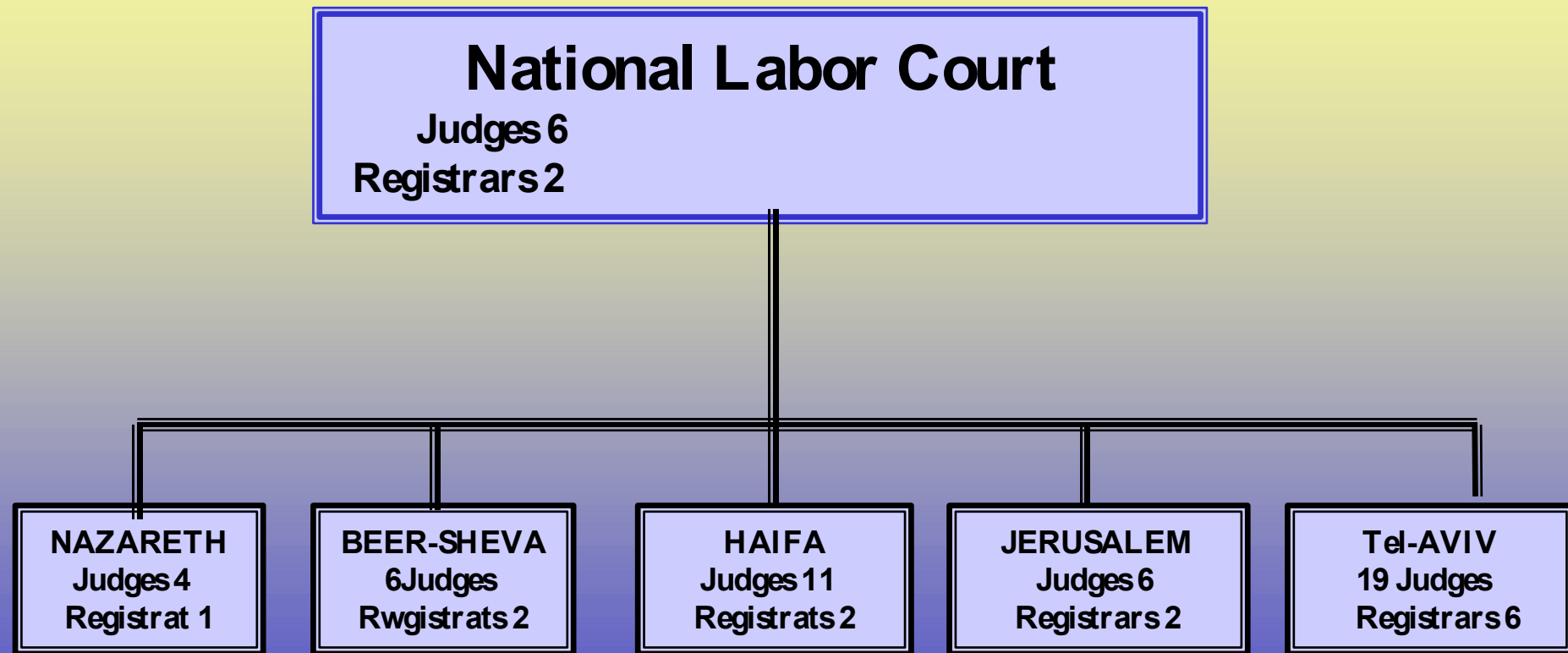




Case Management in the Israel National Labour Court

**Presented at European Appellate
Level Judges Seminar
Budapest, Sept 2004
Judge Steve Adler, President**

The Labor Courts System



Aprox. 100,000 Law Suits

* 2004 שנת המעורבות - 2004

Types of Law Suits in the Labor Courts

**Anti-Discrimination
Laws**

**Freedom
Of
Occupation**

**Collective
Labor
Disputes**

**Individual
Labor
Disputes**

**Social
Security**

**Sexual
Harassment**

**Protection of
Foreign
Workers**

**Criminal
Labour
Laws**

**National
Health
Insurance
Law**

**Provident
And
Pension
Funds**

Social Security

**Assisted
Living**

**Unemployment
Compensation**

Maintenance

**Maternity
Benefits**

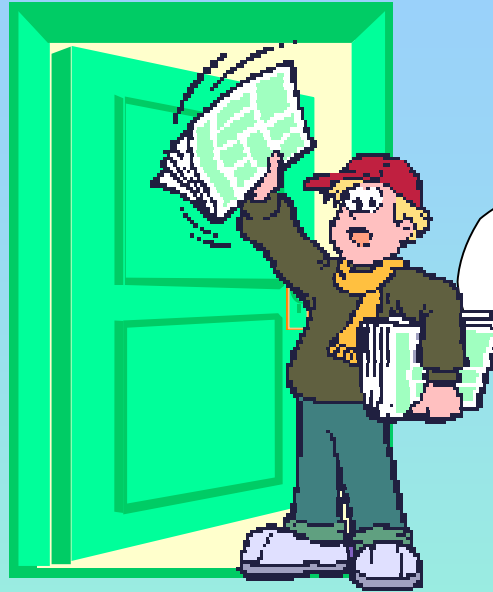
Disability

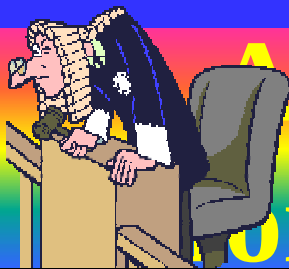
Bereavement

**Guaranteed
Minimal Income**

**Workers
Compensation**

**Eldery
Benefits**





Appropriate Track for each type of Case



**Other
Law Suits**

**Collective
Labor
Dispute**

**Private
Labor
Dispute**

**Social
Security**

**Provident Fund
Disputes**

**National Health
Insurance Disputes**

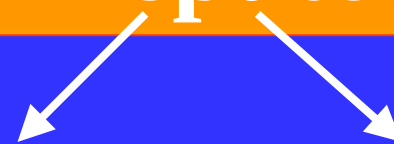
Union Fee Disputes

**Employment Agency
Appeals**

**Equal Opportunity
Suits**

**Ordinary
Track**

**Fast
Track**



National Labour Court

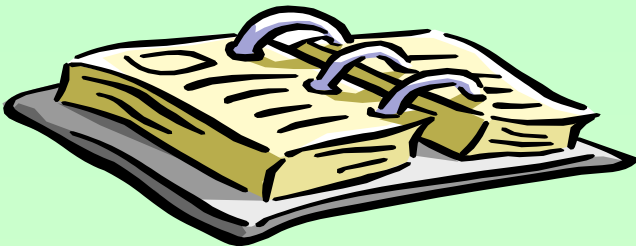
The department was created in 2001 and today has a staff of 3 lawyers

PURPOSES

Proper & efficient use
of judicial time

Reducing a case's
“waiting time”

Expediting case
completion



Case Management Department

PRINCIPLES

Assessing and categorizing cases for various settlement avenues per staff discretion

Providing court with preliminary summaries of controlling statutory and case law

Maintaining case status updates – Assuring full kit

Instituting early mediation (with parties input regarding the choice of settlement forum)

Tracking of cases by staff to ensure parties adherence to pre-and post trial schedules

Mediation, ENE, Arbitration

Management Efficiency Principles

- Prevent\clear the bottleneck (the judge) – transfer judicial functions to others (legal assistants, registrars, clerks).
Example: legal assistants prepare drafts of cases and motion decisions and take work away from judges.
- Full kit – case must be ready when it comes to a hearing.
Piretto principle – using correct resources.If 20% of cases use 80% of court time, those 20% should get 80% of court resources
- Finish about 90% of cases without trial before panel.
“Tracks” – fast track, trial track, ENE track, etc.
Set date for handing down judgment at completion of hearing\trial.

Reduce administrative burden

- Computerized filing of cases and motions.
- Information points in court
- Internet posting of docket – anyone can check their trial dates.
- Internet posting of court papers and protocol.
- Lists of mediators and arbitrators.

Resources required

- Sophisticated computer equipment and program.
- Attorneys – for case management and legal assistants.
- Managers and clerks who understand modern management techniques.
- Cooperation of judges.
- Adherence to modern management ideas



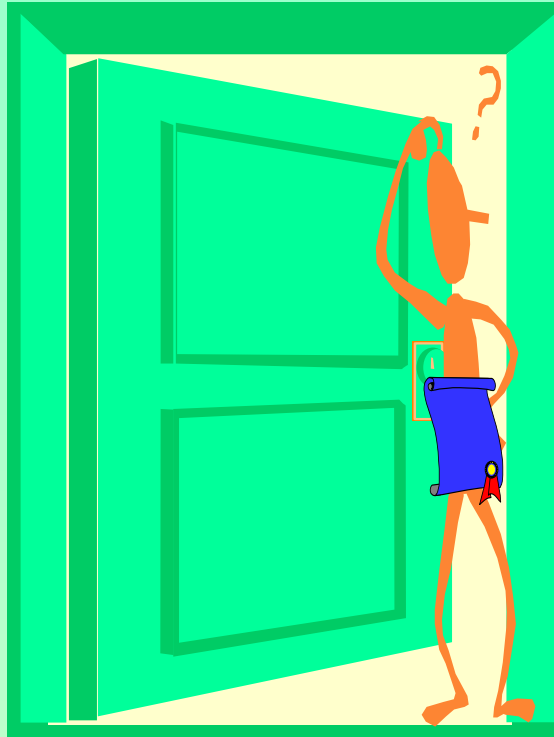
Further Resources Required

- Link between computers of administration, judges, public information points, inter-court network.
- Internet mail, network for entire court system, preparation for paperless court.
- Training for workers and judges.
- Maintenance of computers, including workers in each court who can assist and correct problems.

Case Management Department

A case is ready for hearing when the file contains:

- complaint
- answers
- list of items stipulated and at issue
- discovery documents
- other relevant documents



Pre-trial

Mediation

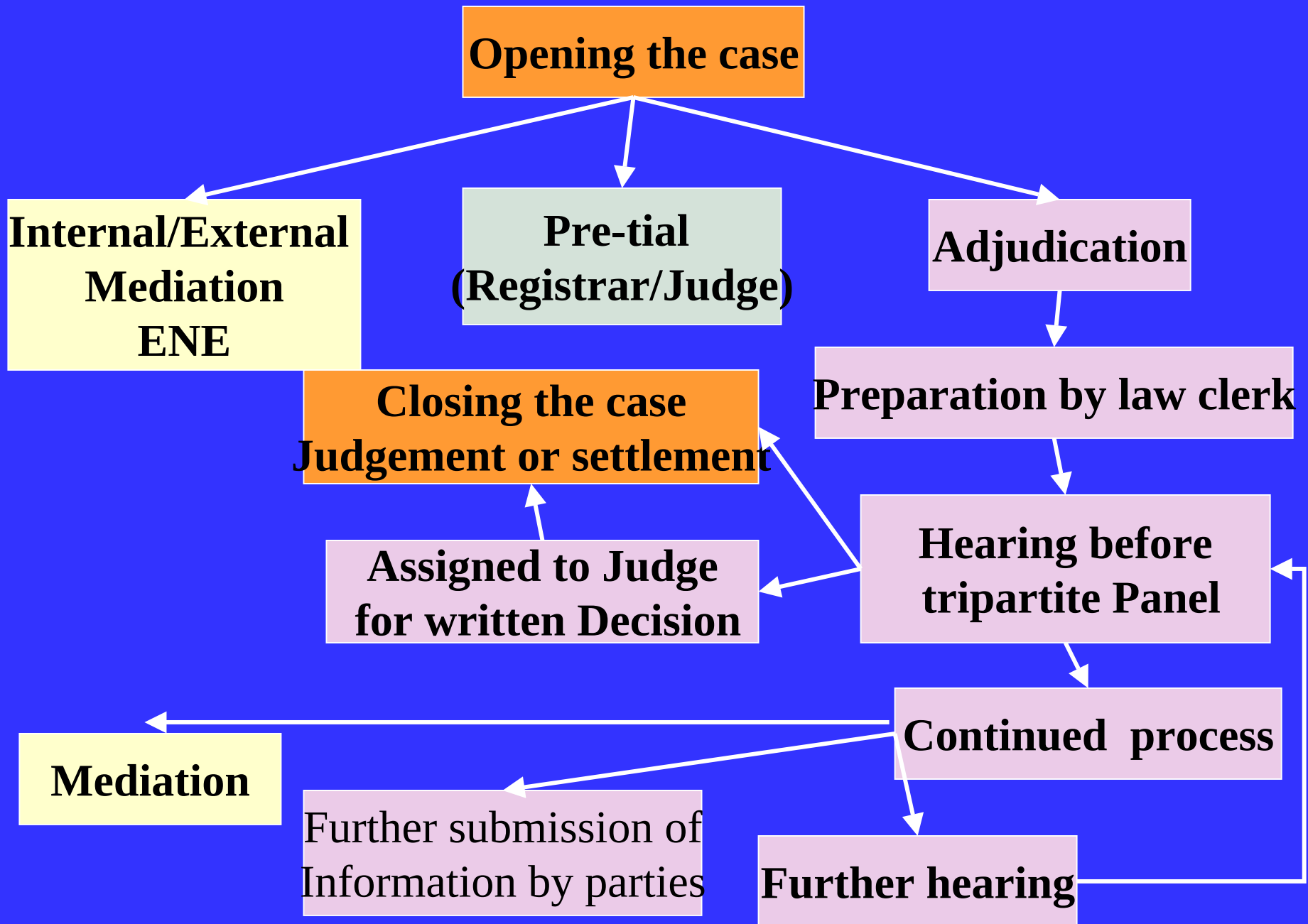
Internal Mediation

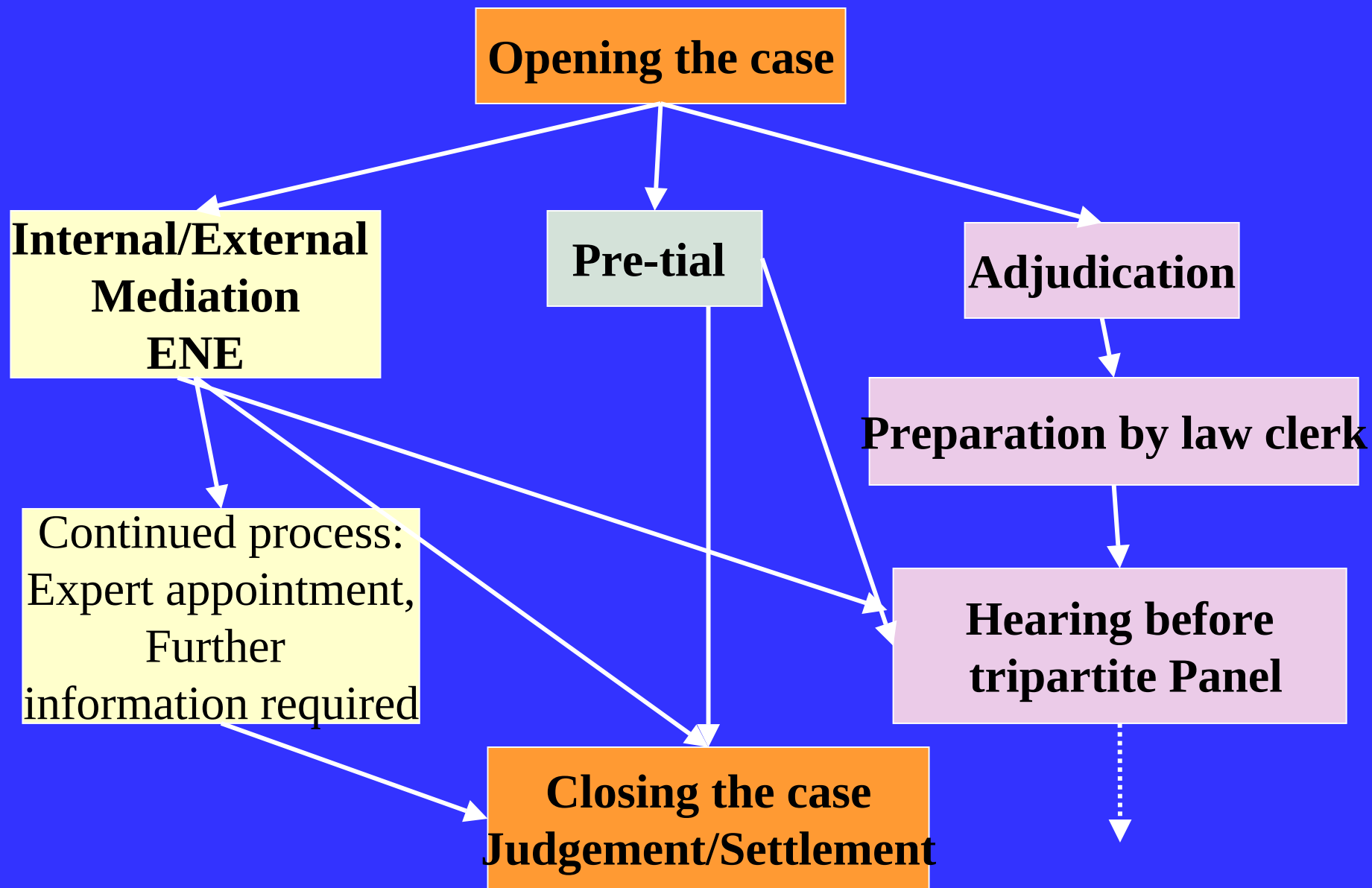
External Mediation

Mediator Appointed by Case Management Department

Mediator Appointed by Agreement of the Parties

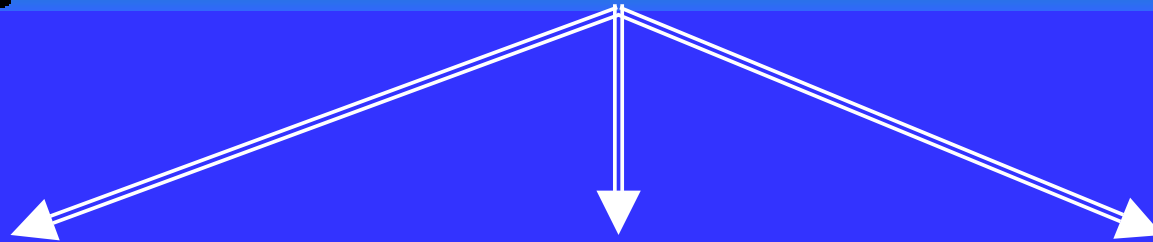
Work Process of the National Labour Court







The Settlement Process



**Settlement
Conciliation**

Fast-track

**By Public
Representatives**

**Mediation
(Internal and
External)**

**Collective
Labor
Disputes**

**Private
Labor
Disputes**

**By Public
Representatives and
External Mediators**

**Neutral Early
Evaluation**

Social Security

**By Experts, Judges and
Registrars**

Social Security

Complaint/Appeal From Social Security decision

דרישה להגיש כתב הגנה ומסמכים רלוונטיים
קביעת מועד דיון תוך 3-4 חודשים
(לפי הסכמה עם הסיוע המשפטי)



Early Neutral Evaluation (ENE) before
Experts, Judges and Registrars

17%



Accessibility of the Labor Court to the Needy

Workers from the
Territories

Foreign
Workers

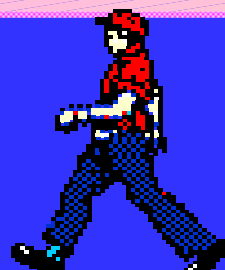
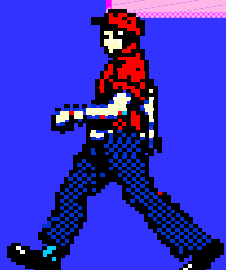
Low Wage Workers

New
Immigrants

Guaranteed Minimal Income,
Unemployment, Assisted Living

Handicapped

The ILL (National Health Insurance
Law)





Duration of the Case

Private Labor Disputes-16 Months

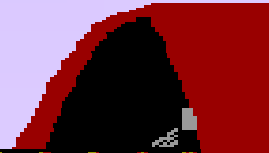
Social Security- 13 Months

Fast-track- 9 Months

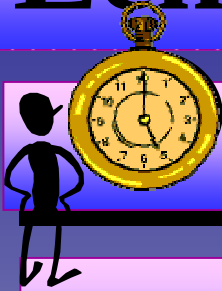
Collective Labor Disputes- 11 Months

Temporary Relief- 6 months

Criminal- 8 Months



Length of {Pre-Trial} Procedure



Private Labor Disputes- 3 Months

Fast-track before Judge- 45 days

Fast-track before Registrar- 2 Months

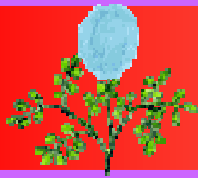
Non-urgent Collective Labor Disputes- 2 Months

Urgent Collective Disputes- up to 48 hours

Social Security (by Agreement with Legal Aid)- 4 Months

Foreign Workers- 1 Week-30 days

Special Projects



Mediation Project

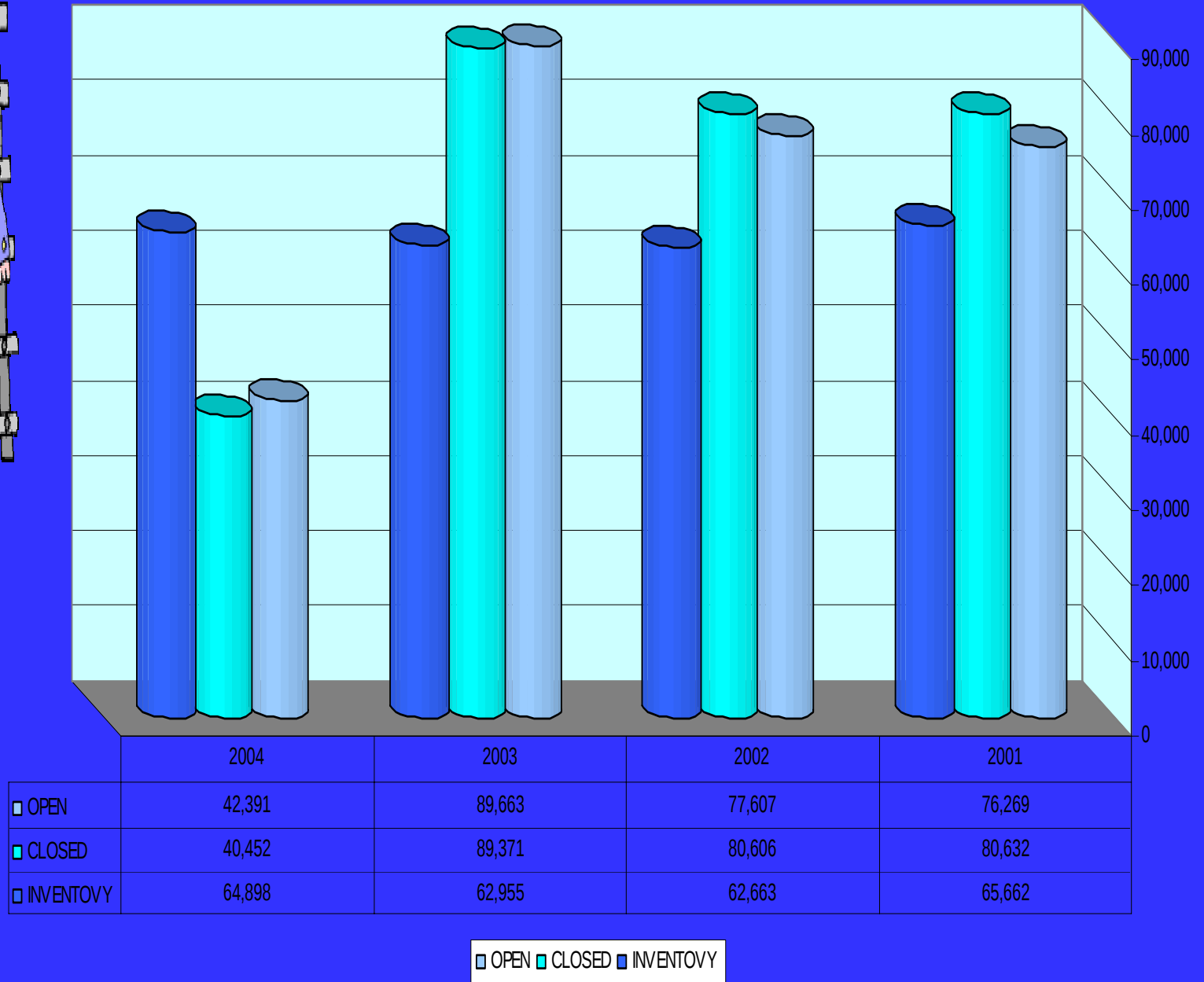
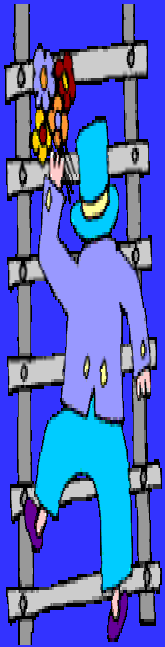
**Pro-Bono
Mediation**

ENE
Early neutral evaluation

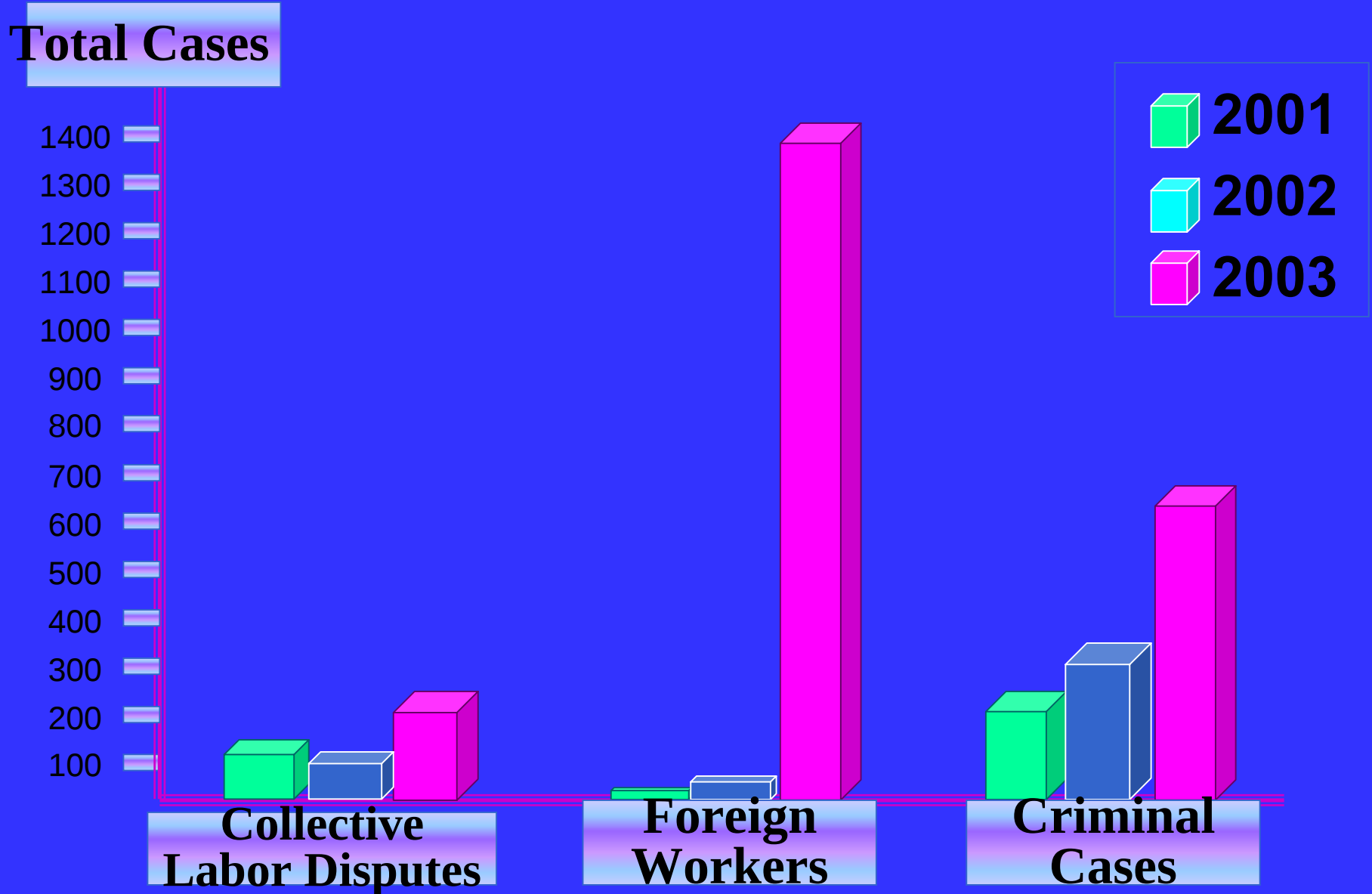
**Lectures Sponsored with
Lawyers Ban Association
and Ministry of Justice**

**Public Relations to
Encourage Mediation**

CASE LOAD 2001-2004



Growth in Case Load



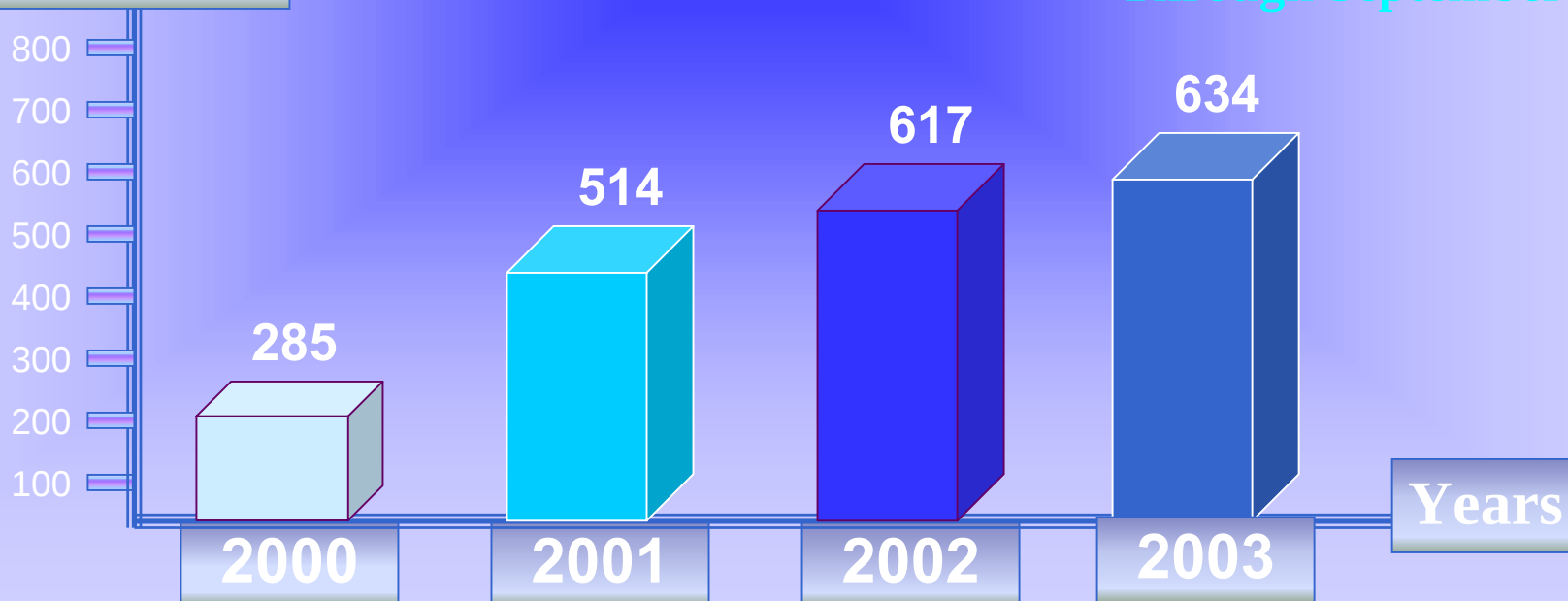
Internal Mediation- Labor Cases-Tel-Aviv



Resolved by Mediation	Heard in Mediation	Referred to Mediation	Year
285	388	1154	2000
514	804	1799	2001
617	1002	1545	2002
634	921	1237	*2003

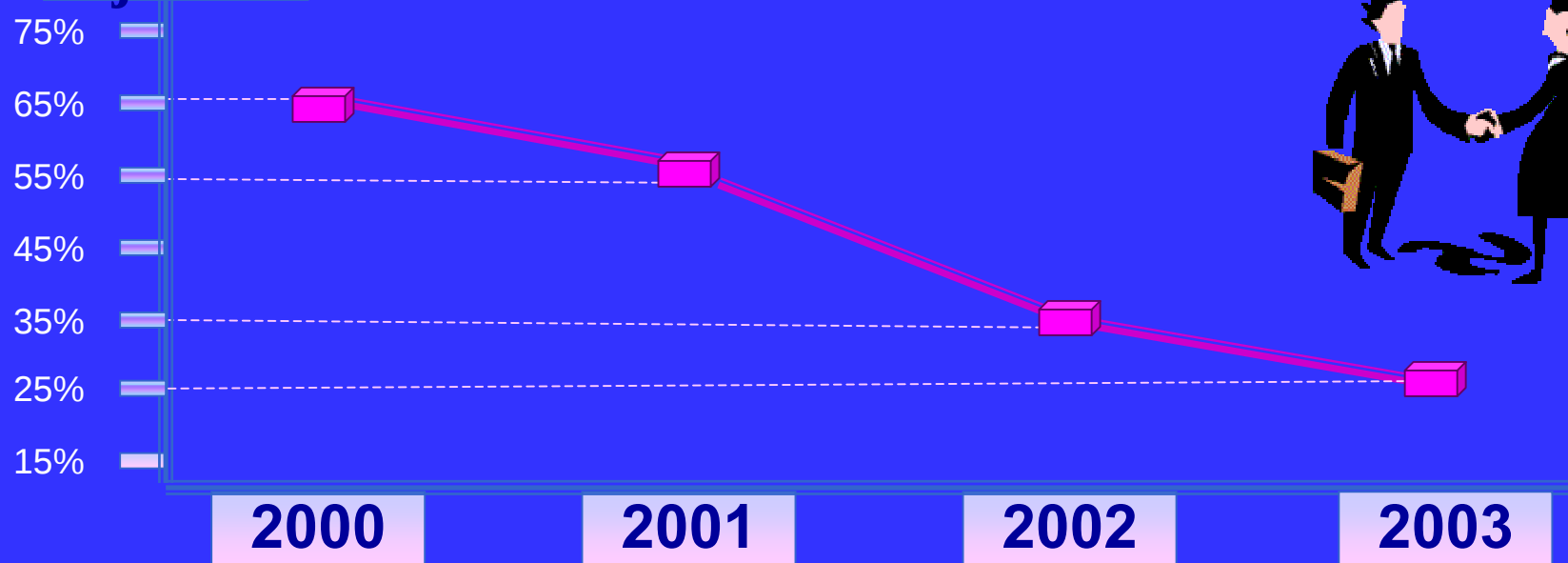
Resolved cases

Through September *



Internal Mediation-Rejection of Mediator Tel-Aviv

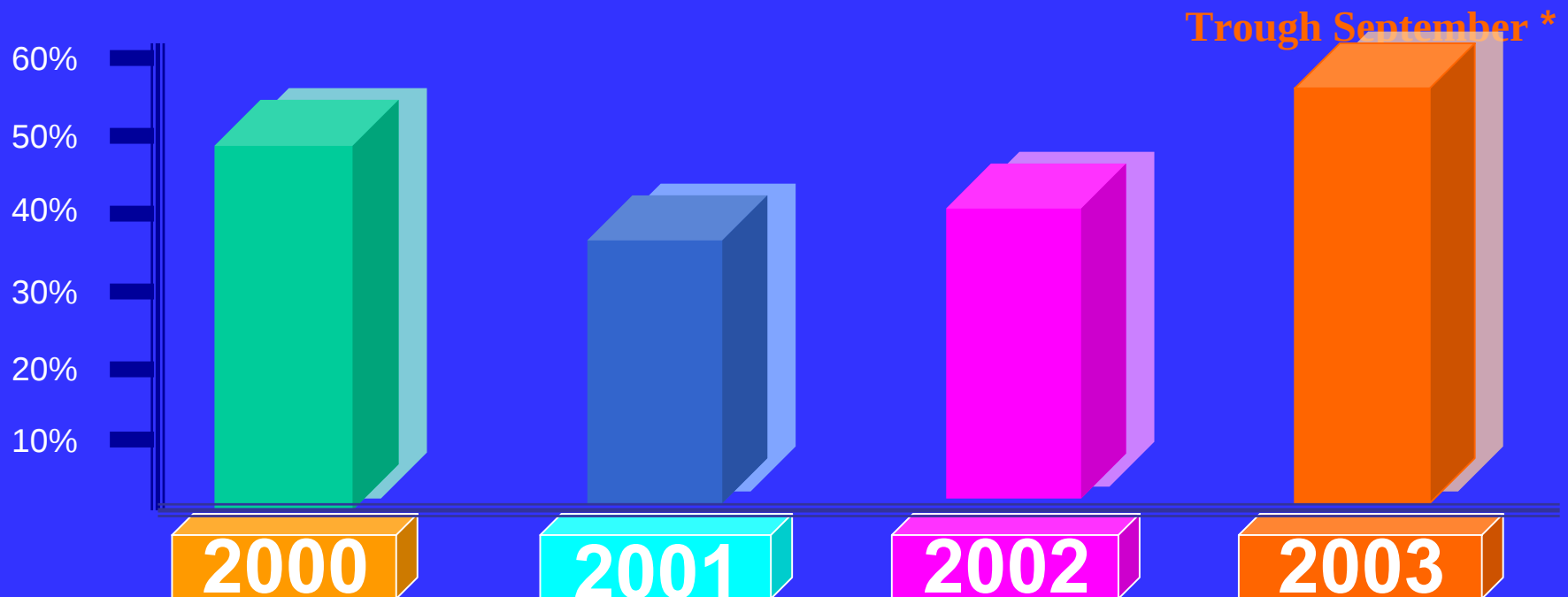
Percent	Rejected	Referred to Mediation	Year
66%	766	1154	2000
55%	995	1799	2001
35%	543	1545	2002
Percent of Rejections	316	1237	* 2003 Through September *



External Mediation-Tel-Aviv

Resolved By Mediation	Heard in Mediation	Referred to Mediation	Year
(56%) 137	(21%) 241	1138	2000
(42%) 110	(43%) 264	612	2001
(47%) 121	(43%) 257	607	2002
(60%) 160	(49%) 265	538	*2003

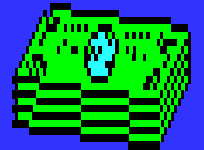
Percent of
Cases
Successfully
Resolved



External Mediation- Rejection of Mediation

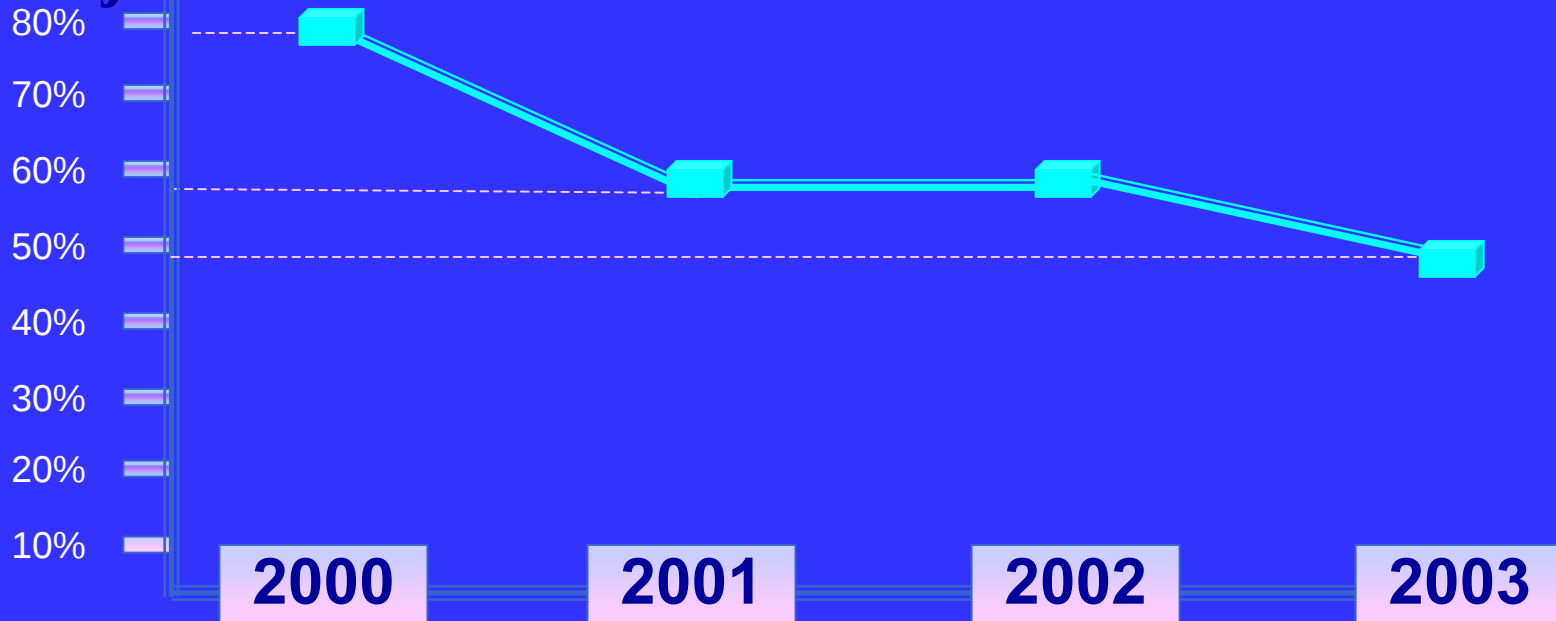


Percent	Rejected	Referred to Mediation	Year
79%	897	1138	2000
57%	348	612	2001
57%	350	607	2002
49%	265	538	* 2003



Through July *

Percent of Rejections



Conciliation- Fast-track cases



Resolved by Mediation	Heard by Mediation	Referred to Mediation	Year
(72%) 1,384	1,926	4,472	2000
(75%) 1,518	2,030	4,581	2001
(78%) 865	1,103	2,395	Through 2002 June
(83%) 1,329	1,605	2,012	Through 2003 August

Percent of Cases
Successfully
Resolved

2003

2002

2001

2000

Due to Budget Cuts*



70% 71% 72% 73% 74% 75% 76% 77% 78% 80% 82% 84%