

**EXECUTIVE SUMMARY**

**EL SALVADOR JUSTICE SECTOR ASSESSMENT**

**CENTER FOR THE ADMINISTRATION OF JUSTICE  
FLORIDA INTERNATIONAL UNIVERSITY**

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## **I. Background**

On July, 1984, the Agency for International Development (AID) awarded a grant to the Government of El Salvador (519-0296) to carry out a national program aimed at improving the administration of justice.

One of the components of this project is administered by the Comisión Revisora de la Legislación Salvadoreña (CORELESAL), created in 1985. One of its goals was to improve the organization and administration of the Salvadoran courts. Since there was little baseline data on which to base assistance, the project emphasized the necessity of carrying out an evaluation of court administration.

As part of the US overall effort to improve the administration of justice in Central America, AID awarded a grant, in March of 1986, to the Instituto Latinoamericano para la Prevención del Delito y Tratamiento del Delincuente (ILANUD), based in San José, Costa Rica to carry out a regional program in five countries (Costa Rica, Panama, El Salvador, Honduras and the Dominican Republic). The goal of this program was the improvement of the administration of justice but with particular emphasis on the criminal justice system, excluding police and corrections.

Due to a lack of empirically reliable data for the Central American justice sector, the ILANUD project included a component of "sector assessments" to be carried out in the participating countries. Florida International University (FIU) was chosen to carry out these assessments and a cooperative agreement was entered into between that institution and AID.

Discussions were held between representatives of ILANUD, CORELESAL, FIU, RAJO and USAID/ES regarding coordination of these two programs. In 1986 and 1987, representatives of FIU, ILANUD, and RAJO met with Salvadoran justice officials and CORELESAL representatives and an agreement was entered into whereby FIU would carry out the Salvadoran court administration justice sector assessment in cooperation with CORELESAL and USAID/ES. The study began in July, 1987 and lasted approximately four months.

The general objective of the study was to assess the current administrative structure and operation of the Salvadoran courts and to propose reforms directed at improving the quality and availability of justice in that institution. Five main areas of analysis were undertaken: a) organizational structure; b) financial resources and management; c) information management; d) personnel system; and, d) material resources.

It should be kept in mind that while the study was funded by AID, the primary beneficiary is the Salvadoran judiciary. With

that in mind, the majority of recommendations do not require AID funding. Additionally, it would provide baseline data and recommendations useful to AID in program planning and development.

### **III. Methodology**

Due to the political sensitivity of the theme and our desire to promote the maximum commitment of national justice sector leaders and key academics in the country, the following organizational philosophy was adopted:

1) The majority of the consultant work was carried out by national and Latin American experts and the role of US personnel was limited. This was extremely difficult since court administration is a new concept in Latin America. We chose Mr. Robert Page as the director of this study due to his practical experience in this field and his knowledge of the language and system. Mr. Page was the court administrator for the federal courts in the Southern District of New York, has postgraduate training from Harvard and has served as a consultant to federal and state courts in the United States and to the Regional Administration of Justice Project based in San José. The assessment was supervised by Luis Salas, director of the Center for the Administration of Justice Project and a Professor of Criminal Justice at Florida International University. Professor Salas holds a Juris Doctor from Wake Forest University, has supervised a number of other justice sector assessments and served as a consultant to US and foreign justice agencies (both Salas' and Page's vitae appear as Attachment 1). The only other US personnel were Dr. John Helwig, an expert in training; Dr. Bruce Perlman, on the Public Administration faculty at the University of New Mexico; and Ms. Mary Torres who served as a public administration consultant. With the exception of Page and Salas, all of the US personnel served in a limited role.

2) All field work and interviews, with certain limited exceptions, was carried out by Salvadorans with specific expertise of the area under analysis. In total, twelve Salvadoran experts were contracted (see Attachment 2). Additionally, a Salvadoran CPA firm was employed, after winning a bid, to carry out the assessment of the judiciary's accounting system.

3) The Salvadoran Supreme Court, USAID/ES, RAJO, CORELESAL and ILANUD had substantial involvement in the design and implementation of the study. The design was discussed several times with officials from the those institutions and the design reflects their input. The Deputy Director of the study, Dr. Emma Pinzón was a staff member of CORELESAL and assumed supervision of the study team during the absences of Salas or Page. A technical committee, composed of the President of the Supreme Court, the Executive Director of CORELESAL, the USAID/ES Project Manager and the study team supervisors, was formed. Periodic reports were

rendered to this committee and they were advised of the progress of the study. Additionally, the Committee participated in all hiring decisions and CORELESAL interviewed all applicants even prior to their interview by FIU.

Upon the completion of the study, a draft was sent to the technical committee for their review and comments. A meeting was held with them in El Salvador for two days during which the draft report was discussed and changes made. The revised version was mailed to members of the committee and their responses incorporated into the Final Report.

Due to the complexity of the study, it was necessary to use a variety of methodologies.

The study consisted of the following stages:

**1) Team development.** Due to the empirical orientation of the research, a considerable amount of time was devoted to discussing the study objectives and methodology and to training the staff.

**2) Literature search.** A bibliography is found in the Appendix to the Final Report.

**3) Legal framework.** In order to fully understand the nature, organization and procedures employed in the courts, a consultant, selected by CORELESAL, was employed for this task.

**4) Data gathering.** Empirical data was gathered from all available sources. The statistics maintained by the judiciary are largely unreliable and in many instances nonexistent. While we used these statistics, we complemented them with a sample of cases chosen from courts throughout the country: 123 criminal cases, chosen from the departments of Ahuachapán, Santa Ana, San Salvador, San Vicente, Usulután, San Miguel, Morazán and La Unión; and a smaller number of civil, labor, mercantile and landlord-tenant cases. In all of these cases, site visits were made to gather the information.

In order to assess the physical situation of courts and to conduct interviews, 79 courts were chosen and visited using the following criteria for selection: density of population; number of pending cases; damages caused by terrorist acts; geographical distribution. The sample consisted of the Supreme Court, five cámaras, 38 courts of first instance and 46 justices of the peace courts. A complete list of the courts visited is found in Attachment 3.

**5) Interviews.** Interviews were held with judicial officials at all levels. In total, 208 persons were interviewed. This sample consisted of: 6 Supreme Court Justices (42.85% of the total), 15 magistrates of second instance (53.57% of the total), 50 judges of first instance (54.34% of the total), and 75

justices of the peace (24.83% of the total).

Two workshops were also held to determine and confirm some of the problems detected in the study. The first focused on administrative problems, while the second centered on case flow and related management issues. Forty-six judges and administrative officials attended these workshops.

**6. Justice Sector Analyses Report.** This report was drafted in coordination with the regional FIU team, was forwarded to all participating officials and discussed with them. It consists of a final report of approximately 170 pages, with a discussion of each of the areas and recommendations. The recommendations are divided into three groups: 28 recommended modifications that require some sort of legislative action, ranging from enactment of appropriate decrees to constitutional amendments; 123 recommended modifications which can be undertaken by the courts without any need for legislative change; and nine major programs which do not require legislative amendment, but which would be too costly for the Salvadorans to undertake alone. Costs have been provided in the latter instance. A complete listing of these recommendations is provided in Attachment 4.

Since there was a desire, on the part of the Salvadorans, that we provide detailed recommendations which would allow for immediate implementation, we did so whenever possible. Thus, for example, we provided them with a set of architectural models to use in the construction of new buildings and in the selection of the necessary equipment for them. These drawings are provided in Attachment 5, for illustrative purposes.

The Appendix to the Final Report consists of fourteen chapters, of approximately 261 pages. Each chapter contains a more detailed description of each area than the Final Report, with a detailed description of the recommendations contained in the Final Report. The following detailed recommendations are contained therein: a proposed basic accounting system, a description of the job positions in the judiciary, the distribution of staff positions in the courts, the judicial statistics for 1986 (which were prepared for the first time as a result of this study), a proposed system of judicial statistics, a summary of the characteristics of the courts that were visited, a summary of the inventory of material resources in the sampled courts.

### **III. The Salvadoran Judiciary**

#### **a) Jurisdictions**

The Salvadoran Constitution establishes the traditional division of powers between three branches of government: the Legislative, Executive and Judicial. In addition, there are a number of autonomous government institutions subordinated to the

## Executive Branch.

The Judicial Branch exercises its judicial role through four court levels, which are, in descending order:

i) The **Supreme Court** is composed of 14 magistrates elected by the Legislative Branch for a five year period. It should be noted that the current Supreme Court was named by a Legislative Branch under the control of a majority of legislators in opposition to the political party currently in power.

While having limited trial jurisdiction, in cases of trials against high-level government officials, the Supreme Court is basically an appellate tribunal, hearing cases that come before it on appeal from the Second Instance Courts.

The President of the Supreme Court is selected by the Legislative Assembly and presides over the judiciary while also presiding over the Constitutional Division of the Court (Sala de lo Constitucional). The Court is divided into four Chambers: Constitutional, Civil, Criminal and Administrative (Contencioso-Administrativo). The Constitutional Chamber is composed of the President of the Court and four justices, designated by the Legislative Assembly. The other Chambers are composed of two justices and a president, elected by the members of the Court.

The Supreme Court names all lower court judges, as well as auxiliary personnel.

ii) The **Second Instance Courts** are composed of two judges and a secretary (akin to a clerk of court). Fourteen of these tribunals are spread throughout the country. These are primarily intermediate appellate courts. However, in San Salvador, these are the courts charged with trying cases in which the criminal offense is "against the State" (juicios contra el Estado).

iii) The **First Instance Courts**, numbering 89, operate in each of the capitals of departments (cabeceras departamentales) and, almost all districts, 65 of them handle all types of cases while 24 are specialized in a branch of law. These are the primary trial courts, while also hearing appeals from rulings of the justices of the peace.

These courts are also charged with presiding over trials conducted with juries. El Salvador is the only Central American nation, and one of the few in Latin America, in which juries are used. Juries are selected from among ordinary citizens and have five members. Juries may be used in all criminal cases in which the maximum penalty does not

exceed three years confinement. Narcotics, kidnaping and extortion cases have been specifically excluded from trial by jury.

iv) The *Justices of the Peace*, numbering 302, are distributed throughout the national territory. These judges have trial jurisdiction over: civil cases which do not exceed 2,000 colones, and criminal cases equivalent to misdemeanors (*faltas*). They are also charged with the responsibility of carrying out the first procedural steps in criminal cases to be tried before the First Instance Courts.

Courts exercise jurisdiction over the following major branches of law: constitutional, administrative, labor, mercantile, traffic, juveniles, tax, agrarian and landlord-tenant. While some of the courts specialize in one of these branches, the majority of courts have jurisdiction over all types of cases which may arise in their territory.

#### **b) Administration of the Courts**

The administrative tasks of the courts are centralized in the Supreme Court. Two major lay functionaries may be found at the Court: the Secretary, who is the main judicial auxiliary official, and the director of the Executive Administrative Directorate (*División de Administración Ejecutiva*). The following administrative sections operate in the Court: notaries, internal affairs (*probidad*), professional investigations and publications. The creation of the Executive Administrative Directorate in 1987 was a major step toward the centralization and coordination of administrative responsibilities. This office is composed of five departments: personnel, finance, planning, administrative services and engineering. Administration of the courts will be dealt with more thoroughly hereafter.

#### **c) A professional judiciary**

##### **1) Judicial career**

One of the primary areas of concern in Latin America is the issue of judicial independence, which is perceived in a variety of ways. One of the themes of major concern has been the guarantee of stability for judicial personnel. This has usually focused on judges rather than auxiliary staff and the term "judicial career" has usually been used synonymously with job stability of judges.

The Salvadoran Constitution establishes the principle of a judicial career and implements it through the creation of a National Council of the Judiciary (*Consejo Nacional de la Judicatura*). This Council is charged with the selection of candidates for judicial positions. This scheme is the ideal for most Latin American countries with the goal of establishing a

career judiciary who would be selected on the basis of merit and through open competitions, however, it operates in almost no country in the hemisphere. The councils have been patterned after the Spanish model in which open competitions are held.

Although the Constitution establishes the principle of judicial stability and the means to carry it out, neither has been implemented in El Salvador. Currently, judges are selected on the basis of political or other factors. It is unlikely, politically, that this may be radically altered, but there is a strong recommendation that a merit system be established for the selection of personnel. This system would not only cover judicial positions, but also auxiliary personnel.

*ii) Full workday and full-time employment.* Associated with the issue of a professional judiciary is the full-time employment of said personnel. The Salvadoran courts currently operate on an 8:00 am. to 1:00 p.m. schedule, from Monday through Saturday, i.e. 30 hours per week. Due to the limited work schedule, the majority of auxiliary personnel hold other employment in law offices or elsewhere, in addition to their judicial employment. The limited work schedule is especially disturbing due to the accumulation of work and the processing delays now facing litigants in Salvadoran courts. The accumulation of cases is most acute in San Salvador.

Currently, judges in El Salvador may hold outside employment as notaries. To our knowledge, this is the only Latin American country which allows this practice at all levels. A part-time judiciary, which is allowed to practice law, is contrary to principles of a career judiciary and presents obvious ethical issues.

Abolition of this practice is not simple since it requires that judges and staff give up a source of additional income, which, in the case of judges, may exceed their judicial salary. Two other factors inhibit adoption of this practice: first, the judiciary does not have sufficient income to compensate the staff for the additional hours, and secondly, a salary increase might be opposed by the Ministry of the Treasury since the judiciary is already the highest paid branch of the public sector.

After discussions with the Court, we have proposed that a pilot program be established in the capital whereby the judicial workday would be extended by ten hours and a salary increase be awarded to judges in San Salvador, proportionate to the number of hours worked. This would be accompanied by a prohibition against outside employment.

Another recommendation in this area is to require justices of the peace to reside in the area in which they serve, due to the the legal requirement to be available to conduct preliminary investigations in criminal cases.



iii) *Re-election of justices of the peace.* Justices of the peace work at every level of Salvadoran society and represent the justice system to a majority of the population since they deal with the daily conflicts which most often bring the citizenry in contact with the court system. Likewise, due to their grassroots jurisdiction, it is unlikely that the political parties would be amenable to include them within a career judiciary. Therefore, we are suggesting that the Court re-elect them for a second term automatically unless there are overriding factors for their nonrenewal.

iv) *Judicial Training.* Salvadoran law requires that all but the justices of the peace be attorneys. In the case of justices of the peace, we find that those exercising jurisdiction in the capital are lawyers, while those in other areas are lay judges with varying levels of education. In many rural areas, these judges may have only attended primary school.

Prior to 1985, the Court provided no entry level or continuing education courses for its personnel. It was not until this year that a full-fledged training program was established with the cooperation with ILANUD. To date, 21 Salvadoran justice officials have attended ILANUD-sponsored regional training activities. Additionally, the Supreme Court sponsored a study tour for 50 judges of the peace to Louisiana to understand the United States judicial system. We are doubtful of the cost benefit of this type of activity. The most beneficial training experience to date, in our view, are the national three-day training courses which were held in San Salvador, Santa Ana and San Miguel. These courses were held jointly between the Court and ILANUD, and 286 justices of the peace attended.

The Supreme Court plans to continue with these initial training activities with a more advanced course for justices of the peace, a course for judicial secretaries (akin to our clerks of court, but with even more judicial responsibilities than their US counterparts), and courses for first instance judges. Due to the different educational levels of these three groups of functionaries, different training modalities will have to be employed. Training is further complicated by the remoteness of some of the areas in which courts operate, especially justices of the peace. While training of support staff is also viewed as important, the Court determined that training of judges should be their first priority.

The first justices of the peace training courses were also used to receive suggestions for the development of a judges manual. This manual, currently being developed in conjunction with ILANUD, will provide these lower level judges with basic procedures and standardized forms to be used daily.

There has been some talk in the judiciary favorable to the

creation of a judicial school. The only one in Central America is in Costa Rica, but it has been used primarily for the training of auxiliary personnel. We do not feel that it would be cost-beneficial or timely to engage in this practice since the size and experience of the Salvadoran judiciary do not justify this type of expenditure of resources. It would be our recommendation to continue with the training programs which are underway and to gain experience from these prior to development of a formal training structure.

d) **Budgets.** Another factor to be considered in furthering judicial independence is sufficient budget with which to operate and the autonomy to determine judicial needs and expend funds. In most countries of the region, judicial independence is synonymous with fiscal autonomy, usually translated into a constitutional provision which guarantees to the judiciary a percentage of the national budget. While all of the other countries in the region have such a constitutional provision ranging, from 6% to 1% of the national budget, this is not been respected in any of the countries.

While the Salvadoran Constitution does not provide for such an automatic percentage, it does guarantee that their budget request be honored by the other branches. Political negotiations have usually taken place with the other branches to reach an adequate funding level.

From 1982 to 1986, the judicial budget increased 59%, from 18,201,000 colones to 28,853,000 colones while the national budget increased 107% during this same period. If we take into account the inflation which has taken place during this period, the judicial budget increase has been very small given its pressing needs.

In addition to its national allocation, the judiciary receives, through the agreement between USAID/ES and the Government of El Salvador, an additional budget which consists of US grant funds matched by an amount in counterpart funds from the Salvadoran Executive. Control of this budget is exercised by the Secretaría Externa de Financiamiento Externo (SETEFE) of the Ministry of Planning. The amount for 1986 (until March 31, 1987, due to a budget extension on account of the earthquake) was 1,604,000 colones. The judiciary has requested an allocation of 17,649,000 colones for 1987 with 75.07% being directed at construction required due to losses in the earthquake. The remainder of the request is as follows: administration .37%; judicial training 2.35%; publication of their journal, which includes publication of their jurisprudence 4.65%; purchases to replace damaged equipment 17.57%. We have made no evaluation of these requests.

In a later section, preparation and management of judicial budgets will be considered in greater detail; suffice it to say

that the existing funds are managed poorly and that the budgeting mechanism is inadequate. In order to reach an appropriate level of funding to guarantee judicial independence, we have suggested several modifications in their legislation which would assure budgetary autonomy and establish timely receipt of their appropriation. Additionally, we have explored several other possibilities of passing on judicial costs to the users and have presented options. It should be mentioned that this is an area in which caution should be exercised since increases or new judicial costs to be paid by litigants is contrary to notions that justice should be free and accessible to all.

#### ***IV. Other justice institutions.***

While the focus of our study was the judiciary, it would be inappropriate not to make brief mention of other institutions in the Executive Branch which either act as administrative tribunals or have close ties with the justice sector (in fact we would argue that they are part of the justice sector).

As in many other countries, including the United States, there are a number of administrative courts which act outside of the judicial sector yet exercise binding jurisdiction in cases before them.

The area with the most direct ties between the Judiciary and the Executive is the criminal justice system. The criminal justice system is composed of the following subsystems: the police, which usually detects the crime and apprehends the offender, the prosecutorial branch, which accuses the defendant, the defense, which defends the accused, the courts, which supervise the investigation of the crime and tries the accused, and the correctional system, which carries out the sentence which the court imposed. The defense and prosecutorial systems will be dealt with here.

The Public Ministry is charged with the prosecution of all persons accused of a crime. Even though the term Public Ministry continues to be used, it refers to a function and not to a specific ministry. In El Salvador, the prosecutorial function is carried out by the Fiscal General de la República, who is selected by the Legislative Assembly.

There is no public defender system in El Salvador. There are a few public defenders assigned to the Procuraduría General de Pobres. The AID project awards funds to this agency to cover the salaries of these public defenders. This is not the first time this has been done, with a prior program having taken place a few years ago. Upon the completion of that award, the Procuraduría was unable to continue with the salary payments and the public defender system was just about abolished. There is no reason to expect a different outcome upon the completion of the current AID funding.

Another mechanism whereby defense services may be provided to indigent defendants is through the use of law students. We have recommended that as a short-term alternative to a public defender system, the Court should work with the law schools to require that all law students have some practical experience as litigators by defending a set number of defendants prior to graduation.

The lack of available defense counsel is in contradiction with the dictates of modern trends in criminal procedure which guarantee the right to counsel during the critical stages of a criminal proceeding. We have recommended that judges be required to name defense counsel from the moment of apprehension and to reduce the evidentiary value of confessions obtained without the assistance of counsel.

#### ***V. Administrative Structure.***

Administration of the courts is centralized in the Supreme Court, with the President of the Court acting also as the administrative head of the system. Two main divisions are present: the Secretary to the Court, who oversees all judicial matters in the Court, and the director of the Executive Administrative Division (División Administrativa Ejecutiva). There is confusion currently since some of the juridical tasks are assigned to the Executive Administrative Division, while the Secretary exercises some duties which can be classified as administrative. We have suggested a number of changes which would segregate the judicial and administrative duties in the corresponding units. In making these recommendations, we have proposed a new organizational chart, which is found in Attachment 6 herein.

The major changes in the Secretary's role are: a new department is created which would oversee training and certification of judges; a new documentation center is proposed which would regulate registries; an archives department which would centralize archival tasks would be established; a publications unit would supervise the publications of the Court, with special emphasis on the Revista Judicial, in which the Court's opinions are to be found.

Due to their importance, a number of sections would report directly to the Court. The sections of notary and professional investigations (certification of the character of lawyers to practice) would report directly to the Court. An internal affairs unit, also reporting directly to the Court, is also proposed to regulate the conduct of judicial officials.

The Executive Administrative Division was created in 1986 with the responsibility of court administration. The following sections report to this director: personnel, finance,

engineering, services and planning. Several major problems have been noted in this Division.

Information flow is critical to daily operations as well as long-term planning. Adequate judicial statistics, for example, would allow the Court to assign its personnel and to plan for future growth. We are recommending strengthening the statistics unit. Additionally, we have suggested that the Court study the need for computer equipment in order to facilitate information flow and analysis. This should be done carefully and keeping in mind the need for compatibility, allowance for growth and installation of equipment which can be maintained and operated with current resources. We have also suggested that the Court issue annual reports which can then be discussed in juridical congresses to be attended by judicial officials from throughout the country.

### **1. Regional Administration**

One of the main problems which affects the administration of justice in El Salvador is the almost total centralization of resources and services in the Supreme Court. We have urged that the system be decentralized. One of the major steps towards that goal is the creation of regional administrative centers. The major duties of these centers would be to: maintain notarial statements, visit courts and file reports on their condition, maintain petty cash for their courts, distribute office supplies and equipment, elaborate trimestral needs statements, keep an inventory of material resources, coordinate transportation for judicial officials when needed and cooperate in the development of training programs. The regional offices would be located in San Salvador, San Miguel, Santa Ana and San Vicente.

### **2. Local Administration**

Court administration operates at every level and there is a need for improved local office management. We have therefore proposed the expansion of the responsibilities of each court's secretary to include a variety of administrative responsibilities, changing the position name to Secretary-Administrator. His/Her duties would include: maintenance of the court calendar, supervision of personnel and material resources, liaison with the regional administrative offices and preparation of the statistical reports required by the Executive Administrative Division.

We have also proposed the establishment of a central case filing office for San Salvador. Judges have constantly complained that the current filing system allows lawyers to choose the court where they want to file their case (this does not affect criminal cases). This results in judge shopping and inequitable distribution of work loads. To remedy this, we have proposed the creation of a central filing office, which would then assign the

cases to the courts on a random basis.

Justices of the peace are charged with the preliminary steps in the investigation of a crime. A rotational system has been established in El Salvador whereby one justice of the peace is on duty constantly to receive complaints and initiate criminal proceedings. Having only one justice of the peace on duty for all of the capital has created undue delays in case processing. We have recommended that the current system be changed to provide for greater access to this complaint and review mechanism.

Another problem which was identified in El Salvador is the need for an office which would make all notifications of judicial proceedings (citations, notifications and subpoenas). We have proposed a system whereby a central office would be charged with making notifications and lawyers would be allowed to maintain receipt boxes at a specific location so that they may receive judicial papers in a timely fashion.

### **3. Case flow**

Case flow refers to the manner in which cases are assigned and managed, with the goal being prompt resolution of cases while guaranteeing the procedural rights of the accused. An effective measure of the state of justice is to determine compliance with established procedural terms. In order to do so, we reviewed court statistics and compared actual processing time periods with those that the law requires. We found that in almost no instance are these time periods complied with.

Tables 1 through 5 in the report show the amount of pending cases at all court levels and demonstrates the severity of the problem. The research shows that there are 37,667 criminal cases pending in the country, with more than half being in El Salvador. It also indicates the disparate distribution of cases. For example, 33% of pending cases are located in the 2nd and 3rd Traffic Courts.

At the appellate level, the situation is similar, with 13,373 pending cases in the *cámaras*. The same distributional problems are also reflected here with 83% of pending cases being located in the *Cámara Penal* of Oriente.

Delay in case processing is present at every judicial level. Each one of the procedural codes (criminal, civil, etc.) provide for time periods in which each procedural step must be completed yet they are uniformly violated (see Tables 10 through 15 in the Final Report). Thus, for example, in criminal cases, the instructional (pretrial) stage must be completed in 90 to 120 days, yet 53% of the judges are unable to comply with these terms. This is especially acute among the first instance judges.

The causes for these delays are several and include

inadequate procedural legislation, lack of personnel, lack of an adequate defense counsel system, violation of procedural terms, poor management of case records, inadequate case distribution systems, etc. A number of recommendations are presented in this area.

Some of the general recommendations are: adoption of a case numbering system which would permit follow-up of the case from filing through appeals, development of standardized forms to decrease document preparation tasks, acquisition of basic legal bibliographic materials to insure uniformity of rulings, preparation of processing manuals (especially for justices of the peace), etc.

In the criminal area, we have suggested changes in legal processing time periods, adequate sanctions in cases of failure to comply with judicial citations, a requirement that all law students practice as defense counsel prior to graduation in order to expand the availability of defense to indigents, a system for naming temporary judges who would ride circuits and supplement existing resources in those courts in which there is an excessive caseload, changes in the system of naming juries, etc. Similar recommendations were also made in the civil, mercantile and labor areas.

#### **4. Planning**

The current organizational structure of the Court provides for a planning unit reporting to the Executive Administrative Division. This department supervises the following sections: programs, evaluation and control of projects, organization and procedures, and statistics. While this unit appears in the organization chart, it has no personnel assigned to it. The planning function is currently being carried out by the Director of the Administrative Division with the support of a project technician and an administrative technician hired through the AID grant. We have recommended using these persons as the core of the planning unit.

A major task of the planning unit is the evaluation of existing programs. Decisions are currently being made without reference to empirical data. One example of inadequate decision making takes place in the assignment of judges to geographical areas without data on the workload of each of these areas. An adequate planning system would permit more rational assignment of resources.

In order to implement an evaluation and planning system, we have recommended development of a system of management by objective. This would permit the establishment of measurable management goals, which could then be evaluated, and modifications introduced in departmental operations to meet these goals. In order to establish an overall plan, it is necessary

that operational plans be developed at every level. These plans would contain the detailed means whereby the unit intends to achieve its goals during the current year.

#### **V. Finance.**

In an earlier section we detailed the budgetary situation of the courts. In this section we will try to analyze the manner in which these budgets are prepared, and in which funds are expended.

Judicial budgets are prepared by a Budget Committee in the Supreme Court consisting of three magistrates and presided over by the President of the Court. A draft of the proposed budget is prepared by the Executive Administrative Division and presented to this committee. The approved budget is then forwarded to the Ministry of Finance for its inclusion in the national budget request to be made to the Legislative Assembly. The Assembly may not modify the request without prior consultation with the Court. This process was designed to maximize judicial independence in developing its budget, but the final budget is in reality the result of political negotiations between the Court and the other branches of government.

A major problem in the budget preparation process is the lack of consultation between the Court and the lower courts in the country; thus, it is prepared without the input of the affected offices. We have suggested a scheme whereby the courts would be consulted as to their needs and these requests be taken account of in the development of the national judicial budget.

Once the budgetary award is made, the Court must depend on the Executive to forward the appropriated funds in a timely manner. This has not occurred and the delays have caused major problems for the Judiciary in management of its funds and planning for expenditures.

Financial management must be carried out in accordance with accounting rules developed by the Executive, and the Judiciary receives current financial statements from the Ministry of Finance. These financial statements, however, have not been adequately utilized in financial planning. Adequate use of this information would permit reconciliation of accounts and insure sound management of funds.

The Judiciary does not currently have a sound financial management system and lacks adequate statistical information to make financial decisions. In the Appendix to the Final Report, we have proposed a basic accounting system based on the requirements of the Executive Branch.

The accounting system is currently under the direction of the Finance Department. There is no accounting carried out at the



lower court level with the exception of management of petty cash accounts.

The Finance Department is divided into four sections; budget and fiscal matters, accounting, payroll and property management, which is also charged with procurement. The organization and management of these units takes place in an informal manner following historical and routine procedures and there is no financial or accounting manual to guide decision making. A manual with basic accounting procedures is essential for the sound operation of this unit.

In the area of purchasing, we have made a number of recommendations to insure decentralization in the case of smaller purchases so that the regional administrative offices would have greater responsibility in local procurement. They would also maintain supplies for more efficient distribution to their courts. Basic purchasing rules should also be adopted.

#### **VI. Personnel.**

In an earlier section we detailed the need for the development of a judicial career through the Consejo Nacional de la Judicatura and the need for training. In this section we shall deal with the management of personnel in the court system.

A personnel department was established by the Court in 1987. This department only oversees personnel in the Supreme Court. Three sections report to this department: recruitment and hiring, training, records.

There is currently no personnel manual which details the job positions and classifications and specifies the responsibilities of each employee. There is also no annual evaluation made of personnel performance on which raises and promotions may be determined. This has produced unreasonable disparities in salaries. For example, in the *cámaras* there are "third class officials" earning 945 colones while the porter is earning 900 colones. There are also substantial differences even among officials of the same rank.

We have suggested the creation of a Human Resources Committee. This committee would be charged with the development of personnel policies, evaluation of job positions and classifications, deal with appeals of personnel issues. While the personnel department would continue to answer to the Administrative Division, they would work closely with this committee, and personnel responsibilities would be expanded to cover all judicial personnel, rather than only the Supreme Court staff, which is the current practice.

## **VII. Material Resources**

In the major cities (San Salvador, Santa Ana, San Miguel) in which the Judicial Centers are located, physical structures appear to be in good shape. Due to the earthquake in 1986, the Centro Judicial Isidro M  n  ndez, housing the majority of courts in San Salvador is uninhabitable. The courts in the capital are currently operating in temporary quarters with a minimum of the required resources. The priorities of the Supreme Court for 1987 are the relocation of courts in temporary buildings away from the site of the new court building, resupply of the San Salvador courts to remedy the losses suffered during the earthquake, and the reconstruction of the damaged buildings.

The condition of a typical court outside of San Salvador is deplorable. All of these sites are rented, without sanitary facilities (60% of them) or telephone service (60%). Twenty-five percent of the courts visited during the study needed wall repairs, 50% required repairs of doors and 25% were in need of roof repair. This is in contrast with the Supreme Court structure, which is modern and well-equipped.

Building maintenance is currently centralized in the capital. We have suggested decentralization of this task so that it may be carried out by the regional offices. We also proposed a system for evaluation of buildings so that priorities could be established with the emphasis being placed on those courts with greatest needs, especially outside of San Salvador.

The majority (60%) of courts, outside of the three judicial centers, need to replace their office equipment almost totally. The priority should be in replacement of typewriters and filing cabinets, with the emphasis being placed on the lower courts. Telephone service should be provided to the lower courts and bicycles or motorcycles acquired for those courts in which public transportation is lacking. We have also proposed some minimum norms for the construction and repair of buildings, as well as the basic equipment which should be found in each court.

## **VIII. Proposed areas for AID assistance**

There are a number of tasks which are critical to the development of an effective court administration program, yet, due to the cost, are beyond the means of the Supreme Court. All of the costs which are provided are annualized and stated in colones. The following assistance areas are proposed:

### **1. Implementation team**

In order to implement the recommendations which we have made in the final report, the majority of which require no outside assistance, we suggest the hiring of a team assigned directly to

the President of the Supreme Court for one year. The team would consist of a public administrator and two lawyers with the following cost:

2 lawyers		60,000
1 public administrator	27,600	
1 secretary	12,000	
	-----	
	99,600	
Contingencies 20%	19,920	
	-----	
Sub - Total	119,520	

## 2. Judicial career

In order to establish a truly independent judiciary, it is imperative that job stability be granted to judges through the establishment of a judicial career. An integral element is to eliminate the practice of outside employment of judges as notaries. This cannot be achieved without an adjustment of salaries justified by the employment of a full-time judiciary. This would also expedite the functioning of the system since courts would work a 40 hour week rather than the current 30 hours. We have recommended that this be instituted gradually, beginning in San Salvador. While we are not advocating that AID assume these salary adjustments and operational costs, these should be taken into account as an integral part of a movement toward a career judiciary. The following salary adjustment costs are anticipated:

### Salary Adjustments (30-50%)

Supreme Court			
President	1 x 182,000	30,600 -	51,000
Magistrates	13 x 67,200	262,080 -	436,800
Magistrates of			
Cámaras	12 x 42,000	151,200 -	252,000
	10 x 37,200	117,900 -	196,500
	6 x 37,200	66,960 -	111,600
First Instance			
Judges	32 x 36,000	345,600 -	576,000
	13 x 28,800	112,320 -	187,200
	29 x 25,200	219,200 -	365,400
Justices			
of the peace	7 x 19,560	41,076 -	68,460
(lawyers)	8 x 18,600	44,640 -	74,400
	1 x 18,300	5,490 -	9,150
		-----	-----
Sub - Total		1.397,066	2.328,510

### **3. Central Administration**

While we have advocated a number of changes in the central administration of the courts, we feel that there are three priority areas: establishment of an audit office, holding of judicial congresses and publication of the annual report of judicial activities. These will be set forth below.

#### **a) Audit Office (Oficina de Auditoria Operativa)**

Central to the establishment of a more independent and efficient judiciary is establishment of internal control mechanisms. We have proposed creation of an audit office which would have under its charge both financial audits and the regulation of judicial ethics. The projected costs are as follows:

1	Office Director	38,400
2	assistants	60,000
1	secretary to the Director	12,000
1	secretary	11,400
		-----
		121,800
	Contingencies 20%	24,360
		-----
	Sub - Total	146,160

#### **b) Judicial Congress**

One of the main problems within the judiciary is the lack of involvement of lower court judges in national judicial decision making. This is due to the centralization of responsibilities in the Supreme Court and the lack of communication between that Court and the lower courts. This not only affects administrative practices, but also seriously affects judicial tasks since many lower court judges are unaware of recent trends both in jurisprudence and practice of the courts. We have proposed an annual judicial congress attended by judges, in which the Court would discuss their annual work plan, receive criticisms and recommendations and pass on to them legal information relevant to their duties. The costs would be as follows:

Per diem	45,000
Transportation	20,000
	-----
Sub - Total	65,000

### **c) Publication of the Annual Judicial Report**

It is important that the activities of the courts be known not only by its officials, but also by the population at large. We are proposing that there be an annual report of the state of the judiciary with adequate empirical data so that sound judgments can be made. The cost would be as follows:

Printing Costs (500 copies)	11,000
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### **4. Regional administration**

One of the main criticisms of the manner in which courts are administered in El Salvador is the excessive centralization of all resources and decision making authority in the Supreme Court. We have argued strongly for decentralization of court activities through the creation of four regional offices. The cost would be as follows:

4 Regional Directors	144,000
4 Secretaries	48,000
4 Accountants	62,400
	-----
	254,400
Contingencies 20%	50,880
	-----
Sub - Total	305,280

4 Sets of Office Equipment	100,000
4 Vehicles	274,800
	-----
Sub - Total	766,480

### **5. Local administration**

In moving toward greater decentralization, it is also necessary to transfer greater responsibility to officials at the lower level. We have also seen that the greatest accumulation of cases is in San Salvador. Although a number of steps have been suggested, both to speed up the process and to delegate greater power to the lower courts, we feel that one measure that would achieve both is the establishment of an office charged with assigning cases in San Salvador. This would insure equal distribution of cases as well as eliminate the practice of judge shopping. The cost would be as follows:

1 lawyer	24,000
1 secretary	11,400
	-----
Contingencies 20%	35,400
	7,080
	-----
Sub - Total	42,480

#### **c) Notifications Office**

Another problem associated with court delays is the haphazard manner in which persons are cited for appearances and lawyers notified of actions taken in their case. In order to address that issue, we have proposed the creation of a notification office in San Salvador, where the need is greatest, which would have the task of notifying parties and witnesses. This would also have the benefit of reducing the tasks which lower courts are now expected to perform. The cost would be as follows:

1 Administrator (preferably a nonlawyer)	24,000
1 Secretary	11,400
	-----
Contingencies 20%	35,400
	7,080
	-----
	42,480
	-----
Sub - Total	324,960

#### **6. Bibliographic materials**

One of the most severe problems we encountered in the courts was the lack of adequate bibliographic materials, especially the laws of the country, with which to adequately perform their judicial task. This not only affects the speed with which they can resolve cases, but also the legality of their action. The AID project has awarded basic legal libraries to the judicial centers in San Salvador, San Miguel and Santa Ana, but they are inaccessible to a large portion of the judges. We are proposing that a basic library, consisting of the relevant laws, be furnished to all of the justices of the peace, first instance judges and second instance judges. The costs are as follows:

Printing	
Justices of the peace	
302 sets at \$140 each	42,280

First instance judges	
92 sets at ¢130 each	11,960
Second instance cámaras	
14 sets at ¢200 each	2,800
	-----
Sub - Total	57,040

## 7. Information systems

In order to have an efficient court administration system it is fundamental that the courts provide trustworthy statistical information. This is the basis for decision making and planning of the institution. We have recommended that the courts publish the 1986 statistics and continue with annual and periodic publications thereafter. Additionally, staffing of the statistics office is essential for the establishment of an efficient statistical system. The costs for both of these activities is as follows:

### a) Publication of judicial statistics

Reproduction	
500 copies	11,000

### b) Statistics Office

2 Assistants	31,200
1 Secretary	11,400
	-----
	42,600
Contingencies 20%	8,520
	-----
	51,120
	-----
Sub - Total	166,320

## 8. Personnel

The Court currently lacks an adequate personnel system. Staffing of that office is the most critical need. The first task for these persons would be an evaluation of the positions in the courts and development of a personnel manual. The costs are as follows:

2 Public or business administrators	52,800
-------------------------------------	--------

1 Secretary	11,400
Staff for the Sección de Empleo y Prestación	21,600
	-----
	85,800
Contingencies 20%	17,160
	-----
Sub - Total	102,960

#### 9. Material resources

Although there are severe needs in this area, we have focused on those acquisitions that would have the greatest impact on judicial operations, with an emphasis on the courts outside of the capital. Four programs are proposed: creation of four regional property management and acquisition offices under the supervision of the regional administrative offices, publication of manuals for judges and secretaries, equipment acquisition and transportation. The need for all of these items is detailed in an earlier section of this summary. The costs would be as follow:

##### a) Regional property management and acquisition offices

4 Regional administrators	48,000
Contingencies 20%	9,600
	-----
	57,600

##### b) Publication of manuals for judges and secretaries

Reproduction of 1,000 copies	22,000
	-----
Sub - Total	124,960

##### c) Equipment

100 typewriters (manual) ¢2,200 each	220,000
100 filing drawers ¢ 850 each	85,000
300 steel filing cabinets ¢ 300 each	90,000



d) Transportation

100 motorcycles of 125 cc	1,100,000
¢11,000 each	-----

Sub - Total	1,495,000
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Total Cost of Priority Programs	5.181,826-6.113,270
	=====

**ATTACHMENT 1**  
**VITAE OF LUIS SALAS AND ROBERT PAGE**

VITA

LUIS P. SALAS

HOME ADDRESS

Apartado 10071  
San José, Costa Rica  
(506) 337776

PERSONAL INFORMATION

DATE OF BIRTH: Jan. 5, 1947  
MARITAL STATUS: Married,  
3 children  
SOCIAL SECURITY: 097369697

EDUCATION

1971                      Juris Doctor- Wake Forest University, Winston  
Salem, North Carolina.  
Class Standing: top ten percent of the class.  
Honors:    Editor-in-Chief, Wake Forest Law  
   Review (1970-1971).  
  
1968                      Bachelor of Science- North Carolina State  
University, Raleigh, North Carolina.

SUMMARY WORK EXPERIENCE

August 1985-                      Director        of        the        Center for the  
Present                      Administration        of        Justice,        Florida  
International University.  
  
August 1984-                      Director of the Criminal Justice Department,  
Present                      Florida International University.  
  
November 1984-                      Project Director, AID Grant to Coordinate  
Present                      Development of a Regional Assistance Project  
to Improve the Administration of Justice in  
Central America.  
  
September 1975-                      Professor of Criminal Justice, School of  
Aug. 1984                      Public Affairs and Services, Florida  
International University.  
  
May 1980-                      Coordinator, United Nations Development  
Sep. 1981                      Program. United Nations Latin American  
Institute for the Prevention of Crime and  
Treatment of Offenders.  
  
May 1977-                      Intern, Florida Board of Regents Internship  
Sep. 1977                      Program for criminal justice educators, Miami-  
Dade Criminal Justice Planning Council.  
  
1971-1974                      Attorney in private practice, Miami, Florida.

1970-1971

Research Assistant, Behavioral Science Center,  
Bowman Gray School of Medicine, Wake Forest  
University.

## RESEARCH IN PROGRESS

I am currently engaged in a major research project in Latin America. Under the AID grant which I direct we are carrying out in-depth studies of the justice sector in Panama, Costa Rica, Honduras, Dominican Republic and Guatemala. This effort involves the development of methodologies for each of the countries and the supervision of research staffs numbering approximately 15 professionals and 35 law students in each of the countries.

The studies are interdisciplinary involving professionals in the fields of law, public administration, sociology, political science and economics. In addition to studies of specific components of the justice sector, we are also carrying out surveys of the population of each country as well as judges, lawyers, public defenders and prosecutors. When we complete all of the studies, we will have interviewed some 6,000 persons, making this one of the most comprehensive studies undertaken in Latin America.

A number of publications will arise from this effort. For example, the Costa Rican study includes: a final report of approximately 300 pages and equally lengthy reports of specific areas (methodology, bibliography, economic report, and a report on the Costa Rican police). At least three of these will be published in Spanish and in English. The total amount of books arising from this effort should be between eleven and fifteen.

One of the most important aspects of this research is the database which we have developed from the statistics gathered and the opinion surveys. Their location at FIU will provide to researchers analytical data for many years to come.

## PUBLICATIONS BOOKS

Salas, Luis (1979) Social Control and Deviance in Cuba, NY:Praeger.

Rico, José and Salas, Luis (1987- forthcoming) Delito, Inseguridad Ciudadana y Policía: Nuevas Perspectivas (Crime, Public Security and Police: New Perspectives Madrid: Alianza Universidad.

PUBLICATIONS  
ARTICLES

- Rico, José and Luis Salas (1987) "L'administration de justice en Amérique Centrale et dan les Caraibes," Revue Internationale de Criminologie et de Police Technique (forthcoming).
- Salas, Luis (1986) "Crime in Postrevolutionary Cuba", International Annals of Criminology 24: 83-109.
- Salas, Luis (1985) "The Judicial System of Cuba," (ed) Adam Podgorecki, Christopher Whelan and Dinesh Khosla, Legal Systems and Social Systems, pp. 229-255, London: Croom Helm.
- Salas, Luis and Raymond Surette (1984). "The Historical Development of Criminological Statistics," Journal of Criminal Justice 12: 457-465.
- Salas, Luis and Raymond Surette (1984) "Problems in Comparative Crime Statistics for Latin America and the English-speaking Caribbean," Statistical Abstracts for Latin America 23:783-795.
- Salas, Luis (1984) "Legal Issues in the Relationship Between the Media and the Criminal Justice System," (ed) Raymond Surette, Justice and the Media: Issues and Research, pp. 91-109, Ill: Charles C. Thomas.
- Salas, Luis (1983) "The Emergence and decline of the Cuban Popular Courts," Law and Society Review 17: 587-612.
- Salas, Luis (1983) "The Judicial System of Postrevolutionary Cuba," Nova Law Review 8: 43-70.
- Salas, Luis (1983) "Juvenile Delinquency in Postrevolutionary Cuba: Characteristics and Cuban Explanations," (ed) Irving L. Horowitz, Cuban Communism: 244-268 , 5th ed.. NY: Transaction.
- Salas, Luis (1981) "The Justification for Studies of Victimization in Latin America," Ilanud al Dia 10: 37-44.
- Salas, Luis and Sonia Navarro Solano and Ana Garita (1980). "Comparative Study of White Collar Crime in Latin America with Special Emphasis on Costa Rica," Revue Internationale de Droit Penal 53: 505-521.
- Salas, Luis (1980) "The Study of Crime in Marxist Countries: Notes on Methods for Outsiders," (ed) Graeme Newman, Crime and Deviance in Comparative Perspective: 68-110 Beverly Hills, Cal.: Sage.

Salas, Luis and William Wilbanks (1980) "Homicide in Cuba and the United States: A Comparative Perspective," Annales Internationales de Criminologie 1979-1980: 29-45.

Salas, Luis and Ralph Lewis (1979) "The Law Enforcement Assistance Administration and Minorities," Journal of Police Science and Administration 7: 379-398.

Salas, Luis and Ronald Schneider (1979) "Evaluating the Dade County Citizen Dispute Settlement Center," Judicature 63: 174-176.

Haney, Alan C. and Luis Salas (1970) "Problems in Anatomical Gifts," Journal of Forensic Medicine.

Salas, Luis (1969) "Abstention, the Search for a Unified Confusing Rule," Wake Forest Law Review 6: 285-299.

Salas, Luis (1969) Note, "The Anatomical Gifts Act of North Carolina," Wake Forest Law Review 6: 155-177.

#### PAPERS

Salas, Luis (1984) "El Miedo al Crimen y la Política Criminal" (Fear of Crime and Criminal Policy), Colloquia at the Faculties of Law, Universities of Seville and Granada, May.

Salas, Luis (1984) "The Police Function of Repressing Crime: Lessons from the American Experience," 3rd International Conference on the Police, Barcelona, Spain, September.

Salas, Luis and William Wilbanks (1981) "A Study of Official and WHO Data on Homicide," annual meeting of the American Society of Criminology (ASC), January.

Salas, Luis (1980) "The Cuban Popular Courts," annual ASC meeting, January.

Salas, Luis, Ana Isabel Garita and Sonia Navarro (1980) "White Collar Crime in a Latin American Context," presented at the annual ASC meeting and the International Seminar of Higher Studies in Criminal Sciences, Syracuse, Italy, June.

Salas, Luis and William Wilbanks (1980) "Homicide in Cuba and the United States: a Comparative Perspective," annual meeting of the Caribbean Studies Association, Curacao, May.

Salas, Luis (1980) "Victimization Studies: Methodological and Practical Problems," colloquium of the law faculty, University of Panama, June.

Salas, Luis (1979) "Research into Crime and Deviance in Socialist Countries," annual meeting of ASC, January.

Salas, Luis (1978) "Crime in Cuba: Looking at Deviance from Afar," annual ASC meeting, January.

Salas, Luis (1978) "The Cuban Criminal Justice System," colloquium of the School of Law, NYU.

Salas, Luis (1977) "Juvenile Delinquency in the Revolution: Cuba's Response," World Congress of Sociology, Uppsala, Sweden.

#### REPORTS AND MONOGRAPHS

Guerra, Aura, Luis Salas, José Rico, et al (1986) "La Administración de justicia en Panamá (Informe Final," Panamá, September.

Castillo, Enrique, José Rico, Luis Salas, Tirza Rivera (1986) "Estudio Sectorial sobre la Administración de Justicia en Costa Rica," San José, Costa Rica, October.

Salas, Luis (1986) "La Policía de Costa Rica," San José, Costa Rica, October.

Rico, José and Salas, Luis, et. al. (1987) "Estudio Sectorial Sobre la Administración de Justicia en Honduras", Tegucigalpa, Honduras, June.

Salas, Luis (1981) "Evaluation of the Activities of ILANUD during the Preceeding Year," UNDP.

Salas, Luis (1980) "Evaluation of the performance of ILANUD with special reference to UNDP grant, UNDP.

Salas, Luis and Raymond Surette (1980) "A report on the nature and causes of traffic accidents in Dade County, Florida: a critique of available data bases," City of Miami.

Salas, Luis and Ralph Lewis (1979) "Final Report on the impact of short-term sentencing on drunk drivers," State of Florida.

Salas, Luis and William Moriarity (1977) "Citizen dispute settlement in Miami: a comprehensive evaluation," Criminal Justice Planning Council, Dade County, Florida.

CONSULTING AND OTHER  
PROFESSIONAL EXPERIENCE

Sep. 1984 & April 1985	Consultant to Agency for International Development. Evaluation of Peruvian court to recommend reforms resulting in a decrease of prisoners incarcerated while awaiting trial
Sep. 1983- Present	Consultant to Dade County Public Defender's Office relative to modernizing their paper flow and implementing a computer system.
Jan. 1980- Sep. 1980	Principal Investigator, City of Miami Police Department, Accident Prevention and Analysis Grant.
Mar. 1979- Oct. 1982	Consultant, United Nations Grant to ILANUD, the regional arm of the Crime Prevention Branch of the United Nations.
Aug. 1980	ILANUD representative at United Nations Congress on Crime, Caracas, Venezuela.
Sep. 1979- June 1980	Project Director, State of Florida Grant, "A Study of the Deterrent Effect of Short-Term Jail Sentences on Drinking Drivers."
Feb 1977- June 1979	Consultant, Criminal Justice Minority Education Grant, State University of NY at Albany, LEAA.
1972-1973	Consultant, Cuban National Planning Council, "The Cuban Minority in the US," Dept of HEW.

PROFESSIONAL EXPERIENCE

August 1985- Present	Director of the Center for the Administration of Justice. Following from my research on justice problems in the Americas, I conceived, initiated and implemented a major research and training program in Central America. with a grant from the Agency for International Development totaling approximately \$3 million dollars. The project will have a major scholarly impact on the field of judicial administration and more importantly play a significant role in improving human rights mechanisms throughout Central America. To be completed by 1987, the Project involves legal professionals, and students and senior policymakers in Panama, Costa Rica, Guatemala, Honduras and the Dominican Republic. Additionally, the Center
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provides technical assistance to the Instituto Latinoamericano para la Prevención del Delito y el Tratamiento del Delincuente (ILANUD) in San José, Costa Rica.

August 1984-  
July 1985

Director of the Criminal Justice Department, Florida International University. This department has eight full-time faculty members and includes an undergraduate program as well as a master's program in criminal justice.

November 1984-  
July 1985

Project Director, AID Grant to Coordinate Development of a Regional Assistance Project to Improve the Administration of Justice in Central America. This project seeks to provide bilateral and regional assistance to five targeted countries in the region to improve the administration of justice in that area. Our task is to implement a planning stage which will assist the funding agency in determining the course to be followed in this program.

Sep. 1975-  
present

Associate Professor of Criminal Justice, School of Public Affairs and Services, Florida International University

Courses Taught:

Graduate: Seminar in Criminal Justice, Criminal Law, Criminal Procedure, Comparative Law, Legal Aspects of Corrections.

Undergraduate: Criminal Law, Criminal Procedure, Constitutional Law, Criminal Justice and the Constitution, Comparative Criminal Justice Systems, Administration of Justice, Juvenile Delinquency, Socialist Legal Systems.

Other Activities at FIU: Contributing Editor, Caribbean Review (1979-present); Graduate Studies Committee; Research Committee, Latin American and Caribbean Center, International Studies Council.

Sep. 1984  
& April 1985

Consultant to Agency for International Development. Evaluation of Peruvian court to recommend reforms resulting in a decrease of prisoners incarcerated while awaiting trial

Sep. 1983-  
Present

Consultant to Dade County Public Defender's Office relative to modernizing their paper flow and implementing a computer system.

January 1984-

Consultant on Child Welfare grant aimed at Sep. modifying juvenile court procedures as they deal with dependent children. Training grant.

May 1980-  
Sep. 1981

Coordinator, United Nations Development Program, United Nations Latin American Institute for the Prevention of Crime and Treatment of Offenders.

ILANUD is one of four institutes established by the UN for coordination of efforts in the field of crime prevention and corrections. Its responsibility expands throughout the Latin American region.

As coordinator, my function primarily consisted of evaluation of activities carried out by the Institute pursuant to their UN grant. Additionally I was asked to participate in a number of workshops on crime.

Jan. 1980-  
Sep. 1980

Principal investigator in a study funded by the City of Miami Police Department to analyze and evaluate the data base, of traffic accidents, used by the City in its planning efforts.

Sep. 1979-  
June 1980

Project Director of a State of Florida grant to study the impact of mandatory short-term prison sentences on drunk drivers. As part of the research, a study was made of existing deterrence models and recommendations for the future.

Feb. 1977-  
June 1979

Consultant, Criminal Justice Minority Education Project, State Univ. of NY at Albany.

The purposes of this grant were to establish a research center on criminal justice and minorities, aid minority candidates undertaking graduate studies in criminal justice and development of undergraduate curriculum materials with a minority perspective.

As a consultant to this grant my main function was the development of the law materials in the model curriculum recommended.

May 1977-  
Sep. 1977

Intern, Florida Board of Regents Internship  
Program for Criminal Justice educators, Miami-  
Dade Criminal Justice Planning Council.

The purpose of these awards was to acquaint  
the educator with new developments in the  
field and to lend academic expertise to  
criminal justice agencies. I was primarily  
involved in devising evaluation designs for  
this funding agency.

1971-1975

Practice of law with both large and small  
firms as well as private practice of law. This  
period was primarily devoted to the general  
practice of law with emphasis on trial  
aspects.

ROBERT W. PAGE, JR.

707 Shrader St.  
San Francisco, CA 94117  
(415) 751-0160

## EDUCATION

Harvard University

Master of Public Administration  
June, 1986. Emphasis on financial  
management

University of North Carolina  
Dartmouth College

Masters in Regional Planning, 1968  
Bachelor of Arts, 1966

## WORK EXPERIENCE

1982-1984

District Executive, Southern District Federal Court,  
New York, New York

Administrator of the largest federal trial court (50 judges and approximately 400 employees). Among my duties and accomplishments were the preparation of the annual court budget, the preparation of the annual court plan, the saving of over \$500,000 in costs in our juror system through more efficient procurement system and an improved system of management reporting, and the coordination of development of the space plan for the remodeling of a 30,000 square foot courthouse in White Plains. Oversaw an office staff of nine.

1974-1982

Senior Associate, National Center for State Courts,  
San Francisco, California

Directed court improvement projects in the thirteen-state western region. Subjects included: management audits, workload analysis, clerical procedures, forms analysis, court reorganization, records management, court statistics, personnel, case processing, and courthouse design.

Major projects directed:

### Management Audits

Orange County Superior Court and County Clerks  
Management Audit  
Monterey County Municipal Court Management  
Audit

### Clerical Procedures

Idaho Clerks Manual  
Multnomah Circuit Court Clerks Manual  
Hawaii Clerks Manual

Records Management

Washington Records Management Guidelines

Statistics

Washington Trial Courts: Statistical  
Reporting System Report

Calendar Management

Anchorage Trial Courts Clerical and  
Calendar Procedures Analysis  
Master and Individual Calendar Project  
(California)

Forms Analysis

Alaska Court System Forms Analysis  
Washington Superior Courts Forms Analysis

Court Reorganization

Utah Courts of Limited Jurisdiction: Analysis  
Analysis of King County (Washington) District  
Court

Workload Analysis

Washington Weighted Caseload System: Superior  
and District Courts  
Alameda County Clerk: Workload Analysis

Alternatives to the Courts

Role of Arbitration in Reducing Court Delay  
(California)

Courthouse Design

San Bernardino County (California): Prototype  
Courtroom Design  
Montgomery County (Alabama): Court Remodeling  
Marin County (California): Courtroom Design

Personnel Projects

Arizona State Court Personnel System

Financing Courts

Financial Impact of Creating a Judicial  
Position in Orange County

1972-1974

Deputy Director, John G. Fall and Associates  
Management Consultants, San Francisco, California

Deputy Director of a professional consulting firm  
specializing in court management and planning.  
Specific duties included drafting project reports,  
supervision of project staff (approximately six  
permanent employees and consultants).

1971

Project Administrator, U.S. Agency for International Development,  
Santiago, Chile

Directed the Special Development Activities Fund, which provides  
financial assistance for projects in rural Chile.

1968-1970

Peace Corps Volunteer assigned to the Ministry of Housing and Urban Development, Santiago, Chile

Provided technical assistance (zoning, capital improvement budgeting, site designs, etc.) to rural towns of less than 5,000 habitants.

OTHER WORK EXPERIENCE

Designed and taught a graduate course in court administration at Golden Gate University, San Francisco, California (1973-1976).

Represented private firms, including United Centrifugal Pumps (San Jose, CA) and Deshitradora Linderos (Santiago, Chile), in the development of overseas business plans.

Property remodeling in the San Francisco Bay Area.

PROFESSIONAL ACTIVITIES AND AFFILIATIONS

American Judicature Society

California State Bar Committee on Judicial Arbitrators Selection

President of the Intercontinent Foundation (a non-profit organization dedicated to providing scholarship aid to Latin American students)

SELECTED PUBLICATIONS AND PRESENTATIONS

"Utah: Courts of Limited Jurisdiction," State Court Journal, Vol. 1, No.1 (1977).

"Washington: Weighted Caseload System," State Court Journal, Vol. 1, No.4 (1977).

"Managing to Reduce Delay" (co-author), State Court Journal, Vol. 4,, No. 3 (1980).

"Can Your Court Afford a Judge?" (co-author), State Court Journal, Vol. 5, No. 3 (1981).

Keynote speaker, Utah Clerks' Association Annual Conference, 1979.

Speaker on Court Financing at Conference of Chief Justices and State Court Administrators, Flagstaff, Arizona, 1979.

OTHER SKILLS

Fluent in Spanish

**ATTACHMENT 2**

**LIST OF PERSONS EMPLOYED IN THE PROJECT BY AREA**

The following persons, listed by area of analysis were employed in the study:

**GENERAL COORDINATOR**

Dr. Luis Salas

**TECHNICAL DIRECTOR**

Mr. Robert W. Page Jr.

**TECHNICAL DEPUTY DIRECTOR**  
Dr. Emma Esther Castro de Pinzón

**ORGANIZATIONAL STRUCTURE OF THE COURTS**

Dr. Mauricio Velasco  
Lic. Julio E. Portillo  
Lic. Belisario A. Artiga  
Lic. Francisco Giamattei  
Lic. Dafne Yanira Sánchez

**LEGAL FRAMEWORK**

Dr. Ronoldy Valencia

**FINANCIAL RESOURCES**

Dr. Amado Gavidia  
CPC José Gustavo Arias

**HUMAN RESOURCES**

Lic. José Ramón Argumedo

**INFORMATION SYSTEMS**

Lic. José Eduardo Navarro

**MATERIAL RESOURCES**

Arq. Víctor Manuel Bustamante  
Ing. José Roberto Jiménez

**CONSULTANTS**

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**ATTACHMENT 3**

**LIST OF COURTS VISITED DURING THE STUDY**

The following courts were visited during the study:

San Martín	Juzgado de Paz
Ilopango	Juzgado de Paz
Soyapango	Juzgado de Paz
Santo Tomás	Juzgado de Paz
San Marcos	Juzgado de Paz
Mejicanos	Juzgado de Paz
Ayutuxtepeque	Juzgado de Paz
Nejapa	Juzgado de Paz
Aguilares	Juzgado de Paz
Guazapa	Juzgado de Paz
Apopa	Juzgado de Paz
Panchimalco	Juzgado de Paz
Rosario de Mora	Juzgado de Paz
Ciudad Arce	Juzgado de Paz
Colón	Juzgado de Paz
Antiguo Cuscatlán	Juzgado de Paz
Santa Tecla	Juzgado 1o. de Paz
Santa Tecla	Juzgado 2o. de Paz
Santa Tecla	Juzgado 1o. de 1a. Instancia
Santa Tecla	Juzgado 2o. de 1a. Instancia
Santa Tecla	Juzgado de lo Laboral
San Salvador	Juzgado 1o. de lo Militar
San Salvador	Juzgado 5o. de lo Penal
San Salvador	Juzgado 7o. de lo Penal
San Salvador	Juzgado 1o. de lo Mercantil
San Salvador	Juzgado 1o. de lo Civil
Sacacoyo	Juzgado de Paz
Tepecoyo	Juzgado de Paz
La Libertad	Juzgado de Paz
Zaragoza	Juzgado de Paz
Opico	Juzgado de Paz
Opico	Juzgado de 1a. Instancia
Quezaltepeque	Juzgado de 1a. Instancia
Quezaltepeque	Juzgado 1o. de Paz
Quezaltepeque	Juzgado 2o. de Paz
Armenia	Juzgado de Paz
Armenia	Juzgado de 1a. Instancia
Coatepeque	Juzgado de Paz
El Congo	Juzgado de Paz
Metapán	Juzgado de 1a. Instancia
Metapán	Juzgado de Paz
Ahuachapán	Juzgado de Paz
Ahuachapán	Juzgado de 1a. Instancia
Atiquizaya	Juzgado 1o. de Paz
Atiquizaya	Juzgado 2o. de Paz
Atiquizaya	Juzgado de 1a. Instancia
Chalchuapa	Juzgado 1o. de Paz

Chalchuapa  
Chalchuapa  
San Sebastián Salitrillo  
Candelaria de la Frontera  
El Porvenir  
Santa Ana  
Santa Ana  
Santa Ana  
Santa Ana  
Santa Ana  
Santa Ana  
Santa Ana  
San Vicente  
San Vicente  
San Vicente  
San Vicente  
La Unión  
La Unión

La Unión  
La Unión  
Santa Rosa de Lima  
Santa Rosa de Lima  
Santa Rosa de Lima  
San Miguel  
San Miguel  
San Miguel  
San Miguel  
San Miguel  
San Francisco Gotera  
San Francisco Gotera  
San Francisco Gotera  
Usulután  
Usulután  
Usulután  
Usulután  
Usulután  
Usulután

Juzgado 2o. de Paz  
Juzgado de 1a. Instancia  
Juzgado de Paz  
Juzgado de Paz  
Juzgado de Paz  
Juzgado 1o. de lo Penal  
Juzgado 2o. de lo Penal  
Juzgado 1o. de lo Civil  
Juzgado 2o. de lo Civil  
Cámara de lo Civil  
Cámara de lo Penal  
Clínica Forense  
Cámara de 2a. Instancia  
Juzgado de lo Civil  
Juzgado 1o. de Paz  
Juzgado 2o. de Paz  
Juzgado de lo Civil  
Juzgado 1a. Instancia de  
lo Penal  
Juzgado 1o. de Paz  
Juzgado 2o. de Paz  
Juzgado de 1a. Instancia  
Juzgado 1o. de Paz  
Juzgado 2o. de Paz  
Juzgado de Tránsito  
Juzgado de lo Laboral  
Cámara de 2a. Instancia  
Juzgado 1o. de lo Penal  
Juzgado 2o. de lo Penal  
Juzgado 1a. Instancia  
Juzgado 2o. de 1a. Inst.  
Juzgado de Paz  
Cámara de 2a. Instancia  
Juzgado 1a. de lo Penal  
Juzgado 2o. de lo Penal  
Juzgado de lo Civil  
Juzgado 1o. de Paz  
Juzgado 2o. de Paz

**ATTACHMENT 4**

**RECOMMENDATIONS MADE IN THE FINAL REPORT**

**(DOES NOT INCLUDE THOSE RECOMMENDATIONS WHICH ARE TOO  
COSTLY FOR THE SALVADORANS TO UNDERTAKE ON THEIR OWN)**

The following are a list of the modifications suggested throughout the final report. They are divided into those that require legislative modification and those that the Court can make without any legislative change.

***Changes requiring legislative change***

**JUDICIAL CAREER**

1. Revise art. 31 of the Judicial Organic Law to read: "Those who are justices or judges cannot at the same time carry out activities as notaries".

**CRIMINAL**

1. It is recommended that art. 106 of the Code of Criminal Procedure be revised to include a penalty of nullification for not notifying the accused of the resolutions established in this article.

2. To establish the requirement that all law students, as part of their legal internship, work as public defenders.

3. To analyze the pertinence of the time allowed for the submission of evidence, as established in Art. 300 Cr. Proc., in order to speed up the criminal process.

4. To guarantee a person detained by some auxiliary authority the right to a proper defense, in accordance with Art. 12 C.C., by classifying a statement without the assistance of counsel as an extrajudicial confession (Art. 142 in relation to art. 496 Cr. Proc.).

5. Revise Art. 33, dealing with traffic accidents, of the Special Law on Special Procedures, to extend to 48 hours the time given to resolve the question of release or temporary detention of the accused in these matters.

**CIVIL**

1. Revise Art. 19 Cr. Proc. to read that the ruling approving bond be appealable.

2. To reduce the time allowed for the submission of evidence to 15 days for ordinary trials (Art. 245 Cr. Proc.) and to six for summary proceedings (Art. 975 Cr. Proc.).

3. To revise the Cassation Law to extend to at least eight days the time allowed to request the remedy.

4. To include in the Cr. Proc. Code a requirement that all complaints, defendant's replies, offers of evidence and allegations be submitted with copies, in order that they might be

distributed to the parties.

5. To review art. 164 Cr. Proc. to include a fixed fine for the party not attending a proceeding for conciliation.

6. To extend the monetary jurisdiction of justices of the peace in civil cases.

7. To revise Arts. 536 and 537 Cr. Proc., granting the judge the authority to unilaterally declare desertion, when one party, duly warned, allows the established time limit for exercising his/her rights to expire.

8. To revise the Cr. Proc. Code so that dilatory exceptions be resolved by the judge and that his/her decision be final.

9. To revise Art. 153 of the Judicial Organic Law in that the office to which complaints are delivered must distribute equally all suits and civil and mercantile proceedings among the respective judges of the district of San Salvador, as a guarantee of judicial impartiality.

10. To revise Arts. 323 and 324 Cr. Proc. and any others to introduce evidentiary concepts into civil trials.

#### LABOR

1. To revise Art. 6, section 6 and 7, of the Judicial Organic Law and make a more adequate allocation of courts based on the location of labor appeals courts.

2. In ordinary trials, introduce an article establishing that depositions be taken during the time allowed for the presentation of evidence.

3. To revise Art. 397 L.C. so that evidence is presented by the fourth day of the period allowed for its presentation.

#### MERCANTILE

1. Repeal Art. 125 of the Law on Mercantile Procedures, so that there may be a separate code of mercantile procedure rather than having to follow civil procedure.

#### TRAFFIC (civil)

1. To revise the Law on Special Procedures with Regard to Traffic Accidents, to establish a fine to be imposed upon the Head of the Traffic Department when he/she does not submit, within the established time limit, all information requested by the courts.

2. To establish in the aforementioned law that when the

defendant does not attend the proceeding for conciliation, unless otherwise proven, all charges against him/her will be assumed to be true.

3. To change the jury selection system to reflect current voter registration statistics maintained by the Central Election Commission. Art. 324 Cr. Proc. will have to be revised.

4. To review Art 33 of the Law on Special Procedures with Regard to Traffic Accidents, granting the judge the authority to release defendants on their own recognizance, provided civil obligations are not overlooked.

#### JUVENILE COURTS

1. To study the need to revise Art. 17 of the Judicial Organic Law, to create two juvenile courts, one in Santa Ana and the other in San Miguel.

#### LANDLORD TENANT

1. Revise the law to impose a fine on the landlord who does not present the required statement to the court in the time permitted, since the suit cannot be initiated until said statement is delivered.

#### PLANNING

1. To achieve the legal reforms necessary for the Judicial Branch to become economically solvent within a reasonable period of time.

2. To update and review the documentary stamp tax.

#### *Recommendations not requiring modifications of legislation*

#### JUDICIAL CAREER

1. Organize the Consejo Nacional de la Judicatura and give legal status to the judicial career as established in Arts. 186 and 187 of the Constitution.

2. To extend office hours from 8.00 a.m. to 4.00 p.m. from Monday to Friday in the Judicial Center of San Salvador, Santa Ana and San Miguel. The hours of the other courts should be set after a study is made of their needs.

3. To adjust salaries for first instance judges and justices of the peace who are lawyers, because they are prohibited from holding other jobs, and as a means of dignifying the position of judge.

4. In compliance with Art 43 of the Judicial Organic Law,

to adopt a policy of re-election of justices of the peace, for an equal period of time, based on an evaluation of his/her performance.

5. That the Supreme Court, through its internal auditing office, exercise greater control over the hours and schedules of the courts. In the case of the justice of the peace courts, the judges should reside in the area served by their court, so as to be able to supervise the preliminary steps in a criminal investigation which the law requires.

#### SUPREME COURT

1. To bring the internal rules of the Supreme Court into line with the current Judicial Organic Law.

2. That the divisions of the Supreme Court supervise case management by lower courts in their areas by means of a sample submitted to them. For the selection of said sample the following criteria are recommended:

#### CRIMINAL

Criminal trials in which the defendant is incarcerated and which have lasted more than two years, or one year if the accused is a minor (16 to 20 years).

#### CIVIL

Executory processes or ordinary trials more than two years old.

#### MERCANTILE

Summary proceedings more than one year old and executory proceedings more than two years old.

#### LABOR

Ordinary trials more than one year old.

#### TRAFFIC, CIVIL AND LANDLORD - TENANT

Trial more than one year old.

#### CENTRAL ADMINISTRATION

1. Reorganize the structure of the central administration (the General Secretariat and the Executive Administration Division), so it may be more efficient and have better defined lines of authority. Duties should be separated into judicial, falling under the Secretary and administrative, falling under the Director of the Administrative Division. Specifically, the



following changes must be made, based on the reform of the Judicial Organic Law, whenever necessary:

a) To delegate the administrative authority invested in the Secretary General to the Departments charged with juridical duties.

b) To organize the notary, investigation, and publications sections into departments, under the responsibility of the President of the Supreme Court.

c) To place the "sección de acuerdos" under the Personnel Department

d) To include the duties of "investigaciones privadas, declaraciones de propiedad, pruebas, autorizaciones, calificaciones para magistrados de cámaras, jueces de primera instancia y de paz; el notariado, los jueces ejecutores, los secretarios, los notificadores y la capacitación judicial o no judicial" under a new Professional Certification and Training Department, under the General Secretariat.

e) To remove responsibility for keeping and managing judicial statistics from the correspondence and archives section and place it under the judicial statistics section.

f) To create a single archives department in which there will be two sections: one for notarial matters and the other for case files.

g) Change the "Oficiales Mayores" section, except the duties mentioned in subsection e), into a Documentation Department, under the Secretary General.

h) To establish a Technical Assistance Division similar to the Internal Auditing Office, to help with case flow and reduce the number of pending cases.

i) To adjust the salaries of administrative and juridical personnel so that they are approximately equivalent.

j) To establish a Data Processing Department.

2. To hold annual judicial congresses in the different regions of the country

3. To publish an annual report on the performance of the courts, including the how their work is distributed, their successes and judicial statistics.

## REGIONAL ADMINISTRATION

1. To establish four regional offices: one each in San Salvador, San Miguel, San Vicente and Santa Ana. The proposed duties of these offices are explained in section 5.1.4.

## LOCAL ADMINISTRATION

1. To create the post of Secretary/Administrator for the courts of first and second instance. The duties of this post are described in section 5.1.5 a).

2. In San Salvador, to adopt one of the following strategies for the distribution of cases among the courts:

- To review territorial jurisdictions taking into account proximity or ease of communication in the placement of courts.

- To create a case distribution office in accordance with Art. 153 of the Judicial Organic Law, to operate on a trial basis only in San Salvador.

3. To modify the rotational system whereby justices of the peace in San Salvador are on duty: that there be two courts of justice of the peace on duty per shift, one for the identification of corpses and wounded, and the other to receive complaints.

4. To create a secretariat for notifications, as a pilot project in San Salvador. To provide litigants with a central location for receiving notifications 48 hours after resolution.

5. To provide training and grant authority to Judicial Branch process servers through the Department of Professional Authorization and Training.

## RELATIONS WITH OTHER INSTITUTIONS

1. It is recommended that first instance judges appoint counsel for indigents at their first court appearance, in order that a real and effective defense be guaranteed them, while insuring that the process develops with greater efficiency. In this sense, the judicial defense plan of the Procuraduría General de Pobres must be taken into consideration.

2. It is advised that representatives from the Judicial Branch collaborate with representatives from the Executive Branch on a commission established to design special policies for the rehabilitation of convicts.

## CASE FLOW

### General Topics

1. A file numbering and classification system, consistent throughout the process should be adopted.
2. A summary of cases or card file should be available at the courts, as a means to maintain a record of the actions demanded by each case.
3. Standard forms should be prepared and produced for common writs, warrants, decrees, and judgments.
4. A system for safeguarding and returning confiscated items should be established, including the possibility to schedule at least one auction per year.
5. A term for the destruction of the records of closed cases should be established, according to criteria of the Supreme Court.
6. The lower, and first and second instance courts should be provided with copies of the basic laws pertinent to such courts.
7. Steps should be taken to insure the availability of the national jurisprudence.
8. The establishment of alternative conflict resolution mechanisms, such as arbitration, in lieu of the criminal process, should be considered.

### CRIMINAL PROCEDURE

1. A circular letter should be sent to the justices of the peace by the Supreme Court, advising them of their obligation to regulate oral processes, as prescribed by Article 408 of the Criminal Procedural Code.
2. First instance judges must comply with Article 109 of the Criminal Procedural Code, in order that the parties return the legal records they may have borrowed, in due time. The article must be modified in the sense that the judge submit a report to the Professional Investigation Section of the Supreme Court for the corresponding legal action to take place.
3. A circular letter should be sent to the Ministry of Defense to request its collaboration in order that the military and members of auxiliary bodies observe the summons of the judges, especially in cases where the former find someone in flagrante delicto, or when they are responsible for the

confiscation of goods.

4. Training programs for first-instance judges should be implemented, especially as regards the application of "sana crítica" to assess the probative value of evidence and set a basis for the passing of judgment, in accordance with Article 488 of the Criminal Procedural Code.

5. Alternate judges should be appointed at each first-instance court to serve ad interim, in compliance with Article 37 of the Judicial Organic Law.

6. Article 700 of the Criminal Procedural Code should be fully complied with, in the sense that the transfer of an inmate from one correctional center to another should only be carried out after having obtained the opinion of the respective judge.

#### CIVIL PROCEDURE

1. The Minister of the Interior should be approached in order for her/him to instruct the City Councils to the effect that the council members participate in the proceedings initiated to determine marital status.

2. Executors should be warned by a judge, to the effect that she/he return the garnishment orders or the Property Registration Bureau stub within 10 days, lest the Supreme Court be advised with respect thereof, for the imposition of the respective sanction.

3. The summoning procedure established by Article 220 of the Procedural Code should only be employed at the first-instance level, but not by the superior courts.

#### COMMERCIAL PROCEDURE

1. The justices of the peace should be trained in commercial law, and the last paragraph of Article 43 of the Judicial Organic Law should be complied with.

2. The current conditions of the courts which handle commercial matters should be analyzed; adequate measures should be taken to improve them, such as increasing the number of positions at the courts, or opening new courts.

#### TRAFFIC (civil)

1. When requesting information from the Traffic Department, the corresponding forms should be attached indicating precisely the information which is required.

## JUVENILE COURTS

1. That the representative of the Judicial Branch before the Salvadoran Juvenile Board be a functionary of the Judicial Branch and try to improve communication between judges and the Board.

2. To request, through the Ministry of Justice, that the Juvenile Readaptation Centers submit periodic reports to the juvenile courts regarding the status of juveniles.

## LANDLORD TENANT

1. To eliminate the practice of requesting written reports from the Secretariat of the same court, on the presentation of the statement required by law.

## PLANNING

1. To make proper use of the statistical data provided by the Computer Center of the Ministry of Finance. This information can be used to bring the detailed records kept by the respective departments of the Supreme Court into line with one another and up to date.

2. To improve financial statistics, so that same may permit an adequate evaluation of Judicial Branch needs.

3. To appoint a project technician and an administrative technician, employed with AID funds, at the Planning Department, to avoid a duplication of duties.

4. To adopt a system of administration based on objectives for the planning department of the Judicial Branch, and introduce a system of evaluation which measures the rate of success at achieving said objectives annually in all departments and courts.

5. Each unit within the Judicial Branch should prepare individual operational plans which will be integrated into the annual operational plan for the courts.

6. To study the distribution of court personnel based on the number of cases opened and persons tried. In the future, any decision regarding the distribution of personnel or the creation of new courts must be based on an analysis prepared by the Planning Department.

## ACCOUNTING

1. If possible, to appoint one person to make purchases. If it is necessary to give this responsibility to more than one person, then an internal auditing office should be established to oversee purchasing activities.

2. To create supply offices by zones, and link them to the regional offices. These supply offices would be responsible for providing the courts in their zone with all goods needed, while at the same time storing, recording and controlling said goods.

3. The Personnel Department is responsible for preparing the payroll of the Supreme Court, and limiting the Financial Department to the issuance of checks and the making of all payments.

4. To transfer the accountant attached to SETEFE to the Financial Department.

5. To demand that all accounting work be done in a timely manner.

6. To prepare estimates of needs so as to speed up the supply process.

7. To revise the duties of the Financial Department to see that the accounting section and the supply office perform their respective duties.

8. All operations which produce profits and appear under asset, liability and capital accounts, should be reflected in the ledger as control accounts with their respective current balances.

9. To record in the journal all transactions for each day.

10. To record in the bank book all remittances made and checks issued, in chronological order.

11. To make the "books" truly operational in order that the proper accounting records may be kept.

12. Fiscal accounting should process in its books all information relevant to "general categories" as a means of overall control over the portion of the budget given by the Judicial Branch. Likewise, all information relevant to general sub-classes and specific items must be recorded.

13. To keep auxiliary records such as accounts payable, purchases, inventory of office supplies, and inventory of stock.

14. To keep records of fixed assets, which will have to be codified by their location and type.

15. To establish, and place under the control of the internal auditor, a procedure for supervision of accounting records required by SETEFE, in connection with the special budget.

16. To process all requests for services or goods, duly signed by the Head of the Section. To prepare a manual containing all the steps necessary to get authorization, as well as the name and signature of the person who has the authority to issue same.

17. To demand that all supply officers and personnel in charge of purchases request at least three written price quotes on any purchases to be made, as well as evaluate the quotations submitted, by means of a committee set up for said purpose, to make their decisions based on the best interests of the Judicial Branch.

18. To centralize the reception of goods obtained from suppliers, without exception, at the warehouse of the Central Supply Depot, and to keep inventory records on all goods received, as well as deliveries to the different agencies of the Judicial Branch.

19. With regard to vehicle parts and construction material, the respective agencies shall keep the records necessary to control the receipt of same and assure proper responsibility.

20. The Director of the Division of Executive Administration shall review the fixed fund.

21. To consider restricting the number of personnel who use petty cash to regional staff.

22. The internal auditor shall demand the preparation of balanced bank statements.

23. To make a written record of the balanced special budget of the Judicial Branch.

24. The internal auditing office should be expanded to include such areas as: fiscal budget, capital, expenditures, special income, administration, personnel, as well as have a section with qualified personnel to audit fiscal or legal aspects which come up in all courts in the country.

25. To prepare a trimestral balance sheet, so to know the financial situation of the Judicial Branch, which should contain records of income and operational expenses by section.

26. To adopt a new account catalog.

#### HUMAN RESOURCES

1. To create a Committee on Human Resources as an advisory body to the Full Supreme Court in matters of personnel administration.

2. To expand the jurisdiction of the Personnel Department to the entire Judicial Branch.

3. To modify the current Attendance Control Card, in content and design, to conform with current needs of the Judicial Branch.

4. To establish a policy that defines which personnel are required to punch a time clock and why.

5. To maintain personnel files on all Judicial Branch personnel containing: job application with photograph, curriculum vitae, leaves of absence granted, disciplinary sanctions and transfers, training courses completed, promotions, etc.

6. To establish a policy for the application of the laws regulating the granting of leaves of absence, with or without pay.

7. To adapt the current form used for the registration and control of leaves of absence to the new policy, in respect of the cited laws.

8. To keep personnel statistics on leaves of absence, employee turnover, absenteeism, sanctions and transfers, all of which should be part of the monthly reports sent to the Office of the President of the Court.

9. To establish a system of control of vacant positions and appointments made monthly throughout the entire Judicial Branch, and include same in the records of the Personnel Department.

10. To prepare specific Judicial Branch-level personnel study programs, prior to the preparation of the human resources inventory project and job descriptions.

11. To hold biweekly meeting for the resolution of problems between the Director of the Division of Executive Administration, the Director of the Personnel Department, and the Secretary General.

12. To adopt a new process for recruitment and selection of personnel at all levels of the Judicial Branch.

13. To develop a plan for classifying all positions within the Judicial Branch.

14. To rank all positions within the Judicial Branch as to their relative importance.

15. To carry out partial reviews of salaries for certain positions in order that they may be included in next year's budget, especially rural personnel.



16. To establish a system for the purpose of evaluating promotions, training, transfers or relocations, in accordance with the guidelines established in the Appendix to the Final Report.

17. To prepare an employee fringe benefits plan, based on a general survey of needs commensurate with the risks and responsibilities of their position.

18. To create a fund to cover the per diem expenses of functionaries traveling to the interior.

19. To publicize current employee benefits in circular letters or in the Employee Orientation Manual.

20. After the implementation of the different programs in the area of human resources, to draft the Internal Regulations of the Judicial Branch considering: work hours and control of attendance, obligations, rights, disciplinary regulations and the application of same.

#### TRAINING

1. To increase training programs, even though it is not currently necessary that a judicial school be created and, to continue cooperation with regional training institutions such as ILANUD.

2. To prepare the manual or handbook for justices of the peace, as well as manuals for other judges.

3. To prepare a manual on the organization and administration of the Judicial Branch.

4. To revise and adjust the system of requirements for the authorization of secretaries and other functionaries, as well as establish an adequate system for the selection of justices of the peace, which includes their training.

5. To promote special training for the attorneys of the Judicial Branch.

6. To collaborate with the universities in emphasizing judicial internships, and to provide them with this opportunity in the courts.

7. The Law Schools should reinstate court internships.

8. The lawyers associations should collaborate with the Judicial Branch in the development of its programs, as well as promote the membership of attorneys in said associations.

## INFORMATION SYSTEMS

1. To publish judicial statistics for 1986, in a reduced fashion because of the limited data available, and submit copies to the members of the Supreme Court (to each cámara and the administrative offices). The 1987 statistics should be published as an annual report, and at the same time trimestral bulletins should be published and adequately distributed.

2. To design standardized forms and instructions relevant to the compilation and sending of judicial statistics.

3. To make the registration system used in each judicial office uniform, so as to obtain similar data from each.

4. As a matter of preference, to appoint one person attached to the court, provided it is not the secretary, to prepare the overall statistical reports. For its part, the Judicial Branch must provide technical assistance to the people given this responsibility.

5. To establish training programs and visit courts to insure the reliability of the statistics.

6. To adopt a new system of statistics for the Judicial Branch which reflects the work of the courts at each level.

7. To demand that the courts which have not complied with Art. 36 of the Judicial Organic Law do so and send the required reports to the Secretary General. Amend Art. 36, number 30 of the Organic Law, to include the same obligation for the chambers.

8. To create a statistical office within the Judicial Branch, and reform the law of the Judicial Branch in Art. 36, No. 3 and 4, to read that the statistical reports shall be sent to the statistical office rather than to the Secretary General or the Supreme Court.

9. To study the costs and benefits of introducing computers into the system in the future.

## MATERIAL RESOURCES

1. To create property management and acquisition offices in the regional offices of San Salvador, Santa Ana, San Vicente and San Miguel, responsible for the maintenance of the physical installations, furniture and equipment of the courts in their region.

2. To continue and intensify a program of repairs needed in the courts which are not located in judicial centers, to be carried out by the Engineering Department.

3. To adopt a system of classification of buildings, to determine construction priorities, taking into account the number of trials entering the court each year and the density of the population served.

4. To establish as a priority the replacement of equipment and furniture. To provide the first instance courts and courts of justice of the peace most in need of them with typewriters, filing cabinets and metal shelves.

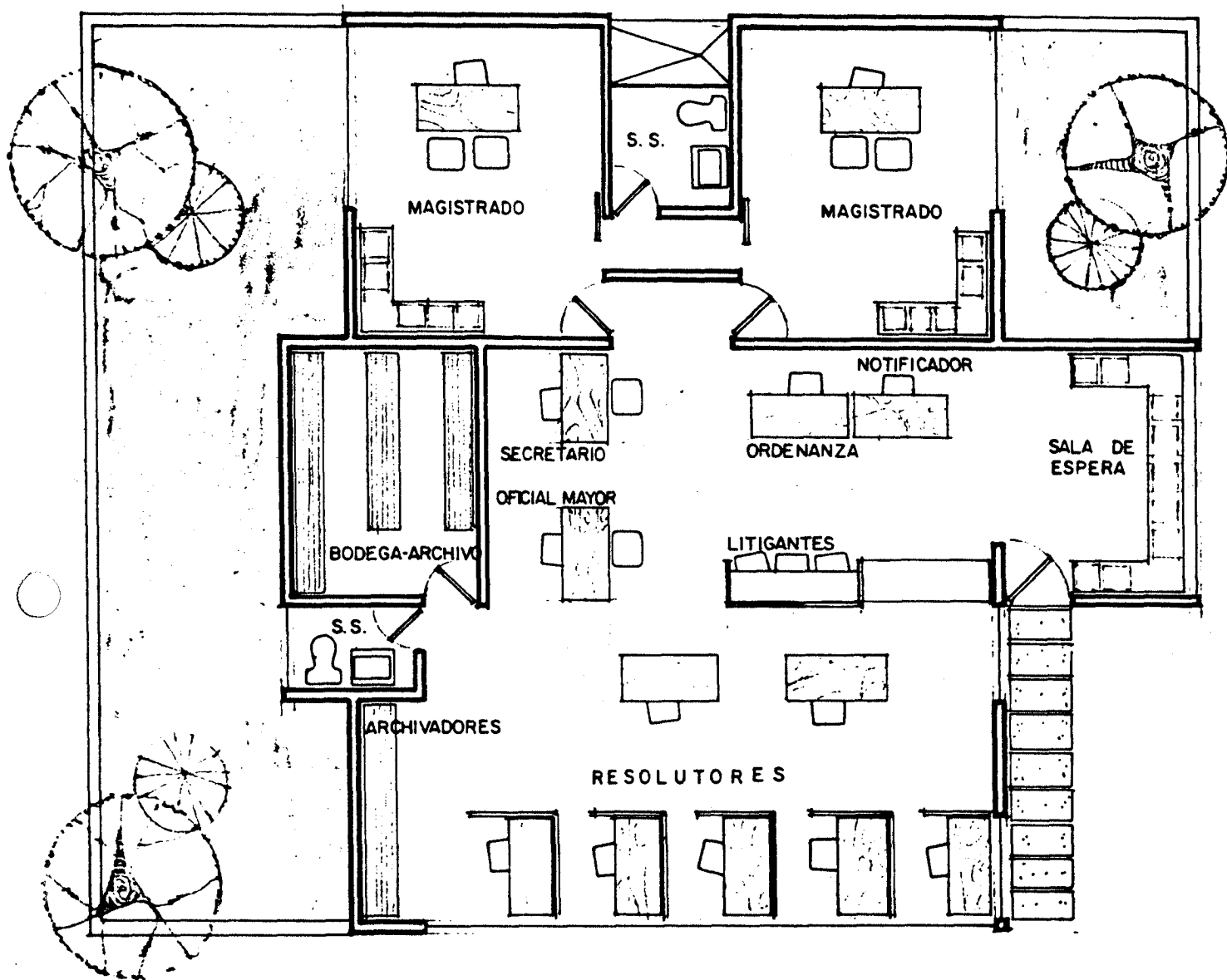
5. To install telephone service in the courts without same.

6. To provide the first instance courts and courts of justice of the peace whose jurisdictions cover large geographical areas with motorcycles or bicycles.

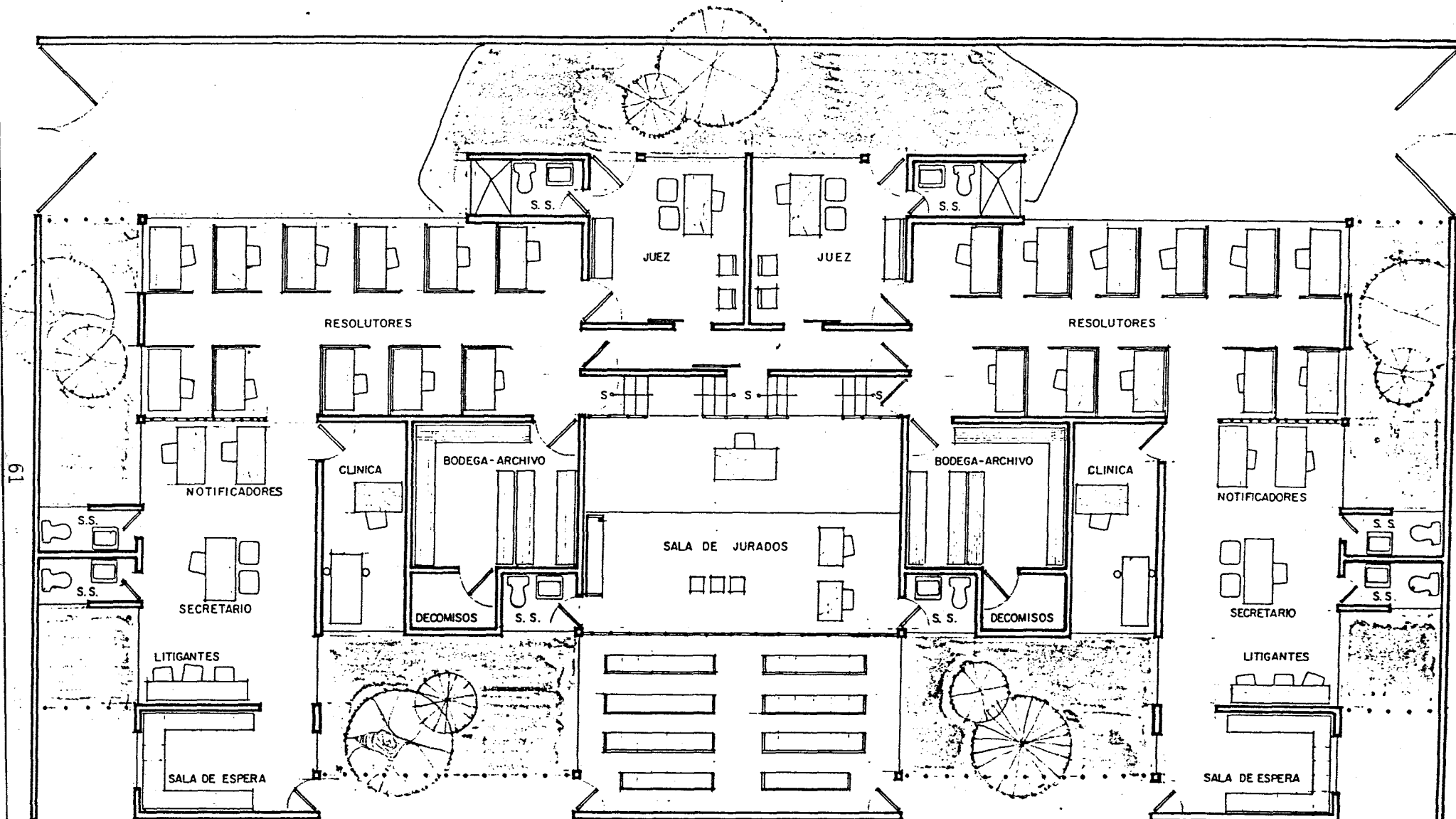
7. To take into account existing regulations for the construction of courts, including furniture and equipment, which shall serve as the basis for the evaluation of current installations and those to be rented in the future, as well as in the planning of new buildings.

8. To adopt designs from architectural models for the courts, to use them as models in the construction of new buildings and the equipping of same.

**ATTACHMENT 5**  
**(PROPOSED DRAWINGS FOR MODEL COURTS)**

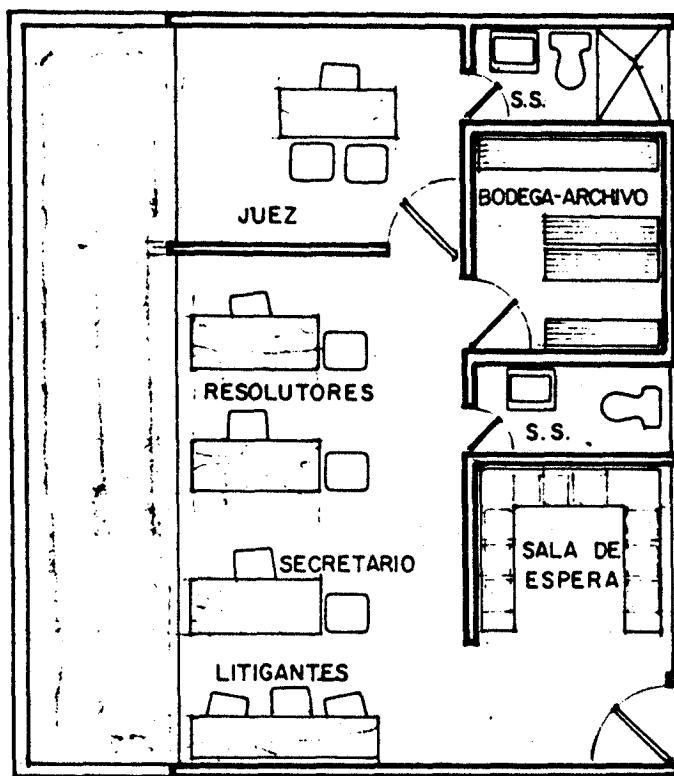


# CAMARAS esc. 1:100



JUZGADOS DE 1a. INSTANCIA

esc. 1:100



**JUZGADO DE PAZ**  
**(en el interior del país)**  
**esc. 1:100**

**ATTACHMENT 6**

**PROPOSED ORGANIZATIONAL CHART FOR THE COURTS**



ORGANO JUDICIAL DE EL SALVADOR  
ORGANIGRAMA VIGENTE SETIEMBRE 1987

