

Judicial Reform: Trends & Developments



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February 2005

Four Points

- 1) Need for Reform is Ancient and Enduring
- 2) Borrowed Solutions Common
- 3) Key Issues in Recent Reforms
- 4) Overcoming Opposition to Reform



Ancient and Enduring Issue

English Example --

- 1340: Parliamentary inquiry into causes of court delay
- 1640: English rebels demand procedural simplification
- 1820: Popular press pushes for reform
- 1909: Parliament investigates trial courts' performance
- 1995: Case management adopted to reduce delay



Borrowing Principles

- Let us not turn to American in order to slavishly copy the institutions she has fashioned for herself but in order that we may better understand what suits us; let us look for instruction rather than models.

Alexis De Toqueville, 1848

- Fit -- Too different or close enough?



Major Issues in Recent Reforms

➤ Procedural Change

- Compactness, immediacy & proportionality

➤ Governance & Management Reforms

- Independence, accountability



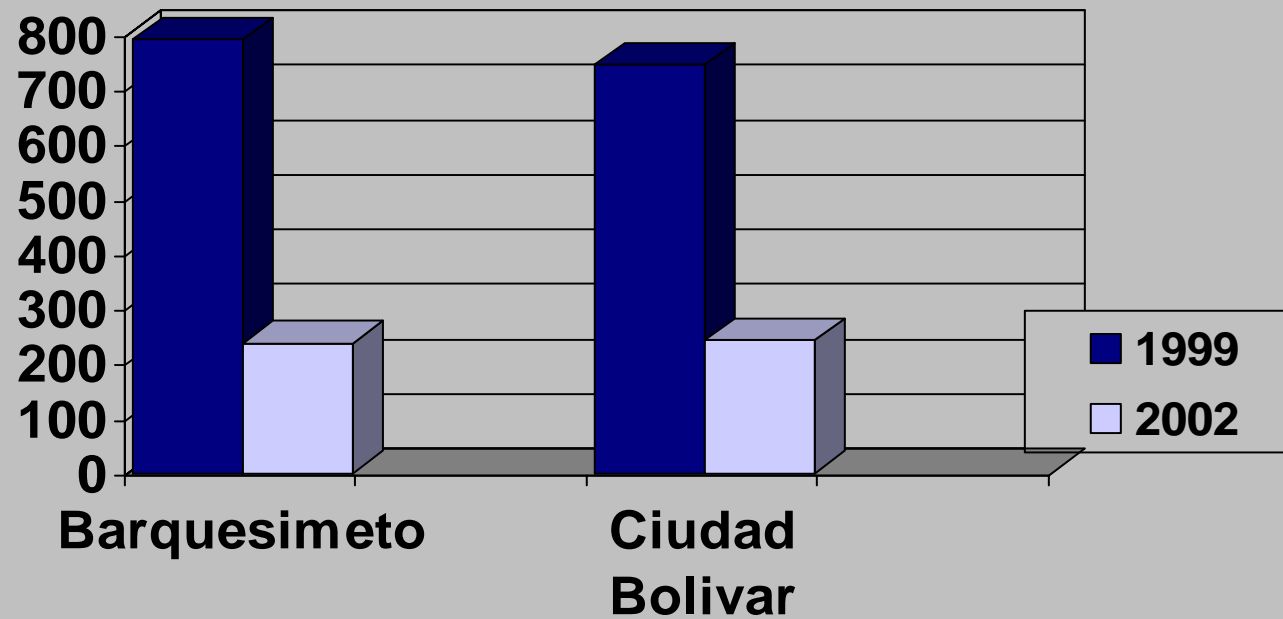
Case Management

- Why: Delay not solely attributable to court size, caseload, or case mix
- What: Set expectations, monitor and measure actual events, take responsibility for performance
- Common mistakes
 - Lack of empirical research
 - Judges not supported



Venezuela Results

Impact of Reform on Debt Collection Cases



Median days to resolve case

Overcoming Opposition to Reform

➤ Typical Sources –

- Lawyers, clerks, enforcement agents
- Large debtors, tenants' rights groups
- Executive branch bureaucrats

➤ Methods for Overcoming –

- Consensus building through dialogue (divide and conquer)
- Information campaigns
- Leadership

