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ALBANIAN JUSTICE SECTOR STRENGTHENING PROJECT (JuST)



QUARTERLY REPORT (October – December 2012)

USAID / ALBANIA, DEMOCRACY AND GOVERNANCE OFFICE

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On the cover: Ribbon cutting ceremony for newly-renovated Pogradec District Court. From left to right, U.S. DCM Henry Jardine, Minister of Justice Eduard Halimi, Chief Judge Niko Rapi. During the reconstruction, JuST assisted with the design and furnishing of the court public service and information area, as well as with the publication of an informative brochure and posters.

Introduction

Chemonics International is pleased to present its eighth quarterly report describing the activities of the Albanian Justice Sector Strengthening Project (JuST).

On November 28, Albanians came together to mark the 100 year anniversary of independence – a joyous occasion for all. A month earlier, Albania was granted “provisional acceptance” to EU candidate status, conditioned only on the enactment of three pieces of pending legislation remaining from last year’s twelve priorities from the EU Progress Report. While the outlook for completing these remaining requirements initially looked promising, by the end of the year Parliament had returned to the political stalemate of the past few years, with no action but plenty of finger pointing. With national elections scheduled for June, Albania is entering a period of political uncertainty and possible turmoil.

The JuST team was challenged by absences in three positions, two due to maternity leave and one due to the departure of the Component 3 Team Leader to accept an academic scholarship abroad. The team is now accustomed to taking on additional responsibilities, and that willingness, coupled with valuable additional support from the home office and temporary short-term assistance all contributed to a successful quarter. A thorough recruitment for the Team Leader vacancy was completed, and a candidate identified. Filling this vacancy is expected to inject new energy into project activities, especially those related to the third component.

During the quarter, a number of tasks called for in the project work plan were initiated and completed, as outlined below.

Highlights and Deliverables Completed this Quarter

- JuST convened its Digital Audio Recording Advisory Board on October 18.
- Additional courts were added to the total receiving digital audio recording equipment and training, bringing the total to eleven courts.
- The Electronic Calendaring System for scheduling court hearings has now been installed in six courts.
- JuST held the first regional Court Leadership Conference in Korçë on December 18.
- JuST sponsored a study tour to Washington for the Union of Albanian Judges.
- The fourth issue of *Avokatia*, the bar journal of the National Chamber of Advocates, was published and distributed.
- JuST sponsored a study tour of University of Tirana Law Faculty (UTLF) law professors to legal clinics in Poland to gain practical experience on how to establish a sustainable legal clinic in Albania.
- The Donor Coordination Group, initiated and hosted by JuST, continues to meet quarterly and produce a widely-circulated bulletin, *Connections*, on justice sector projects.

Technical Activities by Project Component

JuST works in three strategic areas. First, working with justice sector institutions, it aims to increase court transparency, fairness, and efficiency. Second, working with civil society organizations and the media, it seeks to promote accountability from the “grass roots” level

by bolstering their watchdog and anticorruption roles. Third, recognizing the importance of well-trained professionals, it is working to strengthen the legal profession and legal education. The project is part of ongoing U.S. support to the rule of law and good governance in Albania, with an emphasis on improving justice delivery and increasing public demand for accountability in the justice sector. The following describes the specific activities initiated or completed during the first quarter of the third year of this five year project.

Component One – Increased Court Transparency, Fairness, and Efficiency

The first component of the project is focused on court operations through a number of strategies designed to address the lack of transparency and organizational deficiencies which continue to impede the ability of the Albanian judiciary to implement meaningful reform. Intervention results include: a) more accurate trial records; b) more efficiently-run courts that are more open to the public; and c) reduced case backlogs.

JuST is advancing these objectives through direct support to the courts in establishing systems for producing and making available verbatim records of legal proceedings; technical assistance to promote greater use of public courtrooms for the public benefit; better court management practices; and assistance to selected pilot courts to introduce and expand the use of mediation for resolving commercial and family law disputes.

More Accurate Trial Records through Digital Audio Recording

JuST's most visible and important initiative is the implementation of digital audio recording capability for the Albanian courts. During the quarter, JuST completed installation and training in the District Courts of Pogradec, Dibra, Mati, as well as the Serious Crimes First Instance Court and the Tirana Appellate Court. JuST completed training of court secretaries in the Serious Crimes Court in December, with plans to train the judges in early January. Now that installation is complete, training will also be scheduled for the Tirana Appellate Court early in the next quarter.

Implementation is becoming less challenging with each new court as word spreads within the court community that the technology is easy to use. The JuST training component has developed an efficient methodology over time, and is able to anticipate most questions. The "Instruction" issued by the Minister of Justice in June, as well as strong and often-repeated public statements by justice-sector leaders on the importance of audio recording have been major factors in overcoming any lingering resistance to change. JuST is also working to ensure that amendments currently being drafted to Albania's civil and criminal procedure codes fully support the use of recording technologies. Working closely with USAID, JuST has submitted language to working groups tasked with updating Albania's procedure codes. The draft language was distributed for comment to judges at the Regional Court Leadership Conference in Korçë on December 18.

Another important element of the Ministry's Instruction has been the requirement that court chancellors report monthly on implementation progress. The JuST team quickly moved to develop a measurement format for court chancellors to comply with this requirement, first manually and then electronically. With technical help from an IT programmer, JuST has developed an automated report for capturing data on digital audio recording usage. This data

can be displayed various ways, including through visual graphics. In the near future, these graphical reports will be part of the newly inaugurated court portals. Regular tracking of the percentage of all cases that are audio recorded, and making the statistics publicly available not only reinforces the message on the importance of capturing a verbatim record, but also contributes to “peer pressure” among courts as well as individual judges to follow standardized procedures.

While technology will not solve all the problems facing the judiciary, it is a necessary first step toward greater transparency and fairness. Easy public access to session recordings is crucial. To facilitate public access, JuST has developed procedures, forms, and workflows to be used in making available CDs of court proceedings. Following a period for gathering comments from chief judges and court personnel, the procedures were finalized and packages of instructions and signs are being provided to each court at the conclusion of the installation and training process.

Another element designed to ensure full implementation is a series of court leadership conferences to be held in each appellate district following the completion of installation and training of every court in each district. The Korçë district was the first to have all courts online with the new technology, and thus the first region to hold such a gathering on December 18. All judges, chancellors, court secretaries, and IT heads attended. Following welcoming remarks by senior officials from the Ministry of Justice, High Council of Justice, and USAID, the group was broken down by profession to discuss issues related to their respective roles. In this way, the JuST team received feedback on our training approach, best practices and suggestions emerging from practitioners, possible legal impediments or issues, and the general level of acceptance and comfort with the changes. This practice will continue with the next appellate district, Durrës district, to achieve full implementation.

Improved Court Management Leading to More Transparent and Efficient Court Operations including Court Hearings that are More Open to the Public

An important project activity is technical assistance to the Tirana and Durrës District Courts to increase the utilization of court rooms and reduce the number of cases heard in judges’ chambers that are not accessible to the public. The first step was to document the extent of the problem, which was done early in the project by two experts from the Federal Judicial Center, who designed and carried out a courtroom usage study. The results of the study quantified the extent of the problem and established a baseline for future work.

An experienced court manager from the United States spent six months working in both the Tirana and Durrës District Courts, suggesting solutions and solving problems, but with only limited success. Although the leaders of both courts showed commitment to better management practices, practical considerations impeded progress. A major breakthrough occurred when JuST developed real-time courtroom scheduling software by using data already being entered into case management system. This software has led to changes not only in the two largest courts, but in other courts as well. Even smaller courts must schedule courtrooms, and the “Program for the Management of the Judicial Sessions Calendar” or “PAKS” has proven to be so useful that it will now be incorporated into every court’s case management system. It has been installed in Korçë District and Appellate Courts, Kavaja, Lezha, and Pogradec.

The next step in the evolution of PAKS was to link the court scheduling data with the audio recording data. This activity was completed during the quarter, and will soon be installed in each court running the digital audio recording software. PAKS will permit real-time monitoring of both courtroom scheduling and audio recording usage – a prerequisite for full implementation. These advances by themselves do not result in well-managed courts. However, they are important building blocks toward a professional approach in court administration and greater court transparency.

The JuST team continues to push the issue of court transparency and public access to court proceedings in courtrooms rather than offices. The team met with the interim Chief Judge of the Tirana District Court in November. Though he had good ideas for addressing this problem, the reality is that until he (or someone) is formally appointed to the position, it will be difficult to introduce more changes.

Reduced Case Backlogs through Implementation of Mediation

JuST continues to support the two court-connected mediation programs in Korçë and Durrës. In addition, with the award of a grant to the “Community Center of Gjirokastra,” a local NGO, mediation services are being expanded to the southern communities of Gjirokastra, Permeti, and Saranada. As described on page 7, the new program has already handled 21 mediation cases.

In addition to supporting specific mediation programs, the project has also worked to support the establishment of a National Chamber of Mediators as authorized in the mediation law. JuST considers the establishment of the chamber to be a high priority, since the chamber will be the appropriate body for addressing issues on the legal framework and the fee structure measures that hopefully will make mediation less donor-dependent and more self-sustaining.

For the past two quarters, JuST has played the role of facilitator, convening two large meetings of licensed mediators and regularly hosting meetings of a working group charged with the task of drafting bylaws for the new chamber. JuST also allocated space on <http://www.justforumalbania.org/portal.php> for mediators and working group members to post drafts and commentary on the documents relating to the establishment of the new chamber. As new mediators are licensed, they are introduced to the Forum and given usernames so that they may participate in the ongoing discussions.

On December 15, a meeting of mediators was held on the premises of the Ministry of Justice for the purpose of presenting, discussing, and hopefully approving the draft statute developed by the working group. As described in the section on “challenges ahead,” although a statute was approved, the vote took place only after one faction of mediators walked out in protest, calling into question the legitimacy of the process.

Improving Public Information Offices of the Courts

A relatively small but still important objective of JuST is to increase access to justice by improving public information areas of courts. During the quarter and in cooperation with the Office of Judicial Budget and Administration, JuST engaged the services of an architect to assist in the design and layout of the public information area of the Pogradec courthouse renovation. The public information office and the entire courthouse was inaugurated on

December 3 in a ceremony presided by the Minister of Justice, the Deputy Ambassador, and the Chief Judge (see cover photograph). JuST is working on a similar project in the Kavaja District Court, an initiative which should be completed in the next quarter.

Challenges Ahead for Component One

An ongoing challenge facing JuST is the acceptance of new recording technology, simply because technology represents change and change can be threatening. JuST has successfully managed this challenge so far through a combination of strategies involving awareness-raising, selecting early courts based on leadership characteristics of the chief judge, and convening regular meetings of the Audio Recording Advisory Board, which has been instrumental in ensuring buy-in and understanding by justice sector leaders.

On the mediation front, the sustainability challenges identified in previous reports remain and new challenges have arisen. For the past six months, JuST has facilitated a process intended to establish the National Chamber of Mediators. The inability of the mediators to resolve an issue of voting rights of mediators with *individual* licenses versus mediators who operate within NGOs granted *organizational* licenses has stalled progress. Although the statute for the Chamber was “approved” on December 15, the process took place amid an atmosphere of considerable acrimony, and its legitimacy was immediately and publicly challenged by one faction. As long as the Chamber’s legitimacy remains unresolved, JuST has no project counterpart through which larger objectives can be pursued.

Component Two – Strengthened Civic Engagement to Help Stem Governmental and Justice Sector Corruption

The second component of JuST is designed to increase the organizational capacity of CSOs, promote stronger and more effective civic participation, increase public awareness of corruption, and bolster the role of media in investigating and reporting corruption cases.

Capacity Development for the Union of Albanian Judges

JuST is working to strengthen the institutional and technical capacities of the Union of Albanian Judges (UAJ). Over the past year, JuST has facilitated a strategic planning process for the UAJ, overseen the development of professional staff, assisted the UAJ as it acquired office space and registered with the tax authorities, and supported an important UAJ-convened conference of judges to address challenges facing the justice sector. As a result of these activities, the stature of the organization has grown. The membership has steadily expanded, adding 41 new members during the quarter to reach 171 by year’s end. The UAJ is increasingly being asked to provide judicial perspectives on a variety of justice-related matters.

During the quarter, JuST supported the UAJ by organizing a study tour to permit a two-person delegation from the UAJ leadership, accompanied by DCOP/Component 2 Team Leader Elvana Gadeshi, to attend the 55th Annual Meeting of the International Association of Judges (IAJ), held in Washington from November 11 through 15. This was a significant opportunity for several reasons. Participation at the IAJ conference was necessary for the UAJ to upgrade its membership status from “extraordinary member” to full member with all the rights and voting privileges of existing judicial associations. As part of the initiation to full membership, the UAJ will be monitored by the IAJ for one year, a process designed to

legitimize the UAJ as an independent and non-political representative of the judiciary in the Albanian legal sphere. The conference provided a unique opportunity to connect the UAJ delegation with other judicial associations throughout Europe and the world.

Following the conference, JuST organized additional meetings at various judicial institutions in Washington, including the Federal Judicial Center, the National Center for State Courts, and the Administrative Office of U.S. Courts. Chemonics home office staff facilitated a speaking opportunity that gave study tour participants practice in representing the UAJ. The delegation, with JuST staff support, made a presentation before a diverse audience of approximately 40. The discussion focused on issues such as the UAJ's mission, vision, and objectives; USAID/Albania assistance to strengthen the organizational and advocacy capacities of the UAJ; and the major challenges facing the Albanian judiciary. This public event led in turn to a television interview the following day with the Albanian section of the Voice of America. The interview with UAJ Chairman Ervin Metalla was broadcast live throughout Albania, further raising the profile of the UAJ.

During the quarter, the UAJ continued their educational activities on issues important to the Judiciary. A policy paper entitled "The Union of Albanian Judges' Position Regarding the Improvement of the Judiciary's Accountability without Harming its Independence" was produced and made available to all justice sector institutions and media in Albania. The paper covered issues such as the independence of the judiciary; efforts to establish a merit system for career judges; full transparency, not only with regard to judicial proceedings but also including public monitoring as a means of increasing accountability in the exercise of judicial functions; and building public trust.

The UAJ also signed a cooperation agreement with two private universities, Luarasi and Marin Barleti. Through this agreement, seniors from the universities will be offered internships at the UAJ office with the opportunity to participate in all activities of the Union and gain experience with court operations and procedures. Currently, five students in their senior year are participating in the internship program.

Justice and Good Governance CSO Grants Program

An important element of USAID assistance to Albania is strengthening civil society as a means to increase citizen participation and achieve greater transparency and accountability from governmental institutions.

Grants Status

During this reporting period, the second Annual Program Statement (APS 003) remained open. JuST remains committed to encouraging CSOs to submit proposals with a good chance for producing measurable and tangible results. Activities in previous quarters have been designed to maximize the potential number of high-quality, relevant proposals. As a result, the quality of proposals has improved. One grant was approved during the quarter, and a second grant was in the final stages of approval. In addition, four concept notes have been submitted by local NGOs. Current grants include:

Mediation and Restorative Justice in Gjirokastra, Saranda, and Permeti: This project, proposed by the "Community Center of Gjirokastra," commenced activities on October 1,

2012. The objective of this 12-month project is to promote the use of mediation and restorative justice practices to solve community problems in Gjirokastra, Saranda, and Permeti.

The project operates at three levels. The first level is broad in scope, and focuses on raising public awareness of mediation and restorative justice practices through activities such as public meetings, especially in rural areas. The second level consists of increasing the capacities of public employees, civil society representatives, and the business community who are in constant contact with citizens and potential beneficiaries of mediation and restorative justice services. The third level is concentrated on increasing knowledge through exchanging experiences and building bridges between law enforcement agencies (including courts, police, and prosecution), and the Gjirokastra Mediation and Justice Restoration Office.

During the first weeks of project implementation, the project coordinator held meetings with the chief judges of the District Courts of Gjirokastra, Permet, and Saranda to introduce the project and begin operations pursuant to a previously signed memorandum of cooperation. In addition, the project reached out to the Director of the Gjirokastra Probation Office and the mayors of communes Lunxheri, Picar, Cepo, and Libohove, as well as the head of the regional department of police. These outreach efforts were designed to introduce relevant officials to the project and promote the use of mediation in appropriate cases.

During the first quarter of operations, the main achievements are listed below:

- On October 30, a study visit of mediators from Gjirokastra, Permeti, and Saranda was organized by the JuST team to the Durrës Mediation Office. Since the Durrës office is well established, this “internal study tour” provided an excellent opportunity to observe the process of case administration and to examine case files. Many of their questions were addressed, including those regarding mediation practices and techniques, registration of cases, data gathering, and case follow-up.
- As a result of close collaboration between the Community Center and the judiciary in Gjirokastra and Permet, both courts made available office space in the courthouses for mediation services.
- Twenty one mediation cases have already been initiated in Gjirokastra (12), Tepelene (1), Permeti (4), and Saranda (4). Fourteen of the 21 cases were successfully mediated during this first reporting period for the new grant.
- The ceremonial inauguration of the mediation office in the Gjirokastra District Court has been set for January 18, 2013, and the Minister of Justice has confirmed his participation.

Grant Coalition: The coalition of three organizations (“Women to Women” from Shkodra, “Women Forum” from Elbasani, and “Center for Legal Civic Initiatives” based in Tirana) is currently implementing a JuST grant-funded project and making good progress on their work plan. During this quarter, free legal aid has been provided in 26 cases involving women and girls from Tirana, Shkoder, and Elbasan, all victims of domestic violence. In addition, the “pro bono” team continues to collect data through monitoring case files in four target courts.

ANTTARC (Albanian National Training and Technical Assistance Resource Center): The project titled “Knowing and Using the Mediation Service in the Regions of Korçë and Durrës” is being implemented by ANTTARC. The objective is to increase the level of public awareness regarding the use of mediation services in civil, commercial, family, penal, and labor cases. Potential mediation beneficiaries are selected based on a participatory process facilitated by local coordinators and local experts. Initial meetings with stakeholders are used to identify potential participants. The development of the mediation awareness raising methodology is carried out by experts in three areas: national, local, and media/PR advisor. The methodology takes into consideration, among other factors, the importance of understanding mediation by project beneficiaries in both urban and rural areas. Though the basic methodology is similar for both districts, the approach is tailored to the specific characteristics of each community.

During the quarter, the ANTTARC project accomplished the following activities:

- Increased the visibility of local mediators by updating and publishing the names and contact numbers in the courts and main public institutions.
- Conducted informative meetings in Durrës and Korçë with representatives of the judiciary, civil society, and other local stakeholders.
- Produced a package of materials, including leaflets, posters, and multimedia presentations, designed to reach potential mediation beneficiaries. The multimedia presentation and list of mediators is being broadcast twice per week by the local television station.
- In cooperation with commune mayors, conducted six information sessions for marginalized groups and students in rural areas reaching 154 people. Many have family, social, or property conflicts and were not aware of the possibility of resolving these conflicts through mediation. The sessions highlighted the fact that the mediation process produces an executive act recognized by the court.
- Developed and conducted a mediation advocacy campaign for the cities of Durrës and Korçë. The campaign focused on judges, lawyers, notaries, and other legal or commercial professionals and promoted the use of mediation in civil, commercial, labor, family, and criminal cases.

These activities are part of a long-term strategy to raise awareness regarding various alternatives to resolve disputes, thereby enhancing justice and reducing some of the workload on the courts.

Justice Reporting Fellows: Training and Independent Venue for Investigative Journalists

The Albanian Journalists for Justice Association, an organization proposed by journalists during the Justice Reporting Fellows training program, became legally registered as an NGO in the Tirana District Court on October 30. A transition board of directors is organizing the first association general assembly to elect a permanent board and establish the organizational structures as required by the association’s statute.

JuST is supporting the new association in a number of ways, the most significant being the development of an independent media venue for investigative journalists. JuST investigative

reporter advisor, John Holland, has been working closely with an IT programmer and website designer to develop all the features of the new online media venue. The website has been finalized and will be launched early in the quarter. All justice reporting fellows – including not only those from Tirana but also from Gjirokastra, Elbasani, and Shkoder – have been trained on how to maintain the new website, upload stories, and moderate the venue. A manual for users has been produced.

Investigative stories have been written for the launch of the new website. Editorial director, Fatmir Popja, was elected by the investigative reporters and engaged part-time by JuST. He is working closely with John Holland to screen articles and select the best ones for publication on the venue. He is also working to ensure that each piece meets high journalistic standards by reviewing each story for accuracy and fairness and examining the documentation associated with the reporting. The reporters and the Investigative Reporter Advisor are selecting the best stories for the launching of the website on January 29.

JuST Forum Albania

Established early in the project as a discussion forum for selected CSOs, the online forum continues to expand to serve new audiences. During the quarter, JuST set up a separate discussion forum for licensed mediators, providing an online area where working group members could post drafts of work products and solicit comments. This was especially useful as a means of circulating working drafts of the statute and bylaws for the new chamber of mediators. As additional persons were licensed, JuST contacted them with information on how to use the electronic forum. At the end of the quarter, the number of licensed mediators registered on the forum was 84. The mediation topics posted was 19. Viewers or hits on these topics totaled 113. In addition, the forum continued as the primary vehicle for communicating information on the grants program, with hits on this area reaching 113. In all, the total number of viewers on JustForumAlbania for the quarter was 662.

Challenges Ahead for Component Two

During the quarter, all activities proceeded as planned. The capacity of CSOs to produce quality concept notes and grant proposals remains an ongoing challenge requiring JuST assistance. As the independent journalism center is beginning to take shape, one challenge will be to launch the web venue with enough high-quality investigative pieces to capture the attention of a wide audience and build momentum for its continuation. So far, it appears that everything is in place for a successful launching. The challenge will come in maintaining the number and quality of pieces necessary for success.

Component Three – Strengthened Legal Profession

The third component of JuST is designed to address the lack of competency and professionalism among practicing attorneys as an element of a larger strategy to combat corruption. A number of activities are underway as methods for strengthening the legal profession.

Develop and Implement a Continuing Legal Education (CLE) Program

JuST continues to support a better-prepared and more capable legal profession. During the first two years of the project, considerable effort was devoted to encouraging the National Chamber of Advocates to establish a program of Continuing Legal Education (CLE) along the lines of existing programs throughout Europe and the United States. Beginning with regional chambers of advocates, high-quality and popular CLE training programs were established on a pilot basis in Durrës and Vlora, with plans to expand to a third chamber during this past quarter. On a parallel track, JuST worked with NCA leadership to draft language to be included in amendments to the Law on the Legal Profession making CLE mandatory for all lawyers. Mandatory CLE will bring Albania in line with the legal education practices of virtually all other European countries, and is a prerequisite for long-term sustainability. The amendments were enacted in September as drafted and came into force this quarter. They require, among other things, continuing legal education to be phased in over a one-year transition period, presenting both an opportunity and a challenge.

Despite the momentum built up over the past year and culminating in the passage of the new law, the final quarter of 2012 must be considered a disappointment. Plans developed in September to launch CLE in the third chamber in Fieri, with 130 lawyers and assistant lawyers, stalled despite strong local support. In a late-quarter meeting with the NCA leadership and the training center subcontractor, the Chairman explained that Tirana local chamber elections and other business – including discussions to establish a National School of Advocates similar to the Italian model – had diverted his focus from implementing CLE in the third chamber. The chairman pledged to finalize a second-year agreement with the subcontractor, continue with second-year classes in Durrës and Vlorë, and expand the program to the Fieri Chamber of Advocates. Working with our training subcontractor, ACLTS, it is projected that CLE training will reach 500 lawyers and assistants during the current phase.

JuST will continue to assist the National Chamber of Advocates in preparing for the expansion of CLE as now mandated by law. Current plans call for building the School of Advocates around the successful and expanding regional CLE programs.

Establish a Bar Journal with the National Chamber of Advocates

USAID support to the National Chamber of Advocates for establishing a bar journal is part of a larger strategy for strengthening the legal profession by raising standards and instilling a sense of pride among practicing attorneys. During the quarter, the fourth issue of *Avokatia* was published and distributed, and the fifth issue was nearing publication as the quarter came to a close.

The commitment to continue the journal appears strong. The quality of the publication continues to improve. The editor-in-chief is effective in soliciting articles and working with the editorial board. The National Chamber of Advocates is assuming a larger share of editorial work and costs of production during the project's third year. Suggestions from JuST offered in a "*Discussion Paper on Bar Journal Sustainability*" last summer are being followed. Among other things, JuST recommended increasing lawyers' input through targeted articles from local chambers and law firms, more stringent editorial review, and steps to acquire the status of an academic publication. The strategy appears to be taking hold.

The final element necessary for long-term sustainability will be the conferring of academic status to *Avokatia*. With such status, law graduates pursuing doctoral studies will be able to meet their requirements for publishing in accredited journals by writing for the bar journal.

Magistrates School Database

During the last quarter of 2012, work was completed on the database of Unifying Decisions of the High Court, found here: www.jurisdocsmagjistratura.edu.al. The database designer hired by JuST and the database methodology expert, together with Magistrates School students, completed uploading 400 decisions to the database and corrected mistakes encountered in the process. Since errors made by students in uploading decisions could not be corrected before they returned for the new academic year in October, the Magistrates School Director requested a postponement in the planned public launching of the database. This postponement provided additional time to address issues in the user interface raised by the Magistrates School and by JuST. By the end of the quarter, the interface had been thoroughly tested and a public launching event will be organized early in 2013.

Clinical Legal Education Program

During the quarter, JuST continued to work closely with the UTLF to accomplish steps recommended by legal clinic expert, Professor Martin Geer, during his technical assistance visit to Albania. Tangible progress was seen by the creation of a new and more effective board for the legal clinic; the preparation of the curricula (syllabi) for the elective courses in three departments; faculty development steps; and additional administrative needs. Two important recommendations focusing on near-term faculty development needs included: (1) establishing contacts with legal clinics and public interest organizations in Europe for possible long-term partnerships for institutional development and experience sharing; and (2) making contact with the Polish Legal Clinics Foundation to enroll selected faculty members in training courses in Krakow and Warsaw.

The planned study visit to Poland by four professors and JuST Legal Specialist Jonida Dervishi took place from October 15-19. The objective of the study visit was to address the lack of clinical teaching methodology expertise and create a group of faculty members with the skills to teach at the UTLF legal clinic. Four programs were visited: Academia Iuris Foundation Legal Clinic; the Kozminski University School of Law and Administration Legal Clinic; the University of Warsaw School of Law and Administration Legal Clinic; and the Jagiellonian University School of Law and Administration Legal Clinic. The faculty delegation also had an opportunity to work with the Polish Legal Clinic Foundation and take part in interactive training related to clinical education methodology, teaching, and brainstorming with counterparts on sustainability issues related to clinical education. As the Polish and Albanian legal education systems share common features, the discussions were particularly fruitful in identifying key issues to develop and sustain a legal clinic at UTLF. The delegation came away with not only personal contacts but also materials, forms, and templates which will assist them in developing the program in Tirana.

Following the visit, the Legal Clinic Board met on November 7 to discuss what they had observed in Poland and identify next steps where JuST assistance might be helpful. They expressed their commitment to move forward with a legal clinic as part of the academic program beginning next semester. Ideally, this would include a live client clinic offering legal

advice, but at minimum it would include with an academic course which may not deal with clients immediately. They request JuST assistance in translating materials from Polish and English, which was completed and shared with the Legal Clinic Board. Currently, the Board is working on adapting these rules and standards to their local context.

The Board also committed to working on an action plan and draft budget and submitting both documents to JuST by the beginning of December. However, the need to engage an architect for estimating the costs of reconstruction of the designed premises for the clinic has caused delays in the preparation and submission of the budget.

Law School Career Day

JuST is collaborating with UTFL to organize the first career day for law students graduating at the end of this academic year. Unlike other job fairs, the Law Students Career Day is not aimed simply at finding jobs for graduating seniors; rather, it is designed to expose students to potential avenues for postgraduate studies or work and travel programs available in foreign countries. The rationale for this type of program is the insufficient job market for students graduating from a three-year bachelor program in law.

Following discussions with the Dean and after reviewing similar activities, JuST decided to develop this activity through a fixed-price subcontract. A scope of work was drafted and shared with the Law School. Subsequently an RFP on the Career Day was issued in late November. The deadline for submission was December 3, 2012, and after the customary proposal evaluation procedures were completed, the American Chamber of Commerce in Albania was invited to negotiate a contract.

Following consultations with the Dean and Vice Dean and taking into account student exam schedules, the second week of March was determined to be the optimal time to stage the Career Day. Anticipated results include:

- An increase in employment, internship, and scholarship opportunities for students;
- An increase in student demand for organizing similar events/activities; and
- Acquisition of experience by UTFL to organize similar events in the future.

Challenges Ahead for Component Three

With the selection and approval of a new Component 3 Team Leader close to final at the end of the quarter, renewed energy will be focused on achieving measurable results with sometimes-challenging partners. Much will depend on the relationships that are developed and the ability of the JuST Team to move things forward.

Relationships with the NCA are good, but the organization continues to be a challenging partner. It lacks the organizational infrastructure and staffing to provide the kinds of services its members deserve. The one-year transition period to establish nationwide CLE will require much more planning and commitment to implementation than has been evident thus far.

The path to establishing a clinical legal education program at the UTFL has not always been smooth, but progress has been made following the study tour to Poland. JuST will continue to work with the Legal Clinic Board to determine how best to assist in the implementation of current plans.

Performance Indicators Report for Year 2/Q4

CUMULATIVE PERFORMANCE INDICATORS REPORT											
Indicator	Year 1			Year 2			Year 3			Comments	
Baseline	Target (Y1)	Achieved (Y1)	Performance against Targets (%) (Y1)	Target (Y2)	Achieved (Y2)	Performance against Targets (%) (Y2)	Target (Y3)	Achieved as of December 2012	Performance against targets as of December 2012		
Component 1: Court Transparency, Fairness and Efficiency											
1.1.1. Number of justice sector personnel in the courts that received USG training	0	100	169	169%	250	360	130%	400	414	103.5%	<p>The number of justice sector personnel who have received USG training during the period October-December 2012 is 54.</p> <p>The project has trained session secretaries, IT officers, and Chancellors of the First Instance Serious Crimes Court and the Mat, Dibër, and Pogradec district courts.</p> <p>Gender: Female (253); Male (161)</p> <p>Further disaggregation is available electronically upon request.</p>
1.1.2. Number of legal institutions and associations supported by USG	0	20	49	245%	30	47	156%	35	49	140%	<p>During this quarter the project started to work with two new mediation offices located in Gjirokastra and Përmet.</p> <p>Further disaggregation is available</p>

CUMULATIVE PERFORMANCE INDICATORS REPORT											
Indicator	Year 1			Year 2			Year 3			Comments	
	Baseline	Target (Y1)	Achieved (Y1)	Performance against Targets (%) (Y1)	Target (Y2)	Achieved (Y2)	Performance against Targets (%) (Y2)	Target (Y3)	Achieved as of December 2012		Performance against targets as of December 2012
											electronically upon request.
1.1.3. Number of hearings that are recorded verbatim	0	0	N/A	N/A	TBD	3974	N/A	TBD	10,603	N/A	<p>As of December 12, 2012, the project has successfully installed audio recording technology in eleven courts. Nine courts are successfully using it. Serious Crimes First Instance Court and Mati District Court will start using the DAR system beginning January 2013.</p> <p>During this quarter number of hearings that were recorded verbatim was 6629.</p> <p>Data by court and implementation date shown below:</p> <p>Court Location:</p> <p>Lezha District Court (from March 26, 2012): 1256</p> <p>Korça District Court (from July 4, 2012): 4160</p> <p>Korça Appellate Court (from July 2, 2012):</p>

CUMULATIVE PERFORMANCE INDICATORS REPORT											
Indicator	Year 1			Year 2			Year 3			Comments	
	Baseline	Target (Y1)	Achieved (Y1)	Performance against Targets (%) (Y1)	Target (Y2)	Achieved (Y2)	Performance against Targets (%) (Y2)	Target (Y3)	Achieved as of December 2012		Performance against targets as of December 2012
											643 Durrës District Court (from July 9, 2012): 1838 Durrës Appellate Court (September 10, 2012): 1265 Kavaja District Court (September 24, 2012): 838 Serious Crimes Appellate Court (October 2, 2012): 49 Pogradec District Court (November 19, 2012): 499 Dibra District Court (from November 5, 2012): 55
1.2.1. Number of hearings that are heard in court rooms	485	TBD	N/A	N/A	TBD	10,870	N/A	TBD	17,370	N/A	The results are reported from the court calendar management system installed in Tirana and Durres. The report indicates the number of hearings <i>scheduled</i> . The assumption is that number of hearings scheduled is equal to the number of hearings held. The number of hearings that are heard in

CUMULATIVE PERFORMANCE INDICATORS REPORT											
Indicator	Year 1			Year 2			Year 3			Comments	
	Baseline	Target (Y1)	Achieved (Y1)	Performance against Targets (%) (Y1)	Target (Y2)	Achieved (Y2)	Performance against Targets (%) (Y2)	Target (Y3)	Achieved as of December 2012		Performance against targets as of December 2012
											courtrooms for this quarter is 6500. Indicator Disaggregation by Court Location: Tirana District Court (14577) Durrës District Court (2793)
1.3.1. Number of days from initiation to resolution of mediated cases	21	TBD	12	N/A	12	10	117%	TBD		N/A	This indicator is reported annually. The next result will be reported in September 2013.
1.3.2. Number of mediated cases	14	TBD	23	N/A	200	216	108%	TBD	321	N/A	174 new mediation cases were handled during this quarter. This figure represents the number of mediated cases processed from court-connected mediation centers in Durrës, Korçë, Gjirokastra, and Permet District Courts. Korçë District Court Mediation Center has also mediated four penal cases: three referred by the court and one referred by the probation service office. Gjirokastra District Court has also managed

CUMULATIVE PERFORMANCE INDICATORS REPORT											
Indicator	Year 1			Year 2			Year 3			Comments	
	Baseline	Target (Y1)	Achieved (Y1)	Performance against Targets (%) (Y1)	Target (Y2)	Achieved (Y2)	Performance against Targets (%) (Y2)	Target (Y3)	Achieved as of December 2012		Performance against targets as of December 2012
											<p>three penal cases referred by the probation service office.</p> <p>Disaggregation by:</p> <p>Court Location: Durres (192); Korçë (108); Gjirokastrër (16); Përmet (5)</p> <p>Case Type: Commercial (40); Family (190); Civil (84); Penal (7)</p> <p>Source of Referral: Judge (211); Attorney Office (20); Parties (82); NGO (1); State Police (1); Probation Service (4); Other public institutions (2)</p> <p>City: Durrës(192) , Korçë (108) ; Gjirokastra (12); Përmet (5); Sarandë (3); Tepelenë (1)</p>
1.3.3. Number of mediated cases resolved	13	TBD	13	N/A	140	147	105%	TBD	214	N/A	<p>67 new mediation cases were resolved during this quarter. This figure represents the number of mediated cases resolved from court-connected mediation centers in Durrës, Korçë, Gjirokastra, and Permet District Courts.</p>

CUMULATIVE PERFORMANCE INDICATORS REPORT											
Indicator	Year 1			Year 2			Year 3			Comments	
	Baseline	Target (Y1)	Achieved (Y1)	Performance against Targets (%) (Y1)	Target (Y2)	Achieved (Y2)	Performance against Targets (%) (Y2)	Target (Y3)	Achieved as of December 2012		Performance against targets as of December 2012
											<p>Disaggregation by (cumulative):</p> <p>Court Location: Durrës (152); Korçë (48); Gjirokastrë (9); Përmet: (5)</p> <p>Case Type: Commercial (36); Family (125); Civil (51); Penal (2)</p> <p>Referral: Judge (119); Attorney Office (19); Parties (72); State Police (1); Probation Service (2); Other public institutions (1).</p> <p>City: Durrës(152) , Korçë (48) ; Gjirokastra (8); Përmet (5); Sarandë (1)</p>
1.3.4. Number of mediators trained	0	5	10	200%	20	29	145%	40	29	75%	<p>There were no new mediators trained during this quarter</p> <p>Indicator's Disaggregation by (cumulative):</p> <p>Gender: Female (19); Male (10)</p> <p>Location: Korçë (7); Durrës (22)</p>

CUMULATIVE PERFORMANCE INDICATORS REPORT											
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	Baseline	Target (Y1)	Achieved (Y1)	Performance against Targets (%) (Y1)	Target (Y2)	Achieved (Y2)	Performance against Targets (%) (Y2)	Target (Y3)	Achieved as of December 2012		Performance against targets as of December 2012
1.3.5. Reduction of time to resolution: mediated cases versus non-mediated cases	TBD	TBD	N/A	N/A	900%	95% reduction	106%	TBD		N/A	This indicator is reported annually. The next result will be reported in September 2013.
Component 2: Civic Engagement											

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	Baseline	Target (Y1)	Achieved (Y1)	Performance against Targets (%) (Y1)	Target (Y2)	Achieved (Y2)	Performance against Targets (%) (Y2)	Target (Y3)	Achieved as of December 2012		Performance against targets as of December 2012
2.1.1. Number of civil society organizations using USG assistance to improve organizational capacity	0	15	17	113%	20	77	385%	30	77	256%	There is no new CSO organization using USG assistance to improve organizational capacity. But JuST staff has provided technical assistance for two grantees (these CSOs are counted once in the previous quarters), to establish transparent and accountable financial systems as well as to improve their reporting systems. These organizations are: (1) Albanian National Training and Technical Assistance Resource Center (ANNTARC), a local NGO based in Tirana, and (2) the Community Center of Gjirokastra, a local NGO based in Gjirokastra.
2.1.2. Number of USG assisted CSOs that engage in watchdog and advocacy activities	0	3	0	0%	5	3	60%	7	5	71%	Two new CSOs, assisted by JuST, are engaged in advocacy activities during this quarter. UAJ has initiated advocacy activities such as: i) Engagement for changes in Criminal Procedure Code; ii) Ideas on how to move toward establishing an independent, accountable, and high-integrity judiciary.iii). Opinions and suggestions for the

CUMULATIVE PERFORMANCE INDICATORS REPORT											
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	Baseline	Target (Y1)	Achieved (Y1)	Performance against Targets (%) (Y1)	Target (Y2)	Achieved (Y2)	Performance against Targets (%) (Y2)	Target (Y3)	Achieved as of December 2012		Performance against targets as of December 2012
											Administrative Court draft law, etc. ANTTARC conducted a mediation advocacy campaign with participation of judges, prosecutors, probation service office representatives, and lawyers that covered district courts of Durrës and Korçë.
2.1.3. Number of advocacy campaigns	0	3	0	0%	5	3	60%	7	4	57%	One mediation advocacy campaign was developed and conducted in Durrës and Korçë. Advocacy activities targeted judges, lawyers, notaries, and other legal and/or commercial professionals for the utilization of mediation in civil, commercial, labor, family, and criminal cases. The activities included: Advocating with judges for implementation of the legal provision requiring judges to refer cases to mediation in the cases provided by the law; working with courts (chief judges, judges, chancellors, court public information staff) on better use of mediation; advocating with lawyers, notaries, and other legal and/or commercial professionals for the promotion of mediation and involving civil society in its promotion; promoting the publication of the list of licensed mediators in courts'

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	Baseline	Target (Y1)	Achieved (Y1)	Performance against Targets (%) (Y1)	Target (Y2)	Achieved (Y2)	Performance against Targets (%) (Y2)	Target (Y3)	Achieved as of December 2012		Performance against targets as of December 2012
											premises, courts' websites, law offices, etc.; and dissemination of this list.
2.3.1. Number of corruption cases exposed by the media involved in our project	0	1	0	0%	4	0	0%	6	0	0%	There is no data available for this indicator. Fellows are still working with the Investigative Advisor to finalize their investigative stories.
2.3.2. Number of non-state news outlets that report on corruption assisted by USG	0	0	0	N/A	1	0	0%	1	1	100%	The investigative website is finalized. www.albanianinvestigativereporters.com The fellows and Investigative Advisor are working to finalize the best investigative stories that will be published to the investigative website for its launching ceremony. This website will be online on the inauguration day.
2.3.3. Number of articles/investigative reports placed	0	0	0	N/A	10	0	0%	20	0	0%	There is no data available for this indicator yet. See comments under indicator 2.3.1.

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	Baseline	Target (Y1)	Achieved (Y1)	Performance against Targets (%) (Y1)	Target (Y2)	Achieved (Y2)	Performance against Targets (%) (Y2)	Target (Y3)	Achieved as of December 2012	Performance against targets as of December 2012	Comments
on the non-state news outlets reporting on corruption, assisted by USG											
2.3.4. Number of journalists trained with USG assistance	0	10	0	0%	15	20	133%	20	20	100%	There are no new journalists trained with USG assistance during this quarter. But the same group of journalists were trained on how to maintain, upload appropriate documents, and moderate the functioning of the media venue.

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	Baseline	Target (Y1)	Achieved (Y1)	Performance against Targets (%) (Y1)	Target (Y2)	Achieved (Y2)	Performance against Targets (%) (Y2)	Target (Y3)	Achieved as of December 2012	Performance against targets as of December 2012	Comments
Component 3: Legal Profession Education											
3.1.1. Number of Bar Journal Issues	0	0	0	N/A	2	3	150%	4	4	100%	During the period October-December 2012, one issue (the fourth edition) of the Bar Journal was published and work is underway on the fifth issue.
3.1.2. Number of lawyers that received USG training	0	150	196	131%	250	324	130%	350	324	93 %	CLE courses for Y3 have not started yet. With the expansion to the Fieri chamber, it is expected that the number of lawyers and assistant lawyers will be increased by approximately 135 (85 lawyers and 50 assistants).
3.1.3. Number of chambers offering training	0	2	2	100%	3	2	66%	4	2	50%	We are late with the expansion of courses to the third chamber; it is expected that in January CLE courses will begin in three chambers. By September 2013, with the entry into force of the provisions of the law on the legal profession on the establishment of the National School of Lawyers and mandatory nationwide CLE,

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	Baseline	Target (Y1)	Achieved (Y1)	Performance against Targets (%) (Y1)	Target (Y2)	Achieved (Y2)	Performance against Targets (%) (Y2)	Target (Y3)	Achieved as of December 2012		Performance against targets as of December 2012
											the CLE will expand to more chambers.
3.2.1. Number of law school students that take part in trial preparation and/or participate in actual cases	0	0	0	N/A	60	0	0%	120	0	0%	We are late in establishing the Legal Clinic. With the new curricula in place, the first courses are expected to start in March 2013.
3.2.2. Number of cases resolved by the Legal Clinic	0	0	0	N/A	3	0	0%	5	0	0%	See above.
3.2.3. Number of people receiving legal assistance at the Legal Clinic	0	0	0	N/A	20	0	0%	60	0	0%	See above.