



Expert Helps Palestine Erect Legal Structure

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a justice system drawn from several traditions

Los Angeles Daily Journal
2000

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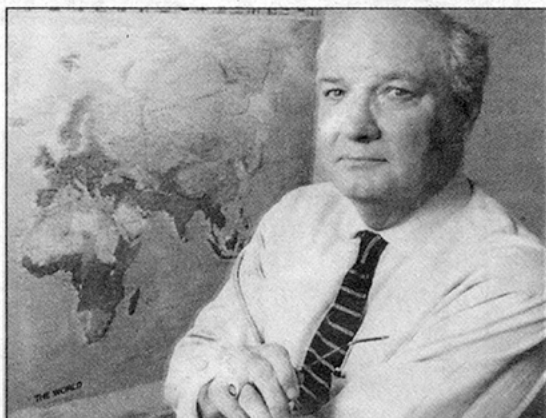
■ The consultant is helping the new nation construct a justice system drawn from several traditions.

By Jean Guccione

Daily Journal Senior Writer

Bill Davis, who once led the state Administrative Office of the Courts, is taking his expertise on courts to Palestine, where he and his San Francisco-based consulting firm will help develop that nation's civil justice system from centuries of diverse and interwoven legal traditions.

The task in Palestine, which is currently expanding its self-governance, will be to create an integrated justice system from vastly different legal traditions in the West Bank and Gaza Strip that have been influenced by Jordanian and Egyptian law and years of Israeli military occupa-



XIANG XING ZHOU/Daily Journal

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"The real challenge here is building a single approach," Davis said, adding that his consultants will "try to identify the solutions best" for Palestine. "It is not necessarily an American system," he said.

Davis' firm, DPK Consulting, won a \$13-million federal contract to help guide improvements in the emerging Palestinian civil justice system. Among its tasks are to create a court-annexed alternative dispute resolution program, develop law school curriculum and assist in continuing judicial education and law revision.

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It is a project of the U.S. Agency for International Development in coordination with the Palestinian government as part of its Palestinian Development Plan. Under the national plan, the Ministry of Justice is overseeing a separate multi-point Rule of Law Strategic Development Plan.

The highly competitive bidding process for the consulting contract began earlier this year, before the most recent peace accord, said Davis, who has lived in the region. (For two years in the early 1980s, he served as personnel officer for the Baha'i World Center in Haifa, Israel.)

The contract is part of the \$375 million in assistance pledged to the area by the U.S. government during the 1993 Oslo peace accords, according to the U.S. Agency for International Development Web site.

With the merger of the West Bank and Gaza Strip under a single Palestinian Authority, the Middle Eastern nation now must consolidate two distinct legal traditions into one justice system, Davis said.

"In essence, the Palestinian Authority inherited a system which was decades old and burdened with an incompatible mix of different legal systems," according to a June 1999 report by the Office of the United Nations Special Coordinator in the Occupied Territories entitled, "Rule of Law Development in the West Bank and Gaza Strip: Survey and State of the Development Effort."

On the West Bank, the legal system is based on Jordanian law and British emergency decrees, the UN report said.

By contrast, the Gaza Strip's legal tradition has an Egyptian orientation borrowing heavily from the Ottoman Empire and English common law, the report said.

Each of those legal systems has an overlay of 30 years of Israeli occupation, complete with more than 1,200 military orders, that has effectively halted the development in the law, it said.

This complex legal heritage will shape the future development

of the judiciary.

"We are not coming in with solutions," Davis said, explaining that he and his consultants will simply offer ideas on how to build the emerging system. "We are interested in collaboration with Palestine."

In recent years, Davis and his firm have worked extensively in Latin America. They helped the Guatemalan judiciary move from an inquisitorial to an accusatory criminal system, and they reorganized the trial courts in two Peruvian cities.

The five-year Palestinian project requires the firm to provide technical assistance on trial court delay reduction and court-annexed ADR programs, and create model court pilot projects in the West Bank and Gaza, Davis said.

Last year, Palestine opened Bireit University Institute of Law, which will host continuing education for both judges and lawyers, the U.N. report said.

DPK Consulting is working in conjunction with other groups; California Judges Association, for example, has signed on to help shape a similar organization, Davis said. The Center for Human Rights & International Justice at Hastings College of the Law, will help

develop law school curriculum and training for law school professors.

The other consulting partners are ARD Consulting in Vermont, the Arab-American Legal Association and the National Center for State Courts.

Davis is now in Palestine, where he will set up an office and meet with local project staff and Palestinian officials. He said he will visit two or three times a year.

During the next five years, Palestinian judicial officials also may visit California as part of the grant for programs.

The principals of DPK are Davis, a former executive for the 9th U.S. Circuit Court of Appeal and state AOC director until 1987, and Robert Page, who succeeded Davis as acting AOC director and served as district executive for the federal courts in the Southern District of New York.

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