups—staff can be adequately trained to deal

with users properly but they should also be selected carefully, particularly the front line employees. On the other hand, the court can influence users' behaviour by shaping their expectations through distributing information about how services are provided.

CHAPTER EIGHT GENERAL CONCLUSIONS AND RECOMMENDATIONS

1. *GENERAL CONCLUSIONS*

This study is concerned with the development of the trial court administration with particular emphasis on the improvement of court management in Dubai Court to achieve a better and more efficient performance and enhance the court's ability to provide fair and efficient adjudication of cases and improve public services. It concentrates on finding the best possible answers to the primary research question: "In what ways and by what means could the performance of Dubai Court be improved?"

The thesis identified three areas that require attention or potentially are in need of improvement that could provide the basis for enhancing the court's performance. These are the court-users relationship, administrative and judicial activities, and a court quality management framework. Through the court records and cases review, questionnaires, observation and interviews the thesis empirically examined various issues and aspects that affect those three areas.

The argument in the first area of the court-users relationship is focused on the disruptive effects of insufficient factual coverage by the media, as well as the excessive cost of dispute resolution, which makes access to justice difficult for many users. In addition to the unnecessary barriers to trial court services built in the court's structure, policy, procedural considerations, and public proceedings and effective participation.

The findings revealed the significant disruption such effects have on the court-users relationship. Therefore, various solutions for each aspect were presented and recommended in Chapter Five that would probably overcome these problems and accordingly improve the court's performance.

The literature reviewed stated that insufficient and inappropriately managed human resources are common problems facing trial courts worldwide. This study documented this fact in the Dubai Court. It reached this conclusion after first examining what the court is doing right or wrong to its employees, particularly in activities that include recruitment and retention, training, working conditions, evaluation, and compensation.

It then examined four statistical measures to assess effectively the need for more or fewer judges or other staff. These measures include case filings, number of dispositions, cases processing time, and the population growth. Finally, it reviewed the effect of the judicial performance evaluation system and discussed the role of administrators in increasing judicial accountability for case processing. To enhance the effectiveness of court performance, it also assessed the interrelationship of both judicial and administrative activities. This study revealed a number of factors hampering the court's relationship with its users.

The greatest challenge that faced this study while examining ways and means to improve the court performance was in the third and last area of concern, "court quality management framework", because the application of quality management (organizational excellence) in courts is still an area that requires a lot of empirical and theoretical research. In this study the quality management concept is augmented to the organizational excellence concept. The implicit definition of quality from this concept, which is adopted in this study, is meeting or exceeding the needs and expectations of court-users subject to meeting or not contradicting the needs and expectations of other stakeholders. "Quality management framework" is a standard or a framework used by an organization to assess and evaluate their progress in implementing the many ideas and techniques of total quality management.

This study discovered that among the obstacles courts are likely to face in applying criteria of quality management is interpreting these criteria accurately during the process of preparing the application forms. In addition to the absence of proper self-evaluation against quality criteria used in the organizational excellence program, the Dubai Court's failure to improve its position among the list of government participants in Dubai is significantly correlated to its lack of action on the findings of the examiners' evaluation reports.

The Court has also failed to present sufficient solid data with respect to its overall performance and its performance relative to the industry averages and benchmarks. The court's decision-makers have to make sure they have appropriate methodologies for this process that cover most units and work areas, and which are regularly evaluated, improved, and implemented.

Despite the challenges that the Dubai Court faced in implementing criteria of quality management compared to other organizations in the public sector, this study found that investments in quality principles and performance excellence pays off in

increased productivity, satisfied employees and customers in the court. Even with the positive perception among court users with regard to the effectiveness of the decision enforcement in the court, quantitative measures (statistical analysis) of court compliance rates can produce a better overall picture.

To improve the quality of court's performance, statistics for process control and quality cost measurement should be used by courts, particularly the percentage of cases that do not go to appeal or rehearing.

Finally great attention is given in this study to assessing elements of the quality service concept in the trial courts. This is because the researcher believes that positive results could be achieved by applying this approach in court services, as most of the included elements are derived from the Trial Court Performance Standards and Measures, in addition to some elements from the criteria used in the organizational excellence framework of the DGEP.

2. RECOMMENDATIONS FOR THE DUBAI COURT

This study reached various implications that most likely will provide ways and means to improve the Dubai Court's performance. These implications cover the three areas—the court–users relationship, criteria for the Court human resources management, and the court quality management framework.

1) The court–users relationship

First, the findings on the first two questions (No. 20, 21) reveal that in the views of the respondents, communication does affect the court–users relationship, yet the review of the Dubai Court's policies and practices shows that they were not effective, with the exception of the Court's website. The Court must correct this if it intends to narrow the satisfaction gap among its users and ensure effective and efficient performance. Among the best practices in this regard is establishing a Court Media Advisory Committee and a Court Lawyers and Experts Committee.

In addition, the Court should provide the media with judgment summaries to prevent judgments being misconstrued by the media,⁶⁷ as well as appointing a Public Information Officer to ensure that media inquiries receive proper responses. These are practical ways for the court to assist the media ensure fair and accurate reporting of cases.

⁶⁷ The High Court of Australia now provides press releases on important cases that are published on its website on the day of judgment. (http://www.hcourt.gov.au/publications_04.html)

Also, it is necessary to make proper use of all the media channels to make announcements about specific courts' judgments in crimes that attract the community's attention in order to deter and prevent similar crimes in the future.

The Court should meet lawyers and experts regularly to strengthen the court-users relationship and to establish the principle of their participation in presenting opinions and recommendations about the laws and the court's services.

Second, the Dubai Court's efforts over the last three years to provide services via the Internet have been excellent. However, it must also consider the needs of the two-thirds of Dubai's population that do not speak Arabic by providing an English version of this Website.

The Court's supporting efforts for the use of the Internet by users should be strengthened, through initiatives such as electronic filing, which would allow users to send documents to the Court and pay fees online, as well as linking electronically with lawyers, experts, and other government departments. These considerations will certainly narrow the gap with the court's users, and increase their level of satisfaction.

Third, the findings indicated the importance of the electronic media, including the television and the Internet. Therefore, this study recommends that Dubai Court should appoint a committee to evaluate the possibility of allowing television cameras in court proceedings in an initial one-year evaluation project.

A pilot program can be done either by permitting judicial proceedings to be televised, as in the United States and Canada, and some British courts, or under a trial basis as in Australia and New Zealand. The final assessment should be based on the committee's final evaluation report and the public perception surveys. That assessment should reveal whether or not the media involvement has adversely affected court proceedings, participants, public confidence in the judicial system, or the workload of the Court.

Fourth, the technical and accountancy experts' reports in Dubai proved to be the third factor contributing to the high cost of dispute resolutions and the most important factor in causing delay in reaching final decisions. That these reports were not reliable may ultimately affect the reliability of the court's decisions.

Therefore, the Dubai Court is strongly encouraged to establish an experts' unit within its structure to eliminate the destructive effect of the current existing delays. These should not exceed one month, excluding certain cases that are approved by a

judge, with an annual performance indicator of not more than 20 percent of the reports taking longer than one month. Furthermore, by using the Court's Experts Unit, both the judges and litigants will have more confidence in the integrity and neutrality of experts' reports.

This conclusion is reinforced by the respondents' answers to the question "The appointment of a number of full-time technical and accountancy legal experts to provide advisory services at the Dubai Court would lead to greater efficiency and impartiality. What is your opinion?"

Of the respondents, 70.3 percent agreed that greater efficiency and impartiality would be expected from the experts' reports if the Dubai Court appointed a number of full-time experts. Only 29.7 percent disagreed with this proposition.

It is worth mentioning also that judges should restrict the process of transferring cases to experts, except where it is unavoidable. To control the cost of external experts, the Court should set an affordable internal fee scale for preparation of such reports. Table 8.1 proposes a scheme for the experts' fees that the Court may use as a guideline to determine experts' fees.

The table shows that the case amount is used as a basis to calculate experts' fees. Each level uses the maximum amount of fees of the previous level as a basis plus a percentage from the case amount. The court's fees must be added to experts' fees to obtain the total fees that should be collected from the litigants. This would provide judge with a reasonable scheme that would satisfy both the experts and the litigants.

Fifth, the Dubai Court is strongly encouraged to adopt an assistance scheme similar to that established by the Federal Court Australia, to aid litigants who appear before it without the benefit of legal representation. This action will be strongly appreciated by the litigants, the community, and the majority of lawyers. It would also help the Court narrow the gap in the court-users relationship. During the interviews in Dubai, some lawyers supported this scheme and were prepared to participate in such a project.⁶⁸

Sixth, to overcome the difficulties that contribute to the high cost of justice services as a result of the current arbitration process in Dubai, the study has developed an arbitration fees scheme (Table 8.1). The purpose of the scheme is to help determine the fees due to the court and the arbitrators. When the arbitration

⁶⁸ For example, the interview with the lawyer Mohd Abdul Kareem on 30 August 2003.

takes place outside the court, this scheme can be used by a judge in amending the arbitrator's fee assessment at the request of one of the litigants; and in such cases, the court's arbitration fees will not be due. In the case of arbitration that takes place by means of the court, the court could apply the scheme on opening the arbitration's case file.

To ensure success of the arbitration court's process, a separate list of arbitrators must be organized by the court, which includes experts who possess high academic qualifications and years of experience in different fields (such as retired judges). To enhance the integrity of arbitrators' rulings, the Dubai Court must review the content of the previous Federal Law No.11, Article 217 (United Arab Emirates, 1992), which gives immunity to contest the arbitrators' rulings, by considering a suitable appeal manner.

Table 8.1 the proposed experts' and arbitrators' fees.

| Expert/Arbitrator maximum fees UAE (Currency) | Expert/Arbitrator minimum fees UAE (Currency) | Court's fees | Case amount UAE (Currency) |
|--|--|--------------|-------------------------------|
| 3.5 of case amount (Maximum 7, 000) | 3,000 | 1,000 | Up to 200 000 |
| 7, 000 + 2.5 % of the amount exceeding 200 000 | 3 000 + 1 % of the amount exceeding 200 000 | 2,000 | From 200 001 to 500 000 |
| 14,500 + 2 % of the amount exceeding 500 000 | 6,000 + 1 % of the amount exceeds 500 000 | 2,500 | From 500 001 to 1 000 000 |
| 24,500 + .50 % of the amount exceeding 1 000 000 | 11,000 + 0.3 % of the amount exceeding 1 000 000 | 3,500 | From 1 000 001 to 2 500 000 |
| 32,000 + .40 % of the amount exceeding 2 500 000 | 15,500 + 0.2 % of the amount exceeding 2 500 000 | 4,500 | From 2 500 001 to 5 000 000 |
| 42,000 + 0.3 % of the amount exceeding 5 000 000 | 20,500 + 0.1 % of the amount exceeding 5 000 000 | 5,500 | From 5 000 001 to 10 000 000 |
| 57,000 + 0.2 % of the amount exceeding 10 000 000 | 27,000 + 0.1 % of the amount exceeding 10 000 000 | 6,500 | From 10 000 001 to 20 000 000 |
| 77,000 + 0.1 % of the amount exceeding 20 000 000 | 47 500 + 0.05 % of the amount exceeding 20 000 000 | 7,500 | From 20 000 001 to 50 000 000 |
| 107,000 + 0.1 % of the amount exceeding 50 000 000 | 62 500 + 0.02 % of the amount exceeding 50 000 000 | 10 000 | More than 50 000 000 |

Seventh, to improve overall court performance this study recommends that the Court should establish a "Dispute Resolution Center" providing various services mentioned above, including pre-trial dispute consultation that leads to a dispute settlement by a judge, arbitration, technical and accountancy experts' reports, and should also manage the assistance scheme to aid litigants who appear before the court without the benefit of legal representation.

This proactive approach is more likely to reduce case filings because the focus of this center is to assist litigants in resolving as many issues as possible without the

need for adjudication. The unresolved issues via settlements then can be arbitrated or sent for adjudication. This will reduce the caseload and thus the cost. On the other hand, litigants can save cost and time by resolving disputes more promptly under this process.

Eighth, the UAE constitution protects the personal freedom of all citizens, and insists upon an absolute guarantee for such freedom in Article 26, which stipulates that

“Personal freedom is guaranteed. No one shall be arrested, searched, detained, or imprisoned without courts’ rulings by virtue of the law. And no one shall be tortured or humiliated” (United Arab Emirates Constitution, 1971; 7)

The Dubai Court needs to establish a permanent coordination committee with a member from each component of the justice system, particularly from the police, immigration, prosecution (directors, managers, or individuals who consistently deal with the court), to enhance the court’s performance of services that involve daily direct interactions with these bodies. This committee must also work to prevent any violation of the law’s sanctity from the moment of arrest to the final enforcements of judgments.

Ninth, after considering the users’ opinions with regard to some of the Court facilities and services, it seems a number of the services in different areas should be improved, including the courthouse parking facilities, the courthouse map, direction signs in the building, interpretation services, audibility, and electronic screens that display proceedings in progress at a specific time and location.

It is very important that the court review the current procedure for transferring case files, which may not be properly secure at the moment. It must also promote the file control system in a way that ensures case files are available at the right location, with the right employee, at the right time.

Tenth, the witness group had the lowest satisfaction rating in the Dubai Court satisfaction questionnaire. The court may review this perception by examining the performance of the court in public proceeding waiting times, where one-quarter of the respondents “sometimes” and “never” found the waiting times acceptable. The Court should specify a waiting time average that can be used to measure performance. This factor might be one of the main explanations for low overall satisfaction.

2) Management of the Court's human resources

Dubai Court needs to improve the way it manages its human resources to achieve high performance that satisfies employees and stakeholders. First, a strategic human resources plan clearly linked to the Court's overall strategic plan need to be developed. Proper deployment processes for this plan need to be established. During the implementation, staff understanding of the strategic plan needs to be evaluated by using the evaluation survey mentioned in this study.

Annual targets and measures need to be established to monitor employee turnover and absenteeism, through proper analysis of the exit interviews, staff turnover rate trends, and staff absenteeism reports. This will allow the Court to observe employee satisfaction and motivation levels.

The failure to produce, update and review employees' position descriptions (PD) with the employees themselves is one obvious factor. Human resources officers, employees and line managers should all sign the updated PD so that there is a mutual understanding of the job duty. This research supports the notion in the literature reviewed (Cognology Learning Centre, website) that employees' performance should not be measured on the basis of the employee's output alone, but also on how that output has helped the organization accomplish its objectives. To accomplish employees' individual goals, this requires that the court's management select goals based on each staff member's individual duties and specialties and include these in a job description of each position. The latter clarifies how important the position description cards actually are.

The next step is to quantify the results of meeting the goals in terms of dollars or percentages. Then an updated position description should be attached to the job performance appraisal, which must be given to each employee for an annual self-evaluation that is used as the basis of discussion during the formal appraisal review process.

Second, Dubai Court needs to rebuild its advancement system, which is currently unsatisfactory because the policies and practices for advancement did not include a clear career path for each position. Employees are unable to perceive positively the contribution of training to their advancement and job fulfilment. Moreover, employees did not perceive the opportunity for advancement as being fairly applied.

Third, the Court needs to improve the unfair work distribution among judges' assistants, which can variously make employees feel unchallenged, not fully utilized, unacceptably consumed or stressed.

Fourth, the impact of each program conducted in the training/education plan on the court's overall performance, and also employees' performance, needs to be accurately measured. The Court should evaluate its training/education programs on all of the four dimensions mentioned in this study

Fifth, the Court should use a proper work/employee needs assessment, to determine the specific knowledge, skill, and competencies needed to do jobs before organizing its training/education plan. The Court's training programs must focus on reducing the gap between established standards of performance for particular positions and each individual's or group actual performance against these standards.

Sixth, the administrative employee performance appraisal must be developed to improve the court's overall performance and obtain proper levels of job satisfaction. This includes establishing a proper job description, agreed between employees in those positions and their supervisors and approved by the HR department. The Court should use multiple sources to gather feedback, including the appraisee, the appraisee's supervisor, peers, and clients.

Seventh, the current compensation system is inappropriate because it applies a subjective method to assess the work value of positions in the Court. Therefore, the Court needs to establish a permanent Job Evaluation Committee to reassess the job descriptions for all existing positions, as well as any new positions in the future. And also to amend remuneration levels.

Eighth, the Court should use the four measures (case filings, number of dispositions, case processing time, and population growth) in combination to assess the need for judges over the short run—approximately 1-2 years. Over the long run (approximately 3-4 years), the weighted caseload is the recommended technique for accurately determining the demand for personnel, including judges.

To ensure the integrity of results acquired from these four measures, Dubai Court should quantify and document the data terms and the required counting procedures for their caseload when cases are initially filed and when they are resolved. This study strongly recommends the State Court Guide to Statistical Reporting (National Center for State Courts, 2003; 7) as the best guide for the Court

in organizing information on their caseload. In addition the court needs to establish predetermined standards for these four measures.

Ninth, this study also strongly recommends that, to improve performance of the judiciary and thus court overall, the current performance evaluation system for judges must be developed. The Court must issue a comprehensive internal policy that defines what constitutes a well-qualified judge and must also consistently update its measures for assessing judges' performance against this standard. The policy should recommend ways to appraise judges' excellent performance.

The Court should also use a multi-method approach in the process of collecting data to evaluate the quality performance criteria accurately. In addition, judges should complete self-evaluation reports rating their own performance on certain goals, objectives, and clear measurable standards.

A "Judiciary Advancement Team" consisting of the Chief Judge, the General Director of the court, and the Director of Human Resources, should be established, responsible for meeting with judges, discussing their strengths, identifying areas needing improvement, setting performance goals for the judges, and drawing up a self-improvement plans with each judge on an individual basis.

The Court needs to find and organize training programs for judges to improve their management of cases. These programs should not be limited to enhancing judges' computer knowledge, but should also develop judges' skills in effective communication, courtroom effectiveness, management skills, and punctuality.

The Court should establish a full-time public defender within its structure to work in parallel basis with the current indigent defence system for at least one year. Then the appointment of private lawyers must be discontinued. This will produce more cost-effective outcomes for the Court, improve the quality of services provided to indigents, and thus ensure the integrity of justice in Dubai.

One approach proposed by this study to lift the Court's performance is involving judges in the administration of the court through a Judicial Committee responsible for setting operational policies and standards for the Court.

3) The court quality management framework

First, to lift the of Court's participation in the Dubai Quality Award, its performance on the DGEP's criteria needs to be improved. The Court must assess the examiners' report to establish priorities for action, starting with the areas in which it received the worst results in those reports. Action plans should then be developed for each criterion,

assigning an individual team to each plan with specific tasks and deadlines. To avoid repeating past mistakes—unsatisfactory or inappropriate answers—the Court must pay attention to understanding and interpreting correctly the terms and requirements of each criterion.

Second, the Court needs to pre-test its level of performance through self-assessment prior to the next round of quality awards. The Radar Scoring Matrix is among the best evaluation tools for this process, and is used by most organizations involved in assessment exercise. The EFQM, which provides details of the Radar Scoring Matrix to assess and benchmark trial court performance, claims that this procedure lies at the heart of the Excellence Model (European Foundation for Quality Management c; p 1).

Third, to help ensure civil and shari'a cases are resolved promptly, the Court should establish and use different timeliness standards for each category and sub-category of case. The Court's 1999 performance results indicated good performance at all levels of the court, but these standards need to be tightened and upgraded to ensure improvements in court performance continue.

Therefore, this study has developed standards on the basis of the actual previous performance of the court in 1999, in addition to the level of classification for criminal cases. It encourages the Court to use these standards in the future. No percentages are included for criminal cases because this study did not examine the performance for this type of case, but the Court could specify suitable percentages for such cases types on the basis of performance in the last years.

Progress was also made in establishing a unique measure to monitor case processing time in the three courts altogether. A time standard was developed to improve performance for the three courts on the basis of the actual performance during 1999 and 2001. All of these recommended standards are included in Table 8.2.

Table 8.2: Recommended case processing time standards

| Court Level | Cases types | Cases types subsidiaries | 1-3 Months | 4-6 Months | 7-9 Months | 7-12 Months | 13-18 Months | 19-24 Months | |
|-----------------------------|-----------------------------------|-----------------------------------|------------|------------|------------|-------------|--------------|--------------|--|
| First Assistance Court | All civil case Except Grand Cases | | 75% | 90 % | 95 % | 98 % | 100 % | | |
| | Civil Grand Cases | | 50 % | 75 % | 80 % | 90 % | 98 % | 100 % | |
| | Sharia | | 80 % | 95 % | 98 % | 100 % | | | |
| | Criminal | Most Violent Crime ⁶⁹ | | | | | | | |
| | | Other Violent Crime ⁷⁰ | | | | | | | |
| | | Burglary, Theft | | | | | | | |
| Drug sale, Possession | | | | | | | | | |
| | Other Felonies ⁷¹ | | | | | | | | |
| Appeal Court | | | 75 % | 90 % | 95 % | 100 % | | | |
| Court of Cassation | | | 80 % | 90 % | 100 % | | | | |
| The three Courts Altogether | | | | 15 % | 40 % | 65 % | 80 % | 100 % | |

This study has established a unique statistical matrix that has never been used before in the region to improve case processing time in courts. Table 7.7, which shows case processing time for each judge in the Dubai First Instance Court in 1999, illustrates this matrix. It is strongly recommended that the court construct and distribute such information to all judges so they can evaluate and improve their performance. Consequently, data on time, a major element of service quality can be obtained.

The thesis also found that very few cases took longer than 24 months to be resolved. Nonetheless, the Court should examine why such delays have occurred in the past, attempt to remove any obstacles it finds, and thereby further reduce the number of prolonged cases or eliminate them altogether.

To get a better picture of case processing time, the court must measure, on a quarterly basis, the time taken (in number of days) from when a case is first filed to when it is finalized. This research could not access accurate enough information to

⁶⁹ Most violent crimes include capital murder, homicide, and rape. This information (footnote, 27, 28, and 29) cited by Ostrom and Hanson, 2000; 52)

⁷⁰ Include robbery, assault, kidnapping, manslaughter, and child abuse.

⁷¹ Include weapons possession, destruction of property, and escape from confinement.

pursue this in depth, but such an approach has been applied elsewhere, such as the Magistrates' Courts in Surrey, the United Kingdom, and should be considered by the Dubai Court.

Fourth, trial courts should establish proper categories to monitor case processing based on the complexity of particular case type in order to avoid a misleading assessment of performance using time-to-disposition. Chapter seven provided an example of this, finding that the Dubai Court performance better than the Family Court of Australia (FCA) in 1999. In reality, however, only 75 percent of matters listed for hearing in the FCA in that year were standard track, and 1 percent were complex, as per the FCA's report. The degree of complexity of the cases heard by the Dubai Court in that year is not known, so simple comparison may be misleading. For accuracy, this study recommends the Dubai Court classify its cases according to complexity under the following scheme adapted from practice in the Family Court of Australia

1. Direct Track the issues in dispute are narrow and the estimated hearing time is not more than one day.
2. Complex Track the matters involve complicated issues of fact, law or evidentiary material where the hearing is estimated to take six days or more.
3. Standard Track the matters do not meet the criteria for allocation as either direct or complex track.

Fifth, to improve the performance, the Court needs to use statistics for process control, and a quality cost measuring system that can reduce the case processing time and cut the cost of internal processes and sub-processes. As a measure of the quality of its work, the court should consider the percentage of resolve cases that are not appealed, rationalization of its expenditure, and the effective use of court resources per outputs.

Sixth, court users' positive perception of the court's effectiveness in enforcing decisions notwithstanding, the court can improve its performance in this regard by instituting quantitative (statistical) measures of compliance rates. In such cases, the court needs to establish a context for enforcement that contains details of the court's responsibility according to each case type and for each category within each case (such as, criminal). Next, the court should determine annual targets for each category and case, and use statistical measures to evaluate compliance rates. Unfortunately,

such information could not be obtained from the Dubai Court. As a result, this study recommends more active data collection and analysis of this point.

Seventh, the study found the feedback from the court to survey participants to be poor, and also found the link between surveys and the court's self-improvement process weak. Consequences of this could include:

1. a lack of enthusiasm among survey respondents to continue participation in the surveys.
2. a lost opportunity to improve the court system in line with its users' needs and wishes.

Therefore, the court must remedy this oversight if it is seriously wants to improve the quality of its services and improve its reputation among the public and the government.

REFERENCES

- Aikman, A. B. (1994) *Total Quality Management in the Courts, USA*, The National Center for State Courts.
- Al-Bayan (2004) 'UAE New Anti-Terror Law' *Al-Bayan Newspaper*, Issued No 8776. Dubai, 28 June 2004. Available from URL: <http://www.albayan.ae>
- Al-Bayan (2003) 'UAE domestic public sector consists of 180,000 employees; 155,000 of whom are expatriates and only 25,000 of whom are UAE nationals' *Al-Bayan Newspaper*, Issue No 8515 Dubai, 11 October 2003. Available from URL: <http://www.albayan.ae>
- Al-Hosani, A. (1989) *Constitutional and Judicial organization in the United Arab Emirates*, Great Britain.
- Al-Khaleej (2001) '2006 will witness appointment of first UAE national judge in the Dubai Appeal Court', *Al Khaleej Newspaper*, UAE, 17 November 2001, p12.
- Allison, M. and Kaye, J. (1997) *Strategic Planning for Nonprofit Organizations*, New York, John Wiley & Sons, Inc.
- Alreck, P. L, and Settle, R.B. (1985) *The Survey Research Handbook* United States of America, Richard D. Irwin Inc.
- Ashley, M. (2003) 'An Assessment of Court Clerk Training Needs and Motivational Incentives in the Marin County Superior Court.' Institute for Court Management, Court Executive Development Program, Phase III Project. http://www.ncsconline.org/WC/Publications/ICM_EduTrn03CEDP1.pdf.
- Australian Government productivity Commission (2002) Review of Government service provision. Volume 1. *Report on government service 2002*. Chapter 9 court administration PDF. (access date 1 May 2002). Available from URL: <http://www.pc.gov.au/gsp/reports/rogs/2002/>
- Australian Government. Productivity Commission (2003). Review of Government service provision. Volume 1. *Report on government service 2003. 6 Court administrations*. (access date 13 April 2002). Available from URL: <http://www.pc.gov.au/gsp/reports/rogs/2003/index.html>
- Baldrige National Quality Program (on line) (access date 21 April 2005). Available from URL: <http://www.quality.nist.gov/>
- Bin Huwaidi, K. (2001) 'Sheikh Mohammed bin Rashid, address the necessity to create standard performance indicators and to review and modify the organization framework of the Dubai Court', *Al Bayan Newspaper*, Issued No 7641. Dubai, 20 May 2001. (access date 13 April 2002). Available from URL: <http://www.albayan.ae>

- Bin Obude, A. (2003) Abstract of his dissertation. 'Performance development in the Dubai Government Departments' Published in *Al-Bayan Newspaper*. Issued No 8515. Dubai.11.10.2003. Available from URL: <http://www.albayan.ae>
- Borg, W. R. Gall, M.D (1991) *Educational Research* (Fourth Edition) USA, Longman Inc.
- Brown M.G (2001) '*How to Interpret Baldrige Criteria for Performance Excellence*' United States of America. Productivity, Inc.
- Bunning, C (1992) *Total Quality Management/ Applying it in the Public Sector and to Professional Services*, Brisbane, International Management Centre.
- Conner, C. (2001) Internal case processing guidelines required to meet time standards in the third class counties in Missouri. National Center for State Courts (access date 13 April 2003).
<http://www.ncsconline.org/WC/Publications/ICMCasMan01CEDP22.pdf>.
- Coleman, F. A. (2003) 'An Evaluation of the level of Employee Morale and Employee Retention in the Twenty-First Judicial Circuit of Missouri in the Circuit Clerk's Office of St. Louis County' Institute for Court Management, Court Executive Development Program, Phase III Project. (Cited 10 May 2004). http://www.ncsconline.org/WC/Publications/ICM_Leader03CEDP3.pdf
- Cognology Learning Centre 'what is performance appraisal Focused' (Online) (Cited 8 January 2004). Available from URL
<http://www.cognology.com.au/pawhatis.htm>
- Dalrymple. JF, Edjeman RL, Finster M, Gurerro-Cusumano JL, Hensler DA (1999) 'Next-Generation Quality Management: Multinational, Multidisciplinary and Performance-Focused (Online) (Cited 20 November 2003). Available from URL: <http://www.cmqr.rmit.edu.au/publications/>
- Davies, G.L (1996) 'The changing Face of Litigation' *Journal of Judicial Administration* Vol. 6, No, 3. ANU law library serial JOU 116. pp 17-191.
- Doyle, J. (2001) 'The judicial role in a new millennium' *Journal of Judicial Administration* Vol. 10, No,3. ANU law library serial JOU 116. pp 133-148.
- Dubai Court (on line) (access date 7 November 2001). Available from URL: <http://www.dubaicourts.gov.ae/>.
- Dubai Court (1999) '*Strategic Plan 2000-04*' Dubai, UAE.
- Dubai Government (2003) '*Positive Aspects and Area for Improvements in the Dubai Court by the Evaluation Team of DGEP*'. Dubai Court Evaluation Report-2003.
- Dubai Government (1996) *Decision Number "37" of 1996 with regard Executive Regulation for the Law number "7" of 1995*, Dubai.

- Dubai Government Excellence Program booklet (2003) Dubai, UAE. July 2003.
- Dubai Government Excellence Program booklet (2000) '*Principle Guidelines for Evaluation*'. Dubai, UAE.
- Dubai Government Excellence Program '*Dubai Government Excellence Program Award*' Dubai, (online) Available from URL: http://www.dubaiexcellence.com/about_e.htm.
- Dubai Municipality (1993) *Statistical Yearbook*.
- Dubai Government (1995) *Law Number " 7" of 1995 with regard financial regulation for Government Departments in Dubai*, Dubai.
- Dubai Justice Department (2004) Dubai, Available from URL: <http://www.djd.gov.ae>
- European Foundation for Quality Management (a) '*European Quality Award/ Information for Applicants-2002*' (on line) (access date 17 March 2004). Available from URL: <http://www.efqm.org>.
- European Foundation for Quality Management (b) '*Introducing Excellence*' (on line) (access date 1 April 2005). Available from URL: <http://www.efqm.org>.
- European Foundation for Quality Management (c) '*Evaluation Tools*' (on line) (access date 1 April 2005). Available from URL: <http://www.efqm.org>.
- Falngo, V. E. Ostrom, B.J. Green, H. Flango, C.R. Petrakis, P. (1996). '*Assessing the need for judges and court support staff*'. National Center for State Courts Available from URL: http://www.ncsconline.org/WC/Publications/Res_WorkLd_AssessNeedsJudges&StaffPub.pdf
- Family Court of Australia '*Annual Report 1999-2000*' (access date 13 April 2003). Available from URL: www.familycourt.gov.au
- Federal Court of Australia (1998) '*TV in Courts Report- Executive Summary*' (access date 7 September 2003). Available from URL: http://www.fedcourt.gov.au/aboutct/media_execsum.html
- Federal Court of Australia '*Exemption and Waiver of fees*' Available from URL: <http://www.fedcourt.gov.au>.
- Ferguson, S. D, (1993) '*Strategic Planning for Issues Management: The Communicator as Environmental Analyst*' Canadian journal of communication, Vol. 18, No.1 /1993 (online) (access date 27 May 2004). Available from URL:<http://www.cjc-online.ca>

- Flynn, B.B, Schroeder, R.G, Sakakaibara (1995) 'The impact of quality management practices on performance and competitive advantage', *Decision Science*, Volume 26 Number 5 Sept/Oct 1995. Printed in the USA.
- Foley, K. J (2000) 'From Quality Management to Organization Excellence' "Do not Throw the Baby out with the Bath Water" (access date 2 April 2004). Available from URL:
<http://www.cmqr.rmit.edu.au/publications/kfbabyba.pdf>
- Foster, D. Jonker, J. (2002) 'Third Generation Quality management'. (access date 17 November 2004). Available from URL:
<http://www.cmqr.rmit.edu.au/publications/dfjjicit02thi.pdf>
- Foster, D. (2000) 'Addressing quality issues in a public sector context: management in National Parks'. (access date 7 May 2003). Available from URL:
<http://www.cmqr.rmit.edu.au/publications/>
- Friesen E. C., Gallas E. C., Gallas. N. M. (1971) *Managing the Courts*, New York, The Bobbs-Merrill Company INC.
- George, S. and Weimerskirch, A (1994) *Total Quality Management / Strategies and Techniques Proven at Today's Most Successful Companies*, (Second Edition) New York, John Wiley and Sons, Inc.
- Greenstein M N. Hall, D. Howell, J (2002) 'Improving the Judiciary through Performance Evaluations'. (Cited 03 April 2003). Available from URL
http://www.ncsconline.org/WC/Publications/KIS_JudPerJudiciaryPub.pdf
- Her Majesty's Courts Service. Available from URL <http://www.hmcourts-service.gov.uk/index.htm>. Cited before as Surrey Magistrates Court Available from URL: <http://www.surreymagistratescourt.co.uk>
- Her Majesty's Courts Service (2001-2002) 'Gloucestershire Magistrates Courts Committee, Annual Report 2001-2002' (online) (Cited 16 April 2005) Available from URL <http://www.hmcourts-service.gov.uk/index.htm>.
- Hick Shenton Associates. "Quality Management" (online) (Cited 26 April 2005) Available from URL: <http://www.eagle.ca/~mikehick/index.html#QualityManagement>
- Hitt, M.A. Irland, R. D. and Hoskisson, R. e. (1998) *Strategic Management Competitiveness and Globalization* (Third edition), USA, South-Western Educational Publishing.
- How, Y.P.(1995) 'Judicial Administration- Currents and Future Challenges'. *Journal of Judicial Administration* Vol. 5, No, 2. ANU law library serial JOU 116. pp 73-81.
- Hsieh A.T, Chow C.H, Chen C.M. (2002) 'Job Standardization and service quality: A closer look at the application of total quality management to the public

sector'. *Total Quality Management*. Vol. 13, No. 7, 2002, 899-912 (access date 30 April 2003). Available from URL:
<http://taylorandfrancis.metapress.com/media/EAFY7BE53K6QVM906Q5R/Contributions/N/R/6/R/NR6R6QYW3GWBY5NA.pdf>

John Doyle. (2001). 'The Judicial Role in a New Millennium'. *Journal of Judicial Administration* 'p, 142.

Judicial Council of California (1999) *Dialogue*. 'Court Reaching Out to Their Communities/ A Handbook for Creating and Enhancing Court and Community Collaboration'. (access date 03 April 2002). Available from URL:
<http://www.courtinfo.ca.gov/programs/community/handbook.htm>.

Keller, G. and Warrack, B. (2000) *Statistics for Management and Economics*, (5th edition), Pacific Grove, Brooks/Cole.

Kern, DeWenter, Viere, Ltd. Certified Public Accountants (2001) 'Every good employee deserves favor stop staff turnover with employee incentive programs'. Cited on 18 March 2005. Available from URL:
<http://www.kdv.com/agendas/pdf/204859NPAon01.pdf>

Khaleej Times Newspaper. (2001) 'DCCI on top of Mystery Shopper feedback lists', *Khaleej Times*, Dubai, 18 April 2001.

Kotler, P. Armstrong, G (1993) *Marketing An Introduction* (Third Edition), New Jersey, Prentice-Hall, Inc.

Kuban, G.B (2001) 'Human Resources in Courts' National Center for State Courts Cited on 10 March 2005. Available from URL:
http://www.ncsconline.org/WC/Publications/KIS_HumManKuban Manual.pdf

Lahey. P.R. (2001) 'Evaluating the impact of strategic planning on organizational effectiveness and culture'. Institute for court management. Court executive development program. Phase III project May 2001
http://www.ncsconline.org/WC/Publications/ICM_CtFutu01CEDP16.pdf

MAP for Nonprofits. Guide to Performance Management. 'Performance Appraisal' (online) (Cited 6 May 2005). Available from URL
<http://www.mapfornonprofits.org/>.

Magnus, R (1995) 'Futures Planning of the Courts for the 21st Century - the Envisioning Process: *Journal of Judicial Administration*' Vol. 5, No, 95. ANU law library serial JOU 116. pp pp94-117.

Martin, J. (2001) 'The Most Important Challenges Confronting The Courts and Justice System in the New Millennium' (jamartin@csn.net).

Megalinks in Criminal Justice 'Overview of Administration, Organization and Management' (online) (Cited 26 April 2005). Available from URL:
<http://faculty.ncwc.edu/toconnor/>

- Mitra, A (1993) *'Fundamentals of Quality Control and Improvement'* New York, Macmillan Publishing Company.
- Monks, J.G and Newton, B.L (1988) *'Statistics for Business'* (Second Edition), Chicago. Science Research Associates .
- National Criminal Justice Reference Service. (1997) (Online) (Cited 28 March 2002). 'Trial Court Performance Standards and Measurement System implementation Manual' Series: BJA Monograph. U.S. NCJ 161567. Available from URL: <http://www.ncjrs.org/txtfiles/161567.txt>
- National Center for State Courts (2001) 'Human Resources Management' (Online) (Cited 2 March 2004). Available from URL http://www.ncsconline.org/WC/Publications/KIS_HumManKubanManual.pdf
- National Centre for State Courts (2001a) 'Improving the Judiciary through Performance Evaluation' (Online) (Cited 22 April 2004). Available from URL http://www.ncsconline.org/WC/Publications/KIS_JudPerJudiciaryPub.pdf
- National Center for State Courts (2002a) 'An Environmental Scan for the State Courts 2002' (Online) (Cited 28 March 2002). Available from URL: http://www.ncsconline.org/WC/Publications/KIS_CtFutu_EnvScan02_Pub.pdf
- National Center for State Courts (2002b) 'Scientific Evidence: Introduction to Biometrics' (Online) (Cited 22 March 2005). Available from URL: http://www.ncsconline.org/WC/Publications/KIS_SciEvd_Trends02_Pub.pdf
- National Center for State Courts (2003) 'State Court Guide to Statistical Reporting' (Online) (Cited 2 May 2004). Available from URL: http://www.ncsconline.org/WC/Publications/KIS_CtStatReport2003Pub.pdf
- National Center for State Courts (2003a) Case Processing Time Standards in State Courts, 2002-03(Online) (Cited 1 May 2005). Available from URL: http://www.ncsconline.org/WC/Publications/KIS_CasManCPTSPub.pdf
- National Center for State Courts (2004), Trends in 2004 'planning for the future: Strategic Human Resources Management' (Online) (Cited 2 April 2005). Available from URL: http://www.ncsconline.org/WC/Publications/KIS_HumMan_Trends04.pdf
- Neely, A. Adams, C. and Kennerley, M.(2002) *The Performance Prism*, London, Pearson Education Limited.
- Niven, P. R. (2003) *Balanced Scorecard Step-by-Step for Government and Nonprofit Agencies*, New Jersey, Hoboken, N. John Wiley & Sons.
- Ostrom, B. J. Hanson, R. A. (2000) 'Efficiency, Timeliness, and Quality: A New Prospective from Nine States Criminal Trial Courts' Available from URL: <http://www.ncjrs.org/txtfiles1/nij/181942.txt>

- Pound R. (1995) 'Creating a responsible justice system structure' Chapter Ten, *Court management is no sport for the short-winded*. Available from URL: <http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/cjr/firstreport/responsible.asp#top>
- Pupius M (2001) 'Quality—the end or just the beginning' Birmingham, 25-26 May, 2001(cited 02 February 2004) Available from URL <http://www.qualityresearchinternational.com/papers/pupius.pdf>
- Richardson, I. (1995) 'The courts and the public': *Journal of Judicial Administration* Vol. 5, No, 2. ANU law library serial JOU 116. pp. 82-93
- Robert, E. M. and James, R. S.(1987) *Quantitative Methods: Application To Managerial Decision Making*, Canada, John Wiley & Sons Inc.
- Rodda, K. (2001) 'Improving the recruitment and retention at the Municipal Court of Seattle' topic presented at The National Centre for State Courts. http://www.ncsconline.org/WC/Publications/ICM_EduTrn01CEDP20.pdf.
- Saari, D. J. (1982) *American Court Management*, London, Quorum Books.
- Saunders, M. and Lewis, P. and Thornhill, A. (2000) *Research Methods for Business Studies (Second edition)*, London, Ashford Colour Press Ltd.
- Scanning Abstract (2000-2001) 'Environmental Scanning Team (2000-2001)' (access date 27 April 2004). Available from URL: <http://www.kilgore.cc.tx.us/IR/environ.html>
- Spigelman J J. (2001) 'Quality in an age of Measurement: the limitations of performance indicators'. (cited 30 May 2003). Available from URL: http://www.lawlink.nsw.gov.au/sc/sc.nsf/pages/CJ_281101
- State Forests Of NSW (2003), Job Evaluation Policy. http://www.forest.nsw.gov.au/policy/hr/job_evaluation/default.asp
- Texas A&M University. Ocean Drilling Program (2002) 'Employee Performance Appraisal' (cited 03 May 2004) Available from URL: http://www.agso.gov.au/odp/admin/perf_appr.pdf
- The Holst Group, Ireland Ltd 'Calculating the cost of the staff turnover' (cited 08 April 2004) Available from URL: <http://www.thgireland.ie/media/CalculatingStaffTurnoverCosts.pdf>
- United Arab Emirates Constitution (1971) Issue No. 1
- United Arab Emirates (1991) '*Federal Law No.23. lawyers' profession*' Issue No 232 .

- United Arab Emirates (1992) '*Federal Law No.11. Issuing the Law of Civil Procedure*', Issue No 236, Dubai, Lutfi & Company Advocates & Legal Consultants. P.O. Box. 8812.
- Warner M.C, Beuttenmuller. M, Wageknecht-Ivey .B.J (2002) 'Improving court operations: A quality improvement project in Florida's Fourth District Court Of Appeal', *The Judges' Journal*, Vol. 41, No. 2 (pp. 16-21).
- Wong, H.K., Juniper, J. (2002) 'Continuous Improvement In Public Services–The Quality Function Deployment (QFD) Approach'. Innovation and Impact Day. Adelaide, Australia
- Zikmund, W.G. (2000) '*Business Research Methods*' (Sixth Edition) Orlando, The Dryden Press.

Australian National University
Faculty of Law

Questionnaire to Lawyers
And Prosecutors

Dear Participant,

I am a researcher at the Australian National University. Your views are of great importance for my research, **“Court management in Dubai between present challenges and future opportunities”**.

Please be so kind as to express your views in the following items as accurately as possible, indicating your answer by ticking (✓) the appropriate space provided on the left hand of each question or by writing your answer(s) if the questions require that.

I assure you this information is collated on a completely confidential basis, for statistical purposes only. It will be used to prepare a doctorate thesis at the Australian National University in the Australia.

My best regard,

Yousuf Ali Humaid Al-Suwaidi

A researcher

2002/9/9

2002/9/9

استمارة استبيان آراء المحامين
للمحامين المزاولين لمهنة المحاماة في دبي

عزيزي المشارك..

السلام عليكم ورحمة الله و بركاته..

حيث أنني باحث من الجامعة الاسترالية الوطنية (كامبرا / استراليا) و متأكد من كبر منفعة الآراء التي تذكرها في بحثي " ادارة المحاكم في دبي بين تحديات الحاضر وطموحات المستقبل ".
أكون شاكرا لك إجابتك على جميع الفقرات بالدقة الممكنة مشيرا إلى إجاباتك بوضع علامة () في الفراغ المخصص في الجانب الأيسر من كل سؤال أو ذكرها إذا كان السؤال يتطلب ذلك.
كما أنني أؤكد بأن هذه المعلومات سوف تكون بالكامل مقيدة و سرية لهذا البحث فقط، وسوف تستعمل لتحضير رسالة الدكتوراه في القانون.

و لكم جزيل الاحترام و التقدير ((

2002/9/9

الباحث

يوسف علي حميد السويدي

Dubai Court Staff Survey

1. Strongly dissatisfied 2. dissatisfied 3. middle 4. satisfied 5. Strongly satisfied

| The Statements | The Statements |
|---|---|
| 1. You are pleased with your work | 16. There internal co-operation and team work within your unit |
| 2. The duties and the responsibilities of their position are clearly defined | 17. You are given a sufficient authority to develop your work. |
| 3. Your salary is appropriating with your work | 18. The Court recognizes the good work and the extra efforts |
| 4. The incentives and rewards System in the Court are satisfactory | 19. The lighting, ventilation, and space Are sufficient in your working area |
| 5. There are great deal of trust, understanding, and good dealing between you and your supervisor | 20. Job' equipments, tools, and programs are easily provided to you |
| 6. There co-operation and interaction between your unit and other units in the Court | 21. You current work is the best work for you |
| 7. Your opinion is considered before taking any decision that concerns your work. | 22. Work is fairly distributed between the employees. |
| 8. You get moral appraisalment for your good performance | 23. The salaries of the court are not less than the salaries of other public organizations. |
| 9. Your work place is suitable for the Service provided by you | 24. Rewards are correlated with competence and fairly implemented in the Court |
| 10. Sufficient and continuous training is provided to you to facilities your job | 25. The supervising style stimulates you to give more efforts |
| 11. Your work fulfill your personal ambitious | 26. Communication' channels between your unit and top management unit are opened |
| 12. Work is convenience to our skills | 27. Your suggestions are received by a great concern in the court. |
| 13. Your income from this work is sufficient to fulfill your life requirements | 28. Excellent achievement is encouraged in the Court |
| 14. The Court implements a fair Promotions' system. | 29. There are convenience rest brake time during the work |
| 15. You find support and help from you supervisor in solving work problem | 30. Training opportunities, which is required for your job is obtainable |

Questionnaire concerning the staff Perceptions Of the Dubai Courts' Performance

Introduction

The Court is conducting a survey to determine how well it is performing its duties for the public. The Court wants to gauge the extent to which it is meeting the basic goals of the following: Perceptions of Courthouse Security, Accessibility and Convenience of the Court, Assessments of Fidelity to the Law, fairness and equality in both how it reaches decisions and how those decisions affect the participants and the larger community, Interpreting Orders and Judgments, Verbatim Records of Proceedings, Relationships With Other Agencies/Organizations, The relationship between the Court and the community, and The factors which are may affecting the Court cases processing.

As court employees, your perspective of the court's performance is particularly valuable. Will you please take a few minutes to complete the following questions? Please understand that your answers are completely confidential. Once the questionnaires have been returned, the responses will be tabulated and presented in aggregate form. No individual responses will be identified.

When you have completed the questionnaire, place it in the enclosed envelope and send it to Dubai Court Information Desk, which is located at the entrance of the Court building. If you have any questions or concerns, please call Mr. **Yousuf Al Suwaid** at 0504527778. Thank you for your cooperation in this important effort.

Trial Court Performance Standards

Advancement

1. Please read the following statements about the Court advancement in Dubai Court and indicate whether you agree or disagree by circling the appropriate number on the scale to the right of each statement.

| | Strongly Agree | | | | Strongly Disagree |
|---|-------------------|---|---|---|----------------------|
| A. I have clear opportunities for advancement: | | | | | |
| 1. Throughout the court | 1 | 2 | 3 | 4 | 5 |
| 2. Within my department | 1 | 2 | 3 | 4 | 5 |
| B. Ongoing training needs that contribute to my job fulfillment and advancement are readily identified. | 1 | 2 | 3 | 4 | 5 |
| C. I am given the opportunity to compete for and obtain promotions. | 1 | 2 | 3 | 4 | 5 |
| D. I feel there is fair opportunity for advancement (e.g., promotions, training, education) among all court employees. | 1 | 2 | 3 | 4 | 5 |
| E. I feel there is fair opportunity for advancement (e.g., promotions, training, and education) among court employees performing duties similar to my own. | 1 | 2 | 3 | 4 | 5 |
| F. Your comments on the Court Advancement system: | | | | | |

Part VI. Working Conditions

2. Please read the following statements about the Court working conditions in Dubai Court and indicate whether you agree or disagree by circling the appropriate number on the scale to the right of each statement.

| | Strongly Agree | | | Strongly Disagree | |
|--|----------------|---|---|-------------------|---|
| A. The turnover rate among court employees is: | | | | | |
| 1. Unusually low | 1 | 2 | 3 | 4 | 5 |
| 2. Unusually high | 1 | 2 | 3 | 4 | 5 |
| 3. About average | 1 | 2 | 3 | 4 | 5 |
| B. I feel that I am unfairly criticized by my supervisor. | 1 | 2 | 3 | 4 | 5 |
| C. The court consistently works towards fostering better employee relations and morale within the organization. | 1 | 2 | 3 | 4 | 5 |
| D. The court has an excellent work environment. | 1 | 2 | 3 | 4 | 5 |
| E. Responsibilities are fairly allocated among all court employees. | 1 | 2 | 3 | 4 | 5 |
| F. Responsibilities are fairly allocated among court employees performing duties similar to my own. | 1 | 2 | 3 | 4 | 5 |
| G. Work is fairly allocated among all court employees. | 1 | 2 | 3 | 4 | 5 |
| H. Work is fairly allocated among court employees performing duties similar to my own. | 1 | 2 | 3 | 4 | 5 |
| I. There is a fair opportunity for all court employees to air grievances and have them redressed. | 1 | 2 | 3 | 4 | 5 |
| J. There is a fair opportunity for court employees performing duties similar to my own to air grievances and have them redressed. | 1 | 2 | 3 | 4 | 5 |
| K. There are appropriate and adequate channels of communication between my supervisor and me. | 1 | 2 | 3 | 4 | 5 |
| L. Performance problems are dealt with adequately and fairly. | 1 | 2 | 3 | 4 | 5 |
| M. Among all court employees, employees are allowed to use earned benefits (e.g., leave) fairly and equally. | 1 | 2 | 3 | 4 | 5 |
| N. Among court employees performing duties similar to my own, employees are allowed to use earned benefits (e.g., leave) fairly and equally. | 1 | 2 | 3 | 4 | 5 |
| O. Your Comments on the Court Working Conditions: | | | | | |

Part VI. Working Conditions

2. Please read the following statements about the Court working conditions in Dubai Court and indicate whether you agree or disagree by circling the appropriate number on the scale to the right of each statement.

| | Strongly Agree | | | Strongly Disagree | |
|--|----------------|---|---|-------------------|---|
| A. The turnover rate among court employees is: | | | | | |
| 1. Unusually low | 1 | 2 | 3 | 4 | 5 |
| 2. Unusually high | 1 | 2 | 3 | 4 | 5 |
| 3. About average | 1 | 2 | 3 | 4 | 5 |
| B. I feel that I am unfairly criticized by my supervisor. | 1 | 2 | 3 | 4 | 5 |
| C. The court consistently works towards fostering better employee relations and morale within the organization. | 1 | 2 | 3 | 4 | 5 |
| D. The court has an excellent work environment. | 1 | 2 | 3 | 4 | 5 |
| E. Responsibilities are fairly allocated among all court employees. | 1 | 2 | 3 | 4 | 5 |
| F. Responsibilities are fairly allocated among court employees performing duties similar to my own. | 1 | 2 | 3 | 4 | 5 |
| G. Work is fairly allocated among all court employees. | 1 | 2 | 3 | 4 | 5 |
| H. Work is fairly allocated among court employees performing duties similar to my own. | 1 | 2 | 3 | 4 | 5 |
| I. There is a fair opportunity for all court employees to air grievances and have them redressed. | 1 | 2 | 3 | 4 | 5 |
| J. There is a fair opportunity for court employees performing duties similar to my own to air grievances and have them redressed. | 1 | 2 | 3 | 4 | 5 |
| K. There are appropriate and adequate channels of communication between my supervisor and me. | 1 | 2 | 3 | 4 | 5 |
| L. Performance problems are dealt with adequately and fairly. | 1 | 2 | 3 | 4 | 5 |
| M. Among all court employees, employees are allowed to use earned benefits (e.g., leave) fairly and equally. | 1 | 2 | 3 | 4 | 5 |
| N. Among court employees performing duties similar to my own, employees are allowed to use earned benefits (e.g., leave) fairly and equally. | 1 | 2 | 3 | 4 | 5 |
| O. Your Comments on the Court Working Conditions: | | | | | |

| | | | | | | |
|----|---|---|---|---|---|---|
| D. | Do you think court proceedings are easy to understand and follow? | 1 | 2 | 3 | 4 | 9 |
| E. | Do you think the court handles cases within a reasonable amount of time? | 1 | 2 | 3 | 4 | 9 |
| F. | Do you think the court follows the law in performing its duties? | 1 | 2 | 3 | 4 | 9 |
| G. | Do you think the court has adequate resources to do its job? | 1 | 2 | 3 | 4 | 9 |
| H. | Think now of the cost of taking something to court. Do you think the filing charges and other fees paid to the court are reasonable? | 1 | 2 | 3 | 4 | 9 |
| I. | Do you think court decisions are easy to understand? | 1 | 2 | 3 | 4 | 9 |
| J. | Do you think the court's decisions are enforced? | 1 | 2 | 3 | 4 | 9 |
| K. | Do you think the court treats all people equally? | 1 | 2 | 3 | 4 | 9 |
| L. | Do you think the court attempts to meet the special needs of people with physical or mental disabilities? | 1 | 2 | 3 | 4 | 9 |
| M. | Do you think the court works well with other components of the justice system (e.g., the police, immigration, prosecutors, and so forth)? | 1 | 2 | 3 | 4 | 9 |
| N. | Do you think a litigants' proceeding waiting time is appropriate? | 1 | 2 | 3 | 4 | 9 |

Note: If you agreed (responses "3", or "4") with question "M" above, please identify which Components of the justice system sometimes or never work well with the Court.

Assessments of Fidelity to the Law

The following questions relate to how closely the Court officials observe the law. "Law" in this context includes statutes, case law, court rules, and so forth.

7. Are you aware of any requirements of law related to the court's business that are not routinely followed by most court employees (including judges).

Yes No

If "Yes," please list up to three such requirements and try to provide a citation for each law.

8. For each requirement listed, complete the following:

Is this item:

1. A statutory provision. 2. A State court rule. 3. A case law decision.
 4. A local rule. 5. "Don't know for sure."

The Court's Equality and Fairness

We would like your assessments of the Dubai Court policies, procedures, and practices. Please indicate what you think are overall patterns in how the court treats people who appear before it, including prosecutors, attorneys, parties, witnesses, and victims. For these and all other questions in this section, the term 'court' refers to all judges in the court. Hence, we are interested in your experiences with and views of the bench, as a whole.

| | | | | |
|-------------------|-------|---------------------------------------|----------|----------------------|
| Agree Strongly | Agree | Agree in Part/ Disagree in Part | Disagree | Disagree Strongly |
|-------------------|-------|---------------------------------------|----------|----------------------|

9.. Based on your experience concerning cases before the bench in the past three years, Dubai Court rulings are affected by:

| | | | | | |
|---------------------------------------|-------------------|-------|------------------------------------|----------|----------------------|
| A. Gender of the attorneys involved. | 1 | 2 | 3 | 4 | 5 |
| B. Race of the attorneys involved. | 1 | 2 | 3 | 4 | 5 |
| C. Nationality of the judge involved. | 1 | 2 | 3 | 4 | 5 |
| | Agree Strongly | Agree | Agree in Part/ Disagree in Part | Disagree | Disagree Strongly |

10. Based on your experience concerning cases before the bench in the past three years, the Court shows favoritism toward:

| | | | | | |
|---|---|---|---|---|---|
| A. Prosecutors in criminal cases. | 1 | 2 | 3 | 4 | 5 |
| B. Defense attorneys in criminal cases. | 1 | 2 | 3 | 4 | 5 |
| C. Plaintiffs in civil tort cases. | 1 | 2 | 3 | 4 | 5 |
| D. Defendants in civil tort cases. | 1 | 2 | 3 | 4 | 5 |
| E. Individuals of a particular racial/ethnic group who are parties to a case. | 1 | 2 | 3 | 4 | 5 |
| F. Male parties in domestic relations cases. | 1 | 2 | 3 | 4 | 5 |
| G. Female parties in domestic relations cases. | 1 | 2 | 3 | 4 | 5 |

Note: If you agreed (responses "1", "2", or "3") with statement "E" above, please identify which racial/ethnic group was favored and for what type of case (e.g., civil, criminal, sharia)

11.. Based on your experience concerning cases before the bench in the past three years, the Court shows antagonism toward:

| | Agree Strongly | Agree | Agree in Part/ Disagree in Part | Disagree | Disagree Strongly |
|---|----------------|-------|---------------------------------|----------|-------------------|
| A. Prosecutors in criminal cases. | 1 | 2 | 3 | 4 | 5 |
| B. Defense attorneys in criminal cases. | 1 | 2 | 3 | 4 | 5 |
| C. Plaintiffs in civil tort cases. | 1 | 2 | 3 | 4 | 5 |
| D. Defendants in civil tort cases. | 1 | 2 | 3 | 4 | 5 |
| E. Individuals of a particular racial/ethnic group who are parties to a case. | 1 | 2 | 3 | 4 | 5 |
| F. Male parties in domestic relations cases. | 1 | 2 | 3 | 4 | 5 |
| G. Female parties in domestic relations cases. | 1 | 2 | 3 | 4 | 5 |

Note: If you agreed (responses "1", "2", or "3") with statement "E" above, please identify which racial/ethnic group was favored and for what type of case (e.g., civil, criminal, domestic relations)

12. Based on your experience concerning cases before the bench in the past three years, the Dubai Court:

| | Agree Strongly | Agree | Agree in Part/ Disagree in Part | Disagree | Disagree Strongly |
|---|----------------|-------|---------------------------------|----------|-------------------|
| A. Did not reduce bail for defendants of one racial/ethnic group and did for defendants of other racial/ethnic groups even when both groups' respective criminal histories and social backgrounds were similar. | 1 | 2 | 3 | 4 | 5 |
| B. Did not reduce bail for female defendants and did for male defendants even when their respective criminal histories and social backgrounds were similar. | 1 | 2 | 3 | 4 | 5 |
| C. Did not reduce bail for male defendants and did for female defendants even when their respective criminal histories and social backgrounds were similar. | 1 | 2 | 3 | 4 | 5 |
| D. Sentenced defendants of one racial/ethnic group more severely than defendants of other racial/ethnic groups even when both groups respective criminal records and current offense(s) were similar. | 1 | 2 | 3 | 4 | 5 |
| E. Sentenced female defendants more severely than male defendants even when their respective criminal records and | 1 | 2 | 3 | 4 | 5 |

current offense(s) were similar.

- F. Sentenced male defendants more severely 1 2 3 4 5
 than female defendants even when
 their respective criminal records and
 current offense(s) were similar.

Note. In addition to the examples mentioned above in Items 9-12, are there any other situations in which a particular type of participant tends to be shown favoritism or antagonism by the court?

Overall Reactions

Please consider your views of the equality and fairness of the Court for all cases you have attended before the bench in the past three years.

13. Based on you interaction with the Dubai Court in the last three years, to what extent are you satisfied with how you have been treated by the Court? (Circle number)

| | | | | | | |
|----------------|---|---|---|---|--|-------------------|
| Very Satisfied | | | | | | Very Dissatisfied |
| 1 | 2 | 3 | 4 | 5 | | |

14. Based on your observation of the benches in Dubai Court in the last three years, to what extent do you believe that individuals have been treated fairly by the Court? (Circle number)

| | | | | | | |
|----------------|---|---|---|---|--|-------------------|
| Very Satisfied | | | | | | Very Dissatisfied |
| 1 | 2 | 3 | 4 | 5 | | |

Experience in Interpreting Orders and Judgments

Clarity of Court Orders

Never Rarely Occasionally Sometimes Often

15. Have you experienced problems in your work with court orders that are not clear or complete enough? 1 2 3 4 5

Note: If you have experienced any difficulties with clarity of court orders, please describe these special problem areas.

Audibility of Participants During Proceedings

The purpose of the following questions is to solicit your views on the quality of the audibility of trial court proceedings. This information is intended to identify any problems that may exist in order that the Dubai Court might take appropriate corrective measures.

| | | | | | |
|--|----------------|-------|------------------------------------|----------|-------------------|
| | Strongly agree | Agree | Agree in Part/ Disagree in Part | Disagree | Strongly disagree |
|--|----------------|-------|------------------------------------|----------|-------------------|

18. How would you rate the *efforts* of this court's leadership to respond to suggestions or criticisms expressed by you or your section?

| | | | | | |
|----|--------------------------------------|---|------------------------------|---|---------------------------------------|
| a. | Very Low | | Average | | Very High |
| | 1 | 2 | 3 | 4 | 5 |
| b. | Much Worse Than Other Gov't Agencies | | Same As Other Gov't Agencies | | Much Better Than Other Gov't Agencies |
| | 1 | 2 | 3 | 4 | 5 |
| c. | Improving | | Staying the Same | | Getting Worse |
| | 1 | 2 | 3 | 4 | 5 |

Orientation/Training

19. Please read the following statements about the Court Orientation/Training Programs and indicate whether you agree or disagree by circling the appropriate number on the scale to the right of each statement.

| | Strongly Agree | | | | | Strongly Disagree | |
|---|----------------|---|---|---|---|-------------------|--|
| | 1 | 2 | 3 | 4 | 5 | | |
| A. Employees in new positions receive adequate in-service training. | 1 | 2 | 3 | 4 | 5 | | |
| B. The duties of my position are clearly defined. | 1 | 2 | 3 | 4 | 5 | | |
| C. New employees are well oriented to the court's various functions. | 1 | 2 | 3 | 4 | 5 | | |
| D. New employees are well oriented to the court's personnel practices. | 1 | 2 | 3 | 4 | 5 | | |
| E. The scope of my duties has been adequately explained to me by my supervisor. | 1 | 2 | 3 | 4 | 5 | | |
| F. Training programs' requirements are connected with the outcomes of The performance evaluation. | 1 | 2 | 3 | 4 | 5 | | |
| G. Training programs' requirements are connected With supervisor' wish and not Determined according to proper plan. | 1 | 2 | 3 | 4 | 5 | | |

Your comments on the Court **Orientation/Training** system:

The relationship between the Court and the community

20. To what extent do media channels affect the relationship between the court and community?

- (a) () to a great extent (c) () to some extent
 (b) () To a certain extent (d) () does not affect (E) () Don't Know

21. To what extent are the following channels influential in securing a better role of the media in narrowing the gap between the Court and the community?

| | to great (1)extent | to certain (2)extent | to some (3)extent | does (4)not effect | Don't (5)Know |
|---------------------------------|-----------------------|-------------------------|----------------------|-----------------------|------------------|
| (a) TV. | () | () | () | () | () |
| (b) Newspaper. | () | () | () | () | () |
| (C) Court magazine (proposed). | () | () | () | () | () |
| (d) Court public relation team. | () | () | () | () | () |
| (e) Court Website. | () | () | () | () | () |

22. The following elements may typically contribute to high cost of Disputes' resolution at Dubai Court:

| | Strongly (1)agree | (2)Agree | (3)Disagree | Strongly (4)disagree | Don't (5)Know |
|---|----------------------|----------|-------------|-------------------------|------------------|
| (a) Court's fees. | () | () | () | () | () |
| (b) Lawyers' fees. | () | () | () | () | () |
| (c) External experts' fees. | () | () | () | () | () |
| d) Complications of the Court procedures. | () | () | () | () | () |
| (e) Unskilled judges lawyers. | () | () | () | () | () |
| (f) Unskilled lawyers. | () | () | () | () | () |

The factors which are may affecting the Court cases processing

23. How reliable do you think are technical and accountancy experts' reports?

- (a) () completely reliable (c) () fairly reliable
 (b) () usually reliable (d) () unreliable (E) () Don't Know

24. The appointment of a number of full-time technical and accountancy legal experts to provide advisory services at the Dubai Court would lead to greater efficiency and impartiality. What is your opinion?

- (a) () strongly agree (c) () uncertain
 (b) () agree (d) () disagree (E) () Don't Know

25. Do you think any of the following factors may cause delay in reaching a final decision in cases at Dubai Court:

| | strongly (1)Agree | (2)Agree | (3)Disagree | Strongly (4)Disagree | Don't (5) Know |
|---|----------------------|----------|-------------|-------------------------|-------------------|
| (a)Delay of experts in submitting their final reports. | () | () | () | () | () |
| (b) Adjourn demands by lawyers. | () | () | () | () | () |
| (c) Complications and lengthy court procedures. | () | () | () | () | () |
| (d) Unskilled judges. | () | () | () | () | () |
| (e) Delegations' request by lawyers. | () | () | () | () | () |
| (f) Inadequate judicial staff (e.g. translators, notifiers)to cope with the volume work. | () | () | () | () | () |

26. Do you think any of the following factors may affect the accuracy of a final decision in cases at Dubai Court:

| | Strongly (1)agree | (2)Agree | (3)Disagree | Strongly (4)Disagree | Don't (5)Know |
|---|----------------------|----------|-------------|-------------------------|------------------|
| (a) Increasing number of complex and complicated cases. | () | () | () | () | () |
| (b)Increasing number of caseloads in general. | () | () | () | () | () |

- (c) Insufficient numbers of skilled judges.
- (d) Insufficient awareness by judges on the importance of their attending total quality programs and seminars.
27. To what extent do you think the lack of some of judges' computer skills at Dubai Court could negatively affects judge's performance?
 (a) to a great extent (b) to a certain extent
 (c) to some extent (d) does not effect (E) Don't Know
28. In your opinion, to what extent is judicial inspection implemented in supervising the Courts in Dubai could affect the judicial efficiency?
 (a) to a great extent (c) to some extent
 (b) to a certain extent (d) does not effect (E) Don't Know
29. To what extent do you think judges should be involved (beside their role in deciding cases) in the management of Dubai Court (e.g. setting up the Court strategic plan.), particularly in the area that related to the judicial issues?
 (a) to a great extent (c) to some extent
 (b) to a certain extent (d) does not affect (E) Don't Know
30. To what extent would the creation of mini-Judicial Council/committee (consisting of three judges nominated by the Chief Judge of the three levels of the court, one prosecutor nominated by the Prosecutor General, all directors of the court departments, chaired by General Director of the Court) achieve greater efficiency of the judicial system and court management performance in Dubai?
 (a) to a great extent (c) to some extent
 (b) to a certain extent (d) does not affect (E) Don't Know
31. The following Dubai government programs did create a lot of work improvements at Dubai Court. What is your opinion?
- | | strongly | | | strongly | |
|---------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | (1) agree | (2)agree | (3)disagree | (4)disagree | (5)Know |
| (a) Dubai Excellence Award Program. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (b)Dubai e-government initiative. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) Dubai Strategic Planning Program. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Evaluation

32. Please read the following statements about the Court Evaluation system and indicate whether you agree or disagree by circling the appropriate number on the scale to the right of each statement.
- | | Strongly | | | Strongly | |
|--|----------|---|---|----------|---|
| | Agree | | | Disagree | |
| A. The performance evaluation system accurately recognizes poor performance. | 1 | 2 | 3 | 4 | 5 |
| B. The performance evaluation system accurately recognizes superior performance. | 1 | 2 | 3 | 4 | 5 |
| C. I feel that I am given adequate feedback regarding my job performance. | 1 | 2 | 3 | 4 | 5 |
| D. The performance evaluation system criteria adequately reflect the duties of my job. | 1 | 2 | 3 | 4 | 5 |

Your comments on the Court performance **evaluation system**:

Compensation

33. Please read the following statements the Court compensation and indicate whether you agree or disagree by circling the appropriate number on the scale to the right of each statement.

| | Strongly Agree | | | Strongly Disagree | |
|--|----------------|---|---|-------------------|---|
| A. An employee's level of performance has a direct impact on: | | | | | |
| 1. Compensation | 1 | 2 | 3 | 4 | 5 |
| 2. Career advancement | 1 | 2 | 3 | 4 | 5 |
| 3. Recognition | 1 | 2 | 3 | 4 | 5 |
| B. Pay levels clearly reflect differences in job responsibilities. | 1 | 2 | 3 | 4 | 5 |
| C. Salaries are fair among all court employees. | 1 | 2 | 3 | 4 | 5 |
| D. Salaries are fair among court employees performing duties similar to my own. | 1 | 2 | 3 | 4 | 5 |
| E. Earned benefits (e.g., leave) are fair and equal among all court employees. | 1 | 2 | 3 | 4 | 5 |
| F. Earned benefits (e.g., leave) are fair and equal among court employees performing duties similar to my own. | 1 | 2 | 3 | 4 | 5 |

Your comments on the Court **Compensation** system:

Demographic Data

- A. Tenure (please specify-----).
1. 1-2 Years
 2. 2-5 Years
 3. More Than 5 Years
- B. Gender: Male Female
- C. Age: 1. 18-24 3. 35-44 5. 55-65
 2. 25-34 4. 45-54 6. Over 65
- D. Highest level of formal education attained
(a) () Undergraduate (b) () Graduate (c) () Postgraduate
- E. Over the past three years, what is the average number of cases per year in which you appeared before a judge of the Court?
_____ Cases Per Year (average).
- F. Over the past three years, what was the average number of hours per week you spent in this court?
_____ Hours Per Week (average)

Comments:

If there are specific issues related to the court's organizational relationships (positive or negative) that you would like to bring to the attention of the court's leadership, please share them with us below.

1. _____

2. _____

3. _____

Optional

If you have time for a brief interview about issues related to this questionnaire, please give your:

Name: _____

Telephone number:

Thank you for helping the court improve its day-to-day activities. Please remember to place the questionnaire in the enclosed envelope and to send it to the Dubai Court information counter.

استبيان خاص بأراء موظفي المحكمة

حول الأداء في محاكم دبي

4/9/2002

المقدمة

تقوم المحكمة بإجراء مسح حول كيفية أدائها لمهامها تجاه الجمهور ويشمل ذلك الملاحظات حول أمن مقر المحكمة ، الوصول وسهولة التعامل في المحكمة ، تقييم دقة تطبيق القانون ، قدرة الأطراف على فهم و ترجمة الأوامر والأحكام ، استقلالية القضاء وتداخل العلاقات الحكومية ، وضوح الصوت في القاعات عند المرافعات ، التأهيل ، التدريب ، أداء ، تقييم أداء المحكمة ، الأجور ، المستقبل الوظيفي ، ظروف العمل بالمحكمة.

كموظفين بالمحكمة فإن ملاحظتكم حول أداء المحكمة لها قيمة خاصة. فهلا تفضلتم بدقائق معدودة للإجابة على الأسئلة التالية ؟ برجاء العلم بأن إجاباتكم سوف تعامل بسرية تامة . فعندما تعاد الاستبيانات فإن الإجابات سوف توضع في جداول وتقدم في شكل إجمالي دون الإشارة إلى أجابه شخص بعينه . ولا تنس أن تضع الاستبيان بعد إكماله داخل المظروف المرفق وتسلمه إلى مكتب استعلامات محاكم دبي عند مدخل مبني المحكمة. إذا كانت لديكم أية استفسارات أو إيضاحات برجاء الاتصال بالسيد / يوسف السويدي علي الهاتف رقم 0504527778 أو التحويلة رقم 501/500 ونشكركم على تعاونكم في هذا العمل الهام .

1. برجاء الإطلاع علي البيانات التالية حول المستقبل الوظيفي في محاكم دبي وتحديد ان كنت توافق أو لا توافق بوضع دائرة حول العدد المناسب علي المقياس علي يسار البيان .

| | لاوافق بتاتا | | | وافق بشدة | |
|------|-----------------|--|--|--------------|--|
| أ . | | | | | لدى فرص واضحة للتطور الوظيفي: 1. في كل مكان في المحكمة. 2. داخل الشعبة (أو القسم أو الإدارة). |
| ب . | | | | | تم تحديد احتياجات التدريب التي تساعد في تنفيذ مهام وظيفتي وتطوري الوظيفي (الترقية) بوضوح |
| ج . | | | | | لدى الفرصة للمنافسة والحصول على الترقيات |
| د . | | | | | أشعر بأن هناك فرص عادلة للتطور الوظيفي (مثال الترقيات ،التدريب، والتعليم) بين العاملين بالمحكمة |
| هـ . | | | | | أشعر بأن هناك فرص عادلة للتطور الوظيفي (مثال الترقيات ،التدريب، والتعليم) بين العاملين بالمحكمة الذين يؤدون مهام مماثلة لمهام وظيفتي |

و. ما هو رأيك حول نظام المستقبل الوظيفي في المحكمة :

2. برجاء الإطلاع علي البيانات التالية حول ظروف العمل في محاكم دبي وتحديد ان كنت توافق أو لا توافق بوضع دائرة حول العدد المناسب علي المقياس علي يسار البيان .

| لا أوافق بتاتا | | | | أوافق بشدة | |
|----------------------|---|---|---|---------------|--|
| | | | | | نسبة ترك العاملين للعمل وتجدهم بالمحكمة : |
| 5 | 4 | 3 | 2 | 1 | 1. متدنية بدرجة غير عادية . |
| 5 | 4 | 3 | 2 | 1 | 2. عالية بدرجة غير عادية . |
| 5 | 4 | 3 | 2 | 1 | 3. في حدود المتوسط . |
| 5 | 4 | 3 | 2 | 1 | ب . أشعر بأنني أنتقد بصورة غير عادله من قبل المسئول عني |
| 5 | 4 | 3 | 2 | 1 | ج . تعمل المحكمة باستمرار تجاه تشجيع العلاقات الطيبة ورفع المعنويات بين العاملين |
| 5 | 4 | 3 | 2 | 1 | د . بيئة العمل في المحكمة ممتازة |
| 5 | 4 | 3 | 2 | 1 | هـ . يتم توزيع المسؤوليات بدرجة مناسبة بين كل العاملين في المحكمة |
| 5 | 4 | 3 | 2 | 1 | و . يتم توزيع المسؤوليات بدرجة مناسبة بين العاملين الذين يؤيدون مهام مماثلة لمهام وظيفتي |
| 5 | 4 | 3 | 2 | 1 | ز . يتم توزيع العمل بدرجة مناسبة بين كل العاملين في المحكمة |
| 5 | 4 | 3 | 2 | 1 | ح . يتم توزيع العمل بدرجة مناسبة بين كل العاملين الذين يؤيدون مهام مماثلة لمهام وظيفتي |
| 5 | 4 | 3 | 2 | 1 | ط . هناك فرص متساوية لكافة العاملين في المحكمة للتظلم والنظر في شكاوهم |
| 5 | 4 | 3 | 2 | 1 | ي . هناك فرصة مناسبة للعاملين في المحكمة الذين يؤيدون مهام مماثلة لمهام وظيفتي للتظلم والنظر في شكاوهم |
| 5 | 4 | 3 | 2 | 1 | ك . هناك فرص وقنوات مناسبة للتواصل بيني وبين مسؤولي |
| 5 | 4 | 3 | 2 | 1 | ل . يتم التعامل مع مشاكل الاداء بأسلوب دقيق ومناسب |
| 5 | 4 | 3 | 2 | 1 | م . يسمح لكافة العاملين في المحكمة باستخدام المزايا المكتسبة (مثل الإجازات) بدرجة مناسبة ومتساوية |
| 5 | 4 | 3 | 2 | 1 | ن . يسمح للعاملين في المحكمة الذين يؤيدون مهام مماثلة وظيفتي باستخدام المزايا المكتسبة (مثل الأجازات) بدرجة مناسبة ومتساوية |

ض . ما هو رأيك حول ظروف العمل في المحكمة؟

الأمن بمقر المحكمة

3. ما لم يرد غير ذلك فإن مقر محكمة يعني مباني المحكمة ، المساحات حول المبنى ومواقف السيارات الملحقة به .
3. خلال العامين الماضيين كيف كان مستوي القلق لديكم حول سلامة ممتلكاتكم الشخصية بمقر المحكمة :

□ زاد □ قل □ ظل كما هو

ملاحظة: إذا اخترت (الإجابة " زاد ") بالنسبة للسؤال السابق (رقم 3) يرجى تحديد الاماكن الغير آمنة بمقر المحكمة .

4. هل تستمتع بوظيفتك

نادرا 1 في بعض الأحيان 2 3 4 غالبا 5

5. من خلال أدائك لوظيفتك هل حدث وأن تعرضت لتفرقة من قبل زملائك العاملين بالمحكمة على أساس:

| نوع التفرقة | لم يحدث | نادرا | في بعض الأحيان | يحدث غالبا |
|-----------------------------|---------|-------|----------------|------------|
| أ. العمر | 1 | 2 | 3 | 4 |
| ب. الإعاقة | 1 | 2 | 3 | 4 |
| ج. الجنس | 1 | 2 | 3 | 4 |
| د. الحالة الاجتماعية | 1 | 2 | 3 | 4 |
| هـ. الأصل العرقي العنصري | 1 | 2 | 3 | 4 |
| و. الدين | 1 | 2 | 3 | 4 |

6. بوضع دائرة على الرقم المناسب، يرجى الإجابة أما دائما، عادة، في بعض الأحيان، لم يحدث أو لا علم. ضع دائرة.

| | دائماً | عادة | في بعض الأحيان | مطلقاً | لا أعلم |
|--|--------|------|----------------|--------|---------|
| أ. هل تعتقد ان العاملين في المحكمة يتعاملون مع الناس باحترام | 1 | 2 | 3 | 4 | 9 |
| ب. هل تستجيب المحكمة لطلبات الحصول على المعلومات في زمن معقول | 1 | 2 | 3 | 4 | 9 |
| ج. هل تعتقد ان المحكمة توفر معلومات كافية حول إجراءاتها وخدماتها | 1 | 2 | 3 | 4 | 9 |
| د. هل تعتقد أن اجراءات التقاضي في المحكمة سهلة الفهم و المتابعة | 1 | 2 | 3 | 4 | 9 |
| هـ. هل تعتقد بأن المحكمة تفصل في القضايا خلال زمن معقول | 1 | 2 | 3 | 4 | 9 |
| و. هل تعتقد ان المحكمة تطبق القانون في أداء | 1 | 2 | 3 | 4 | 9 |

| مهامها | | | | | |
|---|---|---|---|---|---|
| ز. هل تعتقد أن المحكمة لديها مواردها المناسبة التي تمكنها من أداء عملها | 1 | 2 | 3 | 4 | 9 |
| ح. هل تعتقد أن رسوم رفع الدعوى و الرسوم الأخرى المدفوعة للمحكمة مناسبة | 1 | 2 | 3 | 4 | 9 |
| ط. هل تعتقد أن قرارات المحكمة سهلة الفهم | 1 | 2 | 3 | 4 | 9 |
| ي. هل تعتقد أن قرارات المحكمة يتم تنفيذها | 1 | 2 | 3 | 4 | 9 |
| ك. هل تعتقد أن المحكمة تعامل الناس بالتساوي | 1 | 2 | 3 | 4 | 9 |
| ذ. هل تعتقد أن المحكمة تحاول الاستجابة لحاجات الأشخاص المعاقين بدنياً أو عقلياً | 1 | 2 | 3 | 4 | 9 |
| م. هل تعتقد أن المحكمة تعمل بصورة جيدة مع مكونات النظام العدلي الأخرى (مثل الشرطة، الهجرة، النيابة... الخ) | 1 | 2 | 3 | 4 | 9 |
| ن. هل تعتقد أن وقت انتظار أطراف الدعوى في قاعات المحاكمة أو في أماكن الانتظار الأخرى في المحكمة لحين بدء نظر دعواهم مناسب | 1 | 2 | 3 | 4 | 9 |

7. هل لديك المام بأي متطلبات قانونية تتعلق بأعمال المحكمة لا يتم اتباعها بواسطة معظم العاملين في المحكمة (بما في ذلك القضاة)

نعم لا

ملاحظة : إذا كانت الإجابة على السؤال رقم (7) بنعم فالرجاء ذكر الدليل أو المرجع القانوني وذلك أدناه:

8. لكل من المتطلبات التي أوردتها أكمل الآتي:
هل هذه المادة :

شرط تشريعي قانون محكمة دولة قرار قانون الدعوى
 قاعدة محلية ليس لدي علم بذلك

العدالة و المساواة في المحكمة

نحن نرغب في التعرف على تقييمك للإجراءات والمرافعات والممارسات المتبعة في دائرة محاكم دبي. برجاؤ تحديد ما هو رأيك بالنمط العام حول كيفية معاملة المحكمة للناس الذين يقفون أمامها بما في ذلك أعضاء النيابة العامة، المحامون، الأطراف المتنازعة، الشهود و الضحايا. بالنسبة لذلك و لكل أسئلة هذا القسم فإن مصطلح " المحكمة " يرمز إلى كل القضاة بالمحكمة. لذا فأنا نرغب في معرفة تجاربكم مع هيئة المحكمة ورأيكم حولها بصفة عامة.

9. استناداً على خبرتكم في القضايا التي عرضت أمام هيئة المحكمة خلال الثلاث سنوات الماضية فإن قرارات محكمة دبي تتأثر بـ :

| | أوافق بشدة | أوافق | أوافق جزئياً لا | لا أوافق | لا أوافق بشدة |
|--|------------|-------|-----------------|----------|---------------|
| أ. جنس المحامين الذين يتم التعامل معهم | 1 | 2 | 3 | 4 | 5 |

| | | | | | |
|--|---|---|---|---|---|
| ب. جنسية المحامين الذين يتم التعامل معهم | 1 | 2 | 3 | 4 | 5 |
| ج. جنسية القضاة | 1 | 2 | 3 | 4 | 5 |

10. استناداً إلى خبرتكم في القضايا التي عرضت أمام المحكمة خلال السنوات الثلاث الماضية تظهر المحكمة تحيز ومحاباة تجاه :

| | أوافق بشدة | أوافق | أوافق جزئياً لا أوافق جزئياً | لا أوافق | لا أوافق بشدة |
|---|------------|-------|------------------------------|----------|---------------|
| أ. الادعاء (ممثلوا النيابة) في القضايا الجنائية | 1 | 2 | 3 | 4 | 5 |
| ب. محامي الدفاع في القضايا الجنائية | 1 | 2 | 3 | 4 | 5 |
| ج. المدعي في قضايا الضرر المدني | 1 | 2 | 3 | 4 | 5 |
| د. المدعي عليه في قضايا الضرر المدني | 1 | 2 | 3 | 4 | 5 |
| هـ. الأشخاص من مجموعة ذات جنسية معينة من الذين يكونون أطرافاً في القضية | 1 | 2 | 3 | 4 | 5 |
| و. الذكور في قضايا العلاقات الأسرية | 1 | 2 | 3 | 4 | 5 |
| ز. الإناث في قضايا العلاقات الأسرية | 1 | 2 | 3 | 4 | 5 |

ملاحظة: إذا كانت (إجابتك هي " 1 " ، " 2 " ، " 3 ") في البيان "هـ" أعلاه يرجى تحديد الجنسية التي تحظى بالتحيز و في أي نوع من القضايا (مثال المدنية، الجنائية، الشرعية) .

11. استناداً إلى خبرتكم في القضايا التي عرضت أمام هيئة المحكمة خلال الثلاث سنوات الماضية تظهر المحكمة العداء والخصومة تجاه :

| | أوافق بشدة | أوافق | أوافق جزئياً لا أوافق جزئياً | لا أوافق | لا أوافق بشدة |
|---|------------|-------|------------------------------|----------|---------------|
| أ. الادعاء (ممثلوا النيابة) في القضايا الجنائية | 1 | 2 | 3 | 4 | 5 |
| ب. محامي الدفاع في قضايا الجنائية | 1 | 2 | 3 | 4 | 5 |
| ج. المدعي في قضايا الضرر المدني | 1 | 2 | 3 | 4 | 5 |
| د. المدعي عليه في قضايا الضرر المدني | 1 | 2 | 3 | 4 | 5 |
| هـ. الأشخاص من مجموعة ذات جنسية معينة من الذين يكونون أطرافاً في القضية | 1 | 2 | 3 | 4 | 5 |
| و. الذكور في قضايا العلاقات الأسرية | 1 | 2 | 3 | 4 | 5 |
| ز. الإناث في قضايا العلاقات الأسرية | 1 | 2 | 3 | 4 | 5 |

ملاحظة: إذا كانت (إجابتك هي " 1 " ، " 2 " ، " 3 ") في البيان "هـ" أعلاه يرجى تحديد الجنسية التي تحظى بالخصومة والعداء و في أي نوع من القضايا (مثال المدنية، الجنائية، الشرعية) .

12. استناداً إلى خبرتكم في القضايا التي عرضت أمام المحكمة خلال السنوات الثلاث الماضية فإن محاكم دبي :

| لا أوافق بشدة | لا أوافق | أوافق جزئياً لا أوافق جزئياً | أوافق | أوافق بشدة | |
|---------------------|-------------|---------------------------------------|-------|---------------|--|
| 5 | 4 | 3 | 2 | 1 | أ . لم تقلل الكفالة للمدعى عليهم من مجموعة ذات جنسية معينة في حين قللت الكفالة للمدعى عليهم من مجموعة أخرى حتى و ان كان التاريخ الإجرامي و الخلفية الاجتماعية للمجموعتين متشابهة. |
| 5 | 4 | 3 | 2 | 1 | ب . لم تقلل الكفالة للمدعى عليهم من الإناث في حين قللت منها للمدعى عليهم من الذكور حتى و ان كان التاريخ الإجرامي و الخلفية الاجتماعية متشابهة. |
| 5 | 4 | 3 | 2 | 1 | ج . لم تقلل الكفالة للمدعى عليهم من الذكور في حين قللت منها للمدعى عليهم من الإناث حتى و ان كان التاريخ الإجرامي و الخلفية الاجتماعية متشابهة. |
| 5 | 4 | 3 | 2 | 1 | د . أصدرت أحكاماً على المدعى عليهم من مجموعة ذات جنسية معينة بصورة أكبر مما أصدرت في أحكام على المدعى عليهم من مجموعة ذات جنسية أخرى حتى و ان كان السجل الإجرامي و الجريمة(التهمة) الحالية متشابهة. |
| 5 | 4 | 3 | 2 | 1 | هـ . أصدرت أحكاماً على المدعى عليهم من الإناث أكثر مما أصدرت أحكام على المدعى عليهم من الذكور حتى و ان كان السجل الإجرامي و الجريمة(التهمة) الحالية متشابهة. |
| 5 | 4 | 3 | 2 | 1 | و . أصدرت أحكاماً على المدعى عليهم من الذكور أكثر مما أصدرت أحكام على المدعى عليهم من الإناث حتى و ان كان السجل الإجرامي و الجريمة(التهمة) الحالية متشابهة. |

ملاحظة: بالإضافة إلى الأمثلة المذكورة أعلاه في الأسئلة من 9 إلى 12 هل هناك أي حالات أخرى واجه فيها نوع معين من المشاركين التحيز أو العدا من قبل المحكمة.

.....

.....

.....

ردود الأفعال العامة

برجاء الأخذ في الاعتبار عند التعبير عن آرائكم حول المساواة والعدل في محاكم دبي ان تكون مبنية على كل القضايا التي حضرتموها مع هيئة المحكمة خلال الثلاث سنوات الماضية .

13 . استناداً على وجودكم في المحكمة خلال الثلاث سنوات الماضية إلى أي مدى أنت راضي عن كيفية معاملة المحكمة لك؟ (ضع دائرة على الرقم)

| راضي بدرجة عالية | 2 | 3 | 4 | غير راضي بتاتاً |
|------------------|---|---|---|-----------------|
| 1 | 2 | 3 | 4 | 5 |

14. استناداً على ملاحظتك لهيئة المحكمة خلال الثلاث سنوات الماضية إلى أي مدى تعتقد أن المحكمة تعامل الأشخاص بالتساوي (ضع دائرة على الرقم)

| | | | | |
|------------------|---|---|---|----------------|
| راضي بدرجة عالية | | | | غير راضي بتاتا |
| 1 | 2 | 3 | 4 | 5 |

وضوح أوامر المحكمة

15. هل واجهتك أية مشاكل في عملك مع أوامر المحكمة بأنها غير واضحة أو غير مكتملة.

| | | | | |
|---------|--------|-------------|----------------|--------|
| اطلاقاً | نادراً | من وقت لآخر | في بعض الأحيان | غالباً |
| 1 | 2 | 3 | 4 | 5 |

ملاحظة: إذا واجهتك أي صعوبات في وضوح أوامر المحكمة يرجى توضيح مجالات هذه المشاكل:

وضوح الصوت في القاعات عند المرافعات

الهدف من الأسئلة التالية هو لاطلاع علي وجهة نظرك حول جودة الصوت في قاعات المحكمة . الغرض من هذه المعلومات هو تحديد المشاكل التي قد توجد حتى تتمكن المحكمة من اتخاذ إجراءات تصحيحه مناسبة .

| | | | | | |
|-----|------------|-------|---------------------------------|----------|----------------|
| | أوافق بقوة | أوافق | أوافق جزئياً لا أوافق جزئياً | لا أوافق | لا أوافق بتاتا |
| 16. | 1 | 2 | 3 | 4 | 5 |

ملاحظة: إذا واجهتك أي نواع من المشاكل مع جودة الصوت بالمحكمة برجاء تحديد مجالات هذه المشاكل الخاصة وفي أي من قاعات المحكمة المختلفة.

17. لتحديد كيفية مدى جودة أداء محاكم دبي لمهامها تجاه الجمهور يرجى توضيح أن كنت لا توافق بشدة أو لا توافق لدرجة ما أو توافق لدرجة ما أو توافق بشدة على البيانات التالية .
يمكن أن تبني أجابتك على أي شيء تعرفه أو سمعته أو قرأته عن المحكمة .

| | | | | |
|----|------------|-------|----------------------------|---------------|
| م | أوافق بشدة | أوافق | أوافق / لا أوافق جزئياً | لا أوافق بشدة |
| أ. | 1 | 2 | 3 | 4 |

| | | | | | | |
|-----|--|---|---|---|---|---|
| ب. | بصفة عامة يحصل جمهور المراجعين على المعلومات حول القضايا بسرعة ويسر | 1 | 2 | 3 | 4 | 5 |
| ج. | لا تقوم المحكمة بدور فعال في إطلاع الجمهور على إجراءات وخدمات المحكمة | 1 | 2 | 3 | 4 | 5 |
| د. | الأفراد العاملين بالمحكمة يتعاملون مع الجمهور بلباقة وأدب ويقدمون لهم المساعدة المطلوبة | 1 | 2 | 3 | 4 | 5 |
| هـ. | تستغرق إجراءات التقاضي في المحكمة وقتاً طويلاً حتى تكتمل | 1 | 2 | 3 | 4 | 5 |
| و. | اللجوء إلى المحكمة مكلف جداً (أتعاب المحامين ، الخبراء الفنيين أو المحاسبين) | 1 | 2 | 3 | 4 | 5 |
| ز. | يتم تعيين واختيار والأشراف على العاملين بالمحكمة بأسلوب مناسب | 1 | 2 | 3 | 4 | 5 |
| ح. | بصورة عامة يتم تنفيذ قرارات المحكمة | 1 | 2 | 3 | 4 | 5 |
| ط. | إجراءات التقاضي في المحكمة سهلة الفهم والمتابعة | 1 | 2 | 3 | 4 | 5 |
| | أن وقت انتظار أطراف الدعوى لحين بدء نظر دعواهم في الجلسات مناسب | 1 | 2 | 3 | 4 | 5 |
| ي. | لا تتعامل المحكمة بدرجة مختلفة مع الأشخاص و تفرق حين التعامل معهم على أساس العرق أو الجنس أو الدخل | 1 | 2 | 3 | 4 | 5 |
| ك. | للمحكمة علاقات طيبة مع الشرطة و النيابة العامة | 1 | 2 | 3 | 4 | 5 |

18. كيف تصنف جهود ادارة هذه المحاكم في الاستجابة للمقترحات أو الانتقادات التي توجهها أنت أو الجهة التي تتبع لها ؟

| | | | | | |
|-----|---------------------------------------|---|-------------------------------|---|---------------------------------|
| أ . | ضعيف جداً | 2 | متوسط | 4 | كبير جداً |
| | 1 | | 3 | | 5 |
| ب . | أكثر سوءاً من الوحدات الحكومية الأخرى | | مماثل للوحدات الحكومية الأخرى | | أفضل من الوحدات الحكومية الأخرى |
| | 1 | 2 | 3 | 4 | 5 |
| ج . | في تطور مستمر | | ظل ثابتاً | | يتجه نحو الأسوأ |
| | 1 | 2 | 3 | 4 | 5 |

التأهيل / التدريب

19. برجاء الإطلاع على البيانات التالية حول برامج التأهيل / التدريب في محكمة وتحديد ان كنت توافق أو لا توافق بوضع دائرة حول العدد المناسب علي المقياس علي يسار البيان.

| | | | | | | |
|------|---|---|---|-----------|---------------|---|
| | | | | وافق بشدة | لا أوافق بشدة | |
| أ . | يتلقى الموظفون الجدد تدريب عملي مناسب في المحكمة | 1 | 2 | 3 | 4 | 5 |
| ب . | واجبات وظيفتي محددة بدقة | 1 | 2 | 3 | 4 | 5 |
| ج . | الموظفون الجدد يتلقون تعريفاً وشرحاً بدرجة جيدة عن مهام الأقسام والإدارات الأخرى في المحكمة | 1 | 2 | 3 | 4 | 5 |
| د . | الموظفون الجدد يتكيفون بدرجة جيدة مع ممارسة أفراد المحكمة | 1 | 2 | 3 | 4 | 5 |
| هـ . | تم توضيح مهام وظيفتي بدقة من قبل مسئولتي | 1 | 2 | 3 | 4 | 5 |
| و . | احتياجات التدريب مرتبطة بنتائج تقييم الأداء الوظيفي | 1 | 2 | 3 | 4 | 5 |
| ز . | احتياجات التدريب مرتبطة يتم تحديدها بطريقة غير مدروسة وعلى حسب رغبات المسؤول أو الموظف | 1 | 2 | 3 | 4 | 5 |

ج. ما هو رأيك حول نظام التأهيل / التدريب في المحكمة :

العلاقة بين المحكمة و المجتمع

- 20 . إلى أي مدى تؤثر القنوات الإعلامية في العلاقة بين المحكمة والمجتمع ؟
 (أ) () إلى درجة كبيرة
 (ب) () إلى درجة محددة
 (ج) () إلى درجة ما (هـ) لا أدري
 (د) () لا تؤثر

21 . إلى مدى تؤثر القنوات الإعلامية التالية في تحقيق دور أفضل للإعلام في تضيق الهوة بين المحكمة والمجتمع ؟

| | القنوات الإعلامية | إلى درجة كبيرة | إلى درجة محددة | إلى درجة ما | لا يؤثر | لا أدري |
|----|-------------------------------|----------------|----------------|-------------|---------|---------|
| أ | التلفاز | () | () | () | () | () |
| ب | الصحف | () | () | () | () | () |
| ج | مجلة المحكمة (مقترح) | () | () | () | () | () |
| د | فريق العلاقات العامة بالمحكمة | () | () | () | () | () |
| هـ | موقع المحكمة على الإنترنت | () | () | () | () | () |

22. العناصر التالية قد تؤدي إلى ارتفاع تكلفة التقاضي بمحاكم دبي :

| | العناصر | أوافق بقوة | أوافق | لا أوافق | لا أوافق مطلقا | لا أدري |
|----|----------------------------------|------------|-------|----------|----------------|---------|
| أ | رسوم المحكمة | () | () | () | () | () |
| ب | أتعاب المحامين | () | () | () | () | () |
| ج | أتعاب الخبراء (في تقارير الخبرة) | () | () | () | () | () |
| د | تعقيدات إجراءات المحكمة | () | () | () | () | () |
| هـ | القضاة الغير مهرة (أقل كفاءة) | () | () | () | () | () |
| و | المحامون الغير مهرة (أقل كفاءة) | () | () | () | () | () |

العوامل التي تؤثر على سير القضايا بالمحكمة

23. إلى أي مدى تعتقد أنه يمكن الثقة في تقارير الخبراء الفنية والمحاسبية التي تقدم إلى المحكمة.
 (أ) () جديرة بالثقة التامة
 (ب) () عادة جديرة بالثقة
 (ج) () جديرة بالثقة بدرجة مناسبة
 (د) () غير جديرة بالثقة (هـ) لا أدري
24. أن تعيين عدد من الخبراء المحاسبين بصفة دائمة (كوحدة إدارية في المحكمة) لتقديم خدمات اعداد تقارير الخبرة المحاسبية للقضايا التي تتطلب ذلك بمحكمة دبي سوف يؤدي إلى فعالية وعدم تحيز بدرجة كبيرة . ما رأيك في ذلك؟
 (أ) () أوافق بقوة
 (ب) () أوافق
 (ج) () غير متأكد
 (د) () لا أوافق
 (هـ) لا أدري

25. هل تعتقد ان أي من العوامل المذكورة أدناه قد يتسبب في تأخير الوصول إلى قرار نهائي في القضايا (زيادة مدة الفصل في القضايا) بمحكمة دبي:

| العوامل | أوافق بقوة | أوافق | لا أوافق | لا أوافق مطلقا | لا أدري |
|--|------------|-------|----------|----------------|---------|
| أ تأخر الخبير في تقديم تقريره النهائي | () | () | () | () | () |
| ب طلبات التأجيل بواسطة المحامين | () | () | () | () | () |
| ج تعقيدات وطول إجراءات المحكمة | () | () | () | () | () |
| د القضاة الغير مهرة (أقل كفاءة) | () | () | () | () | () |
| ه طلبات الانابة بواسطة المحامين | () | () | () | () | () |
| و أعداد الموظفين الغير كافية (مثل المترجمون، المعلنون) لمواكبة حجم العمل | () | () | () | () | () |

26. هل تعتقد ان لأي من العوامل المذكورة أدناه تأثير على دقة القرارات والأحكام النهائية في القضايا بمحكمة دبي :

| العوامل | أوافق بقوة | أوافق | لا أوافق | لا أوافق مطلقا | لا أدري |
|---|------------|-------|----------|----------------|---------|
| أ ازدياد عدد مجموع القضايا الصعبة والمعقدة | () | () | () | () | () |
| ب ازدياد عدد القضايا بصفة عامة | () | () | () | () | () |
| ج عدم توفر العدد الكافي من القضاة ذي الكفاءات الجيدة | () | () | () | () | () |
| د عدم توفر الوعي الكافي لدى القضاة بأهمية حضورهم برنامج ومؤتمرات الجودة | () | () | () | () | () |

27. إلى أي مدى ترى ان عدم إلمام بعض القضاة في محاكم دبي إلى مهارات استخدام الكمبيوتر قد يؤثر سلباً على أدائهم ؟
 (أ) إلى درجة كبيرة
 (ب) إلى درجة محددة
 (ج) إلى درجة ما (ه) لا أدري
 (د) لا تؤثر

28. في رأيك إلى أي مدى يؤثر التفتيش القضائي المطبق حالياً على كفاءة النظام القضائي (بشكل خاص مراجعة اعمال القضاة) في محاكم دبي ؟

(أ) إلى درجة كبيرة
 (ب) إلى درجة محددة
 (ج) إلى درجة ما (ه) لا أدري
 (د) لا يؤثر

29. إلى أي مدى ترى أنه على ادارة المحاكم بدبي العمل على الاستفادة من خبرات السادة قضاة المحكمة واشراكهم في الكثير من الاعمال المتعلقة بادارة المحاكم (وضع الخطط الاستراتيجية مثلا) وخاصة مايتعلق منها بأمر التقاضي ؟

(أ) إلى درجة كبيرة
 (ب) إلى درجة محددة
 (ج) إلى درجة ما (ه) لا أدري
 (د) لا تؤثر

30. إلى أي مدى قد يساعد اقتراح تكوين مجلس أو لجنة قضائية مصغرة عن المجلس القضائي الحالي (تتكون من ثلاثة قضاة يختارهم رؤساء المحاكم من مستويات المحاكم الثلاث ، ورئيس نيابة يختاره النائب العام ، وكل مديري الادارات بالمحكمة ، برئاسة مدير عام المحاكم) في تطوير أداء عمل المحاكم في دبي ؟

(أ) إلى درجة كبيرة
 (ب) إلى درجة محددة
 (ج) إلى درجة ما (ه) لا أدري
 (د) لا تؤثر

31. أحدثت برامج حكومة دبي التالية تطورات كبيرة في العمل بمحاكم دبي . ماهو رأيك في ذلك ؟

| | أوافق بقوة | أوافق | لاأوافق | لا أوافق مطلقا | لا أدري |
|---|------------|-------|---------|----------------|---------|
| أ برنامج جائزة دبي للأداء الحكومي المتميز | () | () | () | () | () |
| ب مبادرة الحكومة الإلكترونية بدبي | () | () | () | () | () |
| ج برنامج التخطيط الاستراتيجي بدبي | () | () | () | () | () |

التقييم

32. برجاء الإطلاع علي البيانات التالية حول نظام التقييم بالمحكمة مع توضيح ان كنت توافق أو لا توافق بوضع دائرة حول الرقم المناسب علي المقياس علي يسار البيانات.

| | 1 | 2 | 3 | 4 | 5 |
|--|---|---|---|---|---|
| أ. نظام التقييم يميز (يدرك أو يتعرف على) بشكل دقيق مستوى الأداء الوظيفي الضعيف | 1 | 2 | 3 | 4 | 5 |
| ب. نظام التقييم يميز (يدرك أو يتعرف على) بشكل دقيق مستوى الأداء الوظيفي المتميز | 1 | 2 | 3 | 4 | 5 |
| ج. أشعر بأنني احصل علي شرح وافي عن نتيجة تقييم أداء وظيفتي (افادات وافية وشرح) | 1 | 2 | 3 | 4 | 5 |
| د. تعكس معايير نظام تقييم الأداء مهام وظيفتي بدقة. | 1 | 2 | 3 | 4 | 5 |

هـ. ما هو رأيك حول نظام تقييم الأداء بالمحكمة:

| | 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|---|
| أ. نتيجة تقييم الأداء الوظيفي لها أثر مباشر على: | | | | | |
| 1. الاجور | 1 | 2 | 3 | 4 | 5 |
| 2. المستقبل الوظيفي | 1 | 2 | 3 | 4 | 5 |
| 3. التقدير | 1 | 2 | 3 | 4 | 5 |
| ب. يعكس مستوى الرواتب الاختلافات في مسؤوليات الوظيفة بوضوح | 1 | 2 | 3 | 4 | 5 |
| ج. الرواتب عادلة ومناسبة بين كافة العاملين بالمحكمة | 1 | 2 | 3 | 4 | 5 |
| د. الرواتب عادلة ومناسبة بين كافة العاملين بالمحكمة الذين يؤيدون مهام مماثلة لمهام وظيفتي | 1 | 2 | 3 | 4 | 5 |
| هـ. المزايا والبدلات المكتسبة (مثل الإجازات ، بدل طبيعة العمل، الاجازات الدراسية) عادلة ومتساوية بين كل العاملين بالمحكمة | 1 | 2 | 3 | 4 | 5 |

| | | | | | |
|---|---|---|---|---|--|
| 5 | 4 | 3 | 2 | 1 | و. المزايا المكتسبة والبدلات (مثل الإجازات، بدل طبيعة العمل، الاجازات الدراسية) عادلة ومتساوية بين العاملين بالمحكمة الذين يؤيدون مهام مماثلة لمهام وظيفتي |
|---|---|---|---|---|--|

ز. ما هو رأيك حول نظام الرواتب بالمحكمة :

بيانات عامة

أ. الاستمرار في الوظيفة (يرجى التحديد)

▪ 1 - 2 سنة

▪ 2 - 5 سنة

▪ أكثر من 5 سنوات

ب. الجنس

ذكوره

اناث

ج- السن

24 - 18

44 - 35

65 - 55

34 - 25

54 - 45

أكثر من 65

د- مستوى التعليم الأكاديمي العالي

(أ) (ب) (ج) (د) (هـ) (فوق الجامعي)

(أ) (ب) (ج) (د) (هـ) (فوق الجامعي)

(أ) (ب) (ج) (د) (هـ) (فوق الجامعي)

هـ. خلال الثلاث سنوات الماضية ما هو متوسط عدد القضايا التي حضرت فيها جلسات مع القضاة؟
..... قضية في السنة (المتوسط) .

و. خلال الثلاث سنوات الماضية ما هو متوسط عدد الساعات في الأسبوع التي تقضيها في الجلسات مع القضاة؟
..... ساعة في الاسبوع (المتوسط) .

ملاحظات

إذا كانت هناك مواضيع، قضايا ، أو مسائل محددة تتعلق بعمل (أداء) المحكمة (سلبا أو إيجابا) ترغب في عرضها علينا
ليتم دراستها ، يرجى تحديد ذلك أدناه :

.....
.....
.....

اختياري

إذا كان لديك الوقت لمناقشة المواضيع المتعلقة بهذا الاستبيان يرجى توضيح :

الاسم :
رقم الهاتف :

نشكرك على مساعدة المحكمة في تطوير نشاطاتها اليومية. يرجى مراعاة وضع هذا الاستبيان داخل المظروف المرفق
و إرساله إلى مكتب الاستعلامات بمحاكم دبي.

**Questionnaire concerning the Lawyers' Perceptions
Of the Dubai Court Performance**

9/9/2002

The purpose of this questionnaire is to solicit your views concerning the Court's treatment of attorneys, litigants, and other participants in criminal, sharia, and civil cases. The Court wants to gauge the extent to which it is meeting the basic goals of the following: Perceptions of Courthouse Security, Accessibility and Convenience of the Court, Assessments of Fidelity to the Law, fairness and equality in both how it reaches decisions and how those decisions affect the participants and the larger community, Interpreting Orders and Judgments, Verbatim Records of Proceedings, Relationships With Other Agencies/Organizations, The relationship between the Court and the community, and The factors which are may affecting the Court cases processing.

We seek your assistance in studying these issues of court performance, and we request that you take a few minutes to complete this form. Your assessment of Court procedures and practices should be based on the cases you have brought before the Court during the past three years. Please be assured that the identity of all respondents will be confidential. Your opinions shall be held in strict confidence, and information from this survey shall be presented to the Court only in an aggregate form.

Please return the completed questionnaire within a week. For your convenience, a pre-addressed and stamped envelope is enclosed. Thank you for your cooperation.

Experience with the Bench

In order to better understand your views on the equality and fairness of the Court, your experience with the judges at the Court is of particular interest.

1. Over the past three years, what is the average number of cases per year in which you appeared before a judge of the Court?
_____ Cases Per Year (average).
2. Over the past three years, what was the average number of hours per week you spent in this court?
_____ Hours Per Week (average)

Perceptions of Courthouse Security

The following questions ask you about the safety of the court. Unless otherwise specified, courthouse refers to the court building, the grounds around the building, and associated parking areas.

3. Within the past 2 years, has your level of concern about your safety or the safety of your personal property at the courthouse:
A Increased B Decreased C Remained the same

Note: If you agreed (responses "A") with question "3" above, please identify which courthouse areas are not save.

Accessibility and Convenience of the Court

Access to the Courthouse

4. By circling the appropriate number, please tell us how easy it was to do each of the following. If you have not tried to use one of these resources, please circle "9."

Circle One

| | Very Easy | | | | | Very Difficult | No Experience |
|--|--------------|---|---|---|---|-------------------|------------------|
| A. If you drove, how easy or difficult was it to find a parking space? | 1 | 2 | 3 | 4 | 5 | 6 | 9 |
| B. Find and use the information directory | 1 | 2 | 3 | 4 | 5 | | 9 |
| C. Get help at the Court information counter | 1 | 2 | 3 | 4 | 5 | | 9 |
| D. Read the map/ diagram of the facility | 1 | 2 | 3 | 4 | 5 | | 9 |
| E. Follow signs showing where to go | 1 | 2 | 3 | 4 | 5 | | 9 |
| F. Use the cafeteria. | 1 | 2 | 3 | 4 | 5 | | 9 |

5. In general, based on whatever you know, have read, or have heard, is the Dubai Court doing an excellent, good, fair, or poor job?

4 - Excellent

3 - Good

2 - Fair

1 - Poor

6. By circling the appropriate number, please answer either always, usually, sometimes, never, or don't know.

| ROTATE | Always | Usually | Sometimes | Never | Don't Know |
|--|--------|---------|-----------|-------|------------|
| Do you think court personnel treat people with respect? | 1 | 2 | 3 | 4 | 9 |
| B. Do you think the court responds to requests for information in a reasonable time? | 1 | 2 | 3 | 4 | 9 |

| | | | | | | |
|----|---|---|---|---|---|---|
| C. | Do you think the court provides enough information about its procedures and services? | 1 | 2 | 3 | 4 | 9 |
| D. | Do you think court proceedings are easy to understand and follow? | 1 | 2 | 3 | 4 | 9 |
| E. | Do you think the court handles cases within a reasonable amount of time? | 1 | 2 | 3 | 4 | 9 |
| F. | Do you think the court follows the law in performing its duties? | 1 | 2 | 3 | 4 | 9 |
| G. | Do you think the court has adequate resources to do its job? | 1 | 2 | 3 | 4 | 9 |
| H. | Think now of the cost of taking something to court. Do you think the filing charges and other fees paid to the court are reasonable? | 1 | 2 | 3 | 4 | 9 |
| I. | Do you think court decisions are easy to understand? | 1 | 2 | 3 | 4 | 9 |
| J. | Do you think the court's decisions are enforced? | 1 | 2 | 3 | 4 | 9 |
| K. | Do you think the court treats all people equally? | 1 | 2 | 3 | 4 | 9 |
| L. | Do you think the court attempts to meet the special needs of people with physical or mental disabilities? | 1 | 2 | 3 | 4 | 9 |
| M. | Do you think the court works well with other components of the justice system (e.g., the police, immigration, prosecutors, and so forth)? | 1 | 2 | 3 | 4 | 9 |

Note: If you agreed (responses "3", or "4") with question "M" above, please identify which Components of the justice system sometimes or never work well with the Court.

Assessments of Fidelity to the Law

The following questions relate to how closely the Court officials observe the law. "Law" in this context includes statutes, case law, court rules, and so forth.

7. Are you aware of any requirements of law related to the court's business that are not routinely followed by most court employees (including judges).

- Yes No

If "Yes," please list up to three such requirements and try to provide a citation for each law.

8. For each requirement listed, complete the following:

Is this item:

1. A statutory provision. 2. A State court rule.
3. A Civil legal proceedings law. 4. A local rule. 5. "Don't know for sure."

The Court's Equality and Fairness

We would like your assessments of the Dubai Court policies, procedures, and practices. Please indicate what you think are overall patterns in how the Court treats people who appear before it, including attorneys, parties, witnesses, and victims. For these and all other questions in this section, the term 'court' refers to all judges in the court. Hence, we are interested in your experiences with and views of the bench, as a whole.

| | | | | |
|-------------------|-------|---------------------------------------|----------|----------------------|
| Agree Strongly | Agree | Agree in Part/ Disagree in Part | Disagree | Disagree Strongly |
|-------------------|-------|---------------------------------------|----------|----------------------|

9.. Based on your cases before the bench in the past three years, Dubai Court rulings are affected by:

- | | | | | | |
|--------------------------------------|---|---|---|---|---|
| A. Gender of the attorneys involved. | 1 | 2 | 3 | 4 | 5 |
| B. Race of the attorneys involved. | 1 | 2 | 3 | 4 | 5 |

10. Based on your cases before the bench in the past three years, the Court shows favoritism toward:

- | | | | | | |
|--|---|---|---|---|---|
| A. Prosecutors in criminal cases. | 1 | 2 | 3 | 4 | 5 |
| B. Defense attorneys in criminal cases. | 1 | 2 | 3 | 4 | 5 |
| C. Plaintiffs in civil tort cases. | 1 | 2 | 3 | 4 | 5 |
| D. Defendants in civil tort cases. | 1 | 2 | 3 | 4 | 5 |
| E. Individuals of a particular racial/ethnic | 1 | 2 | 3 | 4 | 5 |

group who are parties to a case.

F. Male parties in domestic relations cases. 1 2 3 4 5

G. Female parties in domestic relations cases. 1 2 3 4 5

Note: If you agreed (responses "1", "2", or "3") with statement "E" above, please identify which racial/ethnic group was favored and for what type of case (e.g., civil, criminal, sharia)

Agree Strongly Agree Agree in Part/
Disagree in Part Disagree Disagree Strongly

11.. Based on your cases before the bench in the past three years, the Court shows antagonism toward:

A. Prosecutors in criminal cases. 1 2 3 4 5

B. Defense attorneys in criminal cases. 1 2 3 4 5

C. Plaintiffs in civil tort cases. 1 2 3 4 5

D. Defendants in civil tort cases. 1 2 3 4 5

E. Individuals of a particular racial/ethnic group who are parties to a case. 1 2 3 4 5

F. Male parties in domestic relations cases. 1 2 3 4 5

G. Female parties in domestic relations cases. 1 2 3 4 5

Note: If you agreed (responses "1", "2", or "3") with statement "E" above, please identify which racial/ethnic group was favored and for what type of case (e.g., civil, criminal, domestic relations)

Agree Strongly Agree Agree in Part/
Disagree in Part Disagree Disagree Strongly

12. Based on your cases before the bench in the past three years, the Dubai Court:

A. Did not reduce bail for defendants of one racial/ethnic group and did for defendants of other racial/ethnic groups even when both groups' respective criminal histories and social backgrounds were similar. 1 2 3 4 5

B. Did not reduce bail for female defendants and did for male defendants even when their respective criminal histories and social backgrounds were similar. 1 2 3 4 5

- | | | | | | |
|---|---|---|---|---|---|
| C. Did not reduce bail for male defendants and did for female defendants even when their respective criminal histories and social backgrounds were similar. | 1 | 2 | 3 | 4 | 5 |
| D. Sentenced defendants of one racial/ethnic group more severely than defendants of other racial/ethnic groups even when both groups respective criminal records and current offense(s) were similar. | 1 | 2 | 3 | 4 | 5 |
| E. Sentenced female defendants more severely than male defendants even when their respective criminal records and current offense(s) were similar. | 1 | 2 | 3 | 4 | 5 |
| F. Sentenced male defendants more severely than female defendants even when their respective criminal records and current offense(s) were similar. | 1 | 2 | 3 | 4 | 5 |

Note. In addition to the examples mentioned above in Items 9-12, are there any other situations in which a particular type of participant tends to be shown favoritism or antagonism by the court?

Overall Reactions

Please consider your views of the equality and fairness of the Court for all cases you have brought before the bench in the past three years.

13. Based on your interaction with the Dubai Court in the last three years, to what extent are you satisfied with how you have been treated by the Court? (Circle number)

| | | | | | |
|----------------|---|---|---|---|-------------------|
| Very Satisfied | | | | | Very Dissatisfied |
| 1 | 2 | 3 | 4 | 5 | |

14. Based on your observation of the benches in Dubai Court in the last three years, to what extent do you believe that individuals have been treated fairly by the Court? (Circle number)

| | | | | | |
|----------------|---|---|---|---|-------------------|
| Very Satisfied | | | | | Very Dissatisfied |
| 1 | 2 | 3 | 4 | 5 | |

Experience in Interpreting Orders and Judgments

Clarity of Court Orders

Never Rarely Occasionally Sometimes Often

Relationships with Other Agencies/Organizations

17. How would you rate the level of cooperation between Dubai Court and you or your agency?

| | | | | | |
|----|--------------------------------------|---|------------------------------|---|---------------------------------------|
| a. | Very Low | | Average | | Very High |
| | 1 | 2 | 3 | 4 | 5 |
| b. | Much Worse Than Other Gov't Agencies | | Same As Other Gov't Agencies | | Much Better Than Other Gov't Agencies |
| | 1 | 2 | 3 | 4 | 5 |
| c. | Improving | | Staying the Same | | Getting Worse |
| | 1 | 2 | 3 | 4 | 5 |

18. How would you rate the *efforts* of this court's leadership to respond to suggestions or criticisms expressed by you or your organization?

| | | | | | |
|----|--------------------------------------|---|------------------------------|---|---------------------------------------|
| a. | Very Low | | Average | | Very High |
| | 1 | 2 | 3 | 4 | 5 |
| b. | Much Worse Than Other Gov't Agencies | | Same As Other Gov't Agencies | | Much Better Than Other Gov't Agencies |
| | 1 | 2 | 3 | 4 | 5 |
| c. | Improving | | Staying the Same | | Getting Worse |
| | 1 | 2 | 3 | 4 | 5 |

19. When this court has taken actions that were likely to impact upon you or your agency, how would you rate its efforts to obtain your support for the proposed change or to invite you to suggest another alternative to solve the problem?

| | | | | | |
|----|--------------------------------------|---|------------------------------|---|---------------------------------------|
| a. | Very Low | | Average | | Very High |
| | 1 | 2 | 3 | 4 | 5 |
| b. | Much Worse Than Other Gov't Agencies | | Same As Other Gov't Agencies | | Much Better Than Other Gov't Agencies |
| | 1 | 2 | 3 | 4 | 5 |
| c. | Improving | | Staying the Same | | Getting Worse |
| | 1 | 2 | 3 | 4 | 5 |

The relationship between the Court and the community

20. To what extent do media channels affect the relationship between the court and community?

- (a) to a great extent (c) to some extent
 (b) To a certain extent (d) does not affect (E) Don't Know

21. To what extent are the following channels influential in securing a better role of the media in narrowing the gap between the Court and the community?

| | to great (1)extent | to certain (2)extent | to some (3)extent | does (4)not effect | Don't (5) Know |
|---------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| (a) TV. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) Newspaper. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (C) Court magazine (proposed). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) Court public relation team. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) Court Website. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

22. The following elements may typically contribute to high cost of Disputes' resolution at Dubai Court:

| | Strongly (1)agree | (2)Agree | (3)Disagree | Strongly (4)disagree | Don't (5)Know |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| (a) Court's fees. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) Lawyers' fees. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) External experts' fees. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) Complications of the Court procedures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) Unskilled judges. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (f) Unskilled lawyers. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The factors which are may affecting the Court cases processing

23. How reliable do you think are technical and accountancy experts' reports?

- (a) completely reliable (c) fairly reliable
 (b) usually reliable (d) unreliable (E) Don't Know

24. The appointment of a number of full-time technical and accountancy legal experts to provide advisory services at the Dubai Court would lead to greater efficiency and impartiality.

What is your opinion?

- (a) strongly agree (c) uncertain
 (b) agree (d) disagree (E) Don't Know

25. Do you think any of the following factors may cause delay in reaching a final decision in cases at Dubai Court:

| | Strongly (1)Agree | (2)Agree | (3)Disagree | Strongly (4)Disagree | Don't (5)Know |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| (a) Delay of experts in submitting their final reports. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) Adjournment demands by lawyers. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) Complications and lengthy court | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- procedures.
- (d) Unskilled judges.
- (e) Delegations' request by lawyers.
- (f) Inadequate judicial staff (e.g. translators, notifiers)
to cope with the volume work.

26. Do you think any of the following factors may affect the accuracy of a final decision in cases at Dubai Court:

- | | Strongly
(1) agree | (2) Agree | (3) Disagree | Strongly
(4) Disagree | Don't
(5) Know |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| (a) Increasing number of complex and complicated cases. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) Increasing number of caseloads in general. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) Insufficient numbers of skilled judges . | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) Insufficient awareness by judges on the importance of their attending total quality programs and seminars. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

27. To what extent do you think the lack of some of judges' computer skills at Dubai Court could negatively affects judge's performance?

- (a) to a great extent (b) to a certain extent
(c) to some extent (d) does not effect (E) Don't Know

28. In your opinion, to what extent could judicial inspection implemented in supervising the Courts in Dubai affect judicial efficiency?

- (a) to a great extent (c) to some extent
(b) to a certain extent (d) does not effect (E) Don't Know

29. To what extent do you think judges should be involved (beside their role in deciding cases) in the management of Dubai Court (e.g. setting up the Court strategic plan.), particularly in the area that related to the judicial issues?

- (a) to a great extent (c) to some extent
(b) to a certain extent (d) does not affect (E) Don't Know

30. To what extent would the creation of mini-Judicial Council/committee (consisting of three judges nominated by the Chief Judge of the three levels of the court, one prosecutor nominated by the Prosecutor General, all directors of the court departments, chaired by General Director of the Court) achieve greater efficiency of the judicial system and court management performance in Dubai?

- (a) to a great extent (c) to some extent
(b) to a certain extent (d) does not affect (E) Don't Know

31. The following Dubai government programs did create a lot of work improvements at Dubai Court. What is your opinion?

- strongly strongly Don't

(1)agree (2)agree (3)disagree (4)disagree Know

- (a) Dubai Excellence Award Program.
(b) Dubai e-government initiative.
(c) Dubai Strategic Planning Program.

Background

32. Please provide some background information. This information will help us describe respondents' characteristics and provide a context for interpreting the results.

- A.** What is your basic practice? (Circle number)
1. General Practice 2. Public Defender 3. Corporate Counsel (Public/Private)
4. Other (Please Specify: _____)
- B.** Which of the following categories best describes your practice? (Circle number)
1. Criminal. 2. Family Law (Sharia) 3. Civil Law
4. Juvenile 5. Other
(Please specify: _____)
- C.** How many years have you practiced law? _____ Years
- D.** How many years have you practiced law in Dubai? _____ Years
- E.** What is your nationality? (Circle number) 1. UAE. 2. Other (Please specify: _____)
- F.** On average, how often are you in the courthouse? (Please check one)
1. Daily 4. For limited periods
2. Weekly 5. Other: _____
3. Monthly
- G.** Gender: Male Female
- H.** Age: 1. 18-24 3. 35-44 5. 55-65
2. 25-34 4. 45-54 6. Over 65

Comments:

If there are specific issues related to the court's organizational relationships (positive or negative) that you would like to bring to the attention of the court's leadership, please share them with us below.

1. _____

Optional

If you have time for a brief interview about issues related to this questionnaire, please give your:

Name: _____

Telephone number: _____

Thank you for helping the Dubai Court improve its day-to-day activities. Please remember to place the questionnaire in the enclosed envelope and mail it to the printed address.

استبيان خاص بأراء المحامين واعضاء النيابة

حول الأداء في محاكم دبي

2002/9/09

الهدف من هذا الاستبيان هو التماس آراءكم حول معاملة المحكمة للمحامين ، الخصوم، والأطراف الآخرين في القضايا الشرعية و المدينة والجناية. ترغب محاكم دبي في قياس المدى الذي تحقق به الأهداف الأساسية التالية:

القدرة على تحقيق الأمن بمقر المحكمة، سهولة الوصول إلى المحكمة و التعامل فيها، تقييم دقة تطبيق القانون، العدل و المساواة سواء في كيفية اتخاذها لقراراتها أو كيفية تأثير هذه القرارات في الأطراف المشتركة و المجتمع عامة. قدرة الأطراف على فهم و ترجمة الأوامر و الأحكام، وضوح الصوت في القاعات عند المرافعات، علاقات المحكمة مع الوحدات و الهيئات الأخرى، العلاقة بين المجتمع و المحكمة و العوامل التي تؤثر على نظر القضايا في المحكمة.

نحن نلتمس مساعدتك في دراسة هذه المسائل المتعلقة بأداء المحكمة ونطلب منك أن تمنحنا دقائق معدودة لتكملة هذه الاستمارة. أن تقييمك لإجراءات وممارسة المحكمة يجب أن يستند إلى القضايا التي تقدمت بها إلى المحكمة خلال الثلاث سنوات الماضية.

يرجى التأكد بأن هوية كل مشارك في هذا الاستبيان وآرانه سوف تعامل بسرية تامة، كما أن معلومات هذا الاستبيان سوف تعرض على المحكمة في شكل مجمل (أرقام، إحصائيات) فقط.

يرجى إعادة الاستبيان بعد تكميلته وذلك خلال أسبوع من تاريخ استلامكم. مرفق مظروف مكتوب عليه العنوان. يرجى وضع الاستبيان بعد إكماله داخل المظروف المرفق وتسليمه إلى مكتب استعلامات محاكم دبي عند مدخل مبني المحكمة. إذا كانت لديكم أي استفسارات أو إيضاحات الرجاء الاتصال بالسيد / يوسف علي حميد السويدي علي الهاتف رقم 0504527778 أو التحويلة رقم 501/500 ونشكركم على تعاونكم في هذا العمل الهام.

التعامل مع هيئة المحكمة

من أجل الفهم العميق لوجهة نظركم عن المساواة و العدل في المحكمة فإنه تعاملكم مع القضاة بالمحكمة له أهمية خاصة.

1. خلال الثلاث سنوات الماضية ما هو متوسط عدد القضايا التي ظهرت فيها أمام قضاة المحكمة؟

..... قضية في السنة (المتوسط).

2. خلال الثلاث سنوات الماضية ما هو متوسط عدد الساعات في الأسبوع التي قضيتها في المحكمة؟

..... قضية في السنة (المتوسط).

أمن مقر المحكمة

الأسئلة التالية تستوضح رأيك حول أمن المحكمة. ما لم يحدد غير ذلك فإن مقر المحكمة بشير إلى مبني المحكمة، المناطق حول المبني وموافق السيارات الملحق به.

3. خلال العامين الماضيين كيف كان مستوى القلق لديكم حول سلاماتكم الشخصية أو متعلقاتكم الشخصية

بمقر المحكمة:

ظل كما هو

قل

زاد

ملاحظة: إذا اخترت (الإجابة " زاد ") بالنسبة للسؤال السابق (رقم 3) يرجى تحديد الأماكن الغير امنة بمقر المحكمة .

الوصول إلى المحكمة و سهولة التعامل فيها

4. بوضع دائرة على الرقم المناسب أخبرنا كيف كانت السهولة و اليسر في عمل الآتي.
إذا لم تقم باستخدام أي من هذه المرافق ضع دائرة على الرقم " 9 ". ضع الدائرة على رقم واحد.

| لم استخدم المرفق | صعوبة بالغة | | | | سهولة و يسر | |
|------------------------|----------------|---|---|---|----------------|---|
| 9 | 5 | 4 | 3 | 2 | 1 | أ. إذا كنت تقود سيارة ما مدى سهولة أو صعوبة الحصول على موقف للسيارة |
| 9 | 5 | 4 | 3 | 2 | 1 | ب. الحصول على أدلة المعلومات و استخدامها |
| 9 | 5 | 4 | 3 | 2 | 1 | ج. الحصول على مساعدة من مكتب الاستعلامات بالمحكمة |
| 9 | 5 | 4 | 3 | 2 | 1 | د. قراءة خريطة المبنى الداخلية و رسومات أماكن الخدمات |
| 9 | 5 | 4 | 3 | 2 | 1 | هـ. اتباع اللوحات التي توضح الاتجاهات |
| | 5 | 4 | 3 | 2 | 1 | و. استخدام الكافيتيريا |

5. بصفة عامة و على أساس معرفتك أو ما قرأته أو سمعته هل تؤدي محاكم دبي مهامها بدرجة ممتازة، جيدة، مناسبة أم ضعيفة؟

4. ممتازة 3. جيدة 2. مناسبة 1. ضعيفة

6. بوضع دائرة على الرقم المناسب، يرجى الإجابة أما بدانماً، عادة، في بعض الأحيان، لم يحدث أو لا علم. ضع دائرة.

| لا أعلم | مطلقاً | في بعض الأحيان | عادة | دائماً | |
|---------|--------|----------------------|------|--------|---|
| 9 | 4 | 3 | 2 | 1 | أ. هل تعتقد ان العاملين في المحكمة يتعاملون مع الناس باحترام |
| 9 | 4 | 3 | 2 | 1 | ب. هل تستجيب المحكمة لطلبات الحصول على المعلومات في زمن معقول |
| 9 | 4 | 3 | 2 | 1 | ج. هل تعتقد ان المحكمة توفر معلومات كافية حول إجراءاتها وخدماتها |
| 9 | 4 | 3 | 2 | 1 | د. هل تعتقد أن اجراءات التقاضي في المحكمة سهلة الفهم و المتابعة |
| 9 | 4 | 3 | 2 | 1 | هـ. هل تعتقد بأن المحكمة تفصل في القضايا خلال زمن معقول |
| 9 | 4 | 3 | 2 | 1 | و. هل تعتقد ان المحكمة تطبق القانون في أداء مهامها |
| 9 | 4 | 3 | 2 | 1 | ز. هل تعتقد أن المحكمة لديها مواردها المناسبة التي تمكنها من أداء عملها |
| 9 | 4 | 3 | 2 | 1 | ح. هل تعتقد ان رسوم رفع الدعوى و الرسوم الأخرى المدفوعة للمحكمة مناسبة |

| | | | | | | |
|---|---|---|---|---|---|----|
| 9 | 4 | 3 | 2 | 1 | هل تعتقد ان قرارات المحكمة سهلة الفهم | ط. |
| 9 | 4 | 3 | 2 | 1 | هل تعتقد ان قرارات المحكمة يتم تنفيذها | ي. |
| 9 | 4 | 3 | 2 | 1 | هل تعتقد ان المحكمة تعامل الناس بالتساوي | ك. |
| 9 | 4 | 3 | 2 | 1 | هل تعتقد ان المحكمة تحاول الاستجابة لحاجات الأشخاص المعاقين بدنياً أو عقلياً | ذ. |
| 9 | 4 | 3 | 2 | 1 | هل تعتقد ان المحكمة تعمل بصورة جيدة مع مكونات النظام العدلي الأخرى (مثل الشرطة، الهجرة، النيابة... الخ) | م. |

ملاحظة: إذا اخترت (الإجابة " 3 " أو " 4 ") بالنسبة "م" للسؤال السابق يرجى تحديد الجهات التي لا تعمل معها المحكمة بصورة جيدة .

تقييم دقة القانون

الأسئلة التالية تتعلق بكيفية قرب موظفي المحكمة من تنفيذ القانون. و القانون في هذا السياق يشمل التشريعات، قانون القضايا، قواعد المحكمة وما شابه ذلك.
7. هل لديك إمام بأي متطلبات قانونية تتعلق بأعمال المحكمة لا يتم اتباعها بواسطة معظم العاملين في المحكمة (بما في ذلك القضاة)

نعم لا

إذا جوابك على السؤال رقم (7) بنعم فالرجاء ثلاث متطلبات مع ذكر الدليل أو المرجع القانوني .

8. لكل متطلي مذكور أكمل الآتي:

هل هذه المادة:

شرط تشريعي قاعدة محكمة عليا قانون الاجراءات المدنية
 قاعدة محلية لا أعلم بالتأكد

العدالة و المساواة في المحكمة

نحن نرغب في التعرف على تقييمك للاجراءات والمرافعات والممارسات المتبعة في دائرة محاكم دبي. يرجى تحديد ما هو رأيك بالنمط العام حول كيفية معاملة المحكمة للناس الذين يقفون أمامها بما في ذلك المحامون، الأطراف المتنازعة، الشهود والضحايا. بالنسبة لذلك و لكل أسئلة هذا القسم بأن مصطلح " المحكمة " يرمز إلى كل القضاة بالمحكمة. لذا فأنا نرغب في معرفة تجاربكم مع هيئة المحكمة ورأيكم حولها بصفة عامة.
9. استناداً على قضاياكم المعروضة أمام هيئة المحكمة خلال الثلاث سنوات الماضية فإن قرارات محكمة دبي تتأثر بـ

| | أوافق بشدة | أوافق | أوافق جزئياً لا | لا أوافق | لا أوافق بشدة |
|--|------------|-------|-----------------|----------|---------------|
| أ. جنس المحامين الذين يتم التعامل معهم | 1 | 2 | 3 | 4 | 5 |
| ب. جنسية المحامين الذين يتم التعامل معهم | 1 | 2 | 3 | 4 | 5 |

10. استناداً إلى قضاياكم المعروضة أمام المحكمة خلال السنوات الثلاث الماضية تظهر المحكمة تحيز ومحاباة تجاه :

| لا أوافق بشدة | لا أوافق | أوافق جزئياً لا أوافق جزئياً | أوافق | أوافق بشدة | | |
|---------------|----------|------------------------------|-------|------------|---|-----|
| 5 | 4 | 3 | 2 | 1 | الادعاء(ممثلوا النيابة) في القضايا الجنائية | أ. |
| 5 | 4 | 3 | 2 | 1 | محامي الدفاع في القضايا الجنائية | ب. |
| 5 | 4 | 3 | 2 | 1 | المدعي في قضايا الضرر المدني | ج. |
| 5 | 4 | 3 | 2 | 1 | المدعي عليه في قضايا الضرر المدني | د. |
| 5 | 4 | 3 | 2 | 1 | الأشخاص من مجموعة ذات جنسية معينة من الذين يكونون أطرافاً في القضية | هـ. |
| 5 | 4 | 3 | 2 | 1 | الذكور في قضايا العلاقات الأسرية | و. |
| 5 | 4 | 3 | 2 | 1 | الإناث في قضايا العلاقات الأسرية | ز. |

ملاحظة: إذا كانت (إجابتك هي " 1 " ، " 2 " ، " 3 ") في البيان "هـ" أعلاه يرجى تحديد الجنسية التي تحظى بالتحيز و في أي نوع من القضايا (مثال المدنية، الجنائية، الشرعية) .

11. استناداً إلى قضاياكم المعروضة أمام هيئة المحكمة خلال الثلاث سنوات الماضية تظهر المحكمة العداة والخصومة تجاه :

| لا أوافق بشدة | لا أوافق | أوافق جزئياً لا أوافق جزئياً | أوافق | أوافق بشدة | | |
|---------------|----------|------------------------------|-------|------------|---|-----|
| 5 | 4 | 3 | 2 | 1 | الادعاء(ممثلوا النيابة) في القضايا الجنائية | أ. |
| 5 | 4 | 3 | 2 | 1 | محامي الدفاع في قضايا الجنائية | ب. |
| 5 | 4 | 3 | 2 | 1 | المدعي في قضايا الضرر المدني | ج. |
| 5 | 4 | 3 | 2 | 1 | المدعي عليه في قضايا الضرر المدني | د. |
| 5 | 4 | 3 | 2 | 1 | الأشخاص من مجموعة ذات جنسية معينة من الذين يكونون أطرافاً في القضية | هـ. |
| 5 | 4 | 3 | 2 | 1 | الذكور في قضايا العلاقات الأسرية | و. |
| 5 | 4 | 3 | 2 | 1 | الإناث في قضايا العلاقات الأسرية | ز. |

ملاحظة: إذا كانت (إجابتك هي " 1 " ، " 2 " ، " 3 ") في البيان "هـ" أعلاه يرجى تحديد الجنسية التي تحظى بالخصومة والعداء و في أي نوع من القضايا (مثال المدنية، الجنائية، الشرعية) .

12. استناداً إلى قضاياكم المعروضة أمام المحكمة خلال السنوات الثلاث الماضية فإن محاكم دبي :

| لا أوافق بشدة | لا أوافق | أوافق جزئياً لا أوافق جزئياً | أوافق | أوافق بشدة | |
|---------------------|-------------|---------------------------------------|-------|---------------|--|
| 5 | 4 | 3 | | 1 | أ الكفالة للمدعى عليهم من مجموعة ذات جنسية معينة في حين قللت الكفالة للمدعى عليهم من مجموعة أخرى حتى و ان كان التاريخ الإجرامي و الخلفية الاجتماعية للمجموعتين متشابهة. |
| 5 | 4 | 3 | | 1 | ب لم تقلل الكفالة للمدعى عليهم من الإناث في حين قللت منها للمدعى عليهم من الذكور حتى و ان كان التاريخ الإجرامي و الخلفية الاجتماعية متشابهة. |
| 5 | 4 | 3 | | 1 | ج لم تقلل الكفالة للمدعى عليهم من الذكور في حين قللت منها للمدعى عليهم من الإناث حتى و ان كان التاريخ الإجرامي و الخلفية الاجتماعية متشابهة. |
| 5 | 4 | 3 | | 1 | د أصدرت أحكاماً على المدعى عليهم من مجموعة ذات جنسية معينة بصورة أكبر مما أصدرت في أحكام على المدعى عليهم من مجموعة ذات جنسية أخرى حتى و ان كان السجل الإجرامي و الجريمة(التهمة) الحالية متشابهة. |
| 5 | 4 | 3 | | 1 | هـ أصدرت أحكاماً على المدعى عليهم من الإناث أكثر مما أصدرت أحكام على المدعى عليهم من الذكور حتى و ان كان السجل الإجرامي و الجريمة(التهمة) الحالية متشابهة. |
| 5 | 4 | 3 | | 1 | و أصدرت أحكاماً على المدعى عليهم من الذكور أكثر مما أصدرت أحكام على المدعى عليهم من الإناث حتى و ان كان السجل الإجرامي و الجريمة(التهمة) الحالية متشابهة. |

ملاحظة: بالإضافة إلى الأمثلة المذكورة أعلاه في المواد من 9 إلى 12 هل هناك أي حالات أخرى واجه فيها نوع معين من المشاركين التحيز أو العداة من قبل المحكمة.

ردود الأفعال العامة

يرجى الأخذ في الاعتبار عند التعبير عن آرائكم حول المساواة والعدل في محاكم دبي ان تكون مبنية على كل قضاياكم التي عرضتموها على هيئة المحكمة خلال الثلاث سنوات الماضية.
13 . استناداً على تعاملك مع المحكمة خلال الثلاث سنوات الماضية إلى أي مدى أنت راضي عن كيفية معاملة المحكمة لك ؟ (ضع دائرة على الرقم)

| راضي بدرجة عالية | 2 | 3 | 4 | غير راضي بتاتاً |
|------------------|---|---|---|-----------------|
| 1 | 2 | 3 | 4 | 5 |

14. استناداً على ملاحظتك لهيئة المحكمة خلال الثلاث سنوات الماضية إلى أي مدى تعتقد ان المحكمة تعامل الأشخاص بالتساوي (ضع دائرة على الرقم)

| | | | | |
|------------------|---|---|---|----------------|
| راضي بدرجة عالية | | | | غير راضي بتاتا |
| 1 | 2 | 3 | 4 | 5 |

وضوح أوامر وقرارات المحكمة

| | | | | | | | |
|---|--|---------|--------|-------------|----------------|--------|--|
| | | إطلاقاً | نادراً | من وقت لآخر | في بعض الأحيان | غالباً | |
| 1 | | 1 | 2 | 3 | 4 | 5 | هل واجهتك مشاكل في عملك مع أوامر أو قرارات المحكمة كأن تكون غير واضحة أو غير كاملة |

ملاحظة : إذا واجهتك أي صعوبات في وضوح أوامر المحكمة ، يرجى وصف جوانب هذه الصعوبات .

.....

.....

.....

.....

وضوح الصوت في القاعات عند المرافعات

الهدف من الأسئلة التالية هو لاطلاع على وجهة نظرك حول جودة الصوت في قاعات المحكمة . الغرض من هذه المعلومات هو تحديد المشاكل التي قد توجد حتى تتمكن المحكمة من اتخاذ إجراءات تصحيحه مناسبة .

| | | | | | | | |
|-----|--|------------|-------|-----------------|-----------------|---------------|---|
| | | أوافق بقوة | أوافق | أوافق جزئياً لا | أوافق جزئياً لا | لاأوافق بتاتا | |
| 16. | | 1 | 2 | 3 | 4 | 5 | إلى أي مدى توافق أو لا توافق على أن وضوح الاصوات كانت جيدة ومفهومة في القاعات عند المرافعات ؟ |

ملاحظة : إذا واجهتك أي نواع من المشاكل مع جودة الصوت بالمحكمة يرجى تحديد مجالات هذه المشاكل الخاصة وفي أي من قاعات المحكمة المختلفة.

.....

.....

.....

استقلال القضاء وتداخل العلاقات

17 . كيف تصنف مستوى التعاون بين محاكم دبي وبينك أو بين الوحدة التي تنتمي إليها ؟

| أ . | ضعيف جداً | 2 | متوسط | 3 | 4 | كبير جداً |
|-----|---------------------------------------|---|-------------------------------|---|---|---------------------------------|
| | 1 | | | | | 5 |
| ب . | أكثر سوءاً من الوحدات الحكومية الأخرى | | مماثل للوحدات الحكومية الأخرى | | | أفضل من الوحدات الحكومية الأخرى |
| | 1 | 2 | 3 | 4 | 5 | |
| ج . | في تطور مستمر | | ظل ثابتاً | | | يتجه نحو الأسوأ |
| | 1 | 2 | 3 | 4 | 5 | |

18 . كيف تصنف جهود ادارة هذه المحاكم في الاستجابة للمقترحات أو الانتقادات التي توجهها أنت أو الجهة التي تتبع لها ؟

| أ . | ضعيف جداً | 2 | متوسط | 3 | 4 | كبير جداً |
|-----|---------------------------------------|---|-------------------------------|---|---|---------------------------------|
| | 1 | | | | | 5 |
| ب . | أكثر سوءاً من الوحدات الحكومية الأخرى | | مماثل للوحدات الحكومية الأخرى | | | أفضل من الوحدات الحكومية الأخرى |
| | 1 | 2 | 3 | 4 | 5 | |
| ج . | في تطور مستمر | | ظل ثابتاً | | | يتجه نحو الأسوأ |
| | 1 | 2 | 3 | 4 | 5 | |

19 . عندما تتخذ هذه المحكمة إجراءً يؤثر عليك أو على الوحدة التي تتبع لها ، كيف تصنف جهودها في الحصول على مؤازرتك للتعديلات المقترحة أو دعوتك لتقديم اقتراح آخر لحل المشكلة ؟

| أ . | ضعيف جداً | 2 | متوسط | 3 | 4 | كبير جداً |
|-----|---------------------------------------|---|-------------------------------|---|---|---------------------------------|
| | 1 | | | | | 5 |
| ب . | أكثر سوءاً من الوحدات الحكومية الأخرى | | مماثل للوحدات الحكومية الأخرى | | | أفضل من الوحدات الحكومية الأخرى |
| | 1 | 2 | 3 | 4 | 5 | |
| ج . | في تطور مستمر | | ظل ثابتاً | | | يتجه نحو الأسوأ |
| | 1 | 2 | 3 | 4 | 5 | |

العلاقة بين المحكمة و المجتمع

- 20 . إلى أي مدى تؤثر القنوات الإعلامية في العلاقة بين المحكمة و المجتمع ؟
 (أ) () إلى درجة كبيرة
 (ب) () إلى درجة محددة
 (ج) () إلى درجة ما (هـ) لا أدري
 (د) () لا تؤثر

- 21 . إلى مدى تؤثر القنوات الاعلامية التالية في تحقيق دور أفضل للإعلام في تضييق الهوة بين المحكمة و المجتمع ؟

| | القنوات الاعلامية | إلى درجة كبيرة | إلى درجة محددة | إلى درجة ما | لا يؤثر | لا أدري |
|----|-------------------------------|----------------|----------------|-------------|---------|---------|
| أ | التلفاز | () | () | () | () | () |
| ب | الصحف | () | () | () | () | () |
| ج | مجلة المحكمة (مقترح) | () | () | () | () | () |
| د | فريق العلاقات العامة بالمحكمة | () | () | () | () | () |
| هـ | موقع المحكمة على الإنترنت | () | () | () | () | () |

22. العناصر التالية قد تؤدي إلى ارتفاع تكلفة التقاضي بمحاكم دبي :

| | العناصر | أوافق بقوة | أوافق | لا أوافق | لا أوافق مطلقا | لا أدري |
|----|----------------------------------|------------|-------|----------|----------------|---------|
| أ | رسوم المحكمة | () | () | () | () | () |
| ب | أتعاب المحامين | () | () | () | () | () |
| ج | أتعاب الخبراء (في تقارير الخبرة) | () | () | () | () | () |
| د | تعقيدات إجراءات المحكمة | () | () | () | () | () |
| هـ | القضاة الغير مهرة (أقل كفاءة) | () | () | () | () | () |
| و | المحامون الغير مهرة (أقل كفاءة) | () | () | () | () | () |

العوامل التي تؤثر على سير القضايا بالمحكمة

24. إلى أي مدى تعتقد أنه يمكن الثقة في تقارير الخبراء الفنية و المحاسبية التي تقدم إلى المحكمة.
 (أ) () جديرة بالثقة التامة
 (ب) () عادة جديرة بالثقة
 (ج) () جديرة بالثقة بدرجة مناسبة
 (د) () غير جديرة بالثقة (هـ) لا أدري

24. أن تعيين عدد من الخبراء المحاسبين بصفة دائمة (كوحدة ادارية في المحكمة) لتقديم خدمات اعداد تقارير الخبرة المحاسبية للقضايا التي تتطلب ذلك بمحكمة دبي سوف يؤدي إلى فعالية و عدم تحيز بدرجة كبيرة . ما رأيك في ذلك؟

- (أ) () أوافق بقوة
 (ب) () أوافق
 (ج) () غير متأكد
 (د) () لا أوافق
 (هـ) لا أدري

25. هل تعتقد ان أي من العوامل المذكورة أدناه قد يتسبب في تأخير الوصول إلى قرار نهائي في القضايا (زيادة مدة الفصل في القضايا) بمحكمة دبي:

| العوامل | أوافق بقوة | أوافق | لا أوافق | لا أوافق مطلقاً | لا أدري |
|---|------------|-------|----------|-----------------|---------|
| أ تأخر الخبير في تقديم تقريره النهائي | () | () | () | () | () |
| ب طلبات التأجيل بواسطة المحامين | () | () | () | () | () |
| ج تعقيدات وطول إجراءات المحكمة | () | () | () | () | () |
| د القضاة الغير مهرة (أقل كفاءة) | () | () | () | () | () |
| ه طلبات الانابة بواسطة المحامين | () | () | () | () | () |
| و أعداد الموظفين الغير كافية (مثال المترجمون، المعلنون) لمواكبة حجم العمل | () | () | () | () | () |

26. هل تعتقد ان لأي من العوامل المذكورة أدناه تأثير على دقة القرارات والأحكام النهائية في القضايا بمحكمة دبي:

| العوامل | أوافق بقوة | أوافق | لا أوافق | لا أوافق مطلقاً | لا أدري |
|---|------------|-------|----------|-----------------|---------|
| أ ازدياد عدد مجموع القضايا الصعبة والمعقدة | () | () | () | () | () |
| ب ازدياد عدد القضايا بصفة عامة | () | () | () | () | () |
| ج عدم توفر العدد الكافي من القضاة ذي الكفاءات الجيدة | () | () | () | () | () |
| د عدم توفر الوعي الكافي لدى القضاة بأهمية حضورهم برنامج ومؤتمرات الجودة | () | () | () | () | () |

27. إلى أي مدى ترى ان عدم إلمام بعض القضاة في محاكم دبي إلى مهارات استخدام الكمبيوتر قد يؤثر سلباً على أدائهم ؟
 (أ) إلى درجة كبيرة
 (ب) إلى درجة محددة
 (ج) إلى درجة ما (ه) لا أدري
 (د) لا تؤثر

28. في رأيك إلى أي مدى يؤثر التفتيش القضائي المطبق حالياً على كفاءة النظام القضائي (بشكل خاص مراجعة اعمال القضاة) في محاكم دبي ؟

(أ) إلى درجة كبيرة
 (ب) إلى درجة محددة
 (ج) إلى درجة ما (ه) لا أدري
 (د) لا يؤثر

29. إلى أي مدى ترى أنه على ادارة المحاكم بدبي العمل على الاستفادة من خبرات السادة قضاة المحكمة واشراكهم في الكثير من الاعمال المتعلقة بادارة المحاكم (وضع الخطط الاستراتيجية مثلا) وخاصة مايتعلق منها بأمور التقاضي؟

(أ) إلى درجة كبيرة
 (ب) إلى درجة محددة
 (ج) إلى درجة ما (ه) لا أدري
 (د) لا تؤثر

□ أكثر من 65 □ 54 - 49 □ 34 - 25

ملاحظة:

إذا كانت هناك مواضيع ، قضايا ، مسائل محددة تتعلق بعمل محاكم دبي (أيجاباً أو سلباً) ترغب في عرضها على إدارة المحكمة أو التنبيه إليها ، يرجى إشراكنا في ذلك وإيرادها أدناه:-

.....
.....
.....
.....
.....

اختياري

إذا كان لديك وقت لمناقشة المواضيع المتعلقة بهذا الاستبيان يرجى تحديد :

الاسم :

رقم الهاتف :

نشكر لك مساعدتك لمحاكم دبي في تطوير نشاطاتها اليومية . يرجى تذكر وضع الاستبيان داخل المظروف المرفق وإرساله على العنوان المذكور على المظروف .

**Survey for Media Representatives
Regarding Dubai Court and Media Relations
These interviews took place on 29/2/2003.**

Q.1. Please indicate the number of times you have attempted to obtain information from this court in the past year?

Q.2. Are there specific individuals you know to speak with when you have an information request regarding the court?

Q.3. When you have placed information requests with the court, has a specific individual been assigned to ensure that your request receives a response?

| | | | | |
|-------|--------|-----------|---------|--------|
| Never | Rarely | Sometimes | Usually | Always |
| 1 | 2 | 3 | 4 | 5 |

Q.4. When you have placed information requests with the court, how often is the information you receive satisfactory, given the nature of your request?

| | | | | |
|-------|--------|-----------|---------|--------|
| Never | Rarely | Sometimes | Usually | Always |
| 1 | 2 | 3 | 4 | 5 |

Q.5. Please indicate any restrictions that have been placed by the court or by court personnel on your ability to obtain information from the court?

Q.6. How would you rate the timeliness of the responses of court personnel to information requests you have made?

| | | | | |
|------|---|---------|---|-----------|
| Poor | | Average | | Excellent |
| 1 | 2 | 3 | 4 | 5 |

Q.7. Much Worse Than Other Governmental Organizations

Similar To Other Governmental Organizations

Much Better Than Other Governmental Organizations

| | | | | |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|

Q.8. How would you rate the timeliness of the responses of court personnel to information requests you have made?

| | | | | |
|------|---|---------|---|-----------|
| Poor | | Average | | Excellent |
| 1 | 2 | 3 | 4 | 5 |

Q.9. Much Worse Than Other

Similar To Other Governmental

Much Better Than Other

Governmental
Organizations

1

2

Organizations

3

4

Governmental
Organizations

5

Q.10. How well did court personnel appear to understand their own procedures for responding to media requests for information?

Very Poorly

Average

Very Well

1

2

3

4

5

Q.11. Much Worse
Than Other
Governmental
Organizations

Similar To Other
Governmental
Organizations

Much Better Than
Other
Governmental
Organizations

1

2

3

4

5

Survey Form for Court Employees Regarding Court and Media Relations

1. For what office of the court do you work?
2. Please indicate the number of times you have received an information request from the media in the past year. _____
3. Please indicate whom you are to notify within the court if you receive an information request from a representative of the media? _____
4. When you receive an information request from the media, how often is a specific individual assigned to ensure that the request receives a response?

| | | | | |
|-------|--------|-----------|---------|--------|
| Never | Rarely | Sometimes | Usually | Always |
| 1 | 2 | 3 | 4 | 5 |

5. When you receive an information request from the media, how often do you personally provide the response to the request?

| | | | | |
|-------|--------|-----------|---------|--------|
| Never | Rarely | Sometimes | Usually | Always |
| 1 | 2 | 3 | 4 | 5 |

6. When you provide information in response to a request from the media, how often do you feel you provided an adequate response to the request?

| | | | | |
|-------|--------|-----------|---------|--------|
| Never | Rarely | Sometimes | Usually | Always |
| 1 | 2 | 3 | 4 | 5 |

7. What factors, if any, lead you to providing a less than adequate response?
8. Please indicate restrictions that are placed by court policy or your superiors on your ability to respond to an information request from the media.
9. Please indicate how often your attempts to provide a response to an information request from the media interfered with your carrying out your responsibilities.

| | | | | |
|-------|--------|-----------|---------|--------|
| Never | Rarely | Sometimes | Usually | Always |
| 1 | 2 | 3 | 4 | 5 |

10. Please indicate how often you are given adequate assistance from other court personnel when needed to provide a response to a media information request.

| | | | | |
|-------|--------|-----------|---------|--------|
| Never | Rarely | Sometimes | Usually | Always |
| 1 | 2 | 3 | 4 | 5 |

11. Please indicate how often you are given adequate time to respond to a media information request.

| | | | | |
|-------|--------|-----------|---------|--------|
| Never | Rarely | Sometimes | Usually | Always |
| 1 | 2 | 3 | 4 | 5 |

12. Please indicate how often you were given sufficient information by the media representative to allow you to generate a response to that individual's information request.

| | | | | |
|-------|--------|-----------|---------|--------|
| Never | Rarely | Sometimes | Usually | Always |
| 1 | 2 | 3 | 4 | 5 |

13. How would you rate the restrictions placed on your attempts to provide a response to an information request by the media?

| | | | | | |
|-----------------------|---|---|---|---|---------------------|
| Very Inappropriate | | | | | Very Appropriate |
| 1 | 2 | 3 | 4 | 5 | |

**Form for 1.1.1. (Page 1 of 2)
Record of Access to Courtroom**

| Case # | Case Title | Scheduled Hearing Date | Scheduled Hearing Location | Observer Name | Was Access Obtained? (If "No," attempt to determine the reason) |
|--------|------------|------------------------|----------------------------|---------------|--|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |
| 7. | | | | | |
| 8. | | | | | |
| 9. | | | | | |
| 10. | | | | | |
| 11. | | | | | |
| 12. | | | | | |
| 13. | | | | | |
| 14. | | | | | |
| 15. | | | | | |

Form for 1.1.2
Tracking Court Proceedings

Case # _____ Case Title _____

Check the one that most clearly describes the type of calendar for the event you were assigned to attend.

- An individually scheduled trial or other evidentiary matter that was on the AM or PM calendar.
- A matter on the AM or PM calendar that was assigned a specific start time, where other matters were also assigned a specific start time during the same AM or PM session.
- A matter that was listed along with several other matters, all scheduled for the same start time.

1. Were you present in the courtroom at the opening of court (when the judge took the bench)?
- yes no
2. Were you present in court continuously until the end of the court session (or until you learned the outcome of the event you planned to observe)?

- yes no
3. How did you learn the status of the proceeding (was called, rescheduled) that you came to observe?
- Saw or heard it take place or be continued
- Read it on a posted written notice
- A court official provided the information while the court was in session or during a break
- A court official explained what happened after the session of court was over
- Other (explain) _____
- Didn't find out the status

4. Did you have any difficulties discovering the status of the proceeding?
If yes, please describe:

5. Do you have any suggestions for overcoming these difficulties?

Form for 1.1.3 (Page 1 of 2)
Courtroom Audibility Evaluation Form

Courtroom: _____

Court: _____

Date/Time: _____

Observer: _____

1. In general, did you have problems hearing the court participants?

Often

Sometimes

Never

1

2

3

4

5

If you did experience any difficulties hearing court participants, please answer the following questions.

2. Was it more difficult to hear in certain areas of the courtroom?

Yes

No

If yes, please describe:

3. Were certain participants more difficult to hear than others?

Yes

No

If yes, please specify person (e.g., judge, attorneys, litigants, and witnesses) and specific problem (e.g., did not speak loudly and did not speak clearly):

Form for 1.1.3 (Page 2 of 2)
Courtroom Audibility Evaluation Form

4. Did extraneous noise outside the courtroom contribute to inaudibility?

Yes No

If yes, please describe:

5. Did extraneous noise inside the courtroom contribute to inaudibility?

Yes No

If yes, please describe:

6. Did physical problems in courtroom (e.g., malfunctioning sound equipment such as microphones and poor room arrangement for audience to hear proceedings) contribute to inaudibility?

If yes, please describe:

Note any other comments you have about the courtroom's audibility.

Form for 1.2.5 (Page 1 of 3)
Access to Information by Telephone
Directions and Recording Sheet

This measure examines the ease and convenience with which the general public can obtain information about cases in the _____ Court.

On the data collection form, you will be given at least one name of a person involved in a court case (criminal or civil) and the date on which a court event (such as a hearing or trial) is scheduled to take place. All court events will take place in the _____ Court.

Your task is to find a telephone number for the court and to determine the following information:

- Case number.
- Type of proceeding which is to take place. You may ask, "Is this a trial?" or "What type of hearing is this?"
- Location of the event.
- Scheduled time of the event.

Your task also is to report on the ease or difficulty of obtaining this information. The data collection form will allow you to record information about the length of time it took you to obtain this information, the number of calls you had to place, and the number of people who spoke to you. Please fill this form in completely. If you are unable to obtain the information within six calls or 60 minutes, stop and write down the difficulties you encountered.

It is important that you complete this measure on or before the date provided. If you are unable to complete this measure before the date provided, call _____ at (____) _____ to obtain a new case.

Thank you for your cooperation.



Form for 1.2.5 (Page 2 of 3)
Access to Information by Telephone
Directions and Recording Sheet

Your name: _____ Date: _____

Name of party(ies) involved in case: _____

Scheduled hearing date: _____

Using the information above, please obtain the following:

| | |
|-----------|---------|
| Case | Hearing |
| Number: | Type: |
| Location: | Time: |

At what time did you start this measure? _____

First Contact

Telephone number 1: _____

a. How/where did you get it (circle one)?

1. telephone book
2. directory assistance
3. other (specify) _____

b. How long did it take to find the number? _____ minutes

c. How many people did you speak to at this number? _____

Form for 1.2.5 (Page 3 of 3)
Access to Information by Telephone
Directions and Recording Sheet

Second Contact

Telephone number 2: _____

- a. How/where did you get it (circle one)?
 - 1. telephone book
 - 2. directory assistance
 - 3. referred from previous number
 - 4. transferred directly from previous number
 - 5. other (specify) _____

- b. How long did it take to find the number? _____ minutes

- c. How many people did you speak to at this number? _____

Third Contact

Telephone number 3: _____

- a. How/where did you get it (circle one)?
 - 1. telephone book
 - 2. directory assistance
 - 3. referred from previous number
 - 4. transferred directly from previous number
 - 5. other (specify) _____

- b. How long did it take to find the number? _____ minutes

- c. How many people did you speak to at this number? _____



CUSTOMER SATISFACTION QUESTIONNAIRE

Dubai Courts Department, is pleased to demonstrate this questionnaire to identify the level of our customer satisfaction, in order to improve our services. We are looking for your kind co-operation by completing this questionnaire.

*** Capacity of client:-**

- Plaintiff Defendant Execution creditor Execution debtor Heir
 Guardian Attorney/ procurator Witness Arbitrator Expert
 Lawyer Lawyer representative Others

*** Reason of dealing:-**

- Personal affairs action Civil action Preventive attachment Execution
 Inheritance Shariah declaration Guardianship Order upon petition
 Delegation Others

*** Courts level :-**

- Court of first instance Court of appeal Court of cassation

*** Other information :-**

- Arabic speaking None arabic speaking Did you dealt with any other courts
 Yes No

*** Gender:-**

- Male Female

>> Kindly complete the following questionnaire, in order to evaluate your satisfaction.

| Telephone operator service | | Less satisfied | | ↔ | | More satisfied | |
|----------------------------|---|----------------|---|---|---|----------------|--|
| | | 1 | 2 | 3 | 4 | 5 | |
| 1 | Quickness of call response | | | | | | |
| 2 | Method of response | | | | | | |
| 3 | Transferring of calls to the specified person | | | | | | |
| Total | | | | | | | |

| The provided services | | Less satisfied | | ↔ | | More satisfied | |
|-----------------------|--|----------------|---|---|---|----------------|--|
| | | 1 | 2 | 3 | 4 | 5 | |
| 1 | Clearness of service requirements | | | | | | |
| 2 | Clearness of steps to a chieve the service | | | | | | |
| 3 | Efficiency of the queuing system | | | | | | |
| 4 | Simplicity of achieving the service | | | | | | |
| 5 | Service fee | | | | | | |
| 6 | The consumed time in achieving the service | | | | | | |
| Total | | | | | | | |

| The courts dept. location | | Less satisfied | | ↔ | | More satisfied | |
|---------------------------|--|----------------|---|---|---|----------------|--|
| | | 1 | 2 | 3 | 4 | 5 | |
| 1 | Easiness to reach & locating the court dept. | | | | | | |
| 2 | Car parking | | | | | | |
| 3 | Service area & halls | | | | | | |
| 4 | Waiting area | | | | | | |
| 5 | Indicating signboards for the service area | | | | | | |
| 6 | Typing & photocopying service | | | | | | |
| 7 | Cafeteria service | | | | | | |
| 8 | Lighting & ventilation | | | | | | |
| 9 | Nearness & connection of the service areas | | | | | | |
| Total | | | | | | | |

| Service officers | | Less satisfied | | ↔ | | More satisfied | |
|------------------|---|----------------|---|---|---|----------------|--|
| | | 1 | 2 | 3 | 4 | 5 | |
| 1 | Knowledge & acquaintance with the job nature | | | | | | |
| 2 | Compliance with rules & regulation the work | | | | | | |
| 3 | Accuracy & quickness in achieving the service | | | | | | |
| 4 | Ability of expression | | | | | | |
| 5 | Co-operation & assistance with clients | | | | | | |
| 6 | Politeness & courtesy with clients | | | | | | |
| 7 | Getting information through telephone | | | | | | |
| Total | | | | | | | |

| Information office (counters) | | Less satisfied | | ↔ | | More satisfied | |
|-------------------------------|--|----------------|---|---|---|----------------|--|
| | | 1 | 2 | 3 | 4 | 5 | |
| 1 | Easiness to approach information counter | | | | | | |
| 2 | Officers ability and efficiency to respond queries | | | | | | |
| 3 | Attention and assistance that extended to clients | | | | | | |
| 4 | Knowledge & acquaintance with job nature | | | | | | |
| Total | | | | | | | |

| Courts dept. website at the Internet | | Less satisfied | | ↔ | | More satisfied | |
|--------------------------------------|--|----------------|---|---|---|----------------|--|
| | | 1 | 2 | 3 | 4 | 5 | |
| 1 | Design of the courts department websit | | | | | | |
| 2 | Comprehensiveness of the data on the website | | | | | | |
| 3 | Simplicity of browsing | | | | | | |
| 4 | Accuracy & clearness of data | | | | | | |
| Total | | | | | | | |

* The best thing that, you have observed in Dubai Courts Department:

* the worst thing that, you have observed in Dubai Courts Department:

* Which service would you like to provided by the Courts Department

* Comments, observation or suggestion:

Name

Prof:

Add:

369