JUDICIAL SYSTEM
Will case management help?
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Case-flow management means that if there is a problem it doesn't necessarily mean that it should end up in court. Pre-trial communication should be made between both parties, to explore any possibility of resolving the case before it ends up in court. Second, if a case is filed and it is a serious matter, the system should determine the time frame of the case and strict penalties should be introduced if any case deadline is violated. It also involves hard administrative support, pre-trial conferences where the judge meets both parties to evaluate the case, and refers the case to the concerned or expert judge so that the decision can be heard on time. Moreover, the docket system and case track system should be used to monitor the speed of the case, reducing the load burden on judges will shift the low pace case to fast pace case, and eventually, the load on courts will reduce. The problems in the judicial system are the result of an absence of an effective case-flow management system, which is an idea and set of culture and a specific set of prescription which seems to have worked all around the world. Pakistan court system has already developed a case-flow management system. Unfortunately, there is virtually no awareness or use of the system, and it does not appear to be working. All these problems and issues also deter foreign clients from picking Pakistan as an arbitration venue. Punjab has notified and implemented a modern case management system, but the system suffers from discontinuity across changes in judicial leadership, lack of training of staff, and unwillingness to commit to a reform process that will take considerable time.

Key Messages:

○ Dr. Nadeem started the debate that economics recognizes that without good institutions we can't go anywhere; we can have all the money in the world, we can borrow whatever we like, but ultimately it's our institutions that determine our economic performance and where we are going.

○ Dr. Nadeem highlighted the overall problems in the country like weak institutions, flawed democracy over-regulated markets, election, tenure, and voting laws, aversion to merit, competence of the civil services, mismanaged energy sector, and so on

○ Much judicial and legal work relates to economic transactions which are increasingly becoming more complex.

○ Contract enforcement for these transactions requires effective and rapid judicial review for the resources to put to best use.

○ For a long time, economists have been talking about the rule of law declining as the law becomes confused, lawyers proliferate, so it is no surprise law is the leading profession in Pakistan. The reason being is the huge number of cases in courts, they get stuck there because the number of laws keeps multiplying, and hence it becomes the best profession in Pakistan.

○ In Pakistan, judicial processes are slow and often unaware of the economic consequences of their decisions. The quality of institutions is declining.

- Dr. Nadeem gave examples of two countries, Poland and Ukraine. Poland has better institutions and has more engineers than lawyers, while Ukraine which has bad institutions has more lawyers than engineers.
- Dr. Osama stated that 95 percent of our court's attention is focused on the meta-constitutional and high-profile political cases and there is hardly any conversation about everyday cases in courts. We are operating in the 21st century with a 19thcentury system.
- Drafted rules for the case-flow management haven't been notified and we have not still come to actual realization about the gravity of the situation.
- The judiciary needs to hire administrative professionals through a competitive process because judges are overburdened

The debate concluded with the suggestion that if we want to change the judiciary system we have to bring in a new management system and reduce the load on judges. ICT can play a role in helping identify whether a case is legit or is it frivolous or mischievous, as well as in case tracking, pace, and docket management.

www.youtube.com/watch?v=vS50A_za86Y&feature=emb_logo

Haque Survey