# Assessment Report of the Courts of Law in the Republic of Moldova

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Superior Council of the Magistracy

Ministry of Justice of the Republic of Moldova

USAID FROM THE AMERICAN PEOPLE

Rule of Law Institutional Strengthening Program (ROLISP)

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*The Report was developed within the USAID Rule of Law Institutional Strengthening Program (ROLISP), in partnership with the Superior Council of Magistracy and the Department of Judicial Administration of the Ministry of Justice*

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# ABBREVIATIONS AND ACRONYMS

| | |
|---|---|
| **NBS** | **National Bureau of Statistics** |
| **SB** | **State Budget** |
| **MoJ** | **Ministry of Justice of the Republic of Moldova** |
| **DJA** | **Department of Judicial Administration of the Ministry of Justice of the Republic of Moldova** |
| **SCM** | **Superior Council of the Magistracy** |
| **NIJ** | **National Institute of Justice** |
| **SCJ** | **Supreme Court of Justice** |
| **CTS** | **Center for Special Telecommunications** |
| **ROLISP** | **Rule of Law Institutional Strengthening Program** |
| **USAID** | **United States Agency for International Development** |
| **ICMS** | **Integrated Case Management System** |

# I. INTRODUCTION

The United States Agency for International Development (USAID) Rule of Law Institutional Strengthening Program (ROLISP) developed this report in partnership with the Superior Council of the Magistracy (SCM) and the Department of Judicial Administration (DJA) of the Ministry of Justice (MoJ) of the Republic of Moldova. The goal of ROLISP is to consolidate the institutional capacity, transparency and responsibility of key justice-sector institutions to guarantee their independence and to increase the efficiency and professionalism of the judiciary.

ROLISP will assist the Government of the Republic of Moldova to implement its Judicial Reform Strategy for 2011–2016 and will cooperate with its partners to implement new initiatives in the judiciary, such as consolidating capacity and increasing the transparency of the judiciary self-administration authorities; increasing the efficiency of court administration; improving budgeting procedures; implementing e-justice systems to reduce errors in case management; creating an objective, transparent performance assessment for judges and reforming public services.

This report offers a variety of information about every court and recommendations to improve court management in terms of infrastructure, automation, activities, human resources, public services and budgeting and procurement, all of which are essential for the efficient functioning of a modern court. The profiles of district courts are in alphabetical order. They are preceded by the profiles of the Supreme Court of Justice (SCJ) and the courts of appeals.

In addition to the individual court profiles, the report includes a Comparative Summary identifying the specific features, trends and problems common to many courts and highlighting shortages or unfair distributions of resources.

The Comparative Summary also provides conclusions and recommendations for ways to eliminate those problems that can be used by MoJ, SCM and court management to plan measures and prioritize the problems identified in the judiciary at the central and local levels.

ROLISP wishes to thank all the people who took part in the court visits and the court presidents and staff for their time and cooperation.

Electronic version of this report can be accessed on the webpage of the SCM: www.csm.md.

# II. METHODOLOGY

In May 2012 in cooperation with SCM and DJA, ROLISP developed a court profile checklist in six areas of interest: infrastructure, automation, court activities, human resources, public services and budgeting and procurement. SCM sent the checklist and the schedule of court visits to all courts (the schedule is presented below).

In May and June 2012, documentation teams that included SCM, DJA and ROLISP specialists visited every court to collect the information (information about team members is presented below). The team members talked to court presidents and staff, received completed checklists and were given tours of the facilities.

ROLISP specialists analyzed the information in the checklists and from the court visits to write individual court profiles and the comparative summary of them. To ensure the information was correct, SCM reviewed each profile and their comments and objections were incorporated. SCM and DJA also reviewed and approved the comparative summary.

# III. LIMITATIONS

The information in the individual court profiles is based both on data provided by the court presidents and staff on the date of visit and on the checklists, subsequent telephone conversations with the court staff and comments of the courts on the profiles. The comparative summary is an analysis of the information in the profiles. Any changes after the date of visit are not included in this report.

Statistical information about the workloads of the courts is exclusively based on statistical data compiled and provided by DJA. Information about finances was collected from court accountants and the webpage of the Ministry of Finance of the Republic of Moldova.

The official staff roster approved in 2011 was used to assess human resource management except for SCJ for which the staff roster approved in 2012 was used.

Tiraspol, Grigoriopol, Ribnita and Slobozia district courts were not assessed. The Military Court was visited, but considering that some areas assessed are under the responsibility of the Ministry of Defense and not MoJ, an individual profile was not prepared for that court though the information collected was incorporated into the comparative summary of the Report.

The infrastructure assessment is based on a description of the condition of the courthouses and the recommendations in the 2009 Infrastructure Assessment Report prepared by the Moldova Governance Threshold Country Program funded by the Millennium Challenge Corporation (MGTCP) and administered by USAID.

Implementing the recommendations in this report will require more detailed investigation and analysis of each element assessed.

# IV. EXECUTIVE SUMMARY

This Report consists of two parts: comparative summary and individual court profiles focused on six issues: infrastructure, automation, caseload, human resources, public services and court budget.

The comparative summary highlights the specific features, strengths and weaknesses of each court.

In general, the infrastructure of many courts is in poor condition. The design of the courts does not allow separation of space intended for public, court staff and detainees. In many courts there is a shortage of courtrooms and cases are examined in judges' offices. Under such circumstances, the work of the courts and the whole process of dispensing justice are negatively affected.

***Automation*** of the courts is partially implemented: although all courts (except for the Military Court) use the Integrated Case Management System (ICMS), not all options are fully used. In addition, only in half of the courts the audio recording equipment and software are used. The transparency of the act of justice and the right of trial participants to receive a copy of the recording is affected. In many cases outdated information is posted on the courts' webpages.

***Activity*** of the courts is doubled by electronic and manual record of cases. The number of registers kept by the specialists in the chancellery varies in courts and, as a rule, exceeds the number provided in the Guidelines on Manual Secretarial Activity in District Courts and Courts of Appeal approved by Decision of SCM as of March 2, 2011 (Guidelines) and the Guidelines on Secretarial Activity in the Supreme Court of Justice approved by the Plenum of the Supreme Court of Justice No. 36 as of December 22, 2003 (SCJ Guidelines).

The documentation team found that with the exception of the SCJ no court's staff roster approved in 2011 had the position of human resource specialists. However, in each court there are persons appointed by the president of the court to perform the duties of a human resource specialist. Public relations specialists are on the staff roster approved in 2011. However, they have not been hired in every court and their duties are performed by other staff appointed by the court president.

The documentation team also found that the ***public services*** and the access of citizens to information are not provided in each court via information windows at the entrance. The procedure and the timeframe for issuing copies of case documents is not uniform in the courts.

Over 2009-2012 the ***budget*** of the judiciary, both in face and real value, was continuously decreasing. The methodology of the current planning of the budget does not cover the inflation and is not based on allocation of financial means based on performance of the courts. Lack of centralized procurement practice leads to failure to obtain possible discounts. The court staff responsible for procurements needs continuous training.

# V. SCHEDULE OF COURT VISITS

| No. | Court | Date of visit |
|---|---|---|
| 1. | Hincesti District Court | 7 May 2012 |
| 2. | Criuleni District Court | 8 May 2012 |
| 3. | Ialoveni District Court | 10 May 2012 |
| 4. | Orhei District Court | 11 May 2012 |
| 5. | Anenii Noi District Court | 14 May 2012 |
| 6. | Straseni Distict Court | 15 May 2012 |
| 7. | Ciocana District Court, Chisinau | 21 May 2012 |
| 8. | Centru District Court, Chisinau | 23 May 2012 |
| 9. | Botanica District Court, Chisinau | 25 May 2012 |
| 10. | Buiucani District Court, Chisinau | 28 May 2012 |
| 11. | Calarasi District Court | 28 May 2012 |
| 12. | Dubasari District Court | 28 May 2012 |
| 13. | Bender District Court, Varnita | 29 May 2012 |
| 14. | Nisporeni District Court | 29 May 2012 |
| 15. | Riscani District Court, Chisinau | 30 May 2012 |
| 16. | Cimislia District Court | 30 May 2012 |
| 17. | Bender Court of Appeals, Causeni | 30 May 2012 |
| 18. | Causeni District Court | 31 May 2012 |
| 19. | Telenesti District Court | 31 May 2012 |
| 20. | Leova District Court | 1 June 2012 |
| 21. | Basarabeasca District Court | 1 June 2012 |
| 22. | Rezina District Courts | 4 June 2012 |
| 23. | Stefan Vodă District Court | 4 June 2012 |
| 24. | Comrat District Court | 4 June 2012 |
| 25. | Ungheni District Court | 5 June 2012 |
| 26. | Comrat Court of Appeals | 5 June 2012 |
| 27. | Singerei District Court | 6 June 2012 |
| 28. | Cantemir District Court | 6 June 2012 |
| 29. | Soldanesti District Court | 7 June 2012 |
| 30. | Falesti District Court | 8 June 2012 |
| 31. | Floresti District Court | 11 June 2012 |
| 32. | Cahul Court of Appeals | 11 June 2012 |
| 33. | Balti Court of Appeals | 12 June 2012 |
| 34. | Cahul District Court | 12 June 2012 |
| 35. | Taraclia District Court | 13 June 2012 |
| 36. | Glodeni District Court | 13 June 2012 |
| 37. | Vulcanesti District Court | 14 June 2012 |
| 38. | Balti District Court | 14 June 2012 |
| 39. | Riscani District Court | 15 June 2012 |
| 40. | Soroca District Court | 15 June 2012 |
| 41. | Drochia District Court | 18 June 2012 |
| 42. | Briceni District Court | 18 June 2012 |
| 43. | Edinet District Court | 19 June 2012 |
| 44. | Donduseni District Court | 20 June 2012 |
| 45. | Ocnita District Court | 20 June 2012 |
| 46. | Supreme Court of Justice, Chisinau | 20–21 June 2012 |
| 47. | Commercial District Court, Chisinau | 21 June 2012 |
| 48. | Chisinau Court of Appeals | 22 June 2012 |
| 49. | Ceadir-Lunga District Court | 25 June 2012 |
| 50. | Military Court | 5 July 2012 |

# VI. DOCUMENTATION TEAM MEMBERS

| ***SCM Representatives:*** | |
|---|---|
| Nichifor Corochii | Acting Chairperson of SCM |
| Anatolie Turcan | SCM Member |
| Ioana Chironet | SCM Inspector-Judge |
| Elena Gligor | SCM Inspector-Judge |
| Ludmila Cernei | SCM Inspector-Judge |

| ***DJA Representatives:*** | |
|---|---|
| Tatiana Ciaglic | DJA Consultant |
| Ana Cheptanaru | DJA Consultant |
| Leonid Slonovschii | DJA Consultant |
| Veaceslav Hibovschii | DJA Specialist |
| Ina Chetreanu | DJA Specialist |

| ***ROLISP Representatives:*** | |
|---|---|
| Frederick G. Yeager | Chief of Party |
| Cristina Malai | Deputy Chief of Party |
| Gerald Thacker | Court Administration and Infrastructure Consultant |
| Barry Walsh | Court Administration Advisor |
| Natalia Vilcu | Team Leader/Court Administration Specialist |
| Marcel Blanuta | Court Budgeting Specialist |
| Mihai Grosu | Program Assistant |
| Irina Dasal | Judicial Specialist/Legal Analyst |
| Marina Corgoja | Judicial Specialist/Legal Analyst |
| Marcel Tetelea | Judicial Specialist/Legal Analyst |
| Alexandru Cebotari | Judicial Specialist/Legal Analyst |
| Alexandru Istrati | Judicial Specialist/Legal Analyst |
| Alexandru Macovschi | Judicial Specialist/Legal Analyst |

# VII. COMPARATIVE SUMMARY

Over the last several years, the judiciary of the Republic of Moldova has faced problems of deficient infrastructure, the need for enhanced security, the need to do more court work electronically, and a substantial increase in the workloads of judges and court staff.

This summary of information developed during visits to each court highlights the specific features and the strengths and weaknesses of each court in Moldova in terms of infrastructure, automation, workload, human resource management, services for the public and budgeting and procurement. This information will allow readers to identify and prioritize the problems courts face and will help the government plan actions to eliminate deficiencies. This summary will also be useful for drafting and approving uniform design standards for courthouses, for drafting security policies for court buildings and staff, for completing the automation of the judiciary, for analyzing the need for additional judges and for assessing the allocation and efficient use of court budgets.

## I. INFRASTRUCTURE

The importance of court infrastructure should not be underestimated as architecture and design promote respect for justice and in certain cases may affect the solemnity, transparency and correctness of dispensing it. The design of a courthouse can either contribute to the goals and objectives of the court or can hinder their achievement. For instance, a courtroom may be designed and located in such a way that the judge has difficulty maintaining order during a trial or hearing witnesses. Unsecured hallways reduce the safety of all employees, and case material that is lost or damaged may affect the enforcement of court judgments. The free access of citizens to judges' offices facilitates improper communication between them, and the poor condition of courthouse interiors demeans the image of justice.

The courthouses in the Republic of Moldova generally fall into two categories: old buildings built according to soviet design standards from the 1970's and buildings that were not designed as courthouses that were later converted for that use. Currently, the infrastructure of many courthouses is in poor condition. In many cases the design does not allow separating spaces intended for the public from that for court staff and for detainees, and frequently there is an insufficient number of courtrooms, so cases are examined in judges' offices. Under such circumstances, the staff working environment, the work of the courts and the whole process of dispensing justice are negatively affected.

Detailed information about the condition of the infrastructure of court buildings is presented in Table 1 including the exterior; water supply; electrical, sewerage and heating systems; interior and roof. The condition of each is rated on a scale from 1 to 4 (1 means very good condition, while 4 - unsatisfactory condition).

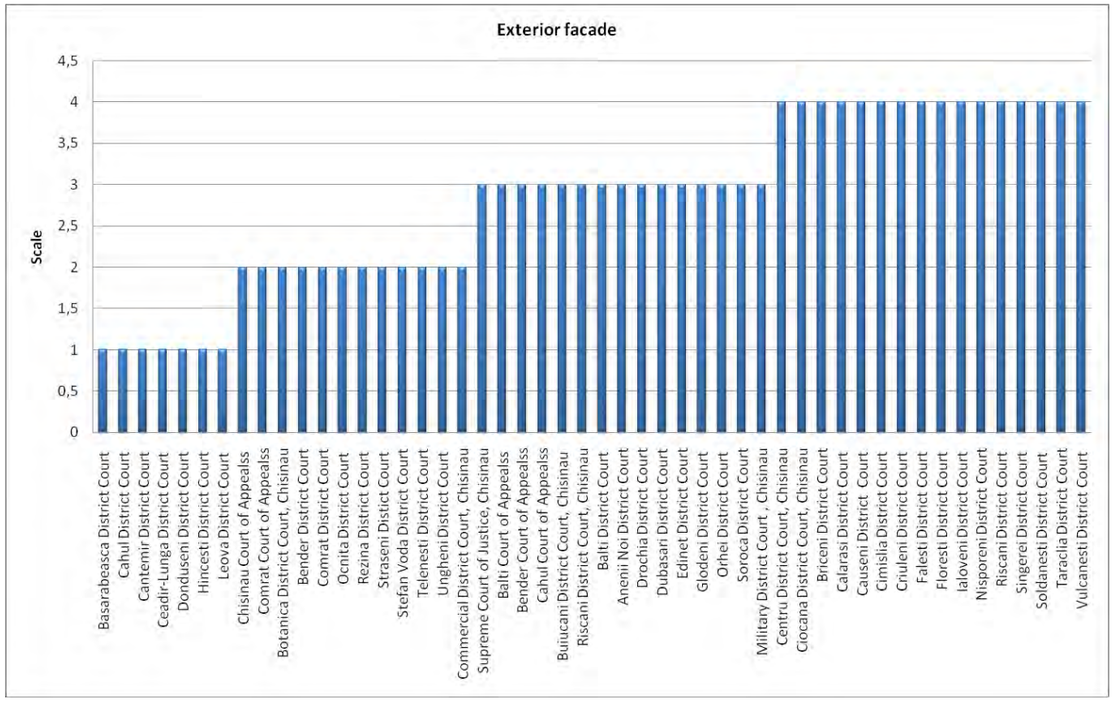
**Table 1.** *Assessment of courthouse infrastructure*[2]

| No. | Court name | Façade | Water supply | Electrical system | Sewerage | Heating system | Roof | Interiors |
|---|---|---|---|---|---|---|---|---|
| 1. | Supreme Court of Justice, Chisinau | 3 | 2 | 3 | 3 | 2 | 3 | 3 |
| 2. | Chisinau Court of Appeals | 2 | 3 | 3 | 3 | 2 | 3 | 3 |
| 3. | Balti Court of Appeals | 3 | 2 | 3 | 2 | 2 | 1 | 3 |
| 4. | Bender Court of Appeals | 3 | 3 | 4 | 4 | 4 | 2 | 1 |
| 5. | Cahul Court of Appeals | 3 | 2 | 3 | 2 | 2 | 2 | 3 |
| 6. | Comrat Court of Appeals | 2 | 3 | 1 | 2 | 1 | 1 | 1 |
| 7. | Botanica District Court, Chisinau | 2 | 4 | 1 | 4 | 4 | -- | 3 |
| 8. | Buiucani District Court, Chisinau | 3 | 4 | 4 | 4 | 2 | 3 | 3 |
| 9. | Centru District Court, Chisinau | 4 | 4 | 2 | 4 | 4 | 4 | 3 |
| 10. | Ciocana District Court, Chisinau | 4 | 4 | 4 | 4 | 3 | 4 | 4 |
| 11. | Riscani District Court, Chisinau | 3 | 2 | 1 | 2 | 2 | 2 | 2 |
| 12. | Balti District Court | 3 | 2 | 3 | 2 | 1 | 3 | 3 |
| 13. | Bender District Court | 2 | 1 | 2 | 1 | 2 | 2 | 1 |
| 14. | Anenii Noi District Court | 3 | 2 | 4 | 2 | 2 | 2 | 3 |
| 15. | Basarabeasca District Court | 1 | 2 | 1 | 2 | 1 | 2 | 1 |
| 16. | Briceni District Court | 4 | 2 | 1 | 1 | 1 | 3 | 4 |
| 17. | Cahul District Court | 1 | 2 | 2 | 2 | 1 | 2 | 2 |
| 18. | Cantemir District Court | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 19. | Calarasi District Court | 4 | 1 | 1 | 1 | 2 | 1 | -- |
| 20. | Causeni District Court | 4 | 4 | 4 | 4 | 4 | 4 | 3 |
| 21. | Ceadir-Lunga District Court | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 22. | Cimislia District Court | 4 | 4 | 4 | 4 | 3 | 4 | 4 |
| 23. | Comrat District Court | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| 24. | Criuleni District Court | 4 | 1 | 3 | 4 | 4 | 3 | 3 |
| 25. | Donduseni District Court | 1 | 1 | 3 | 4 | 1 | 3 | 1 |
| 26. | Drochia District Court | 3 | 2 | 4 | 4 | 1 | 3 | 4 |
| 27. | Dubasari District Court | 3 | -- | 2 | -- | 2 | 3 | 3 |
| 28. | Edinet District Court | 3 | 3 | 4 | 3 | 3 | 3 | 2 |
| 29. | Falesti District Court | 4 | 3 | 3 | 1 | 2 | 4 | 4 |
| 30. | Floresti District Court | 4 | 2 | 4 | 2 | 1 | 2 | 4 |
| 31. | Glodeni District Court | 3 | 1 | 2 | 1 | 2 | 2 | 3 |
| 32. | Hincesti District Court | 1 | 1 | 3 | 1 | 3 | 1 | 3 |
| 33. | Ialoveni District Court | 4 | 2 | 4 | 2 | 4 | 2 | 3 |
| 34. | Leova District Court | 1 | 1 | 2 | 1 | 2 | 4 | 1 |
| 35. | Nisporeni District Court | 4 | 2 | 2 | 2 | 2 | 4 | 1 |
| 36. | Ocnita District Court | 2 | 2 | 3 | 2 | 3 | 2 | 3 |
| 37. | Orhei District Court | 3 | 1 | 4 | 4 | 1 | 4 | 4 |
| 38. | Rezina District Court | 2 | 2 | 1 | 2 | 2 | 1 | 1 |
| 39. | Riscani District Court | 4 | 2 | 2 | 2 | 2 | 4 | 2 |
| 40. | Singerei District Court | 4 | 2 | 2 | 2 | 2 | 3 | 2 |
| 41. | Soroca District Court | 3 | 2 | 1 | 4 | 3 | 1 | 2 |
| 42. | Straseni District Court | 2 | 2 | 2 | 3 | 4 | 2 | 1 |
| 43. | Soldanesti District Court | 4 | 4 | 4 | -- | 1 | 3 | 4 |
| 44. | Stefan Voda District Court | 2 | 3 | 3 | 3 | 1 | 2 | 4 |
| 45. | Taraclia District Court | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| 46. | Telenesti District Court | 2 | 2 | 1 | 1 | 1 | 2 | 1 |
| 47. | Ungheni District Court | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| 48. | Vulcanesti District Court | 4 | 3 | 3 | 3 | 1 | 1 | 3 |
| 49. | Military Court, Chisinau. | 3 | 2 | 3 | 2 | 3 | 3 | 4 |
| 50. | Commercial District Court, Chisinau | 2 | 3 | 4 | 3 | 4 | -- | 4 |

[2] *1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.*

Graph 1 shows the condition of the courthouse exteriors on a scale from 1 to 4. The facades of 7 buildings are in very good condition while those of 12 are in good condition. In 15, the facade is satisfactory, but those of the remaining 16 are in unsatisfactory condition.

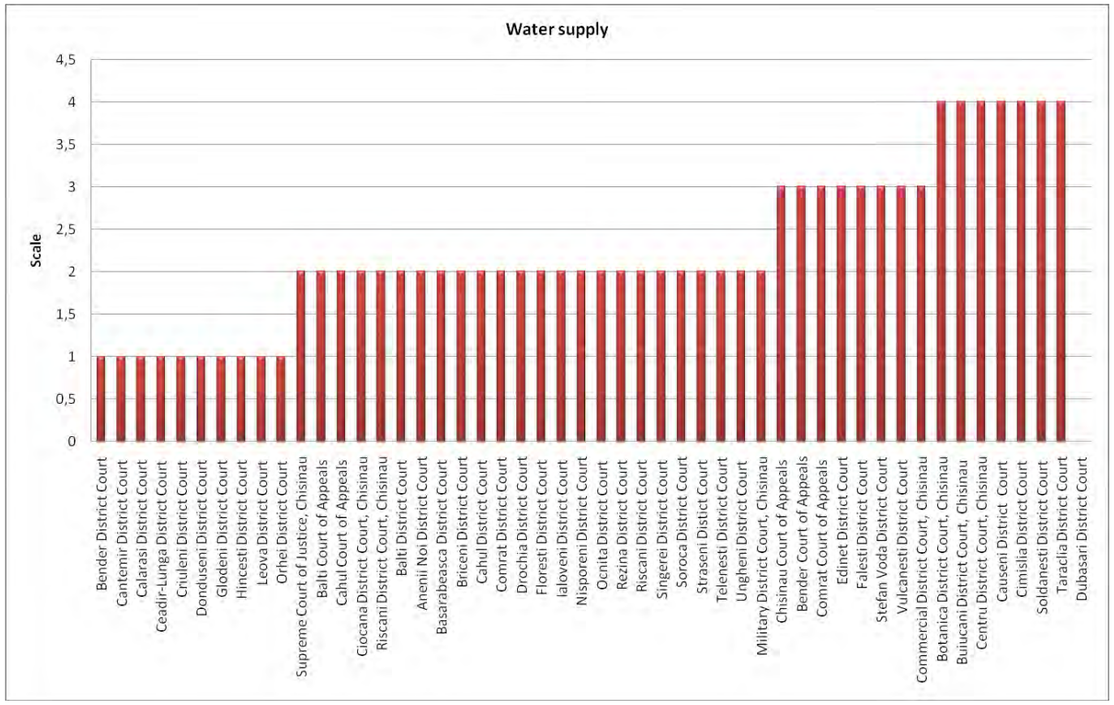
**Graph 1.** *Assessment of the condition of the court façades*[3]




[3] *1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.*

Graph 2 shows the condition of the water supply in the court buildings. In 10 courts the system is very good, in 23 it is good and in 8 it is satisfactory. The water supply is unsatisfactory in 8 while the Dubasari District Court building is not on a central system.

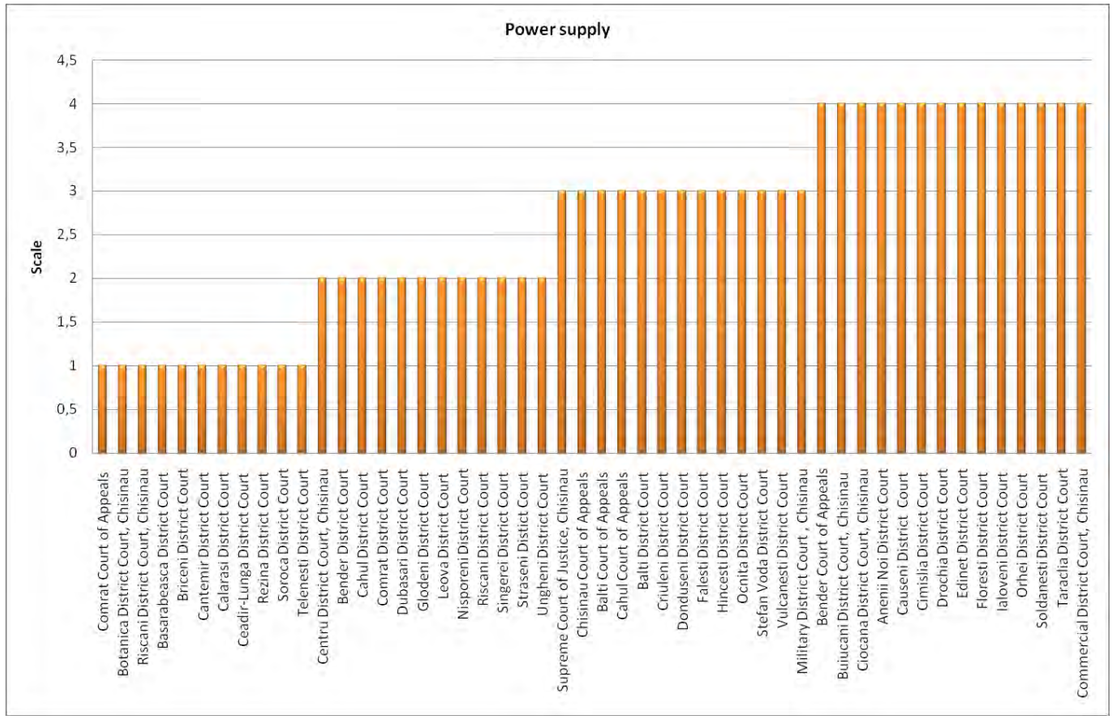
**Graph 2.** *Assessment of the condition of the water supply*[4]




[4] *1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.*

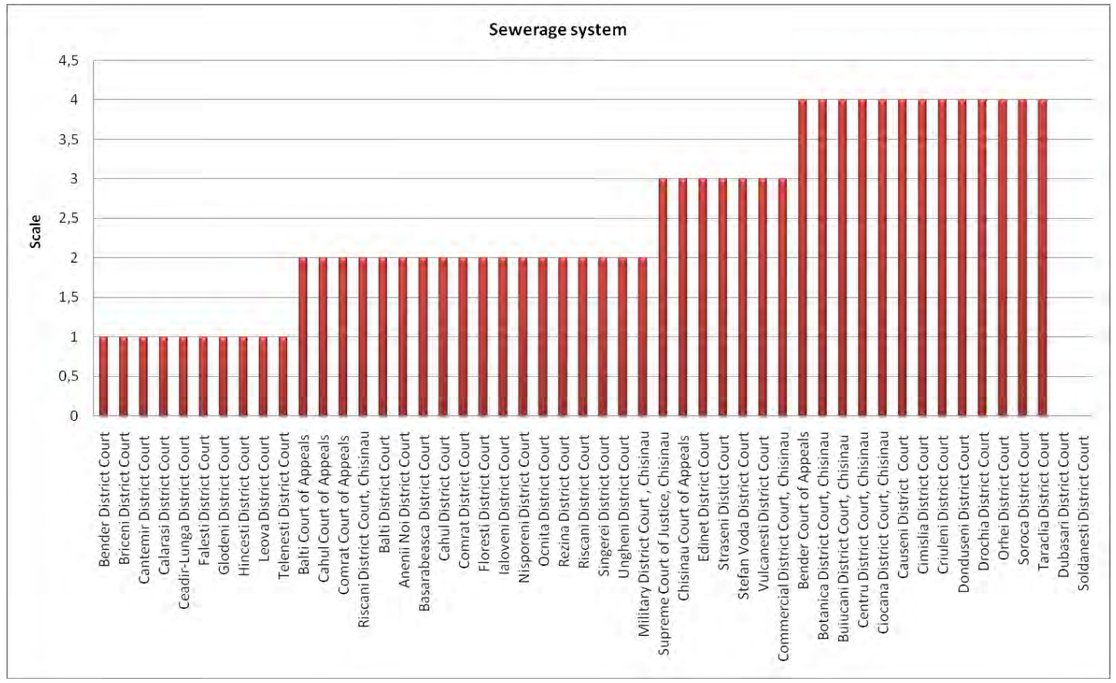
Graph 3 illustrates the condition of the electrical system in the court buildings. In 11 it is very good, in 12 it is good, in 13 it is satisfactory but in 14 it is unsatisfactory.

**Graph 3.** *Assessment of the condition of the electrical systems*[5]




Graph 4 presents the assessment of the condition of the sewerage systems in the court buildings. In 10 it is very good, in 18 it is good, in 7 it is satisfactory while in 13 it is unsatisfactory. Soldanesti and Dubasari district courts do not have sewerage systems.

**Graph 4.** *Assessment of the condition of the sewerage systems*[6]

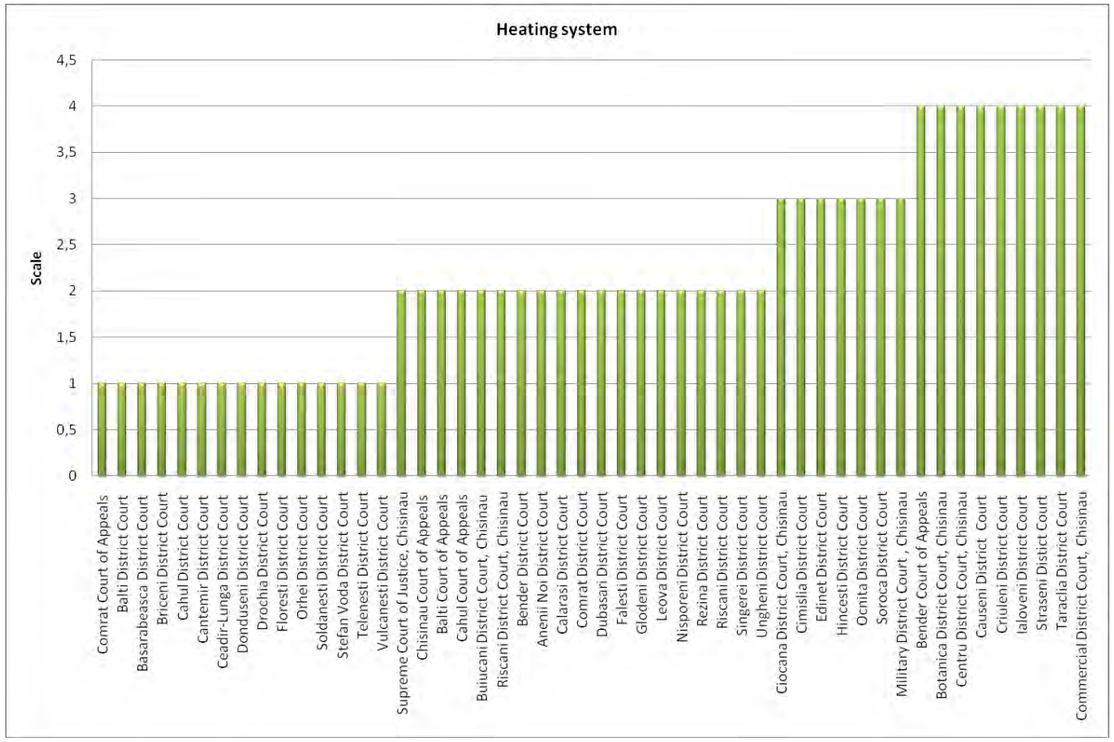



[5] *1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.*

[6] *1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.*

Graph 5 reflects the condition of the heating systems in the court buildings. The condition is very good in 15, good in 19, satisfactory in 7 and unsatisfactory in 9.

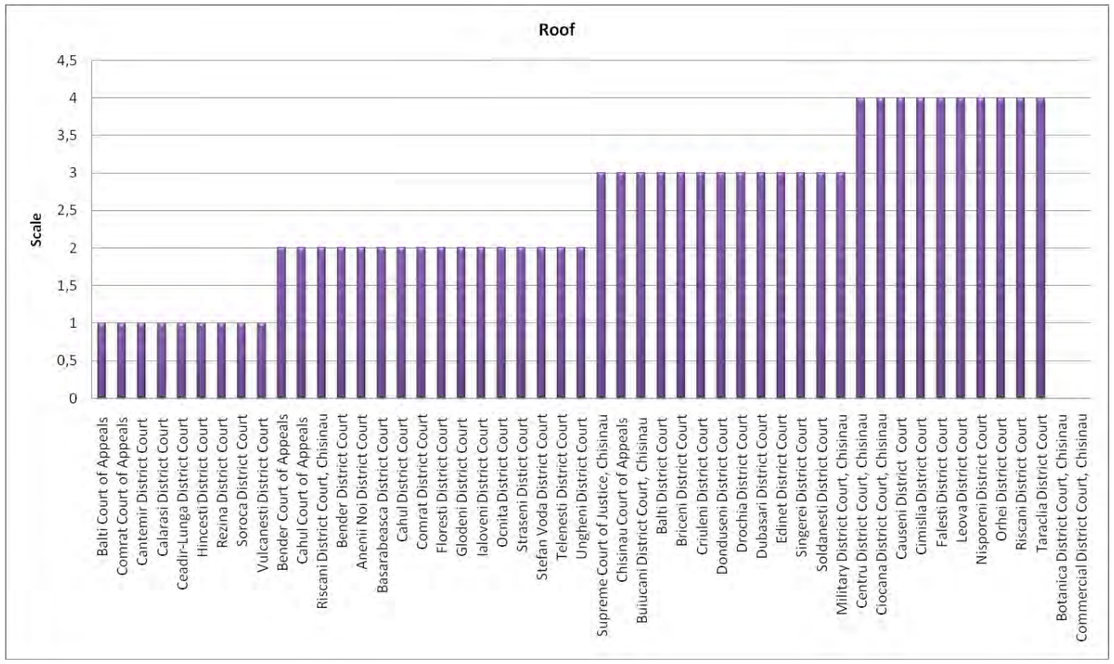
**Graph 5.** *Assessment of the condition of the heating systems*[7]




[7] *1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.*

Graph 6 shows that in 9 court buildings the condition of the roof is very good, in 16 it is good, in 13 it is satisfactory and in 10 it is unsatisfactory. The roof could not be assessed in Botanica District Court as the top floor was under construction. The Commercial District Court is located on the second floor of a three-story building so does not have a roof.

**Graph 6.** *Assessment of the condition of the roof*[8]




[8] *1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.*

Graph 7 shows that the condition of the interiors of 12 buildings is very good, in 8 it is good, in 17 it is satisfactory and in 12 it is unsatisfactory. The team did not assess the interior in Calarasi District Courthouse because renovations were in progress.

**Graph 7.** *Assessment of the condition of the interiors*[9]

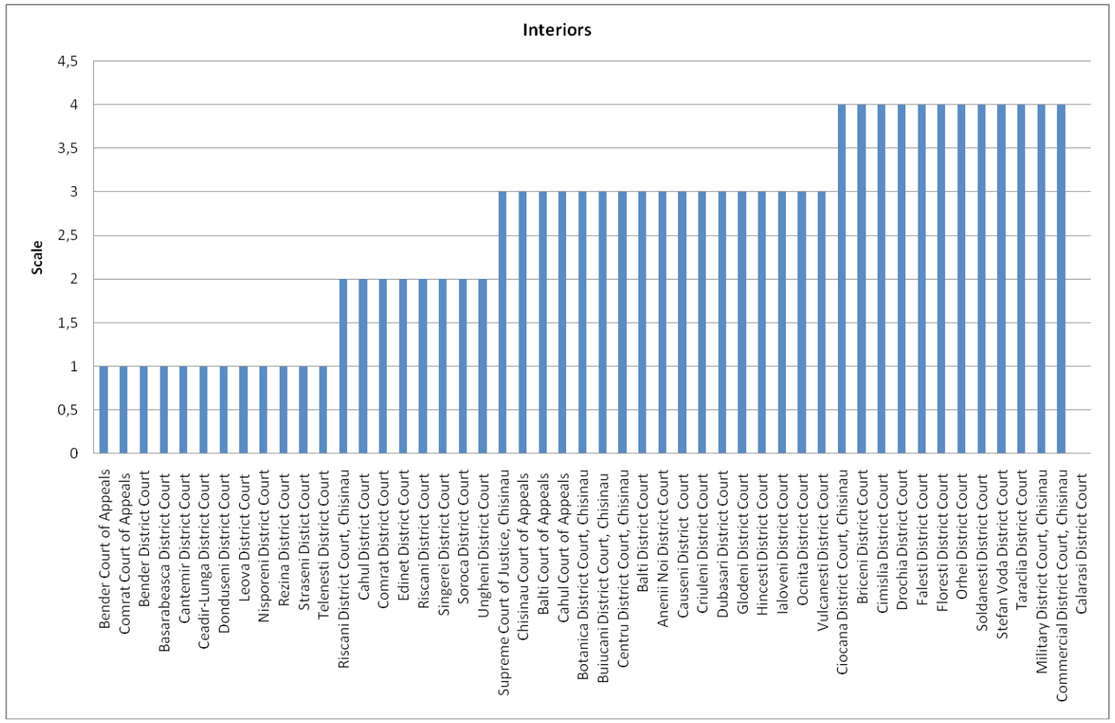



Table 2 shows the total area of court buildings and the total number of court staff in descending order by space per staff member. Singerei District Court and Military Court did not provide the documentation team with information about the total area of the court buildings.

**Table 2.** *Available area of court buildings and the total number of court staff*

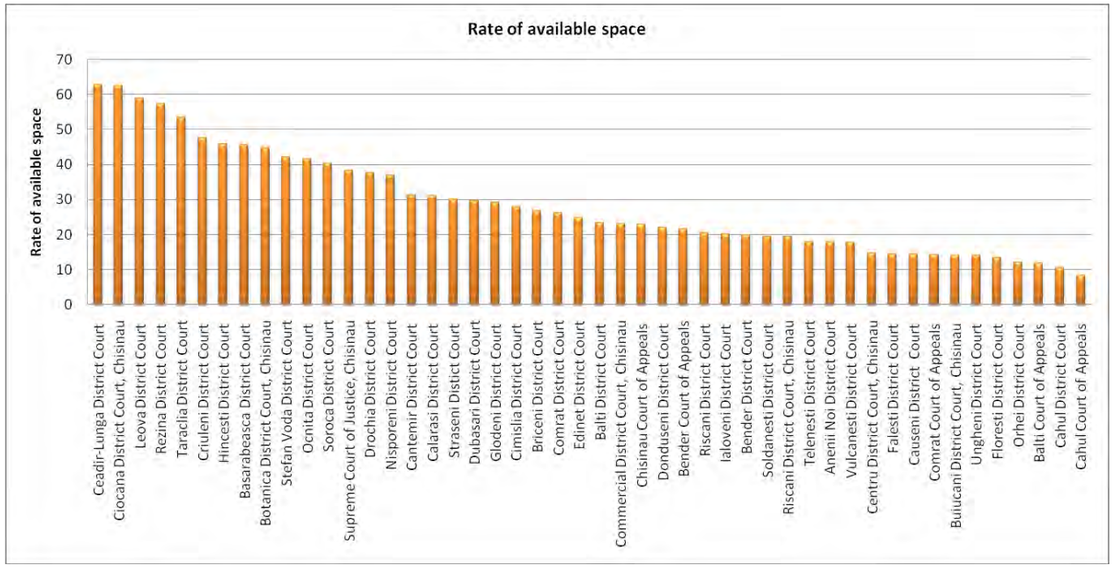
| No. | Court name | General building size (sq. meters) | Number of Judges | Other staff | Total |
|---|---|---|---|---|---|
| 1. | Ceadir-Lunga District Court | 1600.00 | 5 | 20.5 | 25.5 |
| 2. | Ciocana District Court, Chisinau | 3624.00 | 13 | 45 | 58 |
| 3. | Leova District Court | 1439.80 | 4 | 20.5 | 24.5 |
| 4. | Rezina District Court | 1317.00 | 5 | 18 | 23 |
| 5. | Taraclia District Court | 1390.50 | 5 | 21 | 26 |
| 6. | Criuleni District Court | 1453.00 | 6 | 24.5 | 30.5 |
| 7. | Hincesti District Court | 1443.20 | 9 | 22.5 | 31.5 |
| 8. | Basarabeasca District Court | 979.60 | 4 | 17.5 | 21.5 |
| 9. | Botanica District Court, Chisinau | 3265.00 | 18 | 55 | 73 |
| 10. | Stefan Voda District Court | 990.40 | 4 | 19.5 | 23.5 |
| 11. | Ocnita District Court | 894.00 | 4 | 17.5 | 21.5 |
| 12. | Soroca District Court | 1721.40 | 10 | 32.5 | 42.5 |
| 13. | Supreme Court of Justice, Chisinau | 8383.66 | 49 | 170 | 219 |
| 14. | Drochia District Court | 1150.00 | 6 | 24.5 | 30.5 |
| 15. | Nisporeni District Court | 962.00 | 5 | 21 | 26 |
| 16. | Cantemir District Court | 719.46 | 4 | 19 | 23 |
| 17. | Calarasi District Court | 948.03 | 6 | 24.5 | 30.5 |
| 18. | Straseni Distict Court | 1036.00 | 8 | 26.5 | 34.5 |
| 19. | Dubasari District Court | 755.28 | 5 | 20.5 | 25.5 |
| 20. | Glodeni District Court | 861.50 | 5 | 24.5 | 29.5 |
| 21. | Cimislia District Court | 765.00 | 4 | 23.5 | 27.5 |
| 22. | Briceni District Court | 805.76 | 6 | 24 | 30 |
| 23. | Comrat District Court | 773.20 | 6 | 23.5 | 29.5 |
| 24. | Edinet District Court | 805.76 | 7 | 25.5 | 32.5 |
| 25. | Balti District Court | 1639.50 | 18 | 52 | 70 |
| 26. | Commercial District Court, Chisinau | 783.40 | 12 | 22 | 34 |
| 27. | Chisinau Court of Appeals | 3148.60 | 41 | 96.5 | 137.5 |
| 28. | Donduseni District Court | 570.68 | 5 | 21 | 26 |
| 29. | Bender Court of Appeals | 1030.00 | 10 | 37.5 | 47.5 |
| 30. | Riscani District Court | 536.00 | 5 | 21 | 26 |
| 31. | Ialoveni District Court | 644.00 | 6 | 26 | 32 |
| 32. | Bender District Court | 568.30 | 7 | 21.5 | 28.5 |
| 33. | Soldanesti District Court | 410.30 | 4 | 17 | 21 |
| 34. | Riscani District Court, Chisinau | 1373.00 | 19 | 51.5 | 70.5 |
| 35. | Telenesti District Court | 475.30 | 6 | 20.5 | 26.5 |
| 36. | Anenii Noi District Court | 500.30 | 6 | 22 | 28 |
| 37. | Vulcanesti District Court | 408.00 | 3 | 20 | 23 |
| 38. | Centru District Court, Chisinau | 999.10 | 17 | 51 | 68 |
| 39. | Falesti District Court | 450.00 | 6 | 25 | 31 |
| 40. | Causeni District Court | 448.40 | 7 | 24 | 31 |
| 41. | Comrat Court of Appeals | 583.30 | 7 | 34 | 41 |
| 42. | Buiucani District Court, Chisinau | 982.70 | 19 | 51 | 70 |
| 43. | Ungheni District Court | 460.30 | 8 | 25 | 33 |
| 44. | Floresti District Court | 476.70 | 8 | 27.5 | 35.5 |
| 45. | Orhei District Court | 424.20 | 8 | 27 | 35 |
| 46. | Balti Court of Appeals | 1089.40 | 22 | 70 | 92 |
| 47. | Cahul District Court | 430.00 | 9 | 31.5 | 40.5 |
| 48. | Cahul Court of Appeals | 304.50 | 6 | 30.5 | 36.5 |
| 49. | Singerei District Court | - | 6 | 22 | 28 |
| 50. | Military Court, Chisinau | - | 3 | 7 | 10 |
| | **TOTAL** | **56819.53** | **466** | **1595** | **2061** |

[9] *1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.*

Table 2 highlights the lack of uniformity and logical rationale for allocating court space. As a rule, space should vary according to the number of staff, i.e., the greater the number of staff, the larger the space should be. This is not true in Moldova. One of the reasons for this inequity is the lack of financial resources to construct new buildings or to remodel older ones to ensure adequate working conditions.

Graph 8 shows the space available per staff member in Moldovan courts Ceadir-Lunga, Ciocana, Chisinau, Leova, Rezina and Taraclia have the most while Cahul Court of Appeals has the least as 36.5 staff members work in only 304.5 sq. meters (8.3 meters each).

**Graph 8.** *Space available per staff member*




During the documentation visits, the space needs of each court were assessed. The assessment is based on information provided by the court staff. Data presented below reveals that the offices and the courtrooms have less space than the other functional areas.

**Table 3.** *Space needs in Moldovan courts*

| No. | Court name | Office space | Courtrooms | Space for detainees | Space for juvenile detainees | Space for juvenile trial participants | WC for staff | WC for court visitors | Separate space for anonymous witnesses | Server room | Archive room | Space for attorneys and prosecutors |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1. | Supreme Court of Justice, Chisinau | | | | 1 | 1 | | | 1 | | | |
| 2. | Chisinau Court of Appeals | 30 | 7 | 7 | 1 | 1 | | 2 | 1 | 1 | | |
| 3. | Balti Court of Appeals | | | | | | | | | | | |
| 4. | Bender Court of Appeals | | 2 | | 1 | 1 | 3 | | | 1 | | |
| 5. | Cahul Court of Appeals | 5 | 1 | | 1 | 1 | | | 1 | 1 | | |
| 6. | Comrat Court of Appeals | 7 | 5 | 1 | 1 | 1 | 4 | 2 | 1 | | | |
| 7. | Botanica District Court, Chisinau | | 13 | | | | | | | | | |
| 8. | Buiucani District Court, Chisinau | 10 | 19 | 10 | 1 | | | 1 | | 1 | | |
| 9. | Centru District Court, Chisinau | | 19 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | |
| 10. | Ciocana District Court, Chisinau | 8 | 4 | | | | | 1 | 1 | 1 | | |
| 11. | Riscani District Court, Chisinau | 1 | 10 | 3 | 1 | 1 | 2 | | | 1 | 1 | 2 |
| 12. | Balti District Court | 18 | 5 | | | | 1 | 1 | 1 | | | |
| 13. | Bender District Court | | | | | | | | | | | |
| 14. | Anenii Noi District Court | | 1 | | | | | 1 | | 1 | | |
| 15. | Basarabeasca District Court | | | | | | | | | | | |
| 16. | Briceni District Court | | 3 | 1 | 1 | 1 | | 2 | | 1 | | 1 |
| 17. | Cahul District Court | 14 | 4 | | 1 | 1 | | | | | | |
| 18. | Cantemir District Court | | | | 1 | 1 | | | 1 | | | |
| 19. | Calarasi District Court | 3 | 4 | 5 | 8 | | | | | | | |
| 20. | Judecatoria Causeni | 2 | 2 | 1 | 1 | 1 | 1 | 1 | | | | |
| 21. | Ceadir-Lunga District Court | | | | 1 | 1 | | | | | | |
| 22. | Cimislia District Court | | | | | 1 | | | | | | |
| 23. | Comrat District Court | | | | | | | | | | | |
| 24. | Criuleni District Court | | | | | | | | | | | |
| 25. | Donduseni District Court | | 2 | | | 1 | | 1 | | | | |
| 26. | Drochia District Court | | 1 | | | | 1 | | | | | |
| 27. | Dubasari District Court | 2 | 2 | 1 | | | | | | 1 | | |
| 28. | Edinet District Court | 7 | 3 | 1 | 1 | | 1 | | 1 | 1 | | 1 |
| 29. | Falesti District Court | 3 | 3 | 1 | 1 | 1 | | | 1 | | 1 | |
| 30. | Floresti District Court | 4 | 3 | 1 | 1 | 1 | 1 | 1 | | | | |
| 31. | Glodeni District Court | | | 1 | 1 | 1 | | | 1 | | | |
| 32. | Hincesti District Court | | | | | | | | | | | |
| 33. | Ialoveni District Court | | | | | | | | | | 2 | |
| 34. | Leova District Court | 2 | | | | 1 | | | | | | |
| 35. | Nisporeni District Court | 1 | | | | | | | | | | |
| 36. | Ocnita District Court | 3 | 3 | | 1 | 1 | 1 | 1 | 1 | | | |
| 37. | Orhei District Court | | 1 | | | | | | | | 1 | |
| 38. | Rezina District Court | | | 1 | | 1 | | | | | | |
| 39. | Riscani District Court | 5 | 1 | | 1 | 1 | | 1 | 1 | | | |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 40. | Singerei District Court | | 4 | 1 | 1 | 1 | 2 | 1 | 1 | 1 | | |
| 41. | Soroca District Court | 4 | 2 | 1 | 1 | 1 | | | 1 | | | |
| 42. | Straseni District Court | | | | 1 | 1 | | 1 | 1 | | | |
| 43. | Soldanesti District Court | | | 1 | 1 | 1 | 2 | 1 | | | 1 | |
| 44. | Stefan Voda District Court | 12 | 3 | 1 | 1 | 1 | | 1 | 1 | 1 | | |
| 45. | Taraclia District Court | 8 | 3 | 1 | 1 | 1 | | 1 | 1 | | | |
| 46. | Telenesti District Court | | 2 | | | | | | | | | |
| 47. | Ungheni District Court | 6 | 5 | 1 | | 1 | | | 1 | | | |
| 48. | Vulcanesti District Court | | | | 1 | | | 1 | 1 | | | |
| 49. | Military Court, Chisinau | | | | | | | | | | | |
| 50. | Commercial District Court, Chisinau | | 5 | | | | | | | | | |
| | **TOTAL** | **155** | **142** | **41** | **34** | **28** | **20** | **22** | **20** | **13** | **6** | **4** |

### *Conclusions*

- A large number of district courts and courts of appeals in Moldova are located in buildings inappropriate for the efficient functioning of a modern court.
- The exteriors of 32,0% of court buildings are unsatisfactory, 30,0% are satisfactory, 24,0% are good and 14,0% are very good.
- In all, 14,3% of the court buildings are connected to water supply systems that are in unsatisfactory condition, 16,3% are in satisfactory condition, 49,0% - in good condition, and 20,4% are in very good condition. One of the courts, Dubasari District Court, is not on a central water supply system.
- The electrical system is unsatisfactory in 28,0% of the buildings, it is satisfactory in 26,0%, good in 24,0% and very good in 22,0%.
- The condition of the sewerage system is unsatisfactory in 27,1% of the buildings, satisfactory in 14,6%, good in 37,5% and very good in 20,8%. Two court buildings, Soldanesti and Dubasari District Courts, are not connected to a centralized sewerage system.
- In 18% of the courthouses the condition of the heating systems is unsatisfactory, in 14,0% it is satisfactory, in 38,0% it is good and in 30,0% it is very good.
- The condition of the roof is unsatisfactory in 20,8% of the buildings, satisfactory in 27,1%, good in 33,3%, and very good in 18,8%.
- The interiors are unsatisfactory in 24,5% of the courts, satisfactory in 34,7%, good in 16,3% and very good in 24,5%.
- The size of the court buildings is often not sufficient for the number of court staff and the workload. For instance, Soroca District Court is located in a building with a total area of 1721.40 sq. meters for 42.5 staff members and registered 5231 cases in 2011. On the other hand, Cahul District Court, with 40.5 staff members and 5219 cases registered in 2011 is located in a building with an area of 430 sq. meters.
- Most courts need additional offices (155 more) and additional courtrooms (142 more).

### *Recommendations*

- Adopt the practice of determining the number of staff and size of the court premises according to the number of cases registered and the number of citizens served.
- Implement an infrastructure improvement program to increase the number of court buildings that meet the minimum standards for design, security, hygiene and comfort.
- Develop security policies for buildings and court staff and define the minimum standards for court security systems.
- Develop uniform design standards to improve the operations of the courts. The following recommendations could be considered.
- The general design of a courthouse must promote respect for the process of dispensing justice. The architectural structure must be a source of pride and should fit with the existing architecture in the community. The typical exterior elements must include national symbols and the flag.
- Security measures are extremely important. The basic ones are secure entrances, secure entrances to courtrooms and judges' offices, trained staff and metal detectors in the entrance halls.
- Three separate zones should be provided: public, restricted and secured. The public circulation zone begins at the entrance to the courthouse and is limited to the areas that have not been declared restricted or secured zones. Restricted circulation zones are interior spaces with a controlled entry point that limits access to judges and court personnel. The secured circulation zone includes the parking area used by judges, the cells where prisoners are held pending their appearance in court, the immediate area around these cells and any corridors.

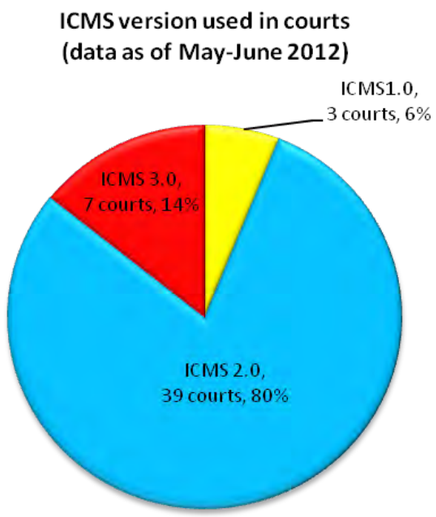
## II. COURT AUTOMATION

### *2.1. INTEGRATED CASE MANAGEMENT SYSTEM (ICMS)*

Automation of the judiciary is a priority for the Republic of Moldova. It is an indispensable element of a smooth administration of justice when the caseload is continuously growing. Working electronically will help both judges and court visitors, contributing to the independence of the judiciary, making court work transparent and improving the quality of judicial actions.

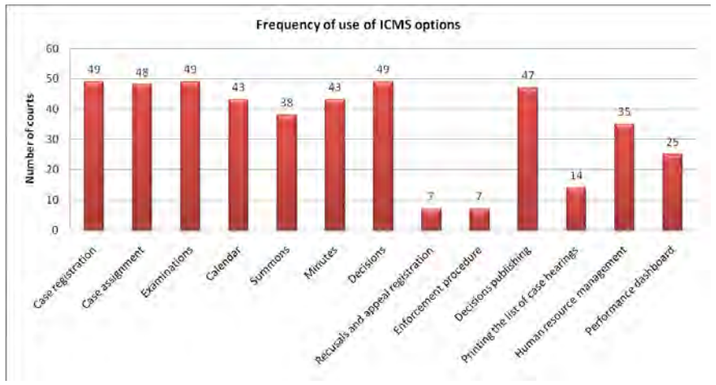
The documentation visits revealed that all the courts in the Republic of Moldova except the Military Court use ICMS. In October 2011, Version 3 was finalized and had been installed in 7 courts as of the date of the visit; 39 courts continue to use Version 2, and 3 still use Version 1 (Graph 9).

**Graph 9.** *ICMS version used in courts*



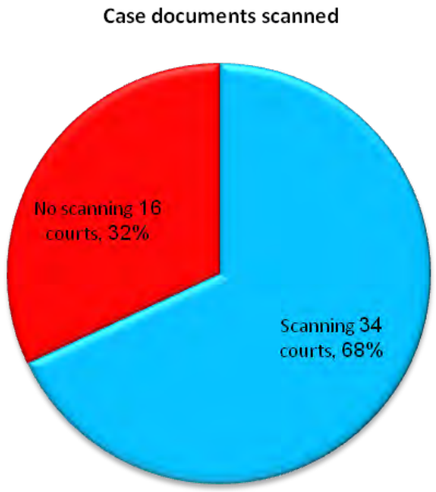

It was also established that not all ICMS options are fully used by court staff. Some menus, e.g., case registration, case assignment and publishing decisions are frequently used while enforcement procedures, registration of appeal requests, printing the list of hearings and the performance module are rarely used (Graph 10).

**Graph 10.** *Frequency of use of ICMS options*



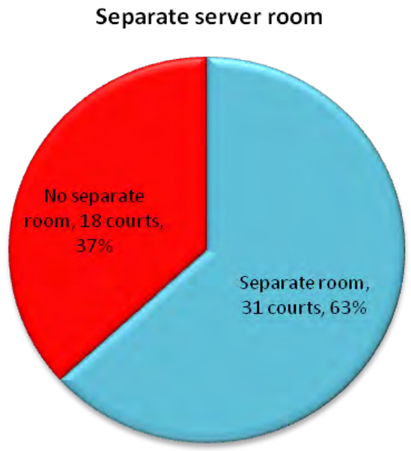

ICMS allows users to create electronic case files by scanning hard copies. The documentation teams found that not all the courts scan case files and that courts that do scan do not scan the entire file (Graph 11).

**Graph 11.** *Case documents scanned*



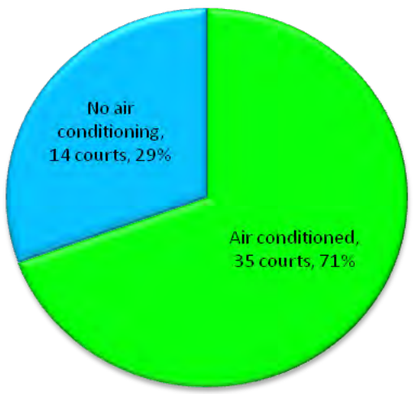

The proper operation of ICMS and other software depends on the proper operation of the server, and that depends to a great extent on the conditions of the room in which the server is located. One of the main prerequisites is that the server is installed in a separate, clean and secure room. Graph 12 shows the number of courts in which the server is installed in a separate room.

**Graph 12.** *Courts that provided or did not provide a separate room for the server*




The second prerequisite for the proper operation of the server is the proper temperature of the room. Server rooms need to be equipped with air conditioning. Graph 13 shows the number of courts that have air conditioned server rooms.

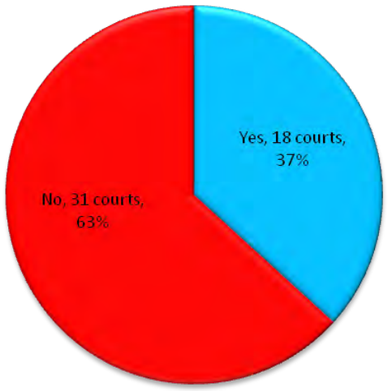
**Graph 13.** *Number of courts with or without air conditioned server rooms*




All hardware and software need to be properly maintained to ensure their smooth operation. The Moldovan judiciary does not have an IT specialist position on the staff rosters of the courts except for the Supreme Court of Justice (SCJ). Therefore, most of the technical

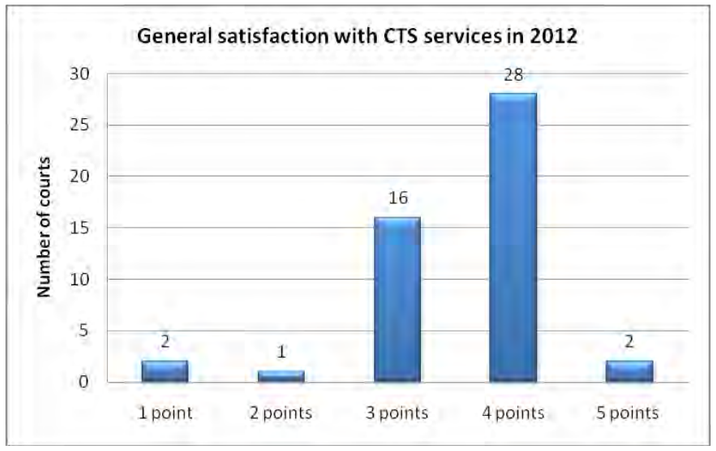
problems faced by the courts are resolved by the staff of Center for Special Telecommunications (CTS), an institution contracted by the MoJ to secure the maintenance and further development of ICMS. However, there are several courts that hired IT specialists based on service agreements (*Graph 14*).

**Graph 14.** *Number of courts contracting IT services*




CTS is officially responsible for solving the technical problems faced by court staff in using ICMS and electronic hardware. The interviews with court staff revealed their degree of overall satisfaction with the maintenance services provided by CTS in 2012 (Graph 15).

**Graph 15.** *Degree of overall satisfaction with CTS services in 2012*[10]




[10] *1 – Very low quality, 2 – Low quality, 3 – Medium quality, 4 – High quality, 5 – Very high quality.*

## 2.2. AUDIO RECORDING COURT HEARINGS

The documentation teams found that the staff in 25 courts does not audio record hearings while in 19 courts the system is sometimes used and in 6 it is always used (Graph 16). The courts that always record hearings are Balti Court of Appeals, Cahul Court of Appeals, Comrat Court of Appeals, Comrat District Court, Criuleni District Court and Drochia District Court (Table 4).

**Graph 16.** *Use of audio recording equipment during hearings*

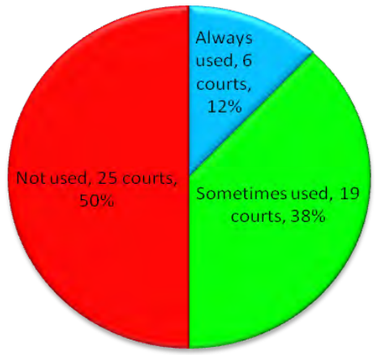


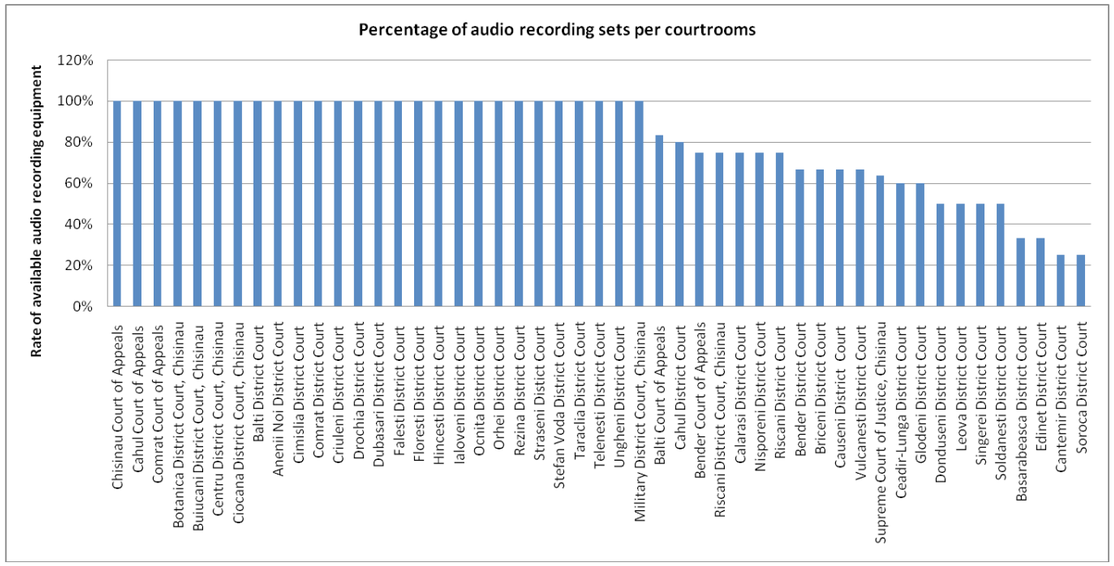

**Table 4.** *Use of audio recording equipment*[11]

| No. | Court name | Code |
|---|---|---|
| 1. | Balti Court of Appeals | 1 |
| 2. | Cahul Court of Appeals | 1 |
| 3. | Comrat Court of Appeals | 1 |
| 4. | Comrat District Court | 1 |
| 5. | Criuleni District Court | 1 |
| 6. | Drochia District Court | 1 |
| 7. | Chisinau Court of Appeals | 2 |
| 8. | Bender Court of Appeal | 2 |
| 9. | Bender District Court | 2 |
| 10. | Briceni District Court | 2 |
| 11. | Causeni District Court | 2 |
| 12. | Ceadir-Lunga District Court | 2 |
| 13. | Cimislia District Court | 2 |
| 14. | Donduseni District Court | 2 |
| 15. | Dubasari District Court | 2 |
| 16. | Edinet District Court | 2 |
| 17. | Falesti District Court | 2 |
| 18. | Floresti District Court | 2 |
| 19. | Glodeni District Court | 2 |
| 20. | Hincesti District Court | 2 |
| 21. | Nisporeni District Court | 2 |
| 22. | Orhei District Court | 2 |
| 23. | Rezina District Court | 2 |
| 24. | Telenesti District Court | 2 |
| 25. | Vulcanesti District Court | 2 |
| 26. | Supreme Court of Justice, Chisinau | 3 |
| 27. | Botanica District Court, Chisinau | 3 |
| 28. | Buiucani District Court, Chisinau | 3 |
| 29 | Centru District Court, Chisinau | 3 |
| 30. | Ciocana District Court, Chisinau | 3 |
| 31. | Riscani District Court, Chisinau | 3 |
| 32. | Balti District Court | 3 |
| 33. | Anenii Noi District Court | 3 |
| 34. | Basarabeasca District Court | 3 |
| 35. | Cahul District Court | 3 |
| 36. | Cantemir District Court | 3 |
| 37. | Calarasi District Court | 3 |
| 38. | Ialoveni District Court | 3 |
| 39. | Leova District Court | 3 |
| 40. | Ocnita District Court | 3 |
| 41. | Riscani District Court | 3 |
| 42. | Singerei District Court | 3 |
| 43. | Soroca District Court | 3 |
| 44. | Straseni Distict Court | 3 |
| 45. | Soldanesti District Court | 3 |
| 46. | Stefan Voda District Court | 3 |
| 47. | Taraclia District Court | 3 |
| 48. | Ungheni District Court | 3 |
| 49. | Military Court , Chisinau | 3 |
| 50. | Commercial District Court, Chisinau | 3 |

[11] *1 – Always used, 2 – Sometimes used, 3 –Not used.*

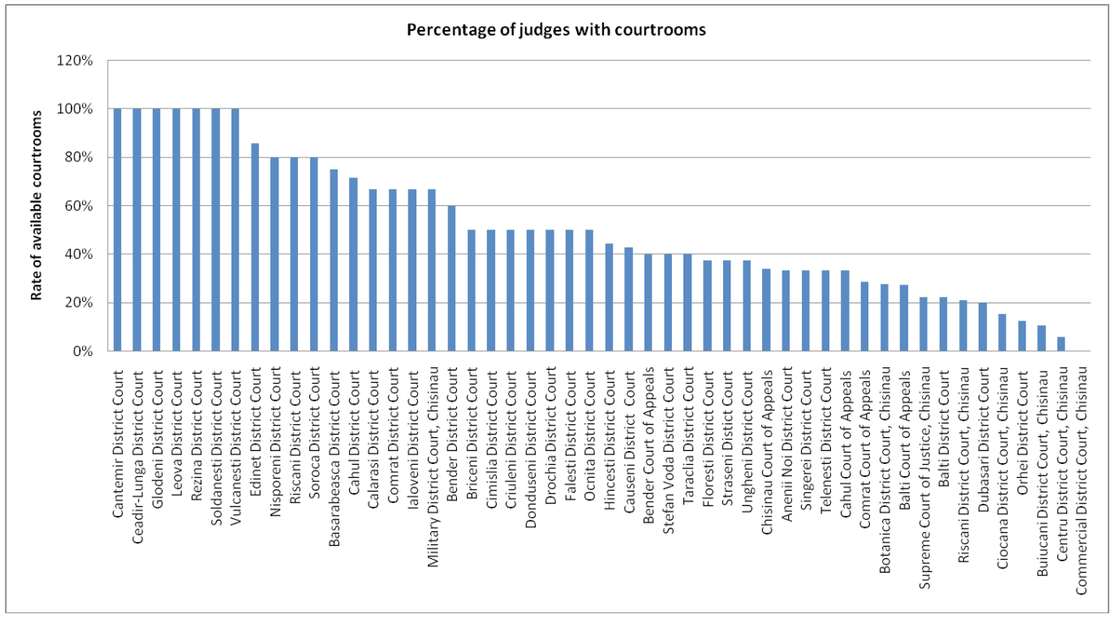
One of the problems faced by the judiciary in recording court hearings is lack of equipment as only 27 courts of the 50 visited had enough, i.e., a set for every courtroom[12]. Graph 17 shows which courts have enough equipment and which courts need equipment and how much they need calculated by dividing the total number of courtrooms by the number of sets available. The higher the rate, the lower the needs for audio recording equipment sets are. And vice versa, the lower the rate, the greater the higher the needs for the audio recording equipment are (*Graph 17*).

**Graph 17.** *Percentage of audio recording sets per courtrooms*




A more serious problem in recording hearings is the shortage of courtrooms as that requires judges to conduct hearings in their offices. Graph 18 calculates the percentage of judges with courtrooms by dividing the total number of courtrooms in a courthouse by the total number of judges working there. Only seven courthouses have one courtroom for each judge. The higher the rate, the lower the need for additional courtrooms is. And vice versa, the lower the rate, the higher the number of the needed additional courtrooms is.

**Graph 18.** *Percentage of judges with courtrooms*

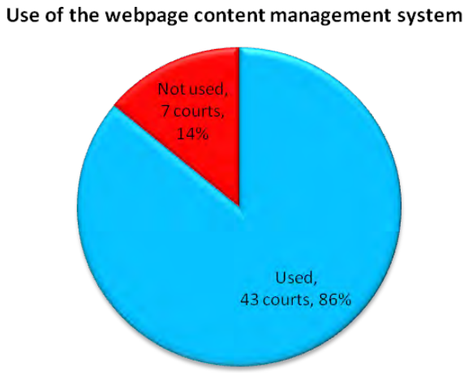



[12] *In 2009, the Moldova Governance Threshold Country Program funded by the Millennium Challenge Corporation provided all courtrooms in all courts with the audio recording equipment. Since then new courtrooms were created in the judiciary where no audio recording equipment is installed.*

## 2.3. COURT WEBPAGES

The documentation teams found that the webpage content management software is used in most of the courts (Graph 19), but that fonts and colors were not always uniform. In addition, the menus do not always match their contents and some do not have any information. The software is not used in seven courts, i.e. the webpages are not updated (Centru District Court of Chisinau Municipality, Anenii Noi District Court, Causeni District Court, Ialoveni District Court, Orhei District Court, Military Court and Commercial Circumscription Court).

**Graph 19.** *Use of the webpage content management system*




## 2.4. EQUIPMENT NEEDS

Currently the courts have enough equipment to function properly, but all of them expressed the need for more (Table 5).

**Table 5.** *Equipment needed by the courts*

| No. | Court name | Computers | Printers | UPS | Scanners | Notebooks | Copy machines | SRS Femida equipment sets | Telephones | Faxes | Air-conditioners | Refrigerators | Franking machines | Power supply stabilizer | Electrical monitor | TV / Video Set |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1. | Supreme Court of Justice, Chisinau | 75 | 61 | | 20 | 10 | | | | | 60 | 20 | | | 1 | |
| 2. | Chisinau Court of Appeals | 56 | 53 | 62 | 25 | | 2 | 15 | | 5 | 14 | | | | | |
| 3. | Balti Court of Appeals | | | | | | | 2 | | | | | | | | |
| 4. | Bender Court of Appeals | 17 | 15 | 19 | 2 | | 2 | 1 | | 4 | 4 | | | | | |
| 5. | Cahul Court of Appeals | 21 | 14 | 21 | 2 | | | 1 | | | | | 1 | 1 | | |
| 6. | Comrat Court of Appeals | 32 | | 30 | 3 | | | 5 | | | | | | | 1 | |
| 7. | Botanica District Court, Chisinau | 22 | 20 | 30 | 20 | | | 15 | | 5 | | | | | | |
| 8. | Buiucani District Court, Chisinau | 27 | 20 | | | | | | | | | | | | | |
| 9. | Centru District Court, Chisinau | 19 | 5 | 19 | 5 | | | 19 | | 18 | | | | | | |
| 10. | Ciocana District Court, Chisinau | 18 | 18 | 18 | 13 | | | 11 | | 5 | | | | | | |
| 11. | Riscani District Court, Chisinau | 25 | 20 | 30 | 2 | | | 3 | | 5 | | | 1 | | | |
| 12. | Balti District Court | 5 | 3 | 8 | 9 | | | 5 | | 7 | 15 | | | | | |
| 13. | Bender District Court | 10 | 10 | | 2 | | 2 | 1 | | | | | | | | |
| 14. | Anenii Noi District Court | 3 | 2 | 8 | | | | 1 | | 1 | | | | | | |
| 15. | Basarabeasca District Court | 4 | 1 | | | | | 2 | | | | | 1 | | | |
| 16. | Briceni District Court | 38 | 20 | 38 | 6 | | 4 | 3 | | 3 | 15 | | | 2 | 1 | |
| 17. | Cahul District Court | 30 | 30 | 32 | 15 | | | 5 | | | 5 | | 1 | 1 | 1 | |
| 18. | Cantemir District Court | 8 | 8 | 18 | 2 | | 5 | 3 | | 2 | | | | | | |
| 19. | Calarasi District Court | 10 | 10 | 27 | 2 | | | 2 | | 1 | | | | | | |
| 20. | Causeni District Court | 5 | | | 7 | | 3 | 3 | | | 17 | | | | | |
| 21. | Ceadir-Lunga District Court | 18 | 5 | 28 | 3 | | | 2 | | 2 | | | | 1 | 1 | |
| 22. | Cimislia District Court | 3 | 3 | 4 | 1 | | | 1 | | | | | | | | |
| 23. | Comrat District Court | 8 | 8 | | 2 | | | | | | | | | | | |
| 24. | Criuleni District Court | 2 | 12 | | 6 | | 1 | | | | | | | | | |
| 25. | Donduseni District Court | 4 | 3 | 2 | 1 | | 2 | 1 | | | 3 | | | | | |
| 26. | Drochia District Court | 6 | 6 | | 2 | | | 1 | | | 8 | | | 1 | | |
| 27. | Dubasari District Court | 10 | 5 | | 5 | | | 2 | | | | | | | | |
| 28. | Edinet District Court | 15 | 15 | 25 | 1 | | | 5 | | | 5 | | | | | |
| 29. | Falesti District Court | 3 | 5 | 10 | 1 | | | 3 | | 1 | 5 | | | | | |
| 30. | Floresti District Court | 19 | 15 | | 8 | | | 5 | | | 5 | | 1 | | | |
| 31. | Glodeni District Court | 5 | 5 | 8 | 1 | | | 2 | | 1 | | | | 1 | | |
| 32. | Hincesti District Court | 2 | 8 | | 1 | | | 1 | | 1 | | | | | | |
| 33. | Ialoveni District Court | 25 | 10 | 9 | 2 | | | 6 | | | | | | | | |
| 34. | Leova District Court | 3 | 3 | 13 | 1 | | | 2 | | | | | | | | |
| 35. | Nisporeni District Court | 5 | 5 | | 2 | | | 1 | | | | | | | | |
| 36. | Ocnita District Court | 9 | 14 | 13 | 5 | | | 3 | | 1 | | | 1 | | | |
| 37. | Orhei District Court | 2 | 5 | 5 | 8 | | | 1 | | 1 | | | | | | |
| 38. | Rezina District Court | | 5 | | | | | | | | 3 | | | | | |
| 39. | Riscani District Court | 15 | 15 | 10 | 3 | | 2 | 1 | | 2 | 7 | | | | | |
| 40. | Singerei District Court | | 3 | | 2 | | 1 | 1 | | 1 | 2 | | 1 | | | |
| 41. | Soroca District Court | 20 | 20 | 20 | 10 | | 5 | 8 | | | | | | | 1 | 5 |
| 42. | Straseni Distict Court | 4 | | 10 | | | 2 | | | 1 | | | | | | 1 |
| 43. | Soldanesti District Court | 2 | 2 | 2 | 1 | | | 2 | | | | | | | | |
| 44. | Stefan Voda District Court | 10 | 10 | 2 | 2 | | | 3 | | | | | | | 1 | |
| 45. | Taraclia District Court | 23 | 23 | 23 | 12 | | 3 | 3 | | | 15 | | 1 | | | 3 |
| 46. | Telenesti District Court | | 1 | | 1 | | | 3 | | | | | 1 | | | |
| 47. | Ungheni District Court | 16 | 16 | | 8 | | 4 | | | 2 | | | | | | |
| 48. | Vulcanesti District Court | 15 | | 15 | | | 2 | 1 | | 3 | 15 | | 1 | | | |
| 49. | Military Court, Chisinau | 10 | 13 | 13 | | | | 1 | 10 | 1 | 7 | | | | | |
| 50. | Commercial District Court, Chisinau | | 1 | | 8 | | | 9 | 8 | 3 | 23 | 5 | | | | |
| | **TOTAL** | **679** | **546** | **572** | **232** | **10** | **40** | **165** | **18** | **76** | **228** | **25** | **10** | **7** | **7** | **9** |

### *Conclusions*

- ICMS is used by all courts except for the Military Court which does not have a server.
- Version 3 of ICMS is used in 14%, Version 2 is used in 80% and Version 1 is used in 6% of the courts visited.
- Most ICMS options are used. The unused or more rarely used modules are registering summons, human resource management, performance dashboard, printing the list of hearings, registering appeal requests and enforcement procedures.
- In all, 68% of the courts scan cases to create electronic files, though most do not scan the entire files (as a rule, civil cases are completely scanned, criminal cases – only the indictment, and contraventional cases – integrally). The other 32% do not scan. The courts that do not scan are Chisinau Court of Appeals; Buiucani District Court, Chisinau; Centru District Court, Chisinau; Ciocana District Court, Chisinau; Balti District Court; Basarabeasca District Court; Briceni District Court; Cantemir District Court; Falesti District Court; Ialoveni District Court; Rezina District Court; Singerei District Court; Straseni District Court; Telenesti District Court; Military Court, Chisinau and Commercial District Court, Chisinau.
- A total of 61% of court presidents and court staff assessed the quality of services provided by CTS in 2012 as very good or good, while the other 39% rated CTS at 1 to 3, i.e. very low, low or medium quality.
- The audio recording sets are not used in 50% of the courts. In 38% they are used only sometimes often because there aren't enough courtrooms or sets. The equipment is always used in 12% of the courts, i.e. all court hearings are audio recorded.
- In all, 54% of the courts have sufficient audio recording equipment, 28% need one additional set and the other 16% need two or more sets.
- The number of courtrooms is equal to the number of judges working at the court in 14% of courthouses nationwide. The number of judges exceeds the number of courtrooms by one in 10% of the courts, in 38% the number of judges exceeds the number of courtrooms by 3–6, while 11–38 additional courtrooms are required in the remaining 20% (SCJ needs 38; Chisinau Court of Appeals needs 27; Balti Court of Appeals requires 16; Botanica District Court, Chisinau needs 13; Riscani District Court, Chisinau lacks 15; Ciocana District Court, Chisinau is 11 short; Buiucani District Court, Chisinau lacks 17; Centru District Court, Chisinau needs 16; Commercial District Court, Chisinau requires 12 and Balti District Court is 14 short).

### *Recommendations*

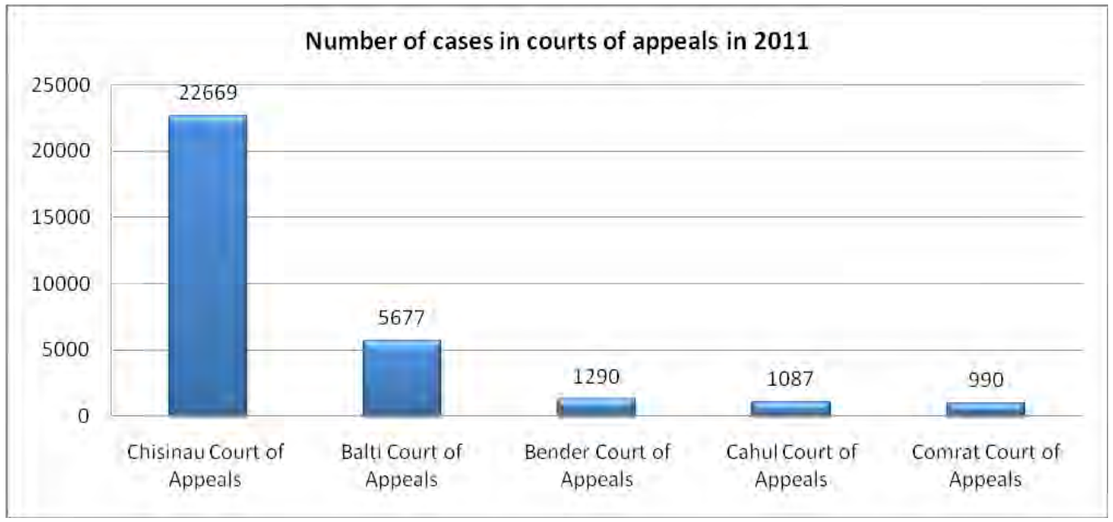
- Hire an IT specialist for every court.
- Develop and implement a training program for using ICMS, the audio recording software and equipment, the webpage content management system and maintaining computer networks.
- Install Version 3 of ICMS in all courts.
- Institutionalize training for all court staff in using Version 3 including the statistical reporting module.
- Provide the Military Court with a server and whatever else is necessary for using ICMS.
- Provide all courts with enough scanners to create electronic case files.
- Install all servers in separate rooms and equip the rooms with air conditioners.
- Complete all webpages with information of public interest and ensure the uniformity of design, colors and fonts.
- Require SCM inform court presidents about problems and lack of information.
- Issue regulations that require all court to maximize audio record hearings.
- Institutionalize training for court secretaries in the use of the audio recording software and equipment.
- Provide every court with portable devices to record hearings both in courtrooms and in other premises used as courtrooms.
- Amend the current legislation to eliminate handwritten transcripts of hearings and to make the audio recording the primary document.
- Amend criminal legislation to replace signed handwritten statements of defendants, injured parties, civil parties and civilly liable parties, and the need to sign the statements, with audio recordings.
- Develop statistical criteria for assessing the need for courtrooms. The focus should be on the total number of judges and their caseloads.

### 3.1. WORKLOADS OF THE COURTS

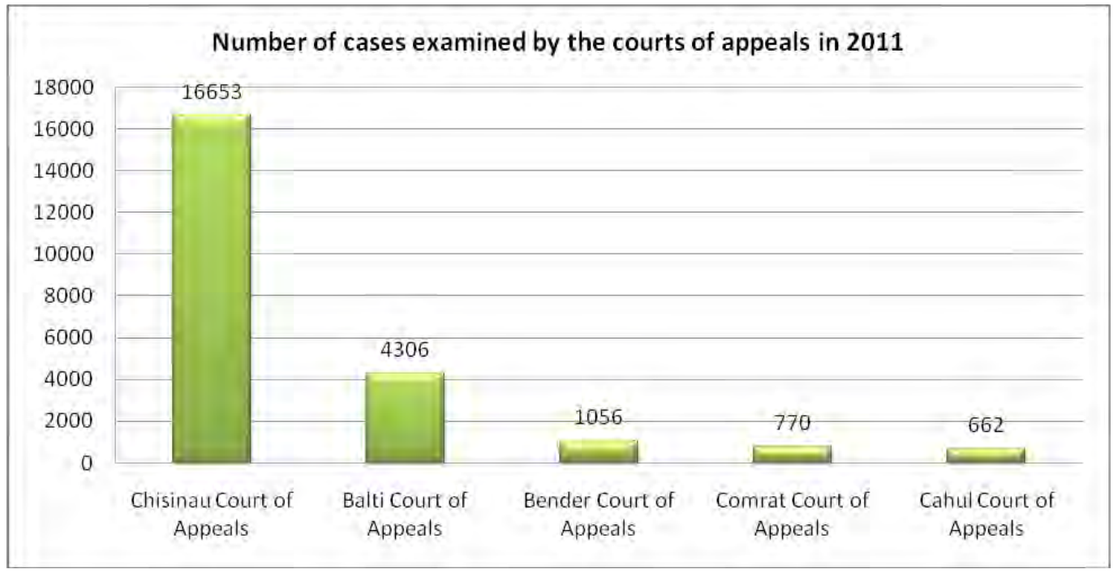
The work of the SCJ is not included in this summary as its functions are unique.

The workloads of courts of appeals and district courts were analyzed by comparing the total number of registered cases in each in 2011, the total number of cases examined that year and the case clearance rates[13] (Graphs 20–25).

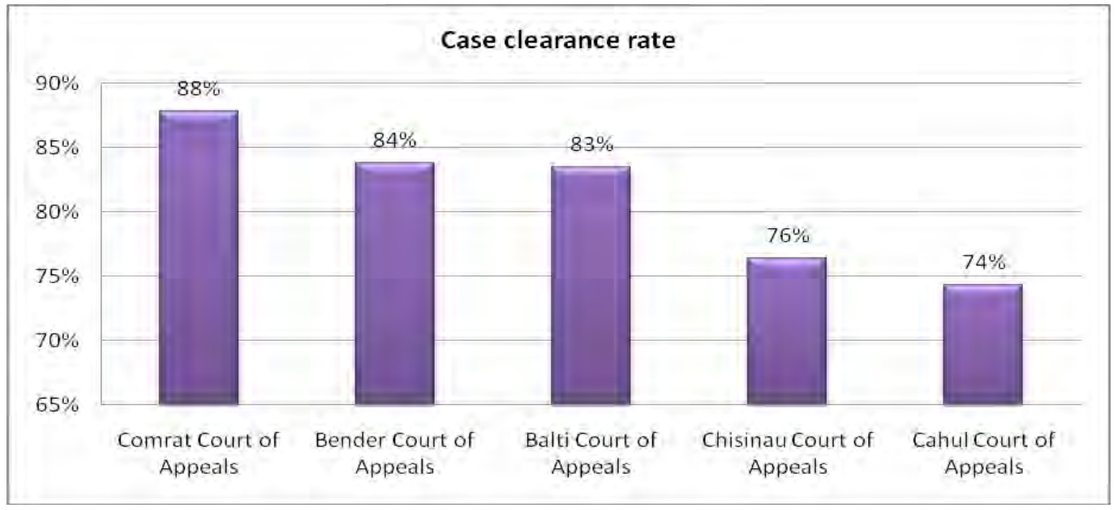
**Graph 20.** *Total number of cases registered in the courts of appeals in 2011*




**Graph 21.** *Total number of cases examined by the courts of appeals in 2011*

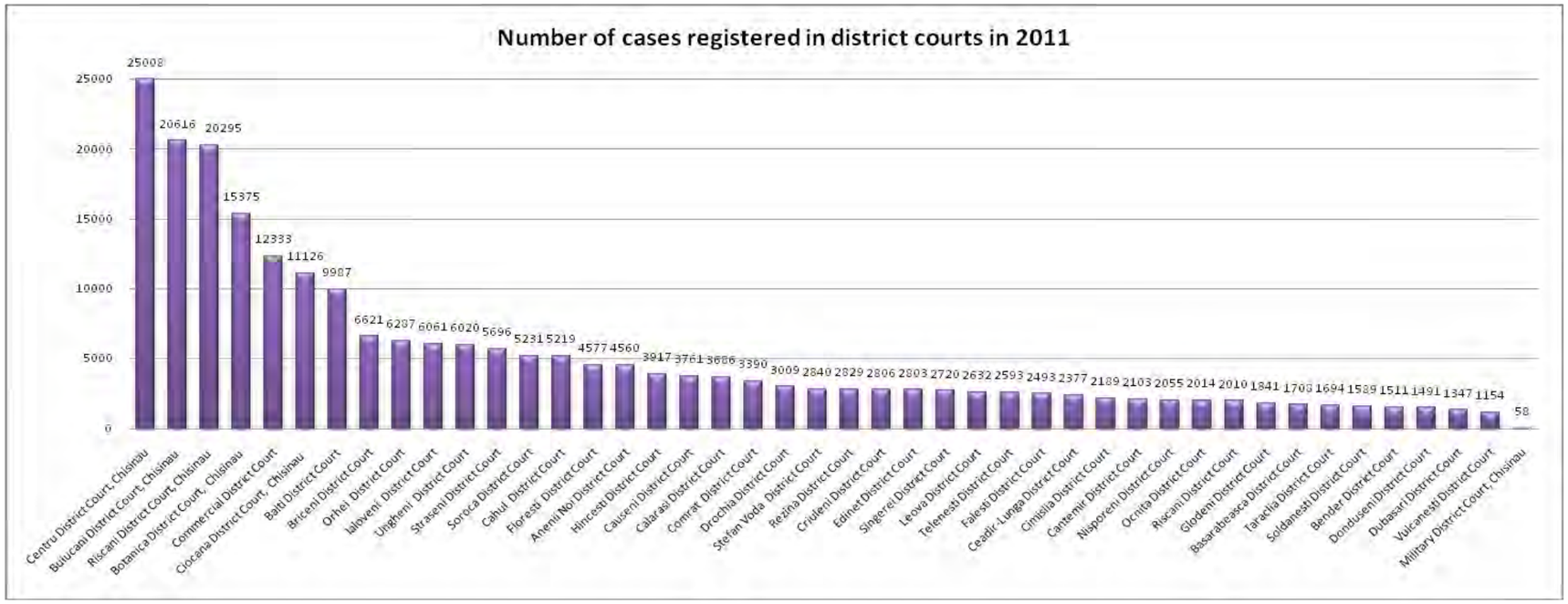



**Graph 22.** *Case clearance rates for courts of appeals in 2011*

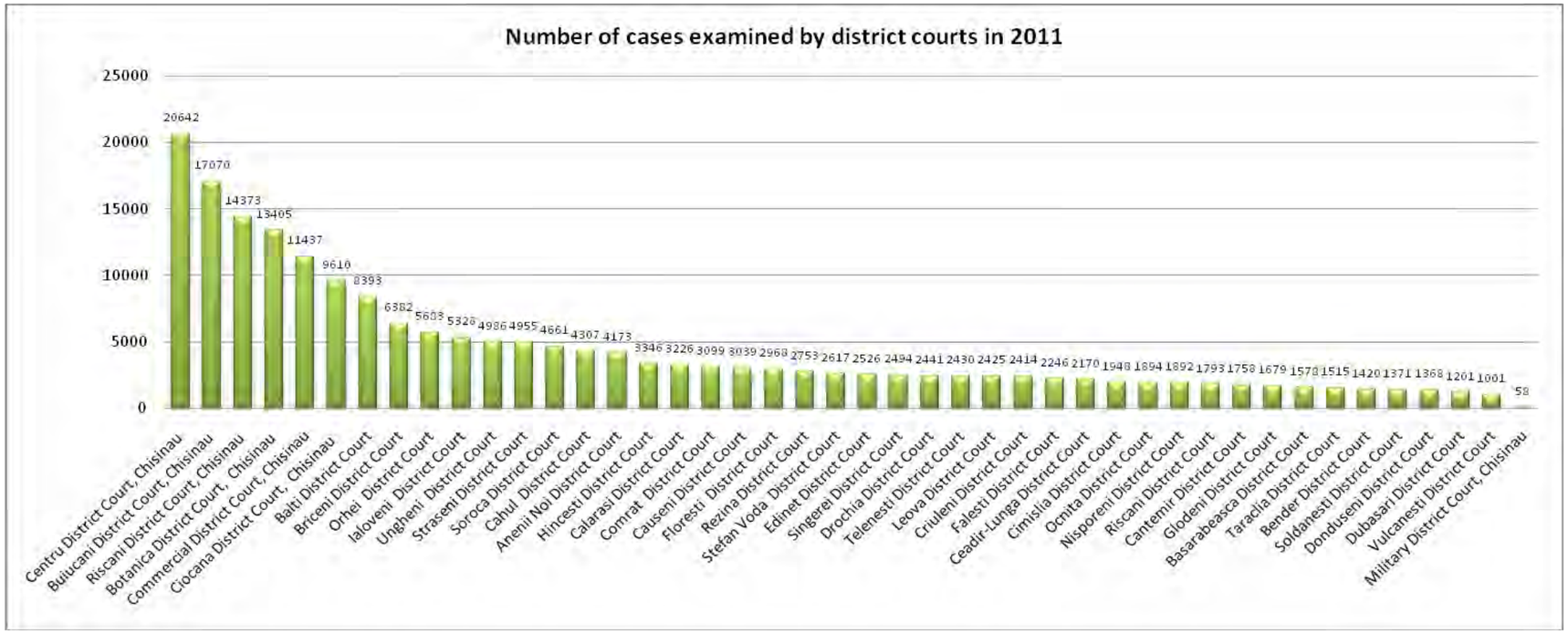



[13] *Case clearance rate is the total number of examined cases divided by the total number of received cases which includes the case backlog at the beginning of the year.*

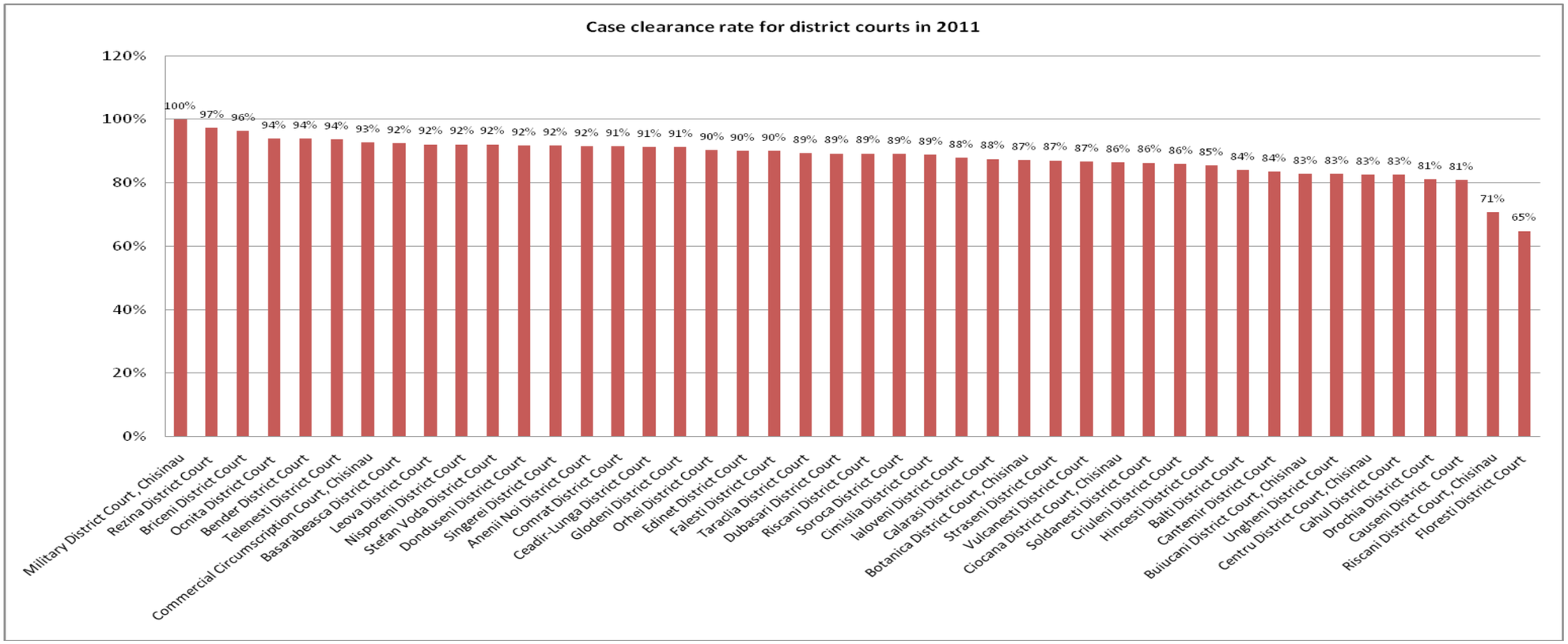
**Graph 23.** *Total number of cases registered by district courts in 2011*




**Graph 24.** *Total number of cases examined by district courts in 2011*



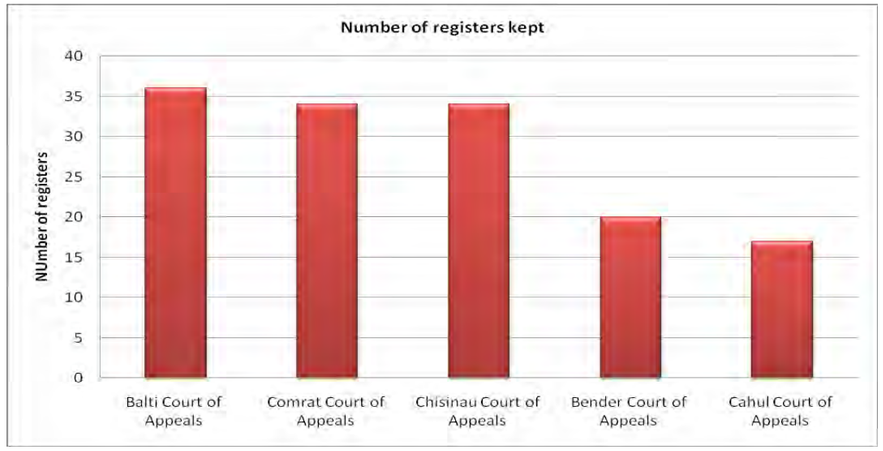
**Graph 25.** *Case clearance rates for district courts in 2011*



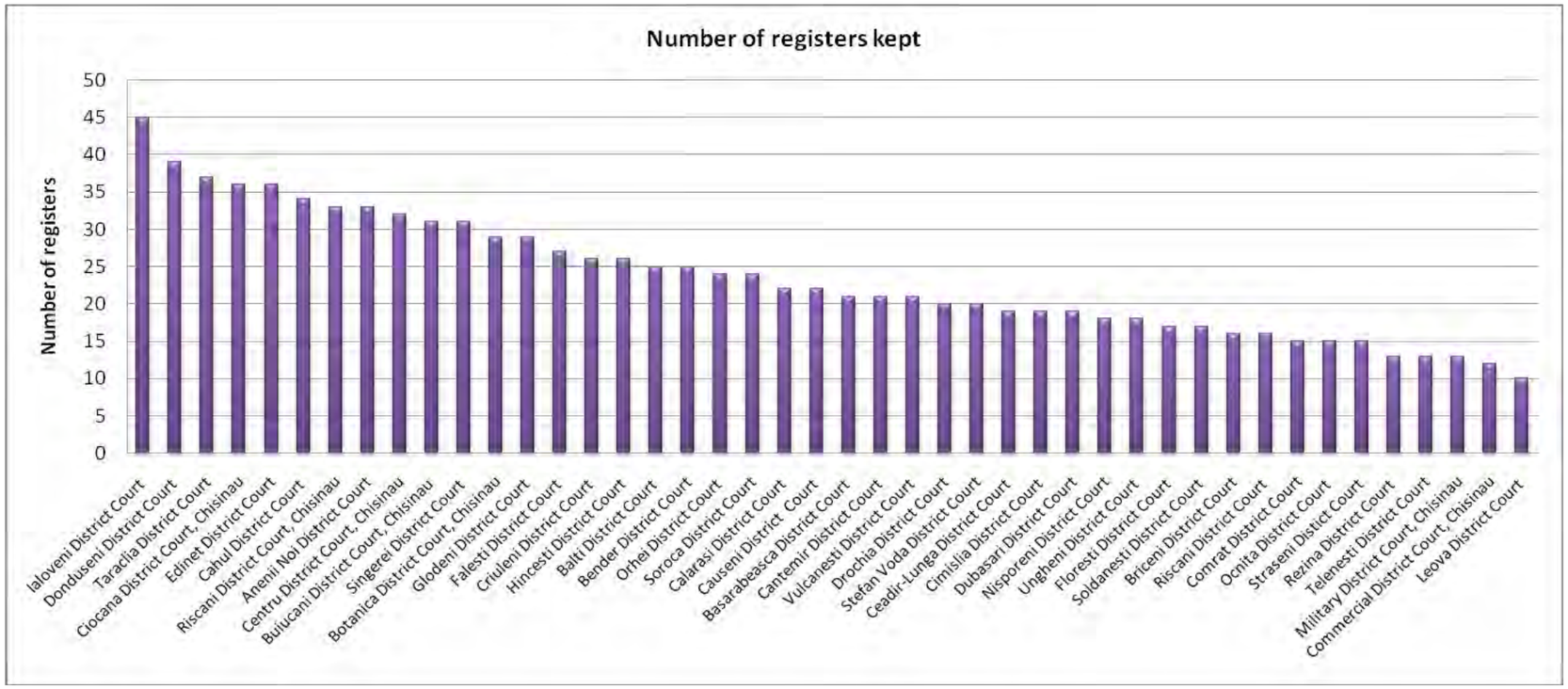

## *3.2. ORGANIZATION OF ACTIVITIES*

The number of registers kept by the chancellery staff varies from one court to another. Most courts were not following the amendments to the 2011 Guidelines that reduced the total number of registers to 15 for courts of appeals and to 14 for district courts. In addition to limiting the number of registers, the Guidelines provide for a new register, i.e., actions cards. The degree to which the courts comply with the new provisions is presented in Graphs 26 and 27.

**Graph 26.** *Total number of registers presented by the chancellery staff in courts of appeals*

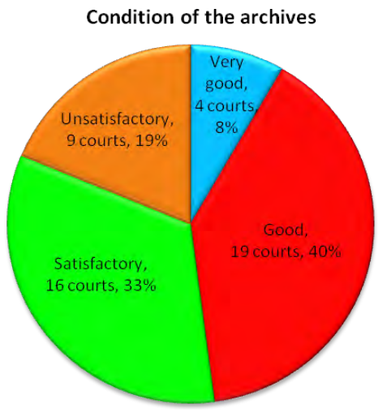


**Graph 27.** *Total number of registers presented by chancellery staff of district courts*




The archives of the courts are another area of interest given the importance of closed-case storage. Conditions vary significantly from very good in 4 courts to unsatisfactory in 9 while in 35 it is either satisfactory or good/very good (Graph 28).

**Graph 28.** *Assessment of the conditions of the archives*




### *Conclusions*

- In all, 31,713 cases were registered in 2011 in the 5 courts of appeal.
- In the same year, the courts of appeals examined a total of 23,447 cases with an overall case clearance rate of 73.9%.
- The level of productivity of the courts of appeals' judges is as follows: Chisinau Court of Appeals – 406 cases per judge, Balti Court of Appeals – 196 cases per judge, Bender Court of Appeals– 106 cases per judge, Comrat Court of Appeals – 110 cases per judge, Cahul Court of Appeals – 110 cases per judge.
- The total backlog at the end of the year in all courts of appeals was 6,544 cases, of which 5,149 cases were pending at the Chisinau Court of Appeals.
- The 44 district courts registered a total of 229,632 cases in 2011.
- In 2011, district courts examined 196,075 cases with an overall case clearance rate of 85.3%.
- The most cases registered in 2011 were in the Chisinau district courts. The total ranged from 25,008 (Centru District Court) to 11,126 (Ciocana District Court).
- The procedures for organizing the work of the chancellery are not uniform as case management and storage vary significantly. The number of registers kept by the chancellery staff of the five courts of appeals ranges from 36 to 17 while the number of registers in district courts chancelleries ranges from 45 to 10.
- Of the courts of appeal, the Comrat chancellery staff keeps the most registers.
- Of the district courts, the Ialoveni District Court chancellery staff keeps the most registers.

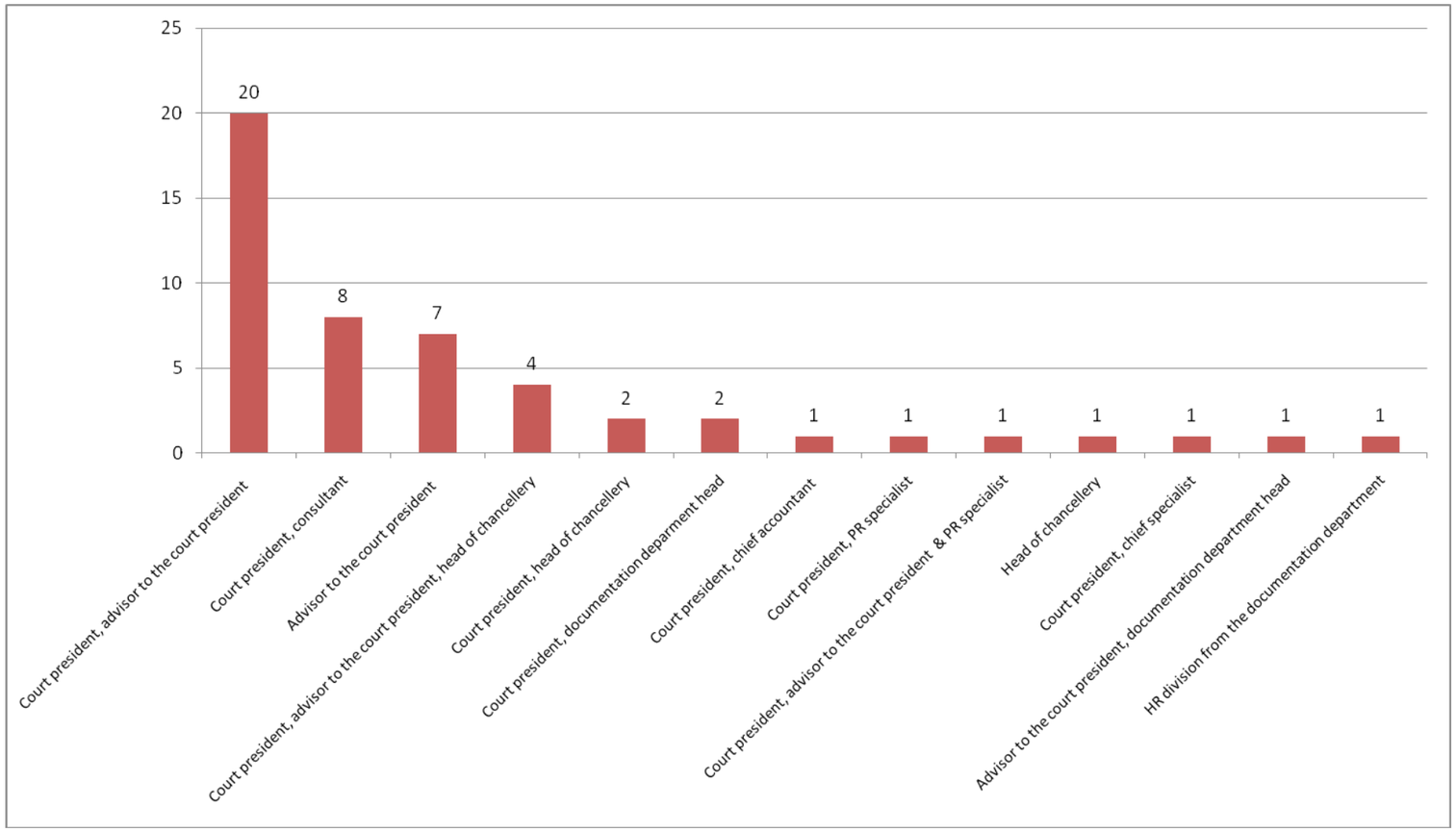
### *Recommendation*

- Develop and approve national standards for deciding number of judges necessary for a court.
- Review the current number of judges in the judiciary and mathematically determine the number necessary in each court using criteria like the number of cases registered, case backlog, number of cases examined, time required to resolve a case and population served.
- Establish a national procedure for SCM to test and implement the electronic module for statistical reporting and gradually eliminate duplicate registers of cases electronically and on paper.
- SCM should monitor the process of eliminating the paper registers.
- Ensure that court clerks follow the same procedures in processing case file documents.
- Develop and implement the electronic module for statistical reporting for the SCJ and amend the SCJ guidelines to include the changes in case management and records.

## IV. HUMAN RESOURCES AND SERVICES FOR THE PUBLIC

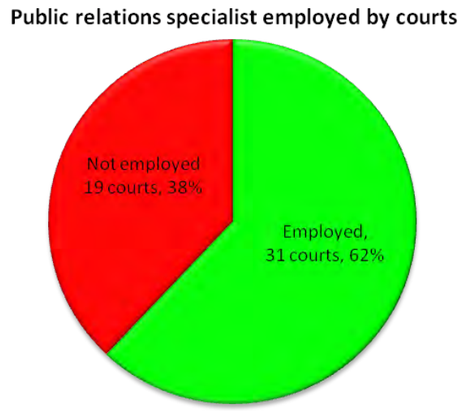
This section focuses on problems identified in the ways human resources are managed and services for the public are organized. None of the courts except the SCJ has a human resource specialist on the official staff roster approved in 2011 although each court has assigned a person to perform those duties. Graph 29 shows the frequency which various staff members manage human resources.

**Graph 29.** *Staff performing the duties of the human resource specialist*

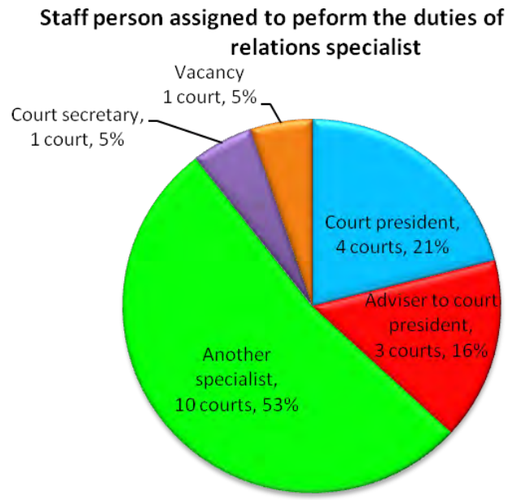



Effective 1 January 2009, the position of public relations specialist was introduced to act as the official representative of the courts in media relations and relations with the public both inside and outside the court to ensure court work is transparent and complies with the law. The documentation teams found that not all courts employ a public relations specialist and that those duties are performed by other staff (Graphs 30 and 31).

**Graph 30.** *Share of public relations specialists in courts*

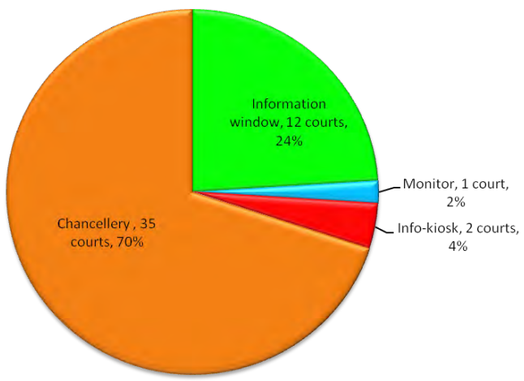



**Graph 31.** *Court staff performing the duties of the public relations specialist*



As for services for the public, the means for providing information to the public differs from court to court. Some have information windows at the entrance while in others the chancellery office is the contact point. A few courts have info-kiosks or monitors that provide the schedule of hearings (Graph 32).

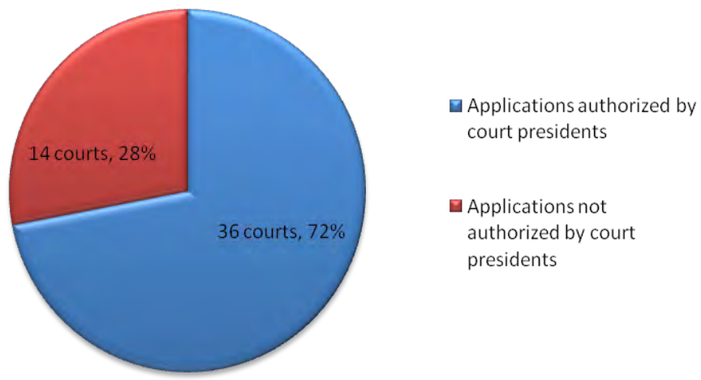
**Graph 32.** *Means of providing public access to information*




The documentation teams found that there was no uniformity among courts in the procedure for issuing copies of case documents and judgments.

The time for issuing a copy varied from the same day to ten days, and in some courts applications for copies must be approved by the court presidents while in others the president's approval is not required (Graph 33).

**Graph 33.** *Approval of applications for copies*




### *Conclusions*

- Except for the SCJ, human resource specialists are not included on the official staff rosters of the courts.
- The functions of the human resource specialist are performed by persons appointed by the court president.
- In all, 62% of the courts have public relations specialists while in the rest those functions are performed by a person assigned by the court president in addition to his/her regular duties.
- The chancellery is the information source for the public in 70% of the courts, there is an information window at the entrance in 24% of the courts, 4% of the courts have info-kiosks and 2% of the courts have monitors with the schedule for hearings.
- The procedure for issuing copies of the case documents and judgments is not uniform. Applications for copies must be approved by the court president in 72% of the courts.

### *Recommendations*

- Add the position of human resource specialist to the official staff roster.
- Hire a public relations specialist in the 32% of courts in which those duties are performed by court secretaries, chancellery staff or the advisor to court president.
- Provide an information window at the entrance to each courthouse or install info-kiosks in all courts.
- Adopt a uniform procedure and timeframe for issuing copies of case documents.

### 5.1. FINANCING OF THE JUDICIARY

The face value of allocations from the state budget (main component) for the judiciary (except for the Economic Court of Appeals[14]) from 2009 (executed) to 2012 (approved) in **nominal values** was continuously increased. In 2009, MDL 100 million were allocated while in 2012 MDL 146.5 million have been approved (Table 6).

**Table 6.** *Face values of financing for the judiciary from 2009 (executed) to 2012 (approved) in nominal value million MDL*

| Years | District courts | | Courts of appeals | | SCJ | | Total | |
|---|---|---|---|---|---|---|---|---|
| | Amount | % increase | Amount | % increase | Amount | % increase | Amount | % increase |
| 2009 | 62.8 | - | 18.1 | - | 19.1 | - | **100.0** | **-** |
| 2010 | 81.0 | 28.9% | 20.9 | 16.0% | 18.5 | -3.3% | **120.4** | **20.4%** |
| 2011 | 95.7 | 18.2% | 21.8 | 4.4% | 18.0 | -2.8% | **135.5** | **12.5%** |
| 2012 | 102.7 | 7.3% | 23.7 | 8.3% | 20.1 | 11.8% | **146.5** | **8.1%** |

*Source: BOOST, Ministry of Finance, forms No. 1 and 2 submitted by courts*

Although the amount of funding has increased annually, the growth rate has actually decreased. In 2010, the face value of funding for the judiciary was 20.4% greater than in 2009, but in 2012 it was only 8.1% more than in 2011.

Table 7 shows the **real values** of allocations for the judiciary taking the inflation rate into consideration.

**Table 7.** *Real values of funding for the judiciary from 2009 (executed) to 2012 (approved) million MDL*

| Years | Inflation rate | District courts | | Courts of appeals | | SCJ | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | % | Amount | % increase | Amount | % increase | Amount | % increase | Amount | % increase |
| 2009 | - | 62.8 | - | 18.1 | - | 19.1 | - | **100.0** | **-** |
| 2010 | 7.4% | 75.4 | 20.0% | 19.5 | 8.0% | 17.2 | -10.0% | **112.1** | **12.1%** |
| 2011 | 7.6% | 88.9 | 9.8% | 20.3 | -3.0% | 16.7 | -9.7% | **125.9** | **4.6%** |
| 2012 | 7.7% | 95.3 | -0.4% | 21.9 | 0.6% | 18.7 | 3.9% | **135.9** | **0.3%** |

*Note: The inflation rate for 2010 and 2011 is from the BNS data base and that for 2012 was forecast when the state budget was drafted by the Ministry of Finance*

[14] *In 2012 the Economic Court of Appeals was liquidated; to ensure comparability it was excluded from the analysis.*

Graph 34 shows the trends in financing the judiciary and in the growth rates from 2010 to 2012 in both face and real values.

**Graph 34.** *Trends in financing the judiciary from 2010 to 2012*

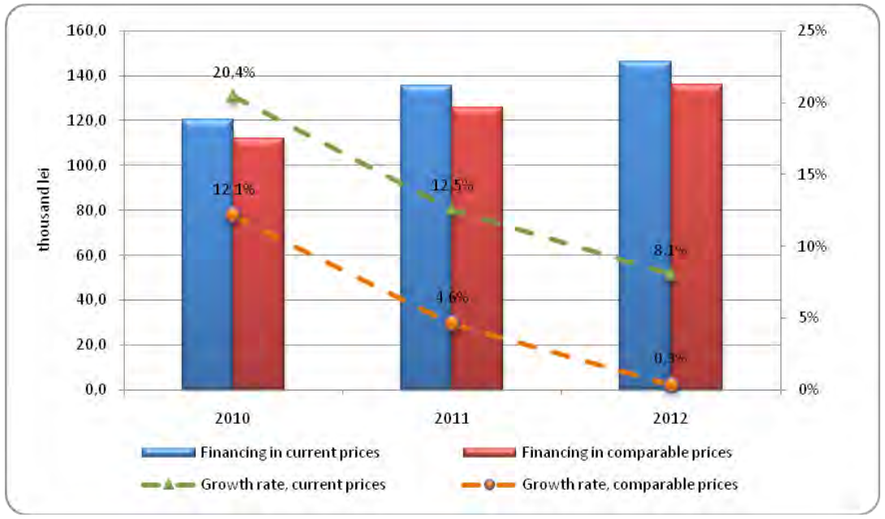



Table 8 shows the share of judiciary funding from the state budget.

**Table 8.** *Percentage of the state budget allocated to the judiciary*

| Indicators | 2009 | 2010 | 2011 | 2012 |
|---|---|---|---|---|
| Total from state budget in millions of MDL | 13,568 | 17,168 | 18,639 | 21,033 |
| Volume of judiciary financing | 100.0 | 120.4 | 135.5 | 146.5 |
| Percentage of the state budget allocated to the judiciary | 0.7% | 0.7% | 0.7% | 0.7% |

*Source: Reports on the state budget of the Ministry of Finance*

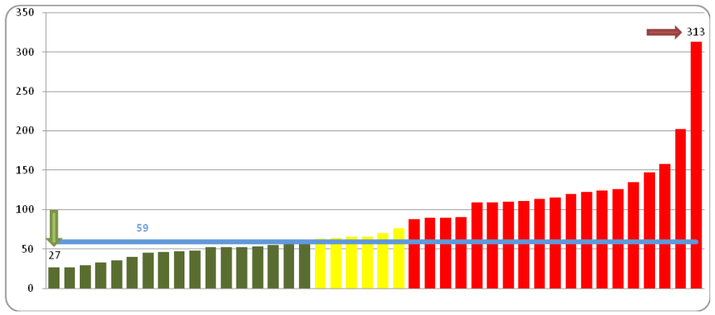
Allocations for the judiciary from the total state budget from 2009 to 2012 have been a consistent 7% which leads to the following conclusions:

- The growth rate of financing in nominal and real terms has decreased annually.
- Although planning for the judiciary budget considers the rate of inflation, the methodology used does not always cover it.
- When compared to the State Budget income, the financing of the judiciary is maintained at a constant level at least in 2009 – 2012.

In addition, the methodology currently used for budgeting (at least for district courts) does not ensure an equitable distribution of financial resources because performance is not taken into account. An analysis

of budgeting for district courts is presented in Graph 35 using the performance indicator "average cost for examining a case." This indicator is calculated by dividing the operating costs of the court by the number of cases examined. Operating costs include office supplies, periodicals and books, telecommunication and mail services, transport services, furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard services, information technology and computation services, goods and services that do not fall into other budget categories and travel within the country. The calculations are based on statistical data presented by DJA. For purposes of comparison, the average weighted cost for examining a case for the country as a whole was calculated as MDL 59.

**Graph 35.** *Average cost for examining a case compared to the average weighted cost for the country as a whole in 2011*

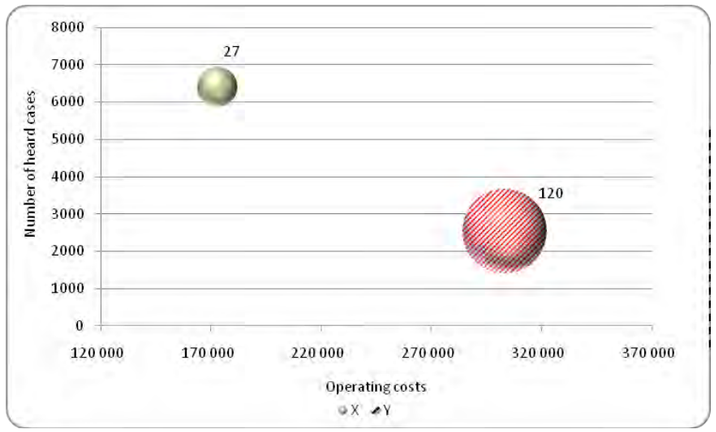



As shown above, there is a significant discrepancy between:

- the minimum and maximum average cost per case ranges from MDL 27 to MDL 313;
- average weighted cost for the country (accounting for MDL 59) and maximum value of the average cost per case examined.

Another method for highlighting the lack of equity in court financing is to compare the volume of financing of two identical courts in terms of operating expenditures and number of judges. Graph 36 presents the average cost for examining a case for two such courts. To avoid any comments, the names of the courts were replaced by court X and court Y.

**Graph 36.** *Comparison of the average cost for examining a case in 2011 in two courts with the same operating costs and number of judges*




***Note**: The figure above the ball refers to the average cost for examining a case*

Based on these results, the current financing system does not consider performance as in 2011 it cost MDL 27 to examine a case in court X while it cost MDL 120 in court Y with the same allocation for operating expenses and the same number of judges. **It is important to highlight that this graph does not show that court Y should have received lower financing in 2011 or court X a higher financing level. The graph only shows the current degree of equity in courts financing.**

Special attention needs to be paid to expenditures for mail (stamps and envelops) as they account for around 80% of telecommunication and postal expenses. These high costs are the result not only of increased costs for postal services but also of the failure to use state-of-the-art technology. Currently, the stamps in all district courts are purchased and applied manually. Considering the very high volume of correspondence, this procedure is cumbersome and time consuming. In addition to direct costs, the current procedure has indirect costs such as time and travel to the post office. There is a need to use available state-of-the-art technology which is expensive, but the savings in manual labor will offset the cost. First, however, a cost-effect study on the potential use of modern technology needs to be conducted.

## *5.2. AUTOMATION OF THE ACCOUNTING SYSTEM*

The IT market offers many programs for accounting, so it is strange that 21 of the district courts still do their accounting manually. In addition, one court uses unlicensed software while in two other courts accounting is partially electronic. The breakdown of manual, electronic and partially electronic systems by court is shown in Table 9.

***Table 9.*** Automation of accounting

| No. | Courts | Manual | Automated | Partial |
|---|---|---|---|---|
| 1. | Basarabeasca | Yes | | |
| 2. | Bender | Yes | | |
| 3. | Calarasi | Yes | | |
| 4. | Cantemir | Yes | | |
| 5. | Cimislia | Yes | | |
| 6. | Comrat | Yes | | |
| 7. | Donduseni | Yes | | |
| 8. | Dubasari | Yes | | |
| 9. | Edinet | Yes | | |
| 10. | Falesti | Yes | | |
| 11. | Floresti | Yes | | |
| 12. | Ialoveni | Yes | | |
| 13. | Leova | Yes | | |
| 14. | Ocnita | Yes | | |
| 15. | Rezina | Yes | | |
| 16. | Singerei | Yes | | |
| 17. | Soldanesti | Yes | | |
| 18. | Stefan Voda | Yes | | |
| 19. | Telenesti | Yes | | |
| 20. | Ungheni | Yes | | |
| 21. | Vulcanesti | Yes | | |
| 22. | Anenii Noi | | Yes | |
| 23. | Balti | | Yes | |
| 24. | Briceni | | Yes | |
| 25. | Cahul | | Yes | |
| 26. | Causeni | | Yes | |
| 27. | Ceadir-Lunga | | Yes | |
| 28. | Comerciala | | Yes | |
| 29. | Criuleni | | Yes | |
| 30. | Drochia | | Yes | |
| 31. | Glodeni | | Yes | |
| 32. | Orhei | | Yes | |
| 33. | Riscani | | Yes | |
| 34. | Botanica District Court, Chisinau | | Yes | |
| 35. | Buiucani District Court, Chisinau | | Yes | |
| 36. | Centru District Court, Chisinau | | Yes | |
| 37. | Ciocana District Court, Chisinau | | Yes | |

| | | | | |
|---|---|---|---|---|
| 38. | Riscani District Court, Chisinau | | Yes | |
| 39. | Soroca | | Yes | |
| 40. | Straseni | | Yes | |
| 41. | Taraclia | | Yes | |
| 42. | Chisinau Court of Appeals | | Yes | |
| 43. | CA Balti | | Yes | |
| 44. | CA Bender | | Yes | |
| 45. | CA Cahul | | Yes | |
| 46. | CA Comrat | | Yes | |
| 47. | CSJ | | Yes | |
| 48. | Hincesti | | Yes | Yes |
| 49. | Nisporeni | | Yes | Yes |
| **Total** | | **21** | **26** | **2** |

*Source: Information collected during documentation visits*

## 5.3. PROCUREMENTS

Procurements are made in line with the current legislation. Usually the advisor to the court president and/or the accountant is responsible for the technical aspects of public procurements, although, according to the job description, the counselor to the court president is charged with the procurements.

Currently there are no specialists dealing in a centralized manner with public procurements. Therefore, the court staff is involved in all public procurements performed by the court. In some cases, responsible persons need to travel hundreds of kilometers to Chisinau to submit the documents required for public procurements. If correct, the documents are registered with the Public Procurement Agency (Agency). However, in many cases they are incomplete and the court staff needs to return, slowing down the procurement procedure. In one of the courts visited, the documents were prepared in line with a sample presented by the MOJ that Agency has not seen. As a result, the documents had to be rewritten according to the requirements of the latter.

The fact that procurements are not centralized results in failures to obtain volume discounts. The purchase in 2011 and 2012 of vehicles for some courts serves as an example. In 2011, 15 courts individually purchased vehicles totaling MDL 3.1 million. Had the purchase been centralized, a volume discount might have been offered by the dealer. A discount of 5% could have saved MDL 155,000 each year. A similar situation occurred in 2012 when a saving similar to the previous year could have been made. Thus, given that the procurement of cars was separate for each court, eventually the judiciary missed a chance for a saving of Lei 300,000.

Another reason why centralized procurements would be beneficial is savings in travel of court staff to Chisinau to submit or register the documents required.

Ongoing training is needed because procurement legislation is continuously revised. Their organization also requires travel expenses burdening the court budget and limiting the use of financial resources for other purposes.

### Conclusions

- The current planning of the court budgets does not always cover inflation.
- The current method of planning court budgets is not based on performance. This leads to an inefficient distribution of financial resources.
- In all, 50% of all district courts have manual accounting systems.
- The lack of centralized procurement leads to the failure to take advantage of volume discounts.
- The staff involved in public procurement needs ongoing training.
- Manually purchasing and applying stamps increases direct and indirect expenses for postal services.

### Recommendations

- Explore the possibility of modifying the procedure for planning the court budgets. In particular, identify performance indicators to use in budget planning in order to ensure the efficient use of financial resources.
- Purchase accounting software and provide training in its use.
- Analyze the possibility of creating a unit to deal with public procurements in a centralized manner. Such a unit could be a division in DJA.
- Explore the possibility of purchasing franking machines but not before a cost efficiency study is conducted on all possible options. Procuring the machines should be centralized.
- Considering that public procurement legislation is frequently revised and court staff change, it is appropriate for NIJ to organize training for court staff every six months in the techniques and documents used in public procurement.

# VIII. INDIVIDUAL COURT PROFILES

## OVERVIEW

The Supreme Court of Justice (SCJ) is in Chisinau Municipality. According to Law No. 514 of 6 July 1995 on Judicial Organization the court has 49 judges and 170 regular staff.

Human resources are managed by the Human Resource Department of the Documentation Directorate.

The functions of a public relations specialist at SCJ are carried out by the spokesperson of the President of SCJ. He acts as the official representative of the court in media relations and for public information.

Staff expenditures have followed an upward trend. All public procurements are carried out by a special department. In 2010 and 2011 the face value and the real value of operating expenditures decreased compared with 2009. In 2011 the average operating cost for examining a case slightly increased compared with the previous year (see the detailed analysis in Chapter VI).

SCJ is housed in two buildings. The administrative building at 70 Kogalniceanu Street has two floors and a basement with a total surface area of 3,669.26 sq. meters.

The courthouse is at 18 Petru Rares Street and has four floors and a basement with a total surface area of 4,714.4 sq. meters.

SCJ is protected by the National Guard Service. They ensure the security of the court, the judges and other trial participants; maintain public order inside the courthouse including during hearings and control access to and from the courthouse including performing body searches in addition to other duties stipulated by law.

In 2005, the building on 70 Kogalniceanu Street underwent capital repairs. In 2006 repairs started on 18 Petru Rares Street but are not yet finished.

# SUPREME COURT OF JUSTICE

*70, Kogalniceanu Street and 18, Petru Rares Street*
*Chisinau Municipality*

*Date of visit: 20–21 June 2012*

The staff of SCJ uses ICMS Version 2 which was installed in August 2012, but they mentioned that there are issues with it including error messages and its slow speed.

SCJ has 10 courtrooms, 7 on Petru Rares Street and 3 on Kogalniceanu. All courtrooms on Petru Rares are equipped with audio recordings sets and software. The court staff does not, however, make recordings of all hearings because according to the legislation in force, SCJ does not need to prepare minutes of hearings except when it examines criminal cases for which the law does not provide the option of an appeal.

Specialists in the record office and the chancellery keep the number of registers stipulated by the SCJ Guidelines.

The total number of cases registered at the Judicial Division for Criminal Cases from 2009 to 2011 decreased by 1717 while the number of cases examined decreased by 1359 with a case clearance rate of 77.8% in 2011.

The total number of cases registered at the Judicial Division for Civil and Administrative Cases from 2010 to 2011 increased by 1320 while the number of cases examined decreased by 342 with a case clearance rate of 84% in 2011.

The total number of cases registered at the Judicial Division for Commercial Cases from 2010 to 2011 increased by 122 while the number of cases examined increased by 44 with a case clearance rate of 77.8% in 2011.

Both buildings used by SCJ have information boards for the public at the entrances, and the judges' office doors have plaques with their names.

The webpage of SCJ was the first one developed for courts in the Republic of Moldova. It is regularly updated, and all its menus contain information of public interest.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT OF THE BUILDING AT 70, KOGALNICEANU STREET

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 3 | The exterior was repaired in 2003 and 2004 and now needs to be repaired again since its condition is unsatisfactory. |
| Water supply | 2 | The courthouse is connected to the central water system. The pressure is acceptable. |
| Power supply | 3 | The power supply is appropriate. The electrical system is overloaded. It needs to be repaired. |
| Sewerage system | 3 | The building is connected to the central sewerage system. |
| Heating system | 2 | The heating is autonomous natural gas. The system was repaired in 2005 including constructing a new boiler room. |
| Firefighting system | - | There is a firefighting system, but it is not functional. The building has fire extinguishers and sprinklers. |
| Roof | 3 | The structure of the roof is in good condition, but there are leaks at times. The roof was repaired in 2004 and 2005. |
| Interior | 3 | The offices were renovated in 2005 and their condition is satisfactory. The finishing needs to be repaired. |

## 1.2. ASSESSMENT OF THE BUILDING AT 18, PETRU RARES STREET

| Infrastructure elements | Appraisal[2] | Comments |
|---|---|---|
| Exterior | 4 | The exterior needs to be fully repaired. This is planned for 2013. |
| Water supply | 3 | The courthouse is connected to the central water system. The pressure is acceptable. Because the sewerage system is very old, the water is often cut off. |
| Power supply | 4 | The power supply is unsatisfactory. The electrical system is overloaded. It was repaired from 2006 to 2011. |
| Sewerage system | 4 | The sewerage system is connected to the central one and is shared with the Commercial School near the court. It often does not function properly. |
| Heating system | 3 | The heating system is central; it was repaired from 2006 to 2011. |
| Firefighting system | - | There is a firefighting system, but it is not functional. The building has fire extinguishers and sprinklers. |
| Roof | 3 | The structure of the roof is in good condition, but there are leaks at times. The roof was repaired in part in 2006. |
| Interior | 3 | The offices have been renovated and their condition is satisfactory. The finishing needs to be repaired. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

**70, KOGALNICEANU STREET** | **18, PETRU RARES STREET**

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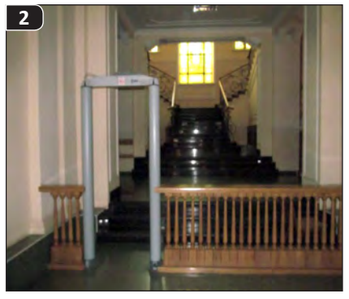
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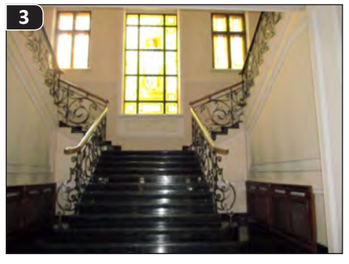
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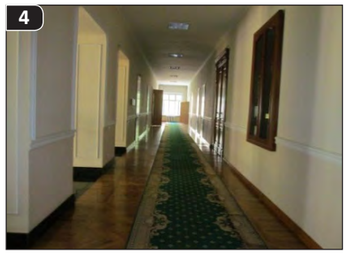
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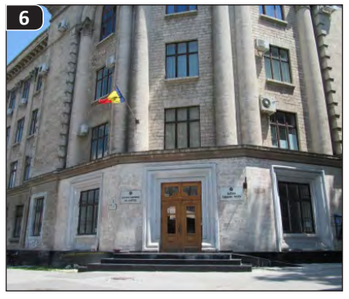
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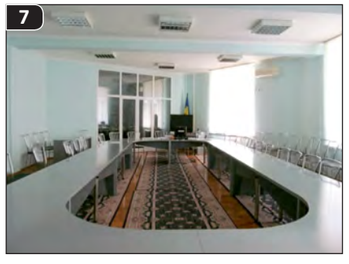
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**Photo 1.** *Exterior of the Supreme Court of Justice*
**Photo 2.** *Metal detector*
**Photo 3.** *The interior stairs*
**Photo 4.** *The interior hall*
**Photo 5.** *Light fixtures*
**Photo 6.** *Exterior of the Supreme Court of Justice*
**Photo 7.** *A conference room*

## 1.3. CURRENT CONDITION OF THE BUILDING AT 70, KOGALNICEANU STR.

The assessment focused on an analysis of the physical and operational conditions of SCJ in June 2012.

The administrative building of SCJ has a surface area of 3,669.26 sq. meters. The court has two floors and a basement. There are 51 offices, 1 public room and 2 courtrooms.

SCJ is protected by the national guard and has a video surveillance system on the premises. At the entrance there is a metal detector, and the windows on the ground floor have bars.

The building is in the center of the city; it is nicely designed and is easily accessed by the public. In the back of the courthouse there is a yard with secure parking.

During the repairs of 2005 all offices were renovated. The exterior and the main stairs were also repaired and are in satisfactory condition. The repairs did not include replacing windows although they were old.

The court partially repaired its sewerage and water system in 2005. The power supply is appropriate. The electrical system was upgraded in 2005; however, sometimes the power is cut off and the electrical network of the whole building needs to be upgraded since it is overloaded.

In 2003 and 2004, the roof of the courthouse was repaired and is in satisfactory condition, though after heavy rains the walls inside the courthouse are damp and have developed cracks.

SCJ has three archive rooms. Two of them are located in the building at 70 Kogalniceanu Street on the ground floor and in the basement, and one is in the building at 18 Petru Rares Street on the second floor. The current condition of the archive room in the basement is unsatisfactory. The humidity in that room is high; it has no ventilation system and is organized inefficiently because it is too small for all the files. The two other archive rooms do not have ventilation systems either and also lack space for all the files. The archives are secured by a door lock and the video surveillance system.

The finishing on the ground floor of the building is in satisfactory condition. The interior on the ground floor was repaired in 2005 but there are visible cracks in the interior walls and stained ceilings. There is a restroom with two toilets used both by the staff and by the public. The current condition of the restroom is unsatisfactory. It needs to be repaired in full.

The second floor hosts judges' offices and the offices of administrative staff. They were repaired in 2005 and are in good condition. The light fixtures were replaced. Most offices have air conditioners. There is a restroom with two toilets for the staff on this floor. The server room is on this floor and has an air conditioner. Access to this room is restricted.

The functional area on Kogalniceanu Street is appropriate for the operation of a court of law. The second floor has a room for the meetings of the Plenum of SCJ. The room has new furniture and air conditioners, but the ceiling has deteriorated somewhat due to dampness and needs to be repaired.

At the entrance there are rooms for lawyers to review cases equipped with tables and chairs. These rooms are also used by the Department for Petitions and Public Reception. While studying documents, lawyers are supervised by video cameras and by the specialists from that department.

The courthouse has a firefighting system, but currently it does not work. There are fire extinguishers and sprinklers on each floor.

### *Conclusions*

- The SCJ building at 70 Kogalniceanu Street last underwent capital repairs in 2005.
- The exterior of the building was repaired in 2003 and 2004.
- The electrical system is overloaded and needs to be upgraded.
- The interior finishing is in satisfactory condition though repairs are needed.

### *Recommendations*

- Repair the exterior.
- Upgrade the electrical network.
- Repair the restroom on the ground floor.
- Repair the roof.
- Install air conditioners in all offices.
- Repair the interior finishing.
- Reconfigure the basement to provide the space needed by the court.
- Install a ventilation system in the basement.
- Arrange a separate restroom for the public inside the building.
- Replace all windows.

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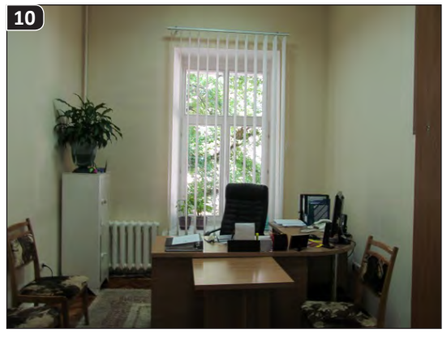

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**Photo 8.** *The ceiling in the room for the meetings of the Plenum of SCJ*
**Photo 9.** *The room used by the judicial police*
**Photo 10.** *An office*
**Photo 11.** *The restroom on the ground floor*

## 1.4. CURRENT CONDITION OF THE BUILDING AT 18, PETRU RARES STREET

The assessment focused on an analysis of the physical and operational conditions of SCJ in June 2012.

The building has a surface area of 4,714.4 sq. meters on four floors and a basement. There are 76 offices, 1 public room and 7 courtrooms.

SCJ is protected by the national guard and has a video surveillance system throughout the premises. There is a metal detector at the entrance.

This courthouse was built in 1957 and is an architectural monument protected by law. It is in Centru Sector of the city and is nicely designed and easily accessed by the public. At the back of the courthouse there is a yard with secured access and a garage. There are also parking lots.

All offices have been renovated as part of the repairs that started in 2006. The main stairs at the courthouse entrance were also repaired.

The building's connection to the central sewerage and water systems is shared with the Commercial School nearby. The sewerage system often does not function and needs repairs. The electrical system is overloaded though it was repaired from 2006 to 2011.

There are plans to repair the exterior of the courthouse in full in 2013 with funds from the state budget. The roof of the courthouse was repaired in part in 2006 and is in satisfactory condition. The windows are old and in poor condition.

The archives keeps copies of SCJ judgments and action record cards dated from 2003 until 2011. The shelves are wood with metal frames. The archives are organized inefficiently.

The finishing on the ground floor of the building is in good condition. The interior on the ground floor was repaired from 2006 to 2011, but there are visible cracks in the walls in most offices. Some light fixtures were replaced and others will be installed. There are two restrooms both for the staff and the public on this floor. The current condition of the restroom is unsatisfactory. It needs to be repaired in full.

The second floor hosts the chancellery, the records office and the offices of the assistants. Their current condition is satisfactory. Most offices on this floor do not have air conditioners. The light fixtures in the offices were replaced and those in the hall will be replaced. The interior finishing has cracks and needs to be refurbished. There are two staff restrooms on this floor. Access to the second, third and fourth floors is restricted.

The third and the fourth floors host judges' offices and the offices of administrative staff. They were repaired from 2006 to 2011 and are in good condition. The light fixtures were replaced. Most offices have air conditioners. On each floor there are two staff restrooms.

The server room is on the third floor in the conference room and has an air conditioner. Access to this room is restricted.

The functional area on Petru Rares Street is appropriate for the operation of a court of law. The courthouse has an area for detainees with six cells on the ground floor and a separate entrance for them. Currently they are taken into the courtroom through the entrance and the corridor at the back of the courthouse. The room for detainees has a separate area for escort staff.

The courthouse has seven courtrooms used by the judges of the judicial division for criminal cases, and that for civil, administrative and commercial cases. The courtrooms have deliberation rooms, and the entrances for judges are separate from those for the public. The finishing in the courtrooms is in good condition.

The rooms where lawyers can review case files or talk with witnesses or parties in a case are located near the courthouse entrance. They have tables and chairs. While studying documents, lawyers are supervised by video cameras and by the judicial police.

The court has a firefighting system, but currently it does not work. There are fire extinguishers and sprinklers on each floor.

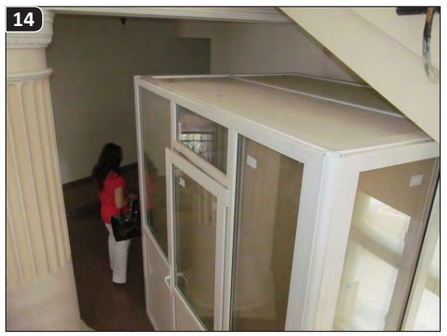
### Conclusions

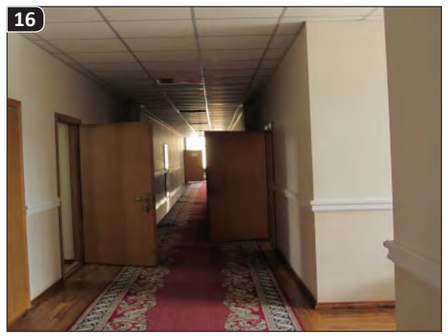
- Capital repairs are under way at 18 Petru Rares Street. These repairs started in 2006.

### Recommendations

- Repair the exterior.
- Repair the interior finishing.
- Repair the roof.
- Reconfigure the basement to provide the space needed by the court.
- Replace the windows.

**Photo 12.** *A restroom*
**Photo 13.** *The entrance into the basement*
**Photo 14.** *The room used by the national guard*
**Photo 15.** *The room used by lawyers*
**Photo 16.** *The interior hall*





# II. COURT AUTOMATION

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The staff of SCJ has used ICMS since 2009. ICMS is managed by the advisers to the vice-presidents.

The chief judges of the judicial divisions use the manual case assignment menus. The staff mentioned that technical problems with ICMS are its slow speed, the constant need to train new staff and that the computers at SCJ are not suitable for ensuring ICMS functions well.

There are frequent power outages that shut the server down and generate errors in ICMS. To address this problems the court needs a voltage regulator for the server.

To create electronic case files, the staff has to scan paper files. After the records office receives cassations, the consultants register and scan them. They scan all materials attached to the statement of cassation in civil cases and the statement of cassation and its annexes in criminal cases. The staff mentioned that the scanner is very slow which makes scanning a very lengthy process.

ICMS is used as a primary source for informing the public, but if the staff does not find information in ICMS they consult registers in Word, case record cards or registers in the chancellery.

The assessment team found that the staff uses most options of ICMS but does not use the menus for registering minutes, enforcement procedures, appeals and cassations; for printing lists of hearings scheduled for trial or for measuring performance. The menu "Performance Module" is not functional.

The staff roster of SCJ in 2012 lists an information technology, editing and publishing department which has two network administrators with relevant qualifications. The court has also contracted a private company for information technology services. In addition, some problems are referred to CST.

In June 2012, an investigation into the slow speed of ICMS found that the local network was not designed correctly and that the capacity of the SCJ server is insufficient for the current needs of the court. This network has many users and the amount of information stored on the server is extremely large.

According to the staff, CTS solves issues with delays and after repeated calls, and problems are often left unsolved. They rated their general satisfaction with services provided by CTS in 2012 as a 3 out of 5.

The staff of SCJ offered the suggestions for modifying ICMS listed in Table 1.

**Table 1.** *Suggestions for modifying ICMS*

| No. | Suggestions for modifying ICMS |
|---|---|
| 1. | Adjust the menu for assigning cases to the requirements of the Regulations on Assigning Cases in Courts of Law. |
| 2. | Arrange files registered in the chancellery and sent for assignment in ascending order by the number given by ICMS. |
| 3. | Make the menu "Transfer of cases" functional. |
| 4. | Simplify the menu for scheduling hearings through ICMS by excluding the need to tick all existing boxes. |
| 5. | Make the menu "Performance Module" functional. |
| 6. | Provide a connection between the webpage of SCJ and ICMS. |
| 7. | Ensure cases are assigned in accordance with their complexity. |
| 8. | Differentiate cases with declarations on challenging judges or on their abstention. |
| 9. | Address the problem of registering cases with the same registration numbers received from various courts of appeals. |
| 10. | Adjust the module on judgments and decisions posted on ICMS. |
| 11. | Make the categories of cases correspond to those in the statistical report. |
| 12. | Preserve the format of the files after judgments are posted on ICMS. |

*Source: Employees of SCJ*

## 2.2. AUDIO RECORDING SYSTEM

SCJ has 10 courtrooms, 7 in the building on Petru Rares Street and 3 on Kogalniceanu Street. All courtrooms on Petru Rares Street are equipped with audio recordings sets and software though some recording sets do not function. SCJ has 49 judges. The court staff does not record all hearings because according to the legislation in force, SCJ does not need to prepare minutes of hearings except in criminal cases for which the law does not allow an appeal.

Since 2009 when the recording equipment and software were installed, the staff has received 10 requests to record hearings all of which they rejected.

The staff mentioned that only the assistants of the Judicial Division for Criminal Cases has been trained to use the audio recording software which was organized by the adviser of this division.

The doors of the courtrooms have plaques stating that the public is not allowed to take weapons, video or still cameras or mobile telephones inside. It is also prohibited to use these items during hearings.

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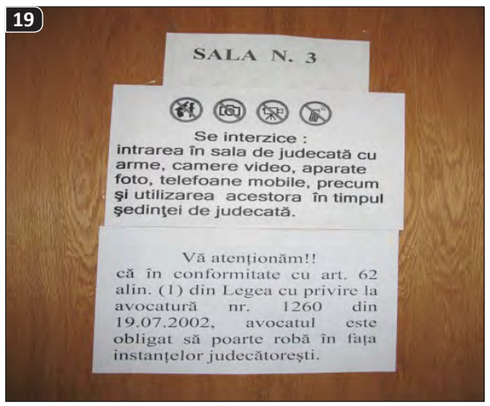



**Photo 17.** *A courtroom*
**Photo 18.** *A courtroom*
**Photo 19.** *Inscription on a courtroom door*

## 2.3. WEB PAGE OF SCJ

The webpage of SCJ was the first one for a court in the Republic of Moldova. The website offers the public genuine, direct access to information and helps to increase its quality, to speed up judicial procedures, to increase transparency and to continuously monitor cases pending at SCJ until final judgments are delivered. By viewing information posted on the website, particularly case law, the explanatory judgments of the Plenum and the informative notes on justice in lower courts, civil society can assess how justice is delivered.

The webpage of SCJ is updated by the Chief of the Administrative Office, the spokesperson for the president and consultants from the Division for Generalizing Judicial Practice and Analyzing Judicial Statistics.

Table 2 shows the menus and their contents.

**Table 2.** *Content of the webpage of SCJ*

| Menu title | Information posted on the web page |
|---|---|
| Home Page | – Photo gallery with pictures of the courtrooms of SCJ<br>– Picture of the exterior of the courthouse at 70, Kogalniceanu Street<br>– Website's search menu<br>– Lists of hearings for each judicial division and for the Plenum of SCJ<br>– Menu with the data base of archived judgments of the judicial divisions and the Plenum of the Supreme Court<br>– Press Releases<br>– Contact information of the chancelleries of the judicial divisions and the Plenum of SCJ |
| Regulatory Framework | – Link to "*Laws*" that lists the following:<br>✓ Law on the Disciplinary Board and Disciplinary Liability of the Judge<br>✓ Law on the Superior Council of Magistracy<br>✓ Law on the Supreme Court of Justice<br>✓ Law on the Status of a Judge<br>✓ Law on Judicial Organization<br>✓ Constitution of the Republic of Moldova<br>– Link to international treaties:<br>✓ Universal Declaration of Human Rights<br>✓ Convention for the Protection of Human Rights and Fundamental Freedoms<br>✓ European Convention on Mutual Assistance in Criminal Matters<br>✓ European Convention on Extradition<br>✓ International Convention on the Rights of the Child<br>✓ Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment<br>✓ Convention on the Recognition and Enforcement of Foreign Arbitration Awards<br>– The menu "*Regulations of SCJ*" contains the following regulations and directives of the court:<br>✓ Directive on the access into the premises of SCJ<br>✓ Order on the work of the division for petitions and public reception during court hearings<br>✓ Directive on establishing standing judicial benches of the judicial divisions of SCJ in 2012<br>✓ Rules of behavior for the public on the premises of SCJ<br>✓ Directive on appointing judicial benches during elections<br>✓ Directive on establishing standing judicial benches in 2011<br>✓ Directive on the amendments to the directive on establishing standing judicial benches<br>✓ Order on the webpage<br>✓ Regulations on generalizing judicial practice<br>✓ Rules for selecting judicial practices<br>✓ Regulations on organizing and the functioning of SCJ |
| History | – Justice in ancient times<br>– Justice in the Middle Ages, with a link to:<br>✓ Guide for managing the site—when accessed, it does not display any information<br>– Justice in Bessarabia in contemporary times<br>– Modern judicial organization |
| Overview | – Duties<br>– Working principles<br>– Symbols<br>– Overview of the website |
| Competence and Organization | – Management of SCJ. Duties of the court president<br>– Duties of the presidents and vice-presidents of the judicial divisions<br>– Judges<br>– Judicial assistants<br>– Scientific Advisory Council<br>– Office of the president<br>– Division for Standardization of Judicial Practice<br>– Division for Tracking Legislation and Informatics<br>– Division of Court Secretaries<br>– Commercial-Administrative Division<br>– Documentation Division<br>– Police<br>– Organizational chart<br>– Link to the formation of the judicial divisions with information about judges in:<br>✓ Judicial Division for Criminal Cases<br>✓ Judicial Division for Civil, Commercial and Administrative Cases |
| Work of SCJ | – Plenum of SCJ<br>– Judicial divisions of SCJ<br>– Generalizing and standardizing judicial practice<br>– Professional training for judges<br>– General information about the activities of SCJ |
| Archive of Judgments | – Explanatory and organizational decisions of the Plenum of SCJ<br>– Archive of the judgments of the Plenum and judgments of the judicial divisions of SCJ |

| | |
|---|---|
| Job Vacancies | – Announcement of the competition for filling job vacancies<br>– Announcement of job openings<br>– Competition for filling (extra judicial) job vacancies at SCJ<br>– Competition for filling vacancies for presidents, vice-presidents and judges<br>– Competition for filling vacancies for one president, one vice-president and one judge<br>– Competition for filling vacancies for one president, one judge and one investigating judge<br>– Competition for filling job vacancies in divisions of SCJ<br>– Competition for filling a job vacancy for the president of SCJ<br>– Competition for filling a job vacancy for the president of Falesti District Court<br>– Competition for filling job vacancies of SCJ<br>– Competition for filling a job vacancy for a judge<br>– Competition for filling a job vacancy for a specialist at SCJ<br>– Competition for filling a job vacancy for a judge<br>– Competition for filling a job vacancy for a judge inspector<br>– Competition for filling job vacancies for a judge and an investigating judge |
| Access to SCJ | – Regulatory act on access to SCJ and media relations<br>✓ Directive on access to the premises of SCJ<br>✓ Regulations on public information<br>– Contact information for the management of SCJ and for each judicial division |
| Court Hearings | – Link to "Judicial Division for Criminal Cases" with information on all hearings held by this division<br>– Link to "Judicial Division for Civil, Commercial and Administrative Cases" with information on all hearings held by this division<br>– Link to "*Plenum of SCJ*" with information on all hearings held by the Plenum |
| Template of Judicial Documents | – Link to "Criminal Judicial Documents" with templates for:<br>✓ Sentences<br>✓ Judgments<br>✓ Judgments of the appellate court<br>– Link to "*Civil Judicial Documents*" with no information but with an announcement that this page will soon contain templates |
| Cooperation | – Cooperation with the Superior Council of Magistracy<br>– Cooperation with other institutions and organizations including international ones |
| Draft explanatory judgments of the Plenum | – Link to "Draft Explanatory Judgments of the Plenum of SCJ" with information on all draft judgments of the Plenum of SCJ and an invitation to e-mail objections or suggestions on them to SCJ |
| Consultations, Notifications and Recommendations on Applying the Law | – Link to "*Consultations and Notifications*" does not contain any information<br>– Link to "Recommendations on Applying the Law" contains the following information:<br>✓ Opinion on reasonable satisfaction<br>✓ Information on whether courts of law may ensure action by suspending the dismissal document<br>✓ Applying laws on consumer protection when commissioning of buildings and providing services<br>✓ Information on whether Article 30 of the Law on the Status of a Judge is applicable to judges who did not have a dwelling place at the time the respective norm was abolished<br>✓ Deadline for submitting applications for compensation for damage caused by breaching the right to trial within reasonable term or the right to enforcement<br>✓ On submitting and managing written declarations |
| Case Law of SCJ | – Link to "*Judgments of the Plenum of SCJ*" with the following information:<br>✓ Judgments on actions for annulment (criminal cases)<br>✓ Judgments on motions for retrial (civil and commercial cases)<br>✓ Judgments on rehabilitation of victims of political reprisals<br>✓ Other judgments<br>– Link to "*Judicial Division for Civil, Commercial and Administrative Cases*" contains the following information:<br>✓ Judgments in respect to cassations examined under section I<br>✓ Judgments in respect to cassations examined under section II<br>✓ Judgments on motions for retrial<br>✓ Decisions on inadmissibility of cassations<br>✓ Other decisions and judgments<br>– Link to "*Judicial Division for Criminal Cases*" contains the following information:<br>✓ Judgments in respect to cassations against judgments of courts of appeal<br>✓ Judgments in respect to cassations against judgments against which appeals can not be filed<br>✓ Judgments on actions for annulment<br>– Link to "*Guide for Accessing Case Law*" is active and when accessed it redirects visitors to a PDF file of the respective guide |
| Other | – On the activities of the Plenum of the Commercial Court of SCJ<br>– Opinion on reasonable satisfaction<br>– Draft law on remuneration in the judicial system and Constitutional Court<br>– The opinion of the Alliance for Justice and Human Rights with respect to the legislative initiative on motivating judgments<br>– Contents of the Manual for Judges |
| Income Statements of the President | – Income Statement of the President of SCJ in 2011 |
| Arbitration | – List of arbitrations |
| Case Files | – The link was created to ensure access between the webpage of SCJ and ICSM, but currently it does not function |

*Source: http://csj.md/*

Table 2 shows that most menus contain information of public interest about the activities of SCJ. Some information is accompanied by photos, graphs and lists. As the first webpage created for courts of law, this website is not connected to ICMS. In 2011 the menu "*Case Files*" was added to ensure connection to ICMS, but it is not, however, functional. The home page of the website contains menus that are also included in the main menu of the website. Thus, "*Court Hearings*," "*Archived Judgments*" and "*Press Releases*" are accessible from the main menu under "*Court Hearings*" and "*Archive of Judgments*." Duplicate information on the webpage should be removed. In some menus information should be reformatted to make the design uniform. "*Competence and Organization*" contains an active link on the formation of the judicial divisions of SCJ that should be reformatted and adjusted to the amended legislation and to the amendments on the competence of the judicial divisions.

Judgments are posted online by the consultants in the Division for Generalizing Judicial Practice and Analyzing Judicial Statistics and the Chief of the Administrative Office of SCJ. The advisers to the vice-presidents check that these judgments are posted within the timeframes stipulated by law.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

SCJ has enough equipment to function; however, the existing equipment is old and does not ensure the smooth running of the court. Table 3 shows the type of equipment, the number of items on hand and the equipment needed.

**Table 3.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Computers | 176 | 75 |
| Printers | 110 | 61 |
| Scanners | 6 | 20 |
| UPS units | 34 | - |
| Faxes | 4 | - |
| Audio recording sets | 9 | - |
| Servers | 4 | - |
| Air conditioners | 65 | 20 |
| Refrigerators | 20 | 20 |
| Water Coolers “OM” | 6 | - |
| Sets for video conferences | 1 | - |
| Photocopiers | 6 | - |
| Multifunction printers | 9 | - |
| Postage meters | 2 | - |
| Laptops | 7 | 45 |
| TV sets | 1 | - |
| Shredders | 6 | 10 |
| 1C accounting software | - | 1 |
| Digital information window | - | 1 |
| 1.8 meter monitor | - | 1 |

*Source: Supreme Court of Justice*

### Conclusions

- When using ICMS Version 3, the staff of SCJ faces problems of error messages and its slow speed.
- The staff does not use the audio recording equipment during hearings.
- To improve its work, SCJ needs 75 computers, 61 printers, 20 scanners, 20 air conditioners, 20 refrigerators, 45 laptops, 10 shredders, accounting software, 1 digital information window and a 1.8 meter monitor.
- SCJ uses the webpage content management module. All menus on the webpage contain information of public interest.

### Recommendations

- Solve issues related to the local network.
- Increase the capacity of the server.
- Use all options of ICMS.
- Avoid duplicating information on the webpage.
- Provide a connection between the webpage and ICMS.
- Organize training for new employees internally.

# III. WORK OF SCJ

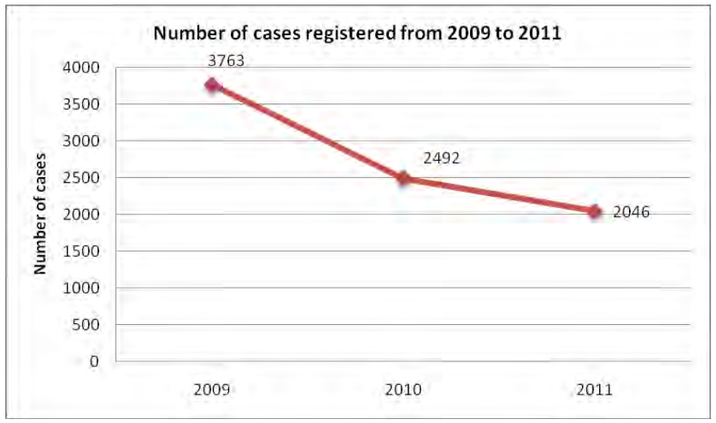
## 3.1. WORK LOAD OF THE COURT

This profile analyzes the caseloads of each judicial division from 2009 to 2011[2] by the total number of cases registered, the total number of cases examined, the number examined by type of procedure, the year-end case backlog and the case clearance rate.

### 3.1.1. ACTIVITIES OF THE JUDICIAL DIVISION FOR CRIMINAL CASES OF SCJ

Graph 1 shows that the number of criminal cases registered decreased from 3763 in 2009 to 2046 in 2011.

**Graph 1.** *Total number of cases registered at the Judicial Division for Criminal Cases from 2009 to 2011*

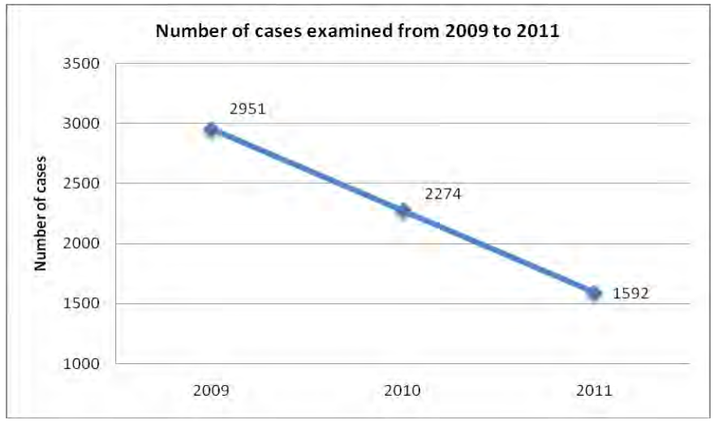



*Source: Decisions of the Plenum of SCJ in 2009, 2010 and 2011*

[2] *Information on the activities of the Judicial Division for Civil Cases and the Judicial Division for Commercial Cases in 2009 was not provided to the assessment team.*

Graph 2 shows that the number of criminal cases examined decreased from 2951 in 2009 to 1592 in 2011.

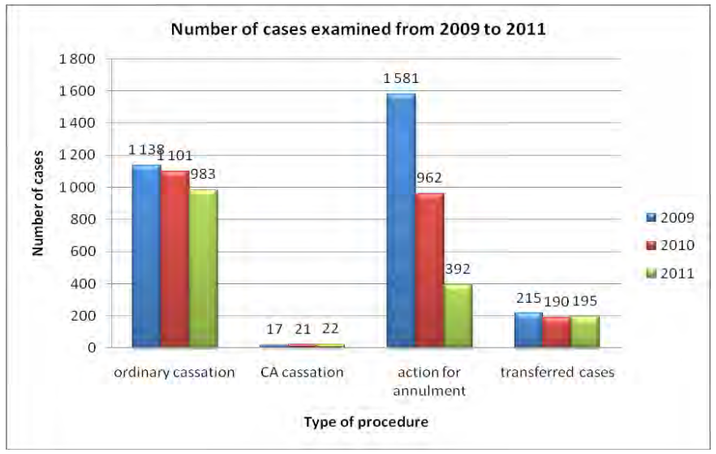
**Graph 2.** *Total number of cases examined at the Judicial Division for Criminal Cases from 2009 to 2011*




*Source: Decisions of the Plenum of SCJ in 2009, 2010 and 2011*

Graph 3 shows that from 2009 to 2011, the number of criminal cases examined under ordinary cassation decreased from 1138 to 983, the number of cassations against judgments against which appeals cannot be filed did not change significantly, the number of actions for annulment decreased from 1581 to 392 and the number of cases transferred to other judges and abstentions by judges did not change significantly.

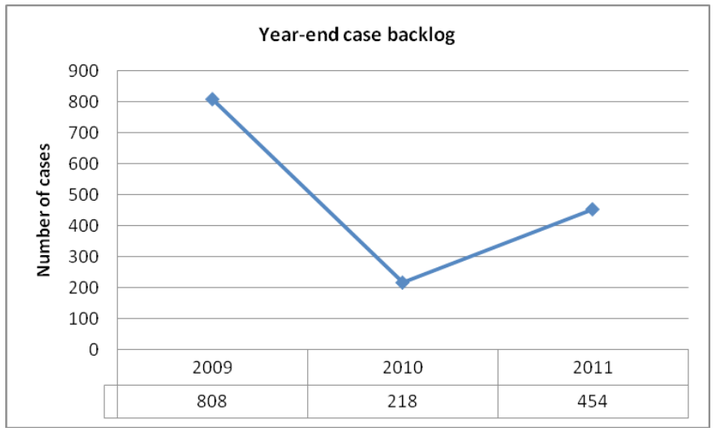
**Graph 3.** *Total number of criminal cases examined from 2009 to 2011 by type of procedure*




*Source: Decisions of the Plenum of SCJ in 2009, 2010 and 2011*

Graph 4 shows that the year-end case backlogs of the Judicial Division for Criminal Cases decreased from 808 in 2009 to 454 in 2011.

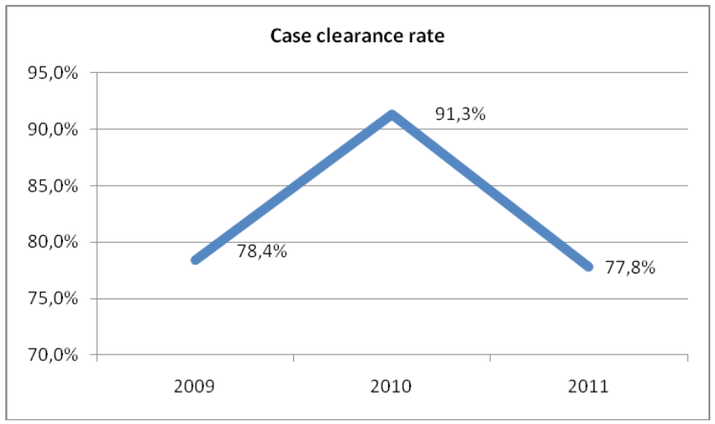
**Graph 4.** *Year-end case backlogs in 2009, 2010 and 2011*




*Source: Decisions of the Plenum of SCJ in 2009, 2010 and 2011*

As shown in Graph 5, the case clearance rate of the Judicial Division for Criminal Cases of SCJ decreased from 78.4% in 2009 to 77.8% in 2011.

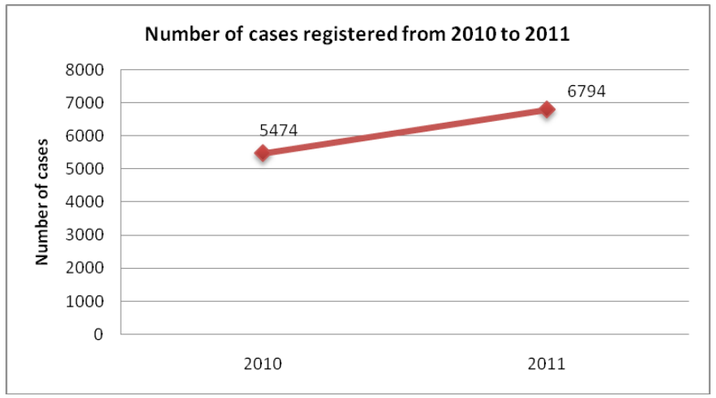
**Graph 5.** *Case clearance rate from 2009 to 2011*



### 3.1.2. ACTIVITIES OF THE JUDICIAL DIVISION FOR CIVIL AND ADMINISTRATIVE CASES OF SCJ

Graph 6 shows that the number of cases registered at the Judicial Division for Civil and Administrative Cases increased from 5474 in 2010 to 6794 in 2011.

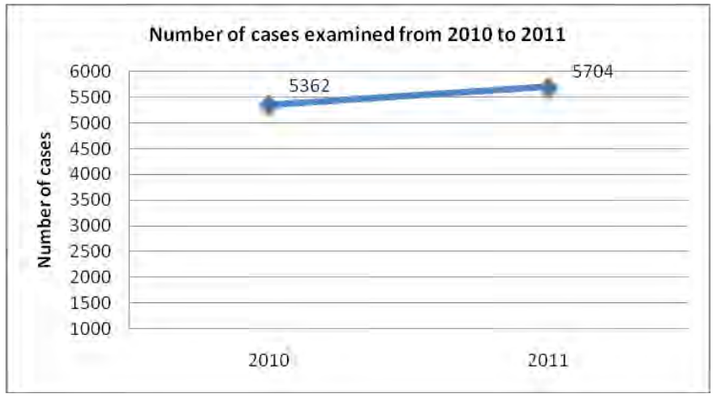
**Graph 6.** *Total number of cases registered at the Judicial Division for Civil and Administrative Cases from 2010 to 2011*




*Source: Decisions of the Plenum of SCJ in 2010 and 2011*

Graph 7 shows that the number of cases examined by the Judicial Division for Civil Cases increased from 5362 in 2010 to 5704 cases in 2011.

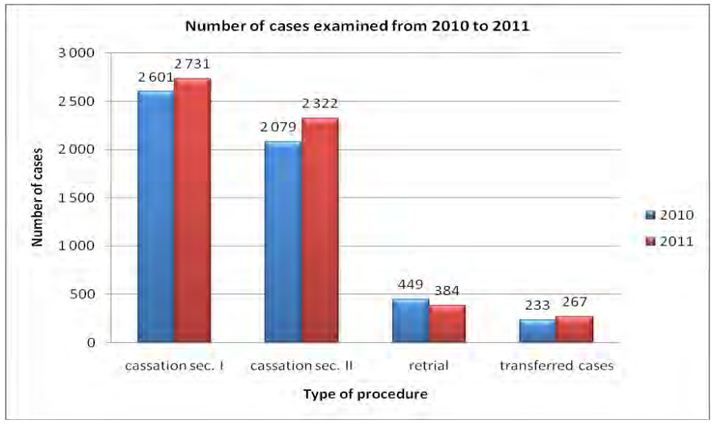
**Graph 7.** *Total number of cases examined at the Judicial Division for Civil and Administrative Cases from 2010 to 2011*




*Source: Decisions of the Plenum of SCJ in 2010 and 2011*

Graph 8 shows that from 2010 to 2011, the total number of civil and administrative cases examined in response to cassations against judgments against which appeals cannot be filed increased from 2601 to 2731, the number of cases examined in response to cassations against judgments of the appellate courts increased from 2079 to 2322 and the number of motions for retrial and transfer of cases to other judges did not change significantly.

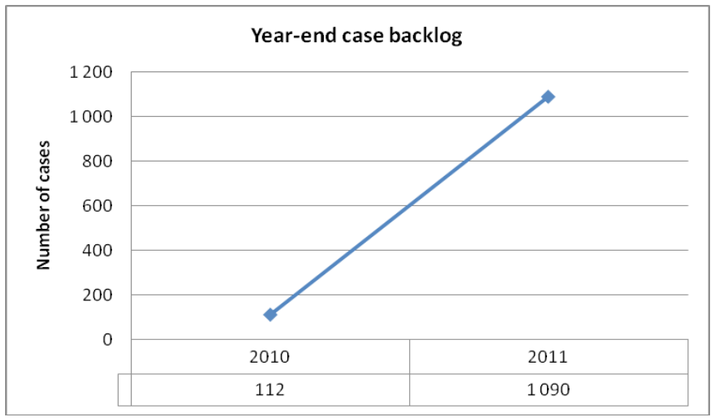
**Graph 8.** *Total number of civil cases examined from 2010 to 2011 by type of procedure*




*Source: Decisions of the Plenum of SCJ in 2010 and 2011*

Graph 9 shows that the year-end case backlog of the Judicial Division for Civil and Administrative Cases increased from 112 in 2010 to 1090 in 2011.

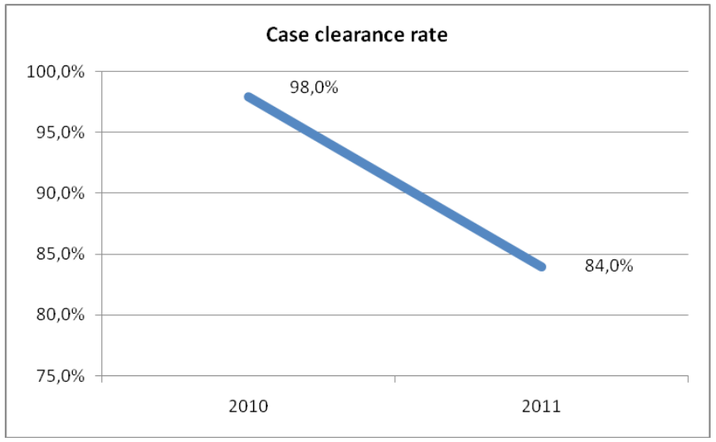
**Graph 9.** *Year-end case backlogs in 2010 and 2011*




*Source: Decisions of the Plenum of SCJ in 2010 and 2011*

As shown in Graph 10, the case clearance rate of the Judicial Division for Civil and Administrative Cases of SCJ decreased from 98% in 2010 to 84% in 2011.

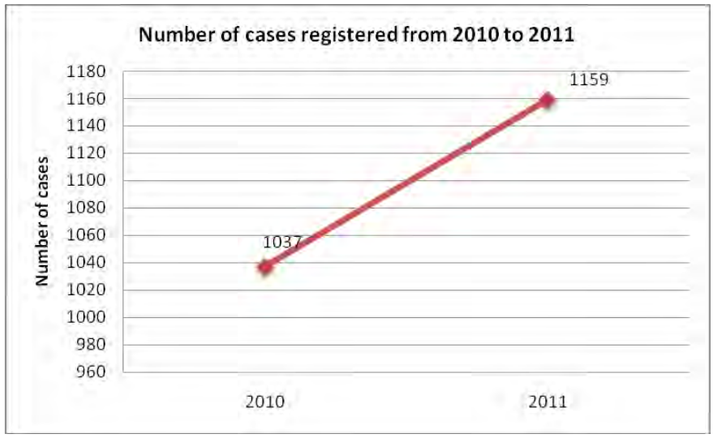
**Graph 10.** *Case clearance rate from 2010 to 2011*




### 3.1.3. ACTIVITIES OF THE JUDICIAL DIVISION FOR COMMERCIAL CASES OF SCJ

Graph 11 shows that the number of cases registered at the Judicial Division for Commercial Cases increased from 1037 in 2010 to 1159 in 2011.

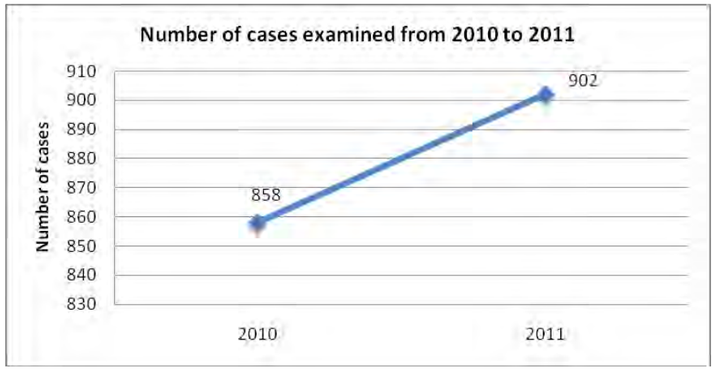
**Graph 11.** *Total number of cases registered at the Judicial Division for Commercial Cases from 2010 to 2011*




*Source: Decisions of the Plenum of SCJ in 2010 and 2011*

Graph 12 shows that the number of commercial cases examined increased from 858 in 2010 to 902 cases in 2011.

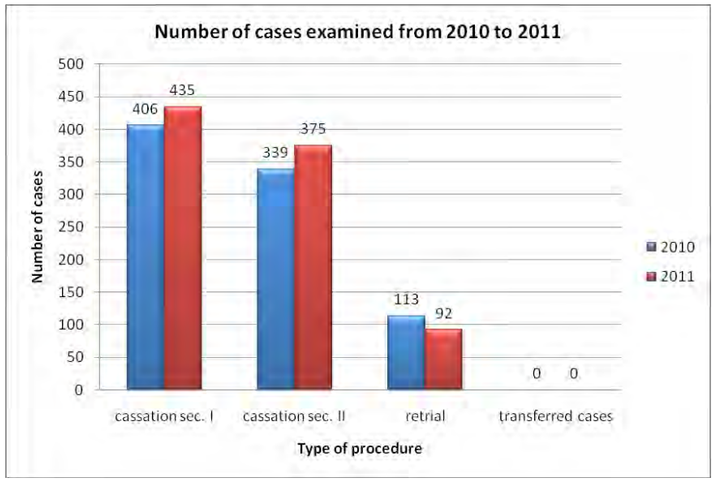
**Graph 12.** *Total number of cases examined at the Judicial Division for Commercial Cases from 2010 to 2011*




*Source: Decisions of the Plenum of SCJ in 2010 and 2011*

Graph 13 shows that from 2010 to 2011, the total number of commercial cases examined in response to cassations against judgments against which appeals cannot be filed increased from 406 to 435, the number of cases examined in response to cassations against judgments of the appellate courts increased from 339 to 375 and the number of motions for retrial did not change significantly.

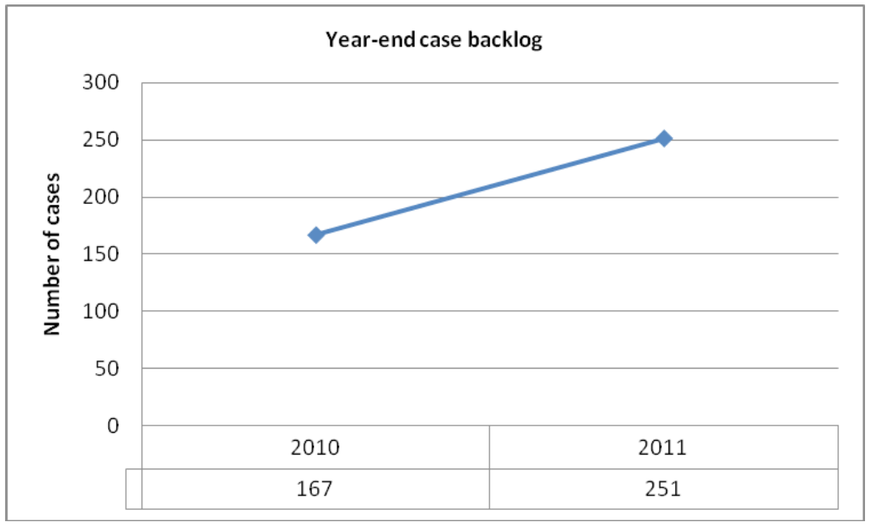
**Graph 13.** *Total number of commercial cases examined from 2010 to 2011 by type of procedure*




*Source: Decisions of the Plenum of SCJ in 2010 and 2011*

Graph 14 shows that the year-end case backlogs of the Judicial Division for Commercial Cases increased from 167 in 2010 to 251 in 2011.

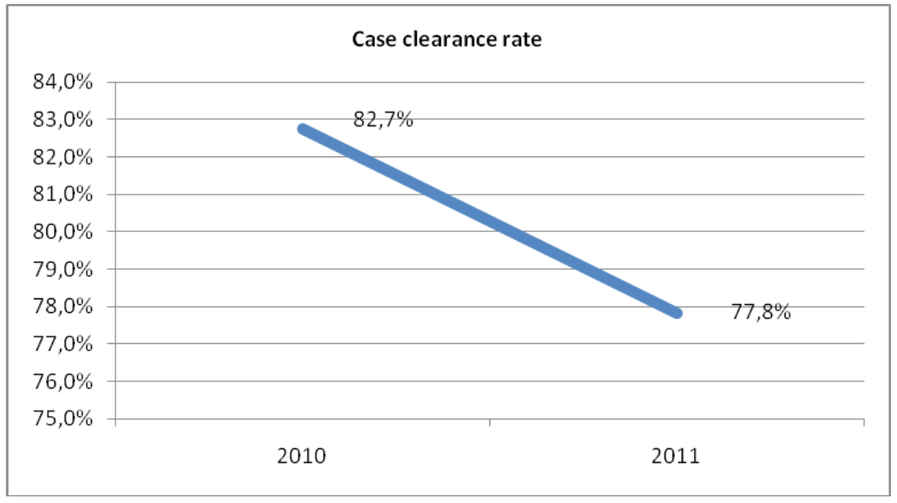
**Graph 14.** *Year-end case backlog in 2010 and 2011*




*Source: Decisions of the Plenum of SCJ in 2010 and 2011*

As shown in Graph 15, the case clearance rate of the Judicial Division for Commercial Cases of SCJ decreased from 82.7% in 2010 to 77.8% in 2011.

**Graph 15.** *Case clearance rate from 2010 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

The secretarial work at SCJ for criminal cases is done by the Division for Criminal Cases and that for civil cases is done by the Division for Court Secretaries (the Record Office), the chancellery, the archives and the mail department. There are separate chancelleries for the two judicial divisions of the SCJ: the Judicial Division for Civil, Commercial and Administrative Cases and the Judicial Division for Criminal Cases. Both comply with the SCJ Guidelines.

The chancellery is on the second floor of the premises on 18 Petru Rares Street and access of the public to the second floor is restricted. This location does not comply with the general design norms for courts of law. The chancellery for criminal cases has four specialists, and the chancellery for civil cases has eight. The chancellery specialists are responsible for registering documents in ICMS and on paper among other tasks.

The chancellery staff uses the search menu of ICMS and action record cards if needed to provide the public with information.

The Record Office maintains the registers listed in Table 4.

**Table 4.** *List of registers kept by the record office of SCJ for the divisions for civil and for criminal cases*

| Register Category | Register Title |
|---|---|
| ***Civil*** | 1. Index<br>2. Cassations in section I<br>3. Cassations in section II<br>4. Requests for exemption from state fees, delays in paying them or paying them in installments<br>5. Applications for suspending or enforcing judgments or applying measures to ensure enforcement<br>6. Motions for retrial<br>7. Payment of state fees<br>8. Additional judgments |
| ***Criminal*** | 1. Cassations under examination, delivery by mail and sending cases to the chancellery<br>2. Transmission of cassations and cases to the Plenum<br>3. Transmission of cassations to the translation division |

*Source: Specialists of the record office of SCJ, the division for civil and that for criminal cases*

**Table 5.** *List of registers kept by the chancelleries for civil and for criminal cases of SCJ*

| Register Category | Register Title |
|---|---|
| ***Civil*** | 1. Challenges of judges and abstention of judges of SCJ<br>2. Motions for transmission to other judge and conflict of competence<br>3. Cases sent to judges for examination<br>4. Additional judgments in civil cases<br>5. Additional judgments in commercial cases<br>6. Additional judgments in administrative cases |
| ***Criminal*** | 1. Index of criminal cases registered under index 1RA<br>2. Index of criminal cases registered under index 1RE<br>3. Challenges of judges and abstentions of judges<br>4. Motions for transmission to other judge and conflict of competence<br>5. Incoming mail<br>6. Separate opinions and intermediary decisions<br>7. Cases transmitted to judges for examination<br>8. Judgments transmitted for translation<br>9. Telephone conversations<br>10. Cases delivered to parties in a case for study |

*Source: Specialists of the chancelleries for civil cases and for criminal cases of SCJ*

The court staff keeps duplicate records of case files—one on paper and one in electronic form. The same information can be entered three or even four times in various records as Table 6 shows.

**Table 6.** *Registration of a statement of cassation in section I by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Statistical record card | Incoming mail, Cassations in section I, Cases sent to judges for examination |
| Petitioner's name | ICMS | Statistical record card | Incoming mail, Cassations in section I, Cases sent to judges for examination |
| Petitioner's contact information | ICMS | Statistical record card | |
| Respondent's name | ICMS | Statistical record card | Cassations in section I, Cases sent to judges for examination |
| Respondent's contact information | ICMS | Statistical record card | |
| Case file category | ICMS | Statistical record card | Cassations in section I, Cases sent to judges for examination |
| Essence of the Case | ICMS | Statistical record card | |
| State fee | ICMS | Statistical record card | Payment of the state fee |
| Case file circulation within the court | ICMS | Statistical record card | Cases sent to judges for examination |

*Source: Specialists from the chancellery for civil cases of the Supreme Court of Justice*

If the chancellery specialists showed the assessment team all registers they keep, they have complied to a certain extent with the requirements in the SCJ Guidelines.

SCJ has three archive rooms. Two of them are located in the building on Kogalniceanu Street—one on the ground floor and one in the basement—and one is in the building on Petru Rares Street on the second floor. There is no ventilation system, the room is too small and it is organized inefficiently.

## *Conclusions*

- The total number of cases filed at the Judicial Division for Criminal Cases from 2009 to 2011 decreased by 45.6%.
- The total number of criminal cases examined from 2009 to 2011 decreased by 46%.
- The criminal case backlog decreased by 354 from 2009 to 2011.
- The criminal case clearance rate increased by 12.9% in 2010 compared with 2009 and then decreased by 13.5% in 2011 compared with the 2010.
- The total number of cases filed at the Judicial Division for Civil and Administrative Cases from 2010 to 2011 decreased by 24.1%.
- Total number of civil and administrative cases examined from 2010 to 2011 increased by 6.3%.
- The case backlog at the Judicial Division for Civil and Administrative Cases increased by 978 from 2010 to 2011.
- The civil and administrative case clearance rate decreased by 14% from 2010 to 2011.
- The total number of cases filed at the Judicial Division for Commercial Cases from 2010 to 2011 increased by 11.7%.
- Total number of commercial cases examined from 2010 to 2011 increased by 5.1%.
- The commercial case backlog increased by 84 from 2010 to 2011.
- The case clearance rate at the Judicial Division for Commercial Cases decreased by 4.9% from 2010 to 2011.
- The chancellery is on the second floor; access of the public to that floor is restricted.
- There is duplication of effort because laws and guidelines require both paper and digital registers.
- Specialists in the chancellery use the number of registers required in the SCJ Guidelines, but the titles of most of them do not match the titles listed in the SCJ Guidelines.
- SCJ has three archive rooms; the archives are organized inefficiently.

## *Recommendations*

- Review internal procedures for record keeping to make them compliant with the SCJ Guidelines and to bring the titles of registers in line with the titles required in the SCJ Guidelines.
- Consolidate the archives into one room.
- Install a ventilation system in the archive room.
- Employ an archivist.

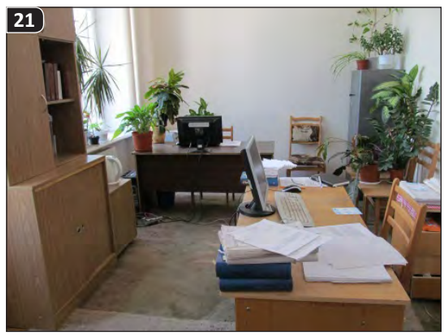


**Photo 20.** *Chancellery for criminal cases*
**Photo 21.** *Chancellery for civil cases*
**Photo 22.** *Archives*
**Photo 23.** *Archives*

## IV. HUMAN RESOURCES

SCJ has 49 judges and 170 regular staff on its staff roster (Table 7).

It has a human resource specialist who manages the Human Resource Department under the President of SCJ and the Head of the Documentation Division. The staff of the Human Resource Department is responsible for preparing and keeping records of staff documents, preparing personnel files, filling out and keeping work records, preparing draft orders and decisions, preparing job descriptions, filling out personal registers and files and keeping the records of leave granted to the staff.

According to the staff roster approved for 2010, the functions of a public relations specialist at SCJ were carried out by the spokesperson for the President. He acted as the official representative of the court in media relations and for public information to ensure the court's work was transparent and complied with the law. The contact information of the person responsible for public relations is posted on the court's website. The current staff roster approved in June 2012 does not provide for the position of spokesperson, but it does include the Department for Monitoring and Evaluation and Public Relations; the staff of this department is now responsible for public relations.

The Office of the Court President (the administrative office) assists the president and vice-presidents of the court to cooperate with other government authorities, with specialized institutions and with mass media outlets. It manages the court's agenda and informs the president about events; summarizes reports and information presented in Plenary, prepares annual reports on the activities and functioning of the judiciary coordinating them with the president; develops cooperative projects between SCJ and the Council of Europe, the European Court for Human Rights and other international bodies; facilitates the work of international delegations to SCJ; coordinates the publication of the *SCJ Newsletter* and carries out other duties stipulated by law. The Office of the President also assists employees of the divisions by training them in the general rules of secretarial work. In addition the court also has other specialized staff, technical staff and support staff.

Recruiting is based on the Regulations on Competitive Employment of Public Servants approved in Government Decision No. 201 of 2009. To fill a vacancy, the court posts an announcement on its webpage. Then the president organizes a six-member employment commission to select applicants consisting of a chairperson, a secretary and four members. Applicants must pass a written test and an interview. Based on the final results, the commission decides whom to hire and an employment/appointment order is issued.

The internal procedures for dismissing and disciplining staff comply with the labor legislation and the Law on Public Office and the Status of a Civil Servant. The staff is held liable for deviating from their job duties and for behavior impairing their work or the interests of justice. When applying a disciplinary sanction, the court prepares a document describing the offensive action with explanations from the responsible person. The chairperson of the disciplinary commission submits a proposal to the President of SCJ to issue an order to apply a disciplinary sanction. Disciplinary sanctions applied at SCJ from 2011 to 2012 consisted of severe reprimands and admonitions.

SCJ has job descriptions for the following positions: Chief of the Office of the President, Adviser to the President, Adviser to the Vice-President, Spokesperson for the President, Senior Consultant in the Antechamber of the President, Head of the Protocol and Foreign Relations Department, Chief Consultant in the Protocol Department, Senior Consultant in the Protocol Department, assistant, Head of the Division for Generalizing Judicial Practice and Analyzing Judicial Statistics, Head of the Division for Generalizing Criminal/Civil Judicial Practice, Senior Consultant in the Division for Generalizing Criminal/Civil Judicial Practice, Head of the Directorate for Tracking Legislation and Informatics, Head of the Division for Generalizing Criminal/Civil Judicial Practice, chief consultant, senior consultant, Head of the Editing and Publishing Directorate, consultant in the editing and publishing division, Head of the Record Office, Head of the Criminal/Civil Division, Chief Consultant of the Criminal/Civil Division, Senior Consultant in the Criminal/Civil Division, Head of the Documentation Directorate, Head of the Documentation Division, Head of Human Resources, chief consultant, senior consultant, Head of the Division for Petitions and Public Reception, Consultant in the Division for Petitions and Public Reception, Head of the Translation Department, translator, Head of the Chancellery, specialist in the accounting department, Head of the Archives, Head of the Mail Department, information technology specialist.

**Table 7.** *Staffing scheme of SCJ approved in June 2012*

| No. | Position | Current number[1] |
|---|---|---|
| 1. | Court president | 1 |
| 2. | Vice-president of SCJ | 3 |
| 3. | Vice-president of the judicial division | 3 |
| 4. | Judge | 42 |
| 5. | Judicial assistant | 48 |
| 6. | Head of the Office of the President | 1 |
| 7. | Deputy head of the Office of the President | 1 |
| | ***Division for monitoring and evaluation and public relations*** | |
| 8. | Head of the division | 1 |
| 9. | Chief consultant | 1 |
| 10. | Senior consultant | 3 |
| | *Protocol and foreign relations division* | |
| 11. | Head of the division | 1 |
| 12. | Chief consultant | 1 |
| 13. | Senior consultant | 1 |
| 14. | Consultant | 1 |
| | ***Directorate for generalizing judicial practice and judicial statistics*** | |
| 15. | Head of the division | 1 |
| | ***Division of criminal cases of the Directorate for generalizing and statistics of the judicial practice*** | |
| 16. | Head of the division | 1 |
| 17. | Chief consultant | 1 |
| 18. | Consultant | 3 |
| | ***Division for civil, commercial and administrative cases of the Directorate for generalizing and statistics of the judicial practice*** | |
| 19. | Head of the division | 1 |
| 20. | Chief consultant | 1 |
| 21. | Senior consultant | 2 |
| 22. | Consultant | 3 |
| | ***Directorate for tracking legislation*** | |
| 24. | Head of the directorate | 1 |
| | ***Division for legislation and judicial practice*** | |
| 25. | Head of the division | 1 |
| 26. | Chief consultant | 1 |
| 27. | Senior consultant | 1 |
| 28. | Consultant | 2 |
| | ***Information technology, editing and publishing division*** | |
| 29. | Head of the division | |
| 30. | Chief editor | 2 |
| 31. | Chief administrator of the information network | 2 |
| | ***Directorate of court secretaries*** | |
| 32. | Head of the directorate | 1 |
| | ***Division for criminal cases of the Directorate of court secretaries*** | |
| 33. | Head of the division | 1 |
| 34. | Chief consultant | 1 |
| 35. | Senior consultant | 1 |
| 36. | Consultant | 1 |
| | ***Division for civil, commercial and administrative cases of the Directorate of court secretaries*** | |
| 37. | Head of the division | 1 |
| 38. | Chief consultant | 2 |
| 39. | Senior consultant | 3 |
| 40. | Consultant | 4 |
| | ***Documentation Directorate*** | |
| 41. | Head of the directorate | |
| | ***Human resource division*** | |
| 42. | Head of the division | 1 |
| 43. | Chief specialist | 1 |
| 44. | Senior specialist | 1 |
| 45. | Specialist | 1 |
| | ***Division for public reception of the Documentation directorate*** | |
| 46. | Head of the division | 1 |

| | | |
|---|---|---|
| 47. | Chief consultant | 1 |
| 48. | Consultant | 2 |
| | ***Division for translations of the Documentation directorate*** | |
| 49. | Head of the division | 1 |
| 50. | Chief translators | 6 |
| | ***Chancellery for criminal cases*** | |
| 52. | Head of the division | 1 |
| 53. | Senior inspectors | 3 |
| | ***Chancellery for civil, commercial and administrative cases*** | |
| 54. | Head of the division | 1 |
| 55. | Senior inspectors | 7 |
| | ***Chancellery of the Plenum*** | |
| 56. | Head of the division | 1 |
| 57. | Senior inspectors | 3 |
| | ***Typing service*** | |
| 58. | Head of the division | 1 |
| 59. | Typist | 3 |
| | ***Printing service*** | |
| 60. | Head of the division | 1 |
| 61. | Operator | 1 |
| | ***Mail service*** | |
| 62. | Head of the division | 1 |
| 63. | Courier | 3 |
| | ***Commercial-administrative directorate*** | |
| 64. | Head of the directorate | 1 |
| | ***Financial division of the Commercial-administrative directorate*** | |
| 65. | Head of the division | 1 |
| 66. | Chief specialist | 1 |
| 67. | Senior specialist | 1 |
| 68. | Specialist | 1 |
| | ***Division for material and technical resources*** | |
| 69. | Head of the division | 1 |
| 70. | Administrator | 2 |
| 71. | Driver | 4 |
| 72. | Electrician | 2 |
| 73. | Plumber | 2 |
| 74. | Maintenance and repairman | 4 |
| 75. | Cleaners | 10 |
| 76. | Boiler room operator | 2 |
| | **TOTAL** | **219** |

*Source: Accounting office of Supreme Court of Justice*

The court has regulations on its organization and functioning approved by Decision No. 34 of the Plenum of SCJ on 24 October 2003 that have been handed on to the judges and the court staff to establish the operations, management, the Plenum and the judicial divisions of the court and the rights and obligations of the officers, of judges and of all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Most judges of SCJ act as trainers at NIJ; however, judges and employees of SCJ also participate in national seminars, conferences and forums organized jointly by SCJ, SCM and NIJ. The judges the assessment team interviewed said that NIJ training and publications from SCM are enough to meet their information and training needs. For legal research judges of SCJ use the legislative database Moldlex. The court subscribes to the *Official Gazette, Monitorul de Chisinau (the Official Gazette of Chisinau), Contabilitate și Audit (Accounting and Auditing), Justiția Constituţională a RM (Constitutional Justice of the Republic of Moldova), Dreptul (Law), Moldova Suverana (Sovereign Moldova), Legea si Viata (Law and Life), Revista Nationala de Drept (National Law Magazine), Bulleten Verhovnogo Suda RF (Newsletter of the Superior Court of Russian Federation), Buletinul informativ a Curţii Europene (Newsletter of the European Court of Justice), Fluxul (The Flow), Palatul de Justitie (Justice Palace), Timpul de dimineaţă (Morning Times), Jurnal de Chisinau (Chisinau Magazine), Ziarul de Garda (Watchdog Newspaper), Nezavisimaya Moldova (Independent Moldova), Ekonomicheskoye Obozreniye Logos Press (Economic Overview Logos Press)* and *Buhgalterskiye i nalogovye konsultatsiyi (Accounting and Tax Consultation).*

The assistants, the chancellery specialists and the specialists of the record office need training. SCJ has asked NIJ to organize seminars on the following topics:

- ✓ Providing international legal assistance in criminal matters
- ✓ Applying the provisions of ECHR and the practice of the European Convention in national case law
- ✓ Methodology for preparing procedural documents
- ✓ Theoretical and practical problems in criminal matters. Standardizing judicial practice
- ✓ Using ICMS

In addition to those topics the staff also would like to study the following:

- ✓ Developing criminal and civil procedural documents
- ✓ Training in secretarial work
- ✓ Human resource management

The advisers to vice-presidents asked to be included in all seminars in criminal and civil matters organized by NIJ with the participation of judges from SCJ. To date no training has been organized.

## *Conclusions*

- Human resources are managed by the Human Resource Department of the Documentation Directorate.
- Public relations were previously managed by the spokesperson for the President of SCJ, but this position has been excluded from the staffing roster approved in June 2012.
- Assistants, chancellery specialists and the archivist need training. The topics range from the studying how to apply the law to studying the judicial information system and preparing criminal and civil procedure documents.

## *Recommendations*

- Implement internal training for the regular staff of SCJ so they can solve problems they meet in their jobs.

## V. SERVICES FOR THE PUBLIC

SCJ does not have an information window at either court entrance, but both buildings have information boards at the entrances. Judges' office doors have plaques with their names but no warning that entry is not allowed, but access to the floors housing the chancellery and the offices of the assistants and judges is strictly controlled. The President of SCJ issued a special directive for this purpose that is posted on the information boards and on the webpage. There is no signage to show the public the way to the courtrooms, the chancellery or the Petitions and Public Reception Division. The judicial police at the courthouse entrances provide information to guide the public through the buildings.

The information boards contains the following data:

- Lists of hearing prepared in Word by the chancellery specialists
- Code of behavior for the public in a court of law
- President's directive on access to the premises of SCJ
- President's order on badges for civil servants and technical staff and organization of offices where the public is allowed.

Parties in a case and other case participants may obtain copies of judgments by filling out an application at the Division for Petitions and Public Reception on working days. The applications are registered in the incoming mail register. Vice-presidents of SCJ approve the applications and appoint staff to deal with them. Copies are delivered within two days. After the documents are copied, the copies are authenticated by the Division for Petitions and Public Reception. That division has three staff working in the building on Petru Rares Street and two staff working in the building on Kogalniceanu Street.

### *Conclusions*

- There are no signs guiding the public to the courtrooms, the chancellery or the Division for Petitions and Public Reception.
- The office of the specialists in the Division for Petitions and Public Reception is on the ground floor which is an appropriate location for public access.
- The information boards at the courthouse entrances contain information on hearings.
- Copies of judgments may be obtained only with the approval of the vice-presidents of the judicial divisions.

### *Recommendations*

- Install information boards at the courthouse entrances that would allow the posting of more information about the work of the court.
- Post more information of public interest on the boards, such as information about the webpage of SCJ, news on the judicial system, working hours of the court, office hours of the President of SCJ, working hours of the Division for Petitions and Public Reception and of the archive service, etc.
- Install signage showing the way to the Division for Petitions and Public Reception.
- Install plaques on judges' office doors warning that the entry is not allowed.

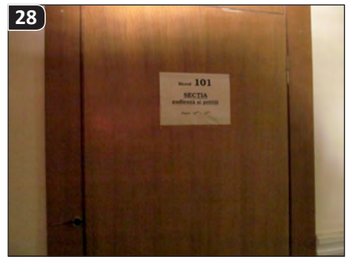



**Photo 24.** *Code of behavior for the public servant*
**Photo 25.** *Entry is not allowed*
**Photo 26.** *Information board*
**Photo 27.** *Inscription on a judge's door*
**Photo 28.** *Division for petitions and public reception*

# VI. BUDGET AND PROCUREMENTS

Unlike courts of the first and second instance, SCJ prepares its budget directly with the Ministry of Finance. Thus, the ceiling is established after negotiations with this ministry, and budgeting is done in line with the procedures stipulated in existing regulatory acts.

## 6.1. BUDGET

For the purpose of analysis, the budget of SCJ is divided into the following six categories:

- *Staff expenditures* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – power, heating, gas, water, sewerage, sanitation, and rental;
- *Expenditures for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[3]

SCJ uses both the basic revenue from the state budget and special funds to finance its work, but this report provides an analysis of the budget from state funds only.

From 2009 to 2011, the budget of SCJ decreased from MDL 19.1 million to MDL 17.9 million (Table 8).

In 2010 and 2011 the court budget decreased by 3% compared with 2009. In 2010, the decreases were in allocations for fixed assets, utilities and operating expenditures while capital investments increased by 17%.

Despite a 9068% increase in expenditures for repairs, in 2011 the total budget decreased due to a 97% decrease in the expenditures for investments.

## 6.2. STAFF EXPENDITURES

Staff expenditures accounted for approximately 75% of the total budget. This is the only category that consistently increased over the three years analyzed. Since remuneration is regulated by law, no analyses or recommendations are proposed in this report.

[3] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of SCJ by type of expenditure (2009–2011)*

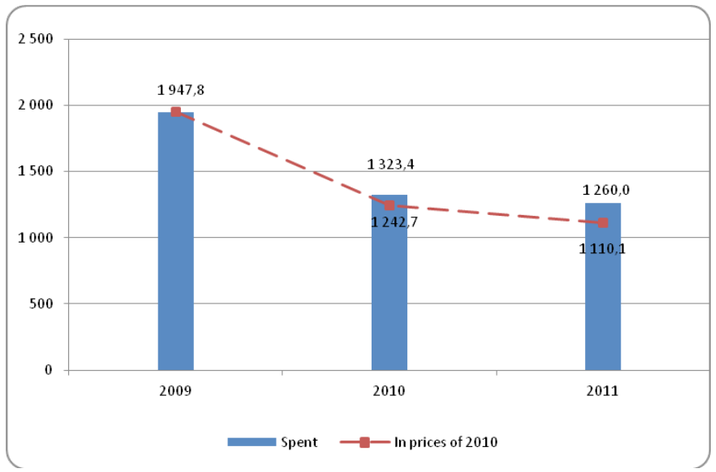
| Expenditure category/year | 2009 (spent) | 2010 (spent) | | 2011 (spent) | |
|---|---|---|---|---|---|
| | | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 13,650,953 | 13,986,087 | 2% | 15,020,200 | 7% |
| Repairs | 4,829 | 4,806 | 0% | 440,600 | 9068% |
| Utilities | 1,032,818 | 681,335 | -34% | 806,100 | 18% |
| Fixed assets | 500,000 | 169,731 | -66% | 378,300 | 123% |
| Capital investments | 2,000,000 | 2,334,000 | 17% | 73,100 | -97% |
| Operating expenditures | 1,947,798 | 1,323,435 | -32% | 1,260,000 | -5% |
| **Total** | **19,136,398** | **18,499,394** | **-3%** | **17,978,300** | **-3%** |

Source: for 2009 and 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 form No. 2 provided by SCJ.

## 6.3. OPERATING EXPENDITURES

From 2009 to 2011, both the face value and the real value of operating expenditures decreased. Their face value decreased from MDL 1.9 million in 2009 to MDL 1.2 million in 2011, a decrease of about 35%. Their real value decreased by approximately 43% taking into account that in 2010 the inflation was 6.5% and in 2011 the inflation was 7%.[4] MDL 1.3 million in 2010 and MDL 1.2 million 2011 is equivalent to approximately MDL 1.2 million and MDL 1.1 million respectively in 2009; hence, the real value of operating expenditures decreased by approximately MDL 705 thousand and MDL 838 thousand respectively. (Graph 16).

**Graph 16.** *Operating expenditures for SCJ in 2009, 2010 and 2011*




[4] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

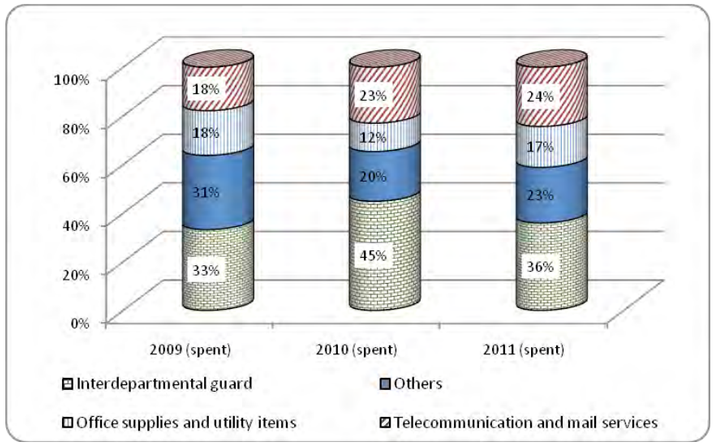
## 6.4. STRUCTURE OF OPERATING EXPENDITURES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Telecommunications and mail services;
- Interdepartmental guards.

*Graph 17* shows the structure of operating expenditures.

**Graph 17.** *Structure of operating expenditures from 2010 to 2012*



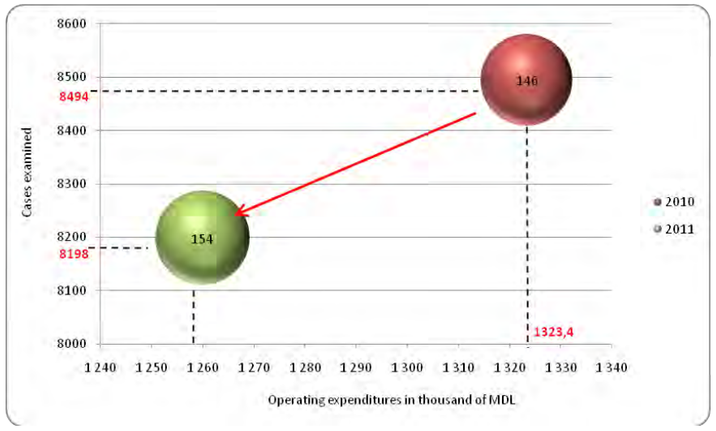
The largest share of the operating expenditures went for the guards at 33% in 2009, 45% in 2010 and 36% in 2011, followed by telecommunications and mail, which increased from 18% in 2009 to 24% in 2011. Office supplies and utility items decreased from 18% in 2009 to 17% in 2011.

## 6.5. OPERATING EXPENDITURES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease in operating expenses in 2011 compared with 2010 can be explained by many factors, including by the decrease in the number of cases examined, although this may be just a coincidence because currently the budgeting is not done on the basis of this performance indicator.

Comparing operating expenditures with the number of cases examined, in 2011 the average cost for examining a case increased by MDL 8 compared with the previous year (Graph 18).

**Graph 18.** *Comparative analysis of the average cost for examining a case at SCJ in 2010 and 2011*




***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The increase in the average operating cost per case examined can be explained by the fact that the decrease in the number of cases examined was greater than the decrease in operating expenditures.

## 6.6. AUTOMATION OF THE ACCOUNTING SYSTEM

The accounting at SCJ is done electronically.

## 6.7. PROCUREMENT

The court does its procurements through the Division for Construction, Public Procurements and Material and Technical Resources of the Commercial-Administrative Directorate.

### Conclusions

- From 2009 to 2011, both the face value and the real value of operating expenditures decreased.
- In 2011 the average operating cost for examining a case increased compared with 2010.
- Mail services account for a large share of total operating expenditures.
- SCJ does its accounting electronically.
- Lack of internal audit system.
- Public procurements at SCJ are done by a specialized division.

### Recommendations

- Create and implement an internal audit entity within SCJ.

## OVERVIEW

Chisinau Court of Appeals is situated in the city of Chisinau. The district courts listed in Law No. 514 of 6 July 1995 On Judicial Organization are under its jurisdiction.

The Court of Appeals has 41 judges and 96.5 regular staff on its staff roster. The court does not have a human resource specialist. Those duties are performed by the president and the head of the documentation directorate.

Staff expenditures have followed an upward trend. The court makes all its public procurements without a procurement specialist. In 2011, both the face value and the real value of the allocations for operating expenditures decreased. In 2011, the average cost for examining a case was less than the previous year and was lower than the weighted average cost of a examining a case for the country as a whole (see Section VI).

The court is located in two buildings. The courthouse at 4 Teilor Street has four floors and a basement with a total surface area of 2,465.6 sq. meters. The courthouse at 73 Stefan cel Mare si Sfint Boulevard has one floor with a total surface area of 683 sq. meters. The courthouse in Teilor Street is in satisfactory condition; its interior has been refurbished. There are plans to arrange two more courtrooms in the courthouse on Stefan cel Mare si Sfint Blvd.

# CHISINAU COURT OF APPEALS

*4, Teilor Str. and*
*73, Stefan cel Mare Blvd. (ground floor), City of Chisinau*

*Date of visit: 22 June 2012*

The staff of Chisinau Court of Appeals uses ICMS Version 3 which was installed in October 2011. They mentioned the problem with this software is its slow speed.

The courthouse on Teilor Street has 13 courtrooms for 29 judges; all hearings are conducted in courtrooms. The courthouse on Stefan cel Mare Blvd. has 1 courtroom for 12 judges. All 14 courtrooms have audio recording equipment and hearings conducted in the courtrooms are recorded.

Specialists at Chisinau Court of Appeals keep more registers than required in the amended Guidelines.

The total number of cases filed at Chisinau Court of Appeals from 2009 to 2011 increased by 5362 and the number of cases examined increased by 2878 with a case clearance rate of 76.4% in 2011.

The court has a public information board with an announcement that unauthorized entry into the area for the staff is not allowed.

Chisinau Court of Appeals regularly updates its webpage. The menus contain information of public interest.

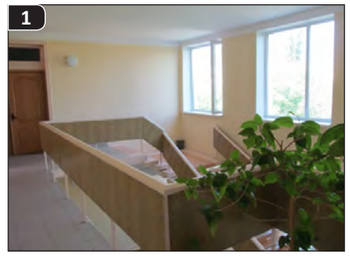
# I. INFRASTRUCTURE

## 1.1. ASSESSMENT (4, Teilor Street)

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 2 | The exterior is in good condition. |
| Water supply | 3 | The courthouse is connected to the central water supply. The water supply is regular and has good pressure. The pipes need to be replaced. |
| Power supply | 3 | The electrical system is old but the voltage is sufficient for current needs. |
| Sewerage system | 3 | The court is connected to the central municipal sewerage system. |
| Heating system | 2 | The system is connected to the central municipal system. No issues have been reported. |
| Firefighting system | 3 | Only the archive room has sprinklers and smoke detectors. |
| Roof | 3 | No leaks have been reported. |
| Interior | 3 | The interior has been cosmetically refurbished. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

**4, TEILOR STREET**

1


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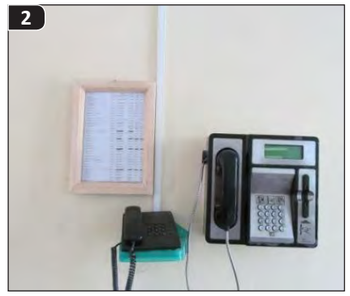
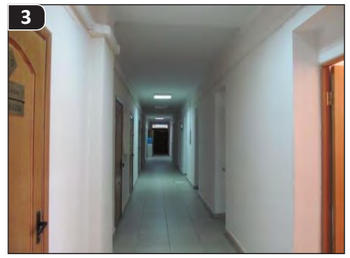


3


4

5

**Photo 1.** *Area for the public*
**Photo 2.** *List with clerks' telephone numbers*
**Photo 3.** *Area for the staff*
**Photo 4.** *Electronic key pad that restricts access to the third and fourth floors.*
**Photo 5.** *Archives*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational conditions of Chisinau Court of Appeals in June 2012.

The court is located in two buildings—one at 4 Teilor Street and one at 73 Stefan cel Mare Blvd on the ground floor. Previously, the building on Stefan cel Mare was used by the Commercial Court of Appeals. That court has been liquidated and its six judges were transferred to Chisinau Court of Appeals. As there was not enough space for all the judges at the Teilor Street building, 12 judges from the judicial division for civil and administrative cases moved to Stefan cel Mare.

The courthouse on Teilor Street has four floors and a basement with a total surface area of 2,465.6 sq. meters. There are 55 offices, 2 public rooms and 13 courtrooms.

The offices on Stefan cel Mare si Sfint Blvd. use the ground floor with a total surface area of 683 sq. meters. There are 23 offices, 1 public room and 1 courtroom.

Chisinau Court of Appeals is protected by the national guard. The courthouse on Teilor Str. has a CCTV system to monitor the court and its surroundings. The offices on Stefan cel Mare Blvd. have a guard.

The courthouse on Teilor Street is connected to the central sewerage and water systems. The plumbing is the original, but no major problems with it were reported. The electrical system is in satisfactory condition. No issues with overloaded circuits or voltage fluctuations have been reported. The light fixtures should be replaced. The heating system is in good condition and is sufficient for the building.

The courthouse on Teilor Street was built in 1977 as a laboratory for the fishing industry. The court moved there in 1997. The structure of the building is solid; its exterior was repaired in 2011. The interior is in satisfactory condition and is regularly refurbished. In 2009 all windows and the doors of the judges' offices were replaced.

The interior on the ground floor is in satisfactory condition. The main entrance hall is tiled and its walls and columns are paneled in wood. The public area was furnished with chairs and tables and there is a telephone with the clerks' contact information which facilitates access to information. The corridor on the ground floor is in satisfactory condition. The chancellery is close to the entrance. The room used by the chancellery for civil cases is small and needs to be enlarged. The interior doors are wood and are in average condition. The canteen is leased to a private company. It is in good condition. Most light fixtures were replaced in 2006 but the wiring and outlets were not. The radiators and pipes of the heating system are the originals. The restroom for the public is in satisfactory condition. The courtrooms need new furniture.

The second floor hosts an office for clerks and courtrooms. This floor should be renovated. The corridor has deteriorated and the furniture is old. The server is installed in the deliberation room that is equipped with an air conditioner.

Access to the third and the fourth floors is restricted by the judicial police and an electronic key pad. The general condition of the interior on these floors is good, but the judges' and clerks' offices have not been renovated. Some judges' offices have air conditioners. On the fourth floor there is a conference room. The restrooms for the staff are in good condition and are not used by the public. The old windows, windowsills and the doors have been replaced, and the hall has been repaired. The wood parquet flooring in the corridor on the third floor and the linoleum in the corridor on the fourth floor have been replaced with ceramic tiles. The walls have been painted.

The archives are kept efficiently in two rooms in the basement on Teilor Street. The rooms are in good condition, though the natural illumination and ventilation in the archivist's office are poor. The main archive room has smoke detectors and a fire alarm system. The archivist's office should be equipped with a ventilation system, and its heating system should be repaired. Since the number of files is constantly increasing, the archives need additional space.

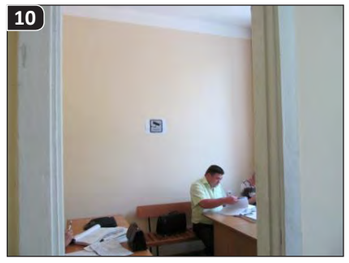
Except for the archive room, the courthouse has neither smoke detectors nor evacuation signage.

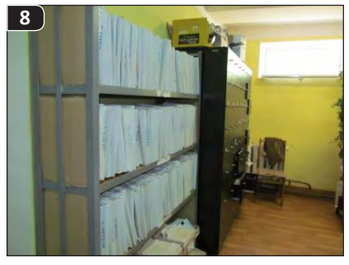
The functional area of Chisinau Court of Appeals on Teilor Street is appropriate for a court of law. There is a separate entrance for detainees and a separate area for them in the basement. They are taken into the courtroom from that area through the public corridor. Hearings for criminal cases are conducted mainly in the two courtrooms on the ground floor to eliminate any contact between detainees and the staff or the public. The courthouse on Teilor Street has 13 courtrooms for 29 judges.

The building on Stefan cel Mare si Sfint Blvd. was built in the early 1950s. In 1997 the ground floor of that building was occupied by the Commercial Court of Appeals. After this court was liquidated, the floor was given to Chisinau Court of Appeals. The second floor of the building is occupied by the District Commercial Court.

The offices on Stefan cel Mare Blvd. are connected to the central sewerage and water systems. The plumbing is original, but no major problems were reported. The electrical system is in unsatisfactory condition and needs to be completely overhauled. There are issues with overloaded circuits and voltage fluctuations. The light fixtures in the offices should be replaced. The heating system is in satisfactory condition but needs repair. The building receives heating from the municipal system. Most exterior windows were replaced in 2008.

The interior on the ground floor is in good condition. The halls and the waiting area for the public have been renovated and furnished. Many judges' offices were repaired in 2006 and 2007 and are in good condition. The offices and the courtroom have new furniture. The restroom is used by both the staff and the public. The server is in a separate room but does not have air conditioning. One room is used for the archives of the former Commercial Court of Appeals. There are plans to move these archives and use this space as a courtroom. Currently there is 1 courtroom for 12 judges. There are plans to arrange an additional courtroom on the second floor.



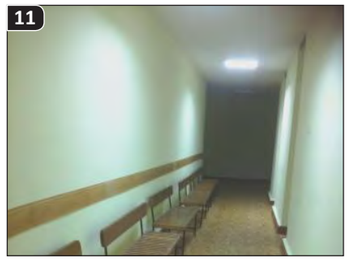




**Photo 6.** *Archives*
**Photo 7.** *Sprinklers and the smoke detection system in the archives*
**Photo 8.** *Archives*
**Photo 9.** *Public information*
**Photo 10.** *Office for lawyers to study case materials*
**Photo 11.** *Area for the public (73 Stefan cel Mare Blvd.)*

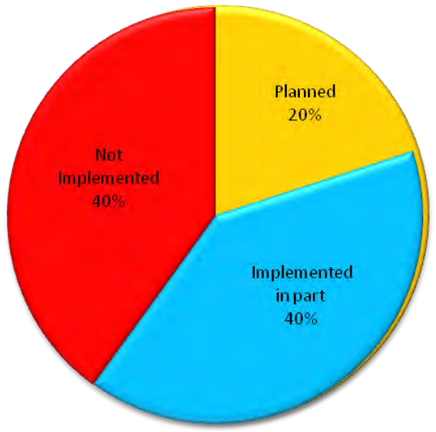
The 2009 Infrastructure Assessment Report listed five priorities for capital repairs of the offices on Stefan cel Mare Blvd. (Table 1 and Graph 1).

**Table 1.** *Implementation of recommendations for capital repair identified in 2009*[2] *(73 Stefan cel Mare Blvd.)*

| Priorities for capital repair in 2008 | Implementation in 2012 |
|---|---|
| Replace the locks to allow evacuation in case of fire. | Not implemented |
| Repair the corridors and restrooms. | Implemented in part |
| Schedule hearings to allow judges to use the courtrooms. | Planned |
| Reconfigure the room for the chancellery. | Not implemented |
| Arrange a room for the LAN server equipped with a lock and an air conditioner. | Implemented in part |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of the recommendations for capital repairs in 2012 (73 Stefan cel Mare Blvd.)*



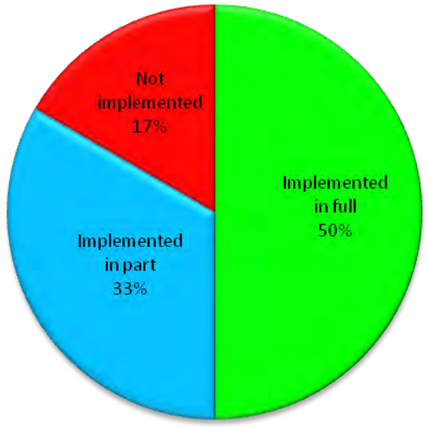

The 2009 Infrastructure Assessment Report listed six priorities for capital repairs at 4 Teilor Street (Table 2 and Graph 2).

**Table 2.** *Implementation of the recommendations for capital repair identified in 2009 (4 Teilor Str.)*

| Priorities for capital repair in 2008 | Implementation in 2012 |
|---|---|
| Replace windows and windowsills on the third and the fourth floors. | Implemented |
| Install smoke detectors and emergency lights. | Implemented in part |
| Repair the leaky roof, gutters and the downspouts. | Implemented |
| Reconfigure the chancellery to make a reception area and to improve the design of the entrance. | Not implemented |
| Repair the offices, corridors and other rooms as needed. | Implemented in part |
| Equip the server room with an air conditioner. | Implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 2.** *Implementation of the recommendations for capital repairs in 2012 (4 Teilor Str.)*




## *Conclusions*

- The court is located in two buildings in the City of Chisinau—one at 4 Teilor Street and one at 73 Stefan cel Mare Blvd.
- From 2009 to 2012, the Chisinau Court of Appeals carried out renovations that were partially based on the recommendations in the 2009 Infrastructure Assessment Report.
- ROLISP estimated that of the recommendations for capital repairs of the courthouse in 4 Teilor Street listed in the report, 50% have been implemented in full, 33% have been implemented in part and 17% have not been implemented. Of the recommendations for capital repairs of the courthouse at 73 Stefan cel Mare Blvd., 20% are planned, 40% have been implemented in part and 40% have not been implemented.

## *Recommendations*

- Identify a way to consolidate the offices of Chisinau Court of Appeals to make its work more efficient.

*4 Teilor Street:*

- Install smoke detectors and emergency lights.
- Reconfigure the chancellery to make a reception area and to improve the design of the entrance.
- Repair the offices, corridors and other rooms as needed.

*73 Stefan cel Mare Blvd.:*

- Replace the locks to allow evacuation in case of a fire.
- Repair the electrical system.

[2] *The recommendations for repair were given for the Commercial Court of Appeals which used these offices in 2009.*

# II. COURT AUTOMATION

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The staff of Chisinau Court of Appeals has been using ICMS since 2008; in October 2011 the court upgraded to Version 2. They mentioned the problem with this software is its slow speed. Human resources are managed in ICMS by the adviser to the president who registers new employees and assigns them usernames and passwords.

Using ICMS requires scanning case files after they are registered, but the staff does not scan them due to lack of time.

Information technology equipment is maintained by a private company but some problems are referred to CST. According to the staff, CTS solves problems in a reasonable amount of time. They rated their general satisfaction with the services provided by CTS in 2012 as a 3 out of 5.

**Table 3.** *Suggestions for modifying ICMS*

| No. | Suggestions for modifying ICMS |
|---|---|
| 1. | Increase the speed of ICMS. |
| 2. | Introduce a column with hearing results in the lists that are retrieved from ICMS. |
| 3. | Enable scheduling more hearings for the same hour. |

*Sourse: Chisinau Court of Appeals staff*

## 2.2. AUDIO RECORDING SYSTEM

Audio recording equipment and software have been installed in all fourteen courtrooms of Chisinau Court of Appeals and the hearings are generally recorded. The courthouse on Teilor Street has 13 courtrooms for 29 judges; all hearings are conducted in courtrooms. The building on Stefan cel Mare Blvd., however, has 1 courtroom for 12 judges; hence, hearings are also conducted in judges' offices or in their antechambers. There are plans to arrange two more courtrooms.

The staff at Teilor Str. has met approximately 75% of the requests to record hearings. Since 2009 when the audio recording equipment and software were installed, the staff has satisfied all requests for CDs of hearings. The adviser to the president keeps a record of all CDs delivered.

The courtroom doors do not have plaques informing the public that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings,[3] the purpose is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. The clerks generally use the recordings for that purpose.

The problems the staff has with the equipment are the inability to play the recording back, lack of training and the heavy caseload that infringes the time necessary to prepare and make an audio recording. Other issues include the legislation requiring written minutes and audio records.

[3] *SCM Regulation on digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

**Photo 12.** *Courtroom*
**Photo 13.** *Audio recording system*
**Photo 14.** *Inscription on a courtroom door*

## 2.3. WEB PAGE OF CHISINAU COURT OF APPEALS

Chisinau Court of Appeals has a webpage on which it posts information for the public; it is updated by the educational psychologist as new information is generated.

Table 4 shows the menus and their contents.

**Table 4.** *Content of the web page of Chisinau Court of Appeals*

| Menu title | Information posted on the web page |
|---|---|
| Overview | No information |
| Message of the Court President | – Welcome address |
| Competence | – Jurisdiction<br>– A file showing the localities under the geographical jurisdiction of Chisinau Court of Appeals |
| Regulatory Framework | List of basic regulatory acts governing the court's work |
| Public Relations Service | – An active link to the regulations of the public information and media relations service. Accessing it results in an error message.<br>– List of contacts and their telephone numbers that when accessed results in an error message. |
| Press Releases | – An active link that generates an error message. |
| News | – Active link to "*Vacancies*"<br>– Document with a judgment |
| Archives | – Active link to "*Links*" |
| Organization | – Active link to "*Organizational structure of Chisinau Court of Appeals*"<br>– Active link to "*Judicial Benches*" |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>**The latest judgment was posted on 10 July 2012** |
| Statistics | – An active link to "*Comparison Table for 9 Months of 2007, 2008 and 2009*" that generates an error message<br>– An active link to "*Information Note on the Activities of the Judicial Division for Civil Cases of Chisinau Court of Appeals for 9 months (January-September) of 2010*" which generates an error message<br>– An active link to "*Information Note on the Activities of the Judicial Division for Civil Cases of Chisinau Court of Appeals for 12 months (January-December) of 2010*" which generates an error message<br>– An active link to "*Information Note on the Activities of the Judicial Division for Criminal Cases of Chisinau Court of Appeals for 9 months (January-September) of 2010*" which generates an error message<br>– An active link to "*Information Note on the Activity of the Judicial Division for Criminal Cases of Chisinau Court of Appeals for 12 months (January-December) of 2010*" which generates an error message |

*Source: http://ca.justice.md*

Table 4 shows that the menus contain information of public interest on the work of Chisinau Court of Appeals. Links generating error messages should be replaced with functional ones.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Chisinau Court of Appeals has enough equipment to function. Table 5 shows the type of equipment, the number of items on hand and the equipment needed.

**Table 5.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Server | 2 | - |
| Computers | 163 | 56 |
| Printers | 52 | 53 |
| Scanners | 3 | 25 |
| Audio recording sets | 13 | 15 |
| Photocopiers | 3 | 2 |
| Air conditioners | 19 | 14 |
| Fax units | 2 | 5 |
| UPS units | - | 60 |

*Source: Chisinau Court of Appeals*

### Conclusions

- When using ICMS Version 2, the staff of Chisinau Court of Appeals faces the problem of its slow speed.
- The staff generally uses the audio recording system.
- To improve its work, Chisinau Court of Appeals needs 56 computers, 53 printers, 25 scanners, 15 audio recording sets, 2 photocopiers, 14 air conditioners, 5 faxes and 60 UPS units.
- Chisinau Court of Appeals uses the webpage management module. The menus contain information of public interest on the work of the court.

### Recommendations

- Establish the practice of deleting audio recordings from the server according to SCM regulations.[4]

[4] *Regulations on Digital Audio Recording of Court Hearings approved by SCM Decision No. 212/8 of 18 June 2009.*

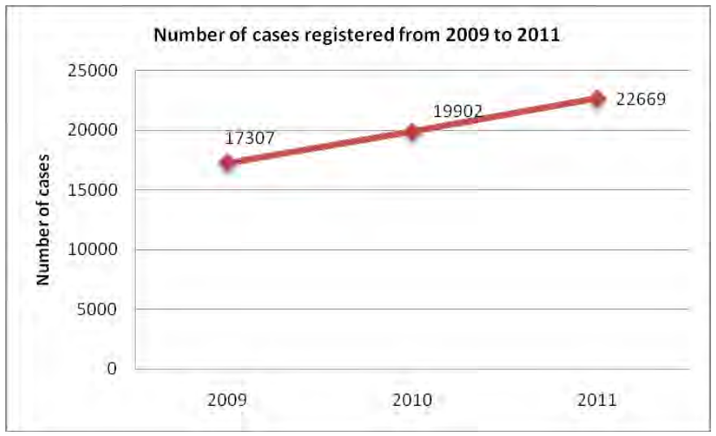
# III. WORK OF CHISINAU COURT OF APPEALS

## 3.1. WORK LOAD OF THE COURT

The workload of Chisinau Court of Appeals from 2009 to 2011 was analyzed by the total number of cases registered, the total number of cases examined, the number examined by type of proceedings, the year-end case backlog and the case clearance rate.

Graph 3 shows that the number of cases registered at Chisinau Court of Appeals increased from 17,307 in 2009 to 22,669 in 2011.

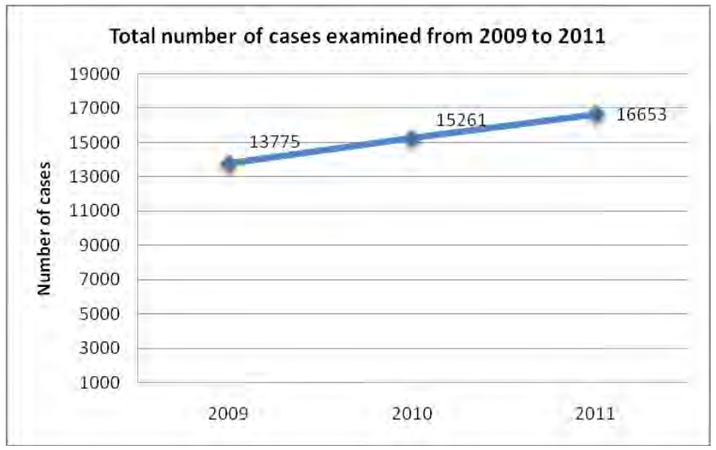
**Graph 3.** *Number of cases registered at Chisinau Court of Appeals from 2009 to 2011*




*Source: DJA*

Graph 4 shows that the number of cases examined increased from 13,775 in 2009 to 16,653 in 2011.

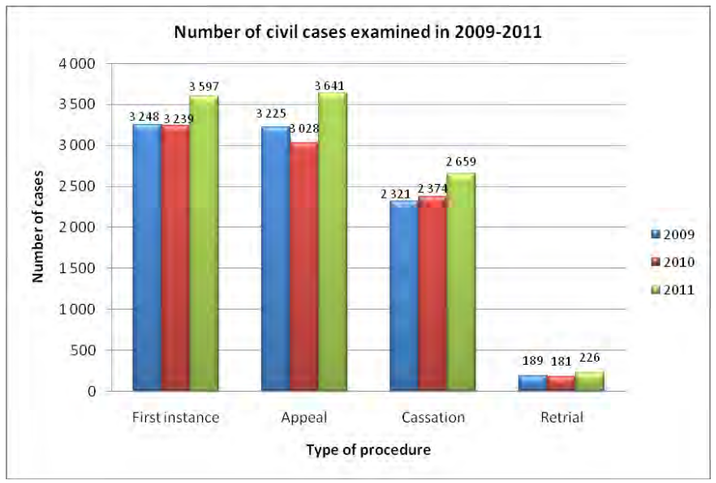
**Graph 4.** *Total number of cases examined at Chisinau Court of Appeals from 2009 to 2011*




*Source: DJA*

Graph 5 shows that from 2009 to 2011, the number of civil cases examined in the first instance at Chisinau Court of Appeals increased from 3,248 to 3,597, the number examined on appeal increased from 3,225 to 3,641, the number examined under cassation increased from 2,321 to 2,659 and the number examined on retrial did not change substantially.

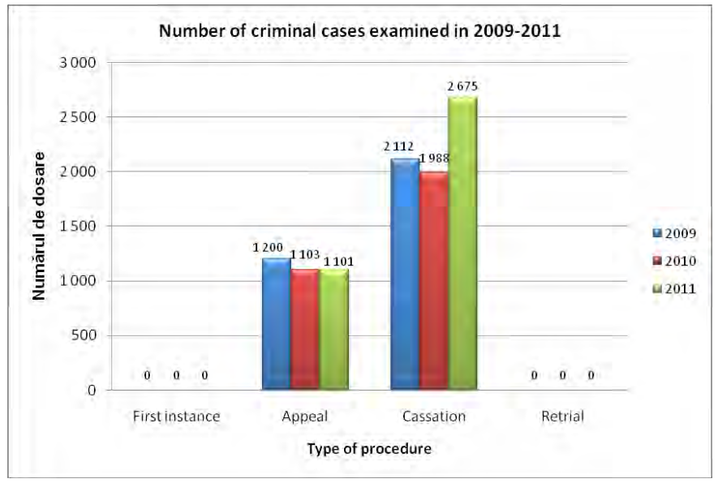
**Graph 5.** *Total number of civil cases examined at Chisinau Court of Appeals from 2009 to 2011 by type of procedure*




*Source: DJA*

Graph 6 shows that from 2009 to 2011, the number of criminal cases examined on appeal at Chisinau Court of Appeals decreased from 1,200 to 1,001 and that the number examined under cassation increased from 2,112 to 2,675.

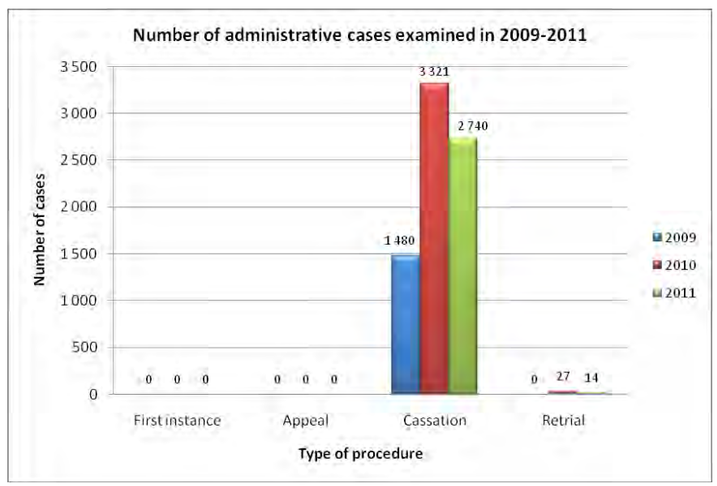
**Graph 6.** *Total number of criminal cases examined at Chisinau Court of Appeals from 2009 to 2011 by type of procedure*




*Source: DJA*

Graph 7 shows that the number of administrative cases examined under cassation increased from 1,480 in 2009 to 2,740 in 2011.

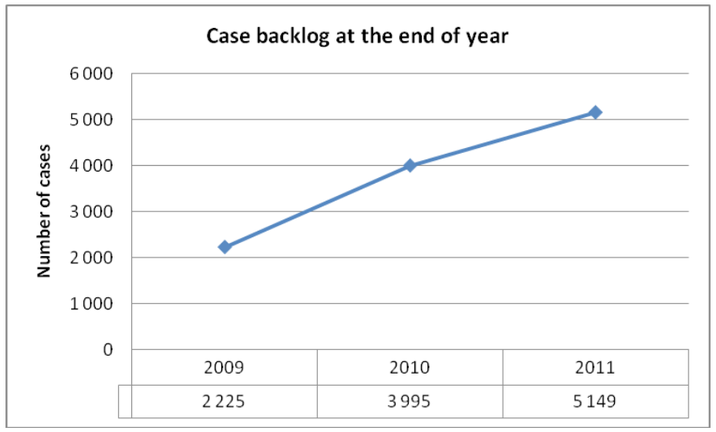
**Graph 7.** *Total number of administrative cases examined at Chisinau Court of Appeals from 2009 to 2011 by type of procedure*




*Source: DJA*

Graph 8 shows that the year-end case backlog increased from 2,225 in 2009 to 5,149 in 2011.

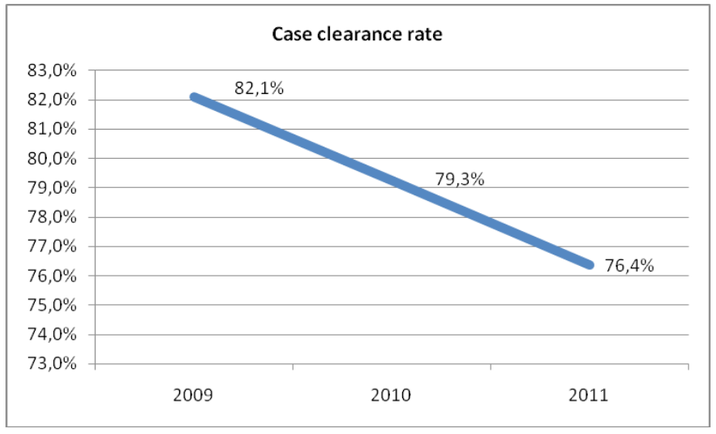
**Graph 8.** *Year-end case backlog in 2009, 2010 and 2011*




*Source: DJA*

Graph 9 shows that the case clearance rate at Chisinau Court of Appeals decreased form 82.1% in 2009 to 76.4% in 2011.

**Graph 9.** *Case clearance rate at the end of 2009, 2010 and 2011*




## 3.2. ORGANIZATION OF ACTIVITIES

The administrative departments of Chisinau Court of Appeals include a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and conducting other work required for the normal run of court activities.

The chancellery at Teilor Street is on the ground floor close to the entrance. Its staff includes eight specialists responsible for registering case files in ICMS and on paper.

The chancellery on Teilor Street maintains the registers listed in Table 6, and the chancellery on Stephan cel Mare maintains the one listed in Table 7.

**Table 6.** *List of registers kept by the chancellery of Chisinau Court of Appeals on Teilor Street*

| Register Category | Register Title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Motions<br>4. CDs of hearings delivered<br>5. Cases sent to superior courts<br>6. Materials on acknowledgment and enforcement of judgments delivered by foreign courts and passed to judges for trial in the first instance<br>7. Information on the transfer of cases to another court |
| ***Civil*** | 1. Cases sent to judges for examination under appeal and cassation<br>2. Cases sent to judges for examination under administrative proceedings and in the first instance.<br>3. Enforcement orders sent for execution<br>4. Index of civil cases examined under cassation<br>5. Index of civil cases examined under cassation against judgments in administrative procedure of a court of first instance<br>6. Index of civil cases examined under cassation<br>7. Index of civil cases examined as part of retrial proceedings<br>8. Index of cases examined as part of the administrative proceedings<br>9. Index of cases examined in the first instance<br>10. Index of commercial cases examined under cassation<br>11. Index of commercial cases examined on appeals<br>12. Action record card |
| ***Criminal*** | 1. Index of criminal cases examined under cassation<br>2. Index of criminal cases examined on appeals<br>3. Cases passed to judges<br>4. Information on probation<br>5. Criminal cases sent to judges for trial under cassation<br>6. Criminal cases sent to judges for trial on appeal<br>7. Information on release on bail<br>8. Motions on extending house arrest<br>9. Information on actions of the criminal prosecution authorities authorized by an investigating judge<br>10. Motions on extending house arrest<br>11. Information on changing the procedural enforcement measures<br>12. Motions on putting the suspect or the indicted under house arrest<br>13. Complaints against actions of criminal prosecution authorities<br>14. Enforcement orders sent for execution<br>15. Action record card |
| ***Administrative*** | 1. Administrative cases sent to judges for trial under cassation<br>2. Administrative cases |

*Source: Specialists in the chancellery of Chisinau Court of Appeals on Teilor Street*

**Table 7.** *List of registers used by the chancellery of Chisinau Court of Appeals on Stefan cel Mare Blvd.*

| Register Category | Register Title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Cases sent to superior courts<br>4. Cases sent to the district court of Centru Sector of Chisinau Municipality<br>5. Cases sent to the district court of Botanica Sector of Chisinau Municipality<br>6. Cases sent to the district court of Riscani Sector of Chisinau Municipality<br>7. Cases sent to the district court of Ciocana Sector of Chisinau Municipality<br>8. Cases sent to the district court of Buiucani Sector of Chisinau Municipality<br>9. Cases sent to the National Center for Expert Judicial Examination |
| ***Civil*** | 1. Cases sent to judges for examination under appeal and cassation.<br>2. Cases sent to judges for examination under administrative proceedings and in the first instance<br>3. Action record card |

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may thus be entered three times in various records as Table 8 shows.

**Table 8.** *Registration of a statement of claim by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Incoming mail, Index of cases examined in the first instance, Cases transmitted to judges for examination under administrative proceedings and in the first instance. |
| Plaintiff's name | ICMS | Action record card | Incoming mail, Cases transmitted to judges for examination under administrative proceedings and in the first instance. |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of cases examined in the first instance |
| Defendant's contact information | ICMS | Action record card | Index of cases examined in the first instance |
| Case file category | ICMS | Action record card | Incoming mail, Index of cases examined in the first instance, Cases transmitted to judges for examination under administrative proceedings and in the first instance. |
| State fee | ICMS | Action record card | |
| Circulation of the case file within the court | ICMS | Action record card | Cases transmitted to judges for examination under administrative proceedings and in the first instance. |
| Essence of the case | ICMS | Action record card | |

*Source: Specialists from the chancellery of Chisinau Court of Appeals*

The chancellery keeps more registers than required in the Guidelines[5].

The archives of Chisinau Court of Appeals are kept in good order in two rooms in the basement on Teilor Street. There are no signs showing the way to them. The space is sufficient and there are appropriate temperature and humidity controls. The room has a fire fighting system and an alarm system. Because the number of files is constantly increasing, the archives will need additional space.

[5] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## *Conclusions*

- The total number of cases filed at Chisinau Court of Appeals from 2009 to 2011 increased by 30.9%.
- The total number of cases examined at Chisinau Court of Appeals from 2009 to 2011 increased by 20.8%.
- The total number of civil cases examined in the first instance at Chisinau Court of Appeals from 2009 to 2011 increased by 349, those examined on appeal proceedings increased by 416, those examined under cassation increased by 338 and those examined on retrial increased by 37.
- The total number of criminal cases examined Chisinau Court of Appeals from 2009 to 2011 decreased by 99 and those examined under cassation increased by 563.
- The total number of administrative cases examined under cassation at Chisinau Court of Appeals from 2009 to 2011 increased by 1260.
- The case backlog from 2009 to 2011 increased by 2924.
- The case clearance rate decreased by 5.7% from 2009 to 2011.
- There is duplication of effort because laws and instructions on secretarial work require both paper and digital registers.
- Specialists in the chancellery use more registers than required in the Guidelines.

## *Recommendations*

- Review internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.

**Photo 15.** *Chancellery for criminal cases*
**Photo 16.** *Chancellery for civil cases*

## IV. HUMAN RESOURCES

According to its staffing scheme, Chisinau Court of Appeals has 41 judges and 96.5 regular staff; however, it does not have a human resource specialist. Those duties are performed by the court president and the head of the documentation directorate. The court also does not have a public relations specialist; those duties are performed by the adviser to the president (Table 9).

Vacancies are filled by applicants on a waiting list or through transfers from other courts. The president organizes an employment commission to interview candidates. The court president decides whom to employ and issues an employment order.

Chisinau Court of Appeals has job descriptions for the adviser to the president, chief consultant, consultant, head of directorate, head of division, clerks, head of the chancellery, specialist, coordinating specialist, chief specialist, translator, head of the archives, head of the mail department and driver.

**Table 9.** *Staffing scheme of Chisinau Court of Appeals*

| No. | Position | Current number | Job Vacancies |
|---|---|---|---|
| 1. | Judge | 41 | 1 |
| 2. | Head of directorate | 1 | - |
| 3. | Adviser to the court president | 1 | - |
| 4. | Chief consultant | 5 | - |
| 5. | Consultant | 5 | - |
| 6. | Court clerk | 41 | - |
| 7. | Translator | 4 | - |
| 8. | Interpreter | 2 | - |
| 9. | Head of division | 1 | - |
| 10. | Chief specialist | 6 | - |
| 11. | Coordinating specialist | 4 | - |
| 12. | Specialist | 6 | - |
| 13. | Head of Archives | 1 | - |
| 14. | Archivist | 1 | - |
| 15. | Head of the mail department | 1 | - |
| 16. | Courier | 1 | - |
| 17. | Head of the publishing service | 1 | - |
| 18. | Head of directorate | 1 | - |
| 19. | Chief of the auxiliary service | 1 | - |
| 20. | Driver | 3 | - |
| 21. | Worker | 2 | - |
| 22. | Telephone operator | 1 | - |
| 23. | Electrician | 1 | - |
| 24. | Cleaner | 5.5 | - |
| 25. | Street cleaner | 1 | - |
| | **TOTAL** | **137.5** | **1** |

*Source: Accounting office of Chisinau Court of Appeals*

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ and as reported during the visit, in 2011 all judges of Chisinau Court of Appeals met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. For legal research and reference, the judges use the legislative database on the Ministry of Justice's web page. The court does not subscribe to any private legislative databases. The court subscribes to the *Official Gazette*, *Buletinul CSJ (Newsletter of SCJ), Contabilitate şi audit (Accounting and Auditing), Dreptul (Law),* the newspaper *Jurnal de Chisinau (Chisinau Journal), Dreptul muncii (Labor Law),* the newspaper *Timpul de dimineaţă (Morning Times)* and *Kadry i zarobotnaia plata (Staff and wages)*.

The regular staff mentioned that the last time they were trained by NIJ was two years ago, and the court has not offered any training for them internally. The court clerks are interested in training in using ICMS and Femida and the specialist is interested in training in webpage management.

### *Conclusions*

- Human resources at Chisinau Court of Appeals are managed by the court president and the head of the documentation directorate.
- The Court of Appeals does not have a public relations specialist.
- The Court of Appeals does not have a human resource specialist.
- The Court of Appeals does not have a system for training for its regular staff internally.

### *Recommendations*

- Employ a human resource specialist and train him/her.
- Employ a public relations specialist and train him/her.
- Implement internal training for the regular staff of Chisinau Court of Appeals so they can solve problems they meet in their jobs.

## V. SERVICES FOR THE PUBLIC

The chancellery of Chisinau Court of Appeals on Teilor Street is on the ground floor close to the entrance. The doors of judges' offices do not have plaques with the warning that entry of the public is not allowed; however, the public does not have access to them due to the electronic key pads on the doors. At the courthouse entrance there is a monitor with lists of hearings scheduled for trial.

The building has a board at the entrance with the following information:

- List of cases scheduled for trial prepared manually in Word
- Working hours of Chisinau Court of Appeals

On Mondays, Wednesdays and Fridays parties and other trial participants may request copies of judgments by filling out an application at the chancellery. The court president need not approve the application. Some applicants do not want to pay the state fee and there have been cases when they filed complaints against the chancellery staff for refusing to deliver copies of judgments to them. The parties can also address clerks or judges to get copies of judgments; those copies are delivered free of charge on the same day.

### *Conclusions*

- There is no information window for the public.
- The information board for the public at the entrance contains information helping visitors to orient themselves.
- The procedure for getting copies of judgments does not require the approval of the court president.

### *Recommendations*

- Install signs showing the way to the public relations specialist's office.
- Post more comprehensive information of public interest on the information board such as the procedure for getting copies of judgments, announcements about the court's webpage; news about the judicial system, etc.
- Use ICMS to generate lists of hearings scheduled for trial.

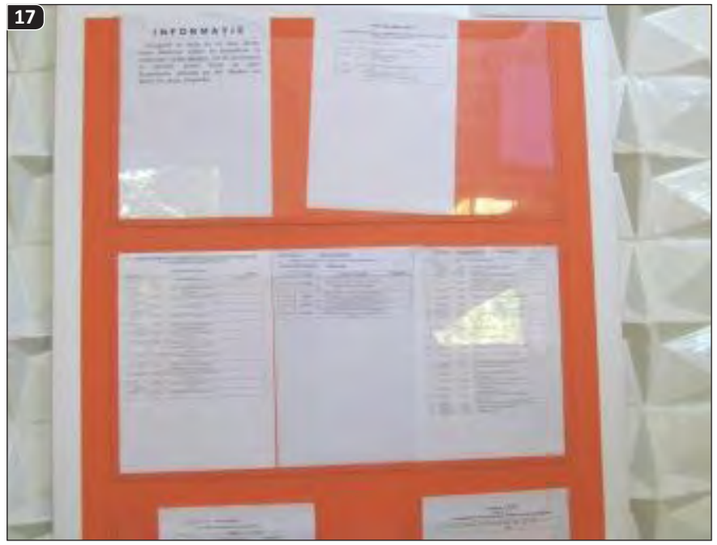


**Photo 17.** *The information board For civil cases*
**Photo 18.** *Information monitor for the public*
**Photo 19.** *The information board for criminal cases*
**Photo 20.** *The information board At Stefan cel Mare Blvd.*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Chisinau Court of Appeals develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which in turn receives ceilings for the entire justice sector from the Ministry of Justice. These ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others)

2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted as per the inflation rate predicted for the coming year. After all these calculations, the court proposes a draft budget that complies with the ceilings established by DJA

## 6.1. BUDGET

The budget of Chisinau Court of Appeals is divided into the following six categories:

- *Staff expenditures* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – power, heating, water and sewerage and sanitation;
- *Expenditures for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[6]

From 2010 (executed) to 2012 (approved), the budget of Chisinau Court of Appeals increased from MDL 6.9 million to MDL 8.3 million (Table 10).

In 2011, the budget increased by 14% compared with 2010 based on allocations for repairs. In addition, allocations for utilities and for staff increased by 16% and 7% respectively.

For 2012, the court budgeted 7% more funds than in 2011 due to a 15% increase for staff expenditures and a 14% increase for operating expenditures.

[6] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 10.** *Budget of Chisinau Court of Appeals by types of expenditures (2010–2012)*

| Expenditure category/year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 5,479,816 | 5,850,455 | 7% | 6,747,500 | 15% |
| Repairs | 21,394 | 592,705 | 2670% | 61,300 | -90% |
| Utilities | 401,042 | 465,385 | 16% | 503,000 | 8% |
| Fixed assets | 51,100 | 24,246 | -53% | 0 | -100% |
| Capital investments | 0 | 0 | 0% | 0 | 0% |
| Operating expenditures | 965,414 | 924,758 | -4% | 1,058,500 | 14% |
| **Total** | **6,918766** | **7,857,549** | **14%** | **8,370,300** | **7%** |

Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court.

## 6.2. STAFF EXPENDITURES

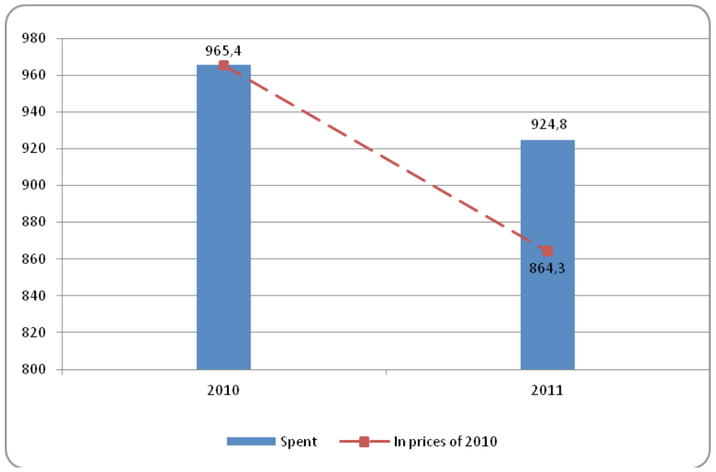
Staff expenditures represent approximately 75% of the total budget. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

From 2010 to 2011, both the face value and the real value of operating expenditures decreased. Their face value decreased from MDL 965.4 thousand to MDL 924.8 thousand, a drop of about 4%. Their real value decreased by approximately 10% taking into account that in 2011 the inflation rate was 7%.[7] MDL 924.8 thousand in 2011 was therefore equivalent to approximately MDL 864.3 thousand in 2010; hence, the real value of operating expenditures decreased by approximately MDL 101.2 thousand.

[7] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

**Graph 10.** *Operating expenditures for Chisinau Court of Appeals in 2010 and 2011*

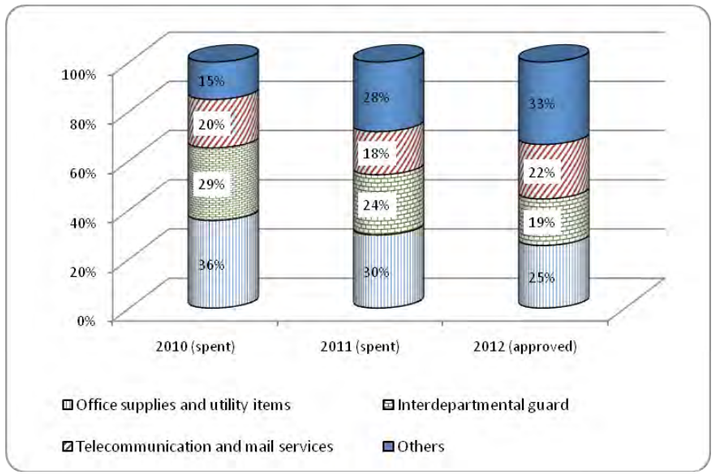



## 6.4. STRUCTURE OF OPERATING EXPENDITURES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Interdepartmental guard services;
- Telecommunications and mail services.

**Graph 11.** *Structure of operating expenditures from 2010 to 2012*




Graph 11 shows that in 2010 approximately 33% of the operating expenditures were used for offices supplies and utility items. Allocations for guard services accounted for 27% of the total and telecommunications and mail services accounted for 18%

In 2011 the basic structure of operating expenditures did not change. Office supplies and utility items decreased by 6 percentage points to 30%. Guard services decreased by 5 percentage points. Telecommunications and mail services decreased to 18%.

In 2012, the budget for operating is the following:

- 25% for office supplies, utility items, a decrease of 5 percentage points compared with 2011
- 22% for telecommunications and mail services, up 4 percentage points from the previous year
- 19% for guard services.

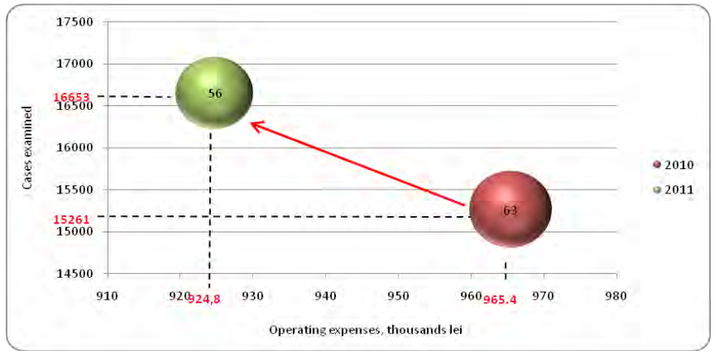
Expenses for telecommunications and mail merit attention because approximately 70% is for stamps.

## 6.5. OPERATING EXPENDITURES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease in operating expenses in 2011 compared with 2010 was not related the number of cases examined, which increased during this period. In 2010 the court examined 15,261 cases and in 2011 it examined 16,653 cases.

Comparing the operating expenditures with the number of cases examined, in 2010 the average cost for examining a case was approximately MDL 63, while in 2011 it was MDL 56 (Graph 12).

**Graph 12.** *Comparative analysis of the average operating cost/case at Chisinau Court of Appeals in 2010 and 2011*



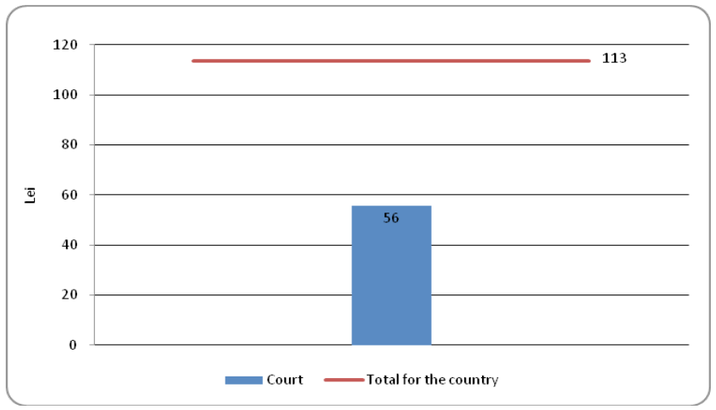

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

Although in 2011 the operating expenditures decreased compared with 2010, Chisinau Court of Appeals managed to examine more cases.

## 6.6. AVERAGE OPERATING COST FOR EXAMINING A CASE IN CHISINAU COURT OF APPEALS COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 56 per case in 2011 is high or low. Note that only data for courts of the second instance were taken into account in determining the weighted average cost for the country.

**Graph 13.** *Comparative analysis of the average cost of examining a case at the Chisinau Court of Appeals in 2011 and the weighted average cost per case for the country as a whole*




As shown in Graph 13, in 2011 the average cost per case examined in Chisinau Court of Appeals was lower than the weighted average cost per case examined for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Chisinau Court of Appeals does its accounting electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the adviser and the chief accountant, neither of whom have professional qualifications in procurement. Since procurement legislation is continuously changing, they should receive training at least every six months.

### Conclusions

- In 2011 both the face value and the real value of the operating expenditures decreased.
- The average operating cost per case examined in 2011 decreased compared with 2010.
- In 2011, the average cost for examining a case was lower than the weighted average cost of examining a case for the country as a whole.
- Mail services account for a large share of total operating expenditures.
- The accounting is done electronically.
- The court does all its public procurements without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Balti Court of Appeals in the city of Balti, serves 1,220,235 inhabitants in the 15 localities under its jurisdiction according to Annex 2 of the Law No. 514 of 06 July 1995 on Judicial Organization in the Republic of Moldova.

According to its staffing plan, the court has 22 judges and 70 regular staff but no human resource specialist. Those duties are instead performed by the court president, the adviser to the president and the head of chancellery.

Staff expenditures have followed an upward trend. The court does all its public procurements without a procurement specialist. In 2011 the face value of operating expenses increased, but the real value decreased compared with 2010. In 2011, the average operating cost for examining a case decreased compared with the previous year but was higher than the weighted average cost of a case examined for the country as a whole (see Section VI).

The courthouse covers 1089.4 sq. meters on three floors. It is in good condition. The façade and roofing are sound, but the interiors and light fixtures need to be renewed. There are plans to create a courtroom and finish the capital repairs on the annex.

# BALTI COURT OF APPEALS

*54, Stefan cel Mare Str., Balti City*

*Date of visit: 12 June 2012*

The staff of Balti Court of Appeals uses ICMS Version 2 which was installed in 2011, but they mentioned that there are issues with it including its slow speed and the uneven assignment of case files.

All hearings are held in courtrooms although the courthouse has 5 for 20 judges. The court staff records all the hearings..

Specialists at Balti Court of Appeals continue to keep a considerable number of registers although amendments to the Guidelines have reduced the number required.

The total number of cases registered at Balti Court of Appeals from 2009 to 2011 increased by 1199, and the number of cases examined increased by 976 with a case clearance rate of 83.4% in 2011.

The court has an information board for the public and the judges' office doors have warnings that entry is restricted.

The court updates its webpage periodically; the menus have information of public interest.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 3 | The façade has been cleaned and partially renovated. |
| Water supply | 2 | The court is on the central water system and also pumps water out of the well in the court yard. |
| Power supply | 3 | The electrical network was renovated in 2010; no problems have been reported. It has been mentioned that light fixtures need to be replaced. |
| Sewerage system | 2 | The pipes were replaced in 2003; no problems have been reported. |
| Heating system | 2 | The heating system is based on natural gas; two boilers were purchased in 2005. All pipes have been changed in the basement. |
| Firefighting system | 1 | A firefighting system was installed throughout building (offices, halls and courtrooms) in 2012. |
| Roofing | 1 | The structure of the roofing is solid; it is tiled with metal tiles. |
| Interior | 3 | The offices were repaired in 2006 and 2007. The space for the public needs to be renovated and the doors need to be changed. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

**Photo 1.** *Courthouse façade*
**Photo 2.** *Back entrance of the court*
**Photo 3.** *Additional building*
**Photo 4.** *Metal detector*
**Photo 5.** *Courtroom*

## 1.2. CURRENT CONDITION

The assessment focused on a comparative analysis of physical and operational condition of Balti Court of Appeal in June 2012.

The courthouse has three floors with a total area of 1089.4 sq. meters. There are 46 offices, 6 public rooms and 5 courtrooms.

The courthouse is protected by four members of the Carabineer Troops of the Ministry of Internal Affairs of Moldova both day and night. A metal detector is installed at the entrance to the building; a closed circuit video system (CCTV) has also been installed to monitor access to the court.

The court occupies three adjacent buildings; the main one was built in 1962 originally as a hospital. The court moved there in 1996. The court also has a one-storey annex that was undergoing capital repairs at the time of the documentation visit. The two buildings are connected by a hall. The court has also a separate building where the cells for detainees are situated.

The façade is in satisfactory condition. The front entrance is in good condition; no major problems have been reported.

The court is on the central water and sewerage systems. The pipes were renewed in 2003. There is a well in the yard that also provides water. The electrical network is in satisfactory condition as it was renewed in 2010. No problems of overloaded circuits or voltage fluctuations have been reported. It has been mentioned that the existing light fixtures need to be replaced with energy saving ones. The electrical network in the annex is being totally renovated.

The heating system in the main building is in good condition. Two boilers were purchased in 2005; they get annual maintenance checks and preventive repairs. There are plans to replace the radiators to save energy. All heating pipes in the court basement have been replaced. The heating system in the annex is currently being renovated.

The archives are efficiently laid out in two rooms on the second floor. At the time of the documentation visit, the civil chancellery was temporarily divided among three rooms: one on the ground floor, one on the second floor and one on the third floor. Previously, the chancellery was in the annex.

The interior of the building on the ground floor is in satisfactory condition. The floors and the walls have been repaired; a suspended ceiling has been built. New furnishings for the public space and the offices are required. Access to the second and third floors is limited by an electronic security card system. The doors need to be changed. The restroom is in good condition and the courtrooms are as well.

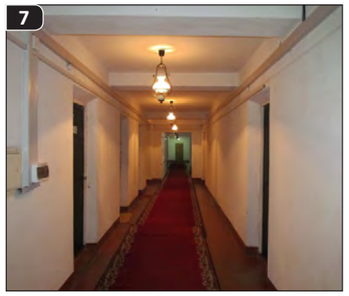
All offices on the second floor are in good condition. The electrical network has been renewed. The light fixtures need to be replaced. The doors are old and need to be replaced. All judges' offices have air conditioners. The main hall and central space have not been renovated and are in fair condition. The elevators are not operational. The restrooms are in good condition. The archives are temporarily in two rooms. They were moved from the annex while repairs are underway. These rooms are in good condition, but there is no ventilation system. Case files are kept in order. The civil chancellery is also temporarily on the second floor.

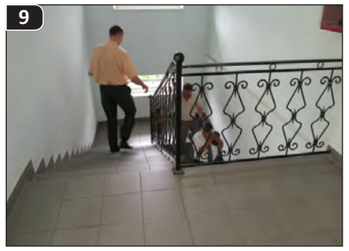
The condition of the interior of the third floor is similar to that of the second floor. The offices are in good condition. The hall needs to be repaired. The light fixtures and doors are old and need to be replaced. The restrooms are in good condition. The criminal chancellery is temporarily situated on the third floor.

A firefighting system has been installed, but there are no emergency lights.

The operational space of Balti Court of Appeals is appropriate for the work of a court of law. Access by the public to the offices on the second and third floors is restricted. The court has a separate entrance for detainees and a separate space for them. Detainees have also a separate restroom. They are taken to the courtroom through the back entrance and the public hall. At the time of the visit, capital repairs of the annex were underway; it will provide all the additional space the court needs. There are plans to create a conference room in the annex as well as an office for hearing minors participating in trials and anonymous witnesses. It is also planned to move the chancellery, archives and staff offices to this building. The courthouse has 5 courtrooms shared by 22 judges. There are plans to create a sixth courtroom on the ground floor. (All the courtrooms are situated on the ground floor.) There are also plans to reconfigure the archives and the chancellery rooms in the annex and to repair the space for detainees which is in unsatisfactory condition.

The 2009 Infrastructure Assessment Report listed five priorities for capital repairs, of which two have been totally implemented, two have been partially implemented and one is planned to be implemented (Table 1 and Graph 1). An office for lawyers has been created where they can study case materials. The room where the LAN server is situated has an air conditioner.





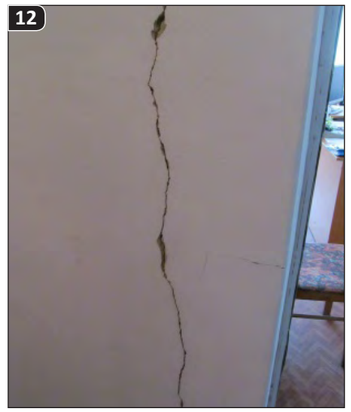


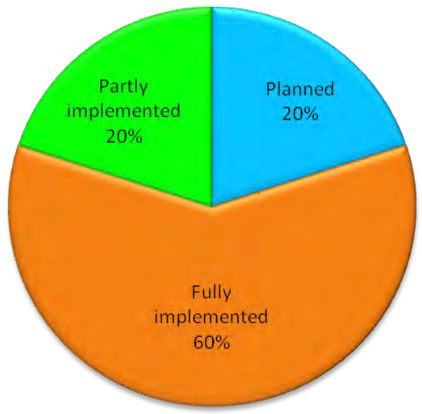
**Photo 6.** *Smoke detector*
**Photo 7.** *Public space*
**Photo 8.** *Ceilings in the courthouse*
**Photo 9.** *Staircases in the courthouse*
**Photo 10.** *Repairs in the annex*
**Photo 11.** *Server*
**Photo 12.** *Cracks in the walls*
**Photo 13.** *Cell for detainees*
**Photo 14.** *Cells for detainees*

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2009 | Implementation stage in 2012 |
|---|---|
| Move the archives and chancelleries from the annex to the main building | Partially implemented[2] |
| Create a space for receiving the public and an office for examining case files on the ground floor of the main building | Partially implemented |
| Analyze the most cost-efficient option for increasing the available space either by repairing the existing annex or by building a new extension. | Implemented |
| Build additional courtrooms. | Planned |
| Install an air conditioner in the LAN server room | Implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of capital repair priorities in 2012*




## *Conclusions*

- From 2009 to 2012, the courthouse was renovated.
- The light fixtures and doors still need to be replaced.
- A firefighting system has been installed in the courthouse.
- Regarding the priorities for capital repairs identified in the 2009 Infrastructure Assessment Report, 60% have been fully implemented; 20% have been partially implemented and 20% are planned.

## *Recommendations*

- Renovate the cells for detainees.
- Relocate the chancellery and receiving room near to the main entrance on the ground floor thus enabling better public access.
- Relocate the archives.
- Renovate the interior finishing where necessary.
- Replace the light fixtures and doors where necessary.

[2] *Upon finalizing repairs, the chancellery and archives will return to the annex.*

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Balti Court of Appeals has used the Integrated Case Management System since 2008 and now has ICMS Version 2. The staff has mentioned some technical issues with ICMS such as its slow speed, uneven assignments and difficulties in using the search tool. ICMS users are managed by the consultant who is also an information technology specialist.

After case files are registered, the clerical staff scans the statement of claims for cases of the first instance and the judgment appealed and the request for appeal or cassation for cases in the second instance.

The court has an information technology specialist who is also a consultant, but some technical problems are referred to CTS. The court staff stated that CTS fixes the problems with delays; they are transferred from one operator to another which is both a waste of time and makes the phone calls expensive. In addition, they mentioned that the price for their services is unreasonably high. They also said that in the last six months, CTS has not collected two computers that are out of order to repair them. They would like their problems to be promptly addressed and the quality of services to be improved. They rated their general satisfaction with the services provided by CTS in 2012 as a 1 out of 5.

**Table 2.** *Suggestions for modifying ICMS for Balti Court of Appeal*

| No. | Suggestions on ICMS modification |
|---|---|
| 1. | Increase the speed. |
| 2. | Enter information from hard copy action cards into ICMS action cards. |
| 3. | Introduce the degree of complexity for random case assignments. |

*Source: Balti Court of Appeals staff*

## 2.2. AUDIO RECORDING SYSTEM

Balti Court of Appeals has five courtrooms each with audio recording equipment and software. All hearings are held in courtrooms and all are audio recorded. There are plans to create a new courtroom.

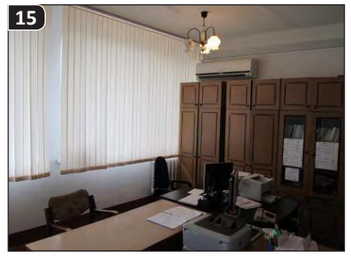
There have been no requests to record hearings since at the start of each hearing, an announcement is made that the hearing is audio recorded. Since 2009 when the audio recording software and equipment were installed, CDs of hearings have been provided to the parties in 100% of the cases when they were requested. A register of the CDs provided has been created in the chancellery.

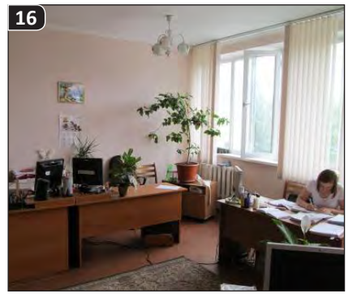
There are signs in the courtrooms stating that court hearings are audio recorded.

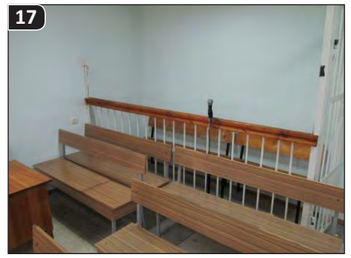
According to the Regulations on Digital Audio Recording of Court Hearings,[2] the purpose is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. Clerks use the audio recordings for that purpose.

Among the technical issues they face, the staff reported the slow speed of saving the recordings and incomplete recordings on CDs. Other issues include legislation requiring duplication of effort, i.e., written minutes and audio records.

[2] *SCM Regulation on Digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*



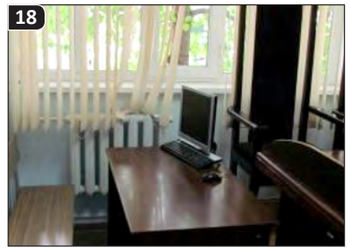



**Photo 15.** *Chancellery*
**Photo 16.** *Office of court clerks*
**Photo 17.** *Courtroom*
**Photo 18.** *Courtroom*
**Photo 19.** *Inscription on a courtroom door*

## 2.3. WEB PAGE OF BALTI COURT OF APPEALS

Balti Court of Appeals has a webpage on which it posts information for the public; it is updated as needed by the adviser to the court president.

Table 3 shows the menus and their contents.

**Table 3.** *Content of the web page of Balti Court of Appeals*

| Menu title | Information posted on the web page |
|---|---|
| Introduction | General information on the Court of Appeals and images |
| Message of the Court President | Welcome address |
| Jurisdiction | – Jurisdiction<br>– Table showing the localities under the jurisdiction of Balti Court of Appeals |
| Regulatory Framework | – Active links to the basic regulatory acts governing the court<br>– Link to the *SCM Law on Measures to Reduce the Risk of Corruption in the Judicial System of the Republic of Moldova No. 276/12 of 20.09.2007*; links to the *Regulation on Random Case Assignments in the Courts, Regulation on Competitive Employment of Court Clerks* that generate errors |
| Public Relations Service | – Active link to the *Regulation on the Public Information and Media Service*<br>– Contact data of the person responsible for media relations |
| Press Releases | – Active link to the menu "*Information on 2009 Assessment Results*"<br>– Active link to the menu "*Press Releases on the Police Station*" |
| News | – Active link to the menu "*2010 Activity Plan of Balti Court of Appeals*"<br>– Active link to the menu "*2011 Activity Plan of Balti Court of Appeals*"<br>– Active link to the menu "*2012 Activity Plan of Balti Court of Appeals" containing an active link to "2012 Activity Plan of the Civil and Administrative Review College of Balti Court of Appeals*" |
| Archives | – General information on the archives and archivist's contact data<br>– Active link to "*Guidelines on Manual Secretarial Work in Courts of Law and Courts of Appeal"; Law on Archives of the Republic of Moldova No. 880-XII of 22 January 1992* |
| Organization | Active link to the court's organizational chart |
| List of Hearings | Information extracted automatically from ICMS |
| List of Case Files | Information extracted automatically from ICMS |
| Database of Judgments | Information extracted automatically from ICMS. **The latest judgment was posted on 25 July 2012.** |
| Statistics | Active links to the following sections:<br>• *Informative note on civil cases for 2010*<br>• *Informative note on criminal cases for 2010*<br>• *Statistical Report on civil cases by districts* which contains active links to the following sections:<br>✓ Balti<br>✓ Floresti<br>✓ Glodeni<br>✓ Edinet<br>✓ Ocnita<br>✓ Donduseni<br>✓ Briceni<br>✓ Falesti<br>✓ Singerei<br>✓ Riscani<br>✓ Soldanesti<br>✓ Ungheni<br>✓ Telenesti<br>✓ Soroca<br>✓ Drochia<br>✓ Buiucani<br>✓ Taraclia<br>✓ TOTAL<br>• *Statistical report on criminal cases by districts* which contains active links to the following sections:<br>✓ Balti<br>✓ Floresti<br>✓ Glodeni<br>✓ Edinet<br>✓ Ocnita<br>✓ Donduseni<br>✓ Briceni<br>✓ Falesti<br>✓ Singerei<br>✓ Riscani<br>✓ Soldanesti<br>✓ Ungheni<br>✓ Telenesti<br>✓ Soroca<br>✓ Drochia<br>✓ Buiucani<br>✓ Taraclia<br>✓ TOTAL<br>• Informative note on the grounds for retrials<br>• Informative note on the work of the Judicial Administrative Division on civil case files in the first semester of 2011<br>• Informative note on the work of the Civil College on Enforcing Justice in the first semester of 2011<br>• Informative note on the work of the Enforcement Division from January to October 2011<br>• Work of the Civil College on Enforcing Justice for 9 months of 2011<br>• Work of the Criminal College on Enforcing Justice for 9 months of 2011<br>• Criminal statistical note<br>• Informative note on sentencing in plea bargaining agreements<br>• Informative note on civil cases for 2011 containing active links to the following sections:<br>✓ Continuation of the Informative Note<br>✓ Continuation of the Informative Note p.1<br>✓ Continuation of the Informative Note p.2 |

| | |
|---|---|
| | • Informative note on criminal cases for 2011 containing active links to the following sections:<br>✓ Continuation of the Informative Note<br>✓ Continuation of the Informative Note p.1<br>✓ Continuation of the Informative Note p.2<br>✓ Continuation of the Informative Note p.3<br>✓ Continuation of the Informative Note p.4<br>• Informative note on murder<br>• Informative note on enforcing the law regulating prosecutor's participation in trials from the perspective of ECHR case law<br>• Informative note on protective measures in cases of domestic violence |
| Information of Public Interest | Active links to:<br>• Requirements for participating in competitions to fill the vacancies.<br>• Bank details of Balti Court of Appeals containing an active link to Banca Socială<br>• Application forms containing active links to the following sections:<br>✓ Request for postponement of the examination of the appeal (cassation) for criminal cases which contains an active link to the appropriate document<br>✓ Request for appeal in civil cases containing an active link to the appropriate document<br>✓ Request for appeal in criminal cases containing an active link to the appropriate document<br>✓ Request for cassation in civil cases containing an active link to the appropriate document<br>✓ Request for cassation in criminal cases containing an active link to the appropriate document<br>• E-mail addresses of courts<br>• Working hours |
| List of Administrators | – Table showing the list of administrators<br>– Active link to the section "*Continuation of the List of Administrators*" |
| Hours for Admitting the Public | – The hours for the public |
| Congratulations | – Congratulations |

*Source : http://cab.justice.md/*

Table 3 shows that the menus have information of public interest about the court's work. The table with the list of administrators should be reconfigured and the links that generate errors should be replaced with active links. Some menus contain information that dates back to 2009 and 2010.

## *2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS*

Balti Court of Appeals has enough equipment to function properly. Table 4 shows the type of equipment, the number of items on hand and the equipment needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Server | 1 | - |
| Computers | 74 | 9 |
| Monitors | 2 | - |
| Printers | 55 | 31 |
| Scanners | 4 | 10 |
| Audio recording sets | 5 | 2 |
| Copiers (Xerox) | 3 | 2 |
| Air conditioners | 29 | - |
| Fax | 1 | - |
| UPS | 77 | 18 |
| UPS for server | - | 1 |
| Telephones | 42 | - |
| Headsets | 37 | 69 |
| Router | 1 | - |
| Projectors | 1 | - |
| TV + DVD | 2 | - |

*Source: Balti Court of Appeals*

### *Conclusions*

- When using ICMS Version 2, the staff faces problems of its slow speed and of uneven case assignments.
- The staff records all hearings.
- To improve its work, Balti Court of Appeals needs 9 computers, 31 printers, 10 scanners, 2 sets of audio recording equipment, 2 copiers, 18 UPS units, 1 UPS for the server and 69 headsets.
- Balti Court of Appeals uses the website content management system; the menus have information of public interest.

### *Recommendations*

- Delete audio recordings from the server in accordance with SCM regulations.[3]
- Reconfigure the tables showing the list of administrators on the webpage.

[3] *SCM Regulation on digital Audio Recording of Court Hearings, approved by Decision No. 212/8 of 18 June 2009.*

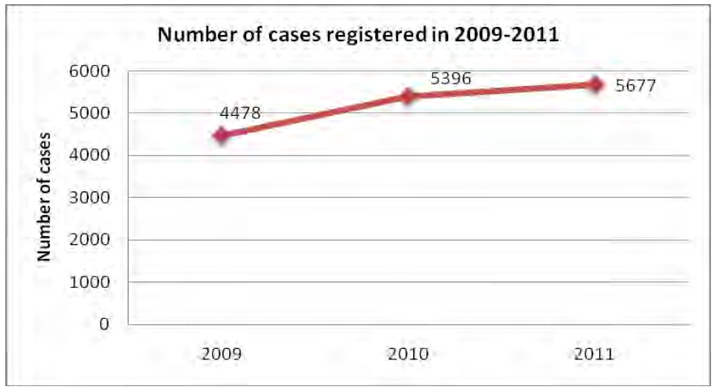
# III. WORK OF BALTI COURT OF APPEALS

## 3.1. WORK LOAD OF THE COURT

The workload at Balti Court of Appeals from 2009 to 2011 was assessed based on the total number of cases registered, the total number of cases examined, the number examined by type of case, the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases registered at Balti Court of Appeals increased from 4478 in 2009 to 5677 in 2011.

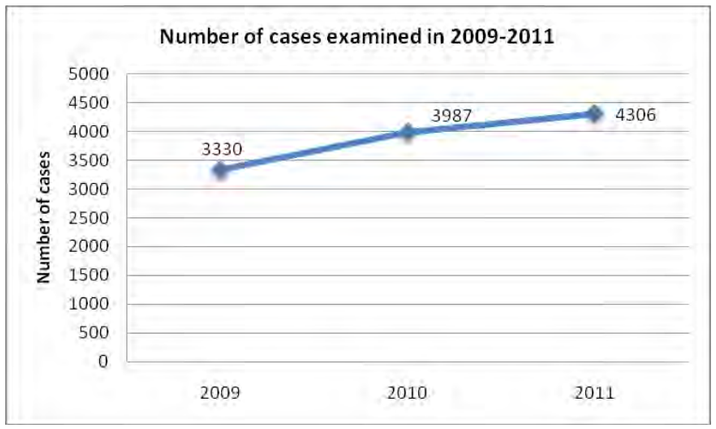
**Graph 2.** *Number of cases registered at Balti Court of Appeals from 2009 to 2011*




*Source: DJA*

Graph 3 shows that the total number of cases examined during this period increased from 3330 in 2009 to 4306 cases in 2011.

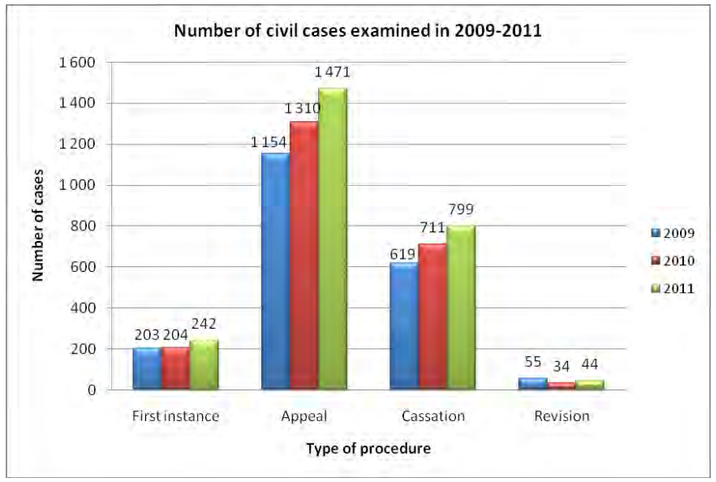
**Graph 3.** *Total number of cases examined at Balti Court of Appeals from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, from 2009 to 2011 the total number of civil cases examined in the first instance at Balti Court of Appeal increased from 203 to 242, the number of civil cases examined in appeal increased from 1154 to 1471, the number of civil cases examined in cassation increased from 619 to 799, and the number of civil cases examined in revision did not change significantly.

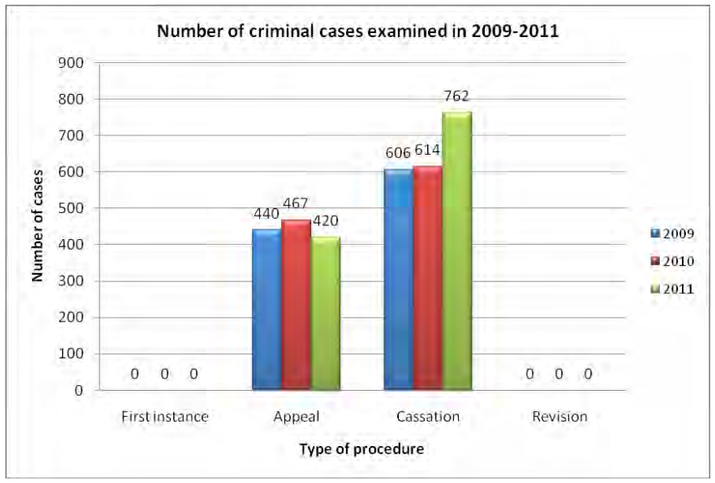
**Graph 4.** *Total number of civil cases examined at Balti Court of Appeals from 2009 to 2011/by type of procedure*




*Source: DJA*

According to the data in Graph 5, from 2009 to 2011, the total number of criminal cases examined at Balti Court of Appeals decreased from 440 to 420 cases, and the number of criminal cases examined in cassation increased from 606 into 762.

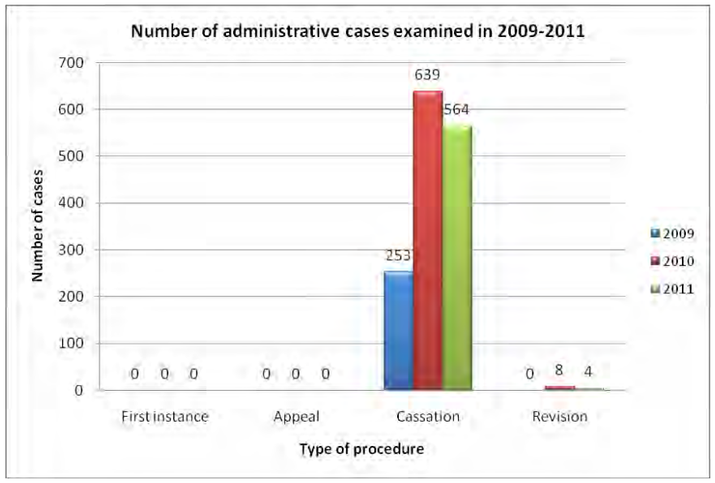
**Graph 5.** *Total number of criminal cases examined at Balti Court of Appeals from 2009 to 2011 by type of procedure*




*Source: DJA*

Graph 6 shows that the number of administrative cases examined in cassation increased from 253 in 2009 to 564 cases in 2011.

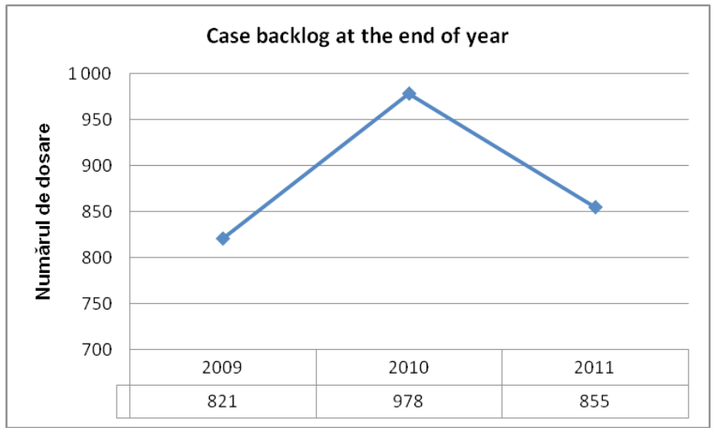
**Graph 6.** *Total number of administrative cases examined at Balti Court of Appeals from 2009 to 2011 by type of procedure*




*Source: DJA*

The analysis of the year-end case backlog at Balti Court of Appeals showed an increase from 821 in 2009 to 855 in 2011 (Graph 7).

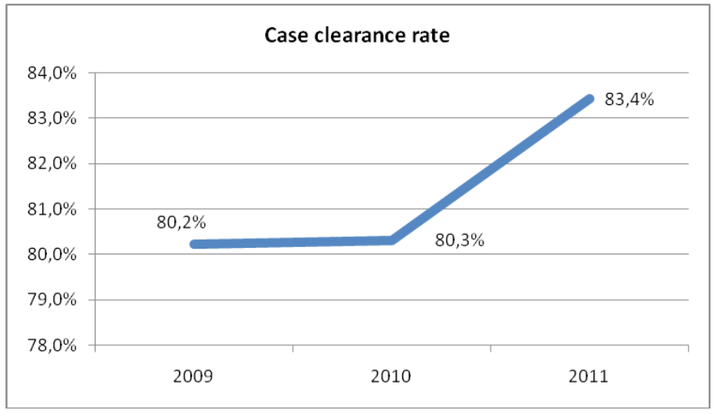
**Graph 7.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 8, the case clearance rate in Balti Court of Appeals increased from 80.2% in 2009 to 83.4% in 2011.

**Graph 8.** *Case clearance rate from 2009 to 2011*




## 3.2. ORGANIZATION OF ACTIVITIES

Balti Court of Appeals has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice and analyzing judicial statistics and perform other duties as needed for the normal run of court activities.

The general chancellery is located on the ground floor, the civil chancellery is on the second floor and the criminal chancellery is on the third floor. The chancellery has a staff of 10 specialists responsible for scanning case file documents and registering cases in ICMS and on paper.

The chancellery maintains the registers listed in Table 5:

**Table 5.** *List of registers used by the chancellery of Balti Court of Appeals*

| Register Category | Register title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>1. Petitions<br>2. CDs of hearings provided to parties in a case<br>3. Case files sent to the mail service section<br>4. Cases filed by district courts (mail service) |
| ***Civil*** | 1. Commercial cases filed by ordinary courts (commercial mail service)<br>2. Index of civil cases under cassation against decisions, sentences and rulings for which an appeal is not prescribed, for administrative review<br>3. Index of civil cases under cassation<br>4. Index of civil cases on case transfer, abstention, recusal<br>5. Index of civil case sunder revision<br>6. Index of cases under appellate review<br>7. Index of cases under administrative review<br>8. Index of cases examined in the first instance<br>9. Index of commercial cases examined under revision<br>10. Index of commercial cases examined in first instance<br>11. Index of commercial cases under cassation review<br>12. Index of commercial cases under appellate review<br>13. Assignment of civil cases examined under cassation against judgments issued in first instance under administrative review<br>14. Assignment of civil cases examined under cassation<br>15. Assignment of civil cases examined under revision<br>16. Assignment of requests examined under administrative review<br>17. Assignment of complaints examined in first instance and registered under indices<br>18. Assignment of cases under appellate review<br>19. Assignment of commercial cases filed by district courts<br>20. Assignment of civil cases filed by district courts<br>21. Assignment of cases on transfer, abstention, recusal<br>22. Assignment of commercial cases under revision<br>23. Assignment of commercial cases examined in first instance<br>24. Assignment of commercial cases under cassation review<br>25. Assignment of commercial cases under appellate review<br>26. Action record card |
| ***Criminal*** | 1. Index of criminal cases under cassation review against arrest warrants<br>2. Motions to extend arrest in cases under cassation review<br>3. Index of criminal cases under cassation and revision<br>4. Index of criminal cases under appellate review<br>5. Action record card |
| ***Administrative*** | 1. Index of administrative case sunder cassation review |

*Source: Balti Court of Appeals chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may be entered three or four times in various records as shown in Table 6.

**Table 6.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Register of incoming mail, Index of civil cases, Register of assignment of civil cases |
| Plaintiff's name | ICMS | Action record card | Index of civil cases, Register of assignment of civil cases |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases, Register of assignment of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case file category | ICMS | Action record card | Index of civil cases |
| State fee | ICMS | Action record card | |
| Movement of the case file in court | ICMS | Action record card | Index of civil cases |
| Essence of the case | ICMS | Action record card | |

*Source: Balti Court of Appeals chancellery specialists*

The chancellery keeps more registers than required in the latest provisions of the Guidelines.[4]

The archives of Balti Court of Appeals are located on the second floor in two rooms. There are no signs to guide citizens to the archives. The size of the rooms is appropriate, and temperature and humidity controls are adequate, but there is no ventilation system. There is sufficient space for the case files, and they are well organized.

[4] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## *Conclusions*

- The number of cases filed at Balti Court of Appeal increased by 26.8% from 2009 to 2011.
- The number of cases examined increased by 29.3% from 2009 to 2011.
- The number of civil cases examined from 2009 to 2011 in first instance increased by 39, in appeal increased by 317, in cassation increased by 180, and in revision decreased by 11.
- The number of criminal cased examined from 2009 to 2011 in appeal decreased by 20 and those examined in cassation increased by 156.
- The number of administrative cases examined from 2009 to 2011 increased by 311.
- The year-end case backlog increased by 34 from 2009 to 2011.
- The case clearance rate increased by 3.2% from 2009 to 2011
- There is duplication of work because laws and instructions on secretarial work require both paper and digital registers.
- The number of registers used by the chancellery specialists exceeds the number required in the Guidelines.

## *Recommendations*

- Review internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of March 2, 2011 and to reduce the registers to the number required in the Guidelines.
- Consolidate the archives into one space.

**Photo 20.** *Chancellery*
**Photo 21.** *Archives*
**Photo 22.** *Archives*

## IV. HUMAN RESOURCES

According to the approved staffing plan, Balti Court of Appeals has 22 judges, 70 regular staff (Table 7).

The staffing plan of the court does not include the position of human resource specialist; those duties are instead performed by the court president, the adviser to the president and the head of the chancellery. The adviser to the president is responsible for preparing job descriptions and staff documents while the head of chancellery is responsible for keeping employment record books and conducting staff assessments.

The court has a public relations specialist responsible for providing information to the public about the court's activities, for promoting and maintaining a positive image of the court, for analyzing the public's attitude and perceptions about the court and for ensuring that information on cases scheduled for examination is posted on the information board and on the court's webpage.

Court employees are either civil servants or technical staff. Civil servants include the adviser to the president, court clerks, translators, consultants and the accountant. Technical staff includes cleaners, workers, etc. When there is a vacancy, an announcement is posted in the *Official Gazette* and on the court's website. A committee for selecting candidates is formed, and an interview and a written test are organized. Typing speed and computer knowledge are also tested. The adviser to the president explained that in some cases, given the shortage of court clerks, the procedure may be simplified. The president makes the decision on employment and prepares the employment order.

Balti Court of Appeals has job descriptions for the positions of court president, vice-president, judge, adviser to the president, head of division, specialist, head of archives, court clerk, translator, chancellery specialist, public relations specialist, outside cleaner, electrician and boiler room operator.

**Table 7.** *Staffing scheme of Balti Court of Appeals*

| No. | Position | Current number | Vacancies |
|---|---|---|---|
| 1. | Judge | 22 | - |
| 2. | Head of division | 1 | - |
| 3. | Adviser to the chief judge | 1 | - |
| 4. | Main consultant | 5 | - |
| 5. | Consultant | 2 | - |
| 6. | Court clerk | 20 | - |
| 7. | Translator | 4 | - |
| 8. | Head of division | 1 | - |
| 9. | Main specialist | 5 | - |
| 10. | Coordinating specialist for public relations | 1 | 1 |
| 11. | Specialist | 5 | - |
| 12. | Head of the archives | 1 | - |
| 13. | Head of mail service | 1 | - |
| 14. | Courier | 1 | - |
| 14. | Head of the copying division | 1 | - |
| 16. | Head of division | 1 | - |
| 17. | Head of auxiliary service | 1 | - |
| 18. | Driver | 2 | - |
| 19. | Gatekeeper | 1 | - |
| 20. | Worker | 2 | - |
| 21. | Boiler room operator | 2 | - |
| 22. | Electrician | 1 | - |
| 23. | Telephone operator | 1 | - |
| 24. | Room cleaner | 9 | - |
| 25. | Territory cleaner | 1 | - |
| | **TOTAL** | **92** | **1** |

*Source: Accounting office of Balti Court of Appeals*

Balti Court of Appeals has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term, who are subordinated to the court or who provide services to ensure the efficient and effective administration of justice.

Judges are trained by NIJ, and, as reported during the documentation visit, in 2011 all judges of Balti Court of Appeals met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. For legal research and reference, the judges use the legislative database on the website of the Ministry of Justice; the court does not subscribe to any private legislative databases. Some of the publications to which Balti Court of Appeals subscribes are the *Official Gazette, Buletinul CSJ (SCJ Newsletter), Contabilitate si Audit (Accounting and Auditing), Dreptul (Law), Timpul (Times), Jurnal de Chișinău, Revista Națională (National magazine), Kadry y zarabotnaya plata (Staff and remuneration)* and *Buhgalterskye y nalogovye consulitatzii (Accounting and Tax Advising).*

Court staff other than judges mentioned that the last time they were trained at NIJ was two years ago in the use of ICMS but that the court does not conduct training for the staff internally.

### *Conclusions*

- At Balti Court of Appeals, human resources are managed by the court president, the adviser to the president and the head of chancellery.
- The court has a public relations specialist.
- The court has no human resource specialist.
- The court does not have an internal system for staff training.

### *Recommendations*

- Employ a human resource specialist and train him/her.
- Organize internal training for the court staff so they can solve the problems they face in carrying out their duties.

## V. SERVICES FOR THE PUBLIC

Balti Court of Appeals does not have an information window near the courthouse entrance. The office of the public relations specialist is on the ground floor, but there are no signs guiding the public to it, to the chancellery or to the archives. On the ground floor, there is a telephone and a list of court clerks the public may contact for enquiries. On the door that separates the second and third floors from the ground floor, there is a warning that access of unauthorized persons to the offices on the second and the third floor is not allowed. There is also an info point that provides information directly without involving civil servants.

At the entrance to the court, there is a board with the following information:

- List of cases scheduled for trial prepared manually in Word
- Working hours of the court
- Rules of conduct for the public and other persons in a court of law
- Information on state fees
- Evacuation plan in case of fire
- The European Convention on Human Rights
- Order forbidding access to judges' offices outside of court hearings

On any weekday, the parties and other participants in a trial may apply for copies of judgments at the chancellery. The chancellery specialists will then forward the application to the court president for approval. If the application is approved, the applicant pays the state fee. With confirmation of payment, the applicant receives the copy from the chancellery or the archivist. For applicants who come from long distances, copies are issued on the same day; for other persons they are issued within three days.

### *Conclusions*

- There is no public information window.
- There are no signs showing the way to the office of the public relations specialist, the chancellery or the archives.
- The public information board at the entrance to the courthouse contains information aimed at helping visitors to better orient themselves.
- Issuing copies of judgments requires the approval of the court president.

### *Recommendations*

- Locate the chancellery closer to the entrance and create a one-stop window for issuing documents.
- Install signs guiding the public to the office of the public relations specialist, the chancellery and the archives.
- Simplify the procedure for issuing copies by sparing the court president the obligation to approve applications and training the chancellery specialists accordingly.
- Post more comprehensive information of public interest on the information board, for instance, an announcement about the webpage, news about the judicial system, etc.

**Photo 23.** *Lists of cases pending trial*
**Photo 24.** *Information board*
**Photo 25.** *Info point*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Balti Court of Appeals develops its draft budget for the next fiscal year based on the expenditure ceiling established by DJA, which receives the ceilings for the entire judiciary from the Ministry of Justice. The ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling is set for the following two expenditure categories:

1) Current expenses (staff, others);
2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by the DJA, while capital expenses are determined by each individual court after negotiations with DJA. Other expenses are calculated based on the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET

The budget of Balti Court of Appeals is divided into six categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments*.
- *Operating expenses* - other expenses.[5]

From 2010 (executed) to 2012 (approved), the budget increased from MDL 5.1 million to MDL 7.7 million (Table 8).

In 2011, the court budget decreased by 3% compared with 2010 due to the reduction in allocations for repairs (in 2010, the court had capital repairs, while in 2011 no repairs occurred). The other categories of expenses increased, particularly those for fixed assets (51%) and utilities (35%).

The budget for 2012 is 54% more than that for 2011. As in 2010, the courthouse will benefit from capital repairs.

[5] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Balti Court of Appeal by types of expenses (2010–2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 3,584,655 | 3,762,151 | 5% | 4,313,800 | 15% |
| Repairs | 518,513 | 21,340 | -96% | 2,216,700 | 10288% |
| Utilities | 233,926 | 314,756 | 35% | 413,300 | 31% |
| Fixed assets | 100,100 | 151,112 | 51% | 0 | -100% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 691,070 | 726,353 | 5% | 742,800 | 2% |
| **Total** | **5,128,264** | **4,975,712** | **-3%** | **7,686,600** | **54%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

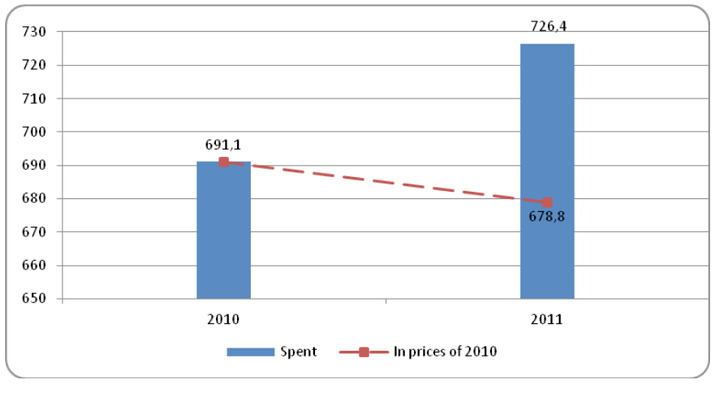
## 6.2. STAFF EXPENSES

Staff expenditures represent approximately 70% of the total budget. Because remuneration is governed by laws and regulations, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

From 2010 to 2011, the face value of operating expenses grew from MDL 691.1 thousand in 2010 to MDL 726.4 thousand in 2011, a 5% increase. Taking into account that in 2011 the inflation rate was 7%,[6] MDL 726.4 thousand in 2011 was equivalent to MDL 678.8 thousand in 2010; hence, the real value of operating expenditures actually decreased by approximately MDL 12.3 thousand (Graph 9).

**Graph 9.** *Operating expenses for Balti Court of Appeals in 2010 and 2011*



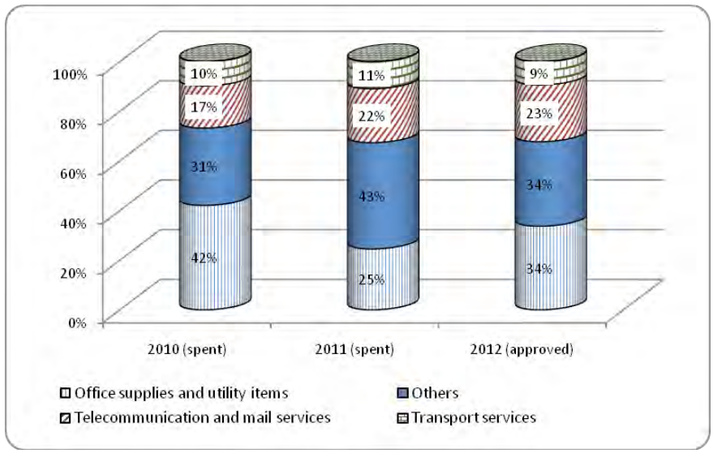

[6] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunication and mail services;

**Graph 10.** *Structure of operating expenditures from 2010 to 2012*




Graph 10 shows that from 2010 to 2011, the share of operating expenses for office supplies and utility items dropped from 42% to 25%, telecommunications and mail services increased by 5 percentage points, while transportation services grew by just 1 percentage points. In 2012 office supplies and utility items continued to have the largest share of operating expenses at 34%, followed by telecommunications and mail services at 23%. Allocations for transportation services increased by 2 percentage points compared with the previous year.

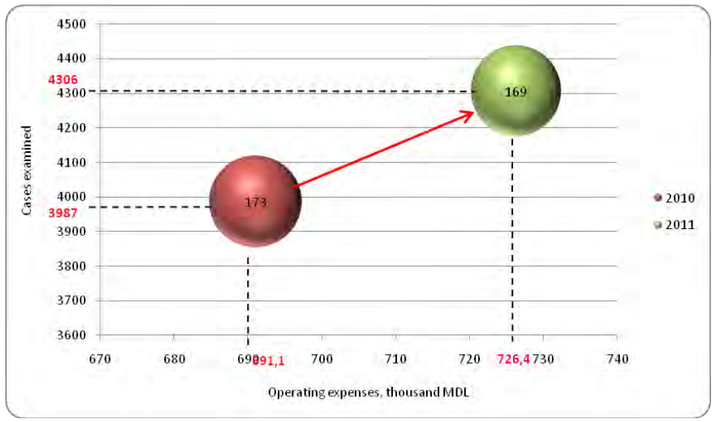
Telecommunications and mail services merit attention because 70% is for stamps.

## 6.5. REAL VALUE OF OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase in the real value of operating expenses in 2011 compared with 2010 may be explained by several factors, including the growth in the number of cases examined from 3987 to 4306 (by 319 cases).

Comparing operating expenses with the number of cases examined, the average cost for examining a case in 2010 was approximately MDL 173 while in 2011 it was MDL 169 (Graph 11).

**Graph 11.** *Comparative analysis of the average operating cost/case in Balti Court of Appeals in 2010 and 2011*

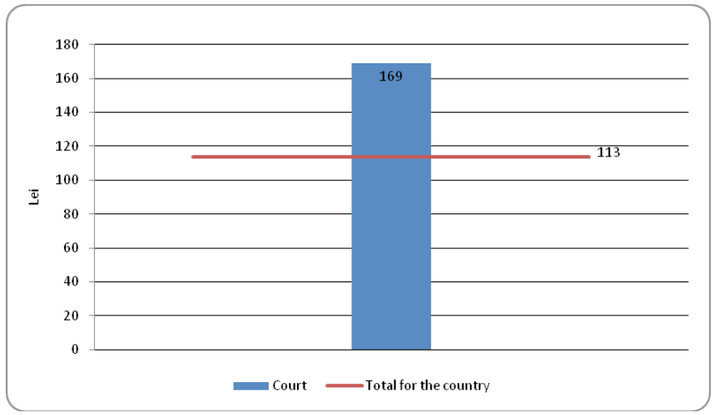



***Source:*** *The size of the sphere represents the average operating cost per case examined in the court.*

## 6.6. AVERAGE OPERATING COST PER CASE IN BALTI COURT OF APPEALS COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 169 per case in 2011 was high or low. Note that only data for courts of second instance were taken into account in determining the weighted average cost for the country.

**Graph 12.** *Comparative analysis of the average cost per case examined in Balti Court of Appeals in 2011 and the weighted average cost per case for the country*




As shown in Graph 12, in 2011 the average cost per case examined in Balti Court of Appeals was higher than the weighted average cost per case for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

At Balti Court of Appeals accounting is done electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the adviser to the court president and the chief accountant. Neither of them has professional qualifications in public procurement. Since procurement legislation is continuously changing, they should receive training at least every six months.

## Conclusions

- In 2011, the real value of operating expenses decreased compared with 2010 though the face value increased.
- In 2011, the average cost for examining a case decreased compared with 2010.
- In 2011, the average cost for examining a case was higher than the weighted average for the country as a whole.
- Mail expenses account for a large share of total operating expenses.
- Accounting is done electronically.
- All public procurements are made without a procurement specialist.
- Training in public procurement is needed.

## Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Bender Court of Appeals is located in the town of Cauşeni; its jurisdiction includes the following district courts: Bender, Cauşeni, Anenii Noi, Ştefan Voda, Tiraspol, Slobozia, Rîbniţa and Grigoriopol according to the Law on Judicial Organization No. 514 of 6 July 1995.

According to its staffing plan, the court has 10 judges and 37.5 regular staff. There is no human resources specialist; those duties are instead performed by the adviser to the court president and the specialists in the documentation division.

The person responsible for the media relations is the court president who is the official representative of the court in its relations with the media and the public. He is responsible for making information available to the media and the public with a view to ensuring the transparency of court operations in accordance with legal provisions. The duties of the public relations specialist are carried out by the head of the documentation division.

Staff expenditures have followed an upward trend. The court does all its public procurements without a procurement specialist. In 2011, both the face value and the real value of operating expenses decreased compared with 2010. In 2011 the average cost for examining a case was less than in 2010 but was substantially higher than the weighted average cost of examining a case in courts of second instance in the country as a whole (see Section VI).

The courthouse has an area of 1030 sq. meters on two floors. There are 17 offices, 1 public space and 4 courtrooms of which only two are operational. The interior finishing on the ground floor and the second floor has

# BENDER COURT OF APPEALS

been refurbished; two courtrooms have been laid out, with deliberation rooms and air conditioners. Currently, the two courtrooms on the second floor are being renovated. In 2011, the roof was replaced.

The staff of Bender Court of Appeals has been using ICMS Version 1 since 2009. Attempts by CST in April 2012 to install Version 2 were unsuccessful due to technical issues with the server. At the time of the visit, CST had not attempted to fix the problem.

Audio recording equipment and software are installed in three of the four courtrooms. Two of the courtrooms were undergoing repairs at the time of the visit. The court staff records all hearings held in the two available courtrooms except for hearings for postponement. The legal provisions requiring both written minutes and recordings of hearings are a disincentive for making recordings.

The specialists at Bender Court of Appeals continue to keep a considerable number of registers although amendments to the Guidelines have reduced the number required.

The total number of cases registered increased by 196 from 2009 to 2011, and the number of cases examined increased by 162 with a clearance rate of 83.8% in 2011.

The court has an information board for the public. On the doors of judges' offices there are plaques with their names.

Bender Court of Appeals has a webpage where it posts information for the public; it is updated by a court clerk as needed. Most of the menus do not have information of public interest, however.

*86, Stefan cel Mare Str., Causeni*

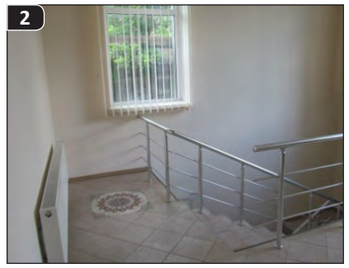
*Date of visit: 30 May 2012*

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 3 | The exterior walls are under renovation; their current condition is satisfactory. |
| Water supply | 3 | Water is on the central system. The pipes in the courthouse are, however, the originals and require constant maintenance and repair. |
| Power supply | 4 | The electrical network is inadequate. It was upgraded in 2009, but there are still frequent power outages. |
| Sewerage system | 4 | The central sewerage system is not operational. A temporary system has been created for the restroom on the ground floor for the court staff. |
| Heating system | 4 | The system is in poor condition; the boiler runs the risk of exploding and needs to be replaced. At night, the boiler is switched off. |
| Firefighting system | - | No firefighting systems or emergency evacuation lights have been installed. |
| Roofing | 2 | The roof structure is in good condition. The roof was renovated in 2011. |
| Interior | 1 | The offices have been fully renovated. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.



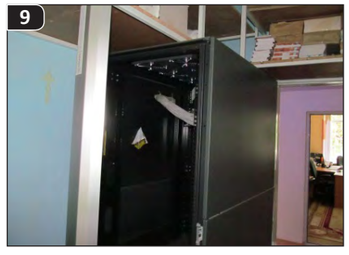


**Photo 1.** *Exterior*
**Photo 2.** *Staircase inside the courthouse*
**Photo 3.** *Courtroom*
**Photo 4.** *Boiler room*
**Photo 5.** *Yard in front of the courthouse*
**Photo 6.** *Roof*
**Photo 7.** *Public space*
**Photo 8.** *Space for detainees*
**Photo 9.** *Server*
**Photo 10.** *Public restroom*

## 1.2. CURRENT CONDITION

The assessment focused on a comparative analysis of the physical and operational condition of Bender Court of Appeals in May 2012.

The courthouse has an area of 1030 sq. meters on two floors. There are 18 offices, 1 public space and 4 courtrooms, of which only 2 are currently operational.

The courthouse is protected by three guards on staff who work both days and nights.

The courthouse was built in 1960 to house the Sovkhoz administrative staff; the court moved there in 2000. The building is located 1 km from the center of the town of Cauşeni. The courthouse sits on a large plot of land that borders two streets of the town. The condition of the exterior is satisfactory, but it is currently under renovation.

The building is now on the central water and sewerage systems, but the latter is non-functional. A temporary sewerage system was built for the restroom on the ground floor for the staff. The electrical network was upgraded in 2009; however, currently there are frequent power cuts, particularly during winter and when there are abundant rains as the network is inadequate.

The archives are situated on the ground floor, but the space is too small to store all the case files examined. The court server is also located in the archive room. The room has an air conditioner; however it does not adequately ventilate the room.

In 2011, the courthouse roof was renovated and is now in good condition.

The interior finishing on the ground floor is in very good condition as it was refurbished in 2010. The quality of work and finishing was very good. The offices and the chancellery are in good condition and have new furniture; air conditioners have been installed. The hall is tiled and in very good condition. The court staff is on this floor.

On the second floor all the offices have been refurbished and are in very good condition. The doors, windows and furniture are new. Light fixtures have been replaced. Air conditioners have been installed in some offices. There is no restroom for the staff on this floor. There are no restrooms for the public inside the courthouse due to lack of space, but there is one in the yard which is in good condition.

The operational space of Bender Court of Appeals is appropriate for the activity of a court of law. On the ground floor, the court has a space for detainees with four cells and a separate entrance. Detainees are brought to the courtroom directly from the police station because the Department of Penal Institutions refuses to bring detainees to the courthouse cells because they do not meet the minimal standards required. The cells are not in the best location, and there are no toilets. The public restroom located in the yard is therefore also used by detainees.

Bender Court of Appeals does not have rooms for lawyers to review cases or to speak with witnesses or the parties in a case.

The LAN server is in the archive room; there is an air conditioner there.

There are no fire alarms, emergency evacuation lights or sprinklers.

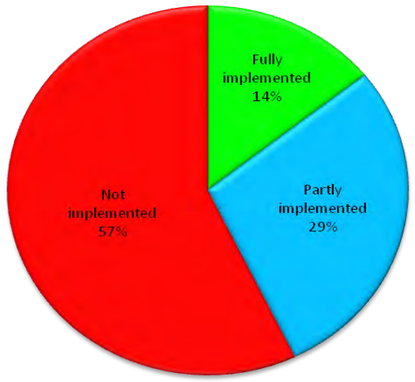
The 2009 Infrastructure Assessment Report identified seven priorities for capital repairs, of which one has been fully implemented, two have been partially implemented and four have not been implemented (Table 1 and Graph 1).

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2008 | Implementation stage in 2012 |
|---|---|
| Repair or preferably replace the asbestos boards on the roof with metal tiles and install gutters and downspouts. | Partially implemented |
| Remove the tiles from one of the exterior walls and apply a stucco finish. | Partially implemented |
| Inspect the water pipe that is leaking under the building and fix it to prevent further deterioration of the foundation. | Not implemented |
| Install a new boiler and if possible, new radiators. | Not implemented |
| Repair and reconfigure the interior to create additional courtrooms. | Not implemented |
| Install firefighting systems and emergency evacuation lights | Not implemented |
| Provide the server room with air conditioning. | Implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of capital repair priorities in 2012*




### Conclusions

- The interiors on the ground floor and the second floor are in very good condition.
- The water supply and sewerage systems are non-functional.
- There are frequent power cuts.
- The boiler could explode.
- The building exterior is under repair.
- Taking into account the priorities for repair identified in 2009, 14% of the recommendations have been implemented fully; 29% have been implemented partially and 57% have not been implemented at all.
- The work has been partially based on the recommendations and priorities listed in the 2009 Infrastructure Assessment Report.

### Recommendations

- Put a restroom for the public inside the courthouse.
- Inspect the water pipe that is leaking under the building and fix it to prevent further deterioration of the foundation.
- Install a new boiler and new radiators.
- Repair and reconfigure the interior to create additional courtrooms.
- Create restrooms for detainees separate from those for the public.
- Upgrade the electrical network to eliminate power cuts.
- Install firefighting systems and emergency evacuation lights.

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The staff of Bender Court of Appeals has used the Integrated Case Management System Version 1 since 2009. CST attempted to install Version 2 in April 2011 but was unsuccessful due to problems with the server. CST has not attempted to fix the problem.

The court president uses the random case assignment menu, but this does not ensure even assignments as the caseloads assigned to each judge vary greatly. In addition, ICMS does not exclude judges who are on annual or medical leave and does not consider complexity when assigning cases. Five consecutive cases have been assigned to the same judge.

Other issues with ICMS reported by the court staff are its slow speed and the need to fill in the case action cards with the appropriate categories.

ICMS is managed by the adviser to the court president.

To create electronic case files, the documents must be scanned after the files are registered. The chancellery staff scans the judgment of the ordinary court and all the materials attached to the request for appeal for civil cases and the sentence and the indictments for criminal cases.

ICMS serves as a primary source of information requested by the public. If the information cannot be found in ICMS, the case action cards or the records kept at the chancellery are consulted.

The assessment team established that not all ICMS menus are used fully by the staff and that the menus for registering appeals and cassation reviews and for registering enforcement procedures are not used at all.

The court has no information technology specialist; those duties are instead performed by the coordinating specialist. In addition, the court has concluded a contract with a private company to provide those services. Some issues are also referred to CTS. The court staff reported that CTS fixes problems after delays and repeated calls. They rated their general satisfaction with the services provided by CTS in 2012 as a 4 out of 5.

**Table 2.** *Suggestions for modifying ICMS for Bender Court*

| No. | Suggestions for ICMS modifications |
|---|---|
| 1 | Bring the case assignment menu in line with the provisions of the Regulation on Case Assignment in Courts. |
| 2 | Complete the case action cards with additional information. |
| 3 | Simplify the menu “Calendar of Court Hearings” |
| 4 | Increase the processing speed. |

*Source: Bender Court of Appeals staff*

### 2.2. AUDIO RECORDING SYSTEM

The courthouse has four courtrooms; three of them have audio recording equipment and software. At the time of the visit, only two were in use as the other two were under repair. The staff records all hearings held in the courtrooms with equipment except for hearings for postponement.

Since 2009 when the recording equipment and software were installed, there have been requests for recordings (the number was not specified), all of which have been satisfied.

There are no plaques on the doors of the courtrooms with recording equipment stating that hearings are recorded.

Recordings are stored on the court server, but there is no procedure for deleting them.

According to the Regulations on Digital Audio Recording of Court Hearings,[2] the purpose is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. Court clerks do use the recordings in some cases for that purpose.

Among the issues they face, the staff of Bender Court of Appeals cited the legislation requiring duplication of effort—written minutes and audio records—and the need for a set of recording equipment and software for the additional courtroom that is planned.

[2] *SCM Regulation on Digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

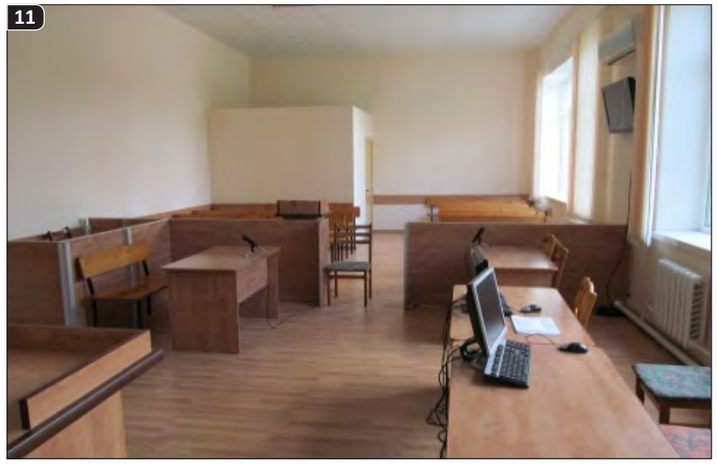


**Photo 11.** *Courtroom and audio recording equipment*
**Photo 12.** *Courtroom and audio recording equipment*

## 2.3. WEB PAGE OF BENDER COURT OF APPEALS

Bender Court of Appeals has a webpage on which it posts information for the public; it is updated as needed by a court clerk.

Table 3 shows the menus and their contents.

**Table 3.** *Content of the web page of Bender Court of Appeals*

| Menu title | Information posted on the web page |
|---|---|
| Message of the Court President | – Welcome address<br>– A photo of the court president<br>– Greetings from the court president to Nicolae Timofti, the newly appointed president of Moldova |
| Presentation | – Photo gallery of Bender Court of Appeals that when accessed has photos that cannot be viewed<br>– Information on the liquidation of the Bender Tribunal and its replacement by the Bender Court of Appeals |
| Jurisdiction | – Excerpts from regulatory acts regarding the jurisdiction of the Bender Court of Appeals |
| Regulatory Framework | – List of 14 basic regulatory acts governing the court<br>– Active list with 3 additional regulatory acts: the third one is the 2008 Instructions on Secretarial Work |
| Public Relations Service | – List with the names and contact numbers of the persons responsible for media relations, public relations, and maintaining and updating the webpage, including the e-mail address of the court<br>– Regulation on the public information and media relations that when accessed generates an error message |
| Press Releases | – Three press releases<br>✓ Greetings on the occasion of the winter holidays that generate an error<br>✓ Appointment of a judge at Bender Court of Appeals that generates an error when accessed<br>✓ "Ten years of work in our own courthouse" that when accessed generates an error |
| News | – News (None of the links contains any information.)<br>– Results of the 2011 Civil Servant Assessment<br>– 2011 Activity Plan of Bender Court of Appeals<br>– Civil servants' professional performance assessment<br>– Round up meeting on the work of Bender Court of Appeals in 2010<br>– "Ten years of work in our own courthouse"<br>– 25 October 2010–Open House at Bender Court of Appeals<br>– Contribution of Bender Court of Appeals to helping victims of floods<br>– Vacation leave provided to judges in 2010<br>– Schedule for providing assistance to judges in 2010<br>– Results of the 2012 Civil Servant Assessment<br>– Regulation on Civil Servant Assessment |
| Archives | – Description of the archives and contact data for the head of archives<br>– Working hours |
| Organization | – Organizational structure of Bender Court of Appeals that when accessed generates an error<br>– Organizational chart of Bender Court of that when accessed generates an error<br>– Contact data, but the link cannot be accessed |
| List of Hearings | Information extracted automatically from ICMS |
| List of Case Files | Information extracted automatically from ICMS |
| Database of Judgments | Information extracted automatically from ICMS<br>**The latest judgment posted was on 29 May 2012** |
| Statistics | – 2010 Statistical Report that contains no information<br>– Statistical Report for 9 months of 2010 that contains no information<br>– 2009 Statistical Report that contains no information<br>– 2008 Statistical Report that contains no information |
| Information of Public Interest | – Working hours of the court<br>– Internal regulations<br>– Rules of conduct for the staff<br>– Regulations on filling a vacancy for court clerk<br>– Office hours for citizens<br>– Time the public is admitted<br>– District courts under the jurisdiction of the Bender Court of Appeals |

*Source: http://cabe.justice.md/*

Table 3 shows that most menus have some information of public interest about the work of the court; however, when accessing links in some, visitors are directed to pages that generate errors and/or contain no information. In addition, sometimes information is repeated, for example, information in the menu "Press Releases" is repeated in the menu "News." There is no "Vacancies" menu. Some menus on the webpage should be restructured and information of public interest should be posted in all of them. The menu "Regulatory Framework" contains a number of regulatory acts, but, the links are not active. To facilitate access to information, there should be active links in this menu.

The court clerk who administers the webpage mentioned that she often does not have access to the statistical page and that judgments are posted by each court clerk while the adviser to the court president oversees whether the posting of judgments is done within the term set by law.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Bender Court of Appeals has enough equipment to operate properly. Table 4 shows the type of equipment, the number of items on hand and the equipment needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Computers | 26 | 17 |
| Printers | 14 | 15 |
| Scanner | 2 | 2 |
| Copier | 3 | - |
| UPS | 24 | 19 |
| Fax | 3 | 4 |
| Audio-recording sets | 3 | 1 |
| Server | 1 | - |
| Notebook | 2 | - |
| Big Xerox | 1 | 2 |
| Air conditioner | 8 | 4 |
| Router | 1 | - |
| TV set | 2 | - |
| Canon projector | 1 | - |
| Multifunctional device | 1 | - |

*Source: Bender Court of Appeals*

### Conclusions

- When using ICMS Version 1, the staff of Bender Court of Appeals faces the problems of uneven case assignments and slow speed.
- The staff records court hearings that are conducted in the courtrooms where the recording equipment and software is installed.
- To improve its work, the court needs 17 computers, 19 UPS units, 15 printers, 2 scanners, 4 fax machines, 2 big copiers, 4 air conditioners, 2 boilers and 1 set of audio recording equipment.
- Bender Court of Appeals uses the webpage content management system; however, some menus contain no information of public interest at all and in others, information is repeated.
- The staff does not erase audio recordings from the server as required by SCM regulations.

### Recommendations

- Use all options in ICMS.
- Establish in-house training programs on the use of ICMS and the audio recording system.
- Conduct all hearings in courtrooms by efficiently scheduling them.
- Complete all webpage menus with information of public interest.
- Erase recordings from the server as required by SCM regulations.
- Make the font and colors consistent throughout the webpage.
- Avoid duplicating information on the webpage.

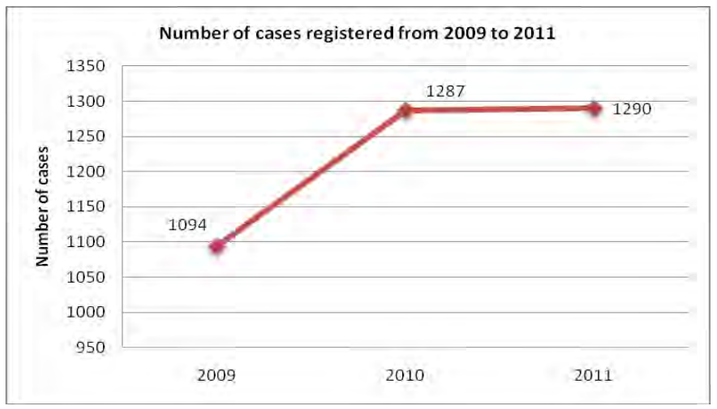
# III. WORK OF BENDER COURT OF APPEALS

## 3.1. WORKLOAD

The workload at Bender Court of Appeals from 2009 to 2011 was assessed based on the total number of cases registered, the total number of cases examined, the number examined by type of case, the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases registered increased from 1094 in 2009 to 1290 in 2011.

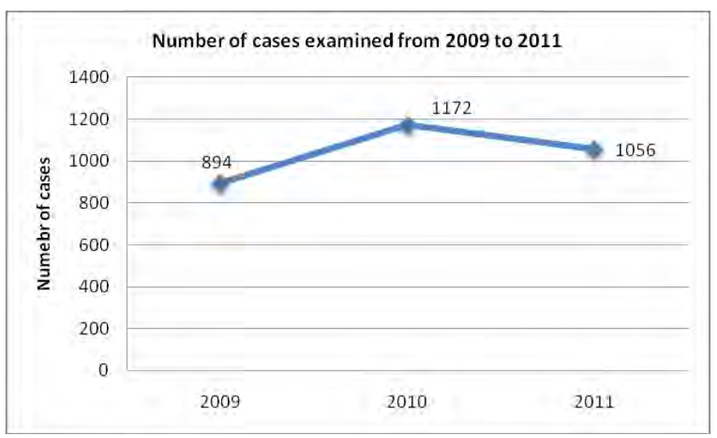
**Graph 2.** *Number of cases registered at Bender Court of Appeals from 2009 to 2011*




*Source: DJA*

The total number of cases examined increased from 894 in 2009 to 1056 in 2011 (Graph 3).

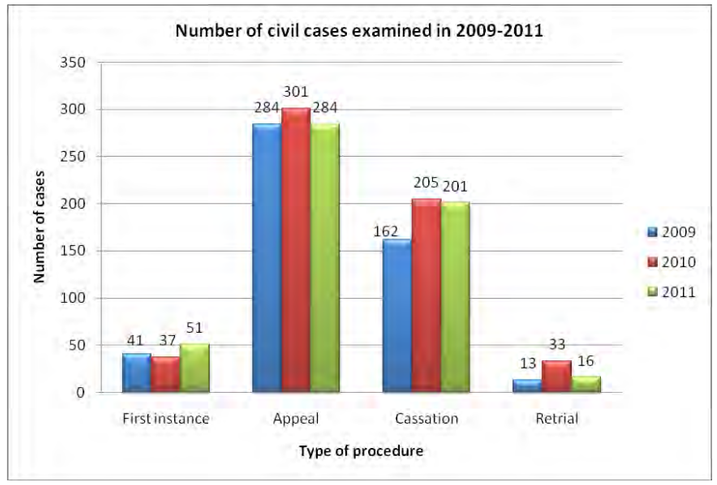
**Graph 3.** *Total number of cases examined at Bender Court of Appeals from 2009 to 2011*




*Source: DJA*

Graph 4 shows that the number of civil cases examined by Bender Court of Appeals in the first instance increased from 41 in 2009 to 51 in 2011, the number of civil cases examined on appeal did not change, while the number of civil cases examined in cassation increased from 162 in 2009 to 201 in 2011. The number of civil cases examined in review did not change significantly from 2009 to 2011.

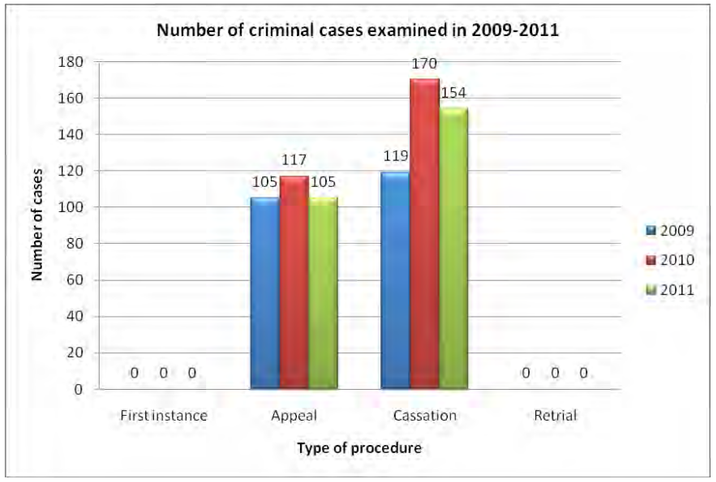
**Graph 4.** *Number of civil cases examined at Bender Court of Appeals from 2009 to 2011by type of procedure*




*Source: DJA*

Graph 5 shows that the total number of criminal cases examined on appeal did not change from 2009 to 2011. The number of criminal cases examined in cassation increased from 119 in 2009 to 154 in 2011.

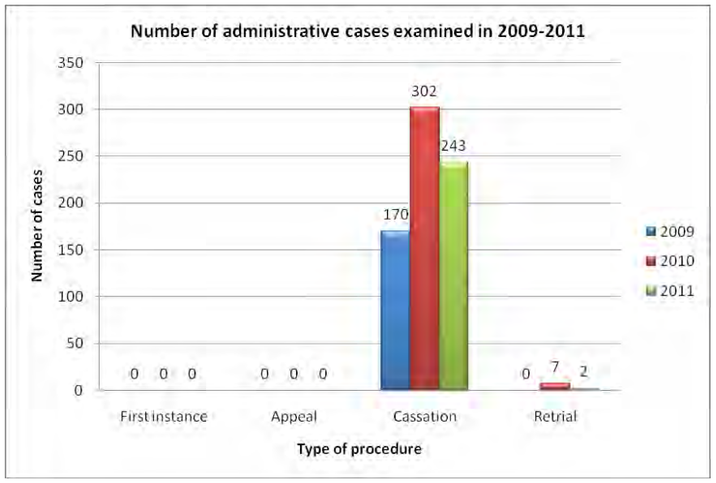
**Graph 5.** *Number of criminal cases examined at Bender Court of Appeals from 2009 to 2011by type of procedure*




*Source: DJA*

Graph 6 shows that administrative cases examined in cassation increased from 170 in 2009 to 243 in 2011.

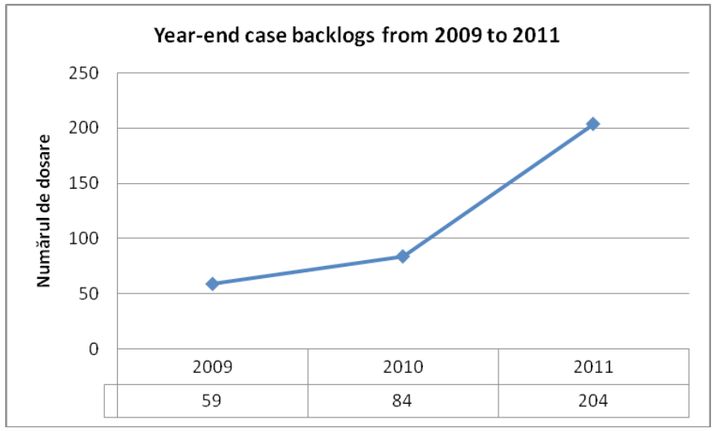
**Graph 6.** *Number of administrative cases examined at Bender Court of Appeals from 2009 to 2011by type of procedure*




*Source: DJA*

The case backlog at the end of year increased from 59 in 2009 to 204 in 2011 (Graph 7).

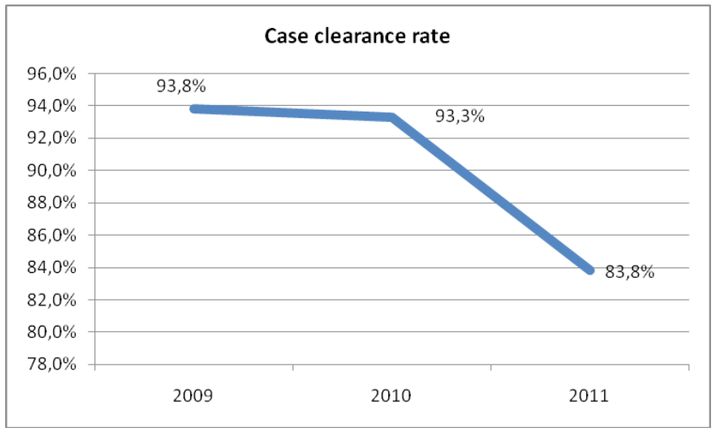
**Graph 7.** *Year-end case backlog from 2009 to 2011 at Bender Court of Appeals*




*Source: DJA*

As shown in Graph 8, the case clearance rate decreased from 93.8% in 2009 to 83.8% in 2011 (Graph 8).

**Graph 8.** *Case clearance rate from 2009 to 2011 at Bender Court of Appeals*




## *3.2. ORGANIZATION OF ACTIVITIES*

Bender Court of Appeals has a documentation division and a commercial-administrative division. The documentation division consists of the chancellery, archives, mail service, information and legal review, judicial practice and judicial statistics section, typing service and other subdivisions. The documentation division ensures the secretarial work in dispensing justice, generalizing judicial practice, analyzing judicial statistics and other tasks required for the normal run of activities.

The chancellery is located on the ground floor at the entrance to the courthouse which is in line with the general design requirements for courts of law. It has a staff of three specialists who are responsible for scanning documents from case files and registering cases in ICMS and on paper.

To provide information to the public, the chancellery uses the ICMS search menu and the case actions cards when information is not available in ICMS.

The chancellery of the Bender Court of Appeals maintains the registers listed in Table 5.

**Table 5.** *List of registers used by Bender Court of Appeals*

| Register Category | Register title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail |
| ***Civil*** | 1. Index of civil cases under first instance review<br>2. Index of cases under administrative review/revision<br>1. Index of cases under administrative review/cassation<br>2. Index of administrative cases examined in first instance<br>3. Index of commercial cases examined in first instance<br>4. Index of civil cases under commercial cassation review<br>5. Index of civil cases under commercial appellate review<br>6. Index of civil cases under revision<br>7. Index of civil cases under appellate review<br>8. Index of civil cases under cassation review<br>9. Action record card |
| ***Criminal*** | 1. Criminal case files under judge<br>2. Index of criminal cases<br>3. Index of criminal case files/appellate review<br>4. Index of criminal case files/cassation<br>5. Action record card |
| ***Administrative*** | 1. Administrative case files<br>2. Index of administrative cases under cassation review<br>3. Index of administrative case files under revision |

*Source: Bender Court of Appeals chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may be entered three or even four times in various records as shown in Table 6.

**Table 6.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Register of incoming mail |
| Plaintiff's name | ICMS | Action record card | |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases in first instance |
| Defendant's contact information | ICMS | Action record card | Index of civil cases in first instance |
| Case file category | ICMS | Action record card | Index of civil cases in first instance |
| Essence of the case | ICMS | Action record card | |
| State fee | ICMS | Action record card | |
| Movement of the case file in court | ICMS | Action record card | |

*Source: Bender Court of Appeals chancellery specialists*

If the list of registers presented by the chancellery specialists to the assessment team is complete, it can be concluded that Bender Court of Appeal keeps a number of registers which is, to a certain extent, in line with the latest provisions of the Guidelines[3].

The archives are located on the ground floor in a room that is too small but that does have a centralized ventilation system. The room also has an air conditioner. The layout is inefficient and the shelving is unsatisfactory. Entry to the archives is restricted by a metal door. The court server takes up a large area where files could be stored.

### *Conclusions*

- The number of cases filed at Bender Court of Appeal increased by 17.9% from 2009 to 2011.
- The number of cases examined increased by 18.1% from 2009 to 2011.
- The number of civil cases examined from 2009 to 2011 in the first instance increased by 10, the number examined on appeal did not change, the number examined in cassation increased by 39 and those in revision increased by 3.
- The number of criminal cases examined from 2009 to 2011 on appeal did not change, and the number of cases examined in cassation increased by 35.
- The number of administrative cases examined in cassation from 2009 to 2011 increased by 43.
- The case backlog increased by 145 from 2009 to 2011.
- The case clearance rate decreased by 10% from 2009 to 2011.
- The chancellery is located at the entrance to the court which is in line with the general layout standards for courts.
- There is duplication of work because laws and instructions on secretarial work require both paper and digital registers.
- The number of registers used by the chancellery specialists is to a certain extent in line with the number required in the Guidelines.

### *Recommendations*

- Review internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.
- Consolidate and organize the archives into a bigger space and ensure their security.

**Photo 13.** *Chancellery*
**Photo 14.** *Registers in the chancellery*
**Photo 15.** *Archives*
**Photo 16.** *Archives*

[3] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

According to the approved staffing plan, Bender Court of Appeals has 10 judges, 37.5 regular staff (Table 7).

The court does not have a human resource specialist; those duties are instead performed by the adviser to the court president and the specialists in the documentation division who are particularly responsible for preparing and keeping record of staff-related documents; for preparing personnel files; for completing, storing and keeping employment record books and for preparing draft orders.

The person responsible for media relations is the court president. He is responsible for making information available to the media with a view to ensuring the transparency of court operations in accordance with legal provisions. The duties of the public relations specialist are the responsibility of the head of the documentation division. The contact information for the public relations specialist is posted on the court's webpage.

The adviser to the court president stated that they usually do not announce vacancies. Instead, the judges themselves look for candidates for court clerk. The candidate submits an application and is interviewed by the court president who decides whether to hire him/her. No new staff members have been recruited since Law No. 158 of 04 July 2008 on public positions and the status of the civil servants was amended.

The procedures for dismissing and disciplining court staff are in line with the provisions of the labor law. The Regulation on Court Disciplinary Committees describes how to form a commission and the way disciplinary sanctions are applied and appealed.

Bender Court of Appeals has job descriptions for the positions of adviser to the court president, main consultant, consultant, court clerk, head of documentation division, head of chancellery, main specialist, translator, coordinating specialist, specialist, head of archives, head of copying, head of the commercial-administrative division, chief accountant, courier, chief of auxiliary service, boiler room operator, driver, inside cleaner, electrician, outside cleaner, maintenance and repairman and guard.

**Table 7.** *Staffing scheme of Bender Court of Appeals*

| No. | Position | Current number[2] |
|---|---|---|
| 1. | Court president | 1 |
| 2. | Vice-president | 1 |
| 3. | Judge | 8 |
| | ***Documentation division*** | |
| 4. | Head of division | 1 |
| 5. | Adviser to the court president | 1 |
| 6. | Main consultant | 1 |
| 7. | Consultant | 1 |
| 8. | Court clerk | 7 |
| 9. | Translator | 1 |
| | ***Chancellery*** | |
| 10. | Head of section | 1 |
| 11. | Main specialist | 2 |
| 12. | Coordinating specialist | 1 |
| 13. | Specialist | 3 |
| 14. | Chief of archives | 1 |
| 15. | Courier | 1 |
| 16. | Head of copying | 1 |
| | ***Commercial-administrative Division*** | |
| 17. | Head of division | 1 |
| 18. | Specialist | 1 |
| 19. | Head of auxiliary service | 1 |
| 20. | Driver | 1 |
| 21. | Guard | 4 |
| 22. | Electrician | 0,5 |
| 23. | Maintenance and repairman | 1,5 |
| 24. | Boiler room operator | 1,5 |
| 25. | Inside cleaner | 3 |
| 26. | Outside cleaner | 1 |
| | **TOTAL** | **47,5** |

*Source: Accounting office of Bender Court of Appeals*

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ, and, as reported during the documentation visit, in 2011 all judges of Bender Court of Appeals met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. For legal research and reference, the judges use the legislative database on the website of the Ministry of Justice; the court does not subscribe to any other legislative databases. Some of the publications to which the court subscribes are the *Official Gazette, the Newsletter of the Supreme Court of Justice*, *Contabilitate si Audit (Accounting and Auditing), Dreptul (Law), Revista Naţională de Drept (National Law Magazine), Ziarul de gardă, Dreptul muncii (Labor Law), Literatura și arta (Literature and Arts), Ziarul Căușeni (Daily Causeni), Moldova Suverană, Kadry y Zarabotnaya Plata (Staffing and Remuneration),* and *Economiceskoe Obozrenie (Economic Review).*

Court clerks would like training in drafting minutes of hearings, and the clerks, consultants, judges, archivists and chancellery specialists would like training in ICMS and Femida.

### *Conclusions*

- At Bender Court of Appeals, the duties of public relations specialist are carried out by the court president and the head of the documentation division.
- The staffing plan does not provide for a human resource specialist. In practice, human resources are managed by the adviser to the court president and the documentation division.
- The clerks, chancellery specialists and the archives specialist need training in various areas ranging from the analysis of the peculiarities of applying legislation to the study of the judicial information system and direct application of criminal and civil procedure documents.

### *Recommendations*

- Employ and train a human resource specialist.
- Organize in-house training for the court staff so they can solve the problems they face in carrying out their duties.

## V. SERVICES FOR THE PUBLIC

Bender Court of Appeals does not have an information window near the courthouse entrance. The office of the public relations specialist is situated on the ground floor, but there are no signs to guide visitors to it. On the doors of the judges' offices there are plaques with their names but no warning that access is restricted. There are signs guiding the public to the courtrooms.

The building has a board at the entrance with the following information:

- Lists of hearings scheduled for trial extracted from ICMS
- Working hours
- Hours for admitting the public
- Code of Conduct for Civil Servants: Obligations and Guarantees
- Rules of conduct for the public and other persons at hearings
- Sample applications for copies of judgments
- Information on state fees
- Jurisdictional competence of Bender Court of Appeals

The parties and other trial participants may apply at the chancellery to get copies of decisions on any business day during the working hours of the court. The application should be filled in according to the samples posted on the information board and should be submitted to the office for registration of applications. The court president approves the application and appoints a person to make the copy. Copies are issued within three days which is in line with the provisions of the law. A copy of the requester's ID card is attached to the application, and lawyers also attach a copy of their licenses. Copies are authenticated by the court president.

### *Conclusions*

- There is no information window for the public on the ground floor.
- There are signs guiding citizens to the courtrooms.
- The office of the public relations specialist is located on the ground floor.
- The information board for the public at the entrance contains relevant and comprehensive information to help visitors orient themselves.
- The procedure for getting copies of judgments requires the approval of the chief judge.

### *Recommendations*

- Arrange an information window at the entrance to the courthouse.
- Put information about the webpage, about the right to request recordings of court hearings and copies on CDs, news about the judiciary system, etc. on the information board.
- Simplify the procedure for getting copies of judgments by sparing the court president the obligation to approve applications and by training the chancellery specialists accordingly.
- Install signs to direct the public to the office of the public relations specialist and the archives.
- Add the warning that access to the judges' office is restricted to the plaques with their names.

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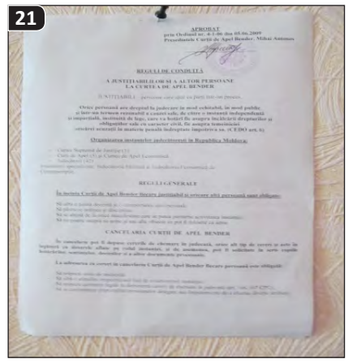

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**Photo 17.** *Signs directing citizens*
**Photo 18.** *List of hearings*
**Photo 19.** *Information board*

**Photo 20.** *Code of Conduct for civil servants*
**Photo 21.** *Information for the public*
**Photo 22.** *Samples of applications*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Bender Court of Appeals develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which receives the ceilings for the entire judiciary from the Ministry of Justice. The ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling is set for the following two expenditure categories:
1) Current expenses (staff, others);
2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by the DJA while capital expenses are determined by each individual court after negotiations with the DJA. Other expenses are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET

The budget of Bender Court of Appeal is divided into six expenditure categories:

- *Staff expenses* – salaries, mandatory state social insurance and health insurance contributions paid by employers, mandatory health insurance premiums paid by employers and transfers to the population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[4]

From 2010 (executed) to 2012 (approved), the budget increased from MDL 2.2 million to 2.6 million (Table 8).

In 2011, the budget was twice that of 2010 due to resources allocated for repairs and the purchase of a car.

The budget for 2012 is 40% less than that for 2011 due mainly to substantial cuts for repairs and fixed assets. Allocations for operating expenses however were up by 86% over 2011.

[4] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Bender Court of Appeals by type of expense (2010–2012)*

| Expense category/year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | | Amount |
| Staff | 1,478,786 | 1,595,140 | 8% | 1,779,900 | 12% |
| Repairs | 178,000 | 1,935,832 | 988% | 95,000 | -95% |
| Utilities | 79,000 | 149,720 | 90% | 170,700 | 14% |
| Fixed assets | 89,400 | 397,240 | 344% | 0 | -100% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 343,308 | 302,961 | -12% | 563,400 | 86% |
| **Total** | **2,168,494** | **4,380,893** | **102%** | **2,609,000** | **-40%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

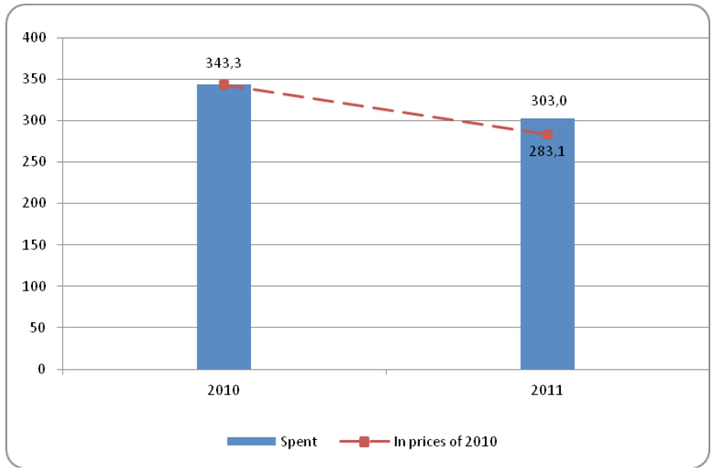
## 6.2. STAFF EXPENSES

Staff expenditures represent approximately 67% of the total budget. Due to the fact that remuneration is governed by law and regulations, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

From 2010 to 2011, both the face value and the real value of operating expenditures decreased. Their face value decreased from MDL 353.3 thousand to MDL 303 thousand a reduction of 14%, and their real value decreased by 20% taking into account that the inflation rate in 2011 was 7%.[5] MDL 303 thousand in 2011 was therefore equivalent to MDL 283.1 thousand in 2010; hence, the real value of operating expenses decreased by approximately MDL 70.2 thousand (Graph 9).

**Graph 9.** *Operating expenses for Bender Court of Appeals in 2010 and 2011*



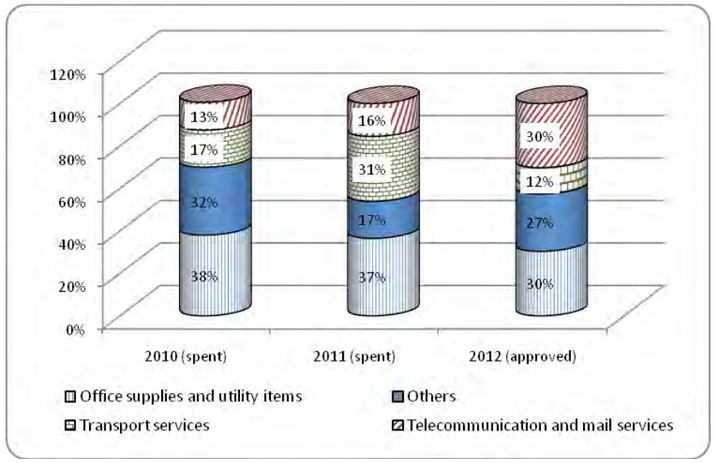

[5] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Telecommunication and mail services;
- Transport services.

**Graph 10.** *Structure of operating expenditures from 2010 to 2012*




Graph 10 shows that in 2010, 38% of the operational expenses were allocated for office supplies and utility items. 17% went for transportation and telecommunications and mail accounted for 13%.

In 2011, the structure of operating expenses did not change significantly. Thus, the allocations for office supplies and utility items accounted for 37%, allocations for transportation services increased by 14 percentage points, while telecommunications and mail increased by 3 percentage points.

For 2012, operating expenses have been budgeted as follows:

- 30% for office supplies and utility items ;
- The share of transportation services decreased by 19 percentage points;
- 30% for the telecommunications and mail (an increase of 14 percentage points).

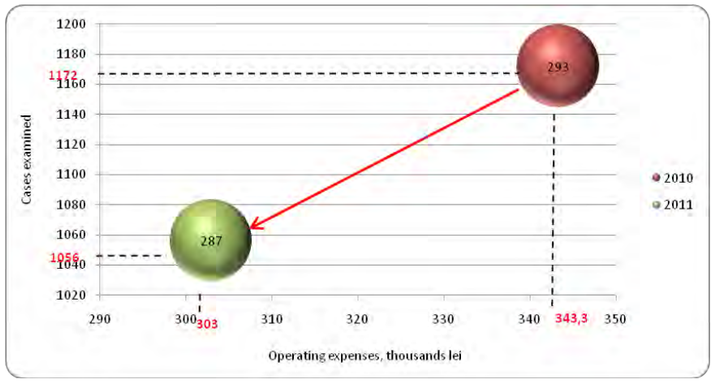
Telecommunications and mail merit attention because approximately 70% goes for stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease of operating expenses in 2011 compared with 2010 may be explained by several factors, including the reduction in the number of cases examined. Thus, in 2010, 1172 cases were examined as compared to 1056 – in 2011.

Comparing operating expenses and the number of cases examined, in 2010 the average cost of examining a case was MDL 293 while in 2011 it was MDL 287 (Graph 11).

**Graph 11.** *Comparative analysis of the average cost for examining a case in Bender Court of Appeals in 2010 and 2011*



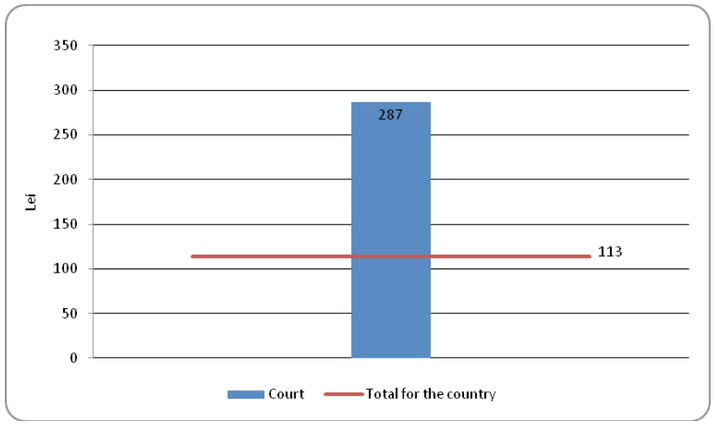

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The reduction in the average cost for examining a case is because operating expenses decreased greater than the number of cases examined. Thus, while operating expenses decreased by 14%, the number of cases examined decreased by 10%.

## 6.6. AVERAGE OPERATING COST PER CASE IN BENDER COURT OF APPEALS COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 287 per case in 2011 was high or low. Note that only data for courts of second instance were taken into account in determining the weighted average cost for the country.

**Graph 12.** *Comparative analysis of the average cost per case examined in Bender Court of Appeals in 2011 and the weighted average cost per case for the country*




As shown in Graph 12, in 2011 the average cost per case examined was considerably higher than the weighted average cost per case for the country as a whole.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Bender Court of Appeals does its accounting electronically

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the head of chancellery who does not have professional qualifications in procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

### Conclusions

- In 2011, both the face value and real value of operating expenses decreased.
- The average cost of examining a case in 2011 decreased compared with 2010.
- In 2011, the average cost of examining a case was significantly higher than the than the weighted average for the country as a whole.
- Expenses for mail services account for a significant share of total operating expenses.
- Accounting is done electronically.
- All public procurements are made without a procurement specialist.
- The training in public procurement is not sufficient to meet the needs of the court.

### Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Cahul Court of Appeals in the City of Cahul has jurisdiction over the district courts of Cahul, Cantemir, Leova and Taraclia according to Law No. 514 of 06 July 1995 on Judicial Organization in the Republic of Moldova.

According to its staffing plan, the court has 6 judges and 30.5 regular staff but no human resource specialist. Those duties are instead performed by the court president and a coordinating specialist in the documentation section.

The duties of the public relations specialist are managed by the vice-president of the court and by the public relations specialist who are the official representatives of the court in its relations with the media and the public.

Staff expenditures have followed an upward trend. The court does all its public procurements without a procurement specialist. In 2011 both the face value and the real value of operating expenses decreased compared with 2010. In 2011 the average cost for examining a case increased compared with 2010 and was higher than the weighted average cost of examining a case for the country as a whole (see Section VI).

The courthouse covers 304.5 sq. meters, the adjacent land covers 0.0893 hectares and the annex is 62 sq. meters. The courthouse has two floors and no basement. There are 17 offices, 1 public space and 2 courtrooms. The courthouse is in good condition.

In 2005, the courthouse was renovated. The interior finishing on the ground floor and the second floor was refurbished. Two courtrooms were arranged, but they do not have deliberation rooms. In 2010 and 2011 the roof was renovated.

# CAHUL COURT OF APPEALS

*30, Stefan cel Mare Str., Cahul*

*Date of visit: 11 June 2012*

The staff of Cahul Court of Appeals uses Version 2 of ICMS which was installed in 2011. ICMS is used since 2009. Cahul Court of Appeals staff mentioned that there are issues with ICMS including uneven case assignments and errors.

There is audio recording equipment and software in both courtrooms and the staff records all the hearings held in the courtrooms except for certain hearings for postponement. Legal requirements for written minutes in addition to recordings (overlapping) are a disincentive for recording hearings.

To a certain extent, the specialists at the Cahul Court of Appeals have complied with the latest requirements of the Guidelines which reduced the required number of registers.

The total number of cases filed at Cahul Court of Appeals from 2009 to 2011 increased by 95, and the number of cases examined decreased in the same period by 109 with a clearance rate of 74.3%.

The court has an information board for the public. The doors of judges' offices have plaques with their names.

The court updates its webpage periodically; the menus have some information of public interest though sometimes the titles do not match the contents and in several the information is duplicated.

# I. INFRASTRUCTURE

## *1.1. ASSESSMENT*

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 3 | The exterior was renovated in 2005. Currently there are no major structural problems with it. |
| Water supply | 2 | The courthouse is on the central water system and the pressure is acceptable. |
| Power supply | 3 | The electrical network was upgraded in 2005, but currently there are frequent power cuts as the system is inadequate. |
| Sewerage system | 2 | The courthouse is on the central sewerage system. |
| Heating system | 2 | The heating is autonomous and uses gas. The system was fully renovated in 2005. |
| Firefighting system | 1 | Fire alarms and emergency evacuation lights have been installed. |
| Roofing | 2 | The roof structure is in relatively good condition; however, the roof in the annex sometimes leaks. The roof was repaired in 2010 and 2011. |
| Interior | 3 | The offices were refurbished in 2005; their condition is satisfactory. The interior finishing needs to be renovated. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

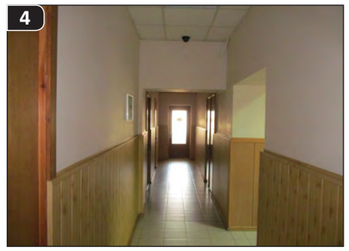


**Photo 1.** *Exterior*
**Photo 2.** *Metal detector*

**Photo 3.** *Stairs inside the building*
**Photo 4.** *Public space*

## 1.2. CURRENT CONDITION

The assessment focused on a comparative analysis of the physical and operational condition of Cahul Court of Appeals in June 2012.

The courthouse covers 304.5 sq. meters, the adjacent land covers 0.0893 hectares and the annex is 62 sq. meters. The courthouse has two floors and no basement. There are 17 offices, 1 public space and 2 courtrooms.

The court is protected by the State Guard and a video surveillance system, which monitors the entire building. There is a metal detector at the entrance to the courthouse. It is outdated and does not comply with the current requirements.

The building was built in 1972 as an enterprise. In 2005, it was totally renovated and became a courthouse. It is located on one of the main street of the city. It looks very presentable and has good access for the public. At the back there is a guarded yard and a garage. The plot is very small, so the possibilities for expansion are limited.

All offices were renovated in 2005. The exterior and the main staircase have also been renovated and were in satisfactory condition at the time of the assessment visit.

The courthouse is on the central water and sewerage systems, and the plumbing has been renovated. The electrical network was upgraded in 2005, but currently there are frequent power cuts, and the entire electrical system requires renovation.

The roof of the building was renovated in 2010 and 2011. Currently it is in good condition; however, it was reported that the roof in the annex has some cracks, and during heavy rains the interior walls get damp.

The archives are situated on the ground floor. The space is limited and insufficient. Criminal and civil case files and materials and other documents are kept in the archives by year and are numbered in sequence. The security of the archives is ensured by the door lock and the video surveillance system.

The interior finishing on the ground floor is in satisfactory condition. In 2005, renovations were conducted on this floor. The quality of the work and finishing was good; however, there are plans to refurbish the interiors on the ground floor and the second floor of the courthouse in 2014 and 2015 to patch the cracks that have appeared in the walls. On the ground floor, a restroom was laid out for the court staff.

On the second floor, the offices of judges and other staff were renovated in 2005 and are in good condition. The light fixtures were changed. Air conditioners were installed in most offices. There is a restroom for the court staff on this floor. There are no restrooms for the public inside the building due to the shortage of space; however, there is a restroom in the courtyard which is in satisfactory condition but requires renovation.

Air conditioners have been installed in most offices as well as in the server room.

The operational space of Cahul Court of Appeals is appropriate for the work of a court of law. There is space for detainees on the ground floor with two cells and a separate entrance. Currently detainees are taken to the courtrooms through that entrance and the corridor at the back of the building.

The courthouse has two courtrooms for six judges. The courtrooms do not have deliberation rooms, but have separate access from the public. The finishing of the courtroom interiors is in good condition.

The server is not properly located in a separate room; it is installed under the staircase in a space that is not locked. There is an air conditioner next to it.

The space where lawyers can review case files and meet with witnesses or clients is located at the entrance to the courthouse. It has a wardrobe and a desk and is monitored by video cameras and the judicial police.

The court has fire alarms and emergency evacuation lights.

The 2009 Infrastructure Assessment Report listed two priorities for capital repairs, both of which have been partially implemented (Table 1).

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2009 | Implementation stage in 2012 |
|---|---|
| Consider options to expand the building in order to meet future needs. | Partially implemented |
| Improve the security and ventilation of the LAN server room. | Partially implemented |

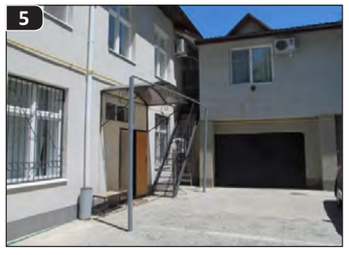
*Source: 2009 Infrastructure Assessment Report*

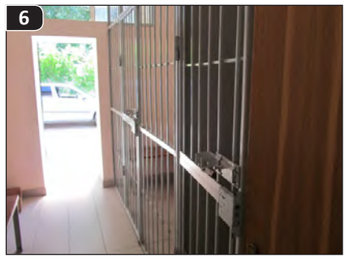
### Conclusions

- From 2009 to 2012, some of the renovations recommended in the 2009 Infrastructure Assessment Report were partially completed.
- The works conducted were based on the recommendations and priorities indicated in the Infrastructure Assessment Report.

### Recommendations

- Renovate the electrical network.
- Repair the interior finishing.
- Repair the roof of the annex.
- Install the server in a separate, protected space.
- Build an additional annex to the courthouse.
- Arrange a restroom space for the public inside the building.





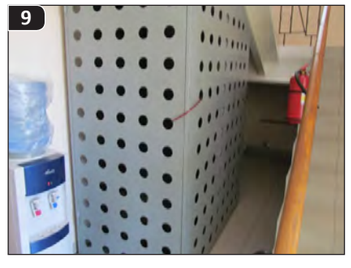




**Photo 5.** *The garage*
**Photo 6.** *Space for detainees*

**Photo 7.** *Space for detainees*
**Photo 8.** *Metal detector*
**Photo 9.** *Server*

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The staff of Cahul Court of Appeals has used ICMS since 2009. In 2010, all the information on the court server was erased and the chancellery staff had to enter it all again in order to work with cases electronically. In 2011, ICMS Version 2 was installed.

The court president uses the random case assignment menu; however, cases are not evenly assigned and there are huge differences in the workloads of the judges. Other issues are frequent power cuts that cause the server to switch off and generate errors in ICMS. A voltage stabilizer would solve this problem.

ICMS management functions are the responsibility of the adviser to the court president.

Case documents must be scanned after cases are registered to create electronic files. The chancellery staff scans all the materials attached to the appeal request for civil cases and the appeal request and the attachments to it for criminal cases. They mentioned that the scanner is very slow so scanning takes a long time. Court secretaries are responsible for scanning documents received during the trial.

ICMS is the primary source for information requested by the public, but the register of action cards or the records kept at the chancellery are consulted when needed.

There is no information technology specialist at the court; those duties are performed by a court specialist. The court has also concluded a contract with a private company for IT services. In addition, some issues are referred to CTS.

The staff rated their general satisfaction with the services provided by CTS in 2012 as a 3 out of 5.

**Table 2.** *Suggestions for modifying ICMS for Cahul Court of Appeal*

| No. | Suggestions for ICMS modification |
|---|---|
| 1. | Bring the case assignment menu in line with the provisions of the regulation on case assignments in courts of law |
| 2. | Ensure the menu "Case Transfer" functions. |

*Source: Cahul Court of Appeals staff*

### 2.2. AUDIO RECORDING SYSTEM

Cahul Court of Appeals has two courtrooms; both have audio recording equipment and software. All hearings conducted in the courtrooms are recorded except hearings for postponement. Since 2009 when the recording equipment and software were installed, there have been approximately10 requests to record hearings all of which were satisfied. The court has 1000 CDs on hand to make copies. Regardless of whether recordings are requested, the court records all hearings except those for postponement.

The courtroom doors have plaques stating that hearings are audio recorded.

To avoid overloading the server with audio recordings, the court clerks prepare lists of recordings that have been copied onto CDs that they forward to the court specialist who copies the recordings on the CD and erases the corresponding recordings from the server. Copies are kept in the archives.

According to the Regulations on Digital Audio Recording of Court Hearings,[2] the purpose is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. At Cahul Court of Appeals, clerks use them for that purpose.

Among the issues faced by the staff is legislation requiring duplication of effort, i.e., written minutes and audio recordings. They also mentioned the need to install a set of audio recording equipment and software in the courtroom that will be laid out in 2013.

[2] *SCM Regulation on Digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

**Photo 10.** *Courtroom*
**Photo 11.** *Audio recording equipment*
**Photo 12.** *Inscription on a courtroom door*

## 2.3. WEB PAGE OF CAHUL COURT OF APPEALS

Cahul Court of Appeals has a webpage on which it posts information for the public; it is updated as needed by the public relations specialist.

Table 3 shows the menus and their contents.

**Table 3.** *Contents of the webpage of Cahul Court of Appeals*

| Menu title | Information posted on the web page |
|---|---|
| Message of the Court President | – Welcome address<br>– Photo of the court president |
| Regulatory Framework | – List of 15 basic regulatory acts governing the court<br>– List of 6 other regulatory acts |
| Overview | – Cahul Court of Appeals – a court within the judiciary<br>– Jurisdiction of Cahul Court of Appeals<br>– Principles of Cahul Court of Appeals<br>– Symbols of the judicial power of Cahul Court of Appeals |
| Membership and Organization of the Court | – Court organization<br>– Membership<br>– District courts under the jurisdiction of Cahul Court of Appeals<br>– Organizational chart<br>– Photo of the facade<br>– Contact details<br>– Table with the list of judges |
| Public Relations Service | List of contacts and telephone numbers |
| Press Releases | – Regulation on Public Information and Media Relations Service<br>– Contact details of persons responsible for public relations<br>– Previous press releases: all press releases of the court are posted here |
| Statistics | – Report on the work of Cahul Court of Appeals in 2011<br>– Report on the work of Cahul Court of Appeals in 2010<br>– Report on the work of Cahul Court of Appeals in 2009. |
| Information of Public Interest | – Working hours of the court<br>– Hours for admitting the public<br>– Working hours of employees responsible for public and media relations<br>– Civil proceedings/civil complaints<br>– Enforcement of court judgments |
| News | – Information portal on which information on the operation of the one-stop window is posted<br>– ICMS<br>– Audio recording of court hearings<br>– Performance assessment<br>– 2009 performance assessment<br>– Publication of court decisions on the webpage<br>– Amendments and addenda to Law No. 158-XVI of 4 July 2008 on public positions and the status of civil servants |
| List of Hearings | Information extracted automatically from ICMS |
| List of Case Files | Information extracted automatically from ICMS |
| Database of Judgments | Information extracted automatically from ICMS<br>**The latest judgment was posted on 19 July 2012** |
| Archives | – Description of the archives<br>– Data about the archive's activities |
| List of Hearings on the Information Board | – List of hearings displayed on the information board in June 2012<br>– List of hearings displayed on the board in July 2012<br>– List of hearings displayed on the board in May 2012 |
| Vacancies | – Information on the vacancy for a consultant<br>– Information on the vacancy for a court clerk<br>– Information on the vacancy for a translator |
| List of Administrators of Cases of Insolvency | List of administrators |

*Source: http://cach.justice.md/*

Table 3 shows that all menus have some information of public interest about the court's work; however, sometimes the titles do not match the contents or the information is duplicated. In the menu "Public Relations," there is a table with a list of contact persons and their telephone numbers that is also in the menu "Press Releases." The text in "Statistics," "List of hearings on the Information Board," and "List of Administrators of Cases of Insolvency" has to be reformatted to ensure that the font and style are consistent throughout the webpage.

The public relations specialist who administers the webpage has mentioned that he often does not have access to the statistical page when he wants to update an announcement or display information. At the time of the documentation visit, this problem had not yet been fixed. He also mentioned that the menu "Document Archive" was available in the previous version of ICMS; it stored all documents posted on the webpage.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Cahul Court of Appeal has enough equipment to function properly. Table 4 shows the type of equipment, the number of items on hand and the equipment needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Computers | 32 | 21 |
| Printers | 15 | 14 |
| Scanner | 2 | 2 |
| UPS | 31 | 21 |
| Fax | 3 | - |
| Audio-recording sets | 2 | - |
| Server | 1 | - |
| Air conditioners | 21 | - |
| Refrigerators | 8 | - |
| OM Water coolers | 2 | - |
| Info point | 1 | - |
| Headsets | 14 | - |
| Voltage stabilizer | - | 1 |
| Postage meter | - | 1 |

*Source: Cahul Court of Appeals*

### Conclusions

- When using ICMS Version 2, the staff of Cahul Court of Appeals faces problems of uneven case assignments, error generation and its slow speed.
- The staff records all hearings.
- To improve its work, Cahul Court of Appeals needs 21 computers, 21 UPS units, 14 printers, 2 scanners, 1 postage meter and 1 voltage stabilizer.
- The court uses the website content management system. The menus have information of public interest about the court's work, but in some the text should be reformatted and duplication of information should be avoided.
- The staff erases audio recordings form the server in accordance with SCM regulations.

### Recommendations

- Employ a specialist responsible for updating the court webpage.
- Ensure that the font and colors used on the webpage are consistent.
- Avoid duplication of information on the webpage.
- Organize internal training for new employees.

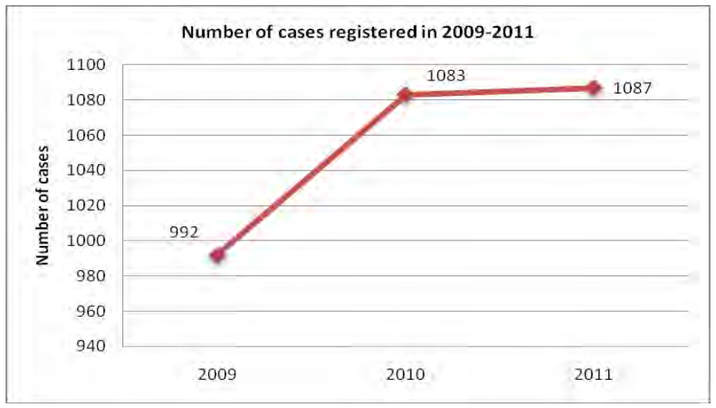
# III. WORK OF CAHUL COURT OF APPEALS

## 3.1. WORK LOAD OF THE COURT

The workload at Cahul Court of Appeals from 2009 to 2011 was assessed based on the total number of cases registered, the total number of cases examined, the number examined by type of procedure, the case backlog at the end of the year and the case clearance rate.

Graph 1 shows that the total number of cases filed at Cahul Court of Appeal increased from 992 in 2009 to 1087 in 2011.

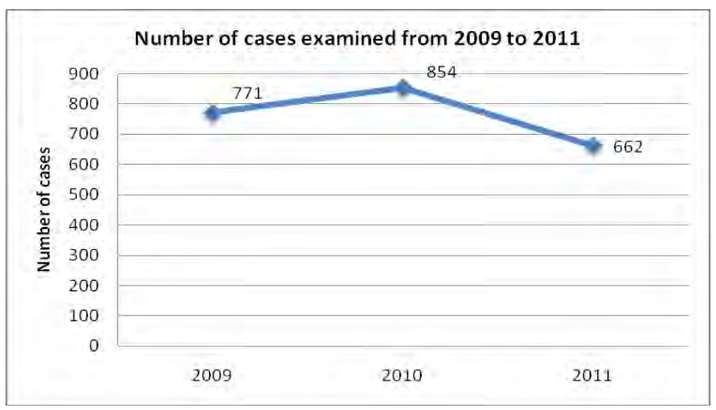
**Graph 1.** *Number of cases registered at Cahul Court of Appeals from 2009 to 2011*




*Source: DJA*

Graph 2 shows that the total number of cases examined during this period decreased from 771 in 2009 to 662 cases in 2011.

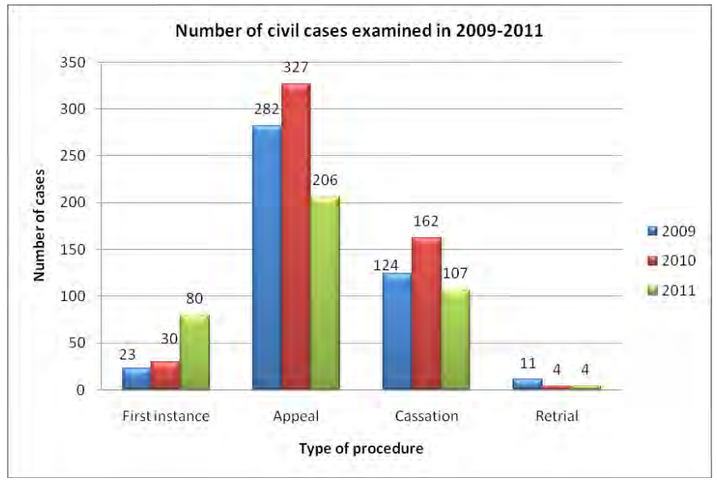
**Graph 2.** *Total number of cases examined at Cahul Court of Appeals from 2009 to 2011*




*Source: DJA*

According to the data in Graph 3, from 2009 to 2011, the total number of civil cases examined in the first instance increased from 23 to 80 cases, the number of civil cases examined on appeal decreased from 282 to 206, the number of civil cases examined in cassation increased from 124 to 107 and the number of civil cases examined in revision did not change significantly.

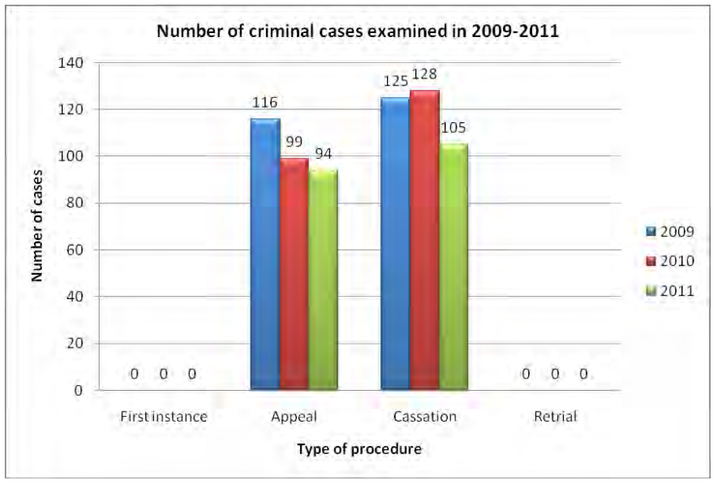
**Graph 3.** *Total number of civil cases examined at Cahul Court of Appeals from 2009 to 2011 by type of procedure*




*Source: DJA*

According to the data in Graph 4, from 2009 to 2011, the total number of criminal cases examined on appeal decreased from 116 to 94 and the number of criminal cases examined in cassation decreased from 125 to 105.

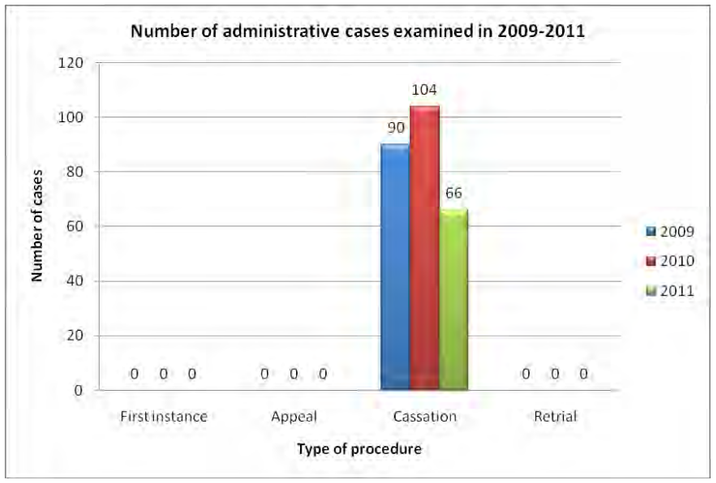
**Graph 4.** *Total number of criminal cases examined at Cahul Court of Appeals from 2009 to 2011 by type of procedure*




*Source: DJA*

Graph *5* shows that the number of administrative cases examined at Cahul Court of Appeal in cassation decreased from 90 in 2009 to 66 in 2011.

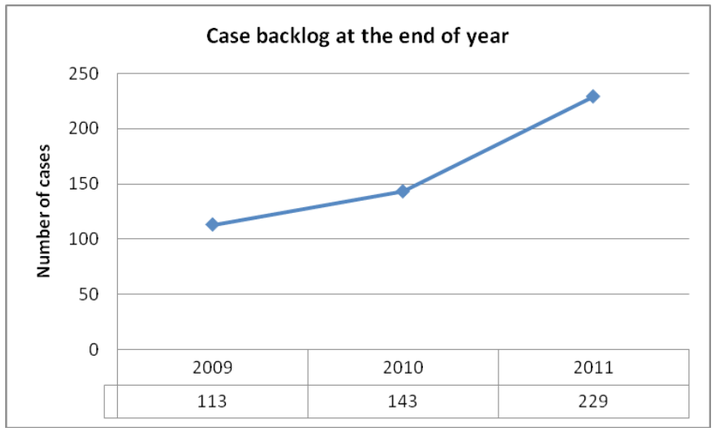
**Graph 5.** *Total number of administrative cases examined at Cahul Court of Appeals from 2009 to 2011 by type of procedure*




*Source: DJA*

The analysis of the case backlog at the end of the year showed an increase from 113 cases in 2009 to 229 in 2011 (Graph 6).

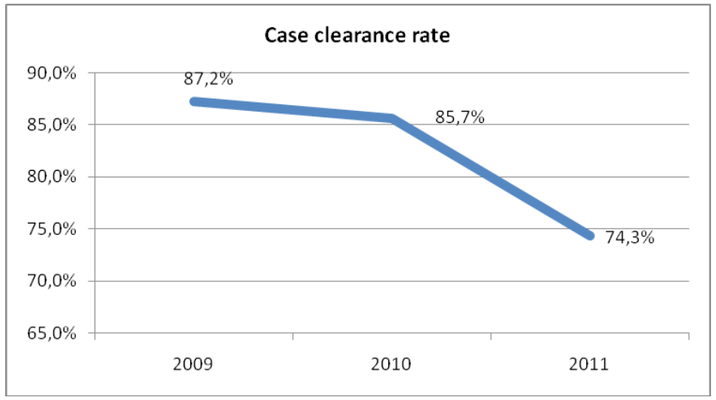
**Graph 6.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 7, the case clearance rate decreased from 87.2% in 2009 to 74.3% in 2011.

**Graph 7.** *Case clearance rate from 2009 to 2011*




## *3.2. ORGANIZATION OF ACTIVITIES*

Cahul Court of Appeals has a chancellery, archives, a documentation section and other subdivisions. The chancellery, archives and the documentation section provide secretarial support for administering justice, generalizing judicial practice and analyzing judicial statistics and perform other duties as needed for the normal run of court activities.

The chancellery is located on the ground floor which is consistent with the general rules for the layout of a court of law. In the chancellery, there are three specialists responsible for scanning case documents and registering cases in ICMS and on paper.

To provide information to the public, the chancellery uses ICMS as well as the register of action cards when no information is available on ICMS.

The chancellery maintains the registers listed in Table 5:

**Table 5.** *List of registers used by the chancellery of the Cahul Court of Appeals*

| Register Category | Register title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail |
| ***Civil*** | 1. Index of civil cases<br>2. Assignment of insolvency cases<br>3. Civil cases sent to the chancellery<br>4. Materials on case transfers to another court<br>5. Index of cases under administrative review<br>6. Index of commercial cases |
| ***Criminal*** | 1. Application for amnesty, change of sentence<br>2. Index of criminal cases<br>3. Index of arrest warrants<br>4. Complaints<br>5. Criminal case files sent to chancellery<br>6. Cases received for transfer<br>7. Physical evidence<br>8. Transmission of criminal case files to judges |
| ***Civil*** | 1. Index of administrative case files |

*Source: Cahul Court of Appeals chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may be entered three in different records as shown in Table 6.

**Table 6.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Register of incoming mail |
| Plaintiff's name | ICMS | Action record card | |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case file category | ICMS | Action record card | Index of civil cases |
| Essence of the case | ICMS | Action record card | |
| State fee | ICMS | Action record card | |
| Movement of the case file in court | ICMS | Action record card | |

*Source: Cahul Court of Appeals chancellery specialists*

Assuming that the chancellery specialists presented all the registers they keep to the assessment team, to a certain extent, the court has complied with the latest amendments to the Guidelines.[3]

The archives are located on the ground floor. The room is of sufficient size to store the case files managed by the court and there is a ventilation system. The space is efficiently laid out and files are properly arranged. Entry to archives is restricted.

### *Conclusions*

- The number of cases registered increased by 9.6% from 2009 to 2011.
- The number of cases examined decreased by 14.1% from 2009 to 2011.
- The number of civil cases examined from 2009 to 2011 in first instance increased by 57, on appeal decreased by 76, in cassation decreased by 17 and in revision decreased by 7.
- The number of criminal cased examined from 2009 to 2011 in appeal decreased by 22; those examined in cassation decreased by 20.
- The number of administrative cases examined from 2009 to 2011 in cassation decreased by 24.
- The case backlog increased by 116 from 2009 to 2011.
- The case clearance rate decreased by 12.9% from 2009 to 2011.
- The chancellery is located at the entrance to the court which is consistent with the general standards for court layout.
- There is duplication of work because laws and instructions on secretarial work require both paper and digital registers.
- The number of registers used by the chancellery specialists is in line with the latest amendments to the Guidelines.

### *Recommendations*

- Review internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.

[3] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

According to its approved staffing plan, the court has 6 judges and 30.5 regular staff (Table 7).

The staffing plan does not include the position of human resource specialist; those duties are instead performed by the court president and a coordinating specialist in the documentation division. The specialist is particularly responsible for preparing and keeping records of staff documents, for preparing staff files; for filling in and keeping employment record books and for preparing draft orders.

The duties of the public relations specialist are the responsibility of the vice-president and the public relations specialist who are the official representatives of the court in its relations with the media and the public. The latter is responsible for informing media outlets and the public about the court's work in accordance with the law. The contact data of the employees responsible for public relations are posted on the web page of the court and on the information board.

Cahul Court of Appeal has a chancellery, archives, documentation section and other subdivisions. The staff members are civil servants, technical staff and support staff. Recruiting civil servants is conducted in accordance with the Regulation on Competitive Employment in Public Positions, approved by Government Decision No. 201 in2009.

Cahul Court of Appeals has job descriptions for the positions of court president, judge, adviser to the president, consultant, court clerk, head of documentation division, head of chancellery, chancellery specialist, translator, coordinating specialist, head of the commercial-administrative division, courier, head of the auxiliary service, boiler room operator, driver, inside cleaner, electrician, outside cleaner, maintenance and repairman and chief of archives.

**Table 7.** *Staffing scheme of Cahul Court of Appeals*

| No. | Position | Current number[2] |
|---|---|---|
| 1. | Court president | 1 |
| 2. | Vice-president | 1 |
| 3. | Judge | 4 |
| 4. | Head of division | 1 |
| 5. | Adviser to the president | 1 |
| 6. | Consultant | 3 |
| 7. | Court clerk | 6 |
| 8. | Translator | 2 |
| 9. | Head of section | 1 |
| 10. | Coordinating specialist | 1 |
| 11. | Specialist | 4 |
| 12. | Head of archives | 1 |
| 13. | Courier | 1 |
| 14. | Head of division | 1 |
| 15. | Specialist | 0.5 |
| 16. | Head of auxiliary service | 1 |
| 17. | Driver | 1 |
| 18. | Electrician | 1 |
| 19. | Maintenance and repairman | 1 |
| 20. | Boiler room operator | 1.5 |
| 21. | Room cleaner | 1.5 |
| 22. | Outside cleaner | 0.5 |
| | **TOTAL** | **36.5** |

*Source: Accounting office of Cahul Court of Appeals*

Cahul Court of Appeals has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term, who are subordinated to the court or who provide services to ensure the efficient and effective administration of justice.

Judges are trained by NIJ, and as reported during the documentation visit, in 2011 all judges met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. For legal research and reference, the judges use the legislative database Moldlex. Some of the publications to which the court subscribes are *the Official Gazette, Buletinul CSJ (SCJ Newsletter), Contabilitate si Audit (Accounting and Auditing), Justiţia Constituţională (Constitutional Justice), Revista Naţională de Drept (National Law Magazine), Resurse umane (Human Resources), Cahul Expres, Dreptul (Law),* and *Moldova Suverană (Sovereign Moldova).*

The staff of Cahul Court of Appeals is trained based on the annual training plan. They mentioned that court clerks need training in preparing minutes of hearings and in using ICMS and Femida. They also stated that it is necessary to compile procedural acts for the court clerks, the chancellery and the archivist as this would improve their performance.

### *Conclusions*

- At Cahul Court of Appeal, human resources are managed by the court president and a specialist in the documentation division.
- In practice, the duties of the public relations specialist are carried out by the vice-president and the public relations specialist.
- The court clerks, the chancellery specialists and the archive specialists need training in topics ranging from the analysis of peculiarities of applying legislation to the study of the judicial information system and application of the criminal and civil procedure documents.

### *Recommendations*

- Employ a human resource specialist and train him/her.

## V. SERVICES FOR THE PUBLIC

Cahul Court of Appeals has an info point at the court entrance. The duties of an information office are exercised by the chancellery, which is located on the ground floor. In most cases, people consult the info point or the information board. The office of the public relations specialist is located on the second floor. The judges' office doors have plaques with their names but no warning that entry is not allowed. Access to the offices is restricted in any case though, since their offices are located on the second floor where the public has no access. There are signs guiding the public to the chancellery.

At the entrance to the court, there is a board with the following information:

- The list of cases scheduled for trial extracted from ICMS, or prepared in Word
- The working hours of the court
- Hours for admitting the public
- Working hours of the staff responsible for public and media relations
- Booklet on the rights and obligations of the accused
- List of administrators of cases of insolvency
- Code of Conduct for civil servants: obligations and guarantees.
- Evacuation plan.
- Warning that entry into the courthouse with mobile phones is not allowed
- Samples of civil complaints
- Samples of requests for copies of court judgments.

The parties and other participants in a trial may request copies of judgments from the chancellery on any business day during working hours. Copies are issued within 10 days in accordance with the provisions of the legislation in force, but most often they are issued on the same day. The applicant must attach an ID to the application. The court president approves the application and appoints a person to execute it. The first page of the copy is authenticated by the president and the rest are authenticated by the chancellery specialists.

### *Conclusions:*

- There is an info point for the public on the ground floor.
- There are signs guiding the public to the chancellery.
- The office of the public relations specialist is located on the second floor which limits public access since the second floor is off limits to the public.
- The information board at the entrance to the court contains information aimed at helping visitors to better orient themselves.
- Copies of judgments require the approval of the president.

### *Recommendations*

- Post information on the information board about the webpage, about the rights of the parties in a trial to request audio recordings of court hearings and copies on CDs, news about the judiciary, etc.
- Simplify the procedure for issuing copies by sparing the court president the obligation to approve applications and training the chancellery specialists accordingly.
- Use ICMS to generate the list of cases scheduled for trial.
- Install signs guiding the public to the office of the public relations specialist and the archives.

**Photo 13.** *Information board*
**Photo 14.** *Info point*
**Photo 15.** *Inscription at the entrance to the court*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Cahul Court of Appeals develops its draft budget for the next fiscal year based on the expenditure ceiling established by DJA which receives the ceilings for the entire judiciary from the Ministry of Justice. The ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling is set for the following two expenditure categories:

1) Current expenses (staff, others);
2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by the DJA, while capital expenses are determined by each individual court after negotiations with DJA. Other expenses are calculated based on the previous year's budget, adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET

The budget of Cahul Court of Appeals is divided into six categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – all the other expenses.[4]

From 2010 (executed) to 2012 (approved), the budget of Cahul Court of Appeals increased from approximately MDL 2 million to MDL 2.5 million (Table 8).

In 2011, the court budget increased by 8% compared with 2010 due to the increases in allocations for staff expenses of 20% and expenses for utilities of 18%.

The budget planned for 2012 is 12% more than that in 2011 due to the increase of 40% for operating expenses and the increase in allocations for utilities of 23%.

[4] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Cahul Court of Appeal by types of expenses (2010-2012)*

| Expense category/year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 1,303,147 | 1,560,315 | 20% | 1,605,200 | 3% |
| Repairs | 18,293 | 19,454 | 6% | 1,100 | -94% |
| Utilities | 117,187 | 138,170 | 18% | 169,900 | 23% |
| Fixed assets | 7,748 | 0 | -100% | 0 | 0% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 600,036 | 498,880 | -17% | 699,600 | 40% |
| **Total** | **2,046,411** | **2,216,819** | **8%** | **2,475,800** | **12%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

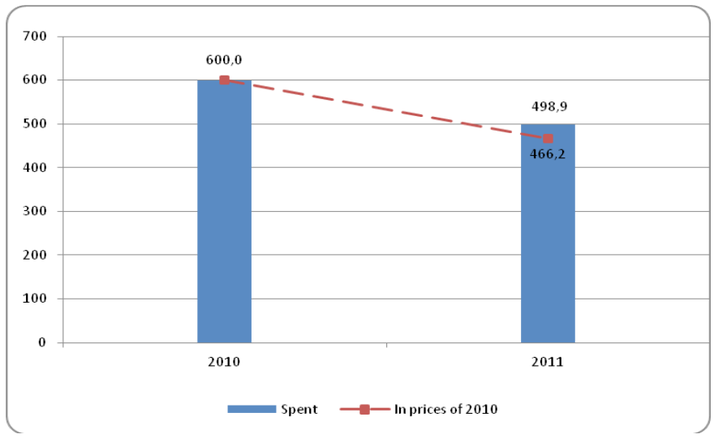
## 6.2. STAFF EXPENSES

Staff expenditures represent approximately 65% of the total budget. Because remuneration is governed by laws and regulations, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

From 2010 to2011, the face value of operating expenditures decreased from MDL 600 thousand to MDL 498.9 thousand, a drop of 17%. The real value, however, decreased by 22% given the inflation rate in 2011 of 7%.[5] MDL 498.9 thousand in 2011 was therefore equivalent to MDL 466.2 thousand in 2010, a decrease of MDL 133.8 thousand (Graph 8)

**Graph 8.** *Operating expenses for Cahul Court of Appeals in 2010 and 2011*



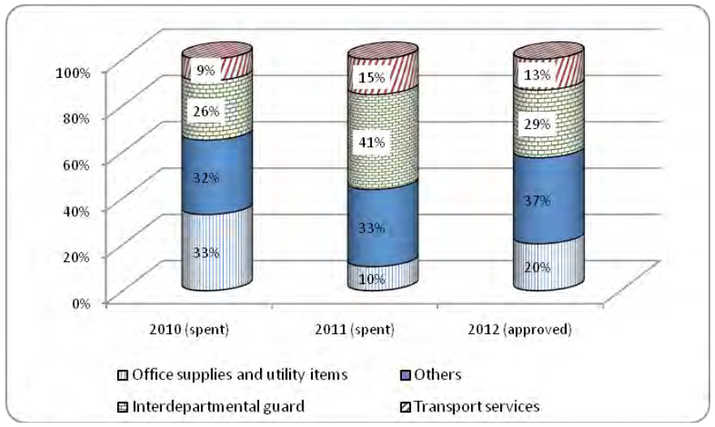

[5] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Interdepartmental security;
- Transportation services.

**Graph 9.** *Structure of operating expenditures from 2010 to 2012*




Graph 9 shows that in 2010, allocations for office supplies and utility items were 33% of the operating expenditures, allocations for security services accounted for 26% and funds for transportation services accounted for 9% of the total operating expenses. In 2011, the structure of operating expenditures changed. Thus, the share of expenditures for office supplies and utility items decreased by 23 percentage points, followed by security expenditures, which increased by 15 percentage points. Allocations for transport services increased by 6 percentage points.

In 2012, the budget for operating expenses is as follows:

- 20% for office supplies and utility items
- Allocations for security services decreased by 12 percentage points;
- 13% for transport.

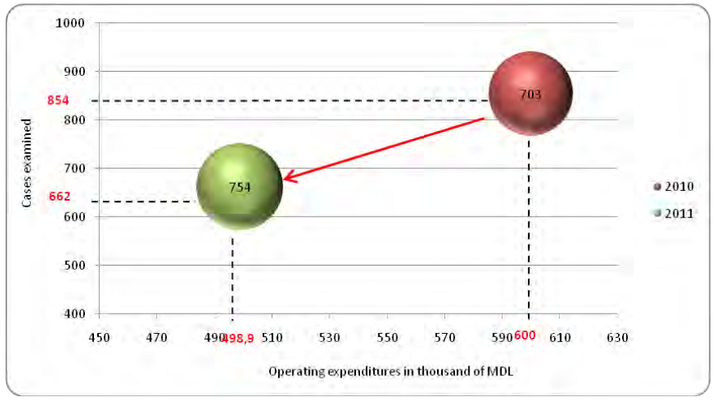
Telecommunications and mail services merit attention as 70% is for stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The reduction of the operating expenses in 2011 compared with 2010 may be explained by several factors, including by the decrease in the number of cases examined from 854 to 662.

Comparing operating expenses with the number of cases examined, in 2010 the average cost for examining a case was approximately MDL 703, while in 2011 it was virtually identical at MDL 754 (Graph 10).

**Graph 10.** *Comparative analysis of the average operating cost/case in Cahul Court of Appeals*



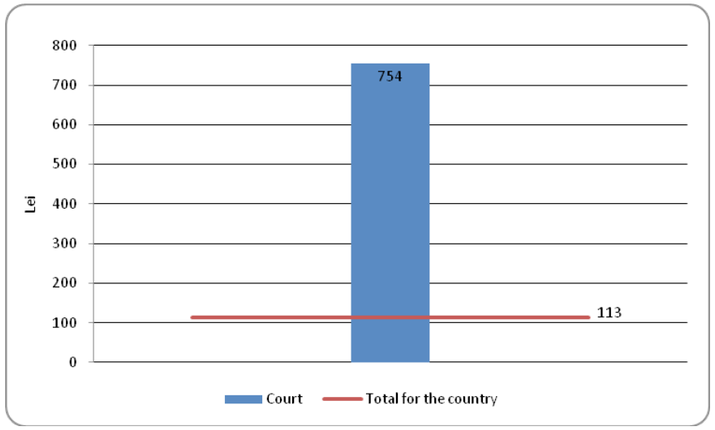

*Source: The size of the sphere represents the average operating cost per case examined in the court.*

The increase in the average cost for examining a case may be explained by the fact that operating expenses have decreased to a lesser extent than the number of cases examined Thus, operating expenditures decreased by 17%, while the number of cases examined decreased by 22%).

## 6.6. AVERAGE OPERATING COST PER CASE IN CAHUL COURT OF APPEALS COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a examining a case for the country as a whole can show whether MDL 754 per case in 2011 was high or low. Note that only data for courts of second instance were taken into account in determining the weighted average cost for the country.

**Graph 12.** *Comparative analysis of the average cost per case examined in Cahul Court of Appeals in 2011 and the weighted average cost per case for the country*




As shown in Graph 12, in 2011 the average cost for examining a case in Cahul Court of Appeals was significantly higher than the weighted average cost for the country as a whole.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

At Cahul Court of Appeals, accounting is done electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the adviser to the president and the chief accountant. Neither of them has professional qualifications in public procurement. Since procurement legislation is continuously changing, they should receive training at least every six months.

### Conclusions

- In 2011, the real value and the face value of operating expenses decreased.
- In 2011, the average cost for examining a case increased compared with 2010.
- In 2011, the average cost of a examining a case was significantly higher than the weighted average for the country as a whole.
- Mail expenses account for a large share of total operating expenses.
- Accounting is done electronically.
- All public procurements are made without a procurement specialist.
- Training in public procurement is needed.

### Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Comrat Court of Appeals, located in the town of Comrat, covers three district courts according to Annex No. 2 of Law No. 514 of 6 July 1995 on Judicial Organization in the Republic of Moldova.

According to its staff roster, the Court of Appeals has 7 judges, and Comrat District Court has 25 staff members. There is no human resource specialist; those duties are instead performed by the court president and the consultant.

Staff expenditures have followed an upward trend. The court does all its public procurements through a procurement specialist. In 2011, both the face value and the real value of the allocations for operating expenditures decreased. In 2011, the average operating cost for examining a case decreased compared with the previous year and was higher than the weighted average cost of a case examined by a court of second instance for the country as a whole (see Section VI).

The building of Comrat Court of Appeals has an area of 583.3 sq. meters on two floors. The inside and outside of the building have been fully renovated. An adjacent building is planned that will include a courtroom and staff offices.

# COMRAT COURT OF APPEALS

*177, Lenin Str., Comrat*

*Date of visit: 5 June 2012*

The staff of Comrat Court of Appeals uses Version 2 of ICMS which was installed in 2011. Its slow speed and uneven distribution of cases were mentioned by the staff as issues.

All hearings take place in courtrooms although the court has only two for seven judges. Both courtrooms have audio recording equipment and software, and the staff records all hearings.

Specialists at Comrat Court of Appeals keep more registers than the amendments to the Guidelines require.

The total number of cases filed at Comrat Court of Appeals from 2009 to 2011 increased by 288, and the number of cases examined increased in the same period by 276, with a clearance rate of 87.8% in 2011.

The court has an information board for the public, and there are plaques on the judges' office doors with warnings that entry is not allowed.

Comrat Court of Appeals updates its webpage periodically, and the menus have information of public interest.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 2 | The façade has been renovated and is maintained in good condition. |
| Water supply | 3 | The court has a centralized water system. The pipes inside the building have been renovated; however the central network is in bad condition and creates problems. |
| Power supply | 1 | The electrical network was renovated in 2006, but some problems were not reported. |
| Sewerage system | 2 | The sewerage system has been completely replaced. |
| Heating system | 1 | The heating system is natural gas. No problems were reported. |
| Firefighting system | 1 | In 2010, a firefighting system was installed throughout the building (offices, halls and courtrooms). Also, the offices are supplied with fire extinguishers. |
| Roofing | 1 | The structure of the roof if solid and in very good condition. |
| Interior | 1 | The interior has been fully renovated. The necessary furniture has been procured. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

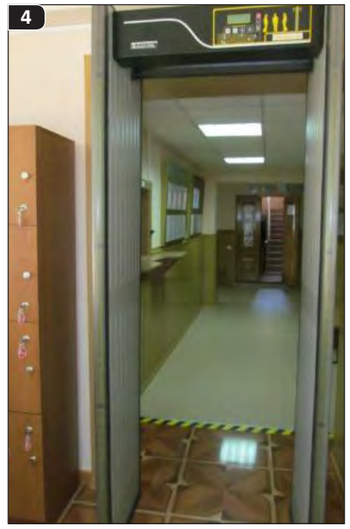


**Photo 1.** *Facade*
**Photo 2.** *Court yard*
**Photo 3.** *Outside video surveillance system*
**Photo 4.** *Metal detector*
**Photo 5.** *Lockers for bags*

## 1.2. CURRENT CONDITION

The assessment focused on an analysis of the physical and operational condition of Comrat Court of Appeals in June 2012.

The courthouse has 2 floors with a total area of 583.3 sq. meters. There are 25 offices, 2 public spaces and 2 courtrooms.

Comrat Court of Appeals is protected by the judicial police and the state guard service. There is a metal detector at the entrance into the building. Also, there is a video surveillance system with closed circuit (CCTV) installed to monitor the court and its surroundings.

The building was built in 1966 to be a construction company. The Court of Appeals moved there in 2003. As at the time of the documentation visit, capital renovations in progress for six years were complete, and the courthouse is in very good condition. The façade was strengthened to resist earthquakes and needs only minor repairs to remove rain damage. The walls were insulated with foam. An adjacent building serves as space for detainees.

The building façade is in good condition; only minor repairs are needed to remove the defects caused by the rainfall.

The court has centralized water supply and sewerage systems with completely renovated pipes. There is also a water booster system used when the central water is not running. The electrical system is in very good condition as it was renovated in 2006. No problems with voltage fluctuations were reported. The heating system is in good condition and has two recently purchased boilers.

The archives, the chancery and an information window are located on the ground floor.

The interior finishing on the ground floor is in very good condition. The space for the parties in a trial has new furniture, two lockers for bags and water coolers with plastic cups. On the ground floor, the flooring and the walls were renovated, a suspended ceiling was installed and new furniture was procured for the offices. Access to the second floor is restricted by the judicial police. The restroom, offices and the courtrooms on that floor are in good condition. A conference room has been created and equipped appropriately.

All offices on the second floor are in very good condition with new furniture in most of them. The electric power network was renovated and the light fixtures were replaced. All judges' offices have air –conditioners, refrigerators, microwave ovens, and electrical kettles. The main hallway and the central space were renovated and are in good condition. The restrooms are in good condition.

Smoke detectors and exist signs have been installed.

The operational space of Comrat Court of Appeals is appropriate for the activity of a court of law. The court has a separate
entrance for detainees and a separate space for them, which is in good condition. Also, the detainees have a separate restroom. Detainees are brought into the courtroom through the back door of the courthouse. The court has two courtrooms used by seven judges. One more courtroom is required for the seven judges working in the court.

Comrat Court of Appeals has a plan to build an additional building with two floors. A courtroom and deliberation rooms will be located on the ground floor and offices for judges, court clerks and assistants will be located on the second floor. The cost of the building is estimated at MDL 2 million.

The 2009 Infrastructure Assessment Report identified eight priorities for the capital reparations all of which have been fully implemented (Table 1 and Graph 1).

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2009 | Implementation stage in 2012 |
|---|---|
| Completely renovate the façade and entrance. | Implemented |
| Install downspouts to drain rainwater away from the building. | Implemented |
| Install a plaque with the court's name at the entrance and outside light fixtures. | Implemented |
| Complete the fencing and landscaping. | Implemented |
| Install smoke detectors and warning lights for emergency exit as required by law. | Implemented |
| Replace radiators and repair the adjacent building. | Implemented |
| Extend the cell for detainees. | Implemented |
| Build a two-car garage. | Implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of capital repair priorities in 2012*

### Conclusions

- From 2009 to 2012, the court carried out a number of repairs that were based on the recommendations of the 2009 Infrastructure Assessment Report.
- A firefighting system was installed.
- Taking into account the priorities for repair identified in 2009, 100% of the recommendations have been fully fulfilled.

### Recommendations

- Repair the exterior façade to remove minor rain damage.

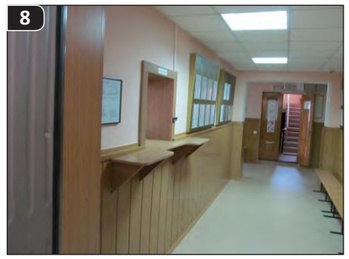



**Photo 6.** *Inside video surveillance system*
**Photo 7.** *Smoke alarm*
**Photo 8.** *Space for the trial parties*

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Comrat Court of Appeals has used the Integrated Case Management System since 2008 and currently uses ICMS Version 2.

The staff mentioned technical issues with ICMS as its slow speed, uneven case distribution, difficulties using the search tool and the inability to change the status of documents from draft to final. The adviser to the court president uses ICMS to manage human resources and registers new staff by assigning them usernames and passwords.

To use ICMS, documents must be scanned after registering the case files. The chancery staff scans all the documents from courts of first instance; the judgment appealed and the appeal or cassation complaint in civil cases and the sentence and the indictment from courts of second instance in criminal cases.

The court has an information technology specialist who appears on the staff roster as a specialist. Currently, this position is vacant.

According to the staff, CTS fixes problems after a delay of up to two weeks; they wish the response were more prompt. They rated their general satisfaction with services provided by CTS in 2012 as a 4 out of 5.

**Table 2.** *Suggestions for modifying ICMS by Comrat Court of Appeals*

| No. | Suggestions for ICMS modifications |
|---|---|
| 1. | Speed up the operation of ICMS. |
| 2. | Introduce degrees of difficulty for the random assignment of cases. |
| 3. | Change the presentation of statistics so that information on pending and tried cases for each judge can be viewed. |
| 4. | Allow the manual introduction of data in the “Ruling” menu. |
| 5. | Introduce the name of the district and municipality in the text of a summons. |

*Source: Comrat Court of Appeals staff*

## 2.2. AUDIO RECORDING SYSTEM

Both courtrooms have audio recording equipment and the corresponding software, and all hearings are recorded as they all take place in the courtrooms even though there are seven judges. Another courtroom is planned.

All requests for recordings have been fulfilled since 2009 when the software and the recording equipment were installed. All the requests for CDs of the recording have also been fulfilled, and a total of 25 have been issued. The archivist keeps a registry of the CDs issued. When a case file is transmitted to the chancery, the CD is attached. The adviser to the president stated that as an additional security measure, an auxiliary hard drive would be procured to save the recordings.

There are plaques on the courtroom doors stating that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings[2], the purpose is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. The recordings are used by court clerks for this purpose.

The technical issues faced by the Comrat staff relate to the slow speed of the software, their inability to listen to the recordings and their unsatisfactory quality. An additional problem they reported was legislation requiring both written and recorded minutes.

[2] *SCM Regulation on Digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

## 2.3. WEB PAGE OF COMRAT COURT OF APPEALS

Comrat Court of Appeals has a webpage on which it posts information for the public that is updated as needed by the public relations specialist.

Table 3 shows the menus and their contents.

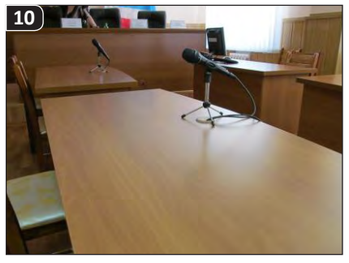


**Photo 9.** *Courtroom*
**Photo 10.** *Audio recording system*
**Photo 11.** *Doorplate on one of the courtrooms*

**Table 3.** *Content of the webpage of Comrat Court of Appeals*

| Menu title | Information posted on the web page |
|---|---|
| Main Page | – Link to the menu "*Parliamentary Declaration on Justice*"<br>– Link to the menu "*Congratulations*" |
| Message of the Court President | – Welcome address<br>– Link to the menu "*Composition*" |
| Jurisdiction | – Jurisdiction<br>– Table with the localities under the jurisdiction of Comrat Court of Appeals |
| Regulatory Framework | List of main regulatory acts governing the court |
| Jurisdiction over District Courts | – List of courts under the jurisdiction of Comrat Court of Appeals<br>– Link to the menu "*Comrat District Court*"<br>– Link to the menu "*Ceadîr-Lunga District Court*"<br>– Link to the menu "*Vulcănești District Court*" |
| Public Relations Service | – Link to the Regulation on Public Information Service and Media Relations<br>– List of contact persons and telephone numbers |
| Press Releases | None |
| News | – Link to the menu "*Vacancies*"<br>– Link to the menu "*Reconstruction of Comrat Court of Appeals*" which generates an error<br>– Information about the inauguration of Comrat Court of Appeals on the completion of construction<br>– Pictures of the court before and after reconstruction |
| Archive | – General information about the archives<br>– Link to the menu "*Links*" |
| Organization | – Link to the menu "*Organizational Structure of Comrat Court of Appeals in 2011*"<br>– Link to the menu "*Organizational Structure of Comrat Court of Appeals in 2009 and 2010*" |
| List of Hearings | Information extracted automatically from ICMS |
| List of Case Files | Information extracted automatically from ICMS |
| Database of Judgments | Information extracted automatically from ICMS<br>**The latest judgment was posted on the webpage on 20 July 2012** |
| Statistics | – Link to the menu "*Information*" about the decisions of the judges of Comrat Court of Appeals and district courts under its jurisdiction in 2010<br>– Link to the menu "*Information*" about the decisions of the judges of Comrat Court of Appeals and district courts under its jurisdiction in in 2011 which generates an error |
| Information of public interest | – Links to:<br>✓ *Rules of conduct for trial participants and other persons in court*<br>✓ *Working hours of the court*<br>✓ *Hearing schedule*<br>✓ *Working hours of persons responsible for public and media relations*<br>✓ *Civil Proceedings/Filing a complaint*<br>✓ *Enforcement of court judgments* |
| Useful links | – Links to:<br>✓ *Official page of the Republic of Moldova*<br>✓ *Official page of the President of the Republic of Moldova*<br>✓ *Official page of the Parliament of the Republic of Moldova*<br>✓ *Official page of the Chamber of Commerce of Industry of the Republic of Moldova*<br>✓ *Official page of the Academy of Science of Moldova*<br>✓ *Tourism in the Republic of Moldova*<br>✓ *Moldovan Investment and Export Promotion Organization*<br>✓ *Legislation of the Republic of Moldova*<br>✓ *Official statistics*<br>✓ *Regional chairmanships of the Republic of Moldova* |

*Source: http://caco.justice.md/*

Table 3 shows that menus have information of public interest about the work of the court. The links that generate errors should be replaced with active ones, and information in "*Links*" and "*Archives*" should not be duplicated.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Comrat Court of Appeals has sufficient equipment to properly carry out its work. Table 4 shows the type of equipment, the number of items and the equipment needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Server | 1 | - |
| Computers | 16 | 32 |
| Printers | 8 | - |
| Scanner | 1 | 3 |
| Audio recording sets | 2 | 5 |
| Copier (Xerox) | 3 | - |
| Fax | 1 | - |
| UPS | 11 | 30 |
| TV set | 1 | 1 |

*Source: Comrat Court of Appeals*

### Conclusions

- When using ICMS Version 2, the staff of Comrat Court of Appeals faces the problems of slow speed, uneven distribution of cases, difficulties with the search tool and freezing when attempting to change the status of a document from draft to final.
- The staff of Comrat Court of Appeals uses the audio recording system during court hearings.
- To improve its work, the court needs 38 computers, 3 scanners, 5 audio recording sets and a TV set for viewing video evidence.
- Comrat Court of Appeals uses the webpage content management system; website menus contain information of public interest.

### Recommendations

- Delete audio recordings from the server in accordance with SCM regulations.[3]

[3] *SCM Regulation on Digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

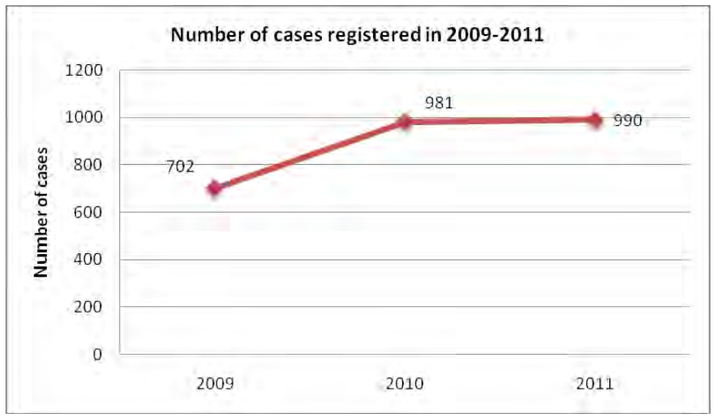
# III. WORK OF COMRAT COURT OF APPEALS

## 3.1. WORKLOAD OF THE COURT

The workload from 2009 to 2011 was assessed based on the total number of cases registered, the total number of cases examined, the number examined by type of case, the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases filed at Comrat Court of Appeal increased from 702 in 2009 to 990 in 2011.

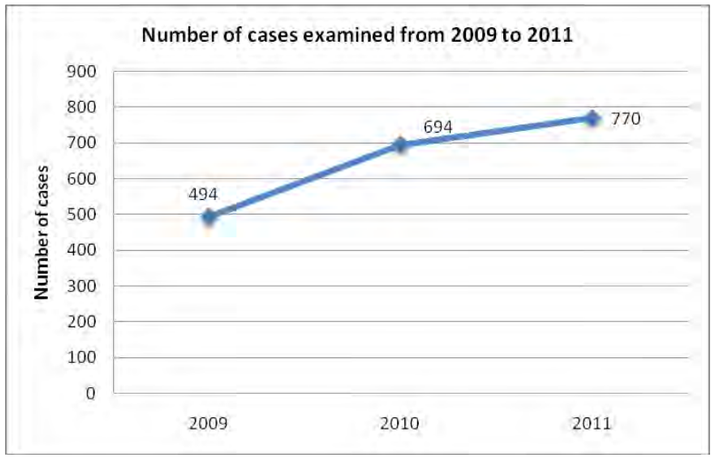
**Graph 2.** *Number of cases registered at Comrat Court of Appeals from 2009 to 2011*




*Source: DJA*

The total number of cases examined increased from 494 in 2009 to 770 in 2011. (Graph 3).

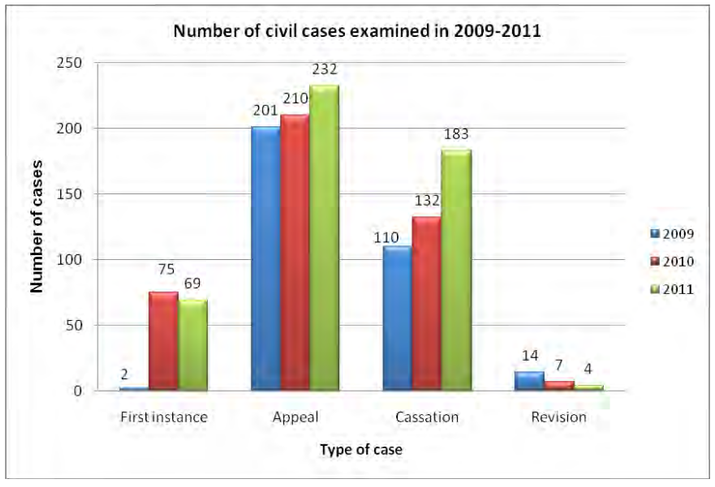
**Graph 3.** *Total number of cases examined from 2009 to 2011*




*Source: DJA*

Graph 4 shows that the total number of civil cases examined by Comrat Court of Appeals in the first instance increased from 2 in 2009 to 69 in 2011, the number of civil cases examined under appeal increased from 201 in 2009 to 232 in 2011, the number of civil cases examined in cassation increased from 110 in 2009 to 183 in 2011 and the number of civil cases examined in review did not change substantially.

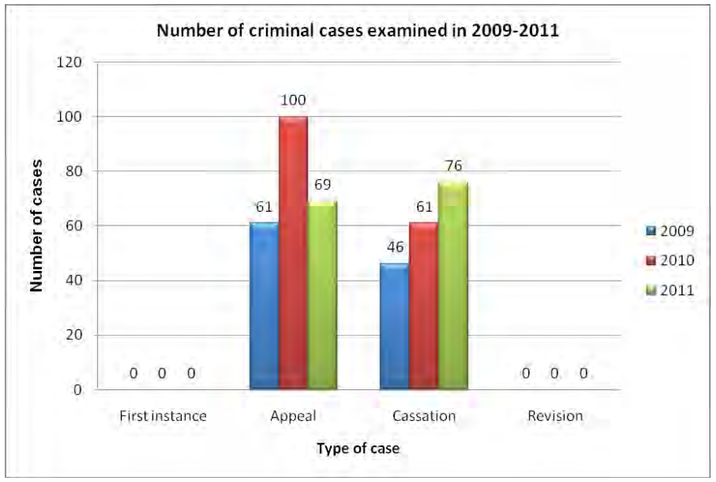
**Graph 4.** *Number of civil cases examined at Comrat Court of Appeals from 2009 to 2011by types of cases*




*Source: DJA*

Graph 5 shows that the total number of criminal cases examined under appeal increased from 61 in 2009 to 69 in 2011, and the number of criminal cases examined in cassation increased from 46 in 2009 to 76 in 2011.

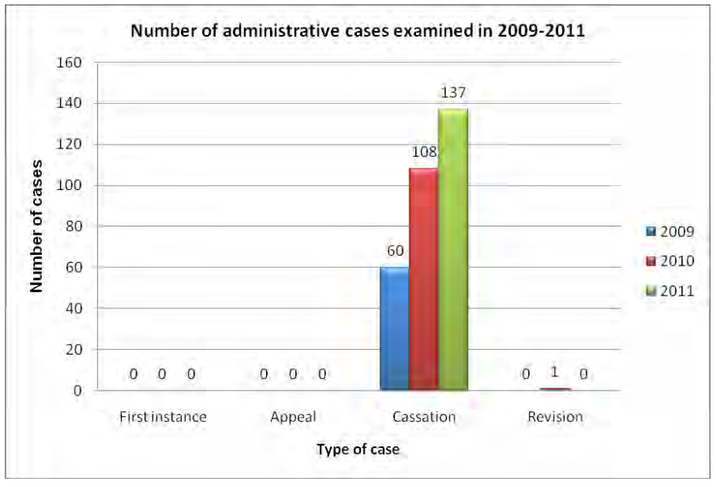
**Graph 5.** *Number of criminal cases examined at Comrat Court of Appeals from 2009 to 2011by types of cases*




*Source: DJA*

Graph 6 shows that Comrat Court of Appeals examined 60 administrative cases in cassation in 2009 and 137 in 2011.

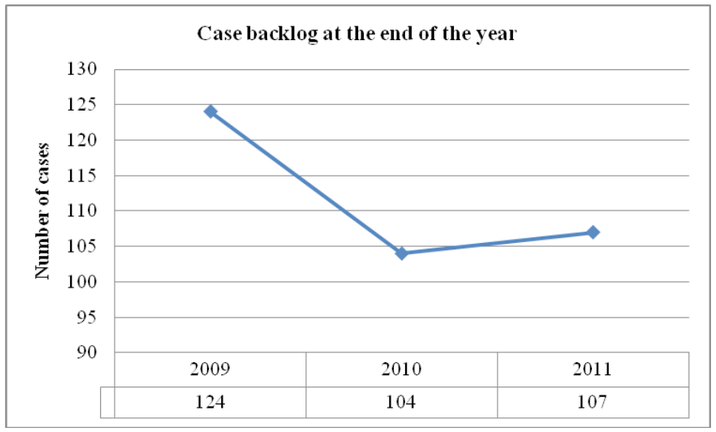
**Graph 6.** *Number of administrative cases examined at Comrat Court of Appeals from 2009 to 2011by types of cases*




*Source: DJA*

An analysis of the year-end case backlog showed a decrease from 124 in 2009 to 107 in 2011 (Graph 7).

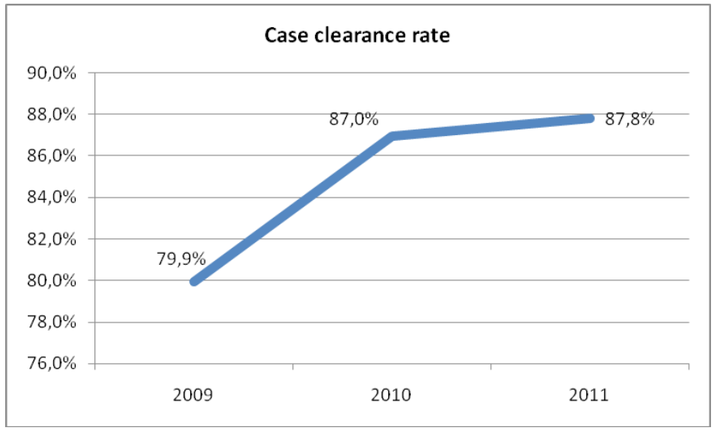
**Graph 7.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 8, the case clearance rate in Comrat Court of Appeals increased from 79.9% in 2009 to 87.8% in 2011 (Graph 8).

**Graph 8.** *Case clearance rate from 2009 to 2011*




## *3.2. ORGANIZATION OF ACTIVITIES*

Comrat Court of Appeals has a chancery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, and analyzing judicial statistics and perform other duties as needed for the normal run of activities.

The chancellery is located on the ground floor near the entrance. Its staff includes three specialists who are responsible for scanning documents from case files and registering cases in ICMS and on paper.

The chancellery maintains the registers listed in Table 5:

**Table 5.** *List of registers used by Comrat Court of Appeals*

| Registry Category | Register title |
|---|---|
| ***General*** | 1. Incoming mail<br>1. Outgoing mail<br>2. Petitions<br>3. CDs of audio recordings of hearings<br>4. Criminal and civil case files transmitted to higher courts<br>5. Mail stamps<br>6. Materials on recognition of enforcement of judgments of foreign courts transmitted for trial to courts of first instance<br>7. Materials on conflict over jurisdiction<br>8. Materials on case transfers<br>9. Materials on recusal<br>10. Materials on enforcement of judgments |
| ***Civil*** | 1. Index of civil cases under cassation review<br>2. Index of civil cases under appellate review<br>3. Index of civil cases under review<br>4. Index of cases under administrative review<br>5. Index of economic cases examined in the first instance<br>6. Writs of execution transmitted for enforcement<br>7. Action record card |
| ***Criminal*** | 1. Index of criminal cases under cassation review<br>2. Index of criminal cases under appellate review<br>3. Materials on temporary release under court supervision<br>4. Criminal cases transmitted to the judge for trial under cassation review<br>5. Criminal cases transmitted to the judge for trial under appellate review<br>6. Materials on temporary release on parole of detainees<br>7. Motions on extending home arrest<br>8. Materials on actions by criminal investigative bodies authorized by the investigating judge<br>9. Motions on extending pretrial detention<br>10. Materials on changing the procedural measures<br>11. Motions on imposing pretrial arrest on the suspect or accused<br>12. Complaints against actions by criminal investigative bodies<br>13. Writs of execution transmitted for enforcement<br>14. Action record card |
| ***Administrative*** | 1. Index of administrative cases under cassation review<br>2. Administrative case files |

*Source: Comrat Court of Appeals chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may be entered three or four times in various records as shown in Table 6.

**Table 6.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Register of incoming mail, Index of civil cases, Register of civil cases received/ delivered |
| Plaintiff's name | ICMS | Action record card | Index of civil cases, Register of civil cases received / delivered |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case file category | ICMS | Action record card | Index of civil cases |
| State fee | ICMS | Action record card | |
| Movement of the case file in court | ICMS | Action record card | Register of civil cases received/delivered |
| Essence of the case | ICMS | Action record card | |

*Source: Comrat Court of Appeals chancellery specialists*

The chancellery keeps more registers than required in the latest provisions of the Guidelines.[4]

The archives of Comrat Court of Appeal are located on the ground floor and are efficiently laid out in one room with adequate space and temperature and humidity controls and a ventilation system. Signs on the walls guide citizens to them. The room has a fire extinguisher.

[4] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## *Conclusions*

- The number of cases filed at Comrat Court of Appeals increased by 41.0% from 2009 to 2011.
- The number of cases examined increased by 55.9% from 2009 to 2011.
- The number of civil cases examined from 2009 to 2011 in first instance increased by 67, under appeal increased by 31, in cassation increased by 73, and in review decreased by 10.
- The number of criminal cased examined from 2009 to 2011 under appeal increased by 8 and in cassation increased by 30.
- The number of administrative cases examined from 2009 to 2011 increased by 77.
- The case backlog decreased by 17 from 2009 to 2011.
- The case clearance rate increased by 7.9% from 2009 to 2011.
- There is duplication of work because laws and instructions on secretarial work require both paper and digital registers.
- The number of registers used by the chancellery specialists exceeds the number required in the guidelines.

## *Recommendations*

- Review internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March.2011 and to reduce the registers to the number required in the guidelines.

**Photo 12.** *Chancellary*
**Photo 13.** *Archives*
**Photo 14.** *Ventilation system in the archives*

## IV. HUMAN RESOURCES

Comrat Court of Appeals has 7 judges and 34 regular staff (Table 7).

The court does not have a human resource specialist; those duties are performed by the court president and the consultant.

The court has a public relations specialist who is responsible for providing information to the public about the court's activities and for preparing draft replies to petitions.

When there is a vacancy, the court posts an announcement in a local newspaper, on the court's webpage and on the local TV station, and a commission is established to select candidates. After a verbal interview and a written test, the court president makes the final decision on employment and issues an employment order.

Comrat Court of Appeals has job descriptions for the positions of head of the documentation division, adviser to the court president, main consultant, court clerk, head of the chancellery, public relations specialist, criminal case specialist, civil case specialist, coordinating specialist, head of economic-administrative service, accounting specialist, head of the archives, courier and information technology specialist.

**Table 7.** *Staffing scheme of Comrat Court of Appeals*

| No. | Position | Current number | Vacancies |
|---|---|---|---|
| 1. | Judge | 7 | - |
| 2. | Head of division | 1 | - |
| 3. | Adviser to the court president | 1 | - |
| 4. | Main consultant | 1 | - |
| 5. | Consultant | 3 | - |
| 6. | Court clerk | 7 | - |
| 7. | Translator | 3 | - |
| 8. | Head of division | 1 | - |
| 9. | Main specialist | 2 | - |
| 10. | Coordinator specialist for the PR service | 1 | - |
| 11. | Specialist | 3 | 1 |
| 12 | Head of the archives | 1 | - |
| 13. | Courier | 1 | - |
| 14. | Head of division | 1 | - |
| 15. | Head of the auxiliary service | 1 | - |
| 16. | Driver | 1 | - |
| 17. | Worker | 1 | - |
| 18. | Boiler room operator | 1 | - |
| 19. | Electrician | 1 | - |
| 20. | Room cleaners | 2 | - |
| 21. | Outside cleaners | 1 | - |
| | **TOTAL** | **41** | **1** |

*Source: Accounting office of Comrat Court of Appeals*

The Court of Appeals has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice. The court also has Norms of Conduct for trial participants and other persons in court, and a regulation on public outreach and media relations.

Judges are trained by NIJ, and, as reported during the documentation visit, in 2011, all judges of Comrat Court of Appeals met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. For legal research and references, the judges use the legislative database on the website of the Ministry of Justice and the private legislative database Moldlex. Some of the publications to which the court subscribes are the *Official Gazette, SCJ Newsletter, Accounting and Auditing, Constituional Jurisdiction, Vesti Gagauzii* and *Staff and Salaries*.

The court has internal training programs for the staff.

### *Conclusions*

- Human resource management is carried out by the court president and the consultant.
- The court has a public relations specialist.
- The court does not have a human resource specialist.
- The court has an internal training system.

### *Recommendations*

- Employ a human resource specialist and train him/her.

## V. SERVICES FOR THE PUBLIC

Comrat Court of Appeals has an information window situated near the court entrance. The office of the public relations specialist is on the second floor, but there are no signs guiding the public to it. At the entrance there are signs guiding the public to the chancellery and the archives. On the doors of judges' offices there is a warning that entry to the office is restricted.

The building has 4 boards at the entrance with the following information:

- List of cases scheduled for trial which at this court is not automatically extracted from ICSM but prepared manually in Word
- Working hours
- Rules of conduct for trial participants and other persons in court
- Bank account for paying state fees
- Public hearing hours
- The working hours of persons responsible for public and media relations
- Sample application forms for copies of judicial documents
- Copies of decisions to initiate the insolvency procedure.

On any week day, trial parties and other participants may request copies of judgments from the chancellery. The specialists submit the request to the court president for approval. If approved, the requester must pay the state fee. With confirmation of payment, the individual can go to the chancellery or archives to receive a copy of the judgment. The copy is issued on the same day or on the following day at the latest.

### *Conclusions*

- There is an information window at the entrance to the court.
- There are clear signs showing the way to the chancellery and archives.
- The information board for the public at the entrance contains relevant and comprehensive information to help visitors orient themselves.
- The procedure for getting copies of judgments requires the approval of the court president who has to make time to examine, approve or reject applications.

### *Recommendations*

- Install clear signs showing the way to the office of the public relations specialist.
- Simplify the procedure for getting copies of judgments by sparing the chief judge the obligation to approve applications and by training the chancellery specialists accordingly.
- Post broader information of public interest on the information board, for example, news about the webpage of Comrat Court of Appeals, news from the judicial system etc.

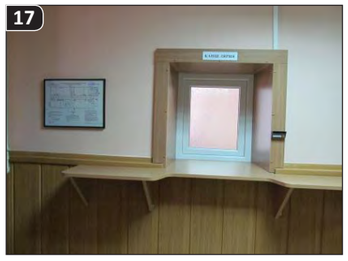



**Photo 15.** *Information board*
**Photo 16.** *Information board*
**Photo 17.** *Information window*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Comrat Court of Appeals develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA which receives the ceilings for the entire judiciary from the Ministry of Justice. The ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling is set for the following two expenditure categories:
1) Current expenses (staff, others);
2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by the DJA while capital expenses are determined by each individual court after negotiations with the DJA. Other expenses are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET

Budget of Comrat Court of Appeals is divided into six expenditure categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[5]

From 2010 (executed) to 2012 (approved), the budget of Comrat Court of Appeal decreased from MDL 4.6 million to about MDL 2.5 million (Table 8).

In 2011 the court budget decreased by approximately 48% compared with 2010 because no funds were budgeted for capital investments though the budget for fixed assets increased by 100%

The budget for 2012 planned an increase of 4% due mostly to the 42% increase in expenses for utilities (mainly natural gas).

[5] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Comrat Court of Appeals by type of expense (2010–2012)*

| Expense category/year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | | Amount |
| Staff | 1,344,800 | 1,416,235 | 5% | 1,607,200 | 13% |
| Repairs | 1,200 | 19,304 | 1509% | 5,600 | -71% |
| Utilities | 109,300 | 153,180 | 40% | 217,900 | 42% |
| Fixed assets | 0 | 193,300 | 100% | 0 | 0% |
| Capital investment | 2,561,638 | 0 | 0% | 0 | 0% |
| Operating expenses | 647,701 | 631,757 | -2% | 691,300 | 9% |
| **Total** | **4,664,639** | **2,413,776** | **-48%** | **2,522,000** | **4%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

## 6.2. STAFF EXPENSES

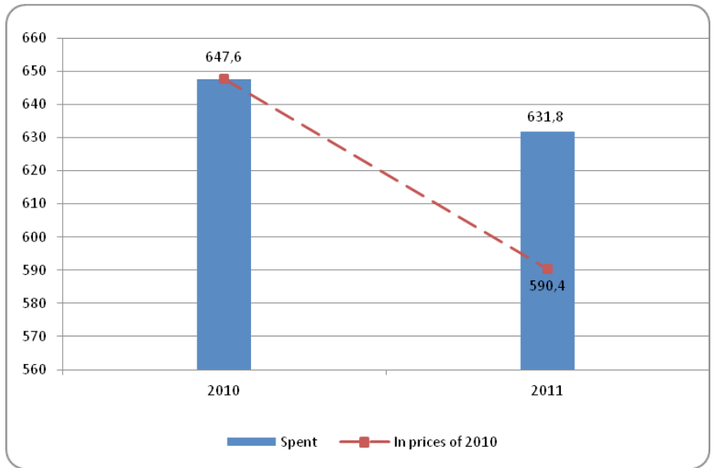
Staff expenditures represent approximately 60% of the total budget and increase annually. Due to the fact that remuneration is governed by law and regulations, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

From 2010 to 2011 both the face value and the real value of operating expenditures decreased. Their face value decreased from MDL 647.6 thousand to MDL 631.8 thousand, a reduction of 2%. Their real value decreased by approximately 9% taking into account that in 2011 the inflation rate was 7%.[6] MDL 631.8 thousand in 2011 was therefore equivalent to 590.4 thousand in 2010; hence, the real value of operating expenses decreased by approximately MDL 57.2thousand0 (Graph 9).

[6] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

**Graph 9.** *Operating expenses for Comrat Court of Appeals in 2010 and 2011*

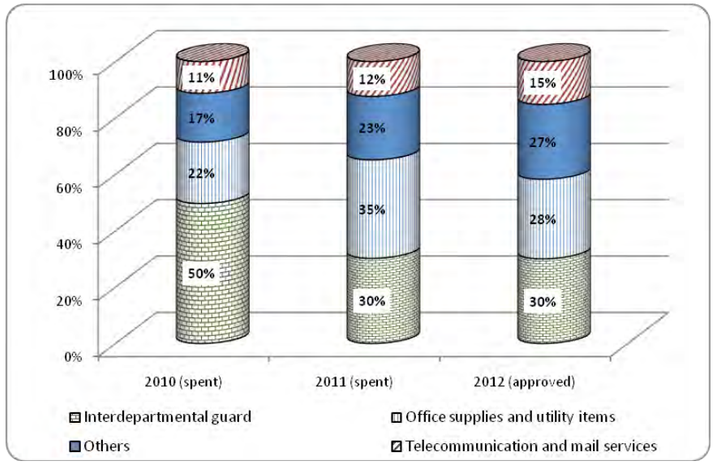



## 6.4. STRUCTURE OF OPERATING EXPENSES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Telecommunications and mail services;
- Interdepartmental guard.

**Graph 10.** *Structure of operating expenditures from 2010 to 2012*




Graph 10 shows that in 2010, about 50% of operational costs were for security while office supplies and utility items accounted for 22% and telecommunication and mail accounted for 11%.

In 2011, however, office supplies and utility items were 35% and security was 30% while telecommunication and mail expenses were virtually unchanged.

For 2012, operational expenses were planned as follows:

- 28% for office supplies and utility items:
- 30% for security services, remaining at the previous year's level;
- 15% for telecommunication and mail.

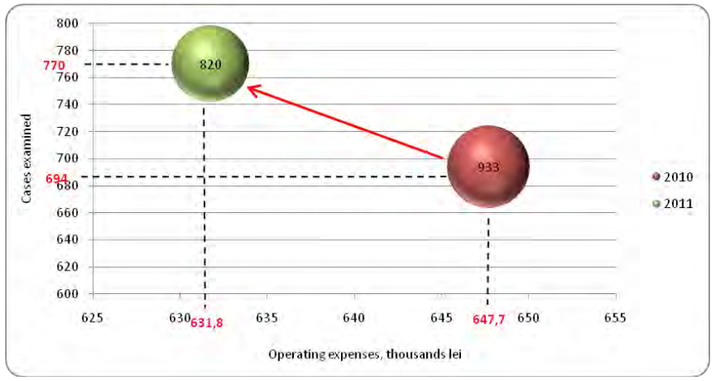
Telecommunication and mail merit attention as about 70% are for postage.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease of operating expenses in 2011 compared with 2010 was not due to a reduction in the number of cases examined as that number actually increased from 694 to 770.

In 2010 the average cost for examining a case was approximately MDL 933 while in 2011 it was MDL 820 (Graph 11).

**Graph 11.** *Comparative analysis of the average operating cost/case in Comrat Court of Appeals in 2010 and 2011*

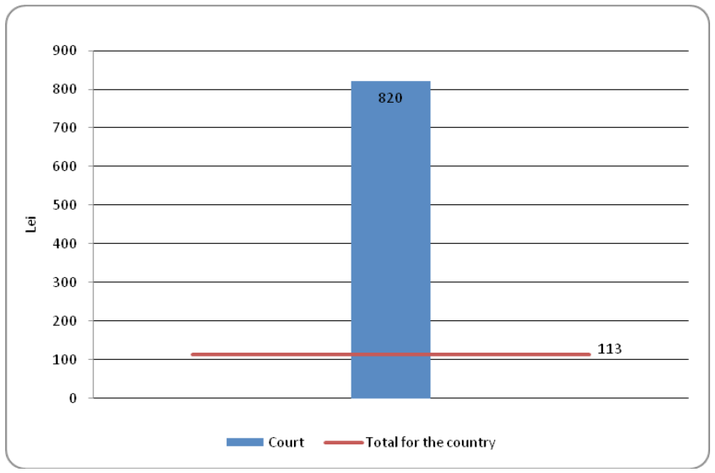



***Note:*** *The size of the sphere represents the average operating cost per case examined in the court*

## 6.6. AVERAGE OPERATING COST PER CASE IN COMRAT COURT APPEALS COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 820 per case in 2011 was high or low. Note that only data for courts of second instance were taken into account in determining the weighted average cost for the country as a whole.

**Graph 12.** *Comparative analysis of the average cost per case examined in Comrat Court of Appeals in 2011 and the weighted average cost per case for the country*




As shown in Graph 12, in 2011 the average cost per case examined in Comrat Court of Appeals was considerably higher than the weighted average cost per case for the country as a whole.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Accounting is done electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. The adviser and the chief accountant are in charge of the technical aspects of procurements, but neither has professional qualifications in procurement. Since procurement legislation is continuously changing, these persons should receive training at least every six months.

### Conclusions

- In 2011, both the face value and the real value of operating expenses decreased.
- The average operational cost per case examined in 2011 decreased compared to 2010.
- In 2011, the average cost of a case examined was considerably higher than the weighted average for the country as a whole.
- Postage costs account for a significant share of total operating expenses.
- Accounting is electronic.
- All public procurements are made without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Botanica District Court, situated in Chisinau, serves the 245,808 inhabitants of Botanica Sector and the villages of Băcioi, Brăila, Dobrogea, Frumuşica, Revaca, Sîngera and Străisteni.

The court has 18 judges and 55 administrative staff on its staff roster but does not have a human resource specialist. Those duties are performed by the court president and a consultant empowered by an order of the president. The court has a public relations specialist who also acts as a chancellery specialist.

Staff expenditures have followed an upward trend. The court does all its public procurements without a procurement specialist. In 2011, both the face value and the real value of the allocations for operating expenditures decreased. In 2011 the average operating cost for examining a case decreased compared with the previous year and was lower than the weighted average cost of a case examined for the country as a whole (see Section VI).

The courthouse has three floors and a basement with a total area of 3265 sq. meters. A fourth floor is under construction.

The Botanica staff has used ICMS Version 2 since 2009. The problems they reported with this software are its slow processing speed, Vista OS incompatibility and uneven random case assignments.

# BOTANICA DISTRICT COURT OF CHISINAU MUNICIPALITY

*13, Zelinschi Str., Chisinau Municipality*

*Date of visit: 25 May 2012*

The staff does not make audio recordings of hearings held in the five courtrooms all of which were equipped with recording equipment and software in 2009. The equipment has been disassembled and removed from the courtrooms; consequently, the hearings are not recorded. The court has 18 judges on its staff roster. The staff explained that as there are not enough courtrooms for all its judges, cases are not recorded.

Specialists at Botanica District Court keep more registers than required in the Guidelines.

The total number of cases filed at Botanica District Court from 2009 to 2011 decreased by 396 while the number of cases examined decreased by 1229 with a case clearance rate of 87.2% in 2011.

The court has a public information board, and the judges' office doors have plaques warning that entry to the office is not allowed.

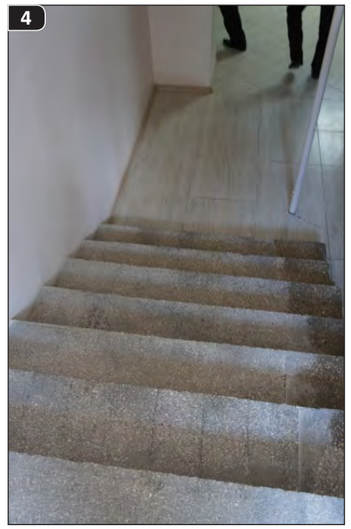
Botanica District Court regularly updates its web page. The menus contain information of public interest, but "List of Hearings" does not show information retrieved from ICMS automatically.

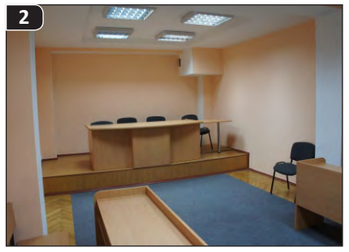
# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 2 | The courthouse exterior is in good condition. The walls are solid without visible cracks. The bricks and stone blocks are clean. |
| Water supply | 4 | The water system is centralized. The pipes are original and have not been repaired since 1978. |
| Power supply | 1 | The electrical system was fully renovated in 2008. |
| Sewerage system | 4 | The sewerage system is centralized. It has not been repaired since 1978. |
| Heating system | 4 | The heating is central, supplied by the municipality's central heating station. The court plans to install autonomous heating. It also designed an air conditioning system on the fourth floor that will be installed in 2012. |
| Firefighting system | - | Does not exist. |
| Roof | 4 | The roof will be new when the fourth floor is finished. |
| Interior | 3 | Some rooms have been repaired with new suspended ceilings, light fixtures and interiors. All windows have been replaced. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.





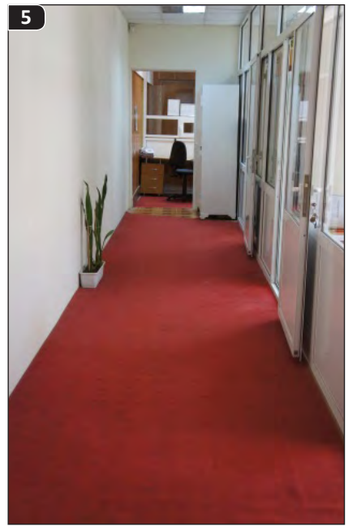


**Photo 1.** *Facade and plaque with the court's name.*
**Photo 2.** *A courtroom.*
**Photo 3.** *The interior stairs.*
**Photo 4.** *The stairs to the basement.*
**Photo 5.** *The hall next to the chancellery offices.*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational conditions of Botanica District Court in May 2012.

Botanica District Court was built in 1978 as a house for a public authority. It has been used as a courthouse since 1991.

The courthouse has three floors and a basement with a total area of 3265 sq. meters. Currently a fourth floor is under construction.

Botanica District Court is technically guarded by the judicial police, but their services are deemed to be purely formal. The court has four female guards hired separately and not listed on the staff roster.

The courthouse facade and the main stairs are in good condition. The exterior is solid bricks and white stone. It does need to be cleaned.

The court has central water and sewerage systems which are the original ones. They have not been repaired since 1978. The electrical system is in very good condition as it was renovated in 2008 after a fire. All the electrical fixtures and outlets and light fixtures in most offices were replaced.

The court has cells for detainees in the basement, and there is a separate entrance and staircase for them. Also in the basement, the court has arranged a room for the archives, a canteen and a room where lawyers can read case files and discuss them with their clients.

Currently, the archive room is located on the ground floor and is air conditioned. There are plans to move it to the basement. Its security is ensured only by the door lock. The chancellery is located on the ground floor. It has an area where lawyers can read case files.

In 2008 a fire caused by a power failure destroyed approximately 30% of the ground floor after which the interior on that floor was renovated. The rooms were redesigned to make space for the chancellery and a public information window. All chancellery offices have new finishing, suspended ceilings, light fixtures and furniture. Two courtrooms on this floor were also renovated. The restrooms on the ground floor were renovated in 2007 and are in good condition. There are no restrooms for the public on the ground floor. The server is kept in a separate, air conditioned room on the ground floor.

On the second floor, some judges' offices have been renovated and some furniture has been replaced. The main large room on this floor is used as a courtroom and a conference room. It has been renovated and is in good condition. There are restrooms for the public on the second floor; they are in good condition.

The third floor also has judges' offices; they are in good condition. The ceiling in the corridors is suspended and the light fixtures are new and in good condition. The furniture in many offices is new. The courtroom next to the president's office is also used as a conference room. The room was renovated in 2006 and is in very good condition.

The fourth floor is under construction. The management plans to move judges' offices to the fourth floor and to use the vacated rooms on the second and the third floors as additional courtrooms.

The functional area of Botanica Courthouse is arranged properly for a court though the number of rooms is insufficient. If the number of judges and regular staff increases as expected, it will be difficult to house them in this building. The fourth floor is being built to resolve the issue of insufficient rooms. The courthouse does not have lifts.

There are neither firefighting systems nor emergency lights.

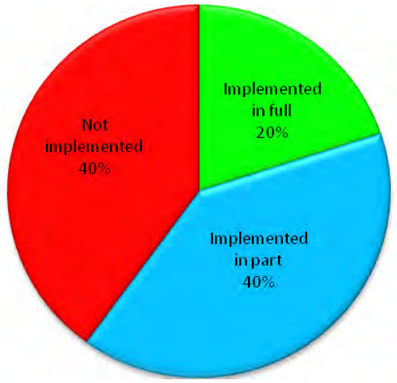
The 2009 Infrastructure Assessment Report listed five priorities for capital repairs, two of which have been implemented in full, one in part and two that have not been implemented (Table 1 and Graph 1).

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2008 | Implementation of capital repair priorities in 2012 |
|---|---|
| Finish the two courtrooms in which repairs have been started. | Implemented |
| Install firefighting systems and emergency lights. | Not implemented |
| Repair the roof, the gutters and the downspouts. | Not implemented because it is not necessary. |
| Reconfigure the rooms to arrange additional courtrooms and to better separate the access to them.. | Implemented in part |
| Install an autonomous heating system and replace the windows. | Implemented in part |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of capital repair priorities in 2012*



## Conclusions

- Botanica District Court has repaired the cells for detainees and the courtrooms and is now adding a fourth floor.
- From 2009 to 2012, Botanica District Court carried out repairs most of which were not based on the recommendations of the 2009 Infrastructure Assessment Report.
- ROLISP estimated that of the priorities for capital repairs identified in the 2009 Infrastructure Assessment Report, 20% have been implemented in full, 40% have been implemented in part and 40% have not been implemented.

## Recommendations

- Install autonomous heating.
- Replace the pipes in the water and the sewerage systems.
- Consolidate the archives into one room in the basement.
- Finish the fourth floor and move judges' offices there.
- Arrange more courtrooms.

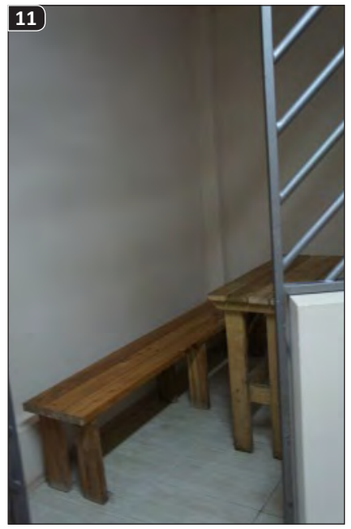


**Photo 6.** *The hall on the third floor*
**Photo 7.** *Office of a judge on the third floor*
**Photo 8.** *The courtroom on the second floor*
**Photo 9.** *The room next to the chancellery where lawyers can read files*
**Photo 10.** *Back entrance*
**Photo 11.** *Cells for indictees*
**Photo 12.** *The archive room in the basement*

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The Botanica staff has used ICMS Version 2 since 2009.

The problems they reported with this software are its slow processing speed, its Vista OS incompatibility and uneven random case assignments.

Using ICMS includes scanning case files after they are registered. The staff scan statements of claims in civil cases and only the first page in criminal cases. They do not scan administrative cases.

The court has an information technology specialist employed through a service contract, but some technical problems are solved by CTS. The staff rated their general satisfaction with services provided by CTS in 2012 as a 3 out of 5.

**Table 2.** *Suggestions for modifying ICMS*

| No. | Suggestions for modifying ICMS |
|---|---|
| 1. | Adjust the assignment menu to the requirements of the Regulations on Case Assignment in Courts. |
| 2. | Introduce index 27. |
| 3. | Introduce new classifiers for commercial cases. |
| 4. | Increase the navigation speed through ICMS menus. |

*Source: President of Botanica District Court*

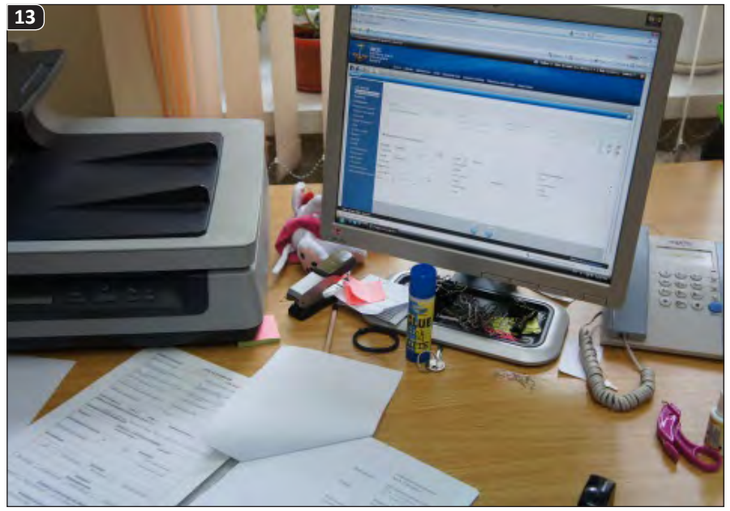
### 2.2. AUDIO RECORDING SYSTEM

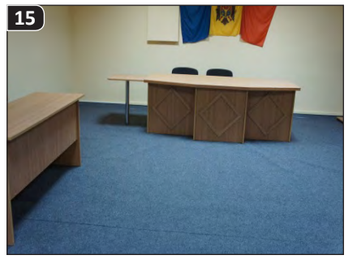
Botanica Courthouse has five courtrooms all of which were equipped with recording equipment and software in 2009, but the court has 18 judges. Because the courthouse does not have enough courtrooms for all its judges, the audio recording equipment was disassembled and removed from the courtrooms, so hearings held in them are not recorded.

The courtroom doors do not have plaques informing the public that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings,[2] the purpose is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. The clerks do not have recordings to use for that purpose.

[2] *SCM Regulation on digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*





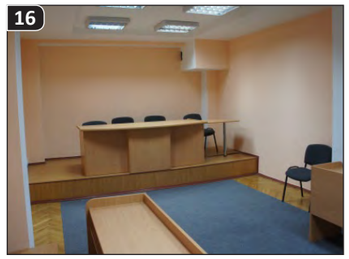


**Photo 13.** *Workplace of the person responsible for registering files in ICMS*
**Photo 14.** *A courtroom on the ground floor.*
**Photo 15.** *A courtroom on the ground floor.*
**Photo 16.** *A courtroom on the ground floor.*

## 2.3. WEB PAGE OF BOTANICA DISTRICT COURT

Botanica District Court has a web page where information for the public is posted; it is updated as new information is generated.

Table 3 shows the menus and the contents of the web page of Botanica District Court.

**Table 3.** *Content of the web page of Botanica District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the Court President | Message of the President of Botanica District Court |
| Information of Public Interest | – Working hours of the court — an active link to the working hours of Botanica Court, hours when the chancellery and the archive staff receive the public.<br>– Rules of behavior for the public in a courthouse — an active link which, when accessed, directs visitors to another link to a document in Word format with the information mentioned.<br>– Bank details for paying state fees — an active link to information about the number of the bank account to which state fees and fines can be paid.<br>– Media relations — an active link which, when accessed, directs visitors to another link to a document in Word format with the president's order to appoint a judge to handle media relations.<br>– Public relations service — an active link to the public relations specialist's contact information.<br>– Citizen's guide:<br>✓ Appeals in civil cases. Civil proceedings. Clicking on the image yields an error message.<br>✓ Appeals in criminal cases — an active link which, when accessed, shows two active links — "Ordinary appeals" and "Extraordinary appeals." The link to "Normal appeal procedure" contains two more links — "Appeals" and "Cassations" which contain fragments from the Criminal Procedure Code. Link to *Normal appeals procedure* contains two more links — *Appeals* and *Cassations* which contain fragments from the Criminal Procedure Code.<br>– Deployment of the bailiffs of Botanica District Court of Chisinau Municipality — an active link which directs visitors to another link to a Word document with the Order of the Chairman of Centru Territorial Office of Bailiffs "On the Approval of the Deployment of the Bailiffs of Botanica Court, Chisinau Municipality".<br>– Examination of cases on approval of adoption — does not contain any information. |
| Overview | – Composition of the Court — an active link which directs visitors to other two links: "*List of judges*" and "*Administrative staff of the court*." "*List of judges*" shows the lists with the names of the court's judges. "Administrative staff of the court" shows the list with numbers of civil servant and technical staff in Botanica Court.<br>– Territorial coverage — a list of localities and streets that fall under the jurisdiction of Botanica Court.<br>– Duties and functions — description of duties and functions of Botanica Court. |
| Organization | – Internal regulations of the court — an active link that does not contain any information.<br>– Organizational chart — an image which, when clicked, displays an error. |
| Regulatory Framework | A list of active links to regulatory acts governing the work of the court. |
| List of Hearings | Three identical active links to the same Word document with the lists of cases scheduled for trial from 16 August 2010 to 24 September 2012 |
| List of Hearings Posted on the Information Board. | Active links to Word documents with the lists of cases scheduled for trial from 23 March 2010 to 13 July 2012 |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>**The last judgment was published on 8 August 2012** |
| News | – Active links to:<br>✓ Request of 30 November 2009 of Botanica District Court on filling job vacancies<br>✓ Answer of the Ministry of Justice to the request of 30 November 2009<br>✓ Repeated request of Botanica District Court on filling job vacancies<br>✓ Answer of the Ministry of Justice to the repeated request<br>✓ Theoretical and practical aspects of passive civil procedural status in light of current civil procedural legislation.<br>✓ Proposals to the draft law for amending and completing the Civil Procedure Code of the Republic of Moldova<br>✓ Announcement on the draft law for amending some laws<br>✓ Proposals to the draft law for amending and completing the Criminal Procedure Code<br>✓ Statement of 31 January 2012 of Botanica District Court of Chisinau Municipality on enforcing judgments in administrative cases<br>✓ Notification of 5 March 2012 of the President of Botanica Court, Chisinau Municipality on increasing the wages of the regular staff of the court<br>✓ Notification of 5 March 2012 of the President of Botanica Court, Chisinau Municipality on increasing staff |
| Statistics | – Active links to Word documents:<br>✓ Statistical Report for 2008<br>✓ Statistical Report for 2009<br>✓ Statistical Report for January 2010 to September 2010<br>✓ Statistical Report for January 2010 to December 2010<br>✓ Statistical Report for 2011 |
| Job Vacancies | Information about the absence of vacancies |
| Useful Links | A list of links with images that cannot be displayed: it is not clear what the web page is referring to. |

*Source: http://jb.justice.md/*

Table 3 shows that not all menus have information of public interest about court activities. For example, "Information of Public Interest" in the sections "*Examination of cases on approval of adoption*" and "*Appeals in civil cases*," "*Civil proceedings*" and "*Organization*" in the sections "*Internal regulations of the court*" and "*Organizational chart*" do not contain any information "*List of Hearings*" shows information retrieved from ICMS automatically. The web page has three links posted manually to the list of cases scheduled for trial from 16 August 2010 to 24 September 2010. Similarly, "*List of Hearings Posted on the Information Board*" contains links to Word documents with the lists of cases scheduled for trial from 23 March 2010 to 13 July 2012. As the list of hearings can be retrieved from ICMS automatically, manual postings in two menus are inappropriate.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Botanica District Court seems to have sufficient equipment to carry out its activities. Table 4 shows the type of equipment, the number of items and the equipment needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Telephone | 33 | - |
| Fax | 5 (in the inventory), 5 (functional) | 5 |
| Printers | 48 (in the inventory), 43 (functional) | 20 |
| DVD/TV set | 1 | |
| Scanners | 7 (in the inventory), 7 (functional) | 20 |
| Femida audio system | 5 (in the inventory), 5 (functional) | 10 |
| Computers | 86 (in the inventory), 64 (functional) | 22 |
| Photocopiers | 3 | - |
| Air conditioners | 19 | - |
| Server | 1 | - |
| Router | 1 | - |
| Rack With Accessories | 1 | - |
| Smart UPS unit | 1 | - |
| Speakers system | 4 | - |
| Vacuum cleaner | 5 | - |
| UPS units | 38 (in the inventory), 30 (functional) | 30 |

*Source: Botanica District Court*

### Conclusions

- The problems the staff reported with ICMS Version 2 are its slow processing speed, Vista OS incompatibility and uneven random case assignments.
- The staff scans documents from civil and criminal case files.
- The staff of Botanica District Court does not use the audio recording system.
- To improve its work Botanica District Court needs 22 computers, 20 printers, 20 scanners, 10 audio recording sets, 5 faxes and 30 UPS units.
- Botanica District Court uses the web page management module. Not all menus have information of public interest about the court's activities. "*List of Hearings*" where the information is retrieved automatically from ICMS does not contain relevant information.

### Recommendations

- Finish the fourth floor of the courthouse and use the vacated rooms on the second and the third floors as additional courtrooms.
- Conduct all hearings in courtrooms by arranging courtrooms for all judges and efficiently planning the hearing schedule.
- Use the audio recording equipment and software.
- Implement the practice of deleting recordings from the server as required by SCM regulations.3
- Implement internal training in ICMS and the audio recording software.
- Update the information of public interest on the web page.
- Ensure the uniformity of the font and colors used on the web page.
- Make sure the menu "*List of Hearings*" functions correctly.

[3] *Regulations on Digital Audio Recording of Court Hearings approved by SCM Decision No. 212/8 of 18 June 2009.*

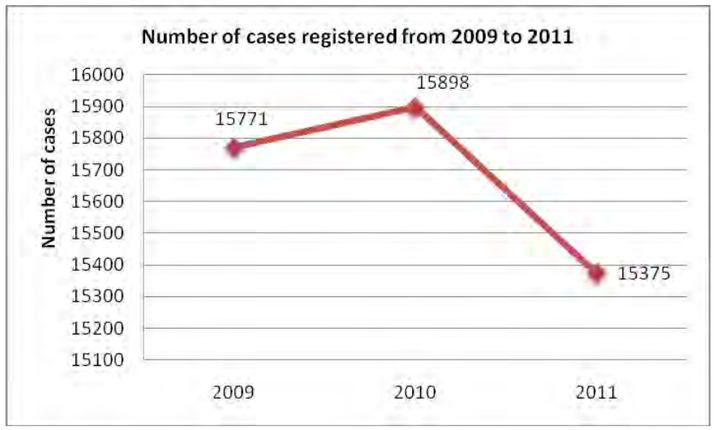
# III. WORK OF BOTANICA COURT

## 3.1. WORK LOAD OF THE COURT

The assessment covered the following items from 2009 to 2011: the total number of cases registered; the total number of cases examined; the number examined by type of case; the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases filed at Botanica District Court decreased from 15,771 in 2009 to 15,375 in 2011.

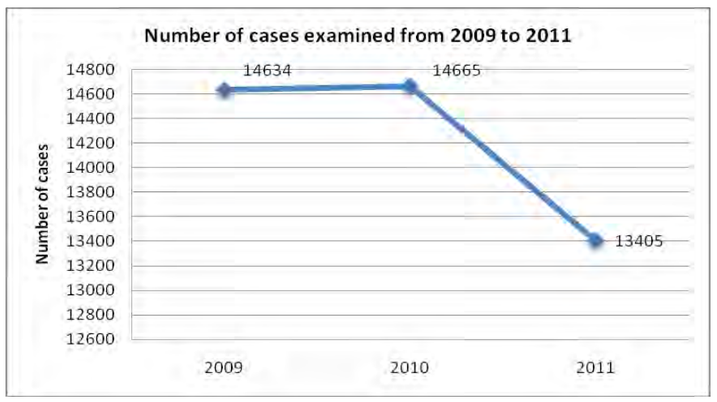
**Graph 2.** *Number of cases registered at Botanica District Court from 2009 to 2011*




*Source: DJA*

Graph 3 shows that the number of cases examined decreased from 14,634 in 2009 to 13,405 cases in 2011.

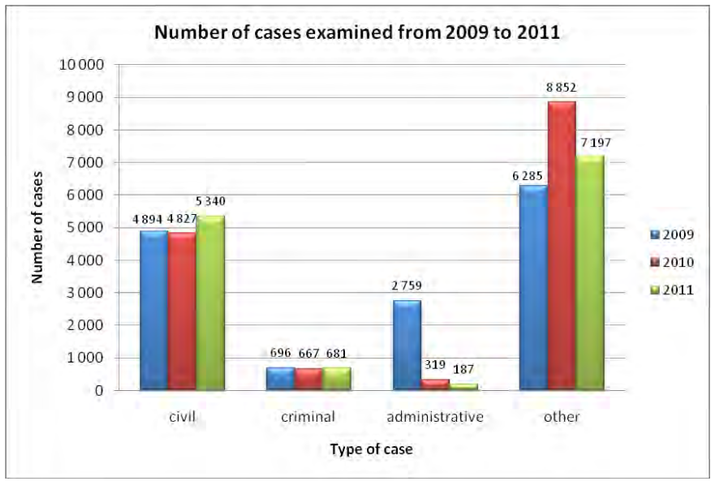
**Graph 3.** *Total number of cases examined at Botanica District Court from 2009 to* 2011




*Source: DJA*

According to the data in Graph 4, the number of civil cases examined in Botanica District Court increased from 4894 in 2009 to 5340 cases in 2011, the number of criminal cases examined during the same period did not change very much while the number of administrative cases decreased from 2759 in 2009 to 187 cases in 2011.

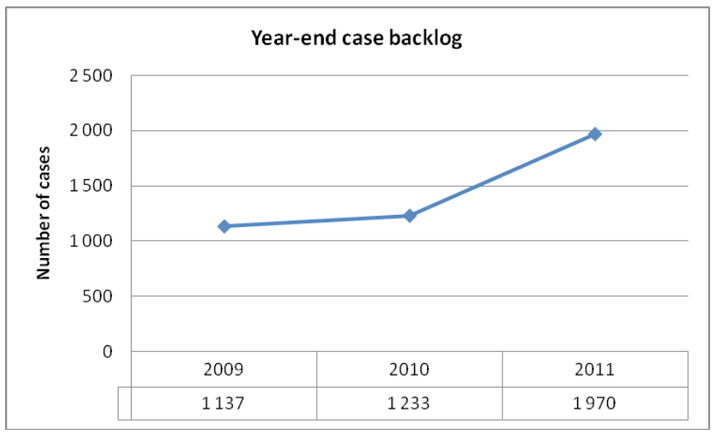
**Graph 4.** *Number of cases examined at Botanica District Court from 2009 to 2011 by type of case*




*Source: DJA*

The analysis of the case backlog at Botanica District Court showed an increase from 1137 in 2009 to 1970 in 2011 (Graph 5).

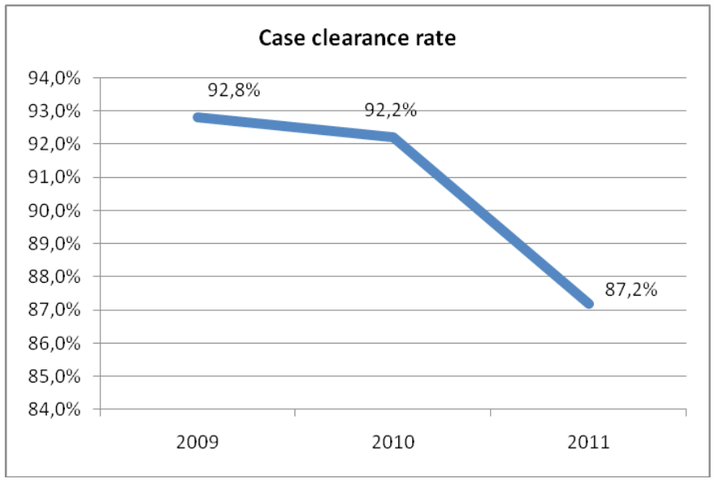
**Graph 5.** *Year-end case backlogs from 2009 to 2011*




*Source: DJA*

Given the aforementioned, the case clearance rate in Botanica District Court decreased from 92.8% in 2009 to 87.2% in 2011 (Graph 6).

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Botanica District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and conducting other work required for the normal run of court activities.

The chancellery is located in three offices on the ground floor: one for civil cases, one for criminal cases and one for administrative cases and reception. The chancellery specialists are responsible for registering documents in ICMS and on paper and keeping their records. The civil chancellery is divided in two offices: one for registering statements of claim in ICMS and on the action record cards and for scanning them and one for keeping the records of civil cases. The court has an information window where two persons work. Access to the chancellery is restricted. The archivist has his own office.

The chancellery maintains the registers listed in Table 5.

**Table 5.** *List of registers used by the chancellery of Botanica Court*

| Register Category | Register Title |
|---|---|
| ***General*** | 1. Cases transmitted to judges<br>2. Incoming mail for civil and commercial cases<br>3. Incoming documents: statements of appeal, statements of cassation, applications from citizens<br>4. Applications for legal aid ( provided with the president's approval)<br>5. Motions for retrial<br>6. Telegraphic notifications<br>7. Enforcement orders<br>8. Notifications from police stations and prosecutor's office<br>9. Notifications on receipt<br>10. Outgoing mail (selectively)<br>Sent mail<br>1. List of mail delivered to the post office<br>2. Letters<br>3. Local mail — cases transmitted to the Court of Appeals and the Superior Court of Justice<br>4. Letters sent to Botanica Probation Office<br>5. Summons for escort<br>6. Summons for penitentiary |
| ***Civil*** | 1. Action record card — filled out by the person who registers statements of claim<br>2. Cases sent to the Court of Appeals according to judges<br>3. Civil cases according to judges<br>4. Cases passed to judges<br>5. Index of civil cases<br>6. Index of cases examined under writ procedures<br>7. Index of commercial cases<br>8. Index of cases examined under administrative procedures<br>9. Copies of answers to notifications on transmission of cases to the Supreme Court of Justice |
| ***Criminal*** | 1. Action record card<br>2. Criminal cases sent to the Court of Appeals according to judges<br>3. Index of criminal cases<br>4. Presentations, motions from the probation office, putting on the wanted lists, relief from punishment/fines — 21<br>5. Criminal cases received and assigned<br>6. Circulation of files in the court |
| ***Administrative*** | 1. Cases with index 4d<br>2. Index 5c<br>3. Index 26, 27<br>4. Index 4d, 5r, 4d p/r, 4<br>5. Cases sent to the Court of Appeals not according to judges<br>6. Cases with index 4, 5r by judges |

*Source: Botanica District Court chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may be entered three or four times in various records as Table 6 shows.

**Table 6.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 2 |
|---|---|---|---|
| Manual number of the case | ICMS | Action record card | Incoming mail, Index of civil cases, Civil cases according to judges, Cases passed to judges. |
| Plaintiff's name | ICMS | Action record card | Incoming mail, Index of civil cases, Civil cases according to judges, Cases passed to judges. |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case category | ICMS | Action record card | Incoming mail, Index of civil cases, Civil cases according to judges, Cases passed to judges. |
| State fee | ICMS | Action record card | |
| Circulation of the case file within the court | ICMS | Action record card | Cases passed to judges |
| Essence of the case | ICMS | Action record card | |

*Source: Botanica District Court chancellery specialists*

The chancellery keeps more registers than required in the Guidelines.[4]

Some archived files are kept in the chancellery while others are kept in the archive room. Case files dated before 1995 are not kept systematically while those dated after 1995 are very well arranged on metal shelves. The archive room is air conditioned.

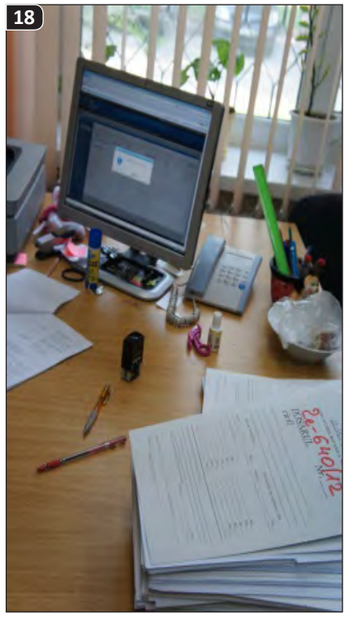
## *Conclusions*

- The number of cases filed at Botanica District Court decreased by 2.5% from 2009 to 2011.
- The number of cases examined at Botanica District Court decreased by 8.4% from 2009 to 2011.
- The number of civil cases examined from 2009 to 2011 increased by 446, the number of criminal cases decreased by 15, and the number of administrative cases decreased by 2572.
- The case backlog increased by 833 from 2009 to 2011.
- The case clearance rate decreased by 5.6% from 2009 to 2011.
- There is duplication of work because laws and the instructions require both paper and digital registers.
- Specialists in the chancellery keep more registers than required in the Guidelines.

## *Recommendations*

- Separate the area for judges from that for the public.
- Review internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.

[4] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*



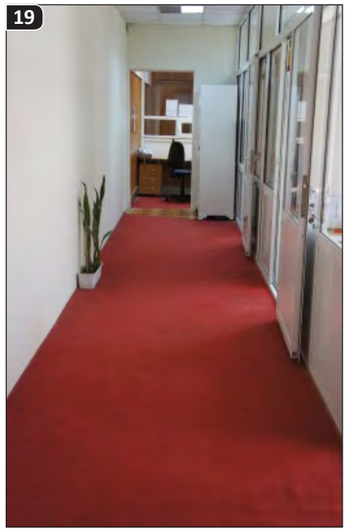


**Photo 17.** *Information window on the ground floor*
**Photo 18.** *The office of the person responsible for scanning and registering statements of claim*
**Photo 19.** *Hall in the chancellery*
**Photo 20.** *Registers kept in the chancellery*
**Photo 21.** *The archives*
**Photo 22.** *The archives*

## IV. HUMAN RESOURCES

Botanica District Court has 18 judges and 55 administrative staff on its staff roster (Table 7); however, it does not have a human resource specialist. Those duties are performed by the court president and a consultant empowered through a presidential order.

The court has a public relations specialist who also acts as a chancellery specialist.

In the past two years, Botanica District Court has not hired staff from outside. Positions are usually filled by people who already work in the court either through transfers or promotions.

Botanica District Court has job descriptions for adviser to the president, consultant, human resource specialist, clerk, translator, specialist in the civil chancellery, specialist in the criminal chancellery, specialist in the administrative chancellery, head of the dispatch service, head of the archives, archivist, head of the support service and cleaner.

**Table 7.** *Staffing scheme of Botanica District Court*

| No. | Position | Current number | Job Vacancies |
|---|---|---|---|
| 1. | Judge | 17 | - |
| 2. | Investigating judge | 1 | - |
| 3. | Adviser to the court president | 1 | - |
| 4. | Chief accountant | 1 | - |
| 5. | Consultant | 8 | - |
| 6. | Head of the chancellery | 1 | - |
| 7. | Specialist | 8 | - |
| 8. | Court clerk | 18 | - |
| 9. | Translator | 6 | - |
| 10. | Coordinating specialist | 1 | - |
| 11. | Head of the archives | 1 | - |
| 12. | Archivist | 1 | - |
| 13. | Head of the dispatch service | 1 | - |
| 14. | Chief of the auxiliary service | 1 | - |
| 15. | Rooms cleaner | 6 | - |
| 16. | Street cleaner | 1 | - |
| | **TOTAL** | **73** | **-** |

*Source: Accounting office of Botanica District Court*

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ and, as reported during the visit, in 2011 all judges of Botanica District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training is not enough. For legal research and reference, the judges use the legislative database MoldLex. The court subscribes to the *Official Gazette, Buletinul CSJ (Newsletter of SCJ)* and *Contabilitate și Audit (Accounting and Auditing)*.

Newly employed regular staff learn from the senior staff.

### *Conclusions*

- Human resources are managed by the court president and the consultant.
- The court has a public relations specialist, but he also works as a chancellery specialist.
- The court does not have a human resource specialist.
- There is no system for training the regular staff internally.

### *Recommendations*

- Employ a human resource specialist and train him/her.
- Train the public relations specialist.
- Implement internal training for the regular staff of Botanica District Court so they can solve problems they meet in their jobs.

## V. SERVICES FOR THE PUBLIC

Botanica Courthouse has an information window on the ground floor, but it is not close to the entrance. The staff of the information window process 50-100 requests daily. At the courthouse entrance there are signs showing the way to the chancellery and the archives. Judges' office doors have plaques with their names and statements that the public is not allowed.

The building has a board at the entrance with the following information:

- procedure for receiving documents from case files
- announcement about the court's web page
- office hours for the civil, criminal and administrative chancelleries
- hours for filing statements of claim
- contact information for the Botanica police station and prosecutor's office
- bank details for paying state fees and fines
- procedure for receiving advertisements
- rules of behavior for the public in a courthouse.

Also at the entrance there is a board with the list of hearings scheduled for trial which is prepared manually instead of being retrieved automatically from ICMS.

Parties and other trial participants may request copies of case documents on any working day by filling out an application at the chancellery. The copies are usually delivered without the president's approval. Only if copies are requested by persons who are not parties in the case does the application go to the president for approval. The president approves copies of the document.

### *Conclusions*

- Botanica Courthouse has an information window on the ground floor, but it is not close to the entrance.
- There are signs at the entrance guiding to the chancellery and the archives.
- The information board for the public at the entrance contains information helping visitors to orient themselves.
- The procedure for getting copies of judgments does not usually require the approval of the court president.

### *Recommendations*

- Use ICMS to automatically generate lists of hearings scheduled for trial.

**Photo 23.** *List of hearings*
**Photo 24.** *A sign guiding visitors*

**Photo 25.** *Information board*
**Photo 26.** *Information board*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Botanica District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which in turn receives ceilings for the entire justice sector from the Ministry of Justice. These ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others)
2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted as per the inflation rate predicted for the coming year. After all these calculations, the court proposes a draft budget that complies with the ceilings established by DJA

## 6.1. BUDGET (basic component)

The budget of Botanica District Court is divided into the following six categories:

- *Staff expenditures* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[5]

From 2010 (executed) to 2012 (approved), the budget of Botanica District Court increased from MDL 4 million to MDL 7.1 million (Table 8).

In 2011 the court budget increased by 25% compared with 2010 due mostly to the following factors.

- The court budgeted funds for capital investments (preparation of documentation).
- Funds for fixed assets almost tripled.
- Funds for repairs increased by 74%.

Operating expenditures decreased by 24% that year.

For 2012 Botanica District Court budgeted 46% more funds than in 2011. This increase was due to funds for capital investments and to purchase fixed assets, namely a car.

[5] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Botanica District Court, Chisinau, by type of expense (2010-2012)*

| Expense category/year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 2,616,410 | 2,897,945 | 11% | 3,312,500 | 14% |
| Repairs | 446,967 | 778,386 | 74% | 446,000 | -43% |
| Utilities | 295,806 | 344,879 | 17% | 380,000 | 10% |
| Fixed assets | 36,749 | 103,000 | 180% | 210,000 | 104% |
| Capital investments | 0 | 373,122 | 100% | 2,350,000 | 530% |
| Operating expenses | 521,950 | 397,389 | -24% | 469,000 | 18% |
| **Total** | **3,917,882** | **4,894,721** | **25%** | **7,167,500** | **46%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 received from the court*

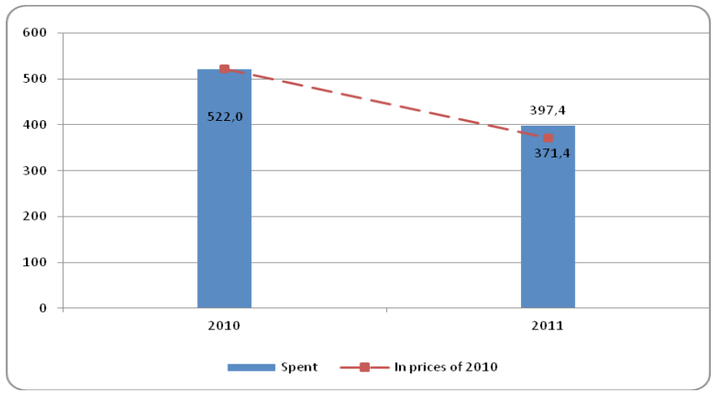
## 6.2. STAFF EXPENDITURES

Staff expenditures represent approximately 60% of the total budget and increase year by year. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

In 2010 and 2011, both the face value and the real value of operating expenditures decreased. Their face value decreased from MDL 522 thousand to MDL 397.4 thousand a drop of about 24%. Their real value decreased by approximately 29% taking into account that in 2011 the inflation rate was 7%.[6] MDL 397.4 thousand in 2011 was therefore equivalent to 371.4 thousand in 2010; hence, the real value of operating expenditures decreased by approximately MDL 150.6 thousand (Graph 7).

**Graph 7.** *Operating expenditures for Botanica District Court in 2010 and 2011*



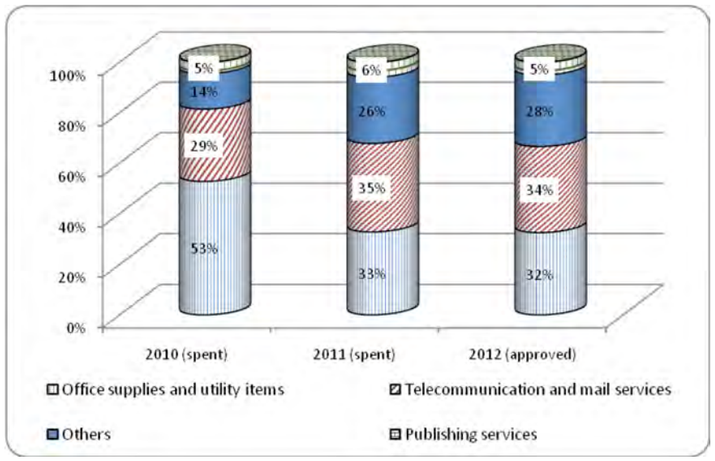

[6] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Telecommunication and mail services;
- Publishing services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that the expenditures for office supplies and utility items decreased from 53% of total operating expenditures in 2010 to 32% in 2012 while the percentage for telecommunications and mail expenditures increased from 29% to 34%. Publishing services was the same.

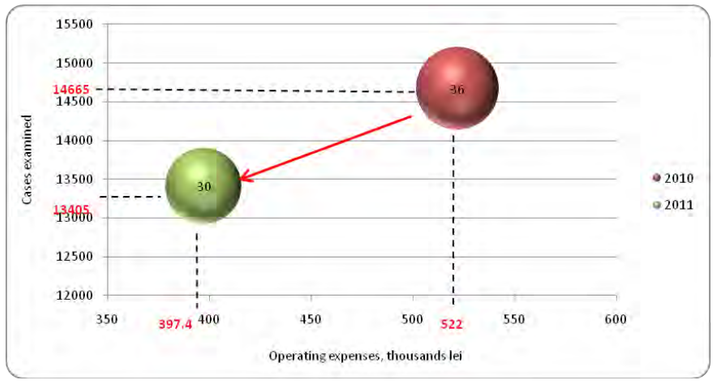
Expenses for telecommunications and mail merit attention because approximately 70% are planned for stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease in operating expenses in 2011 compared with 2010 had a number of cases, including the decrease in the number of cases examined from 14,665 to 13,405 (by 1260 fewer).

Comparing the operating expenditures with the number of cases examined, in 2010 the average cost for examining a case amounted to approximately MDL 36, while in 2011 it was MDL 30 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Botanica District Court in 2010 and 2011*



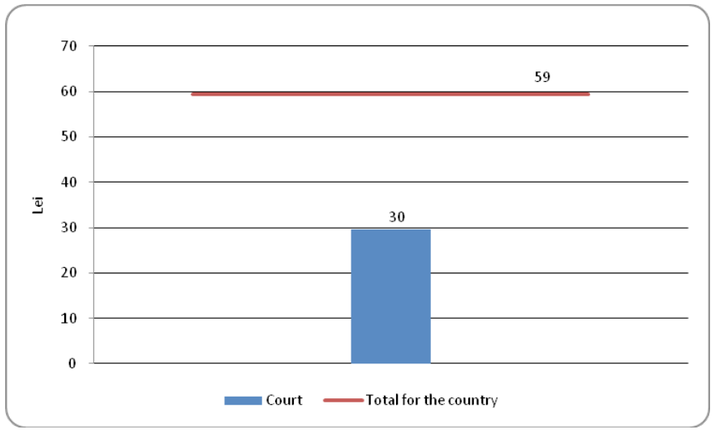

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court*

The decrease in the average cost per case examined is a result of the decrease in the operating expenditures and in the number of cases examined by the court and because the percentage decrease in operating expenditures was greater than that in cases examined.

## 6.6. AVERAGE OPERATING COST PER CASE IN BOTANICA DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 30 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Botanica District Court in 2011 and the weighted average cost per case for the country*




As shown in the Graph 10, in 2011 the average cost per case examined in Botanica District Court was lower than the weighted average cost per case examined for the country as a whole.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Botanica Court does its accounting electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the adviser and the chief accountant who do not have professional qualifications in procurement. Since procurement legislation is continuously changing, these persons should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, both the face value and the real value of operating expenditures decreased.
- In 2011 the average operating cost for examining a case decreased compared with 2010.
- In 2011 the average operating cost for examining a case was lower than the weighted average cost of a case examined for the country as a whole.
- Mail services account for a large share of total operating expenses.
- The accounting is done electronically.
- The court does all its public procurements without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Buiucani District Court in Chisinau serves the 160,000 inhabitants of Buiucani Sector and the villages of Condriţa, Dumbrava, Durleşti, Ghidighici, Truşeni and Vatra.

Buiucani District Court has 19 judges and 51 regular staff. It does not have a human resource specialist. Those duties are performed by the court president and a consultant.

Staff expenditures have followed an upward trend. The court does all its public procurements without a procurement specialist. In 2011 both the real value and the face value of the allocations for operating expenditures increased. In 2011 the average operating cost for examining a case increased compared with the previous year but was lower than the weighted average cost of a case examined for the country as a whole (see Section VI).

Buiucani District Court is located in the building housing the Buiucani mayor's office. The government issued a decision to provide the court with a different building; however, due to a lack of funds for repairing it, the court cannot move there.

The staff of Buiucani District Court uses ICMS Version 2. They reported that problems with it are its slow processing speed and the inability to edit judgments and to schedule concurrent hearings.

# BUIUCANI DISTRICT COURT OF CHISINAU MUNICIPALITY

*2, Mihai Viteazu Str., Chisinau Municipality*

*Date of visit: 28 May 2012*

The court has two courtrooms equipped with audio recording sets and software. Hearings held in the courtrooms are not recorded, however, due to the court's large caseload, the lack of trained staff, the insufficient number of courtrooms and technical issues with the recording system.

Specialists at Buiucani District Court keep more registers than required in the amended Guidelines.

The total number of cases registered at Buiucani District Court from 2009 to 2011 increased by 4983 and the number of cases examined increased by 2864 with a case clearance rate of 82.8% in 2011.

The court has a public information board, and the judges' office doors have plaques with their names and the warning that entry to the office is restricted.

Buiucani District Court uses the webpage management system, but some menus are empty while others contain outdated information.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 3 | The walls are solid without visible cracks, yet the exterior is esthetically unsatisfactory. Since it is occupied by several tenants, the exterior cannot be repaired. |
| Water supply | 4 | The court is connected to the central water system and the pipes have been repaired. |
| Power supply | 4 | The system was not designed for current loads and needs to be replaced. Once a week the power is temporarily cut off. |
| Sewerage system | 4 | The sewerage system is central, and the pipes have been repaired. |
| Heating system | 2 | The heating is central. The radiators and pipes are old. |
| Firefighting system | - | There is no system. |
| Roof | 3 | The roof is in satisfactory condition but needs to be repaired. |
| Interior | 3 | All rooms need repairs. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

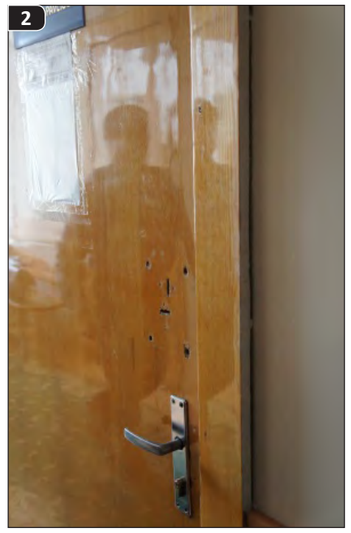


**Photo 1.** *Side wall of the building*
**Photo 2.** *Interior doors*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational conditions of Buiucani District Court in May 2012.

The court leases 982.7 sq. meters of the building that houses the Buiucani mayor's office and has offices, public areas and two courtrooms. Although the government has issued a decision providing the court with a different building, the court cannot move there due to a lack of funds for repairs.

In daytime the court is protected by the judicial police. At night the court is protected by four part-time guards.

The court is connected to the central water and sewerage systems. The pipes of both have recently been repaired, but their condition is still unsatisfactory.

The electrical system of the court is unsatisfactory and often disrupts the work of the staff. There is no voltage regulator.

Buiucani District Court is connected to the central heating system of the municipality. The radiators and pipes are old and need to be replaced.

The interior is in satisfactory condition and needs repairs. The ceilings and walls need to be replaced. The building has three cells for detainees. There is a separate entrance for them, but the stairs and the lift are used by everybody. Each floor of the court has a common restroom for the staff and the public.

The server is in the archive room next to the chancellery and is equipped with an air conditioner.

The building has neither firefighting systems nor emergency lights, but there are a few portable fire extinguishers.

The functional area of the court is appropriate for a court of law, but there is the problem of insufficient rooms.

The 2009 Infrastructure Assessment Report listed two priorities for capital repairs one of which has been implemented (Table 1 and Graph 1).

**Table 1.** *Implementation of repair priorities identified in 2009*

| Priorities for capital repair in 2009 | Implementation in 2012 |
|---|---|
| Finish the design for the new courthouse. | Implemented |
| Renovate the rooms in the new building including improving the infrastructure. | Not implemented |

*Source: 2009 Infrastructure Assessment Report*

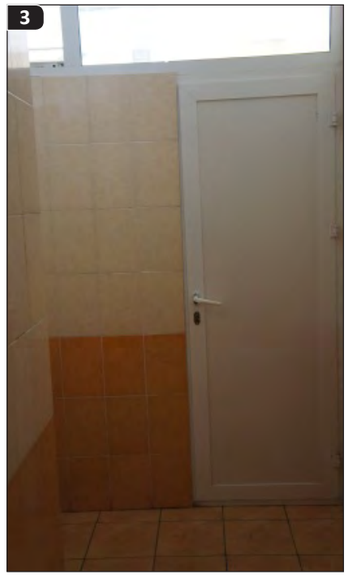
**Graph 1.** *Implementation of capital repair recommendations in 2012*

### Conclusions

- From 2009 to 2012 Buiucani District Court did not make many repairs on its premises.
- Of the recommendations for capital repairs identified in 2009, 50% have been implemented and 50% have not been.

### Recommendations

- Renovate the new building.
- Move the court to the new building.



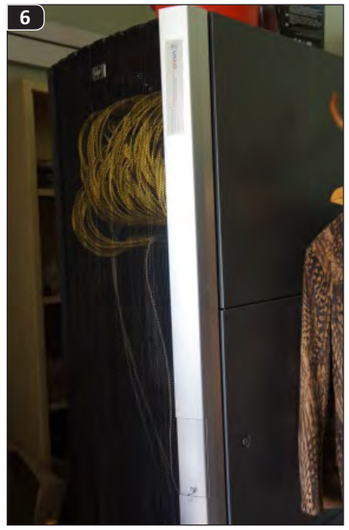


**Photo 3.** *A restroom inside the building*
**Photo 4.** *Interior stair*
**Photo 5.** *Ceilings of Buiucani District Court*
**Photo 6.** *The server*
**Photo 7.** *Furniture in a courtroom*

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The staff of Buiucani District Court has been using ICMS since 2009; in 2011 the software was upgraded to Version 2.

The staff does not scan files for ICMS due to a lack of scanners, but even if they had scanners they could not do it due to the large caseload.

The staff requested that ICMS be modified to comply with the legal requirements for case assignments and to automate statistical reporting. They mentioned issues with ICMS as its slow processing speed, the inability to edit judgments and inability to schedule concurrent hearings.

The staff does not use all the menus of ICMS fully, and they do not use the menus for registering summons, appeals and cassations and enforcement procedures; for measuring performance or for publishing judgments at all.

Buiucani District Court does not have an information technology specialist so refers all technical problems to CTS. They rated their general satisfaction with services provided by CTS in 2012 as a 4 out of 5.

**Table 2.** *Suggestions for modifying ICMS*

| No. | Suggestions for modifying ICMS |
|---|---|
| 1. | Increase the speed. |
| 2. | Enable the editing of judgments. |
| 3. | Ensure that random case assignments are even. |
| 4. | Enable the scheduling of concurrent hearings. |

*Source: President of Buiucani District Court*

## 2.2. AUDIO RECORDING SYSTEM

Buiucani District Court has two courtrooms equipped with audio recording sets and software; however, the hearings held in these courtrooms are not recorded due to the large caseload for the 19 judges of the court, the insufficient number of trained staff, the insufficient number of courtrooms and technical issues with the audio recording system.

The courtroom doors do not have plaques stating that hearings are recorded.

According to SCM Regulations on Digital Audio Recording of Court Hearings[2], the purpose is to check the accuracy and the completeness of written minutes and to ensure the transparency and efficiency of court work. Since the staff does not make recordings, they are not used for that purpose.

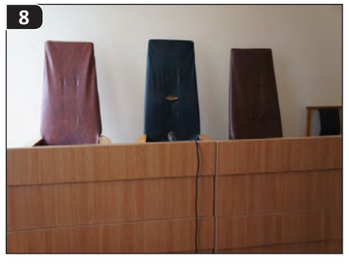
The problems the staff has with the audio recording system are the insufficient number of courtrooms, duplication of effort—written and in electronic transcripts—and the insufficient number of trained staff.

[2] *SCM Regulation on digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

## 2.3. WEB PAGE OF BUIUCANI DISTRICT COURT

Buiucani District Court has a webpage where information for the public is posted; it is updated by the person in charge of posting judgments. Edited judgments are copied onto a USB drive and then posted on the webpage.

Table 3 shows the menus and the contents.



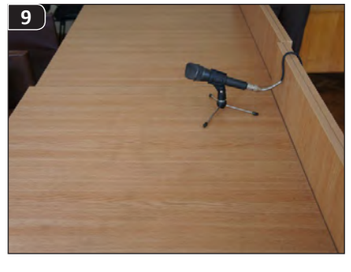




**Photo 8.** *Audio recording equipment in a courtroom*
**Photo 9.** *Audio recording equipment in a courtroom*

**Table 3.** *Content of the web page of Buiucani District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the Court President | Message of the Court President |
| Competence | – Competence<br>– Geographical coverage |
| Regulatory Framework | List of regulatory acts governing judicial work |
| Public Relations Service | Does not contain information |
| Press Releases | Does not contain information |
| News | Active link to "*Public Procurements, Tenders and Competitions*" which directs visitors to an invitation to a tender for publishing services organized in 2011. |
| Archives | Active links to "*Civil Cases*" and "*Criminal Cases*." The link "*Civil Cases*" directs visitors to "*Civil Cases in 2000*" which opens a list of cases examined in 2000. The link "*Criminal Cases*" directs visitors to the message that the information will be forthcoming. |
| Organization | – Link to the history of Buiucani District Court<br>– Link to the organizational structure of Buiucani District Court<br>– Link to norms of behavior for court staff<br>– Link to the court staff<br>– Links to judges' CVs |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Judgments, Sentences, etc. 2012 | Links with judge's names that when accessed direct visitors to links with types of cases that open judgments delivered by those judges |
| Statistics | – Criminal cases that have been in Buiucani District Court for more than 12, 24 and 36 months<br>– Data on the maintenance work in Buiucani District Court for the first quarter of 2010<br>– Statistics on examining motions for warrants of arrest, extension of arrest and home arrest for three months<br>Statistics on examining statements of appeal against decisions of bailiffs for the first quarter of 2010<br>Statistics on examining requests for enforcing judgments in civil cases during the first quarter of 2010<br>Statistics on examining motions for criminal prosecution, on-the-spot investigations or application of enforcement measures during the first quarter of 2010<br>Statistics for twelve months of 2010 |
| Information of Public Interest | – Banking details<br>– Working hours of Buiucani District Court<br>– Rules of behavior for the public in a court of law<br>– Office hours for filing statements of claim |
| Public Summons | Public summons dating from 2011 |
| Job Vacancies | – Announcement about competitive employment for the position of a clerk<br>– Application form for the vacancy<br>– Decision on Applying Law No. 158 of 4 July 2008<br>– Law No. 158 of 4 July 2008 "On Public Office and the Status of a Civil Servant" |
| List of cases scheduled for trial from 6 August to 10 August 2012 | List of judges which contains hearings scheduled for trial on 6 August 2012 |
| Database of Judgments | Information retrieved automatically from ICMS |
| Links | Photos that cannot be seen and that when accessed direct visitors to webpages of various institutions |

*Source: http://jbu.justice.md/*

Table 3 shows that Buiucani District Court uses its web page management module, but not all menus contain information of public interest. "*Public Relations Service*" and "*Press Releases*" are empty, and some menus contain outdated information. Since judges do not edit judgments in ICMS and do not use the module for posting judgments on the web page, the information in "*Database of Judgments*" is not updated.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Buiucani District Court has sufficient equipment to function properly. Table 4 shows the type of equipment, the number of items and the equipment needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Computers | 59 | 27 |
| Printers | 47 | 20 |
| Telephones | 19 | - |
| Photocopiers | 2 | - |
| Postage meters | 1 | - |
| USB External HDD 500 GB | 1 | - |
| Refrigerators | 3 | - |
| Server | 1 | - |
| Scanners | 2 | - |
| Audio recording equipment | 2 | - |
| Faxes | 2 | - |
| UPS | 26 | - |
| Air conditioners | 13 | - |
| TV/DVD set | 1 | - |

*Source: Buiucani District Court*

### Conclusions

- The problems the staff cited with ICMS are its slow processing speed, the inability to edit judgments and the inability to schedule several hearings during the same hour.
- The staff does not audio record hearings due to the insufficient number of courtrooms, duplication of effort and insufficient number of trained staff.
- Judgments delivered by Buiucani District Court are posted on the webpage manually.
- To improve its work, Buiucani District Court needs 27 computers and 20 printers.
- Buiucani District Court uses the webpage management module, and some menus contain information of public interest. Others, however, are empty or contain outdated information.

### Recommendations

- Organize internal training for new employees.
- Use all the options in ICMS.
- Scan documents in case files.
- Review the menus of the webpage and add missing information.
- Update the webpage regularly.

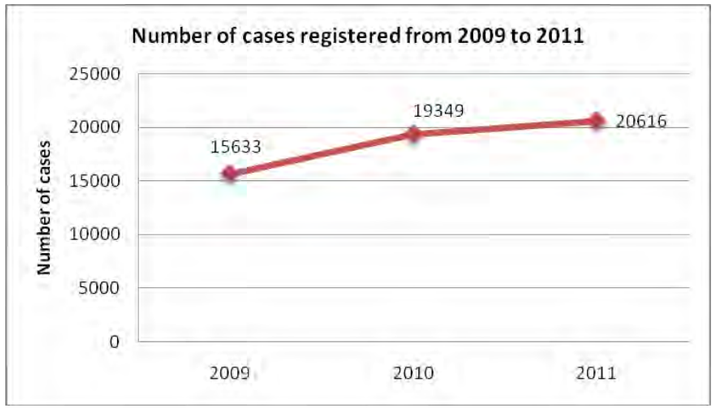
# III. WORK OF BUIUCANI DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The assessment covered the following items from 2009 to 2011: the total number of cases registered; the total number of cases examined; the number examined by type of case; the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases registered at Buiucani District Court increased from 15,633 in 2009 to 20,616 in 2011.

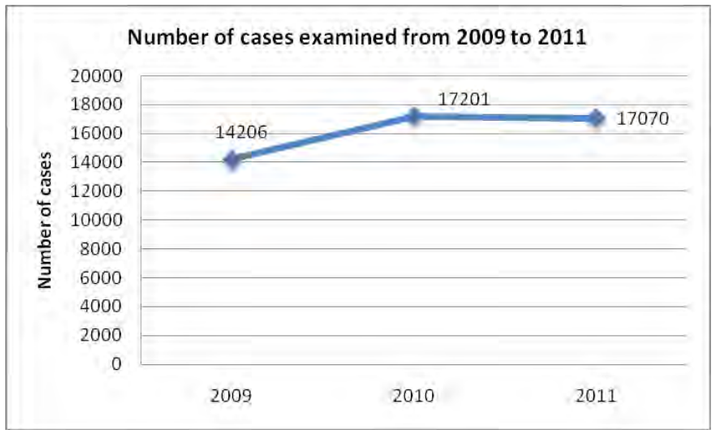
**Graph 2.** *Number of cases registered at Buiucani District Court from 2009 to 2011*




*Source: DJA*

Graph 3 shows that the number of cases examined increased from 14,206 in 2009 to 17,070 in 2011.

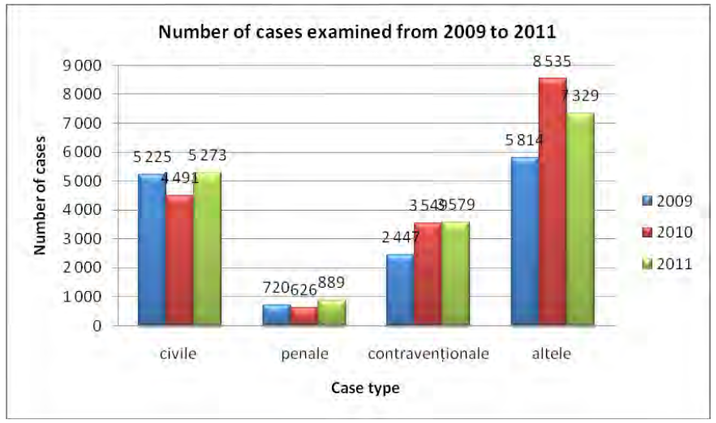
**Graph 3.** *Total number of cases examined at Buiucani District Court from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, the number of civil cases examined in Buiucani District Court increased from 5225 in 2009 to 5273 in 2011, the number of criminal cases examined during the same period did not change very much and the number of administrative cases increased from 2447 in 2009 to 3579 cases in 2011.

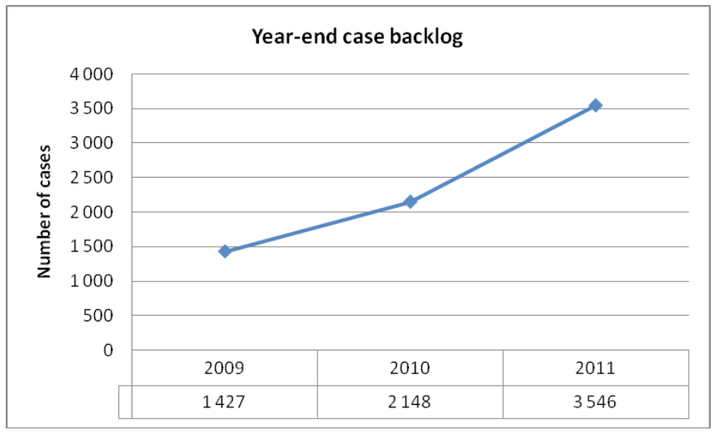
**Graph 4.** *Number of cases examined at Buiucani District Court from 2009 to 2011 by type of case*




*Source: DJA*

The analysis of the year-end case backlog at Buiucani District Court showed an increase from 1427 in 2009 to 3546 in 2011 (Graph 5).

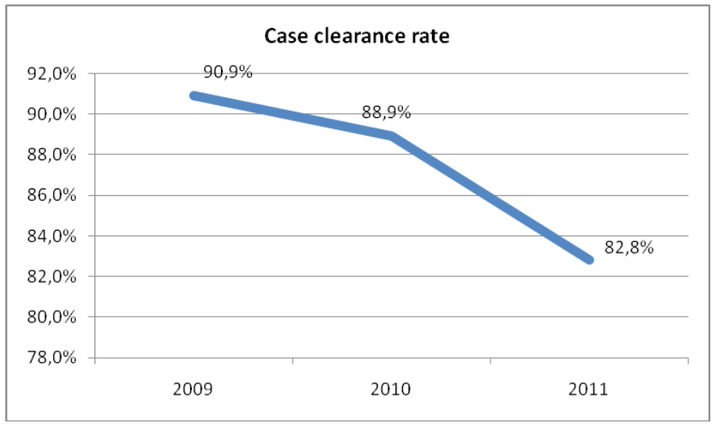
**Graph 5.** *Year-end case backlogs from 2009 to 2011*




*Source: DJA*

Given the aforementioned, the case clearance rate in Buiucani District Court decreased from 90.9% in 2009 to 82.8% in 2011. (Graph 6).

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Buiucani District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and conducting other work required for the normal run of court activities.

The chancellery is located on the fifth floor. Statements of claim are received by consultants. The head of the chancellery is responsible for dealing with the public. He shares the office with three other chancellery specialists.

The chancellery maintains the registers listed in Table 5.

**Table 5.** *List of registers used by the chancellery of Buiucani District Court*

| Register Category | Register Title |
|---|---|
| *General* | 1. Incoming mail<br>2. Outgoing mail (the record is done selectively)<br>3. Motions on authorizing criminal prosecution actions—index 11<br>4. Motions from prosecutors on extending warrants of arrest—index 16<br>5. Motions with respect to bailiffs' actions—index 26, 27 and 28<br>6. Materials sent to the Court of Appeals—index 26, 27 and 28<br>7. Outgoing mail—courier<br>8. Case files sent to the court of appeals—courier<br>9. Case files sent to the Supreme Court of Justice by courier |
| *Civil* | 1. Civil cases transmitted to judges<br>2. Civil cases transmitted to judges—old files<br>3. Cases transmitted to the Court of Appeals<br>4. Cases transmitted to the Supreme Court of Justice<br>5. Index<br>6. Civil case files sent to translators<br>7. Case file sent to other courts<br>8. Documents sent to the civil registry office<br>9. Action record file |
| *Criminal* | 1. Index of criminal cases<br>2. Cases sent to judges<br>3. Physical evidence<br>4. Cases sent to translators<br>5. Old criminal cases sent to judges<br>6. Cases sent to the Court of Appeals<br>7. Complaints—index 10<br>8. Requests of persons sentenced—index 21<br>9. Requests for acknowledging judgments of foreign countries and on extradition<br>10. Action record file |
| *Administrative* | 1. Administrative offences—index 5<br>2. Motions on substituting sentences—index 4d<br>3. Administrative materials—index 4<br>4. Administrative cases sent to the Court of Appeals |

*Source: Buiucani District Court chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may be entered three or four times in various records as Table 6 shows.

*Table 6. Registration of a statement of claim by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case | ICMS | Action record card | Incoming mail, Civil cases sent to judges, Index |
| Plaintiff's name | ICMS | Action record card | Incoming mail, Civil cases sent to judges, Index |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index |
| Defendant's contact information | ICMS | Action record card | Index |
| Case category | ICMS | Action record card | Incoming mail, Civil cases sent to judges, Index |
| Essence of the case | ICMS | Action record card | |
| State fee | ICMS | Action record card | |
| Circulation of the case file within the court | ICMS | Action record card | Civil cases sent to judges |

*Source: Buiucani District Court chancellery specialists*

The chancellery keeps more registers than required by the Guidelines.[3]

The archives of Buiucani District Court are kept in three rooms—two on the sixth floor and one near the chancellery. The condition of the archives is unsatisfactory; they are organized inefficiently.

[3] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

### *Conclusions*

- The number of cases filed at Buiucani District Court increased by 31.9% from 2009 to 2011
- The number of cases examined at Buiucani District Court increased by 20.1% from 2009 to 2011.
- The number of civil cases examined from 2009 to 2011 increased by 48, the number of criminal cases increased by 169, and the number of administrative cases decreased by 1132.
- The case backlog increased by 2119 from 2009 to 2011.
- The case clearance rate decreased by 8.1% from 2009 to 2011
- There is duplication of work because laws and the guidelines require both paper and digital registers.
- Specialists in the chancellery keep more registers than required in the Guidelines.

### *Recommendations*

- Move the archives to another building and arrange them efficiently.
- Review internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.

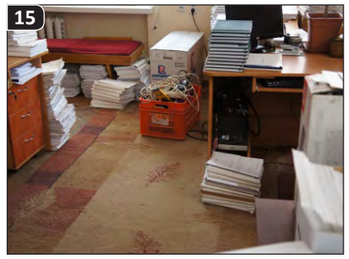


**Photo 10.** *Archive*
**Photo 11.** *Archive*
**Pohto 12.** *Archive*

**Pohto 13.** *Chancellery record cards*
**Pohto 14.** *Chancellery registers*
**Pohto 15.** *Chancellery*

## IV. HUMAN RESOURCES

### *Assessment*

Buiucani District Court has 19 judges and 51 regular staff (Table 7).

Buiucani District Court does not have a human resource specialist. Those duties are performed by the court president and a consultant.

Buiucani District Court has a coordinating specialist for public relations.

The staff hiring procedure of the court stipulates that applicants must pass an interview.

Buiucani District Court has job descriptions for consultant/human resources, coordinating specialist, archivist, chief accountant, head of the archives, head of the support department, adviser to the president, head of the chancellery, head of the mail department, clerk, translator, cleaner, consultant, and chancellery specialist for administrative cases.

**Table 7.** *Staffing scheme of Buiucani District Court*

| No. | Position | Current number |
|---|---|---|
| 1. | President | 1 |
| 2. | Vice-president | 1 |
| 3. | Judge | 15 |
| 4. | Investigating judge | 2 |
| 5. | Adviser to the president | 1 |
| 6. | Chief accountant | 1 |
| 7. | Consultant | 8 |
| 8. | Clerk | 19 |
| 9. | Translator | 6 |
| 10. | Head of the chancellery | 1 |
| 11. | Coordinating specialist | 1 |
| 12. | Specialist | 7 |
| 13. | Head of the archives | 1 |
| 14. | Archivist | 1 |
| 15. | Head of the mail department | 1 |
| 16. | Head of the support department | 1 |
| 17. | Driver | 1 |
| 18. | Cleaner | 2 |
| | **TOTAL** | **70** |

*Source: Accounting office of Buiucani District Court*

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ, and in 2011 all judges of Buiucani District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and the publications of SCM meet their information and training needs. The court subscribes to the legislative database MoldLex. The court also subscribes to the publications *Dreptul (Law newspaper), the Official Gazette of the Republic of Moldova, Buletinul CSJ (Newsletter of SCJ)* and *Contabilitate și Audit (Accounting and Auditing)*.

Judges, clerks, consultants, archivists and chancellery specialists need training in using ICMS. Judges and clerks also need training in using the audio recording software (Femida). Clerks need training in preparing minutes and archivists need training in managing the archives.

### *Conclusions*

- Human resources are managed by the court president and a consultant
- There is no system for internally training the regular staff.

### *Recommendations*

- Implement internal training for the regular staff of Buiucani District Court so they can solve problems they meet in their jobs.

## V. SERVICES FOR THE PUBLIC

Buiucani District Court has an information window at the entrance. Judges' office doors have plaques with their names and statements that access is restricted. The court does not have signs showing the way to the chancellery, the archives, the courtrooms or the office of the public relations specialist; however, this information is posted on the information board.

The board contains the following information:

- Lists of cases scheduled for trial prepared manually instead of being retrieved from ICMS
- Extract from the SCM decision on parties' and their representatives' access to judges' offices
- Announcement about the helpline of Buiucani Sector Prosecutor's Office
- Banking details for paying state fees and fines
- Hours during which statements of claim can be filed
- Template of an application for a copy of a case document

Parties and other participants in a trial may request copies of case documents by filling out an application at the chancellery. The applicant must pay a state fee. The copies are usually delivered on the same day or at the latest in ten days.

### *Conclusions*

- Buiucani District Court does not have an information window for the public.
- There are no signs guiding visitors to the chancellery, the archives or the courtrooms but the information board contains that information.
- There are plaques identifying the chancellery, the archives and judges' offices.
- The information board for the public contains information that helps visitors to orient themselves.

### *Recommendations*

- Use ICMS to automatically generate all lists of hearings scheduled for trial.
- Post more information of public interest on the information board, for example, an announcement about the right to request that hearings are recorded and to receive a copy on a CD, news about the judicial system, information about state fees, etc.

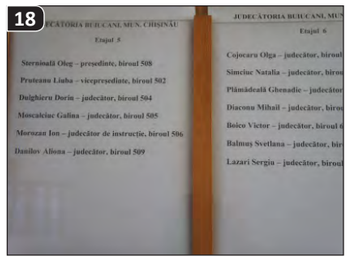


**Photo 16.** *List of cases scheduled for trial*
**Pohto 17.** *Information board*
**Pohto 18.** *Information about the location of offices*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Buiucani District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which in turn receives ceilings for the entire justice sector from the Ministry of Justice. These ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:
1) Current expenditures (staff, others)
2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted as per the inflation rate predicted for the coming year. After all these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET

The budget of Buiucani District Court is divided into the following six categories:

- *Staff expenditures* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs
- *Expenditures for utilities* – power, lease of goods;
- *Expenditures for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[4]

Note that Buiucani District Court leases space in the building of Buiucani mayor's office so Utilities .therefore includes money for rent.

From 2010 (executed) to 2012 (approved), the budget of Buiucani District Court increased from MDL 3.4 million to MDL 4.7 million (Table 8).

In 2011 the court budget increased by 18% compared with 2010 mostly because to the following factors:

- The court purchased a car
- The allocations for operating expenditures almost doubled.

Operating expenditures for repairs decreased by 86% in 2011.

For 2012, Buiucani District Court budgeted 46% more funds than in 2011 due to the fact that allocations for utilities almost tripled due to an increase in rent from MDL 139.5 thousand in 2010 to MDL 470.9 thousand in 2012.

[4] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Buiucani District Court, Chisinau, by type of expense (2010–2012)*

| Expense category/year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 2,639,594 | 2,747,505 | 4% | 3,293,100 | 20% |
| Repairs | 179,201 | 24,515 | -86% | 2,000 | -92% |
| Utilities | 212,620 | 217,028 | 2% | 670,300 | 209% |
| Fixed assets | 0 | 345,050 | 100% | 0 | -100% |
| Capital investments | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 459,194 | 768,476 | 67% | 809,400 | 5% |
| **Total** | **3,490,609** | **4,102,574** | **18%** | **4,774,800** | **16%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 received from the court*

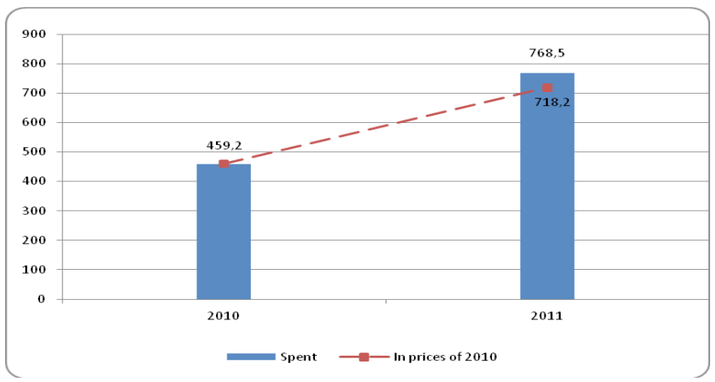
## 6.2. STAFF EXPENDITURES

Staff expenditures represent approximately 70% of the total budget in 2012 and increase year by year. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

From 2010 to 2011, both the face value and the real value of operating expenditures increased. Their face value increased from MDL 459.2 thousand to MDL 768.5 thousand, an increase of about 67%. Their real value increased by approximately 56% taking into account that in 2011 the inflation rate was 7%.[5] MDL 768.5 thousand in 2011 was therefore equivalent to 718.2 thousand in 2010; hence, the real value of operating expenditures increased by approximately MDL 259 thousand (Graph 7).

**Graph 7.** *Operating expenditures for Buiucani District Court in 2010 and 2011*



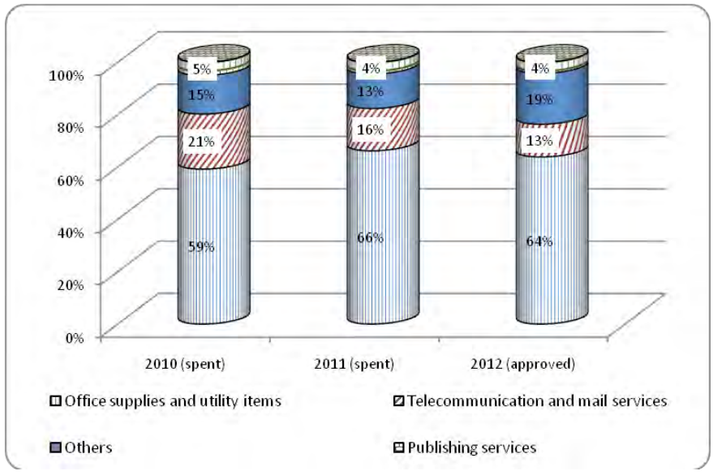

[5] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Telecommunication and mail services;
- Publishing services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that the expenditures for office supplies and utility items increased from 59% of total operating expenditures in 2010 to 64% in 2012 while the percentage for telecommunications and mail expenditures decreased from 21% to 13%. The share of publishing services was the same.

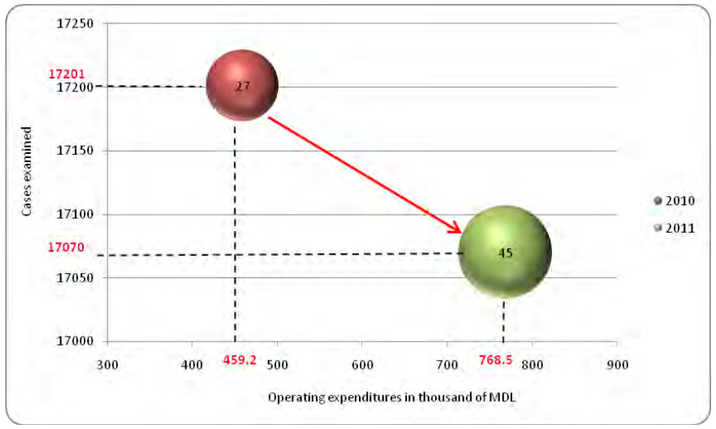
Expenses for telecommunications and mail merit attention because approximately 70% are planned for stamps.

## 6.5. REAL VALUE OF OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase in operating expenditures in 2011 compared with 2010 can be explained by a few reasons, but it does not relate to the number of cases examined, which was 17,070 in 2011 compared with 17,201 in 2010.

Comparing the operating expenditures with the number of cases examined, in 2010 the average cost for examining a case amounted to approximately MDL 27 while in 2011 it was MDL 45 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Buiucani District Court in 2010 and 2011*



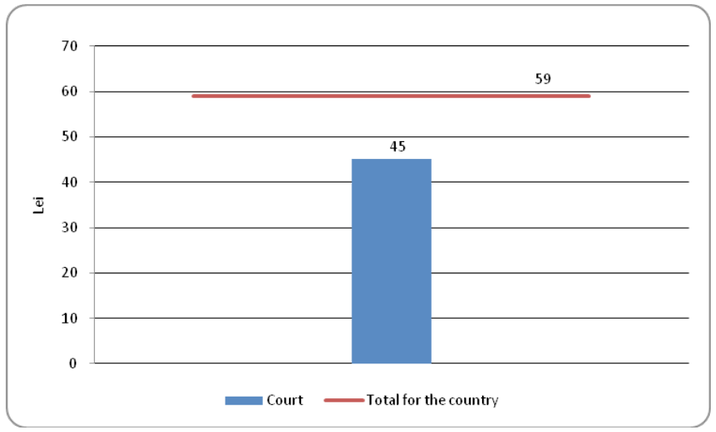

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The increase in the average cost for examining a case is a result of the decrease in the number of cases examined and a concurrent increase in operating expenditures.

## 6.6. AVERAGE OPERATING COST PER CASE IN BUIUCANI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 45 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Buiucani District Court in 2011 and the weighted average cost per case for the country as a whole*




As shown in the Graph 10, in 2011 the average cost per case examined in Buiucani District Court was lower than the weighted average cost per case examined for the country as a whole.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Buiucani District Court does its accounting electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the adviser and the chief accountant, neither of whom has professional qualifications in procurement. Since procurement legislation is continuously changing, these persons should receive training at least every six months

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, both the face value and the real value of operating expenditures increased.
- In 2011 the average operating cost for examining a case increased compared with 2010
- In 2011 the average operating cost for examining a case was lower than the weighted average cost of a case examined for the country as a whole.
- Mail services account for a large share of total operating expenses.
- The accounting is done electronically.
- The court does all its public procurements without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Centru District Court in Chisinau municipality serves approximately 110,300 inhabitants in Centru Sector of the city and in the town of Codru.

According to its staff roster, the court has 16 judges, 1 investigating judge and 51 regular staff. Centru District Court does not have a human resource specialist. Those duties are instead performed by the court president and the adviser to the court president. The court has a public relations specialist who also works as a chancellery specialist.

Staff expenditures have followed an upward trend. The court does all its public procurements without a procurement specialist. In 2011 both the real value and the face value of the allocations for operating expenditures increased. In 2011 the average operating cost for examining a case was almost the same as in the previous year and was lower than the weighted average cost of a case examined for the country as a whole (see Section VI).

Centru District Court occupies two floors and some space in the basement of the building it is in and has a total surface area of 999.1 sq. meters. The building is in satisfactory condition, but its exterior and some areas in the interior need repairs.

The staff of Centru District Court uses ICMS Version 2. They mentioned that their issues with this software are slow speed and an uneven distribution of cases.

# CENTRU DISTRICT COURT OF CHISINAU MUNICIPALITY

*43, Bulgara Str., Chisinau municipality*

*Date of visit: 23 May 2012*

The staff does not make audio recordings of hearings held in the only courtroom where the equipment is installed because the clerks do not know how to use the audio recording software. It was also mentioned that since there is 1 courtroom for 17 judges, it is impossible to conduct all hearings in it. Turnover of court clerks, lack of training and legal requirements for written minutes in addition to recordings (overlapping) are among the other reasons that hearings are not recorded.

Specialists at Centru District Court keep more registers than required in the amended Guidelines.

The total number of cases filed at Centru District Court from 2009 to 2011 increased by 4476 while the number of cases examined increased by 2327 with a case clearance rate of 82.5% in 2011.

The court has a public information board, and some office doors have plaques warning that entry to judges' offices is restricted.

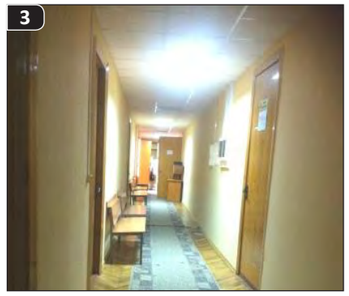
The web page of Centru District Court is not updated regularly, and all menus do not contain information of public interest.

# I. INFRASTRUCTURE

## *1.1. ASSESSMENT*

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 4 | The exterior needs repairs. |
| Water supply | 4 | The water supply is insufficient. The system is old and needs repair. The water pressure is poor. When someone turns on the tap on the third floor, the water on the fourth floor stops running. |
| Power supply | 2 | The electrical systems were partially replaced two years ago. In winter there are power failures. If more electric equipment is to be used, the whole system should be replaced. |
| Sewerage system | 4 | The sewerage system is old and needs to be renovated. |
| Heating system | 4 | The heating is central from the municipal system. The pipes need to be replaced. Costs for heating are high, although some offices are not heated sufficiently. |
| Firefighting system | - | There is no system. |
| Roof | 4 | The roof needs to be completely replaced. When it rains, ceilings in the offices of the judges and other staff leak although they are regularly repaired. |
| Interior | 3 | The doors are old; the rooms need to be repaired. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.



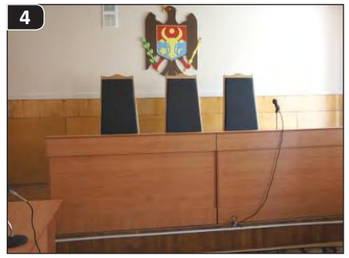


**Photo 1.** *Court exterior*
**Photo 2.** *Entrance in Centru Courthouse*
**Photo 3.** *Area for the public*
**Photo 4.** *The courtroom*
**Photo 5.** *Archives*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational conditions of Centru District Court in May 2012.

Centru District Court of Chisinau municipality is located on the two top floors of a four-storey building. The first two levels are occupied by the Centru Sector Mayor's Office; the basement is shared by these two institutions. Nobody knows exactly when the building was constructed but it is thought to be in 1960s. The court moved to this building in 1990.

Centru District Court has a total surface area of 999.1 sq. meters. It has 43 offices, 2 public rooms and 1 courtroom.

The judicial police (an officer in the antechamber of the court president's office) protect the court during the day and night guards of the mayor's office are contracted on a part-time basis.

The building's facade and the main stairs are in unsatisfactory condition and need to be cleaned and repaired. The entrance doors are old and should be replaced. The cinder blocks are dirty and the small concrete gables over windows are in bad condition. The roof over the entrance needs to be replaced.

The sewerage and the water systems of the court are old and in poor condition. The electrical system is in good condition and has been partially repaired; however, in winter there are power failures.

The archives are organized inefficiently in three rooms: one in the basement, one on the fourth floor and one in another building. The security of the archives is ensured only by door locks. The chancellery is located on the third floor. The area used by judges and the public area are not separated.

The finishing on the third floor is in satisfactory condition. In 2008, the chancellery was refurbished. Other rooms on this floor have not been renovated for a long time and need repairs. The main hall and staircase are dark and need to be renovated. There is no waiting area for the public, so benches for the public are in the hallway. The parquet floor should be polished and repaired. The radiators and the pipes of the heating system are old and should be replaced. The area for detainees should be renovated. All offices of judges are equipped with air conditioners, but there are problems with power outages in winter.

The fourth floor needs repairs. The public area needs to be completely redone. Although some offices on this floor have been renovated, most rooms have not been. The courtroom has been repaired and has new furniture and audio recording equipment. The server is kept in a room that is also used for the archives and as the office for the mail department. This room is equipped with air conditioner. The restrooms are functional and in satisfactory condition.

There are neither firefighting systems nor emergency lights.

The functional space of Centru District Court is inappropriate for a court of law. The court does not have a separate entrance for detainees. Currently they are taken into the courtroom through the main entrance and corridor of the court. It is impossible to reconfigure the rooms since there is not enough space for offices and courtrooms. Centru District Court plans to repair a building that it expects to move into. The Government has already prepared a draft decision in this respect.

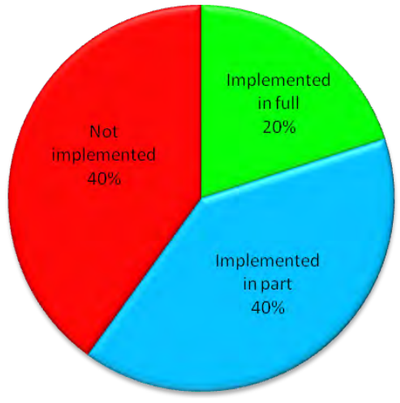
The 2009 Infrastructure Assessment Report listed five priorities for capital repairs, only one of which has been implemented in full while two recommendations have been implemented in part (Table 1 and Graph 1).

**Table 1.** *Implementation of repairs for capital repair identified in 2009*

| Priorities for capital repair in 2008 | Implementation in 2012 |
|---|---|
| Repair the electrical system. | Implemented in part |
| Repair the water pipes and restrooms. | Implemented in part[2] |
| Purchase new furniture and light fixtures for the courtroom. | Implemented |
| Repair the roof. | Not implemented |
| Arrange additional rooms for archives. | Not implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of recommendations for capital repairs in 20*




[2] *The restroom for men has been repaired in part.*

### Conclusions

- Centru District Court has undergone some repairs since 2009 based on the recommendations listed in the 2009 Infrastructure Assessment Report.
- ROLISP estimated that of the priorities for capital repairs identified in 2009, 20% have been implemented in full, 40% have been implemented in part and 40% have not been implemented.
- The exterior needs repairs.
- The server room has an air conditioner.
- The rooms need to be repaired.
- The archives need to be consolidated into one room.
- Centru District Court should move to another building.

### Recommendations

- Identify another appropriate building for Centru District Court and move it there.

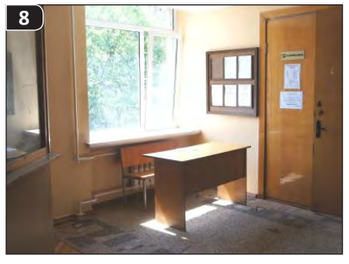



**Photo 6.** *Area for the public*
**Photo 7.** *The courtroom*
**Photo 8.** *Area for the public*

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Centru District Court has used ICMS since 2009. In 2011 Version 2 was installed.

The staff mentioned that technical issues with this software are slow speed and lack of time for depersonalizing judgments. The adviser to the president manages human resources in ICMS and registers new employees of the court assigning them usernames and passwords.

Using ICMS requires scanning case files after they are registered, but the chancellery staff does not do this because the scanners do not work.

The court does not have an information technology specialist; all technical problems are referred to CST.

The staff complained that CTS solves problems with difficulty and delays and charges unreasonably high fees for its services.[3] They rated their general satisfaction with services provided by CTS in 2012 as a 3 out of 5.

**Table 2.** *Suggestions for modifying ICMS*

| No. | Suggestions for modifying ICMS |
|---|---|
| 1. | Introduce the degree of complexity when assigning cases. |
| 2. | Add reasons for returning the application (writ). |

*Source: President of Centru District Court*

### 2.2. AUDIO RECORDING SYSTEM

Centru District Court has one courtroom which has been equipped with audio recording set and software; however, hearings held in the courtroom are not recorded because clerks do not know how to use the system and were not trained in this respect. It was also mentioned that since there is 1 courtroom for 17 judges, it is impossible to conduct all hearings there.

The court has not satisfied requests to record hearings due to lack of trained staff and of courtrooms. Since 2009 when the audio recording equipment and software were installed, there have been no requests for CDs of hearings.

The courtroom door has a plaque stating that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings,[4] the purpose is to check the accuracy and the completeness of the transcripts of hearings and to ensure the transparency and efficiency of court work. The clerks do not use recordings for that purpose.

The problems of the staff of Centru District Court are lack of training and lack of courtrooms. Other issues include the legislation requiring duplication of effort—written minutes and audio records.

### 2.3. WEB PAGE OF CENTRU DISTRICT COURT

Centru District Court has a webpage on which it posts information for the public, but it is not updated regularly because the court does not have a person available to manage it.

Table 3 shows the menus and their contents.

**Table 3.** *Content of the web page of Centru District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the Court President | Welcome address |
| Competence | – Jurisdiction<br>– Table showing the geographical jurisdiction |
| Regulatory Framework | List of basic regulatory acts governing the court's work |
| Public Relations Service | No information |
| Press Releases | No information |
| News | – Active link to "*Vacancies*" which contains no information. |
| Archives | – Active link to "*Links*" which contains no information. |
| Organization | – A file with the court's organizational chart |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>**The latest judgment was posted on 17 August 2012** |
| Statistics | No information |
| Information of Public Interest | No information |
| Useful Links | – Active links to:<br>✓ *Official website of the Republic of Moldova*<br>✓ *Official website of the President of the Republic of Moldova*<br>✓ *Official website of the Parliament of the Republic of Moldova*<br>✓ *Official website of the Government of the Republic of Moldova*<br>✓ *Official website of the Ministry of Justice of the Republic of Moldova*<br>✓ *Official website of the Superior Council of Magistracy of the Republic of Moldova*<br>✓ *Official website of the Supreme Court of Justice of the Republic of Moldova*<br>✓ *Official website of the Court of Appeals of Chisinau*<br>✓ *Official website of the National Institute of Justice*<br>✓ *Official website of the Prosecutor General's Office*<br>✓ *Official website of the State Chamber of Registration* |

*Source: http://jcc.justice.md/*

Table 3 shows that not all menus have information of public interest about the work of the court. The table in "Competence" should be completed. Links in "Useful Links" should be reformatted so as to reconfigure the pictures and titles of these links. Several menus have no information at all.

[3] *To install a cable of 1.5 m the court had to pay MDL 3900.*

[4] *SCM Regulation on digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Centru District Court has sufficient equipment to carry out its work. Table 4 shows the type of equipment, the number of items and the equipment needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Server | 1 | - |
| Computers | 67 | 19 |
| Printers | 38 | 5 |
| Scanners | 14 | 5 |
| Audio recording set | 1 | - |
| Photocopier | 4 | - |
| Air conditioning systems | 15 | - |
| Fax | 4 | 18 |
| UPS units | 40 | 19 |
| Telephone | 7 | - |
| Rack with accessories | 1 | - |
| Router/firewall | 1 | - |
| USB External HDD 500GB | 1 | - |

*Source: Centru District Court*

### *Conclusions*

- When using ICMS Version 2, the staff of Centru District Court faces problems of slow processing speed and uneven case assignments.
- The staff of Centru District Court does not scan documents from case files.
- The staff of Centru District Court does not use the audio recording system.
- To improve its work, Centru District Court needs 19 computers, 5 printers, 5 scanners, 18 fax units and 19 UPS units.
- Centru District Court does not use the webpage content management module. Some menus have some information of public interest.

### *Recommendations*

- Use the audio recording equipment and software.
- Delete audio recordings from the server according to SCM regulations.[5]
- Implement in-house training in using ICMS and the audio recording software (Femida).
- Update the information of public interest on the webpage.
- Make sure the font and colors used on the webpage are uniform.

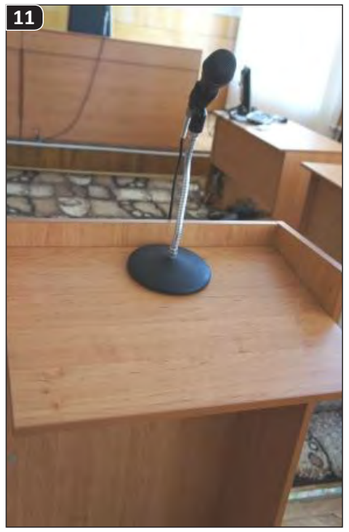



**Photo 9.** *The courtroom*
**Photo 10.** *The courtroom*
**Photo 11.** *Audio recording system*

[5] *Regulations on Digital Audio Recording of Court Hearings approved by SCM Decision No. 212/8 of 18 June 2009.*

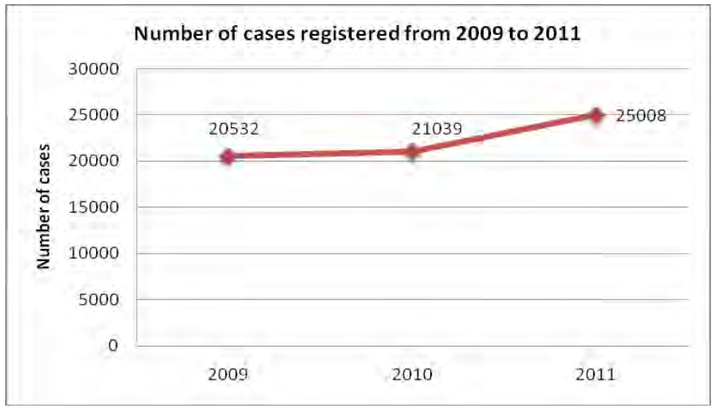
# III. WORK OF CENTRU DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The assessment covered the following items from 2009 to 2011: the total number of cases registered; the total number of cases examined; the number examined by type of case; the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases filed at Centru District Court increased from 20,532 in 2009 to 25,008 in 2011.

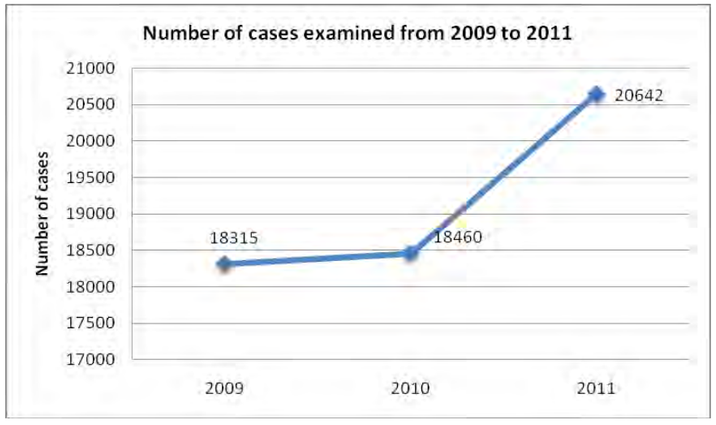
**Graph 2.** *Number of cases registered at Centru District Court from 2009 to 2011*




*Source: DJA*

Graph 3 shows that the number of cases examined increased from 18,315 in 2009 to 20,642 in 2011.

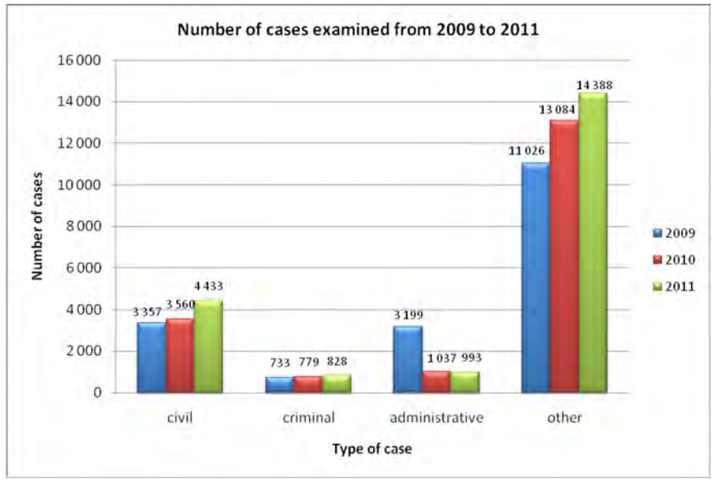
**Graph 3.** *Total number of cases examined at Centru District Court from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, the number of civil cases examined in Centru District Court increased from 3357 in 2009 to 4433 cases in 2011, the number of criminal cases examined during the same period did not change much and that of administrative cases decreased from 3199 in 2009 to 993 in 2011.

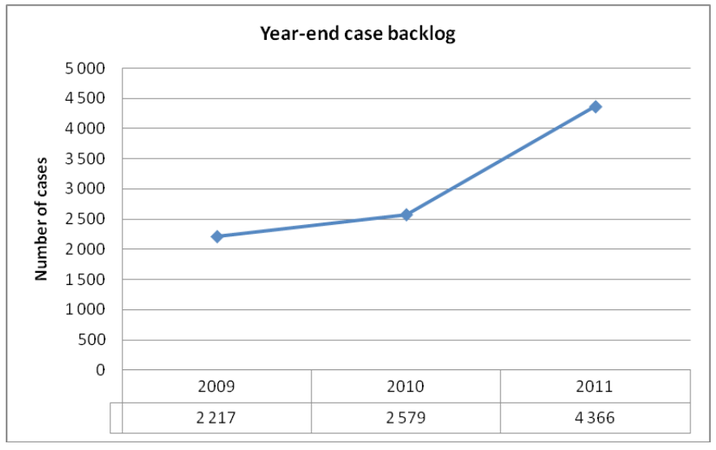
**Graph 4.** *Number of cases examined at Centru District Court from 2009 to 2011 by type of case*




*Source: DJA*

Graph 5 shows that the year-end case backlog of Centru District Court increased from 2217 in 2009 to 4366 in 2011.

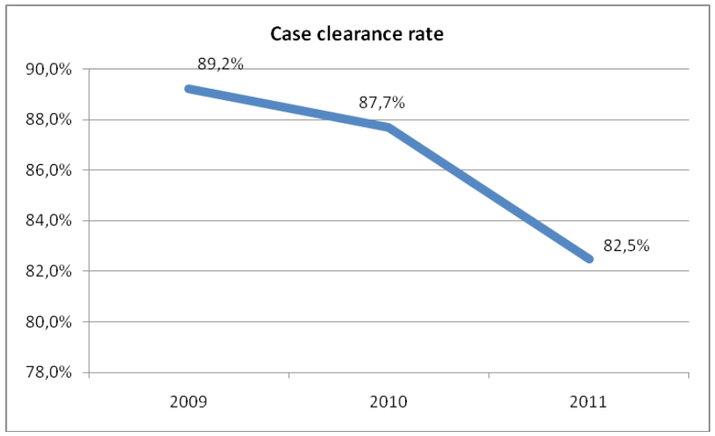
**Graph 5.** *Year-end case backlogs from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Centru District Court decreased from 89.2% in 2009 to 82.5% in 2011.

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Centru District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and conducting other work required for the normal run of court activities.

The chancellery is located in two rooms on the third floor. One office is used to file statements of claim, motions for delay, etc., while the other one is for registering files. The chancellery has nine specialists one of whom also works as the coordinating specialist for public relations specialist. The chancellery specialists are responsible for registering documents in ICMS and on paper.

The chancellery maintains the registers listed in Table 5.

**Table 5.** *List of registers used by the chancellery of Centru District Court*

| Register Category | Register Title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Motions<br>4. Information on mail expenditures[6]<br>5. Register of phone calls |
| ***Civil*** | 1. Index of civil cases<br>2. Index of administrative cases<br>3. Index of cases examined under writ procedure<br>4. Commercial cases sent to the Court of Appeals<br>5. Motions from bailiffs<br>6. Motions from bailiffs transmitted to the chancellery<br>7. Civil cases transmitted to the Superior Court of Justice<br>8. Commercial cases transmitted to the chancellery<br>9. Civil cases transmitted to the Court of Appeals<br>10. Civil cases transmitted to the chancellery<br>11. Index of commercial cases<br>12. Commercial cases transmitted to the Superior Court of Justice<br>13. Returned judgments<br>14. Action record card |
| ***Criminal*** | 1. Index of criminal case files<br>2. Cases transmitted to judges<br>3. Cases transmitted to the chancellery<br>4. Cases sent to the Court of Appeals and the Superior Court of Justice<br>5. Materials seized on behalf of the state<br>6. Action record card |
| ***Administrative*** | 1. Index of administrative case files<br>2. Transmitted administrative cases<br>3. Motions<br>4. Cases sent to the Court of Appeals and the Superior Court of Justice<br>5. Physical evidence<br>6. Action record card |

*Source: Centru District Court chancellery specialists*

[6] *The typing department keeps a register of letters sent in envelopes.*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may thus be entered three times in various records as Table 6 shows.

**Table 6.** *Registration of a statement of claim by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Incoming mail, Index of civil cases |
| Plaintiff's name | ICMS | Action record card | Incoming mail |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case file category | ICMS | Action record card | Incoming mail, Index of civil cases |
| State fee | ICMS | Action record card | |
| Circulation of the case file within the court | ICMS | Action record card | |
| Essence of the case | ICMS | Action record card | |

*Source: Centru District Court chancellery specialists*

The chancellery keeps more registers than required in the Guidelines[7].

The archives of Centru District Court are inefficiently arranged in three rooms: one in the basement, one on the fourth floor and one in another building. The archives on the fourth floor are kept in satisfactory condition, but that room is also used as an office for mail department and for the server. The files are kept in order on shelves. The room lacks a ventilation system. There is no special room for physical evidence. The archives in the basement are in satisfactory condition but that room also lacks a ventilation system.

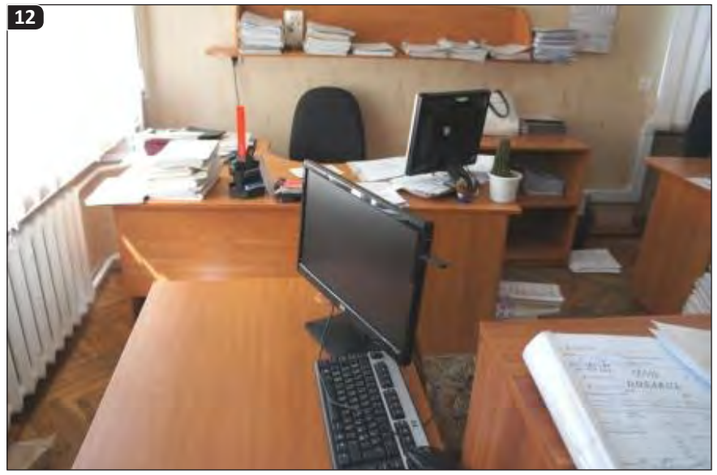
[7] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

### *Conclusions*

- The total number of cases filed at Centru District Court from 2009 to 2011 increased by 21.8%.
- The total number of cases examined at Centru District Court from 2009 to 2011 increased by 12.7%.
- The total number of civil cases examined at Centru District Court from 2009 to 2011 increased by 1076, that of criminal cases increased by 95 and that of administrative cases decreased by 2206.
- The case backlog from 2009 to 2011 increased by 2149.
- The case clearance rate from 2009 to 2011 decreased by 6.7%.
- There is duplication of effort because laws and instructions on secretarial work require both paper and digital registers.
- Specialists in the chancellery keep more registers than required in the guidelines.

### *Recommendations*

- Consolidate and arrange the archives in one room.
- Install a ventilation system in the archive room.
- Review internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.



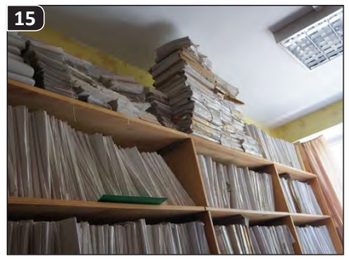



**Photo 12.** *Chancellery of Centru Court*
**Photo 13.** *Chancellery of Centru Court*
**Photo 14.** *Archives of Centru Court*
**Photo 15.** *Archives of Centru Court*

## IV. HUMAN RESOURCES

According to its staff roster the court has 17 judges and 51 regular staff (Table 7), but it does not have a human resource specialist. Those duties are performed by the court president and his adviser. Previously, the court president and the head of the chancellery were responsible for managing human resources.

The court has a public relations specialist who also works as a chancellery specialist.

When there is a vacancy for a clerk, the court does not post an announcement but asks the judges to personally find an applicant for the position. For other positions, the staff looks for applicants from among their personal acquaintances. Applicants are interviewed by the president who then decides on employment and prepares the corresponding order. Due to high turnover, virtually anyone who wants to work at the court is accepted.

Centru District Court has job descriptions for the positions of adviser to the president, chief accountant, head of the chancellery, consultant, clerk, human resource manager, translator, chancellery specialist and educational psychologist.

**Table 7.** *Staffing scheme of Centru District Court*[8]

| No. | Position | Current number[8] |
|---|---|---|
| 1. | Judge | 16 |
| 2. | Investigating judge | 1 |
| 3. | Adviser to the court president | 1 |
| 4. | Chief accountant | 1 |
| 5. | Consultant | 8 |
| 6. | Specialist | 8 |
| 7. | Court clerk | 19 |
| 8. | Translator | 6 |
| 9. | Coordinating specialist | 1 |
| 10. | Archivist | 2 |
| 11. | Head of the mail department | 1 |
| 12. | Head of the administration department | 1 |
| 13. | Driver | 1 |
| 14. | Cleaner | 2 |
| | **TOTAL** | **68** |

*Source: Accounting office of Centru District Court*

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ, and as reported during the visit, in 2011 all judges of Centru District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. For legal research and reference, the judges use the legislative database on the Ministry of Justice's webpage. The court does not subscribe to any private legislative databases. The publications the court subscribes to are the *Official Gazette, Buletinul CSJ (Newsletter of SCJ)* and *Contabilitate și Audit (Accounting and Auditing*).

The regular staff mentioned that the last time they were trained by NIJ was two years ago, and the court has not offered any in-house training for them. The clerks requested training in using ICMS and Femida.

### *Conclusions*

- Human resources at Centru District Court are managed by the court president and the adviser to the court president.
- The court has a public relations specialist who also works as a chancellery specialist.
- The court does not have a human resource specialist.
- There is no internal system for training the regular staff.

### *Recommendations*

- Employ and train a human resource specialist.
- Train the public relations specialist.
- Implement training internally for the regular staff of Centru District Court so they can solve problems they meet in their jobs.

[8] *Centru District Court does not have vacancies.*

## V. SERVICES FOR THE PUBLIC

Centru District Court lacks an information office or information windows near the entrance. The workplace of the public relations specialist is in the chancellery on the third floor. There are no signs to guide citizens to the public relations specialist, nor is there signage guiding them to the chancellery. Some judges' office doors have plaques with the warning that entry is restricted.

The court has a board with the following information:

- List of cases scheduled for trial that is usually prepared in Word instead of being retrieved automatically from ICMS[9]
- The office hours of the chancellery
- Information on state fees
- Templates for applying for judicial documents

Parties and other trial participants may request copies of judgments daily by filling out an application at the chancellery. The court president need not approve the application. The applicant must pay a state fee. Copies are delivered within two or three days. If the file has been sent to the archives, depending on its age the copy is delivered in one to four days.

### *Conclusions*

- There is no information window for the public.
- There are no signs to the chancellery or the archives.
- The information board for the public at the entrance contains information helping visitors to orient themselves.
- The chancellery is located on the third floor.
- The procedure for getting copies of judgments does not require the approval of the court president.

### *Recommendations*

- Post more information of public interest on the board, for example, information about the webpage of Centru District Court, information about the right to request that hearings be audio recorded and to receive a copy on CD, news on the judicial system, information about the state fees, templates for applications, etc.
- Use ICMS to generate lists of hearings scheduled for trial.
- Install signs to the chancellery, the office of the public relations specialist and the archives.

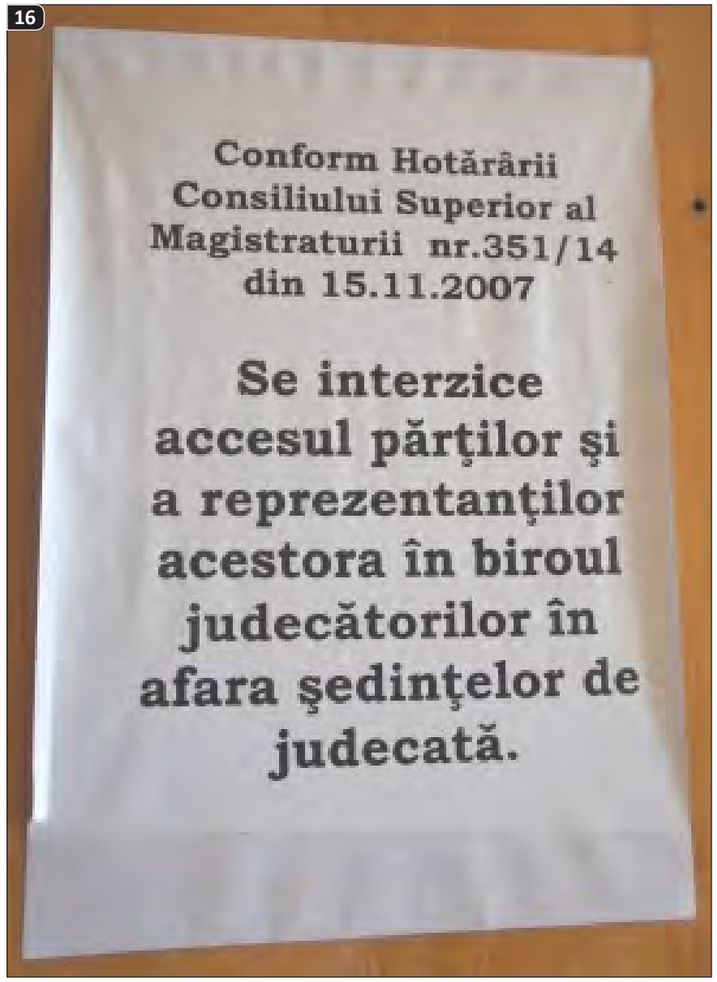


**Photo 16.** *Warning that entry into the judges' offices is not allowed*
**Photo 17.** *Information board*
**Photo 18.** *Board with a list of hearings*

[9] *Only one list is retrieved from ICMS.*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Centru District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which in turn receives ceilings for the entire justice sector from the Ministry of Justice. These ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others)

2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted as per the inflation rate predicted for the coming year. After all these calculations, the court proposes a draft budget that complies with the ceilings established by DJA

## 6.1. BUDGET

The budget of Centru District Court is divided into the following six categories:

- *Staff expenditures* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – lease of goods;
- *Expenditures for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[10]

It should be mentioned that Centru District Court rents space in the building of the Centru Sector Mayor's Office. Expenditures for utilities therefore include funds for rent.

From 2010 (executed) to 2012 (approved), the budget of Centru District Court increased from MDL 3.5 million to MDL 4.7 million (Table 8).

In 2011 the court budget increased by 12% compared with 2010. All expenditures except those for fixed assets increased compared with 2010. The most significant increase was for utilities (23%), followed by operating expenditures (16%) and repairs (14%). For 2012 Centru District Court budgeted 18% more funds than it did in 2011 due to more allocations for fixed assets, namely to purchase a car. Similarly, the court budgeted by 32% more funds for operating expenditures. Allocations for repairs decreased by 29%.

[10] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Centru District Court, Chisinau, by type of expense (2010—2012)*

| Expenditure category/year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 2,555,494 | 2,848,245 | 11% | 3,270,900 | 15% |
| Repairs | 285,367 | 325,164 | 14% | 232,000 | -29% |
| Utilities | 187,013 | 229,908 | 23% | 278,000 | 21% |
| Fixed assets | 51,000 | 33,900 | -34% | 210,000 | 519% |
| Capital investments | 0 | 0 | 0% | 0 | 0% |
| Operating expenditures | 478,537 | 552,871 | 16% | 731,200 | 32% |
| **Total** | **3,557,411** | **3,990,088** | **12%** | **4,722,100** | **18%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court.*

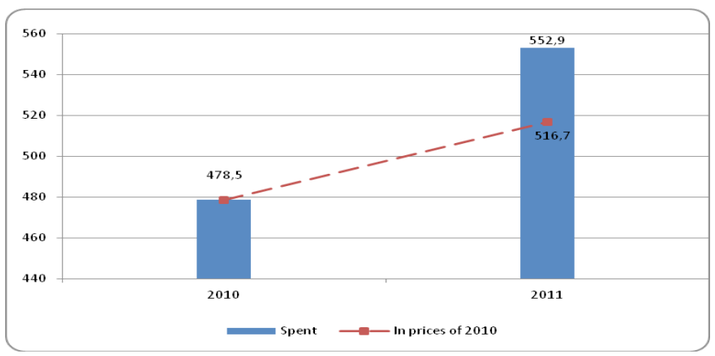
## 6.2. STAFF EXPENDITURES

Staff expenditures represent approximately 70% of the total budget and increase year by year. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

From 2010 to 2011, both the face value and the real value of operating expenditures increased. Their face value increased from MDL 478.5 thousand to MDL 552.9 thousand, a growth of about 12%. Their real value increased by approximately 8% taking into account that in 2011 the inflation rate was 7%[11]. MDL 552.9 thousand in 2011 was therefore equivalent to MDL 516.7 thousand in 2010; hence, the real value of operating expenditures increased by approximately MDL 38.2 thousand (Graph 7).

**Graph 7.** *Operating expenditures for Centru District Court in 2010 and 2011*



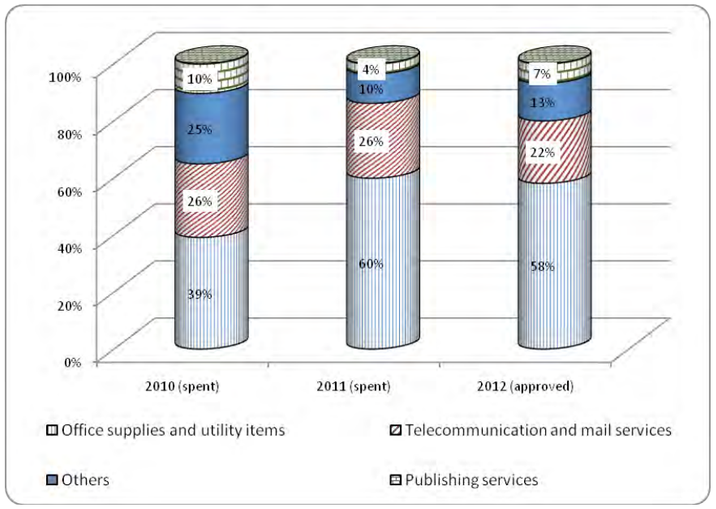

[11] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Telecommunication and mail services;
- Publishing services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that the expenditures for office supplies and utility items increased from 39% of the total operating expenditures in 2010 to 58% in 2012 while telecommunications and mail services and publishing services decreased from 26% to 22% and from 10% to 7%, respectively.

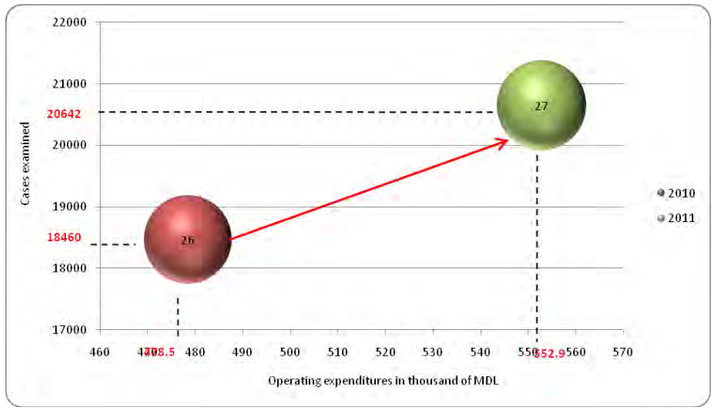
Expenses for telecommunications and mail merit attention because approximately 70% are for stamps.

## 6.5. REAL VALUE OF OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase in operating expenses in 2011 compared with 2010 can be explained by many factors, including by the increase by 2182 in the number of cases examined in 2011 compared with 2010.

Comparing the operating expenditures with the number of cases examined, in 2010 and in 2011 the average cost for examining a case was almost the same—MDL 26 and MDL 27 respectively (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case at Centru District Court in 2010 and 2011*



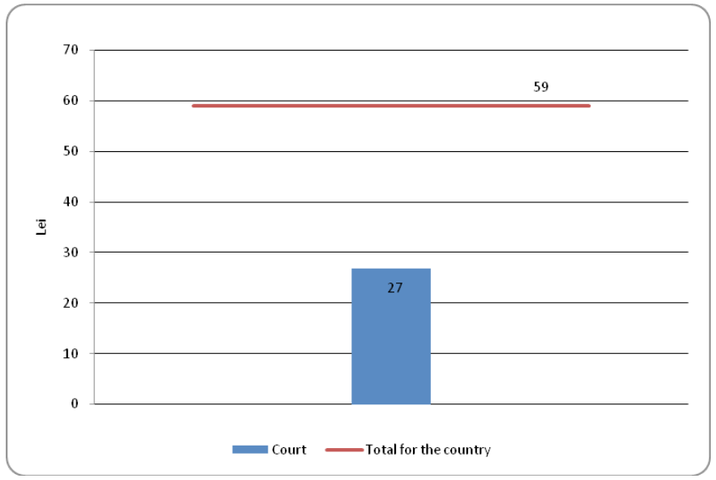

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The slight difference in the average costs for examining a case in 2010 and 2011 indicates that the operating costs increased at approximately the same rate as the number of cases examined by the court.

## 6.6. AVERAGE OPERATING COST FOR EXAMINING A CASE IN CENTRU DISTRICT COURT, CHISINAU, COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 27 per case in 2011 is high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined at Centru District Court in 2011 and the weighted average cost per case for the country as a whole*




As shown in Graph 10, in 2011 the average cost per case examined in Centru District Court was lower than the weighted average cost per case examined for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Centru District Court does its accounting electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the adviser and the chief accountant, neither of whom has professional qualifications in procurement. Since procurement legislation is continuously changing, these persons should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, both the face value and the real value of operating expenditures increased.
- In 2011 the average operating cost for examining a case was almost the same as in 2010.
- In 2011 the average operating cost for examining a case was lower than the weighted average cost of a case examined for the country as a whole.
- Mail services account for a large share of total operating expenses.
- The accounting is done electronically.
- The court does all its public procurements without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Ciocana District Court, situated in Chisinau, serves the 152,000 inhabitants of Ciocana Sector and six autonomous administrative units: the town of Vadul lui Voda, the communes of Budesti (Vlădeni Village), Bubuieci (Humuleşti and Bâc villages), Cruzeşti (Cioroborta Village), Tohatin (Buneţ and Cheltuitor villages) and the village of Coloniţa.

Ciocana District Court has 13 judges and 45 administrative staff. According to its staff roster approved in 2011 the court has no human resource specialist. Those duties are carried out by the court president and the chief specialist. The functions of a coordinating specialist for public relations are carried out by the adviser to the president.

Staff expenses have followed an upward trend. The court makes all its public procurements without a procurement specialist. In 2011, both the face value and the real value of operating expenditures increased. In 2011 the average operating cost for examining a case increased compared with the previous year but was lower than the weighted average cost of a case examined for the country as a whole (see Section VI).

Ciocana District Court is a special building in terms of architecture. It was built in 1992 as a bank; the court moved into this building in 2002 and occupies the ground and the third floor. The courthouse is in a residential area.

# CIOCANA DISTRICT COURT OF CHISINAU MUNICIPALITY

*24/1, Mihai Sadoveanu Str., Chisinau municipality*

*Date of visit: 21 May 2012*

The Ciocana staff has used ICMS since 2009. In 2011 Version 2 was installed. They suggested that the types of judgments included in ICMS should be changed and that the list with reasons for suspending judgments should be completed. The staff cited the uneven random case assignments and slow processing speed of ICMS as problems.

Ciocana District Court has two courtrooms both equipped with recording equipment and software. The court has 13 judges. Hearings that are held in courtrooms are recorded only if the parties in a case request that they be. The staff explained this is because of the court's large caseload, the insufficient number of trained staff and the insufficient number of courtrooms.

Specialists at Ciocana District Court continue to keep a large number of registers although amendments to the Guidelines have reduced the number required.

The total number of cases filed at Ciocana District Court from 2009 to 2011 increased by 937 while the number of cases examined increased by 37 with a case clearance rate of 86.4% in 2011.

The court has an information board for the public, and office doors have plaques showing the judges' names, but on two doors to judges' offices there is no warning that the public is not admitted.

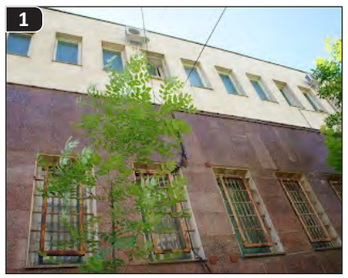
The court's web page is managed by the adviser to the president. It contains too much information.

# I. INFRASTRUCTURE

## *1.1. ASSESSMENT*

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 4 | The exterior is made of granite. When it rains, water leaks along the interior and exterior walls due to the unsatisfactory condition of the roof over the balconies. A significant number of granite tiles is absent. |
| Water supply | 4 | The court is connected to the central water supply. The pipes were repaired in 2007. |
| Power supply | 4 | The electrical system is not designed for the current load and needs to be replaced. |
| Sewerage system | 4 | The sewerage system is centralized. It leaks in a few places. |
| Heating system | 3 | The heating is centralized from the municipality. The radiators and the pipes are old. |
| Firefighting system | 4 | Available |
| Roof | 4 | The roof is in unsatisfactory condition. It needs capital repairs. |
| Interior | 4 | All rooms inside the courthouse need capital repairs. There is a high level of humidity. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.



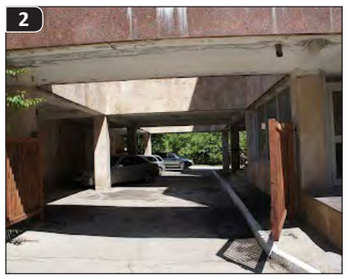
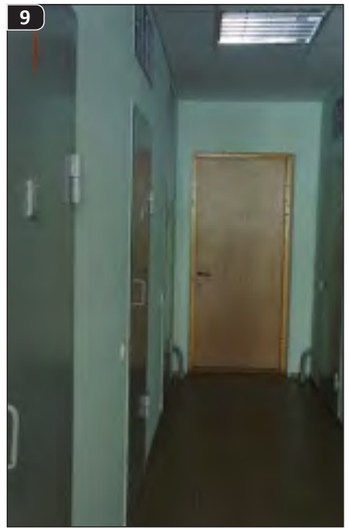


*Photo 1. Side exterior wall of the courthouse*
*Photo 2. Back yard*



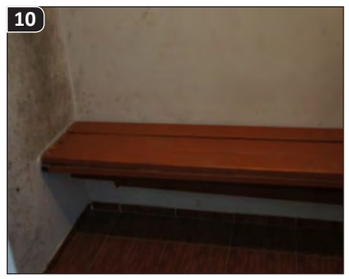


**Photo 3.** *Granite tiling*
**Photo 4.** *Places where the tiling is lacking*
**Photo 5.** *Heating system*
**Photo 6.** *Banisters of the interior stair.*
**Photo 7.** *Entrance to the second floor.*
**Photo 8.** *Ceiling in the server room*
**Photo 9.** *A cell for detainees*
**Photo 10.** *A cell for detainees*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational conditions of Ciocana District Court in May 2012.

The courthouse has offices, public areas and two courtrooms with a total surface area of 3,624 sq. meters. It is located in a three-storey building.

Ciocana District Court is a special building in terms of architecture. It was built in 1992 as a bank; the court moved in this building in 2002 and occupies the ground and the third floor. The courthouse is in a residential area, between two streets, Mircea cel Batrin Bd. and M. Sadoveanu St. Citizens have access to the courts from both streets.

The office of the Ciocana State Tax Inspectorate is on the second floor which makes it extremely difficult to integrate the rooms and functioning of the court. The State Tax Inspectorate is expected to move out by 15 June 2012 so the court can use the second floor as well.

The court is formally served by the judicial police. Although legislation provides for mandatory presence of judicial police in the court, a policeman is delegated occasionally to the court. The role of the policeman in the court is symbolic. It has one night guard who works from 18:00 until the next morning and on weekends.

The court is connected to the central water supply. The pipes are in unsatisfactory condition since they were repaired in 2007.

The electrical system is unsatisfactory and often disrupts in the staff's work. The court does not have a voltage regulator. In December 2011 the condition of the electrical system was assessed, but the results were not available at the time of the documentation visit. In 2012 the court did budget funds to repair the electrical system.

The sewerage system is central but also needs capital repairs since it often leaks.

Ciocana District Court is connected to the central heating system of the municipality. The old windows lose a great deal of heat, and some offices are not sufficiently heated due to problems with the system. Both the radiators and the pipes are old and need repairs.

The court initiated an assessment of the condition of the water supply, sewerage and heating systems.

The ground floor interior needs capital repairs. The finish needs to be renovated. All windows on this floor are the original ones, and their condition is poor. The reception area in the chancellery is stuffy and dark because it has no natural light and the light fixtures are never switched on. In 2009, the court constructed 10 cells and 1 restroom for detainees. The doors in the cells are made of metal. The walls have graffiti left by the detainees. The smoke from detainees' cigarettes in the cells reaches court offices. There is a separate secure access for police or prison cars.

The server is kept in a locked room that has neither an active ventilation system nor air conditioning. The humidity in the room is extremely high which affects the walls and ceiling. The server is close to a window with metal bars.

On the third floor, repairs have been minimal and though the finish is old, it seems to be in good condition. Some offices have been renovated with private funds. All windows and interior doors are wood, and since they are the original ones, they should be replaced. In 2010 two restrooms were renovated. The central area has a stained glass skylight and is beautifully arranged.

The courthouse has neither firefighting systems nor emergency lights. There are a few portable fire extinguishers.

The functional area of Ciocana District Court would be proper for a court of law if the offices occupied by the State Tax Inspectorate were vacated and redesigned to be used by the court.

Ciocana District Court has two courtrooms. One of them was renovated in 2009 and is in good condition. The other room does not have a proper structure for trials. The two courtrooms are on different floors. The courtroom on the ground floor has a deliberation room; the second courtroom does not. The courtroom on the ground floor has a separate entrance for judges. There are not enough courtrooms for all judges so many hearings are held in judges' offices.

The public area, the area for judges and that for detainees are not separated. The area where the public waits for hearings to begin is on the third floor. The courthouse does not have a lift.

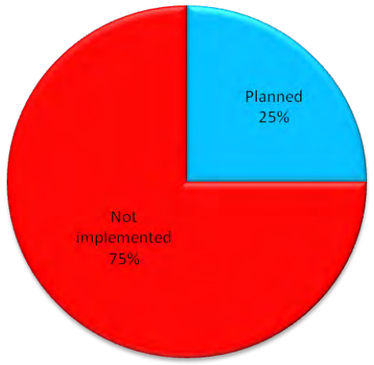
The 2009 Infrastructure Assessment Report listed four priorities for capital repairs none of which has been implemented in full though one is planned (Table 1 and Graph 1).

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repairs in 2009 | Implementation of capital repair priorities in 2012 |
|---|---|
| Move the State Tax Inspectorate so the court can use the whole building. | Planned. |
| Replace the windows. | Not implemented |
| Install firefighting systems and emergency lights. | Not implemented |
| Equip the server room with an air conditioner. | Not implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of capital repair priorities in 2012*




### Conclusions

- From 2009 to 2012, Ciocana District Court did not implement any recommendations for repairs.
- Some work planned is based on the recommendations from the 2009 Infrastructure Assessment Report.
- ROLISP estimated that of the priorities for capital repairs identified in 2009, 25% were planned and 75% had not been implemented.

### Recommendations

- Renovate all rooms inside the courthouse.
- Repair the exterior and the main entrance to the courthouse.
- Replace the heating and water supply systems.
- Repair the sewer pipes.
- Replace the electrical system.
- Repair the roof of the central building and the roofs of the balconies.
- Move the State Tax Inspectorate so the court can use the whole building.
- Replace windows and doors.
- Install firefighting systems and emergency lights.
- Equip the server room with air conditioning.
- Arrange additional offices.
- Arrange additional courtrooms.

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The Ciocana staff has used ICMS since 2010. In 2011 Version 2 was installed.

To create electronic case files the staff has to scan them; however, they do not do this because the scanners do not work. Another reason is the shortage of staff and heavy caseload.

They suggested that the types of judgments included in ICMS should be changed and that the list with reasons for suspending judgments should be completed. The staff also mentioned problems of uneven random case assignments and the slow processing speed of ICMS.

The assessment team found that the staff does not use ICMS menus for registering summons, appeals, cassations and enforcement procedures or the performance module.

According to the court president, after ICMS was implemented the work efficiency decreased. ICMS doubled the workload. It is necessary to amend the legislation and bring it in compliance with the purpose of ICMS.

Ciocana District Court does not have an information technology specialist on its staff roster; however, it has contracted an information technology professional to solve technical issues. In addition, some technical problems are solved by CST. The staff rated their general satisfaction with the services provided by CST in 2012 as a 3 out of 5.

**Table 2.** *Suggestions for modifying ICMS*

| No. | Suggestions for modifying ICMS |
|---|---|
| 1. | Change the templates for judgments. |
| 2. | Complete the list with reasons for suspension. |
| 3. | Ensure cases are assigned evenly. |
| 4. | Enhance the processing speed. |
| 5. | Introduce new categories of civil cases. |
| 6. | Provide the judges with the possibility to work with the electronic case on the date of assignment. |
| 7. | Introduce art. 348 of the CPC into the list of reasons to accept or return a complaint. |
| 8. | Eliminate technical errors in the menu on suspension of the proceedings. |
| 9. | Introduce art. 44 of the CPC into the list of reasons to suspend proceedings. |

*Source: President of Ciocana District Court*

### 2.2. AUDIO RECORDING SYSTEM

Ciocana District Court has two courtrooms both of which are equipped with recording equipment and software. The court has 13 judges. In one of the courtrooms the equipment does not work properly. Hearings that are held in courtrooms are recorded only if the parties in a case request it because of the court's large caseload, the insufficient number of trained staff and the insufficient number of courtrooms. The audio recording software doubles the work of the secretaries who, according to the legislation, have to copy the audio recording contents on paper. This is unreal under circumstances when the caseload and the number of other tasks of court secretaries are increasing.

Two judges mentioned three requests for recordings in 2012.

The courtroom doors do not have plaques informing the public that hearings are audio recorded.

According to SCM regulations on digital audio recording of hearings,[2] the purpose is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. The clerks do not use the recordings for that purpose.

The issues the employees of Ciocana District Court face relate to an insufficient number of courtrooms, duplication of work — written minutes and audio recordings — and insufficient number of trained staff.

[2] *SCM Regulations on Digital Audio Recording of Court Hearings, approved through SCM Decision No. 212/8 of 18 June 2009.*

**Photo 11.** *Audio recording equipment in a courtroom*
**Photo 12.** *Audio recording equipment in a courtroom*

## 2.3. WEB PAGE OF CIOCANA DISTRICT COURT

Ciocana District Court has a web page on which it posts information for the public; it is updated by the adviser to the president.

Table 3 shows the menus and the contents of the web page of Ciocana District Court.

**Table 3.** *Content of the web page of Ciocana District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the Court President | Message of the Court President |
| Competence | – Competence<br>– Territorial coverage |
| Regulatory Framework | List of active links to regulatory acts governing the work of the court |
| Organization | – Link to the internal regulations of Ciocana District Court<br>– Link to the organizational chart of the court |
| Public Relations Service | – Link to the regulations of the public information and media relations services<br>– Contact information for the public relations specialist |
| Archive Service | – General information about the archives<br>– Working hours of the archives<br>– Contact information for the head of the archives |
| Statistics | – Statistics on Ciocana District Court in 2009<br>– 2012 report<br>– Information about maintenance work at Ciocana District Court from January 2010 to March 2010<br>– Information about maintenance works at Ciocana District Court from 1 January 2010 to 31 June 2010<br>– Information about maintenance work at Ciocana District Court from January 2010 to June 2010<br>– Report for 1 January 2010 to 31 December 2010<br>– Working hours of judges in 2012<br>– Report for 1 January 2011 to 31 March 2011 |
| Job Vacancies | – Link to the Code of Behavior for Public Servants<br>– Link to the Law on Public Office and the status of the Civil Servant<br>– Link to "*Job Vacancies*" which directs visitors to Regulations on Competitive employment for Public Office<br>– Links to *"Application forms for civil service positions," "Regulations on probationary periods for beginning civil servants," "Regulations on professional performance assessments of civil servants"* |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Court Hearings for the Current Week | List of hearings scheduled for trial from 9 January 2012 to 13 January 2012 which displays the list of links to judges' names and the schedule of hearings from 13 August 2012 to 17 August 2012 |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>**The last judgment was published on 13 August 2012** |
| Judgments, Sentences and Rulings from 2009 to 2010 | – Link to the Regulations No. 472/21 of 18 December 2008 on publishing judgments on web pages<br>– Links to judges' names, which directs visitors to links to judgments delivered by judges of Ciocana District Court and links to types of cases examined by judges |
| Information of Public Interest | – Working hours of the court<br>– Judicial work<br>– In the interest of court users<br>– Code of behavior for the court staff<br>– Code of behavior for the public in a court of law<br>– Statement of claims<br>– Enforcing judgments<br>– Deployment of bailiffs of Ciocana Sector<br>– Civil proceedings |
| Useful Links | List of links to websites of public authorities |
| Archives for 2009 to 2010 | Links to the archives of civil and criminal cases examined at Ciocana District Court which directs visitors to cases examined by judges of Ciocana District Court |

*Source: http://jci.justice.md/*

Table 3 shows that the web page of Ciocana District Court is regularly updated and that all menus contain information of public interest; however, it contains too much information. For example, the menus include "*List of court hearings for the current week*," "*Judgments, Sentences and Rulings from 2009 to 2010*," and "*Archives for 2009 to 2010*," which duplicate the information in "*List of Hearings*," "*List of Case Files*" and "*Database of Judgments*." "*Useful Links*" contains links that should be titled to allow the visitors to access the information of interest to them.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Ciocana District Court seems to have sufficient equipment to carry out its activities. Table 4 shows the type of equipment, the number of items and the equipment needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Computer | 61 (43 work) | 18 |
| Printers | 57 (45 work) | 18 |
| Server | 1 | - |
| Scanners | 2 | 13 |
| Audio recording set | 2 | 11 |
| Fax | 2 | 5 |
| UPS unit | 1 | 18 |
| Router / Firewall | 1 | - |
| Air conditioner | 25 | - |
| TV set | 1 | - |

*Source: Ciocana District Court*

### *Conclusions*

- The problems staff reported with ICMS Version 2 are large caseloads, its slow processing speed and uneven case assignments.
- The staff of Ciocana District Court does not use the audio recording system during hearings because of the court's large case load, the insufficient number of courtrooms and the insufficient number of trained staff.
- The last time judgments delivered by Ciocana District Court were posted on its web page was 13 August 2012.
- To improve its work Ciocana District Court needs 18 computers, 18 printers, 13 scanners, 11 audio recording sets and 18 UPS units.
- The court's web page is managed by the adviser to the president. All menus contain information of public interest; however, the web page contains too much information.

### *Recommendations*

- Organize internal training for new employees.
- Purchase scanners and scan case files.
- Arrange courtrooms for all judges.
- Conduct all hearings in courtrooms through better planning.
- Use the audio recording equipment and software consistently.
- Rearrange the menus of the web page of Ciocana District Court.
- Update the web page regularly.

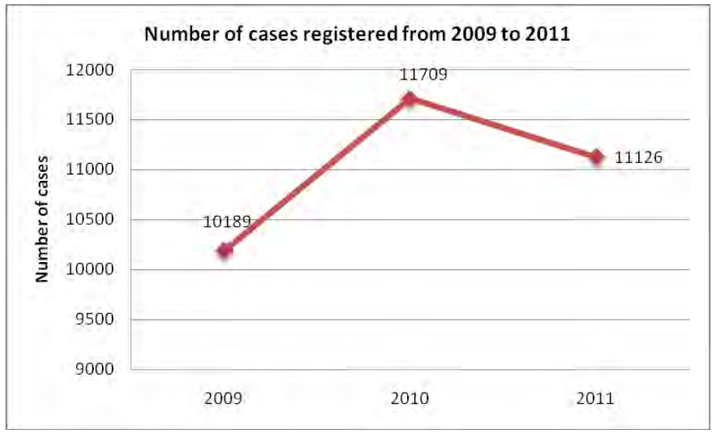
# III. CIOCANA DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The assessment covered the following items from 2009 to 2011: the total number of cases registered; the total number of cases examined; the number examined by type of case; the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases filed at Ciocana District Court increased from 10,189 in 2009 to 11,126 in 2011.

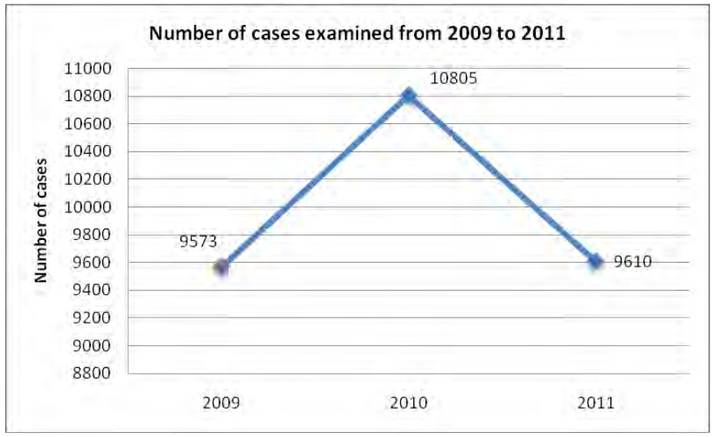
**Graph 2.** *Number of cases registered at Ciocana District Court from 2009 to 2011*




*Source: DJA*

Graph 3 shows that the number of cases examined increased from 9573 in 2009 to 9610 cases in 2011.

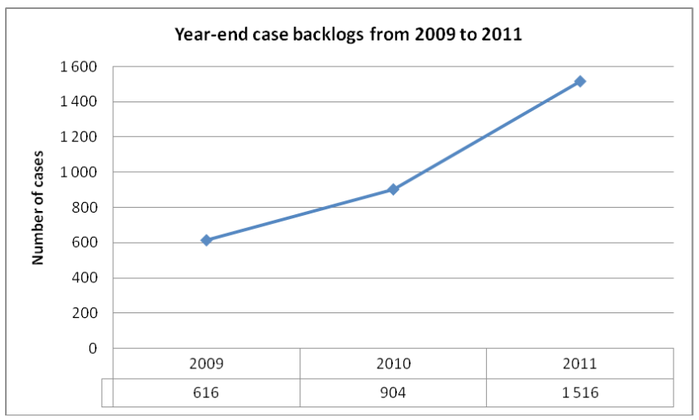
**Graph 3.** *Total number of cases examined at Ciocana District Court from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, the number of civil cases examined in Ciocana District Court increased from 2708 in 2009 to 3430 cases in 2011, the number of criminal cases examined during the same period did not change very much while the number of administrative cases decreased from 1936 in 2009 to 158 cases in 2011.

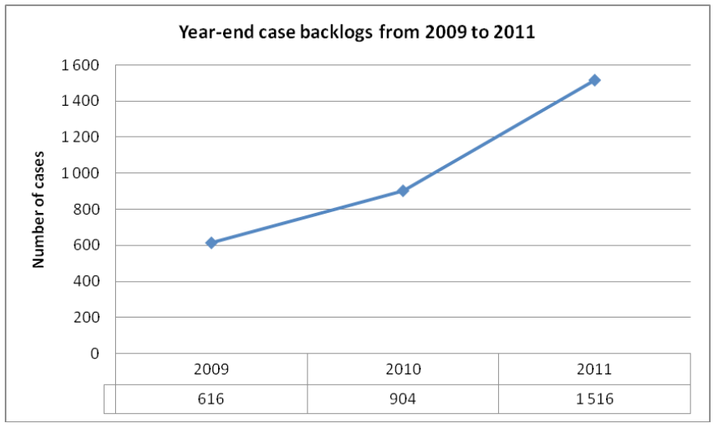
**Graph 4.** *Number of cases examined at Ciocana District Court from 2009 to 2011 by type of case*




*Source: DJA*

The analysis of the case backlog at Ciocana District Court showed an increase from 616 in 2009 to 1516 in 2011 (Graph 5).

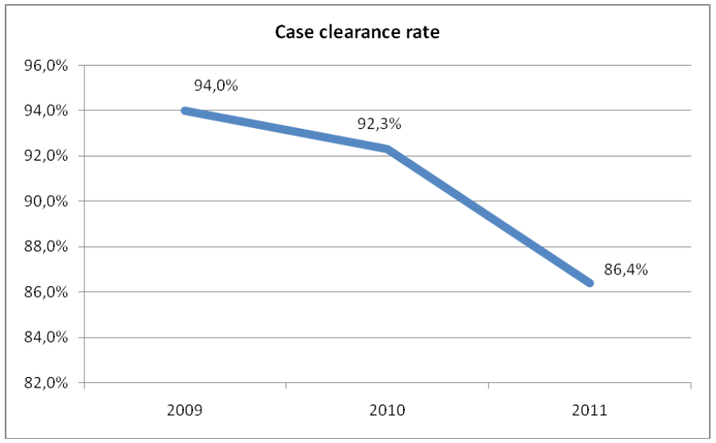
**Graph 5.** *Year-end case backlogs from 2009 to 2011*




*Source: DJA*

The case clearance rate in Ciocana District Court decreased from 94.0% in 2009 to 86.4% in 2011. (Graph 6)

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Ciocana District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice and analyzing judicial statistics and other duties as needed for the normal run of activities.

The chancellery occupies offices on various floors of the building. Statements of claim are registered in the office on the third floor. Then they are transmitted for registration in to the office of the head of the chancellery on the third floor. From there the statement of claim is transmitted to the criminal chancellery on the ground floor to the person responsible for registering civil files in ICMS and registers. From there the statement of claim is transmitted to the civil chancellery for registering and binding the files.

The court's archives office has a window for receiving/delivering files.

The chancellery maintains the registers listed in Table 5.

**Table 5.** *List of registers used by Ciocana District Court chancellery*

| Register Category | Register Title |
|---|---|
| *General* | 1. Incoming mail – head of the chancellery<br>2. Outgoing mail – head of the chancellery |
| *Civil* | 1. Cases transmitted to judges for trial<br>2. Writs<br>3. Index of writs<br>4. Index of civil cases<br>5. Challenges of bailiffs' actions<br>6. Information on enforcing judgments in civil cases<br>7. Cases examined under administrative procedures<br>8. Index of administrative cases<br>9. Cases transmitted at judges' requests<br>10. Receipts of payment of the state fee<br>11. Action record card |
| *Criminal* | 1. Index of criminal cases<br>2. Criminal cases transmitted to judges<br>3. Statements of appeal and cassation<br>4. Criminal cases transmitted to the Court of Appeals<br>5. Persons put on the wanted list<br>6. Persons to whom Article 96 of the Criminal Code has been applied<br>7. Cases transmitted to the courier<br>8. Physical evidence<br>9. Motions for rehabilitation<br>10. Information on the state fee<br>11. Motions and judgments sent for translation<br>12. Action record card |
| *Administrative* | 1. Index of administrative cases<br>2. Index of documents from bailiffs<br>3. Appeals<br>4. Complaints against actions of the criminal prosecuting authorities<br>5. Motions for substitution of punishment<br>6. Cases passed to judges<br>7. Cases transmitted to the Court of Appeals<br>8. Materials transmitted to judges at their requests |

*Source: Ciocana District Court chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may be entered three or four times in various records as Table 6 shows.

**Table 6.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case | ICMS | Action record card | Incoming mail, Index of civil cases, Cases transmitted to judges for trial |
| Plaintiff's name | ICMS | Action record card | Incoming mail, Cases transmitted to judges for trial |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case category | ICMS | Action record card | Incoming mail, Index of civil cases |
| Essence of the case | ICMS | Action record card | |
| State fee | ICMS | Action record card | |
| Circulation of the case file within the court | ICMS | Action record card | Cases transmitted to judges for trial |

*Source: Ciocana District Court chancellery specialists*

The chancellery keeps more registers than required by the Guidelines.[3]

The archives of Ciocana District Court are kept in a satisfactory room on the ground floor though it does not have a ventilation system. The shelves are of wood and metal. The files are kept in good order.

[3] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

### *Conclusions*

- The number of cases filed at Ciocana District Court increased by 9.2% from 2009 to 2011.
- The number of cases examined at Ciocana District Court increased by 0.4% from 2009 to 2011.
- The number of civil cases examined from 2009 to 2011 increased by 722, criminal cases increased by 58 cases and administrative cases decreased by 1778.
- The case backlog increased by 900 from 2009 to 2011.
- The case clearance rate decreased by 7.6% from 2009 to 2011.
- There is duplication of work because laws and the instructions require both paper and digital registers.
- Specialists in the chancellery keep more registers than required by the Guidelines on secretarial work.

### *Recommendations*

- Install a ventilation system in the archives.
- Review internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March, 2011 and to reduce the registers to the number required in the Guidelines.

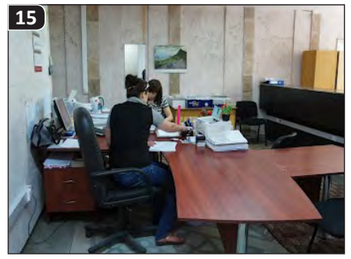


**Photo 13.** *Information window on the ground floor*
**Photo 14.** *The archives*
**Photo 15.** *Civil chancellery*
**Photo 16.** *The archives*

## IV. HUMAN RESOURCES

### *Assessment*

Ciocana District Court has 13 judges and 45 administrative staff (Table 7).

The staff roster approved in 2011 had no human resource specialist included. Those duties are carried out by the court president and the chief specialist. The position of chief specialist, human resource department was introduced into the staff roster of 2012, which had not been approved on the date of visit.

The functions of a coordinating specialist for public relations are carried out by the adviser to the president.

To recruit new staff, the court posts an announcement on its website and in the *Official Gazette*. Then the president organizes a recruiting commission to select applicants. Applicants pass a written test and an oral test after randomly choosing a card that specifies the contents for both tests. Based on the test results, the court president decides on employment/appointment of an applicant.

**Table 7.** *Staffing scheme of Ciocana District Court*

| No. | Position | Current number | Job Vacancies |
|---|---|---|---|
| 1. | Judge | 12 | - |
| 2. | Investigating judge | 1 | - |
| 3. | Adviser to the court president | 1 | - |
| 4. | Chief accountant | 1 | - |
| 5. | Consultant | 4 | - |
| 6. | Head of the chancellery | 1 | - |
| 7. | Coordinating specialist | 1 | - |
| 8. | Specialist | 4 | - |
| 9. | Court clerk | 13 | - |
| 10. | Translator | 6 | - |
| 11. | Head of archives | 1 | - |
| 12. | Archivist | 1 | - |
| 13. | Head of archives | 1 | - |
| 14. | Chief of the auxiliary service | 1 | - |
| 15. | Courier | 1 | - |
| 16. | Driver | 1 | - |
| 17. | Room cleaner | 7 | - |
| 18. | Street cleaner | 1 | - |
| | **TOTAL** | **58** | **-** |

*Source: Accounting office of Ciocana District Court*

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ and, in 2011, all judges of Ciocana District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. Ciocana District Court subscribes to the legislative database MoldLex and to *Buletinul CSJ (Newsletter of SCJ), Contabilitate şi audit (Accounting and Auditing), the Official Gazette*, *Timpul de dimineaţă (Morning Time), Komsomolskaya pravda (Komsomol Truth), Logos Press, Dreptul muncii (Labor Law), Revista naţională de drept (National Law Magazine), Argumenty i facty (Arguments and Facts), Bulleten Verhovnogo Suda RF (Newsletter of the Superior Court of the Russian Federation)* and *Dreptul (Law)*.

The clerks of Ciocana District Court need training in preparing and keeping records of court documents and in preparing minutes as well as training in using ICMS and the audio recording software. Recently employed chancellery specialists need to be trained in managing and keeping records of case files.

### *Conclusions*

- Human resources of Ciocana District Court are managed by the court president and a specially appointed consultant.
- The functions of the coordinating specialist for public relations are carried out by the adviser to the president.
- The court does not have a human resource specialist on its staff roster.
- There is no internal system for training the regular staff.

### *Recommendations*

- Include into the staff roster the human resource specialist.
- Employ and train a public relations specialist and train him/her.
- Implement internal training for the regular staff of Ciocana District Court so they can solve problems they meet in their jobs.

## V. SERVICES FOR THE PUBLIC

The information window is far from the courthouse entrance. The archivist works in the information window. He receives and delivers copies of case documents. The judges' doors have plaques with their names, but there are no statements that the public is not admitted on two doors of judges' offices. There are signs guiding people to the chancellery, the archives and courtrooms, but there are no signs to the office of the public relations specialist.

On the ground floor there is a board with the following information:

- Templates for applications
- Working hours of Ciocana District Court
- Extract from the Law on State Fees

On the third floor there is a board containing information about:

- Working hours of Ciocana District Court
- List of cases scheduled for trial that is prepared manually in Word instead of being generated in ICMS
- Hours for receiving statements of claims
- Working hours of judges
- Office hours for the court president and vice president

From Monday to Friday, parties and other trial participants may request copies of case documents by filling out an application at the chancellery/archives. If the president approves it, the applicant pays the state fee at a bank and with confirmation of payment, the applicant may pick up a copy of the judgment at the archivist's office. Copies are issued on the same day or at latest the following day.

### *Conclusions*

- There is no information window for the public at the courthouse entrance.
- There are signs showing the way to the chancellery, the archives and courtrooms.
- The chancellery, the archives and judges' offices have plaques with corresponding inscriptions.
- The information boards help visitors to orient themselves.

### *Recommendations*

- Use ICMS to automatically generate all lists of cases scheduled for trial.
- Post more detailed information of public interest on the information board (e.g. announce the web page of the court, information about audio recordings of hearings and the right to request a copy of the CD, news in the judiciary, information about the state fee, templates of applications etc.).

**Photo 17**. *Signs guiding visitors*
**Photo 18**. *Signs guiding visitors*
**Photo 19**. *Signs guiding visitors*

**Photo 20**. *Templates for applications*
**Photo 21**. *Hearings schedule*
**Photo 22**. *Information board*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Ciocana District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which in turn receives ceilings for the entire justice sector from the Ministry of Justice. These ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others)

2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted as per the inflation rate predicted for the coming year. After all these calculations, the court proposes a draft budget that complies with the ceilings established by DJA

## 6.1. BUDGET (basic component)

The budget of Ciocana District Court is divided into the following six categories:

- *Staff expenditures* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* - power, lease of goods;
- *Expenditures for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[4]

From 2010 (executed) to 2012 (approved), the budget of Ciocana District Court increased from MDL 3.2 million to MDL 3.7 million (Table 8).

In 2011, the court budget decreased by 2% due to a 92% reduction in expenditures for repairs and a 4% reduction in expenditures for utilities. Operating expenditures, on the contrary, increased by 13%, followed by a 9% increase in expenditures for fixed assets (a car) and 6% for staff.

For 2012, Ciocana District Court budgeted 17% more funds than in 2011 mostly for repairs though increases for staff (15%), utilities (12%) and operating expenditures (4%) contributed as well. No funds were budgeted for fixed assets in 2012.

[4] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Ciocana District Court, Chisinau, by type of expense (2010–2012)*

| Expense category/year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 1,961,502 | 2,073,048 | 6% | 2,391,100 | 15% |
| Repairs | 239,396 | 20,000 | -92% | 400,000 | 1900% |
| Utilities | 402,252 | 386,146 | -4% | 431,300 | 12% |
| Fixed assets | 215,587 | 235,000 | 9% | 0 | -100% |
| Capital investments | 0 | 0 | 0% | 0 | 0% |
| Operating expenditures | 400,952 | 452,851 | 13% | 469,000 | 4% |
| **Total** | **3,219,688** | **3,167,045** | **-2%** | **3,691,400** | **17%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 received from the court*

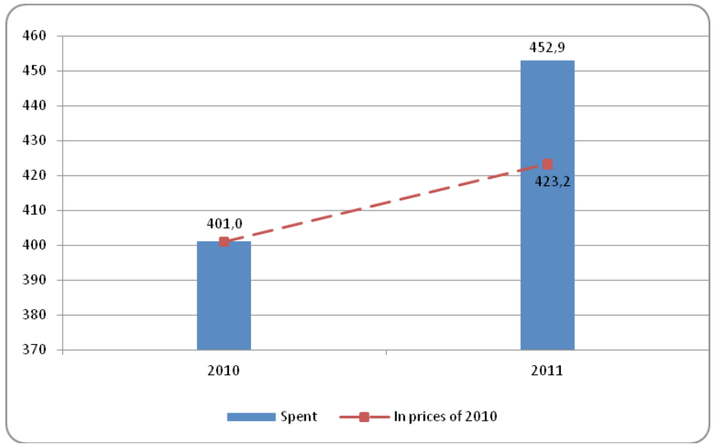
## 6.2. STAFF EXPENDITURES

Staff expenditures represent approximately 60% of the total budget and increase year by year. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

In 2010 and 2011, both the face value and the real value of operating expenditures increased. Their face value increased from MDL 401 thousands to MDL 452.9 thousands an increase of about 13%. Their real value increased by approximately 6% taking into account that in 2011 the inflation rate was 7%[5]. MDL 452.9 thousands in 2011 was therefore equivalent to 423.2 thousands in 2010; hence, the real value of operating expenditures increased by approximately MDL 22.3 thousands.

**Graph 7.** *Operating expenditures for Ciocana District Court in 2010 and 2011*



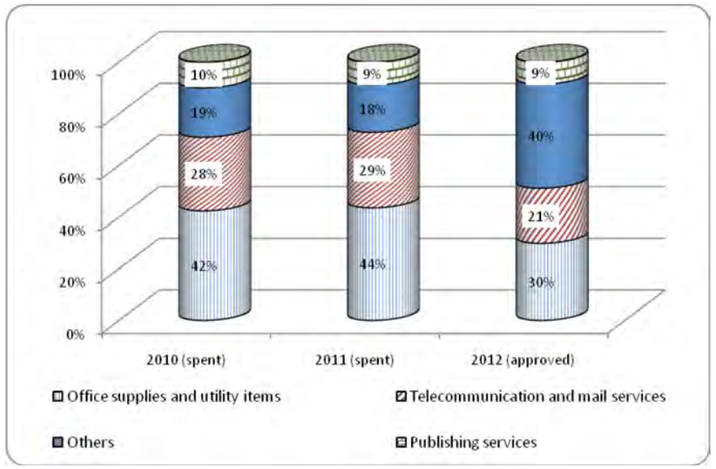

[5] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Telecommunication and mail services;
- Publishing services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that the expenditures for office supplies and utility items decreased from 42% of total operating expenditures in 2010 to 30% in 2012. Similarly, the expenditures for telecommunications and mail services decreased from 28% of the total operating expenditures in 2010 to 21% in 2012. As for publishing services, their share remained almost the same.

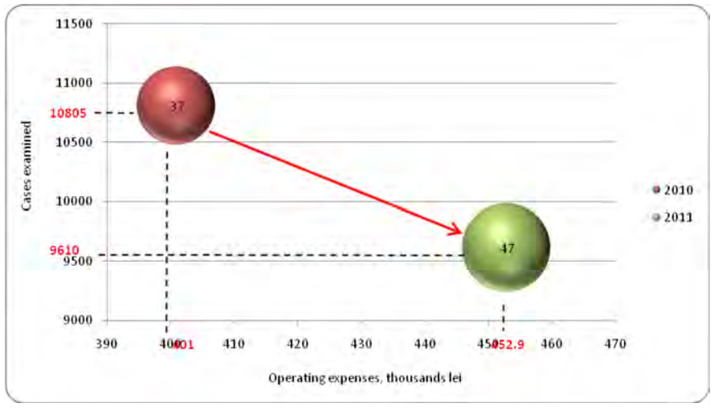
Expenses for telecommunications and mail merit attention because approximately 70% of them are planned for stamps.

## 6.5. REAL VALUE OF OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase in the operating expenses in 2011 compared with 2010 was not due to an increase in the number of cases examined; in fact in 2011 that number was by 1195 fewer than in 2010.

Comparing the operating expenditures with the number of cases examined, in 2010 the average cost for examining a case amounted to around MDL 37, while in 2011 it was MDL 47 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case for Ciocana District Court in 2010 and 2011*



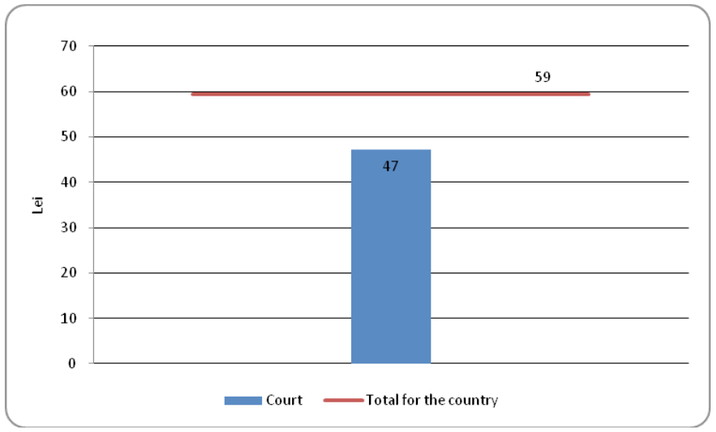

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The increase in the operating expenses per case examined can be explained the decrease in the number of cases examined (by 11%) and the increase in the operating expenditures (13%).

## 6.6. AVERAGE OPERATING COST PER CASE IN CIOCANA DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 47 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Ciocana District Court in 2011 and the weighted average cost per case for the country*




As shown in Graph 10, in 2011 the average cost per case examined in Ciocana District Court was lower than the weighted average cost per case examined for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Ciocana District Court does its accounting electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the adviser to the president and the chief accountant neither of whom has professional qualifications in procurement. Since procurement legislation is continuously changing, these persons should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, both the face value and the real value of operating expenditures increased.
- In 2011 the average operating cost for examining a case increased compared with 2010.
- In 2011 the average operating cost for examining a case was lower than the weighted average cost of a case examined for the country as a whole.
- Mail services account for a large share of total operating expenses.
- The accounting is done electronically.
- The court does all its public procurements without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Riscani District Court of Chisinau Municipality serves 162,000 inhabitants in the Riscani Sector of Chisinau Municipality that includes the town of Cricova and the communes Ciorescu, Gratiesti and Stauceni.

The court has 17 judges, 2 investigating judges and 51.5 regular staff.

Riscani District Court of Chisinau Municipality does not have a human resource specialist on staff. Those duties are performed by the head of the chancellery, the adviser to the president and the court president.

The court also does not have a public relations specialist on staff. The person responsible for media relations is the vice-president of the court.

Staff expenditures have followed an upward trend. The court makes all its public procurements without a procurement specialist. In 2011, both the face value and the real value of the allocations for operating expenditures decreased. In 2011, the average cost for examining a case remained almost the same as in the previous year and was lower than the weighted average cost of a case examined for the country as a whole (see Section VI).

Riscani District Court is in a four-storey building with a basement owned by the Riscani mayor's office. The location is very good since it is near the Riscani prosecutor's office and a police station. The back entrance of the building is used as the main entrance of the court.

# RISCANI DISTRICT COURT OF CHISINAU MUNICIPALITY

*3, Kiev Str., Chisinau Municipality*

*Date of visit: 30 May 2012*

The staff of Riscani District Court uses Version 2 of ICMS and knows most of its options. They mentioned uneven case assignments, its slow processing speed and lack of ongoing training as problems with this software.

Because the court has only 4 courtrooms for 19 judges, most hearings are held in judges' offices. Three of the four courtrooms have the equipment and software to audio record hearings; however, the staff does not use it because all hearings cannot be conducted in courtrooms and because the clerks do not know how to use it.

The chancellery specialists have reduced the number of registers they keep in accordance with the requirements of the amended Guidelines.

The total number of cases registered at Riscani District Court of Chisinau Municipality increased by 1911 from 2009 to 2011, but the number of cases examined decreased by 966 with a case clearance rate of 70.8% in 2011.

The doors of judges' offices have plaques with their names, and most have a warning that entry is not allowed though some do not. There is an information board at the entrance to the courthouse.

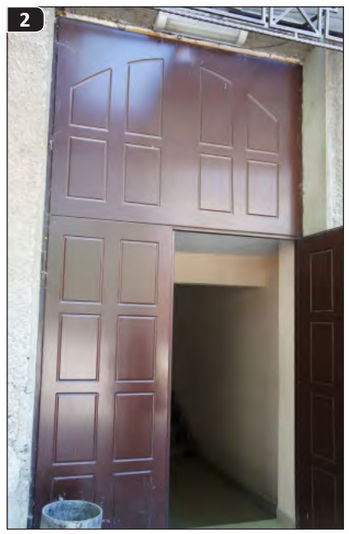
The webpage of the court is updated regularly, and its menus contain some information of public interest, though three of them are empty. The adviser to the president is responsible for managing the webpage.

# I. INFRASTRUCTURE

## *1.1. ASSESSMENT*

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 3 | The exterior needs to be repaired since it was last refurbished in 2008. The entrance staircase is in good condition, but the outside walls have deteriorated. The entrance door has been replaced. |
| Water supply | 2 | The water is on the central system and the pressure is adequate. The plumbing was repaired in 2008. |
| Power supply | 1 | The electrical system was renovated in full and functions very well. |
| Sewerage system | 2 | In 2007 the sewerage system was upgraded. No major problems have been reported. |
| Heating system | 2 | The heating is central from the municipal heating station. Some radiators and pipes have been repaired. |
| Firefighting system | - | There is no fire alarm system or emergency lights. Each floor has portable fire extinguishers. |
| Roof | 2 | The roof was repaired in 2008; no problems have been reported. |
| Interior | 2 | The offices and hallways were repaired and have new furniture. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.



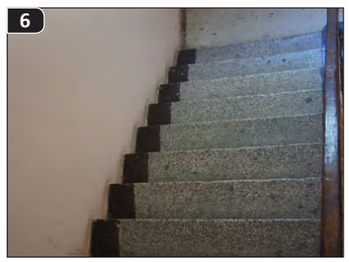


**Photo 1.** *Exterior*
**Photo 2.** *Entrance door*
**Photo 3.** *The roof over the entrance*
**Photo 4.** *Archives*
**Photo 5.** *Staff restroom*
**Photo 6.** *Staircase*

## 1.2. CURRENT CONDITION

The assessment focused on a comparative analysis of the physical and operational conditions of Riscani District Court in May 2012.

The courthouse is in a building owned by the mayor's office of Riscani Sector. The court is near the prosecutor's office and a police station. The back entrance of the building is used as the main entrance to the court. The front entrance has no signs guiding the public to the court.

Riscani District Court occupies a surface area of 1373 sq. meters of the building, of which 257 sq. meters are in the basement, 94 sq. meters are on the ground floor, 514 sq. meters are on the third floor and 516 sq. meters are on the fourth floor. There are 19 offices, 2 public rooms and 4 courtrooms.

The courthouse is protected by the judicial police during the day and by three staff guards on nights and weekends. The court does not have an alarm system.

From 2007 to 2010, the premises were partially renovated; however, the court's exterior walls are in unsatisfactory condition and need capital repairs. The roof was renovated in 2008. Management plans a complete repair of the roof in 2013. The court's entry door was replaced with a new one. In 2010 all windows on the third and the fourth floors were replaced.

The court has partially repaired its sewerage and water systems. The restrooms were repaired in full from 2007 to 2008 and are in good condition. The court has three restrooms—one for the staff, one for the public and one for detainees.

Heating is supplied by the central municipal system. Some radiators and pipes have been replaced.

The electrical system is in very good condition as it was replaced in 2010, but the staff mentioned that it can still be overloaded, so to avoid server failures, the court should purchase a voltage regulator. The server is on the fourth floor in a small room that does not have an air conditioner and that is secured only by a door lock.

The archives were relocated to the ground floor in 2010. The archive room is too small and does not have a ventilation system. The shelves are wood with metal frames. The archives are organized efficiently; files are kept on shelves in good order by years. The chancellery occupies two rooms on the third floor, but they are not close to the entrance from the staircase. The chancellery room for criminal cases is small, and some of it is taken up by a safe for physical evidence. The area used by judges and that for the public are not separated. Most offices have air conditioners.

The court has a room for detainees on the ground floor with two cells and one restroom. There is a separate area for the escort, but there is no separate entrance for detainees. Detainees are taken into the courtrooms through the public corridor, and the entrance to the courtrooms is used by both the public and judges. The court does not have separate rooms for anonymous witnesses or rooms for juvenile detainees or juvenile parties in a case. It also does not have rooms for lawyers to review cases.

The interior of the third floor is in good condition and has been partially repaired. The offices have new furniture and are equipped with air conditioners as are the courtrooms. The ceilings, the windows, the doors and the hall flooring were replaced and the walls were painted. All light fixtures on this floor have been replaced. The waiting area for the public was renovated and tiled. There is a restroom for the staff on this floor. It was renovated and is in good condition.

The interior staircase was renovated in full and is in good condition.

The condition of the fourth floor is the same as that of the third floor. All offices have been partially repaired. The finishing and the rooms for the public are in good condition. Offices have been refurbished and are in satisfactory condition. Most offices have air conditioners.

There are no firefighting systems.

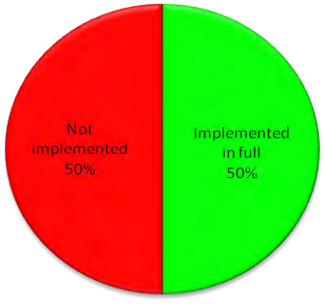
The 2009 Infrastructure Assessment Report listed four priorities for capital repairs, two of which have been implemented in full and two of which have not been implemented at all (Table 1 and Graph 1).

**Table 1.** *Implementation of recommendations for capital repair identified in 2009*

| Priorities for capital repair in 2009 | Implementation in 2012 |
|---|---|
| Move the courthouse to a more appropriate building. | Not implemented |
| Purchase new furniture for the courtrooms. | Not implemented |
| Install signs to guide the public. | Implemented |
| Install additional shelves in the archive room. | Implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of recommendations for capital repairs in 2012*




### Conclusions

- From 2007 to 2010 Riscani District Court made repairs that were based in part on the recommendations of the 2009 Infrastructure Assessment Report. The offices, the halls and the courtrooms were partially repaired and have new furniture.
- ROLISP estimated that of the priorities for capital repairs identified in the 2009 Infrastructure Assessment Report, 50% have been implemented in full and 50% have not been implemented.
- The exterior of the building has not been repaired. Currently the exterior is in unsatisfactory condition and needs repair.
- The server room does not have a ventilation system.
- The court has a separate area and a separate restroom for detainees.
- The area used by judges is not separated from the area for the public.

### Recommendations

- Move the court to a more appropriate building and provide enough rooms for judges and the staff.

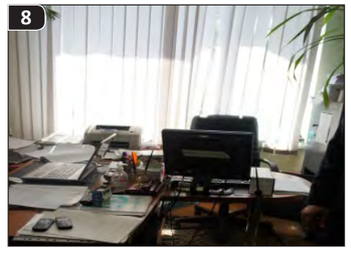


**Photo 7.** *Local network connection node*
**Photo 8.** *Offices*
**Photo 9.** *Air conditioners*

# II. COURT AUTOMATION

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Riscani District Court has used ICMS since 2010; in 2011 it upgraded to Version 2.

The court president uses ICMS to randomly assign civil cases but not criminal ones because the software assigns cases unevenly which results in considerable variations in caseloads for each judge. Other technical issues are its slow processing speed and the need to offer ongoing training to newly employed staff.

ICMS is managed by the adviser and the president of the court.

To create electronic case files, the staff has to scan paper files. They scan statements of claim in civil cases and indictments in criminal cases.

The staff did not have any recommendations for modifying ICMS. The assessment team found that the staff uses most of the options in ICMS but does not use the menus for registering appeals, cassations and enforcement procedures; for printing the list of hearings scheduled for trial; for managing human resources and for measuring performance.

The court does not have an information technology specialist; all technical problems are referred to CTS. According to the staff, CTS solves issues after delays and after repeated calls. They rated their general satisfaction with the services provided by CTS in 2012 as a 4 out of 5.

## 2.2. AUDIO RECORDING SYSTEM

Audio recording equipment and software have been installed in three of the four courtrooms of Riscani District Court; however, the staff does not use it because it is impossible to conduct all hearings in the courtrooms since there are only 4 for 19 judges. Other disincentives are the excessively large caseload, the fact that the existing equipment and software do not work and are too complicated and that the staff responsible for making recordings is not sufficiently trained.

Since 2009 when the audio recording equipment and software were installed, there have been no requests to record hearings or to have a CD of a hearing. The court has not purchased CDs to copy hearings.

The courtroom doors do not have plaques informing the public that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings,[2] the purpose is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. Since hearings are not recorded, the clerks do not use them for that purpose.

[2] *SCM Regulation on digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

## 2.3. WEB PAGE OF RISCANI DISTRICT COURT

Riscani District Court has a public webpage that is updated by the adviser to the court president.
No major difficulties with managing the webpage were noted.

Table 2 shows the menus and their contents.

**Table 2.** *Content of the web page of Riscani District Court of Chisinau Municipality*

| Menu title | Information posted on the web page |
|---|---|
| Message of the Court President | Message of the Court President |
| Competence | – Jurisdiction of Riscani District Court in Chisinau Municipality<br>– Streets under the jurisdiction of Riscani District Court |
| Regulatory Framework | List of basic regulatory acts governing the court's work |
| Public Relations Service | Does not contain any information |
| Press Releases | Does not contain any information |
| News | Active link to "Job Vacancies" |
| Archives | The working hours and contact information of the archives service |
| Organization | – 3 active links on the organizational structure of Riscani District Court in Chisinau Municipality:<br>✓ Organizational chart<br>✓ Internal regulations<br>✓ Internal regulations |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Judgments Database | Information retrieved automatically from ICMS **The latest judgment was posted on 30 September 2011** |
| Statistics | Does not contain any information |
| Information of Public Interest | The working hours of the chancellery |
| Useful Links | Links to webpages of some central public authorities and other institutions. Most images cannot be seen. |

*Source: http://jrc.justice.md/*

Table 2 shows that Riscani District Court uses some options of the webpage management module and that some menus contain information of public interest. Some menus, however, ("Public Relations Service," "Press Releases" and "Statistics") are empty. "Organization" contains two links that display the same information—internal regulations of Riscani District Court. "Database of Judgments" has not been updated as the latest judgment posted is dated 30 September 2011. In "Useful Links," the links should have titles and should be arranged in corresponding order. "News," "Archives" and "Useful Links" should be posted at the end of the menu list.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Riscani District Court has enough equipment to function. Table 3 shows the type of equipment, the number of items on hand and the equipment needed.

**Table 3.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Computers | 78 | 25 |
| Printers | 54 | 20 |
| Photocopiers | 5 | 2 |
| Scanners | 4 | - |
| Audio recording sets | 3 | 3 |
| Fax | 4 | 5 |
| UPS units | 45 | 30 |
| Server | 1 | - |
| Air conditioners | 36 | - |
| Router/firewall | 1 | - |
| Rack with accessories | 1 | - |
| Smart UPS for server | 1 | - |
| Telephones | 17 | - |
| Refrigerators | 6 | - |
| Vacuum cleaners | 2 | - |
| Postage meters | - | 1 |

*Source: Riscani District Court*

### *Conclusions*

- When using ICMS Version 2, the staff of Riscani District Court faces problems of uneven case assignments, its slow speed and lack of training for new employees.
- The court staff does not audio record hearings due to the insufficient number of courtrooms, the lack of training for new employees and the excessive caseload.
- The latest judgment posted on the webpage was on 30 September 2011.
- To improve its work, Riscani District Court needs 25 computers, 20 printers, 2 photocopiers, 3 audio recording sets, 5 faxes, 30 UPS units and 1 postage meter.
- The court uses the webpage management module. Most menus contain some information of public interest about its work, but some information is duplicated and three menus are empty.

### *Recommendations*

- Implement internal training in using ICMS and the audio recording software.
- Use all the options in ICMS.
- Print the list of hearings scheduled for trial from ICMS.
- Use the audio recording equipment and software.
- Use the ICMS module to edit judgments and post them on the webpage.
- Ensure the uniformity of the font and colors used on the webpage. Menus should be reorganized to facilitate public access to information.
- Regularly update the webpage.

**Photo 10.** *Inscription on a courtroom door*

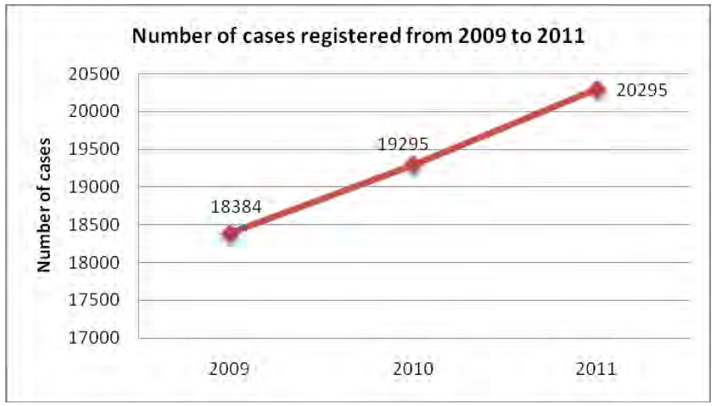
# III. WORK OF RISCANI DISTRICT COURT IN CHISINAU MUNICIPALITY

## *3.1. WORK LOAD OF THE COURT*

The assessment covered the following items from 2009 to 2011: the total number of cases registered; the total number of cases examined; the number examined by type of case; the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases filed at Riscani District Court of Chisinau Municipality increased from 18,384 in 2009 to 20,295 in 2011.

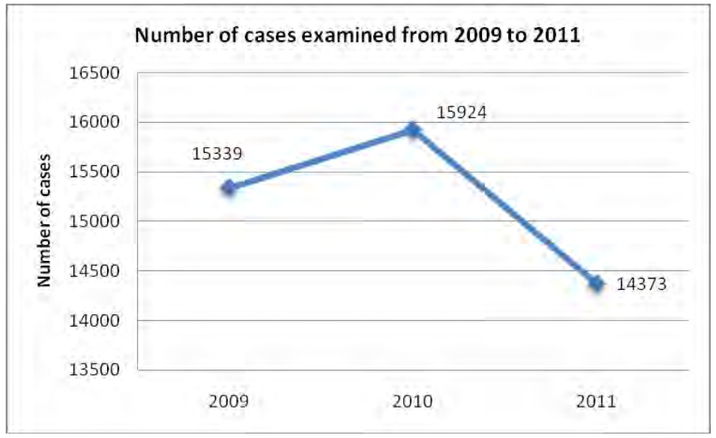
**Graph 2.** *Number of cases registered at Riscani District Court from 2009 to 2011*




*Source: DJA*

Graph 3 shows that the number of cases examined decreased from 15,339 in 2009 to 14,373 cases in 2011.

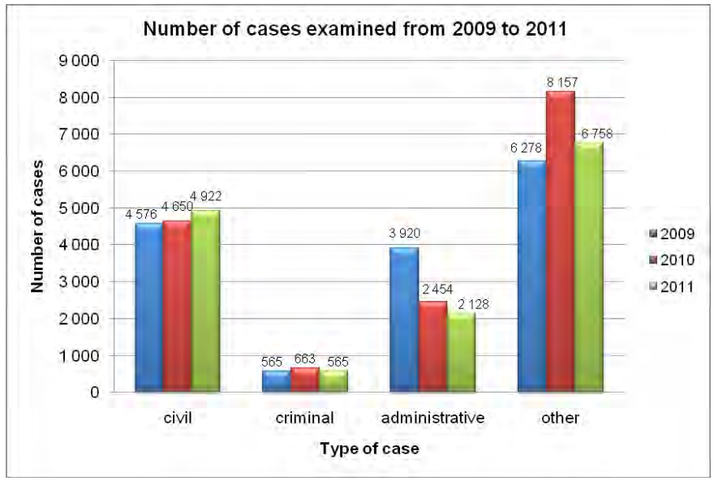
**Graph 3.** *Total number of cases examined at Riscani District Court from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, the number of civil cases examined in Riscani District Court increased from 4576 in 2009 to 4922 cases in 2011, the number of criminal cases examined during the same period did not change and administrative cases decreased from 3920 in 2009 to 2128 in 2011.

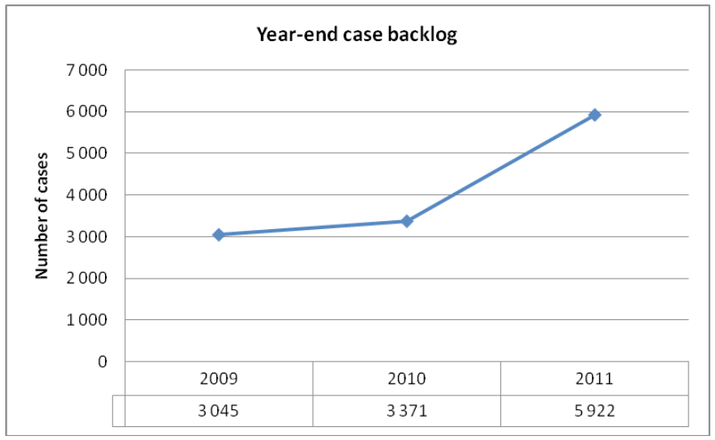
**Graph 4.** *Number of cases examined at Riscani District Court from 2009 to 2011 by type of case*




*Source: DJA*

Graph 5 shows that the case backlog of Riscani District Court increased from 3045 in 2009 to 5922 in 2011.

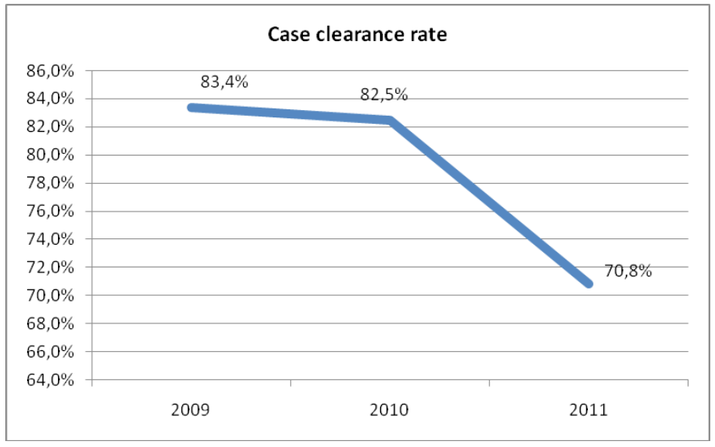
**Graph 5.** *Year-end case backlogs from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Riscani District Court decreased from 83.4% in 2009 to 70.8% in 2011.

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Riscani District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and conducting other work required for the normal run of court activities.

The chancellery is located in two rooms on the third floor. The chancellery specialists are responsible for registering documents in ICMS and on paper among other tasks. Statements of claim are registered in the consultant's office on the fourth floor. Public access to the chancellery for civil cases and the chancellery for criminal cases is restricted. The consultant is assisted by a person responsible for scanning documents.

The chancellery maintains the registers listed in Table 4.

**Table 4.** *List of registers used by the chancellery of Riscani District Court*

| Register Category | Register Title |
|---|---|
| ***Civil*** | 1. Incoming mail<br>2. Index of civil cases<br>3. Index of administrative cases<br>4. Index of writ proceedings<br>5. Index for motions 25, 26<br>6. Index of commercial cases<br>7. Cases sent to the Court of Appeals and the Supreme Court of Justice<br>8. Materials sent by courier<br>9. Cases sent to each judge<br>10. Action record card |
| ***Criminal*** | 1. Criminal cases<br>2. Index of criminal cases<br>3. Information on cases of probation—Article 91<br>4. Index—Article 91<br>5. Cases on retroactivity—Article 469<br>6. Index—Article 469<br>7. Complaints against prosecutors' writs—index 10, Article 313<br>8. Index—Article 313<br>9. Cases on amnesty<br>10. Index—amnesty<br>11. Cases sent to the Court of Appeals<br>12. Statements of appeal/cassation<br>13. Physical evidence<br>14. Cases sent to judges<br>15. Action record card |
| ***Administrative*** | 1. Index—4d<br>2. Index—4a (Articles 177, 179, 63)<br>3. Index—4b (Articles 78, 334)<br>4. Index—4c (Article 333)<br>5. Index—5 |

*Source: Riscani District Court chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may thus be entered three times in various records as Table 5 shows.

**Table 5.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Incoming mail, Index of civil cases, Cases sent to each judge |
| Plaintiff's name | ICMS | Action record card | Incoming mail, Index of civil cases, Cases sent to each judge |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case file category | ICMS | Action record card | Index of civil cases, Cases sent to each judge |
| State fee | ICMS | Action record card | - |
| Circulation of the case file within the court | ICMS | Action record card | Cases sent to each judge |
| Essence of the case | ICMS | Action record card | - |

*Source: Riscani District Court chancellery specialists*

If the chancellery specialists showed the assessment team all registers they keep, the chancellery has complied to a certain extent with the requirements of the amended Guidelines.[3]

The archives are kept in a room on the ground floor that has no ventilation and is too small for all files of the court. This room is secured and access to it is allowed only for the archivist.

[3] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

### *Conclusions*

- The total number of cases filed at Riscani District Court from 2009 to 2011 increased by 10.4%.
- The total number of cases examined at Riscani District Court from 2009 to 2011 decreased by 6.3%.
- The number of civil cases examined from 2009 to 2011 increased by 346, criminal cases remained at the same level and administrative cases decreased by 1792.
- The case backlog from 2009 to 2011 increased by 2877.
- The case clearance rate from 2009 to 2011 decreased by 12.6%.
- There is duplication of effort because laws and instructions on secretarial work require both paper and digital registers.
- If the chancellery specialists showed the assessment team all registers they use, the chancellery has complied to a certain extent with the requirements of the amended Guidelines.

### *Recommendations*

- Enlarge and secure the archive room.
- Install a ventilation system in the archive room.

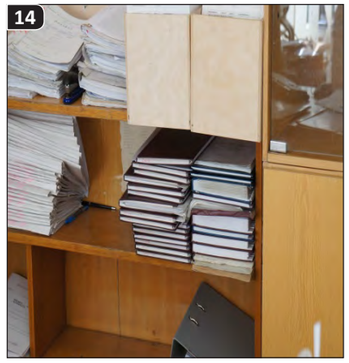



**Photo 11.** *Office hours of the chancellery of Riscani District Court*
**Photo 12.** *Archives*
**Photo 13.** *Information window*
**Photo 14.** *Registers kept in the chancellery*

## IV. HUMAN RESOURCES

Riscani District Court of Chisinau Municipality has 17 judges, 2 investigating judges and 51.5 regular staff (Table 6).

The court does not have a human resource specialist on staff. Those duties are performed by the head of the chancellery, the adviser to the president and the court president. The head of the chancellery and the adviser are responsible for preparing and keeping the records of staff documents, preparing personnel files, filling out and keeping work records and preparing draft orders and decisions.

The court does not have a coordinating specialist for public relations. The president of the court has appointed his vice-president to deal with the public and with media relations. He represents the court officially to mass media and the public to ensure the court's work is transparent and complies with law.

The staff is recruited in accordance with the legislation in force on employment for public offices. Usually people directly address the court president about employment and submitting applications. After interviewing applicants, the president hires one on probation. After the probation period, if the applicant wants to be employed the president issues an employment/appointment order.

The court has internal regulations that have been handed on to the judges and the court staff. When new staff members are employed, they must sign the regulations to confirm that they have read them. The internal regulations are published on the court's website. The regulations establish the court's activities, organization and the rights and obligations of the management, judges and the regular staff, either appointed or employed on the basis of an individual employment agreement, irrespective of its term, who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

The court has job descriptions for the positions of the adviser to the president, consultant, chancellery specialist, head of the chancellery, clerk and translator.

**Table 6.** *Staffing scheme of Riscani District Court*

| No. | Position | Current number | Job Vacancies |
|---|---|---|---|
| 1. | Court president | 1 | - |
| 2. | Vice-president | 1 | - |
| 3. | Judge | 1 | - |
| 4. | Judge | 14 | - |
| 5. | Investigating judge | 2 | - |
| 6. | Adviser to the court president | 1 | - |
| 7. | Chief accountant | 1 | - |
| 8. | Consultant | 8 | - |
| 9. | Court clerk | 19 | - |
| 10. | Translator | 6 | - |
| 11. | Head of the chancellery | 1 | - |
| 12. | Coordinating specialist | 1 | - |
| 13. | Specialist | 7 | - |
| 14. | Chief of Archives | 1 | - |
| 15. | Archivist | 1 | - |
| 16. | Head of the mail department | 1 | - |
| 17. | Chief of the auxiliary service | 1 | - |
| 18. | Driver | 1 | - |
| 19. | Cleaner | 2.5 | - |
| | **TOTAL** | **70.5** | |

*Source: Accounting office of Riscani District Court*

The judges of Riscani District Court are trained by NIJ and as reported during the visit, in 2011 most of them met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training is enough to meet their information and training needs. For legal research and reference, the judges use the legislative database MoldLex which is regularly updated. The publications the court subscribes to are the *Official Gazette, Buletinul CSJ (Newsletter of SCJ)* and *Contabilitate și Audit (Accounting and Auditing).*

The court does not offer internal training to its staff. The staff would be interested in training in using ICMS and Femida and in preparing transcripts of hearings and enforcement orders.

### *Conclusions*

- Human resources at Riscani District Court are managed by the head of the chancellery, the adviser to the president and the court president.
- The court does not have a public relations specialist. The person responsible for media relations is the vice-president of the court.
- The court does not have a human resource specialist.
- There is no system for internally training the regular staff.

### *Recommendations*

- Employ and train a human resource specialist.
- Employ and train a public relations specialist.
- Implement internal training for the regular staff of Riscani District Court so they can solve problems they meet in their jobs.

## V. SERVICES FOR THE PUBLIC

Riscani District Court has an information window at the chancellery. The doors of some judges' offices have plaques with their names and a warning that entry is not allowed. There is an information board at the entrance in the courthouse with the following information:

- Lists of cases scheduled for trial that is prepared manually in Word
- Rules of behavior for the public in a courthouse
- Contact information of the court
- Declaration of Independence of the Republic of Moldova
- Information about state fees

Parties and other trial participants may request copies of judgments daily by filling out an application at the chancellery. Copies are delivered on the same day. The court president does not need to approve the application unless the applicant is not a party in the case. The chancellery staff mentioned that they would like to have an additional staff member to handle applications.

### *Conclusions*

- The court has an information window for the public.
- There are signs guiding the public.
- The procedure for getting copies of judgments does not usually require the approval of the court president.
- If the applicant for a copy of a judgment is not a party in the case, the application needs the approval of the court president.
- The courthouse has an information board at the entrance.

### *Recommendations*

- Use ICMS to generate lists of hearings scheduled for trial.
- Post information of public interest in a uniform format on the information board instead of on the hallway walls.
- Put plaques stating that the public is not allowed on all judges' office doors.
- Install signs showing the way to the office of the public relations specialist.

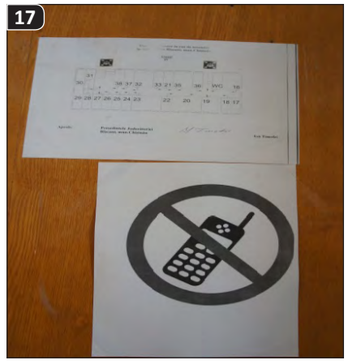


**Photo 15.** *A plaque with a judge's name*
**Photo 16.** *A notice that the public is not admitted into judges' offices*
**Photo 17.** *Public information*
**Photo 18.** *Information board with lists of court hearings*
**Photo 19.** *Public information*
**Photo 20.** *Sign to the archives*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Riscani District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which in turn receives ceilings for the entire justice sector from the Ministry of Justice. These ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others)

2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted as per the inflation rate predicted for the coming year. After all these calculations, the court proposes a draft budget that complies with the ceilings established by DJA

## 6.1. BUDGET

The budget of Riscani District Court is divided into the following six categories:

- *Staff expenditures* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* - power, lease of goods;
- *Expenditures for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[4]

From 2010 (executed) to 2012 (approved), the budget of Riscani District Court increased from MDL 3.6 million to MDL 4.5 million(Table 7).

In 2011, the court budget increased by 8% compared with 2010, mostly due to expenditures for repairs that increased four times over the previous year and allocations for utilities that increased by 23%.

In 2012, the court budgeted 16% more funds than in 2011 to purchase a car.

[4] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 7.** *Budget of Riscani District Court of Chisinau Municipality by type of expense (2010–2012)*

| Expenditure category/year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 2,639,744 | 2,787,033 | 6% | 3,179,700 | 14% |
| Repairs | 99,537 | 436,162 | 338% | 350,000 | -20% |
| Utilities | 217,856 | 268,422 | 23% | 300,000 | 12% |
| Fixed assets | 148,000 | 0 | -100% | 210,000 | 100% |
| Capital investments | 0 | 0 | 0% | 0 | 0% |
| Operating expenditures | 568,969 | 468,503 | -18% | 542,500 | 16% |
| **Total** | **3,674,107** | **3,960,120** | **8%** | **4,582,200** | **16%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court.*

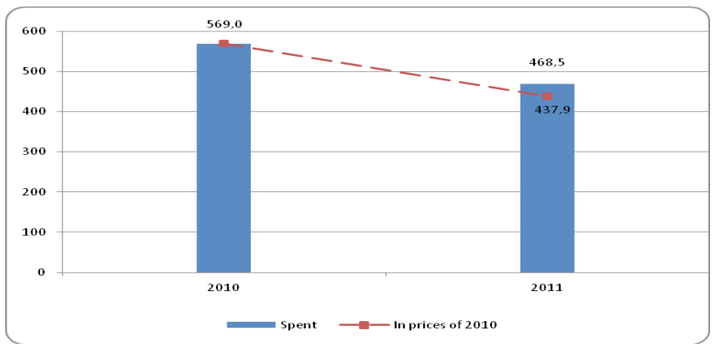
## 6.2. STAFF EXPENDITURES

Staff expenditures represent approximately 70% of the total budget and increase year by year. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

From 2010 to 2011, both the face value and the real value of operating expenditures decreased. Their face value decreased from MDL 569 thousand to MDL 468.5 thousand, a reduction of about 18%. Their real value decreased by approximately 23% taking into account that in 2011 the inflation rate was 7%.[5] MDL 468.5 thousand in 2011 was therefore equivalent to 437.9 thousand in 2010; hence, the real value of operating expenditures decreased by approximately MDL 131.1 thousand (Graph 7).

**Graph 7.** *Operating expenditures for Riscani District Court in 2010 and 2011*



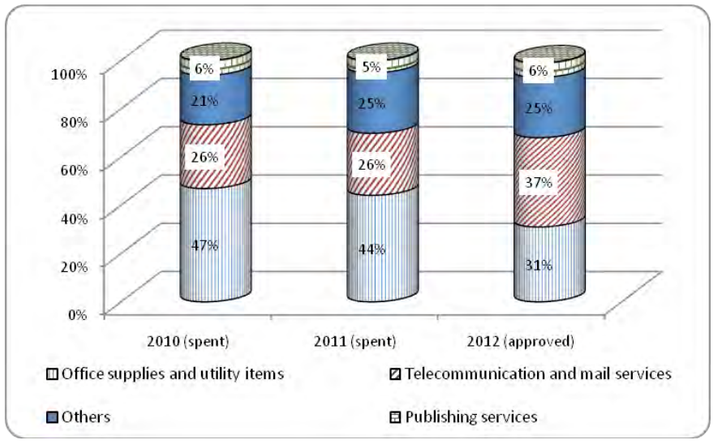

[5] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Telecommunication and mail services;
- Publishing services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that the expenditures for office supplies and utility items decreased from 47% of the total operating expenditures in 2010 to 31% in 2012. Allocations for telecommunications and mail increased from 26% in 2010 to 37% in 2012 while the share of the publishing services remained almost the same.

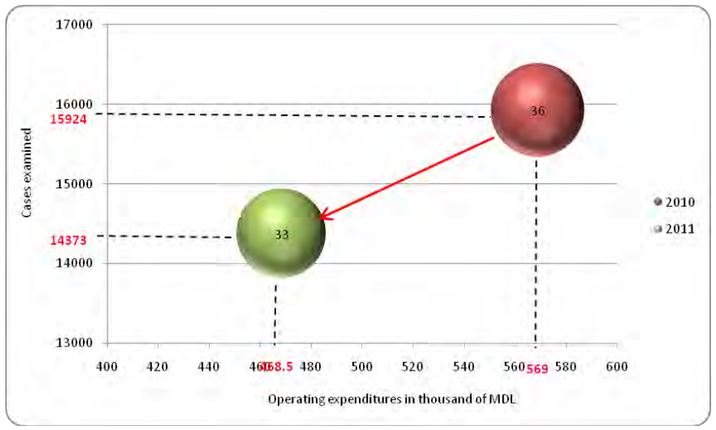
Expenses for telecommunications and mail merit attention because approximately 70% are planned for stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease in operating expenses in 2011 compared with 2010 can be explained by many factors, including by the decrease by 1551 in the number of cases examined from 2010 to 2011.

Comparing operating expenditures with the number of cases examined, in 2010 the average cost for examining a case amounted to around MDL 36, while in 2011 it was MDL 33 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case for Riscani District Court in 2010 and 2011*



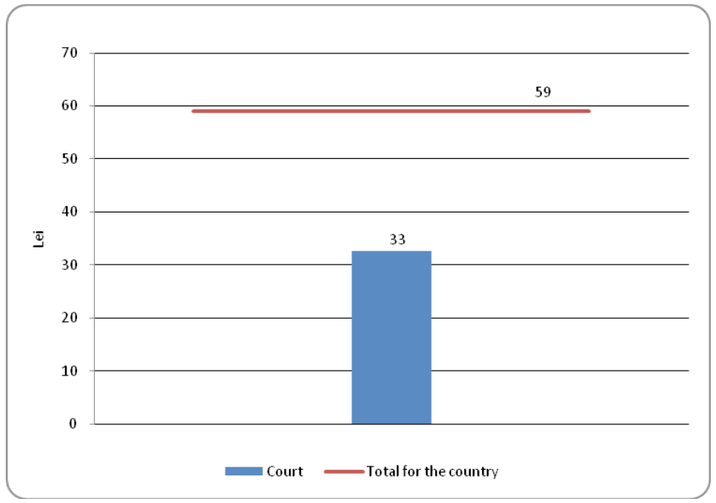

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The decrease in the average cost for examining a case was due to the decrease in the number of cases examined (10%) and the decrease in the operating expenditures (23%).

## 6.6. AVERAGE OPERATING COST FOR EXAMINING A CASE IN RISCANI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of examining a case for the country as a whole can show whether MDL 33 per case in 2011 is high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost of examining a case at Riscani District Court in 2011 and the weighted average cost per case for the country*




As shown in Graph 10, in 2011 the average cost per case examined in Riscani District Court was lower than the weighted average cost per case examined for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Riscani District Court does its accounting electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the adviser and the chief accountant, neither of whom has professional qualifications in procurement. Since procurement legislation is continuously changing, these persons should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, both the face value and the real value of operating expenditures decreased compared with 2010.
- In 2011, the average cost for examining a case slightly decreased compared with 2010.
- In 2011, the average cost for examining a case was lower than the weighted average cost of examining a case for the country as a whole.
- Mail services account for a large share of total operating expenses.
- The accounting is done electronically.
- The court does all its public procurements without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Balti District Court in the City of Balti serves 149 200 inhabitants in the 3 localities that are part of Balti municipality according to Law No. 764 of 27 December 2001 on the Administrative-Territorial Organization of the Republic of Moldova.

According to its staff roster, the court has 17 judges, 1 investigating judge, and 52 regular staff. There is no human resources specialist; those duties are instead performed by the court president and the adviser to the president. Balti District Court has a public relations specialist who manages the website and also occupies the position of chancellery specialist.

Staff expenses have followed an upward trend. The court does all its public procurements without a procurement specialist. In 2011, both the face value and the real value of operating expenditures decreased compared to 2010. In 2011 the average cost for examining a case was virtually the same as it was in 2010 and was lower than the weighted average cost of examining a case for the country as a whole (see in Section VI).

Balti District Court covers 16395 sq. meters on four floors and a basement. Some offices have been renovated. The court plans to renovate the basement and to upgrade the archives.

The staff of Balti District Court uses ICMS Version 2. Its slow operating speed and the inability to register trial participants without entering their personal codes were mentioned by the staff as problems with the software.

# BALTI DISTRICT COURT

*43, Hotinului Str., Balti City*

*Date of visit: 14 June 2012*

The staff does not make audio recordings of hearings held in the four courtrooms where recording equipment is installed. The reason is that the court clerks are newly employed and do not know how to use the software. In addition, not all hearings are held in courtrooms as there are 4 for 18 judges. The turnover of court clerks, the lack of training and the legal requirements for written minutes in addition to audio recordings of hearings (overlapping) are reasons that not all hearings are audio recorded.

Balti District Court keeps more registers than the amendments to the Guidelines require.

The total number of cases registered at Balti District Court from 2009 to 2011 decreased by 1986 while the number of cases examined decreased by 2618 with a case clearance rate of 84.0% in 2011.

The court has an information board for the public, and some office doors have warnings that entry is restricted.

The website of Balti District Court is periodically updated; the menus have some information of public interest, but some have no information and others have duplicate information.

# I. INFRASTRUCTURE

## *1.1. ASSESSMENT*

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 3 | The exterior was renovated in 2008, but the work was not done well. The stairs should be replaced. |
| Water supply | 2 | The water supply is sufficient. The system was renovated. The court is supplied with water from a well. |
| Power supply | 3 | The electrical network is obsolete. It was partially renovated only in the offices that were renovated. |
| Sewerage system | 2 | The sewerage system has been completely renovated. |
| Heating system | 1 | The heating system uses natural gas. The pipes have been renovated, but the radiators are old, except those in renovated offices. |
| Firefighting system | - | The system doesn't exist. |
| Roofing | 3 | The roof structure is solid, but it is old and needs to be renovated. |
| Interior | 3 | About 25% of offices have been renovated. The doors are old, and most of the flooring is in unsatisfactory condition and needs to be repaired. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

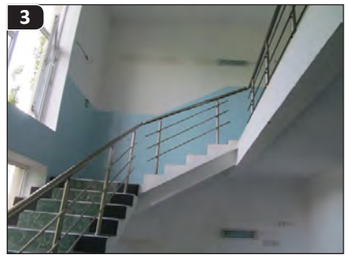


**Photo 1.** *Courthouse exterior*
**Photo 2.** *Main entrance of Balti District Court*
**Photo 3.** *Stairs inside the building*
**Photo 4.** *Radiator*
**Photo 5.** *Basement*

## 1.2. CURRENT CONDITION

The infrastructure assessment is focused on a comparative analysis of the physical and operational conditions of Balti District Court in June 2012.

Balti District Court was built in 1978 as a courthouse and it is one of the largest in Moldova.

The courthouse has a total area of 1639.5 sq. meters on four floors and a basement. There are 35 offices, 5 public rooms and 4 courtrooms.

Balti District Court is protected by the judicial police during the day and has three night guards on staff. The security of the courthouse is also ensured by a video surveillance system.

The exterior and the main stairs of the courthouse are in satisfactory condition as they were renovated in 2008. Because the procedures for public procurement required contracting the company offering the lowest bid, the work was not done to a high standard and another renovation of the exterior and entrance stairway is necessary.

The courthouse has renovated water and sewerage systems that are in good condition. The electrical network is in satisfactory condition as it was partially renovated when some offices were refurbished. The entire building needs an updated electrical system.

The archives are in three rooms: one in the chancellery, one in the basement and one on the third floor. They are secured by locks on the doors. The chancellery is located on the second floor. The premises used by the judges and those for the public are not separated.

The interior of the ground floor is in satisfactory condition. Some offices have been renovated. The ceilings and flooring were replaced and the walls were painted. New furniture was procured. The waiting room for the public was renovated in 2008; a suspended ceiling was installed. All the windows and some doors were replaced on this floor. There is a restroom for staff on the ground floor. It was renovated and is in good condition.

The second floor needs to be renovated, especially the electrical system and the light fixtures. The public areas need to be completely renovated. Some offices have been, but the majority of premises on this floor have not been and are in their original condition. The flooring in the majority of offices is linoleum which has cracked. The civil, criminal and general chancelleries are divided into three offices. The general chancellery also hosts the translators and the staff of the mail room. The server is installed in a separate room that has an air conditioner. The restroom is in good condition.

The condition of the third floor is similar to that of the second. Some renovations have been done. The premises for staff and litigants need to be renovated. The archives need renovation and also additional space. There is no ventilation system; the humidity is high. An office was set up for juveniles participating in trials. The balustrade of the staircase has large open spaces at the corners which is very dangerous for small children.

The light fixtures, the doors and the windows of the courtrooms on the fourth floor have been renovated. The windows and doors of the remaining premises are wood and are old. The walls of the offices have wood panelling to keep them from deteriorating. Except for the courtroom and some renovated offices, the wiring and light fixtures on this floor are in poor condition and must be replaced. The space for litigants needs to be renovated. The restrooms were reconditioned in 2002 and are in good condition.

There are neither firefighting systems nor emergency lights.

Balti District Court is adequate for the work of a court. It has a separate entrance for detainees as well as a separate space and restrooms for them. Currently, detainees are taken to the courtrooms through the entrance and the hallway at the back of the building. By reconfiguring the space, it would be possible to separate space for judges from that for the public and to create more courtrooms. There is a plan to renovate the basement and make a space for the archives..

The 2009 Infrastructure Assessment Report listed five priorities for capital repairs. One recommendation has been fully implemented and one has been partially implemented (Table 1 and Graph 1). The wiring and light fixtures in some offices were replaced.

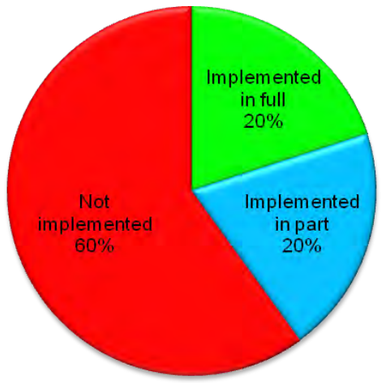
**Photo 6.** *Ceilings in Balti District Court*
**Photo 7.** *Server*
**Photo 8.** *Walls in Balti District Court*
**Photo 9.** *Light fixtures in Balti District Court*
**Photo 10.** *Cells for detainees*

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2008 | Implementation stage, 2012 |
|---|---|
| Divide two large courtrooms to create two additional courtrooms | Not implemented |
| Replace and recondition the electrical wiring and lighting fixtures, the smoke detectors and the emergency evacuation systems. | Partially implemented |
| Replace the external windows on the main facade. | Not implemented |
| Equip the room with the LAN server with air conditioning. | Implemented |
| Build an extension. | Not implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of capital repair priorities in 2012*




## *Conclusions*

- From 2009 to 2012, Balti District Court was renovated but not in line with the recommendations in the 2009 Infrastructure Assessment Report.
- Based on the priorities set in 2009, ROLISP estimated that 20% have been fully implemented, 20% have been partially implemented, and 60% have not been implemented.
- The facade of the building was renovated in 2008.
- The server room has an air conditioner.
- A room for juveniles participating in a trial was arranged.
- The interior needs to be renovated.

## *Recommendations*

- Divide two large courtrooms to create two additional courtrooms.
- Replace the windows on the main facade.
- Build an extension.
- Reconfigure the space and relocate the chancellery and reception to the ground floor near the main entrance thus facilitating the access of the public to information.
- Relocate and consolidate the archives.
- Improve the electrical network.
- Create an office for prosecutors and lawyers to study cases.

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The employees of Balti District Court have used ICMS since 2009 and currently use Version 2.

Problems with ICMS are its slow speed and the inability to register the trial participants without entering a personal code. The adviser to the court president manages human resources in ICMS and registers new employees giving them usernames and passwords.

To use ICMS, documents must be scanned after cases are registered. The chancellery staff does not, however, scan them due to lack of time.

The court has no information technology specialist on staff; all technical problems are resolved to the extent possible by a consultant or by CTS.

**Table 2.** *Suggestions for modifying ICMS for Balti District Court.*

| No. | Suggestions for ICMS modification |
|---|---|
| 1. | Create the possibility to save trial participants without entering the taxpayer ID number or the dash. |
| 2. | Introduce indices 26 and 4rh in the category of administrative cases, as well as the indices necessary for reporting. |

*Source: President of Balti District Court*

According to the staff, CTS solves problems after delays and referring calls to different operators. They rated their general satisfaction with the services provided by CTS in 2012 as a 3 out of 5.

### 2.2. AUDIO RECORDING SYSTEM

Balti District Court has four courtrooms each with a set of audio recording equipment and software; however, hearings are not audio reordered because the court clerks do not know how to use the system and were not trained to use the equipment. In addition, not all hearings are organized in the courtrooms as currently there are 18 judges.

Requests for audio recordings of court hearings have not been fulfilled either because of a lack of trained personnel or a lack of free courtrooms. Starting in 2009 when the audio recording equipment and software were installed, requests for CDs of hearings have not been met because the hearings were not recorded.

The doors of the courtrooms have signs indicating that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings[2], the purpose is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. Since hearings are not recorded at Balti District Court, the court clerks do not use them for this purpose.

The issues with recordings that the employees of Balti District Court face are the inability to listen to audio recordings on the Windows 7 operating system, the legislation requiring written and electronic minutes and the untrained staff.

[2] *SCM Regulation on Digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

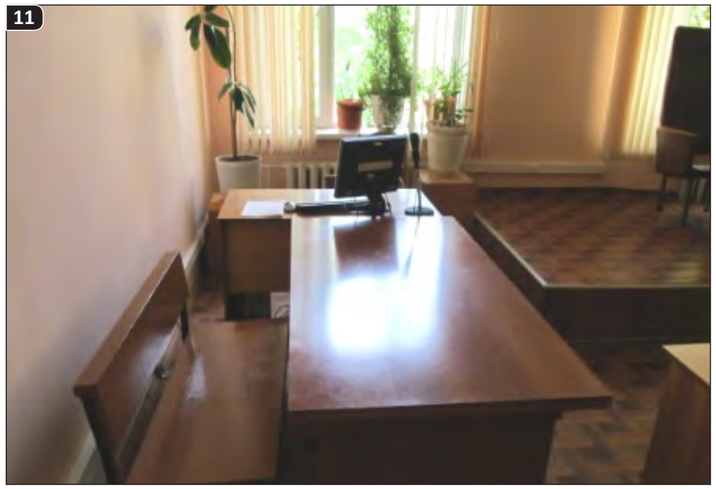


**Photo 11.** *Courtroom*
**Photo 12.** *Courtroom*
**Photo 13.** *Audio recording system*

## 2.3. WEB PAGE OF BALTI DISTRICT COURT

Balti District Court has a website on which it posts information for the public; it is updated by the person responsible for public relations as needed.

Table 3 shows the menus and their contents.

**Table 3.** *Content of Balti District Court web site*

| Menu Title | Information posted on the web site |
|---|---|
| Background | – The background of the court<br>– The history of Balti City |
| Message of the Court President | Welcome message |
| Organization | Generates an error message |
| Regulatory Framework | The list of the main regulatory acts regulating the court |
| Public Relations Service | Name and surname of the public relations specialist and contact data |
| Archives | – General information about archives and working hours<br>– Active link to *Guidelines on Manual Secretarial Work in Courts of Law and Courts of Appeal approved via the SCM Decision No. 473/21 of 18 December 2008* and the *Law on Archive Fund of the Republic of Moldova* but an error is generated when opening them |
| Working Hours of Balti District Court | Generates an error |
| Database of Judgments | Information automatically retrieved from ICMS<br>**The latest judgment was posted on 18 July 2012 .** |
| List of Hearings | Information automatically retrieved from ICMS |
| List of Case Files | Information automatically retrieved from ICMS |
| Press Releases | Analytical report on the work of Balti District Court during 2010 |
| Competence | Jurisdiction |
| Information of Public Interest | – Active link to *Rules of Conduct for Litigants and other Persons Court*<br>– Active link to *Public Relations Service*<br>– Active link to bank data for paying state fees<br>– Active link to *Citizen's Guide with links to samples of applications, samples of summons, rights and duties of the participant, appeal, cassation, execution of judgment, state duty, glossary of legal terms* |
| Congratulations | No information |
| News | No information |
| Vacancies | Announcement about a vacancy for court clerk |
| Announcements | – Announcement about a vacancy for court clerk<br>– Note about voluntary blood donations from June to December 2012 and the World Blood Donor Day on 14 June 2012 in Balti |

*Source: http://jba.justice.md/*

The menus have some information of public interest, but "Announcements" and "Vacancies" duplicate information and "Competence" should indicate the localities under the jurisdiction of Balti District Court. "Press Releases" should be updated.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Balti District Court has sufficient equipment to operate properly. Table 4 shows the equipment category, the number of existing items and the equipment needed as per court staff.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Server | 1 | - |
| Computers | 73 | 5 |
| Printers | 35 | 3 |
| Scanners | 3 | 9 |
| Audio recording sets | 4 | 5 |
| Copier | 5 | - |
| Air conditioning systems | 11 | 15 |
| Fax | 3 | 7 |
| UPS | 1 | 8 |
| Video surveillance systems | 1 | - |
| TV-set | 1 | - |
| DVD | 1 | - |

*Source: Balti District Court*

### Conclusions

- When using ICMS Version 2, the staff of Balti District Court faces problems of slow speed and the inability to register trial participants without entering a personal code.
- The staff of Balti District Court does not scan documents from case files.
- The staff does not use the audio recording system.
- To improve its work, Balti District Court needs 5 computers, 3 printers, 9 scanners, 5 audio recording sets, 15 air conditioners, 7 fax machines, and 8 UPS units.
- Balti District Court uses the website content management system. The menus have some information of public interest , but sometimes the title of the menu does not match its content, and some information is repeated.

### Recommendations

- Hold all hearings in courtrooms by adding courtrooms and efficiently scheduling hearings.
- Record all hearings and erase recordings from the server in line with SCM regulations.[3]
- Organize in-house training for staff on how to use ICMS and Femida.
- Fill the website with updated information of public interest.
- Ensure uniformity in the fonts and colors on the website.
- Avoid duplication of information on the website.

[3] *SCM Regulation on digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

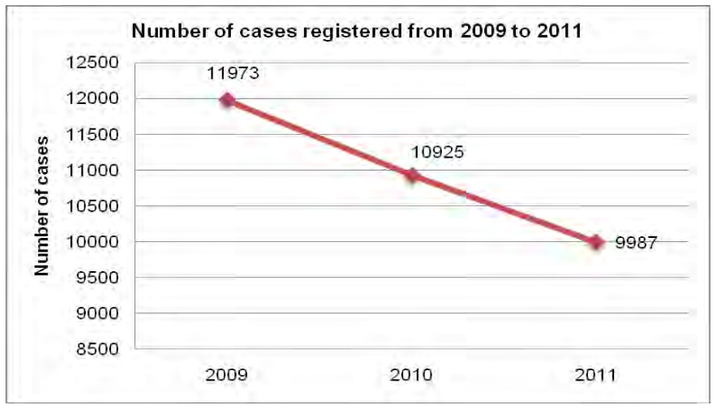
# III. WORK OF BALTI DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The assessment covered the following items from 2009 to 2011: the total number of cases registered; the total number of cases examined; the number examined by type of case; the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases filed at Balti District Court decreased from 11,973 in 2009 to 9987 in 2011.

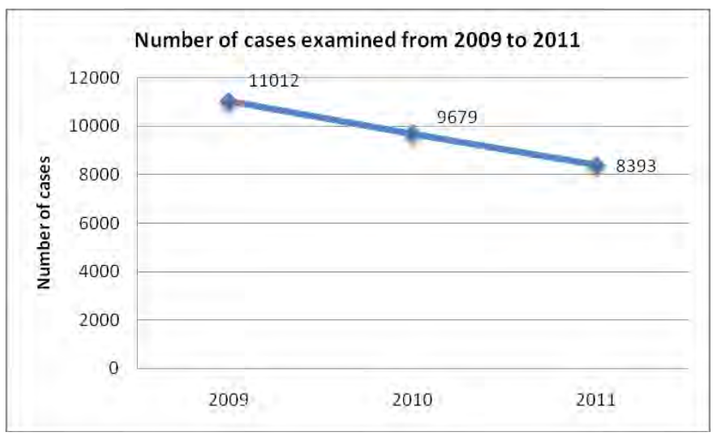
**Graph 2.** *Number of cases registered at Balti District Court from 2009 to 2011*




*Source: DJA*

Graph 3 shows that the number of cases examined decreased from 11,012 in 2009 to 8,393 in 2011.

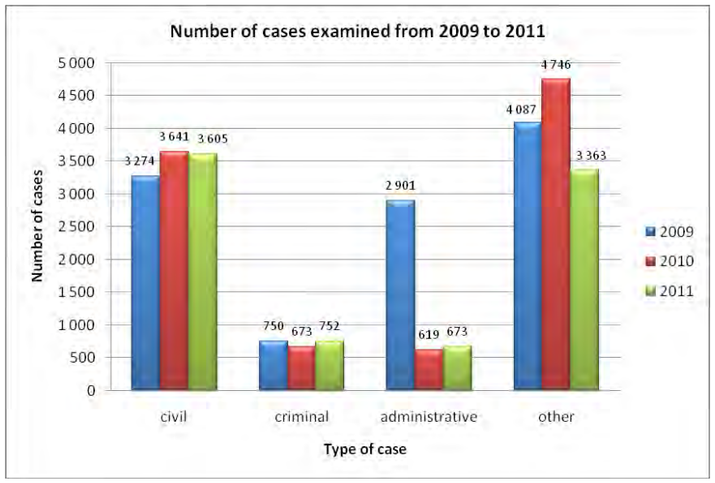
**Graph 3.** *Total number of cases examined at Balti District Court from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, the number of civil cases examined in Balti District Court increased from 3274 in 2009 to 3605 cases in 2011, the number of criminal cases examined during the same period did not change very much while the number of administrative cases decreased from 2901 in 2009 to 673 cases in 2011.

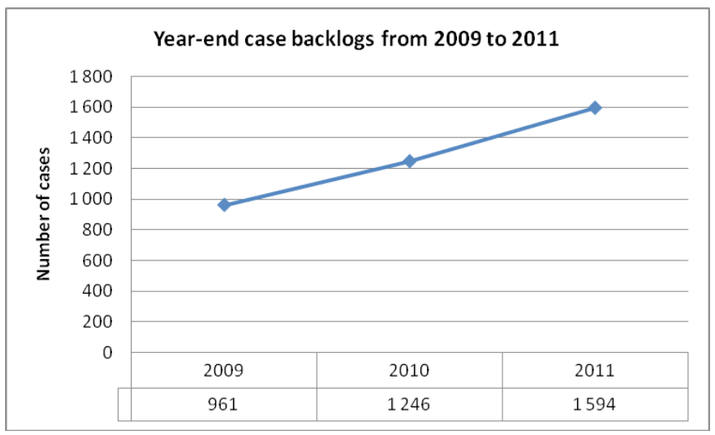
**Graph 4.** *Number of cases examined at Balti District Court from 2009 to 2011 by type of case*




*Source: DJA*

The analysis of the year-end case backlog at Balti District Court showed an increase from 961 in 2009 to 1594 in 2011 (Graph 5).

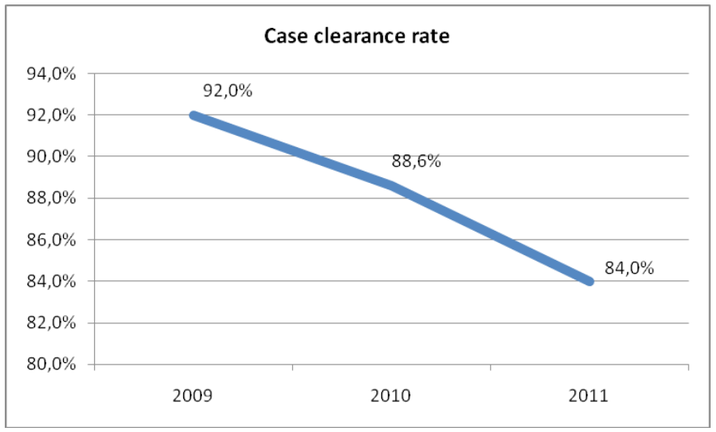
**Graph 5.** *Year-end case backlogs from 2009 to 2011*




*Source: DJA*

Given the aforementioned, the case clearance rate in Balti District Court decreased from 92% in 2009 to 84% in 2011 (Graph 6).

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Balti District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and other duties as needed for the normal run of court activities.

The chancellery of Balti District Court is located on the second floor and is divided into three offices: civil, criminal, and general. There are seven specialists working in the chancellery, as well as the public relations specialist who also holds the position of chancellery specialist. They are responsible for registering cases in ICMS and on paper.

The chancellery keeps the registers in Table 5.

**Table 5.** *List of registers used by Balti District Court chancellery*

| Register category | Register title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Case files sent to the chancellery<br>4. Sent mail<br>5. Petitions |
| ***Civil*** | 1. Index of civil case files<br>2. Index of case files under administrative review<br>3. Index of cases files under simplified procedures<br>4. Index of economic case files<br>5. Civil case files sent to superior courts<br>6. Requests for enforcement of civil judgments during 2012<br>7. Requests related to the transfer of the enforcement documents, requests for recusal of enforcement officers, refusal to receive the writ of execution, postponement of enforcement acts<br>8. Case files released for information about case materials<br>9. Action record card |
| ***Criminal*** | 1. Index of criminal case files<br>2. Presentations of probation offices, enforcement officers, etc.<br>3. Criminal case files sent to superior courts<br>4. Physical evidence<br>5. Wanted persons<br>6. Action record card |
| ***Administrative*** | 1. Index of administrative case files<br>2. Complaints<br>3. Motions<br>4. Presentations on enforcement of judgments/decisions<br>5. Administrative case files sent to superior courts<br>6. Judgments sent for enforcement and received from enforcement |

*Source: Balti District Court chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information can be entered three or even four times in different records as shown in Table 6.

**Table 6.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Register of incoming mail, Index of civil cases, Register of case files sent to the chancellery. |
| Plaintiff's name | ICMS | Action record card | Register of incoming mail, Register of case files sent to the chancellery |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case file category | ICMS | Action record card | Register of incoming mail, Index of civil cases, Register of case files sent to the chancellery |
| State duty | ICMS | Action record card | |
| Circulation of the case file within the court | ICMS | Action record card | Register of case files sent to the chancellery |
| Essence of the case | ICMS | Action record card | |

*Source: Balti District Court chancellery specialists*

The chancellery keeps more registers than required in the Guidelines.[4]

Some of the archives are located in the chancellery, some are in the basement and the rest are on the third floor of the building. There is practically no free working space in the chancellery. The condition of the archives on the third floor is unsatisfactory. The case files are kept on shelves, on the floor and on chairs. There is no ventilation system. The archive room in the basement is also in unsatisfactory condition. There is no ventilation system and the space is not adequate for storing case files.

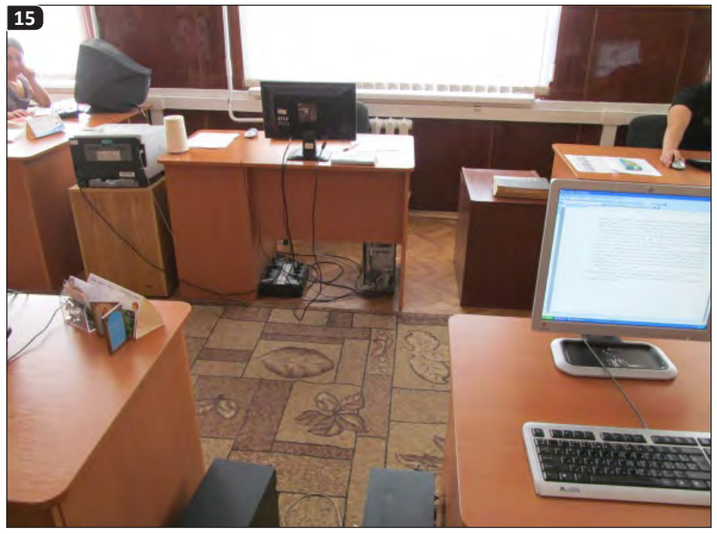
[4] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

### *Conclusions*

- From 2009 to 2011 the number of cases registered at Balti District Court decreased by 16,6%.
- The number of cases examined during the same period decreased by 23,8%
- From 2009 to 2011, the number of civil cases examined increased by 331, the number of criminal cases tried increased by 2 and the number of administrative cases decreased by 2228.
- The year-end case backlog grew 633 from 2009 to 2011.
- The case clearance rate fell by 8% in the same period.
- There is duplication of effort because laws and regulations require paper and digital registers.
- The chancellery specialists keep more registers than the Guidelines require.

### *Recommendation*

- Consolidate and organize the archives into a single room.
- Install a ventilation system in the archive room.
- Relocate the chancellery and arrange a reception room on the ground floor.
- Separate the space for judges from the space for the public.
- Review the internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to bring the number of registers in line with the requirements in the Guidelines.



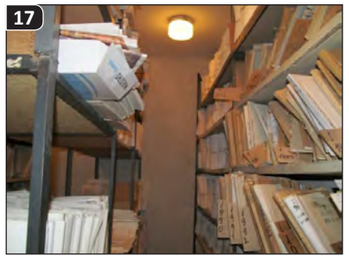


**Photo 14.** *Criminal chancellery of Balti District Court*
**Photo 15.** *General chancellery of Balti District Court*
**Photo 16.** *Archives in the criminal chancellery*
**Photo 17.** *Archives from the third floor*
**Photo 18.** *Archives in the basement*

## IV. HUMAN RESOURCES

According to the approved staffing plan, Balti District Court has 18 judges and 52 regular staff (Table 7).

There is no position for a human resource specialist. In practice, those duties are performed by the court president and a consultant duly authorized by the court president. Previously human resources were managed by the court president and the head of the chancellery.

Balti District Court has a public relations specialist who manages the website and the court's e-mail and also serves as a chancellery specialist.

Vacancies are posted in the *Official Gazette*, the local newspaper *Makler* and on the website. To fill a vacancy, a commission is created consisting of the court president, two judges, the adviser, the consultant in human resources and a secretary. Candidates take a written test. The written test results are checked by a person appointed to report to the president and an interview. The president of the court decides whom to hire and drafts the employment order.

Balti District Court has job descriptions for the positions of the adviser to the court president, chief accountant, head of chancellery, coordinating specialist for public relations, consultant, head of archives, court clerk, translator and specialist.

**Table 7.** *Staffing scheme of Balti District Court*

| No. | Position | Current number | Vacancies |
|---|---|---|---|
| 1. | Judge | 17 | - |
| 2. | Investigating judge | 1 | - |
| 3. | Adviser to the court president | 1 | - |
| 4. | Chief accountant | 1 | - |
| 5. | Consultant | 5 | - |
| 6. | Head of chancellery | 1 | - |
| 7. | Specialist | 6 | - |
| 8. | Court clerk | 17 | 1 |
| 9. | Translator | 4 | - |
| 10. | Coordinating specialist | 1 | - |
| 11. | Head of archives | 1 | - |
| 12. | Archivist | 1 | - |
| 13. | Head of dispatch department | 1 | - |
| 14. | Driver | 1 | - |
| 15. | Boiler room operator | 1 | - |
| 16. | Courier | 1 | - |
| 17. | Guards | 3 | - |
| 18. | Inside cleaner | 5 | - |
| 19. | Outside cleaner | 1 | - |
| 20. | Electrician | 1 | - |
| | **TOTAL** | **70** | |

*Source: Accounting office of Balti District Court*

The court has internal regulations that were handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement, irrespective of its term, who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ, and in 2011 all the judges of Balti District Court met the requirement of 40 annual hours of continuous training. The judges interviewed by the assessment team mentioned that the NIJ training and the publications received from SCM are enough to meet their information and training needs. To search for regulatory acts, the Balti District Court uses the legislative database on the website of the Ministry of Justice and does not subscribe to any private legislative databases. Some of the publications to which Balti District Court subscribes are the *Official Gazette, SCJ Newsletter (Buletinul CSJ), Accounting and Auditing (Contabilitate şi audit*) and the *National Law Magazine (Revista Națională de Drept*).

Court staff other than judges mentioned that the court has not conducted any in-house training for them. Their topics of interest are ICMS and Femida for court clerks, skills for communicating with the public for the public relations specialist and accounting for the accountant.

### *Conclusions*

- In Balti District Court, human resources are managed by the court president and the consultant.
- The court has a public relations specialist who also holds the position of chancellery specialist.
- The court has no human resources specialist.
- The court has no internal system for training staff.

### *Recommendations*

- Employ a human resources specialist and train him/her.
- Train the public relations specialist.
- Organize internal training for the staff so that they can solve the problems they face in carrying out their duties.

## V. SERVICES FOR THE PUBLIC

Balti District Court has no information office or window at the entrance to the courthouse. The office of the public relations specialist is located on the second floor. There are no signs at the entrance to the courthouse to direct the public to the public relations specialist though there are signs to the chancellery. There are also signs warning that access to the judges' offices is restricted.

The courthouse has a board at the entrance with the following information:

- List of cases scheduled for trial prepared manually in Word
- Working hours of Balti District Court
- Rules of conduct for litigants and other persons in court
- Information on state fees
- Evacuation plan in case of fire
- Decision regarding access to trials and access of representatives to judges' offices

The parties and other trial participants may request copies of judgments on daily basis by filling out an application at the chancellery. The court president does not have to approve the applications. The applicants pay the state fee and with confirmation of payment they receive the copy on the same day if they come from a distance. For other persons, the average time is four to five days.

### *Conclusions*

- There is no information window for the public.
- There are no signs showing the way to the office of the public relations specialist or to the archives.
- The information board for the public at the entrance to the court contains relevant and comprehensive information to help visitors orient themselves.
- The chancellery of Balti District Court is located on the second floor of the building, a location that is not in line with the general rules for designing courthouses.
- The procedure for getting copies of judgments does not require the approval of the court president.

### *Recommendations*

- Post more comprehensive information of public interest on the information board, such as information about the website, information about the right of parties involved in a case to request audio recordings of hearings and CDs of the recordings, news about the judicial system, information about the state fees, samples of applications, etc.
- Use ICMS to generate the list of cases scheduled for trial.
- Install signs showing the way to the office of the public relations specialist and the archives.

**Photo 19.** *Space for litigants*
**Photo 20.** *Sign near the public relations specialist's office*
**Photo 21.** *Information board*
**Photo 22.** *Sign directing the citizens*
**Photo 23.** *Information about the archives*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Balti District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which receives ceilings for the entire judicial system from the Ministry of Justice. These ceilings are decided and approved together with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenses (staff, others);

2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by DJA, while capital expenses are determined by each individual court after negotiations with DJA. Other expenses are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. Based on these calculations, the court proposes its draft budget in compliance with the ceilings established by DJA.

## 6.1. BUDGET

The budget of Balti District Court is divided into the following six categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Utilities* – power supply, natural gas, water and sewerage, sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[5]

From 2010 (spent) to 2012 (approved), the budget of Balti District Court increased from MDL 3.2 million to MDL 3.8 million (Table 8).

In 2011 the court budget was virtually the same as in 2010 increasing by only 1%. This slight growth was due to expenses for fixed assets (a car) and utilities (a 12% increase). All other expenses decreased including those for the staff (by 10%).

The 2012 budget is 16% more than 2011 due to increases in appropriations for operating expenses (55%), staff expenses (30%) and utilities (17%). Expenses for repairs were cut by 52%, and no funds were allocated for fixed assets.

[5] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Balti District Court by type of expense (2010–2012)*

| Expense category/year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 2,564,537 | 2,312,975 | -10% | 3,012,600 | 30% |
| Repairs | 204,151 | 180,664 | -12% | 86,000 | -52% |
| Utilities | 186,088 | 208,231 | 12% | 244,500 | 17% |
| Fixed assets | 0 | 286,497 | 100% | 0 | -100% |
| Capital investments | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 309,431 | 299,736 | -3% | 463,700 | 55% |
| **Total** | **3,264,207** | **3,288,103** | **1%** | **3,806,800** | **16%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

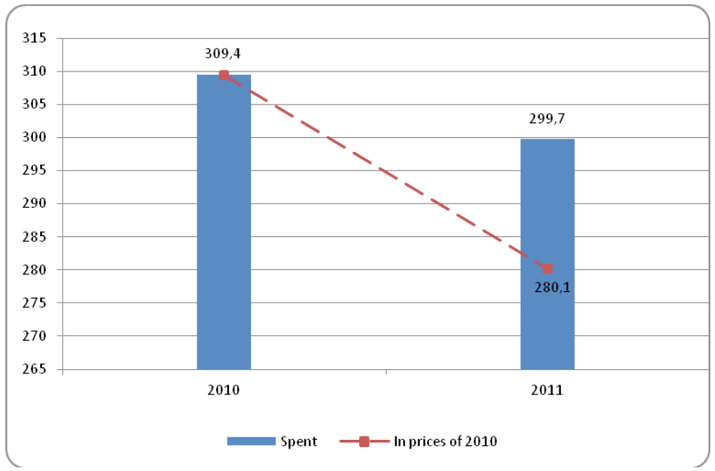
## 6.2. STAFF EXPENSES

Staff expenses represent approximately 75% of the total budget. Due to the fact that remuneration is governed by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

From 2010 to 2011, both the face value and the real value of operating expenditures decreased. Their face value dropped from MDL 309.4 thousand to MDL 299.7 thousand, a 3% decrease. Their real value decreased by 9% taking into account that in 2011 the inflation rate was 7%.[6] MDL 299.7 thousand in 2011 was therefore equivalent to 280.1 thousand in 2010; hence, the real value of operating expenses decreased by MDL 29.3 thousand (Graph 7).

**Graph 7.** *Operating expenses for Balti District Court in 2010 and 2011*



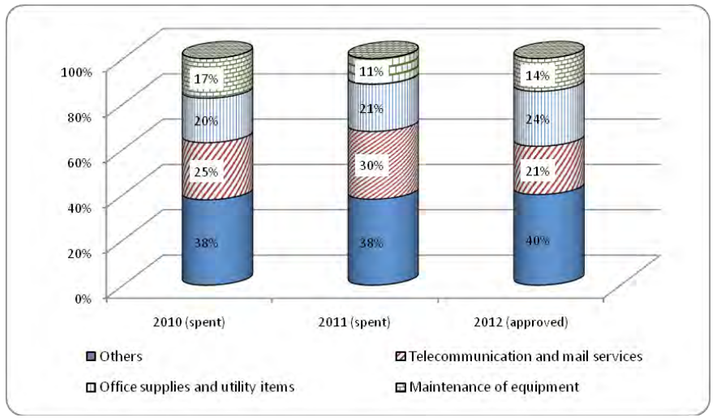

[6] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Maintenance of equipment;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*



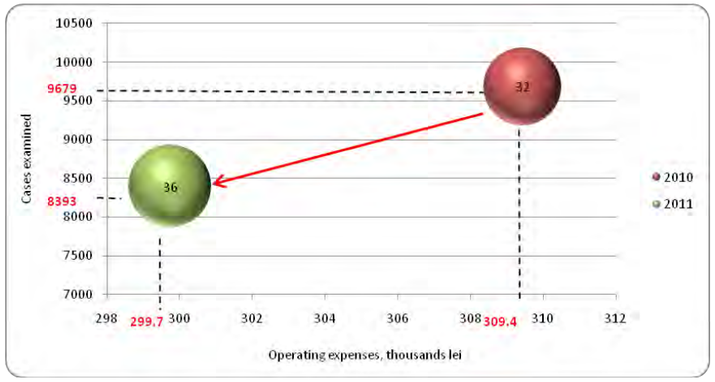

Graph 8 shows that in 2011 the share of expenses for telecommunications and mail increased to 30% office supplies and utility items increased by only 1 percentage point. The share of equipment maintenance decreased by 6 percentage points. In 2012, the funds appropriated for office supplies and utility items account for 24% of total operating expenses followed by telecommunications and mail at 21% and maintenance of equipment at 14%.

Funds for telecommunications and mail merit attention because approximately 70% of them are for stamps.

## 6.5. REAL VALUE OF OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease in the real value of operating expenses in 2011 compared with 2010 can be explained by a few factors, including by the reduction in the number of cases examined by from 9679 to 8393 (by 1286 less). The average cost for examining a case was practically the same at MDL 32 in 2010 and MDL 36 in 2011 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Balti District Court*



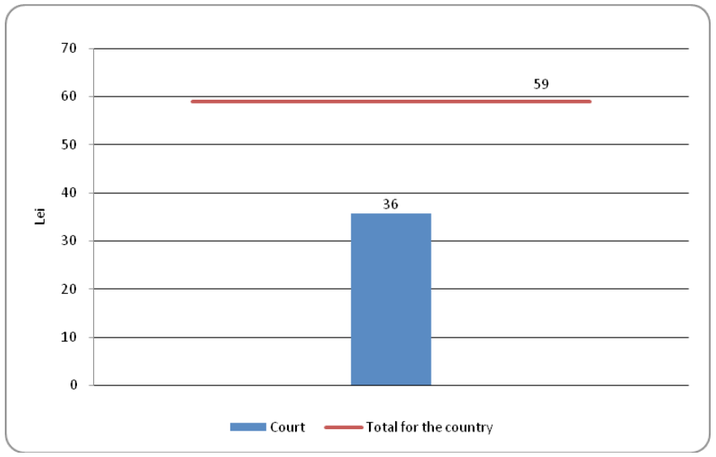

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court*

Although in 2011 both the operating expenditures and the number of cases decreased, the average cost per case examined increased compared to the previous year. This can be explained by the fact that the reduction in the number of cases examined was greater than that in the operating expenditures: while the operating expenditures decreased by 3%, the number of cases examined decreased by 13%.

## 6.6. AVERAGE OPERATING COST PER CASE IN BALTI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 36 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Balti District Court in 2011 and the weighted average cost per case for the country as a whole*




As shown in the Graph 10, in 2011 the average cost per case examined in Balti District Court was much lower than the weighted average cost per case for the country as a whole.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Balti District Court does its accounting electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the adviser to the court president and the chief accountant, neither of whom has professional qualifications in public procurement. Since procurement legislation is continuously changing, they should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, both the real value and the face value of operating expenses decreased.
- The average operating cost per case examined in 2011 remained practically the same as in 2010.
- In 2011, the average cost of examining a case at Balti District Court was lower than the weighted average cost of examining a case for the country as a whole.
- Mail expenses account for a large share of total operating expenses.
- Accounting is done electronically.
- All public procurements are made without a procurement specialist.
- There is a need for training in public procurement

### Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Bender District Court, situated in the village of Varnita, serves the 104,217 inhabitants in two localities (the town of Bender and the village of Proteagailovca) that fall under its geographical jurisdiction according to Law No. 514 of 06 July 1995. Although this law lists only two localities that must be served by the court, *de facto* it also examines cases of the 150,007 inhabitants in the town of Tiraspol. The web page of the court confirms this in the section "Competence" as it includes Tiraspol.

According to its staffing plan, the court has 6 judges and 1 investigating judge. The total number of staff, except judges, accounts for 21,5 staff persons. Bender District Court has no human resource specialist. Those duties are instead performed by the court president, the vice-president and the adviser to the president. The public relations specialist informs the public about the court's work and administers its web page.

Staff expenditures follow an upward trend. The court does all its public procurements without a procurements specialist. In 2011 both the face value and the real value of the allocations for operating expenditures increased. In 2011 the average operating cost for examining a case increased compared with the previous year and was higher than the weighted average cost of a case examined for the country as a whole (see the detailed analysis in Chapter VI).

Bender District Court rents 568.3 sq. meters on the second and third floors of a new building on the main street of Varrnița. The landlord repaired the building at his own expense, arranging the rooms according to the court's needs. The building is in good condition: the exterior, the roof, the water supply system, the offices, the courtrooms and the sewerage system have all been renovated.

# BENDER DISTRICT COURT

*66, Tighina Str., Varnita village, Anenii Noi district*

*Date of visit: 29 May 2012*

The Bender staff use ICMS Version 2, installed in 2009, but they mentioned that there are issues with it including an uneven distribution of cases, slow speed, scanner breakdowns and insufficient knowledge of the options in the second version of ICMS.

The staff makes audio recordings of all hearings held in the two courtrooms in which the recording equipment is installed, unless the equipment breaks down. Since there are three courtrooms for five judges, not all hearings are held in courtrooms. One courtroom does not have audio recording equipment. In addition, turnover of court clerks, lack of training and legal requirements for written minutes in addition to recordings (duplication of effort) are among the reasons that not all hearings are recorded.

Specialists at Bender District Court continue to keep a large number of registers even though amendments to the Guidelines have reduced the number required.

The total number of cases filed at Bender District Court from 2009 to 2011 decreased by 524, and the number of the cases examined decreased by 467 with a case clearance rate of 93.9% in 2011.

The court has an information board for the public and office doors with plaques showing judges' names; however, they do not state that the public is not admitted.

Bender District Court regularly updates its web page. The menus have some information of public interest, but some menu titles do not match their contents or there is no information in them at all.

# I. INFRASTRUCTURE

## *1.1. ASSESSMENT*

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 2 | The exterior has been repaired and a plaque with the court name has been installed. |
| Water supply | 1 | The water supply is sufficient. The court is connected to the centralized water supply system. |
| Power supply | 2 | The electrical systems have been renovated. No issues have been reported. |
| Sewerage system | 1 | The sewerage system is centralized. |
| Heating system | 2 | The heating system is based on gas. It has been completely renovated. |
| Firefighting system | 1 | Available. |
| Roof | 2 | The roof structure is in good condition since it has recently been repaired. |
| Interior | 1 | All rooms have been renovated and have new furniture. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

**Photo 1.** *Court exterior*
**Photo 2.** *Public area*
**Photo 3.** *Room for interviewing juveniles and for assistants*
**Photo 4.** *Renovated restrooms*
**Photo 5.** *Courtroom*
**Photo 6.** *Public area*

## 1.2. CURRENT CONDITION

The infrastructure assessment is focused on a comparative analysis of the physical and operational conditions of Bender District Court in May 2012.

The courthouse has 2 levels with a total area of 568.3 sq. meters. There are 20 offices, 2 public rooms and 3 courtrooms.

Bender District Court is protected by the judicial police and also has night guards on staff. It is planned to contract a security agency.

In 2009 the court was on the third floor of the Bender mayor's office and was in terrible condition. There were no basic work spaces, not enough offices for all judges, no courtrooms, no offices for the regular staff of the court, no special room for detainees and no sanitary facilities.

After a motion submitted in the autumn of 2009, SCM approved the move to 66 Tighina Street, 2nd floor, Varnița, Anenii Noi District and a rental contract on 7 September 2009 between Bender District Court and SC Varnitex Prim SRL.

In December 2011 when a new judge was appointed, another motion was submitted for an additional contract to rent the third floor in the same building; that rental contract was approved in early 2012.

The building is well-designed and is appropriate for a court of such a scale. The interior was specially designed to be a court on the instructions and needs of the court president and staff. Now the court has a sewerage system, a heating system and a new water supply system. Although the design does not comply fully with the principle of complete separation between the public areas, the rooms for judges and the rooms for detainees, it is a relatively good solution given the size of the building. The new room for the chancellery and reception has considerably eased public access to information. The archives are currently kept in two rooms, but at the time of the documentation visit a room on the third floor was being arranged to move the archives there.

The exterior is in good condition with a plaque with the court's name. The roof is also new and in good condition. The electrical system is new: it was installed when the building was constructed.

The interior on the second floor is in very good condition. It was fully refurbished. New ceilings were installed.

On the third floor the judges' and other staff offices were renovated in 2010.

The functional area of Bender District Court is appropriate for the operation of a court of law except that there is no separate entrance for detainees. Currently detainees are taken to the courtroom through the public corridor. The courthouse has three courtrooms shared by five judges. The third courtroom was recently furnished after the third floor of the building was rented. Also on the third floor, a room for detainees is being prepared with a separate restroom for them.

Bender District Court plans to create an office for assistants on the third floor by the end of 2012. In addition, there will be a room for juveniles participating in a case that will have appropriate furniture. One of the courtrooms is already furnished with a TV set and an audio-video system for interviewing juveniles.

The interior of the second floor is in good condition. It was renovated completely and has suspended ceilings.

The offices for judges and other staff on the third floor were renovated in full in 2010 and are in good condition. The restroom for staff is in good condition. All other rooms on the third floor are also in good condition.

The heating system is new. The plumbing and radiators have been renovated in full.

Between 2009 and 2011, air conditioners were installed in judges' offices, the chancellery, one courtroom and the server room.

All light fixtures were replaced when the building was commissioned.

There are neither firefighting systems nor emergency lights.

The 2009 Infrastructure Assessment Report listed three priorities for capital repairs all of which have been implemented.

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2009 | Implementation stage in 2012 |
|---|---|
| Install local area network and connect to the Internet and telecommunication system. | Implemented |
| Furnish and install equipment in the court. | Implemented |
| Install a plaque with the name of the court. | Implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of capital repair priorities in 2012*

### Conclusions

- From 2009 to 2012 many renovations were completed for Bender District Court. The location of the court was changed and rooms were redesigned.
- Additional work was based on recommendations and priorities listed in the 2009 Infrastructure Assessment Report.
- ROLISP estimated that all recommendations for repairs identified in 2009 have been implemented.

### Recommendations

- Consolidate the archives into one room.
- Install a fire alarm system.
- Install plaques on judges' office doors stating that the public is not admitted.

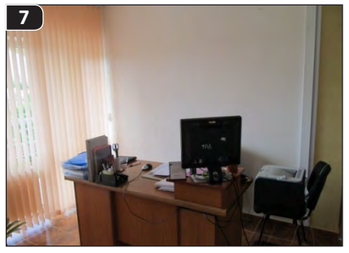


**Photo 7.** *Office of the court clerk*
**Photo 8.** *Chancellery*
**Photo 9.** *Room intended for assistants*
**Photo 10.** *Courtroom (No. 2)*

# II. COURT AUTOMATION

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The Bender staff has used ICMS Version 2 since 2009.

Specialists always scan documents from case files. After registering the files, the chancellery staff scans the statement of claim from civil ones, the lists of persons to be summoned and the lists of evidence from criminal ones and the checklists of case material from administrative case files.

Problems relate to technical aspects of ICMS such as slow processing speed, errors and uneven assignments of cases. Moreover, ICMS Version 2 does not allow assigning cases to the investigating judge.

The staff of Bender District Court mentioned that their scanner had broken down and that it was cheaper to buy a new one than to repair the old one, so they bought a new, less efficient one. It has a slower processing speed; consequently it takes them more time to scan documents.

Bender District Court has an information technology specialist hired in 2011 by a contract.

According to the staff, CST usually solves problems quickly. Often when there are difficulties, CTS explains that they are because the Internet is provided from the left bank of Nistru River and because the court does not have a stable IP address. According to CTS, the same problem (IP address) accounts for the failure to generate hearing lists, lists of cases and the database of judgments automatically on the court's web page. There are plans to sign a contract for Internet service with SA Moldtelecom. The staff of Bender District Court rated their satisfaction with CTS in 2012 at a 4 out of 5.

**Table 2.** *Suggestions for modifying ICMS at Bender District Court*

| No. | Suggestions for modifying ICMS |
|---|---|
| 1. | Ensure that random case assignments are equitable. |
| 2. | Ensure that cases are assigned to the investigating judge. |
| 3. | Increase the processing speed of ICMS, particularly when saving a hearing. |

*Source: President of Bender District Court*

## 2.2. AUDIO RECORDING SYSTEM

Audio recording equipment and software have been installed in two of the three courtrooms at Bender District Court. All hearings held in those two courtrooms are recorded except for rare cases when the equipment breaks down. As there are three courtrooms shared by five judges, it is impossible to hold all hearings in courtrooms. Audio recordings are kept on the court server.

Since 2009 when the audio recording equipment and software were installed, there have been no requests for copies of hearings on CDs.

The courtroom doors have plaques stating that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings,[2] the reason for recording court hearings is to check the accuracy and the completeness of the written minutes and to ensure transparency and efficiency in court work. In 80% of cases, court clerks use the recordings to make sure the minutes are complete and accurate.

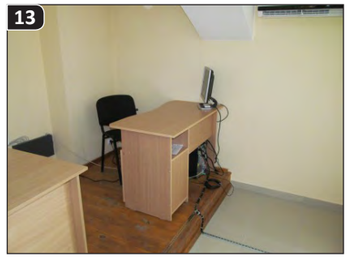
The Bender staff reported that periodically the audio recording equipment does not work or that they are unable to play the recordings. They also mentioned the shortage of courtrooms, the legislation requiring duplication of effort—written minutes and audio records—and a shortage of staff as reasons for not recording all hearings.

[2] *Regulations on Digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

## 2.3. WEB PAGE BENDER DISTRICT COURT

Bender District Court has a web page where information for citizens is posted; it is updated by the public relations specialist as new information is generated.

Table 3 shows the menus on the web page of Bender District Court.



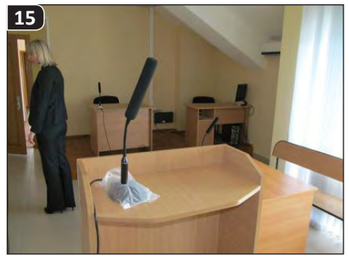



**Photo 11.** *Specialists of the chancellery of Bender District Court using ICMS*
**Photo 12.** *Specialists in the chancellery of Bender District Court using ICMS*
**Photo 13.** *Courtroom*
**Photo 14.** *Courtroom*
**Photo 15.** *Audio recording equipment*

**Table 3.** *Content of the web page of Bender District Court*

| Menu title | Information posted on the web page |
|---|---|
| Welcome to the Web Page of Bender District Court | – Lorem Ipsum text (a placeholder text used to demonstrate the graphic elements of a document) |
| Information of Public Interest | – "Work Schedule" – an active link that informs citizens about the working hours of the court<br>– "Let's Bring Justice Closer to Citizens" – an active link that generates an error when accessed |
| Message of the Court President | – Welcome address |
| Competence | – Competence<br>– Territorial coverage of Bender District Court |
| Regulatory Framework of Bender District Court | – "Let's Bring Justice Closer to Citizens" – an active link that generates an error when accessed<br>– Active links to basic regulatory acts that govern the operations of the court |
| Public Relations Service | Does not contain any information |
| Press Releases | Does not contain any information |
| News | – Information about meetings of 17 May 2011 between the chiefs of legal institutions of Bender Municipality<br>– Documents with announcements about the job vacancies for court clerk and translator (dated 7 October 2011) |
| Archives | – Does not contain any information |
| Organization | – Staff plan for 2010<br>– Organizational chart of Bender District Court |
| Job Vacancies | – Does not contain any information |
| List of Hearings | Information is **NOT** retrieved from ICMS automatically |
| List of Case Files | Information is **NOT** retrieved from ICMS automatically |
| Judgments Database | Information is **NOT** retrieved from ICMS automatically |
| Statistics | – General statistics for 2010 |
| Court Judgments | – Court judgments (posted manually) |
| Court Hearings | – Lists of court hearings (posted manually) |

*Source: http://jbe.justice.md/*

Table 3 shows that all menus contain some information of public interest about Bender District Court, but the information is not accompanied with photos, illustrations or diagrams, and some menu titles do not match their contents. "Welcome to the Web Page of Bender District Court" contains a Lorem Ipsum text (a placeholder text used to demonstrate the graphic elements of a document). "Information of Public Interest" contains the link "Let's Bring Justice Closer to Citizens" which when accessed states that the information requested cannot be found on the server. "News" contains information about job vacancies in 2011, while the menu "Job Vacancies" is empty. The links on "Regulatory Framework of Bender District Court" should have titles and should be arranged in corresponding order.

The public relations specialist who manages the web page of the court mentioned that since 16 March 2012 he has not been able to use the content management module. On the date of the documentation visit, the issue still had not been solved. In addition, information is not retrieved automatically from ICMS to post on the web page. This has been true since the creation of the web page and the implementation of ICMS and still had not been resolved on the date of the documentation visit, the reason being Transnistrian Internet.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Bender District Court seems to have sufficient equipment to carry out its activities. Table 4 shows the type of equipment, the number of items and the equipment needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Server | 1 | - |
| Computers | 22 | 10 |
| Printers | 15 | 10 |
| Scanners | 5 (only four work) | 2 |
| Photocopier | 2 | 2 |
| Fax | 3 | 1 |
| Audio recording set | 2 | 1 |
| TV set | 1 | - |
| Multifunction Printer (all in one) | 2 (only one works) | - |
| Telephones | 9 | - |

*Source: Bender District Court*

### Conclusions

- When using ICMS Version 2, the Bender staff encounters the problem of uneven distribution of cases and insufficient knowledge of its options.
- The Bender staff uses the audio recording systems whenever they hold hearings in the two courtrooms equipped with them.
- To improve its work, Bender District Court needs 10 computers, 10 printers, 2 scanners, 2 photocopiers and 1 audio recording set for the new courtroom.
- Bender District Court uses the web page content management system. The menus contain some information of public interest about its work but some information is out of date and some menu titles are inconsistent with their contents.

### Recommendations

- Conduct all hearings in courtrooms through better planning.
- Implement the practice of deleting recordings from the server as required by SCM regulations.[3]
- Ensure the uniformity of the font and colors used on the web page.
- Arrange the information on the web page according to the menu title.

[3] *Regulations on Digital Audio Recording of Court Hearings approved by SCM Decision No. 212/8 of 18 June 2009.*

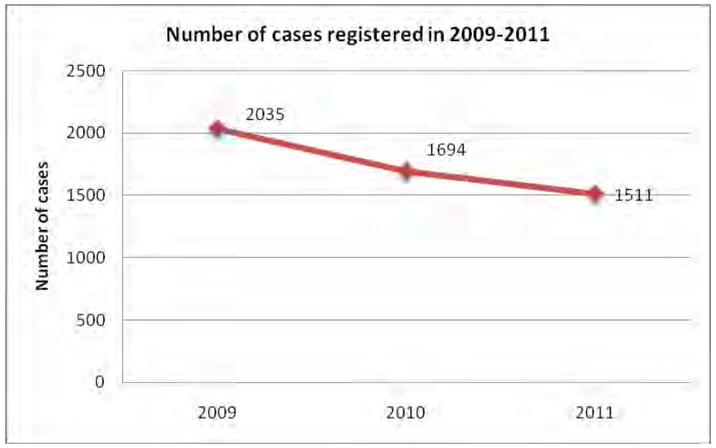
# III. WORK OF BENDER DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The work load of Bender District Court from 2009 to 2011 was analyzed by the total number of cases registered, the total number of cases examined, the number examined by type of case, the year-end case backlog and the case clearance rate.

Graph 2 shows that the total number of case filed at Bender District Court decreased from 2,035 in 2009 to 1,511 in 2011.

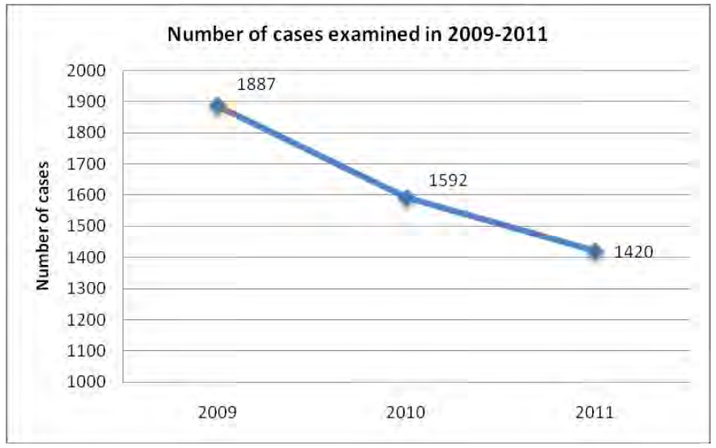
**Graph 2.** *Number of cases registered at Bender District Court from 2009 to 2011*




*Source: DJA*

Graph 3 shows that the number of cases examined also decreased from 1,887 in 2009 to 1,420 in 2011.

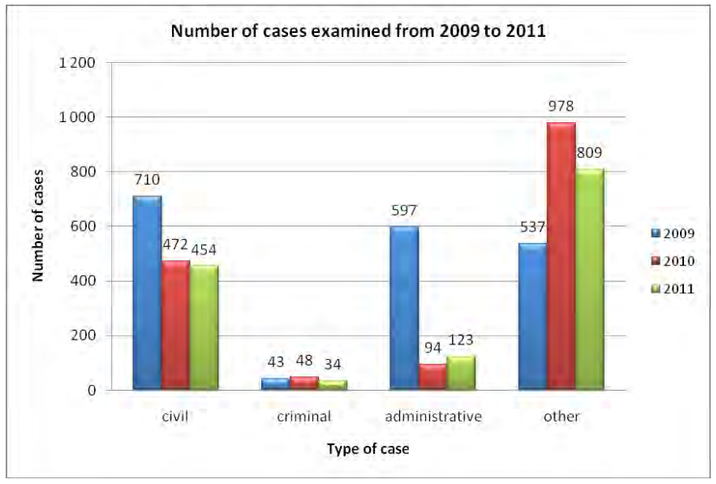
**Graph 3.** *Number of cases examined at Bender District Court from 2009 to 2011*




*Source: DJA*

According to Graph 4, from 2009 to 2011 the number of civil cases examined in Bender District Court decreased from 710 to 454, the number of the criminal cases examined did not change very much and the number of administrative cases decreased from 597 to 123.

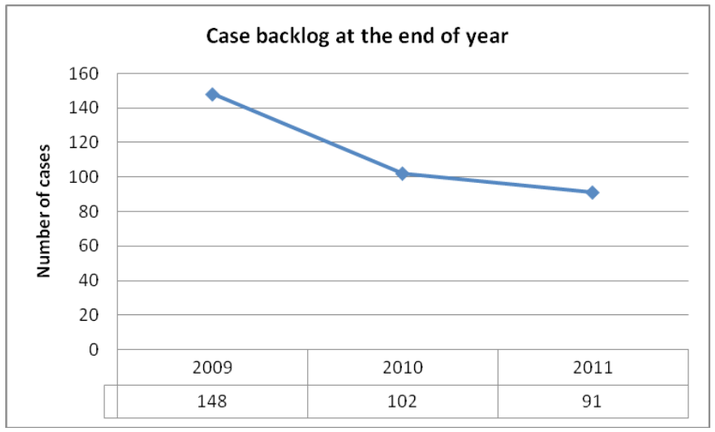
**Graph 4.** *Number of cases examined at Bender District Court from 2009 to 2011 by type of case*




*Source: DJA*

Graph 5 shows that the case backlog of Bender District Court decreased from 148 in 2009 to 91 in 2011.

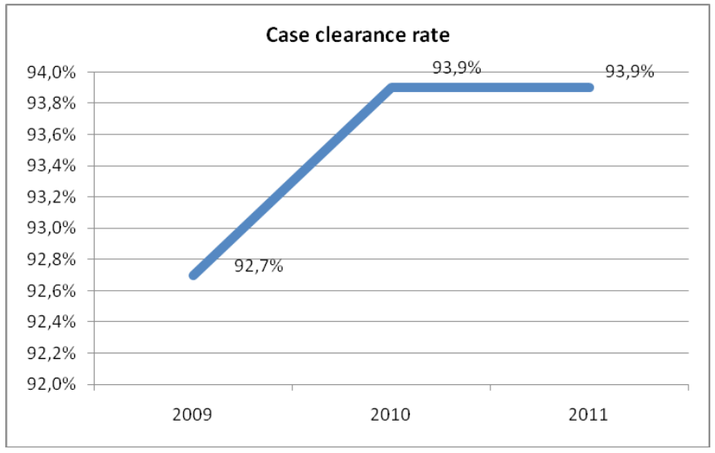
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Bender District Court increased from 92.7% in 2009 to 93.9% in 2011.

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Bender District Court has a chancellery, archives and other services. The chancellery and the archives perform the secretarial work for administering justice, generalizing judicial practice, analyzing judicial statistics and other necessary work. The chancellery is situated on the second floor and has a staff of three specialists. They are responsible for scanning documents from case files and registering cases in ICMS and on paper. The chancellery maintains the registers in Table 5.

**Table 5.** *The list of registers used by Bender District Court chancellery*

| Register Category | Register title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Posted packages<br>4. Mail expenses<br>5. Requests for legal aid<br>6. Persons banned from leaving the country<br>7. Petitions<br>8. Information on retroactivity<br>9. Cases remitted to the Court of Appeals/Supreme Court of Justice |
| ***Civil*** | 1. Index of civil cases<br>2. Cases examined in administrative proceedings<br>3. Index of cases examined in writ proceedings<br>4. cases passed to judges for trial<br>5. cases passed to the chancellery<br>6. Record card |
| ***Criminal*** | 1. Index of criminal cases<br>2. Cases remitted to the Court of Appeals/Supreme Court of Justice<br>3. Material evidence<br>4. Cases passed to judges for trial<br>5. Cases passed to the chancellery<br>6. Materials seized on behalf of the state<br>7. Record card |
| ***Administrative*** | 1. Administrative cases<br>2. Index of administrative cases<br>3. Motions<br>4. Cases remitted to the Court of Appeals/Supreme Court of Justice<br>5. Material evidence |

*Source: Bender District Court chancellery specialists*

The court staff keeps duplicate records of case files—one on paper and one in electronic form. The same information can be entered three or even four times in various records as Table 6 shows.

**Table 6.** *Registration of a civil case by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case | ICMS | Actions record card | Register of incoming mail |
| Plaintiff's name | ICMS | Actions record card | |
| Plaintiff's contact information | ICMS | Actions record card | |
| Defendant's name | ICMS | Actions record card | Index |
| Defendant's contact information | ICMS | Actions record card | Index |
| Case category | ICMS | Actions record card | Register of civil cases, Index |
| Essence of the Case | ICMS | Actions record card | |
| State fee | ICMS | Actions record card | Register of civil cases |
| Case file circulation within the court | ICMS | Actions record card | Register of civil cases |

*Source: Bender District Court chancellery specialists*

The chancellery keeps more registers than stipulated in the Guidelines.[4]

The archives of Bender District Court are kept in two sufficiently large rooms on the second and the third floors. During the documentation visit, the archives were being consolidated into one room that is better located and has proper temperature and humidity controls. Access to the archives is restricted.

### Conclusions

- The number of cases filed at Bender District Court decreased by 25.7% from 2009 to 2011.
- The number of cases examined in Bender District Court decreased by 24.7% from 2009 to 2011.
- From 2009 to 2011, the number of civil cases examined decreased by 256, the number of criminal cases decreased by 9 and the number of administrative cases decreased by 474.
- The case backlog decreased by 57 from 2009 to 2011.
- The case clearance rate increased by 1.3% from 2009 to 2011.
- There is duplication of effort because laws and regulations require both paper and digital registers.
- Specialists in the chancellery use more registers than required in the Guidelines.

### Recommendations

- Consolidate the archives into one room.
- Review the internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.
- Install ICMS Version 3 and use the electronic statistical reporting module.

[4] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

Bender District Court has 7 judges (according to the approved staff plan). The total number of staff, except judges, accounts for 21,5 staff persons.

Bender District Court has no human resource specialist; in practice, the adviser to the court president is responsible for human resource management, for signing, changing and rescinding employment contracts, motivating and encouraging court staff and applying the disciplinary sanctions provided in the law. The adviser to the court president also has certain duties related to human resources such as establishing job duties and filling in work records.

Bender District Court has a public relations specialist who acts as the official representative of the court to mass media and the public and provides information to ensure the court's work is transparent and complies with law.

Court employees are either civil servants or technical staff. The first category includes the adviser to the court president, court clerks, translators, consultants and the accountant. Technical staff includes cleaners, workers, etc. When there is a job vacancy for a civil servant, the court president issues an order to organize an employment commission. Applicants must past a written test and an interview. The commission prepares the minutes of selection meetings and examines the test results after which it selects the winners. The court president issues the employment or the appointment order.

Bender District Court has job descriptions for the positions of adviser to the court president, chief accountant, consultant, head of the chancellery, chancellery specialist, managing specialist, court clerk and translator.

**Table 7.** *Staffing scheme of Bender District Court*

| No. | Position | Current number |
|---|---|---|
| 1. | Judge | 6 |
| 2. | Investigating judge | 1 |
| 3. | Advisor to the court president | 1 |
| 4. | Chief accountant | 1 |
| 5. | Consultant | 1 |
| 6. | Head of the chancellery | 1 |
| 7. | Specialist | 2 |
| 8. | Court clerk | 7 |
| 9. | Translator | 1 |
| 10. | Managing specialist | 1 |
| 11. | Head of the archives | 1 |
| 12. | Driver | 1 |
| 13. | Cleaner | 0.5 |
| 14. | Courier | 0.5 |
| 15. | Street cleaner | 0.5 |
| 16. | Guard | 3 |
| | **TOTAL** | **28.5** |

*Source: Accounting office of Bender District Court*

The court has internal regulations that have been handed on to the judges and the regular staff to establish the court's activities, organization and the rights and obligations of the management, judges and the regular staff, either appointed or employed on the basis of an individual employment agreement, irrespective of its term, who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ and in 2011 all judges of Bender District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. To search for regulatory acts, the court uses the legislative database from the website of the Ministry of Justice and subscribes to the private legislative database Moldlex.

Bender District Court subscribes to the *Official Gazette*, *Buletinul CSJ (Bulleting of SCJ), Contabilitate si audit (Accounting and Auditing), Dreptul (Law), Кадры и заработная плата (Staff and Salary), Saptamina (The Week)* and *Аргументы и факты (Arguments and Facts)*.

The last time the regular staff of Bender District Court was trained by NIJ was in April 2011. There is no system for internally training the regular staff.

### *Conclusions*

- Human resource management at Bender District Court is carried out by the court president and the adviser to the court president.
- The court has a public relations specialist.
- The court has no human resource specialist.
- The court has no internal training for its regular staff.

### *Recommendations*

- Employ a human resource specialist or train the adviser to manage human resources.
- Implement internal training programs for the regular staff to clarify difficulties related to their jobs.

## V. SERVICES FOR THE PUBLIC

Bender District Court has two information windows at the entrance. The office of the public relations specialist is on the second floor; however, since there are no signs to it, it is difficult to find. The judges' doors have plaques with their names but no warnings that the public is not admitted.

At the court entrance there is a board with the following information:

- Lists of cases scheduled for hearings retrieved from ICMS and published automatically
- Rules of behavior for court users and other persons in the court.
- Internal regulations of Bender District Court.
- Court working hours
- Job vacancies

Parties in a case and other case participants may obtain copies of judgments at the chancellery. They need to fill out a written request that is passed to the court president for approval. If it is approved, the applicant needs to pay a state fee at a bank. With the confirmation of payment, the applicant may pick up the copy of judgment at the archivist's or the chancellery specialist's office. There are no specific hours for receiving applications and issuing copies of judgments. If the applicant comes from a distance, is old or if there are other special circumstances, the copy is delivered immediately; otherwise, the average time for delivering copies of judgments is three days.

### *Conclusions*

- There is an information window for the public.
- There are no signs guiding citizens.
- The information board at the entrance contains relevant and comprehensive information helping visitors to orient themselves.
- The chancellery of Bender District Court is situated at the entrance—a location that complies with the general design norms for courts of law.
- Copies of judgments may be obtained only with the approval of the court president who has to make time to read and approve or reject applications.

### *Recommendations*

- Install signs guiding visitors.
- Install plaques with the inscription "The public is not admitted" on judges' office doors.
- Simplify the procedure for getting copies of judgments by exempting the president from the obligation to approve applications and by training the chancellery specialists accordingly.

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**Photo 16.** *Information board*
**Photo 17.** *Information board*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Bender District Court develops its budget for the next fiscal year on the basis of the expenditure ceiling established by the Ministry of Finance for the entire justice sector that was approved by the Ministry of Justice for the judiciary and sent to the court by the Department of Judicial Administration (DJA).

The ceiling is set for the following two expenditure categories:
1) Current expenses (staff, others),
2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by the DJA while capital expenses are determined by each individual court after negotiations with the DJA. Other expenses are calculated on the basis of the previous budget year adjusted as per the inflation rate predicted for the next budget year. While doing all these calculations, the court must comply with the ceilings established by DJA.

## 6.1. BUDGET (basic component)

The budget of Bender District Court is divided into the following four categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for lease of goods*;
- *Expenses for fixed assets;*
- *Operating expenses* – other expenses.[5]

From 2010 (executed) to 2012 (approved), the budget of Bender District Court increased from about MDL 1.7 million to MDL 2.2 million.

Unlike other courts Bender District Court leases its rooms from a company and, therefore, it does not have such expenses as repairs, utilities and capital investments.

A comparison shows that in 2011 the court budget increased by nearly 14% compared with 2010. This growth was due to the increase in financial resources for all types of expenses (except for fixed assets). The court budget for 2012 was planned with a 14% increase over the 2011 budget. However, the budget for 2012 is larger than that of 2011 due to a 60% increase in the financial resources for payment of the rental for the rooms.

[5] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Bender District Court by type of expense (2010–2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 721,748 | 914,427 | 27% | 1,072,700 | 17% |
| Lease | 411,488 | 524,182 | 27% | 836,200 | 60% |
| Fixed assets | 219,895 | 49,687 | -77% | 0 | -100% |
| Operating expenses | 335,859 | 444,160 | 32% | 292,000 | -34% |
| **Total** | **1,688,991** | **1,932,456** | **14%** | **2,200,900** | **14%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

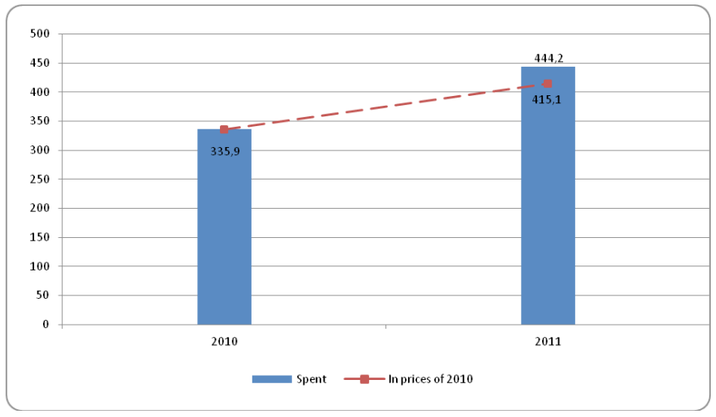
## 6.2. STAFF EXPENSES

Staff expenditures represent more than half of the total budget and increase year by year. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

In 2010 and 2011, both the face value and the real value of operating expenditures increased. Their face value increased from MDL 335.9 thousand to MDL 444.2 thousand, which represents a growth of about 32%. Their real value increased by approximately 24%, taking into account that in 2011 the inflation rate was 7%.[6] MDL 444.2 thousand in 2011 is equivalent to 415.1 thousand in 2010; hence, the real value of operating expenses increased by approximately MDL 79.2 thousand.

**Graph 7.** *Operating expenses for Bender District Court in 2010 and 2011*



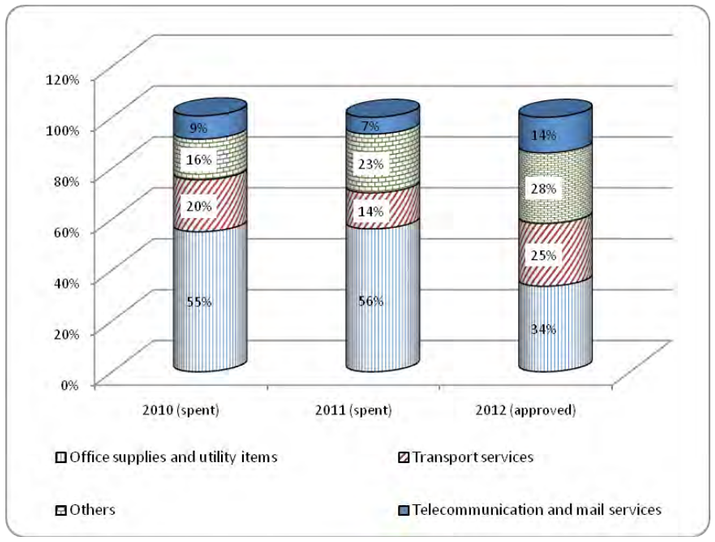

[6] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

In terms of structure, there are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunication and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that the share of transport expenses and telecommunications and mail expenses in total of operating expenses decreased in 2011 compared with 2010. For 2012 the share of financial resources for transport in total operating expenses increased much (by 11%). Furthermore, the financial resources for telecommunications and mail doubled (with an increase of 7%). The only type of expenses for which the financial resources decreased is office supplies and utility items (by 22%).

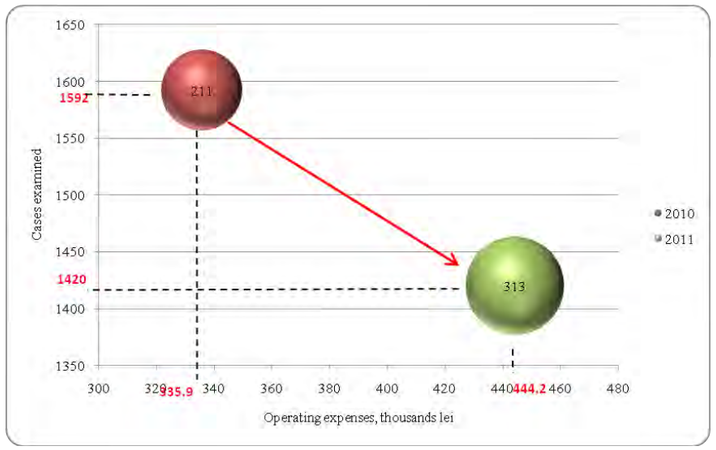
Expenses for telecommunications and mail are worth attention because approximately 70% of total operating expenses are planned for stamps. In money terms this means that in 2010 the court spent MDL 20 thousand for stamps, in 2011 – MDL 22 thousand, and in 2012 it plans to spend MDL 30 thousand.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase of operating expenses in 2011 compared with 2010 can be explained by a few factors. This growth is certainly not due to the increase in the number of cases examined. In 2011 the number of the examined cases was equal to 1420, or by 172 less than in 2010.

Comparing the operating expenses with the number of cases examined, we can see that in 2010 the average cost for examining a case was approximately MDL 211 while in 2011 it was of MDL 313 (see Graph below).

**Graph 9.** *Comparative analysis of the average operating cost/case in Bender District Court*



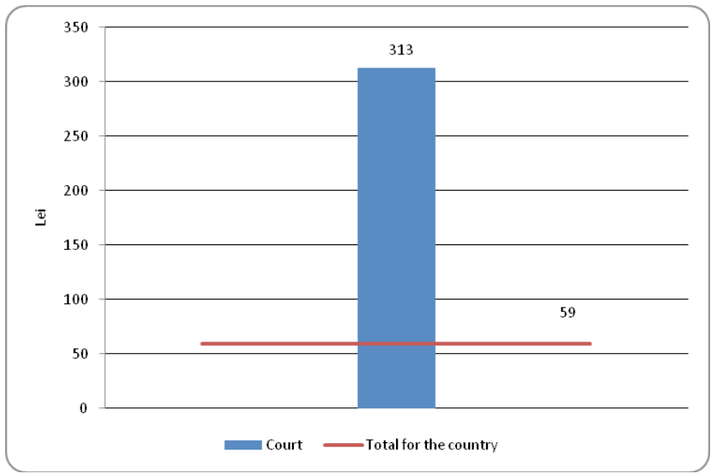

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The considerable increase of the average cost of a case is explained by the decrease in the number of cases examined and a concurrent increase in the operating expenses. Yet the increase in the operating expenses had a greater impact on the increase of the average cost of a case.

## 6.6. AVERAGE OPERATING COST PER CASE IN BENDER DISTRICT COURT COMPARED WITH THE WEIGHTED AVARAGE COST FOR THE COUNTRY

A comparison can show whether the cost of MDL 113 per case examined in 2011 is high or low. This comparison is done against the weighted average cost of the case examined at the national level. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Bender District Court and the weighted average cost per case examined at the national level*




As shown in the Graph above, in 2011 the average cost per case examined in Bender District Court was considerably higher than the weighted average cost per case examined at the country level.

## 6.7. AUTOMATION OF THE ACCOUNTING RECORDS KEEPING

Bender District Court does its accounting manually. The court has only the software of the Ministry of Finance, which is used in dealing with the State Treasury.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by one person: the chief accountant. This person does not have professional qualifications in procurement. Since procurement legislation is continuously changing, they should receive training at least every 6 months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to possible discounts for procuring a larger number of cars. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of the postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- The real value of the budget of Bender District Court grew in 2011, including an increase in operating expenses.
- In 2011 Bender District Court examined fewer cases than it did in 2010, but received more funds which indicates that there is no direct correlation between funding operating expenses and the number of cases examined.
- Mail services account for a large share of total operating expenses.
- Accounting is carried out manually due to lack of accounting software.
- The court makes all its public procurements without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing accounting software for automatic accounting records keeping and consider training the staff to use this software.
- Consider purchasing the postage meters, which would allow reducing the expenses for this purpose. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Anenii Noi District Court, situated in the town of Anenii Noi, serves 83,100 inhabitants in the 45 localities that are part of Anenii Noi District according to Law No. 764 of 27 December 2001 on the Administrative-territorial Organization of the Republic of Moldova.

Anenii Noi District Court has 6 judges and 22 regular staff. The court has no human resource specialist. Those duties are performed by the court president and the public relations specialist. Some human resource management tasks are also performed by the adviser to the president.

The staff roster includes a public relations specialist.

Staff expenditures have followed an upward trend. The court does all its public procurements without a procurement specialist. In 2011, both the face value and the real value of the allocations for operating expenditures increased. In 2011, the average operating cost for examining a case increased compared with the previous year but was lower than the weighted average cost of examining a case for the country as a whole (see Section VI).

Anenii Noi District Court was built in 1975 as a courthouse. The building is located on a small plot at a crossroads not far from the town center. The yard of the courthouse is paved.

# ANENII NOI DISTRICT COURT

*15, Martisor Str., Anenii Noi*

*Date of the visit: 14 May 2012*

Anenii Noi District Court staff has used ICMS since 2009; Version 2 was installed in 2011. The staff did not have any suggestions for modifying ICMS but did mention its unavailability on weekends and uneven distribution of cases as problems.

Anenii Noi District Court has two courtrooms both with sets of audio recording equipment and software but hearings are not recorded due to a lack of trained staff, insufficient courtrooms (two for six judges) and technical difficulties.

The specialists at Anenii Noi District Court continue to keep a considerable number of registers even though amendments to the Guidelines reduced the number required.

The total number of cases filed at Anenii Noi District Court decreased by 481 from 2009 to 2011 while the number of cases examined decreased by 627 during the same period with a case clearance rate of 91.5% in 2011.

The court has an information board for the public, and judges' office doors have plaques showing their names and the warning that the entry is restricted.

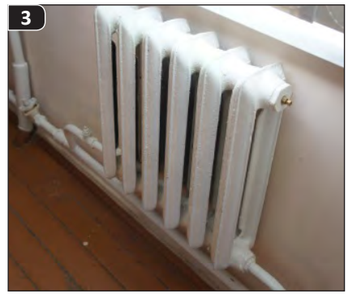
The webpage management system is not used to the fullest extent. Some menus contain no information, and the list of menus is incomplete.

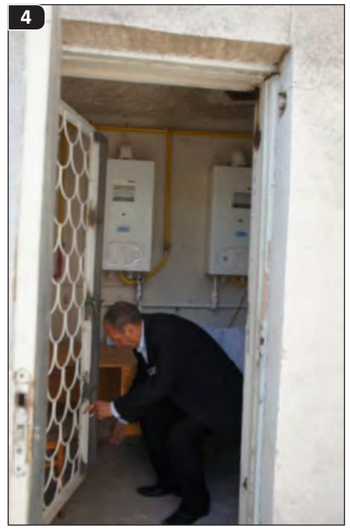
# I. INFRASTRUCTURE

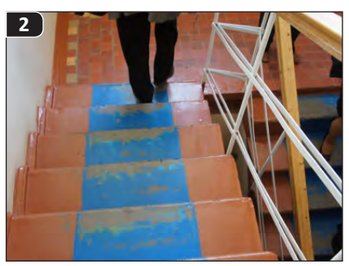
## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 3 | The exterior needs repairs. |
| Water supply | 2 | Water is supplied by the town water system. |
| Power supply | 4 | In recent years the court has acquired more electrical equipment, so the network is overloaded which leads to frequent power outages that disrupt court work because to a great extent it depends on computers and the server. |
| Sewerage system | 2 | The sewerage system is centralized. The pipes are the originals and need repairs. |
| Heating system | 2 | The system is autonomous and uses natural gas. A new boiler was procured. |
| Firefighting system | - | There is no system. |
| Roof | 2 | The roof is in good condition. No signs of leaks were found. |
| Interior | 3 | Some rooms need repairs. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.







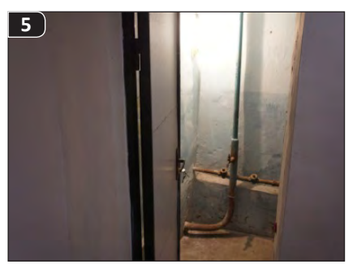


**Photo 1.** *Side view*
**Photo 2.** *Interior staircase*
**Photo 3.** *Heating system*
**Photo 4.** *Boiler room*
**Photo 5.** *Pipes in the building*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational conditions of Anenii Noi District Court as of June 2012.

Anenii Noi District Court is a two-storey building with a total area of 500.3 sq. meters. There are offices, public spaces and two courtrooms.

The security of the building is provided by the judicial police during the day and by three staff night guards. The president of the court is considering installing a security system.

Anenii Noi District Court was built in 1975 as a courthouse. The building is located on a small plot at a crossroads not far from the town center.

The electrical network is in poor condition and often causes power outages that disrupt work.

Anenii Noi District Court has an autonomous natural gas heating system. The old boiler was in danger of exploding, so the court obtained funds from DJA to procure a new one. The radiators and pipes need to be replaced.

The court is connected to the central water and sewerage systems. The courthouse has only one restroom; it is in poor condition and the door is locked. There are plans to build an outdoor restroom for the public.

The interior of the first floor of the building is in satisfactory condition. A cell for detainees was built in 2007 under the stairwell. This cell has an entrance from the outside, but it is very small and is does not meet current standards. The windows and wallpaper in the offices were replaced in 2007and a new entrance door was also installed. The flooring in the hallway is in poor condition; many tiles are missing or broken. The linoleum is old and cracked. The interior doors were replaced in 2011 and are in very good condition. The restroom functions but is in poor condition. The electrical network is original and needs repairs.

The interior of the second floor is similar to that of the first. The windows, doors and wallpaper in the offices were replaced from 2007 to 2011. The central waiting room has a tiled floor but has no natural light because both ends of the hall have been blocked off with offices.

The functional space of Anenii Noi District Court is suitable for the activity of a law court; however, the building is not big enough for current requirements and given the likely increase in the number of staff, this is a serious issue. The court currently has two courtrooms and six judges; more courtrooms are needed. The existing ones are large enough to be divided, but this will not solve the severe shortage of rooms.

Most judges share offices with clerical staff. There are no deliberation rooms; adjacent judge offices are used for this purpose. The chancellery and the archives are very small, and the location of the chancellery on the second floor is not suitable.

The server is in the public hall and is not properly secured or ventilated.

The space for the public and for judges is not separated and because there is only one staircase between the two floors, resolving this situation is complicated.

The court has a plan to move all judge offices to the second floor and to establish a parking lot on the vacant land allocated by the mayor's office. They also planned to build a fence around the building as well as an outdoor toilet.

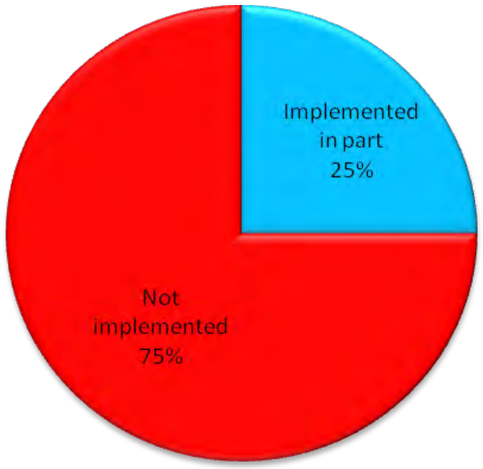
The 2009 Infrastructure Assessment Report listed seven priorities for capital repair work for Anenii Noi District Court five of which have been implemented in full, one in part and one not at all (Table 1 and Graph 1).

**Table 1.** *Implementation of the capital repair priorities identified in 2009*

| Priorities for capital repair in 2009 | Implementation stage in 2012 |
|---|---|
| Consider building an additional floor to resolve the issue of lack of space or consider moving to another building. | Not implemented |
| Improve the electrical network of the building. | Not implemented |
| Replace the boiler. | Implemented |
| Place the LAN server in a separate, locked room provided with air conditioner. | Not implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of the 2009 capital repair priorities in 2012*

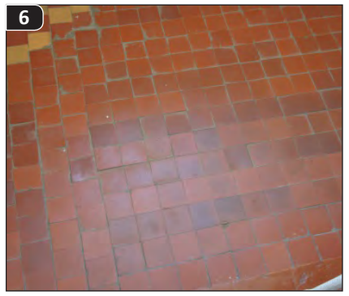


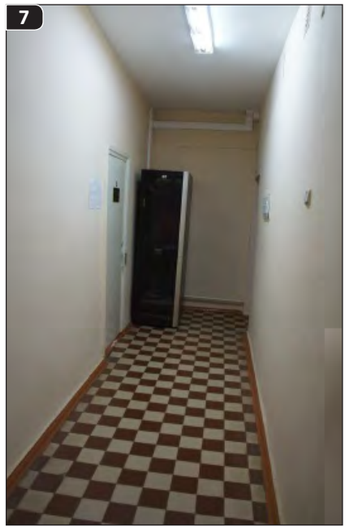

## Conclusions

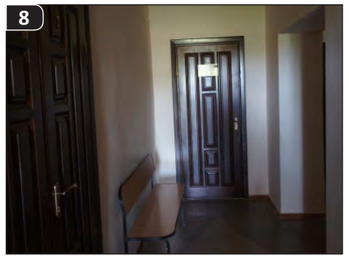
- Little renovation work has been done on the Anenii Noi District Court since 2009.
- A share of the work done was based on the recommendations of the 2009 Infrastructure Assessment Report.
- ROLISP estimated that 25% of the 2009 recommendations for capital repairs have been implemented in full and 75% have not been implemented.

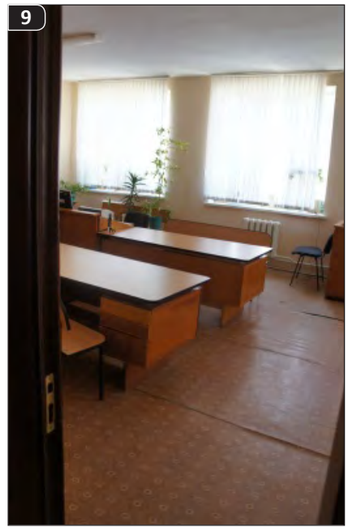
## Recommendations

- Consider building an additional floor to solve the issue of insufficient rooms.
- Improve the electrical network of the building.
- Place the LAN server in a separate, locked room provided with an air conditioner.
- Repair the exterior.
- Replace the heaters and heating pipes.
- Establish a restroom for the public.
- Repair the room for detainees so that it meets current standards.
- Move the chancellery to the first floor and establish an information window at the entrance to the courthouse.



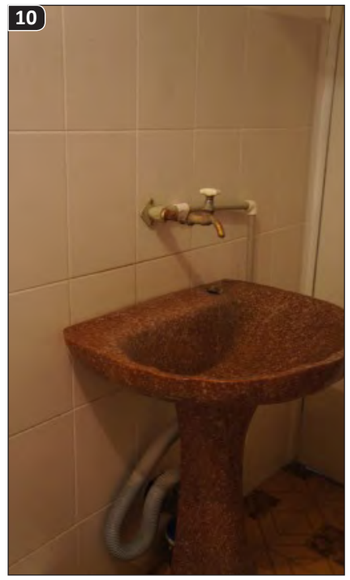




**Photo 6.** *First floor*
**Photo 7.** *Server in the hall of the building*
**Photo 8.** *Interior doors*
**Photo 9.** *Entrance the courtroom on the first floor*
**Photo 10.** *Restroom on the first floor*

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Anenii Noi District Court staff has used ICMS since 2009; Version 2 was installed in 2011.

To create digital files, paper files need to be scanned after they are registered. The staff scans civil and administrative case files in full but only bills of indictment with their cover letters in criminal case files if the file is not bound and only the minutes if the file is bound.

The staff did not have any suggestions for modifying ICMS but did mention that the system is unavailable on weekends and that case files are unevenly distributed. When the president thinks that the distribution is unfair, he intervenes and relieves the judges with the most cases.

The assessment team found that not all ICMS menus are used to fullest extent and that the menus for registering appeals, reversals and enforcement procedures are not used at all.

Anenii Noi District Court has an information technology specialist, but some technical problems are referred to CTS. The staff of Anenii Noi District Court rated their satisfaction with the services provided by CTS in 2012 as a 4 out of 5.

### 2.2. AUDIO RECORDING SYSTEM

Anenii Noi District Court has two courtrooms both with sets of audio recording equipment and software, but none of the hearings taking place in the courtrooms is recorded. The staff explained that they don't record hearings because they haven't been trained to use the equipment, because of technical issues and because of the duplication of effort that written and digital minutes requires and the insufficient number of courtrooms (the court has six judges).

Since 2009 when the audio recording equipment was installed, there has been only one request for a CD of a court hearing.

The courtroom doors have plaques stating that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings approved by SCM Decision No. 212/8 of 18 June 2009,[2] the purpose is to check the accuracy and the completeness of the written minutes of hearings and to ensure transparency and efficiency of court operations. Since court hearings are not audio recorded, the clerks do not use them for that purpose.

[2] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*

**Photo 11.** *Audio recording equipment in the courtroom*
**Photo 12.** *Audio recording equipment in the courtroom*
**Photo 13.** *Inscription on a courtroom door*

## 2.3. WEBPAGE OF ANENII NOI DISTRICT COURT

Anenii Noi District Court has a website where information for citizens is posted; the public relations specialist is responsible for its maintenance. The documentation team found that the specialist did not know to use the website content management system and contacts CST when the website needs updating.

Table 2 shows the menus for the webpage of Anenii Noi District Court and their contents.

**Table 2.** *Content of the web page of Anenii Noi District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the President of the Court | Does not contain any information |
| Competence | – Competence<br>– Geographical coverage |
| Judges | List of judges, their office and phone numbers |
| Organization | List of employees as of 21 April 2010 |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>**Latest judgment was posted on 31 July 2012** |
| Regulatory Framework | List of regulatory acts that govern law courts |
| Press Releases | Does not contain any information |
| Archives | Active link to "Links" which contains no information |

*Source: http://jan.justice.md/*

The website management system of Anenii Noi District Court is not used to fullest extent as several menus contain no information and the list of menus is incomplete.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Anenii Noi District Court has sufficient equipment to properly operate. Table 3 shows the equipment category, the number of existing items and the equipment needed as per court staff.

**Table 3.** *Equipment inventory and equipment needs*

| Equipment item | Number of items | Needed |
|---|---|---|
| Computer | 31 (23 work) | 3 |
| Notebook | 1 | - |
| Printer | 20 (18 work) | 2 |
| PC Server | 1 | - |
| Photocopier | 3 | - |
| Scanner | 7 | - |
| Audio recording equipment set | 2 | - |
| Fax | 2 | 1 |
| UPS unit | 16 (14 work) | 8 |
| Telephone | 8 | - |
| Router / Firewall | 1 | - |
| Air conditioner | 4 | - |
| Refrigerator | 2 | - |

*Source: Anenii Noi District Court*

### Conclusions

- When using IMCS 2, the staff of Anenii Noi District Court faces the issues of uneven distribution of cases and the unavailability of the system on weekends and holidays.
- The Anenii Noi District Court staff does not use the audio recording system because of the insufficient number of courtrooms, duplication of work and insufficient number of staff trained in its use.
- The last judgment posted on the website was that of 31 July 2012.
- To improve its operations, Anenii Noi District Court needs 3 computers, 2 printers, 1 fax and 8 UPS units.
- The webpage management system is not used to fullest extent. Some menus have some information of public interest, but several have no information at all, and the list of menus is incomplete.

### Recommendations

- Organize internal training for new staff.
- Create enough courtrooms for all the judges.
- Ensure all hearings are conducted in courtrooms by efficiently scheduling them.
- Use the audio recording equipment and software.
- Complete all menus on the web page with information of public interest.
- Add new menus to the website such as "Information of Public Interest," "Public Relations Service," "Statistical Records," "Vacancies" and "News."

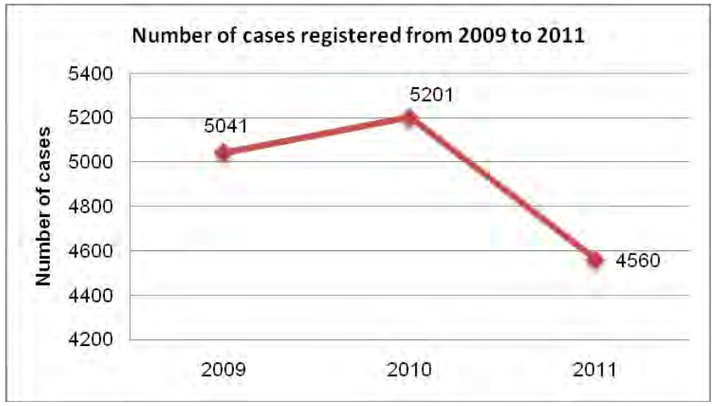
# III. WORK OF ANENII NOI DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The work load of Anenii Noi District Court was analyzed from 2009 to 2011 by the total number of cases registered, the total number of cases examined, the number examined by type of case, the year-end backlog and the case clearance rate.

Graph 2 shows that the total number of cases registered decreased from 5041 in 2009 to 4560 in 2011.

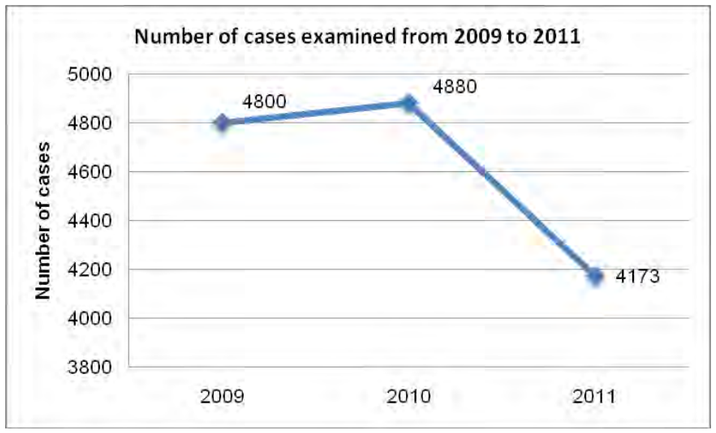
**Graph 2.** *Number of cases registered in 2009-2011*




*Source: DJA*

The total number of cases examined decreased from 4800 in 2009 to 4173 in 2011 (Graph 3).

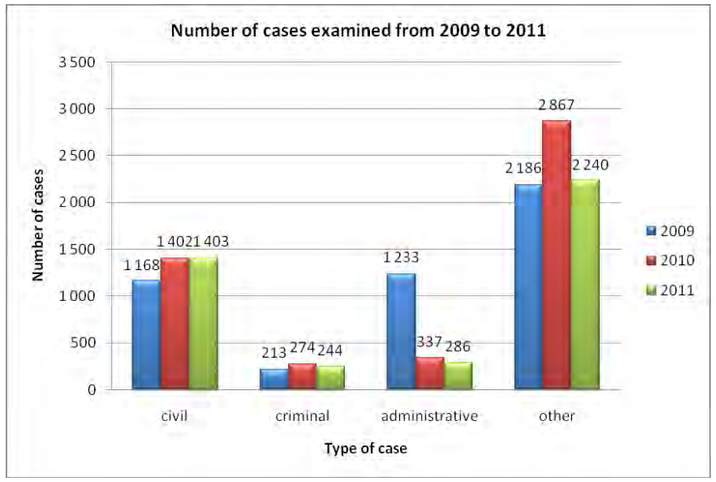
**Graph 3.** *Number of cases examined from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, from 2009 to 2011 the number of civil cases examined by Anenii Noi District Court increased from 1168 to 1403, the number of criminal cases didn't changed materially and the number of administrative cases decreased from 1233 to 286.

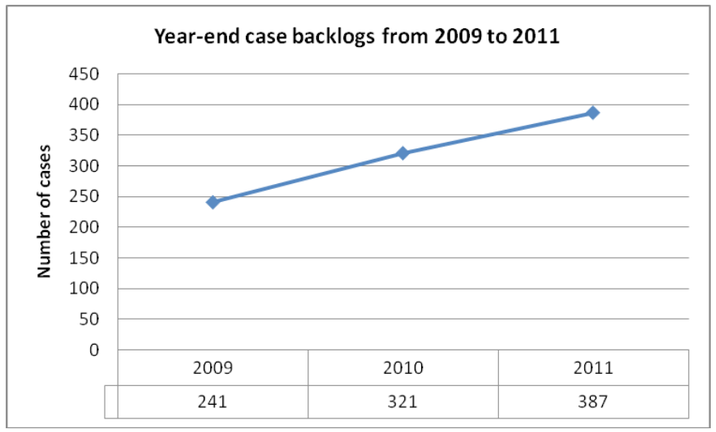
**Graph 4.** *Number of cases examined from 2009 to 2011 by type of case*




*Source: DJA*

The year-end case backlog of Anenii Noi District Court increased from 241 in 2009 to 387 in 2011 (Graph 5).

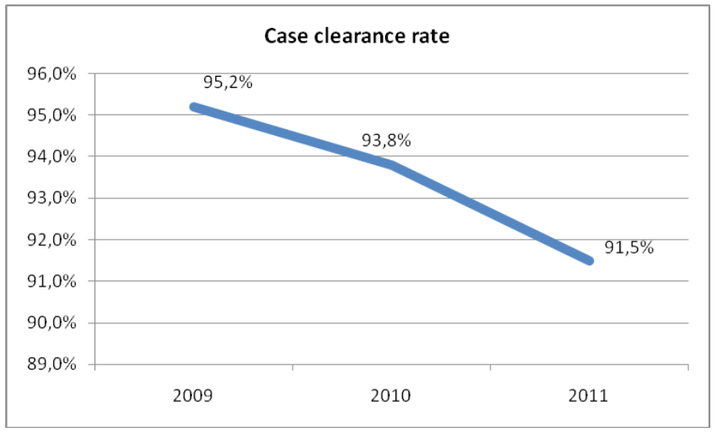
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Anenii Noi District Court decreased from 95.2% in 2009 to 91.5% in 2011.

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Anenii Noi District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and other necessary work.

The chancellery of Anenii Noi District Court is situated on the second floor. Its specialists are responsible for scanning documents from case files and registering cases in ICMS and on paper among other duties.

The chancellery of Anenii Noi District Court keeps the registers in Table 4.

**Table 4.** *The registers used by Anenii Noi District Court chancellery*

| Register Category | Register Title |
|---|---|
| *General* | 1. Incoming mail<br>2. Outgoing mail<br>3. Simple correspondence<br>4. Registered letters<br>5. Local mail<br>6. Sending inventory<br>7. Cases sent to the Court of Appeal<br>8. Cases sent to the Superior Court of Justice<br>9. Enforcement orders, copies of verdicts |
| *Civil* | 1. Civil cases<br>2. Economic cases<br>3. Writ proceedings<br>4. Administrative cases<br>5. Index of civil cases<br>6. Index of economic cases<br>7. Index of writ proceedings<br>8. Index of administrative cases<br>9. Cases submitted to judges<br>10. Civil judgments enforcement<br>11. Action record card |
| *Criminal* | 1. Index of criminal cases<br>2. Notifications sent to military bodies regarding convicted people<br>3. Enforcement of sentences in criminal and administrative cases<br>4. Sentence enforcement: Article 90 of the Criminal Code<br>5. Material evidence<br>6. Forced hospitalization<br>7. Action record card |
| *Administrative* | 1. Administrative materials<br>2. Index of administrative materials<br>3. Challenges<br>4. Index of challenges<br>5. Bailiffs' intercessions<br>6. Index of bailiffs' intercessions<br>7. Requests to reverse administrative sanctions<br>8. Index of requests to reverse administrative sanctions<br>9. Action record card |

*Source: Anenii Noi District Court chancellery specialists*

The court maintains duplicate records of case files—one on paper and one in digital format. The same information may be entered three or even four times in various records as shown in Table 5.

**Table 5.** *Registration of a civil case by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case | ICMS | Action record card | Incoming mail, Index of civil cases, Register of civil cases, Register of cases submitted to judges for trial |
| Plaintiff's name | ICMS | Action record card | Incoming mail, Register of civil cases, Register of cases submitted to judges for trial |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case category | ICMS | Action record card | Incoming mail, Index of civil cases, Register of civil cases, Register of cases submitted to judges for trial |
| Essence of the case | ICMS | Action record card | |
| State fee | ICMS | Action record card | |
| Case file circulation within the court | ICMS | Action record card | Register of cases submitted to judges |

*Source: Anenii Noi District Court chancellery specialists*

The chancellery keeps more registers than required in the Guidelines. [3]

The archives of Anenii Noi District Court are divided between two rooms. Some are stored in a room adjacent to the chancellery, and the rest are in a room near the staircase.

[3] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

### *Conclusions*

- The number of cases registered at Anenii Noi District Court decreased by 9.5% from 2009 to 2011.
- The number of cases examined at Anenii Noi District Court decreased by 13.1% from 2009 to 2011.
- During the same period, the number of civil cases examined increased by 235, the number of criminal cases increased by 31 and the number of administrative cases decreased by 947.
- The case backlog increased by 146 files from 2009 to 2011.
- The case clearance rate decreased by 3.7% during the same period.
- There is duplication of effort because laws and regulations require paper and digital registers.
- The specialists of the chancellery keep more registers than required in the Guidelines.

### *Recommendations*

- Consolidate the archives into a single room.
- Install a ventilation system in the archives.
- Review the internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to bring the number of registers in line with the requirements in the Guidelines.

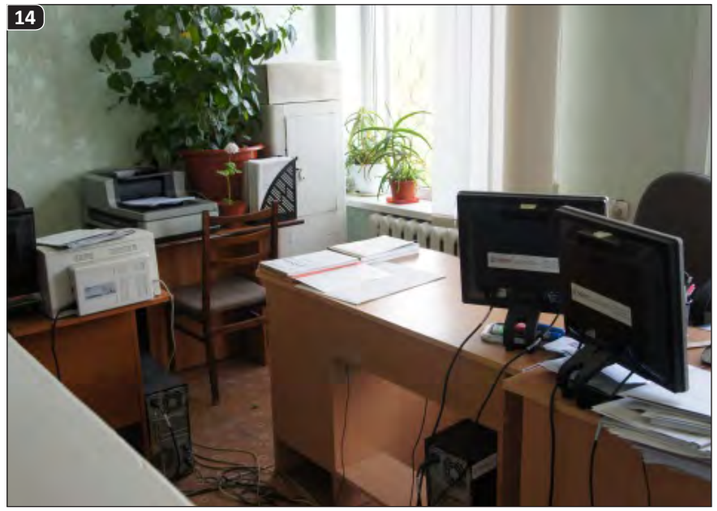


**Photo 14.** *Chancellery*
**Photo 15.** *Archive room near the chancellery*
**Photo 16.** *Archive on the first floor*

## IV. HUMAN RESOURCES

### Assessment

Anenii Noi District Court has six judges and twenty-two regular staff.

The court has no human resource specialist. In practice, those duties are performed by the court president and the public relations specialist though some tasks are also performed by the adviser to the president.

The staff roster includes the position of public relations specialist to represent the court officially to mass media and the public in order to ensure court operations are transparent and comply with the law.

Recruiting for vacant positions begins by posting an announcement and submitting a request to the local employment agency. Applicants must take a verbal test. Depending on the results, the court president issues the employment/appointment order.

Anenii Noi District Court has job descriptions for all positions.

**Table 6.** *Staffing scheme of Anenii Noi District Court*

| No. | Position | Current number |
|---|---|---|
| 1. | President | 1 |
| 2. | Vice-president | 1 |
| 3. | Judge | 3 |
| 4. | Investigative judge | 1 |
| 5. | Adviser to the court president | 1 |
| 6. | Clerk | 6 |
| 7. | Chief accountant | 1 |
| 8. | Head of the chancellery | 1 |
| 9. | Translator | 1 |
| 10. | Consultant | 2 |
| 11. | Public relations specialist | 1 |
| 12. | Head of the archives | 1 |
| 13. | Specialist | 2 |
| 14. | Guard | 3 |
| 15. | Courier | 1 |
| 16. | Cleaner | 2 |
| | **TOTAL** | **28** |

*Source: Accounting office of Anenii Noi District Court*

The court has internal regulations available to judges and regular staff that establish the operations and organization of the court and the rights and obligations of court management, judges and regular staff appointed or employed on the basis of an individual employment agreement, irrespective of its term, who are subordinated to the court or who provide services to ensure the efficient and effective administration of justice.

Judges are trained by the NIJ; in 2011 all judges from Anenii Noi District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and the publications they receive from SCM are enough to meet their information and training needs. Anenii Noi District Court subscribes to the Moldlex legislative database. The court also subscribes to the *Official Gazette, SCJ Bulletin* and *Contabilitate si Audit* (*Accounting and Auditing*).

Court clerks need training in using ICMS and the audio recording software as they are not aware of their responsibilities in this regard.

### Conclusions

- Human resource management in Anenii Noi District Court is carried out by the court president, the adviser to the president and the public relations specialist.
- The court has a public relations specialist.
- The court does not have a human resource specialist.
- The court does not have an internal staff training system.

### Recommendations

- Employ and train a human resource specialist.
- Implement internal training for the regular staff of Anenii Noi District Court in order to resolve issues they encounter in their jobs.

## V. SERVICES FOR THE PUBLIC

There is no information window at the entrance to the courthouse. The chancellery is situated on the second floor, but there are no clear signs to it, to the archives or to the courtrooms. There is, however, a board at the entrance showing the layout of offices in the courthouse. There are plaques on the judges' doors stating their names and warning that access is restricted.

There is also an information board at the entrance to the building with the following data:

- List of cases scheduled for hearing which is not automatically retrieved from the ICMS but drafted in MS Word
- Sample of requests for issuing copies of documents
- Rules of conduct for the participants in a case and other people in a law court
- Office hours of the court president

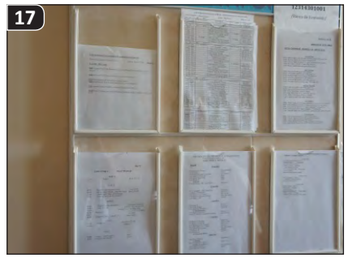
The parties and other participants in a case can request copies of documents from the chancellery. The chancellery specialist submits the requests to the president for approval. The person filing the request must then pay the state fee and with confirmation of payment may then pick up the copy at the archivist's office either on the same day or in two days at the most.

### *Conclusions*

- There is no information window at the entrance to Anenii Noi District Court.
- There are no signs showing citizens the way to the chancellery, archives or courtrooms.
- There are plaques identifying the chancellery, the archives and judges' offices.
- The information board for the public at the courthouse entrance helps visitors to orient themselves.

### *Recommendations*

- Install signs showing the public the way to the chancellery, the archives and the courtrooms.
- Use ICMS to retrieve the list of hearings scheduled for trial.
- Post more detailed information of public interest on the information board, for example, announcements about the web page, information about audio recordings of hearings and the right of parties in a case to request those recordings and a copy of the hearing on a CD, news on the judiciary, information about the state fee, samples of requests etc.



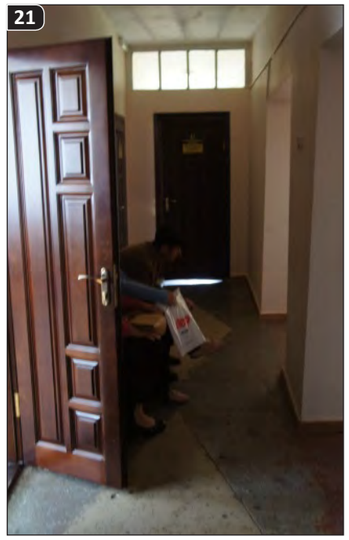



**Photo 17.** *Information board*
**Photo 18.** *Board with the location of offices*
**Photo 19.** *Public space on the first floor*
**Photo 20.** *List of cases scheduled for trial*
**Photo 21.** *Public space on the second floor*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Anenii Noi District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which in turn receives ceilings for the entire justice sector from the Ministry of Justice. These ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others)

2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted as per the inflation rate predicted for the coming year. After all these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET (basic component)

The budget of Anenii Noi District Court is divided into the following six categories:

- *Staff expenditures* – salaries, mandatory state social insurance and health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – power, gas, water and sewerage, and sanitation;
- *Expenses for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[4]

From 2010 (executed) to 2012 (approved), the budget of Anenii Noi District Court increased from MDL 1.3 million in 2010 to MDL 1.5 million in 2012 (Table 7).

In 2011 the court budget increased by 13% compared with 2010 as all categories of expenditures increased particularly fixed assets, operating expenses and repairs.

In 2012 the court planned a 3% budget increase with no funds for fixed assets and a decrease in allocations for repairs of 50% and for operating expenses of 9%. Allocations for utilities and for staff expenditures, on the other hand, increased by 27% and by 14% respectively.

[4] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 7.** *Budget of Anenii Noi District Court, by type of expense (2010–2012)*

| Expense category/year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 1,014,030 | 1,065,609 | 5% | 1,216,300 | 14% |
| Repairs | 121,100 | 157,101 | 30% | 79,000 | -50% |
| Utilities | 72,900 | 79,096 | 8% | 100,700 | 27% |
| Fixed assets | 0 | 38,912 | 100% | 0 | -100% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 127,591 | 166,598 | 31% | 151,900 | -9% |
| **Total** | **1,335,621** | **1,507,316** | **13%** | **1,547,900** | **3%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 received from the court*

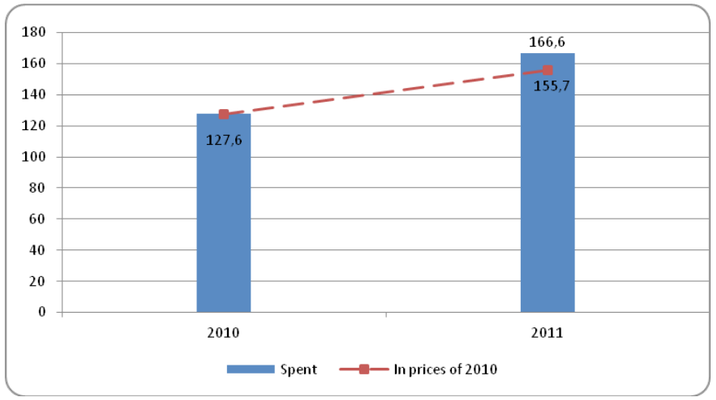
## 6.2. STAFF EXPENDITURES

Staff expenditures represent approximately 75% of the total budget and increase year by year. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

From 2010 to 2011, both the face value and the real value of operating expenditures increased. Their face value increased from MDL 127.6 thousand to MDL 166.6 thousand, an increase of about 31%. Their real value increased by approximately 22% taking into account that in 2011 the inflation rate was 7%. MDL 166.6 thousand in 2011 was therefore equivalent to MDL 155.7 thousand in 2010; hence, the real value of operating expenditures increased by approximately MDL 28.1 thousand (Graph 7).[5]

**Graph 7.** *Operating expenses for Anenii Noi District Court in 2010 and 2011*



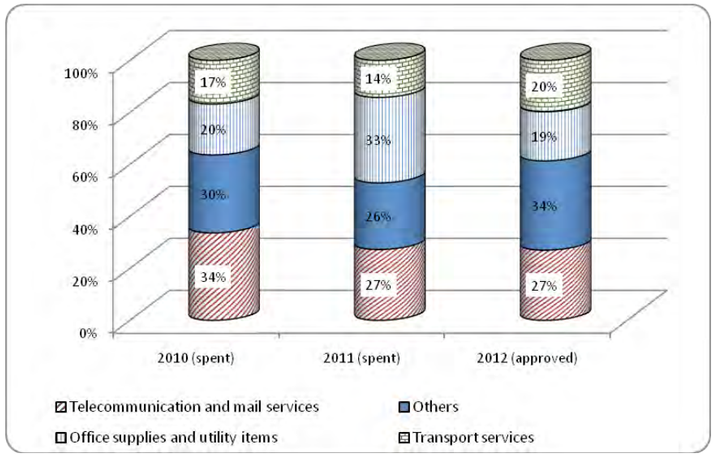

[5] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

The biggest share of operating expenditures went into the following three categories:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that in 2011 the biggest share of operating expenses went for office supplies and utility items (33%) which increased by 13 percentage points compared to the previous year, followed by telecommunications and mail which decreased by 7 percentage points compared with 2010, going down to 27%. The share of transport services decreased by 3 percentage points compared to the previous year, going down to 14%.

The 2012 budget was planned as follows: telecommunications and mail services remained at the same level as in 2011 office supplies and utility items decreased to 19% and transport expenses are up by 6 percentage points.

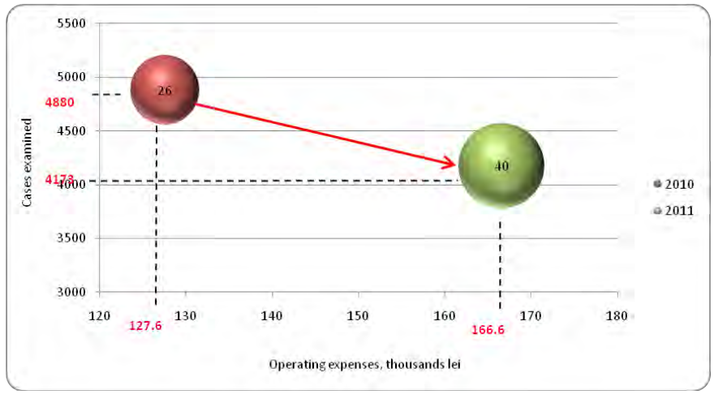
Telecommunications and mail services merit attention as 70% of these expenditures are used to buy stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase of operational expenses in 2011 compared to 2010 can be explained by several factors but it was not related to the number of cases examined, which was 4173 in 2011 and 4880 in 2010.

Comparing operating expenses to the number of cases examined, in 2010, the average cost of examining a case amounted to about MDL 26, while in 2011 – to MDL 40 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case for Anenii Noi District Court in 2010 and 2011*



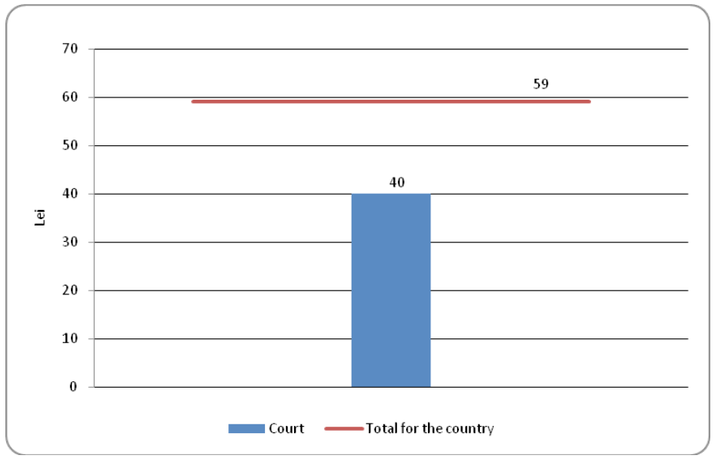

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The increase in the average operating cost per case can be explained by the decrease in the number of cases and the concurrent increase in operating costs.

## 6.6. AVERAGE OPERATING COST PER CASE IN ANENII NOI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 40 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Anenii Noi District Court in 2011 and the weighted average cost per case for the country*




As shown in the Graph 10, in 2011 the average cost per case examined in Anenii Noi District Court was lower than the weighted average cost per case examined for the country as a whole.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

The bookkeeping at Anenii Noi District Court is done electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the chief accountant who does not have professional qualifications in public procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars, all of various brands and at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.)

### Conclusions

- In 2011, both the face value and the real value of operating expenditures increased.
- In 2011 the average operating cost for examining a case increased compared with 2010.
- In 2011 the average operating cost for examining a case was lower than the weighted average cost of a case for the country as a whole.
- Mail services account for a large share of total operating expenses.
- Bookkeeping is done electronically.
- The court does all its public procurements without a procurement specialist.
- The training provided in public procurement is not enough to meet the needs of the court.

### Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Basarabeasca District Court, situated in the town of Basarabeasca, serves 29,813 inhabitants in the 10 localities that are part of Basarabeasca District according to Law No. 764 of 27 December 2001 on the Administrative-territorial Organization of the Republic of Moldova.

According to its staff roster, the court has 3 judges and 1 investigative judge and 17.5 support staff. Basarabeasca District Court has no human resource specialist; those duties are performed by the court president and the adviser to the court president. The court also has no public relations specialist.

Staff expenditures have followed an upward trend. The court does all its public procurements without a procurement specialist. In 2011 both the face value and the real value of the allocations for operating expenditures decreased. In 2011 the average operating cost for examining a case decreased compared with the previous year but was still considerably higher than the weighted average cost of a case examined for the country as a whole (see Section VI).

The former Basarabeasca District Court was built in 1960 as a block of flats. The court moved there in 1980. Work on a new courthouse started in 1995, and the foundation, walls, and floors were completed. Work was then suspended for 10 years but resumed in 2006. The new building was completed in 2010.

The new building covers a total area of 979.6 sq. meters on two floors and a very large basement. The court facade, electrical system, heating system, sewerage, and the archive rooms are new.

# BASARABEASCA DISTRICT COURT

*Cheiului Str., Basarabeasca*

*Date of the visit: 1 June 2012*

Basarabeasca District Court staff uses Version 2 of ICMS, which was installed in 2011. They mentioned the uneven distribution of cases, its slow speed and error generation as problems with the software.

The court staff does not audio record the hearings taking place in the three courtrooms as there is only one set of equipment and it does not work.

The total number of cases filed at Basarabeasca District Court decreased by 832 from 2009 to 2011, while the number of cases examined decreased by 849 during the same period with a case clearance rate of 92.4% in 2011.

Specialists at the chancellery continue to keep a considerable number of registers even though amendments to the Guidelines reduced the number of registers required.

The court has no information board for the public. The list of court hearings is posted on the door of the courthouse. The doors of judges' offices have plaques with their names and warnings that access is restricted.

The website of Basarabeasca District Court is periodically updated, and most of the menus have information of public interest; however, sometimes the menu title does not match its content and in some no information is posted.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 1 | The facade was finished in 2009. |
| Water supply | 2 | The water is on the central system and depends on the schedule established by the local authorities. Water pressure is acceptable. |
| Power supply | 1 | The electrical system was finished in 2008. The generator is in very good condition. |
| Sewerage system | 2 | The sewerage system is centralized and was completed in 2009. |
| Heating system | 1 | The heating system was finished in 2010; 2 boilers were installed. |
| Firefighting system | 2 | There are fire extinguishers throughout the building. |
| Roof | 2 | The roof is new |
| Interior | 1 | The offices are in a very good condition. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

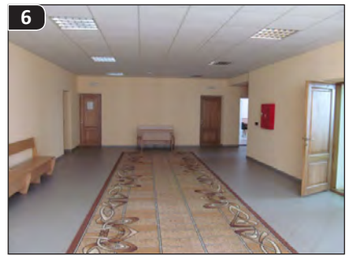



**Photo 1.** *Back of Basarabeasca Court*
**Photo 2.** *Video interphone*
**Photo 3.** *Public restroom*
**Photo 4.** *Garage*
**Photo 5.** *Interior staircase*
**Photo 6.** *Public space*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational conditions of Basarabeasca District Court as of June 2012.

Basarabeasca District Court consists of two floors and a basement with a total area of 979.6 sq. meters. There are 15 offices, 2 public rooms and 3 courtrooms. The facade, the electrical, heating and sewerage systems and the archive rooms are new.

The security of the court is provided by three judicial police officers and three night watchmen who also work on holidays. A video interphone was installed at the court entrance. The court also has a firefighting system; there are fire extinguishers on each floor.

The former courthouse was built in 1960 as a block of flats. The court moved there in 1980. The work on a new building started in 1995, and the foundation, walls and floors were completed. Construction stopped for 10 years and during this period the concrete structure was open to all kinds of weather. Construction resumed in 2006 and was finished in 2010.

The court has centralized water and sewerage systems that were installed in 2009. The electrical and heating systems were installed when the building was built and are currently in very good shape. All judges' and clerks' offices are fitted out with air conditioners. Air conditioners have been purchased for the remaining offices and will be installed.

The space for the lawyers to study cases or to meet with witnesses or parties in a case is located on the first floor. The judicial police oversee documentation.

Three courtrooms with deliberation rooms are on first and second floors. The deliberation rooms do not have computers to search legislation. The offices of judges, clerks and the rest of the staff are located on both floors, so the space for the court is not separated from that for the public. There are restrooms for staff on all floors while the restroom for the public is out in the yard. The functional space of Basarabeasca District Court is suitable for the activity of a law court.

The finishing on both floors is in very good condition. In 2009, new windows, doors and ceilings were installed, as well as new lighting fixtures, and new furniture was purchased. Space for detainees was established on the first floor in three separate cells with toilets and washbasins.

A lounge was arranged on the second floor and has new furniture. The court staff uses it for having meals.

The server is located in a deliberation room. The room is quite big, but there is no air conditioner. The president said that the air conditioner for the server room was procured in 2012 and is to be installed in the near future. Currently the room is aired by opening the window and by switching on the fan.

In the 2009 Infrastructure Assessment Report, only one capital repair priority was identified: to finish the new building which was done (Table 1 and Graph 1).

**Table 1.** *Implementation of the capital repair priorities identified in 2009*

| Priorities for capital repair in 2009 | Implementation stage in 2012 |
|---|---|
| Finish the new building for the court. | Implemented |

*Source: 2009 Infrastructure Assessment Report*

**Figure 1.** *Implementation of the 2009 capital repair priorities in 2012*

### Conclusions

- The new Basarabeasca District Court was finished in 2010.
- All the rooms of the court were renovated from 2006 to 2009.
- ROLISP estimated that 100% of the 2009 recommendations for capital repairs have been implemented.

### Recommendations

- Establish the office of the public relations specialist at the entrance to the court.
- Move the offices of judges and clerks to an area with restricted access on the second floor.
- Create a separate entrance for judges to the courtrooms.
- Transfer the server to a separate room and provide it with an air conditioner.

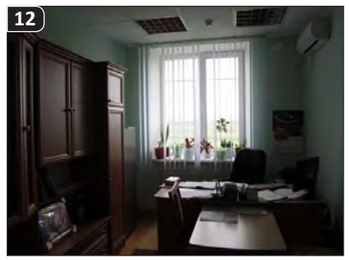



**Photo 7.** *Gutters and drainage*
**Photo 8.** *Air conditioner*
**Photo 9.** *Corridor*

**Photo 10.** *Space for detainees*
**Photo 11.** *Server*
**Photo 12.** *Judge's office*

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Basarabeasca District Court staff has used ICMS since 2010; Version 2 was installed in 2011.

In order to create electronic files, documents must be scanned after the files are registered. The chancellery employees do not scan them, however, because they have no scanner.

ICMS is the primary information source for the parties in a case. If information is not found in ICMS, then case files or the registers kept by chancellery are consulted.

The court does not have an information technology specialist. CST is always contacted when problems arise. The court staff said that CTS does not provide prompt services so they rated their satisfaction with CTS in 2012 as 4 out of 5.

**Table 2.** *Suggestions for modifying the ICMS*

| | |
|---|---|
| 1 | Adjust the distribution menu to the requirements and Regulations on the Distribution of Cases in the Courts |
| 2 | Activate the "back" button so that they can use the previous page of ICMS. |

*Source: President of Basarabeasca District Court*

## 2.2. AUDIO RECORDING SYSTEM

Basarabeasca District Court has three courtrooms, two of which do not have audio recording equipment and software though all have deliberation rooms. Hearings are not recorded however, as the only set of equipment they have does not function. The microphones broke down in 2010 and were taken by CST staff for repairs but still have not been returned.

From 2010 to the present, there have been no requests for CDs of court hearings.

The courtroom doors do not have plaques stating that hearings are audio recorded, but they do have information on the rules of conduct for citizens during a court hearing.

According to the Regulations on Digital Audio Recording of Court Hearings, the purpose is to check the accuracy and the completeness of the written minutes of hearings and to ensure transparency and efficiency of court operations. Since the hearings of Basarabeasca District Court are not recorded, the clerks cannot use them for this purpose.[2]

The court president mentioned that there is a need to train court staff in the use of the audio recording equipment.

[2] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*

## 2.3. WEB PAGE OF BASARABEASCA DISTRICT COURT

Basarabeasca District Court has a website where information for citizens is posted that is updated as needed. The consultant maintains the website.

Table 3 shows the menus and their completeness.

**Table 3.** *Content of the web page of Basarabeasca District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the President of the Court | – Message of the president in the three colors of the Moldovan flag<br>– Photo of court president |
| Competence | – Competence of Basarabeasca District Court<br>– Information on localities falling under the jurisdiction of Basarabeasca District Court |
| Regulatory Framework | – Table with 14 main regulatory acts that govern the activity of the court<br>– List of 3 other regulatory acts |
| Public Relations Service | Regulations on Public Information and Mass Media Relations |
| News | No information |
| Archives | No information |
| Organization | – Link to “Court employees,” which contains list of court judges and office staff<br>– Link to the “Internal regulations,” which contains the court's internal regulations<br>– Link to “Contact data,” which includes details of president's office, the archives and the chancellery. |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>**The last judgment was posted on 9 July 2012** |
| Statistical Records | Statistics on the activity of Basarabeasca District Court in 2008 and 2009 |
| Information of Public Interest | – “Citizen's Guide” contains active links to the statement of claim, rights and obligations of parties in a trial and appeals<br>– Rules of conduct in courts<br>– Rules of conduct for court staff<br>– Public summons<br>– Active link to the website of the Government of the Republic of Moldova |
| Schedule of Court Hearings | – Schedule for Judge Veronica Carapirea which contains no information;<br>– Schedule for Judge Gheorghe Burdujan which contains no information;<br>– Schedule for Judge Tatiana Molcianova which contains no information;<br>– Schedule for Judge Dorin Munteanu which contains no information. |

*Source: http://jbs.justice.md/*

The menus have some information of public interest; however some menu titles do not match their contents and some have no information at all. “Archives,” “News” and “Schedule of Court Hearings,” for example, contain no information. The links to the regulatory acts in “Regulatory Framework” are not active which limits public access to them. The text in “Message of the President of the Court,” “Organization” and “Information of Public Interest” should be reformatted to ensure uniformity of font, color, and style. “Information of Public Interest” includes an active link to the official page of the Government of the Republic of Moldova.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Basarabeasca District Court has sufficient equipment to operate properly. Table 4 shows the equipment category, the number of existing items and the equipment needed according to court staff.

**Table 4.** *Equipment inventory and equipment needs*

| Equipment item | Number of items | Needed |
|---|---|---|
| Computers | 15 | 4 |
| Big photocopier | 2 | - |
| Printer | 14 | 1 |
| Server | 1 | - |
| Scanner | 4 | |
| Audio recording equipment set | 1 | 2 |
| Fax | 1 | - |
| Water cooler | 2 | - |
| Refrigerator | 6 | - |
| Air conditioner | 4 | - |
| Telephone | 8 | - |
| Postage meter | - | 1 |

*Source: Basarabeasca District Court*

### Conclusions

- When using IMCS Version 2, the staff faces the issues of uneven distribution of files and the slow speed of the software.
- The court employees do not audio record hearings.
- The following are needed to improve the work of Basarabeasca District Court: 4 computers, 1 printer, 1 postage meter, 2 sets of audio recording equipment.
- Basarabeasca District Court uses the website content management system; however, some menu titles do not match their contents and some have no information at all.

### Recommendations

- Procure scanners and scan case file documents.
- Procure two more audio recording sets and software.
- Fix the existing set.
- Audio record all hearings.
- Fill the menus of the website with information of public interest and update them regularly.
- Arrange the information on the web page according to menu titles.
- Ensure the uniformity of the font and colors used on the web page.

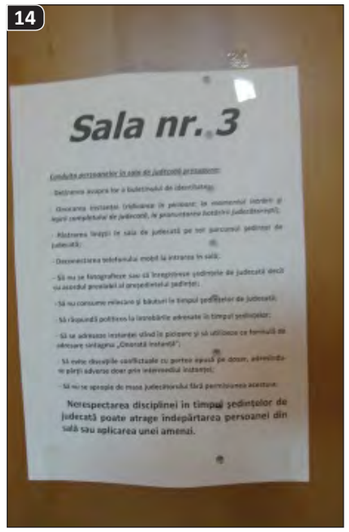



**Photo 13.** *Courtroom*
**Photo 14.** *Inscription on a courtroom door*

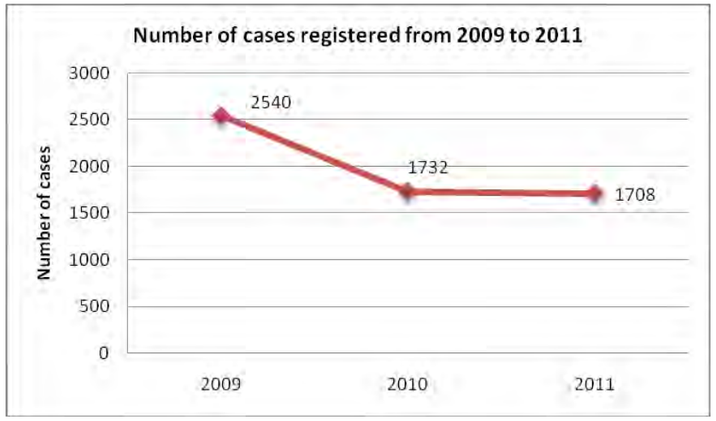
# III. WORK OF BASARABEASCA DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The workload of Basarabeasca District Court was analyzed from 2009 to 2011 by the total number of cases registered, the total number of cases examined, the number examined by type of case, the year-end backlog and the case clearance rate.

Graph 2 shows that the total number of cases registered decreased from 2540 in 2009 to 1708 in 2011.

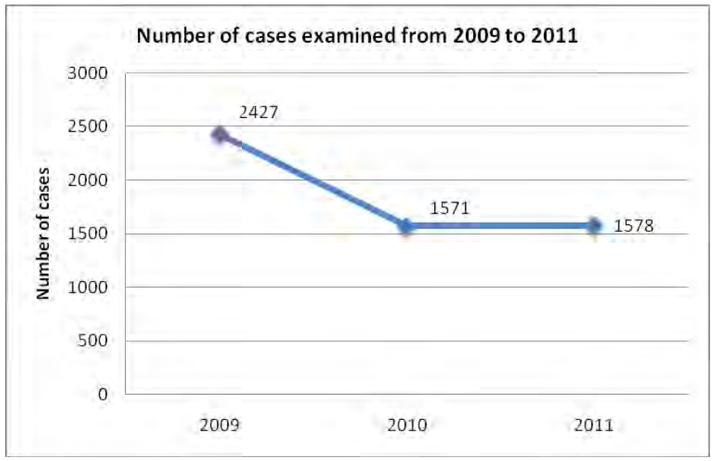
**Graph 2.** *Number of cases registered in 2009-2011*




*Source: DJA*

The total number of cases examined decreased from 2427 in 2009 to 1578 in 2011 (Graph 3).

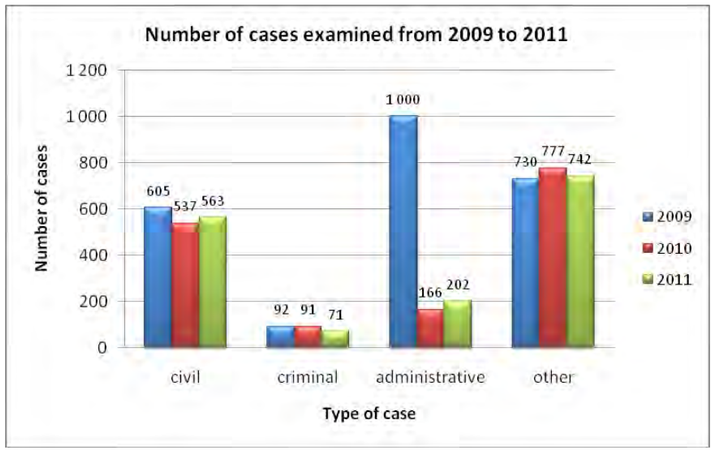
**Graph 3.** *Number of cases examined from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, from 2009 to 2011 the number of civil cases examined by Basarabeasca District Court decreased from 605 to 563, the number of criminal cases did not change materially, and the number of administrative cases decreased from 1000 to 202.

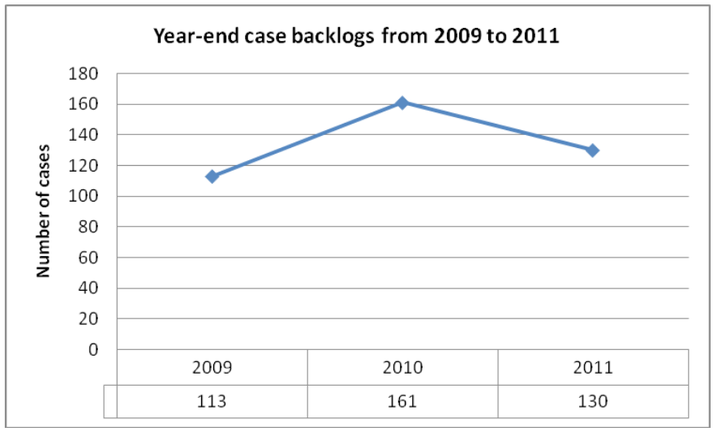
**Graph 4.** *Number of cases examined from 2009 to 2011 by type of case*




*Source: DJA*

The year-end case backlog of Basarabeasca District Court increased from 113 in 2009 to 130 in 2011 (Graph 5).

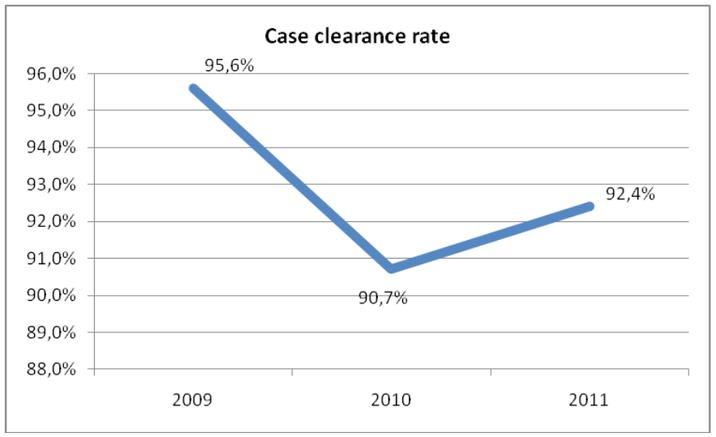
**Graph 5.** *Year-end case backlogs from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Basarabeasca District Court decreased from 95.6% in 2009 to 92.4% in 2011.

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Basarabeasca District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and other necessary work.

The chancellery of Basarabeasca District Court is situated on the first floor and has two employees. Its specialists are responsible for registering cases in ICMS and on paper.

For public information, the chancellery uses the search menu of ICMS and case documents if the information is not found in ICMS.

The chancellery of Basarabeasca District Court keeps the registers in Table 5.

**Table 5.** *The registers used by Basarabeasca District Court chancellery*

| Register Category | Register Title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Outgoing registered letters<br>4. Civil and criminal case<br>5. Literature<br>6. Index of bailiffs' intercessions<br>7. cases distributed to judges for trial<br>8. Cases submitted for enforcement<br>9. Summons by registered mail<br>10. Summons by regular mail |
| ***Civil*** | 1. Civil cases<br>2. Index of civil cases<br>3. Index of administrative cases<br>4. Bailiffs' intercessions<br>5. Administrative cases<br>6. Civil cases submitted to judges for trial in the first instance |
| ***Criminal*** | 1. Criminal cases<br>2. Index of criminal cases<br>3. Requests to enforce preventive arrest against the defendant<br>4. Requests to extend preventive arrest against the defendant<br>5. Complaints against criminal investigative agencies<br>6. Materials related to the enforcement of judgments<br>7. Index of materials related to the enforcement of judgments<br>8. Criminal (administrative) cases submitted to judges for trial in the first instance |
| ***Administrative*** | 1. Administrative cases<br>2. Index of administrative cases<br>3. Complaints in administrative cases<br>4. Index of complaints in administrative cases<br>5. Register of index 26<br>6. Index 26 |

*Source: Basarabeasca District Court chancellery specialists*

The court maintains duplicate records of case files—one on paper and one in digital format. The same information may be entered three or even four times in various records as shown in Table 6.

**Table 6.** *Registration of a civil case by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case | ICMS | Action record card | Incoming mail<br>Index of civil cases, Cases distributed to judges for trial, Civil cases, Civil cases submitted to judges for trial in the first instance |
| Plaintiff's name | ICMS | Action record card | Incoming mail, Civil cases, Civil cases submitted to judges for trial in the first instance |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases, Cases distributed to judges for trial |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case category | ICMS | Action record card | Index of civil cases, Cases distributed to judges for trial, Civil cases |
| Essence of the case | ICMS | Action record card | |
| State fee | ICMS | Action record card | |
| Case file circulation within the court | ICMS | Action record card | Civil cases submitted to judges for trial in the first instance |

*Source: Basarabeasca District Court chancellery specialists*

The chancellery keeps more registers than required in the Guidelines.[3]

[3] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

The archives are in three rooms—on the first floor and in the basement. The room on the first floor is fitted out with a ventilation system and metal shelves for storing criminal and civil case files. Files are not kept in the basement rooms because of excessive humidity. The archive room on the first floor is large enough and is well organized. Security is ensured by the judicial police at the entrance to the courthouse.

### *Conclusions*

- The number of cases registered at Basarabeasca District Court decreased by 32.8% from 2009 to 2011.
- The number of cases examined at Basarabeasca District Court decreased by 35.0% from 2009 to 2011.
- During the same period, the number of civil cases examined decreased by 42, the number of criminal cases decreased by 21 and the number of administrative cases decreased by 798 files.
- The case backlog increased by 17 from 2009 to 2011.
- The case clearance rate decreased by 3.2% during the same period.
- There is duplication of effort because laws and regulations require paper and digital registers.
- The specialists of the chancellery keep more registers than required in the Guidelines.

### *Recommendations*

- Review the internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to bring the number of registers in line with the requirements in the Guidelines.

**Photo 15.** *Registers in the chancellery*
**Photo 16.** *Archives*

## IV. HUMAN RESOURCES

According to its staff roster, the court has 3 judges, 1 investigative judge and 17.5 support staff (Table 7). There is no human resource specialist; those duties are performed by the court president and the adviser to the court president. The accountant drafts and keeps staff records; prepares personnel files and completes, stores and keeps records of labor cards.

The position of public relations specialist is vacant. This person represents the court officially to mass media and the public in order to ensure court operations are transparent and comply with the law. The president said that the duties of the public relations specialist are performed by the chancellery specialist.

Internal staff recruiting is conducted in line with the Regulation on Filling of Public Positions Competitively approved by Government Decision no. 201 in 2009. In the last two years, no staff has been recruited as the court does not have staff turnover problems.

Job descriptions are approved every year. They help to clarify the duties of staff. Basarabeasca District Court has job descriptions for the positions of head of chancellery, consultant, chief accountant and clerk.

**Table 7.** *Staffing scheme of Basarabeasca District Court*

| No. | Position | Current number | Vacancies |
|---|---|---|---|
| 1. | President | 1 | - |
| 2. | Judge | 2 | - |
| 3. | Investigative judge | 1 | - |
| 4. | Adviser to the court president | 1 | - |
| 5. | Chief accountant | 1 | - |
| 6. | Consultant | 1 | - |
| 7. | Clerk | 4 | - |
| 8. | Translator | 1 | - |
| 9. | Head of the chancellery | 1 | - |
| 10. | Specialist | 1 | - |
| 11. | Public relations specialist | 1 | 1 |
| 12. | Archivist | 1 | - |
| 13. | Courier | 0.5 | - |
| 14. | Driver | 1 | - |
| 15. | Cleaner | 0.5 | - |
| 16. | Guard | 3 | - |
| 17. | Outside cleaner | 0.5 | - |
| | **TOTAL** | **21.5** | **1** |

*Source: Accounting office of Basarabeasca District Court*

The Court has internal regulations available to judges and regular staff that establish the operations and organization of the court and the rights and obligations of court management, judges and regular staff appointed or employed on the basis of an individual employment agreement, irrespective of its term, who are subordinated to the court or who provide services to ensure the efficient and effective administration of justice.

Judges are trained by the NIJ, and in 2011, all judges met the requirement of 40 annual hours of ongoing training. The judges the assessment team interviewed mentioned that NIJ training and the publications they receive from SCM are enough to meet their information and training needs. When looking for regulatory acts, Basarabeasca District Court uses the legislative database on the Ministry of Justice website and does not subscribe to any private legislative databases. The court does subscribe *Official Gazette, Bulletin of the Supreme Court of Justice* and *Southern Gazette.*

The staff mentioned that the president and the judges conduct training for the clerks and for the chancellery and archive specialists. Training topics vary from analyzing particularities of enforcing legislation to studying the judicial information system and direct enforcement of criminal and civil procedural documents.

### *Conclusions*

- Human resource management in Basarabeasca District Court is carried out by the court president and the accountant.
- The court has no human resource specialist.
- The position of public relations specialist is vacant.
- Job descriptions are approved and are used.
- The court organizes training for clerks and for chancellery and archives specialists. Training topics vary from analyzing particularities of enforcing legislation to studying the judicial information system and direct enforcement of criminal and civil procedural documents.

### *Recommendations*

- Employ and train a human resource specialist.
- Employ and train a public relations specialist.

## V. SERVICES FOR THE PUBLIC

Basarabeasca District Court does not have an information window at the entrance. All citizens' requests are filled by chancellery specialists. The position of the public relations specialist is vacant. There are name plaques on the doors of judges and other staff offices and a notice saying that access to judges' offices is restricted.

There is no information board at the entrance to the building. The list of court hearings is on the door of the courthouse. The court president said that the information board would be mounted after the renovation work is finished. Currently the guard at the entrance shows citizens where to go.

Parties and other participants in a trial can apply at the chancellery of Basarabeasca District Court for copies of judgments on all working days during working hours. Copies are issued on the same or on the next day. The chancellery specialists record the request in the Incoming Mail register and assign it a number. The request is submitted to the president who must approve it and appoint a person to fill it.

### *Conclusions*

- The court has signs to guide the public to the chancellery, the archives and the courtrooms.
- The court has no information board for the public.
- The procedure for issuing copies requires the president's approval.

### *Recommendations*

- Purchase and mount an information board on the first floor.
- Post information of public interest on the board.
- Simplify the procedure of issuing copies by exempting the president from approving requests and train the chancellery staff accordingly.

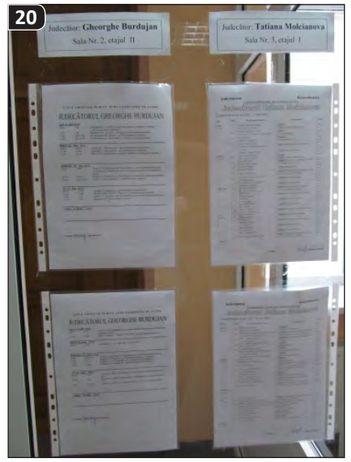


**Photo 17.** *Public space*
**Photo 18.** *Space for judicial police*
**Photo 19.** *Exit sign*

**Photo 20.** *List of hearings*
**Photo 21.** *Inscription on a judge office door*
**Photo 22.** *Working hours of Basarabeasca District Court*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Basarabeasca District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which in turn receives ceilings for the entire justice sector from the Ministry of Justice. These ceilings are established and approved in conjunction with the Ministry of Finance.
The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others)
2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted as per the inflation rate predicted for the coming year. After all these calculations, the court proposes a draft budget that complies with the ceilings established by DJA

## 6.1. BUDGET (basic component)

The budget of Basarabeasca District Court is divided into the following six categories:

- *Staff expenditures* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – power, gas, water and sewerage, and sanitation;
- *Expenses for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[4]

From 2010 (executed) to 2012 (approved), the budget of Basarabeasca District Court increased from about MDL 1.1 million to about MDL 1.4 million (Table 8)

In 2011, the court budget increased by 70% compared with 2010 mainly due to the procurement of a car. The expenses for utilities also increased by 18%, and staff expenses went up by 5%.

For 2012, the court budgeted only a 30% decrease as no fixed assets were to be procured. Nevertheless, funds planned for some types of expenses increased. For example, the court budgeted 2.5 more funds for utilities, due to 5.2 more funds to pay for natural gas in 2012 compared with 2011. In addition, operating expenses were up by 78% and staff expenses went up by 17%.

[4] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Basarabeasca District Court, by type of expense (2010–2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 714,516 | 751,543 | 5% | 881,500 | 17% |
| Repairs | 26,600 | 0 | -100% | 0 | 0% |
| Utilities | 42,543 | 75,844 | 78% | 184,000 | 143% |
| Fixed assets | 57,298 | 208,525 | 264% | 0 | -100% |
| Capital investment | 0 | 750,400 | 0% | 0 | 0% |
| Operating expenses | 308,881 | 174,041 | -44% | 310,500 | 78% |
| **Total** | **1,149,838** | **1,960,353** | **70%** | **1,376,000** | **-30%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 received from the court*

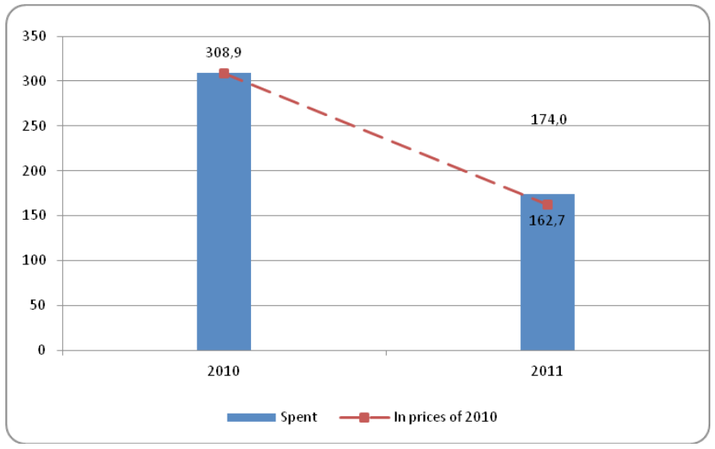
## 6.2. STAFF EXPENDITURES

Staff expenditures represent approximately 60% of the total budget in 2012 and increase year by year. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

In 2010 and 2011, both the face value and the real value of operating expenditures decreased. Their face value decreased from MDL 308.9 thousand in 2010 to MDL 174 thousand in 2011, a drop of about 44%. Their real value decreased by approximately 47%, taking into account that in 2011 the inflation rate was 7%. MDL 174 thousand in 2011 was therefore equivalent to MDL 161.7 thousand in 2010; hence, the real value of operating expenditures decreased by approximately MDL 146.2 thousand.[5]

**Graph 7.** *Face value and real value of operating expenditures for Basarabeasca District Court in 2010 and 2011*



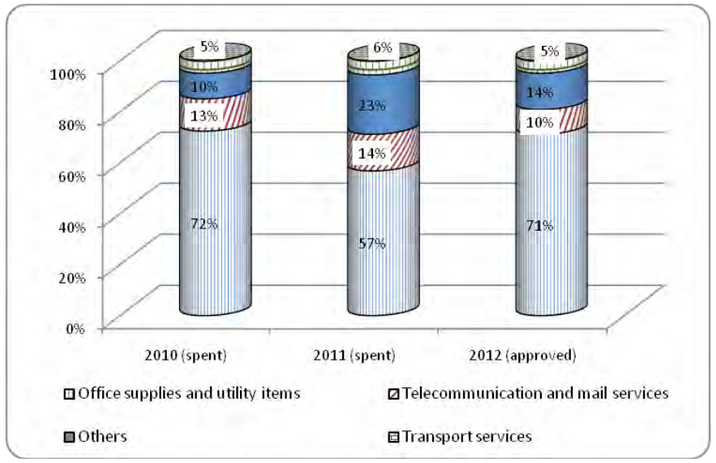

[5] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

The biggest share of operating expenditures went into the following three categories:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




In 2010, about 72% of operating expenditures went for office supplies and utility items, while in 2011 the procurement of these goods accounted for only 57%. For 2012, this category is 71% of planned operating expenses.

In 2010, telecommunications and mail services accounted for 13% of the total while in 2011 their share was 14%. In 2012 the amount of money planned for telecommunications and mail services is 10%.

In 2010 and 2011 transport services accounted for 5% and 6% of operating expenses respectively. In 2012, 5% has been budgeted.

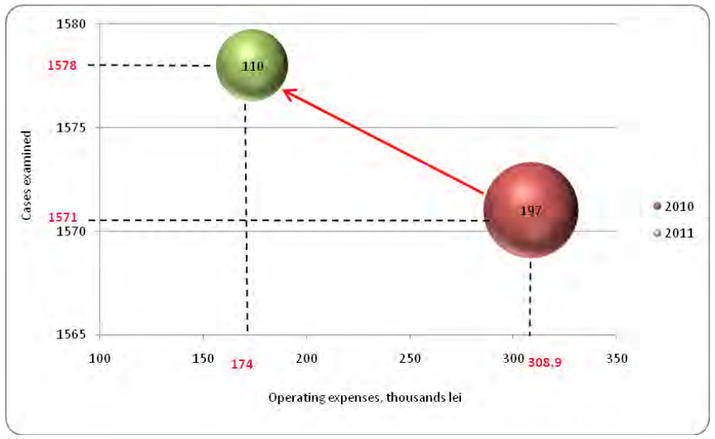
Expenses for telecommunications and mail merit attention because approximately 70% are planned for stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease in operating expenditures in 2011 compared with 2010 can be explained by a few factors. However, this was not related to number of cases examined, which remained almost the same. Thus, in 2010 the number of cases examined was 1571 and in 2011 it was 1578.

Comparing the operating expenditures with the number of cases examined, in 2010 the average cost for examining a case amounted to approximately MDL 197, while in 2011 it was MDL 110 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Basarabeasa District Court in 2010 and 2011*



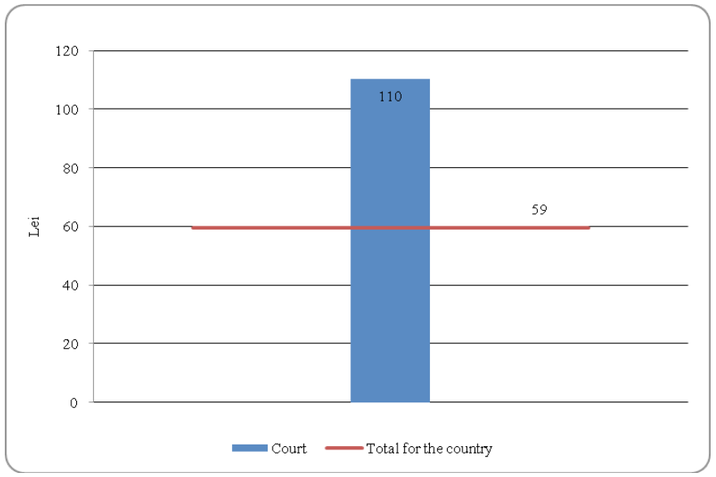

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court*

Though the operating expenses decreased in 2011 compared to 2010, Basarabeasca District Court managed to examine almost the same number of cases. Probably the reduction in operating expenses brought down the average cost for examining a case.

## 6.6. AVERAGE OPERATING COST PER CASE IN BASARABEASCA DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 110 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Basarabeasca District Court in 2011 and the weighted average cost per case for the country as a whole*




As shown in the Graph 10, in 2011 the average cost per case examined in Basarabeasca District Court was almost double of the weighted average cost for the country as a whole.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Bookkeeping at Basarabeasca District Court is done manually, because for lack of funds the court has not purchased accounting software.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. The consultant deals with the technical aspects of procurements, but he/she does not have professional qualifications in public procurement. Since procurement legislation is continuously changing, responsible persons should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars, all of various brands and at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.)

### Conclusions

- In 2011 the funds for operating expenditures decreased.
- Compared with 2010, in 2011, Basarabeasca District Court examined almost the same number of cases (seven more) with fewer funds (MDL 161,820 less in real terms) which indicates that operating expenses are not directly correlated with the number of cases examined.
- In 2011 the average operating cost for examining a case was considerably higher than the weighted average cost of a case for the country as a whole.
- Mail services account for a significant share of total operating expenses.
- Bookkeeping is done manually for lack of accounting software.
- The court does all its public procurements without a procurement specialist.

### Recommendations

- Consider purchasing accounting software and training the staff to use it.
- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Briceni District Court situated in the town of Briceni, serves 81,600 inhabitants in the 39 localities that are part of Briceni district according to Law No. 764 of 27 December 2001 on the Administrative Territorial Organization of the Republic of Moldova.

According to its staffing plan, the court has 5 judges and 1 investigating judge. The total number of staff, except judges, accounts for 24 persons. There is no human resource specialist; those duties are instead performed by the court president, the court vice-president and the adviser to the president. The court has a public relations specialist.

Staff expenditures follow an upward trend. The court does all its public procurements without a procurements specialist. In 2011 both the face value and the real value of the allocations for operating expenditures increased compared with 2010. In 2011 the average operating cost for examining a case decreased compared with the previous year and was lower than the weighted average cost of a case examined for the country as a whole (see the detailed analysis in Chapter VI).

Briceni District Court was built in 1961. The building is situated downtown on one of the main streets; this location is convenient for public access. It covers 805.76 sq. meters on two floors and a basement. The exterior, power, heating and sewerage systems, as well as the archive space have been fully renovated.

The staff of Briceni District Court uses Version 2 of ICMS which was installed in 2011. Its slow speed was mentioned by the court staff as an issue with the software.

# BRICENI DISTRICT COURT

*5, Independentei Str., Briceni town*

*Date of visit: 18 June 2012*

The most stringent problem for this court is a shortage of courtrooms.

The staff of Briceni District Court makes recordings of all hearings held in the two courtrooms where audio recording equipment is installed. During the visit for documentation, it was mentioned that it is not possible to hold all hearings in courtrooms given the fact that there are three courtrooms for the six judges who currently work at the court. Lack of training and legal requirements for written minutes in addition to recordings (overlapping) are among the other reasons that not all hearings are recorded.

Specialists at Briceni District Court continue to keep a considerable number of registers although amendments to the Guidelines have reduced considerably the number required.

The total number of cases filed at Briceni District Court from 2009 to 2011 increased by 2764 and the number of cases examined increased in the same period by 2621, with a clearance rate of 96.4% in 2011.

The courthouse has an information board for the public. On the judges' office doors, which have been recently replaced, there are no doorplates with their names or warnings that entry is not allowed, while on the old doors there were clear signs with their names but no warning about forbidden entry.

Briceni District Court updates its webpage periodically, and most menus have information of public interest though some have no information or an improper layout.

# I. INFRASTRUCTURE

## *1.1. ASSESSMENT*

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 4 | The exterior walls are made of stone with a stucco finish. In 2008, the main façade was renovated and painted and is in good condition. For the side and back walls, the stucco finish has to be renewed. |
| Water supply | 2 | Water supply is centralized and the pressure is acceptable. |
| Power supply | 1 | The condition of the power network is very good. In 2010, with financial support from USAID, the electrical system was fully replaced. |
| Sewerage system | 1 | The sewerage system is centralized. In 2010, the entire system was replaced. |
| Heating system | 1 | The heating system is based on gas. It was completely renovated in 2011; the pipes were replaced and two new boilers were bought. |
| Firefighting system | - | None. |
| Roofing | 3 | The roof is in satisfactory condition; leaks in some parts have been reported. Half of the roof is made of asbestos sheets that need to be replaced; the newer part is made of metal sheeting and is in good condition. Repairs were done in 2006. |
| Interior | 4 | The offices require capital repairs. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

**Photo 1.** *Facade of Briceni courthouse*
**Photo 2.** *Exterior walls*
**Photo 3.** *Exterior walls*
**Photo 4.** *Court hall*
**Photo 5.** *Ceiling*
**Photo 6.** *Ceiling leaks*

## 1.2. CURRENT CONDITION

The assessment focused on a comparative analysis of the physical and operational condition of Briceni District Court in June 2012.

The courthouse has two floors and a basement with a total area of 805.76 m². There are 18 offices, 2 public spaces and 3 courtrooms.

Briceni District Court benefits from the services of the judicial police and also has three guards on staff who provide security during nights and on weekends.

The water and sewerage systems at Briceni District Court are centralized and were completely renovated in 2011. A ventilation system should be installed in the basement. The archives are laid out in two rooms—one on the ground floor which has been partially renovated and the other in the basement which requires full renovation. Both rooms lack ventilation systems. Partial repairs of the exterior walls have been conducted. The roof has not been repaired. In 2011, a new heating system was installed and two new boilers were purchased.

The operational space of Briceni District Court is appropriate for a court of law except that there is no space for detainees. Currently detainees are brought to the courtroom through the back door of the courthouse directly from the police station. The room for examining criminal cases has a separate entrance for detainees as well as a separate space for them. The courthouse has three courtrooms for six judges, two of which were fully renovated in 2011 and have air conditioners.

The interior finishing on the ground floor is in unsatisfactory condition and requires full renovation. Since 2008, no general renovations have been conducted on the interior of the ground floor due to a lack of funds, but work is planned for the future. In 2007, suspended ceilings and new light fixtures were installed. In 2011, partial renovations were made in the hall and the archives on the ground floor. In the other spaces, the interior finishing is the original and the condition is poor. In some spaces, the linoleum flooring is seriously damaged and the wallpaper is coming off. The restroom on the ground floor is in good condition having been totally renovated in 2011.

On the second floor, some of the judges' offices were partially renovated in 2011. In 2007, new windows were installed in all offices. The walls have been repainted and the light fixtures replaced. Some offices have air conditioners. In the courtyard, there is a restroom used by both the court staff and the public. All the other rooms on the second floor need to be repaired. The finishing of the courtroom interiors also requires renovation.

The functional area of Briceni District Court is adequate for the operation of a court of law. However, there is no space for detainees, who are brought to the courtroom through the court back door directly from police. The courtroom used to hear criminal cases has a separate entrance and space for detainees. The court has 3 courtrooms per 6 judges. 2 courtrooms were renovated in 2011 and are equipped with air-conditioning.

No firefighting systems or emergency lights have been installed.

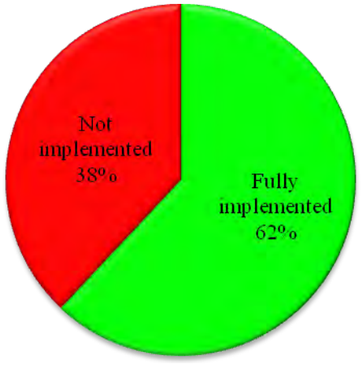
The 2009 Infrastructure Assessment Report identified eight priorities for capital repairs of which five have already been implemented and three have not, but there are plans to do so next year (Table 1 and Graph 1).

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2009 | Implementation stage in 2012 |
|---|---|
| Inspect the foundation for shifting and cracks and undertake work to stop the further deterioration of the building | Not implemented |
| Relocate the bailiffs in a proper, separate building. | Implemented |
| Relocate the chancellery and create a public reception area on the ground floor | Implemented |
| Renovate and reconfigure the interior to extend the courtroom space | Not implemented |
| Renew the electrical network, the electrical fixtures and light fixtures. | Implemented |
| Repair the water supply system and sewerage pipes. | Implemented |
| Repair the boiler room and the heating system | Implemented |
| Install an air conditioner in the LAN server room | Not implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of capital repair priorities in 2012*




### Conclusions

- From 2009 to 2012, a large part of the renovation work recommended in the 2009 Infrastructure Assessment Report was done at Briceni District Court.
- Most of the rooms in Briceni District Court need capital repairs.
- The work conducted has been based on the recommendations and priorities set forth in the 2009 Infrastructure Assessment Report.
- Taking into account the priorities for repair identified in 2009, 62% of the recommendations have been fulfilled while 38% have not.

### Recommendations

- Consolidate the archives into one room.
- Install a ventilation system in the archives.
- Install firefighting systems.
- Renovate the flooring in the halls on the ground floor and the second floor.
- Replace the light fixtures.
- Replace the old doors.
- Pave the land area around the courthouse.
- Create enough new courtrooms for all judges.
- Lay out a space for the server and provide it with an air conditioner.
- Create a cell for detainees in the basement.
- Renovate the interior finishing where necessary.
- Renovate the exterior walls.
- Move the office of the public relations specialist close to the courthouse entry.
- Create a space for the judicial police at the courthouse entrance.
- Change the layout of the room for physical evidence and maintain its location in the basement.

**Photo 7.** *Public staircase*
**Photo 8.** *Public area*
**Photo 9.** *Boiler room*

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The staff of Briceni District Court has used the Integrated Case Management System since 2011 when ICMS Version 2 was installed.

The court president assigns cases manually; only cases for which motions for recusal have been filed are assigned by ICMS because this is how the case assignment menu was initially set up. The court does not have a person responsible for adjusting and maintaining ICMS. The staff does not use all the options of ICMS Version 2 as they do not know how to. Other issues reported are technical such as errors messages and very slow speed. In addition, posting judgments and scheduling court hearings takes a lot of time and causes the failure of all screens open on the computer.

The server is located in the archive room where there is no ventilation.

The staff does not scan statements of claim because the scanner does not work and in addition, it is not in the chancellery but in the coordinating specialist's office.

ICMS serves as a primary source of information requested by the public. If the information cannot be found in ICMS, the case action cards or the records kept at the chancellery are consulted.

The staff of Briceni District Court contact CTS to solve any problems they have. Employees reported that the services of CTS are of good quality and provided in due time.

The general satisfaction of Briceni staff with services provided by CTS in 2012 can be rated at 5 out of 5

**Table 2.** *Suggestions for modifying ICMS for Briceni District Court*

| No. | Suggestions for ICMS modifications |
|---|---|
| 1. | Bring the case assignment menu in line with the provisions of the Regulation on Case Assignments in Courts of Law. |
| 2. | Eliminate program errors. |
| 3. | Increase the operation speed of ICMS |

*Source: President of Briceni District Court*

### 2.2. AUDIO RECORDING SYSTEM

Briceni District Court has three courtrooms, two of which have audio recording equipment and the corresponding software. The courtrooms on the ground floor that were renovated in 2011 have deliberation rooms. All hearings conducted in the courtrooms in which equipment is installed are audio recorded (except in rare cases when the equipment breaks down). During the assessment visit, the staff stated that not all hearings can be conducted in courtrooms given that there are six judges who share only three courtrooms. Audio recordings are kept on the court server.

The audio recording equipment is functional; difficulties related to its use are technical. The chief judge mentioned that regardless of whether or not there are requests from trial participants for recordings, all hearings conducted in the courtrooms where equipment is installed are audio recorded. During the period in which the audio recording equipment and software have been in use there have been only two or three requests for recordings.

There are plaques on the courtroom doors stating that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings,[2] the purpose is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. Since not all hearings are recorded, clerks can not always use the recordings to make sure the minutes are accurate.

Among the technical issues they face, Briceni District Court employees cited the shortage of courtrooms and of audio recording equipment, the legislation requiring duplication of effort—written minutes and audio records—an insufficient number of trained staff.

[2] *SCM Regulation on Digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

**Photo 10.** *Courtroom*
**Photo 11.** *Inscription on a courtroom doorplate*

## 2.3. WEB PAGE OF BRICENI DISTRICT COURT

Briceni District Court has a web page on which it posts information for the public; it is updated as needed by the coordinating specialist who is also responsible for maintaining it. It was mentioned that the page is often nonfunctional.

Table 3 shows the menus and their contents.

**Table 3.** *Content of the web page of Briceni District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the chief judge | – Welcome address<br>– A photo showing the façade of the courthouse that cannot be viewed |
| Jurisdiction | – Competence of Briceni District Court<br>– Table with information about the localities in the territorial jurisdiction of Briceni District Court |
| Regulatory Framework | – Table with 14 basic regulatory acts governing the court activities<br>– List of three regulatory acts |
| Public Relations Service | – General information about the duties of the public relations specialist<br>– Contact data for the public relations specialist at the Briceni District Court |
| Press Releases | No information |
| News | A link to "*Vacancies*" that contains no information |
| Archive | – A photo that cannot be viewed<br>– Description of the archive duties<br>– The work schedule of the archives |
| Organization | Organizational chart |
| List of hearings | Information extracted automatically from ICMS |
| List of Case Files | Information extracted automatically from ICMS |
| Database of judgments | Information extracted automatically from ICMS |
| Statistics | No information |
| Information of public interest | – Working hours of Briceni District Court<br>– Citizens' Guide<br>– Rules of conduct for court employees<br>– Enforcement officers |
| Useful Links | Links to the websites of the local public administrative bodies |

*Source: http://jbr.justice.md/*

Table 3 shows that most menus have information of public interest about the work of the court; however, some contain no information of public interest at all, and sometimes the page contents are not properly laid out. In the "Useful Links" menu, links should be arranged in the proper order. In "Jurisdiction," the table should be reformatted. In "Regulatory Framework," a number of regulations on judicial activities are posted, but they are not active. It would be good to post active links on this menu to facilitate access to information. The menus should contain comprehensive information of public interest and should be updated regularly.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Briceni District Court has sufficient equipment to properly carry out its activities. Table 4 shows the type of equipment, the number of items and the equipment needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Computers | 22 | 38 |
| Printers | 6 | 20 |
| GET scanner | 2 (nonfunctional) | 6 |
| Fax | 2 | 3 |
| Audio-recording sets | 3 | 3 |
| UPS | 1 | 38 |
| Server | 1 | |
| Air conditioners | 6 | 15 |
| Copier | 3, only 1 is functional | 4 |
| OM water cooler | - | 5 |
| Equipment for the teleconference room | - | 1 |
| Electronic monitor | - | 1 |
| TV-DVD | - | 5 |
| Stabilizer | - | 2 |

*Source: Briceni District Court*

### Conclusions

- When using ICMS Version 2, the staff of Briceni District Court faces the problems of uneven case assignments, error messages and its slow speed.
- The staff of Briceni District Court does audio record court hearings.
- To improve the work of Briceni District Court, the following equipment is necessary: 38 computers, 38 UPS units, 20 printers, 6 scanners, 4 copiers, 3 faxes, 2 stabilizers and 3 sets of audio recording equipment for the courtrooms included in the court's renovation plan.
- Briceni District Court uses the webpage content management system; however, some of the menus contain no information of public interest at all, and sometimes the contents of the menus are not properly laid out.

### Recommendations

- Procure scanners and scan the documents from the case files.
- Create a number of courtrooms proportional to the number of judges.
- Conduct all hearings in courtrooms by efficiently planning the schedule of hearings.
- Delete audio recordings from the server in accordance with the SCM regulations.[3]
- Add information of public interest to the website and update it regularly.
- Arrange a space for the server and install an air conditioner there.

[3] *SCM Regulation on Digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

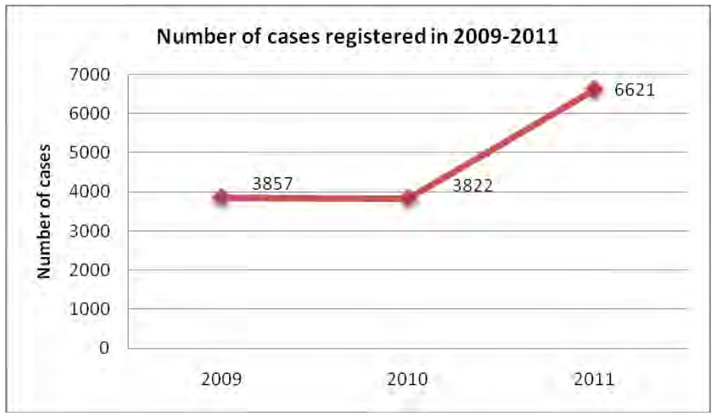
# III. WORK OF BRICENI DISTRICT COURT

## 3.1. WORKLOAD OF THE COURT

The workload at Briceni District Court from 2009 to 2011 was assessed based on several indicators such as the total number of cases registered, the total number of cases examined, the number examined by type of case, the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases filed at Briceni District Court increased from 3857 in 2009 to 6621 in 2011.

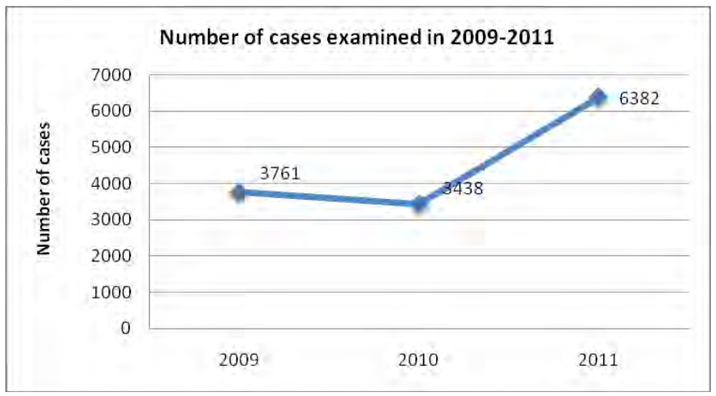
**Graph 2.** *Number of cases registered at Briceni District Court from 2009 to 2011*




*Source: DJA*

According to the data, the total number of cases examined increased from 3761 in 2009 to 6382 in 2011. (Graph 3)

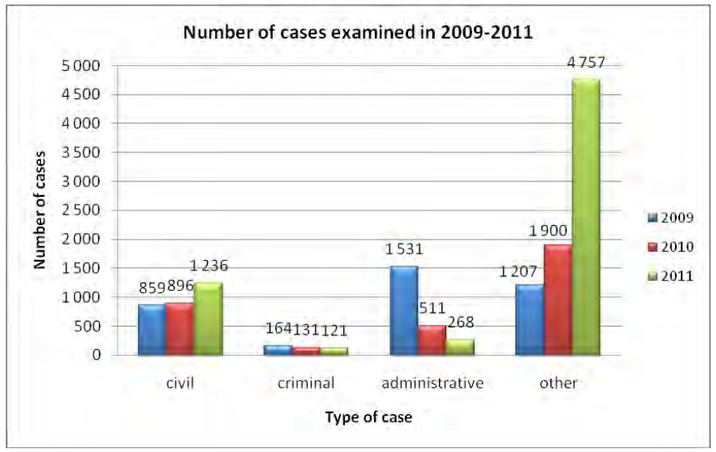
**Graph 3.** *Total number of cases examined at Briceni District Court from 2009 to 2011*




*Source: DJA*

Graph 4 shows that the number of civil cases examined increased from 859 in 2009 to 1236 in 2011. The number of criminal cases examined did not change significantly and the number of administrative cases decreased from 1531 in 2009 to 268 in 2011.

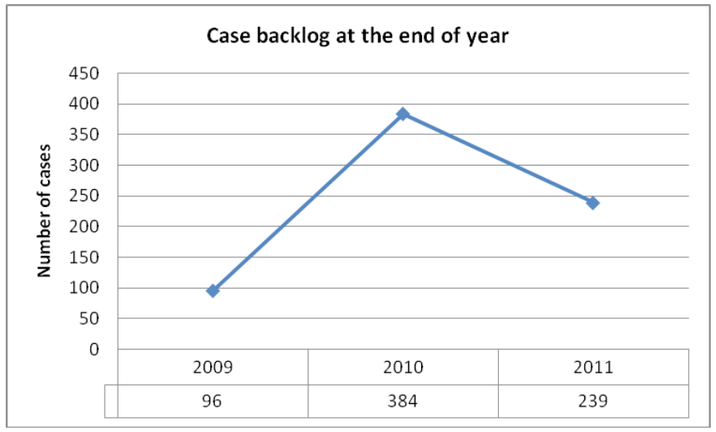
**Graph 4.** *Number of cases examined at Briceni District Court from 2009 to 2011by types of cases*




*Source: DJA*

The analysis of the case backlog at Briceni District Court showed an increase from 96 in 2009 to 239 in 2011 (Graph 5).

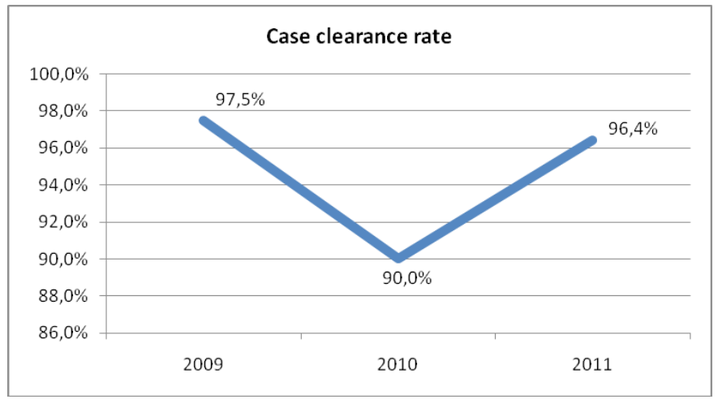
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Briceni District Court decreased from 97.5% in 2009 to 96.4% in 2011 (*Graph 6*).

**Graph 6.** *Case clearance rate from 2009 to2011*




## 3.2. ORGANIZATION OF ACTIVITIES

Briceni District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice and analyzing judicial statistics and perform other duties as needed for the normal run of activities.

The chancellery is located on the ground floor. Its staff includes three specialists who are responsible for scanning documents from case files and registering cases in ICMS and on paper.

For purposes of providing information to the public, the chancellery uses the search menu of ICMS, and if there is no information in ICMS, it uses the case action cards.

The chancellery maintains the registers listed in Table 5:

**Table 5.** *List of registers used by Briceni District Court chancellery*

| Register Category | Register title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Registered mail<br>4. Ordinary mail<br>5. Mail sent via courier |
| ***Civil*** | 1. Index of civil case files (including enforcement officers' motions)<br>2. Index of civil case files under simplified procedures<br>3. Index of economic case files<br>4. Index of case files under administrative review<br>5. Motions to interdict someone from leaving the country |
| ***Criminal*** | 1. Index of criminal case files<br>2. Index of materials on enforcement of judgments and registration of cases under cassation review<br>3. Physical evidence<br>4. Approval of forced hospitalization and treatment of individuals<br>5. For cases with indexes 10–16, only register of action cards are completed |
| ***Administrative*** | 1. Complaints against decisions of extra-judiciary bodies on administrative cases<br>2. Index of administrative case files |

*Source: Briceni District Court chancellery specialists*

The court keeps duplicate record of case files—one on paper and one in electronic format. The same information may be entered three or four times in various records as table 6 shows.

**Table 6.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Register of incoming mail |
| Plaintiff's name | ICMS | Action record card | Register of incoming mail |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case file category | ICMS | Action record card | Index of civil cases |
| Essence of the case | ICMS | Action record card | |
| State duty | ICMS | Action record card | |
| Circulation of the case file within the court | ICMS | Action record card | |

*Source: Briceni District Court chancellery specialists*

Judging by the list of registers presented to the assessment team, the number the chancellery of Briceni District Court keeps is not in line with the latest provisions in the Guidelines.[4]

The archives of the Briceni District Court are laid out in two rooms: one on the ground floor where case files are stored (it has no ventilation, is overloaded, the shelves are wood with metal frame), and the second in the basement where physical evidence and older case files are stored (this this a temporary space in unsatisfactory condition that requires renovation). Entry to the archives is restricted. There is no ventilation system.

## *Conclusions*

- The number of cases filed at Briceni District Court increased by 71.7% from 2009 to 2011
- The number of cases examined increased by 69.7% from 2009 to 2011.
- The number of civil cases examined from 2009 to 2011 increased by 377, the number of criminal cases decreased by 43 and the number of administrative cases decreased by 1263.
- The case backlog increased by 143 from 2009 to 2011.
- The case clearance rate decreased by 1.1% from 2009 to 2011.
- There is duplication of work because laws and instructions on secretarial work require both paper and digital registers.
- The number of registers used by the chancellery specialists exceeds the number required by the Guidelines.

## *Recommendations*

- Review internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.
- Reconfigure the archive space to enlarge it.
- Consolidate the archives into one room.
- Install an air conditioner in the archives.

[4] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

**Photo 12.** *Chancellery*
**Photo 13.** *Archive spaces*

## IV. HUMAN RESOURCES

Briceni District Court has 6 judges (according to the approved staffing plan). The total number of staff, except judges, accounts for 24 persons.

The court does not have a human resource specialist; those duties are instead performed by the court president and the adviser to the court president. The adviser is particularly responsible for preparing and keeping records of the staff documents, for preparing personnel files and for filling in and keeping employment record books.

Briceni District Court has a public relations specialist who officially represents the court to the media and the public. He is responsible for making information available to the media and the public with a view to ensuring the transparency of court operation in accordance with the legal provisions.

For several years, no internal procedures for employment have been used. There are no problems with staff turnover at this court, so no staff have been hired in recent years. When staff is employed on a competitive basis, hiring is organized in accordance with the provisions of the Regulation on Competitive Employment of Civil Servants, approved by Government Decision No. 201 of 2009.

Briceni District Court has job descriptions for the positions of adviser to the court president, chancellery specialist, head of the chancellery, consultant, chief accountant, court clerk, translator and coordinator specialist.

**Table 7.** *Staffing scheme of Briceni District Court*

| No. | Position | Current number | Vacancies |
|---|---|---|---|
| 1. | Court president | 1 | - |
| 2. | Vice-president | 1 | - |
| 3. | Judge | 3 | - |
| 4. | Investigating judge | 1 | - |
| 5. | Adviser to the court president | 1 | - |
| 6. | Chief accountant | 1 | - |
| 7. | Consultant | 2 | - |
| 8. | Court clerk | 6 | 1 |
| 9. | Translator | 1 | - |
| 10. | Head of the chancellery | 1 | - |
| 11. | Specialist | 2 | - |
| 12. | Coordinator specialist | 1 | - |
| 13. | Head of Archives | 1 | - |
| 14. | Archivist | 1 | - |
| 15. | Courier | 1 | - |
| 16. | Driver | 1 | - |
| 17. | Guard | 3 | |
| 18. | Boiler room operator | 1 | |
| 19. | Cleaner | 2 | |
| | **TOTAL** | **30** | **1** |

*Source: Accounting office of Briceni District Court*

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ, and, as reported during the assessment visit, in 2011 all judges of Briceni District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are not enough to meet their information and training needs. For legal research and reference, the judges use the legislative database on the website of the Ministry of Justice and the private legislative database Moldlex though the latter is currently nonfunctional due to repairs underway. Some of the publications to which Briceni District Court subscribes are the *Official Gazette, Dreptul (Law), Contabilitate si Audit (Accounting and Auditing)* and *Meleag Natal (Home Country).*

Court staff other than judges mentioned that the last time they were trained was two years ago at Balti Court of Appeals and it was in using ICMS. The court president mentioned the need to organize training for court clerks on matters related to their job duties such as drafting minutes of court hearings, working with ICMS and Femida.

Court clerks requested seminars on the application of the Guidelines.

The accountant and the adviser to the court president have asked for seminars on budgeting and public procurement.

### *Conclusions*

- At Briceni District Court, human resource management is carried out by the court president and the adviser to the president.
- The court has a public relations specialist who also works as a consultant.
- The court has no human resource specialist.
- Court clerks, chancellery specialists and archivist need training in a number of topics ranging from the study of law application to the study of the judicial information system and application of civil and criminal procedural documents.

### *Recommendations*

- Employ a human resource specialist and train him/her.
- Organize internal training for the court staff so they can solve the problems they face in carrying out their duties.

## V. SERVICES FOR THE PUBLIC

Briceni District Court has an information window situated near the court entrance. The office of the public relations specialist is situated on the second floor, but there are no signs guiding the public there. On the door of judges' offices, which have been recently replaced, there are no signs with their names or warnings about entry, while on the older doors, there were clear signs with their names but no warning that entry to the office was not allowed.

The building has a board at the entrance with the following information:

- The working hours of Briceni District Court
- Information on the location of the chancellery, the archives, the consultant and the judges
- List of hearings
- Government Decision No. 181 of 19 February 2007 on Additional Measures Regulating the Movement of Weapons and Ammunition
- Anti-corruption Hotline.

Any interested individual may request information about cases examined and get copies of judgments, decisions and other procedural documents from the archives by observing the following procedure:

1. Court case files and registers shall be consulted and copies of procedural documents shall be distributed during working hours based on a written application.
2. Only participants in the trial, the lawyer or representatives of the parties have the right to consult the files of tried cases.
3. An ID shall be presented at the request of the head of the archives.
4. Individuals are not allowed to carry case files with them when leaving the court or to steal or destroy case documents.
5. Photocopying case documents is allowed only with approval of the court president or another authorized person.

The parties and other trial participants may address the court chancellery to get copies of decisions on any business day during the working hours of the court. Copies are issued on the same day or the next day at the latest. For this purpose, an application is filed at the chancellery. The application is then forwarded by the court clerks to the court president for approval. If the application is approved, the applicant pays the state fee for the copy. With confirmation of payment, the applicant may pick up a copy of the judgment at the archivist's office. After the copy has been authenticated, the chancellery issues the copy to the applicant against his/her signature on the cover page indicating the date of issue.

### *Conclusions*

- There is an information window at the entrance to the court.
- There are no clear signs showing the way to the office of the public relations specialist, chancellery, archives or courtrooms.
- The information board for the public at the entrance contains relevant and comprehensive information to help visitors orient themselves.
- The procedure for getting copies of judgments requires the approval of the court president who has to make time to examine, approve or reject applications.

### *Recommendations*

- Install clear signs to guide the public.
- Simplify the procedure for getting copies of judgments by sparing the court president the obligation to approve applications and by training the chancellery specialists accordingly.

**Photo 14.** *Information board*
**Photo 16.** *Sign on an old judge's office door*
**Photo 15.** *Sign on a new judge's office door*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Briceni District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA which receives the ceilings for the entire judiciary from the Ministry of Justice. The ceilings are established and approved together with the Ministry of Finance.

The ceiling is set for the following two expenditure categories:

1) Current expenses (staff, others),

2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by DJA while capital expenses are determined by each individual court after negotiations with the DJA. Other expenses are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. Based on these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET (basic component)

The budget of Briceni District Court is divided into six categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[5]

From 2010 (spent) to 2012 (approved), the budget of Briceni District Court increased from about MDL 1.3 million to MDL 1.6 million (Table 8).

In 2011, the court budget increased by 81% compared with 2010. That growth was mainly due to funds appropriated for repairs, the purchase of a car and additional funds for operating expenses (30% increase).

The 2012 budget is 29% less than the 2011 budget. No funds were appropriated for fixed assets, and funds for repairs were cut by 91%. Funds for all other expenses except capital investments increased.

[5] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Briceni District Court by type of expense (2010–2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 1,042,370 | 1,100,880 | 6% | 1,258,000 | 14% |
| Repairs | 35,000 | 639,093 | 1726% | 55,100 | -91% |
| Utilities | 65,000 | 79,774 | 23% | 99,000 | 24% |
| Fixed assets | 0 | 310,599 | 100% | 0 | -100% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 132,743 | 173,179 | 30% | 233,600 | 35% |
| **Total** | **1,275,113** | **2,303,525** | **81%** | **1,645,700** | **-29%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

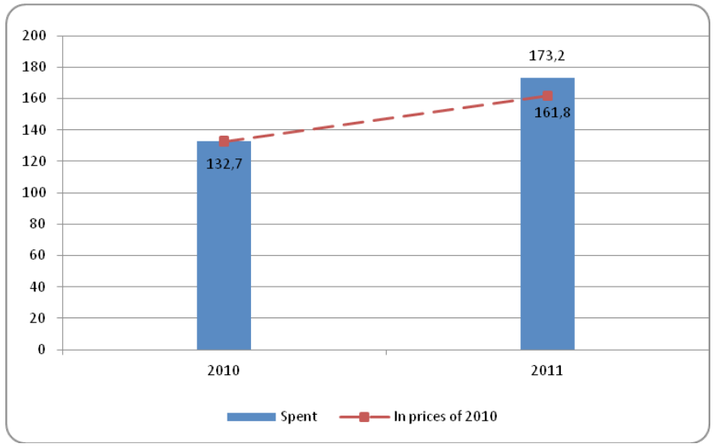
## 6.2. STAFF EXPENSES

Staff expenses represent approximately 70% of the total budget and increase year on year. Due to the fact that remuneration is governed by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

In 2010 and 2011 both the face value and the real value of operating expenditures increased. Their face value grew from MDL 132.7 thousand to MDL 173.2 thousand, a 30% increase. Their real value increased by approximately 22% taking into account that in 2011 the inflation rate was 7%.[6] MDL 173.2 thousand in 2011 was therefore equivalent to 161.8 thousand in 2010; hence, the real value of operating expenses increased by MDL 29.1 thousand (Graph 7).

**Graph 7.** *Operating expenses for Briceni District Court in 2010 and 2011*



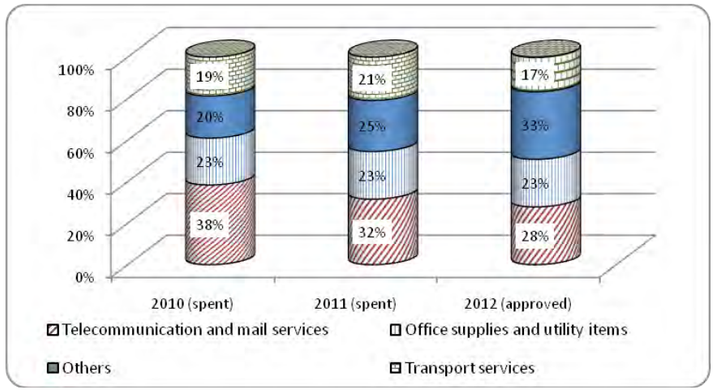

[6] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that the share of expenses for office supplies and utility items was constant at 23% of the total from 2010 to 2012 while telecommunications and mail expenses steadily decreased from 38% in 2010 to 28% in 2012. Transport expenses also decreased from 21% in 2011 to 17% in 2012.

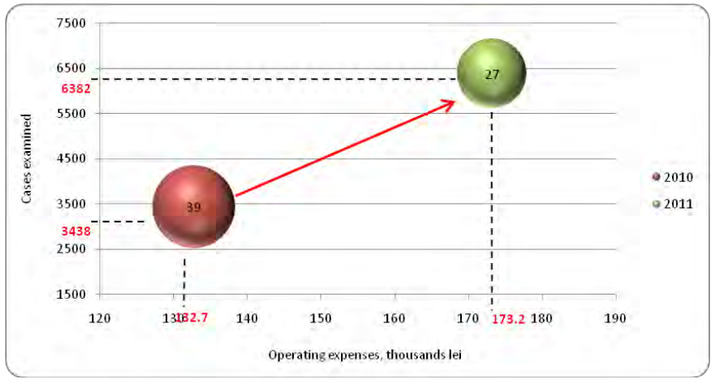
Expenditures for telecommunications and mail merit attention because approximately 70% are for stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase in operating expenses in 2011 compared with 2010 can be explained by many factors, one of which is that the number of cases examined in 2011 almost doubled (3438 compared with 6382).

Thus in 2010, the average cost for examining a case was approximately MDL 39 while in 2011 it was MDL 27 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Briceni District Court in 2010 and 2011*



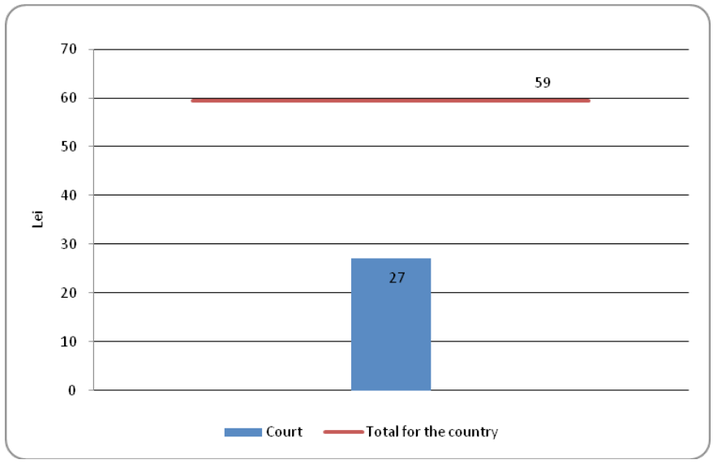

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

Although in 2011 operating expenses increased, the average cost per case decreased because the number of cases examined increased dramatically.

## 6.6. AVERAGE OPERATING COST PER CASE IN BRICENI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 27 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Briceni District Court in 2011 and the weighted average cost per case for the country*




As shown in Graph 10, in 2011 the average cost per case examined in Briceni District Court was lower than the weighted average cost per case for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Briceni District Court does its accounting electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the chief accountant who does not have professional qualifications in public procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011 both the face value and the real value of the operating expenditures of Briceni District Court increased
- The average cost per case examined in 2011 decreased compared with 2010
- In 2011, the average cost for examining a case at Briceni District Court was considerably lower than the weighted average cost per case for the country as a whole.
- Mail expenses account for a large share of total operating expenses.
- Accounting is done electronically.
- All public procurements are made without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Cahul District Court, situated in the town of Cahul, serves 124, 900 inhabitants,39,800 in urban areas and 85, 100 in rural areas, in the 55 localities that are part of Cahul District according to the Law No. 764 of 27 December 2001 on the Administrative-territorial Organization of the Republic of Moldova.

According to its staff roster, the court has 8 judges, 1 investigating judge and 31,5 regular staff. There is no human resource specialist; those duties are instead performed by the court president and the consultant. The court has no public relations specialist either; those duties are performed by the specialist from the chancellery for criminal cases.

Staff expenditures have followed an upward trend. The court does all its public procurements without a procurement specialist. In 2011, the face value of allocations for operating expenditures increased, but the real value decreased. In 2011 the average operating cost for examining a case decreased compared with the previous year and was similar to the weighted average cost of a case examined for the country as a whole (see Section VI).

Cahul District Court covers 430 sq. meters, the land adjacent to the building covers 0.291 hectares, a four-car garage covers 204 sq. meters and 2 annexes to the building add another 54.2 sq. meters. The courthouse has two floors and a small basement. There are 24 offices, 2 public areas and 5 courtrooms. The courthouse is in very good condition.

General renovations on the first and second floors started in 2009. Five courtrooms were established but without deliberation rooms because of lack of space.

# CAHUL DISTRICT COURT

*8, Victoria Avenue, Cahul*

*Date of visit: 12 June 2012*

Currently, the boiler room, the area for the detainees, the garage and the court yard are undergoing renovations (the yard will be fenced). There is a WC on the second floor for the court staff. The electrical network and heating systems have been fully renovated.

The staff of Cahul District Court uses ICMS Version 3 which was installed in May 2012, but they mentioned that there are problems with it including program errors, insufficient knowledge of its options and its very slow speed.

The staff of Cahul District Court does not make audio recordings of the hearings held in the three courtrooms where equipment is installed because there are four sets of equipment for five courtrooms and eight judges, so it is impossible to record all hearings. Lack of training and legal requirements for written minutes in addition to audio recordings (overlapping) are among the other reasons that hearings are not recorded.

Specialists at Cahul District Court continue to keep a considerable number of registers although the amendments to the Guidelines have considerably reduced the required number.

The total number of cases filed at Cahul District Court from 2009 to 2011 decreased by 637 while the number of cases examined decreased by 1091 during the same period with a case clearance rate of 82.5% in 2011.

The court has an information board for the public, and the office doors have plaques showing judges' names and the warning that entry to the offices is restricted.

Cahul District Court regularly updates its web site, and the majority of menus have information of public interest; however, sometimes no information is posted while the layout of other menus needs revision.

# I. INFRASTRUCTURE

## *1.1. ASSESSMENT*

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 1 | The exterior walls are made of stone blocks. From 2009 to 2011, the façade was renovated fully. |
| Water supply | 2 | Currently there is no connection to the central system, but the court should be supplied with water in the second half of 2012. |
| Power supply | 2 | The electrical network was renovated fully in 2009, but currently there are still problems with fuses. |
| Sewerage system | 2 | Currently, the sewerage system is also not operational, but it should be in the second half of 2012 when the water system is connected. The restroom on the ground floor was recently renovated and is in good condition. |
| Heating system | 1 | The system is autonomous and uses natural gas. In 2009, the heating system was renovated. Currently, the boiler room is undergoing renovations. |
| Firefighting system | 2 | Smoke detectors have been installed, but there are no sprinklers or warning lights for emergency evacuation. |
| Roofing | 2 | The roof was renovated fully in 2009; it is shingled and the current condition is very good. |
| Interior | 2 | The offices have been completely renovated; their condition is good, although the flooring should be changed in the offices on the second floor. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

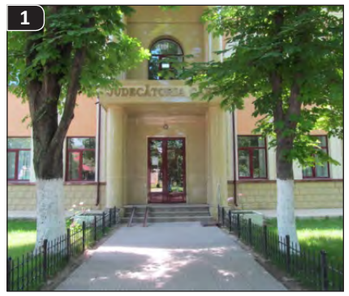


**Photo 1.** *Façade of Cahul Court*
**Photo 2.** *Public space*
**Photo 3.** *Public stairs*
**Photo 4.** *Courtroom*
**Photo 5.** *Fire escape*
**Photo 6.** *External façade*

## 1.2. CURRENT CONDITION

The assessment focused on a comparative analysis of the physical and operational condition of Cahul District Court in June 2012.

The courthouse itself has a total area of 430sq. meters, the adjacent land accounts for 0.291 hectares; the four-car garage has an area of 204 sq. meters and the two annexes to the building have a total area of 54.2 sq., meters. The courthouse has two floors and a basement, 24 offices, 2 public areas and 5 courtrooms.

Cahul District Court is protected by the judicial police during the day and has three guards on staff who protect the court at night and on holidays. They also help to guide the public through the courthouse. There is also a plan to install an alarm system and to conclude a contract with the State Enterprise Guard Service.

Cahul District Court was built in 1954 as an administrative building. The court moved there in 2001.

From 2009 to 2011 the courthouse was renovated. At the time of the visit, the interior and the façade were finished.

Currently, the court has centralized water and sewerage supply systems that have been fully renovated but are not yet connected to the mains. The archives are located on the second floor. There is some temporary space to store case files in the basement, but it needs to be renovated. The space meant for the archives is small and inadequate for the number of case files examined in Cahul District Court. Criminal and civil case files, court materials and other documents are stored by year.

The finishing on the ground floor of the building is in very good condition. The interior on the ground floor was renovated from 2009 to 2012. The quality of work and that of the finishing is high. A space was created for a restroom, but it has yet to be connected to the centralized sewerage system. All the wiring and sockets were changed, and new light fixtures were installed.

The offices of judges and other court employees are on the second floor and have been renovated so are in a very good condition. The light fixtures were changed, and air conditioners were installed in the majority of the offices. There are no restrooms for the public in the courthouse as there is no space, but there is one in the courtyard, which is in satisfactory condition but needs to be renovated. All the other premises on the second floor were renovated in 2011 and are in good condition.

The functional area of Cahul District Court is adequate for the activity of a court. The courthouse could be connected to one of the annexes to provide space for a courtroom for each judge. The courthouse also has two cells for detainees that were not in use at the time of the visit as they were undergoing repairs. There is no separate entrance to the courtrooms for detainees. Currently they are brought in through the public hallway directly from the police station or from the penitentiary. The courthouse has five courtrooms for the eight judges out of the nine provided for under the staffing plan. The courtrooms have no deliberation rooms and no separate access for the public. The finishing of the interiors of the existing courtrooms is in very good condition.

The heating system and the electrical network were renovated fully.

In 2011, the majority of court offices and the room for the server were equipped with air conditioners.

The courthouse has smoke detectors but no alarm lights for emergency evacuation and no sprinklers.

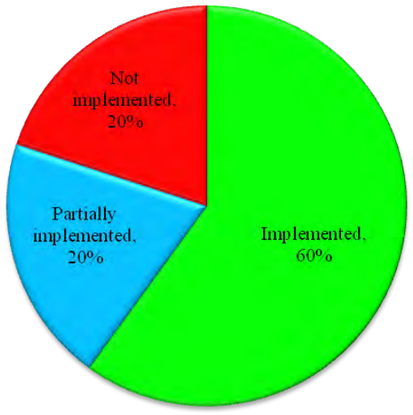
The 2009 Infrastructure Assessment Report listed five priorities for capital repairs all of which them have been implemented (Table 1 and Graph 1)

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2008 | Implementation stage in 2012 |
|---|---|
| Finish the renovation of the interior and of the exterior and entrance, | Implemented |
| Install gutters and downspouts. | Implemented |
| Repair detainees' cells. | Partially implemented |
| Improve the security of the evidence room or move evidence to another room in the building. | Not implemented |
| Install an air conditioner in the LAN server room. | Implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of capital repair priorities in 2012*




### Conclusions

- From 2009 to 2012, Cahul District Court implemented all renovations recommended in the 2009 Infrastructure Assessment Report.
- The renovations were based on the recommendations of the 2009 Infrastructure Assessment Report.
- Based on the priorities for capital repair identified in 2009, 100% of the recommendations have been implemented.

### Recommendations

- Renovate additional space in the basement as needed.
- Create deliberation rooms for all the courtrooms.
- Replace the flooring on the second floor.
- Arrange space for a public restroom.
- Arrange a space for the judicial police at the entrance to the building.
- Reconfigure the space for the archives to make it larger.

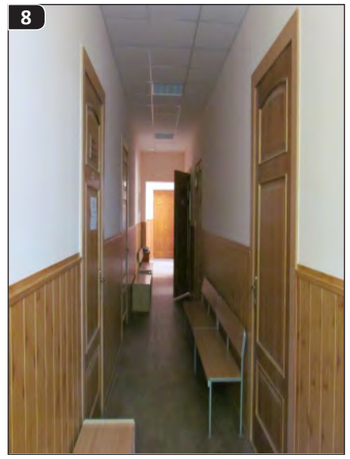



**Photo 7.** *Public area*
**Photo 8.** *Space for archives*

# II. COURT AUTOMATION

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The employees of Cahul District Court have used ICMS since 2009. In May 2012, ICMS Version 3 was installed including the module for electronic statistical reporting and the modifications it requires. The staff does not, however, use the module because they do not know how to generate statistical reports.

They reported that working in ICMS takes much time. The court president uses the menu for randomly distributing case files, but distribution is uneven so the workloads of the judges vary considerably. Other problems that were mentioned were technical aspects of ICMS like error messages and a very slow speed of navigation through ICMS menus. The administrative functions in ICMS are the responsibility of the adviser to the court president who is responsible for program operations.

To create electronic files, documents from a case file must be scanned after they are registered. The chancellery staff scans all the materials attached to statements of claim for civil cases; indictments, case index and defendants' IDs for criminal cases and only the minutes for administrative cases. Currently, the scanner in the civil chancellery is not working so subpoenas are not scanned.

ICMS serves as the main information source for the public. When information cannot be found in ICMS, the action cards or the other registers kept in the chancellery are consulted.

The court has issues with fuses so the staff needs a voltage regulator for the server to eliminate existing technical problems.

The court has no information technology specialist but has a contract with a professional to provide those services. CTS is contacted as needed. The staff rated their general satisfaction with the services provided by CTS in 2012 as a 4 out of 5.

**Table 2.** *Suggestions for modifying ICMS for Cahul District Court*

| No. | Suggestions for ICMS modifications |
|---|---|
| 1. | Adjust the distribution menu to the requirements in the Regulation on Distribution of Cases in Courts. |
| 2. | Increase the navigation speed through ICMS menus. |
| 3. | Ensure the menu "Transfer of Case Files" functions |
| 4. | Ensure the menu "Ways to Challenge" functions |

*Source: Cahul District Court staff*

## 2.2. AUDIO RECORDING SYSTEM

Cahul District Court has five courtrooms four of which have sets of audio recording equipment and software, but the staff does not record the hearings that take place in those four because the equipment in one of them does not work and because their workload is very great. During the documentation visit, they mentioned that there are not enough courtrooms for all judges and that this, along with the lack of audio recording equipment for all the courtrooms, was a disincentive for recording hearings.

There have been no requests for recordings of court hearings from the public.

There are no signs on the doors of the three courtrooms where equipment is installed saying that court hearings are audio recorded.

According to the Regulations on Digital Audio Recordings of Court Hearings,[2] the purpose is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. Since hearings are not recorded at Cahul District Court, court clerks are not able to use them for that purpose.

The issues the employees of Cahul District Court face are the lack of audio recording equipment for all existing courtrooms, a lack of training on how to use the equipment and legislation requiring hard and electronic copies of transcripts.

[2] *SCM Regulation on digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

## 2.3. WEB PAGE OF CAHUL DISTRICT COURT

Cahul District Court has a website on which information for the public is posted; it is updated by a consultant as needed.

Table 3 shows the menus on the website and their contents.

**Photo 9.** *Courtroom*
**Photo 10.** *Audio equipment*
**Photo 11.** *Courtroom*

**Table 3.** *Content of the web site of Cahul District Court*

| Menu title | Information posted on the website |
|---|---|
| Message of the Court President | The message of the Court President |
| Composition of the Court | List of judges<br>Apparatus of the court |
| Organization | Internal regulations<br>Court's organizational chart |
| Competence | General competence<br>Geographic jurisdiction |
| Regulatory Framework | Table with 13 basic acts regulating the court's work<br>List of 3 other acts |
| Information of Public Interest | Work hours<br>Judicial authority<br>Citizen's Guide<br>Rules of conduct for the public in a court<br>Code of Conduct for Civil Servants<br>Rules of conduct for court employees |
| Public Relations Service | Public relations<br>Regulations on public information and mass media relations |
| News | Open House Day;<br>Information on restrictions of state duty from the Ministry of Justice |
| Vacancies | Some announcements about vacancies at the court |
| List of Cases Scheduled for Trial | No information |
| Archives | Description of duties<br>Data about activities |
| List of Trials | Information extracted automatically from ICMS |
| List of Case Files | Information extracted automatically from ICMS |
| Statistical Information | No information |
| Database of Judgments | Information extracted automatically from ICMS<br>**The latest judgment was posted on 2 August 2012** |
| Links | Links to websites of central public administration authorities that don't have titles |

*Source: http://jch.justice.md/*

Generally speaking, the menus have some information of public interest; nevertheless, some menus have no information and sometime the page contents are not properly laid out. In the menu "Regulatory Framework" it would be better to have active links to the documents. In "Links," the links should have titles and should be arranged in the proper order. The table in "Competence" should be reformatted.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Cahul District Court has sufficient equipment to function. Table 4 shows the type of equipment, the number of existing items and the number of items needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Computers | 37 | 30 |
| Printers | 33 | 30 |
| Copier | 3 | - |
| Scanner | 3 | 15 |
| Fax | 3 | - |
| Audio recording sets | 4 | 5 |
| UPS | 4 | 32 |
| Server | 1 | - |
| Air conditioners | 17 | 5 |
| Refrigerator | 8 | - |
| Water coolers for "OM" water | 5 | - |
| Electronic monitor | - | 1 |
| Headphones | 22 | - |
| TV-sets | 2 | |
| Franking machine | - | 1 |
| Stabilizer | - | 1 |
| DVD – DC- 476 | 1 | - |
| Telephones | 14 | - |

*Source: Cahul District Court*

### Conclusions

- When using ICMS Version 3, the staff faces the problems of uneven case distribution, error messages and its slow speed.
- The staff of Cahul District Court does not audio record court hearings.
- To improve its work, Cahul District Court needs 30 computers, 32 UPS units, 30 printers, 15 scanners, 5 air conditioners, 1 stabilizer, 1 electronic monitor and 5 sets of audio recording equipment for the courtrooms to be added.
- Cahul District Court uses the website content management system. Some menus have no information and some text needs to be reformatted.

### Recommendations

- Create enough courtrooms for all judges.
- Conduct all hearings in courtrooms through efficient scheduling.
- Eliminate technical difficulties with the audio recording equipment and software.
- Record all court hearings.
- Fill the menus of the website with information of public interest and update them regularly.
- Hire a specialist to update the website.

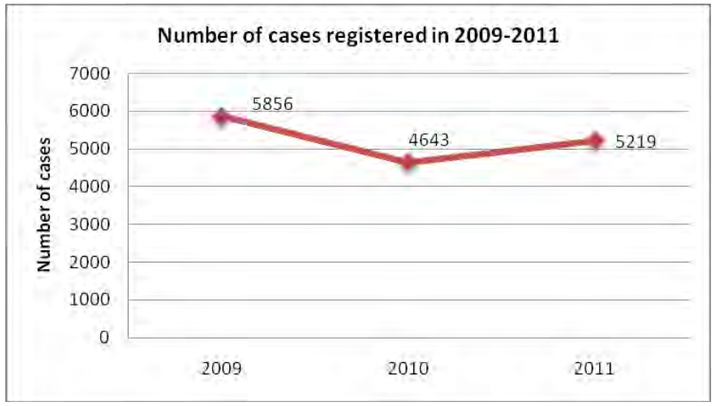
# III. WORK OF CAHUL DISTRICT COURT

## 3.1. WORKLOAD OF THE COURT

The workload at Cahul District Court from 2009 to 2011 was assessed based on the total number of cases registered, the total number of cases examined, the number of cases examined by type of case, the case backlog at the end of the year and the case clearance rate.

Graph 2 shows a decrease in the number of cases registered from 5856 in 2009 to 5219 in 2011.

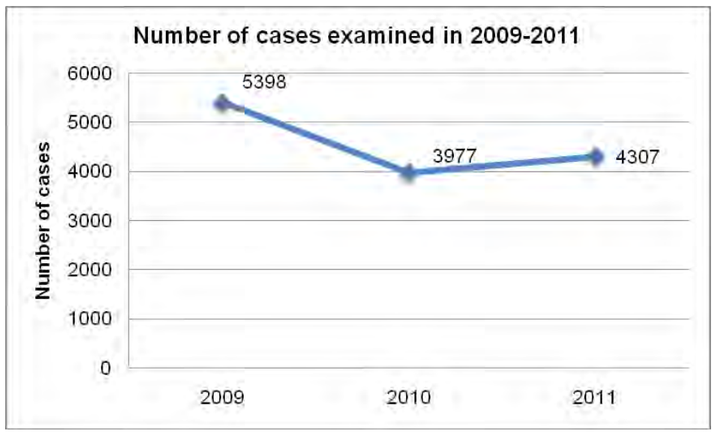
**Graph 2.** *Number of registered cases from 2009 to 2011*




*Source: DJA*

The number of examined cases decreased from 5398 cases in 2009 to 4307 cases in 2011 (Graph 3).

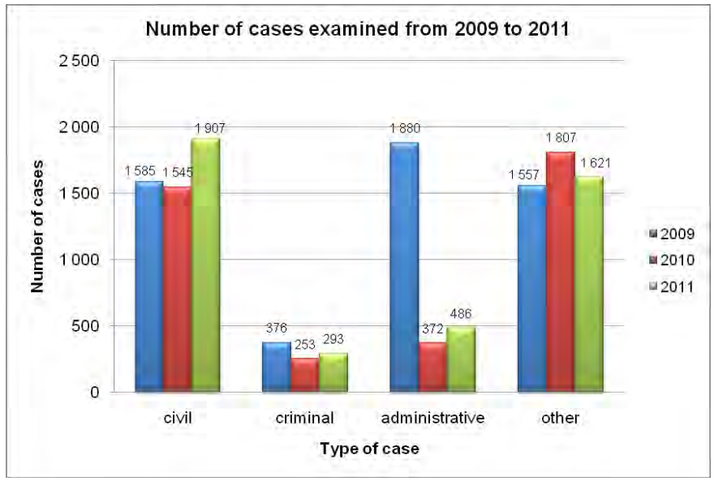
**Graph 3.** *Total number of cases examined from 2009 to 2011*




*Source: DJA*

Based on the data presented in Graph 4, the number of civil cases examined in Cahul District Court increased from 1585 in 2009 to 1907 in 2011, the number of criminal cases did not change significantly and the number of administrative cases decreased from 1880 to 486.

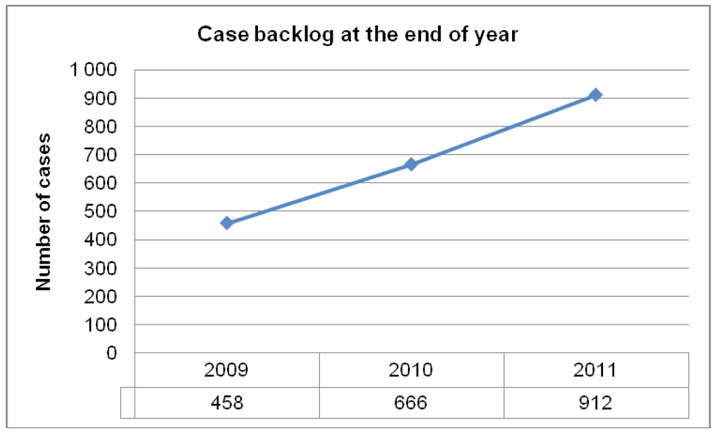
**Graph 4.** *Number of cases examined from 2009 to 2011 by type of case*




*Source: DJA*

The year-end case backlog at Cahul District Court increased from 458 in 2009 to 912 in 2011 (Graph 5).

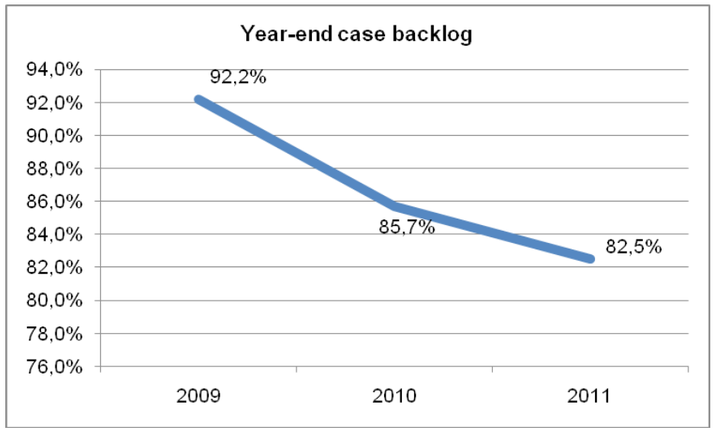
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

The case clearance rate in Cahul District Court decreased from 92.2% in 2009 to 82.5% in 2011 (Graph 6).

**Graph 6.** *Case clearance rate from 2009 to 2011*




## 3.2. ORGANIZATION OF ACTIVITIES

Cahul District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice and analyzing judicial statistics and perform other duties as needed for the normal run of activities.

The chancellery is located on the ground floor and has a staff of four specialists who are responsible for scanning documents from case files and registering the case files in ICMS and on paper.

To inform the public, the chancellery uses the search menu in ICMS and the case action cards if the information is not found in ICMS.

The chancellery of Cahul District Court keeps the registers listed in Table 5.

**Table 5.** *List of registers used by Cahul District Court chancellery*

| Register category | Register title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Mail sent via courier<br>4. Complaints, appeals and cassations<br>5. Petitions<br>6. Motions for recusal and abstention of judges<br>7. Case files received<br>8. Telegrams<br>9. Case files sent to the Court of Appeals<br>10. Complaints against enforcement officers<br>11. Enforcement officers' motions for arrest or to put someone on the wanted list<br>12. Rogatory letters |
| ***Civil*** | 1. Economic case files<br>2. Civil case files<br>3. Judicial orders<br>4. Case files under administrative review<br>5. Index of economic case files<br>6. Index of case files under administrative review<br>7. Index of civil cases |
| ***Criminal*** | 1. Criminal case files<br>2. Index of criminal case files<br>3. Index of materials on enforcement of judgments<br>4. Wanted persons<br>5. Physical evidence<br>6. Case files sent to archives<br>7. Motions to extend a defendant's detention<br>8. Motions to extend pre-trial detention<br>9. Motions to detain a suspect before trial<br>10. Appeals for annulment |
| ***Administrative*** | 1. Motions<br>2. Index of motions<br>3. Administrative case files<br>4. Index of administrative case files<br>5. Complaints against customs or official examiners |

*Source: Cahul District Court chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may be entered three or four times in different sources as shown in Table 6.

**Table 6.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Register of incoming mail |
| Plaintiff's name | ICMS | Action record card | |
| Plaintiff' contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case file category | ICMS | Action record card | Register of civil case files, Index of civil cases |
| Essence of the case | ICMS | Action record card | |
| State duty | ICMS | Action record card | Register of civil case files |
| Circulation of the case file within the court | ICMS | Action record card | Register of civil case files |

*Source: Cahul District Court chancellery specialists*

The chancellery keeps more registers than the number required in the Guidelines.[3]

The archives of Cahul District Court are located in a small room on the second floor; there is also space in the basement to store the case files, but it needs to be renovated. The archives are orderly; the organization is efficient. Entry is restricted.

## *Conclusions*

- The number of cases filed at Cahul District Court decreased by 10.9% from 2009 to 2011.
- The number of cases examined in the court decreased by 20.2% from 2009 to 2011.
- The number of civil cases examined from 2009 to 2011 increased by 322, the number of criminal cases decreased by 83, and the number of administrative cases decreased by 1394.
- The case backlog increased by 454 from 2009 to 2011.
- The case clearance rate decreased by 9.7% from 2009 to 2011.
- There is duplication of effort because laws and instructions on secretarial work require both paper and digital registers.
- The number of registers used by the chancellery specialists exceeds the number required under the Guidelines.

## *Recommendations*

- Consolidate the space for the archives and extend it.
- Review the internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the number of registers to the number required in the Guidelines.

[3] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

According to the approved staffing plan, Cahul District Court has 8 judges, 1 investigating judge, 31,5 regular staff (Table 7).

Cahul District Court has no human resource specialist. In practice, those duties are performed by the court president and the consultant. The consultant is responsible for filling out and keeping personnel records, compiling staff files, filling in and keeping employment record books and drafting orders and decisions.

Cahul District Court has a vacancy for the coordinating specialist for public relations to be the official representative of the court in its relations with mass media and the publics to ensure the transparency of court activities according to the legal provisions in force. Currently, this function is performed by the specialist in the chancellery of criminal cases.

Court employees are either civil servants or technical staff. The former includes the adviser to the court president, court clerks, translators, consultants and the accountant. The latter includes workers, cleaners, etc. Court staff is recruited in line with the Regulation on Competitive Employment of Civil Servants approved by Government Decision No. 201 in 2009.

Cahul District Court has job descriptions for the positions of adviser to the court president, chancellery specialist, head of archives, archivist, head of chancellery, consultant, chief accountant, court clerk, translator, coordinating specialist for public relations, cleaner, head of auxiliary service, guard, educational psychologist, driver and boiler room operator.

**Table 7.** *Staffing scheme of Cahul District Court*

| No. | Position | Current number |
|---|---|---|
| 1. | Court president | 1 |
| 2. | Vice-president | 1 |
| 3. | Judge | 6 |
| 4. | Investigating judge | 1 |
| 5. | Adviser to the court president | 1 |
| 6. | Chief accountant | 1 |
| 7. | Consultant | 2 |
| 8. | Court clerk | 9 |
| 9. | Translator | 2 |
| 10. | Head of chancellery | 1 |
| 11. | Specialist | 4 |
| 12. | Coordinating specialist | 1 |
| 13. | Head of archives | 1 |
| 14. | Archivist | 1 |
| 15. | Courier | 0,5 |
| 16. | Head of auxiliary service | 1 |
| 17. | Computer Network Administrator | 1 |
| 18. | Driver | 1 |
| 19. | Building repair worker | 0,5 |
| 20. | Boiler room operator | 1 |
| 21. | Room cleaner | 2 |
| 22. | Cleaner | 1 |
| | **TOTAL** | **40,5** |

*Source: Accounting office of Cahul District Court*

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by the NIJ, and as reported during the documentation visit, in 2011, all judges of Cahul District Court met the requirement of 40 annual hours of continuing training. The judges interviewed by the assessment team mentioned that NIJ training and publications from the SCM are enough to meet their information and training needs. Cahul District Court uses the legislative database Moldlex. Some of the publication to which Cahul District Court subscribes are: the *Official Gazette*, *SCJ Newsletter (Buletinul CSJ), Accounting and Auditing, Civil Servant, Labor Law, Cahul Express, Law,* and *National Law Magazine*.

The court clerks need training in how to write minutes of the hearings and how to use ICMS and Femida. The consultant mentioned the need to have training in human resources management and drafting acts and orders, and seminars in enforcing the Guidelines were requested for the specialists in the chancellery and archives.

### *Conclusions*

- The management of human resources in Cahul District Court is performed by the court president and court consultant.
- The position of public relations specialist is currently vacant.
- The court has no human resource specialist.
- Court clerks, the chancellery specialists, the consultant and the archive specialist need training on topics ranging from studying law application and the judicial information system to applying the criminal and civil procedure documents.

### *Recommendations*

- Employ a human resources specialist and train him/her.
- Employ a public relations specialist and train him/her.
- Establish an internal training program for court staff so they can solve the problems the face in carrying out their duties.

## V. SERVICES FOR THE PUBLIC

The information window is located at the entrance to the courthouse. The office of the public relations specialist is located on the ground floor. There are plaques on judges' doors with their names and warnings that access is restricted.

There is a board at the entrance in the courthouse with the following information:

- List of cases scheduled for trial that is usually printed from ICMS but sometimes is prepared in Word
- Announcements of staff vacancies
- Information brochures for the public

During the week, parties and other trial participants may request copies of judgments from the chancellery during working hours. Copies are issued at latest in 10 days (depending on the workload), but in emergencies are issued on the same day. The applicant must attach a copy of his/her ID as well as the mandate, proxy and identity card of lawyers who are not residents of Cahul. The court president must approve the application and appoint a person to execute the request. The copy is certified either by the judge who examined the case or by the court president.

### *Conclusions*

- There is an information window for the public.
- There are no clear signs showing the way to the office of the public relations specialist, the courtrooms or the chancellery.
- The information board for the public at the entrance to the courthouse has no relevant, information to help visitors orient themselves.
- The procedure for issuing copes of judgments requires the approval of the court president.

### *Recommendations*

- Install clear signs to direct citizens.
- Post more information of public interest on the information board, for instance, information about the website, about parties' right to request that hearings be recorded and to receive a CD with the recording, news about the judiciary, information about the state fee, templates for applications, etc.
- Simplify the procedure for issuing copies of judgments by sparing the court president the obligation to approve requests and train the chancellery specialists accordingly.

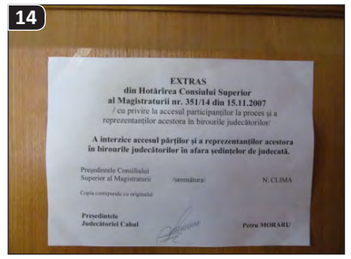


**Photo 12.** *Templates of applications*
**Photo 13.** *Information window*
**Photo 14.** *Extract from SCM Decision*
**Photo 15.** *Door plate on judges' doors*

# VI. BUDGET AND PROCUREMENTS

Every year, as any Moldovan court, Cahul District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which receives ceilings for the entire judicial system from the Ministry of Justice. These ceilings are decided and approved together with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenses (staff, others);

2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by DJA, while capital expenses are determined by each individual court after negotiations with DJA. Other expenses are calculated on the basis of the previous year's budget adjusted as per the inflation rate predicted for the coming year. On the basis of all these calculations, the court proposes its draft budget in compliance with the ceilings established by DJA.

## 6.1. BUDGET

The budget of Cahul District Court is divided into the following six categories:

- *Staff expenses* – salaries, mandatory state social insurance and health insurance contributions paid by employers;
- *Expenses for repairs* – current and capital repairs;
- *Utilities* – power supply, natural gas, water and sewerage, sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[4]

From 2010 (spent) to 2012 (approved), the budget of Cahul District Court increased from MDL 1.7 million to just over MDL 3 million (Table 8).

In 2011 the court budget increased by 5% compared with 2010 mostly due to allocations for fixed assets. The court also received additional funds for utilities (28%) but did not appropriate funds for repairs.

In 2012, the court budgeted 67% more than it did in 2011 to fund repairs and increased operating expenses. In addition, the court planned to spend 34% more for utilities and 16% more for staff expenses.

**Table 8.** *Budget of Cahul District Court by type of expense (2010–2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 1,273,810 | 1,400,604 | 10% | 1,631,100 | 16% |
| Repairs | 122,978 | 0 | -100% | 900,000 | 100% |
| Utilities | 83,122 | 106,591 | 28% | 142,300 | 34% |
| Fixed assets | 29,775 | 83,680 | 181% | 0 | -100% |
| Capital investments | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 246,143 | 253,792 | 3% | 398,200 | 57% |
| **Total** | **1,755,828** | **1,844,667** | **5%** | **3,071,600** | **67%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

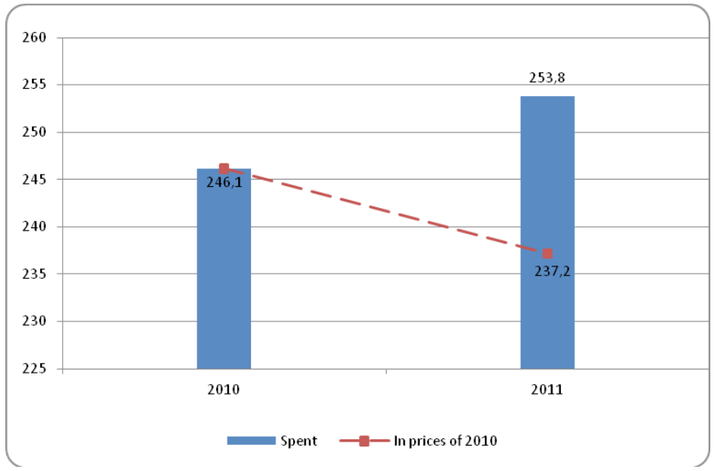
## 6.2. STAFF EXPENSES

Staff expenses represent approximately 70% of the total budget and increase annually. Due to the fact that remuneration is governed by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3 OPERATING EXPENSES

In 2010 and 2011 the face value of operating expenditures grew from MDL 246.1 thousand to MDL 253.8 thousand, a 3% increase. In 2011 the inflation rate was 7%,[5] so operating expenses did not keep pace with inflation which means that in real terms operating expenses decreased. MDL 253.8 thousand in 2011 was equivalent to 237.2 thousand in 2010; hence, the real value of operating expenses decreased by approximately MDL 9 thousand (Graph 7).

**Graph 7.** *Operating expenses for Cahul District Court in 2010 and 2011*




[4] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

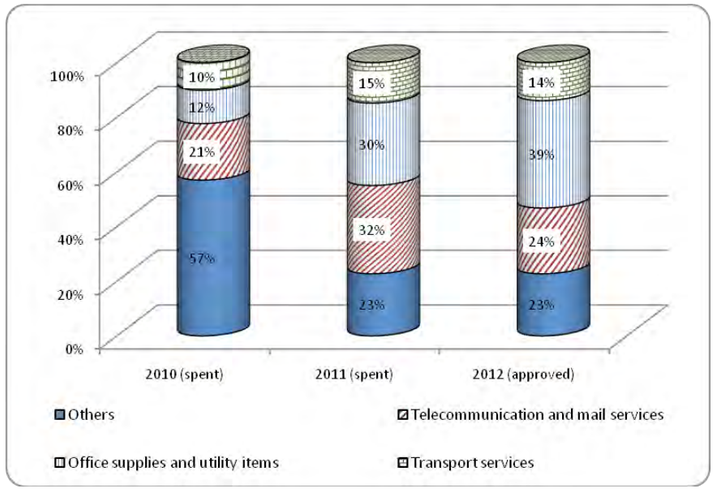
[5] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




In 2011, the major share of operating expenses was for telecommunications and mail services (32%), which was 11% more than in the previous year, followed by office supplies and utility items (30%), an increase of 18%. Transport accounted for 15% of the total.

In 2012 the funds appropriated for office supplies and utility items account for 39% of total operating expenses, an increase of 9%; the budgets for the other categories either decreased or stayed the same.

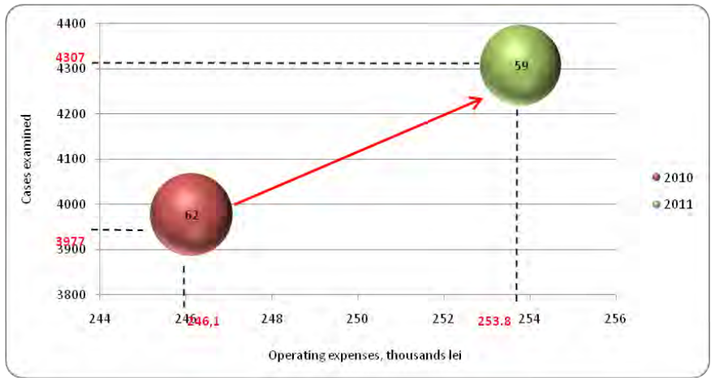
Expenses for telecommunications and mail merit attention because approximately 70% of them are for stamps.

## 6.5. REAL VALUE OF OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease in the real value of operating expenses in 2011 compared with 2010 can be explained by a few factors; however, this was not due to change in the number of cases examined. They decreased from 3977 in 2010 to 4307 in 2011.

Comparing the operating expenses with the number of cases examined, the average cost for examining a case was MDL 62 in 2010 and MDL 59 in 2011 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Cahul District Court in 2010 and 2011*



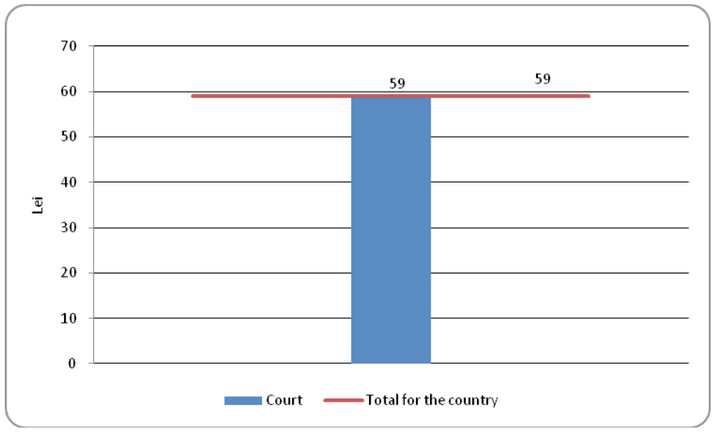

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court*

Although in 2011 both the operating expenses and the number of cases examined increased compared with 2010, the average cost for examining a case decreased. This can be explained by the fact that the growth in the operating expenditures was weaker (3%) than that in the number of cases examined (8%).

## 6.6. AVERAGE OPERATING COST PER CASE IN CAHUL DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 59 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Cahul District Court in 2011 and the weighted average cost per case for the country as a whole*




As shown in the Graph 10, in 2011 the average cost per case examined in Cahul District Court was slightly less than the weighted average for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Cahul District Court does its accounting electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the chief accountant who does not have professional qualifications in public procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- Although in 2011 the face value of operating expenses increased, their real value decreased taking inflation into account.
- The average cost per case examined in 2011 slightly decreased compared with 2010.
- In 2011 the average operating cost per case examined was similar to the weighted average cost of a case examined at the national level.
- Mail accounts for a large share of total operating expenses.
- Accounting is done electronically.
- All public procurements are made without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelope

## OVERVIEW

Cantemir District Court in the town of Cantemir serves 62,398 inhabitants in the 51 localities that are part of Cantemir District according to Law No. 764 of 27 December 2001 on the Administrative Territorial Organization of the Republic of Moldova.

According to its staffing plan, the court has 3 judges, 1 investigating judge and 19 regular staff. Cantemir District Court has no human resource specialist. Those duties are instead performed by the court president and the adviser to the president. The court has a public relations specialist whose office is on the ground floor.

Staff expenses have followed an upward trend. The court makes all its public procurements without a procurement specialist. In 2011 both the face value and the real value of the operating expenses increased compared with 2010. In 2011, the average cost for examining a case increased comparing to 2010 and was higher than the weighted average cost of a case examined for the country as a whole (see Section VI).

Cantemir District Court was built in 1985. Its design and construction were the same as those for other courthouses built at the time. The courthouse is situated on a flat plot near the police station. Major repairs started in December 2011

The courthouse has 719.46 sq. meters and is in very good condition. Its exterior, and its electrical, heating and sewerage systems and the room for archives were renovated in full between 2011 and 2012.

# CANTEMIR DISTRICT COURT

*2, Testimiteanu Str., Cantemir*

*Date of visit: 6 June 2012*

The staff of Cantemir District Court uses ICMS Version 2 which was installed in 2011. The court president mentioned the large caseload and slow processing speed of ICMS as problems with the software.

The court staff does not make audio recordings of hearings because only one of their four courtrooms has the required equipment. Lack of training and legal requirements for written minutes in addition to recordings (duplication of effort) are among the other reasons that hearings are not recorded.

The specialists at Cantemir District Court continue to keep a large number of registers even though amendments to the Guidelines have reduced the number required.

The total number of cases registered at Cantemir District Court from 2009 to 2011 decreased by 974, and the number of cases examined decreased by 1063 with a case clearance rate of 83.6% in 2011.

Because repairs were under way at the time of the documentation visit, the court did not have a public information board, and the judges' office doors did not have plaques with their names and warnings that the public is not admitted.

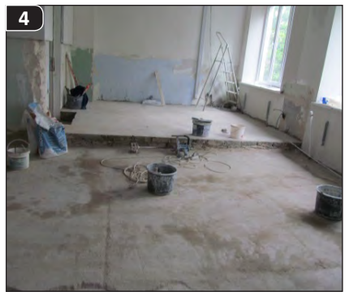
Cantemir District Court regularly updates its webpage, and the menus contain information of public interest though some are empty or repeat the information in others.

# I. INFRASTRUCTURE

## *1.1. ASSESSMENT*

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 1 | The exterior was completely renovated in 2011 and 2012. |
| Water supply | 1 | The water supply is continuous and the pressure is good. |
| Power supply | 1 | The electrical system was completely renovated in 2011 and 2012. |
| Sewerage system | 1 | The sewerage system is connected to the central system of the town. The system was replaced between 2011 and 2012. |
| Heating system | 1 | The system was replaced between 2011 and 2012. The boiler room was completely renovated. |
| Firefighting system | 1 | There are fire extinguishers throughout the courthouse. |
| Roof | 1 | The roof is new. |
| Interior | 1 | The offices are in very good condition. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.



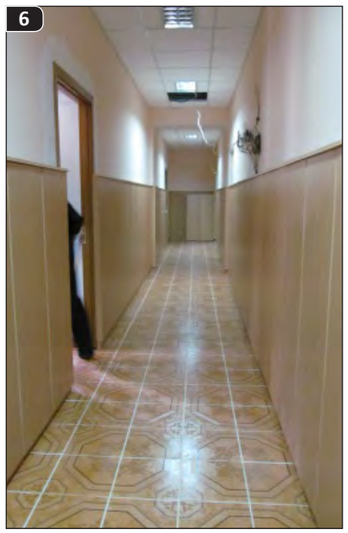


**Photo 1.** *Exterior of Cantemir Court*
**Photo 2.** *Roof*
**Photo 3.** *A restroom*
**Photo 4.** *Renovations*
**Photo 5.** *Public stair*
**Photo 6.** *Corridor*

## 1.2. CURRENT CONDITION

The assessment focused on a comparative analysis of the physical and operational conditions of Cantemir District Court in June 2012.

Cantemir District Court was built in 1985. Its design and construction were typical of courts of that period. The courthouse is situated on a flat plot of land near the police station.

The courthouse is a two-storey building with a basement and has a total area of 719.46 sq. meters. There are 10 offices, 2 public rooms and 4 courtrooms. The courthouse is in very good condition. Its exterior and its electrical, heating and sewerage systems and the room for the archives have been renovated in full. Capital repairs and the reconfiguration of offices started in December 2011 and ended in June 2012.

Fire and burglar alarm systems were installed throughout the courthouse, but they will not be functional till the repairs on the building are finished. The courthouse is protected by the judicial police from 08:00 until 17:00. At night and on weekends, the courthouse is protected by three staff guards.

The courthouse has centralized sewerage and water systems that was renovated in full in 2012. The power and the heating system were renovated in full as part of major repairs and their current condition is very good. The basement was fully renovated, but no rooms have been arranged to meet the court's needs.

The archive room is located on the ground floor. According to the master plan, there will be two archive rooms on this floor with a central ventilation system. Currently files are kept in a temporary room on the ground floor with only a few shelves, so files are also kept on the floor. The room has a ventilation system.

The room where lawyers can review case files or talk with witnesses or parties in a case is located near the courthouse entrance. It has a wardrobe and tables. Lawyers are allowed to read files in the presence of the judicial police.

The chancellery is located on the ground floor quite close to the entrance. It has an information window.

The server is kept on the second floor. The server room is large but has no ventilation system. It is very stuffy, and the server is covered with dust. To ensure the proper functioning of the server, the room must be equipped with an air conditioner.

The court has four courtrooms with deliberation rooms, three on the ground floor and one on the second floor. The rooms need to be furnished and equipped. Currently only two courtrooms are functional. The judges use the large courtroom on the ground floor which has a deliberation room while the investigating judge uses the smaller courtroom on that floor. The offices of judges, clerks and other staff are located on the second floor. Despite renovations and reconfiguring the space, the new layout does not comply with the principle of separating the area for the court staff from that for the public. There are 10 restrooms, 5 on the ground floor and 5 on the second floor. Eight restrooms are for the staff and two are for the public.

The functional area of Cantemir District Court is appropriate for the operation of a court of law. The interior finishing on the ground floor is very good. It was renovated in full between 2011 and 2012. As part of those repairs, new windows, doors, light fixtures and ceilings were installed. The waiting area for the public was renovated and tiled.

In 2012, an area for detainees was arranged on the ground floor with two separate cells. There is a separate entrance for detainees at the back of the court. The court does not have separate rooms for anonymous witnesses or rooms for juvenile detainees or juvenile parties in a case.

The condition of the second floor is the same as that of the ground floor. All offices on that floor were renovated in full in 2012 and are in very good condition, but they all need new furniture and equipment. The finishing and the public area on that floor are in very good condition.

The interior stairs were completely renovated, tiled and have a metal railing.

Due to a lack of funds, the offices do not have air conditioners.

The 2009 Infrastructure Assessment Report listed seven priorities for capital repairs six of which have been implemented. The last one is expected to be implemented in 2013 (Table 1 and Graph 1).

9

7

10

8

11

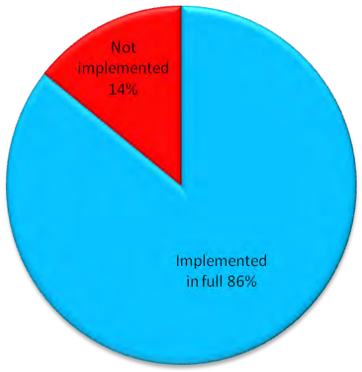
**Photo 7.** *Front yard*
**Photo 8.** *Light fixture*
**Photo 9.** *Renovated area on the ground floor*
**Photo 10.** *Entrance into the basement*
**Photo 11.** *Heating system*

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2008 | Implementation of capital repair priorities in 2012 |
|---|---|
| Repair the roof. | Implemented |
| Replace windows and exterior doors | Implemented |
| Move the bailiffs to another building. | Implemented |
| Reconfigure the space and renovate the interior, particularly the courtrooms. | Implemented |
| Renovate the electrical network including the wiring and light fixtures. | Implemented |
| Repair the sewerage and water pipes. | Implemented |
| Install an air conditioner in the LAN server room. | Not implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of capital repair priorities in 2012*




## *Conclusions*

- From 2009 to 2012 Cantemir District Court implemented all but one of the recommendations in the 2009 Infrastructure Assessment Report.
- All rooms were renovated in 2011 and 2012.
- The exterior, and the sewerage, water, electrical and heating systems were renovated in full.
- The areas for judges and the public are not separated.
- The work followed the recommendations and priorities indicated in the 2009 Infrastructure Assessment Report.
- Of the priorities for capital repairs identified in 2009, 86% have been implemented and 14% have not been implemented but are planned for 2013.

## *Recommendations*

- Use the space in the basement to meet the needs of the court.
- Equip the archive room and the server room with air conditioners.
- Purchase and install air conditioners for all offices.
- Install plaques stating that the public is not admitted into judges' offices.
- Arrange a room for assistants.
- Arrange a room for keeping physical evidence.
- Arrange a room for interviewing juvenile witnesses.
- Arrange rooms for juvenile detainees and juvenile parties in a case.

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The staff of Cantemir District Court has been using ICMS since 2009. In 2011 Version 2 was installed. ICMS is managed by the coordinating specialist and the adviser.

To create electronic files in ICMS the staff has to scan case files after registering them; however, the chancellery staff does not scan files because their scanner doesn't work.

The president mentioned that ICMS is very slow and the software menu is very complicated (Table 2). He suggested that it be simplified but did not have any concrete proposals on how to do it. The staff mentioned they need regular training in using ICMS.

The assessment team found that not all ICMS menus are used in full and that the staff does not use the menus for registering summons, appeals, cassations and enforcement procedures; for printing the list of hearings scheduled for trial and for managing human resources. The staff uses ICMS as a primary source of information for the public and also consults the action record cards or registers in the chancellery as needed.

Cantemir District Court does not have an information technology specialist, so technical problems are referred to CST. The staff reported that CTS services are good and are provided within reasonable timeframes and rated their general satisfaction with CTS in 2012 as a 4 out of 5.

**Table 2.** *Suggestions for modifying ICMS*

| No. | Suggestions for modifying ICMS |
|---|---|
| 1. | ICMS menus are very complicated; the staff requested they be simplified. |
| 2. | Increase the speed of navigation through ICMS menus. |

*Source: President of Cantemir District Court*

## 2.2. AUDIO RECORDING SYSTEM

Audio recording equipment and software have been installed in one of the four courtrooms in Cantemir District Court. At the time of the visit, the courtrooms were under repair. The staff said they could not record hearings because of lack of equipment. Moreover, the president mentioned that the recording equipment they do have is not functional and that the courtrooms are undergoing repairs. Currently judges work in only one courtroom on the ground floor. The courtrooms on the second floor need to be furnished.

Since 2009 when the audio recording equipment and software were installed, there have been no requests for copies of hearings on CDs.

The courtroom doors do not have plaques stating that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings,[2] the purpose is to check the accuracy and the completeness of the written minutes and to ensure transparency and efficiency in court work. The clerks do not use the recordings for that purpose because they do not record hearings.

The Cantemir staff reported that their problems with the audio recording equipment are lack of training in using the Femida software, insufficient number of sets for all courtrooms and the legislation requiring paper and digital minutes (duplication of effort).

[2] *Regulations on Digital Audio Recording of Court Hearings approved by SCM Decision No. 212/8 of 18 June 2009.*

## 2.3. WEB PAGE OF CANTEMIR DISTRICT COURT

Cantemir District Court has a webpage where information for the public is posted; it is updated by the public relations specialist as new information is generated.

Table 3 shows the menus and their contents.

**Table 3.** *Content of the web page of Cantemir District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the Court President | – Message of the Court President<br>– Photo of the court president that cannot be seen. |
| Competence | – Competence of Cantemir District Court<br>– Information about localities that fall under the jurisdiction of Cantemir District Court |
| Regulatory Framework | – A table with 14 basic regulatory acts governing the court<br>– A list of 3 more regulatory acts with active links to the documents |
| Information of Public Interest | – Citizen's guide:<br>✓ Statement of claim specifying the form and the content of the statement of claim;<br>✓ Rights and obligations of parties in a case with information on the conduct of parties in a case and during hearings<br>✓ "Appeal" – information on judgments that can be appealed in competent courts<br>✓ "Cassation" – information on judgments that can be challenged in competent courts<br>– Working hours of the court<br>– Rules of behavior for the public in a courtroom<br>– Norms of behavior for the court staff approved by SCM Decision No. 95/5 of 20 March 2008<br>– "Useful Addresses" – active links to central public authorities |

| | |
|---|---|
| Public Relations Service | – Regulations on the information service that when accessed displays the message that the page cannot be found<br>– Norms of behavior for employees that when accessed displays the message that the page cannot be found<br>– Information on the duties of the public relations specialist and contact information<br>– Working hours of the court<br>– Law on Access to Information No. 982-XIV of 11 May 2000<br>– Parliamentary Decision No. 174 of 19 July 2007 on Approval of the Strategy for Consolidation of the Judicial System and the Action Plan for Implementing the Strategy for Consolidation of the Judicial System |
| Press Releases | No information |
| News | – Contains three images, one of which cannot be seen; the other two are the flag of the Republic of Moldova and Themis.<br>– "*Job Vacancies*" that when accessed has no information |
| Archives | – Image that cannot be seen. Information about the work of the archives service.<br>– Contact information of the archives service and its working hours |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Judgments Database | Information retrieved automatically from ICMS<br>**The latest judgment was posted on 18 July 2012** |
| Statistics | No information |

*Source: http://jct.justice.md/*

Table 3 shows that most menus contain some information of public interest about Cantemir District Court, but some menus contain the same information and some are empty. For example, "Information of Public Interest" and "Public Relations Service" contain the same information about the working hours of the court and norms of conduct for court staff. "Press Releases," "Job Vacancies" and "Statistics" are empty. The links on "Information of Public Interest" under the section "Useful Addresses" should have titles and should be arranged in a corresponding order. In "Competence," the table showing the geographical coverage of Cantemir District Court should be redone.

The coordinating specialist said that he had not been trained in using the webpage management module.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Cantemir District Court has enough equipment to operate properly. Table 4 shows the type of equipment, the number of items on hand and the equipment needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Computers | 13 | 8 |
| UPS units | 3 | 18 |
| Photocopiers | 1 | 5 |
| Printers | 13 | 8 |
| Server | 1 | - |
| Scanners | 1 | 2 |
| Audio recording set | 1 | 3 |
| Fax | 2 | 2 |
| Femida system | 13 | 8 |
| Air conditioners | 2 | 3 |

*Source: Cantemir District Court*

### Conclusions

- When using ICMS Version 2, Cantemir staff encounters the problems of the slow processing speed of the software and the large caseloads of the judges.
- The court staff does not record hearings.
- To improve its work, Cantemir District Court needs 8 computers, 18 UPS units, 8 printers, 2 scanners, 3 audio recording sets for 3 courtrooms and 3 air conditioners for offices.
- Cantemir District Court uses the webpage management module; however, some menus are empty and some contain duplicate information.

### Recommendations

- Purchase enough audio recording equipment and software for all courtrooms.
- Solve the technical problems with the audio recording software and equipment.
- Use the audio recording system in all courtrooms.
- Add more information on the webpage and update it regularly.

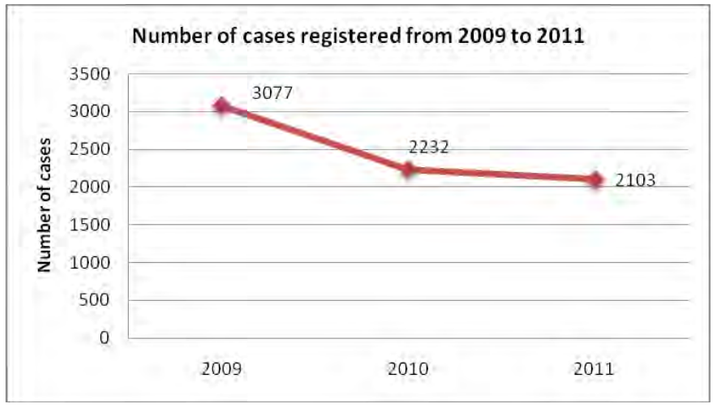
# III. WORK OF CANTEMIR DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The assessment covered the following items from 2009 to 2011: the total number of cases registered; the total number of cases examined; the number examined by type of case; the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases filed at Cantemir District Court decreased from 3077 in 2009 to 2103 in 2011.

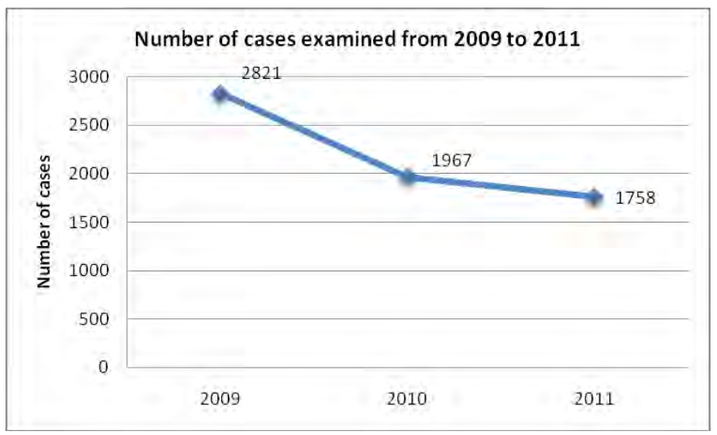
**Graph 2.** *Number of cases registered at Cantemir District Court from 2009 to 2011*




*Source: DJA*

Graph 3 shows that the number of cases examined decreased from 2821 in 2009 to 1758 cases in 2011.

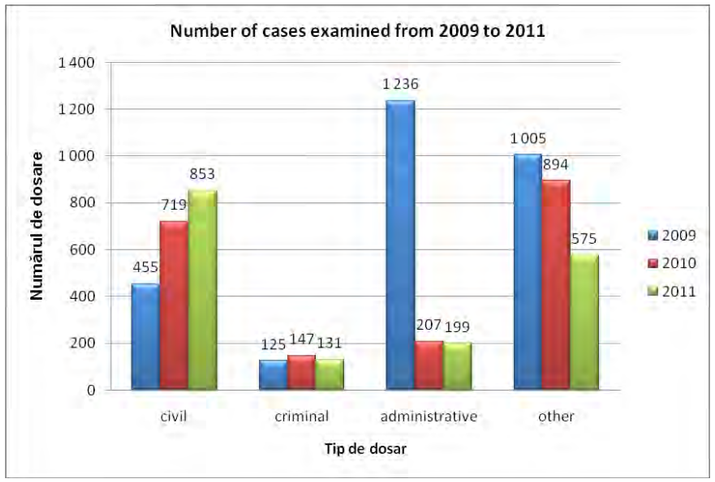
**Graph 3.** *Total number of cases examined at Cantemir District Court from 2009 to 2011*




*Source: DJA*

According to Graph 4, from 2009 to 2011 the number of civil cases examined in Cantemir District Court increased from 455 to 853, the number of the criminal cases examined did not change very much and the number of administrative cases decreased from 1236 to 199.

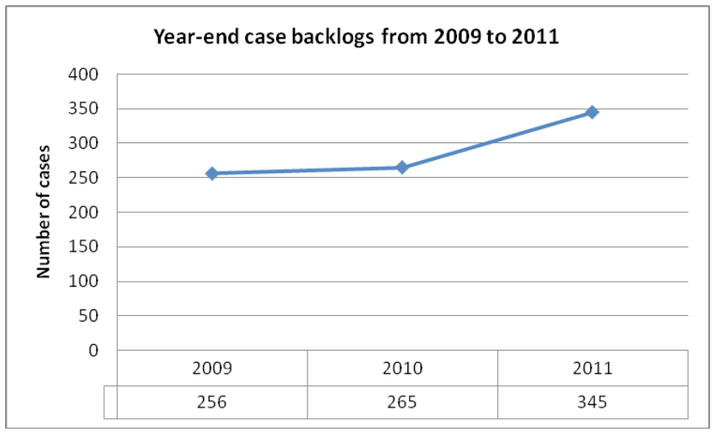
**Graph 4.** *Number of cases examined at Cantemir District Court from 2009 to 2011 by type of case*




*Source: DJA*

The analysis of the year-end case backlog at Cantemir District Court showed an increase from 256 in 2009 to 345 in 2011 (Graph 5).

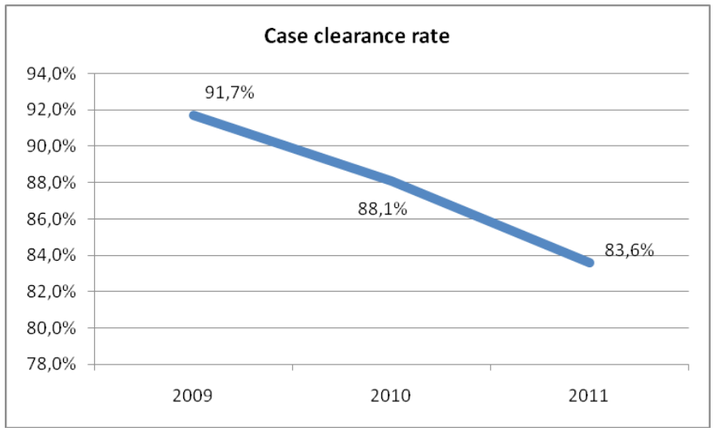
**Graph 5.** *Year-end case backlogs from 2009 to 2011*




*Source: DJA*

Given the aforementioned, the case clearance rate in Cantemir District Court decreased from 91.7% in 2009 to 83.6% in 2011. (Graph 6)

**Graph 6.** *Case clearance rate from 2009 to 2011*




## 3.2. ORGANIZATION OF ACTIVITIES

Cantemir District Court has a chancellery, archives, an administration and documentation department and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice and analyzing judicial statistics and other duties as needed for the normal run of activities.

The chancellery of Cantemir District Court is on the ground floor near the main entrance of the courthouse. Its staff includes two specialists responsible for registering case files in ICMS and on paper.

The chancellery staff uses the search menu of ICMS and, if needed, the action record cards to provide the public with information.

The chancellery maintains the registers listed in Table 5.

**Table 5.** *List of registers used by the chancellery of Cantemir District Court*

| Register Category | Register Title |
|---|---|
| ***General*** | 1. Case files received from superior courts<br>2. Incoming mail<br>3. Outgoing mail<br>4. Public summons/telegrams<br>5. Applications for legal aid<br>6. Registered mail<br>7. Complaints against decisions of extra-judiciary bodies<br>8. Cases and materials sent by courier<br>9. Information on enforcement procedures |
| ***Civil*** | 1. Register of civil case files<br>2. Register of cases under writs procedures<br>3. Index of mail in civil cases<br>4. Commercial cases |
| ***Criminal*** | 1. Criminal cases<br>2. Index of mail in criminal cases<br>3. Files on substitution of the sentence<br>4. Materials on approval of criminal prosecution<br>5. Motions for application of provisional arrest<br>6. Motions for extension of provisional arrest |
| ***Administrative*** | 1. Administrative cases |

*Source: Cantemir District Court chancellery specialists*

The court staff keeps duplicate records of case files—one on paper and one in electronic form. The same information can be entered three or even four times in various records as Table 6 shows.

**Table 6.** *Registration of a civil case by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Incoming mail<br>Register of civil case files |
| Plaintiff's name | ICMS | Action record card | Incoming mail |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Register of civil case files |
| Defendant's contact information | ICMS | Action record card | Register of civil case files |
| Case file category | ICMS | Action record card | Register of civil case files |
| Essence of the Case | ICMS | Action record card | |
| State fee | ICMS | Action record card | |
| Case file circulation within the court | ICMS | Action record card | |

*Source: Cantemir District Court chancellery specialists*

The chancellery keeps more registers than required in the Guidelines.[3]

According to the master plan, there will be two archive rooms on the ground floor with a central ventilation system. Currently files are kept in a temporary room on the ground floor with only a few shelves, so files are also kept on the floor. The room has a ventilation system.

[3] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## *Conclusions*

- The number of cases filed at Cantemir District Court decreased by 31.7% from 2009 to 2011.
- The number of cases examined at Cantemir District Court decreased by 37.7% from 2009 to 2011.
- The number of civil cases examined from 2009 to 2011 increased by 398, criminal cases increased by 6 cases and administrative cases decreased by 1037.
- The case backlog increased by 89 from 2009 to 2011.
- The case clearance rate decreased by 8.1% from 2009 to 2011.
- There is duplication of effort because laws and regulations require both paper and digital registers.
- Specialists in the chancellery use more registers than required in the Guidelines.

## *Recommendations*

- Review internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March.2011 and to reduce the registers to the number required in the Guidelines.

**Photo 12.** *The archives*
**Photo 13.** *Registers kept in the chancellery*

## IV. HUMAN RESOURCES

According to its staffing plan, the court has 3 judges, 1 investigating judge and 19 regular staff (Table 7). Cantemir District Court has no human resource specialist. Those duties are instead performed by the court president and, if needed, by his/her adviser. The adviser is particularly responsible for preparing and keeping the record of staff documents, preparing personal files and filling in and filing employees work records.

Cantemir District Court has a coordinating specialist for public relations who represents the court officially to mass media and the public in order to ensure court operations are transparent and comply with the law.

The staff is recruited in accordance with the regulations on the competitive employment of public servants approved by Government Decision No. 201 of 2009. Announcements of job openings are published in the local newspaper *Curierul Cantemir (Cantemir Courier).*

Job descriptions are approved annually. They help to clarify requirements and ensure transparency. Cantemir District Court has job descriptions for the adviser to the president, clerk, chief accountant, coordinating specialist for public relations, translator, head of the chancellery, chancellery specialist and head of the archives.

**Table 7.** *Staffing scheme of Cantemir District Court*

| No. | Position | Current number | Job Vacancies |
|---|---|---|---|
| 1. | Court president | 1 | - |
| 2. | Judge | 2 | - |
| 3. | Investigating judge | 1 | - |
| 4. | Adviser to the president | 1 | - |
| 5. | Judge | 1 | - |
| 6. | Court clerk | 4 | - |
| 7. | Translator | 1 | - |
| 8. | Head of the chancellery | 1 | - |
| 9. | Specialist | 1 | - |
| 10. | Coordinating specialist | 1 | - |
| 11. | Chief of Archives | 1 | - |
| 12. | Chief of the auxiliary service | 0.5 | |
| 13. | Courier | 0.5 | - |
| 14. | Driver | 1 | - |
| 15. | Cleaner | 2 | - |
| 16. | Guard | 3 | - |
| 17. | Boiler room operator | 1 | |
| | **TOTAL** | **23** | **-** |

*Source: Accounting office of Cantemir District Court*

The court has internal regulations that have been handed on to the judges and the regular staff to establish the court's activities, organization and the rights and obligations of the management, judges and the regular staff, either appointed or employed on the basis of an individual employment agreement, irrespective of its term, who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ and in 2011 all judges of met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. For legal research and reference, the judges use the legislative database MoldLex which is regularly updated. Cantemir District Court subscribes to the *Official Gazette, Buletinul CSJ (Newsletter of SCJ), Contabilitate si audit (Accounting and Auditing*) and the newspapers *Timpul* (*Time*), *Curierul de Cantemir (Cantemir Courier)* and *Saptamina (The Week).*

The adviser mentioned she needs training in human resource management and in using ICMS. The last time the regular staff of Cantemir District Court was trained by NIJ was two years ago. The training focused on using ICMS. The president mentioned that clerks need training in using ICMS and Femida and in preparing minutes and other procedural documents. The archive specialists need seminars in applying the Guidelines.

### *Conclusions*

- Human resources at Cantemir District Court are managed by the court president and the adviser to the president.
- The court has no human resource specialist.
- Cantemir District Court has a coordinating specialist for public relations who represents the court officially to mass media and the public.
- The court has approved job descriptions and uses them.
- Clerks, chancellery specialists and the archivist need training. The topics vary from the studying how to apply the law to studying the judicial information system and applying criminal and civil procedure documents.

### *Recommendations*

- Employ a human resource specialist and train him/her.
- Organize in-house training for clerks, chancellery and the archive specialists.

## V. SERVICES FOR THE PUBLIC

There is no information window at the courthouse entrance. There is one at chancellery; those specialists deal with all citizens' requests. The chancellery room is located on the ground floor. The office of the coordinating specialist for public relations is also on the ground floor; however, due to a lack of signage it is difficult to find. The office doors do not have plaques with judges' names and the statement that the public is not allowed.

At the time of the assessment visit, the court did not have an information board at the entrance because of repairs. However, there were lists of scheduled hearings on judges' office doors.

Parties in a case and other case participants may obtain copies of judgments by filling out an application at the chancellery on working days. The application is passed to the president who approves it and appoints a person responsible to make the copy. Copies go to the president for approval and are delivered on the same day to persons from rural areas and at the latest on the following day to town residents.

### *Conclusions*

- There is no signage guiding the public to the chancellery, the archives or the courtrooms.
- Information for the public is not posted on the information board at the courthouse entrance due to repairs.
- The procedure for getting copies of judgments requires the approval of the court president.

### *Recommendations*

- Install signs showing the way to the public relations specialist's office.
- Install an information board on the ground floor at the courthouse entrance.
- Post more comprehensive information of public interest on the information board such as announcements about the court's webpage; information about the rights of parties involved in a case to request audio recordings of hearings on CDs; news about the judicial system; information about state fees; templates of applications, etc.
- Simplify the procedure for getting copies of judgments by sparing the president the obligation to approve applications and by training the chancellery specialists accordingly.

**Photo 14.** *Information window*
**Photo 15.** *Lists of hearings*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Cantemir District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which in turn receives ceilings for the entire justice sector from the Ministry of Justice. These ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others)

2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted as per the inflation rate predicted for the coming year. After all these calculations, the court proposes a draft budget that complies with the ceilings established by DJA

## 6.1. BUDGET

The budget of Cantemir District Court is divided into the following six categories:

- *Staff expenditures* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – power, gas, water and sewerage and sanitation;
- *Expenditures for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[4]

From 2010 (executed) to 2012 (approved), the budget of Cantemir District Court increased from MDL 1 million to MDL 2.9 million (Table 8).

In 2011 the court budget doubled compared with previous year. Almost all expenditure categories (except for repairs) increased, with the greatest grow in capital investments and repairs. Expenditures for utilities increased by 45% followed by operating expenditures 40% compared with the previous year.

In 2012 the court's budget was planned with 44% higher compared with 2011. It is important to notice that in 2012, the court will benefit for capital investments in amount of MDL 1.7 million.

[4] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Cantemir District Court by type of expense (2010–2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 685,157 | 739,356 | 8% | 853,600 | 15% |
| Repairs | 28,982 | 59,961 | 107% | 0 | -100% |
| Utilities | 67,226 | 97,710 | 45% | 116,000 | 19% |
| Fixed assets | 99,700 | 0 | -100% | 0 | 0% |
| Capital investment | 0 | 947,894 | 100% | 1,706,400 | 80% |
| Operating expenses | 119,776 | 168,161 | 40% | 232,500 | 38% |
| **Total** | **1,000,840** | **2,013,082** | **101%** | **2,908,500** | **44%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court.*

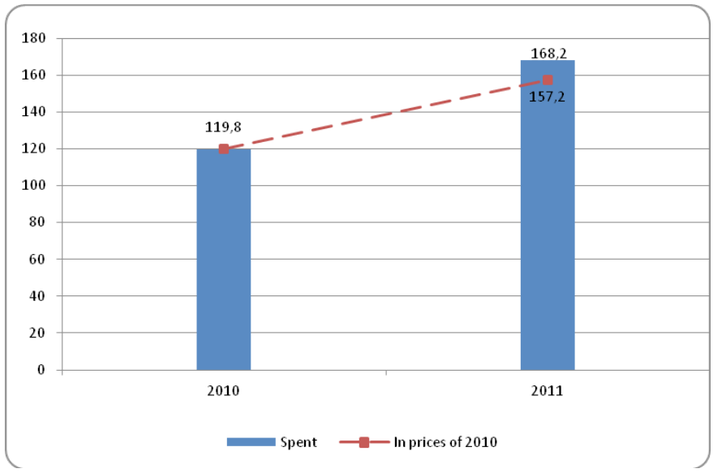
## 6.2. STAFF EXPENDITURES

Staff expenditures represent approximately 70% of the total budget and increase year by year. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

From 2010 to 2011, both the face value and the real value of operating expenditures increased. Their face value increased from MDL 119.8 thousand to MDL 168.2 thousand, a growth of about 40%. Their real value increased by approximately 31%, taking into account that in 2011 the inflation rate was 7%[5]. MDL 168.2 thousand in 2011 was therefore equivalent to MDL 157.2 thousand in 2010; hence, the real value of operating expenditures increased by MDL 37.4 thousand (Graph 7).

**Graph 7.** *Operating expenditures for Cantemir District Court in 2010 and 2011*



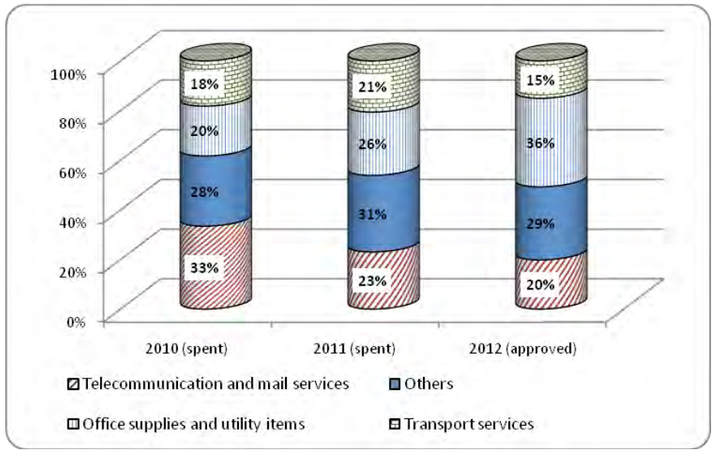

[5] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that in 2010 telecommunications and mail services accounted for 33% of operating expenditures, accounted for 20% of the total and transport services accounted for 18%.

In 2011, the structure of operating expenditures has changed. Thus, the biggest share of the operating expenditures went for office supplies and utility items up to 26% of the total. Telecommunications and mail services decreased by 10 percentage points to 23%, while allocations for transport services for 21% of the total.

In 2012 the budget for operating expenditures is the following:

- 36% for office supplies and utility items, an increase of 10 percentage points compared with 2011;
- 20% for telecommunications and mail services which continued to decrease;
- 15% for transport services;

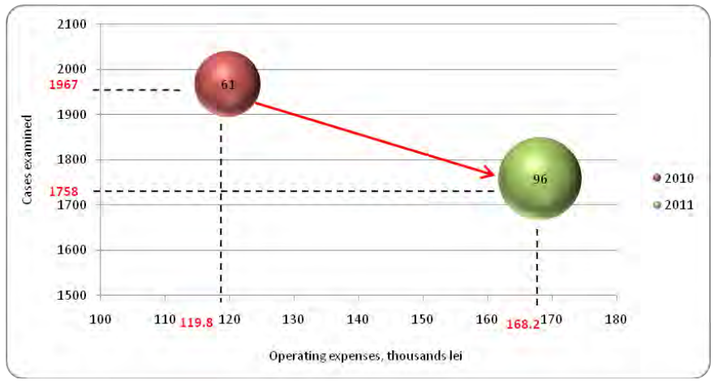
Expenses for telecommunications and mail merit attention because approximately 70% are for stamps.

## 6.5. REAL VALUE OF OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase in operating expenses in 2011 compared with 2010 can be explained by many factors, but not by the number of cases examined which decreased from 1967 to 1758 (which is by 209 less).

Comparing operating expenditures with the number of cases examined, in 2010 the average cost for examining a case amounted to around MDL 61 while in 2011 it was MDL 96 (Graph 9).

**Graph 9.** *Comparative analysis of the average cost for examining a case at Cantemir District Court in 2010 and 2011*

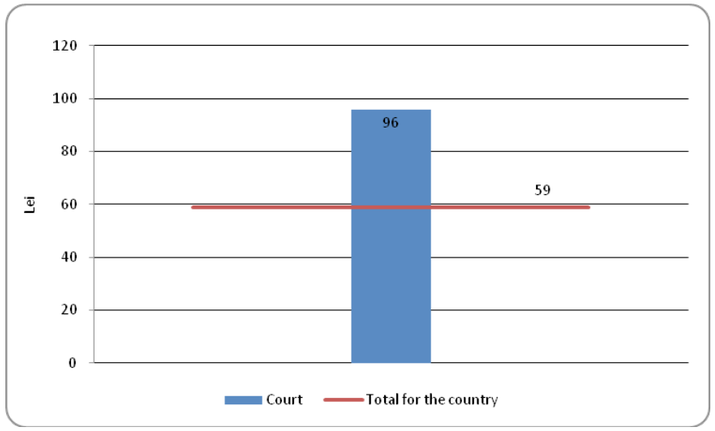



***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

## 6.6. AVERAGE OPERATING COST FOR EXAMINING A CASE IN CANTEMIR DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 96 per case in 2011 is high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost for case examined at Cantemir District Court in 2011 compared with the weighted average cost per case examined for the country as a whole*




As shown in Graph 10, in 2011 the average cost per case examined in Cantemir District Court was slightly lower than the weighted average cost per case examined for the country as a whole.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Cantemir District Court does its accounting manually. The court has not purchased accounting software due to lack of funds.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the accountant who does not have professional qualifications in procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

The staff mentioned that the legislation in force on public procurements provides rules for long-term procurements and therefore the ceiling of MDL 30,000 is too low. Similarly, the procedure for doing public procurements is not clear and predictable and can be interpreted in various ways.

### Conclusions

- In 2011 both the face value and the real value of the operating expenses increased compared with 2010.
- In 2011, the average cost of examining a case in creased comparing to year 2010.
- In 2011, the average cost of examining a case was higher than the weighted average cost of a case examined for the country as a whole.
- Mail services account for a large share of total operating expenses.
- Accounting is done manually.
- The court makes all its public procurements without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing accounting software and training the staff to use it.
- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Calarasi District Court in the town of Calarasi serves 73,507 inhabitants in the 43 localities that are part of Calarasi District Court according to Law No. 764 of 27 December 2001 on the Administrative Territorial Organization of the Republic of Moldova.

According to its staff roster, the court has 5 judges, 1 investigating judge and 24.5 regular staff. Calarasi District Court has no human resource specialist; those duties are performed by the court president and the adviser to the court president. The court has a public relations specialist who manages the website.

Staff expenses have followed an upward trend. The court does all its public procurements without a procurement specialist. In 2011 both the face value and the real value of operating expenses increased compared to 2010. In 2011 the average operating cost for examining a case increased compared to the previous year but was lower than the weighted average cost of examining a case for the country as a whole (see Section VI).

Calarasi District Court has an area of 948.03 sq. meters on two floors and basement. At the time of the documentation visit, the courthouse was undergoing capital repairs.

The employees of Calarasi District Court use Version 2 of ICMS; they noted the uneven distribution of cases as a problem with the software.

# CALARASI DISTRICT COURT

*153, Alexandru cel Bun Str., Calarasi*

*Date of the visit: 28 May 2012*

The staff does not audio record hearings that take place in the courtrooms with equipment because they don't know how to use the software. Also, not all hearings currently take place in courtrooms. After the renovations are completed, however, all hearings will take place in courtrooms as there will be five for the six judges working at the court.

The specialists keep more registers than the amendments to the Guidelines require.

The total number of cases registered at Calarasi District Court increased by 171 from 2009 to 2011, and the number of cases examined decreased by 50 during the same period with a case clearance rate of 87.5% in 2011.

Because of the repairs, the courthouse has no information board for the public and office doors have no plaques saying that the access to judges' offices is restricted.

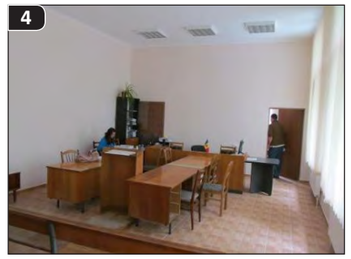
The website of Calarasi District Court is periodically updated and the menus have some information of public interest though some is duplicated.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 4 | The condition of the building's exterior is poor and cracked. The plaster is falling off in some places. |
| Water supply | 1 | The water supply is sufficient. The court is connected to the central water system. The piping was replaced during renovations. |
| Power supply | 1 | The electrical system has been completely renovated. |
| Sewerage system | 1 | The sewerage system was completely renovated. |
| Heating system | 2 | The pipes and the radiators were completely renovated. The boiler is obsolete and needs to be replaced. |
| Firefighting system | - | There is no system. |
| Roof | 1 | The roof structure is solid; it was repaired in 2011. |
| Interior | - | At the time of the documentation visit, the interior was undergoing capital repairs. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.



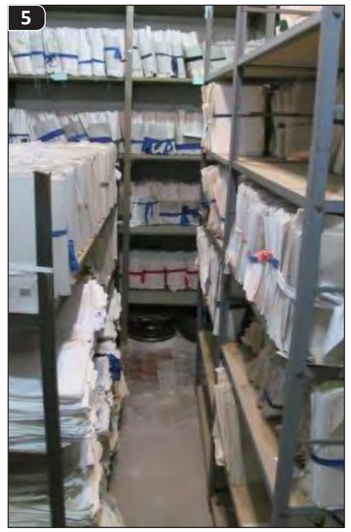



**Photo 1.** *Exterior*
**Photo 2.** *Main entrance*
**Photo 3.** *Back door*
**Photo 4.** *Courtroom*
**Photo 5.** *Archives*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational conditions of Calarasi District Court as of May 2012.

Calarasi District Court consists of two floors and basement with a total area of 948.03 sq. meters. There are 17 offices, 2 public rooms and 4 courtrooms.

The court currently has three night guards on the staff roster but plans to contract the State Guard Service starting in 2013 and to eliminate the guards' positions.

Calarasi District Court was designed and built in 1970. Minor repairs have been done since the construction.

The main entrance and stairs are in poor condition and need renovation. The stairs need to be leveled and tiled. There is no banister, and the cement needs to be cleaned off of them. There are no gutters or downspouts, so rainwater falls from the roof directly onto the area around the foundation.

The sewerage system and pipes have been renovated, and the electric system is also in very good condition because it was completely renovated during the repairs. The archives are efficiently located in a single room on the first floor. The chancellery is also located on the first floor, but it is far from the main entrance. The space used by judges is not separated from the space used by the public.

The heating system is in good condition as the pipes and the radiators have been completely renovated. The boiler was procured in 2002; it is old and consumes a great deal of fuel and also has technical problems.

The interior of the first floor of the building is in satisfactory condition. At the time of the documentation visit, the entire facility was undergoing capital repairs. The ceiling was being suspended. The walls had been cleaned and were being prepared for painting and all windows had been replaced. The server is located in a separate room with an air conditioner which is actually not used. The restrooms were renovated during the repairs and are in good condition. The main staircase to the building is being renovated.

The interior of the second floor of the building is being renovated. The offices of the judges and other employees and the room for the public will be totally renovated. In some offices the ceilings and floors were replaced and the walls were painted. All windows have been replaced. The restroom for employees is in a good condition since it was completely renovated.

There are no firefighting systems and no emergency lights.

The functional space of Calarasi District Court is suitable for the activity of a law court. The court has a separate entrance for detainees but does not have a separate room for them. They are brought into the courtroom through the back door and corridor of the building directly from the nearby police station. The court has four courtrooms for six judges. The renovations planned include repairing the exterior, replacing the old boiler and renovating the archive space. There will also be a new courtroom, and the chancellery will be relocated.

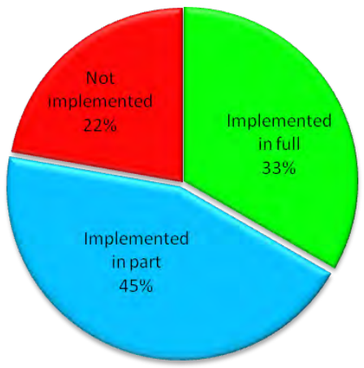
The 2009 Infrastructure Assessment Report listed nine priorities for capital repairs. To date, three have been implemented in full and four have been partially implemented (Table 1 and Graph 1).

**Table 1.** *Implementation of the capital repair priorities identified in 2009*

| Priorities for capital repair in 2008 | Implementation stage in 2012 |
|---|---|
| Relocate the bailiffs into a suitable place outside the courthouse. | Partially implemented[2] |
| Repair and insulate the facility including the roof. Some walls and flooring may need to be replaced or strengthened. | Not implemented |
| Solve the issue of water leaking into the basement by installing a drainage system and insulating the basement walls. | Not implemented |
| Replace the water supply and sewerage systems. | Implemented |
| Reconfigure the space and renovate the finishing. | Partially implemented[3] |
| Improve the electrical network. | Implemented |
| Improve the heating system. | Partially implemented |
| Replace the outer windows | Implemented |
| Install an air conditioner in the room where the LAN server is located. | Partially implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of the 2009 capital repair priorities in 2012*




[2] *Though the bailiffs were transferred, that space was occupied by the probation office. There is a plan to clear that space and use it for court needs.*

[3] *At the time of the documentation visit, the renovations and reorganization were underway.*

### Conclusions

- Calarasi District Court has undergone renovations since 2009 some of which focused on the recommendations of 2009 Infrastructure Assessment Report.
- The water system and electrical network were renovated.
- ROLISP estimated that 33% of the 2009 recommendations for capital repairs have been implemented in full, 45% have been implemented in part and 22% have not been implemented.

### Recommendations

- Finish the capital repairs.
- Install a firefighting system.
- Create a room for detainees with restricted access.
- Create a room for hearing juvenile participants in trials.

**Photo 6.** *Archives*
**Photo 7.** *First floor being renovated*
**Photo 8.** *Second floor renovations*

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Calarasi District Court staff has used ICMS since 2009; Version 2 was installed in 2011.

The staff cited the uneven distribution of cases as a technical issue with the software. Previously, the president of the court used to manage human resources by means of ICMS, but that is no longer the case because of high staff turnover.

To use ICMS, files must be scanned after cases are registered. The clerical staff scans statements of claims, receipts for paying state fees and other significant documents for civil cases and bills of indictment in criminal cases but does not scan administrative case files.[4]

The court has no information technology specialist, so technical issues are referred to CTS. According to the staff, CTS solves their problems quickly so they rated their satisfaction with the services provided by CTS in 2012 as a 4 out of 5.

**Table 2.** *List of suggestions for modifying ICMS at Calarasi District Court*

| No. | Suggestions for modifying ICMS |
|---|---|
| 1. | Introduce the degree of complexity for random case assignments. |
| 2. | Introduce all needed indicators for the cases tried by the investigating judge. |

*Source: Adviser to the president and chancellery of Calarasi District Court*

[4] *At the time of the documentation visit, some of the network cables and the computers were not in use so documents were not being scanned.*

## 2.2. AUDIO RECORDING SYSTEM

Calarasi District Court has four courtrooms three of which have sets of court hearings audio recording equipment and software, but the hearings taking place in them are not recorded. Not all hearings take place in the courtrooms as there are six judges. When the renovations are complete, there will be a new courtroom and all hearings will take place in courtrooms.

Requests for audio recordings of court hearings were not satisfied because the newly employed clerks did not know how to use the software. Since 2009 when the audio recording equipment and software were installed, no one has requested a CD of a court hearing.

The courtroom doors have no plaques stating that hearings are audio recorded.[5]

According to the Regulations on Digital Audio Recording of Court Hearings,[6] the purpose is to check the accuracy and the completeness of the written minutes of hearings and to ensure transparency and efficiency of court operations. The clerks do not make recordings so cannot use them for this purpose.

The issues faced by Calarasi District Court are the lack of trained staff and staff turnover. Legislation requiring both written and recorded minutes is also a problem.

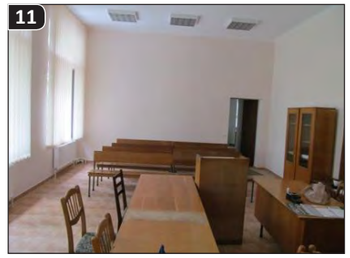
[5] *This is because of the repairs.*

[6] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*

## 2.3. WEB PAGE OF CALARASI DISTRICT COURT

Calarasi District Court has a website where information for citizens is posted; it is updated by the public relations specialist as needed.

Table 3 shows the menus for the web page of Calarasi District Court and their contents.



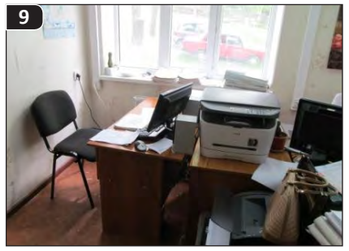



**Photo 9.** *Chancellery of Calarasi District Court*
**Photo 10.** *Furniture in Calarasi District Court chancellery*
**Photo 11.** *Courtroom*
**Photo 12.** *Courtroom*
**Photo 13.** *Courtroom under renovation*

**Table 3.** *Content of the web page of Calarasi District Court*

| Menu title | Information posted on the webpage |
|---|---|
| Message of the President of the Court | Welcome message |
| Regulatory Framework | List of the main regulatory acts that govern the court The name of the act has an active link to the text |
| Competence | – Jurisdiction<br>– Table with the settlements falling under scope of Calarasi District Court. The name of settlement is an active link to Wikipedia which contains information about the locality |
| Organization | – Court's organizational chart |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>**The latest decision was posted on 13 July 2012** |
| Public Summons | Does not contain any information |
| Press Releases | Active link to the IT equipment delivery to Calarasi District Court under the Regional Protection Support Project in Belarus, Moldova and Ukraine |
| Public Relations Service | Does not contain any information |
| Information of Public Interest | – Link to "Working hours of Calarasi District Court"<br>– Active link to "*Bank Details*" which contains active links to details for paying state fees and details for the paying for the services provided by Calarasi District Court.<br>– Active link "*Contacts*" which contains no information |
| Statistical Records | Does not contain any information |
| Archives | Active link to the menu "*Archive of Public Summons*" which contains no information |
| Vacancies | – Regulation on filling vacancies for civil servants<br>– Form for applying for a civil service position |
| Useful Links | Active links to the categories:<br>✓ Official website of the Republic of Moldova<br>✓ Official website of the President of the Republic of Moldova<br>✓ Official website of the Parliament of the Republic of Moldova<br>✓ Official website of the Government of the Republic of Moldova<br>✓ Official website of the Ministry of Justice of the Republic of Moldova<br>✓ Official website of the Superior Council of Magistracy<br>✓ Official website of the Supreme Court of Justice<br>✓ Official website of Chisinau Court of Appeals<br>✓ Official website of the National Institute of Justice<br>✓ Official website of the General Prosecutor's Office<br>✓ Official website of the State Register of Legal Acts |
| FAQ | Does not contain any information |
| Public Procurement | Does not contain any information |
| Contact Data | Court's contact data |

*Source: http://jcl.justice.md*

Not all the menus have information of public interest, some have no information at all and some information is duplicated.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Calarasi District Court has sufficient equipment to operate properly. Table 4 shows the equipment category, the number of existing items and the equipment needed as per court staff.

**Table 4.** *Equipment inventory and equipment needs*

| Equipment item | Number of items | Needed |
|---|---|---|
| Server | 1 | - |
| Computer (only 25 work) | 27 | 10 |
| Printer (only 19 work) | 23 | 10 |
| Scanner | 6 | 2 |
| Audio recording equipment set | 3 | 2 |
| Fax | 3 | 1 |
| UPS unit (only 8 work) | 13 | 27 |

*Source: Calarasi District Court*

### Conclusions

- When using IMCS Version 2, the staff faces the issue of uneven distribution of cases.
- The staff scans all the papers in civil case files but only the bill of indictment in criminal case files. Administrative case files are not scanned at all.
- The staff does not use the audio recording system.
- In order to improve its work, Calarasi District Court needs 10 computers, 10 printers, 2 scanners, 2 sets of audio recording equipment, 1 fax, and 27 UPS units.
- Calarasi District Court uses the website content management system. The menus have some information of public interest.

### Recommendations

- Use the audio recording equipment and software.
- Delete audio recordings from the server in line with SCM regulations.[7]
- Organize training internally for staff on ICMS and Femida.
- Complete all menus on the webpage with updated information of public interest.
- Avoid duplication of information posted on the website and reformat the text in the menus.

[7] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*

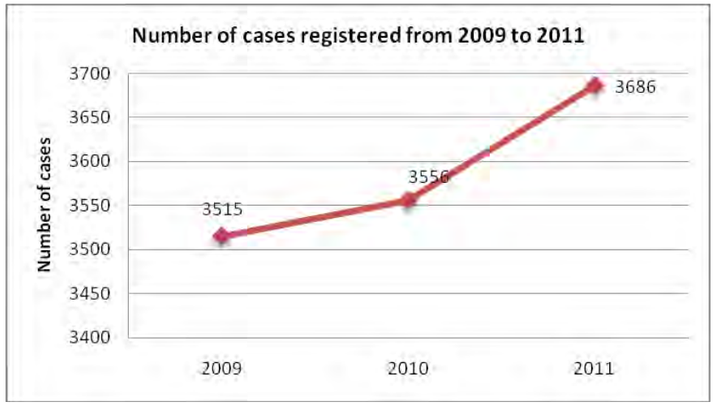
# III. WORK OF CALARASI DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The work load of Calarasi District Court was analyzed from 2009 to 2011 by the total number of cases registered, the total number of cases examined, the number examined by type of case, the year-end backlog and the case clearance rate.

Graph 2 shows that the total number of filed cases increased from 3515 in 2009 to 3686 in 2011.

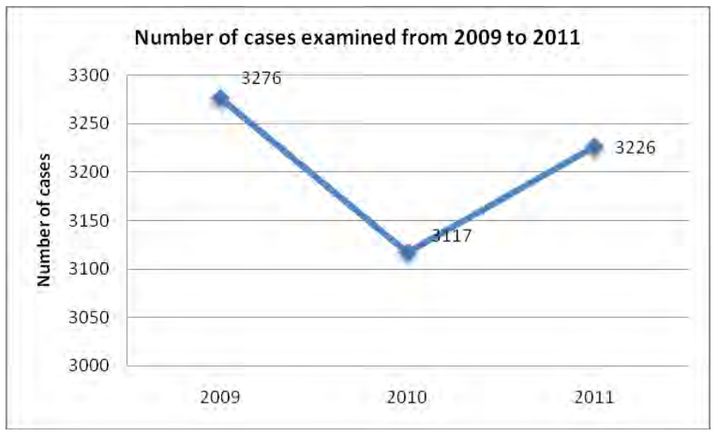
**Graph 2.** *Number of cases registered from 2009 to 2011*




*Source: DJA*

The total number of cases examined decreased from 3276 in 2009 to 3226 in 2011 (Graph 3).

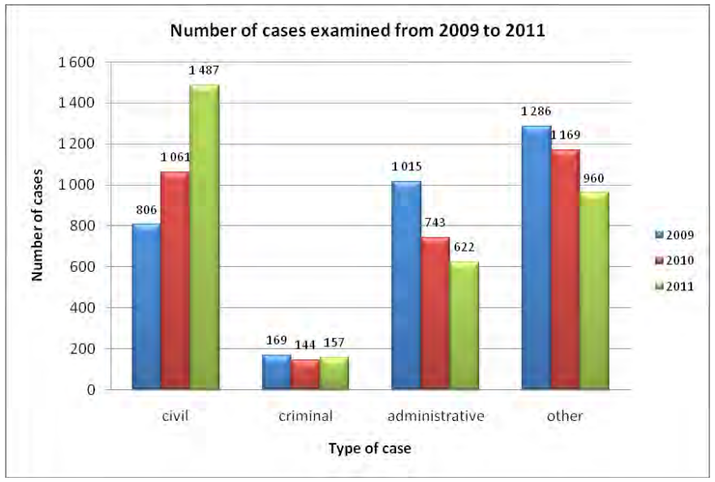
**Graph 3.** *Number of cases examined from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, from 2009 to 2011 the number of civil cases examined by Calarasi District Court increased from 806 to 1487, the number of criminal cases didn't changed significantly and the number of administrative cases decreased from 1015 to 622.

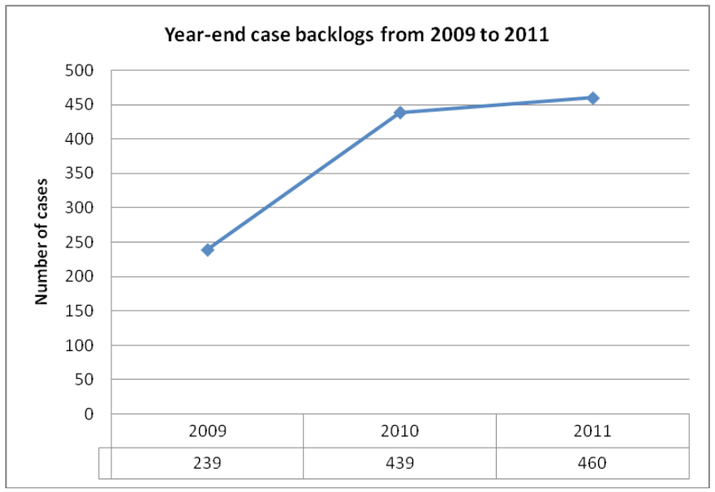
**Graph 4.** *Number of cases examined from 2009 to 2011 by type of case*




*Source: DJA*

The case backlog at the end of the year increased from 239 in 2009 to 460 in 2011 (Graph 5).

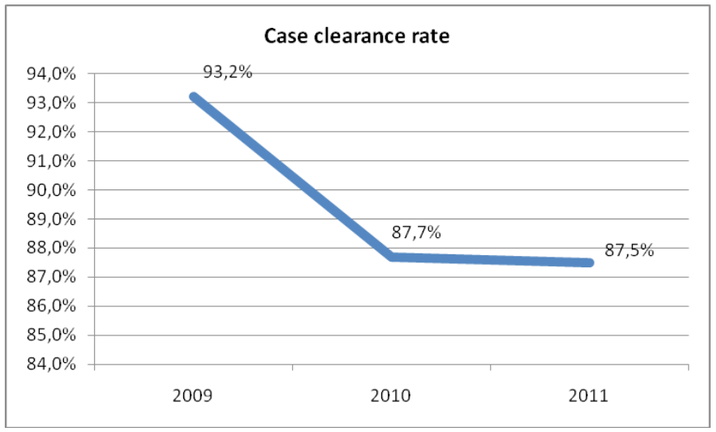
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate decreased from 93.2% in 2009 to 87.5% in 2011.

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Calarasi District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and other necessary work.

The chancellery of Calarasi District Court is situated on the first floor far from the entrance. The chancellery has three employees who are responsible for scanning documents from case files and registering cases in ICMS and on paper.

The chancellery of Calarasi District Court keeps the registers in Table 5.

**Table 5.** *The registers used by Calarasi District Court chancellery*

| Register Category | Register Title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Probation office reports<br>4. Literature |
| ***Civil*** | 1. Index of civil cases<br>2. Index of administrative cases<br>3. Index of writ proceedings<br>4. Index of economic cases<br>5. Index of reviewed cases<br>6. Statements of claim<br>7. Cases submitted<br>8. Index of cases<br>9. Action record card |
| ***Criminal*** | 1. Index of criminal cases<br>2. Criminal cases<br>3. Material evidence<br>4. Complaints against the actions of criminal investigative bodies<br>5. Action record card |
| ***Administrative*** | 1. Index of administrative cases<br>2. Administrative cases<br>3. Complaints against the extra-judiciary bodies<br>4. Materials related to extending the term of preventive measures<br>5. Mandates |

*Source: Calarasi District Court chancellery specialists*

The court maintains duplicate records of case files—one on paper and one in digital format. The same information may be entered three or even four times as shown in Table 6.

**Table 6.** *Registration of a civil case by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case | ICMS | Action record card | Incoming mail, Register of statements of claim, Index of civil cases |
| Plaintiff's name | ICMS | Action record card | Register of statements of claim |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case category | ICMS | Action record card | Incoming mail, Register of statements of claim, Index of civil cases |
| State fee | ICMS | Action record card | |
| Case file circulation within the court | ICMS | Action record card | Register of cases submitted |
| Essence of the case | ICMS | Action record card | |

*Source: Calarasi District Court chancellery specialists*

The chancellery keeps more registers than the Guidelines require.[8]

The archives of Calarasi District Court are situated on the first floor, but the room is small and does not have an air conditioner. Capital repairs of the archives are needed. The files are kept in order on shelves, but there is no room to store evidence.

### Conclusions

- The number of cases received by Calarasi District Court increased by 4.9% from 2009 to 2011.
- The number of cases examined at Calarasi District Court decreased by 1.5% from 2009 to 2011.
- During the same period, the number of civil cases examined increased by 681, the number of criminal cases decreased by 12 files and the number of administrative cases decreased by 393 cases.
- The case backlog increased by 221 from 2009 to 2011.
- The case clearance rate decreased by 5.7% during the same period.
- There is duplication of effort because laws and regulations require paper and digital registers.
- The specialists of the chancellery use more registers than required in the Guidelines.

### Recommendations

- Review the internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to bring the number of registers in line with the requirements in the Guidelines.

[8] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

According to its staffing scheme, Calarasi District Court has 6 judges and 24.5 regular staff (Table 7).

The roster does not include the position of human resource manager. Those duties are performed by the court president and the adviser to the president. Previously the president of the court and the head of chancellery were responsible for human resources.

The court has a public relations specialist who manages the court's website and e-mail. When needed, the public relations specialist also works as a chancellery specialist.

When a vacancy occurs, it is filled by a court intern. The president of the court interviews the candidates and decides whom to employ and drafts the employment order. The adviser to court president said that no written tests or extensive interviews are conducted because of staff shortages.

Calarasi District Court has job descriptions for the positions of head of chancellery, adviser to court president, consultant, clerk, chief accountant, translator, public relations specialist, chancellery specialist, educational psychologist, head of archives, courier, boiler room operator, indoor and outdoor cleaners, guard and driver.

**Table 7.** *Staffing scheme of Calarasi District Court*

| No. | Position | Current number[4] |
|---|---|---|
| 1. | Judge | 5 |
| 2. | Investigative judge | 1 |
| 3. | Adviser to the court president | 1 |
| 4. | Chief accountant | 1 |
| 5. | Consultant | 2 |
| 6. | Clerk | 6 |
| 7. | Translator | 1 |
| 8. | Head of the chancellery | 1 |
| 9. | Coordinating specialist | 1 |
| 10. | Specialist | 2.5 |
| 11. | Head of the archives | 1 |
| 12. | Courier | 0.5 |
| 13. | Driver | 1 |
| 14. | Guard | 3 |
| 15. | Boiler room operator | 1.5 |
| 16. | Indoor cleaner | 1.5 |
| 17. | Outdoor cleaner | 0.5 |
| | **TOTAL** | **30.5** |

*Source: Accounting office of Calarasi District Court*

The Court has internal regulations available to judges and regular staff that establish the operations and organization of the court and the rights and obligations of court management, judges and regular staff appointed or employed on the basis of an individual employment agreement, irrespective of its term, who are subordinated to the court or who provide services to ensure the efficient and effective administration of justice.

Judges are trained by NIJ; in 2011 all judges met the requirement of 40 annual hours of ongoing training. The judges the assessment team interviewed mentioned that NIJ training and the publications they receive from SCM are enough to meet their information and training needs. When looking for regulatory acts, Calarasi District Court uses the legislative database on the Ministry of Justice website and also subscribes to the private legislative database MoldLex. The publications Calarasi District Court subscribes to include *Official Gazette, Contabilitate si audit (Accounting and Auditing), Dreptul (Law), Buletinul CSJ (Bulletin of SCJ),* and *Calarasii.*

The court staff mentioned that they were last trained by NIJ two years ago and that the court does not organize any in-house training for them. The topics the clerks are interested in are using ICMS and Femida while the public relations specialist is interested in website management.

### *Conclusions*

- Human resource management in Calarasi District Court is carried out by the court president and the adviser to the court president.
- The court has a public relations specialist.
- The court has no human resource specialist.
- The court does not have an internal system for training staff.

### *Recommendations*

- Employ and train a human resource specialist.
- Train the public relations specialist.
- Implement an internal training program for the regular staff of Calarasi District Court so they can resolve issues they encounter in their jobs.

## V. SERVICES FOR THE PUBLIC

There is no information window in the courthouse. The chancellery is on the first floor, far from the court entrance. The office of the public relations specialist is temporarily on the second floor but after repairs are completed, it will be transferred to the first floor. Because of the repairs, all signs and the information board have been taken down so at the moment there are no signs to direct the public to the chancellery, to the archives or to the office of the public relations specialist. There are signs saying that access to judges' offices is restricted.[9]

There is no information board in building. Because of the capital repairs all signs and the information board were taken away.

Parties and other participants in a case may request copies of judgments from the chancellery. It is not necessary for the president to approve the request. The person filing the request must then pay the state fee. If people requesting a copy come from far away, the copy is issued on the very same day. For other people, copies are generally issued within two days.

### *Conclusions*

- There is no information window for the public.
- The signs showing the way to the chancellery, the office of the public relations specialist and archives have been temporarily removed.
- The chancellery of Calarasi District Court is situated on the first floor, far from the entrance. That location is not in line with the general design rules for law courts.
- The procedure for issuing copies of judgments does not require the preliminary approval of the court president.

### *Recommendations*

- Install an information board with announcements about the webpage of Calarasi District Court, information about the right of parties in a case to request recordings and a copy of the hearing on a CD, news on the judiciary, etc.
- Use ICMS to automatically retrieve the list of cases scheduled for hearings.

**Photo 14.** *Space for parties to trial on the first floor (under renovation)*
**Photo 15.** *Space for parties to trial on the second floor (under renovation)*

[9] *The signs are absent because of the repairs.*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Calarasi District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which in turn receives ceilings for the entire justice sector from the Ministry of Justice. These ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others)

2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted as per the inflation rate predicted for the coming year. After all these calculations, the court proposes a draft budget that complies with the ceilings established by DJA

## 6.1. BUDGET

The budget of Calarasi District Court is divided into the following six categories:

- *Staff expenditures* – salaries, mandatory state social insurance and health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – power, gas, water and sewerage, and sanitation;
- *Expenses for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[10]

From 2010 (executed) to 2012 (approved), the budget of Calarasi District Court increased from about MDL 1.3 million to about MDL 2.7 million (Table 8).

In 2011 the court budget more than doubled compared with 2010 due to allocations for capital repairs. In addition, allocations for utilities increased by 66% and for operating expenses by 45% while fixed assets decreased by 73%.

For 2012, the court planned an 8% decrease with 26% less funding for capital repairs and no allocations for fixed assets.

[10] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Calarasi District Court, by type of expense (2010–2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 1,007,737 | 1,151,142 | 14% | 1,242,600 | 8% |
| Repairs | 0 | 1,496,175 | 100% | 1,100,000 | -26% |
| Utilities | 68,704 | 113,528 | 65% | 150,000 | 32% |
| Fixed assets | 148,730 | 39,989 | -73% | 0 | -100% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 103,445 | 149,685 | 45% | 207,500 | 39% |
| **Total** | **1,328,616** | **2,950,519** | **122%** | **2,700,100** | **-8%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 received from the court*

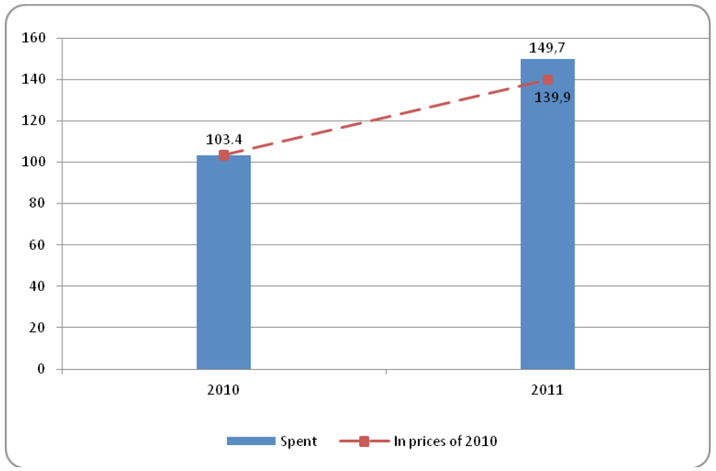
## 6.2. STAFF EXPENDITURES

The average value of staff expenditures for the three years is approximately 70%. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

From 2010 to 2011, both the face value and the real value of operating expenditures increased. Their face value increased from MDL 103.4 thousand to MDL 149.7 thousand, an increase of about 45%. The real value increased by approximately 35% taking into account that in 2011 the inflation rate was 7%.[11] MDL 149.7 thousand in 2011 was therefore equivalent to MDL 139.9 thousand in 2010; hence, the real value of operating expenditures increased by approximately MDL 36.5 thousand (Graph 7).

**Graph 7.** *Operating expenses*



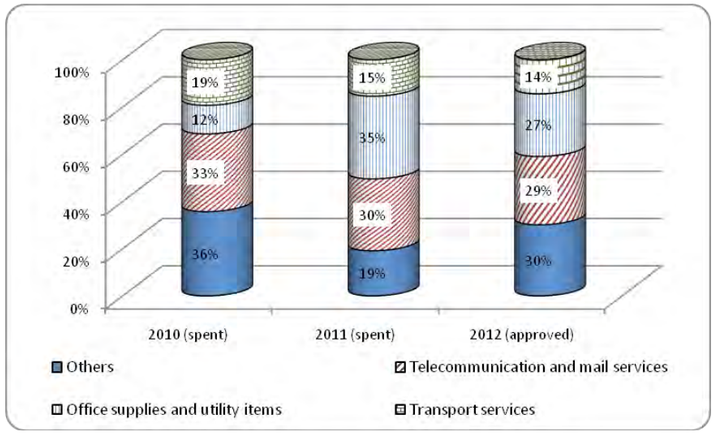

[11] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

The largest share of operating expenditures went into the following three categories

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that in 2011 the biggest share of operating expenses went for office supplies and utility items (35%), an increase of 23 percentage points over the previous year, telecommunications and mail services decreased from 33% in 2010 to 30% in 2011 and transport services decreased from 19% to 15%.

The budget for all three categories was reduced in 2012.

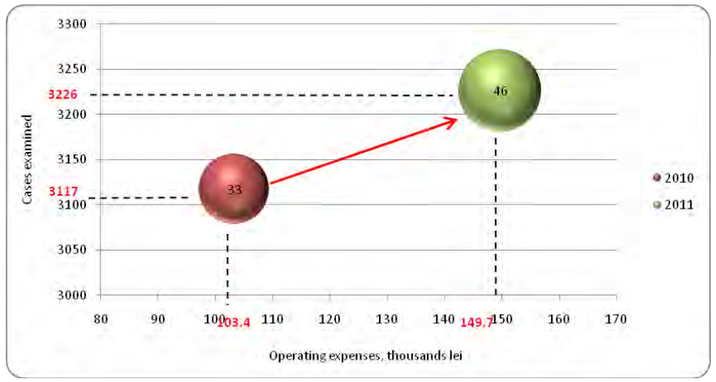
Telecommunications and mail services merit attention as approximately 70% goes for stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase of operating expenses in 2011 compared to 2010 can be explained by several factors, including by the decrease in the number of cases examined. In 2011 the court examined 3226 cases compared to 3117 cases in 2010.

Comparing operating expenses with the number of examined vases, in 2010 the average cost for examining a case was MDL 33, while in 2011 it was MDL 46 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Calarasi District Court in 2010 and 2011*



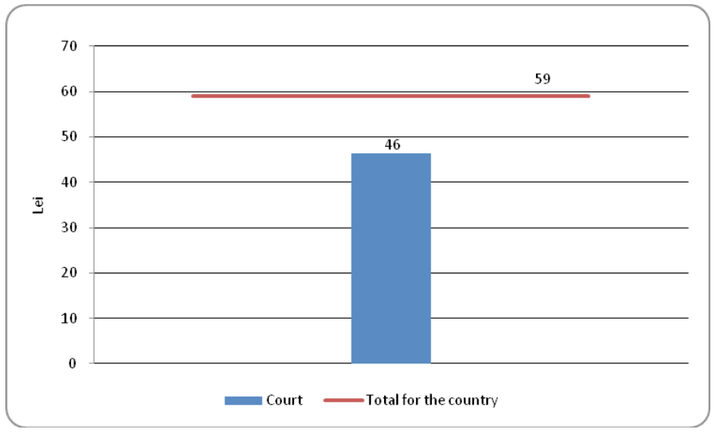

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

Though both operating expenses and the number of cases examined increased in 2011, the average operating cost of examining a case increased by MDL 13 due to a greater increase in the operating expenses (45%) than that in the number of cases examined (3%).

## 6.6. AVERAGE OPERATING COST PER CASE IN CALARASI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 46 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Calarasi District Court in 2011 and the weighted average cost per case for the country as a whole*




As shown in the Graph 10, in 2011 the average cost per case examined in Calarasi District Court was lower than the weighted average cost per case examined for the country as a whole.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

The bookkeeping at Calarasi District Court is done manually due to lack of funds to purchase accounting software.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurement is managed by the advisor to the president who does not have professional qualifications in public procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars, all of various brands and at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.)

### Conclusions

- In 2011, both the face value and the real value of operating expenditures increased.
- In 2011 the average cost for examining a case increased compared with 2010.
- In 2011 the average cost for examining a case was lower than the weighted average cost for examining a case in the country as a whole.
- The expenses for mail services account for a large share of total operational expenses.
- Bookkeeping is done manually.
- The court does all its public procurements without a procurement specialist.
- The training provided in public procurement is not enough to meet the needs of the court.

### Recommendations

- Consider purchasing accounting software and training the staff to use it.
- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Causeni District Court, situated in the town of Causeni, serves 89,140 inhabitants in the 43 localities that are part of Causeni District according to Law No. 764 of 27 December 2001 on the Administrative Territorial Organization of the Republic of Moldova.

According to its staffing plan, the court has 6 ordinary judges and 1 investigating judge. The total number of staff, except for judges, accounts for 24 persons. Those duties are instead performed by the court president and the adviser to the court president. The public relations specialist is also a court clerk.

Staff expenditures follow an upward trend. The court does all its public procurements without a procurements specialist. In 2011 both the face value and the real value of the allocations for operating expenditures increased. In 2011 the average operating cost for examining a case increased compared with the previous year and was slightly higher than the weighted average cost of a case examined for the country as a whole (see the detailed analysis in Chapter VI).

Causeni District Court was built in 1975 and covers 448.4 sq. meters on 2 levels. It was designed to be a courthouse. The building is in satisfactory condition, but its exterior, roof, water supply and sewerage systems and power system need to be renovated. The court plans to create a courtroom on the second floor and to build a garage.

The staff of Causeni District Court uses ICMS Version 2 which was installed in 2011, but they mentioned that there are issues with it including an uneven distribution of case files, slow speed and insufficient knowledge of all its options.

# CAUSENI DISTRICT COURT

*6, Stefan cel Mare Str., Causeni town,*

*Date of visit: 31 May 2012*

The staff makes audio recordings of court hearings held in the two courtrooms where recording equipment is installed unless the equipment breaks down or new court clerks are hired who do not know how to use it. During the documentation visit, it was mentioned that since there are three courtrooms for seven judges, it is not possible to hold all hearings in courtrooms. Turnover of court clerks, lack of training and legal requirements for written minutes in addition to recordings (overlapping) are among the reasons that not all hearings are recorded.

Specialists at Causeni District Court continue to keep a considerable number of registers, although amendments to the Guidelines have reduced the number required.

The total number of cases filed at Causeni District Court from 2009 to 2011 increased by 7 while the number of cases examined decreased by 310 with a case clearance rate of 80.8% in 2011.

The court has an information board for the public, and office doors have doorplates showing judges' names; however, there are no warnings that entry to the offices is not allowed.

Causeni District Court regularly updates its web page, and all menus have information of public interest; however, some menus are incomplete and others duplicate information.

# I. INFRASTRUCTURE

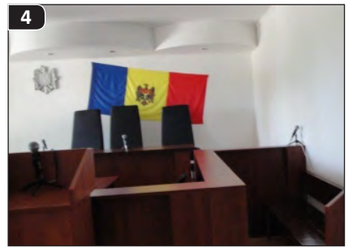
## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 4 | The exterior needs to be repaired. The front and back entrances require repairs as wel. |
| Water supply | 4 | The water supply is sufficient. The court is connected to the water supply according to a time schedule. Pipes are old. |
| Power supply | 4 | The electrical network is very old, but no repairs are planned. The problems with the electrical network are also caused by issues with the regional network. |
| Sewerage system | 4 | The system is old. There are problems with the pipes which often do not function properly; however, no repairs are planned. |
| Heating system | 4 | The heating system is based on gas. The pipes and radiators were replaced as part of the 2009 renovations. It has been mentioned that the boilers are in an unsatisfactory condition. In fact, an expert examination revealed that the boilers should not be used. |
| Firefighting system | - | None. |
| Roofing | 4 | The roof structure is shoddy; it has cracks that cause leaks inside. This has caused mold on the interior walls. No roof repairs are planned. |
| Interior | 3 | Some inside walls are moldy. The floors and ceilings have been fully renovated and seem to be in good condition. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

3

1


4

2

5

**Photo 1.** *Courthose façade*
**Photo 2.** *Courthouse façade*

**Photo 3.** *Back entrance*
**Photo 4.** *Courtroom*
**Photo 5.** *Archives*

## 1.2. CURRENT CONDITION

The assessment focused on a comparative analysis of the physical and operational condition of Causeni District Court in May 2012. The courthouse has 2 floors with a total area of 448.4 sq. meters. There are 19 offices, 1 public room and 3 courtrooms.

Causeni District Court benefits from the services of the judicial police during the day and has three night guards on staff.

Presently the building is in satisfactory condition. There are, however, some problems due to the penetration of water after rainfall which has caused mold to grow in most offices leaving a distinctive odor. To ensure proper ventilation of the building, it is recommended that a ventilation system be installed.

The water supply and sewerage systems are old and need to be replaced. The power system is in an unsatisfactory condition and does not allow the installation of air conditioning in all rooms. The archives are efficiently laid out in one room on the ground floor, but it is protected by only the door lock. Public access to the second floor is restricted. The chancellery has been transferred to a bigger office, but it is farther from the entrance. An office on the ground floor that used to be occupied by lawyers was vacated and transformed into a courtroom.

The functional area of Causeni District Court is appropriate for the work of a court of law except that there is no separate entrance and no separate room for detainees. Currently, detainees are taken to the courtroom through the front door and the public corridor. The courthouse has three courtrooms shared by seven judges. There are plans to arrange a fourth courtroom on the ground floor and a fifth one on the second floor.

Causeni District Court plans to build a garage for the court's car. At the same time, the court needs additional space for its clerks and for the increased number of staff when the law on judicial assistants for judges is implemented.

The condition of the ground floor is satisfactory. Most spaces have been renovated, including the archive space. The back side of the building, including the entrance, needs to be renovated. In the chancellery and the judges' offices, the ceilings and floors have been replaced and the walls have been painted. On the ground floor there are two restrooms, but they are not functional because the sewerage pipes are not connected to them. The main staircase of the courthouse has been totally renovated. Mold has grown on the walls, particularly in the chancellery.

On the second floor, the walls, ceilings, floors, windows and interior doors have been renovated. New furniture and light fixtures have been purchased, and new radiators have been installed. Though reparations were done in 2009, mold has grown on the walls due to a lack of ventilation. The server has been installed in a large room that is not used presently. The room has a window but no air conditioning.[2] There are plans to reconfigure this space into a courtroom and to create a separate back entrance for detainees. Natural lighting is good and all windows on this level are in good condition. The offices of the judges and of other employees are in a good state; however, in some places there is mold leaving a distinctive odor. The staff restroom is in good condition; access to it is restricted by a door that requires a key fob.

The heating system needs to be renewed. Though the pipes and radiators are new, the boilers cannot be used and need to be replaced.

The Causeni District Court has no alarm system. During the day, security is provided by the judicial police and at night by the staff guards.

The light fixtures were changed during the 2009 reparations.

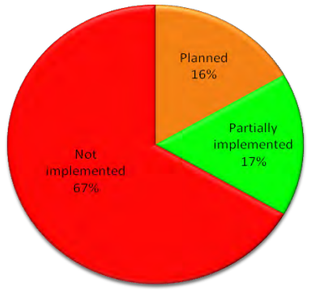
There are neither firefighting systems nor emergency lights.

The 2009 Infrastructure Assessment Report listed six priorities for capital repairs of which only one has been partially implemented (Table 1 and Graph 1). Although the chancellery was moved to a larger room, it is located farther from the courthouse entrance. Three court clerks have their work stations in the chancellery as there is no other space for them. There are plans to arrange a courtroom on the second floor and to ensure the ventilation of the LAN server room.

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2008 | Implementation stage in 2012 |
|---|---|
| Finalize current renovations of the interior and reconfigure spaces where possible. | Partly implemented. Spaces have not been reconfigured. |
| Repair and upgrade the appearance of the canopy and the entrance stairs. | Not implemented |
| Clean the exterior façade. | Not implemented |
| Replace the sewerage pipes. | Not implemented |
| Upgrade the electrical network of the building. | Not implemented |
| Install an air conditioner in the LAN server room. | Planned |

*Source: 2009 Infrastructure Assessment Report*




**Graph 1.** *Implementation of capital repair priorities in 2012*

[2] *There are plans to install one; however, because the power network is old, it does not allow continuous operation of an air conditioner.*

### Conclusions

- From 2009 to 2012, Causeni District Court made some renovations but not according to the recommendations of the 2009 Infrastructure Assessment Report.
- Some rooms in Causeni District Court such as the restroom on the ground floor need capital repairs.
- The exterior façade needs cleaning and renovation.
- There is no ventilation system in the courthouse; this has resulted mold and a distinctive odor.
- Regarding the priorities for capital works identified in 2009, it may be concluded that none of the recommendations in the 2009 Infrastructure Assessment Report has been fully implemented; 17 % of the recommendations have been partially implemented and 16% are still in the planning stage.

### Recommendations

- Replace the sewerage system and repair the affected areas.
- Install gutters and downspouts to drain water away from the building.
- Install a firefighting system.
- Remove moisture from the external walls.
- Renovate the building's interior and reconfigure the space.
- Relocate the chancellery and the public intake area on the ground floor closer to the main entrance to allow better public access.
- Relocate the archives.
- Create cells for detainees with restricted access.
- Build new restrooms on the ground floor.
- Improve the electrical power network of the building.
- Ensure ventilation of the LAN server room.
- Relocate the chancellery and public intake area close to the entrance, on the ground floor, which will enable proper public access.
- Create a case examination office for prosecutors and lawyers.
- Restrict access to detainee cells.
- Replace the boilers.

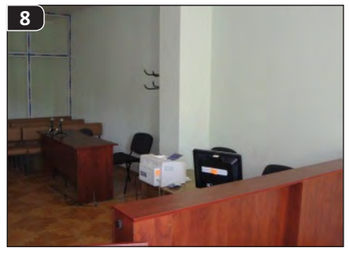



**Photo 6.** *Public room/benches*
**Photo 7.** *Chancellery*
**Photo 8.** *Courtroom*

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Causeni District Court has used the Integrated Case Management System Version 2 since 2009.

The Causeni District Court staff has mentioned some technical issues with ICMS, such as slow speed, uneven assignments and difficulties in using the search tool and saving trial participants. Table 2 has suggestions for modifications. CTS manages ICMS use and introduces new users.

After case files are registered, the clerical staff scans the civil and administrative ones in full but scans only the indictments from criminal case files.

The court does not have an information technology specialist; all technical problems are referred to CTS.

The court staff stated that CTS fixes problems but with delays alleging that their specialists are out of the office providing assistance to other courts. Thus, the general satisfaction of Causeni staff with services provided by CTS in 2012 can be rated a 4 out of 5.

**Table 2.** *Suggestions for modifying ICMS for Causeni District Court*

| No. | Suggestions for ICMS modification |
|---|---|
| 1. | Introduce the economic case file category. |
| 2. | Introduce indexes for the motions of the probation office and those of the enforcement officers. |

*Source: President of Causeni District Court*

## 2.2. AUDIO RECORDING SYSTEM

Causeni District Court has three courtrooms two of which have audio recording equipment and the corresponding software. The hearings held in those two courtrooms are recorded except for rare cases when the hardware breaks down or when new court clerks do not know how to use it. During the visit for documentation, it was stated that not all hearings can be conducted in courtrooms given that there are seven judges who share only three courtrooms. Audio recordings are kept on the court server; they are not copied onto CDs.

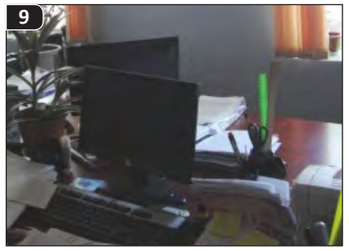
Since 2009 when the audio recording software and hardware have been in use, there have been no requests for audio recordings of hearings or for CDs with recordings.

Each courtroom door has a sign stating that court hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings,[3] the reason for recording court hearings is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. Court clerks do not use the audio recordings to ensure that the minutes are complete and accurate.

Among the technical issues they face, Causeni District Court employees reported that periodically it is not possible to use the audio recording equipment. Other issues include an insufficient number of courtrooms, the legislation requiring duplication of effort—written minutes and audio records—as well as insufficient numbers of staff.

[3] *SCM Regulation on Digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*



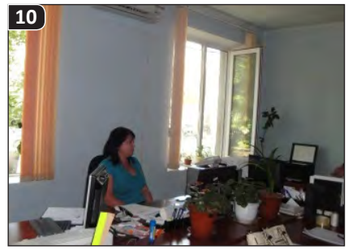




**Photo 9.** *Chancellery*
**Photo 10.** *Chancellery*

## 2.3. WEB PAGE OF CAUSENI DISTRICT COURT

Causeni District Court has a web page on which it posts information for the public; it is updated as needed by the adviser to the court president. At the time of our visit, this position was vacant; therefore the webpage has not been updated.

Table 3 shows the menus and their contents on the web page.

**Table 3.** *Content of the web page of Causeni District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the court president | – Welcome address |
| Jurisdiction | – Competence<br>– A file showing the localities under the jurisdiction of the Causeni District Court |
| Regulatory Framework | – Active links to basic acts that regulate the court's operation |
| Public Relations Service | – Full name of the public relations specialist and court contact data |
| Press Releases | – No information |
| News | – No information |
| Archive | – General information about the archive and the full name of the head of the archives |
| Organization | – A file with court's organizational chart |
| List of hearings | Information extracted automatically from ICMS |
| List of Case Files | Information extracted automatically from ICMS |
| Database of judgments | Information extracted automatically from ICMS<br>**The latest decision published is dated June 26, 2012** |
| Statistics | – A diagram without any information or figures |
| Information of Public Interest | – Active link to the section "*Bank Details*"/active links to the sections "Payment of State Fee" and "Payment of Fines" which contain bank details of the court<br>– Active link to section "*How to Enforce a Judgment*" which directs visitors to the webpage http://echitate.wordpress.com<br>– Active link to the category "*Statement of Claim*" which directs visitors to the website http://echitate.wordpress.com |
| Job Vacancies | – Announcement about the job vacancy of adviser to the court president |
| Links | – No information |

*Source: http://jca.justice.md/*

Table 3 shows that all menus present information of public interest about the work of the court, but sometimes information is duplicated. For instance, in the menu "Information of Public Interest" in the categories Payment of State Fee and Payment of Fines, information is duplicated and there is no information about the schedule for issuing judgments, the schedule for admitting citizens, etc. In the "Statistics" menu, there is a diagram that contains no data or notes. In the menu "Jurisdiction" there is a link to a Word document with information about the localities under the jurisdictions of the Causeni District Court; to facilitate public access, it is recommended to post this information directly on the website.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Causeni District Court has sufficient equipment to properly carry out its activities. Table 4 shows the type of equipment, the number of items and the equipment needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Server | 1 | - |
| Computers | 23 | 5 |
| Printers | 19 | - |
| Scanners | 2 | 7 |
| Audio recording sets | 2 | 3 |
| Copiers | - | 3 |
| Air conditioners | - | 17 |

*Source: Causeni District Court*

### Conclusions

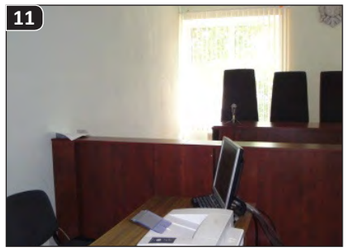
- When using ICMS Version 2, the staff of Causeni District Court faces the problems of uneven case assignments and insufficient knowledge of its options.
- The staff of Causeni District Court uses the audio recording system during court hearings in the two courtrooms in which it is installed.
- All audio recordings are stored on the server but are not copied onto CDs.
- To improve the work of Causeni District Court, the following equipment is necessary: 5 computers, 7 scanners, 3 sets of audio recording equipment, 3 copiers and 17 air conditioners.
- Causeni District Court does not use the web page content management system presently. Menus are partially complete with information of public interest about the activities of the court. Sometimes the title of a menu does not match its content.

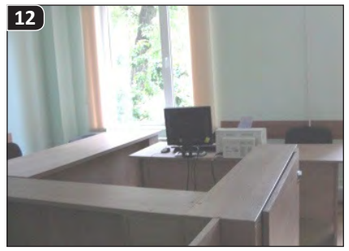
### Recommendations

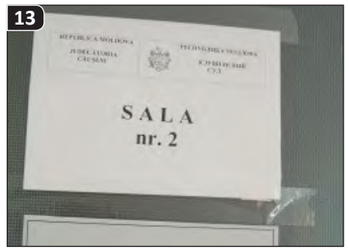
- Introduce the position of information technology specialist in the court staffing plan.
- Conduct a comprehensive analysis of the random case assignment module to identify problems and inconsistencies.
- Install ICMS Version 3.
- Train staff to use all options of ICMS Version 3.
- Ensure that all hearings are held in courtrooms by making the number of courtrooms proportional to the number of judges and provide training in efficiently scheduling case hearings.
- Review the laws and regulations in force to remove duplicate record keeping requirements to register witnesses' declarations on paper when a hearing is audio recorded.
- Establish the practice of deleting audio recordings from the server in accordance with SCM regulations.[4]
- Supplement the website with information of public interest.
- Ensure the uniformity of the font and colors used on the web page.
- Avoid duplication of information on the website.

[4] *SCM Regulation on digital Audio Recording of Court Hearings, approved by Decision No. 212/8 of 18 June 2009.*

**Photo 11.** *Courtroom*
**Photo 12.** *Courtroom*
**Photo 13.** *Inscription on a courtroom door*



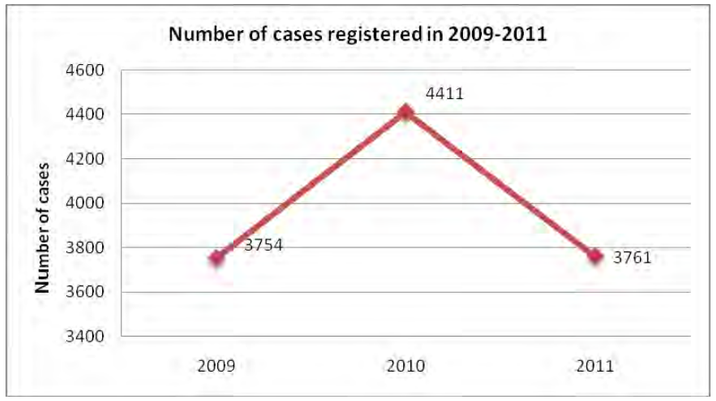
# III. WORK OF CAUSENI DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The workload at Causeni District Court from 2009 to 2011 was assessed based on the total number of cases registered, the total number of cases examined, the number examined by type of case, the case backlog at the end of the year and the case clearance rate.

Graph 2 shows the total number of cases filed at Causeni District Court increased from 3754 in 2009 to 3761 in 2011.

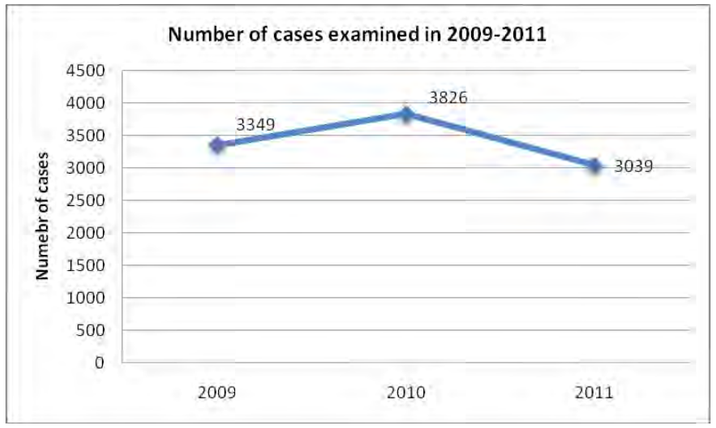
**Graph 2.** *Number of cases registered at Causeni District Court from 2009 to 2011*




*Source: DJA*

According to the data, the total number of cases examined decreased from 3349 in 2009 to 3039 in 2011 (Graph 3).

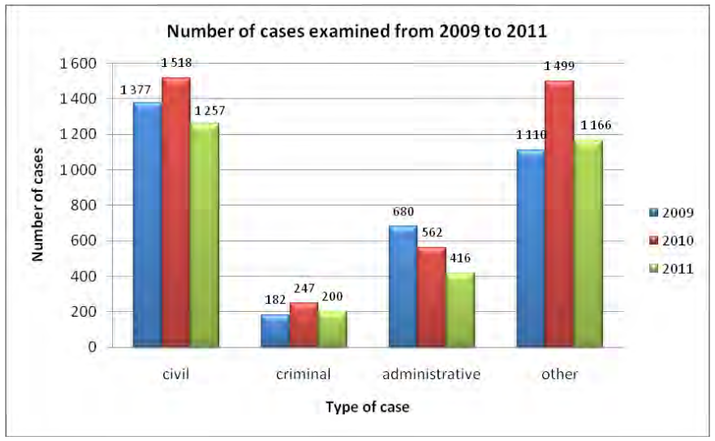
**Graph 3.** *Total number of cases examined at Causeni District Court from 2009 to 2011*




*Source: DJA*

Graph 4 shows that from 2009 to 2011, the number of civil cases examined decreased from 1377 to 1257, the number of criminal cases examined did not change significantly and the number of administrative cases decreased from 680 to 416.

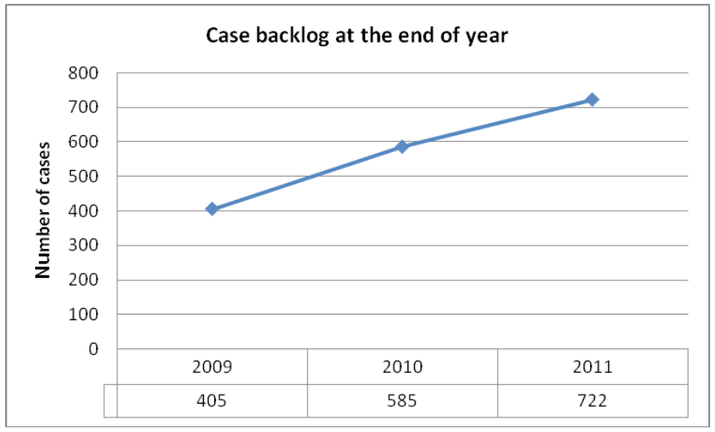
**Graph 4.** *Number of cases examined at Causeni District Court from 2009 to 2011by type of case*




*Source: DJA*

The analysis of the case backlog at Causeni District Court showed an increase from 405 in 2009 to 722 in 2011 (Graph 5).

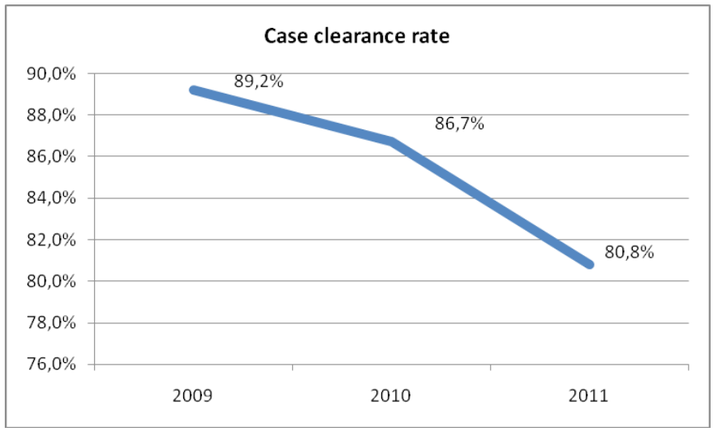
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Causeni District Court decreased from 89.2% in 2009 to 80.8% in 2011 (Graph 6).

**Graph 5.** *Case clearance rate from 2009 to2011*




## 3.2. ORGANIZATION OF ACTIVITIES

Causeni District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice and analyzing judicial statistics and perform other duties as needed for the normal run of activities.

The chancellery is located on the ground floor but is not close to the entrance. Its staff includes two court clerks and one coordinating specialist who combines this position with that of court clerk. Court clerks are responsible for scanning documents from case files and registering cases in ICMS and on paper. The chancellery maintains the registers listed in Table 5.

**Table 5.** *List of registers used by Causeni District Court chancellery*

| Register Category | Register title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Presentations of the probation office<br>4. Literature |
| ***Civil*** | 1. Index of civil case files<br>2. Incoming civil complaints<br>3. Civil case files<br>4. Cases examined under ordinary civil procedures<br>5. Cases examined under simplified civil procedures<br>6. Cases examined under revised procedures<br>7. Economic case files<br>8. Case referral to judges<br>9. Record card |
| ***Criminal*** | 1. Index of criminal case files<br>2. Criminal case files<br>3. Complaints against criminal investigation bodies<br>4. Physical evidence<br>5. Record card |
| ***Administrative*** | 1. Administrative case files<br>2. Index of administrative case files<br>3. Motions to extend the term of preventive measures<br>4. Complaints against the decision of extra-judiciary bodies in administrative cases.<br>5. Warrants (of arrest, search) |

*Source: Causeni District Court chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may be entered three or four times in various records as Table 6 shows.

**Table 6.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Register of incoming mail, Register of case referral to judges, Register of case files (civil, administrative, economic), etc. |
| Plaintiff's name | ICMS | Action record card | Register of cases |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index, Register of case referral to judges |
| Defendant's contact information | ICMS | Action record card | Index |
| Case file category | ICMS | Action record card | Register of civil case files, Index, Register of case referral to judges |
| State duty | PIGD | Action record card | Register of civil case files |
| Circulation of the case file within the court | PIGD | Action record card | Register of civil case files, Register of case referral to judges |
| Essence of the case | ICMS | Action record card | |

*Source: Causeni District Court chancellery specialists*

The chancellery keeps more registers than the Guidelines require.[5]

The archives of Causeni District Court are efficiently laid out in one room located on the ground floor; however, there are no signs to guide visitors to them. The archives are well located, of sufficient size and files are kept in order. The archive space is in good condition but has no ventilation system. Physical evidence is kept in a separate room for which no proper security is provided.

## *Conclusions*

- The number of cases filed at Causeni District Court increased by 0.2% from 2009 to 2011.
- The number of cases examined decreased by 9. 3% from 2009 to 2011.
- The number of civil cases examined from 2009 to 2011 decreased by 120, the number of criminal cases increased by 18 and the number of administrative cases decreased by 264.
- The case backlog increased by 317 from 2009 to 2011.
- The case clearance rate decreased by 8.4% from 2009 to 2011.
- There is duplication of effort because the laws and the instructions on secretarial work require both paper and digital registers.

## *Recommendations*

- Install a ventilation system in the archive room and signs to it to guide visitors.
- Relocate the chancellery and build a public intake area on the ground floor.
- Review in-house procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.
- Use the electronic statistical reporting module in ICMS Version 3.

[5] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

Causeni District Court has 9 judges (according to the approved staffing plan). The total number of staff, except for judges, accounts for 24 persons.

The court staffing plan does not include the position of human resource specialist. In practice, these duties have been performed by the court president and the adviser to the court president. Before this position was introduced, human resources used to be managed by the court president and the head of the chancellery.

Causeni District Court has a public relations specialist, but he does not carry out his duties according to the job description; instead, he performs the duties of a court clerk.

Court employees are either civil servants or technical staff. Civil servants include the adviser to the court president, court clerks, translators, consultants and the accountant. Technical staff includes cleaners, workers, etc. Vacancies are posted on the court's information board, on its website and in the local newspaper. The court president conducts the interviews, selects candidates and prepares the employment orders. New employees must serve a 6-month probationary period. The court president explained that for the position of court clerk or consultant, candidates are approved without any written tests due to their serious staff shortage.

Causeni District Court has job descriptions for the positions of adviser to the court president, chief accountant, consultant, head of the chancellery, head of archives, court clerk and translator.

**Table 7.** *Staffing scheme of Causeni District Court*

| No. | Position | Current number | Vacant positions |
|---|---|---|---|
| 1. | Judge | 6 | - |
| 2. | Investigating judge | 1 | - |
| 3. | Adviser to the court president | 1 | 1 |
| 4. | Chief accountant | 1 | - |
| 5. | Consultant | 2 | - |
| 6. | Head of the chancellery | 1 | - |
| 7. | Specialist | 1 | - |
| 8. | Court clerk | 7 | - |
| 9. | Translator | 1 | - |
| 10. | Coordinator specialist | 1 | - |
| 11. | Head of Archives | 1 | - |
| 12. | Archivist | 1 | - |
| 13. | Driver | 1 | - |
| 14. | Cleaner | 1.5 | - |
| 15. | Courier | 0.5 | - |
| 16. | Guard | 3 | - |
| 17. | Courtyard cleaner | 1 | - |
| | **TOTAL** | **31** | **1** |

*Source: Accounting office of Causeni District Court*

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ, and, as reported at the visit, in 2011 all judges of Causeni District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. The court does not subscribe to any private legislative databases. For legal research and reference, the judges use the free legislative database on the Ministry of Justice's web page.

Causeni District Court subscribes to the following publications: *Official Gazette, Buletinul CSJ (Bulletin of SCJ), Contabilitate şi audit (Accountng and Auditing), Revista națională de drept (Natinal Law Magazine), Dreptul (Law), Economiceskoe Obozrenie (Economic Overview)* and *Causeni (a newspaper).*

Court staff other than judges did, however, mention that the last time they were trained by NIJ was two years ago, and the court has not conducted any in-house training for them.

### *Conclusions*

- Causeni District Court does not have a human resource specialist.
- Human resource management is carried out by the court president and the adviser to the court president.
- The court has a public relations specialist but he functions as a court clerk.
- There is no system for internal staff training.

### *Recommendations*

- Employ a human resource specialist and train him/her.
- Train the public relations specialist.
- Organize internal training for the court staff so they can solve problems they face in the performance of their duties.

## V. SERVICES FOR THE PUBLIC

Causeni District Court lacks an information office or information windows at or near the court entrance. The office of the public relations specialist (who combines this position with that of a court clerk) is situated on the ground floor within the chancellery; there are no signs at the entrance guiding the public to the office. There are also no signs guiding visitors to the chancellery or to the archives or warning that entry to the judges' offices is not allowed.

The building has a board at the entrance with the following information:

- List of cases scheduled for trial that is not printed automatically from ICMS, but prepared manually in Word;
- Instructions on access to Causeni District Court which contains rules of conduct for the participants in a trial and third parties.

Three times a week—Monday, Wednesday and Friday—parties and other trial participants may request copies of judgments by filling out an application at the chancellery. The application is forwarded to the court president for approval. If the application is approved, the applicant pays the state fee for the copy. With confirmation of payment, the applicant may pick up a copy of the judgment at the archivist's office. For applicants who come from long distances, the copies are issued on the same day. For other categories of persons, the average time is 2-3 days.

### *Conclusions*

- There is no one-stop-shop for public information.
- There are no clear signs showing the way to the office of the public relations specialist, chancellery or archives.
- The information board for the public at the entrance contains some information to help visitors orient themselves.
- The chancellery of Causeni District Court is situated on the ground floor of the building but is not close to the entrance. Its location is inconsistent with the general rules for court configuration.
- The procedure for getting copies of judgments requires the approval of the court president who has to make time to examine, approve or reject applications.

### *Recommendations*

- Locate the chancellery closer to the entrance and create a one-stop-shop for getting information and for filling in/receiving documents.
- Install clear signs showing the way to the office of the public relations specialist, the chancellery and the archives.
- Simplify the procedure for getting copies of judgments by sparing the court president the obligation to approve applications and by training the chancellery specialists correspondingly.
- Post more comprehensive information of public interest on the information board such as announcements about the launch of the court website, information about the right of parties involved in a case to request the audio recording of hearings and CDs with copies of the recordings, news about the judicial system, information about the state fee, samples of applications etc.

**Photo 14.** *Board with the list of hearings*
**Photo 15.** *Information board*

# VI. BUDGET AND PROCUREMENTS

Every year, as any Moldovan court, Causeni District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which receives the ceilings for the entire judiciary from the Ministry of Justice. The latter are established and approved together with the Ministry of Finance.

The ceiling is set for the following two expenditure categories:

1) Current expenses (staff, others),

2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by DJA while capital expenses are determined by each individual court after negotiations with DJA. Other expenses are calculated on the basis of the previous budget year adjusted as per the inflation rate predicted for the next budget year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET (basic component)

The budget of Causeni District Court is divided in six categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power supply, gas supply, water supply and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[6]

From 2010 (spent) to 2012 (approved), the budget of Causeni District Court increased from MDL 1.4 million in 2010 to abut MDL 1.9 million planned for 2012.

A comparison shows that in 2011, the court budget practically did not change compared with 2010. Table 8 shows that expenses for repairs decreased by 74% and those for utilities – by 21%. The decrease in expenses for repairs can be explained by the fact that in 2010 Causeni District Court had capital repairs, while in 2011 it had only current repairs. The table shows that the court saved on utilities, perhaps, to finance operating expenses or to purchase fixed assets. For 2012 the court's budget increased by 30% compared with 2011. Actually, this increase was mostly due to increase in the appropriations for fixed assets. In 2012 the court purchased a car. Another notable increase was in the expenses for repairs. Thus, this year the court will receive twice as many funds as in the previous year.

**Table 8.** *Budget of Causeni District Court by type of expense (2010-2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 1,070,333 | 1,108,210 | 4% | 1,306,700 | 18% |
| Repairs | 79,071 | 20,468 | -74% | 50,000 | 144% |
| Utilities | 103,400 | 82,116 | -21% | 95,000 | 16% |
| Fixed assets | 34,000 | 40,200 | 18% | 210,000 | 422% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 163,460 | 194,616 | 19% | 215,900 | 11% |
| **Total** | **1,450,264** | **1,445,610** | **0%** | **1,877,600** | **30%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

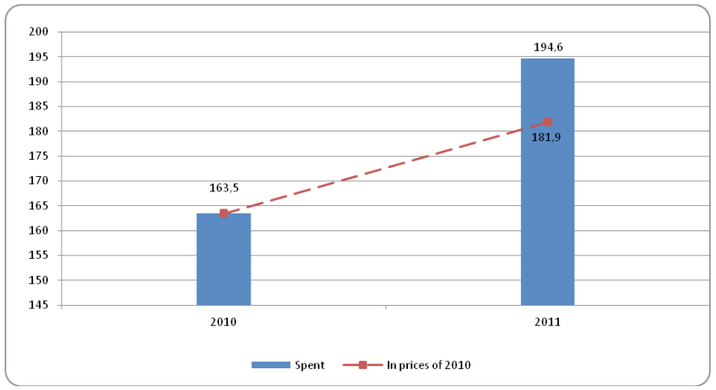
## 6.2. STAFF EXPENSES

Staff expenditures represent approximately 70% of the total budget and increase year on year. Due to the fact that remuneration is governed by law and regulations, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

In 2010 and 2011 both the face value and the real value of operating expenditures increased. Their face value increased from MDL 163.5 thousand to MDL 194.6 thousand, which represents a reduction of about 19%. Their real value increased by approximately 11%, taking into account that in 2011 the inflation rate was 7%.[7] MDL 194.6 thousand in 2011 is equivalent to 181.9 thousand in 2010; hence, the real value of operating expenses increased by approximately MDL 18.4 thousand.

**Graph 7.** *Operating expenses for Causeni District Court in 2010 and 2011*




[6] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

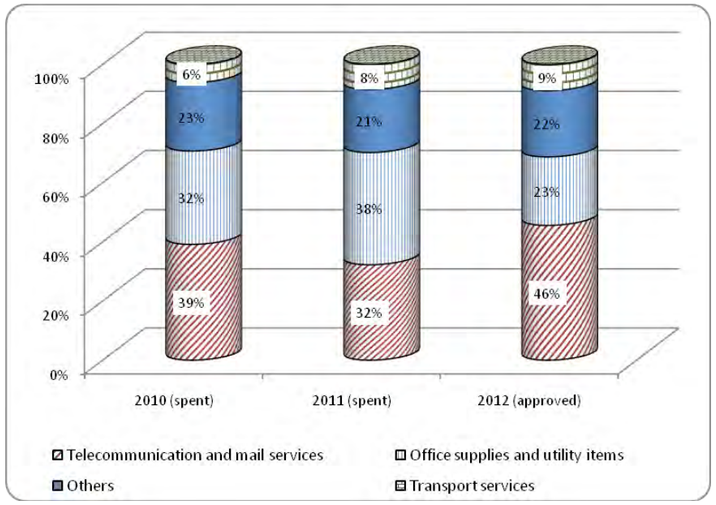
[7] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

In terms of structure, there are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that the share of telecommunications and mail expenses in total of operating expenses decreased by 7% in 2011 compared with 2010.

The share of office supplies and utility items in total of operating expenses, on the contrary, increased by 6% compared with 2010. For 2012 the share of telecommunications and mail expenses increased by 14%, while the expenses for office supplies and utility items were planned with a 15% decrease in total operating expenses. Thus, we can state that Causeni District Court increased funds for one category at the expense of another and vice versa proportionally. As for transport expenses, they slightly decreased from 6% in 2010 to 9% planned in 2012.

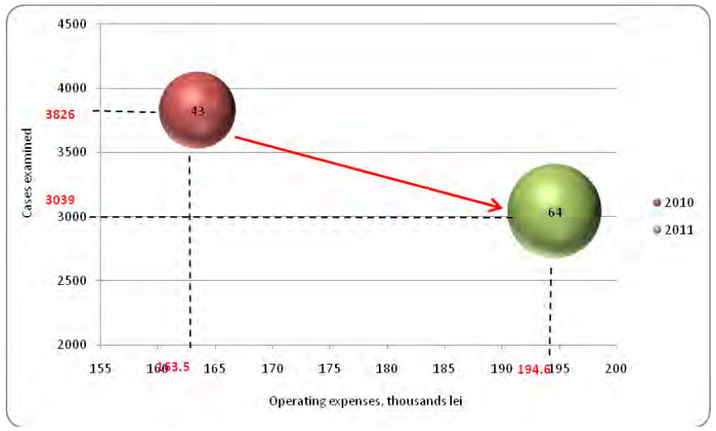
Expenses for telecommunications and mail are worth attention because approximately 70% of total operating expenses are planned for stamps. In money terms this means that in 2010 the court spent MDL 45 thousand for stamps, in 2011 – MDL 44 thousand, and in 2012 it plans to spend MDL 68 thousand.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase of operating expenses in 2011 compared with 2010 can be explained by a few factors. This increase is certainly not due to the increase in the number of cases examined. Their number was 3039, by 787 less than in 2010.

Comparing the operating expenses with the number of cases examined, we can see that in 2010 the average cost for examining a case was approximately MDL 43 while in 2011 it was of MDL 64 (see Graph below).

**Graph 9.** *Comparative analysis of the average operating cost/case in Causeni District Court*



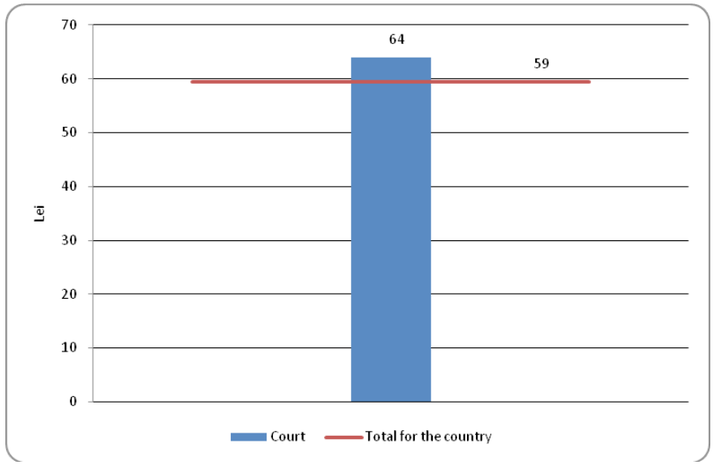

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The increase of the average cost per case examined can be explained by the reduction of cases examined and a concurrent increase in the operating expenses.

## 6.6. AVERAGE OPERATING COST PER CASE IN CAUSENI DISTRICT COURT COMPARED WITH THE WEIGHTED AVARAGE COST FOR THE COUNTRY

To determine whether the cost of MDL 64 per case examined in 2011 is high or low it should be compared with the weighted average cost of a case examined at the national level. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Causeni District Court and the weighted average cost per case examined at the national level*




As shown in the Graph above, in 2011 the average cost per case examined in Causeni District Court was slightly higher than the weighted average cost per case examined at the country level.

## 6.7. AUTOMATION OF THE ACCOUNTING RECORDS KEEPING

Causeni District Court does its accounting automatically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by one person: the chief accountant. This person does not have professional qualifications in public procurement. Since public procurement legislation is continuously changing, they should receive training at least every 6 months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to possible discounts for procuring a larger number of cars. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of the postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011 the budget of Causeni District Court, including the funds for operating expenses, increased in real terms.
- In 2011 the court examined fewer cases than in 2010, but received more funds, which indicates that there is no direct correlation between financing operating expenses and the number of cases examined.
- The average cost per case examined was slightly higher than the weighted average cost per case examined at the country level.
- Mail expenses account for a large share of total operating expenses.
- All public procurements are made without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing the postage meters, which would allow reducing the expenses for this purpose. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Ceadir-Lunga District Court, situated in town of Ceadir-Lunga, serves 45,000 inhabitants in the 9 localities that are part of Ceadir-Lunga District according to Law No. 764 of 27 December 2001 on the Administrative-territorial Organization of the Republic of Moldova.

According to its staff roster, Ceadir-Lunga District Court has 4 judges, 1 investigative judge, 11 public servants and 20.5 technical staff. Ceadir-Lunga District Court has no human resource specialist; those duties are performed by the court president and the adviser to the court president. The court has a public relations specialist whose office is on the third floor of the building.

Staff expenditures follow an upward trend. The court does all its public procurements without a procurements specialist. Although in 2011 the face value of the allocations for operating expenditures increased, their real value decreased. In 2011 the average operating cost for examining a case increased compared with the previous year and was higher than the weighted average cost of a case examined for the country as a whole (see the detailed analysis in Chapter VI).

The former Ceadir-Lunga District Court was constructed in 1918 and was designed to be a school. The court moved there in 1978. The facility was located on the main street in the center of the town in the neighborhood of the police station. In 2009, the building was in very poor condition. As capital repairs would not be cost effective, a new courthouse was commissioned.

The construction of the new building for Ceadir-Lunga District Court started in 2009. It has 3 storeys and a basement. The design took into account the standards for designing courthouses (CP C.01.04 - 2007), as well as a survey of buildings in Turkey.

# CEADIR-LUNGA DISTRICT COURT

*112/3, Lenin Str., Ceadir-Lunga Town*

*Date of the visit: 25 June 2012*

The new Ceadir-Lunga District Court has a total area of 1600 sq. meters. It is in very good condition. The court facade, electrical system, heating system, sewerage and the archive rooms are new.

The Ceadir-Lunga District Court staff uses Version 2 of ICMS, which was installed in 2011. They mentioned the inequitable distribution of cases and the slow speed of ICMS as problems.

The staff audio records all hearings held in the three courtrooms where audio recording equipment is installed. It was mentioned during the assessment visit that it is not possible to record all court hearings given that two of the five courtrooms do not have the equipment. A lack of training, as well as the legal provisions stipulating both writing minutes on paper and audio recording hearings (i.e. duplication of work) also negatively affect the frequency of recording court hearings.

The specialists at Ceadir-Lunga District Court continue to keep a considerable number of registers even though amendments to the Guidelines reduced the number required.

The total number of cases registered at Ceadir-Lunga District Court increased by 6 from 2009 to 2011, while the number of cases examined decreased by 88 during the same period with a case clearance rate of 91.3% in 2011.

There is an information board in the courthouse, but the doors of judges' offices do not have plaques stating the name of the judge and that citizens' access to their offices is prohibited. Judges' offices are located on the third floor where the access of the public is restricted.

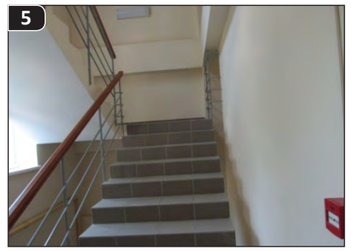
Ceadir-Lunga District Court periodically updates its website, and some menus have information of public interest though information is missing sometimes or the name and content are inconsistent.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 1 | The facade was completed in 2011. |
| Water supply | 1 | The centralized water system has acceptable pressure. |
| Power supply | 1 | The electrical system was finished in 2011. Three phases were installed and the system was grounded. |
| Sewerage system | 1 | The sewerage system is connected to the town system and in 2011 was completely replaced. |
| Heating system | 1 | The heating system installed in 2011. Two boilers with thermostats were installed. The boiler room is in the basement of the court. It was also renovated in full. |
| Firefighting system | 1 | There are fire extinguishers throughout the building. |
| Roof | 1 | The roof is new and is covered with metal sheeting. |
| Interior | 1 | The offices are in very good condition. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.



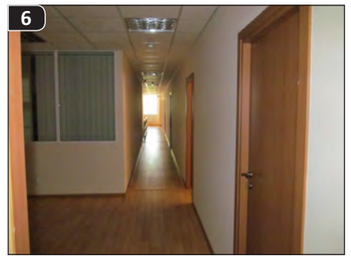



**Photo 1.** *Exterior of Ceadîr-Lunga Court*
**Photo 2.** *Video surveillance system*
**Photo 3.** *Paved area of the court*
**Photo 4.** *Entrance to the basement*
**Photo 5.** *Public stairs*
**Photo 6.** *Corridor*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational conditions of Ceadir-Lunga District Court as of June 2012.

Ceadir-Lunga District Court consists of three storeys and basement with a total area of 1600 square meters. There are 21 offices, 2 public rooms and 5 courtrooms. The building is in very good condition. The court facade, electrical system, heating system, sewerage and the archive rooms are new.

A video security system was installed in 2011 after finishing the construction of the building. In addition, security is provided by a judicial police officer on each floor who works from 8:00 to 17:00. At night and on weekends, security is provided by the state guard service. The court is also fitted out with a firefighting system and eight surveillance cameras inside the courthouse and eight outside it.

The former courthouse was built in 1918 and was designed to be a school. The facility was located on the main street in the center or the town in the neighborhood of the police station. In 2009 the building was in very poor condition; capital repairs were deemed not to be cost effective, so a new courthouse was constructed staring in 2009. The design took into account the standards on designing courthouses (CP C.01.04 - 2007) and a survey of buildings in Turkey.

The courthouse has centralized water and sewerage systems that were completely renovated in 2011.Central air conditioning was also installed. The power supply and heating systems were installed when the building was built; they are currently in very good shape.

The archives are located on the first and second floors. The room on the first floor is fitted out with air conditioning and metal shelves and houses the files from the current and previous year to facilitate access while the room on the second floor stores older files that are seldom used.

The rooms for lawyers to study cases or to hold conferences with witnesses or parties to a case are located at the court entrance where there is also a cloakroom with hangers and a desk.

The court has 5 courtrooms with deliberation rooms on the first and the second floors, but they need to be fitted out with equipment. Offices for judges, clerks and of other staff are located on the third floor which ensures there is no public access to them. The building has an elevator and restrooms for the public and for court staff on every floor. The functional space of Ceadir-Lunga District Court is suitable for the activity of a law court.

The interior finishing on the first floor of the building was completed in 2010 and 2011 when the windows, doors and ceilings were installed; the walls and floor were finished; lighting fixtures were installed and furniture was procured. In 2011, five separate cells for detainees equipped with toilets and sinks were established in the basement.

All offices on the second floor were finished in 2010 and 2011 and are in a very good condition. Most of rooms have new furniture, procured after construction finished.

All offices of the court are connected to the central air conditioning system and have thermostats.

There is a modernly furnished conference room on the second floor that is used for meetings of the court staff.

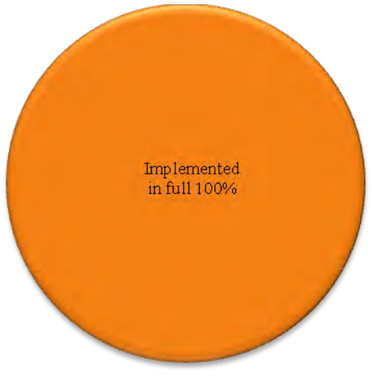
The 2009 Infrastructure Assessment Report recommended only one priority: to construct a new building which was done (Table 1 and Graph 1).

**Table 1.** *Implementation of the capital repair priorities identified in 2009*

| Priorities for capital repair in 2009 | Implementation stage in 2012 |
|---|---|
| Construct a new building for the court. | Implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of the 2009 capital repair priorities in 2012*

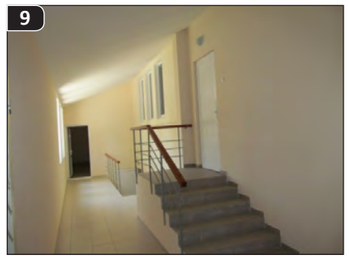


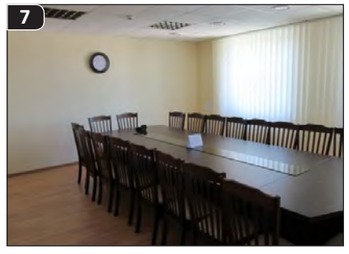

### Conclusions

- Between 2009 and 2012, the recommendation of the 2009 Infrastructure Assessment Report on Ceadir-Lunga District Court was implemented.
- All rooms of the courthouse are new.
- Construction was based on recommendations and priorities stated in the 2009 Infrastructure Assessment Report.
- ROSLIP estimated that 100% of the 2009 recommendations have been implemented.

### Recommendations

- Build a garage.
- Locate the office of the public relations specialist at the entrance to the court.



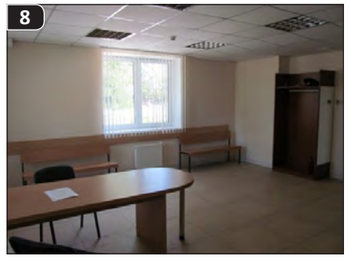


**Photo 7.** *Conference room*
**Photo 8.** *Room for lawyers*

**Photo 9.** *Basement*
**Photo 10.** *Boiler room*
**Photo 11.** *Room for detainees*

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Ceadir-Lunga District Court staff has used ICMS since 2009; Version 2 was installed in 2011.

The server room is quite large and is air conditioned. A voltage regulator is needed, however, as the voltage fluctuates frequently. The server functions poorly, heats quickly and is very noisy.

In order to create electronic files, documents are scanned. After the files are registered, chancellery staff scans all documents attached to statement of claim in civil cases; indictments and the lists of file materials in criminal cases and everything in administrative cases. They say that scanning takes too much time because the chancellery staff has only one small, slow scanner.

ICMS is the primary information source for parties in a case. If information is not found in the ICMS, case documents or the registers kept by chancellery are consulted as needed.

The court does not have an information technology specialist, so CTS is always contacted when problems arise. As the court staff said, the services CTS provides are good quality and are provided within reasonable timeframes. The staff of Ceadir-Lunga District Court rated their satisfaction with the services provided by CTS in 2012 as 4 out of 5.

**Table 2.** *Suggestions for modifying ICMS*

| No. | Suggestions for ICMS modification |
|---|---|
| 1. | Adjust the distribution menu to the requirements and Regulations on the Distribution of Cases in the Courts |
| 2. | Increase the speed. |

*Source: President of Ceadir-Lunga District Court*

## 2.2. AUDIO RECORDING SYSTEM

Ceadir-Lunga District Court has five courtrooms three of which have audio recording equipment and software. The courtrooms have deliberation rooms and restrooms. During the assessment visit, the staff mentioned that not all the hearings are recorded given that they have three sets of equipment and five courtrooms. Moreover, the court president mentioned that the equipment often does not function as it stops during the hearing and the recordings are not saved. There are also frequent power outages and although the UPS units are functional, they do not ensure that recordings are saved.

Since 2009 when the audio recording equipment and software were installed, only 1% of the parties involved in cases have requested the CDs on which their recordings are stored. Despite that small number, the president stated that all hearings taking place in the courtrooms where the equipment is installed are recorded.

The courtroom doors do not have plaques stating that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings, the purpose is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court operations. Whenever court clerks make audio recordings of hearings, they use them to make sure the minutes are complete and accurate.[2]

The court stores the recordings on its server and deletes them as instructed in the regulations.

The problems with the system are insufficient equipment for the existing courtrooms and the legislation that requires recording transcripts of hearings on paper and in digital format.

[2] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*

12

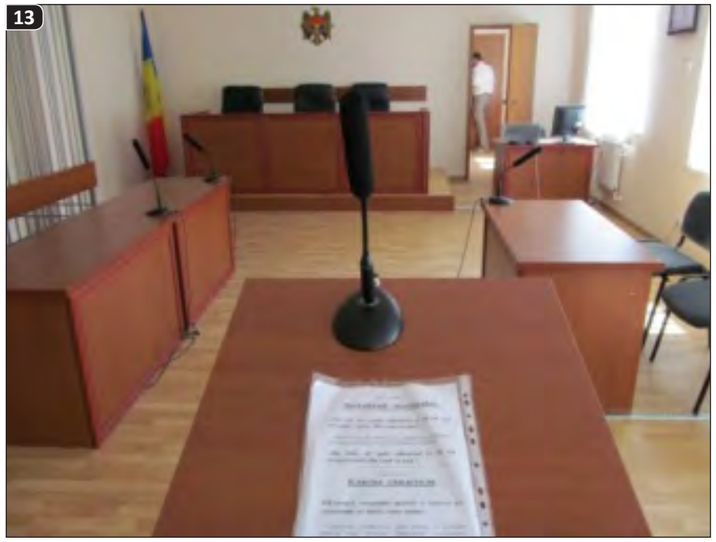
13


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**Photo 12.** *Inscription on a courtroom door*
**Photo 13.** *Audio recording equipment*
**Photo 14.** *Courtroom*

## 2.3. WEB PAGE OF CEADIR-LUNGA DISTRICT COURT

Ceadir-Lunga District Court has a website where information for citizens is posted that is maintained by the coordinating specialist who also updates the web page as necessary. Table 3 shows the menus for the web page of Ceadir-Lunga District Court and their completeness.

**Table 3.** *Content of the web page of Ceadir-Lunga District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the President of the Court | – Message of the president<br>– Photo of the president |
| Competence | – Competence of Ceadir-Lunga District Court<br>– Information on localities falling under the jurisdiction of Ceadir-Lunga District Court |
| Regulatory Framework | – Table with 14 main regulatory acts that govern the activities of the court<br>– List of three additional regulatory acts |
| Public Relations Service | Information about the public relations specialist |
| Press Releases | No information |
| Archives | – "*Links*," which contains no information;<br>– "*News*," which contains no information; |
| Organization | Organizational chart |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>**The latest judgment was posted on 13 August 2012** |
| Statistical Records | No information |
| Information of Public Interest | No information |
| News | Includes the link "*Vacancies*," which contains no information. |

*Source: http://jcg.justice.md/*

Some menus have information of public interest about Ceadir-Lunga District Court that is sometimes accompanied by pictures, illustrations and graphs; however, sometimes the menu title and its content are inconsistent and some have no information at all. For instance, "Archives" includes the sub-menu "*Links*," which contains no information and does not correspond to the title. The menu "*Regulatory Framework*" includes several judicial regulatory acts, but the links are not active. To facilitate citizens' access to these regulatory acts, it would be better to have active links in this menu.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Ceadir-Lunga District Court has sufficient equipment for its proper operation. Table 4 shows the equipment category, the number of existing items and the equipment needed as per court staff.

**Table 4.** *Equipment inventory and equipment needs*

| Equipment item | Number of items | Needed |
|---|---|---|
| Computers | 23 | 18 |
| UPS | 8 | 28 |
| Copier | 1 | - |
| Printer | 15 | 5 |
| Server | 1 | - |
| Scanner | 6 | 2 |
| Multifunctional scanner | - | 1 |
| Audio recording equipment | 3 | 2 |
| Fax | - | 2 |
| Cooler OM | - | 3 |
| Voltage regulator | - | 1 |
| Electronic monitor | - | 1 |

*Source: Ceadir-Lunga District Court*

### Conclusions

- When using IMCS Version 2, the staff of Ceadir-Lunga District Court faces issues of inequitable distribution of files, the slow speed of ICMS and power outages.
- The Ceadir-Lunga District Court staff audio records all hearings held in the three courtrooms where audio recording equipment is installed.
- The following is needed to improve the functioning of Ceadir-Lunga District Court: 18 computers, 28 UPS units, 5 printers, 2 scanners, 1 voltage regulator, 1 electronic monitor, 3 water coolers and 2 sets of audio recording equipment for 2 courtrooms.
- Ceadir-Lunga District Court uses the website content management system. The information posted is sometimes accompanied by pictures, illustrations and graphs; however, sometimes the menu title and its content are inconsistent, and a number of menus have no information at all.

### Recommendations

- Ensure an uninterrupted power supply.
- Procure enough audio recording equipment and software sets for each courtroom.
- Eliminate technical issues in using the audio recording equipment and software.
- Use the court hearings audio recording system in all court rooms.
- Fill the menus of the website with information of public interest and update them regularly.
- Arrange the information on the web page according to menu titles.

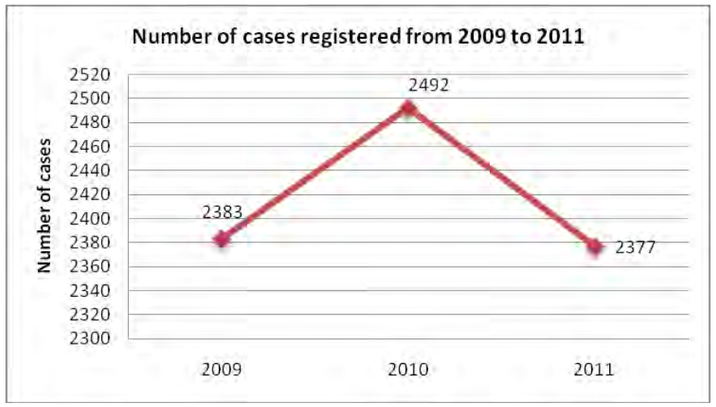
# III. WORK OF CEADIR-LUNGA DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The workload of Ceadir-Lunga District Court was analyzed from 2009 to 2011 by the total number of cases registered, the total number of cases examined, the number examined by type of case, the year-end backlog and the case clearance rate.

Graph 2 shows that the total number of filed cases decreased from 2383 in 2009 to 2377 in 2011.

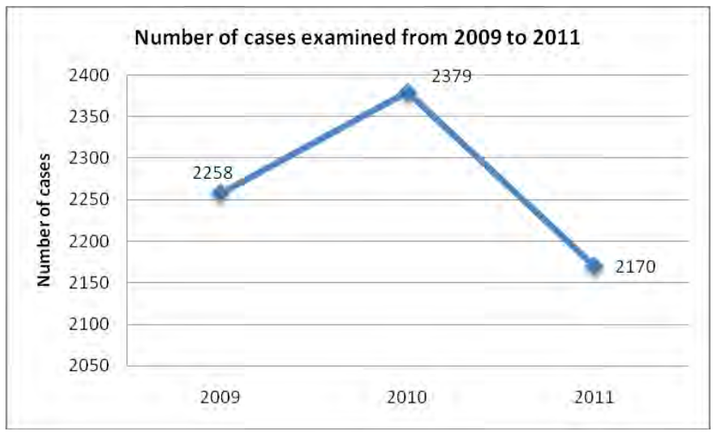
**Graph 2.** *Number of cases registered in 2009-2011*




*Source: DJA*

The total number of cases examined decreased from 2258 in 2009 to 2170 in 2011 (Graph 3).

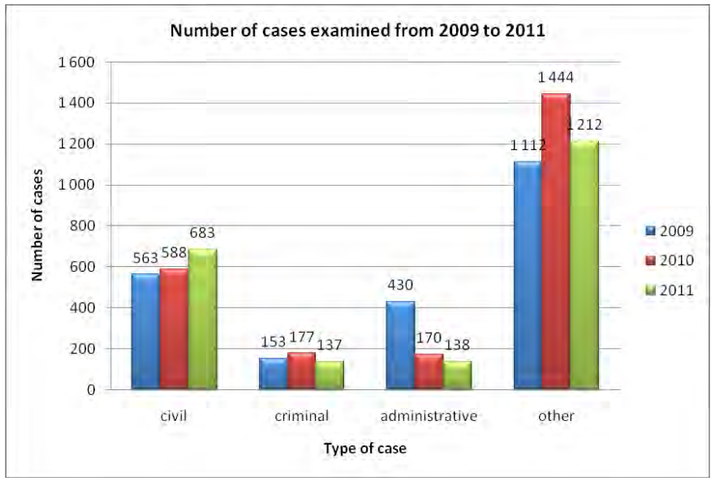
**Graph 3.** *Number of cases examined from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, from 2009 to 2011 the number of civil cases examined by Ceadir-Lunga District Court increased from 563 to 683, the number of criminal cases did not change materially, and the number of administrative cases decreased from 430 to 138.

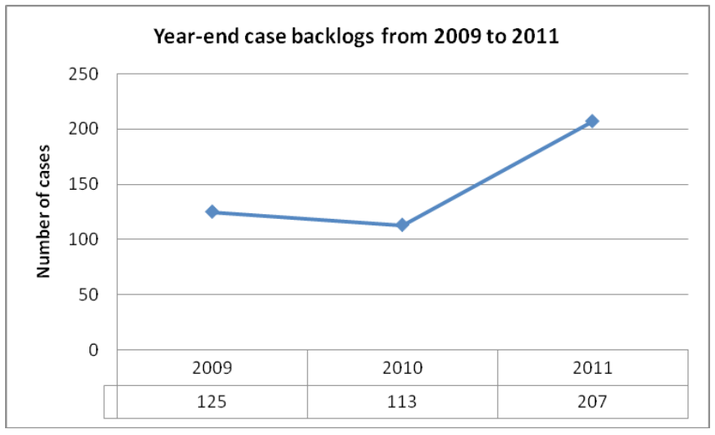
**Graph 4.** *Number of cases examined from 2009 to 2011 by type of case*




*Source: DJA*

The case backlog of Ceadir-Lunga District Court increased from 125 in 2009 to 207 in 2011 (Graph 5).

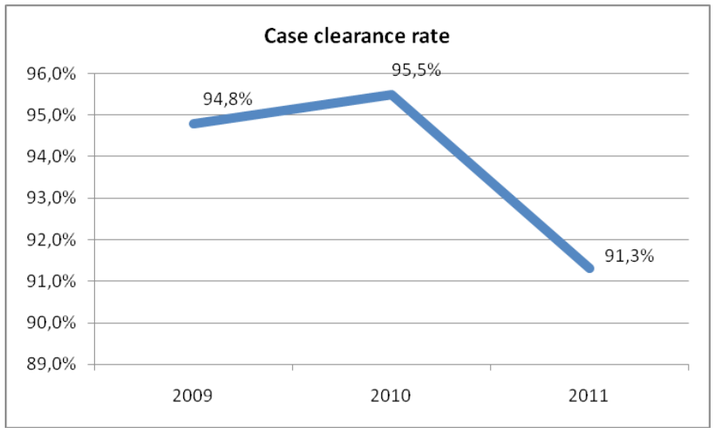
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Ceadir-Lunga District Court decreased from 94.8% in 2009 to 91.3% in 2011.

**Graph 6.** *Case clearance rate from 2009 to 2011*




## 3.2. ORGANIZATION OF ACTIVITIES

Ceadir-Lunga District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and other necessary work.

The chancellery of Ceadir-Lunga District Court is situated on the first floor, next to the entrance and has four employees. Its specialists are responsible for scanning documents from case files and registering cases in ICMS and on paper.

In order to provide information requested by citizens, the chancellery uses the search menu of ICMS as well as the case documents if the information is not found in the ICMS.

The chancellery of Ceadir-Lunga District Court keeps the registers listed in Table 5.

**Table 5.** *The registers used by Ceadir-Lunga District Court chancellery*

| Register Category | Register Title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Correspondence sent by courier<br>4. Simple correspondence<br>5. Registered letters<br>6. Requests submitted for typing<br>7. Materials submitted to the bailiffs<br>8. Notarized documents |
| ***Civil*** | 1. Cases sent to the Court of Appeals<br>2. Legal support materials<br>3. Cases submitted to judges for trial<br>4. Index of economic cases<br>5. Index of administrative cases<br>6. Index of writs<br>7. Bailiffs' intercessions<br>8. Index of civil cases<br>9. Requests to review and issue copies of judgments in civil cases |
| ***Criminal*** | 1. Index of criminal cases<br>2. Cases submitted to judges for trial<br>3. Complaints against prosecuting bodies<br>4. Probation bureau intercessions |
| ***Administrative*** | 1. Administrative evidence<br>2. Intercessions<br>3. Index of materials and intercessions<br>4. Challenges |

*Source: Ceadir-Lunga District Court chancellery specialists*

The court maintains duplicate records of case files—one on paper and one in electronic form. The same information may be entered three or even four times in various records as shown in Table 6.

**Table 6.** *Registration of a civil case by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case | ICMS | Action record card | Incoming mail, Index of civil cases, Cases submitted to judges for trial |
| Plaintiff's name | ICMS | Action record card | Incoming mail |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases, Cases submitted to judges for trial |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case category | ICMS | Action record card | Index of civil cases, Cases submitted to judges for trial |
| Essence of the case | ICMS | Action record card | |
| State fee | ICMS | Action record card | |
| Case file circulation within the court | ICMS | Action record card | Cases submitted to judges for trial |

*Source: Ceadir-Lunga District Court chancellery specialists*

The chancellery keeps more registers than the Guidelines require.3

The archives of Ceadir-Lunga District Court are located in two rooms: one on the first floor and one on the second. The space is sufficient and well organized, with central air conditioning and metal shelves. Security is provided by a video surveillance system and by the judicial police at the entrance to the court.

## *Conclusions*

- The number of cases registered at Ceadir-Lunga District Court decreased by 0.3% from 2009 to 2011.
- The number of cases examined by Ceadir-Lunga District Court decreased by 3.9% from 2009 to 2011.
- During the same period, the number of civil cases examined increased by 120, the number of criminal cases decreased by 16 and the number of administrative cases decreased by 292.
- The case backlog increased by 82 from 2009 to 2011.
- The case clearance rate decreased by 3.5% during the same period.
- There is duplication of effort because laws and regulations require paper and digital registers.
- The specialists of the chancellery keep more registers than required in the Guidelines.

## *Recommendations*[3]

- Review the internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to bring the number of registers in line with the requirements in the Guidelines.
- Establish an office for prosecutors and lawyers to review and consider cases.

**Photo 15.** *Chancellery*
**Photo 16.** *Archives*

**Photo 17.** *Archives*
**Photo 18.** *Archives*

[3] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

According to its staff roster, Ceadir-Lunga District Court has 4 judges, 1 investigative judge, and 20.5 technical staff (Table 7). Ceadir-Lunga District Court has no human resource specialist; those duties are performed by the court president and, as appropriate, by the adviser to the court president. The adviser is particularly responsible for drafting and keeping staff records; for preparing personnel files and for completing, storing and keeping records of labor cards.

Ceadir-Lunga District Court appointed a specialist for public relations who represents the court officially to mass media and the public in order to ensure court operations are transparent and comply with the law.

The court staff is divided into public servants and technical staff. Civil servants include the adviser to the president, clerks, translators, consultants and the accountant. Technical staff includes positions like cleaners, workers, etc.

Internal staff recruitment is conducted in line with the Regulation on Filling Public Positions Competitively approved by Government Decision no. 201 of 2009. Announcements of vacancies and requirements for eligibility are published in the *Official Gazette* and in the local newspaper *Znamea* (*Banner*).

Staffing is insufficient as the court lacks an information technology specialist, an electrician and a human resource manager.

Job descriptions are approved every year. They help to clarify the responsibilities of court staff in a transparent way. Ceadir-Lunga District Court has job descriptions for the following positions: adviser to the president, specialist, head of chancellery, consultant, chief accountant, translator, coordinating specialist for public relations and educational psychologist.

**Table 7.** *Staffing scheme of Ceadir-Lunga District Court*

| No. | Position | Current number | Job vacancies |
|---|---|---|---|
| 1. | Court president | 1 | - |
| 2. | Judge | 3 | - |
| 3. | Investigative judge | 1 | - |
| 4. | Adviser to the court president | 1 | - |
| 5. | Chief accountant | 1 | - |
| 6. | Consultant | 1 | - |
| 7. | Clerk | 5 | - |
| 8. | Translator | 3 | - |
| 9. | Head of the chancellery | 1 | - |
| 10. | Specialist | 1 | - |
| 11. | Coordinating specialist | 1 | - |
| 12. | Head of the archives | 1 | - |
| 13. | Courier | 0.5 | - |
| 14. | Driver | 1 | - |
| 15. | Cleaner | 1 | - |
| 16. | Guard | 3 | - |
| | **TOTAL** | **25.5** | **-** |

*Source: Accounting office of Ceadir-Lunga District Court*

The Court has internal regulations available to judges and regular staff that establish the operations and organization of the court and the rights and obligations of court management, judges and regular staff appointed or employed on the basis of an individual employment agreement, irrespective of its term, who are subordinated to the court or who provide services to ensure the efficient and effective administration of justice.

Judges are trained by the NIJ; and during the visit they stated that in 2011 all judges of Ceadir-Lunga District Court met the requirement of 40 annual hours of ongoing training. The judges the assessment team interviewed mentioned that NIJ training and the publications they receive from SCM meet their information and training needs. When searching regulatory acts, Ceadir-Lunga District Court uses the private Moldlex legislative database. Ceadir-Lunga District Court subscribes to the following publications: *Official Gazette, Bulletin of the Supreme Court of Justice, Contabilitate si audit (Accounting and Auditing), Legea si viata (Law and life), Moldova Suverana (Sovereign Moldova), Znamea (Flame), Argumenty i fakty (Arguments and facts)* and *Vesti Gagauzii (Gagauzia News*).

The court staff mentioned that they were last trained two years ago at Comrat Court of Appeals on the use of ICMS. The president mentioned the need to organize training for clerks in drafting minutes and other procedural documents. Training in enforcing guidelines was requested for the chancellery and archives specialists.

### *Conclusions*

- Human resources at Ceadir-Lunga District Court are managed by the court president and the adviser to the court president.
- The court does not have a human resource specialist.
- Job descriptions for all employees are approved and are used.
- Training is needed for clerks and for chancellery and archive specialists. Training topics vary from analyzing particularities of enforcing legislation to studying the judicial information system and directly enforcing criminal and civil procedural documents.

### *Recommendations*

- Employ and train a human resource specialist.
- Implement internal training for the staff of Ceadir-Lunga District Court.

## V. SERVICES FOR THE PUBLIC

Ceadir-Lunga District Court does not have an information window. All requests are filled by chancellery specialists.

The office of the public relations specialist is on the third floor; however, because there are no signs showing the way to that office, it is not clear how to find it. There are no name plates on the doors of judges or of other offices and there is no warning that the access to judges' offices is prohibited.

There is a board at the entrance to the building with the following information:

- Working hours of Ceadir-Lunga District Court
- List of cases scheduled for hearings drafted manually in MS Word
- Declaration of Independence of the Republic of Moldova
- Declaration of the Rights of the Child.

Parties and other participants in hearings can address the chancellery of Ceadir-Lunga District Court to get copies of judgments on all working days during the working hours of the court. The copies are issued in at most 10 days. A request is submitted to the chancellery for this purpose. The chancellery specialists record the request in the incoming mail register and assign it an incoming number. The request is further submitted to the president, who approves it and appoints a person to fulfill it.

### *Conclusions*

- There are clear signs showing the way to the chancellery, archives and courtrooms.
- The public information board at the entrance contains information about daily hearings which helps visitors to better orient themselves.
- The procedure for issuing copies needs the president's approval which requires time to consider and approve or reject requests.

### *Recommendations*

- Establish clear signs showing citizens the way to the office of public relations specialist.
- Post more detailed information of public interest on the information board, for example, announcements about the web page of Ceadir-Lunga District Court, information about the right of parties in a case to request a recording of the hearing on CD, news on the judiciary etc.
- Simplify the procedure for issuing copies by exempting the president from approving requests and train the chancellery staff accordingly.

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**Photo 19.** *Information board*
**Photo 20.** *Space for judicial police*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Ceadir-Lunga District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA which receives the ceilings for the entire judiciary from the Ministry of Justice. The ceilings from the Ministry of Justice are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others),

2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

**Table 8.** *Budget of Ceadir-Lunga District Court by type of expenditure (2010–2012)*

| Expenditure category/ year | 2010 (spent) | 2011 (spent) | | 2012 (aprobat) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 786,691 | 896,316 | 14% | 1,038,600 | 16% |
| Repairs | 12,600 | 0 | -100% | 0 | 0% |
| Utilities | 59,901 | 107,348 | 79% | 371,100 | 246% |
| Fixed assets | 56,400 | 349,893 | 520% | 0 | -100% |
| Capital investment | 6,720,896 | 0 | -100% | 0 | 0% |
| Operating expenditures | 233,030 | 241,534 | 4% | 383,300 | 59% |
| **Total** | **7,869,518** | **1,595,091** | **-80%** | **1,793,000** | **12%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

## 6.1. BUDGET

The budget of Ceadir-Lunga District Court is divided into six categories:

- *Staff expenditures* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – power, gas, water and sewerage and sanitation;
- *Expenditures for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[4]

From 2010 (spent) to 2012 (approved), the budget of Ceadîr-Lunga Court decreased from MDL 7.8 million to MDL 1.8 million (Table 8).

In 2011 the court's budget decreased by 80% compared with 2010 as no funds were budgetd for capital investments though allocations for fixed assets increased by 520% to purchase a car. In addition, expenditures for utilities increased by 79% and staff expenditures increased by 14%.

In 2012, the court planned a 12% increase compared with 2011. Thus the court bugeted more than triple for utilities mostly to pay for natural gas. Also, for the first time ever the court budgeted for a departmental guard which resulted in a 59% increase in operating expenditures.

[4] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

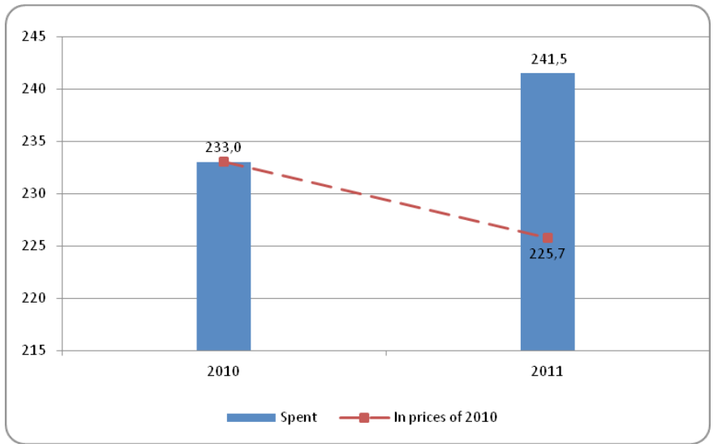
## 6.2. STAFF EXPENDITURES

Staff expenditures represent slightly more than a half of the total budget. Due to the fact that remuneration is governed by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

From 2010 to 2011 the face value of operating expenditures increased from MDL 233 thousand to MDL 241.5 thousand, a 4% increase. Taking the inflation rate of 7% in 2012 into account, however, the real value of operating expenses 2011 in was MDL 225.7 thousand.[5]. The real value of operating expenditures therefore decreased by approximately MDL 7.3 thousand (Graph 7).

**Graph 7.** *Operating expenditures for Ceadir-Lunga District Court in 2010 and 2011*



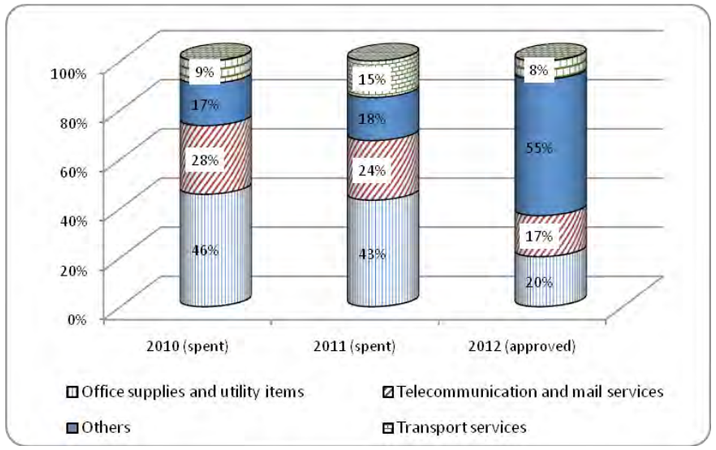

[5] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




In 2010, 46% of the operating expenditures went to office supplies and utility items. Allocations for telecommunications and mail accounted for 28% of the total and transport, was 9% (Graph 8).

In 2011 most of operating expenditures were to purchase office supplies and utility items, though allocations for that purpose decreased by 3 percentage points. Telecommunications and mail decreased by 4 percentage points to 24%, and the share of transport services accounted for 15%, an increase of 6 percentage points compared with the previous year.

In 2012 the budget is as follows:

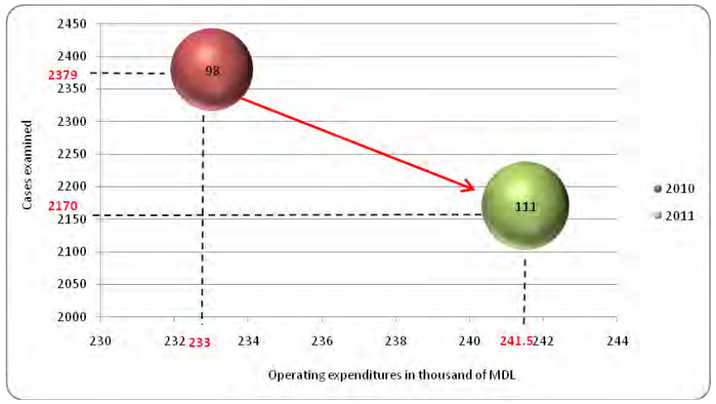
- 20% for offices supplies and utility items, a drop of 23 percentage points
- 17% for telecommunications and mail expenditures
- 8% for transport

Expenditures for telecommunications and mail merit attention because approximately 70% of them are for stamps.

## 6.5. REAL VALUE OF OPERATING EXPENDITURES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase in the operating expenditures in 2011 compared with 2010 was not related to the number of cases examined, which decreased from 2379 in 2010 to 2170 in 2011. Comparing operating expenditures with the number of cases examined, in 2010 the average cost for examining a case was approximately MDL 98 while in 2011 it was MDL 111 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Ceadîr-Lunga Court*



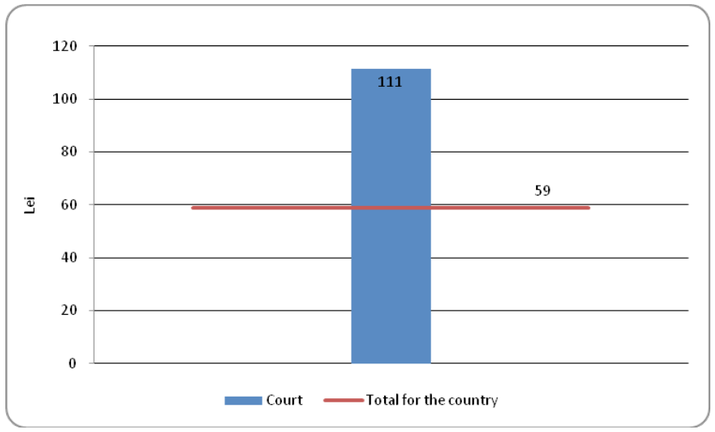

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court*

The increase in the average operating cost for examining a case can be explained by a decrease in the number of cases examined and a concurrent increase in operating expenditures.

## 6.6. AVERAGE OPERATING COST PER CASE IN CEADIR-LUNGA DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 111 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Ceadir-Lunga District Court and the weighted average cost per case for the country*




As shown in the Graph 10, in 2011 the average cost per case examined in Ceadir-Lunga District Court was slightly higher than the weighted average cost per case for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

The accounting is done electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the adviser and the chief accountant. Neither of them has professional qualifications in public procurement. Since procurement legislation is continuously changing, they should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, the reaal value of operating expenditures decreased.
- The average operating cost for examining a case in 2011 increased compared with 2010.
- In 2011, the average operating cost for examining a case was higher than the weighted average cost of a case examined for the country as a whole.
- Mail expenditures account for a large share of total operating expenditures.
- Accounting is done electronically.
- All public procurements are made without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing postage meters to reduce mail expenditures. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Cimislia District Court situated in Cimislia Town serves 61,308 inhabitants in the 39 localities that are part of Cimislia District according to Law No. 764 of 27 December 2001 on the Administrative-Territorial Organization of the Republic of Moldova.

The court has 3 judges and 1 investigating judge. Its office also employs other 23,5 staff units. Cimislia District Court has no human resource specialist. Those duties are performed by the president of the court, the vice-president and the adviser to the president. The public relations specialist also works as a chancellery specialist.

Staff expenditures follow an upward trend. The court does all its public procurements without a procurements specialist. In 2011 both the face value and the real value of the allocations for operating expenditures increased. In 2011 the average operating cost for examining a case increased compared with the previous year and was higher than the weighted average cost of a case examined for the country as a whole (see the detailed analysis in Chapter VI).

Cimislia District Court has 2 levels with a total surface area of 765 sq. meters. The courthouse was built in 1979, and it was designed to be a courthouse. It is in unsatisfactory condition and its exterior, roof, water supply system, sewerage system and electrical system need repair. On 28 May 2012, the court issued a tender to contract a company to repair the courthouse. There are also plans to repair the interior and to purchase new furniture.

# CIMISLIA DISTRICT COURT

*1, Constantin Stamati Str., Cimislia Town*

*Date of the visit: 30 May 2012*

The staff of Cimislia District Court uses Version 2 of ICMS, installed in 2009, but they mentioned that there are issues with it including an uneven distribution of cases, slow speed and insufficient knowledge of its options.

The staff makes audio recordings of all hearings held in the two courtrooms where recording equipment is installed, unless the equipment breaks down. Since there are two courtrooms and four judges, not all hearings are held in courtrooms. Turnover of court clerks, lack of training and legal requirements for written minutes in addition to recordings (duplication of effort) are among the reasons that not all hearings are recorded.

The specialists at Cimislia District Court keep more registers than required by the amended Guidelines.

The total number of cases filed at Cimislia District Court from 2009 to 2011 decreased by 805 while the number of cases examined decreased by 797 with a case clearance rate of 88.9% in 2011.

The court has an information board for the public, and office doors have plates with judges' names, but there are no inscriptions on them stating that the public is not admitted.

Cimislia District Court regularly updates its web page. The menus are completed in part with information of public interest. Some menu titles, however, do not match their contents.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal [1] | Comments |
|---|---|---|
| Exterior | 4 | The exterior needs repair; the stairs are also in bad condition. |
| Water supply | 4 | The water supply is insufficient. The court is connected to the centralized water supply system, but the plumbing is old. |
| Power supply | 4 | The electrical system is very old, and there are no plans to repair it. |
| Sewerage system | 4 | The system is old; there are often problems with the plumbing. |
| Heating system | 3 | The heating system is based on gas. The plumbing is old, and there are no plans to repair it. The boilers consume too much gas, and it is impossible to regulate the temperature. The meter readings are checked every year. There is a need for a special, more precise meter, but it is rather expensive. |
| Firefighting system | - | Does not exist. |
| Roof | 4 | The roof structure is shabby with cracks and leaks. There are plans to repair it. |
| Interior | 4 | The rooms need capital repairs which are planned for 2012. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

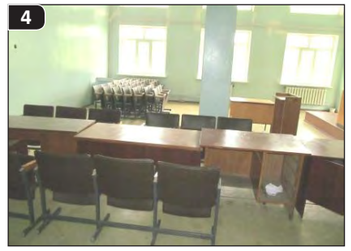


**Photo 1.** *Court exterior*
**Photo 2.** *The courthouse main stairs*
**Photo 3.** *The back entrance to the court*
**Photo 4.** *A courtroom*
**Photo 5.** *The archives*

## 1.2. CURRENT CONDITION

The infrastructure assessment focuses on a comparative analysis of the physical and operational conditions of Cimislia District Court in May 2012.

The courthouse has 2 levels and a basement with a total area of 765 sq. meters. There are 18 offices, 2 public rooms and 2 courtrooms.

In the daytime, Cimislia District Court is protected by the judicial police and at night by three guards on the staff roster.

Because in 2007 the courthouse was in bad condition, judges' offices, the chancellery and a courtroom on the second floor were repaired; however, the other rooms remain in bad condition and need repair.

Today the building is in unsatisfactory condition. There is some structural deterioration caused by leaks in the old sewerage system and by rainfall.

The sewerage and water supply systems are old and need to be replaced entirely. The basement is often flooded, so it was recommended that a ventilation system be installed there. The archives are kept in three rooms that are organized inefficiently and secured with only a lock. All exterior windows, the main entrance doors and the tiles in the restrooms have been replaced.

The functional area of Cimislia District Court is arranged properly for a court. There is a separate entrance and a separate space for detainees. Currently detainees are taken into the courtroom through the public corridor. The courthouse has two courtrooms used by four judges. There are plans to arrange a third courtroom on the second floor with funds from the state budget. The rooms previously used by bailiffs have recently been vacated and are now used as a probation office.

Cimislia District Court plans to repair the interior (walls, floor and ceiling) and the roof; to consolidate an exterior wall and to purchase certain items of furniture by the end of 2012. In addition, due to the expected increase in staff (when the position of assistant is approved) and the need for offices for the new staff and for two more courtrooms, the courthouse should be expanded.

On 28 May 2012, the court issued a tender to contract the company to repair the building. This company will repair the interior, the exterior and the roof. Then the court will purchase new furniture. The funds appropriated for repair amount to MDL 1.2 million.

The interior on the ground floor is in bad condition and needs repair. The back wall has cracks that go all the way through. The ceiling and the walls in the chancellery and in one judge's office have been refurbished. The staff restrooms are also in good condition. The main stairs were renovated in part. The planned repairs will start in July 2012.

More than half of the rooms upstairs have been painted and have suspended ceilings and light fixtures. The floors on the second floor are in satisfactory condition; however, they need repair. Other rooms upstairs have not been repaired and are in bad condition. The server is installed in the deliberation room of the larger courtroom. This room has no air conditioner.[2] The natural light is good, and all windows upstairs are in good condition. Offices of judges and other employees are in satisfactory condition but need repair. The two staff restrooms next to the deliberation rooms are in acceptable condition. All other rooms upstairs also need repairs. The furniture must be replaced in most of the rooms on this floor.

The heating system is old, and the piping and radiators will be replaced.

Cimislia District Court has no alarm system. In the daytime it is protected by the judicial police and at night by courthouse guards.

The light fixtures are the same as when the building was commissioned.

There are neither firefighting systems nor emergency lights.

The 2009 Infrastructure Assessment Report listed eight priorities for capital repairs none of which has been implemented in full (Table 1 and Graph 1). Although the bailiffs have moved to another building, the room they occupied is used as a probation office. In 2012 there are plans to renovate the courthouse interior, to redesign rooms, to install an air conditioner in the LAN server room and to arrange a courtroom on the ground floor.

[2] *The air conditioner has been purchased, but it has not been installed yet.*

**Table 1.** *Implementation of capital repair priorities in 2009*

| Priorities for capital repair in 2008 | Implementation stage in 2012 |
|---|---|
| Replace the sewerage pipes and repair areas that have deteriorated. | Not implemented |
| Extend and repair downspouts and construct a new channel to drain rainwater away from the building. | Not implemented |
| Eliminate dampness from external walls. | Not implemented |
| Move the bailiffs to a separate, appropriate building. | Implemented in part. This room is currently occupied by the probation office. |
| Renovate the courthouse interior and redesign the rooms including moving the chancellery to another location and creating a reception area on the ground floor. | Planned |
| Improve the power supply system. | Not implemented |
| Demolish the garage. | Not implemented |
| Install ventilation in the LAN server room. | Not implemented |

*Source: 2009 Infrastructure Assessment Report*

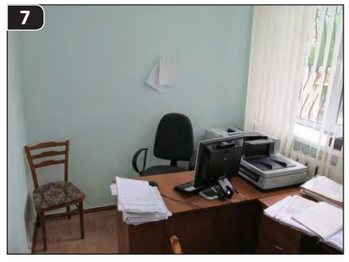
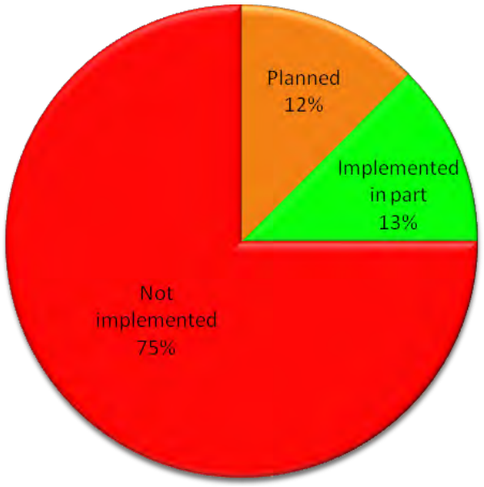


**Photo 6.** *The court exterior*
**Photo 7.** *The office of the specialist from the chancellery, where documents are scanned*
**Photo 8.** *The furniture in the courtroom*

**Graph 1.** *Implementation of capital repair priorities identified in 2012*




## *Conclusions*

- From 2009 to 2012, no renovations have been done to Cimislia District Courthouse.
- Some rooms need capital repairs.
- ROLISP estimated that of the priorities for capital repairs identified in the 2009 Infrastructure Assessment Report, none has been implemented in full: 13% have been implemented in part and 12% are planned.

## *Recommendations*

- Replace the sewerage pipe and repair the areas affected by leaks.
- Extend and repair downspouts and construct a new channel to drain rainwater away from the building.
- Install fire alarm systems.
- Eliminate the dampness from the external walls.
- Move the probation office to a separate, appropriate building.
- Renovate the courthouse interior and redesign the rooms.
- Improve the power supply system.
- Demolish the garage.
- Install the air conditioner in the LAN server room.
- Move the chancellery and the reception area to the entrance on the ground floor where the public will have proper access to them.
- Arrange an office where prosecutors and lawyers can examine cases.
- Restrict access to detention cells.
- Unify the archives and repair the rooms for them.
- Carry out major interior repairs as necessary.
- Replace the heating system.
- Replace the light fixtures.

# II. COURT AUTOMATION

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Cimislia District Court has been using ICMS since 2009 and currently uses Version 2 of the software.

The staff of Cimislia District Court reported technical issues with ICMS Version 2 including slow speed, uneven case distribution, an incomplete list of indicators for motions filed by the probation office, delays in enforcing sentences, changing sentences and expunging previous convictions. Table 2 shows suggestions for changes.

After registering case files, the chancellery staff scans the civil and administrative ones in full but scans only the indictments from criminal case files.

Cimislia District Court has no information technology specialist.

According to the staff, CTS solves issues quickly. It was mentioned, however, that although problems are solved, they reoccur; thus, the general satisfaction of the Cimislia staff with the services provided by CTS in 2012 can be rated a 4 out of 5.

**Table 2.** *List of suggestions for changing ICMS for Cimislia District Court*

| No. | Suggestions for changing ICMS |
|---|---|
| 1. | Ensure that random case assignment is equitable. |
| 2. | Connect ICMS and Femida. |
| 3. | Ensure that the date of minutes in ICMS is the date of the court hearing and not the date when the minutes were drafted. |
| 4. | Ensure that cases can be assigned to the investigating judge. |
| 5. | Enhance the speed of data processing. |
| 6. | Introduce a box that can be ticked in the section "General Information": State fee: paid/not paid. |

*Source: President of Cimislia District Court*

## 2.2. AUDIO RECORDING SYSTEM

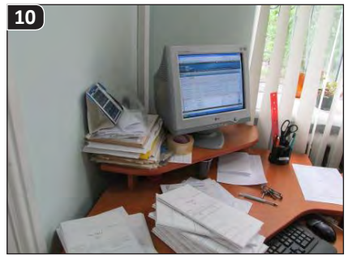
Audio recording equipment and software have been installed in the two courtrooms of Cimislia District Court. All hearings held in the courtrooms are recorded except for rare cases when the equipment breaks down or a when complex case is heard and the court clerk cannot keep up on paper and in electronic format. Because there are four judges and only two courtrooms, not all hearings are audio recorded. The recordings are kept on the court server.

The court provides copies of recorded hearings when requested, but from 2009 to 2012, the period the audio recording software and equipment have been in use, there were requests for copies of only 3% of the CDs. The courtroom doors do not have plaques informing the public that court hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings,[3] the reason for recording hearings is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. In 75% of cases, court clerks use the audio recordings to ensure the minutes are complete and accurate.

The Cimislia staff reported that periodically the audio recording equipment does not work or that they are unable to play the recordings and copy them to CDs. Other problems are an insufficient number of courtrooms, the legislation requiring duplication of effort—written minutes and audio records—as well as insufficient numbers of staff.

[3] *Regulations on digital audio recording of court hearings, approved by SCM Decision No. 212/8 of June 18, 2009.*



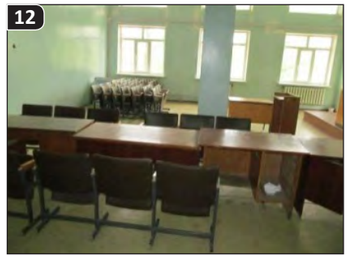




**Photo 9.** *ICMS on the computer screen of a chancellery specialist*
**Photo 10.** *ICMS on the computer screen of a chancellery specialist*
**Photo 11.** *A courtroom*
**Photo 12.** *A courtroom*

## 2.3. WEB PAGE CIMISLIA DISTRICT COURT

Cimislia District Court has a web page containing information for citizens; a specialist updates it as information changes or as new information is generated. The court's email is managed by the advisor to the president. Table 3 shows the menus on the web page of Cimislia District Court.

**Table 3.** *Content of the web page of Cimislia District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the Court President | – Welcome address |
| Competence | – Competence<br>– Territorial coverage of Cimislia District Court |
| Regulatory Framework | – List of basic regulatory acts governing the work of the court |
| Public Relations Service | – Does not contain information |
| News | – An active link to "*Job Vacancies*" section which has no information. |
| Archives | – An active link to the section "*Useful Links*" which has no information. |
| Organization | – Organizational chart of the court. |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>**Last decision was published on 12.07.2012** |
| Statistics | – Does not contain information |
| Information of Public Interest | – Does not contain information |

*Source: http://jcm.justice.md/*

Table 3 shows that not all menus contain information of public interest about the work of the court, and some menu titles do not match their contents. For instance, the section "*News*" has an active link that directs visitors to the section "*Job Vacancies*" which does not contain any information. The section "Archives" contains an active link that directs visitors to the section "Useful Links" which does not contain any information. The section "*Information of Public Interest*" does not contain information about the schedule for getting judgments or the schedule for admitting citizens, etc. There is no information about the working hours of the court. In the menu "*Competence*," the table showing the geographical coverage of Cimislia District Court should be redone.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Cimislia District Court has sufficient equipment to carry out its activities. Table 4 shows the type of equipment, the number of items and the equipment needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Server | 1 | - |
| Computers | 16 | 3 |
| Printers | 15 (only 14 work) | 3 |
| Scanners | 2 | 1 |
| Fax | 1 | - |
| Audio recording sets | 2 | 1 |
| Photocopier | 4 | - |
| Telephones | 8 | - |
| UPS | 7 | 4 |

*Source: Cimislia District Court*

### Conclusions

- When using Version 2 of ICMS, the staff of Cimislia District Court faces the problems of uneven case assignments and insufficient knowledge of its options.
- The staff of Cimislia District Court uses the audio recording system during court hearings whenever the hearings are held in the courtrooms.
- All audio recordings are kept on the server.
- There is a need for the following equipment to improve the court's work: 3 computers, 3 printers, 1 scanner, 1 fax, 4 UPS and 1 audio recording set for the courtroom planned in the courthouse renovation.
- Cimislia District Court uses the web page content management system; all menus present partial information of public interest about its work. Sometime menu titles do not match their contents.

### Recommendations

- Conduct all court hearings in courtrooms by planning the hearing schedule better.
- Establish the practice of deleting audio recordings from the server in accordance with the SCM regulations.[4]
- Post more complete information of public interest on the web page.
- Ensure the uniformity of the font and colors used on the web page.
- Arrange the information on the web page according to menu titles.

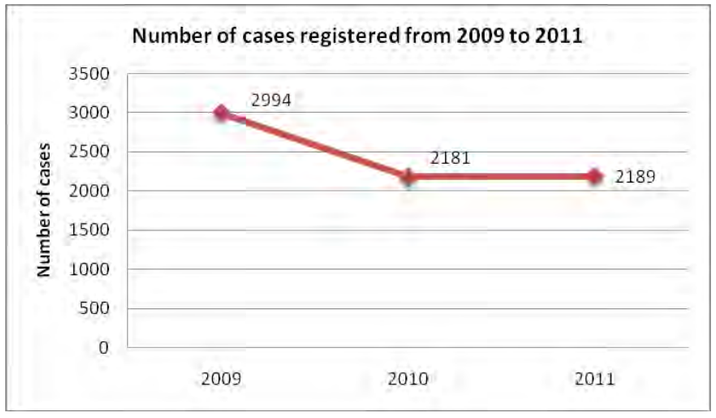
[4] *Regulations on Digital Audio Recording of Court Hearings approved by SCM Decision No. 212/8 of June 18, 2009.*

# III. WORK OF CIMISLIA DISTRICT COURT

## 3.1. WORK LOAD

The workload of Cimislia District Court from 2009 to 2011 was analyzed by the total number of cases registered, the total number of cases examined, the number examined by type of case, the year-end case backlog and the case clearance rate.

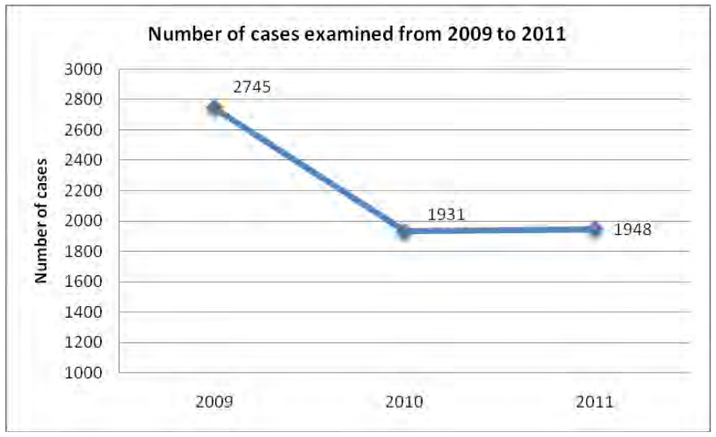
**Graph 2.** *The number of cases registered at Cimislia District Court from 2009 to 2011*




*Source: DJA*

Graph 3 shows that the number of cases examined also decreased in the same period from 2745 to 1948.

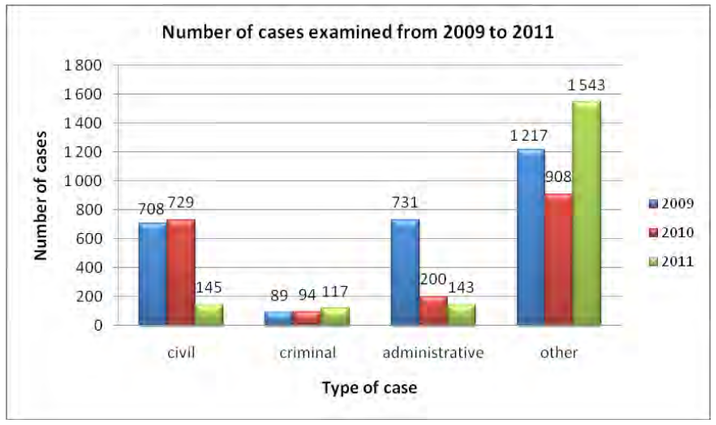
**Graph 3.** *Total number of cases examined at Cimislia District Court from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, from 2009 to 2011 the number of civil cases examined in Cimislia District Court decreased from 708 to 145, the number of criminal cases did not change very much while the number of administrative cases decreased from 731 to 143.

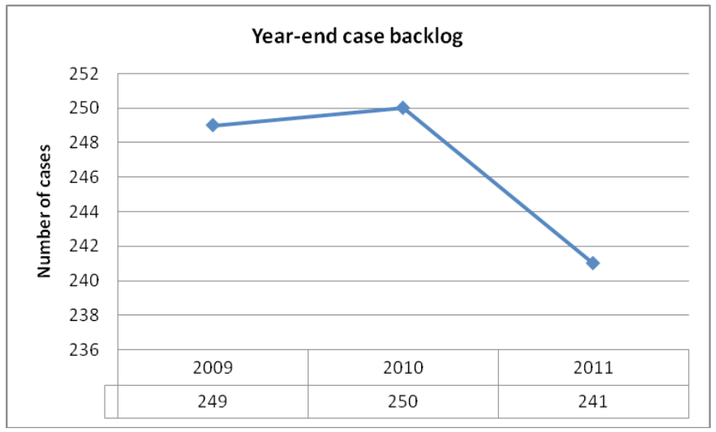
**Graph 4.** *Number of cases examined at Cimislia District Court from 2009 to 2011 by type of case*




*Source: DJA*

The analysis of the case backlog at Cimislia District Court showed a decrease from 249 in 2009 to 241 in 2011 (Graph 5).

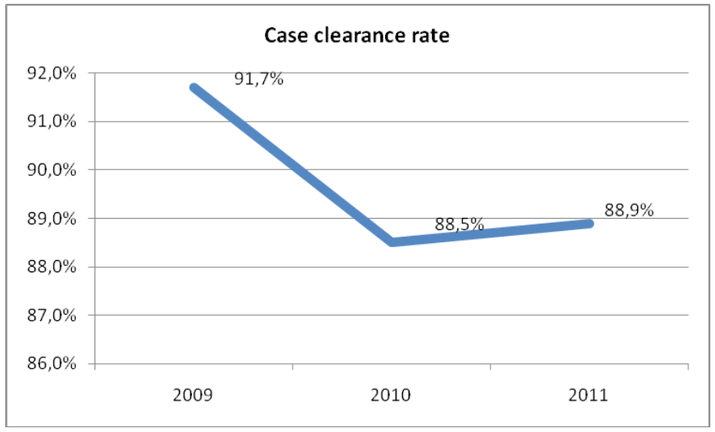
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

According to the aforementioned information the case clearance rate at Cimislia District Court decreased from 91.7% in 2009 to 88.9% in 2011 (Graph 6).

**Graph 6.** Change in the case clearance rate from 2009 to 2011




## 3.2. ORGANIZATION OF ACTIVITIES

Cimislia District Court has a chancellery, archives and other services. The chancellery and archives provide secretarial support for administering justice, generalizing judicial practices, analyzing judicial statistics and other necessary services.

The chancellery is located on the ground floor, but it is far from the entrance. It has two specialists and one managing specialist who combines his main job with that of chancellery specialist. The chancellery specialists are responsible for scanning documents from case files and registering cases in ICMS and on paper.

The chancellery maintains the registers listed in Table 5.

**Table 5.** *List of registers used by Cimislia District Court chancellery*

| Register Category | Register title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Documents submitted by the probation office<br>4. Cases remitted to the Court of Appeals/Supreme Court of Justice |
| ***Civil*** | 1. Index of civil cases<br>2. Civil cases<br>3. Cases examined according to writ proceedings<br>4. Commercial cases<br>5. Cases examined in administrative procedures<br>6. Cases examined as a matter of review<br>7. Statements of claim<br>8. Cases passed to judges<br>9. Record card |
| ***Criminal*** | 1. Index of criminal cases<br>2. Criminal cases<br>3. Material evidence<br>4. Complaints against actions of the criminal prosecuting authorities<br>5. Record card |
| ***Administrative*** | 1. Administrative cases<br>2. Index of administrative cases<br>3. Complaints against the decisions of extrajudicial bodies in administrative cases<br>4. Motions to extend the term for preventive measures |

*Source: Cimislia District Court chancellery specialists*

The court keeps double records of case files, i.e. on paper and in electronic format. The same information is entered three or four times in various records as Table 6 shows.

**Table 6.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | incoming mail, cases transmitted to judges |
| Plaintiff's name | ICMS | Action record card | |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index |
| Defendant's contact information | ICMS | Action record card | Index |
| Case file category | ICMS | Action record card | civil cases, index, transmitted cases |
| State fee | ICMS | Action record card | civil cases |
| Circulation of the case file in the court | ICMS | Action record card | civil cases, transmitted cases |
| Essence of the case | ICMS | Action record card | |

*Source: Cimislia District Court chancellery specialists*

The chancellery keeps more registers than required by the Guidelines.

The archives of Cimislia District Court are kept in three separate rooms on the ground floor. These rooms are small and inappropriately located, and the temperature and humidity in them are not regulated. The files are kept in order. The archive rooms are in bad condition. They have been damaged by sewerage leaks; they are foul-smelling and are not functional. Material evidence is kept in the chancellery which is inappropriate for this purpose but is not secured.

## *Conclusions*

- The number of cases filed in Cimislia District Court decreased by 26.9% from 2009 to 2011.
- The number of cases examined from 2009 to 2011 decreased by 29.0%.
- The number of civil cases examined from 2009 to 2011 decreased by 563, criminal cases increased by 28 cases and administrative cases decreased by 588.
- The case backlog decreased by 8 from 2009 to 2011.
- The case clearance rate decreased by 2.7% from 2009 to 2011.
- There is duplication of effort because laws and guidelines require paper and digital records.

## *Recommendations*

- Consolidate the archives into one properly arranged and repaired room.
- Change the location of the chancellery and build a reception room on the ground floor.
- Review internal procedures for keeping records of case files to avoid duplicating information.
- Review internal procedures for keeping records of case files to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.

## IV. HUMAN RESOURCES

Cimislia District Court has 4 judges (according to the approved staffing plan). Its office also employs other 23,5 staff units.

Cimislia District Court does not have a human resource specialist; in practice, the court president and the adviser to the president are in charge of it. Before this position was introduced, the court president and the chief of the chancellery were responsible for human resource management.

Cimislia District Court has a public relations specialist who is responsible for providing information of public interest, posting the information about cases scheduled for trial on the information board, managing the court's web page, preparing information about the work of the court, publishing this information in mass media—both at their request and on his own initiative—and doing other tasks related to his position. Currently, the public relations specialist is also a chancellery specialist.

Court employees are either civil servants or technical staff. Civil servants include the adviser to the court president, court clerks, translators, consultants and the accountant. Technical staff includes cleaners, workers, etc. (Table 7). When there is a job vacancy, the announcement about it is posted on the court's information board and is also sent to the employment agency. The court president interviews the applicant and decides whether or not to employ him/her. If the court president decides to employ the applicant, he/she issues an employment order. New employees must pass a 6-month probation period. The adviser to the court president explained that applicants for court clerk or consultant are accepted without a written test because of an acute staff shortage.

The court staff mentioned that the legislation in force for temporarily replacing women on maternity leave does not allow employing new persons for these positions because they are not vacant; therefore, other staff members have to perform these duties.

Cimislia District Court has job descriptions for adviser to the court president, chief accountant, consultant, chief of the chancellery, chief of the archives, court clerk, translator and chancellery specialist.

**Table 7.** *Staffing scheme of Cimislia District Court*

| No. | Position | Current number | Vacancies |
|---|---|---|---|
| 1. | Judge | 3 | - |
| 2. | Investigating judge | 1 | - |
| 3. | Adviser to the president | 1 | - |
| 4. | Chief accountant | 1 | - |
| 5. | Consultant | 1 (on maternity leave) | - |
| 6. | Chief of the chancellery | 1 | - |
| 7. | Specialist | 1 | - |
| 8. | Court clerk | 3 | 1 |
| 9. | Translator | 1 | - |
| 10. | Managing specialist | 1 | - |
| 11. | Chief of the archives | 1(on maternity leave) | - |
| 12. | Driver | 1 | - |
| 13. | Cleaner | 2.5 | - |
| 14. | Courier | 0.5 | - |
| 15. | Guard | 3 | - |
| 16. | Operator in the boiler room | 1.5 | - |
| | **TOTAL** | **23.5** | **1** |

*Source: Accounting office of Cimislia District Court*

The court has internal regulations that have been handed on to the judges and the regular staff to establish the organization of work in the court and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice. In addition to internal regulations, the court uses the regulations on filling vacancies for public servants through competition, the regulations on competition to fill vacancies for court clerk (approved by SCM Decision No. 96/5 of 20 March 2008), the regulations on probationary periods for beginning public servants and the regulations for the disciplinary actions.

Judges are trained by NIJ, and in 2011 all judges in Cimislia had met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. For legal research and reference, the judges of Cimislia District Court use the legislative database on the Ministry of Justice's web page and the private legislative database MoldLex. The court subscribes to *The Official Gazette, Buletinul CSJ (Bulletin of SCJ)* and *Contabilitate și Audit (Accounting and Audit).*

In contrast, the regular staff of the court said that they had last been trained by NIJ two years ago and that the court did not organize internal training for them.

### *Conclusions*

- Human resource management at Cimislia District Court is carried out by the court president, the vice-president and the adviser to the president.
- The court has a public relations specialist who combines this job with that of chancellery specialist.
- The court does not have a human resource specialist.
- The court does not organize internal training for its regular staff.

### *Recommendations*

- Employ a human resource specialist and train him/her.
- Implement internal training for the regular staff of Cimislia District Court so they can solve problems they meet in their jobs.

## V. SERVICES FOR THE PUBLIC

Cimislia District Court has neither an information window nor an information office near its entrance. The public relations specialist (who combines this position with that of chancellery specialist) works in the chancellery on the ground floor. There are no signs to guide citizens to the public relations specialist, nor is there signage guiding them to the chancellery or to the archives. Some judges' doors have neither plaques with their names nor the warning that the public is not admitted.

At the courthouse entrance there is a board with the following information:

- List of cases scheduled for hearings which, in Cimislia District Court is prepared manually in Word instead of being retrieved automatically from ICMS
- Information about the rights and duties of the participants in a case
- Rules of behavior for participants in a case.

Twice a week—on Wednesday and Thursday—parties and other trial participants may request copies of judgments by filling out an application at the chancellery. The application is forwarded to the court president for approval. If the president approves it, the applicant pays a fee for the copy at a bank. After the applicant shows the confirmation of payment, he/she may pick up a copy of the judgment at the archivist's office. If applicants come from distant areas, they may receive copies on the same day otherwise copies can be picked up within approximately three days.

### *Conclusions*

- There is no information window for the public.
- There are no signs showing the way to the office of the public relations specialist, to the chancellery or to the archives.
- The information board for the public at the entrance contains information helping visitors to orient themselves.
- The chancellery of Cimislia District Court is situated on the ground floor, but it is far from the entrance. Such a location does not comply with the general rules of design for courts.
- The procedure for getting copies of judgments requires the approval of the court president who has to make time to examine, approve or reject applications.

### *Recommendations*

- Move the chancellery to the ground floor and create a one-stop-shop for information and for filling out applications and receiving documents.
- Install signs showing the way to the office of the public relations specialist, the chancellery and the archives.
- Install door plaques on all judges' doors informing the public that people are not allowed to enter.
- Simplify the procedure for getting copies of judgments by sparing the court president the obligation to approve applications and by training the chancellery specialists correspondingly.
- Post more detailed information of public interest on the information board (*e.g.* announce the web page of the court, information about audio recording of hearings and the parties' right to request a copy of the CD, news in the judiciary, information about the state fee, templates for applications etc.).

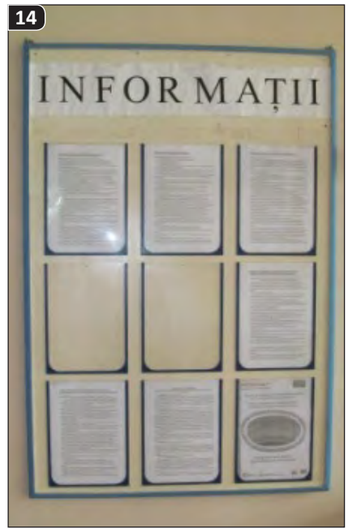



**Photo 13.** *The information board*
**Photo 14.** *The information board*

# VI. BUDGET AND PROCUREMENTS

Every year, as any Moldovan court, Cimislia District Court develops its budget for the next fiscal year on the basis of the expenditure ceiling established by the DJA, which in turn receives ceilings for the entire justice sector from the Ministry of Justice. These ceilings are negotiated with, and approved by, the Ministry of Finance.

The ceiling is set for the following two expenditure categories:

1) Current expenses (staff, others),

2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by DJA while capital expenses are determined by each individual court after negotiations with the DJA. Other expenses are calculated on the basis of the previous budget year adjusted as per the inflation rate predicted for the next budget year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET (basic component)

The budget of Cimislia District Court is divided into the following six categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power supply, gas supply, water supply and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[5]

From 2010 (spent) to 2012 (approved), the budget of Cimislia District Court increased much from MDL 1.1 million to MDL 2.8 million.

A comparison shows that in 2011 the court budget increased by 12% compared with 2010. This growth was due to a 456% increase in the funds for fixed assets. However, a genuinely spectacular budget growth was achieved in 2012. The budget for this year was planned with a more than twofold increase over 2011. This can be explained by the fact that Cimislia District Court will carry out capital repairs amounting to MDL 1.2 million. Also, in 2012 the court purchased a car at a price of MDL 210 thousand.

[5] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Cimislia District Court by type of expense (2010-2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 748,318 | 824 467 | 10% | 936 100 | 14% |
| Repairs | 94,920 | 31 462 | -67% | 1 245 000 | 3857% |
| Utilities | 49,199 | 66 661 | 35% | 103 000 | 55% |
| Fixed assets | 13,500 | 75 000 | 456% | 210 000 | 180% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 202,588 | 242 364 | 20% | 278 800 | 15% |
| **Total** | **1,108,525** | **1 239 954** | **12%** | **2 772 900** | **124%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

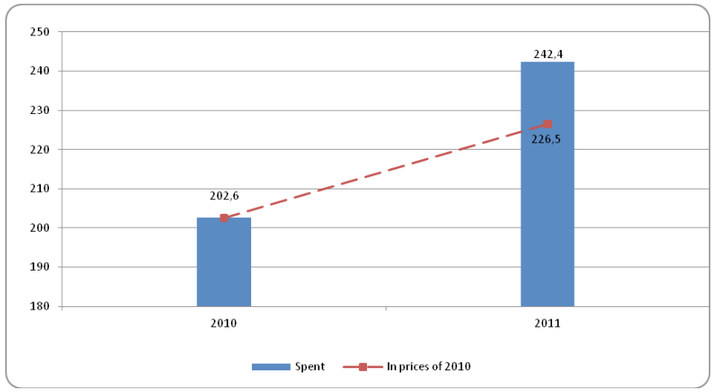
## 6.2. STAFF EXPENSES

Staff expenses represent more than 67% of the total budget and increase year by year. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

In 2010 and 2011, both the face value and the real value of operating expenditures increased. Their face value increased from MDL 202.6 thousand to MDL 242.4 thousand, which represents a growth of about 20%. Their real value increased by approximately 12%, taking into account that in 2011 the inflation rate was 7%.[6] MDL 242.4 thousand in 2011 is equivalent to 226.5 thousand in 2010; hence, the real value of operating expenses increased by approximately MDL 23.9 thousand.

**Graph 7.** *Operating expenses for Cimislia District Court in 2010 and 2011*



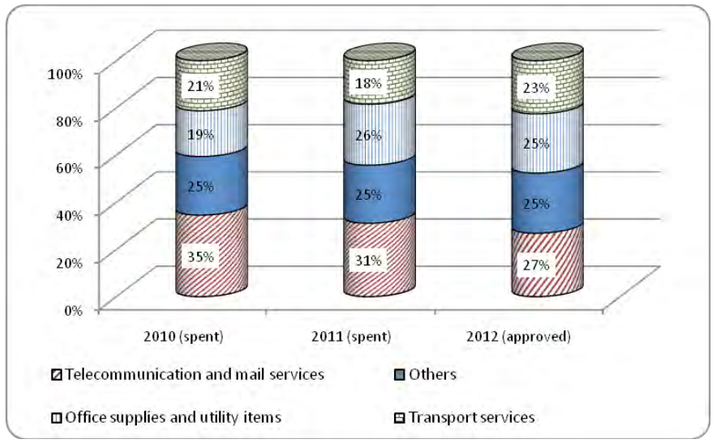

[6] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

In terms of structure, there are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunication and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




The graph shows that in 2011 the share of expenses for transport, telecommunications and mail in total operating expenses decreased compared with 2010. The expenses for office supplies and utility items had an opposite evolution – their share in the total operating expenses increased by 7% compared with 2010. For 2012 the share of financial resources for transport in total operating expenses increased by 5%. Furthermore, the funds for telecommunications continued decreasing as in the previous years and reached a 27% share in the total operating expenses.

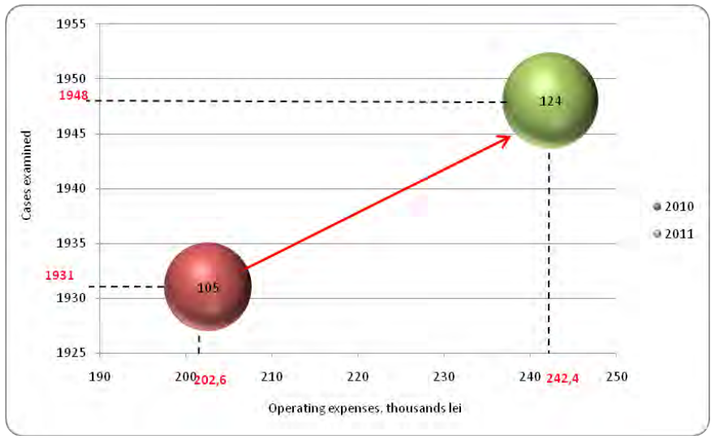
Expenses for telecommunications and mail are worth attention because approximately 70% of total expenses are planned for stamps. In money terms this means that in 2010 the court spent MDL 50.000 for stamps, in 2011 – MDL 52.000, and in 2012 it plans to spend MDL 52.000.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase of operating expenses in 2011 compared with 2010 can be explained by a few factors, including by the increase in the number of cases examined. However, in case of Cimislia District Court it is not sufficient to state that operating expenses increased due to the increase in the number of cases examined. This number increased only by 17 (from 1931 in 2010 to 1948 in 2011), which is not enough to account for the expenses growth rate (20%).

Comparing the operating expenses with the number of cases examined, we can see that in 2010 the average cost for examining a case was approximately MDL 105 while in 2011 it was of MDL 124 (see Graph below).

**Graph 9.** *Comparative analysis of the average operating cost/case in Cimislia District Court*



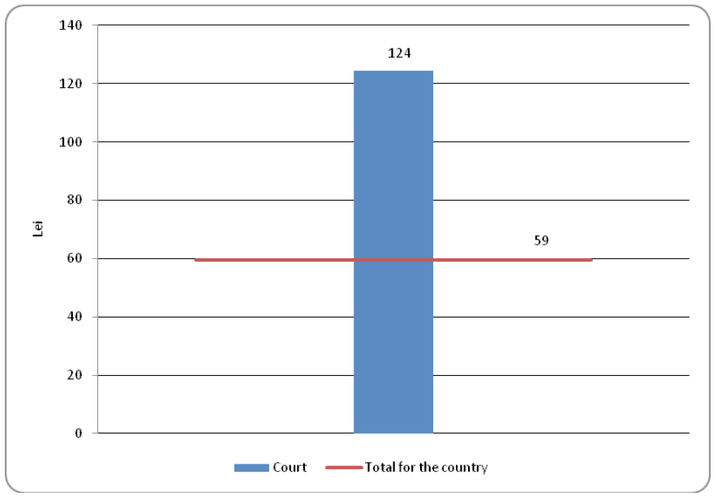

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The growth of the average cost of a case examined can be explained by a faster increase in the operating expenses.

## 6.6. AVERAGE OPERATING COST PER CASE IN CIMISLIA DISTRICT COURT COMPARED WITH THE WEIGHTED AVARAGE COST FOR THE COUNTRY

To determine whether the cost of MDL 124 per case examined in 2011 is high or low it should be compared with the weighted average cost of a case examined at the national level. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Cimislia District Court and the weighted average cost per case examined at the national level*




As shown in the Graph above, in 2011 the average cost per case examined in Cimislia District Court was slightly higher than the weighted average cost per case examined at the country level.

## 6.7. AUTOMATION OF THE ACCOUNTING RECORDS KEEPING

Cimislia District Court does its accounting manually. Because of the lack of financial resources the court has not purchased any software application for automated accounting records keeping.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by one person: the chief accountant. This person does not have professional qualifications in public procurement. Since procurement legislation is continuously changing, they should receive training at least every 6 months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to possible discounts for procuring a larger number of cars. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of the postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011 the real value of the budget of Cimislia District Court, including the funds for operating expenses, increased.
- In 2011 the average operating cost per case was higher than in 2010.
- The average cost per case examined was slightly higher than the weighted average cost per case examined at the country level.
- Mail expenses account for a large share of total operating expenses.
- Accounting is carried out manually due to lack of accounting software.
- All public procurements are made without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing accounting software for automatic accounting records keeping and consider training the staff to use it
- Consider purchasing the postage meters, which would allow reducing the expenses for this purpose. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Comrat District Court in the town of Comrat serves 68,196 inhabitants in the 16 localities that are part of Comrat Municipality according to Law No. 764 of 27 December 2001 on the Administrative Territorial Organization of the Republic of Moldova.

According to its staff roster, the court has 5 judges, 1 investigating judge and 23.5 regular staff. Comrat District Court has no human resource specialist; those duties are performed by the court president and the adviser to the court president. The court has a public relations specialist who manages the website.

Staff expenses have followed an upward trend. The court does all its public procurements without a procurement specialist. In 2011, both the face value and the real value of operating expenditures increased compared to 2010. In 2011 the average cost for examining a case was higher than in 2010 and higher than the weighted average cost of examining a case for the country as a whole (see in Section VI).

Comrat District Court has an area of 773.2 sq. meters on two floors and basement. The condition of the building is good as it was renovated. There is a plan to install a video surveillance system in the room arranged for lawyers to review cases.

# COMRAT DISTRICT COURT

*242, Lenin Str., Comrat Municipality*

*Date of the visit: 04 June 2012*

The staff of Comrat District Court uses Version 3 of ICMS and mentioned browser incompatibility and the inability to use the case transfer option as problems with the software.

Comrat District Court staff audio records all hearings held in the four courtrooms where audio recording equipment is installed and all hearings are held in courtrooms though there are four for six judges. A lack of training and the legal provisions stipulating both written minutes and audio records of hearings (duplication of work) are disincentives for using the equipment.

The specialists keep more registers than the amendments to the Guidelines require.

From 2009 to 2011, the number of cases registered decreased by 358 and the number of cases examined decreased by 430 fewer with a case clearance rate of 91.4% in 2011.

The court has an information board for the public, and judges' office doors have plaques stating that access is restricted.

The website of Comrat District Court is periodically updated and the menus have some information of public interest though some menus contain no information at all.

# I. INFRASTRUCTURE

## *1.1. ASSESSMENT*

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 2 | The exterior has been completely renovated because Comrat Court was a pilot court of the Moldova Governance Threshold Country Program of the Millennium Challenge Corporation.[2] |
| Water supply | 2 | The water supply is sufficient. The court is on the central system. |
| Power supply | 2 | The electrical system has been completely renovated. |
| Sewerage system | 2 | The sewerage system has been completely renovated. |
| Heating system | 2 | The pipes and the heaters have been completely renovated. |
| Firefighting system | - | The system does not exist. |
| Roof | 2 | The roof structure is in good condition. |
| Interior | 2 | It has been completely renovated and is well maintained. |

**Photo 1.** *Exterior*
**Photo 2.** *Main entrance*
**Photo 3.** *Sign guiding the public*
**Photo 4.** *Courtroom*
**Photo 5.** *Archives*

[1] *1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.*
[2] *The main entrance has a ramp to facilitate the access of people with disabilities and of mothers with babies in strollers.*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational conditions of Comrat District Court as of June 2012.

Comrat District Court has two floors and basement with a total area of 773.2 sq. meters. There are 21 offices, 2 public rooms and 4 courtrooms.

Comrat District Court is protected by the judicial police and state guard service and also has an alarm system.

Comrat District Court was one of four pilot courts that received technical and financial assistance for the renovations in 2008 under the Moldova Governance Threshold Country Program of the Millennium Challenge Corporation.

The facade and main entrance are in good condition, and gutters were installed to drain the water from the roof.

The sewerage system and pipes, the electrical network, the heating system, radiators and pipes were all completely renovated in 2008; no problems have been reported.

The archives are located in a single room on the first floor. The chancellery is located on the first floor close to the main entrance. There is an information window at the entrance to courthouse. The space used by judges and that for the public was separated by moving the judges' offices to the second floor where access is restricted.

The interior of the first floor of the building is in good condition. The ceilings and floors were changed in the offices, the walls were painted and new furniture was procured. The new room for the chancellery, the reception area and the room to review cases significantly facilitated the access of the public. The server is located in a separate room provided with an air conditioner. There is a restroom for the public on the first floor which has been renovated. The main and the back staircases were also renovated and are in good condition.

The interior of the second floor was completely renovated. The offices of the judges and other employees and the room for the public are in a good condition. New furniture and new lighting fixtures were purchased. The restroom for employees is in good condition; the access of the public to it is restricted.

There are no firefighting systems and no emergency lights.

The functional space of Comrat District Court is suitable for the activity of a law court. The court has a separate entrance for detainees, and a room and a separate restroom for them. They are brought to the courtroom through the back door and corridor. The courthouse has four courtrooms for six judges. There is a plan to install a video surveillance system in the room for lawyers to review cases or meet with witnesses or clients.

As a pilot court, Comrat District Court was not assessed in the 2009 Infrastructure Assessment Report. When making the renovations, the plan ensured better services and easier access to information and reduced the likelihood of inappropriate interaction with court employees. The space was reconfigured in line with the principle of totally separating space for the public from space for court staff and that for detainees.

### Conclusions

- From 2009 to 2012 Comrat District Court was completely renovated. The works were based on the recommendations established in 2009 Infrastructure Assessment Report.

### Recommendations

- Install a firefighting system.
- Create a room for hearing juveniles.
- Install a video surveillance system in the room for lawyers.

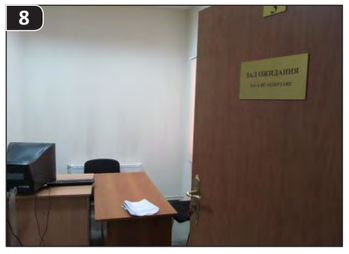


**Photo 6.** *Room for parties to litigations*
**Photo 7.** *Courtroom*
**Photo 8.** *Waiting room for citizens*

# II. COURT AUTOMATION

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Comrat District Court staff has used ICMS since 2008; Version 3 was installed on 25 November 2011.

The staff of Comrat District Court mentioned browser incompatibility, the inability to use the case transfer option, failure to observe the lower percentage of cases assigned to the president and vice-president, enclosing enforceable orders in the file and the infrequent disappearance of papers in case files as problems with the software. The adviser to the court president manages human resources in ICMS and registers new employees assigning them usernames and passwords.

To use ICMS, documents must be scanned after case files are registered. The clerical staff scans civil and administrative case files in full but scans only the bills of indictment in criminal case files.

The court has no information technology specialist, so technical issues are referred to CTS. According to the staff, CTS responds to requests only after a significant delay, so they rated their satisfaction with the services it provided in 2012 as a 3 out of 5.

**Table 1.** *List of suggestions for modifying ICMS at Comrat District Court*

| No. | Suggestions for modifying ICMS |
|---|---|
| 1. | Introduce the degree of complexity in the menu for random distribution of cases. |
| 2. | If cases are joined, do not assign them to the initial judge, but rather to the judge who will hear the joined cases. |
| 3. | Randomly distribute administrative cases only to the investigating judge. |
| 4. | Create the possibility to re-try a case after it has been sent back by a superior court for retrial. |
| 5. | Change the format of summons to optimize the use of paper. |
| 6. | Shorten the duration of enclosing scanned documents in the file. |
| 7. | Create the possibility to register the case, assign it, receive it, and set hearings on the same day. |
| 8. | Change the format of the calendar of court hearings with respect to records of hearings so that it complies with the actual length of the hearing. (Often the duration of hearings does not correspond to their graphical representation in the calendar, thus creating confusion with respect to the duration of the hearings that have already been scheduled) |
| 9. | Enable severance of cases. |

*Source: Adviser to Comrat District Court President*

## 2.2. AUDIO RECORDING SYSTEM

Comrat District Court has four courtrooms all with audio recording equipment and software. All hearings take place in courtrooms and are audio recorded.

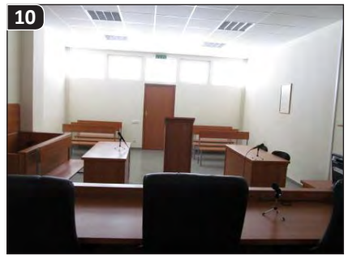
Every request to record court hearings is satisfied. Since 2009 when the audio recording equipment and software were installed, no one has requested a CD of a court hearing.

The courtroom doors have plaques stating that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings, the purpose is to check the accuracy and the completeness of the written minutes of hearings and to ensure the transparency and efficiency of court operations. The audio recordings of hearings are used by the clerks for this purpose.[2]

The technical issues faced by Comrat District Court staff are difficulties listening to the recordings; software and computer breakdowns; disappearance of audio records and different numbering on recordings and case files. Another problem mentioned was legislation requiring written and recorded minutes.

[2] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*



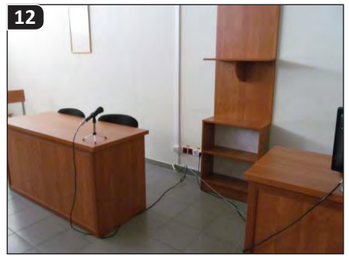




**Photo 9.** *Desk of the chancellery specialist responsible for scanning case files*
**Photo 10.** *Courtroom*
**Photo 11.** *Inscription and indicators next to a courtroom door*
**Photo 12.** *Audio recording equipment*

## 2.3. WEB PAGE OF COMRAT DISTRICT COURT

Comrat District Court has a website where information for citizens is posted; it is updated by the public relations specialist as needed.

Tables 2 and 3 show the menus for the web page of Comrat District Court and their contents.

**Table 2.** *Content of the web page of Comrat District Court in Romanian*

| Menu title | Information posted on the web page |
|---|---|
| Competence | – Jurisdiction<br>– Table with the settlements falling under the jurisdiction of Comrat District Court |
| Regulatory Framework | – List of the main regulatory acts that govern the court |
| Public Relations Service | – Does not contain any information |
| Press Releases | – Does not contain any information |
| Archives | – Active link to "*Useful Links*" which contains no information |
| Organization | – Court's organizational chart |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>**The latest decision was posted on 3 August 2012** |
| Statistical Records | Does not contain any information |
| Information of Public Interest | Does not contain any information |
| News | Does not contain any information |

*Source: http://jco.justice.md*

**Table 3.** *Content of the web page of Comrat District Court in Russian*

| Menu title | Information posted on the web page |
|---|---|
| Message of the President of the Court | Welcoming Message |
| Competence | – Jurisdiction<br>– Table with the settlements falling under the jurisdiction of Comrat District Court |
| Regulatory Framework | List of the main regulatory acts that govern the court |
| Public Relations Service | Does not contain any information |
| Press Releases | Does not contain any information |
| Archives | Does not contain any information |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>**The latest decision was posted on 3 August 2012** |
| Statistical Records | Does not contain any information |

*Source: http://jco.justice.md*

Some menus have information of public interest about Comrat District Court, but some have no information at all. The website in Romanian does not include contact data

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Comrat District Court has sufficient equipment to operate properly. Table 4 shows the equipment category, the number of existing items and the equipment needed as per court staff.

**Table 4.** *Equipment inventory and equipment needs*

| Equipment item | Number of items | Needed |
|---|---|---|
| Server | 1 | - |
| Computer | 32 | 8 |
| Printer | - | 8 |
| Scanner | 1 | 2 |
| Audio recording equipment set | 4 | - |
| Microphone | 17 | - |
| Headphones | 27 | - |
| Photocopier | 3 | - |
| Air conditioner | 19 | - |
| TV set | 3 | - |

*Source: Comrat District Court*

### Conclusions

- When using IMCS Version 3, the staff of Comrat District Court faces the issues of uneven distribution of files and incompatibility with the web browser.
- The court staff scans the documents from case files.
- They also use the audio recording system.
- To improve its operations, Comrat District Court needs 8 computers, 8 printers and 2 scanners.
- Comrat District Court uses the website content management system. The menus have some information of public interest.

### Recommendations

- Delete audio recordings from the server in line with SCM regulations.[3]
- Organize training internally on ICMS and the audio recording software.
- Complete all menus on the web page with updated information of public interest.
- Ensure the uniformity of the font and colors used on the web page.

[3] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*

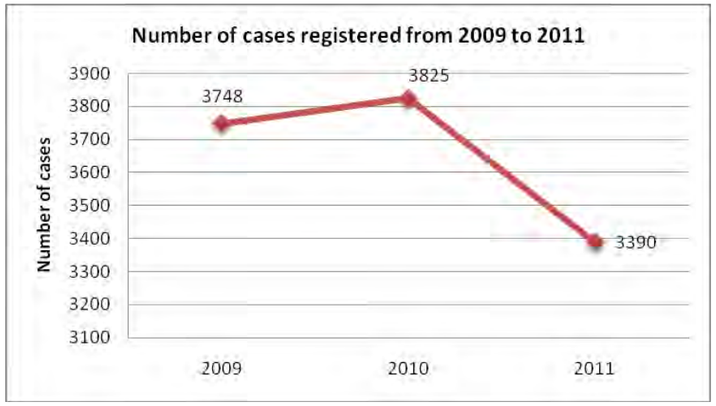
# III. WORK OF COMRAT DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The work load of Comrat District Court was analyzed from 2009 to 2011 by the total number of cases registered, the total number of cases examined, the number examined by type of case, the year-end backlog and the case clearance rate.

Graph 1 shows that the total number of cases registered decreased from3748 in 2009 to 3390 in 2011.

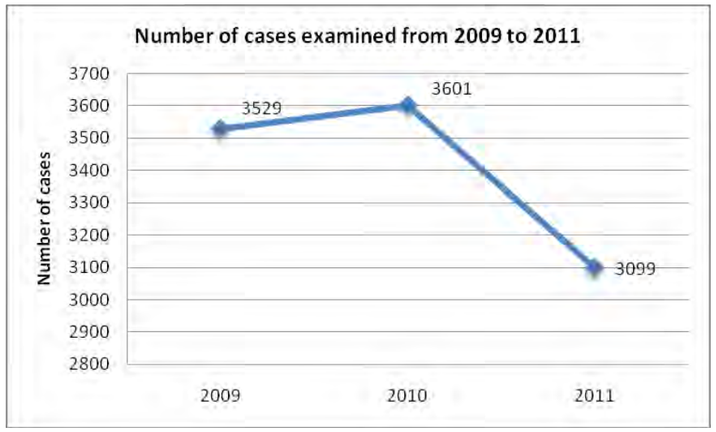
**Graph 1.** *Number of cases registered in 2009-2011*




*Source: DJA*

The total number of cases examined decreased from 3529 in 2009 to 3099 in 2011 (Graph 2).

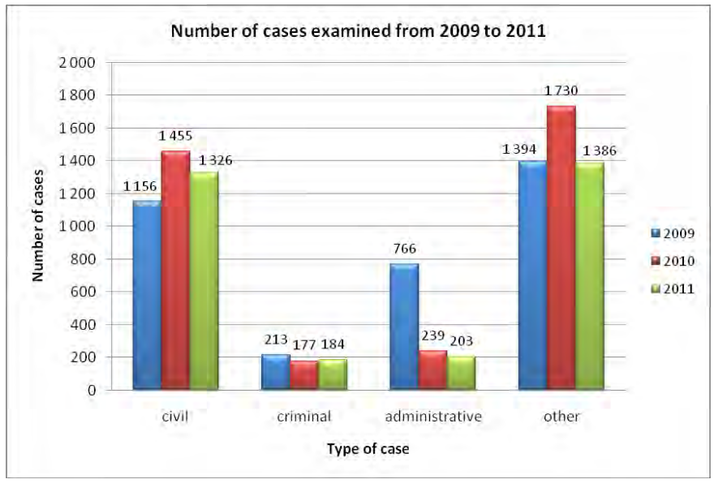
**Graph 2.** *Number of cases examined from 2009 to 2011*




*Source: DJA*

According to the data in Graph 3, from 2009 to 2011 the number of civil cases examined by Comrat District Court increased from 1156 to 1326, the number of criminal cases did not change significantly and the number of administrative cases decreased from 766 to 203.

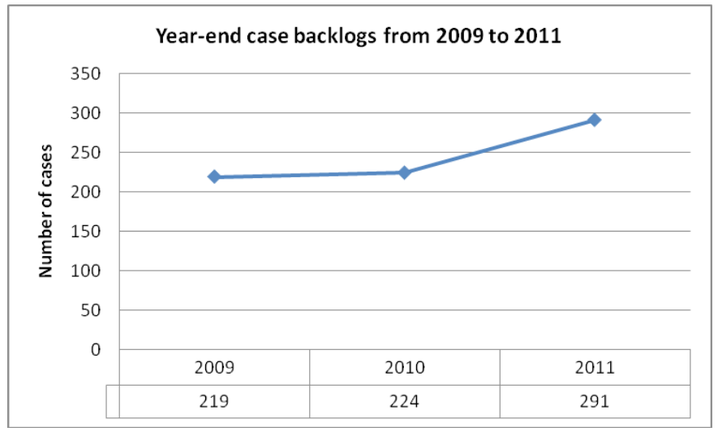
**Graph 3.** *Number of cases examined from 2009 to 2011 by type of case*




*Source: DJA*

The year-end case backlog of Comrat District Court increased from 219 in 2009 to 291 in 2011 (Graph 4).

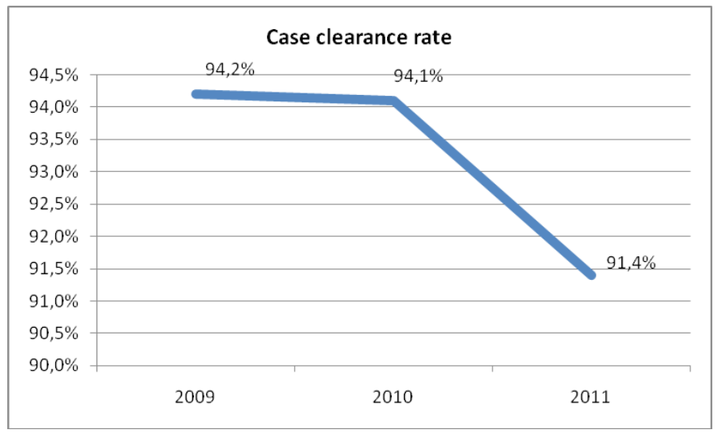
**Graph 4.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 5, the case clearance rate in Comrat District Court decreased from 94.2% in 2009 to 91.4% in 2011.

**Graph 5.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Comrat District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and other necessary work.

The chancellery is situated on the first floor close to the entrance and has three employees responsible for scanning documents from case files and registering cases in ICMS and on paper.

The chancellery of Comrat District Court keeps the registers in Table 5.

**Table 5.** *The registers used by Comrat District Court chancellery*

| Register Category | Register Title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Materials sent by courier |
| ***Civil*** | 1. Index of civil cases<br>2. Index of administrative cases<br>3. Index of writ proceedings<br>4. Index of economic cases<br>5. Bailiffs' intercessions<br>6. Action record card |
| ***Criminal*** | 1. Index of criminal cases<br>2. Criminal cases<br>3. Material evidence<br>4. Materials related to the enforcement of judgments<br>5. Action record card |
| ***Administrative*** | 1. Index of administrative cases<br>2. Complaints |

*Source: Comrat District Court chancellery specialists*

The court maintains duplicate records of case files—one on paper and one in digital format. The same information may be entered three or even four times in various records as shown in Table 6.

**Table 6.** *Registration of a civil case by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case | ICMS | Action record card | Register of incoming mail, Index of civil cases |
| Plaintiff's name | ICMS | Action record card | Incoming mail |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case category | ICMS | Action record card | Register of incoming mail, Index of civil cases |
| State fee | ICMS | Action record card | |
| Case file circulation within the court | ICMS | Action record card | |
| Essence of the case | ICMS | Action record card | |

*Source: Comrat District Court chancellery specialists*

If the chancellery specialists showed the assessment team all the registers they keep, they have followed the amended Guidelines.[4]

The archives are on the first floor in an adequate, air conditioned room and are in very good condition. The files are kept in order on shelves and the room is appropriate for storing files.

### Conclusions

- The number of cases registered at Comrat District Court decreased by 9.6% from 2009 to 2011.
- The number of cases examined at Comrat District Court decreased by 12.2% from 2009 to 2011.
- During the same period, the number of civil cases examined increased by 170, the number of criminal cases decreased by 29 and the number of administrative cases decreased by 563.
- The case backlog increased by 72 from 2009 to 2011.
- The case clearance rate decreased by 2.8% during the same period.
- There is duplication of effort because laws and regulations require paper and digital registers.
- The specialists of the chancellery use the number of registers required in the Guidelines.

### Recommendations

- Review the internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to bring the number of registers in line with the requirements in the Guidelines.

[4] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

According to its staffing scheme, Comrat District Court has 6 judges and 23.5 regular staff (Table 7).

The roster does not include the position of human resource manager. Those duties are performed by the court president and the adviser to the president.

The court has a public relations specialist who manages the website and e-mail of the court. This person also drafts answers to the questions from SCM, distributes the petitions received by the court and writes judges' speeches for SCM meetings.

When a vacancy occurs, an announcement is placed in the *Official Gazette* and on the website. The adviser analyzes the applications and decides who should take the verbal test. The president of the court decides whom to employ and drafts the employment order. Every two years a staff evaluation committee is created at the court.

Comrat District Court has job descriptions for the positions of head of chancellery, adviser to court president, consultant, clerk, translator, public relations specialist, specialist, head of archives and outside and inside cleaner.

**Table 7.** *Staffing scheme of Comrat District Court*

| No. | Position | Current number[5] |
|---|---|---|
| 1. | Judge | 5 |
| 2. | Investigating judge | 1 |
| 3. | Adviser to the court president | 1 |
| 4. | Chief accountant | 1 |
| 5. | Consultant | 2 |
| 6. | Clerk | 6 |
| 7. | Translator | 3 |
| 8. | Head of the chancellery | 1 |
| 9. | Coordinating specialist | 1 |
| 10. | Specialist | 2 |
| 11. | Head of the archives | 1 |
| 12. | Head of the auxiliary service | 1 |
| 13. | Courier | 0.5 |
| 14. | Driver | 1 |
| 15. | Inside cleaner | 2 |
| 16. | Outside cleaner | 1 |
| | **TOTAL** | **29.5** |

*Source: Accounting office of Comrat District Court*

The Court has internal regulations available to judges and regular staff that establish the operations and organization of the court and the rights and obligations of court management, judges and regular staff appointed or employed on the basis of an individual employment agreement, irrespective of its term, who are subordinated to the court or who provide services to ensure the efficient and effective administration of justice. The court also has rules of conduct for the staff of Comrat District Court.

Judges are trained by NIJ, and in 2011, all judges met the requirement of 40 annual hours of ongoing training. The judges the assessment team interviewed mentioned that NIJ training and the publications they receive from SCM are enough to meet their information and training needs. When looking for regulatory acts, Comrat District Court uses the legislative database on the Ministry of Justice website and does not subscribe to any private legislative databases. Comrat District Court subscribes to several publications including *Official Gazette, Moldova Suverana* (*Sovereign Moldova*), *Bulletin of the Supreme Court of Justice, Nezavisimaya Moldova*, *Vesti Gagauziy* (*Gagauzia News*), *Moldavskie Vedomosti* (*Moldovan Gazette*), and *Novoye Vremya* (*New Times*).

The court staff mentioned that they were last trained by NIJ two years ago and that the court does not organize any training for them internally. The topics the staff is interested in relate to the use of Femida for clerks and the use of ICMS Version 3 for all court staff.

### *Conclusions*

- Human resources are managed in Comrat District Court by the court president and the adviser to the court president.
- The court has a public relations specialist.
- The court has no human resource specialist.
- The court does not have an internal staff training system.

### *Recommendations*

- Employ and train a human resource specialist.
- Train the public relations specialist.
- Implement internal training for the regular staff of Comrat District Court so they can solve problems they encounter in their jobs.

## V. SERVICES FOR THE PUBLIC

Comrat District Court has an information window in the chancellery which is located on the first floor close to the entrance. The office of the public relations specialist is on the second floor. There are signs at the entrance to the courthouse showing the way to the information window and the archives. There are no signs to the office of the public relations specialist. There are plaques stating that the access of the public to judges' offices is restricted.

There is an information board at the entrance to the building with the following data:

- List of cases scheduled for hearings which is not retrieved automatically from ICMS but is drafted manually in MS Word
- Samples of petitions
- Information on the state fees

Parties and other participants in a case may request copies of judgments from the chancellery. It is not necessary for the president to approve the request. The person filing the request must then pay the state fee. The copy of the document is issued on the same day.

### *Conclusions*

- There is an information window for the public.
- There are signs showing the way to the information window, the chancellery and the archives.
- The information board for the public at the court entrance contains information helping visitors to orient themselves.
- The chancellery of Comrat District Court is situated on the first floor of the building close to the entrance—a location in line with the general design rules for law courts.
- The procedure for issuing copies of judgments does not require the approval of the court president.

### *Recommendations*

- Post more detailed information of public interest on the information board, for example, announcements about the webpage of Comrat District Court, information about the right of parties in a case to request recordings and a copy of the hearing on a CD, news about the judiciary, etc.
- Use the ICMS module to generate the list of cases scheduled for hearing.

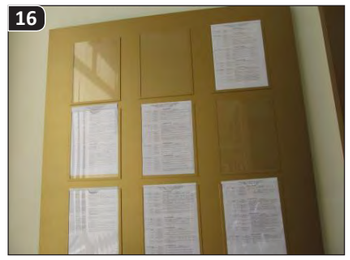



**Photo 13.** *Information board*
**Photo 15.** *Information window for citizens*
**Photo 14.** *Public area*
**Photo 16.** *List of court hearings*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Comrat District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which in turn receives ceilings for the entire justice sector from the Ministry of Justice. These ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others)

2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted as per the inflation rate predicted for the coming year. After all these calculations, the court proposes a draft budget that complies with the ceilings established by DJA

## 6.1. BUDGET

The budget of Comrat District Court is divided into the following six categories:

- *Staff expenditures* – salaries, mandatory state social insurance and health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – power, gas, water and sewerage, and sanitation;
- *Expenses for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[5]

From 2010 (executed) to 2012 (approved), the budget of Comrat District Court increased from about MDL 1.5 million to about MDL 2 million (Table 8).

In 2011, the budget increased by 9% over 2010 due to repairs, the procurement of fixed assets and an increase in operating expenses of 19%.

For 2012 the court planned a 21% increase mostly for fixed assets to purchase a car though utilities increased by 21% and staff expenses increased by 13%.

[5] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Comrat District Court, by type of expense (2010–2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 1,043,000 | 1,068,255 | 2% | 1,211,600 | 13% |
| Repairs | 0 | 20,977 | 100% | 0 | -100% |
| Utilities | 162,706 | 128,813 | -21% | 156,200 | 21% |
| Fixed assets | 0 | 59,929 | 100% | 210,000 | 250% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 318,698 | 379,925 | 19% | 426,700 | 12% |
| **Total** | **1,524,404** | **1,657,899** | **9%** | **2,004,500** | **21%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 received from the court*

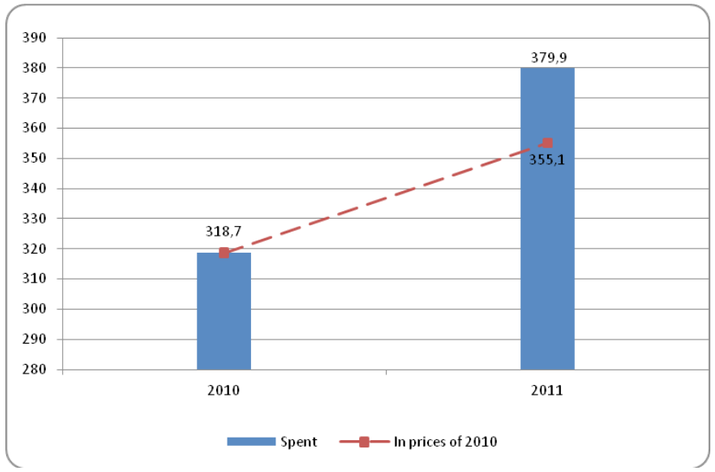
## 6.2. STAFF EXPENDITURES

Staff expenditures represent approximately 60% of the total budget and increase year by year. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

From 2010 to 2011, both the face value and the real value of operating expenditures increased. Their face value increased from about MDL 319 thousand to about 380 thousand, an increase of about 19%. Their real value increased by approximately 11% taking into account that in 2011 the inflation rate was 7%. MDL 380 thousand in 2011 was therefore equivalent to MDL 355 thousand in 2010; hence, the real value of operating expenditures increased by approximately MDL 36 thousand (Graph 6).[6]

**Graph 6.** *Operating expenses for Comrat District Court in 2010 and 2011*



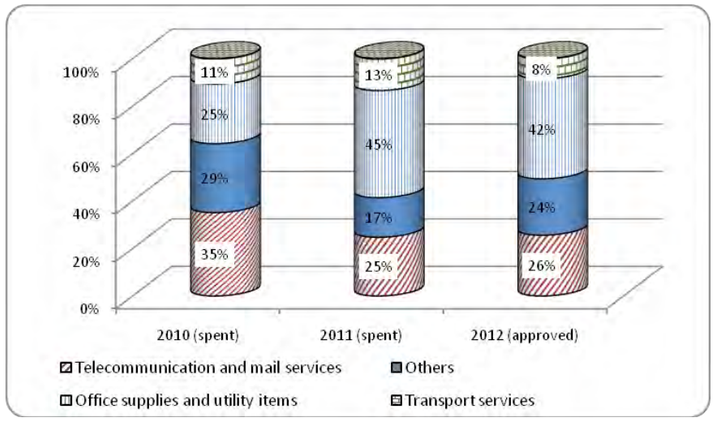

[6] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

The biggest share of operating expenditures went into the following three categories:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 7.** *Structure of operating expenditures from 2010 to 2012*




Graph 7 shows that in 2010 about 35% of operating expenses went to telecommunications and mail services, office supplies and utility items accounted for 25% and transport services accounted for 11% of the total operating expenses.

In 2011 the structure of operational expenses changed and the largest share went for office supplies and utility items (45%) while telecommunications and mail services decreased by 10 percentage points to 25%. Transport services increased by 2 percentage points compared with 2010 and reached 13% of the total.

For 2012 the budget is the following:

- 42% for office supplies and utility items
- 26% for telecommunications and mail
- 8% for transport services

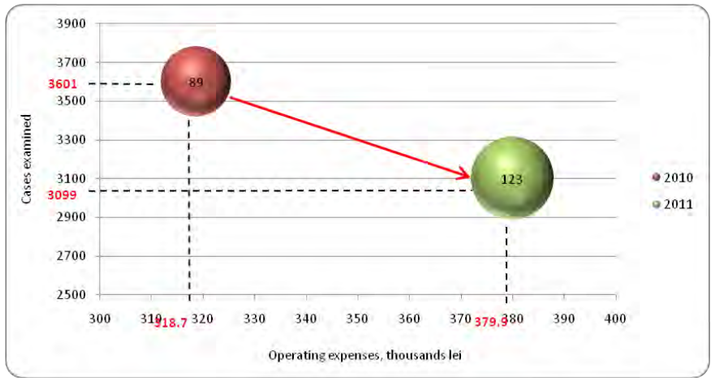
Expenditures for telecommunications and mail services merit attention because 70% are for stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase in operating expenses in 2011 compared to 2010 can be explained by several factors. It is certainly not determined by the number of cases examined. In 2011 the court examined 3099 cases compared to 3601 cases in 2010.

Comparing operating expenses to the number of cases examined, in 2010 the average cost of examining a case amounted to about MDL 89, while in 2011 it was MDL 123 (Graph 8).

**Graph 8.** *Comparative analysis of the average operating cost/case in Comrat District Court in 2010 and 2011*



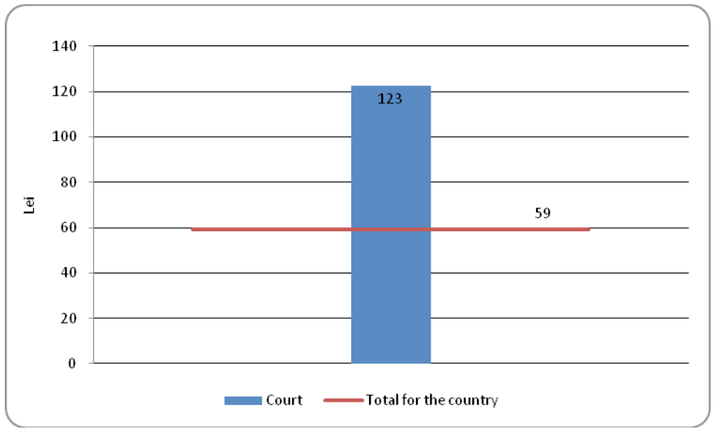

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The increase in the average operating cost per case was due to the decrease in the number of cases examined and the increase in operating expenses.

## 6.6. AVERAGE OPERATING COST PER CASE IN COMRAT DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 123 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 9.** *Comparative analysis of the average cost per case examined in Comrat District Court in 2011 and the weighted average cost per case for the country as a whole*




As shown in the Graph 9, in 2011 the average cost per case examined in Comrat District Court was considerably greater than the weighted average cost per case examined for the country as a whole.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Bookkeeping at Comrat District Court is done manually due to lack of funds to purchase accounting software.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the chief accountant who does not have professional qualifications in public procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars, all of various brands and at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.)

### Conclusions

- In 2011, both the face value and the real value of operating expenditures increased.
- In 2011, the average cost for examining a case increased compared with 2010.
- In 2011, the average cost for examining a case was higher than the weighted average cost of a case for the country as a whole.
- Compared with 2010, in 2011 Comrat District Court examined fewer cases with more operating costs. This implies there is no direct correlation between the two.
- The expenses for mail services account for a large share of total operational expenses.
- Bookkeeping is done manually.
- The court does all its public procurements without a procurement specialist.
- The training provided on public procurement is not enough to meet the needs of the court.

### Recommendations

- Consider purchasing accounting software and training the staff to use it.
- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Criuleni District Court, situated in Criuleni Town, serves 72,300 inhabitants in the 43 localities that are part of Criuleni District according to Law No. 764 of 27 December 2001 on the Administrative-territorial Organization of the Republic of Moldova.

According to its staffing plan, Criuleni District Court has 5 ordinary judges and 1 investigating judge. Its office also employs other 24,5 staff units. Criuleni District Court has no human resource specialist; those duties are performed by the court president, the deputy-president of the court and the adviser to the court president. There is a public relations specialist in the court; however there are no signs showing the way to his office. The Criuleni staff does not receive any internal training.

Staff expenditures follow an upward trend. The court does all its public procurements without a procurements specialist. Although the face value of the allocations for operating expenditures in 2011 increased, the real value decreased compared with previous year. Notwithstanding in 2011 the average operating cost for examining a case decreased compared with the previous year it was higher than the weighted average cost of a case examined for the country as a whole (see the detailed analysis in Chapter VI).

The Criuleni District Court has 2 levels with a total surface area of 1,453.0 sq. meters. It was built in 1979 as a courthouse. Its exterior, roofing, water supply system, sewerage system and interior need repair. The replacement of the electrical system started in 2009 and was completed in 2012.

# CRIULENI DISTRICT COURT

*70, 31 August St., Criuleni Town*

*Date of the visit: May 8, 2012*

The Criuleni staff uses Version 3 of ICMS which was installed in April 2012. Since the staff has been using it for a relatively short period, they had no objections to it or suggestions on how to change it.

The Criuleni staff audio records all hearings held in the three courtrooms where audio recording equipment is installed, unless the equipment breaks down. Turnover of court clerks, a lack of training and legal requirements for written minutes and for audio recordings of hearings (overlapping) are among the reasons that not all hearings are recorded.

Specialists of Criuleni District Court continue to keep a considerable number of registers even though amendments to the Guidelines reduced the number of registers required.

The total number of files received at Criuleni District Court decreased by 107 from 2009 to 2011, while the number of cases examined decreased by 230 during the same period with a case clearance rate of 86% in 2011.

The court has an information board for the public, and office doors have doorplates showing judges' names. Some judges' doors have a warning that the entry into judges' offices is not allowed.

The web page management system of Criuleni District Court was last accessed long ago. The web page contains information of public interest; however, the titles of some menus do not match their contents. In addition, some menus lack information while others contain obsolete information.

# I. INFRASTRUCTURE

## *1.1. ASSESSMENT*

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 4 | The exterior needs repair |
| Water supply | 1 | The water supply is sufficient. The court is connected to the centralized water supply system. |
| Power supply | 3 | The electrical system has lately been replaced. However, there are frequent power outages. |
| Sewerage system | 4 | There is a centralized sewerage system. The pipes are the original ones and will be checked and repaired. The unsatisfactory condition of the sewerage system caused flooding in the basement where the archives are stored. |
| Heating system | 4 | The heating system is based on gas. The boiler room is old. Judges cannot use a courtroom in winter because of insufficient heating. |
| Firefighting system | - | Does not exist |
| Roofing | 3 | The roof structure is in good condition. Every five years it is repaired. The last time the roof was repaired was five years ago. |
| Interior | 3 | The last repair was carried out in 2007. Most rooms need repair. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

**Photo 1.** *Court facade*
**Photo 2.** *Public space*

**Photo 3.** *Plate with the institution's name*
**Photo 6.** *Exterior of the building*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on a comparative analysis of the physical and operational conditions of Criuleni District Court as of May 2012.

Criuleni District Court has 2 levels and a basement with a total area of 1,453.0 sq. meters. There are 14 offices, 2 public spaces and 3 courtrooms. The basement is clear, but it cannot be used as a functional space because there is neither natural illumination nor proper ventilation.

Criuleni District Court is not protected by the National Guard and hires night guards. In daytime, the court is protected by the judicial police.

The last time Criuleni District Court was repaired was in 2007. Since then no other renovations of the building or of its rooms have been financed. Thus, the heating system, the exterior and the sewerage system are unsatisfactory. The roofing was repaired five years ago and needs repair. The electrical system was replaced recently.

The functional area of the courthouse is appropriate for the operation of a court of law except that the rooms need renovation and there is no separate entrance and no separate room for detainees.

The court president of Criuleni District Court plans to move the chancellery to the ground floor so as to facilitate public access to information. He also plans to renovate courtrooms, deliberation rooms and restrooms. In addition, he wants to create a room for interviewing juveniles.

The interior of the building is generally in satisfactory condition, although most rooms need repair. On the ground floor, two offices became available after the bailiffs moved to another place. These offices are in bad condition. There are plans to repair and to use them for the chancellery. No date for this work has been decided as yet because there are no funds for it.

The office of the court president is situated on the second floor and is in good condition because a few years ago it was refurbished. The other rooms upstairs need repair. The finish on the floors and windows is unsatisfactory.

The doors and windows are old and must be replaced. The stairs must be tiled. The banisters must be replaced.

The lighting fixtures are the same as when the building was commissioned.

There are no firefighting systems and no emergency lights.

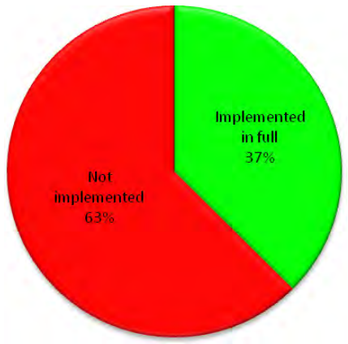
The 2009 Infrastructure Assessment Report listed eight priorities for capital repair work, three of which have already been implemented (Table 1 and Graph 1).

**Table 1.** *Implementation of the capital repair priorities identified in 2009*

| Priorities for capital repair in 2009 | Implementation stage in 2012 |
|---|---|
| Replace the boiler | Not implemented |
| Replace old windows | Not implemented |
| Move the bailiffs | Implemented |
| Redesign and renovate the interior | Not implemented |
| Improve the electrical system | Implemented |
| Renovate the water supply and sewerage system | Not implemented |
| Install air conditioners in the server room | Implemented |
| Repair the exterior; repair the entrance | Not implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of the 2009 capital repair priorities in 2012*




### Conclusions

- Little renovation has been done on the Criuleni District Court from 2009 to 2012.
- Most rooms need repair.
- The renovation work was based on recommendations and priorities stated in the 2009 Infrastructure Assessment Report.
- ROLISP estimated that 37% of the 2009 recommendations for capital repairs have been implemented and 63% have not been implemented.

### Recommendations

- Move the chancellery to the ground floor and install a single information office window for citizens.
- Repair the building's exterior.
- Repair all rooms in the building.
- Replace old windows and doors.
- Replace the heating system.
- Renovate the water supply and sewerage system.
- Replace the lighting fixtures.
- Install a firefighting system.

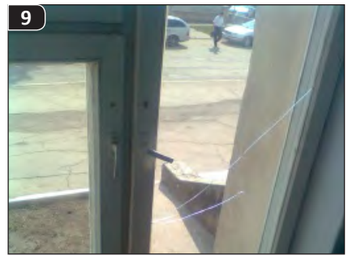



**Photo 5.** *Courtroom*
**Photo 6.** *Floor in an office on the ground floor*

**Photo 7.** *Office formerly occupied by bailiffs*
**Photo 8.** *Courtroom*
**Photo 9.** *Window on the ground floor*

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The Criuleni staff has used ICMS since 2009. In April 2012, Version 3 was installed including the electronic statistical reporting module and changes determined by the programming of this module. On the visit to Criuleni District Court, the staff did not know all functions and features of Version 3 because they had been using it for only a few weeks.

After case files are registered, the clerical staff scans civil and administrative case files in full but scans only the bills of indictment in criminal case files.

The Criuleni staff had no proposals for changing ICMS; however, they mentioned a few technical issues such as power outages and the deterioration of the server. One of the main problems is the unstable power supply. At night the power is often cut off. As a result, every time the staff wants to use ICMS or the audio recording system they have to switch on the server again. The server is currently not working. The CST staff took it for repair and replaced it with a temporary one.

The court president of Criuleni District Court rated his satisfaction with the services provided by CTS as a 4 out of 5.

### 2.2. COURT HEARINGS AUDIO RECORDING SYSTEM

Audio recording equipment and software have been installed in all 3 courtrooms at Criuleni District Court. All hearings held in the courtrooms are audio recorded except for rare cases when the equipment breaks down. The recordings are kept on the court server and are copied to CDs only when the case file is sent to a superior court or when a party in the case requests the CD. Older recordings are not deleted from the server.

Criuleni District Court provides copies of recorded hearings whenever requested; however, since the audio recording equipment and software were installed, only 1% of the parties involved in cases requested the CDs on which their recordings were stored

Courtroom doors have signs stating that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings approved by SCM Decision No. 212/8 of 18 June 2009, the purpose of the digital audio recording of court hearings is to check the accuracy and the completeness of the written minutes of hearings and to ensure transparency and efficiency of court operations. Whenever court clerks use audio recordings of hearings they do it to make sure the minutes are complete and accurate.

The Criuleni staff reported problems related to an insufficient number of courtrooms, the legislation requiring duplication of effort—written minutes and audio recordings—insufficient numbers of staff, a shortage of printers and frequent power outages.

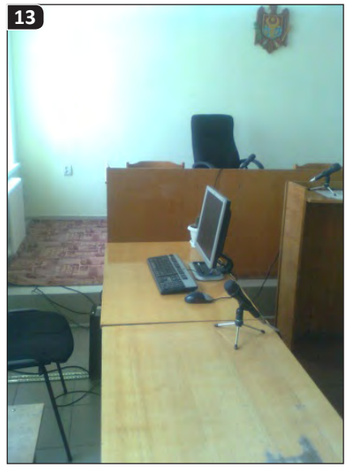


**Photo 10.** *Temporary server*
**Photo 11.** *Server room*
**Photo 12.** *Inscription on a courtroom door*
**Photo 13.** *Audio recording equipment*
**Photo 14.** *Audio recording equipment*
**Photo 15.** *Audio recording equipment and Femida software*

## 2.3. WEB PAGE OF CRIULENI DISTRICT COURT

Criuleni District Court has a web page containing information for citizens that is updated by a staff member who has this duty. On the day of the visit, that person was on vacation leave.

Table 2 shows the menus for the web page of Criuleni District Court and their completeness.

**Table 2.** *Content of the web page of Criuleni District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the Chief Judge | – Message of the Chief Judge<br>– Organizational chart of Criuleni District Court |
| Competence | – Competence<br>– Geographical coverage |
| Regulatory Framework | – Table with regulatory acts regulating court operations<br>– *Laws, decisions, regulations* – an active link that directs visitors to a link to the Regulations on the Service for Public Information and Mass-Media Relations that in turn is not active and generates an error report<br>– *Recommendations* – an active link that shows no information<br>– *Regulations of the court* – an active link that shows a link to the guidelines which in turn cannot be accessed and generates an error report |
| Public Relations Service | – General information about the functions of the public relations specialist<br>– Contact information for the public relations specialist |
| Press Releases | Does not contain any information |
| News | Does not contain any information |
| Archives | Does not contain any information |
| Organization | Does not contain any information |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS |
| Statistics | Does not contain any information |
| Information of Public Interest | – Announcement in 2010 about the open day at Criuleni District Court<br>– Action plan of the court president of Criuleni District Court on the occasion of the open day |
| Job Vacancies | – Announcement in 2009 about the vacancy for the positions of court clerk and translator;<br>– Application form |

*Source: http://jcr.justice.md/*

The information above shows that the last time the web page management system of Criuleni District Court was accessed was long ago. Some menus do not match their contents. Thus, the menu "Message of the Chief Judge" contains not only the message of the court president but also the organizational chart of the court which should be posted in the menu "Organization." Some menus lack information, while others contain obsolete information.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Criuleni District Court has sufficient equipment for its proper operation. Table 3 shows the equipment category, the number of existing items and the equipment needed as per court staff.

**Table 3.** *Equipment inventory and equipment needs*

| Equipment item | Number of items | Needed |
|---|---|---|
| Server | 1 | - |
| Computers | 24 | 2 |
| Printers | 14 | 12 |
| Photocopiers | 2 (only 1 is functioning) | 1 |
| Scanners | 6 | 6 |
| Fax | 1 | - |
| TV set | 1 | - |

*Source: Criuleni District Court*

### Conclusions

- Regarding ICMS Version 3, the Criuleni staff does not know the new options it offers.
- The Criuleni staff uses the audio recording system whenever they hold hearings in the courtrooms.
- To improve its operations, Criuleni District Court needs 2 computers, 12 printers, 1 photocopier and 6 scanners.
- The last time the web page content management system of Criuleni District Court was used was long ago. Some menus lack information, while others contain obsolete information.

### Recommendations

- Organize internal training for new staff.
- Train the staff to delete audio recordings from the server in line with the SCM Regulation.[2]
- Ensure an uninterrupted power supply.
- Purchase a sufficient number of printers.
- Complete all menus on the web page with information of public interest.
- Ensure the uniformity of the font and colors used on the web page.
- Arrange the information on the web page according to menu titles.

[2] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*

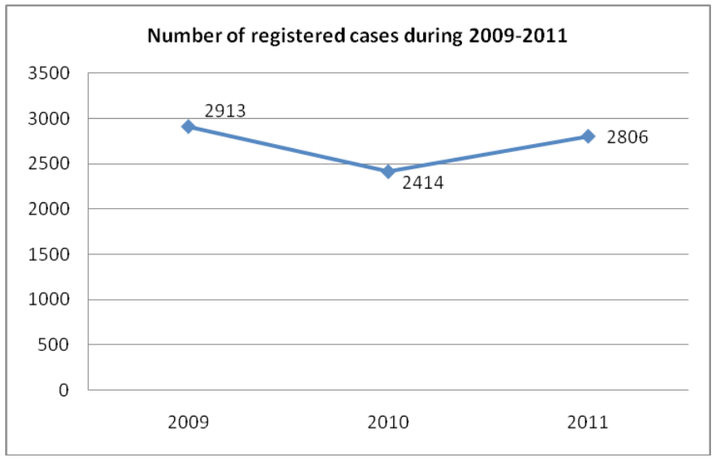
# III. WORK OF CRIULENI DISTRICT COURT

## 3.1. WORK LOAD

The workload was analyzed from 2009 to 2011 by the total number of cases registered, the total number of cases examined, the number examined by type of case, the year-end backlog and the case clearance rate.

Graph 2 shows that the total number of case files received by Criuleni District Court decreased from 2913 in 2009 to 2806 in 2011.

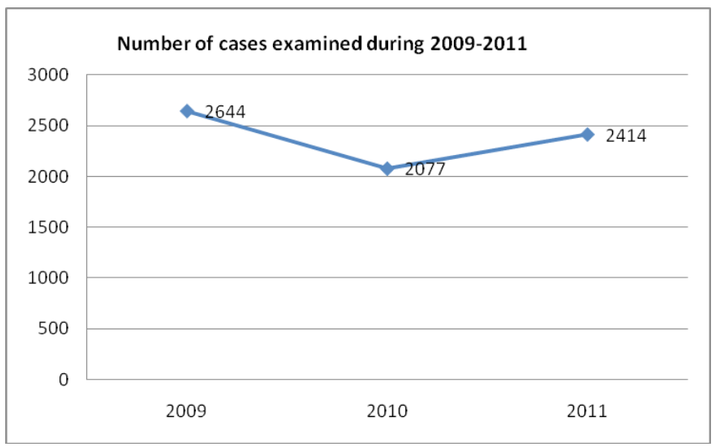
**Graph 2.** *Number of cases registered from 2009 to 2011*




*Source: DJA*

According to judicial statistics, the total number of cases examined also decreased from 2,644 in 2009 to 2,414 in 2011 (Graph 3).

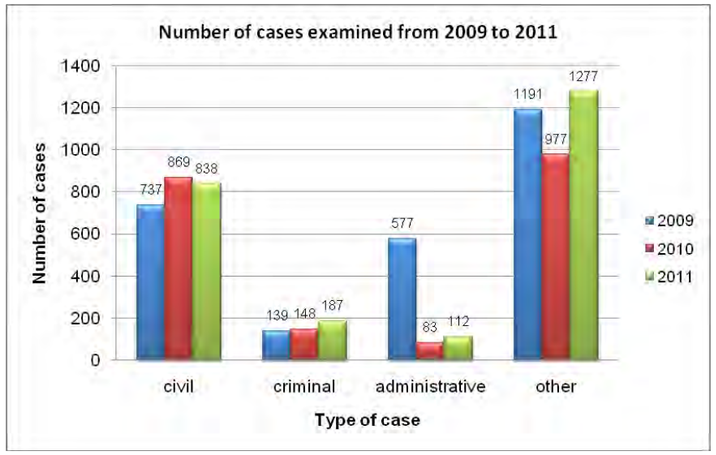
**Graph 3.** *Number of cases examined from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, from 2009 to 2011 the number of civil cases examined increased from 737 to 838, the number of criminal cases increased from 139 to 187, and the number of administrative cases decreased from 577 to 112.

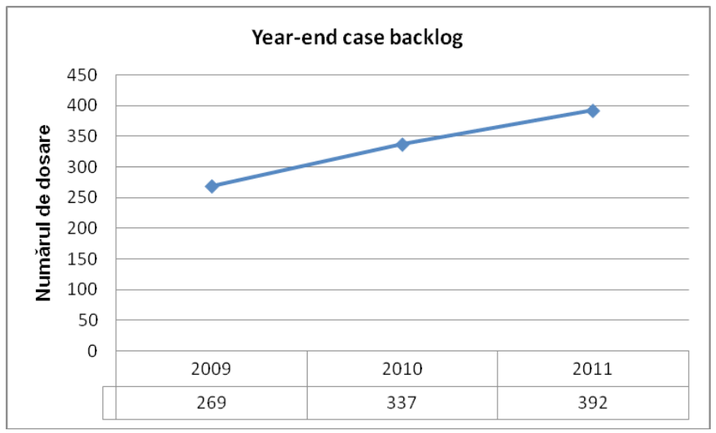
**Graph 4.** *Number of cases examined from 2009 to 2011 by type of case*




*Source: DJA*

According to judicial statistics, the case backlog of Criuleni District Court increased from 269 in 2009 to 392 in 2011 (Graph 5).

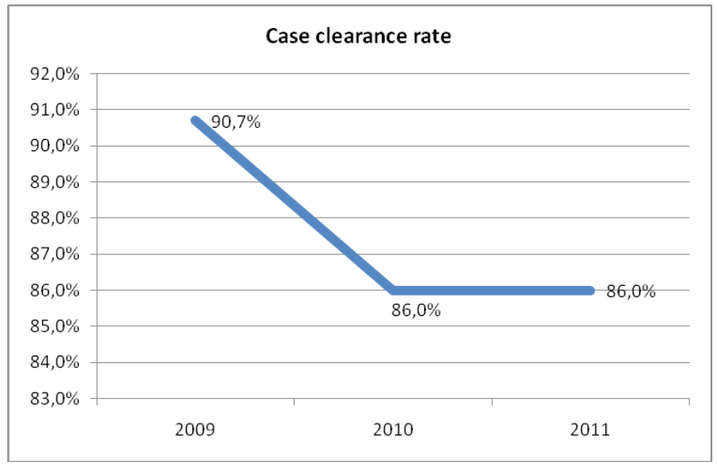
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Criuleni District Court decreased from 90.7% in 2009 to 86.0% in 2011.

**Graph 6.** *Case clearance rate from 2009 to 2011*




## 3.2. ORGANIZATION OF ACTIVITIES

Criuleni District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and other necessary work.

The chancellery of Criuleni District Court is situated on the ground floor. Its specialists are responsible for scanning documents from case files and registering cases in ICMS and on paper.

The chancellery of Criuleni District Court maintains the registers listed in Table 4.

**Table 4.** *The registers used by Criuleni District Court chancellery*

| Register Category | Register Title |
|---|---|
| *General* | 1. Incoming mail<br>2. Outgoing mail<br>3. Registered letters<br>4. Petitions<br>5. Telegrams<br>6. Case files issued to citizens/lawyers |
| *Civil* | 1. Index of civil cases<br>2. Index of administrative cases/writ proceedings<br>3. Civil case flow<br>4. Civil case flow during writ and administrative proceedings<br>5. Challenged judgments of administrative and writ proceedings<br>6. Challenged civil judgments<br>7. Record card |
| *Criminal* | 1. Index of criminal cases<br>2. Sentence enforcement<br>3. Challenged sentences<br>4. Material evidence<br>5. Criminal case flow<br>6. Warrants of arrest<br>7. Record card |
| *Administrative* | 1. Index of administrative cases<br>2. Administrative materials – index 4d<br>3. Administrative materials – index 4, 5r<br>4. Challenged administrative judgments |

*Source: Criuleni District Court chancellery specialists*

The court maintains duplicate records of case files—on paper and in electronic form. The same information may be entered three or even four times in various records as Table 5 shows.

**Table 5.** *Registration of a civil case by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case | ICMS | Actions record card | Register of incoming mail,<br>Index of civil cases |
| Plaintiff's name | ICMS | Actions record card | Register of incoming mail |
| Plaintiff's contact information | ICMS | Actions record card | |
| Defendant's name | ICMS | Actions record card | Index |
| Defendant's contact information | ICMS | Actions record card | Index |
| Case category | ICMS | Actions record card | Register of civil case file flow,<br>Index |
| Essence of the case | ICMS | Actions record card | |
| State fee | ICMS | Actions record card | |
| Case file circulation within the court | ICMS | Actions record card | Register of civil case file flow |

*Source: Criuleni District Court chancellery specialists*

The chancellery keeps more registers than required in the Guidelines.

The archives of Criuleni District Court are kept in the basement in well-located and sufficiently large rooms. The files are kept in order. Access to the archives is limited; however, the basement has flooded due to defective plumbing.

## *Conclusions*

- The number of cases registered at Criuleni District Court decreased by 3.6% from 2009 to 2011.
- The number of cases examined decreased by 8.6% from 2009 to 2011.
- During the same period, the number of civil cases examined increased by 101, the number of criminal cases increased by 48 and the number of administrative cases decreased by 465.
- The case backlog increased by 123 from 2009 to 2011.
- The case clearance rate decreased by 4.7% during the same period.
- There is duplication of effort because laws and regulations require paper and digital registers.
- The specialists of the chancellery use more registers than required in the Guidelines.

## *Recommendations*

- Change the chancellery location, and build a reception room on the ground floor.
- Address the problem of power outages.
- Review the internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to bring the number of registers in line with the requirements in the Guidelines.
- Use the electronic statistical reporting module in ICMS Version 3.

**Photo 16.** *Archives*
**Photo 17.** *Archives*
**Photo 18.** *Archives*

## IV. HUMAN RESOURCES

According to its staffing chart, Criuleni District Court has 6 judges. Its office also employs other 24,5 staff units.

Criuleni District Court has no human resource specialist. In practice, those duties are performed by the court president and the adviser to the president.

In 2009, Criuleni District Court appointed a managing specialist for public relations who represents the court officially to mass media and the public in order to ensure court operations are transparent and comply with the law.

To recruit staff, the court posts advertisements on its web page, in the local newspaper *Est-Curier* and on the information board at the entrance to the building. Applicants must submit a written application and pass an interview with a specially created commission. The court does not require a written test. Selected applicants are employed for a trial period of six months.

In recent years there have been no staff dismissals. Usually employees resign of their own volition or go on maternity leave.

Criuleni District Court has job descriptions in electronic format for all positions. When a person is employed he/she must read his/her job description and job duties.

**Table 6.** *Staffing scheme of Criuleni District Court*

| No. | Position | Number |
|---|---|---|
| 1. | Chief judge | 1 |
| 2. | Deputy-president of the court | 1 |
| 3. | Judge | 3 |
| 4. | Investigative judge | 1 |
| 5. | Adviser to the court president | 1 |
| 6. | Chief accountant | 1 |
| 7. | Consultant | 2 |
| 8. | Court clerk | 6 |
| 9. | Translator | 1 |
| 10. | Chief of the chancellery | 1 |
| 11. | Coordinating specialist | 1 |
| 12. | Specialist | 1 |
| 13. | Chief of the archives | 1 |
| 14. | Chief of the auxiliary service | 1 |
| 15. | Courier | 0.5 |
| 16. | Driver | 1 |
| 17. | Guardian | 3 |
| 18. | Boiler room operator | 1.5 |
| 19. | Cleaner | 2.5 |
| | **TOTAL** | **30.5** |

*Source: Accounting office of Criuleni District Court*

The Court has internal regulations available to judges and regular staff that establish the operations and organization of the court and the rights and obligations of court management, judges and regular staff appointed or employed on the basis of an individual employment agreement, irrespective of its term, who are subordinated to the court or who provide services to ensure the efficient and effective administration of justice.

Judges are trained by the NIJ; in 2011 all judges from Criuleni District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and the publications they receive from SCM are enough to meet their information and training needs. Criuleni District Court subscribes to the Moldlex legislative database. The publications Criuleni District Court subscribes to include *Official Gazette*, *Contabilitate si audit* (*Accounting and Audit*), *Buletinul CSJ* (*Bulletin of SCJ*) and *Est-Curier.*

The regular staff of Criuleni District Court was last trained in 2009. The topics included how to draft minutes and declarations. In addition, court clerks need unified guidelines on drafting minutes and enforcement orders because not all court clerks have higher legal education. It is very difficult to hire a legal specialist as a court clerk which is why many court clerks are specialists in other areas.

### *Conclusions*

- Human resource management in Criuleni District Court is carried out by the court president and the adviser to the court president.
- The court has a public relations specialist.
- The court does not have a human resource specialist.
- The court does not have a system for training its regular staff internally.

### *Recommendations*

- Employ and train a human resource specialist.
- Implement internal training for the regular staff in order to clarify issues they encounter in their jobs.

## V. SERVICES FOR THE PUBLIC

Criuleni District Court has no information window and no information office at the courthouse entrance. The doors of judges' offices have plates with the judge's name, and most have a warning that entry is not allowed though some do not. At the entrance into the building there is an information board and a sign showing the way to the chancellery. Another information board is also at the entrance into the office of the court president. The courtroom doors have plaques stating that hearings are audio recorded.

The information board at the courthouse entrance and the one at the office of the court president contain the following information:

- List of cases scheduled for hearing which at Criuleni District Court is not retrieved automatically from ICMS but is drafted manually
- Fire and emergency evacuation plan
- Internal regulations of Criuleni District Court.

The court president of Criuleni District Court does not have fixed hours for meeting citizens who instead may address him/her with their problems during the working hours of the court. The court president receives between 1 and 5 requests a day; the chancellery processes over 20 requests a day.

During working hours, parties and other participants in a case may request copies of judgments from the chancellery. They must first file a request with the chancellery and then pay the state fee at a bank and with confirmation of payment may then pick up the copy at the archivist's office. Copies and the applications with the confirmation of state fee payment are approved by the court president afterwards. The archivist delivers copies either on the same day or in two to three days at most.

### *Conclusions*

- There is no information window for the public.
- There is a sign showing citizens the way to the chancellery.
- The information board for the public at the courthouse entrance contains information helping visitors to orient themselves.
- The chancellery of Criuleni District Court is situated on the ground floor. It must be moved closer to the entrance.
- The procedure for issuing copies of judgments does not require the approval of the court president.

### *Recommendations*

- Change the location of the chancellery and create a single window for information and filing/taking documents.
- Install more signs showing the way to the courtrooms and to the office of the public relations specialist.
- Post more detailed information of public interest on the information board, for example, announcements about the web page, information about audio recordings of hearings and the right of parties in a case to request those recordings and a copy of the hearing on a CD, news on the judiciary etc.

**Photo 19.** *Information board at the entrance of the court president's office*
**Photo 20.** *Information board at the court entrance*
**Photo 21.** *Guiding sign for citizens*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Criuleni District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by the Ministry of Finance, approved by the Ministry of Justice for the entire judicial system and sent to the court by the Department of Judicial Administration (DJA).
The ceiling is set for the following two expenditure categories:

1) Current expenses (staff, others);
2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by the DJA while capital expenses are determined by each individual court after negotiations with the DJA. Other expenses are calculated on the basis of the previous budget year adjusted as per the inflation rate predicted for the next budget year. While doing all these calculations, the court must comply with the ceilings established by DJA.

## 6.1. BUDGET (basic component)

The budget of Criuleni District Court is divided into the following six categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenses* – other expenses.[3]

From 2010 (spent) to 2012 (approved), the budget of Criuleni District Court increased from MDL 1.4 million to MDL 1.7 million (Table 7).

In 2011, the court budget increased by nearly 12% compared with 2010. This growth was due to the increase in fixed assets and repairs. The court budget for 2012 is 7% more than the 2011 budget due to increases for operating expenses, staff expenses and utilities.

**Table 7.** *Budget of Criuleni District Court by type of expense (2010-2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 995,502 | 1,050,351 | 6% | 1,191,600 | 13% |
| Repairs | 58,000 | 79,823 | 38% | 50,000 | -37% |
| Utilities | 94,736 | 116,661 | 23% | 123,800 | 6% |
| Fixed assets | 9,100 | 70,000 | 669% | 0 | -100% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 265,725 | 279,247 | 5% | 340,700 | 22% |
| **Total** | **1,423,063** | **1,596,082** | **12%** | **1,706,100** | **7%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

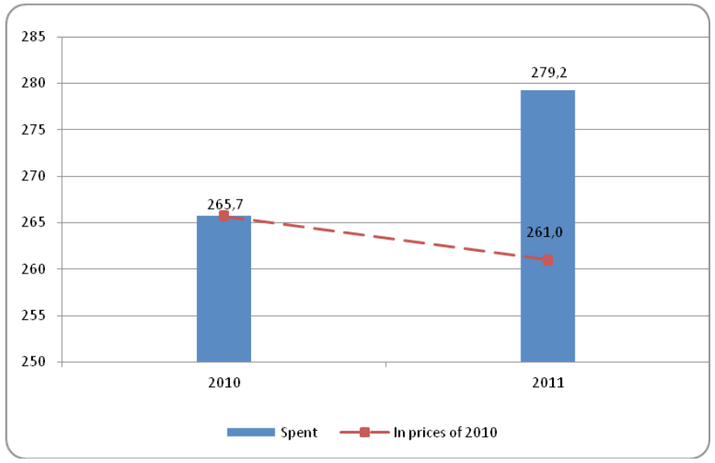
## 6.2. STAFF EXPENSES

Staff expenditures represent more than half of the total budget (68%) and increase year by year. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

From 2010 to 2011, the face value of operating expenditures increased from MDL 265,7 thousand to MDL 279,2 thousand, a growth of about 5%. The consumer price index (inflation rate) in 2011 was 7%,[4] so the increase in operating expenses was less than the inflation rate meaning that in real terms the budget for operating expenditures decreased. MDL 279,2 thousand in 2011 was equivalent to 261 thousand in 2010; hence, the real value of operating expenses decreased by approximately MDL 4,7 thousand.

**Graph 7.** *Operating expenses for Criuleni District Court in 2010 and 2011*




[3] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

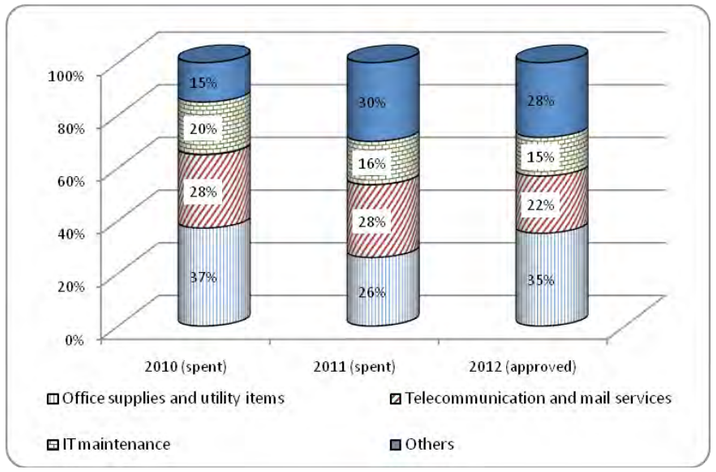
[4] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

There are two main types of operating expenditures:

- Office supplies and utility items;
- Telecommunication and mail services;
- IT maintenance.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*

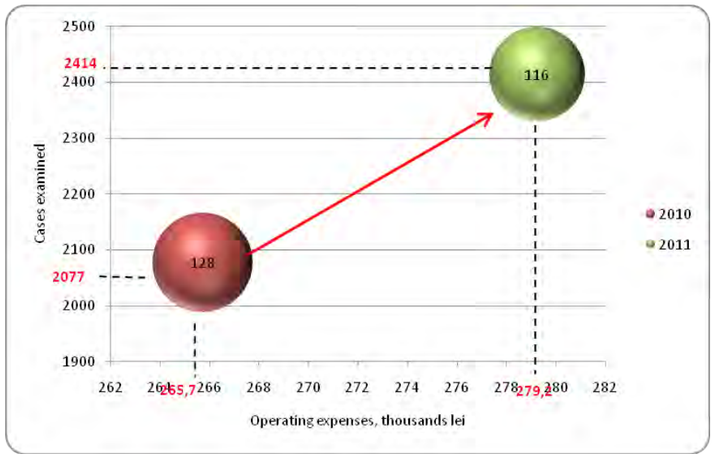



All three categories decreased in total operating expenditures. The expenses for telecommunication and mail services are worth mentioning because 70% is used to purchase stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase of the operating expenses in 2011 compared with 2010 can be explained by many factors including by increasing the number of cases examined, which had an upward evolution from 2077 in 2010 to 2414 in 2011. Comparing operating expenses with the number of cases examined, in 2010 the average cost for examining a case was approximately MDL 128 while in 2011 it was MDL 116 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Criuleni District Court*



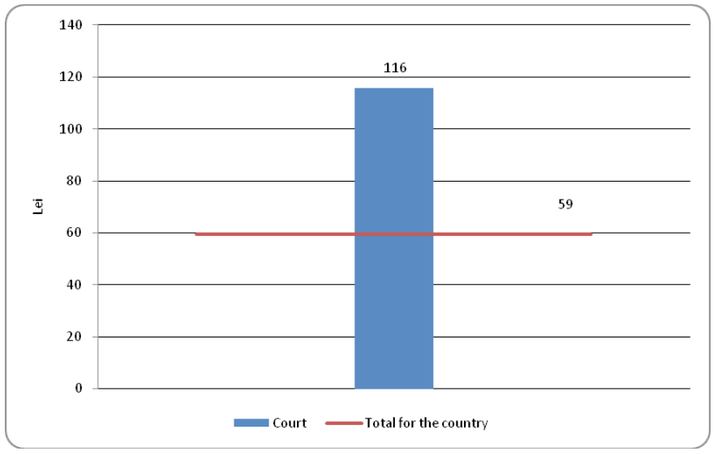

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

Although in 2011 the operating expenses and number of examined cases increased, the average operating cost per case decreased. This degression can be explained by the fact that operating cost increased slower than number of examined cases. Thus if operating cost increased by 5% than number of examined cases increased by 16%.

## 6.6. AVERAGE OPERATING COST PER CASE IN CRIULENI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 116 per case in 2011 is high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Criuleni District Court in 2011 with the weighted average cost per case for the country*




As shown in Graph 10, in 2011 the average cost per case examined in Criuleni District Court was higher than weighted average for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Criuleni District Court does its accounting electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the chief accountant who does not have professional qualifications in public procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- Although the face value of the operating expenses of Criuleni District Court in 2011 increased, the real value (taking inflation into account) decreased.
- In 2011 average cost per case examined was lower comparing with year 2010.
- In 2011 average cost per case examined was much higher than weighted average cost per examined case for the country.
- Mail expenses account for a large share of total operating expenses.
- All public procurements are made without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Donduseni District Court in the town of Donduseni serves 43,610 inhabitants in the 30 localities that are part of Donduseni District Court according to Law No. 764 of 27 December 2001 on the Administrative-territorial Organization of the Republic of Moldova.

According to its staff roster, the court has four judges and one investigating judge. Donduseni District Court has no human resource specialist; those duties are performed by the head of the chancellery.

Staff expenditures have followed an upward trend. The court does all its public procurements without a procurement specialist. In 2011 both the face value and the real value of the allocations for operating expenditures decreased. In 2011 the average operating cost for examining a case decreased compared with the previous year but was higher than the weighted average cost of a case examined for the country as a whole (see Section VI).

Donduseni District Court has an area of 570.68 sq. meters on two floors and was built in 1949 as a military commissariat. A presidential degree in 2000 transferred this building to the Ministry of Justice and eventually to Donduseni District Court. The building is in good condition: its exterior, roofing, sewerage system and archives have been renovated.

# DONDUSENI DISTRICT COURT

*19, 31 August 1989 Str., Donduseni*

*Date of the visit: 20 June 2012*

The Donduseni District Court staff uses Version 3 of ICMS which was installed in July 2012 though they do not use the statistical reporting module because they don't know how to use it. Other technical issues related to ICMS are generating errors and the uneven distribution of cases.

Donduseni District Court staff audio records all hearings held in the single courtroom where audio recording equipment is installed. During the documentation visit they mentioned that it is impossible to conduct all court hearings in that courtroom since there are four judges. There is no audio recording equipment in the second courtroom, so it is used by the investigating judge.

Specialists of Donduseni District Court continue to keep a considerable number of registers even though amendments to the Guidelines reduced the number required.

The total number of cases filed at Donduseni District Court decreased by 407 from 2009 to 2011, while the number of cases examined decreased by 477 during the same period with a case clearance rate of 91.8% in 2011.

The court has an information board for the public, and courtroom doors have doorplates stating clearly that the hearings are audio recorded.

Donduseni District Court updates its website periodically, but not all menus have information of public interest.

# I. INFRASTRUCTURE

## *1.1. ASSESSMENT*

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 1 | The exterior has been completely repaired. The walls were covered with polystyrene panels for insulation. |
| Water supply | 1 | The court is on the central water system. |
| Power supply | 3 | The electrical network was renovated during the repairs. No problems have been reported. |
| Sewerage system | 4 | Sewerage is not on the central system. |
| Heating system | 1 | New pipes, radiators and a boiler were procured and installed. |
| Firefighting system | - | There is no system. |
| Roof | 3 | The roof was repaired. There is a leak in only one office. |
| Interior | 1 | The interior was renovated recently. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

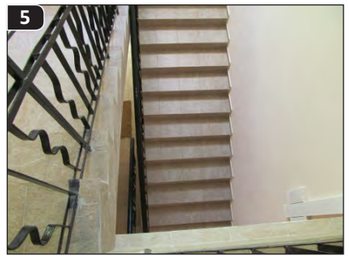



**Photo 1.** *Exterior*
**Photo 2.** *Side view*

**Photo 3.** *Side view*
**Photo 4.** *Heating system*
**Photo 5.** *Interior staircase*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational conditions of Donduseni District Court as of June 2012.

Donduseni District Court consists of two floors and basement with the total area of 570.68 sq. meters. There are 21 offices, 2 public rooms and 2 courtrooms.

Donduseni District Court is protected by the judicial police during the day and by three night guards on staff.

The exterior was completely renovated in 2011. The front yard of the courthouse is paved. The heating system of the building was replaced and new pipes and radiators were installed. The court is connected to the central water system but not to the central sewerage system. In 2011, a new restroom was built in the basement for court employees. The restroom for the public is in the yard and needs renovation. The archives are in the basement in a new room with recently installed shelves.

The interior of the first floor of the building is in very good condition; the offices and halls underwent capital repairs. The walls were plastered and painted, and the flooring and ceilings were replaced. New doors and windows were installed. The courtroom on the first floor was also repaired, and a room for lawyers was arranged. An information window for the public was created at the entrance. The interior staircase was repaired and tiled, and new banisters were installed.

On the second floor, judges' offices and the offices of other employees were renovated and are in very good condition. The flooring, doors and ceilings were replaced, and an office was reorganized into a courtroom. At the time of the visit, the reorganization was almost finished.

The functional space of Donduseni District Court is suitable for the activity of a law court. The court has a separate entrance for detainees and a separate room for them. There are two courtrooms for four judges. Donduseni probation offices are located on the second floor of the courthouse.

The server is located in a separate room, provided with air conditioner. During the visit the air conditioner was switched off, but the staff said that they turn it on when needed.

There are no firefighting systems and no emergency lights.

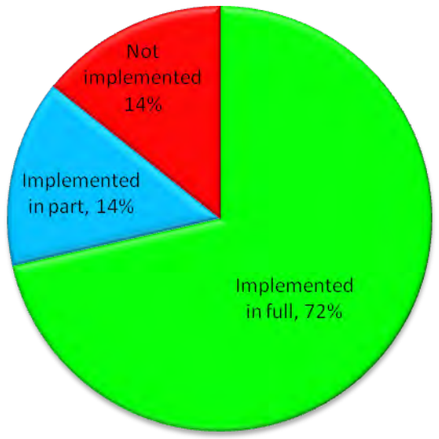
The 2009 Infrastructure Assessment Report listed seven priorities for capital repair work of which six have been implemented and one has been partially implemented. They are not considering building an extension (Table 1 and Graph 1).

**Table 1.** *Implementation of the capital repair priorities identified in 2009*

| Priorities for capital repair in 2009 | Implementation stage in 2012 |
|---|---|
| Transfer the bailiffs into another appropriate building. | Implemented |
| Establish an additional court room. | Implemented |
| Reorganize an office room into a courtroom. | Implemented |
| Consider the option of building an extension. | Not implemented |
| Renovate the interior of the entire building including the electric appliances and the lighting fixtures. | Implemented |
| Connect the courthouse to the central water and sewerage systems and build restrooms for the staff and for the public. | Partially implemented |
| Install an air conditioner in the room where the LAN server is located. | Implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of the 2009 capital repair priorities in 2012*




### Conclusions

- Significant renovation work has been done on the Donduseni District Court since 2009.
- The renovation work was based on recommendations and priorities stated in the 2009 Infrastructure Assessment Report.
- ROLISP estimated that 72% of the 2009 recommendations for capital repairs have been implemented in full, 14% of recommendations have been implemented in part and 75% have not been implemented.

### Recommendations

- Consider building an extension to create additional space.
- Connect the building to the central sewerage system.
- Build a restroom in the courthouse for the public or repair the outdoor restroom.
- Install a firefighting system.
- Move the probation offices to another appropriate building. Ensure the regular use of the air conditioner in the LAN server room.

**Photo 6.** *Lighting fixture*
**Photo 7.** *New interior doors*
**Photo 8.** *New interior doors*
**Photo 9.** *Court LAN server*

# II. COURT AUTOMATION

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Donduseni District Court staff has used ICMS since 2009. In July 2012, Version 3 was installed including the digital statistical reporting module and the changes required by the programming of this module. The staff does not, however, use the reporting module because they don't know how to generate reports. Other technical issues related to ICMS are generating errors and an uneven distribution of cases.

The use of ICMS presumes creating digital files by scanning the documents in a case file after it is registered. The clerical staff scans statements of claims, receipts for paying state fees, statements of appeal and reversal and enforcement orders in civil case files and the prosecutor's closing argument and letter and statements of appeal and reversal in criminal case files. Administrative case files are not scanned.

The court does not have an information technology specialist, so CST is always contacted when problems arise. The staff rated their satisfaction with the services provided by CST in 2012 as a 4 out of 5.

**Table 2.** *List of suggestions for modifying the ICMS - Donduseni District Court*

| No. | Suggestions for modifying the ICMS |
|---|---|
| 1. | Ensure the fairness of the random distribution of cases. |
| 2. | Use the name of the judge instead of the courtroom. |

*Source: President of Donduseni District Court*

## 2.2. AUDIO RECORDING SYSTEM

Donduseni District Court has two courtrooms, but only one has a set of audio recording equipment and software. Not all hearings take place in courtrooms as there are four judges.

Every request to audio record a court hearing is satisfied. Since the audio recording equipment has been installed, there have been no requests for CDs of hearings.

The courtroom doors have plaques stating that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings, the purpose is to check the accuracy and the completeness of the written minutes of hearings and to ensure transparency and efficiency of court operations. The clerks do not use audio records for that purpose. [2]

The issues faced by Donduseni District Court staff relate to their occasional inability to make audio recordings or to listen a recording. Other problems relate to the insufficient number of courtrooms and the legislation requiring written and digital minutes.

[2] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*

## 2.3. WEB PAGE OF DONDUSENI DISTRICT COURT

Donduseni District Court has a website where information for citizens is posted; it is updated by the public relations specialist and by the adviser to the president as needed.

Table 3 shows the menus and their contents.

**Photo 10.** *Inscription on a courtroom door*
**Photo 11.** *Courtroom with audio recording equipment*
**Photo 12.** *Courtroom with audio recording equipment*

**Table 3.** *Content of the web page of Donduseni District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the President of the Court | – Message of the president<br>– Court overview<br>– A picture is posted, but it cannot be seen |
| Judge Offices | List of judges with images that cannot be seen |
| Competence | List of localities falling under the jurisdiction of Donduseni District Court |
| Regulatory Framework | List of regulatory acts that govern the activity of the law court |
| Public Relations Service | Information about the public relations specialist |
| Press Releases | No information |
| News | No information |
| Archives | It leads to the menu "*Links*" which contains no information |
| Organization | – Organizational chart of the Court<br>– List of court staff, position held and contact telephone |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>**The latest judgment was posted on 22 August 2012** |
| Statistical Records | No information |
| Information of Public Interest | No information |

*Source: http://jdn.justice.md/*

Not all the menus have information of public interest about Donduseni District Court. Some menu titles do not match the contents, for example, "Archives" includes the menu "Links" that contains no information. "*Press Releases*," "*News*," "*Statistical Records*" and "*Information of Public Interest*" also have no information.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Donduseni District Court has sufficient equipment to operate properly. Table 4 shows the equipment category, the number of existing items and the equipment needed as per court staff.

**Table 4.** *Equipment inventory and equipment needs*

| Equipment item | Number of items | Needed |
|---|---|---|
| Server | 1 | - |
| UPS unit | 13 | 2 |
| Printer | 17 | 3 |
| Scanjet N8460 | 1 | 1 |
| Router | 1 | - |
| Audio recording equipment set | 1 | 1 |
| Multifunctional photocopier | 4 | 2 |
| Smart UPS | 1 | - |
| Rack with accessories | 1 | - |
| Monitor | 18 | 2 |
| Computer, workstation system block | 15 | 2 |
| Computer, system block | 3 | - |
| Monitor | - | 2 |
| Keyboard | - | 2 |
| I3 computer with software | - | 2 |

*Source: Donduseni District Court*

### Conclusions

- When using IMCS, the staff of Donduseni District Court faces the issues of the uneven distribution of files, generating errors and lack of knowledge about all the options in Version 3.
- The staff uses the audio recording system to the extent allowed by the number of courtrooms.
- In order to improve its work, Donduseni District Court needs 4 computers, 3 printers, 1 scanner and 1 set of audio recording equipment for recently established courtroom.
- Donduseni District Court uses the website content management system; however, several menus have no information.

### Recommendations

- Train the staff to use of all options of ICMS Version 3.
- Procure an additional audio recording and software set.
- Ensure all court hearings are conducted in courtrooms by efficiently scheduling them.
- Delete audio recordings from the server in line with SCM regulations.[3]
- Ensure the uniformity of the font and colors used on the webpage.
- Complete the menus of the web page with updated information of public interest.
- Regularly update the webpage with information of public interest.

[3] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*

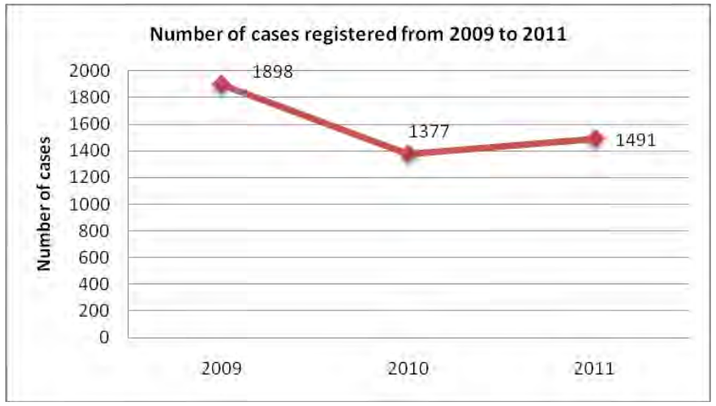
# III. WORK OF DONDUSENI DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The work load of Donduseni District Court was analyzed from 2009 to 2011 by the total number of cases registered, the total number of cases examined, the number examined by type of case, the year-end backlog and the case clearance rate.

Graph 2 shows that the total number of cases registered decreased from 1898 in 2009 to 1491 in 2011.

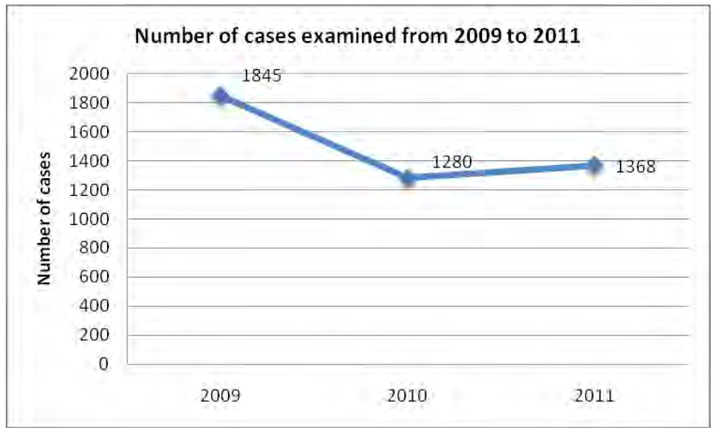
**Graph 2.** *Number of cases registered in 2009-2011*




*Source: DJA*

The total number of cases examined decreased from 1845 in 2009 to 1368 in 2011 (*Graph 3*).

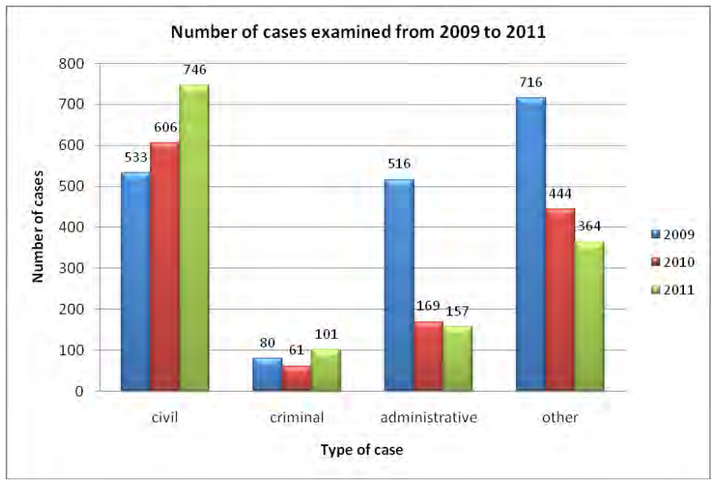
**Graph 3.** *Number of cases examined from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, from 2009 to 2011 the number of civil cases examined by Donduseni District Court increased from 533 to 746, the number of criminal cases didn't changed significantly and the number of administrative cases decreased from 516 to 157.

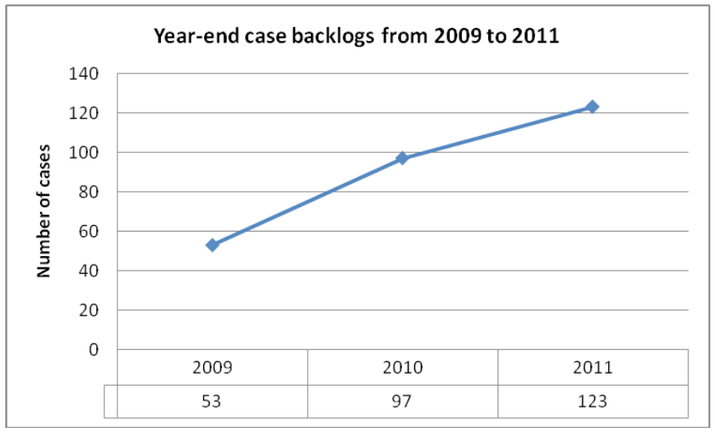
**Graph 4.** *Number of cases examined from 2009 to 2011 by type of case*




*Source: DJA*

The year-end case backlog of Donduseni District Court increased from 53 in 2009 to 123 in 2011 (Graph 5).

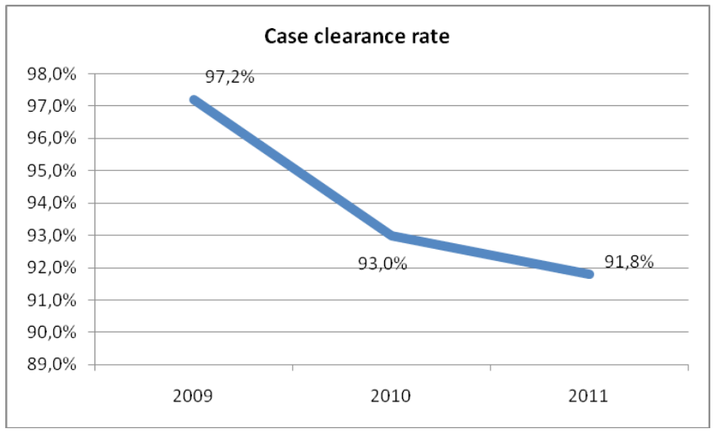
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Donduseni District Court decreased from 97.2% in 2009 to 91.8% in 2011.

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Donduseni District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and other necessary work.

The chancellery of Donduseni District Court is situated on the first floor and has four employees. Its specialists are responsible for scanning documents from case files and registering cases in ICMS and on paper.

The chancellery of Donduseni District Court keeps the registers in Table 5.

**Table 5.** *The registers used by Donduseni District Court chancellery*

| Register Category | Register Title |
|---|---|
| ***General*** | 1. Incoming materials<br>2. Outgoing materials<br>3. Literature received<br>4. Cases submitted to the chancellery (for each particular judge)<br>5. Questions<br>6. Files sent by courier |
| ***Civil*** | 1. Index of civil cases<br>2. Administrative cases<br>3. Reviewed cases<br>4. Disagreements<br>5. Civil cases sent to the SCJ<br>6. Index of writ proceedings<br>7. Cases sent to the Court of Appeal<br>8. Cases under enforcement<br>9. Civil cases<br>10. Interdictions to leave the country<br>11. Single register which includes:<br>a. Requests to restore the time limit<br>b. Refusal to issue a copy<br>c. Requests for explanations of judgments<br>d. Requests for finding and apprehending debtors<br>e. Changing the way and order of enforcing judgments<br>f. Other requests<br>12. Action record card |
| ***Criminal*** | 1. Index of criminal cases<br>2. Cases related to the enforcement of judgments<br>3. Criminal control<br>4. Cases sent to the Court of Appeal<br>5. Criminal cases sent by requests (Superior Court of Justice)<br>6. Material evidence<br>7. Missing persons<br>8. Enforceable orders on criminal cases sent to enforcement<br>9. Verdicts under enforcement<br>10. Action record card |
| ***Administrative*** | 1. Index of administrative cases<br>2. Articles 54,55,61,63,70,77,78,79<br>3. Article 84,85,87,91,92,94,97,103,104,105<br>4. Articles 157,158,162,164,166,169,177,179,180,181,182<br>5. Articles 183,196,197,200,202,204,207<br>6. Articles 231,233,242,243,244,246,255<br>7. Articles 256,260,263,270,275,278,281,284,286,287<br>8. Articles 289,293,294,296,297,305<br>9. Articles 312,315,316,317,318,319,320,325<br>10. Articles 327,328,329,331,332,333,335<br>11. Articles 336,342,343,345,346,349,353<br>12. Articles 354,355,356,359,360,361,363,366,367,373,382<br>13. Index of presentations (indicator 4) |

*Source: Donduseni District Court chancellery specialists*

The court maintains duplicate records of case files—one on paper and one in digital format. The same information may be entered three or even four times in various records as Table 6 shows.

**Table 6.** *Registration of a civil case by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case | ICMS | Action record card | Incoming materials, Index of civil cases, Register of civil cases |
| Plaintiff's name | ICMS | Action record card | Incoming materials, Register of civil cases |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case category | ICMS | Action record card | Incoming materials, Index of civil cases, Register of civil cases |
| Essence of the case | ICMS | Action record card | |
| State fee | ICMS | Action record card | |
| Case file circulation within the court | ICMS | Action record card | Register of civil cases |

*Source: Donduseni District Court chancellery specialists*

The chancellery keeps more registers than required in the Guidelines.[4]

The archive room is in the basement. It is large enough and has temperature and humidity controls, and the files are kept in order. Access to the archives is restricted.

[4] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

### *Conclusions*

- The number of cases registered at Donduseni District Court decreased by 21.4% from 2009 to 2011.
- The number of cases examined decreased by 25.9% from 2009 to 2011.
- During the same period, the number of civil cases examined increased by 213, the number of criminal cases increased by 21 files and the number of administrative cases decreased by 359 cases.
- The case backlog increased by 70 from 2009 to 2011.
- The case clearance rate decreased by 5.4% during the same period.
- There is duplication of effort because laws and regulations require paper and digital registers.
- The specialists of the chancellery keep more registers than required in the Guidelines.

### *Recommendations*

- Review the internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to bring the number of registers in line with the requirements in the Guidelines.
- Use the electronic statistical reporting module in ICMS Version 3.

**Photo 13.** *Archives*
**Photo 14.** *Chancellery registers*

## IV. HUMAN RESOURCES

Donduseni District Court has 3 judges and 1 investigating judge. According to the staffing scheme there should be five judges, but one of them was seconded to Buiucani Court in Chisinau. There are 21 regular staff (Table 7).

Donduseni District Court has no human resource specialist. In practice, those duties are performed by the court president and the head of the chancellery. The court has a public relations specialist.

Staff recruitment is conducted in line with the Regulations on Filling Civil Service Positions Competitively approved by Government Decision no. 201 in2009. The announcement of the vacancy and recruiting conditions are published in the *Official Gazette* and in the local newspaper *Pasul Nou* (*New Step*).

Donduseni District Court has job descriptions for the positions of adviser to the president, chief accountant, head of chancellery, public relations specialist, clerk, translator, chancellery specialist, building administrator, driver, courier and cleaner.

**Table 7.** *Staffing scheme of Donduseni District Court*

| No. | Position | Current number |
|---|---|---|
| 1. | President | 1 |
| 2. | Judge | 3 |
| 3. | Investigative judge | 1 |
| 4. | Adviser to the court president | 1 |
| 5. | Chief accountant | 1 |
| 6. | Consultant | 1 |
| 7. | Clerk | 5 |
| 8. | Translator | 2 |
| 9. | Head of the chancellery | 1 |
| 10. | Specialist | 1 |
| 11. | Coordinating specialist | 1 |
| 12. | Head of the archives | 1 |
| 13. | Courier | 0.5 |
| 14. | Driver | 0.5 |
| 15. | Cleaner | 1 |
| 16. | Guardian | 3 |
| 17. | Chief of the auxiliary service | 0.5 |
| 18. | Boiler room operator | 1.5 |
| | **TOTAL** | **26** |

*Source: Accounting office of Donduseni District Court*

The Court has internal regulations available to judges and regular staff that establish the operations and organization of the court and the rights and obligations of court management, judges and regular staff appointed or employed on the basis of an individual employment agreement, irrespective of its term, who are subordinated to the court or who provide services to ensure the efficient and effective administration of justice.

Judges are trained by the NIJ; in 2011 all judges from Donduseni District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and the publications they receive from SCM are enough to meet their information and training needs. When searching regulatory acts, the judges use the legal database on the website of the Ministry of Justice. The publications Donduseni District Court subscribes include the *Official Gazette, SCJ Bulletin, Pasul Nou* (*New Step*) and *Dreptul (Law*).

The clerks need training in drafting the minutes of the court hearings and in the use of ICMS and Femida. The adviser to court president needs training in website management and the accountant needs training in public procurement.

### *Conclusions*

- Human resources at Donduseni District Court are managed by the court president and the head of the chancellery.
- The court has a public relations specialist.
- There is a need for additional training for clerks, the public relations specialist, the accountant and the adviser to court president.

### *Recommendations*

- Employ and train a human resource specialist.
- In order to build the skills of clerks and chancellery and archive specialists, the court should conduct in-house training in topics of interest to them.

## V. SERVICES FOR THE PUBLIC

Donduseni District Court has an information window located at the entrance to the courthouse. The judges' office doors have plaques with their names, and the door of the courtroom with audio recording equipment has a plaque stating that hearings are audio recorded and that people should not use cell phones.

There is an information board at the entrance to the building with the following data:

- Working hours of the court
- Rules of conduct for the participants in cases and other people in a law court
- Information on state fees
- Declaration on the observance of rights of children who are victims (witnesses)
- The order prohibiting the access of the parties and their representatives to judges' offices except for court hearings
- List of cases scheduled for hearing which at Donduseni District Court is drafted manually
- Anti-corruption leaflet.

Parties and other participants in a case may request copies of judgments from the chancellery. All requests are submitted to the president for approval. The copies are issued within one or two days.

### *Conclusions*

- The court has an information window for the public.
- There are no signs showing the way to the public relations specialist, archives or the courtrooms.
- The information board for the public at the courthouse entrance contains relevant and comprehensive information helping visitors to better orient themselves.
- The chancellery of Donduseni District Court is situated on the first floor. The procedure for issuing copies needs the president's approval.

### *Recommendations*

- Place signs showing the way to the public relations specialist.
- Simplify the procedure of issuing copies by exempting the president of the duty to approve the requests and train properly the chancellery staff.

15

16

**Photo 15.** *Information board*
**Photo 16.** *Public information window*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Donduseni District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which in turn receives ceilings for the entire justice sector from the Ministry of Justice. These ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others)

2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted as per the inflation rate predicted for the coming year. After all these calculations, the court proposes a draft budget that complies with the ceilings established by DJA

## 6.1. BUDGET

The budget of Donduseni District Court is divided into the following six categories:

- *Staff expenditures* – salaries, mandatory state social insurance and health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[5]

From 2010 (executed) to 2012 (approved), the budget of Donduseni District Court increased from about MDL 1.1 million to about MDL 1.7 million (Table 8).

In 2011 the court budget increased by 61% compared with 2010 mainly due to allocations for capital repairs which amounted to MDL 609.6 thousand.

For 2012 the court budgeted a 9% decrease mostly due to the 89% decrease in allocations for repairs. The budget could have been even smaller if funds had not been allocated to purchase a car. The allocations for operating expenses, staff expenditures and utilities are all greater in 2012 than they were in 2011; in fact, operating expenses increased by 50%.

**Table 8.** *Budget of Donduseni District Court, by type of expense (2010–2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 839,110 | 875,928 | 4% | 1,034,000 | 18% |
| Repairs | 55,809 | 715,214 | 1182% | 82,100 | -89% |
| Utilities | 79,236 | 78,928 | 0% | 110,000 | 39% |
| Fixed assets | 0 | 14,500 | 100% | 210,000 | 1348% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 181,734 | 171,885 | -5% | 257,800 | 50% |
| **Total** | **1,155,889** | **1,856,455** | **61%** | **1,693,900** | **-9%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 received from the court*

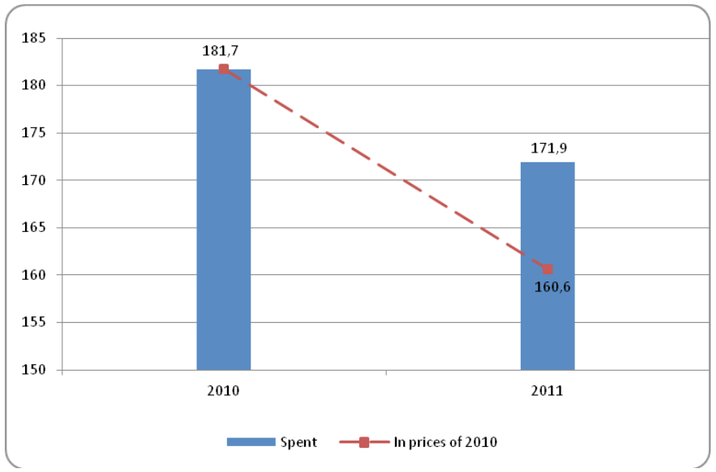
## 6.2. STAFF EXPENDITURES

Staff expenditures represent approximately 60% of the total budget and increase year by year. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

From 2010 to 2011, both the face value and the real value of operating expenditures decreased. Their face value decreased from MDL 181.7 thousand to MDL 171.9 thousand, a decrease of about 5%. Their real value decreased by approximately 12%, taking into account that in 2011 the inflation rate was 7%. MDL 171.9 thousand in 2011 was therefore equivalent to MDL 160.6 thousand in 2010 prices; hence, the real value of operating expenditures decreased by approximately MDL 21.1 thousand (Graph 7).[6]

**Graph 7.** *Operating expenses at Donduseni District Court in 2010 and 2011*




[5] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

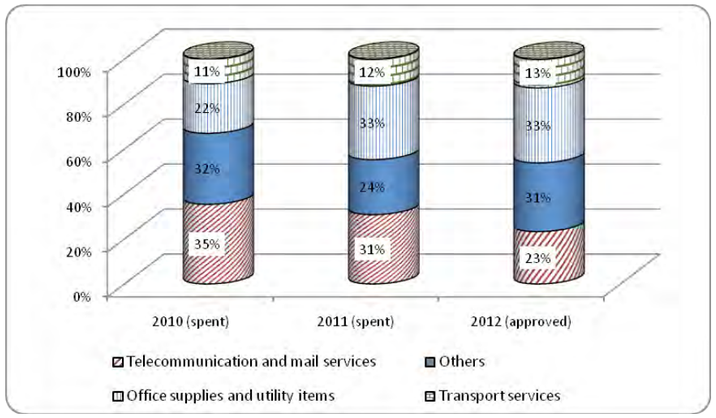
[6] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

The biggest share of operating expenditures went into the following three categories:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that in 2010 35% of operating expenditures went for telecommunications and mail services and in 2011 this category accounted for 31%. In 2012 only 23% of planned operating expenses were budgeted for this category.

In 2010 office supplies and utility items accounted for 22% of the total operating expenses. In 2011 their share increased by 11 p.p., to 33%. In 2012 allocations to purchase office supplies and utility items is similar to 2011.

In 2010 and 2011 allocations for transport services accounted for 11% and 12% of the operating expenses respectively. In 2012 this category accounts for 13% of the operating expenses.

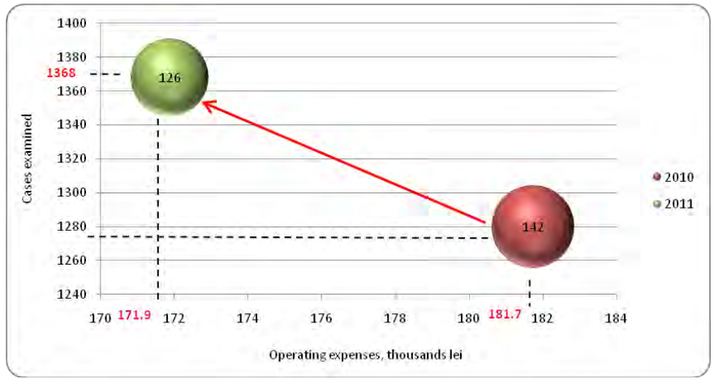
Telecommunications and mail services merit attention as about 70% are for stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease of operating expenses in 2011 compared with 2010 can be explained by several factors. However, it is not related to the number of cases examined, which increased from 1280 in 2010 to 1368 cases in 2011.

Comparing operating expenses to the number of cases examined, in 2010 the average cost of examining a case amounted to MDL 142 while in 2011 it was MDL 126 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Donduseni District Court in 2010 and 2011*



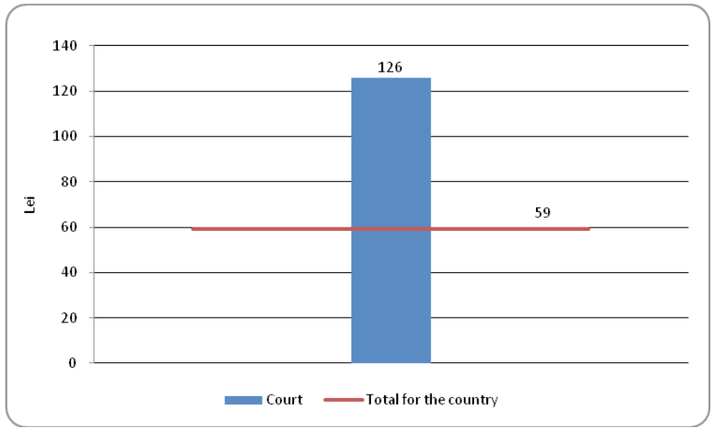

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

Though operating expenses decreased by 12% in 2011 compared to 2010, Donduseni District Court examined by 88 more cases, which might have brought the average cost per case down.

## 6.6. AVERAGE OPERATING COST PER CASE IN DONDUSENI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 126 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Donduseni District Court in 2011 and the weighted average cost per case for the country as a whole*




As shown in the Graph 10, in 2011 the average cost per case examined in Donduseni District Court was higher than the weighted average cost per case examined for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

The bookkeeping at Donduseni District Court is done manually due to lack of funds to purchase accounting software.

## 6.8. PROCUREMENT

The court does its procurement in accordance with the current legislation. The adviser deals with the technical aspects of procurements but does not have professional qualifications in public procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars, all of various brands and at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.)

### Conclusions

- In 2011 funds for operating expenditures decreased.
- Compared with 2010, Donduseni District Court examined more cases with fewer funds which indicates that there is no direct correlation between the two and the court had to cut its expenditures.
- In 2011 the average cost for examining a case was higher than the weighted average cost of a case examined for the country as a whole.
- The expenses for mail services account for a significant share of total operating expenses.
- Bookkeeping is done manually.
- The court does all its public procurements without a procurement specialist.
- The training provided in public procurement is not enough to meet the needs of the court.

### Recommendations

- Consider buying accounting software and training of staff to use it.
- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Drochia District Court, situated in the town of Drochia, serves 20,400 inhabitants in the 39 localities that are part of Drochia District Court according to Law No. 764 of 27 December 2001 on the Administrative-territorial Organization of the Republic of Moldova.

According to its staff roster, Drochia District Court has 6 judges and 24.5 regular staff. There is no specialist in human resources. Those duties are performed by the adviser to the court president who also does the work of the public relations specialist and the court administrator.

Staff expenditures have followed an upward trend. The court does all its public procurements without a procurement specialist. Both the face value of the allocations for operating expenditures and the real value decreased in 2011 compared with previous year. In 2011, the average cost for examining a case increased compared with the previous year and was higher than the weighted average cost of a case examined for the country as a whole (see Section VI).

Drochia District Court consists of two floors and a basement with a total area of 1150 sq. meters. The building is in satisfactory condition; the last renovations were done in 1990.

Drochia District Court uses most of the options in ICMS Version 2. The problems noted were the slow speed of the software, the fact that it doesn't function on weekends, the loss of information in final status and the tardy response to technical problems by CTS.

# DROCHIA DISTRICT COURT

*7, 31 August str., Drochia*

*Date of visit: 18 June 2012*

Audio recording equipment and software have been installed in the three courtrooms of Drochia District Court and are used whenever hearings take place in in courtrooms, but there are six judges so not all cases are heard in courtrooms.

The specialists at Drochia District Court continue to keep a considerable number of registers although amendments to the Guidelines have reduced the number required.

The total number of cases filed at Drochia District Court from 2009 to 2011 decreased by 1002, and the number of cases examined decreased in the same period by 1271 with a case clearance rate of 81.1%.

The court has an information board with the court's schedule, the location of offices, a template for requests for documents and other information of public interest. The office doors have plaques with the judges' names and a warning that entry to the office is not allowed.

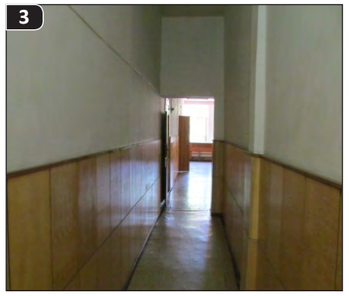
The Drochia District Court web page is not regularly updated and contains little information of public interest. Many menus don't have any information at all.

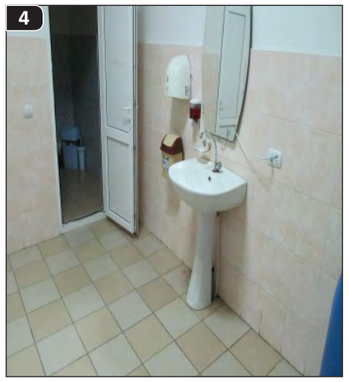
# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Façade | 3 | The facade has been renovated, but the back wall and the left side of the building need to be repaired. |
| Water supply | 2 | The court is connected to the central water supply, but water is shut off three times a day |
| Power supply | 4 | The electrical system has not been renovated since 1973. |
| Sewerage system | 4 | The sewerage system is centralized but should be completely renovated. |
| Heating system | 1 | The heating system is based on gas and was repaired in 2011. |
| Firefighting system | - | Does not exist. |
| Roofing | 3 | The condition of the roof is good but needs some repairs. |
| Interior | 4 | The rooms in the main building need repairs as the most recent were in 1990. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.



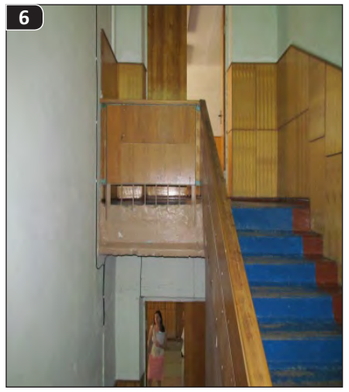



**Photo 1.** *Left side of the building*
**Photo 2.** *Boiler room*
**Photo 3.** *Court hall*

**Photo 4.** *The restroom for the staff and for the public*
**Photo 5.** *Public space*
**Photo 6.** *Public staircase*

## 1.2. CURRENT CONDITION

The assessment focused on a comparative analysis of the physical and operational condition of Drochia District Court in June 2012.

Drochia District Court consists of two floors and a basement with a total area of 1150 sq. meters. There are 17 offices, 2 public rooms and 3 courtrooms.

Drochia District Court benefits from the services of the judicial police during the day and has three night guards on staff. The court does not have a burglar alarm system. There is no separate office space for the judicial police in the courthouse. The court is situated near the police station; they share a courtyard.

The facade has been renovated. Downspouts and gutters were installed, and the roof was partially renovated. The stairs to the entrance are in good condition and the entrance is paved. The court basement is used for storage and as a garage.

The court is connected to the central water supply. The condition of the water pipes is good.

The electrical network is unsatisfactory as it hasn't been renovated since 1973.

The sewerage system is centralized. The pipes are old and need to be replaced. The restroom on the first floor has been recently renovated; currently it is used by the public and the court staff. There are plans to install a restroom for court staff on the second floor.

The heating system uses natural gas and was renovated in 2011.

The archives are located in two rooms: one in the basement and one on the first floor. The courthouse does not have central air conditioning. There is a plan to consolidate the archives in a single, well-ventilated room in the basement. The chancellery is located on the second floor in three offices.

The court's server is on the second floor in the deliberation room. The room has no air conditioning.

The Court has no separate rooms for adult or juvenile detainees or for anonymous witnesses, and there are no plans to provide them. Detainees come in directly from the police station through the back entrance, and there are separate entrances for them into the courtrooms.

The first floor needs capital repairs. There are two courtrooms, one room for the archives and offices. Drochia District Court lacks an information office or information window at or near the entrance to the courthouse. The furniture in the offices and in the first floor courtrooms is old, the wallpaper is hanging off the walls and the linoleum on the floor is worn and missing in places. The office of the investigating judge, the waiting room of the secretary and a meeting room on this level have had cosmetic repairs. The doors of one courtroom have been changed. All the light fixtures are old. The waiting rooms for the public need to be renovated. The staircase inside the courthouse is also old. This floor has a firefighting system.

The windows inside the courthouse have been completely replaced.

There is a restroom for staff and for the public on the ground floor that has been renovated and is in good condition.

The second floor is also in need of capital repairs as the most recent were done in 1990.

The operational space of Drochia District Court is appropriate for a court of law. There are three courtrooms for six judges, so some hearings take part in the judges' offices. The court needs three additional courtrooms and a deliberation room for one of the existing courtrooms, since only two of them have deliberation rooms. The space for the public and that for court staff is not separate at Drochia District Courthouse.

The court doesn't have a place to store material evidence. At present, it is kept in the archives. There is also no place for lawyers or prosecutors to read files.

During the assessment visit, the staff reported that plans and a budget for renovating the courthouse had been approved but that funds from the state budget had subsequently been reallocated.

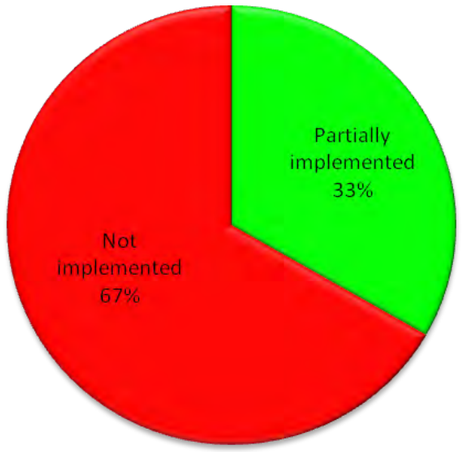
The 2009 Infrastructure Assessment Report listed six priorities for capital repairs for Drochia District Court, none of which has been fully implemented. Two have been partially implemented and four have not been addressed (Table 1 and Graph 1).

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repairs in 2009 | Implementation stage in 2012 |
|---|---|
| Repair the facade | Partially implemented |
| Install gutters and downspouts | Partially implemented |
| Renovate the interior of the building and reconfigure the space including relocating the chancellery and creating a reception room on the first floor. | Not implemented |
| Capital renovations on the second and ground floors where needed. | Not implemented |
| Renovate the electrical network and replace the light fixtures. | Not implemented |
| Install an air conditioner in the LAN server room. | Not implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of capital repair priorities in 2012*




## Conclusions

- The interior of Drochia District Court needs capital renovations as little was done from 2009 to 2011.
- Very few repairs were based on the 2009 Infrastructure Assessment Report recommendations.
- Of the capital repair recommendations listed in the 2009 Infrastructure Assessment Report none has been implemented in full. 33% have been implemented in part and 67% have not been implemented at all.

## Recommendations

- Renovate two exterior walls.
- Install gutters and downspouts.
- Renovate the building's interior.
- Relocate the chancellery on the first floor and create an area for public there as well.
- Separate the space for judges from that for the public.
- Consolidate the archives into one properly arranged, renovated, well-ventilated room.
- Create enough courtrooms for all judges and a deliberation room for a courtroom.
- Install the server in a separate room.
- Install an air conditioner in the server room.
- Renovate the water system, the power network and the sewerage system.
- Create a room for storing material evidence.
- Create a room for assistants.
- Create a room for interviewing juveniles participating in a case.
- Create a room for juvenile detainees.
- Arrange an office where prosecutors and lawyers can examine cases.
- Create a space for the judicial police.
- Create a separate restroom for court staff and another for detainees.

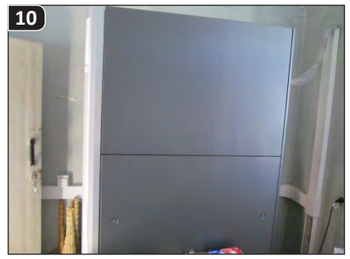


**Photo 7.** *Courtroom*
**Photo 8.** *Plaster walls and ceiling*
**Photo 9.** *Linoleum on office floors*
**Photo 10.** *Server*
**Photo 11.** *Archive room on the first floor*
**Photo 12.** *Public space /entrance to the courtroom /*

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Drochia District Court has used the Integrated Case Management System since 2009; ICMS Version 2 was installed in 2011.

The Drochia District Court staff mentioned some technical issues with ICMS such as its slow speed and the fact that it does not function on weekends. Another problem is the loss of information entered with the "Final" status. The staff suggested that hearings on printed schedules be numbered and that criminal cases under index 21 be transferred to the category of administrative cases since they are examined by the investigating judge.

Chancellery specialists and clerks partially scan case documents. The assessment team noted that most of the options in ICMS are used. Only the menus on appeals, recusal requests and registering enforcement procedures are not used. The option to print the list of hearings is used sometimes.

The court has no information technology specialist on staff; all technical issues are addressed to CST. Employees reported that the services of CTS are poor and are not provided in a timely fashion. The staff rated their general satisfaction with the services provided by CST in 2012 as a 3 out of 5.

**Table 2.** *Suggestions for modifying ICMS for Drochia District Court*

| No. | Suggestions for ICMS modification |
|---|---|
| 1. | Increase the operating speed |
| 2. | Entering the serial number printed lists hearings |
| 3. | Move files with the index 21 from criminal cases to administrative cases |

*Source: President of Drochia District Court*

### 2.2. AUDIO RECORDING SYSTEM

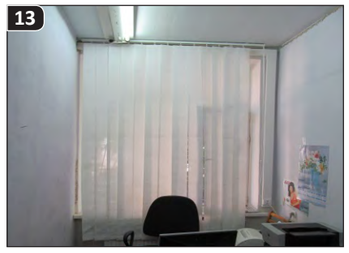
Audio recording equipment and software have been installed in the three courtrooms at Drochia District Court, and the clerks regularly use the equipment to record hearings although in exceptional cases the system is not used. There have been some problems with the equipment.

Since 2009 when the software and hardware were installed, there have been no requests for recordings of hearings or for CDs with recordings. There was a special request not to record divorce hearings as the participants did not want the court staff to have access to the details of their private lives

The courtroom doors do not have plaques informing the public that court hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings,[2] the purpose is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. The staff does use them for that purpose, and sometimes recordings are used by judges in drafting the decisions.

Problems court employees face are the insufficient number of courtrooms and difficulty in hearing the audio recordings.



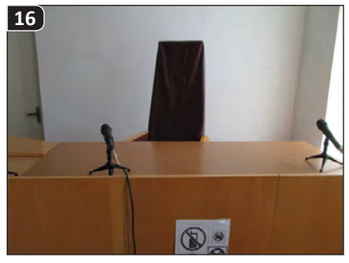



**Photo 13.** *Chancellery*
**Photo 14.** *Chancellery*
**Photo 15.** *Courtroom with audio recording equipment*
**Photo 16.** *Courtroom with audio recording equipment*

[2] *SCM Regulation on Digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

## 2.3. WEB PAGE OF DROCHIA DISTRICT COURT

Drochia District Court has a website where information for citizens is posted. It is updated by the adviser to the court president as needed. During the assessment visit, no difficulties with web page administration were cited. The information on the web page includes decisions, announcements, vacancies, lists of hearings, casual greetings and the court's schedule. Table 3 shows the menus and their contents on the web page.

**Table 3.** *Content of the web page of Drochia District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the Court President | Message of the court president |
| List of Hearings | Information extracted automatically from ICMS |
| Jurisdiction | – Competences<br>– Localities under the jurisdiction of Drochia District Court |
| Regulatory Framework | Basic documents regulating court activities |
| Public Relations Service | Court schedule |
| Press Releases | The list of cases under examination |
| News | Active link to "*Vacancies*" |
| Archives | No information |
| List of Hearings | Information extracted automatically from ICMS |
| List of Case Files | Information extracted automatically from ICMS |
| Database of Judgments | Information extracted automatically from ICMS<br>**The latest decision was posted on 27 July 2012** |
| Statistical Data | No information |
| Information of Public Interest | Error message |

*Source: http://jdr.justice.md/*

Table 3 shows that the web page management module is used partially. There is little information of public interest. Some menu titles do not match their contents. For example, the list of cases under examination is posted under "*Press Releases*." There is no need to scan and post manually prepared lists of cases scheduled for trial since ICMS allows displaying all that information under "*List of Hearings*."

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Drochia District Court seems to have sufficient equipment to carry out its activities. Table 4 shows the type of equipment, the number of items and the equipment needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Computers | 26 | 6 |
| Printers | 22 | 6 |
| Copiers | 1 | - |
| Scanners | - | 2 |
| Fax | 2 | - |
| Air conditioners | 2 | 8 |
| Power generator or voltage regulator for the server | - | 1 |
| Audio recording set | 3 | 1 |

*Source: Drochia District Court*

### Conclusions

- The problems with ICMS cited by the employees were mainly its slow speed, the fact that it doesn't function on weekends, the loss of information in final status and the unresponsiveness of CTS.
- The chancellery partially scans files.
- The staff of Drochia District Court audio records court hearings whenever the hearings are held in the courtrooms.
- The web page is not regularly updated and contains little information of public interest.
- There is a need for the following equipment to improve the court's work: 6 computers, 6 printers, 2 scanner, 8 air conditioners, a voltage regulator for the server, 1 audio recording set.

### Recommendations

- Create enough courtrooms for all judges.
- Install plaques informing that hearings are recorded.
- Use all the options in ICMS.
- Scan the materials of administrative cases.
- Print all lists of hearings from ICMS.
- Supplement the website with information of public interest. Ensure that menu titles reflect their contents. Drop the practice of scanning lists of cases scheduled for trial and posting them online.

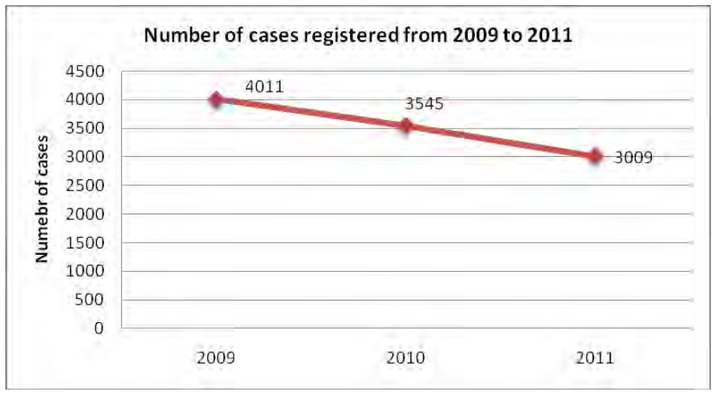
# III. WORK OF DROCHIA DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The workload at Drochia District Court from 2009 to 2011 was assessed based on the total number of cases registered, the total number of cases examined, the number examined by type of case, the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases filed at Drochia District Court decreased from 4011 in 2009 to 3009 in 2011.

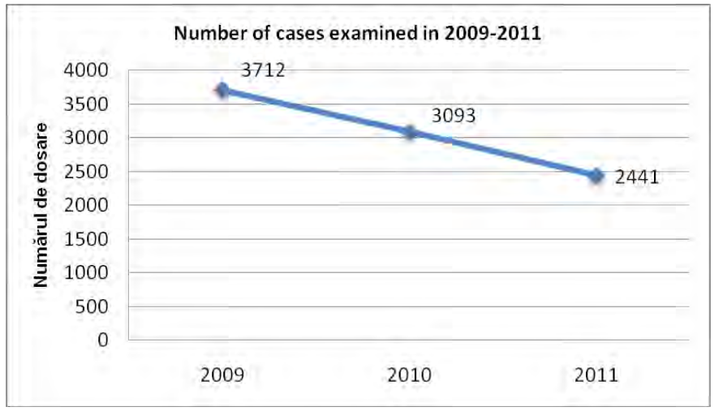
**Graph 2.** *Number of cases registered at Drochia District Court from 2009 to 2011*




*Source: DJA*

The total number of cases examined in that period decreased from 3712 to 2441 (Graph 3).

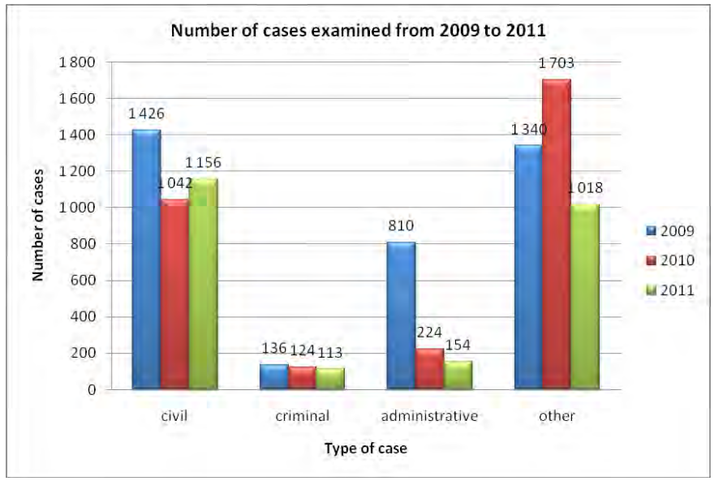
**Graph 3.** *Number of cases examined at Drochia District Court from 2009 to 2011*




*Source: DJA*

Graph 4 shows that the number of civil cases examined decreased from 1426 in 2009 to 1156 in 2011, the number of criminal cases examined did not change significantly and the number of administrative cases decreased from 1340 in 2009 to 1018 in 2011.

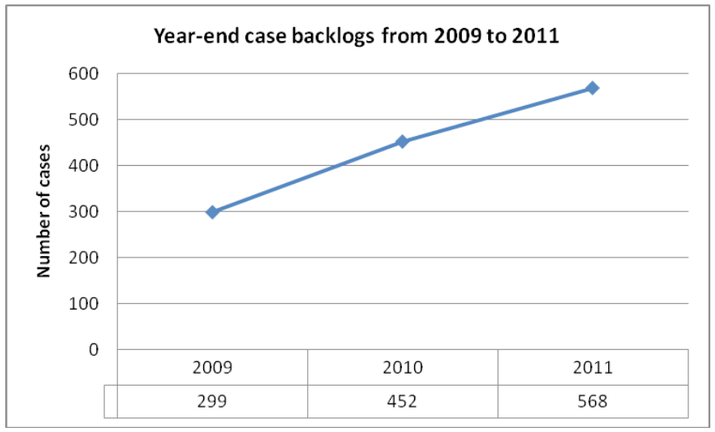
**Graph 4.** *Number of cases examined at Drochia District Court from 2009 to 2011by types of cases*




*Source: DJA*

The analysis of case backlogs showed an increase from 299 in 2009 to 568 in 2011 (Graph 5).

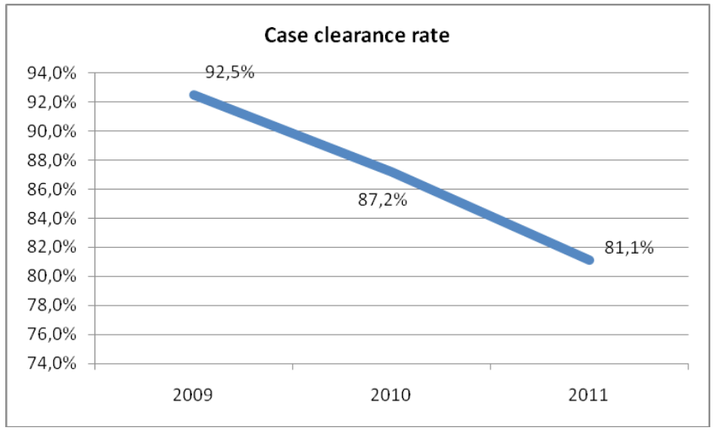
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Drochia District Court decreased from 92.5% in 2009 to 81.1% in 2011.

**Graph 6.** *Case clearance rate from 2009 to2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Drochia District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice and analyzing judicial statistics.

The chancellery is located on the second floor. The chancellery specialists are responsible for scanning documents from case files and registering cases in ICMS and on paper.

The chancellery maintains the registers in Table 5.

**Table 5.** *List of registers used by Drochia District Court chancellery*[3]

| Register Category | Register title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Civil/ criminal cases<br>3. Outgoing mail<br>4. Local mail for enforcement offices<br>5. Cases remitted to the Court of Appeals/Supreme Court of Justice |
| ***Civil*** | 1. Index of civil cases<br>2. Index of economic cases<br>3. Index of administrative cases<br>4. Index of civil case files under simplified procedures<br>5. Cases examined under administrative proceedings<br>6. Cases passed to judges for trial<br>7. Cases passed to the archives<br>8. Record card |
| ***Criminal*** | 1. Index of criminal cases<br>2. Evidence of<br>– Individuals in searches in civil cases<br>– Individuals in searches in criminal cases<br>– Individuals sent to psychiatric/mental patients, drug addicts, alcoholics<br>– evidence of persons sentenced<br>3. Cases filed in the archives<br>4. Record card |
| ***Administrative*** | 1. Index of administrative cases<br>2. Administrative materials – index 4d<br>3. Administrative materials – index 21<br>4. Administrative materials – index 5r<br>5. Challenged administrative judgments<br>6. Record card |

*Source: Drochia District Court chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may be entered three or four times in various records as Table 6 shows.

**Table 6.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Incoming mail,<br>Index of civil case files,<br>Cases passed to judges for trial |
| Plaintiff's name | ICMS | Action record card | Incoming mail,<br>Cases passed to judges for trial |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil case files |
| Defendant's contact information | ICMS | Action record card | Index of civil case files |
| Case file category | ICMS | Action record card | Incoming mail,<br>Index of civil case files |
| Essence of the case | ICMS | Action record card | |
| State duty | ICMS | Action record card | |
| Circulation of the case file within the court | ICMS | Action record card | Cases passed to judges for trial |

*Source: Drochia District Court chancellery specialists*

The chancellery keeps more registers than the Guidelines require.[4]

The archives of Drochia District Court are kept in chronological order in two rooms: one on the first floor and one in the basement. On the first floor, the files are kept on wooden shelves. Older files are kept on shelves in the basement which is dry. There is no ventilation system in either room. The court plans to consolidate the archives into a larger, well ventilated room in the basement as the room on the first floor is too small. The staff of the archives do not usually destroy files—the last time they did it was in 2003.

[3] *Source: Court clerks.*

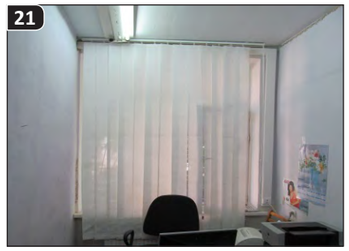
[4] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

### *Conclusions*

- The number of cases filed at Drochia District Court decreased by 25% from 2009 to 2011.
- The number of cases examined decreased by 34.2% from 2009 to 2011.
- From 2009 to 2011, the number of civil cases examined decreased by 270, the number of criminal cases decreased by 23 and the number of administrative cases decreased by 656.
- The case backlog increased by 269 from 2009 to 2011.
- The case clearance rate decreased by 11.4% from 2009 to 2011.
- There is duplication of effort because laws and instructions on secretarial work require both paper and digital registers.
- The number of registers used by the staff of the chancellery does not comply with the provisions in the Guidelines.

### *Recommendations*

- Consolidate the archives into one room and install a ventilation system.
- Review internal procedures for recordkeeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.



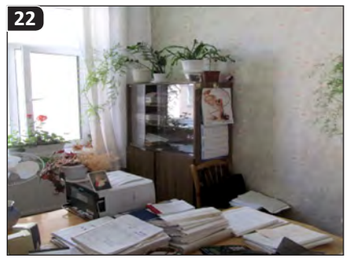



**Photo 17.** *Archives on the first floor*
**Photo 18.** *Archives on the first floor*
**Photo 19.** *Archives in the basement*

**Photo 20.** *Archives in the basement*
**Photo 21.** *Chancellery*
**Photo 22.** *Chancellery*

## IV. HUMAN RESOURCES

According to its staff roster, the Drochia District Court has 6 judges and 24.5 regular staff (Table 7). The roster does not include a human resource specialist. Those duties are managed by the adviser to the court president who also manages the web page and the duties of the court administrator.

The court has a coordinating specialist for public relations who is the official representative of the court to mass media outlets and the public.

To fill a vacancy, an announcement is placed in the newspaper *Glia Drochiană*, on the court's website and on the information board. With the President's approval, a hiring committee is created that includes the Court President, three judges and the adviser to the president. The candidates must pass both a written and an oral examination. The president selects the employee based on the test results.

Dismissal and disciplinary sanctions of court staff comply with current legislation. Sanctions can be imposed for faulty work or for behavior that damages the work of the court or its prestige. An employee is informed in writing of any disciplinary sanctions ordered by the court president with a written explanatory note by the responsible person. Sanctions are applying by the court president's order.

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and duties of the management, the judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Drochia District Court has job descriptions for court staff that are available to the judges and the staff.

**Table 7.** *Staffing scheme of Drochia District Court*

| No. | Position | Current number | Vacancies |
|---|---|---|---|
| 1. | Judge | 5 | - |
| 2. | Investigating judge | 1 | - |
| 3. | Advisor to the court president | 1 | - |
| 4. | Chief accountant | 1 | - |
| 5. | Consultant | 1 | - |
| 6. | Head of the chancellery | 1 | - |
| 7. | Coordinating specialist for public relations | 1 | - |
| 8. | Specialist (educational psychologist) | 1 | - |
| 9. | Secretary | 6 | - |
| 10. | Translator | 2 | - |
| 11. | Head of the archives | 1 | - |
| 12. | Chief of the auxiliary service | 1 | - |
| 13. | Courier | 0.5 | - |
| 14. | Driver | 1 | - |
| 15. | Guard | 3 | - |
| 16. | Boiler room operator | 1.5 | - |
| 17. | Cleaner | 2.5 | - |
| | **TOTAL** | **30.5** | |

*Source: Accounting office of Drochia District Court*

Judges are trained by NIJ and, as reported during the visit, in 2011 all judges of Drochia District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. Drochia District Court subscribes to the *Official Gazette*, *Buletinul CSJ (Bulleting of SCJ), Contabilitate si audit (Accounting and Auditing), Dreptul (Law)* and *Glia Drochiana (a newspaper)*.

Seminars were requested for court clerks on applying the guidelines, and training was requested for them in preparing minutes of court hearings and enforcement orders, in operating ICMS and Femida and in the conduct and ethics of civil servants. The court president has also asked for seminars on budgeting and public procurement.

### *Conclusions*

- Human resource management at Drochia District Court is carried out by the adviser to the court president.
- The court does not have a human resource specialist.
- The court has a public relations specialist.
- The court offers no internal training for its regular staff.
- Judges are trained by NIJ and by the publications to which the court subscribes.

### *Recommendations*

- Employ a human resource specialist and train him/her.
- Implement internal training for the regular staff of Drochia District Court so they can solve problems they meet in their jobs.

## V. SERVICES FOR THE PUBLIC

Drochia District Court lacks an information office or information window at or near the court's entrance. Some judges' doors do not have a plaque with their names or the warning that the public is not admitted. There are signs guiding citizens to the chancellery, archives and courtrooms.

There is a board at the entrance to the building with the following information:

- Court working hours
- Information on the location of court offices
- List of cases scheduled for trial that is not printed automatically from ICMS but prepared manually in Word.
- Templates for applying for documents available at the chancellery
- Information on state fees
- Instructions on access to Drochia District Courthouse which contains rules of conduct for the participants in a trial and third parties.
- Emergency evacuation plan for the court staff
- Leaflet on the national campaign "You can stop corruption"

The parties and other trial participants may request copies of judgments by filling out an application at the chancellery. The application is forwarded to the court president for approval. If the application is approved, the applicant pays a fee at a bank and with confirmation of payment, the applicant may pick up a copy of the judgment at the archivist's office. The average time for delivering copies of judgments is one or two days.

### *Conclusions*

- There is no information window for the public at the entrance.
- The information board at the entrance contains relevant and comprehensive information helping visitors to orient themselves
- There are signs guiding citizens to the chancellery.
- The procedure for getting copies of judgments requires the approval of the court president who has to make time to examine, approve or reject applications.

### *Recommendations*

- Install an information window at the main entrance to facilitate citizens' access to information.
- Simplify the procedure for issuing copies by relieving the president of the duty to approve requests for copies of judgments and properly train the chancellery staff.

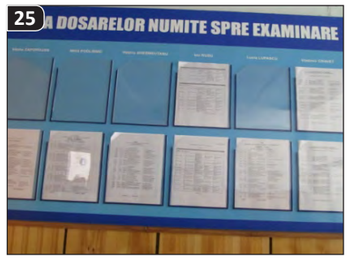


**Photo 23.** *Plaque on a courtroom door*
**Photo 24.** *Information on the location of judges' offices*
**Photo 25.** *Information board*
**Photo 26.** *Sign on an office door*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Drochia District Court develops its budget for the next fiscal year on the basis of the expenditure ceiling established by the DJA, which in turn receives ceilings for the entire justice sector from the Ministry of Justice. These ceilings are negotiated with and approved by the Ministry of Finance.

The ceiling is set for the following two expenditure categories:

1) Current expenses (staff, others);

2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by DJA while capital expenses are determined by each individual court after negotiations with the DJA. Other expenses are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET

The budget of Drochia District Court is divided into the following six categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[5]

From 2010 (spent) to 2012 (approved), the budget of Drochia District Court increased from MDL 1.4 million to MDL 2.6 million (Table 8).

In 2011, the court budget increased by 25% over 2010 due to the increase in allocations for fixed assets and repairs. The budgets for operating and staff expenses, on the other hand, decreased by 11% and 9% respectively.

In 2012, the court's budget increased by 41% compared with 2011 with increases in every category except fixed assets and capital investment. The budget for repairs was 294% larger than in 2011 than in 2010.

[5] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Drochia District Court by type of expense (2010-2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 1,165,197 | 1,066,148 | -9% | 1,229,900 | 15% |
| Repairs | 7,980 | 257,413 | 3126% | 1,015,000 | 294% |
| Utilities | 109,280 | 124,134 | 14% | 165,500 | 33% |
| Fixed assets | 0 | 226,645 | 100% | 0 | -100% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 181,993 | 161,356 | -11% | 169,000 | 5% |
| **Total** | **1,464,450** | **1,835,696** | **25%** | **2,579,400** | **41%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

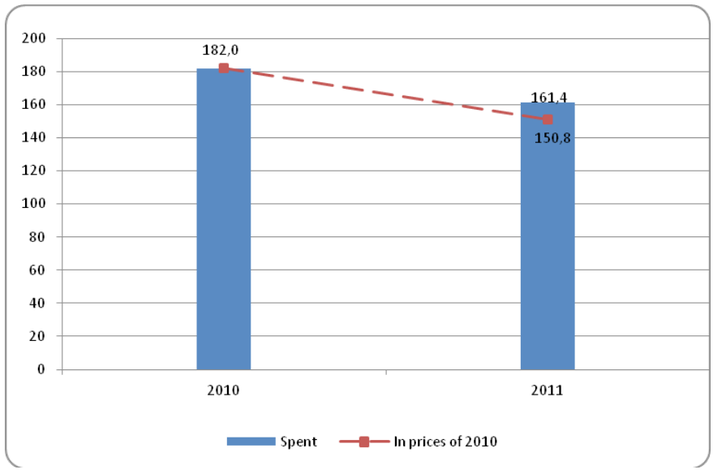
## 6.2. STAFF EXPENSES

Staff expenses represent approximately 60% of the total budget and increase year by year. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

In 2010 and 2011 both the face value and the real value of operating expenditures decreased. Their face value fell from MDL 182,000 to MDL 161,400, a reduction of about 11%. Their real value decreased by approximately 17% taking into account that in 2011 the inflation rate was 7%.[6] MDL 161,400 in 2011 was therefore equivalent to 150,800 in 2010; hence, the real value of operating expenses decreased by approximately MDL 31,200.

**Graph 7.** *Operating expenses for Drochia District Court in 2010 and 2011*



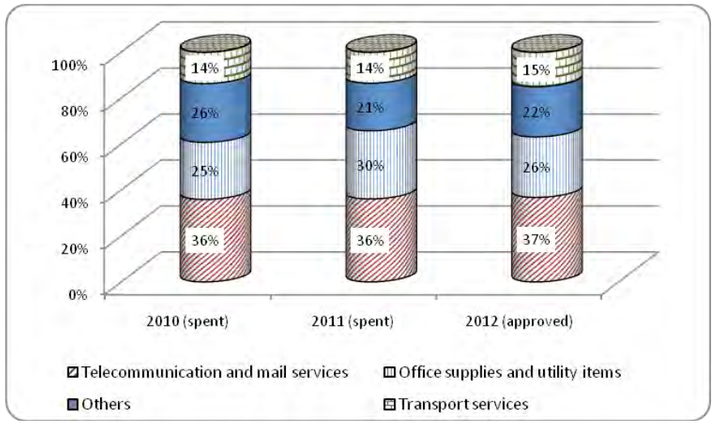

[6] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




In 2010 36% of operating expenditures were for telecommunications and mail, office supplies and utility items took up 25% and transport used 14%.

In 2011, the percentages for telecommunications and mail and transport were the same while office supplies and utility items increased by 5 percentage points to 30%

In 2012, the budget for operational expenses is the following:

- 26% for office supplies and utility items, a decrease of 4 percentage points from 2011;
- 37% for telecommunications and mail, an increase of 1 percentage point;
- 15% for transport, an increase of 1 percentage points.

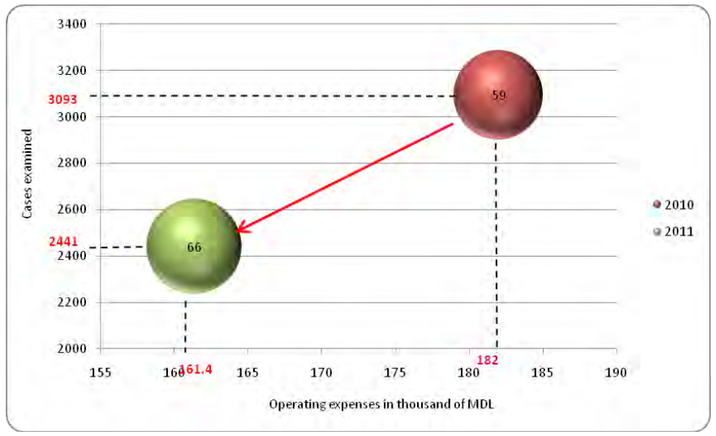
Expenses for telecommunications and mail merit attention because approximately 70% is for stamps.

## 6.5. REAL VALUE OF OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease in the real value of operating expenses in 2011 compared with 2010 can be explained by a few factors. This growth certainly was not due to a decrease in the number of cases examined; in fact in 2011 that number was equal to 2441 or by 652 fewer than in 2010.

Comparing the operating expenses with the number of cases examined, in 2010 the average cost for examining a case was approximately MDL 59 while in 2011 it was MDL 66 (Graph 10)

**Graph 9.** *Comparative analysis of the average cost/case in Drochia District Court in 2010 and 2011*



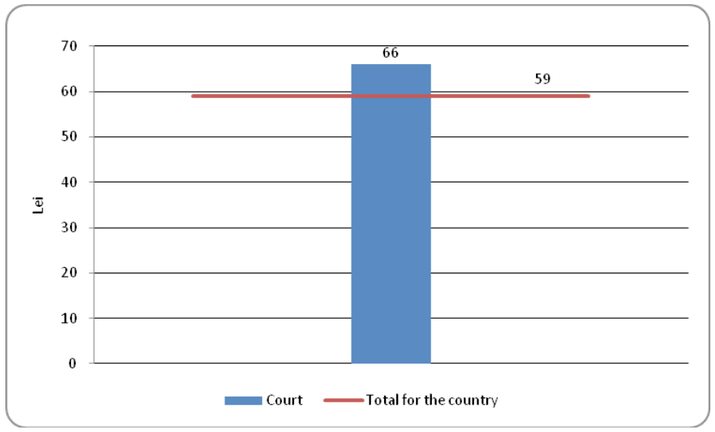

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The increase in the average cost per case is because operating expenses decreased by 11%, but the number of cases examined decreased by 21%.

## 6.6. AVERAGE OPERATING COST PER CASE IN DROCHIA DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 66 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Drochia District Court in 2011 and the weighted average cost per case for the country as a whole*




As shown in Graph 10, in 2011 the average cost per case examined in Drochia District Court was slightly higher than the weighted average cost per case for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Drochia District Court does its accounting electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the adviser to the court president and the chief accountant neither of whom has professional qualifications or training in procurement. Since procurement legislation is continuously changing, they should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, both the face and real value of operating expenses decreased.
- The average cost for examining a case in 2011 increased compared with 2010.
- In 2011, the average cost for examining a case was slightly higher than the weighted average cost per case for the country as a whole.
- Mail expenses account for a large share of total operating expenses.
- Accounting is done electronically.
- All public procurements are made without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Dubasari District Court, situated in the village of Ustia, serves 34,015 inhabitants in the 15 localities that are part of Dubasari District according to Law No. 764 of 27 December 2001 on the Administrative-territorial Organization of the Republic of Moldova

The court has 4 judges and 1 investigative judge. Its office employs other 20,5 staff units. The court has no human resource management specialist. Those duties are instead performed by the court president and the head of the chancellery. The court has a public relations specialist.

Staff expenditures follow an upward trend. The court does all its public procurements without a procurements specialist. In 2011 both the face value and the real value of the allocations for operating expenditures decreased. In 2011 the average operating cost for examining a case was nearly similar compared with the previous year and was higher than the weighted average cost of a case examined for the country as a whole (see the detailed analysis in Chapter VI).

Dubasari District Court is located on the second floor of a two-storey building that belongs to the mayor's office of Ustia Village. The court and the mayor's office have recently modified the rental contract so the court will also use 60.1 sq. meters on the ground floor and 124.5 sq. meters in the basement.

Dubasari District Court moved in Ustia Village in 2004, and in 2007 made some minor repairs to its premises including partially replacing the roofing. In 2009 and 2011, all judges' offices the inside walls and the public corridor on the second floor were partially repaired. In 2010 the court purchased and installed air conditioners in all offices.

# DUBASARI DISTRICT COURT

*9, Stefan cel Mare Str., Ustia Village*

*Date of the visit: 28 May 2012*

The employees of Dubasari District Court use ICMS Version 2, which was installed in May 2011. They mentioned that the software generates errors and is very slow.

The staff records the hearings that take place in the courtroom equipped with an audio recording set. It is impossible to record all hearings because the court has only one courtroom for five judges. Another reason is that the legislation requires recording proceedings on paper in addition to audio recordings (overlapping).

Specialists from Dubasari District Court continue to keep a considerable number of registers although amendments to the Guidelines have reduced the number required.

From 2009 to 2011, the number of cases filed at Dubasari District Court decreased by 153 and the number of those examined decreased by 208. The case clearance rate was 89.2% in 2011.

The court has a public information board, and its office doors have plaques with the judges' names but do not have warnings that entry to the offices is not allowed.

Dubasari District Court updates its web page regularly, and most menus on it contain information of public interest though some do not contain any information at all, and the text in others should be reformatted.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 3 | The exterior walls are made of cement. No major structural issues were identified. |
| Water supply | - | The court does not have a water system. |
| Power supply | 2 | The electrical system was renovated in 2011. The electrical meter and some old wiring were replaced. There are frequent power outages. |
| Sewerage system | - | The court does not have a sewerage system. The restroom is outside in the yard. |
| Heating system | 2 | In 2004 the court installed gas and electrical convectors. All rooms on the court premises are heated. The system shuts down at night to save energy. |
| Firefighting system | - | There is no firefighting system. |
| Roof | 3 | The roof is slate. The down spouts show signs of minor deterioration. The roof was partially repaired in 2007. |
| Interior | 3 | Offices have been partially renovated. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

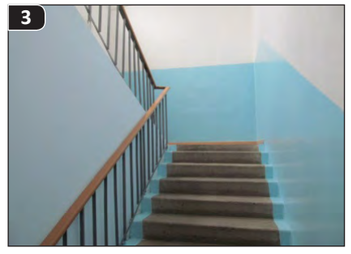


**Photo 1.** *Building's exterior*
**Photo 2.** *Entrance*
**Photo 3.** *Interior stairs*
**Photo 4.** *Guard's room*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational condition of Dubasari District Court in May 2012.

The court is located on the second floor of a two-storey building that belongs to the mayor's office of Ustia Village. The court rented some rooms on the ground floor under leasing contract No. 2 of 1 February 2004. This contract was amended on 23 May 2012 so the court will also use 60.1 sq. meters on the ground floor and 124.5 sq. meters in the basement. The court has 2 offices, 1 public area and 1 courtroom.

The court's security is ensured by the judicial police and by its own guard who works at night and on weekends.

The court moved to Ustia Village in 2004 and in 2007 made some minor repairs to the premises, including partially replacing the roofing. From 2009 to 2011, the court partially repaired all judges' offices, the inside walls and the public corridor on the second floor.

Currently the court does not have central sewerage and water systems, but there are plans to connect both. Two restrooms, one for the staff and one for the public, are located in the yard and are in unsatisfactory condition. The heating system and the electrical system have been partially renovated. Nonetheless, the electrical power line has deteriorated, so the power is shut off daily.

The interior finishing on the second floor is in satisfactory condition. The doors are old and need to be replaced. The court has one courtroom, which has neither a deliberation room nor a separate entrance for judges. It is in good condition. The light fixtures in a few offices have been replaced. In 2010 most offices were equipped with air conditioners.

The archives are organized inefficiently. They are kept on the second floor in a small room without enough shelves for the files and without ventilation. This room needs to be thoroughly renovated.

The server room has a surface area of 6 sq. meters; it has neither ventilation nor an air conditioner. The room is also used to keep some of the archives.

The court does not have a room for detainees, and there is no separate entrance to take them into the courtroom. They are taken to hearings directly from the police station through the public corridor.

The court does not have a proper functional area, and its offices are small. There are plans to reconfigure the space and to extend the rooms.

There is no firefighting system.

### Conclusions

- From 2007 to 2012 Dubasari District Court made some renovations of its infrastructure.
- The heating and the electrical systems have been partially renovated.
- The court does not have sewerage or a water system.
- Most rooms have been equipped with air conditioners.
- The server room does not have an air conditioner.
- There are no cells for detainees.

### Recommendations

- Find or build a proper building to serve as a courthouse.

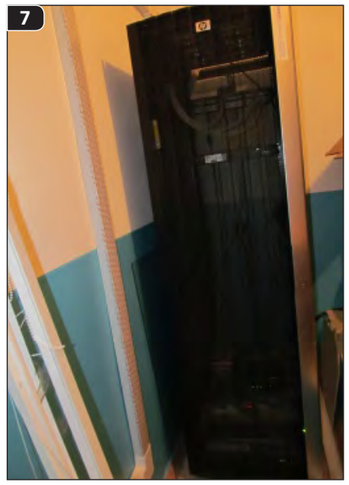


**Photo 5.** *Public corridor*
**Photo 6.** *Public area*

**Photo 7.** *Server*
**Photo 8.** *The restrooms for the staff and for the public*

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The staff of Dubasari District Court has been using ICMS since 2009; in 2011, Version 2 of this software was installed. The staff did not have any suggestions for improving ICMS. Technical issues with the software are frequent power outages and server breakdowns. The adviser to the president is in charge of administering ICMS.

After registering case files, the chancellery specialists scan all materials attached to the statement of claim in civil cases and only indictments in criminal cases. They do not scan administrative case files. The scanner is slow.

The court uses ICMS as a primary source of information for the public. If there is no relevant information in ICMS, the staff uses action record cards or registers from the chancellery.

The court does not have an information technology specialist, but it has a contract with an individual for providing those services and servicing their equipment. In addition, some problems are referred to CTS. The staff rated their general satisfaction with the services provided by CTS in 2012 as a 2 out of 5.

### 2.2. AUDIO RECORDING SYSTEM

Dubasari District Court has one courtroom equipped with audio recording equipment and software. Only the hearings held in that courtroom are recorded.

The audio recording equipment and software are functional; however, when listening to the recordings through headphones, there is a noise that makes it impossible to use the headphones for very long.

The public has never requested recording court hearings.

Since the audio recording equipment and software have been installed the public requested CDs only two or three times.

The courtroom door has a plaque stating that the hearings are audio recorded.

According to SCM regulations on digital audio recording of hearings,[2] hearings are recorded to check the accuracy and the completeness of written minutes and to ensure the transparency and efficiency of court work. Since not all hearings are recorded, the clerks cannot always use recordings to ensure the completeness and accuracy of written minutes.

**Photo 9.** *Inscription on the courtroom door*
**Photo 10.** *The courtroom*
**Photo 11.** *The courtroom*

[2] *SCM Regulation on Digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

## 2.3. WEB PAGE OF DUBASARI DISTRICT COURT

Dubasari District Court has a web page on which it posts information for the public. The court has a coordinating specialist for public relations who is in charge of updating the web page.

Table 1 shows the menus and their contents.

**Table 1.** *Content of the web page of Dubasari District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the Court President | – Message of the Court President<br>– A picture that cannot be seen<br>– The link "*News*" containing an announcement about a vacancy for clerk |
| Hearings Schedule | – Hearings by Judge V. Suciu, which is empty<br>– Hearings by Judge B. Talpă, which is empty<br>– Hearings by Judge Al. Motricala, which is empty |
| Competence | – General competence<br>– Territorial competence |
| Regulatory Framework | – 23 basic regulatory acts governing the judges' work<br>– 6 more regulatory acts |
| Public Relations Service | – Contact information for judges and court staff<br>– Regulations on the Service for Public Information and Media Relations<br>– Coordinating specialist for public relations<br>✓ A photo that cannot be seen<br>✓ Contact information |
| Archives | Does not contain information |
| Organization | Does not contain information |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>**The latest judgment was posted on 19 July 2012** |
| Information of public interest | – Working hours of Dubasari District Court<br>– Rules of behavior for the court staff<br>– Internal regulations<br>– Guide for court users<br>– Plan of activities and self-training |
| Useful Links | Does not contain any information |

*Source: http://jdb.justice.md/*

Table 1 shows that most menus contain some information of public interest about the work of Dubasari District Court; however, "*Archives*," "*Organization*" and "*Useful Links*" do not contain any information. "*Regulatory Framework*" contains a number of regulatory acts referring to the work of judges, but these links are not active and should be activated. "*Competence*" contains a table on the geographic coverage of Dubasari District Court that should be redone.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Dubasari District Court has enough equipment to carry out its activities. Table 2 shows the type of equipment, the number of existing items and the number of items needed.

**Table 2.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Computers | 24 | 10 |
| Printers | 14 | 5 |
| Photocopier | 3 | - |
| Photocopier 3119 | 1 | - |
| Scanners | 1 | 5 |
| Air conditioner | 8 | - |
| Server | 1 | - |
| UPS APC | 4 | - |
| UPS FOR | 12 | - |
| Audio recording sets | 1 | 2 |
| DVD Samsung | 1 | - |
| Refrigerator LG | 1 | - |
| Fax | 3 | - |
| Microphones | 5 | - |
| Headphones | 7 | - |

*Source: Dubasari District Court*

### Conclusions

- When using ICMS Version 2, the staff of Dubasari District Court faces the problems of frequent power outages and server breakdowns.
- The staff of Dubasari District Court uses the audio recording system at hearings in the only courtroom.
- To improve its work, Dubasari District Court needs 10 computers, 5 printers, 5 scanners and 2 audio recording sets for the courtrooms that will be built this year.
- The staff does not delete audio recordings from the server as required by the regulations.
- The court uses the web page management module; however, some menus are empty or the text they contain does not comply with design standards.

### Recommendations

- Identify another building with enough courtrooms for all judges of Dubasari District Court.
- Implement the practice of deleting audio recordings from the server as required by SCM regulations.[3]
- Introduce information of public interest on the web page menus and update it regularly.
- Ensure the uniformity of the font and colors used on the web page.

[3] *SCM Regulation on Digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

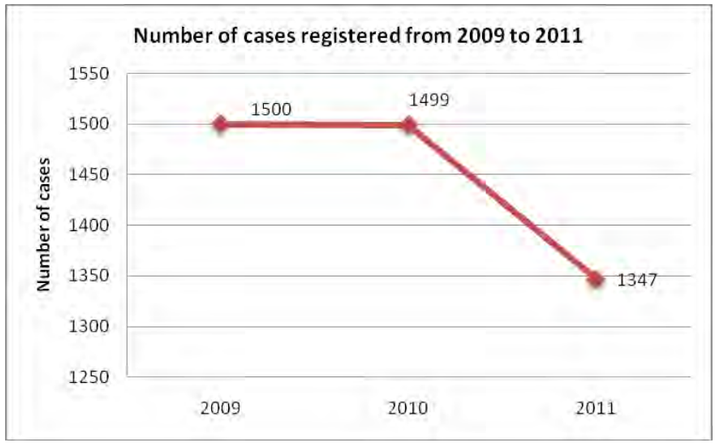
# III. WORK OF DUBASARI DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The workload at Dubasari District Court from 2009 to 2011 was assessed based on the total number of cases registered, the total number of cases examined, the number examined by type of case, the case backlog at the end of the year and the case clearance rate.

Graph 1 shows that the total number of cases filed at Dubasari District Court decreased from 1500 in 2009 to 1347 in 2011.

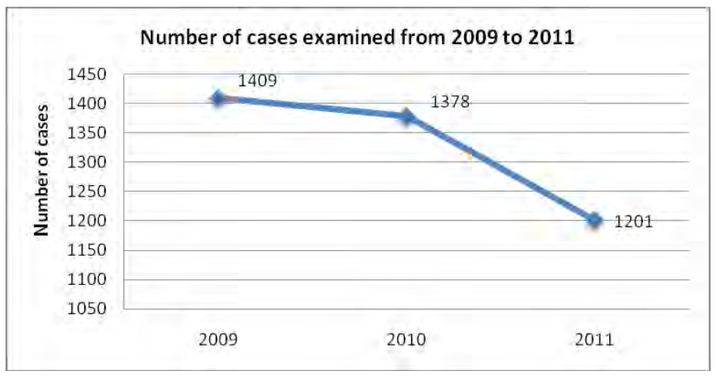
**Graph 1.** *Number of cases registered at Dubasari District Court from 2009 to 2011*




*Source: DJA*

Graph 2 shows that the number of cases examined decreased from 1409 in 2009 to 1201 in 2011.

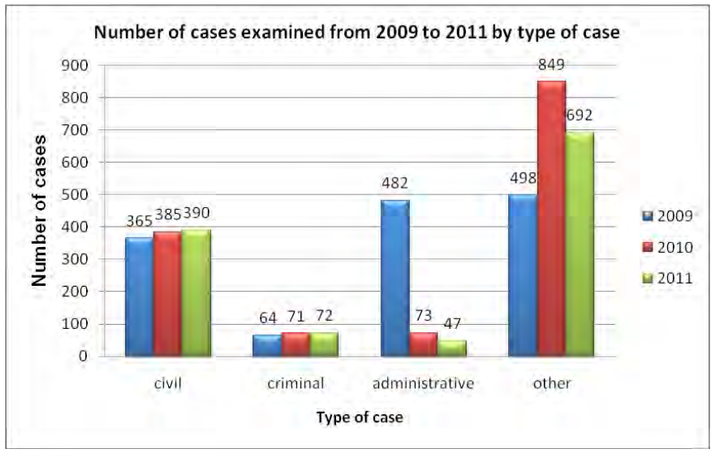
**Graph 2.** *Number of cases examined at Dubasari District Court from 2009 to 2011*




*Source: DJA*

According to the data in Graph 3, from 2009 to 2011 the number of civil cases examined in Dubasari District Court increased from 365 to 390, the number of criminal cases examined did not change much and the number of administrative cases decreased from 482 to 47.

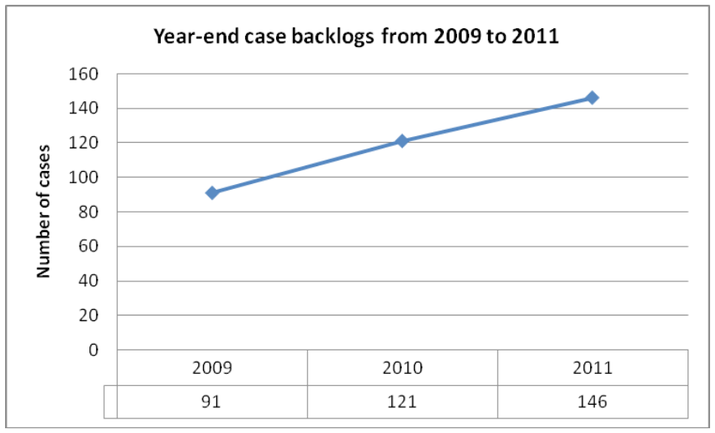
**Graph 3.** *Number of cases examined at Dubasari District Court from 2009 to 2011 by type of case*




*Source: DJA*

The analysis of the case backlog at Dubasari District Court showed an increase from 91 in 2009 to 146 in 2011 (Graph 4).

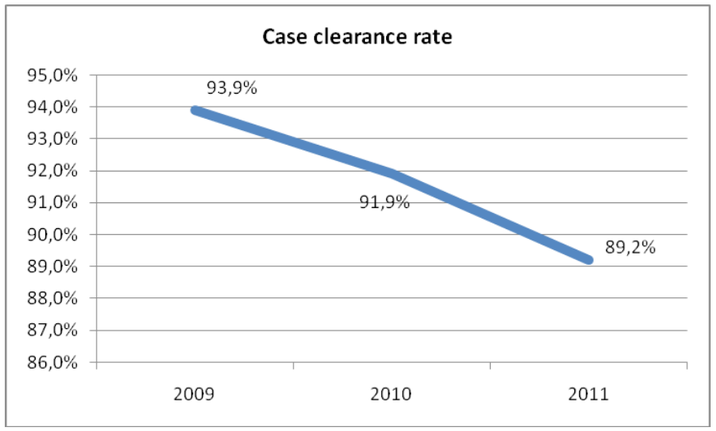
**Graph 4.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 5, the case clearance rate in Dubasari District Court decreased from 93.9% in 2009 to 89.2% in 2011.

**Graph 5.** *Case clearance rate from 2009 to 2011*




## 3.2. ORGANIZATION OF ACTIVITIES

Dubasari District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice. They receive and register files, send mail, file documents and perform other duties as needed for the normal run of activities. The chancellery is on the second floor. It has one specialist who is responsible for scanning documents from files and registering files in ICMS and on paper. The chancellery uses the search option of ICMS to inform the public and uses action record cards if ICMS does not contain the information requested.

The chancellery maintains the registers listed in Table 3.

**Table 3.** *List of registers used by Dubasari District Court chancellery*

| Register Category | Register title |
|---|---|
| ***General*** | 1. Single record of the incoming mail<br>2. Single record of the outgoing mail |
| ***Civil*** | 1. Index of civil cases<br>2. Requests related to civil and administrative cases<br>3. Records, circulation and archiving of administrative and commercial cases<br>4. Cases examined under simple procedures<br>5. Requests for retrial<br>6. Civil cases |
| ***Criminal*** | 1. Records, circulation and archiving of criminal cases<br>2. Enforcements of court judgments<br>3. Motions for exemption from criminal liability<br>4. Records of appeals<br>5. Requests for legal aid<br>6. Motions for provisional arrest<br>7. Extensions of provisional measures |
| ***Administrative*** | 1. Motions for changing sentences<br>2. Administrative cases<br>3. Complaints against public authorities |

*Source: Dubasari District Court chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may be entered three or four times in various records as shown in Table 4.

**Table 4.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Single register of incoming mail, Register of civil cases |
| Plaintiff's name | ICMS | Action record card | Single register of incoming mail, Register of civil cases |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case file category | ICMS | Action record card | Register of civil cases, Index of civil cases |
| Essence of the case | ICMS | Action record card | |
| State fee | ICMS | Action record card | Register of civil cases |
| Circulation of the case file within the court | ICMS | Action record card | Register of civil cases |

*Source: Dubasari District Court chancellery specialists*

The chancellery keeps more registers than required in the amended Guidelines.[4]

[4] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

The archives of Dubasari District Court are kept on the second floor, in a small room that does not have ventilation. The shelves for files are too high, so the files are difficult to access. Because the room is too small, some files are kept in the server room.

## Conclusions

- The number of cases filed at Dubasari District Court decreased by 10.2% from 2009 to 2011.
- The number of cases examined at Dubasari District Court decreased by 14.8% from 2009 to 2011.
- From 2009 to 2011, the number of civil cases examined at Dubasari District Court increased by 25, that of criminal cases increased by 8 and that of administrative cases decreased by 435.
- From 2009 to 2011, the year-end backlog increased by 55.
- The case clearance rate decreased by 4.7% from 2009 to 2011.
- Legislation and the guidelines require paper and digital records of files.
- The chancellery specialist keeps more registers than the Guidelines require.

## Recommendations

- Enlarge the archives.
- Install ventilation in the archive room.
- Review internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.

**Photo 12.** *Chancellery entrance*
**Photo 13.** *Chancellery*

## IV. HUMAN RESOURCES

The court has 4 judges and 1 investigating judge. Its office employs other 20,5 staff units.

The court does not have a human resource specialist; those duties are performed by the court president and the head of the chancellery. The head of the chancellery is particularly responsible for preparing and keeping records of human resource documents; preparing personnel files; filling in, keeping and maintaining work records of the staff and preparing draft orders and ordinances.

Dubasari District Court has a coordinating specialist for public relations who acts as the official representative of the court for mass media and public communications to ensure the transparency and legality of the court's work.

The employees of the court are either civil servants or technical staff. Civil servants include the adviser to the court president, court clerks, translators, consultants, head of the chancellery, specialists, coordinating specialist and chief accountant. Technical staff includes the archivist, courier, driver, guards, boiler operator, and cleaners. The internal recruitment procedures are in line with the Regulations on Competitive Employment approved in Government Decision No. 201 of 2009.

Job descriptions are approved annually. This helps to clarify the duties of the staff and to ensure transparency in their work. Dubasari District Court has job descriptions for the court president, judges, investigating judge, clerk, adviser to the president, consultant, chief accountant, coordinating specialist, head of the chancellery, chancellery specialist, translator, courier, driver, guard, cleaner and fitter for boiler room.

**Table 5.** *Staffing scheme of Dubasari District Court*

| No. | Position | Current number |
|---|---|---|
| 1. | Court president | 1 |
| 2. | Judge | 3 |
| 3. | Investigating judge | 1 |
| 4. | Adviser to the president | 1 |
| 5. | Chief accountant | 1 |
| 6. | Consultant | 1 |
| 7. | Court clerk | 5 |
| 8. | Translator | 1 |
| 9. | Head of the chancellery | 1 |
| 10. | Specialist | 1 |
| 11. | Coordinating specialist | 1 |
| 12. | Archivist | 1 |
| 13. | Courier | 0.5 |
| 14. | Driver | 1 |
| 15. | Guard | 3 |
| 16. | Operator in the boiler room | 1.5 |
| 17. | Cleaner | 1.5 |
| | **TOTAL** | **25.5** |

*Source: Accounting office of Dubasari District Court*

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and duties of the management, the judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ and, as reported during the visit, in 2011 all judges of Dubasari District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. For legal research and reference, the judges use the legislative database on the Ministry of Justice's web page because the court does not subscribe to any private legislative databases. Some of the publications Dubasari District Court subscribes to are the *Official Gazette, Buletinul CSJ (SCJ Newsletter); Contabilitate si Audit (Accounting and Auditing); Dreptul (Law); Dreptul muncii (Labor Law); Est curier (East Courier); Moldova Suverană (Sovereign Moldova)* and *Săptămâna (Week)*.

The regular staff of the court mentioned clerks need training to prepare transcripts of hearings and to use ICMS and Femida.

Dubasari District Court has a schedule of activities and a plan to internally train its staff which is also accessible by the public on the web page in the menu "Information of Public Interest".

### *Conclusions*

- Human resource management at Dubasari District Court is carried out by the court president and the adviser to the president.
- The court has a public relations specialist.
- The court does not have a human resource specialist.
- The court has approved and uses job descriptions for its staff.
- There is a need to train clerks, chancellery specialists and the archivist in areas ranging from analyzing specific applications of the law to studying the judicial information system and criminal and civil procedures.
- Dubasari District Court regularly organizes internal training for its regular staff to address difficulties they encounter in their work.

### *Recommendations*

- Employ a human resource specialist and train him/her.

## V. SERVICES FOR THE PUBLIC

Dubasari District Court does not have an information window. There are no signs to guide citizens to the chancellery, the archives, the courtroom or the office of the coordinating specialist for public relations. The judges' doors have plaques with their names but no warning that the public is not admitted.

There is an information board at the entrance. It has the following information:

- List of cases scheduled for hearing which in Dubasari District Court is not retrieved automatically from ICMS
- Templates for applications
- Information on civil procedures
- Code of behavior

The parties and other participants in a case may request copies of judgments by filling out an application at the chancellery during the working hours of the court. The president approves it and appoints a staff member to execute it. The copies are delivered on the same day or at the latest on the following day, depending on the workload of the chancellery.

### *Conclusions*

- There is no information window for the public
- There are no signs showing the way to the chancellery, the archives, the courtroom or the office of the public relations specialist.
- The information board at the entrance contains relevant and comprehensive information to help visitors to orient themselves.
- The procedure for getting copies of judgments requires the approval of the court president who has to make time to examine, approve or reject the applications for copies of judgments.

### *Recommendations*

- Install signs to guide citizens to various offices.
- Simplify the procedure for getting copies of judicial documents by sparing the judge the need to approve applications for copies of judgments and training the chancellery specialists correspondingly.
- Use the ICMS module automatically generating the list of hearings.

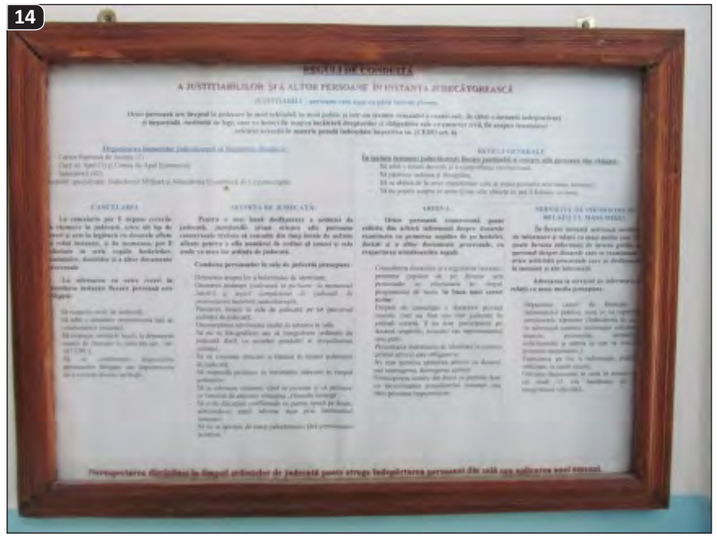


**Photo 14.** *Code of behavior*
**Photo 15.** *Public information*
**Photo 16.** *Information on civil procedure and enforcement of judgments*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Dubasari District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA which in turn receives ceilings for the entire justice sector from the Ministry of Justice. These ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others)

2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted as per the inflation rate predicted for the coming year. After all these calculations, the court proposes a draft budget that complies with the ceilings established by DJA

## 6.1. BUDGET

The budget of Dubasari District Court is divided into the following six categories:

- *Staff expenditures* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – power, gas, water and sewerage and sanitation;
- *Expenditures for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[5]

From 2010 (executed) to 2012 (approved), the budget of Dubasari District Court increased from MDL 1 million to MDL 1.2 million (Table 6).

In 2011 the court's budget increased by 7% compared with 2010 due to increases of expenditures for utilities (94%) and repairs (50%) Staff expenditures increased by 6%.

For 2012, Dubasari District Court budgeted 12% more funds than in 2011. Funds for repairs increased 5 times, allocations for staff expenditures increased by 14% and allocations for operating expenditures decreased by 12%.

[5] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 6.** *Budget of Dubasari District Court, by type of expenditure (2010–2012)*

| Expenditure category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 779,440 | 823,288 | 6% | 936,800 | 14% |
| Repairs | 4,000 | 5,981 | 50% | 30,000 | 402% |
| Utilities | 49,113 | 95,214 | 94% | 105,000 | 10% |
| Fixed assets | 0 | 0 | 0% | 0 | 0% |
| Capital investments | 0 | 0 | 0% | 0 | 0% |
| Operating expenditures | 158,388 | 136,222 | -14% | 119,300 | -12% |
| **Total** | **990,940** | **1,060,705** | 7% | **1,191,100** | **12%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 received from the court*

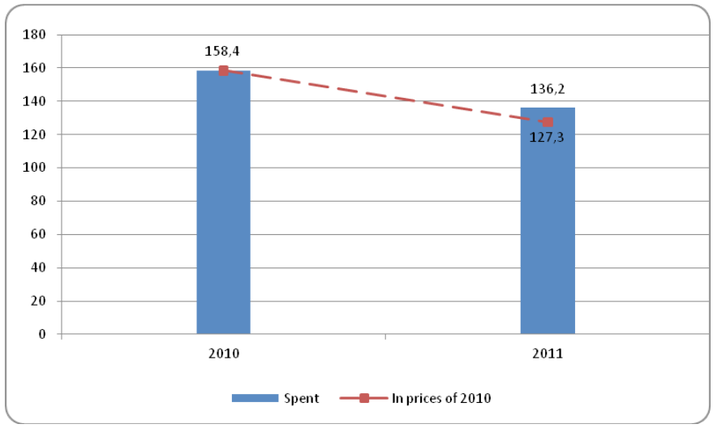
## 6.2. STAFF EXPENDITURES

Staff expenditures represent approximately 78% of the total budget and increase year by year. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

From 2010 to 2011, both the face value and the real value of operating expenditures decreased. Their face value decreased from MDL 158.4 thousand to MDL 136.2 thousand, an decrease of 14%. Their real value decreased by 20% taking into account that in 2011 the inflation rate was 7%.[6] MDL 136.2 thousand in 2011 was therefore equivalent to 127.3 thousand in 2010, hence, the real value of operating expenditures decreased by MDL 31.1 thousand (Graph 6).

**Graph 6.** *Operating expenditures for Dubasari District Court in 2010 and 2011*



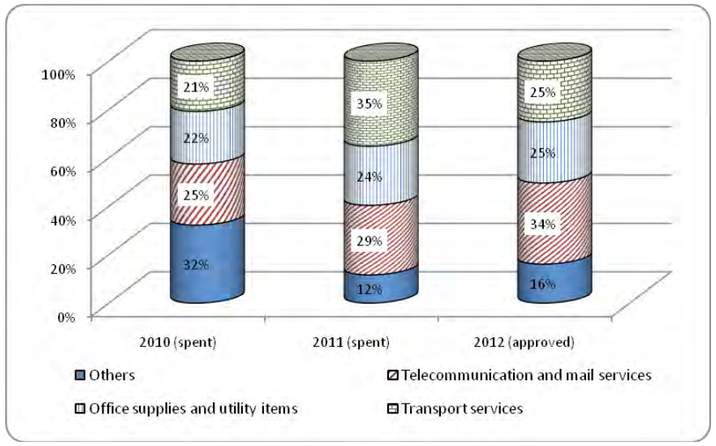

[6] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 7.** *Structure of operating expenditures from 2010 to 2012*




In 2010, the largest share of operating expenditures went for telecommunications and mail services (25%). Allocations for office supplies and utility items accounted for 22% and for transport services accounted for 21% of the total (Graph 7).

In 2011 transport services accounted for 35% of operating expenditures, telecommunications and mail services accounted for 29% and office supplies and utility items accounted for 24%, 2 percentage points more than in 2010.

In 2012 the structure of operating expenditures was similar to that of 2010. Telecommunications and mail services account for 34% of the total operating expenditures, office supplies and utility items account for 25% and transport services account for 25%.

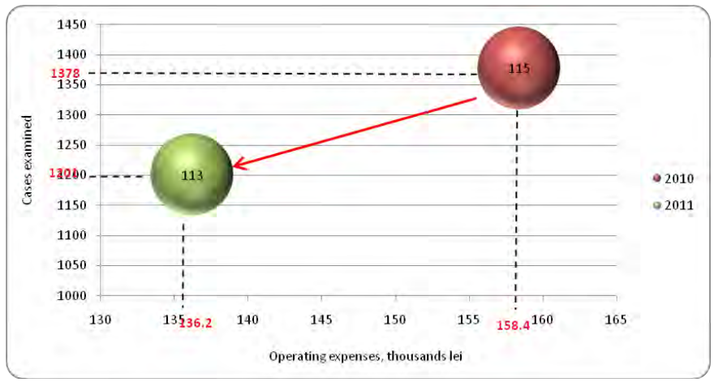
Expenditures for telecommunications and mail merit attention because approximately 70% are planned for stamps.

## 6.5. OPERATING EXPENDITURES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease in operating expenditures in 2011 compared with 2010 could be explained by many reasons, including by reduction of the number of cases examined, which was 1201 in 2011 and 1378 in 2010.

Comparing operating expenditures with the number of cases examined, in 2010 the average cost for examining a case amounted to approximately MDL 115, while in 2011 it was MDL 113 (Graph 8).

**Graph 8.** *Comparative analysis of the average cost for examining a case in Dubasari District Court in 2010 and 2011*

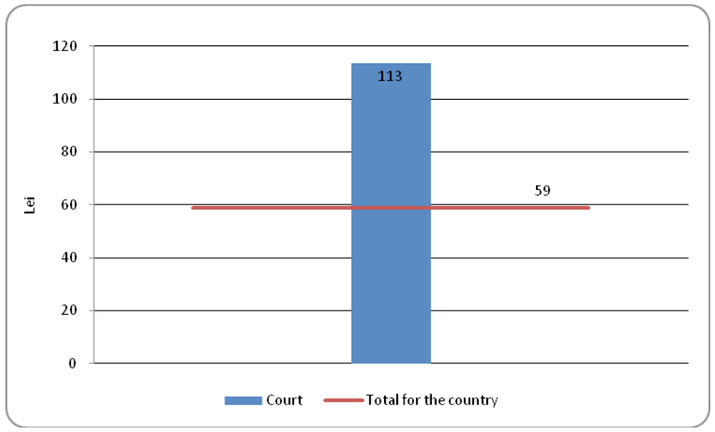



***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

## 6.6. AVERAGE OPERATING COST PER CASE IN DUBASARI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 113 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 9.** *Comparative analysis of the average cost per case examined in Dubasari District Court in 2011 and the weighted average cost per case for the country*




As shown in the Graph 9, in 2011 the average cost per case examined in Dubasari District Court was higher than the weighted average cost per case examined for the country as a whole.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Dubasari District Court does its accounting manually. Perhaps, the court has not purchased accounting software for lack of funds.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the chief accountant who does not have professional qualifications in procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, both the face value and the real value of operating expenditures decreased.
- In 2011, the average cost for examining a case remains almost the same as in 2010.
- In 2011, the average cost for examining a case was higher than the weighted average cost of a case examined for the country as a whole.
- Mail services account for a large share of total operating expenditures.
- Accounting is done manually.
- The court does all its public procurements without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing accounting software and training the staff to use it.
- Consider purchasing postage meters to reduce mail expenditures. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Edinet District Court, situated in the town of Edinet, serves 80,821 inhabitants in the 49 localities that are part of Edinet District Court, according to Moldovan Law No. 764 of 27 December 2001 on the Administrative Territorial Organization of the Republic of Moldova.

According to its staffing plan, the court has 6 ordinary judges, 1 investigating judge, 12 civil servants and 13.5 technical support staff. There is no human resource specialist; those duties are performed by the court president and the adviser to the court president. The court has a public relations specialist.

Staff expenditures follow an upward trend. The court does all its public procurements without a procurements specialist. In 2011 both the face value and the real value of the allocations for operating expenditures increased. In 2011 the average operating cost for examining a case increased compared with the previous year and was higher than the weighted average cost of a case examined for the country as a whole (see the detailed analysis in Chapter VI).

Edinet District Court was built in 1976 and was initially designed for a court but was afterwards used to house the local public administration staff. Edinet District Court was transferred to this building in 1992.

The major problem with this building was and is insufficient space, including for courtrooms. To create additional space and separate the public area from the one used by judges, the building must be expanded using the land next to the building.

Edinet District Court covers 805.76 sq. meters on 2 levels and a basement. Its façade, roof, power and sewerage systems need to be renovated.

# EDINET DISTRICT COURT

*1, Stefan Voda Str., Edinet Town*

*Date of visit: 19 June 2012*

In 2011 and 2012, the interiors of the ground floor and second floor were partially refurbished. Six courtrooms were created, one for each judge; however, no deliberation rooms were included given the lack of space. In 2011, an office for the educational psychologist was built which is also used to conduct interviews with juveniles.

The staff of Edinet District Court uses ICMS Version 2 which was installed in 2011, but they mentioned that there are issues with it including errors generated by the software and its slow navigation speed.

The staff of Edinet District Court makes recordings of the hearings held in the two courtrooms where audio recording equipment has been installed. There is no equipment for the other four courtrooms, so it is not possible to record all hearings. Lack of training and legal requirements for written minutes in addition to recordings (overlapping) are additional reasons that not all hearings are recorded.

Specialists at Edinet District Court continue to keep a considerable number of registers although amendments to the Guidelines have reduced considerably the number required.

The total number of cases filed at Edinet District Court from 2009 to 2011 decreased by 1164, and the number of cases examined decreased in the same period by 1330 with a case clearance rate of 90.1%.

The court has an information board for the public, but there are no plaques on the doors of judges' offices indicating their names and warning that entry to the judges' offices is not allowed.

Edinet District Court updates its webpage periodically, and some menus have information of public interest. Sometimes information is accompanied by photos, images and graphs; however, many of the menus contain no information of any public interest, and sometimes the title of the menu does not match its content.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Façade | 3 | The exterior walls are cement with a stucco finish. There are some cracks. In some places the color has washed out. The façade should be cleaned and painted. |
| Water supply | 3 | Water supply is centralized; water pressure is normal. The pipes for hot water are old and need to be replaced. In some places they water leak. |
| Power supply | 4 | The power system was installed in 1980. The voltage is unknown but reportedly it is insufficient for the current needs of the court and is often disrupted causing UPS failure. The system has not been renewed since the building started to be used as a court. If major renovation works are planned, the power network needs to be included. |
| Sewerage system | 3 | The sewerage system is centralized. It is very old, dating from the 1980s, and needs full renovation. |
| Heating system | 3 | Autonomous heating is based on gas. In 2003, a new boiler room was built; however, the pipes and radiators are old and need to be replaced. There is a great deal of heat loss and high gas consumption. The heating system needs to be renovated. |
| Firefighting system | - | No firefighting systems were seen. The fire escape on the exterior of the building is in poor condition and may be dangerous. |
| Roofing | 3 | The roof structure is in satisfactory condition and does not appear to leak. The roofing should be replaced with metal tiles and down spouts should be installed. |
| Interior | 2 | Office space on the second floor was totally refurbished in 2011, and some on the ground floor was renovated in 2012. Six courtrooms and an office for interviewing juveniles were constructed. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

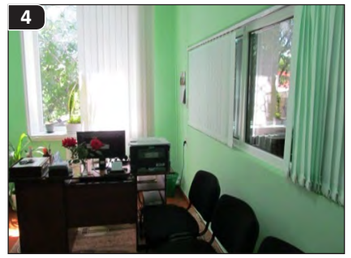


**Photo 1.** *Courthouse facade*
**Photo 2.** *Garage space*
**Photo 3.** *Exterior*
**Photo 4.** *Space for public relations specialist*
**Photo 5.** *Room for juvenile hearings*
**Photo 6.** *Court hall*

## 1.2. CURRENT CONDITION

The assessment focused on a comparative analysis of the physical and operational condition of Edinet District Court in June 2012.

The courthouse has two floors and a basement with a total area of 805.76 sq. meters. There are 22 offices, 1 public space and 6 courtrooms.

Edinet District Court benefits from the services of the judicial police and has three staff guards who ensure the security of the court on nights and on weekends. They also help guide parties through the courthouse.

The courthouse now has a centralized water supply and sewerage system both of which need to be totally renovated. A ventilation system should be installed in the basement. The archives are efficiently organized on the ground floor; however, because of the lack of space some case files were stored on the floor. The security of the archives is ensured by an electronic system. There is no ventilation system in the archives. There is no work under way to repair the exterior façade.

The operational space of Edinet District Court is not appropriate for the activity of a court of law. The need to build an addition to the main building has been mentioned. Presently the court does not have a space for detainees or a separate entrance for them. Detainees are currently brought in through the public hall directly from the police station. The court has six courtrooms for six judges, but they do not have deliberation rooms and separate access for judges. The common entrance for judges and the public violates rules on security and recommendations for modern court layout.

The interior finishing on the ground floor is in good condition as it was partially renovated in 2011. Six small courtrooms have been created, one for each judge, but without deliberation rooms, because of the lack of space. The courtrooms are in a very good state. Due to the shortage of office space, when there are no hearings in the courtrooms they are used as offices by the court clerks.

On the second floor, the offices of the judges and the other staff were refurbished in 2011. New windows were installed in all offices. The walls have been repainted, and light fixtures have been replaced. Most offices have air conditioners. The restrooms were renovated in 2008 and are in very good condition; however, there are no restrooms for the public in the courthouse, again due to the shortage of space. There is a toilet in the courtyard which is in an unsatisfactory condition and should be completely renovated. All the other rooms on the second floor were renovated in 2011 and are in good condition.

There is a large conference room in the basement.

From 2009 to 2011, air conditioners were installed in most of the court offices and the server room.

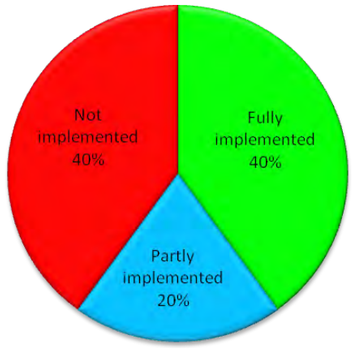
There are neither firefighting systems nor emergency lights.

The 2009 Infrastructure Assessment Report listed five priorities for capital repairs; two have been implemented fully, 1 partially that will be finished by the end of 2013 and two have not been started (Table 1 and Graph 1).

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2008 | Implementation stage in 2012 |
|---|---|
| Reconfigure and possibly enlarge the space | Partially implemented |
| Refurbish interiors, particularly in courtrooms | Implemented |
| Renew the electrical power network, cables and light fixtures | Not implemented |
| Repair water pipes | Not implemented |
| Install an air conditioner in the LAN server room | Implemented |

*Source: 2009 Infrastructure Assessment Report*




**Graph 1.** *Implementation of capital repair priorities in 2012*

### Conclusions

- From 2009 to 2012, many of the recommendations in the 2009 Infrastructure Assessment Report were implemented.
- Some rooms in the courthouse still need repair.
- Repairs were based on recommendations and priorities set forth in the Infrastructure Assessment Report.
- 40% of the capital repair priorities listed in the 2009 Infrastructure Assessment Report have been implemented, 20% have been partially implemented and 40% have not been implemented.

### Recommendations

- Reconfigure the archive space.
- Reconfigure the overall court space and perhaps enlarge it.
- Install firefighting systems.
- Reconfigure the basement according to the existing needs for space.
- Add deliberation rooms to all courtrooms on the ground floor.
- Replace light fixtures.
- Create a cell for detainees in the basement.
- Renovate interior finishing where needed.
- Renovate the exterior façade.
- Replace the sewerage system.
- Replace the heating system.
- Finalize work for installing down spouts and gutters.
- Replace old doors.
- Replace flooring on the ground floor.
- Construct a restroom for the public inside the courthouse.

**Photo 7.** *Public stairs*
**Photo 8.** *Space for the public*
**Photo 9.** *Conference room in the basement*

**Photo 10.** *Server room*
*Photo 11. Server room with air conditionning system*

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Edinet District Court has used the Integrated Case Management System since 2009; ICMS Version 2 was installed in 2011.

The main issue with ICMS is the uneven assignment of cases which causes very unequal workloads for the judges. Other issues were technical such as server failures, error generation and the slow navigation speed through ICMS menus. ICMS is managed by the adviser to the court president.

After case files are registered, the clerical staff scans only the complaint in civil cases, the indictment and the list of persons to be summoned in criminal cases and the minutes or appeals, as appropriate in administrative cases.

ICMS serves as a primary source for providing the information requested by the parties to a trial. When information is not available in ICMS, the action cards or the registers stored in the chancellery are consulted as appropriate.

As reported by the Edinet District Court staff, the server is often down due to frequent power disruptions. To eliminate this problem, in 2011 a UPS was purchased for the server. The court contacts CTS whenever needed. They rated their general satisfaction with services provided by CTS in 2012 as a 4 out of 5.

**Table 2.** *Suggestions for modifying ICMS for Edinet District Court*

| No. | Suggestions for ICMS modification |
|---|---|
| 1. | Adjust the "Assignment" menu to the requirements of the Regulation on Case Assignments in Courts of Law. |
| 2. | Increase the navigation speed through ICMS menus. |
| 3. | Eliminate errors generated by ICMS. |

*Source: President of Edinet District Court*

## 2.2. AUDIO RECORDING SYSTEM

Edinet District Court has six courtrooms, two of which have audio recording equipment and the corresponding software. Only hearings held in those two courtrooms are recorded. The equipment is operational; no difficulties have been identified in terms of its use. Training is needed for court secretaries to use this equipment and software.

There have been no requests from trial participants for recordings of hearings.

There are no plaques on the doors of the two courtrooms where recording equipment is installed stating that hearings are audio recorded.

Edinet District Court does not have an information technology specialist. The court has concluded an agreement with a company to provide those services.

According to the Regulations on Digital Audio Recording of Court Hearings,[2] the reason for recording them is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. Given that not all hearings are audio recorded, court clerks are not able to ensure that all minutes are complete and accurate.

Among the issues they face, Edinet District Court employees reported the lack of audio recording equipment needed for the four new courtrooms on the ground floor. Other issues include the legislation requiring duplication of effort—written minutes and audio records—as well as insufficient numbers of staff.

[2] *SCM Regulation on Digital Audio Recording of Court Hearings approved by SCM Decision No. 212/8 of 18 June 2009.*

## 2.3. WEB PAGE OF EDINET DISTRICT COURT

Edinet District Court has a web page on which it posts information for the public; it is updated as needed by the coordinating specialist. Table 3 shows the menus and their contents.

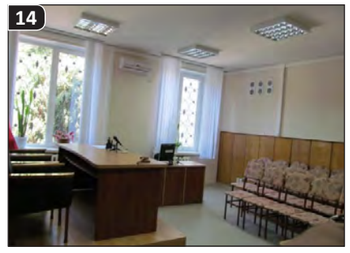


**Photo 12.** *Courtroom*
**Photo 13.** *Courtroom*

**Photo 14.** *Courtroom with audio equipment*
**Photo 15.** *Audio equipment*

**Table 3.** *Content of the web page of Edinet District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the Court President | – Welcome address<br>– Photo with the façade of the court that cannot be viewed |
| Overview | – Territorial jurisdiction of the court<br>– Territorial jurisdiction of enforcement officers |
| Structure and Organization | – Internal regulations<br>– Contact details<br>– Organizational chart |
| Information of Public Interest | – Hours for admitting the public<br>– Public guide<br>– Code of conduct for trial participants and other persons within the courthouse<br>– Code of conduct for civil servants ;<br>– Rules of conduct for the court staff<br>– Juvenile justice |
| Regulatory Framework | – Regulations on public information and media relations<br>– Table with basic regulatory acts governing court activities<br>– List of regulatory acts |
| Public Relations Service | – General information about the tasks of the public relations specialist;<br>– Business contacts of the public relations specialist<br>– Regulation on public information and media relations |
| List of Hearings | Information extracted automatically from ICMS |
| List of Case Files | Information extracted automatically from ICMS |
| Hearings Posted on the Board | Lists of cases examined by each judge |
| Database of Judgments | Information extracted automatically from ICMS |
| Statistics | – 2010 statistical report on civil, criminal, and administrative cases |
| Archives | – Photo which cannot be viewed<br>– Description of archive functions<br>– Work schedule of the archives |
| Press releases | – Link to “Greeting Message” that contains no information<br>– Photo that cannot be viewed |
| News | – Vacancies<br>– Court judgments published<br>– 2010 assessment of civil servant performance |

*Souce: http://jed.justice.md/*

Table 3 shows that most menus have information of public interest about the activities of Edinet District Court; however, some contain no information at all and sometimes the menu title is inconsistent with its content. The menu “Press Releases” contains a link to a greeting message that contains no information. “General Overview” has a table showing the territorial jurisdiction of Edinet District Court that should be reformatted. In “Regulatory Framework,” some links to the acts are not active; active links should be posted to facilitate access to information. In some menus information is repeated, for instance, the regulation on public information and media relations is displayed both in “Regulatory Framework” and “Public Relations Service.”

The coordinating specialist mentioned the need for training in the use of the website management system because the specialist responsible for website maintenance is newly employed and has not received any so far.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Edinet District Court has sufficient equipment to properly carry out its activities. Table 4 shows the type of equipment, the number of items and the equipment needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Computers | 35 | 15 |
| Notebook | 1 | - |
| Printers | 21 | 15 |
| Scanner/printer/copier | 6 | - |
| Scanner JET | 1 | 1 |
| Fax | 2 | - |
| Audio recording sets | 2 | 4 |
| UPS | 15 | 25 |
| Server | 1 | |
| Air conditioners | 15 | 5 |
| Microwave oven | 1 | - |
| Refrigerator | 1 | - |
| OM Water coolers | 3 | 4 |
| Telephones | 9 | - |
| Digital monitor | - | 1 |
| TV-DVD | - | 7 |

*Source: Edinet District Court*

### Conclusions

- When using ICMS Version 2, the staff of Edinet District Court faces the problems of uneven case assignments, error generation and slow operating speed.
- The staff of Edinet District Court uses the audio recording system during court hearings in the two courtrooms where it is installed.
- To improve the work of Edinet District Court, the following equipment is necessary: 15 computers, 25 UPS units, 15 printers, 1 GET scanner, 4 water coolers, 5 air conditioners, 1 digital monitor, 7 TV/DVDs and 4 sets of audio recording equipment for the newly constructed courtrooms.
- Edinet District Court uses the website management system. Some information posted on the website is accompanied by photos, images and graphs; however, some menus contain no information or duplicate information, and sometimes the menu title is inconsistent with its content.

### Recommendations

- Purchase audio recording equipment and software sets and install them in the four new courtrooms.
- Use audio recording systems in all courtrooms.
- Store and delete recordings in accordance with SCM Regulations.[3]
- Complete website menus with information of public interest and update them regularly.
- Rearrange information on the website according to the menu titles.

[3] *SCM Regulation on digital Audio Recording of Court Hearings approved by SCM Decision No. 212/8 of 18 June 2009.*

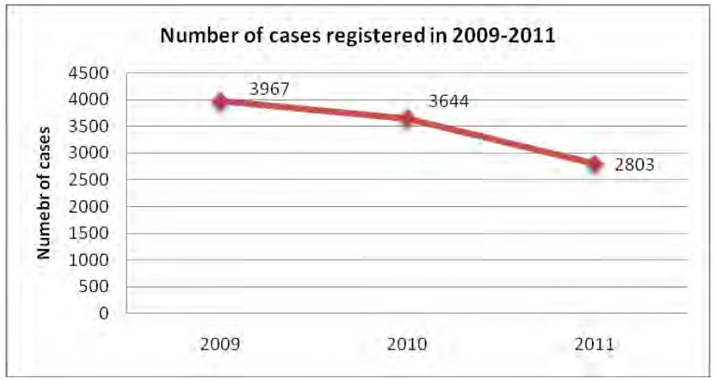
# III. WORK OF EDINET DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The workload at Edinet District Court from 2009 to 2011 was assessed based on the total number of cases registered, the total number of cases examined, the number examined by type of case, the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases filed at Edinet District Court decreased from 3967 in 2009 to 2803 in 2011.

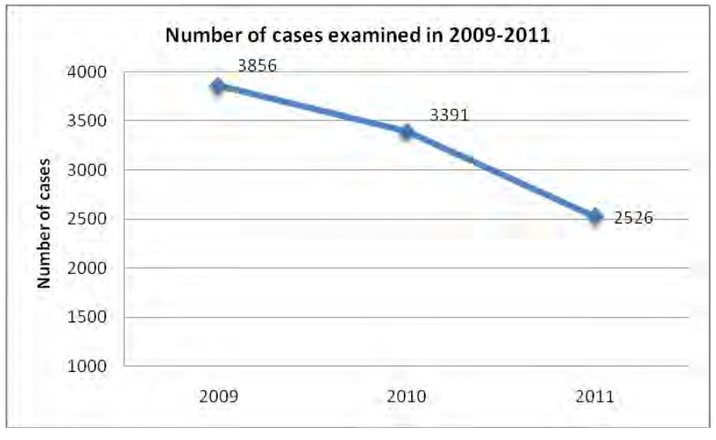
**Graph 2.** *Number of cases registered at Edinet District Court from 2009 to 2011*




*Source: DJA*

According to the data, the total number of cases examined in that period also decreased from 3856 to 2526 (Graph 3).

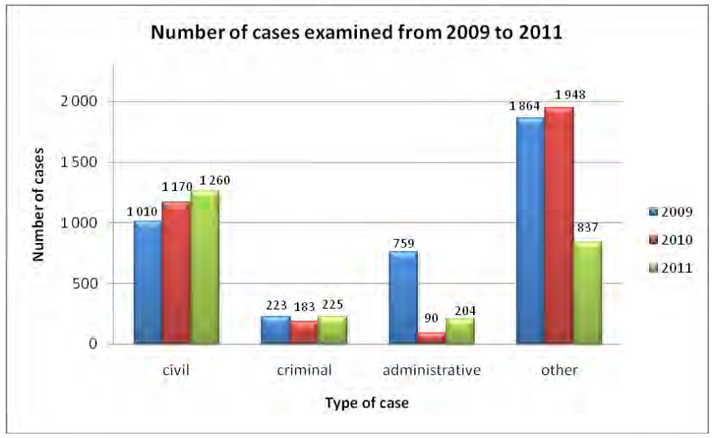
**Graph 3.** *Total number of cases examined at Edinet District Court from 2009 to 2011*




*Source: DJA*

Graph 4 shows that from 2009 to 2011, the number of civil cases examined increased from 1010 to 1260, the number of criminal cases did not change significantly and the number of administrative cases decreased from 759 to 204.

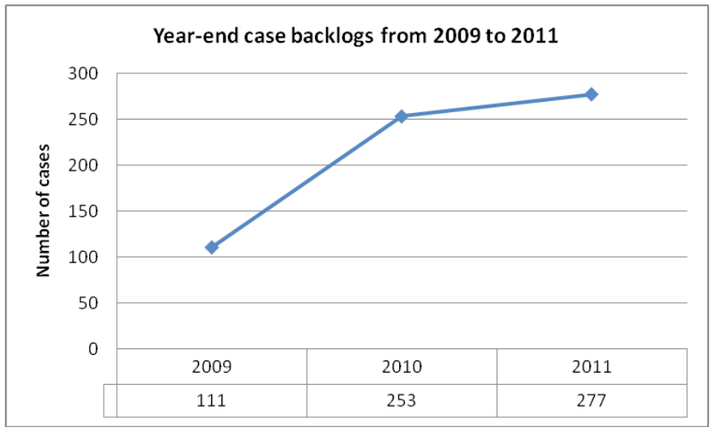
**Graph 4.** *Number of cases examined at Edinet District Court from 2009 to 2011by type of case*




*Source: DJA*

The analysis of statistical data on case backlogs showed an increase from 111 in 2009 to 277 in 2011 (Graph 5).

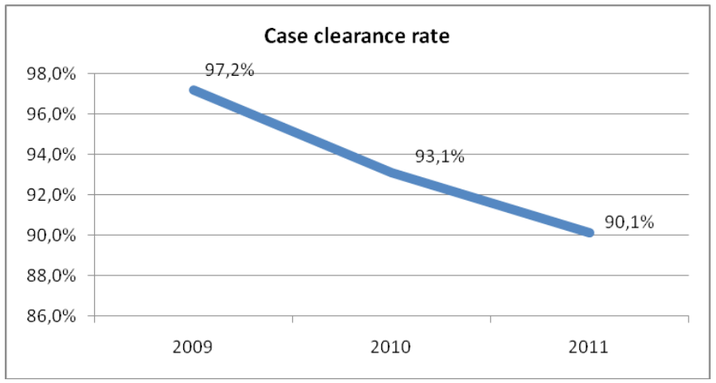
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Edinet District Court decreased from 97.2% in 2009 to 90.1% in 2011.

**Graph 6.** *Case clearance rate from 2009 to2011*




## 3.2. ORGANIZATION OF ACTIVITIES

Edinet District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice and analyzing judicial statistics and perform other duties as needed for the normal run of activities.

The chancellery is located on the ground floor. Its staff includes four court clerks who are responsible for scanning documents from case files and registering cases in ICMS and on paper.

For purposes of public information, the chancellery uses the ICMS search menu. When no information is available in ICMS, it uses the register of case actions.

The chancellery maintains the registers listed in Table 5.

**Photo 16.** *Chancellery room*
**Photo 17.** *Archive room*

**Table 5.** *List of registers used by Edinet District Court chancellery*

| Register Category | Register title |
|---|---|
| ***General*** | 1 Incoming mail<br>2 Outgoing mail<br>3 Materials and case files sent by courier<br>4 Appeals and cassations<br>5 Petitions<br>6 Recusals and abstentions<br>7 Arrest warrants<br>8 Home arrests<br>9 Extension of the terms of pre-trial arrests<br>10 Extension of the terms of home arrests<br>11 Provisional release on bail<br>12 Motions for provisional suspension of driving licenses<br>13 Complaints against criminal prosecution bodies<br>14 Judicial tasks (rogatory commissions)<br>15 Cassations in annulment<br>16 Materials regarding individuals against whom coercive medical measures have been used<br>17 Requests for revisions of judgments |
| ***Civil*** | 1. Index of civil case files<br>2. Index of economic case files<br>3. Index of economic case files under simplified procedures<br>4. Index of case files under administrative review<br>5. Index of civil case files under simplified procedures<br>6. Materials and case files sent to the Court of Appeals |
| ***Criminal*** | 1. Index of criminal case files<br>2. Physical evidence<br>3. Persons put on the wanted list<br>4. Materials and case files sent to the Court of Appeals |
| ***Administrative*** | 1. Administrative case files against individuals (by articles and assigned on the basis of competence)<br>2. Administrative case files against legal entities (by articles and assigned on the basis of competence)<br>3. Index of administrative case files<br>4. Index of motions<br>5. Motions<br>6. Index of appeals against the decision of the official examiner<br>7. Motions of enforcement officers<br>8. Index of motions of enforcement officers<br>9. Materials and case files sent to the Court of Appeals |

*Source: Edinet District Court chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may be entered three or four times in various records as Table 6 shows.

**Table 6.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Incoming mail |
| Plaintiff's name | ICMS | Action record card | |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil case files |
| Defendant's contact information | ICMS | Action record card | Index of civil case files |
| Case file category | ICMS | Action record card | Index of civil case files |
| Essence of the case | ICMS | Action record card | |
| State duty | PIGD | Action record card | |
| Circulation of the case file within the court | PIGD | Action record card | |

*Source: Edinet District Court chancellery specialists*

The chancellery keeps more registers than the Guidelines require.[4]

The archives of Edinet District Court are located on the ground floor. The space for storing case files is well located with proper temperature and humidity levels, but is small and has no ventilation system. The archives are well organized; case files are stored in good order by years on the shelves starting with 1960 and are in satisfactory condition. The windows and door have metal bars; the entrance door is metal clad. Entry to the archives is restricted, and security is ensured by an alarm system.

## *Conclusions*

- The number of cases filed at Edinet District Court decreased by 29.3% from 2009 to 2011.
- The number of cases examined decreased by 34.5% from 2009 to 2011.
- From 2009 to 2011, the number of civil cases examined increased by 250, the number of criminal cases increased by 2 and the number of administrative cases decreased by 555.
- The case backlog increased by 166 from 2009 to 2011.
- The case clearance rate decreased by 7.1% from 2009 to 2011.
- There is duplication of effort because laws and instructions on secretarial work require both paper and digital registers.
- The number of registers used by the staff of the chancellery does not comply with the provisions of the Guidelines.

## *Recommendations*

- Extend the space for the archives.
- Install a ventilation system in the archives.
- Review internal procedures for recordkeeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.

[4] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

Edinet District Court has 6 ordinary judges (according to the approved staffing plan), 1 investigating judge, 12 civil servants and 13.5 technical staff (Table 7).

The court staffing plan does not include the position of human resource specialist; in practice, those duties are performed by the court president and the adviser to the president. The adviser is particularly responsible for preparing and keeping records of staff documents, preparing personal staff files and completing and maintaining employment record books.

Edinet District Court has a public relations specialist who is the official representative of the court in its relations with the media and the public. He is responsible for making information available to the media and the public with a view to ensuring the transparency of court operations in accordance with current legal provisions.

Court employees are either civil servants or technical staff. Civil servants include the adviser to the court president, court clerks, translators, consultants and the accountant. Technical staff includes cleaners, workers, etc. For several years, no internal procedures for employment were in place. When a position is filled competitively, the competition is organized in accordance with the provisions of the Regulation on the Competitive Employment of Civil Servants approved by Government Decision No. 201 of 2009.

Edinet District Court has job descriptions for the positions of adviser to the court president, court clerk, head of archives, head of the chancellery, consultant, chief accountant, translator and the public relations specialist.

**Table7.** *Staffing scheme of Edinet District Court*

| No. | Position | Current number | Vacancies |
|---|---|---|---|
| 1. | Court President | 1 | |
| 2. | Vice- president | 1 | |
| 3. | Judge | 4 | |
| 4. | Investigating judge | 1 | |
| 5. | Adviser to the chief judge | 1 | |
| 6. | Chief accountant | 1 | |
| 7. | Consultant | 2 | |
| 8. | Secretary | 7 | |
| 9. | Translator | 1 | |
| 10. | Head of the chancellery | 1 | |
| 11. | Court clerk | 3 | |
| 12. | Coordinating specialist | 1 | |
| 13. | Head of Archives | 1 | |
| 14. | Archivist | 1 | |
| 15. | Courier | 0.5 | |
| 16. | Driver | 1 | |
| 17. | Guard | 3 | |
| 18. | Boiler room operator | 0.5 | |
| 19. | Cleaner | 1.5 | |
| | **TOTAL** | **32.5** | **-** |

*Source: Accounting office of Edinet District Court*

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ, and as reported during the documentation visit, in 2011 all judges of Edinet District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. For legal research and reference, the judges use the legislative database Moldlex. Some of the publications to which Edinet District Court subscribes are the *Official Gazette, Buletinul CSJ (SCJ Newsletter); Revista Nationala de Drept (National Law Magazine); Contabilitate si Audit (Accounting and Auditing); Dreptul (Law), Dreptul muncii (Labor Law), Legea si Viata (Law and Life); Timpul (Time), Funcţionar public (Civil Servant), Curierul de Edinet (Edinet Courrier)* and *Justiţia Constituţională (Constitutional Justice).*

Court staff other than judges mentioned that the last time they were trained was at the Balţi Court of Appeals in 2011 in the use of ICMS. The adviser to the court president mentioned the need to organize training courses for court secretaries on the papers to be completed and actions to be performed as part of their job duties, i.e., drafting minutes of court hearings using ICMS and Femida.

For the court clerks, seminars were requested on applying the Guidelines.

### *Conclusions*

- At Edinet District Court, human resource management is carried out by the court president and the adviser to the president.
- The court has a public relations specialist.
- The court has no human resource specialist.
- The court secretaries, court clerks and the archive specialist need training. Topics should range from applying legal provisions to studying the judicial information system and citing criminal and civil procedural acts.

### *Recommendations*

- Employ a human resource specialist and train him/her.
- Organize internal training for the court staff so they can solve the problems they face in carrying out their duties.

## V. SERVICES FOR THE PUBLIC

Edinet District Court has an information office situated near the court entrance. The office of the public relations specialist is situated on the ground floor. There are no plaques on the judges' doors showing their names and warning that entry is not allowed.

The building has a board at the entrance with the following information:

- List of cases scheduled for trial that is prepared in MS Word.
- Code of conduct for civil servants—obligations and guarantees.
- Rights and obligations of civil servants
- Guidelines on filing a civil complaint
- Anti-corruption poster
- Guidelines on enforcing judgments
- Statement on observing the rights of child victims/witnesses of crimes and offences.

Parties and other trial participants may request copies of judgments by filling out an application at the chancellery of Edinet District Court on any business day during working hours. Copies are issued on the same day or on the following day, as appropriate. The first time a party requests a copy, it will be issued immediately upon presentation of an ID. If the party requests copies repeatedly, he/she must submit an application to the chancellery addressing it to the court president. The application is logged in the register of incoming mail under a specific number and then forwarded to the court president for approval and to assign the person responsible for following it up. That person makes copies and then forwards the material to the court president along with the case file for approval of the copies. The president authenticates the copies with his/her signature and ink stamp. Authenticated copies are then sent to the chancellery where they are handed to the applicant against his/her signature (on the copy of the application submitted).

### *Conclusions*

- The board at the entrance contains relevant and comprehensive information that helps visitors to better orient themselves.
- The procedure for getting copies of judgments requires the approval of the court president who has to make time to examine, approve or reject applications.

### *Recommendations*

- Install clear signs guiding visitors.
- Place plaques on the judges' offices with their names and warnings that entry is not allowed.
- Purchase an additional board for information at the entrance to the building.
- Simplify the procedure for getting copies of judgments by sparing the court president the obligation to approve applications and by training the chancellery specialists accordingly.

**Photo 18.** *Information board*
**Photo 19.** *Information for public*
**Photo 20.** *Office of the public relations specialist*
**Photo 21.** *Information window*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Edinet District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA which receives the ceilings for the entire judiciary from the Ministry of Justice.

The ceiling is set for the following two expenditure categories:

1) Current expenses (staff, others);
2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by the DJA while capital expenses are determined by each individual court after negotiations with the DJA. Other expenses are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET

The budget of Edinet District Court is divided into six expenditure categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[5]

From 2010 (executed) to 2012 (approved), the budget of Edinet District Court increased from MDL 1.5 million to about MDL 2 million.

In 2011 the court budget increased by 46% compared with 2010 due to funds allocated for repairs and for fixed assets (to purchase a car). Also, the court benefited from additional funds for operating expenses (13%). On the other hand, the utility expenses decreased by 19%.

The budget for 2012 is 13% less than in 2011 with no funds for fixed assets and a 79% decrease in expenditures for repairs. Allocations for other types of expenditures (except for capital investments) all increased over 2011 levels.

[5] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Edinet District Court by type of expense (2010–2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | | Amount |
| Staff | 1,081,658 | 1,159,856 | 7% | 1,375,000 | 19% |
| Repairs | 23,200 | 437,785 | 1787% | 90,000 | -79% |
| Utilities | 114,896 | 93,447 | -19% | 124,900 | 34% |
| Fixed assets | 41,100 | 271,599 | 561% | 0 | -100% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 268,598 | 303,482 | 13% | 374,400 | 23% |
| **Total** | **1,529,452** | **2,266,169** | **48%** | **1,964,300** | **-13%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

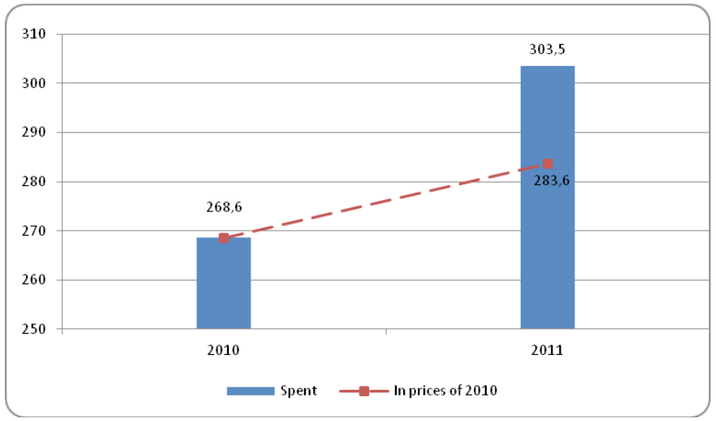
## 6.2. STAFF EXPENSES

Staff expenses account for about 70% of the total budget. Due to the fact that remuneration is governed by law and regulations, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

From 2010 to 2011, both the face value and the real value of operating expenditures increased. Their face value increased from MDL 268.6 thousand to MDL 303.5 thousand, an increase of 13%. Their real value increased by 6% taking into account that in 2011 the inflation rate was 7%.[6] MDL 303.5 thousand in 2011 was therefore equivalent to 283.6 thousand in 2010; hence, the real value of operating expenses increased by MDL 15 thousand (Graph 7).

**Graph 7.** *Operating expenses for Edinet District Court in 2010 and 2011*



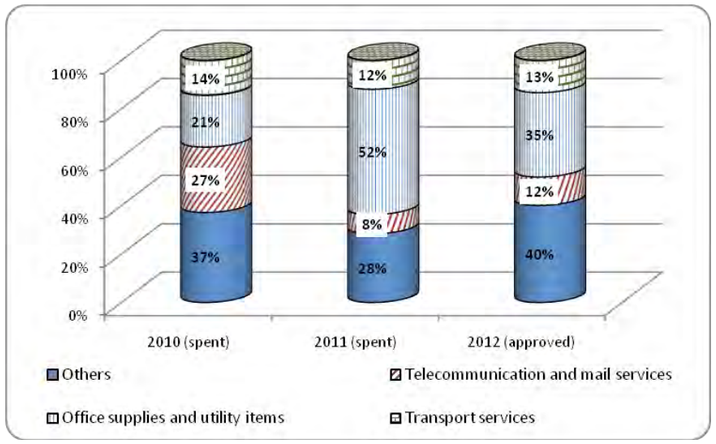

[6] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunication and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that from 2010 to 2011, the share of expenses for office supplies and utility items grew from 21% to 52% while expenditures for telecommunication and mail decreased by 19% to only 8% of the total.

In 2012, however, office supplies and utility items decreased by 17% to 35% of the total while telecommunication and mail expenses increased to 12%. Expenditures for transport expenses have been consistent over the years.

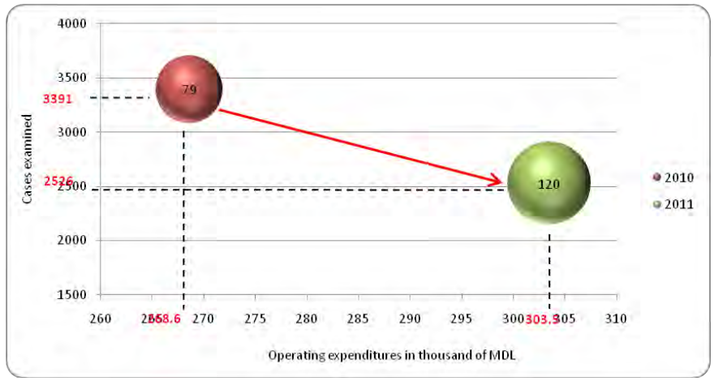
Telecommunication and mail services expenses merit attention as about 70% are for postage.

## 6.5. REAL VALUE OF OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase in operating expenses in 2011 compared with 2010 was not due to a reduction in the number of cases examined as that number actually decreased from 3391 to 2526.

Comparing operating costs with the number of cases examined, in 2010 the average cost for examining a case was approximately MDL 79 while in 2011 it was MDL 120 (Graph 9).

**Graph 9.** *Comparative analysis of the average cost of examining a case in Edinet District Court. In 2010 and 2011*



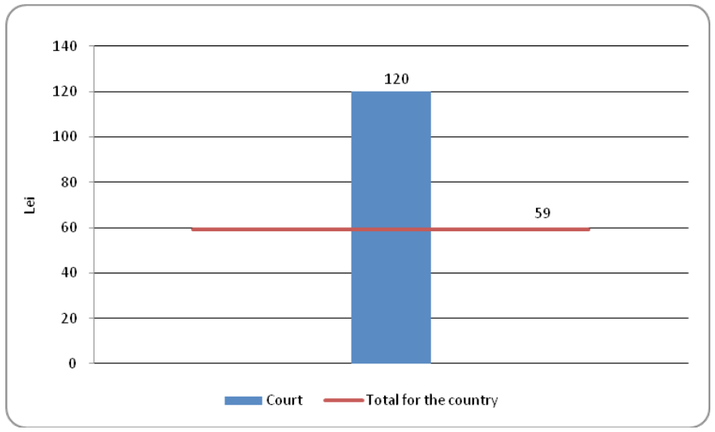

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court*

The increase in the average cost for examining a case is because the number of cases examined decreased while operating expenses increased.

## 6.6. AVERAGE OPERATING COST PER CASE IN EDINET DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 120 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Edinet District Court and the weighted average cost per case for the country as a whole*




As shown in Graph 10, in 2011 the average cost per case examined in Edinet District Court was considerably higher than the weighted average cost per case for the country as a whole.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Accounting at Edinet District Court is done manually. Perhaps, for lack of funds the court has not purchased accounting software.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the chief accountant who does not have professional qualifications in procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, both the face value and the real value of operating expenses increased.
- The average cost for examining a case in 2011 increased compared with 2010.
- In 2011, the average cost of a case was considerably higher than the weighted average for the country as a whole.
- Mail expenses account for a large share of total operating expenses.
- Accounting is done manually.
- All public procurements are made without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing accounting software and training the staff to use it.
- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes etc.

## OVERVIEW

Falesti District Court in the town of Falesti serves 87,393 inhabitants in the 75 localities that are part of Falesti District according to Law No. 764 of 27 December 2001 on the Administrative-territorial Organization of the Republic of Moldova.

Falesti District Court has 6 judges and 25 regular staff. The court has no human resource specialist. Those duties are managed by the adviser to the court president. The court has a coordinating specialist for public relations.

Staff expenditures have followed an upward trend. The court does all its public procurements without a procurement specialist. In 2011 both the face value and the real value of the operating expenses decreased compared with 2010. In 2011 the average operating cost for examining a case increased compared with the previous year and was higher than the weighted average cost of a case examined for the country as a whole (see Section VI).

The courthouse has two floors and a basement with a total area of 450 sq. meters. It is in satisfactory condition since from 2009 to 2011 it was renovated; however, the exterior and some rooms still need repairs.

The staff of Falesti District Court has used ICMS since 2009 and in 2011 it upgraded to ICMS Version 3. The staff mentioned their problems with ICMS are uneven case assignments and its slow processing speed.

# FALESTI DISTRICT COURT

*14, 1 May Str., Falesti*

*Date of visit: 8 June 2012*

Falesti District Court has three courtrooms all equipped with audio recording sets and software. The court has six judges. Hearings are recorded whenever they are held in courtrooms.

Specialists from the chancellery keep more registers than required by the amended Guidelines.

The total number of cases registered at Falesti District Court from 2009 to 2011 decreased by 850 while the number of cases examined decreased by 980 with a case clearance rate of 90.1% in 2011.

There is no information window for the public at the courthouse entrance. The doors of judges' offices have plaques with their names but no warning that entry is restricted. The courthouse has an information board at the entrance. There are no signs showing the way to courtrooms, the chancellery or the archives. Citizens are guided by the judicial police who do this in addition to maintaining public order in the court.

The court's webpage is managed by the chancellery specialist. Some menus on the web page are empty while others should be updated. The staff mentioned they need additional training in managing the webpage.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 4 | The exterior has deteriorated and needs to be renovated. |
| Water supply | 3 | The court is connected to the central water system. The quality of the water is unsatisfactory. |
| Power supply | 3 | The electrical system was fully renovated in 2012; however, there are still voltage fluctuations that cause power failures. The courthouse needs voltage regulators. |
| Sewerage system | 1 | The courthouse is on the central sewerage system. The pipes were repaired in full in 2011. |
| Heating system | 2 | The heating is autonomous and uses natural gas. The system was replaced in 2011, including repairing the boiler room. |
| Firefighting system | - | There is no system. |
| Roof | 4 | The roof is not solid and needs complete renovation. |
| Interior | 4 | Most rooms in the courthouse need renovations. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

**Photo 1.** *The courthouse exterior*
**Photo 2.** *Side exterior wall of the courthouse*
**Photo 3.** *Interior stairs*
**Photo 4.** *The interior of the courthouse on the second floor*
**Photo 5.** *The boiler room*
**Photo 6.** *The basement*
**Photo 7.** *A courtroom*
**Photo 8.** *The server of Falesti Court*

## 1.2. CURRENT CONDITION

The assessment focused on a comparative analysis of the physical and operational condition of Falesti District Court in June 2012.

Falesti District Court is a two-storey building with a basement with a total area of 450 sq. meters. It has 16 offices, 3 public areas and 3 courtrooms.

During the day, the courthouse is protected by the judicial police and at night by three guards on staff. The court does not have an alarm system. Falesti District Court has a separate room for the judicial police on the ground floor.

The courthouse is in satisfactory condition since it was partially repaired in 2011 when two courtrooms and two offices were renovated. The exterior and the roof of the courthouse need repairs. The entrance staircase is in satisfactory condition and has iron banisters and an access ramp for persons with disabilities. The basement is in unsatisfactory condition; its walls are decaying and need repair. There are plans to enlarge the courthouse in 2012 by arranging additional rooms as part of capital repairs.

The courthouse is connected to the central water system.

The electrical system is in good condition as it has been recently replaced though frequent voltage fluctuations cause considerable problems with the equipment.

The courthouse is on the central sewerage system; it is in good condition as it has recently been replaced. The restroom for the public is outside the court and is in bad condition. The restrooms for the staff are inside the courthouse and also need repair.

The courthouse has autonomous natural gas heating. The heating system was replaced in 2011, including purchasing two new boilers that heat the whole courthouse.

The interior on both floors is in unsatisfactory condition. Two courtrooms, the president's office and that of the vice-president have been partially repaired. The other offices, a courtroom, the interior staircase and the waiting area for the public need repairs. The ceilings and flooring should be replaced, new light fixtures should be installed and new furniture should be purchased.

The server is installed in a separate room equipped with an air conditioner.

The court does not have a fire alarm system.

The functional area of Falesti District Court is arranged properly for a court. It has a back entrance for detainees; however, it does not have separate cells for them. The management plans to arrange cells in the basement which will also host a separate restroom for detainees.

The courthouse does not have a room for physical evidence. There are also no separate rooms for juvenile detainees, juvenile parties in a case or anonymous witnesses. The courthouse has a room for lawyers and prosecutors to review case materials.

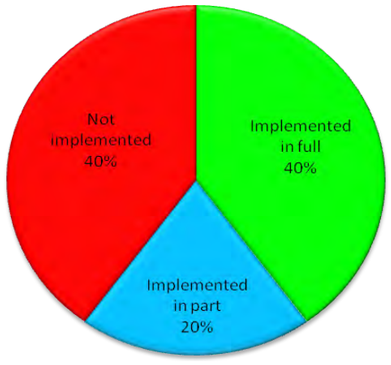
The courthouse has three courtrooms for six judges.

The 2009 Infrastructure Assessment Report listed five priorities for capital repairs, of which two have been implemented in full, one has been implemented in part and two have not been implemented (Table 1 and Graph 1).

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repairs in 2009 | Implementation in 2012 |
|---|---|
| Repair the water system and walls in the archive room. | Implemented in part |
| Replace the electrical system, electrical installations and light fixtures. | Implemented |
| Relocate the chancellery and arrange a reception area on the ground floor. | Not implemented |
| Repair the interior on the ground floor and the areas that have not been finished on the second floor. | Not implemented |
| Install an air conditioner in the server room. | Implemented |

*Source: 2009 Infrastructure Assessment Report*




**Graph 1.** *Implementation of recommendations for capital repairs in 2012*

### Conclusions

- The exterior of Falesti District Court needs capital repairs. From 2009 to 2011, Falesti District Court implemented only some of the recommendations for repair.
- Renovations were based in part on the recommendations listed in the 2009 Infrastructure Assessment Report.
- ROLISP estimated that of the recommendations for capital repairs identified in 2009, 40% have been implemented in full, 20% have been implemented in part and 40% have not been implemented at all.

### Recommendations

- Renovate the courthouse exterior and the rooms that have not been renovated.
- Repair the interior on the ground floor and the areas that have not been finished on the second floor.
- Arrange enough courtrooms for all judges.
- Install door plaques with warnings that entry into judges' offices is restricted.
- Relocate the chancellery and arrange a reception area on the ground floor.
- Relocate all offices for judges and clerks to the second floor and restrict access to them.
- Arrange cells and a separate restroom for detainees.
- Arrange a room for interviewing juvenile witnesses.
- Arrange a room for assistants.
- Install a fire alarm system.
- Arrange a restroom for the public inside the courthouse.

**Photo 9.** *Restroom for the public*
**Photo 10.** *Office*
**Photo 11.** *Furniture in the chancellery*

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Falesti District Court has used ICMS since 2009 and now it has Version 3.

To create electronic files, the staff has to scan documents after registering cases; the staff does not do this.

Their suggestion for modifying ICMS was to introduce a new option—"Passed to the chancellery." The staff also mentioned some technical issues with ICMS such as uneven assignments of cases, slow processing speed and frequent power disruptions.

The assessment team found that not all ICMS menus are used in full and that the staff does not use the menus for registering summons, appeals, cassations and enforcement procedures or for printing the list of hearings scheduled for trial.

Falesti District Court does not have an information technology specialist on staff. Since CTS works from a distance, they are inefficient and do not solve technical problems quickly. Therefore, the president has signed a service contract with a local company. The staff rated their general satisfaction with services provided by CTS in 2012 as a 4 out of 5.

### 2.2. AUDIO RECORDING SYSTEM

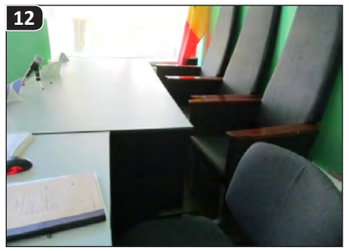
Falesti District Court has three courtrooms all equipped with audio recording sets and software; hearings are recorded whenever they are held in courtrooms. The court has six judges, so some hearings are held in their offices due to the insufficient number of courtrooms; these hearings are not recorded since judges' offices are not equipped with audio recording sets and software. Technical issues with the recording equipment mentioned by the staff are limited memory and the low efficiency of the computers in the courtrooms which results in slow recording speed.

Since 2009 when the audio recording equipment and software were installed, there have been no requests to record hearings. Parties in a case can receive CDs of hearings on request. Court clerks do not use audio recordings to supplement their written transcripts since they write them in full during hearings.

The courtroom doors have plaques stating that hearings are audio recorded.

According to the SCM Regulations on Digital Audio Recording of Court Hearings,[2] the purpose is to check the accuracy and the completeness of the transcripts of hearings and to ensure transparency and efficiency of court operations. The clerks do not use the recordings for that purpose.

[2] *SCM Regulations on Digital Audio Recording of Court Hearings, approved through SCM Decision No. 212/8 of 18 June 2009.*



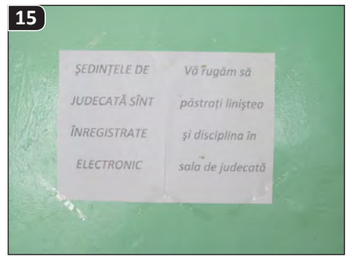



**Photo 12.** *Furniture in a courtroom*
**Photo 13.** *Furniture in a courtroom*
**Photo 14.** *Audio recording software at Falesti Court*
**Photo 15.** *The inscription on the door of a courtroom that hearings are recorded*

## 2.3. WEBPAGE OF FALESTI DISTRICT COURT

Falesti District Court has a webpage on which it posts information for the public; it is managed by the chancellery specialist who mentioned that difficulties with the webpage management module are lack of proper training and lack of time.

Table 2 shows the menus and their contents.

**Table 2.** *Content of the web page of Falesti District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the Court President | – Image that can not be seen.<br>– Message of the court president |
| Competence | – Competence<br>– Geographic coverage |
| Regulatory Framework | Table with regulatory acts governing court operations |
| Public Relations Service | General information about the duties, the working hours and contact information of the public relations specialist |
| News | Information on the electronic address of Falesti District Court |
| Archives | – General information about the archives, method for delivering copies of case materials, working hours and contact information for the archivist<br>– An active link to the Law on Archives of the Republic of Moldova and to the Guidelines on Manual Secretarial Work in Courts of Law and Courts of Appeals, approved through SCM Decision No. 473/21 of 18 December 2008, which when accessed displays an error message. |
| Organization | An active link to the organizational chart of Falesti District Court. |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>**The latest judgment was posted on 29 August 2012** |
| Statistics | Does not contain any information |
| Information of Public Interest | Does not contain any information |
| Useful Links | Does not contain any information |

*Source: http://jfa.justice.md/*

Table 2 shows that Falesti District Court uses the webpage management module regularly; however, some menus such as "*Statistics*," "*Information of Public Interest*" and "*Useful Links*" do not contain any information. The text in "*Public Relations Service*" should be reformatted to make its font, colors and style uniform. The information in "*News*" should be updated. The webpage lacks a menu for job vacancies.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Falesti District Court has sufficient equipment to carry out its activities. Table 3 shows the type of equipment, the number of items on hand and the number needed.

**Table 3.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Computers | 20 | 3 |
| Printers | 56 | 5 |
| Photocopiers | 5 | - |
| Scanners | - | 1 |
| Air conditioning systems | 9 | 5 |
| UPS units | 2 | 10 |
| UPS battery | 1 | - |
| Fax | 3 | 1 |
| Audio recording sets | 3 | - |
| Router/Firewall | 1 | - |
| Rack with accessories | 1 | - |
| Headphones | 1 | - |
| Refrigerator | 1 | - |

*Source: Falesti District Court*

### Conclusions

- When using ICMS Version 3, the staff of Falesti District Court faces problems of uneven case assignments and slow speed.
- The chancellery staff does not scan case materials.
- The staff of Falesti District Court uses the audio recording system during court hearings that are held in the courtrooms.
- The courtroom doors have plaques stating that hearings are audio recorded.
- The court's webpage is managed by the chancellery specialist. Most menus contain information of public interest though some menus lack information or should be updated. The staff needs additional training in managing the webpage.
- To improve the work of Falesti District Court, it needs 3 computers, 5 printers, 1 scanner, 5 air conditioners, 10 UPS units and 1 fax machine.

### Recommendations

- Provide in-house training for new employees in using ICMS, Femida and the webpage management module.
- Use all the options in ICMS.
- Scan documents in case files.
- Conduct all hearings in courtrooms through better planning.
- Complete all menus on the webpage with information of public interest. Regularly update the webpage.
- Add "Job Vacancies" to the menus on the webpage.
- Make sure the font and colors used on the webpage are uniform.

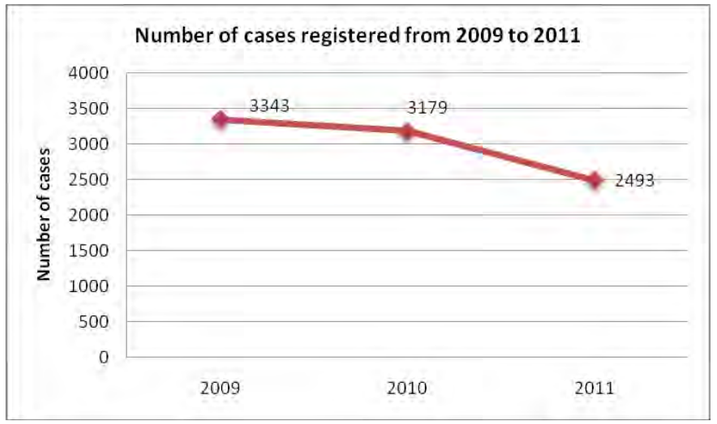
# III. WORK OF FALESTI DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The assessment covered the following items from 2009 to 2011: the total number of cases registered; the total number of cases examined; the number examined by type of case; the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases registered at Falesti District Court decreased from 3343 in 2009 to 2493 in 2011.

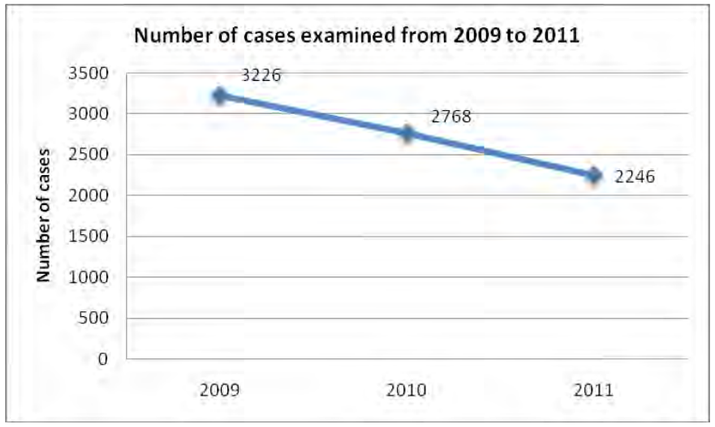
**Graph 2.** *Number of cases registered at Falesti District Court from 2009 to 2011*




*Source: DJA*

Graph 3 shows that the number of cases examined decreased from 3226 in 2009 to 2246 cases in 2011.

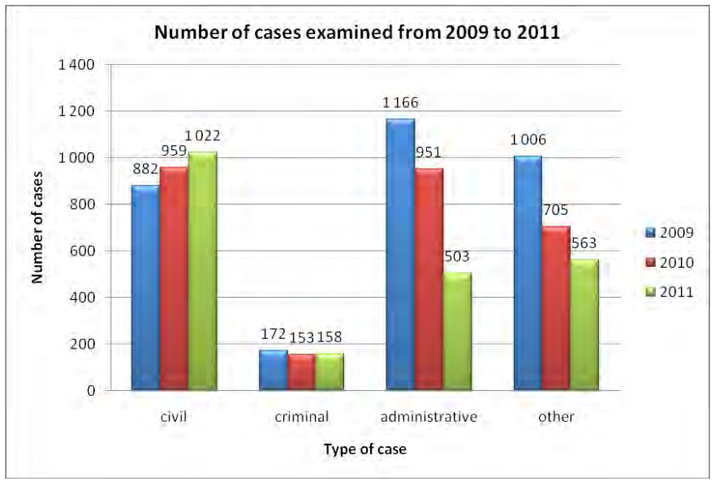
**Graph 3.** *Total number of cases examined at Falesti District Court from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, the number of civil cases examined in Falesti District Court increased from 882 in 2009 to 1022 cases in 2011, the number of criminal cases examined during the same period did not change very much while the number of administrative cases decreased from 1166 in 2009 to 503 cases in 2011.

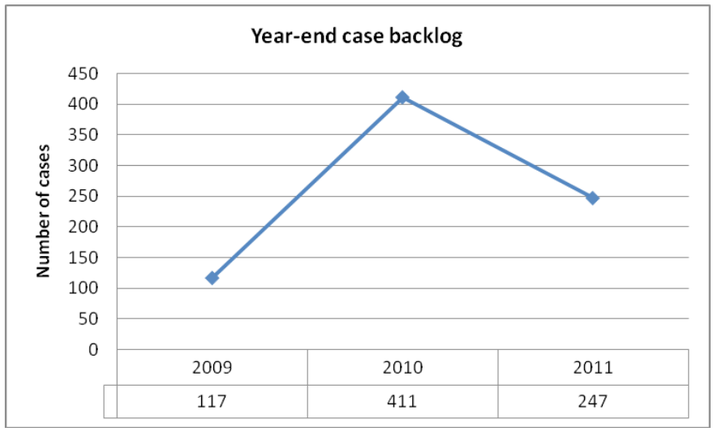
**Graph 4.** *Number of cases examined at Falesti District Court from 2009 to 2011 by type of case*




*Source: DJA*

The analysis of the year-end case backlog at Falesti District Court showed an increase from 117 in 2009 to 247 in 2011 (Graph 5).

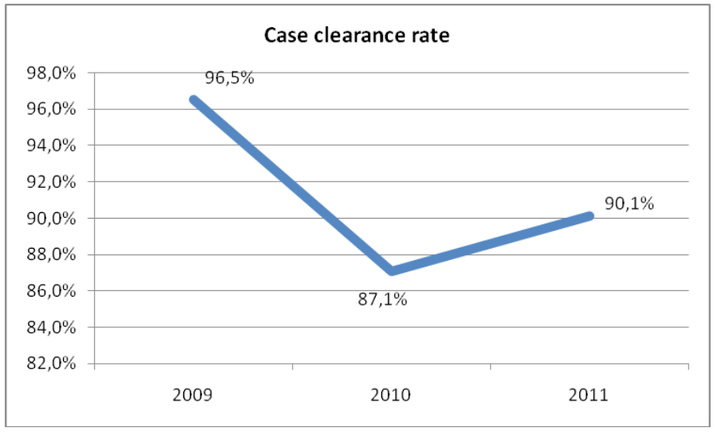
**Graph 5.** *Year-end case backlogs from 2009 to 2011*




*Source: DJA*

Given the aforementioned, the case clearance rate in Falesti District Court decreased from 96.5% in 2009 to 90.1% in 2011. (Graph 6).

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Falesti District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and conducting other work required for the normal run of court activities.

The chancellery of Falesti District Court is on the ground floor. Its specialists are responsible for scanning documents from case files and registering cases in ICMS and on paper.

The chancellery maintains the registers listed in Table 4.

**Table 4.** *List of registers used by Falesti District Court chancellery*

| Register Category | Register Title |
|---|---|
| *General* | 1. Incoming mail<br>2. Outgoing mail<br>3. Case files and materials sent by courier<br>4. Inventory of sent materials<br>5. Enforcement orders sent to bailiffs<br>6. Documents sent to the civil registry office<br>7. Cases sent to the Court of Appeals and the Supreme Court of Justice<br>8. Criminal record issued for Falesti police station |
| *Civil* | 1. Index of civil cases<br>2. Civil cases sent to judges for trial in the first instance<br>3. Index of commercial cases<br>4. Commercial cases sent to judges for trial<br>5. Index of cases examined according to writ proceedings<br>6. Cases examined under writ proceedings and sent to judges for trial in the first instance<br>7. Administrative cases sent to judges for trial in the first instance<br>8. Index<br>9. Action record card |
| *Criminal* | 1. Index of criminal cases<br>2. Criminal cases sent to judges for trial in the first instance<br>3. Complaints against actions of criminal prosecutors<br>4. Materials on enforcing judgments<br>5. Physical evidence<br>6. Persons put on the wanted list<br>7. Materials on challenging a judge<br>8. Action record card |
| *Administrative* | 1. Administrative cases<br>2. Index of administrative cases<br>3. Materials on administrative cases<br>4. Complaints against extra-judiciary bodies in administrative cases<br>5. Action record card |

*Source: Falesti District Court chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may thus be entered three times in various records as Table 5 shows.

**Table 5.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Incoming mail<br>Index of civil cases<br>Civil cases sent to judges for trial in the first instance |
| Plaintiff's name | ICMS | Action record card | Incoming mail, Civil cases sent to judges for trial in the first instance |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case file category | ICMS | Action record card | Incoming mail,<br>Index of civil cases, Civil cases sent to judges for trial in the first instance |
| Essence of the case | ICMS | Action record card | |
| State fee | ICMS | Action record card | |
| Circulation of the case file within the court | ICMS | Action record card | Civil cases sent to judges for trial in the first instance |

*Source: Falesti District Court chancellery specialists*

The chancellery keeps more registers than required in the SCM Decision.[3]

The archive room of Falesti District Court is located on the ground floor. This room needs to be repaired. Its size is insufficient for storing all the files the court has examined. The files are kept on chairs and tables and on the floor. The room does not have a ventilation system. The flooring in the archive room has deteriorated; the shelves are not solid. The files are nonetheless organized efficiently by years. There are plans to develop a software program for the archives.

## *Conclusions*

- The total number of cases filed at Falesti District Court from 2009 to 2011 decreased by 25.4%.
- The total number of cases examined at Falesti District Court from 2009 to 2011 decreased by 30.4%.
- The number of civil cases examined at Falesti District Court from 2009 to 2011 increased by 140, that of criminal cases decreased by 14 and that of administrative cases decreased by 663.
- The case backlog increased by 130 from 2009 to 2011.
- The case clearance rate decreased by 6.4% from 2009 to 2011.
- There is duplication of effort because laws and guidelines require both paper and digital registers.
- Specialists from the chancellery keep more registers than required by the Guidelines.

## *Recommendations*

- Review internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.
- Repair and enlarge the archive room.
- Install a ventilation system in the archive room.

**Photo 16.** *Files in the archives kept on the table*
**Photo 17.** *Shelves in the archive room*
**Photo 18.** *Files in the archives*
**Photo 19.** *Files in the archives kept on the floor*
**Photo 20.** *Registers kept in the chancellery*

[3] *CSM Decision No. 93/7 of 2 March on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

### *Assessment*

Falesti District Court has 6 judges and 25 regular staff (Table 6).

The court has no human resource specialist. Human resources at Falesti District Court are managed by the adviser to the court president.

Falesti District Court has a coordinating specialist for public relations who represents the court officially to mass media and the public to ensure the court's work is transparent and complies with law.

To recruit new staff, the court posts an announcement in the newspaper *Patria (Motherland)*. Then the president organizes an employment commission to select applicants for the vacancy. Applicants must pass an interview and based on the final results, the commission decides whom to hire. Finally, the court president issues the employment/appointment order.

The procedures for dismissing and disciplining staff comply with current labor laws. The staff is liable for deviating from their duties and for behavior that negatively affects their jobs or the work of the court. Prior to disciplining an employee, the court prepares a document describing the action in question with explanations from the person responsible. Then the president issues an order for a sanction.

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Falesti District Court has job descriptions for all positions; they have been given to judges and the staff. Newly employed staff must read their job descriptions.

**Table 6.** *Staffing scheme of Falesti District Court*

| No. | Position | Number |
|---|---|---|
| 1. | Court president | 1 |
| 2. | Vice-president | 1 |
| 3. | Judge | 3 |
| 4. | Investigating judge | 1 |
| 5. | Adviser to the court president | 1 |
| 6. | Chief accountant | 1 |
| 7. | Consultant | 2 |
| 8. | Court clerk | 6 |
| 9. | Translator | 2 |
| 10. | Head of the chancellery | 1 |
| 11. | Coordinating specialist | 1 |
| 12. | Specialist | 2 |
| 13. | Head of the archives | 1 |
| 14. | Courier | 0.5 |
| 15. | Driver | 1 |
| 16. | Guard | 3 |
| 17. | Boiler room operator | 1.5 |
| 18. | Cleaner | 2 |
| | **Total** | **31** |

*Source: Accounting office of Falesti District Court*

Judges are trained by NIJ and, in 2011, all judges of Falesti District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. Falesti District Court subscribes to the legislative database MoldLex. The court subscribes to the *Official Gazette, Revista dreptul (Law Magazine), Buletinul CSJ (Newsletter of SCJ), Dreptul muncii (Labor Law), Justiţia constituţională (Constitutional Justice), Contabilitate și audit (Accounting and Auditing) and Patria mea (My Motherland)*. There are plans to arrange a library in the court so its employees have access to legislation and legal literature.

The court does not offer in-house training to its staff. The topics for training suggested by clerks are preparing transcripts of hearings and enforcement orders and using ICMS Version 3 and Femida; for the general staff of the court, the topics are complying with legal requirements for destroying case files; for the archivist the topic is managing the archives and for the accountant the topic is procurements.

### *Conclusions*

- Human resources at Falesti District Court are managed by the adviser to the court president.
- The court does not have a human resource specialist.
- The court has a public relations specialist.
- There is no internal system for training the staff.
- The training needs for judges are covered by training at NIJ, the publications the court subscribes to and the legislative database MoldLex.

### *Recommendations*

- Employ a human resource specialist and train him/her.
- Employ a public relations specialist and train him/her.
- Implement in-house training for the regular staff of Falesti District Court so they can solve problems they meet in their jobs.

## V. SERVICES FOR THE PUBLIC

There is no information window for the public at the courthouse entrance. Although the chancellery is on the ground floor, it is not close to the courthouse entrance. The doors of judges' offices have plaques with their names but no warning that entry is restricted. The court does not have signs showing visitors the way to the chancellery, the archives or the courtrooms.

At the courthouse entrance there is a board with the following information:

- List of hearings scheduled for trial
- Working hours of the court
- Templates for applications
- Information on state fees
- Booklets on the rights and obligations of indicted persons, the prosecution and trial of criminal cases and the enforcement of judgments.

During working hours, parties and other participants in a case may request copies of judgments from the chancellery. The applicant must pay the state fee. The chancellery/archivist delivers copies on the same day. To comply with legal procedures, the president approves all applications at the close of business.

### *Conclusions*

- There is no information window or reception area for the public at Falesti District Court.
- The chancellery is not located close to the courthouse entrance.
- There are no signs guiding the public through the courthouse.
- The courtroom doors have plaques stating that hearings are audio recorded.
- The courthouse has an information board at the entrance.
- The procedure for getting copies of judgments requires the approval of the court president.

### *Recommendations*

- Arrange an information window at the courthouse entrance to facilitate public access to information.
- Reconfigure rooms to arrange an additional office for the chancellery at the courthouse entrance.
- Install signs guiding citizens to courtrooms, the public relations specialist, the archives and the chancellery.
- Install plaques warning that the entry to judges' offices is restricted.
- Post more comprehensive information of public interest on the information board such as announcements about the court's webpage; news about the judicial system, etc.
- Print the list of hearings scheduled for trial through ICMS.
- Simplify the procedure for getting copies of judgments by sparing the president the obligation to approve applications and by training the chancellery specialists accordingly.

**Photo 21.** *Posters in the courthouse hall*
**Photo 22.** *Inscription on the door of the office for the judicial police*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Falesti District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which in turn receives ceilings for the entire justice sector from the Ministry of Justice. These ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others)

2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted as per the inflation rate predicted for the coming year. After all these calculations, the court proposes a draft budget that complies with the ceilings established by DJA

## 6.1. BUDGET

The budget of Falesti District Court is divided into the following six categories:

- *Staff expenditures* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – power, gas, water and sewerage and sanitation;
- *Expenditures for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[4]

From 2010 (executed) to 2012 (approved), the budget of Falesti District Court increased from MDL 1.4 million to MDL 2.7 million (Table 7).

In 2011 the court budgeted by 19% more funds than in the previous year mostly due to an increase in expenditures for repairs of 176%. Allocations for fixed assets almost tripled.

For 2012 Falesti District Court budgeted by 59% more funds compared with 2011. Allocations for almost all categories of expenditures (except for capital investments) increased. Thus, the court will receive funds to purchase a car, funds for capital repairs tripled and funds for utilities increased by 50%.

[4] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 7.** *Budget of Falesti District Court by types of expenditures (2010–2012)*

| Expenditure category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 1,029,823 | 1,096,499 | 6% | 1,235,100 | 13% |
| Repairs | 99,984 | 275,499 | 176% | 905,000 | 228% |
| Utilities | 66,300 | 73,300 | 11% | 110,000 | 50% |
| Fixed assets | 13,000 | 40,000 | 208% | 210,000 | 425% |
| Capital investments | 0 | 0 | 0% | 0 | 0% |
| Operating expenditures | 208,820 | 203,579 | -3% | 217,000 | 7% |
| **Total** | **1,417,927** | **1,688,877** | **19%** | **2,677,100** | **59%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

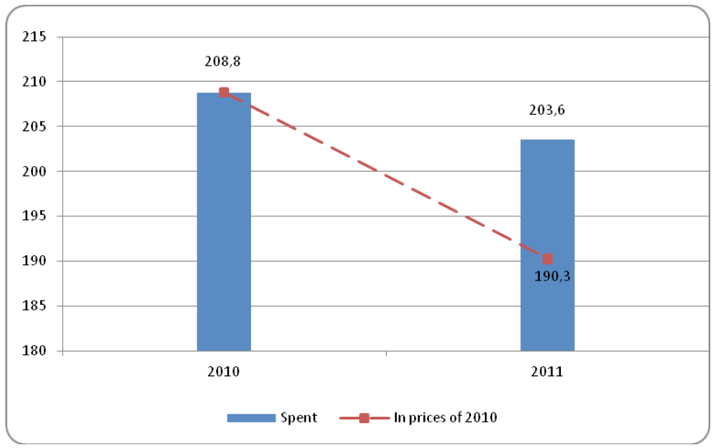
## 6.2. STAFF EXPENDITURES

Staff expenditures represent approximately 60% of the total budget. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

From 2010 to 2011, both the face value and the real value of operating expenditures decreased. Their face value decreased from MDL 208.8 thousand to MDL 203.6 thousand, a drop of 3%. Taking into account that in 2011 the inflation rate was 7%,[5] the real value of operating expenses in 2011 decreased by 9%. MDL 203.6 thousand in 2011 was equivalent to MDL 190.3 thousand in 2010; hence, the real value of operating expenditures decreased by approximately MDL 18.6 thousand.

**Graph 7.** *Operating expenditures for Falesti District Court in 2010 and 2011*



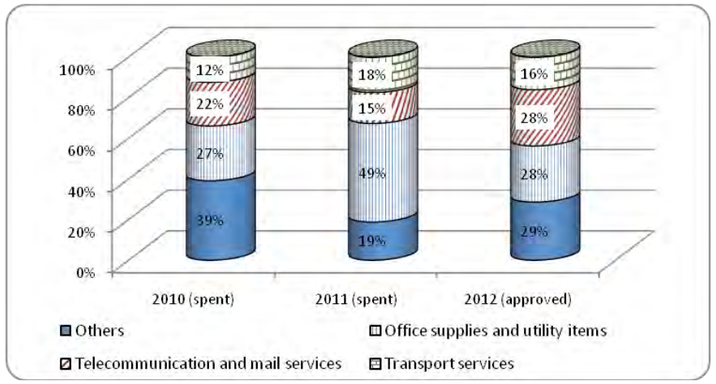

[5] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




In 2010 allocations for office supplies and utility items accounted for the largest share of the operating expenditures at 27%; allocations for telecommunications and mail services accounted for 22% of the total and allocations for transport services accounted for 12% (Graph 8).

In 2011 the structure of operating expenditures changed. However, like in the previous year, allocations for office supplies and utility items accounted for the largest share of the total, increasing to 49% of the total. Telecommunications and mail services decreased to 15%, while transport services increased by 6 percentage points.

In 2012 the operating expenditures had the following structure: 28% for office supplies and utility items and 28% for telecommunications and mail services. While the share in operating expenditures decreased to 28% for the former category, it increased by 13 percentage points for the latter. As for transport services, the court budgeted 16% of the total for them, thus decreasing these allocations by 2 percentage points compared with the previous year.

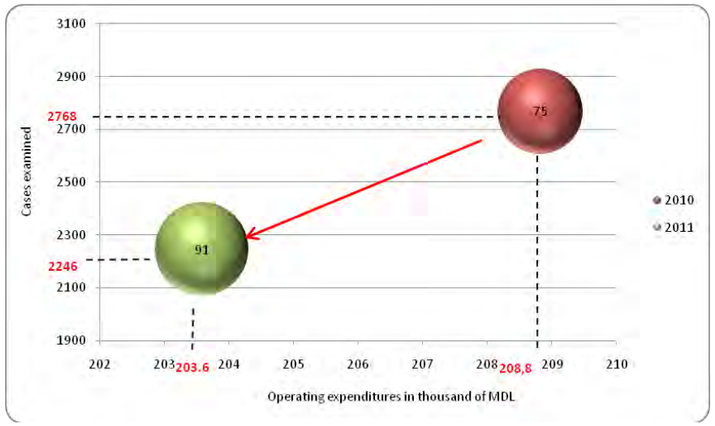
Expenses for telecommunications and mail merit attention because approximately 70% are for stamps.

## 6.5. OPERATING EXPENDITURES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease in operating expenses in 2011 compared with 2010 can be explained by many factors, including by the decrease in the number of cases examined from 2768 to 2246 (which is by 522 less).

Comparing the operating expenditures with the number of cases examined, in 2010 the average cost for examining a case amounted to approximately MDL 75 while in 2011 it was MDL 16 higher (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case for Falesti District Court*



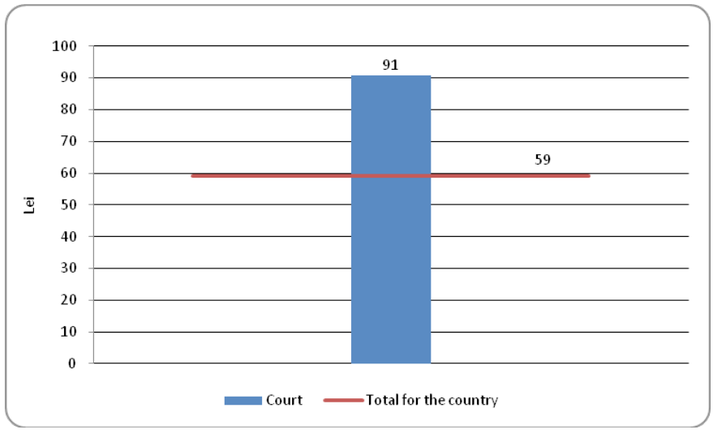

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

Although both operating expenditures and cases examined decreased, the average cost per case examined increased, which can be explained by the fact that the number of cases examined decreased greater than operating expenses.

## 6.6. AVERAGE OPERATING COST FOR EXAMINING A CASE IN FALESTI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 91 per case in 2011 is high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average operating cost for examining a case at Falesti District Court in 2011 compared with the weighted average cost per case for the country*




As shown in Graph 10, in 2011 the average cost per case in Falesti District Court was higher than the weighted average cost of examining a case for the country as a whole.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Although the court does its accounting electronically, its software is not licensed which is an alarming fact. It was downloaded from the Internet and is, therefore, a pirated product.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the adviser and the chief accountant, neither of whom has professional qualifications in procurement. Since procurement legislation is continuously changing, they should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, both the face value and the real value of operating expenditures decreased.
- In 2011, the average operating cost for examining a case increased compared with 2010.
- In 2011 the average operating cost for examining a case was higher than the weighted average cost of a case examined for the country as a whole.
- Mail services account for a large share of total operating expenses.
- The court uses accounting software that is not licensed.
- The court does all its public procurements without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing licensed accounting software and training the staff to use it.
- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Floresti District Court in the town of Floresti serves 89406 inhabitants in the 74 localities that are part of Floresti District Court according to Law No. 764 of 27 December 2001 on the Administrative-territorial Organization of the Republic of Moldova.

Floresti District Court has 8 judges and 27.5 regular staff but no human resource specialist. In practice, those duties are performed by the adviser to the court president. The court has a coordinating specialist for public relations.

Staff expenditures have followed an upward trend. The court does all its public procurements without a procurement specialist. In 2011 both the face value and the real value of operating expenses increased compared with 2010. In 2011, the average cost for examining a case was greater than in 2010 and was also greater than the weighted average cost of examining a case for the country as a whole (see Section VI).

The courthouse has an area of 476.7 sq. meters on two floors and a basement. The exterior and most of rooms need renovation, and an addition should be built. The water, sewerage and heating systems have been renovated recently.

Floresti District Court staff has used ICMS since 2009; Version 2 was installed in 2011. The staff mentioned its slow speed and the lack of training for new employees as problems with the software.

# FLORESTI DISTRICT COURT

*1, M. Eminescu Str., Floresti*

*Date of the visit: 11 June 2012*

Floresti District Court has three courtrooms each with audio recording equipment and software, but the staff does not record most hearings. Only criminal trials are partially recorded. The reason they do not use the audio recording equipment and software is because they don't know how.

Floresti District Court chancellery keeps more registers than required by the Guidelines.

The total number of case files registered at Floresti District Court increased by 1331 from 2009 to 2011, and the number of cases examined decreased by 94 during the same period with a case clearance rate of 64.8% in 2011.

There is no information window at the entrance to the courthouse. There is an information board that posts the working hours, the location of offices, the list of scheduled hearings and other information for the public. The doors of judges' offices have plaques with their names but no warning that access is restricted.

The adviser to the court president uses the webpage management system, but some menus contain no information while in others the information is out of date. Some menus need to be reformatted in order to make the font and style of the text uniform.

# I. INFRASTRUCTURE

## *1.1. ASSESSMENT*

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 4 | The exterior needs to be repaired. The walls have cracks and the paint has faded. |
| Water supply | 2 | The courthouse was connected to the central water system in 2011. |
| Power supply | 4 | The electric network was installed in1982; it is obsolete and needs to be replaced. |
| Sewerage system | 2 | The sewerage system was completely renovated in 2011. |
| Heating system | 1 | The system is autonomous and uses natural gas. The boilers were installed in 2011. The pipes and radiators have been completely renovated. |
| Firefighting system | - | There is no system |
| Roof | 2 | The roof was totally repaired in 2009 and is in good condition. |
| Interior | 4 | Most rooms need repairs. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

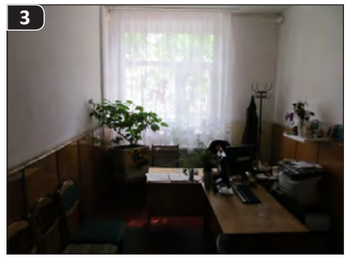


**Photo 1.** *Side view*
**Photo 2.** *Floor at the entrance to the court*
**Photo 3.** *Office*
**Photo 4.** *Waiting area for the public on the first floor*
**Photo 5.** *Basement*
**Photo 6.** *Boiler room*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational conditions of Floresti District Court as of June 2012.

Floresti District Court has two floors and a basement with a total area of 476.7 sq. meters. There are 22 offices, 3 public spaces and 3 courtrooms.

Floresti District Court is protected by the judicial police during the day and by three staff guards at night. The court has no security alarm system. There is a special space in the courthouse for the judicial police.

The exterior of Floresti District Court is in poor condition. The walls need to be patched and painted. The stairs at the entrance need repairs and banisters. The roof is in good condition because it was renovated. The basement is unsatisfactory and needs renovation.

The court is connected to the central water system.

The electric network is obsolete and needs replacement.

The sewerage system is central and in good condition. There are restrooms for staff in the building that are in a good condition due to recent repairs. There are no restrooms for the public inside the courthouse.

Floresti District Court has an autonomous natural gas heating system. The boiler and the pipes and radiators were replaced recently.

The interior of the first and second floors of the building is in unsatisfactory condition. All offices, public spaces, the interior staircase and the finishing need repairs. One courtroom has been completely renovated and fitted out with new furniture; the other two courtrooms need the same attention.

The server is located in a separate room that has an air conditioner.

The functional space of Floresti District Court is relatively suitable for the activity of a law court. The back door is meant for detainees, but it is blocked and not used. Detainees are brought into the court through the main entrance. There are no cells for detainees and no separate entrances to the courtrooms for them. There are also no separate spaces for juvenile detainees, juvenile participants in trials, anonymous witnesses or for questioning underage witnesses. There is no separate room for lawyers/prosecutors to review case files; they use the chancellery for this purpose.

The court has no storage place for evidence, so material evidence is stored in the chancellery.

The courthouse has three courtrooms for eight judges.

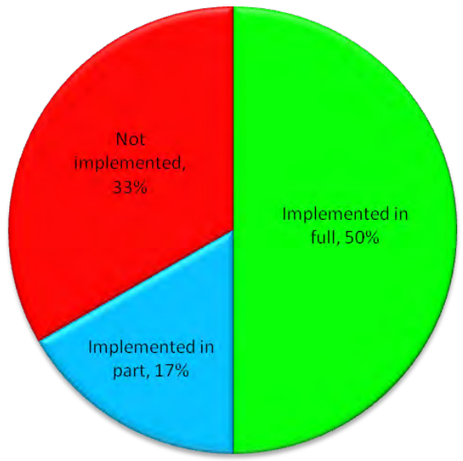
The 2009 Infrastructure Assessment Report listed six priorities for capital repairs at Floresti District Court of which three have been implemented in full, one in part and two not at all (Table 1 and Graph 1).

**Table 1.** *Implementation of the capital repair priorities identified in 2009*

| Priorities for capital repair in 2009 | Implementation stage in 2012 |
|---|---|
| Connect the courthouse to the central water and sewerage systems and repair the restrooms. | Implemented |
| Repair the roof. | Implemented |
| Reorganize the space in order to increase the number of courtrooms. | Implemented in part |
| Renovate the interior. | Not implemented |
| Install an air conditioner in the server room. | Implemented |
| Renew the electrical network. | Not implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of the 2009 capital repair priorities in 2012*




### Conclusions

- Some renovations have been done on Floresti District Court since 2009.
- A share of the work was based on the recommendations in the 2009 Infrastructure Assessment Report.
- ROLISP estimated that 50% of the 2009 recommendations for capital repairs have been implemented in full, 17% have been implemented in part and 33% have not been implemented.

### Recommendations

- Renovate the exterior and the stairs at the entrance.
- Install a plaque with the name of the court at the entrance.
- Renovate all the rooms and finishing inside the courthouse.
- Relocate the chancellery and create a reception area for the public on the first floor near the entrance.
- Enlarge the building. Create additional offices and courtrooms.
- Separate the space for judges from that for the public.
- Renew the electrical network.
- Assign a room for storing evidence.
- Establish a room for hearing juvenile witnesses.
- Establish rooms for information officers.
- Establish rooms for juvenile detainees and participants in trials.
- Establish an office for prosecutors and lawyers to review case files.
- Install a firefighting system.
- Establish a restroom for the public inside the building.

**Photo 7.** *Renovated courtroom*
**Photo 8.** *Restroom for court staff*

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Floresti District Court staff has used ICMS since 2009; Version 2 was installed in 2011.

To make digital files, paper files need to be scanned after cases are registered. The court chancellery scans only the statements of claims in civil cases while criminal and administrative cases are not scanned.

The assessment team found that most ICMS menus are used to their full extent but that the menus for scheduling court hearings, drafting summons, drafting minutes, printing of the list of scheduled hearings, registering appeals and reversals and registering enforcement procedures are not used nor are the performance measurement and human resource management modules. The assessment team also found that accessing the menu "Appeals" generates an error. Since this menu is not used, the chancellery staff did not ask CST to eliminate this technical problem.

Floresti District Court has no person responsible for editing judgments and posting them on the court website. Judgments are published by each individual judge depending on the time available.

The staff mentioned some ICMS-related issues including its slow functioning and their incomplete knowledge of its options. Suggestions for modifying the software include introducing the category "Actions of probation offices" in the menu for registering administrative case files and automatically determining the number of the courtroom according to the user who is logged in thus avoiding regularly selecting courtroom numbers and adding a new hearing.

The court has no information technology specialist; technical issues are mostly referred to CTS. The staff rated their satisfaction with the services provided by CTS in 2012 as a 4 out of 5.

### 2.2. AUDIO RECORDING SYSTEM

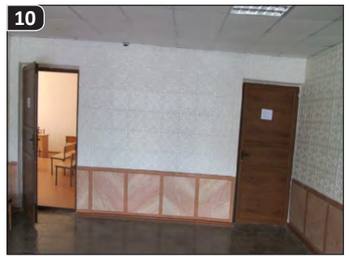
Floresti District Court has three courtrooms each with sets of audio recording equipment and software, but hearings that take place in the courtrooms are not recorded except for criminal cases heard by the president of the court. The staff reported that the software hasn't been used for a long time and that they do not know all the options which is why newly employed clerks cannot be trained to use it. Another problem is the insufficient number of courtrooms (three for eight judges).

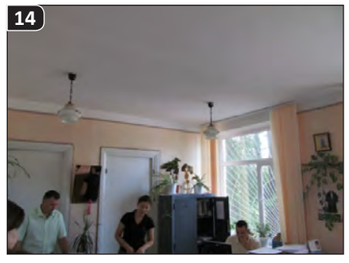
Since 2009 when the audio recording equipment was installed, there have been no requests for CDs of court hearings.

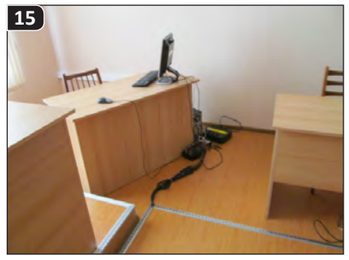
The courtroom doors have plaques stating that hearings are audio recorded.

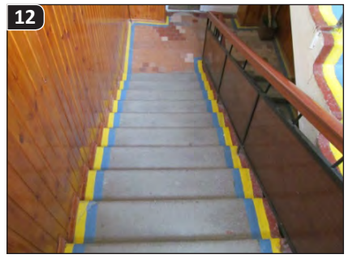
According to the Regulations on Digital Audio Recording of Court Hearings, the purpose is to check the accuracy and the completeness of the written minutes of hearings and to ensure transparency and efficiency of court operations. Since most hearings are not recorded, the records are not used by the clerks for that purpose. [2]

[2] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*





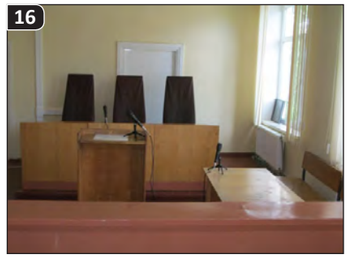




**Photo 9.** *Furniture in the non-renovated courtroom*
**Photo 10.** *Public space*
**Photo 11.** *Court LAN server*
**Photo 12.** *Interior staircase*
**Photo 13.** *Chancellery employee using ICMS*
**Photo 14.** *Chancellery of Floresti Court*
**Photo 15.** *Audio recording equipment*
**Photo 16.** *Courtroom*

## 2.3. WEBPAGE OF FLORESTI DISTRICT COURT

Floresti District Court has a website where information for the public is posted. Until June 2012 the public relations coordinating specialist was responsible for managing it. This function has temporarily been taken over by the adviser to the court president who does not have enough time to manage and update it regularly.

Table 2 shows the menus and their contents.

**Table 2.** *Contents of the web page of Floresti District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the President of the Court | – A picture is posted, but it cannot be seen<br>– Message of the president |
| Competence | – Competence of the court<br>– Geographical coverage |
| Regulatory Framework | – Table with the list of regulatory acts that govern the court |
| Public Relations Service | – A picture is posted, but it cannot be seen<br>– General information about the functions, contact data and working hours of the public relations specialist |
| Archives | – A picture is posted, but it cannot be seen<br>– General information about the archives<br>– Active link to SCM Decision no. 473/21 of 18 December 2008 on amendments and addenda to the Guidelines on Secretarial Work in Courts and Courts of Appeal that which generates an error when accessed |
| Organization | Does not contain any information |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>**The latest judgment was posted on 21 August 2012** |
| Statistical Records | Does not contain any information |
| Useful Resources | Does not contain any information |

*Source: http://jfl.justice.md/*

The webpage management system is used to a certain extent, but "*Organization*," "*Statistical Records*" and "*Useful Resources*" contain no information. The menu "*Public Relations Service*" needs to be reformatted in order to make the font and style of the text uniform. The website does not have the menu "*Vacancies*."

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Floresti District Court has enough equipment to operate properly. Table 3 shows the equipment category, the number of existing items and the equipment needed as per court staff.

**Table 3.** *Equipment inventory and equipment needs*

| Equipment item | Number of items | Needed |
|---|---|---|
| Computer | 9 | 19 |
| Printer | 13 | 15 |
| Photocopier | 1 | - |
| Scanner and photocopier | - | 8 |
| Audio recording equipment set | 3 | 5 |
| Air conditioner | 3 | 5 |
| Postage meter | - | 1 |
| Scales for weighing envelopes | - | 1 |

*Source: Floresti District Court*

### Conclusions

- When using IMCS Version 2, the staff of Floresti District Court faces the issues of its slow speed and their lack of knowledge about all its options.
- The staff scans only civil case files.
- The court staff uses the audio recording system only during criminal cases. The reason the system is not used consistently is the insufficient number of courtrooms and the clerks' lack of knowledge about the way the system functions.
- Some judgments are posted on the court's website.
- In order to improve its work, Floresti District Court needs 19 computers, 15 printers, 8 scanners and photocopiers, 5 air conditioners, 1 postage meter, and 1 scale for weighing mail.
- The webpage management system is used by the adviser to the court president, but the menus are not all filled with information of public interest.

### Recommendations

- Organize in-house training in ICMS and the audio recording system.
- Use all the options of ICMS Version 2.
- Scan all case materials.
- Make enough courtrooms for all the judges.
- Conduct all court hearings in courtrooms by efficiently scheduling them.
- Consistently use the audio recording equipment and software.
- Complete all menus on the web page with information of public interest.
- Retrieve the schedule of court hearings from ICMS.
- Post all judgments on the website.

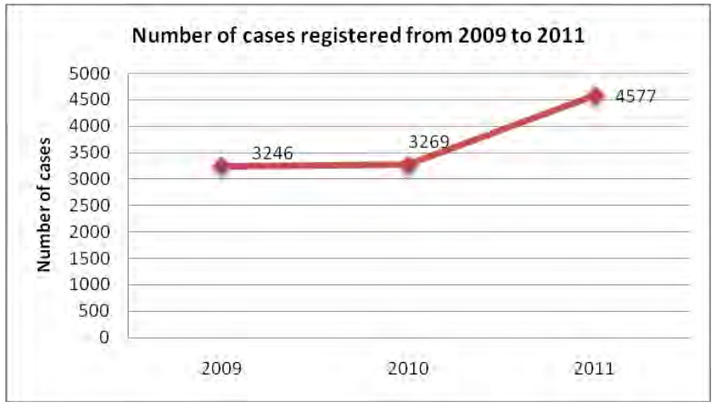
# III. WORK OF FLORESTI DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The work load of Floresti District Court was analyzed from 2009 to 2011 by the total number of cases registered, the total number of cases examined, the number examined by type of case, the year-end backlog and the case clearance rate.

Graph 2 shows that the total number of filed cases increased from 3246 in 2009 to 4577 in 2011.

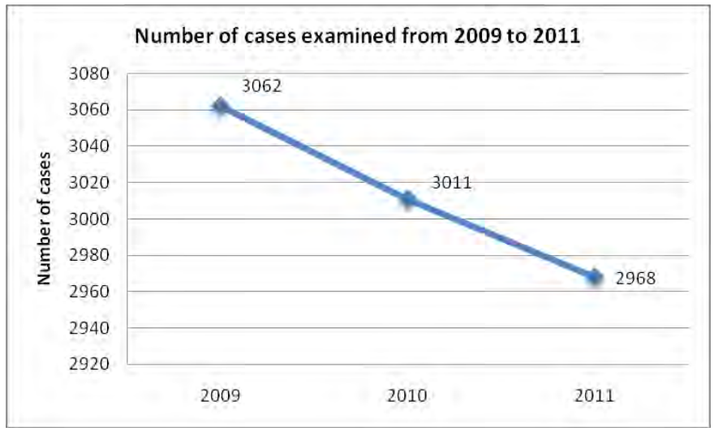
**Graph 2.** *Number of cases registered in 2009-2011*




*Source: DJA*

The total number of cases examined decreased from 3062 in 2009 to 2968 in 2011 (*Graph 3*).

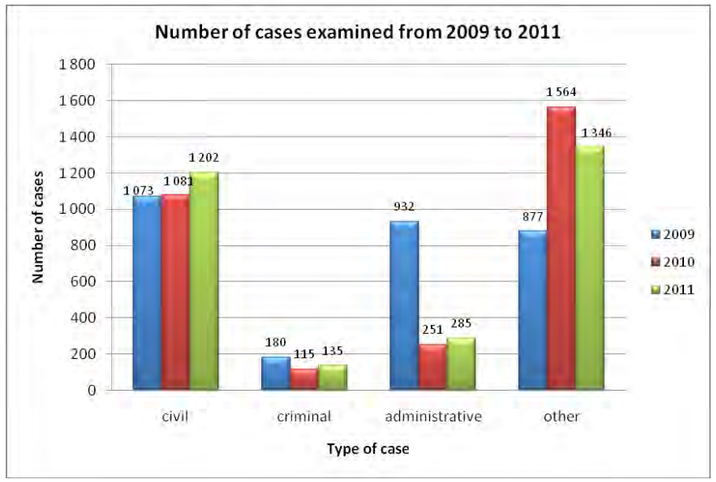
**Graph 3.** *Number of cases examined from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, from 2009 to 2011 the number of civil cases examined by Floresti District Court increased from 1073 to 1202, the number of criminal cases did not change materially and the number of administrative cases decreased from 932 to 285 cases.

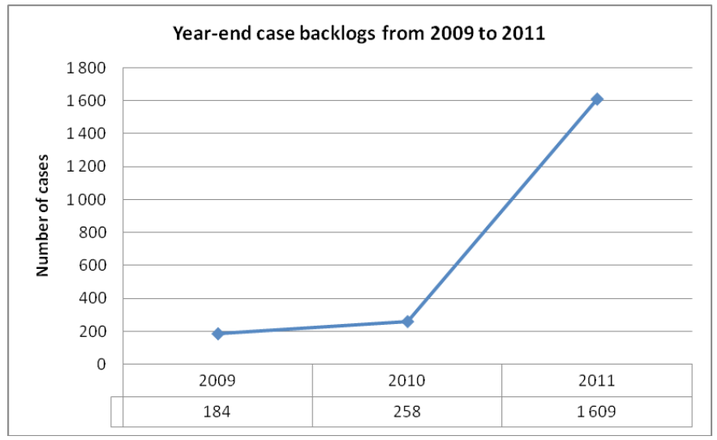
**Graph 4.** *Number of cases examined from 2009 to 2011 by type of case*




*Source: DJA*

The year-end case backlog of Floresti District Court increased from 184 in 2009 to 1609 in 2011 (Graph 5).

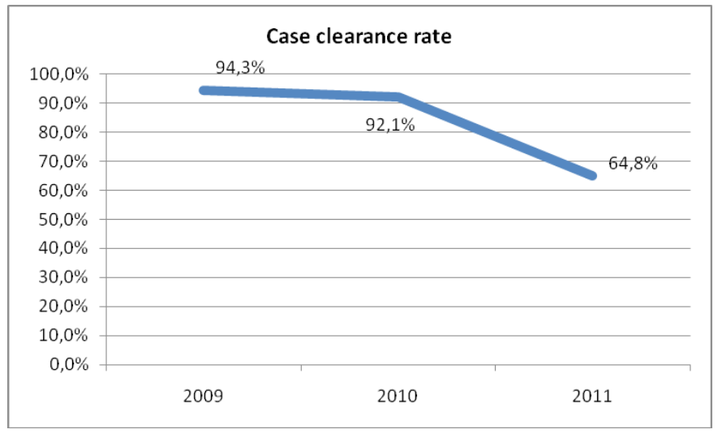
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Floresti District Court decreased from 94.3% in 2009 to 64.8% in 2011.

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Floresti District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and other necessary work.

The chancellery of Floresti District Court is on the first floor. Its specialists are responsible for scanning documents from case files and registering cases in ICMS and on paper.

The chancellery of Floresti District Court keeps the registers in Table 4.

**Table 4.** *The registers used by Floresti District Court chancellery*

| Register Category | Register Title |
|---|---|
| *General* | 1. Incoming mail<br>2. Outgoing mail<br>3. Archivist's registers with records on previous years |
| *Civil* | 1. Index of administrative cases<br>2. Index of writ proceedings<br>3. Index of civil cases<br>4. Files sent to higher courts<br>5. Civil cases distributed to and received by judges against signature<br>6. Action record card |
| *Criminal* | 1. Index of criminal cases<br>2. Criminal cases distributed to and received by judges against signature<br>3. Bailiffs' intercessions<br>4. Requests for appeal/reversal<br>5. Material evidence<br>6. Action record card |
| *Administrative* | 1. Index of administrative materials<br>2. Distributed administrative evidence<br>3. Petitions for changing sentences<br>4. Appeals against reports of investigators<br>5. Action record card |

*Source: Floresti District Court chancellery specialists*

The court maintains duplicate records of case files—one on paper and one in digital format. The same information may be entered three times or more as Table 5 shows.

**Table 5.** *Registration of a civil case by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case | ICMS | Action record card | Incoming mail,<br>Index of civil cases, Register of civil cases distributed to and received by judges against signature |
| Plaintiff's name | ICMS | Action record card | Incoming mail,<br>Register of civil cases distributed to and received by judges against signature |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case category | ICMS | Action record card | Incoming mail,<br>Index of civil cases, Register of civil cases distributed to and received by judges against signature |
| Essence of the case | ICMS | Action record card | |
| State fee | ICMS | Action record card | |
| Case file circulation within the court | ICMS | Action record card | Register of civil cases distributed to and received by judges against signature |

*Source: Floresti District Court chancellery specialists*

The chancellery keeps more registers than required in SCM Decision. [3]

The archives of Floresti District Court are on the first floor. The room is too small, but the archives are well-organized and arranged on shelves by years. Some case files, particularly recent ones, are stored in the chancellery. The archive room has no ventilation system. The flooring, walls and ceiling of the room need renovation.

[3] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

### *Conclusions*

- The number of cases received by Floresti District Court increased by 41.0% from 2009 to 2011.
- The number of cases examined at Floresti District Court decreased by 3.1% from 2009 to 2011.
- During the same period, the number of civil cases examined increased by 129, the number of criminal cases decreased by 45 and the number of administrative cases decreased by 647 cases.
- The case backlog increased by 1425 files from 2009 to 2011.
- The case clearance rate decreased by 29.5% during the same period.
- There is duplication of effort because laws and regulations require paper and digital registers.
- The specialists of the chancellery use more registers than required in the Guidelines.

### *Recommendations*

- Review the internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to bring the number of registers in line with the requirements in the Guidelines.
- Enlarge and renovate the archives.
- Install a ventilation system in the archives.

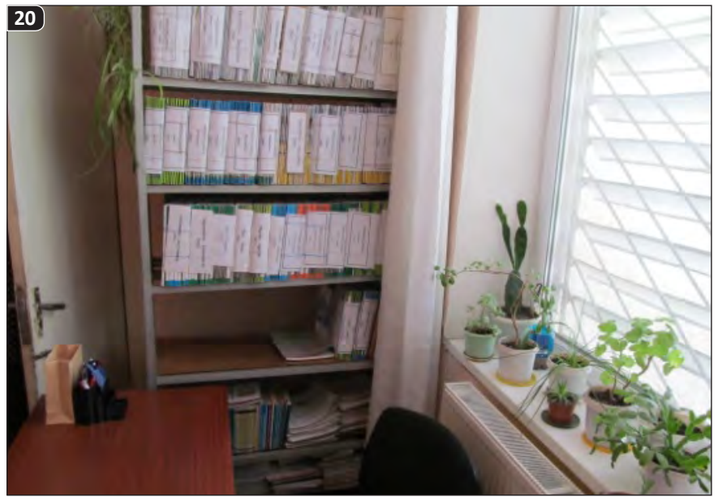


**Photo 17.** *Files in archives*
**Photo 18.** *Shelves for file storage*
**Photo 19.** *Floor of the archives*

**Photo 20.** *Files in the chancellery*
**Photo 21.** *Inscription on the door of the archives*

## IV. HUMAN RESOURCES

### Assessment

Floresti District Court has 8 judges and 27.5 regular staff (Table 6).

There is no position for human resource manager. Those duties are carried out by the adviser to the court president.

Floresti District Court appointed a coordinating specialist for public relations who represents the court officially to the media and the public in order to ensure court operations are transparent and comply with the law.

To recruit staff, an announcement is posted on court's website and on the information board. The court president then establishes a recruiting committee of five members—the court president, the adviser, two judges, and a consultant—to select candidates to fill the vacancies. Applicants must pass a verbal test. The committee decides whom to employ, and the president of the court issues the employment/appointment order.

Floresti District Court has job descriptions for all positions. When a person is employed he/she must read his/her job description and job duties.

**Table 6.** *Staffing scheme of Floresti District Court*

| No. | Position | Number |
|---|---|---|
| 1. | President | 1 |
| 2. | Vice-president | 1 |
| 3. | Judge | 5 |
| 4. | Investigating judge | 1 |
| 5. | Adviser to the court president | 1 |
| 6. | Chief accountant | 1 |
| 7. | Consultant | 2 |
| 8. | Clerk | 8 |
| 9. | Translator | 1 |
| 10. | Head of the chancellery | 1 |
| 11. | Coordinating specialist | 1 |
| 12. | Specialist | 2 |
| 13. | Head of the archives | 1 |
| 14. | Archivist | 1 |
| 15. | Courier | 0.5 |
| 16. | Driver | 1 |
| 17. | Guardian | 3 |
| 18. | Boiler room operator | 1.5 |
| 19. | Inside cleaner | 2.5 |
| | **Total** | **35.5** |

*Source: Accounting office of Floresti District Court*

Staff are dismissed and disciplined in line with labor laws. The court staff is held accountable for deviations from their job duties as well as for behaving in a way that damages the interests or prestige of the judiciary. If disciplinary sanctions are applied, minutes are drafted regarding the offense and explanations are taken in writing from the person responsible. The court president issues the order for a disciplinary sanction. In recent years, the sanctions have been warnings.

The court has internal regulations available to judges and regular staff that establish the operations and organization of the court and the rights and obligations of court management, judges and regular staff appointed or employed on the basis of an individual employment agreement, irrespective of its term, who are subordinated to the court or who provide services to ensure the efficient and effective administration of justice.

Judges are trained by the NIJ; in 2011 all judges from Floresti District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and the publications they receive from SCM are enough to meet their information and training needs. Floresti District Court subscribes to the Moldlex legislative database. The court also subscribes to the *Official Gazette, SCJ Bulletin, Contabilitate si audit (Accounting and Audit), Dreptul (Law)* and the local newspaper *Drapelul (The Flag*).

Clerks would like training in drafting minutes and enforcement orders and in using the recording equipment and software and the adviser to court president would like training in human resource management, public procurement and managing the court.

### Conclusions

- The court does not have a human resource specialist.
- Human resources at Floresti District Court are managed by the adviser to the court president.
- The court does not have an internal staff training system.
- The training needs of the judges are satisfied by the ongoing training provided by NIJ as well as by the publications the court subscribes.

### Recommendations

- Employ and train a human resource specialist.
- Implement internal training for the regular staff of Floresti District Court in order to resolve problems they encounter in their jobs.

## V. SERVICES FOR THE PUBLIC

There is no information window in Floresti District Courthouse. There are plaques on the judges' doors with their names but no warning that access is restricted.

There is an information board at the entrance to the building with the following data:

- Working hours of Floresti District Court
- Location of offices
- List of cases scheduled for trial drafted manually in MS Word
- Rules of conduct for participants in cases and other people in a law court
- Poster describing a civil trial
- Information on state fees
- Poster about the participants in a civil case
- Emergency evacuation plan
- List of people wanted for not paying maintenance, of state debtors, of convicted people and of people who have lost their relatives
- List of lawyers in Floresti Town
- Decisions of judges in April, May and June 2012.

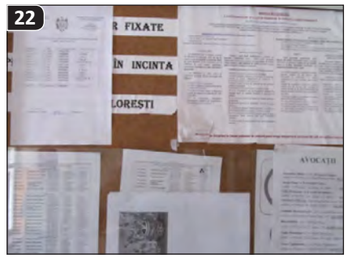
During working hours, parties and other participants in a case may request copies of judgments from the chancellery. The requests are not submitted to the president for approval. Approval is needed only for issuing enforceable orders. Usually the chancellery/archivist delivers copies on the same day.

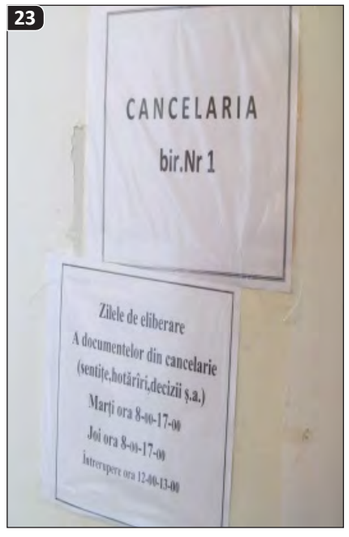
### *Conclusions*

- There is no information window in Floresti District Courthouse.
- The information board for the public at the court entrance contains information of public interest.
- The procedure for issuing copies of judgments does not require the approval of the court president.
- Doors of judges' offices do not have plaques prohibiting the access of unauthorized people.
- There are no signs showing people the way to chancellery/archives/public relations specialist/courtrooms.

### *Recommendations*

- Create an information window at the entrance to the court to facilitate public access to information.
- Install signs showing the way to the courtrooms and to the office of the public relations specialist, chancellery and archives.
- Install plaques on judges' office doors warning that unauthorized access is prohibited.
- Retrieve the list of scheduled court hearings from ICMS.
- Post more detailed information of public interest on the information board, for example, announcements about the webpage, information about audio recordings of hearings and the right of parties in a case to request CDs of recordings, news on the judiciary, samples of petitions, etc.





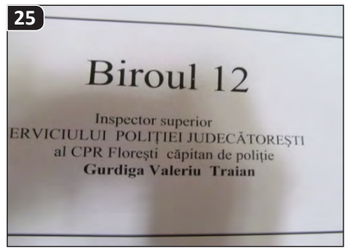



**Photo 22.** *Information board at the court entrance*
**Photo 23.** *Inscription on chancellery door*
**Photo 24.** *Document on the information board*
**Photo 25.** *Inscription on the door of the judicial police office*
**Photo 26.** *Window for chancellery - not functioning*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Floresti District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which in turn receives ceilings for the entire justice sector from the Ministry of Justice. These ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others)

2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted as per the inflation rate predicted for the coming year. After all these calculations, the court proposes a draft budget that complies with the ceilings established by DJA

## 6.1. BUDGET

The budget of Floresti District Court is divided into the following six categories:

- *Staff expenditures* – salaries, mandatory state social insurance and health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – power, gas, water and sewerage, and sanitation;
- *Expenses for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[4]

From 2010 (executed) to 2012 (approved), the budget of Floresti District Court increased from about MDL 1.5 million to about MDL 2.1 million (Table 7).

In 2011, the budget increased by 51% compared with 2010 due allocations for repairs and the increase in operating expenditures of 49%. Staff expenses also went up by 15%.

For 2012 the court planned a 12% decrease due to the 89% decrease in the funds allocated for repairs. The budget would be even smaller should not there be a 100% increase in fixed assets to purchase a car.

[4] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 7.** *Budget of Floresti District Court, by type of expense (2010–2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 1,212,619 | 1,396,215 | 15% | 1,461,900 | 5% |
| Repairs | 149,996 | 694,722 | 363% | 76,700 | -89% |
| Utilities | 63,823 | 75,658 | 19% | 104,500 | 38% |
| Fixed assets | 3,490 | 0 | -100% | 210,000 | 100% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 131,785 | 195,985 | 49% | 234,400 | 20% |
| **Total** | **1,561,713** | **2,362,580** | **51%** | **2,087,500** | **-12%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 received from the court*

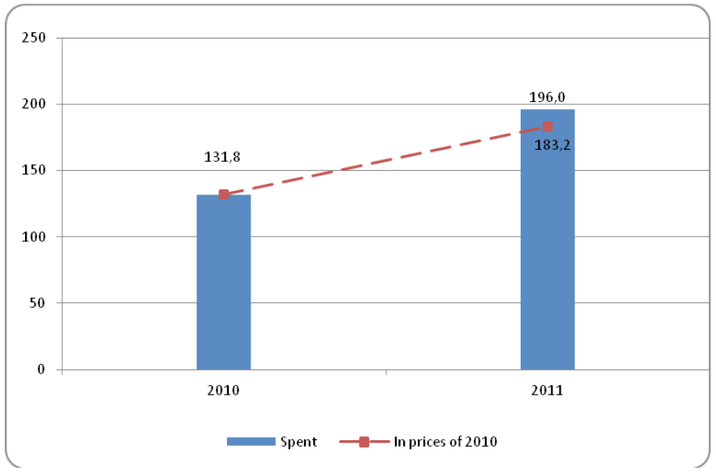
## 6.2. STAFF EXPENDITURES

Staff expenditures represent approximately 70% of the total budget and increase year by year. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

From 2010 to 2011, both the face value and the real value of operating expenditures increased. Their face value increased from MDL 131.8 thousand to MDL 196 thousand, a growth of about 49%. Their real value increased by approximately 39%, taking into account that in 2011 the inflation rate was 7%. MDL 196 thousand in 2011 is equivalent to MDL 183.2 thousand in 2010 prices; hence, the real value of operating expenditures increased by approximately MDL 51.4 thousand (Graph 7).[5]

**Graph 7.** *Operating expenses*



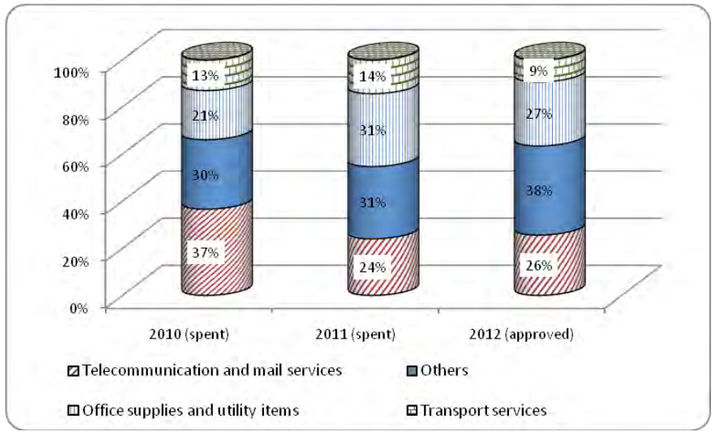

[5] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

The largest share of operating expenditures went into the following three categories:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that in 2010 about 37% of operating expenses went for telecommunications and mail services, office supplies and utility items accounted for 21% and transport services accounted for 13%.

In 2011 office supplies and utility items ranked first at 31%, a 10 percentage points increase over the previous year, telecommunications and mail services decreased by 13 percentage points to 24% and transport services did not change significantly (14%).

For 2012 operating expenses were budgeted as follows:

- 27% for office supplies and utility items, a 4 percentage points decrease from 2011
- 26% for telecommunications and mail services, up by 2 percentage points
- 9% for transport services, a drop of 5 percentage points.

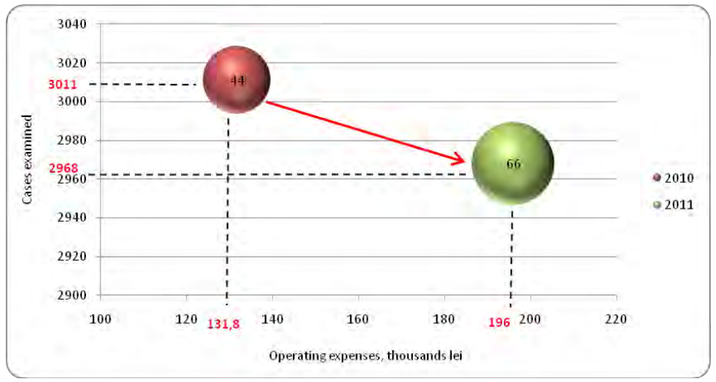
Telecommunications and mail services merit attention as about 70% are for stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase of operating expenses in 2011 compared to 2010 can be explained by several factors. It is certainly not determined by the number of cases examined. In 2011 the court examined 2968 cases compared to 3011 cases in 2010.

Comparing operating expenses to the number of examined vases, in 2010 the average cost for examining a case was about MDL 44 while in 2011 it was MDL 66 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Floresti District Court in 2010 and 2011*



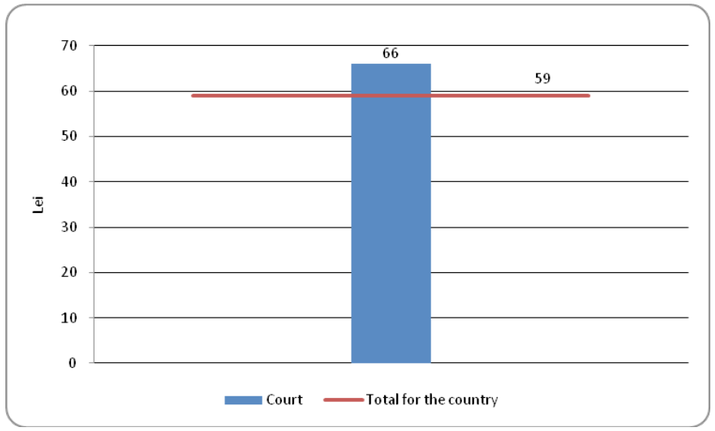

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The increase in the average operating cost per case can be explained by the decrease in the number of cases and increase in operating expenses at the same time.

## 6.6. AVERAGE OPERATING COST PER CASE IN FLORESTI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 66 per case in 2011 is high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Floresti District Court in 2011 and the weighted average cost per case for the country as a whole*




As shown in the Graph 10, in 2011 the average cost per case examined in Floresti District Court was greater than the weighted average cost per case examined for the country as a whole.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

The bookkeeping of Floresti District Court is done manually.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. The adviser and the chief accountant deal with the technical aspects of procurement, but they do not have professional qualifications in public procurement. Since procurement legislation is continuously changing, these persons should receive training at least every six months.

### Conclusions

- In 2011, both the face value and the real value of operating expenditures increased.
- In 2011, the average cost for examining a case increased compared with 2010.
- In 2011, the average cost for examining a case was a higher than the weighted average cost of examining a case for the country as a whole.
- Compared with 2010, in 2011 Floresti District Court examined fewer cases with greater operating expenses. This indicates that the two are not directly related.
- The expenses for mail services account for a large share of total operational expenses.
- Bookkeeping is done manually.
- The court does all its public procurements without a procurement specialist.
- Training in public procurement is needed.

### Recommendations

- Consider purchasing accounting software and training the staff to use it.
- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Glodeni District Court, situated in the town of Glodeni, serves 57,761 inhabitants in the 34 localities that are part of Glodeni District Court according to Law No. 764 of 27 December 2001 on the Administrative-territorial Organization of the Republic of Moldova.

According to its staffing chart, Glodeni District Court has 4 judges and 1 investigative judge. Its office also employs other 24,5 staff units. Glodeni District Court has no human resource specialist; those duties are performed by a consultant appointed by the court president. The court has a public relations specialist. On the president's initiative, internal staff training is conducted in their areas of interest or those that they find difficult.

Staff expenditures follow an upward trend. The court does all its public procurements without a procurements specialist. In 2011 both the face value and the real value of the allocations for operating expenditures increased. In 2011 the average operating cost for examining a case increased compared with the previous year and was higher than the weighted average cost of a case examined for the country as a whole (see the detailed analysis in Chapter VI).

The building where Glodeni District Court is located has an area of 861.5 square meters on two floors and was built in 1986 as a public library. It has been used by the court since 1992 as it is situated in the center of town.

The Glodeni District Court staff uses Version 3 of ICMS which was installed in October 2011. They mentioned distributing cases without taking their complexity into account and the slow speed of the software as problems with Version 3.

# GLODENI DISTRICT COURT

*7, Stefan cel Mare Str., Glodeni Town*

*Date of the visit: 13 June 2012*

Glodeni District Court has five courtrooms. The staff audio records all hearings held in the three courtrooms where audio recording equipment is installed. At the end of the year, a consultant puts all recorded files onto CDs.

The specialists of Glodeni District Court continue to keep a considerable number of registers even though amendments to the Guidelines reduced the number of registers required.

The total number of cases registered at Glodeni District Court increased by 42 from 2009 to 2011 while the number of cases examined decreased by 51 during the same period with a case clearance rate of 91.2% in 2011.

There is an information board in the courthouse for citizens and parties in cases. Some judges' office doors have warnings that access is prohibited. The courtroom doors have plaques stating that hearings are audio recorded.

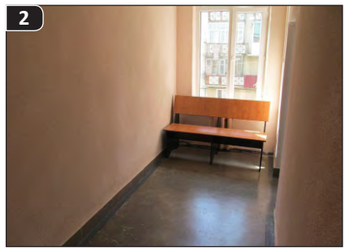
The web page of Glodeni District Court is periodically updated. All menus have information of public interest, and the information is well organized. A website counter was installed to ascertain the number of visitors and from which countries they accessed it.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 3 | The finishing of the exterior walls is satisfactory and just needs to be cleaned. |
| Water supply | 1 | The court is connected to the centralized water system. There is a well with a pump that provides an alternative water source. |
| Power supply | 2 | The electrical network was completely replaced between 2009 and 2010. |
| Sewerage system | 1 | The court is connected to the centralized sewerage system. |
| Heating system | 2 | The heating system is autonomous natural gas. Recently, new boilers were installed. The system functions well. The pipes and radiators are the original ones in the building; there are plans to replace them. |
| Firefighting system | - | Does not exist |
| Roofing | 2 | The roof structure is in good condition. The roof is completely covered with metal sheeting. |
| Interior | 3 | Repairs have been made on the second floor of the building; there are plans to repair the first floor as well. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.



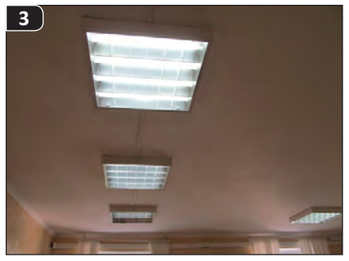


**Photo 1.** *Court facade*
**Photo 2.** *Public space*
**Photo 3.** *Lighting system*
**Photo 4.** *Courtroom*
**Photo 5.** *Heating system*
**Photo 6.** *Roofing*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational conditions of Glodeni District Court as of June 2012.

Glodeni District Court consists of two floors and a basement with a total area of 861.50 square meters. There are 10 offices, 2 public rooms and 5 courtrooms.

The security of Glodeni District Court is provided by the judicial police during the day and by three staff night guards.

The court's facade is solid. To save energy, they plan to plaster the walls. There are also plans to reconstruct the stairs to the entrance.

The heating system is in good condition. New boilers were procured, and the old ones have been kept as spares. The pipes and the radiators are the originals.

The basement is divided into two rooms with separate access. The room that is accessed from the inner staircase is used for the archives. It has small windows and was renovated in 2008 so is in good condition. The other room is used to store old construction materials. Generally speaking, that room is dry and clean. The plan is to build two cells for detainees there.

The first floor of the building needs repairs which are planned for 2012. Two rooms on the first floor are used by the probation service which will move out at the end of June 2012. Clearing these two offices is the reason the repairs have been delayed. The inside doors are made of wood and are in relatively good condition though some need to be replaced as soon as money for renovations is available.

On the second floor, the judges' offices, the offices of other employees and the courtrooms were renovated from 2009 to 2010 and are in good condition. The renovations included finishing the walls and replacing ceilings, floors and lighting fixtures. New furniture was also purchased.

The server is located in a separate, air conditioned room. To ensure that it functions properly, a voltage regulator should be purchased.

There are no firefighting systems and no emergency lights.

The functional space of Glodeni District Court wasn't initially designed as a law court; nevertheless, the best choices were made when selecting which rooms to use for which purposes given the existing structural limitations.

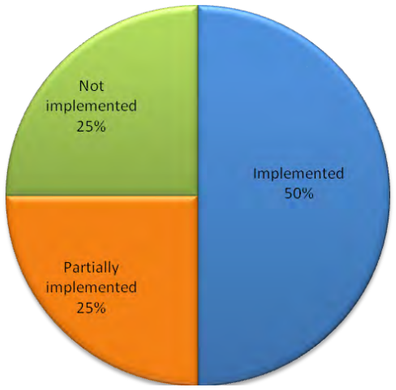
The 2009 Infrastructure Assessment Report listed three priorities for capital repairs (Table 1 and Graph 1). Two of the three are partially complete; the remaining one will be accomplished when additional finances are found.

**Table 1.** *Implementation of the capital repair priorities identified in 2009*

| Priorities for capital repair in 2008 | Implementation stage in 2012 |
|---|---|
| Roof repairs | Implemented |
| Renovate the interior of the building and reconfigure the space including relocating the chancellery and creating a reception room on the first floor. | Partially implemented |
| Install air conditioning in the LAN server room. | Implemented |
| Repair the heating pipes and radiators. | Not implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of 2009 capital repair priorities in 2012*




### Conclusions

- Significant renovation work has been done on Glodeni District Court since 2009 and is still in progress.
- Some of the work was based on recommendations and priorities stated in the 2009 Infrastructure Assessment Report.
- It was estimated that 50% of the 2009 recommendations for capital repairs have been implemented, 25% have not been implemented and 25% are planned to be implemented.

### Recommendations

- Establish a single information office window for citizens.
- Establish cells for detainees.
- Install a firefighting system.
- Repair the interior of the first floor.
- Replace the heating system.
- Establish rooms for lawyers to study files.
- Renovate the lighting fixtures on the first floor.

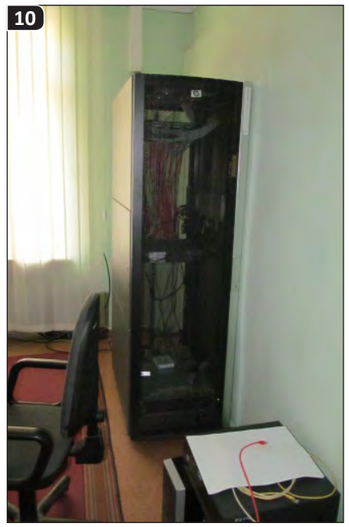


**Photo 7.** *Public space*
**Photo 8.** *Courtroom*
**Photo 9.** *Back door*

**Photo 10.** *Server*
**Photo 11.** *Boiler room*

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Glodeni District Court staff has used ICMS since 2009. In October 2011, Version 3 was installed including the electronic statistical reporting module and the changes its programming requires. The staff does not, however, use the reporting module because they don't know how to. Other issues they mentioned with ICMS were error messages, distributing cases without taking into account their complexity and the slow speed of the software. Table 2 has suggestions for modifying ICMS.

After case files are registered, the clerical staff scans civil and administrative case files in full but scans only the bills of indictment in criminal case files.

The assessment team found that not all ICMS menus are complete. i.e., information about appeal/challenge requests and enforcement procedures is not registered in ICMS. Glodeni District Court has no information technology specialist; all technical issues are referred to CTS. The staff of Glodeni District Court rated their satisfaction with the services provided by CTS as a 1 out of 5.

**Table 2.** *Suggestions for modifying ICMS at Glodeni District Court*

| No. | Suggestions for modifying ICMS |
|---|---|
| 1. | Ensure the fairness of random case distribution and take the degree of complexity into account. |
| 2. | Increase the speed of ICMS. |

*Source: Glodeni District Court staff*

### 2.2. AUDIO RECORDING SYSTEM

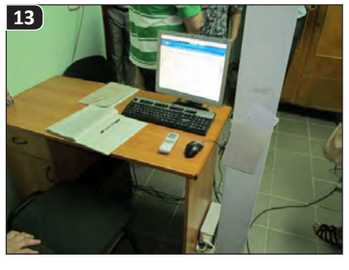
Glodeni District Court has five courtrooms three of which have sets of audio recording equipment and software. The problem the staff faces is the lack of equipment in two courtrooms. At the end of the year, all records are saved onto CDs.

The courtroom doors have plaques stating that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings, the purpose is to check the accuracy and the completeness of the written minutes and to ensure transparency and efficiency of court operations. All records are used by the clerks to make sure the minutes are complete and accurate. [2]

The technical issues of the staff of Glodeni District Court relate to the slow speed for saving audio recordings.

[2] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*



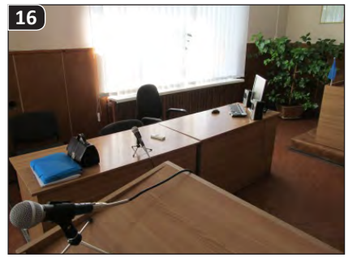




**Photo 12.** *Specialists at Glodeni Court using ICMS*
**Photo 13.** *ICMS in the archives*

**Photo 14.** *Inscription on a courtroom door*
**Photo 15**. *Audio recording equipment*
**Photo 16**. *Audio recording equipment*

## 2.3. WEB PAGE OF GLODENI DISTRICT COURT

Glodeni District Court has a website where information for citizens is posted. The web page of Glodeni District Court is updated by a consultant who knows how to manage web content very well.

Table 3 shows the menus for the web page of Glodeni District Court and their contents.

**Table 3.** *Content of the web page of Glodeni District Court*

| Menu title | Information posted on the web page |
|---|---|
| Presentation | – Short history of the court<br>– Comp*etence of the court*<br>– *Da*y of the public servant |
| Message of the Court President | – Active link to the menu "*President of the Court*." When accessed, the following active links appear:<br>✓ Contact data for the President of Glodeni District Court<br>✓ Office hours for citizens<br>– Message of the President of Glodeni District Court |
| Regulatory Framework | Active links to the regulatory acts that govern Glodeni District Court. When accessing the link, visitors are redirected to the website http://www.justice.md/. |
| Public Relations Service | – Active link to the strategy on the strengthening of the judiciary and the action plan for implementing the strategy<br>– Contact information for the public relations specialist |
| Information of Public Interest | – Goes to "*Citizens' Guide*," an active link that leads to other active links with information about:<br>✓ Examples of petitions<br>✓ Petition of legal action<br>✓ Parties' rights and obligations<br>✓ Appeals<br>✓ Challenges<br>✓ Enforcing judgments<br>✓ State fees<br>– "*Working Hours*," an active link that informs citizens of the court's working hours<br>– "*Rules of Conduct for Parties to Litigations and for Other People in Court*," an active link that presents information on the judiciary of the Republic of Moldova; on general rules of conduct in court, in the chancellery, during a hearing and in the archives and on communications with information services and mass media.<br>– "*Code of Conduct for Public Servants*"<br>– "*Rules of Conduct for Court Staff*," an active link to the SCM decision<br>– "*Useful Resources*," an active link to the websites of Parliament, the government, the President's Office, etc. |
| Mass Media Relations | Contact data for the person responsible for mass media relations |
| Press Releases | – Statistics on judicial enforcement in the Republic of Moldova in 2009<br>– Information note on the activities of Glodeni District Court for semester I of 2010<br>– Schedule of Glodeni District Court staff as of 5 September 2010<br>– Anticipated parliamentary elections on 28 November 2010<br>– Schedule of Glodeni District Court staff on general local elections on 5 June 2011<br>– Schedule of Glodeni District Court staff on general local elections of 19 June 2011<br>– Information note on the results of professional performance assessments of public servants employed by Glodeni District Court for 2011 |
| News | – Lin*k to the news of 2011*<br>– *Link to the news of 2010*<br>– *Li*nk to the news of 2009 |
| Organization | – Link to Glodeni District Court organizational chart<br>– Active link to the internal regulations<br>– Active link to the "*Staff of Glodeni District Court*" which leads to a list with other active links to:<br>✓ Judges: names and pictures of Glodeni District Court judges<br>✓ Court administration: names and pictures of the employees of Glodeni District Court administration<br>✓ Contact data: address of Glodeni District Court; contact data of the judges, chancellery, archives, accounting division, etc. |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Cases | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>Last decision was posted on 18 July 2012 |
| Statistics | Active links to statistics on Glodeni District Court from 2007 to 2010 |
| Archives | – Procedure for issuing copies of documents<br>– Archives contact information |
| Job Vacancies | – Active link to the application form for a vacant public position<br>– Active link to the job description of the adviser to the president<br>– Announcement on filling the position of adviser to the president |
| Summons | Three public summons |
| Glodeni District | Active links to the categories:<br>– Local public authorities of the town of Glodeni<br>– Administration of Glodeni District<br>– State institutions<br>– Law enforcement bodies |
| Public Procurements | Active link to the category where press releases related to public procurement are stored |

*Source: http://jgl.justice.md/*

All the menus have information of public interest about Glodeni District Court that is generally accompanied by pictures. The text posted in "*Competence*," "*Press Releases*," and "*Information of Public Interest*" should be reformatted to ensure the uniformity of the design and font used on the website. Some information posted under "*Press Releases*," "*News*" and "*Statistics*" is outdated.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Glodeni District Court has sufficient equipment to properly operate. Table 4 shows the equipment category, the number of existing items and the equipment needed as per court staff.

**Table 4.** *Equipment inventory and equipment needs*

| Equipment item | Number of items | Needed |
|---|---|---|
| Server | 1 | - |
| Computers | 17 | 5 |
| Printers | 16 | 5 |
| Scanners | 1 | 1 |
| Fax | 2 | 1 |
| Audio recording equipment | 3 | 2 |
| UPS | 13 | 8 |
| Audio recording equipment | - | 1 |
| DVD writer | 1 | - |
| Power generator or voltage regulator for the server | - | 1 |

*Source: Glodeni District Court*

### Conclusions

- When using Version 3 of ICMS, the staff faces issues of distributing cases without taking into account their complexity, the slow speed of the software and insufficient knowledge of all the options of ICMS 3.
- ICMS menus on registering appeals/challenges and of enforcement procedures are usually not complete.
- The Glodeni District Court staff audio records all hearings held in the three courtrooms in which audio recording equipment and software has been installed.
- In order to improve its work, Glodeni District Court needs 5 computers, 5 printers, 1 scanner, 2 sets of audio recording equipment, 8 UPS units, 1 video recording system and 1 generator/voltage regulator.
- Glodeni District Court uses the website content management system. The menus have information of public interest related to the work of Glodeni District Court. The text posted in some menus should be reformatted in order to ensure the uniformity of the design and the font.

### Recommendations

- Complete all ICMS menus with information about the file.
- Purchase two sets of audio recording equipment and software.
- Use the audio recording equipment and software in the two courtrooms without them.
- Establish the practice of deleting audio recordings from the server in line with SCM regulations.[3]
- Regularly update the website by posting current information and deleting outdated items.
- Ensure the uniformity of the design and the font on the website.

[3] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*

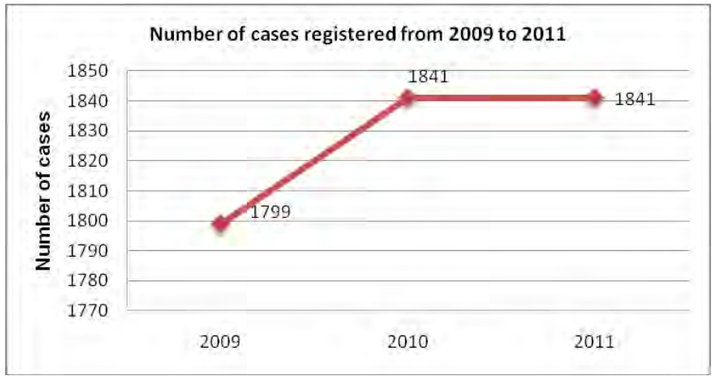
# III. WORK OF GLODENI DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The workload of Glodeni District Court was analyzed from 2009 to 2011 by the total number of cases registered, the total number of cases examined, the number examined by type of case, the year-end backlog and the case clearance rate.

Graph 2 shows that the total number of filed cases increased from 1799 in 2009 to 1841 in 2011.

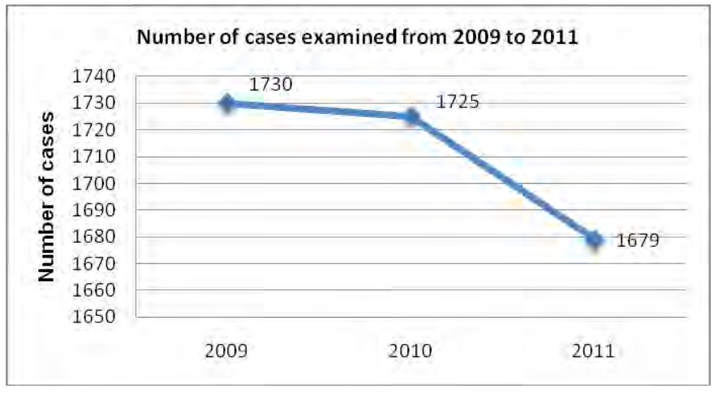
**Graph 2.** *Number of cases registered in 2009-2011*




*Source: DJA*

The total number of cases examined, on the other hand, decreased from 1730 in 2009 to 1679 in 2011 (Graph 3).

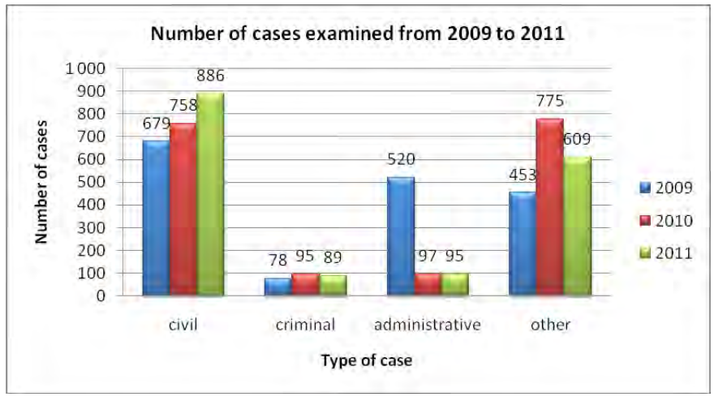
**Graph 3.** *Number of cases examined from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, from 2009 to 2011 the number of civil cases examined by Glodeni District Court increased from 679 to 886, the number of criminal cases did not change materially and the number of administrative cases decreased from 520 to 95.

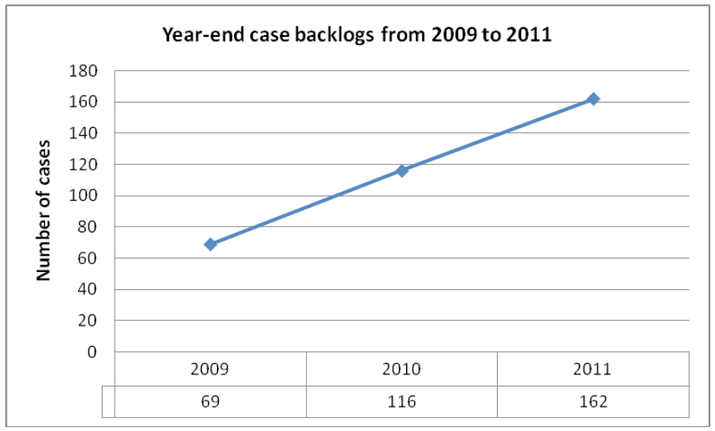
**Graph 4.** *Number of cases examined from 2009 to 2011 by type of case*




*Source: DJA*

The year-end case backlog of Glodeni District Court increased from 69 in 2009 to 162 in 2011 (Graph 5).

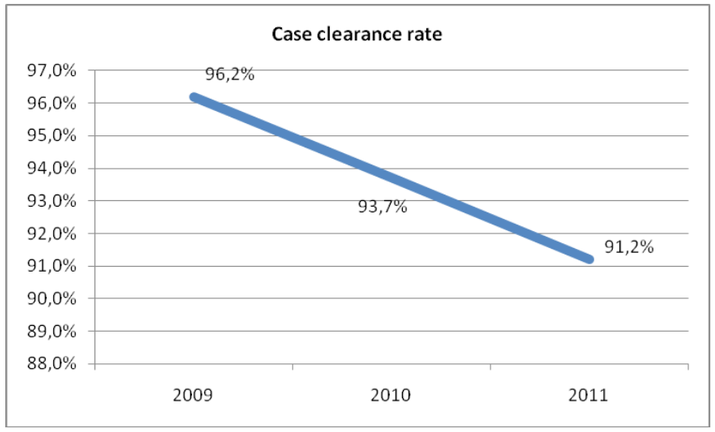
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Glodeni District Court decreased from 96.2% in 2009 to 91.2% in 2011.

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Glodeni District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and other necessary work.

The chancellery of Glodeni District Court is situated on the first floor. Its specialists are responsible for scanning documents from case files and registering cases in ICMS and on paper.

The chancellery of Glodeni District Court keeps the registers in Table 5.

**Table 5.** *The registers used by Glodeni District Court chancellery*

| Register Category | Register Title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>1. Materials related to investigations requested by the foreign authorities<br>2. Files submitted to judges for information<br>3. Files issued for information for lawyers, prosecutors, representatives and other parties<br>4. Civil and criminal cases submitted to judges with requests for abstention<br>5. Requests of access to information<br>6. Photocopies and CDs issued<br>7. Registration and control of petitions<br>8. Files sent to the chancellery<br>9. Files sent by courier<br>10. Registered letters<br>11. Simple correspondence |
| ***Civil*** | 1. Appeals against judicial decisions<br>2. Civil files submitted to superior courts<br>3. Displaced enforcement orders, requests for changing bailiffs, refusals to accept enforcement orders, adjournments of enforcement orders (Register no. 27)<br>4. Requests related to the enforcement of civil judgments in 2012 (Register no. 26)<br>5. Index of administrative cases<br>6. Index of civil cases<br>7. Cases submitted to judges for trial |
| ***Criminal*** | 1. Criminal cases submitted to judges for trial<br>2. Index of criminal cases<br>3. Criminal files submitted to superior courts<br>4. Missing persons<br>5. Materials related to the enforcement of judgments<br>6. Materials on consent to forced hospitalization<br>7. Materials on the consent to psychiatric examination or forced hospitalization in an in-patient psychiatry clinic<br>8. General enforcement procedures<br>9. Material evidence |
| ***Administrative*** | 1. Administrative evidence |

*Source: Glodeni District Court chancellery specialists*

The court maintains duplicate records of case files—one on paper and one in electronic form. The same information may be entered three or even four times in various records as shown in Table 6.

**Table 6.** *Registration of a civil case by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case | ICMS | Action record card | Incoming mail, Index of civil cases, Cases submitted to judges for trial |
| Plaintiff's name | ICMS | Action record card | Incoming mail, Cases submitted to judges for trial |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case category | ICMS | Action record card | Incoming mail, Index of civil cases, Cases submitted to judges for trial |
| Essence of the case | ICMS | Action record card | |
| State fee | ICMS | Action record card | |
| Case file circulation within the court | ICMS | Action record card | Cases submitted to judges for trial |

*Source: Glodeni District Court chancellery specialists*

The chancellery keeps more registers than required by the Guidelines.[4]

The archives of Glodeni District Court are kept in the basement of the building. The area is sufficient and the archives are well organized on metal shelves by years. The room has a ventilation system and is restricted. The archivist has a computer with access to ICMS.

[4] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

### *Conclusions*

- The number of cases registered at Glodeni District Court decreased by 2.3% from 2009 to 2011.
- The number of cases examined by Glodeni District Court decreased by 2.9% from 2009 to 2011.
- During the same period, the number of civil cases examined increased by 207, the number of criminal cases increased by 11 and the number of administrative cases decreased by 425.
- The case backlog increased by 93 from 2009 to 2011.
- The case clearance rate decreased by 5.0% during the same period.
- There is duplication of effort because laws and regulations require paper and digital registers.
- The specialists of the chancellery keep more registers than required by the Guidelines.

### *Recommendations*

- Review the internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to bring the number of registers in line with the requirements in the Guidelines.
- Use the electronic statistical reporting module in ICMS Version 3.

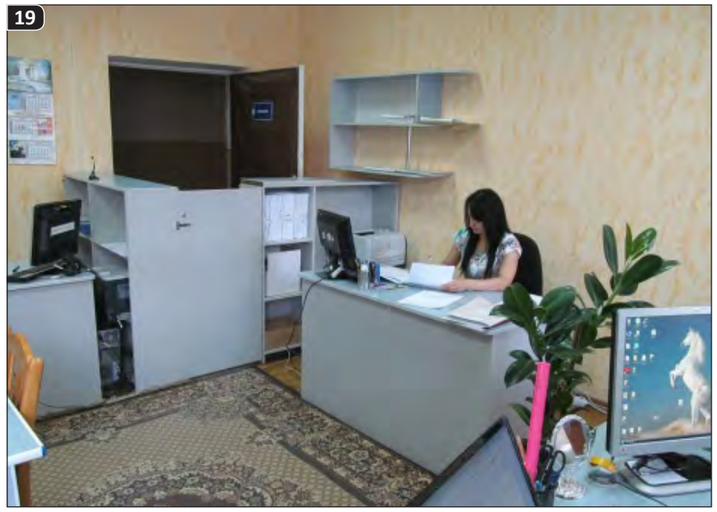


**Photo 17.** *Archives*
**Photo 18.** *Archives*
**Photo 19.** *Chancellery*

## IV. HUMAN RESOURCES

According to its staffing chart, Glodeni District Court has 5 judges. Its office also employs other 24,5 staff units (Table 7).

Glodeni District Court has no human resource specialist; these duties are performed by the court president and a consultant appointed by the president. The consultant is responsible for filling in the labor cards of court staff.

Glodeni District Court has a coordinating specialist for public relations who is responsible for ensuring the transparency of judicial activities and improving the dialogue between civil society and the judiciary.

Glodeni District Court also has a person responsible for mass media relations who supplies information to the media and to the public within the scope set by the legislation by means of posting it in areas meant for this purpose in the courthouse, on mass media programs or publications, in its own publications or on the court website.

In order to fill in a vacancy, an announcement is placed in the *Official Gazette* and on the court website. Candidates take a three-question test: two are theoretical and one is practical. The results are reviewed by an employment committee, and the individual is employed by means of an order of the court president.

Glodeni District Court has job descriptions for the positions of adviser to the president, chief accountant, head of chancellery, public relations specialist, clerk, translator, chancellery specialist, building administrator, driver, courier and cleaner.

**Table 7.** *Staffing scheme of Glodeni District Court*

| No | Position | Current number[5] |
|---|---|---|
| 1. | Judge | 4 |
| 2. | Investigative judge | 1 |
| 3. | Adviser to the court president | 1 |
| 4. | Chief accountant | 1 |
| 5. | Consultant | 1 |
| 6. | Consultant (educational psychologist) | 0 |
| 7. | Head of the chancellery | 1 |
| 8. | Specialist | 1 |
| 9. | Clerk | 6 |
| 10. | Translator | 2 |
| 11. | Coordinating specialist | 1 |
| 12. | Head of the archives | 1 |
| 13. | Guardian | 1 |
| 14. | Driver | 1 |
| 15. | Cleaner | 3 |
| 16. | Courier | 1 |
| 17. | Boiler room operator | 1.5 |
| | **TOTAL** | **29.5** |

*Source: Accounting office of Glodeni District Court*

[5] *There are no vacancies at Glodeni District Court.*

**Table 8.** *Requests for Training from the Staff of Glodeni Court*

| Staff category that needs training | Training subjects |
|---|---|
| Clerks | Drafting minutes of economic cases |
| | Drafting minutes of criminal cases with plea of guilty |
| | Drafting minutes on criminal cases with several defendants where cause against one of them is terminated due to an agreement between parties |
| | Drafting minutes on civil cases in the absence of both parties |
| | Drafting minutes on civil cases when the plaintiff requests the trial of the case in their absence |
| | Drafting minutes on administrative cases |
| | Guideline implementation |
| Chief of the archives | File disposal procedures |
| Consultant | Human resource management in public administration: legal aspects |
| | Preparation of personnel files, labor cards |
| | Court website: information it must contain; practice in other countries |
| | Staff motivation. Staff motivational activities. Administrative and interpersonal communication. Conflict management. Psychological aspects of working with staff |
| | Public procurements: legal provisions and working practices |
| Chancellery staff | Guideline implementation |
| Head of the chancellery | Drafting reports |
| | Public procurements: legal provisions and working practices |
| Chancellery staff with educational responsibilities | Role of the educational psychologist in the court hearing, rights and obligations |
| Translators | Simultaneous translation during court hearings |
| Accountant | Public procurements: legal provisions and working practices |
| Public relations | Public relations concepts; methods and practices of public relations; management and assessment |
| | Public information. Law on access to information. Protection of personal data. Public access to files |
| | Ways to form and promote the image of the court. Communication strategies and plans. Practices of other countries |

*Source: Glodeni Court Consultant*

The Court has internal regulations available to judges and regular staff that establish the operations and organization of the court and the rights and obligations of court management, judges and regular staff appointed or employed on the basis of an individual employment agreement, irrespective of its term, who are subordinated to the court or who provide services to ensure the efficient and effective administration of justice.

Judges are trained by the NIJ; in 2011 all judges from Glodeni District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and the publications they receive from SCM meet their information and training needs. When searching for regulatory acts, the judges use the legal database on the website of the Ministry of Justice. The publications Glodeni District Court subscribes to include *the Official Gazette, SCJ Bulletin, Illustrated Dictionary of Romanian Language* and *Campia Glodeni (Glodeni Field)*.

The consultant from Glodeni District Court listed the training requests of the staff in Table 8.

### *Conclusions*

- Glodeni District Court does not have a human resource specialist.
- In practice, those duties are performed by the court president and the consultant.
- The court has a public relations specialist and a person responsible for mass media relations.
- Collecting and managing information on internal training is done efficiently.

### *Recommendations*

- Employ a human resource specialist and train him/her or the consultant in the legal aspects of staff management in public administration and the procedure for preparing personnel files and labor cards.
- Implement internal training for the regular staff of Glodeni District Court in order to clarify issues they encounter in their jobs.

## V. SERVICES FOR THE PUBLIC

Glodeni District Court does not have an information window or office located at the entrance to the court. The office of the public relations specialist is on the first floor; however, because there are no signs showing the way to that office, it is not clear how to find it. There are no signs at the entrance to the court to show citizens the way to the chancellery or archives though there are identifying plaques on the doors. Some judges' office doors have plaques saying that access is prohibited.

There is a board at the entrance to the building with the following information.

- Working hours of Glodeni District Court
- List of cases scheduled for trial
- Rules of conduct for participants in cases and other people in court.
- The order prohibiting the access of parties and their representatives to judges' offices except for court hearings
- Emergency evacuation plan for the court staff
- European Convention on Human Rights
- Declaration on respecting the rights of child victims/witnesses of infractions/offenses (signed by SCM, MOJ, MOI)
- National Campaign "You can stop corruption"
- Rights and obligations of the defendant
- Investigation and trial of criminal cases
- Information on state fees

The parties in a case can request copies of judgments from the chancellery. The court president must approve the requests only if they have to be authenticated.

### *Conclusions*

- There is no information window for the public.
- There are no signs showing the way to the office of the public relations specialist, the chancellery, the archives or the courtrooms.
- The information board for the public at the courthouse entrance contains relevant and comprehensive information helping visitors to better orient themselves.
- The chancellery of Glodeni District Court is situated on the first floor. Usually the procedure for issuing copies of judgments does not require the preliminary approval of the court president.

### *Recommendations*

- Create a single window for information and filling out/taking documents.
- Install signs showing the way to the public relations specialist, chancellery, archives and courtrooms.
- Simplify the procedure for issuing copies by relieving the president of the duty to approve requests for copies of judgments and properly train the chancellery staff.

**Photo 20.** *Information board*
**Photo 21.** *Inscription on a judge office door*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Glodeni District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA which receives the ceilings for the entire judiciary from the Ministry of Justice. The ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling is set for the following two expenditure categories:

1) Current expenses (staff, others),

2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by DJA while capital expenses are determined by each individual court after negotiations with DJA. Other expenses are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET (basic component)

The budget of Glodeni District Court is divided into six categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[6]

From 2010 (spent) to 2012 (approved), the budget of Glodeni District Court increased from MDL 1.3 million to MDL 1.8 million (Table 9).

In 2011 the court's budget increased by 36% compared with 2010 due to expenses for capital repairs. The operating expenses increased by 49% compared with the previous year and staff expenses increased by 9%.

In 2012 the budget was the same as in 2011. It is worth mentioning that the court received funds to purchase a car. The increase in the budget for utilities (58%) in 2012 was offset by an 85% decrease in the funds for repairs and a 5% decrease in operating expenses.

[6] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 9.** *Budget of Glodeni District Court by type of expense (2010–2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (aprobat) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 898,700 | 975,870 | 9% | 1,136,600 | 16% |
| Repairs | 48,900 | 439,948 | 800% | 67,300 | -85% |
| Utilities | 97,798 | 90,221 | -8% | 142,600 | 58% |
| Fixed assets | 105,200 | 38,337 | -64% | 210,000 | 448% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 178,010 | 265,219 | 49% | 250,900 | -5% |
| **Total** | **1,328,608** | **1,809,595** | **36%** | **1,807,400** | **0%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

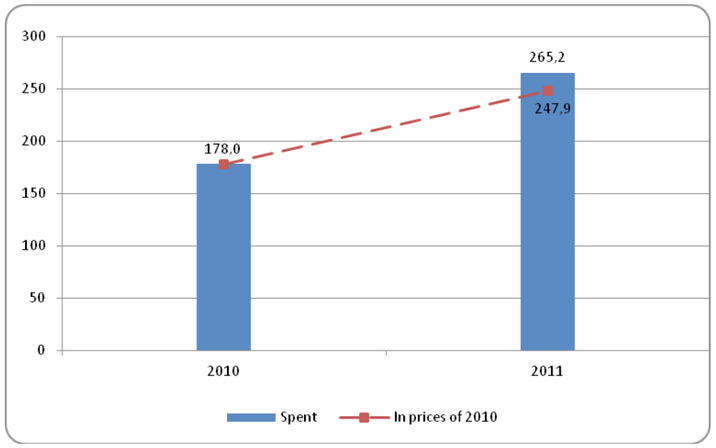
## 6.2. STAFF EXPENSES

Staff expenses represent approximately 60% of the total budget, increasing every year. Due to the fact that remuneration is governed by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

In 2010 and 2011, both the face value and the real value of operating expenditures increased. Their face value grew from MDL 178 thousand to MDL 265.2 thousand, which is a 49% increase. Their real value increased by approximately 39% allowing for the inflation rate (7% in 2011[7]). MDL 265.2 thousand in 2011 was therefore equivalent to 247.9 thousand in 2010; hence, the real value of operating expenses increased by approximately MDL 70 thousand.

**Graph 7.** *Operating expenses for Glodeni District Court in 2010 and 2011*



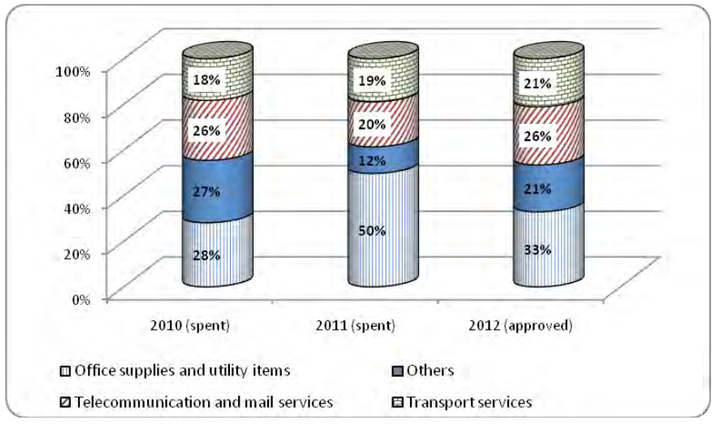

[7] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




In 2010, most operating expenses were to purchase office supplies and utility items (28%), telecommunications and mail services accounted for 26% of the total operating expenses and transport expenses accounted for 18% of the total.

The structure of the operating expenses in 2011 remained at the same level. Office supplies and utility items accounted for half of the total, an increase of 22 percentage points compared over the previous year. On the other hand, expenses for teelcommunications and mail decreased by 6 percentage points (20% of the total. The budget for transport services remained almost the same at 19% of the total.

In 2012 the court prepared the following budget:

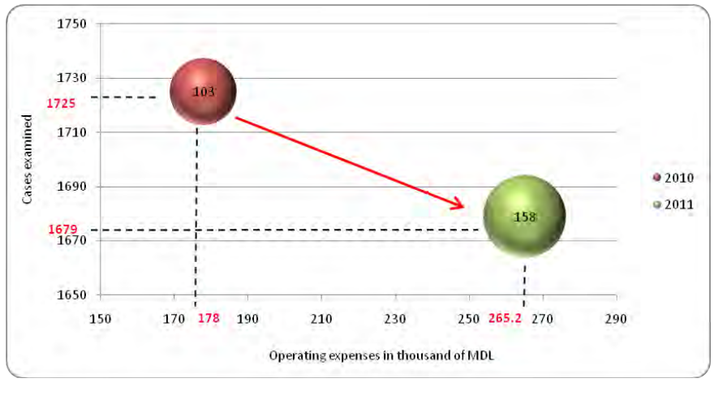
- 33% for office supplies and utility items, a drop of 17 percentage points from 2011.
- 26% for telecommunications and mail, an increase of 6 percentage points.
- 21% for transport services, an increase of 2 percentage points.

Expenses for telecommunications and mail merit attention because approximately 70% of them are for stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase of operating expenses in 2011 compared with 2010 was not related to the number of cases examined, which decreased from 1725 in 2010 to 1679 in 2011. Comparing the operating expenses with the number of cases examined, in 2010 the average cost for examining a case was approximately MDL 103 while in 2011 it was MDL 158 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Glodeni District Court in 2010 and 2011*



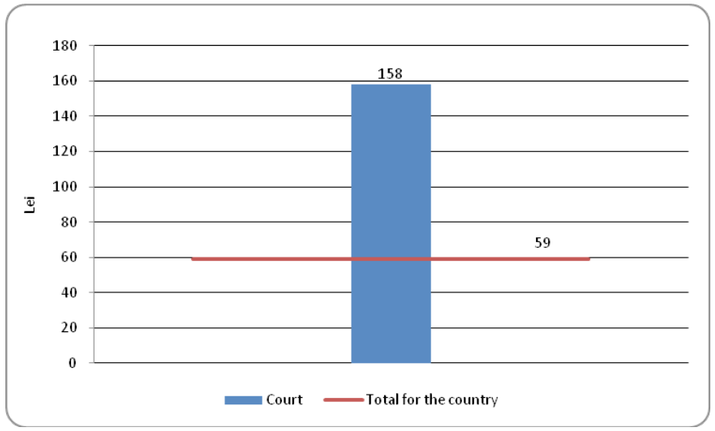

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The increase in the average cost for examining a case can be explained by the decrease in the number of cases examined and the concurrent increase in operating expenses.

## 6.6. AVERAGE OPERATING COST PER CASE IN GLODENI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 158 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Glodeni District Court in 2011 and the weighted average cost per case for the country*




As shown in Graph 10, in 2011 the average cost per case examined in Glodeni District Court was higher than the weighted average cost per case for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Glodeni District Court does its accounting electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the adviser and the chief accountant neither of whom have professional qualifications in public procurement. Since procurement legislation is continuously changing, they should receive training at least every six months.

### Conclusions

- In 2011, the face value and the real value of operating expenses increased.
- The average operating cost for examining a case in 2011 increased compared with 2010.
- In 2011, the average operating cost for examining a case was higher than the weighted average cost of a case examined for the country as a whole.
- Compared with 2010, in 2011 Glodeni District Court examined fewer cases, using more funds for that. This indicates that financing of the operating expenses is not correlated with the number of cases examined.
- Mail expenses account for a large share of total operating expenses.
- Accounting is done electronically.
- All public procurements are made without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Hincesti District Court situated in the town of Hincesti serves 119,400 inhabitants in the 63 localities that are part of Hincesti District according to Law No. 764 of 27 December 2001 on Administrative-territorial Organization of the Republic of Moldova.

According to its staffing plan, the court has 8 judges and 1 investigating judge. Its office also employs other 22,5 staff units. Hincesti District Court has no human resource management specialist. Those duties are instead performed by the court president, the deputy-president and the adviser to the court president. The public relations specialist combines the position of adviser to the court president and court clerk. On the initiative of the court president, the court staff receives internal training in areas of interest or in the operations of the court.

Staff expenses follow an upward trend. The court staff makes all public procurements since it does not have a procurement specialist. Although the face value of funds for operating expenses increased in 2011 compared with 2010, the real value decreased. In 2011 the average cost per examined case increased compared to that in 2010 and was higher than weighted average cost for examined case on national level. (A detailed analysis is provided in Section VI.)

The courthouse was built in 1979 and covers 1443.2 sq. meters on 2 levels. It was designed to be a courthouse. Its exterior, roof, water supply system, plumbing and archives have been renovated. The court has the financial resources to finish replacing the heating and electrical systems and to move the chancellery from the second floor to the ground floor in 2012.

# HINCESTI DISTRICT COURT

*7, Chisinaului Str., Hincesti town*

*Date of visit: 7 May 2012*

The staff of Hincesti District Court uses Integrated Case Management System (ICMS) version 3, which was installed in October 2011, but they mentioned that there are issues with it including an uneven distribution of case files, the failure to assign case files to the investigating judge as well as insufficient knowledge of the new options in version 3.

The staff makes audio recordings of all hearings held in the four courtrooms where recording equipment is installed, unless the equipment breaks down. During the visits for documentation, it was mentioned that given the fact that there are four courtrooms for six judges, it is not possible to hold all hearings in courtrooms. Turnover of court clerks, lack of training and legal requirements for written minutes in addition to recordings (overlapping) are among the reasons that not all hearings are recorded.

Specialists at Hincesti District Court continue to keep a considerable number of registers, although amendments to the Guidelines have reduced the number required.

The total number of cases filed at Hincesti District Court from 2009 to 2011 decreased by 858 while the number of cases examined decreased by 1205 with a case clearance rate of 85.4% in 2011.

The court has an information board for the public, and office doors have doorplates showing judges' names and a warning that entry to the office is not allowed.

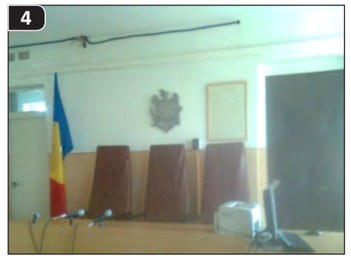
Hincesti District Court regularly updates its web page and all menus with information of public interest. The information posted is accompanied in most cases with photos, illustrations and diagrams; however, sometimes either the title of the menu does not match the content, or the information is repeated.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 2 | The exterior has been repaired. |
| Water supply | 1 | The water supply is sufficient. The court is connected to the water supply according to a time schedule. There is a well with a continuous supply. |
| Power supply | 3 | The electrical systems are in the process of replacement. |
| Sewerage system | 1 | The sewerage system is centralized. |
| Heating system | 3 | The heating system is based on gas. There are plans to repair it. |
| Firefighting system | - | None |
| Roofing | 1 | The roof structure is in good condition since it has recently been repaired. |
| Interior | 3 | Some rooms have not been repaired. Some offices, especially those upstairs, need capital repairs. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.



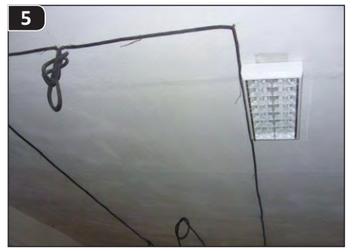


**Photo 1.** *Courthouse facade*
**Photo 2.** *Public area*
**Photo 3.** *Electrical system renewal*
**Photo 4.** *Courtroom*
**Photo 5.** *Electrical system renewal*
**Photo 6.** *Renovated restrooms*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on a comparative analysis of the physical and operational condition of Hincesti District Court in May 2012.

The courthouse has 2 floors and a basement with a total area of 1443.2 sq. meters. There are 23 offices, 2 public rooms and 4 courtrooms.

Hincesti District Court has replaced its night guard staff with the National Guard. Since 2005, the court has benefited from the services of the judicial police.

In 2007, the building was in terrible condition. The plumbing and water supply system did not function. There were no rooms for the archives, and case files were randomly stored in the basement. Consequently, a large number of them — a few hundred — were lost.

Although the court has repaired its plumbing and water system, the basement is often flooded. To ensure appropriate ventilation of the basement, it is recommended that a ventilation system be installed. The archives are now kept in two rooms that are well organized and protected by the National Guard. The exterior and the roof have been repaired. A complete replacement of the electrical system is under way.

The functional area of Hincesti District Court is appropriate for the work of a court of law except that there is no separate entrance and no separate room for detainees. Currently, detainees are taken to the courtroom through the public corridor. The courthouse has four courtrooms shared by six judges. The fourth courtroom was recently built with funds from the state budget. It has a video recording system for interviewing juveniles who are in a room adjacent to the courtroom. The rooms recently occupied by bailiffs have been vacated.

Hincesti District Court has a plan to move the chancellery to the ground floor by the end of 2012. That space will be renovated for use as a courtroom. The need for a separate entrance, for a room for detainees and for two more courtrooms as well as plans to extend the archives and increase staff when the law on judicial assistants for judges is implemented means the court needs additional space. There are also plans to extend the archives.

When Hincesti District Court was visited in May 2012, its electrical system was under repair. It will be replaced from the court budget by the end of 2012.

The condition of the building's interior is unsatisfactory except for the six offices on the ground floor where the walls have already been repaired and the ceilings have been suspended. In June 2012, work started to repair the floors on the ground floor.

On the second floor, the offices of judges and other staff were renovated in 2007 and are in good condition; however, the linoleum was laid on a support surface that was either inappropriate or not prepared for a linoleum overlay, so consequently it is deteriorating. The two staff restrooms on the second floor are in satisfactory condition. All other rooms upstairs need repairs. The interior finish of the courtrooms will also be renovated.

The heating system is old, and the piping and radiators will be replaced.

The old alarm system has been replaced and now security is provided by the National Guard. In 2009, air conditioners were installed in three judges' offices and the server room.

The light fixtures were not changed and are the same as when the building was commissioned.

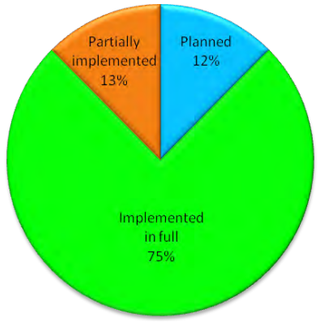
There are neither firefighting systems nor emergency lights.

The 2009 Infrastructure Assessment Report listed eight priorities for capital repairs six of which have already been implemented. One has been partially implemented, and one is planned to be implemented by the end of 2012 (Table 1 and Graph 1).

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2008 | Implementation stage in 2012 |
|---|---|
| Roof repair | Done |
| Bailiffs moved to another building | Done |
| Planning to create a new courtroom | Done |
| Chancellery moved to the ground floor | Planned |
| Repairs of all rooms on the ground floor and of those needing repair upstairs | On the ground floor, 6 offices have been renovated. On the second floor, no repairs have been done so far. |
| Main electrical system renewal | Done |
| Air conditioners installed in the server room | Done |
| Repair of the exterior including the stairs from the main entrance | Done |

*Source: 2009 Infrastructure Assessment Report*



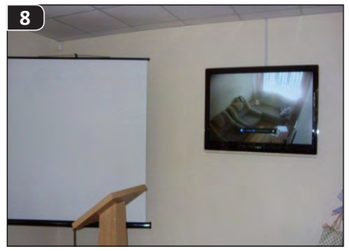

**Graph 1.** *Implementation of capital repair priorities in 2012*

### Conclusions

- From 2009 to 2012, many of the renovations recommended in the 2009 Infrastructure Assessment Report were carried out.
- Some rooms in Hincesti District Court need capital repairs.
- The renovations that have been done were based on the recommendations and priorities set forth in the 2009 Infrastructure Assessment Report.
- ROLISP estimated that of the priorities for capital repairs identified in 2009, 75% had been implemented, 13% were implemented in part and 12% are planned.

### Recommendations

- Move the chancellery to the ground floor and install a single information office window for citizens.
- Consolidate the archives into one room.
- Install a fire alarm system.
- Repair the courtrooms on the second floor.
- Replace the heating system.
- Replace the light fixtures.



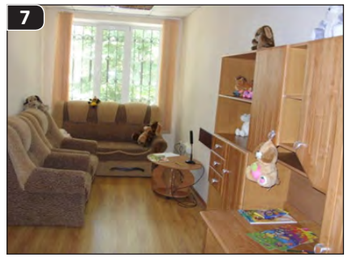



**Photo 7.** *Room for interviewing juveniles*
**Photo 8.** *New courtroom with a video recording system*
**Photo 9.** *Court renovation plan*

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Hincesti District Court has used ICMS since 2009. In October 2011, the third version of ICMS was installed including the electronic statistical reporting module and changes determined by the programming of this module. The staff does not use the reporting module, however, because they do not know how to use it. Other reported problems are errors and uneven case file assignments. Moreover, ICMS does not assign the case files to the investigating judge. Recommendations for modifying the system are in Table 2.

After case files are registered, the clerical staff scans the civil and administrative ones in full but scans only the indictments from criminal case files.

The Hincesti staff stated that after the third version of ICMS was installed, the CTS installed an active directory program to enable distant access to the computers and to the server. After this program was installed, Word documents or parts of them started to disappear from employees' computers, and the printers and the audio recording system did not work properly. The Hincesti staff has called CST several times a week requesting assistance to fix these problems, but has the impression that CTS is not trying very hard to help them which is unlike their previous relations with CTS when problems were fixed more promptly. Thus, the general satisfaction of Hincesti staff with services provided by CTS in 2012 can be rated a 3 out of 5.

**Table 2.** *Suggestions for modifying ICMS for Hincesti District Court*

| No. | Suggestions on ICMS modification |
|---|---|
| 1. | Ensure that random case assignments are equitable. |
| 2. | Connect ICMS and Femida. |
| 3. | Ensure that the date of minutes in ICMS is the date of the court hearing and not the date when the minutes were drafted. |
| 4. | Ensure that cases are assigned to the investigating judge. |

*Source: President of Hincesti District Court*

## 2.2. AUDIO RECORDING SYSTEM

Audio recording equipment and software have been installed in all the four courtrooms, but because there are six judges, hearings are also held in judges' offices and are not recorded. Audio recordings are kept on the court server and later are copied to CDs and attached to the hard copy of the file. Every three months, a staff member prepares a list of case files that have CDs, and the recordings are then deleted from the server.

The court provides copies of recorded hearings when requested, but from 2009 to 2012, only 1% of the parties involved in cases requested the CDs on which their recordings were stored.

Each courtroom door has a sign stating that court hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009, the reason for recording court hearings is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. In 100% of cases, court clerks use the audio recordings to ensure that the minutes are complete and accurate.

Hincesti employees reported that periodically the audio recording equipment doesn't work or that they are unable to play the recordings. According to them, after the active directory software was installed, the recording system could not be started in the morning and recordings could not be copied to CDs. Other issues include an insufficient number of courtrooms, the legislation requiring duplication of effort—written minutes and audio records—as well as insufficient numbers of staff.

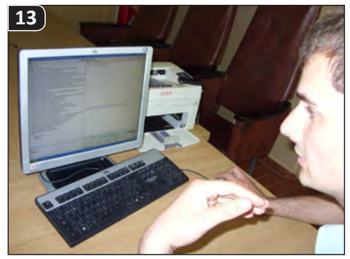



**Photo 10.** *Specialists in the chancellery of Hincesti District Court using ICMS*
**Photo 11.** *Inscription on a courtroom door*
**Photo 12.** *Audio recording equipment*
**Photo 13.** *A court clerk using the audio recording software*

## 2.3. WEB PAGE OF HINCESTI DISTRICT COURT

Hincesti District Court has a web page on which it posts information for the public; it is updated by the public relations specialist as information changes or as new information is generated.

Table 3 shows the menus and their contents on the web page.

**Table 3.** *Content of the web page of Hincesti District Court*

| Menu title | Information posted on the web page |
|---|---|
| Welcome to the Web Page of Hincesti District Court | – Welcome address<br>– Photo of the courthouse façade |
| Information of Public Interest | – *Dictionary of legal terms* – a link to the Ministry of Justice's web page: http://justice.md/md/dic/<br>– *Work program* – an active link that informs citizens about the working hours of the court<br>– *Schedule of judgments issue by the chancellery of Hincesti District Court* – an active link that informs citizens about the days and hours when they can receive documents issued by the chancellery<br>– *Schedule of citizens admission* – an active link that shows days and hours for citizens' appointments with the court president<br>– *Rules of behavior for court users and other persons in a court of law* – an active link that presents information about the organization of courts of law in the Republic of Moldova; general rules of behavior in a courthouse, a chancellery, during a court hearing and in the archives as well as the way to get public information and to handle mass media relations<br>– *Regulations* – an active link that in its turn shows a list of other active links to the following regulations:<br>✓ publishing court judgments on a web page<br>✓ digital audio recordings of court hearings<br>✓ providing public information and handling mass-media relations<br>✓ organizing a competition for the position of a court clerk<br>✓ randomly assigning cases in courts of law<br>– *Norms of behavior for court staff* – an active link to the appropriate decisions of the SCM<br>– *For court users* – an active link that displays other active links about the civil process, statement of claim, requests to issue enforcement orders and the procedure for enforcing judgments<br>– *In-house guidelines and regulations* – an active link that displays two other active links to the guidelines on firefighting for the courthouse and the internal regulations of the court<br>– *Deployment of bailiffs from Centru Territorial Office* – an active link that displays two other active links: deployment of bailiffs from Centru Territorial Office and Order No. 14 of Centru Territorial Office of Bailiffs |
| Public Relations Service | – General information about the functions of the public relations specialist<br>– His /her contact information |
| Court Structure | – Information about the organization of Hincesti District Court<br>– Organizational chart of Hincesti District Court |
| Statistics | – General statistics from 2007 to 2010 |
| Job Vacancies | – Announcements of competitions to fill job vacancies<br>– Job description templates<br>– Regulatory acts that describe employment and work within the court |
| Regulatory Framework | – Active links to basic regulatory acts that regulate the court's operation<br>– List of four regulatory acts only one of which can be accessed |
| Archive Service | – Template of an application for copies of documents from the archives<br>– Links to regulatory acts that govern the operation of the archives |
| List of Hearings | Information extracted automatically from ICMS |
| List of Case Files | Information extracted automatically from ICMS |
| Database of Judgments | Information extracted automatically from ICMS<br>**Last decision was posted on August 22, 2012** |
| Useful Links | Links to web pages of some central public authorities and other institutions |
| Competence | – Competence<br>– Geographical coverage of Hincesti District Court |
| News | – News about the judicial information system<br>– News about probation with respect to juveniles<br>– News about justice reform<br>– Congratulations on holidays<br>– Announcements |
| Announcements | Active link to the announcement of NIJ about the competition to fill the network of trainers |

*Source: http://jhn.justice.md/*

Table 3 shows that all menus present information of public interest about the work of the court. The information is accompanied with photos, illustrations and diagrams; however, sometimes the title of the menu does not match its content. For instance, the section "*Welcome to the Web Page of Hincesti District Court*" contains an active link that wishes visitors happy holidays although "*News*" also contains similar wishes. The section "*Information of Public Interest*" repeats the information about the schedule for issuing judgments, the schedule for admitting citizens, rules for citizens' behavior in a courtroom, rules of behavior for the court staff, the court user guide, regulations and the dictionary of legal terms. The information about the working hours of Hincesti District Court is repeated in "*Information of Public Interest*" and "*Public Relations Service*." In "*Useful Links*", the links should have titles and should be arranged in corresponding order. In "*Competence*," the table showing the geographical coverage of Hincesti District Court should be redone, and "*News*" contains announcements even though there is a separate menu for announcements.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Hincesti District Court seems to have sufficient equipment to carry out its activities. Table 4 shows the type of equipment, the number of items and the equipment needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Server | 1 | - |
| Computers | 46 (only 40 work) | 2 |
| Printers | 20 (only 15 work) | 8 |
| Scanners | 3 | 1 |
| Fax | 3 | 1 |
| Audio recording sets | 4 | 1 |
| Projector | 1 | - |
| TV set | 1 | - |
| Optical drive (DVD rewriter) | 1 | - |
| Telephones | 13 | - |
| 1 TB HDD discs | - | 3 |

*Source: Hincesti District Court*

### Conclusions

- When using the third version of ICMS, the staff of Hincesti District Court faces the problems of uneven case assignments, failure to assign cases to the examining magistrate and insufficient knowledge of the new options version 3 offers.
- The staff of Hincesti District Court uses the audio recording system during court hearings in the four existing courtrooms.
- To improve the work of Hincesti District Court, the following equipment is necessary: 2 computers, 8 printers, 1 scanner, 1 fax, 3 HDD discs and 1 audio recording set for the new courtroom planned in the renovation.
- Hincesti District Court uses the web page content management system; all menus present information of public interest about its work. The information is accompanied with photos, illustrations and diagrams; however, sometimes the title of the menu does not match its content.

### Recommendations

- Conduct all court hearings in courtrooms through better planning.
- Remove duplicate information on the web page.
- Ensure the uniformity of the font and colors used on the web page.
- Arrange the information on the web page according to the menu titles.

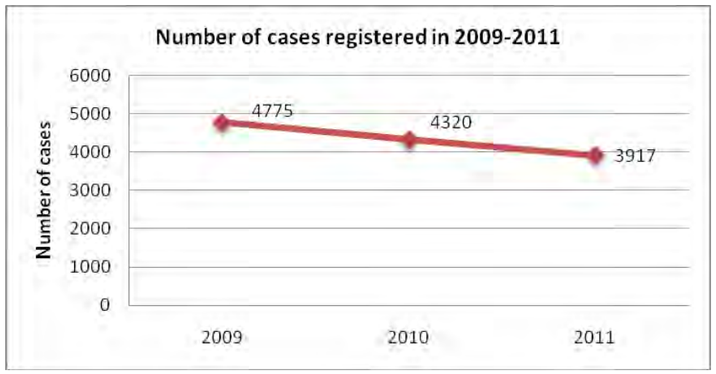
# III. WORK OF HINCESTI DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The assessment covered the following items from 2009 to 2011: the total number of cases registered; the total number of cases examined; the number examined by type of case; the year-end case backlog and the case clearance rate.

Graph 2 shows that the total number of cases filed at Hincesti District Court decreased from 4775 in 2009 to 3917 in 2011.

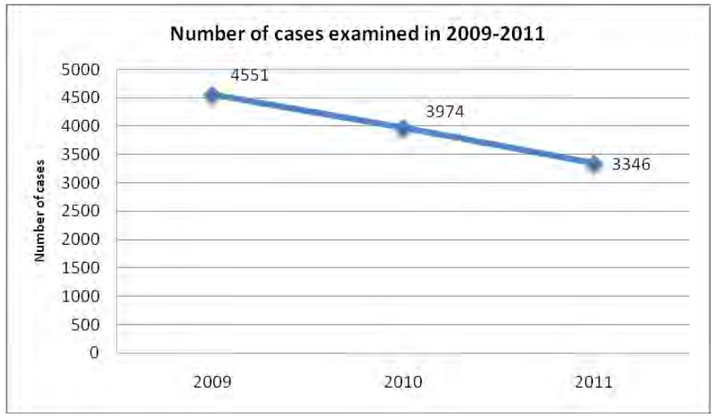
**Graph 2.** *Number of cases registered at Hincesti District Court from 2009 to 2011*




*Source: DJA*

Graph 3 shows that the number of cases examined decreased from 4551 in 2009 to 3346 cases in 2011.

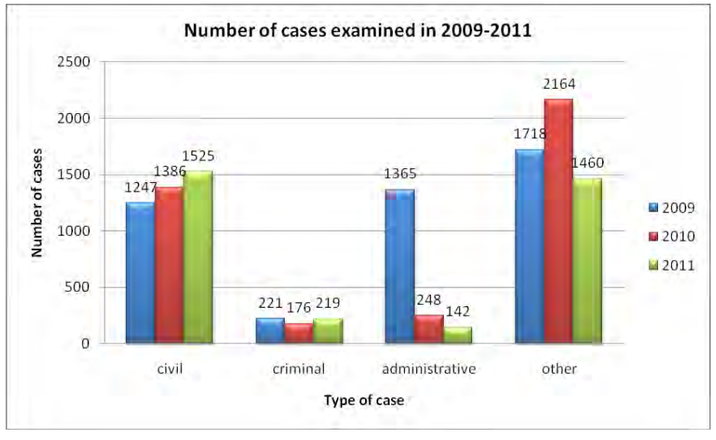
**Graph 3.** *Total number of cases examined at Hincesti District Court from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, the number of civil cases examined in Hincesti District Court increased from 1247 in 2009 to 1525 in 2011. The number of criminal cases examined during the same period did not change very much while the number of administrative cases decreased from 1365 in 2009 to 142 cases in 2011.

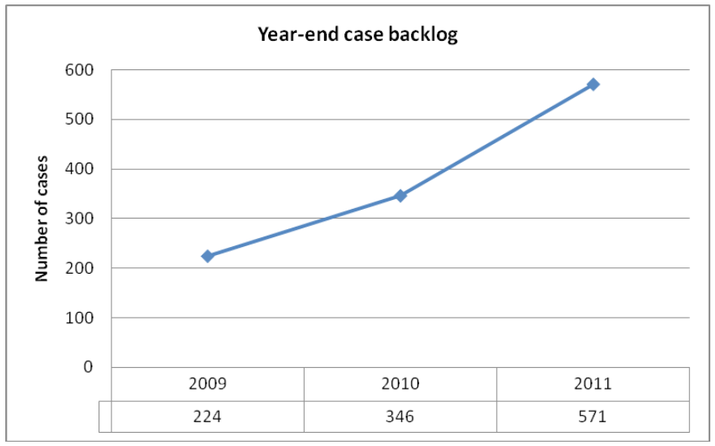
**Graph 4.** *Number of cases examined at Hincesti District Court from 2009 to 2011 by type of case*




*Source: DJA*

The analysis of the case backlog at Hincesti District Court showed an increase from 224 in 2009 to 571 in 2011 (Graph 5).

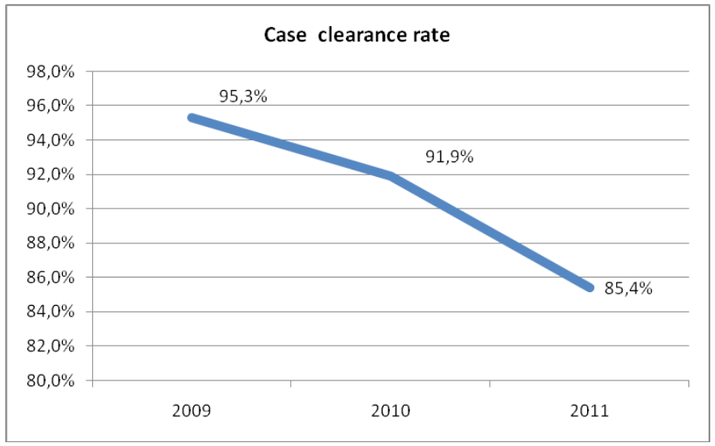
**Graph 5.** *Year-end case backlog in 2009, 2010 and 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Hincesti District Court decreased from 95.3% in 2009 to 85.4% in 2011.

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Hincesti District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice and analyzing judicial statistics. The chancellery is located on the second floor. Its staff includes four specialists responsible for scanning documents from case files and registering cases in ICMS and on paper. The chancellery maintains the registers listed in Table 5.

**Table 5.** *List of registers used by Hincesti District Court chancellery*

| Register Category | Register Title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Appeals<br>4. Complaints against bailiffs' decisions<br>5. Recusals<br>6. Abstentions<br>7. Information on retroactivity<br>8. Case files sent to the Court of Appeals/Supreme Court of Justice |
| ***Civil*** | 1. Index of civil case files<br>2. Civil case files<br>3. Index of case files examined according to writ proceedings<br>4. Civil case files received from the Court of Appeals/Supreme Court of Justice<br>5. Civil case files sent to the Court of Appeals<br>6. Administrative case files received from the Court of Appeals/Supreme Court of Justice<br>7. Record card |
| ***Criminal*** | 1. Index of criminal case files<br>2. Case files sent to the Court of Appeals<br>3. Persons put on the wanted list<br>4. Case files received<br>5. Physical evidence<br>6. Criminal case files received from the Court of Appeals/Supreme Court of Justice<br>7. Record card |
| ***Administrative*** | 1. Administrative case files<br>2. Index of administrative case files<br>3. Motions |

*Source: Hincesti District Court chancellery specialists*

There is a practice in the court of keeping a duplicate record of case files — one on paper and one in electronic format. The same information may be entered three or four times in various records as Table 6 shows.

**Table 6.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Register of incoming mail |
| Plaintiff's name | ICMS | Action record card | |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index |
| Defendant's contact information | ICMS | Action record card | Index |
| Case file category | ICMS | Action record card | Register of civil case files, Index |
| Essence of the case | ICMS | Action record card | |
| State fee | PIGD | Action record card | Register of civil case files |
| Circulation of the case file within the court | PIGD | Action record card | Register of civil case files |

*Source: Hincesti District Court chancellery specialists*

The chancellery keeps more registers than SCM Decision No. 93/7 of 2 March 2011 on the Amendment and Completion of the Guidelines requires.

The archives of Hincesti District Court are located in two rooms on the ground floor. They are well located, of sufficient size and temperature and humidity are regulated. The files are kept in order. Access to the archives is limited; the archivist has a personal access code.

### Conclusions

- The number of cases filed at Hincesti District Court decreased by 17.9% from 2009 to 2011.
- The number of cases examined increased by 26.4% from 2009 to 2011.
- The number of civil cases examined from 2009 to 2011 increased by 278, the number of criminal cases decreased by 2, and the number of administrative cases decreased by 1223.
- The case backlog increased by 347 from 2009 to 2011.
- The case clearance rate decreased by 9.9% from 2009 to 2011.
- There is duplication of work because laws and the guidelines on secretarial work require both paper and digital registers.
- Specialists from the chancellery use more registers than required by the Guidelines.

### Recommendations

- Consolidate the archives into one room.
- Review in-house procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.
- Use the electronic statistical reporting module in the third version of ICMS.

## IV. HUMAN RESOURCES

Hincesti District Court has 9 judges, including an investigating judge (according to the approved staffing plan), Its office also employs other 22,5 staff units (Table 7).

Hincesti District Court does not have a human resource specialist; in practice, several persons are in charge. According to the court's internal regulations, the court president and the deputy-president are responsible for managing human resources, especially for signing, amending and terminating employment contracts, motivating and encouraging court employees and enforcing disciplinary sanctions stipulated by law. The adviser to the court president also has certain duties related to human resources such as establishing job duties, ensuring the development and implementation of methods to improve the operation of the court and ensuring that the initial and ongoing training needs of the court staff are assessed. Currently, the adviser to the court president is in charge of filling in the work records of court staff.

Hincesti District Court has a public relations specialist who currently combines this position with that of court clerk.

Court employees are either civil servants or technical staff. Civil servants include the adviser to the court president, court clerks, translators, consultants and the accountant. Technical staff includes cleaners, workers, etc. When there is a job vacancy for a civil servant, it is filled either by transferring or promoting current staff. If there is no qualified staff person to transfer or promote, the job vacancy is posted on the court's information board. Applicants must pass a written test, and the results are examined by an employment commission. Then applicants must pass an interview. To fill a technical staff vacancy, the Court lists the vacancy with a local employment agency that screens applicants and forwards a list of acceptable ones to the court president who then interviews and selects the person to hire.

Hincesti District Court has job descriptions for the positions of adviser to the court president, chief accountant, chief of the chancellery, public relations specialist, court clerk, translator, chancellery specialist, court administrator, driver, courier and cleaning staff.

**Table 7.** *Staffing scheme of Hincesti District Court*

| No. | Position | Current number | Difference |
|---|---|---|---|
| 1. | Judge | 6 (2 judges are on leave) | 2 |
| 2. | Investigating judge | 1 | - |
| 3. | Adviser to the court president | 1 | - |
| 4. | Chief accountant | 1 | - |
| 5. | Consultant | 0 | 2 |
| 6. | Consultant (educator) | 0 | 1 |
| 7. | Chief of the chancellery | 1 | - |
| 8. | Specialist | 3 | - |
| 9. | Court clerk | 7 | 2 |
| 10. | Translator | 2 | - |
| 11. | Coordinator specialist | 0 | 1 |
| 12. | Chief of Archives | 1 | - |
| 13. | Chief of the auxiliary service | 1 | - |
| 14. | Driver | 1 | - |
| 15. | Cleaner | 3 | - |
| 16. | Courier | 1 | - |
| 17. | Locksmith | 0.5 | - |
| | **TOTAL** | **29.5** | **8** |

*Source: Accounting office of Hincesti District Court*

The court has internal regulations that have been handed on to the judges and the regular staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by the NIJ, and in 2011, all judges of Hincesti District Court met the requirement of 40 annual hours of continuing training. Judges whom the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. The court does not subscribe to any private legislative databases. For legal research and reference, the judges use the free legislative database on the Ministry of Justice's web page. Hincesti District Court subscribes to the *Official Gazette*, *Buletinul CSJ* (*Bulletin of SCJ*), *Curierul de Hincesti* (*Hincesti Courier*), *Экономическое обозрение* (*Economic Overview*), *Бухгалтерские и налоговые консультации* (*Consultations on Accounting and Taxes*).

Court staff other than judges did, however, mention that the last time they were trained by NIJ was two years ago. The court tries to meet their training needs by means of internal training (at least once a month) held by the court president and his/her adviser. Hincesti District Court has a continuing career development plan for 2012 in place for its staff. It includes such topics as the following:

- Study of Law No. 25 of 22 February 2008 on Civil Servants' Code of Conduct
- Study of Law No. 158 of 04 July .2008 on Public Office and the Status of Civil Servants
- Study of Law No. 16 of 15 February.2008 on Conflict of Interest
- Study of Law No. 59 of 15 March 2007 on Status and Organization of Court Clerks in Courts of Law
- Study of Law No. 90 of 25 April .2008 on Preventing and Combating Corruption
- Study of SCM Decision on Approval of the Regulations on Digital Audio Recording of Court Hearings
- Study of SCM Decision on Approval of the Regulations on Online Publication of Court Judgments.

### *Conclusions*

- Human resource management at Hincesti District Court is carried out by the court president, the deputy-president and the adviser to the court president.
- The court has a public relations specialist who also holds the positions of adviser to the court president and court clerk.
- The internal training system is well organized. Training is provided by the court president and the adviser to the court president. Training topics vary from analyzing peculiarities of applying the law to studying the judicial information system.

### *Recommendations*

- Employ a human resource specialist.
- Employ and train a public relations specialist.

## V. SERVICES FOR THE PUBLIC

Hincesti District Court lacks an information office or information windows at or near the court's entrance. The office of the public relations specialist (who combines this position with that of a court clerk) is situated on the ground floor; however, there are no signs guiding the public to the respective office so it is not easy to find. The doors of judges' offices have doorplates with the name of the judge and a warning that entry is not allowed.[2]

The building has a board at the entrance with the following information:

- List of cases scheduled for trial that is printed automatically from ICMS and then posted
- Days and hours the court president receives citizens
- An announcement that court users can access the necessary information from a special web page
- Templates for applying for documents available at the chancellery
- Rules of behavior for parties in a case.

Twice a week — on Wednesday and Thursday — parties and other trial participants may request copies of judgments by filling out an application at the chancellery. The application is forwarded to the court president for approval. If the application is approved, the applicant pays a fee for the copy. The fee is paid at a bank and with confirmation of payment, the applicant may pick up a copy of the judgment at the archivist's office.

### *Conclusions*

- There is no information window for the public.
- There are no clear signs showing the way to the office of the public relations specialist.
- The information board at the entrance contains relevant and comprehensive information helping visitors to orient themselves.
- The chancellery of Hincesti District Court is situated on the second floor. Such a location is at odds with the general rules of design applicable for courts of law.
- The procedure for getting copies of judgments requires the approval of the court president who has to make time to examine, approve or reject applications.

### *Recommendations*

- Move the chancellery to the ground floor and create a one-stop-shop for information and filing/receiving documents.
- Install clear signs showing the way to the public relations specialist's office.
- Simplify the procedure for getting copies of judgments by sparing the court president the obligation to approve applications and by training the chancellery specialists correspondingly.

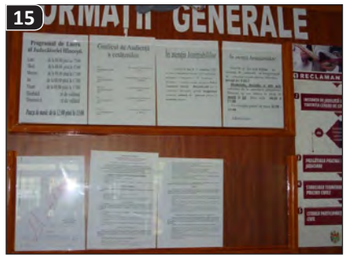



**Photo 14.** *Inscription on a judge's door*
**Photo 15.** *Information board*

[2] *Yet the door of at least one judge whose office is on the ground floor has this plate inside rendering it invisible from outside.*

# VI. BUDGET AND PROCUREMENT

Every year as in any Moldovan court, the Hincesti District Court develops its budget for the next fiscal year on the basis of the expenditure ceiling established by the Ministry of Finance for the entire justice sector that was approved by the Ministry of Justice for the judiciary and sent to the court by the Department of Judicial Administration (DJA).
The ceiling is set for the following two expenditure categories:

1) Current expenses (staff, others),
2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by the DJA while capital expenses are determined by each individual court after negotiations with the DJA. Other expenses are calculated on the basis of the previous budget year adjusted as per the inflation rate predicted for the next budget year. While doing all these calculations, the court must comply with the ceilings established by DJA.

## 6.1. BUDGET (basic component)

The budget of Hincesti District Court is divided into the following six categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[3]

From 2010 (executed) to 2012 (approved), the budget of Hincesti District Court increased from MDL 1.8 million to MDL 3.2 million (Table 8).

A comparison shows that in 2011, the court budget increased by nearly 71% compared with 2010. This growth was due to the increase in financial resources for procuring fixed assets and for repair works. The court budget for 2012 was planned with a 4% increase over the 2011 budget. The budget has increased for almost all categories (except for fixed assets) with the largest increase planned for utilities (38.8%) followed by staff expenditures (21.7%) and repairs (12.5%).

[3] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Hincesti District Court by type of expense (2010–2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 1,345,375 | 1,349,560 | 0.3% | 1,642,300 | 21.7% |
| Repair works | 99,898 | 958,462 | 859.4% | 1,078,700 | 12.5% |
| Utilities | 72,047 | 111,142 | 54.3% | 154,300 | 38.8% |
| Fixed assets | 12,980 | 377,507 | 2808.4% | 0 | -100.0% |
| Capital investments | 0 | 0 | 0.0% | 0 | 0.0% |
| Operating expenses | 279,111 | 293,208 | 5.1% | 325,500 | 11.0% |
| **Total** | **1,809,411** | **3,089,879** | **71%** | **3,200,800** | **4%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

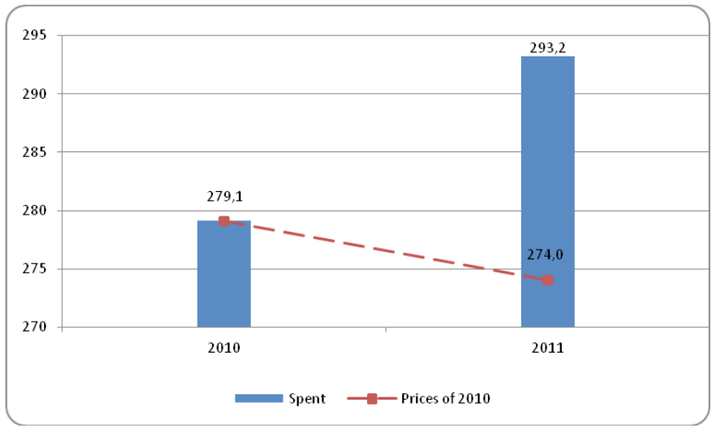
## 6.2. STAFF EXPENSES

Staff expenditures represent more than half of the total budget and increase year by year. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

During years 2010 and 2011, the face value of operating expenditures increased from MDL 279,1 thousand to MDL 293,2 thousand, which represents a growth of about 5%, but the consumer price index in 2011 (inflation rate) was 7%.[4] Thus, the growth rate of operating expenditures was below the inflation rate meaning that in real terms, the budget for operating expenditures decreased. MDL 293,2 thousand in 2011 is equivalent to 274 thousand in 2010; hence, the real value of operating expenses decreased by about MDL 5,1 thousand (Graph 7).

**Graph 7.** *Operating expenses for Hincesti District Court in 2010 and 2011*



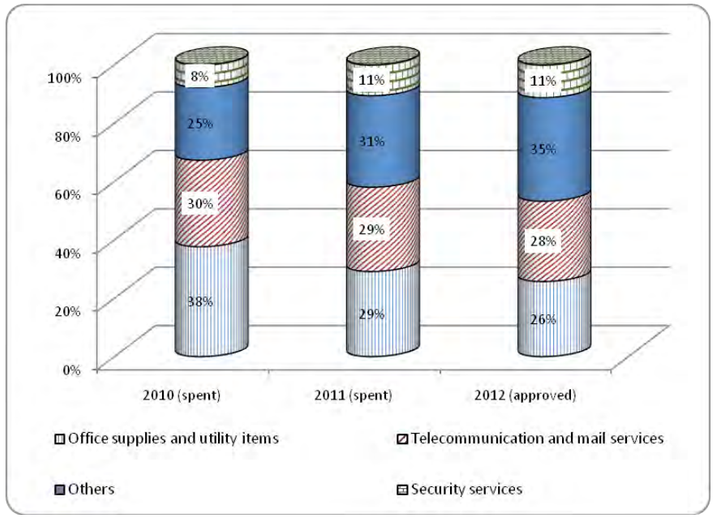

[4] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

In terms of structure, there are two main types of operating expenditures:

- Office supplies and utility items;
- Telecommunication and mail services;
- Security services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




In 2012, 38% of operating expenses were used for office supplies and utility items. For telecommunication and mail services have been used 30% of total operating expenses. Regarding Security services, the share was 8% of total operating expenses.

In 2011, the structure of operating expenses has been changed. Thus, for telecommunication and mail services and for office supplies and utility items, has been used 29% of total operating expenses. Regarding security services these grow by 3 p.p. comparing to 2010.

For 2012, operating expenses were planned as follow:

- 26% of total operating expenses are for office supplies and utility items, with 3 p.p. less comparing with year 2011;
- The share of telecommunication and mail services is less with 1 p.p. comparing with year 2011;
- Regarding security services, these have a share of 11% of total operating expenses.

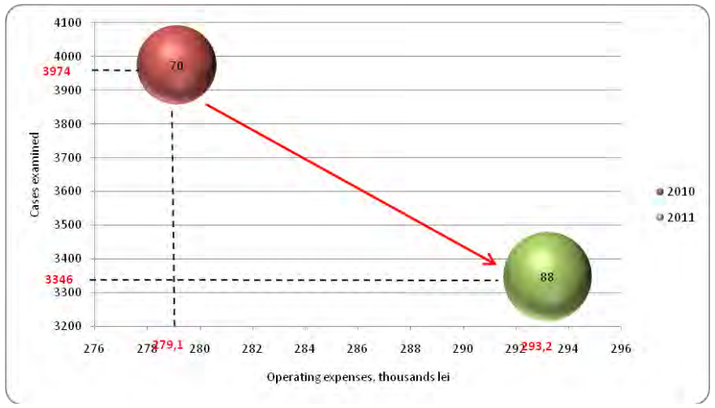
Telecommunications and mail services merit attention as 70% of these expenditures are used to buy stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase of operating expenses in 2011 compared with 2010 can be explained by a few factors. The fact is this increase has not been influenced by the number of examined cases. If in 2010 the number of examined cases was 3974, then in 2011 – 3346.

Comparing the operating expenses with the number of cases examined, we can see that in 2010 the average cost for examining a case was about MDL 70 while in 2011 it was of MDL 88 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Hincesti District Court in 2010 and 2011*



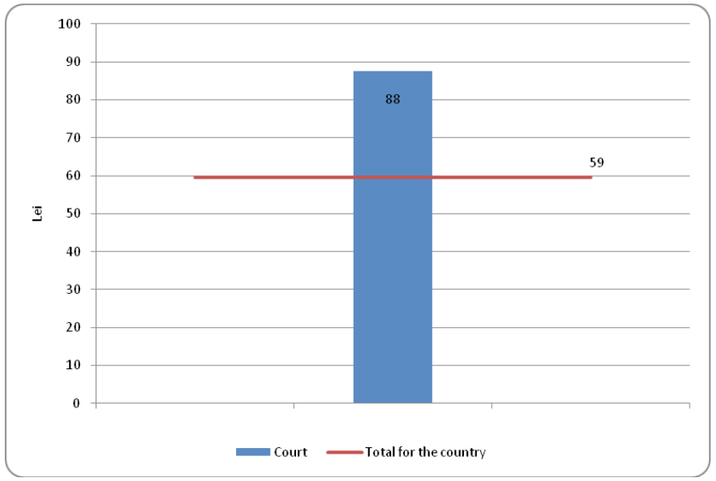

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The increase of the average cost for examined cases could be explained by the decrease of the number of the examined cases and increase of the operating cost.

## 6.6. AVERAGE OPERATING COST PER CASE IN HINCESTI DISTRICT COURT COMPARED WITH THE WEIGHTED AVARAGE COST FOR THE COUNTRY

A comparison can show whether the cost of MDL 88 per case examined in 2011 is high or low. This comparison is done against the weighted average cost of the case examined at the national level. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Hincesti District Court and the weighted average cost per case examined at the national level*



## 6.7. AUTOMATION OF THE ACCOUNTING RECORDS KEEPING

Hincesti District Court does its accounting manually except for salaries for which the court has purchased accounting software. The court claimed it does not have funds to purchase and install accounting software for all its expenses.

## 6.7. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by two persons: the adviser to the court president and the chief accountant. Neither one has professional qualifications or training in procurement. Since procurement legislation is continuously changing, they should receive training at least every 6 months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to possible discounts for procuring a larger number of cars. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of the postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- Although the face value of the operating expenses of Hincesti District Court in 2011 increased, the real value (taking inflation into account) decreased.
- The average cost per examined case in 2011 increase in comparison with previous year.
- In 2011 the average cost per examined case was higher than the average cost for examined case on national level.
- Mail services account for a large share of total operating expenses.
- Accounting is carried out manually except for salaries.
- The court does not have a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Purchase software to enable full digital accounting.
- Consider procuring postage meters to reduce mailing costs. Procuring this equipment may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Ialoveni District Court in the town of Ialoveni serves 100,000 inhabitants in the 34 localities that are part of Ialoveni District according to Law No. 764 of 27.12.2001 on the Administrative Territorial Organization of the Republic of Moldova.

Ialoveni District Court has 6 judges and 26 regular staff. There is no human resources specialist; those duties are instead performed by the court president, the head of the chancellery and the adviser to the court president. The staffing plan also does not have a coordinating specialist for public relations.

Staff expenditures follow an upward trend. The court does all its public procurements without a procurement specialist. In 2011 the face value and the real value of operating expenses increased compared with 2010. In 2011, the average operating cost for examining a case increased compared with the previous year but was lower than the weighted average cost of a case examined for the country as a whole (see Section VI).

Ialoveni District Court is located near the center of town; the court has been there since 2004. The courtyard is paved but small; there is no area for parking or for a garage. The façade is in unsatisfactory condition.

The staff of Ialoveni District Court has been using ICMS since 2009. In 2011, ICMS Version 2 was installed. No suggestions for modifying ICMS were submitted by the staff, though they cited their huge workload, the slow speed of ICMS, old computers and server failures as problems.

# IALOVENI DISTRICT COURT

*4, Prieteniei Str., Ialoveni*

*Date of visit: 10 May 2012*

Ialoveni District Court has four courtrooms each with a set of audio recording equipment and software, but hearings are not recorded due to the heavy workload and lack of trained staff. In addition, six judges share the four courtrooms.

Specialists at Ialoveni District Court continue to keep a considerable number of registers although amendments to the Guidelines have considerably reduced the number required.

The total number of cases registered at Ialoveni District Court from 2009 to 2011 decreased by 798, while the number of examined cases decreased by 1071 with a case clearance rate of 87.9% in 2011.

The court has an information board for the public, and the office doors have plaques showing judges' names, but there are no warnings that entry to the offices is restricted.

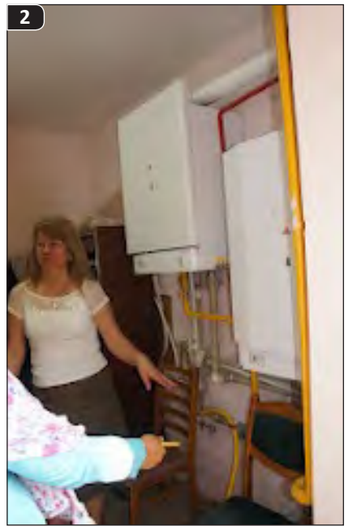
The web page is managed by a consultant, who also carries out the duties of a clerk and of the person responsible for ICMS. Some menus have no information, and the layout of others should be changed so fonts, colors and text styles are uniform.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 4 | The exterior needs to be repaired. |
| Water supply | 2 | The court is connected to the central system. The water pipes should be replaced as water has frozen inside them during winter. |
| Power supply | 4 | In recent years, the court has used more electrical equipment, so the circuits are overloaded which causes frequent power outages. This disrupts court work as it depends a lot on computers and the Internet |
| Sewerage system | 2 | The court is connected to the central system. |
| Heating system | 4 | Heating is autonomous and uses natural gas. The boilers were designed for a smaller building and are at their maximum capacity. The pipes should be replaced. |
| Firefighting system | - | There is no system. |
| Roofing | 2 | The roof is in good condition. |
| Interior | 3 | All interior premises require capital repairs. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.



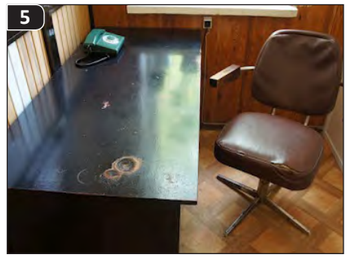


**Photo 1.** *The back of the building*
**Photo 2.** *Boiler room*
**Photo 3.** *Hallway in the courthouse*
**Photo 4.** *Common WC for employees and public*
**Photo 5.** *Furniture in Ialoveni Court*
**Photo 6.** *Stairs inside the building*

## 1.2. CURRENT CONDITION

The assessment focused on a comparative analysis of the physical and operational condition of Ialoveni District Court in May 2012.

Ialoveni District Court has a total area of 644 sq. meters on two floors with offices, a public area and four courtrooms.

The courthouse is protected by three staff guards who work 24 hours a day, 7 days a week.

Ialoveni District Court is located near the center of town; the court has been there since 2004. The courtyard is paved but small; there is no space for parking or for a garage. The façade is in unsatisfactory condition.

The courthouse is connected to the central water system. The condition of the water pipes is satisfactory, but they have to be replaced because during winter the water has frozen inside them.

The electrical network is in unsatisfactory condition; there are frequent power outages.

The sewerage system is central but the two restrooms in the courthouse that serve both employees and the public need capital repairs.

The courthouse has autonomous natural gas heating, but the capacity of the boilers is not sufficient. The water in the heating pipes gets frozen in winter.

The interior of the ground floor needs capital renovations. In 2009, cosmetic repairs were done: the halls were painted and the entrance door was changed. In 2011 rooms for the guards and cleaning staff and for the archives were fitted out. Also in 2011, a courtroom floor was tiled and the wallpaper was changed and the ceilings were painted in two judges' offices. Many of the windows on the ground floor should be changed.

The walls, ceilings, floors, windows and doors on the second floor also need renovation.

The operational area in Ialoveni District Court is adequate for a law court. There are four courtrooms for six judges; this is considered to be reasonable when compared to many other courthouses. Some hearings take place in judges' offices. There are no deliberation rooms adjacent to the courtrooms.

There is no separation between the area for the public and that for the judges; the single staircase that links the two floors does not help the situation.

There is an area for detainees, but it is currently used for storage because the courthouse lacks storage space. Detainees are brought to the courtrooms through the public hallway.

The chancellery is located on the ground floor near the entrance, but there is no public reception area.

There is no office for examining case files, and there is no room for storing physical evidence. The archive room is too small. The court would like to have a garage in back of the building

The server is installed in a deliberation room in a separate space equipped with an air conditioner.

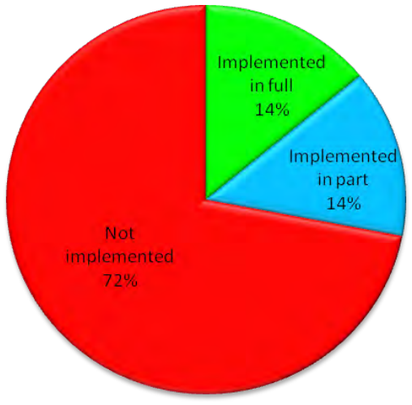
The 2009 Infrastructure Assessment Report listed seven priorities for capital repairs of which five have been implemented, one has been partially implemented and one has not been implemented (Table 1 and Graph 1).

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2009 | Implementation stage – in 2012 |
|---|---|
| Replace the windows. | Not implemented |
| Replace the radiators and adjacent heating pipes. | Not implemented |
| Install a ventilation system in the archive room and ventilation vents in the restrooms. | Not implemented |
| Reconfigure the space and change the location of the chancellery on the ground floor and create a reception area for the public. | Not implemented |
| Renovate the interior of the second floor and rooms that have not been renovated on the ground floor. | Partially implemented |
| Renovate the electrical network including the wiring and the light fixtures. | Not implemented |
| Install an air conditioner in the LAN server room. | Implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of capital repair priorities in 2012*




### Conclusions

- From 2009 to 2012, a few cosmetic renovations were made at Ialoveni District Courthouse.
- Some of the work was based on the recommendations of the 2009 Infrastructure Assessment Report.
- Taking into account the priorities for repair identified in 2009, only 14% have been fully implemented, 14% have been partially implemented and 72% have not been implemented.

### Recommendations

- Renovate all rooms on the ground and second floors.
- Replace the windows and doors.
- Replace the heating and sewerage systems.
- Renovate the electrical network, the wiring and the light fixtures.
- Reconfigure the space and change the location of the chancellery on the ground floor and create a public reception room.
- Create a separate restroom for the public in the building.
- Install a ventilation system in the archive room and ventilation vents in the restrooms.
- Build a storage room.
- Build a garage.
- Establish a room for hearing witnesses.
- Use the area for detainees as it should be used—not for storage.
- Install a firefighting system.

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Ialoveni District Court has used ICMS since 2009; in 2011, ICMS Version 2 was installed.

To create electronic files, the case files must be scanned after they are registered. The chancellery staff does not scan them, however, because they were not instructed to do so.

The staff did not have any suggestions for modifying ICMS, but they did cite their huge workload, the slow speed of ICMS, old computers and server breakdowns (twice in 2010) as problems. The server room has since been equipped with an air conditioner. According to the court president the uneven distribution of case files is not caused by ICMS or the court staff but by the public as some people repeatedly file applications until they get the judge they want. Another ploy is to file two separate applications on different days so they can choose between the two judges the case files are assigned to.

The assessment team found that not all the menus in ICMS are used fully and that the menus for registering summons, appeals and recourses and enforcement procedures and the performance measurement modality are not used at all.

Ialoveni District Court has no information technology specialist on its roster. Technical problems are referred to CTS. The staff rated their satisfaction with the services provided by the CTS in 2012 as a 3 out of 5.

### 2.2. AUDIO RECORDING SYSTEM

Ialoveni District Court has four courtrooms each with a set of audio recording equipment and software, but hearings held in the courtrooms are not recorded. The reasons given for not using the equipment and software were the huge workload, the lack of trained personnel and that there are six judges for four courtrooms.

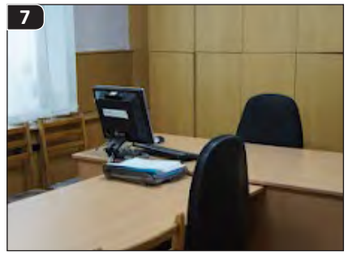
Since 2009 when the audio recording equipment and software were installed, there has been only one request to record a hearing.

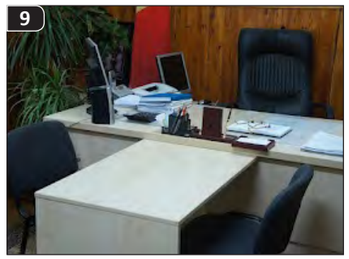
There are no signs on the courtrooms stating that court hearings are audio recorded.

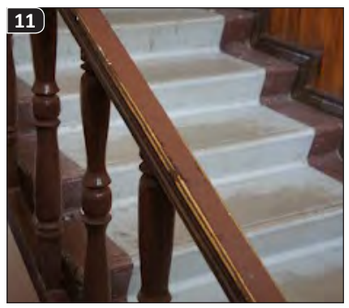
According to the Regulations on Digital Audio Recording of Court Hearings,[2] the purpose is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. Since hearings are not recorded, court clerks do not use them for that purpose.

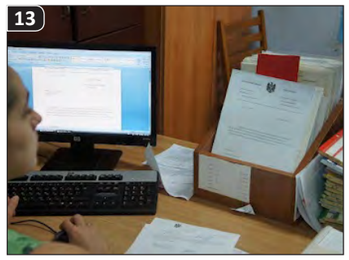
The technical issues the staff faces are the insufficient number of courtrooms, lack of training, the extra work that would be required to take written and recorded minutes, an insufficient number of printers, old computers and frequent power outages.

[2] *SCM Regulation on digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*









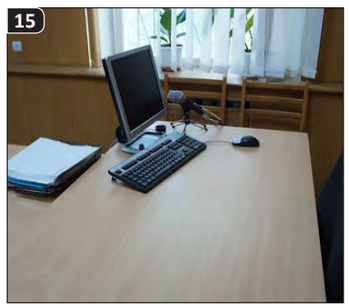



**Photo 7.** *Courtroom*
**Photo 8.** *Wall plaster*
**Photo 9.** *A judge's office*
**Photo 10.** *Server with air conditioner*
**Photo 11.** *Stairs and the railing inside the building*
**Photo 12.** *Waiting area*
**Photo 13.** *Chancellery specialist*
**Photo 14.** *Chancellery*
**Photo 15.** *Audio recording equipment in a courtroom*

## 2.3. WEB PAGE OF IALOVENI DISTRICT COURT

Ialoveni District Court has a website on which information for citizens is posted; it is updated by a consultant who is also a court clerk responsible for overseeing ICMS operations.

Table 2 shows the menus and their contents.

**Table 2.** *Contents of the web site of Ialoveni District Court*

| Menu title | Information posted on the web site |
|---|---|
| Message of the Court President | The message of the court president |
| Competence | – Competence<br>– Geographic jurisdiction |
| Regulatory Framework | – Link to the ECHR judgments that when accessed refers visitors to the web page http://www.justice.md/md/cedo/<br>– Link to the menu "Parliamentary Acts" that has a list of regulatory acts governing the court<br>– Link to the menu "Government Act", with a list of government decisions<br>– Link to the menu "Acts of SCM" with a list of SCM decisions |
| Press Releases | No information |
| Public Relations Service | – Contact information the court's spokesperson and the coordinating specialist for public relations<br>– Active link to the working hours of Ialoveni District Court |
| News | No information |
| Archives | – General information of the archive service<br>– Link to templates of applications for issuing copies of documents<br>– Link to the Law on State Fees referring visitors to http://www.justice.md/md/cedo/ |
| Organization | No information |
| List of Hearings | Information extracted automatically from ICMS |
| List of Case Files | Information extracted automatically from ICMS |
| Database of Judgments | Information extracted automatically from ICMS<br>**The latest judgment was posted on 1 August 2012** |
| Statistics | None |
| Information of Public Interest | – Active link to working hours with information about the court's working hours<br>– Active link to Rules of Conduct for the Public and other Persons in Court<br>– Active link to Citizen's Guide containing links to:<br>• Statement of claim, with information about the procedure<br>• How to resolve a statement of claim<br>• How to enforce a decision, showing the procedure<br>• Templates of applications:<br>✓ for issuing a divorce decision<br>✓ for issuing a decision for property division<br>✓ for issuing a decision (order) to pay off alimony<br>✓ for issuing a decision(order) to pay off debt<br>✓ for issuing a copy of the judgment<br>✓ for issuing an enforcement order |
| Business hours of the Chief Judge | Information on the court president's office hours |
| Vacancies | No information |
| Useful links | When accessed, the links refer visitors to various websites. The links have no titles. |

*Source: http://jia.justice.md/*

Although the website administration system is used, "Press Releases," "News," "Organization" and "Statistics" don't have any information. The layout of "Competence" and "Information of Public Interest" should be changed so fonts, colors and text styles are uniform. The menu "Useful Links" should have titles for the links so visitors can access the information they are interested in.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Ialoveni District Court has sufficient equipment to operate properly. Table 3 shows the type of equipment, number of items on hand and the number of items needed.

**Table 3.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Computer | 28 | 25 |
| Printers | 19 | 10 |
| PC Server | 1 | - |
| Copiers | 4 | - |
| Scanners | 1 | 2 |
| Sets of audio recording equipment | 4 | 6 |
| Fax | 2 | - |
| UPS | 20 | 9 |
| Telephones | 6 | - |
| Router / Firewall | 1 | - |
| Air conditioners | 9 | - |
| External USB for the server | 1 | - |

*Source: Ialoveni District Court*

### *Conclusions*

- When using ICMS Version 2, the employees of Ialoveni District Court face the problems of huge workloads, slow speed of ICMS, old computers and server breakdowns.
- The staff does not record hearings because of an insufficient number of courtrooms, double work, lack of training in how to use the equipment and software, an insufficient number of printers, old computers and frequent power outages.
- The last judgment posted on the website was on 01 August 2012.
- To improve its work, Ialoveni District Court needs 25 computers, 10 printers, 2 scanners, 6 sets of audio recording equipment and 9 UPS units.
- The website content management system is used, and some menus have information of public interest while others have no information.

### *Recommendations*

- Organize in-house training for new employees.
- Procure scanners and establish the practice of scanning documents from case files.
- Make enough courtrooms for all judges working at Ialoveni District Court.
- Hold all hearings in courtrooms by efficiently scheduling them.
- Use the audio recording equipment and software to record the hearings.
- Fill all menus on the website with information of public interest.
- Ensure the uniformity of fonts and colors used on the website.

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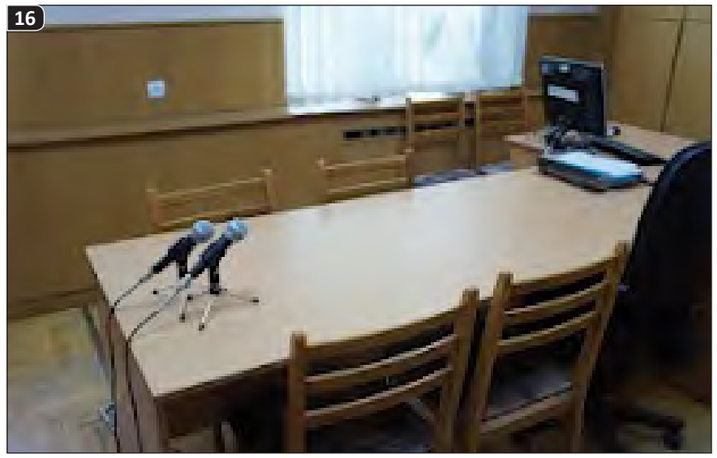


17

**Photo 16.** *Audio recording equipment in a courtroom*
**Photo 17.** *Audio recording equipment in the courtroom*

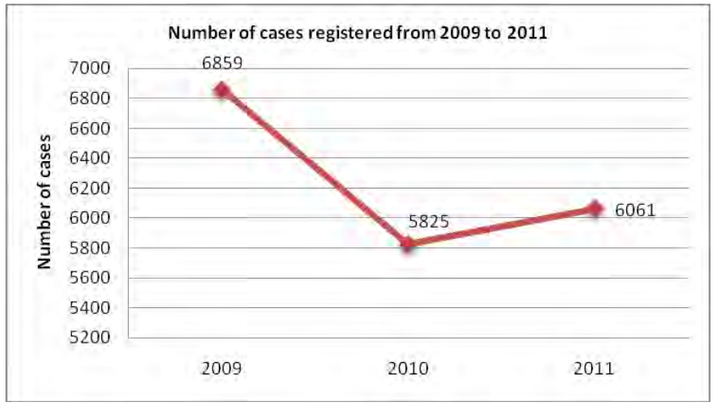
# III. WORK OF IALOVENI DISTRICT COURT

## 3.1. WORKLOAD

The workload at Ialoveni District Court from 2009 to 2011 was assessed based on the total number of cases registered, the total number of cases examined, the number examined by type of case, the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases registered decreased from 6859 in 2009 to 6061 in 2011.

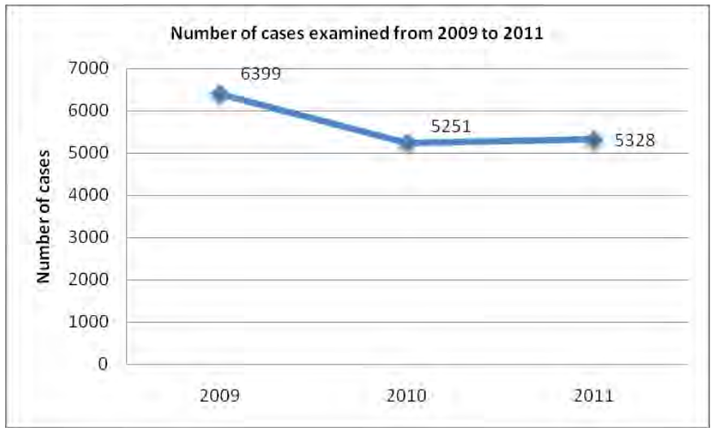
**Graph 2.** *Number of cases registered from 2009 to 2011*




*Source: DJA*

The number of cases examined decreased from 6399 in 2009 to 5328 in 2011 (Graph 3).

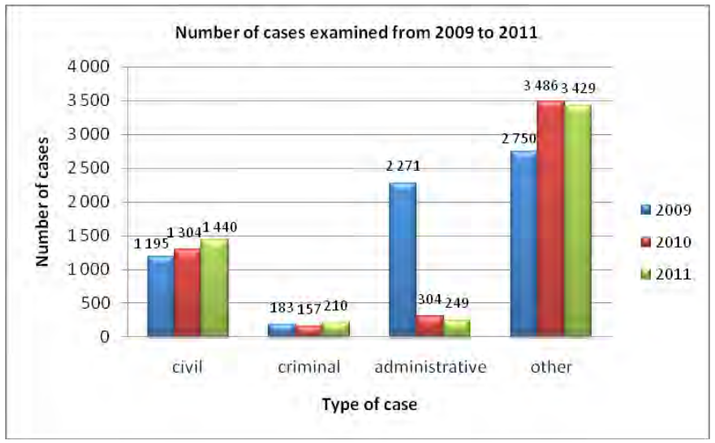
**Graph 3.** *Total number of cases examined from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, the number of civil cases examined by Ialoveni District Court increased from 1195 in 2009 to 1440 in 2011, the number of criminal cases did not change substantially and the number of administrative cases decreased from 2271 in 2009 to 249 in 2011.

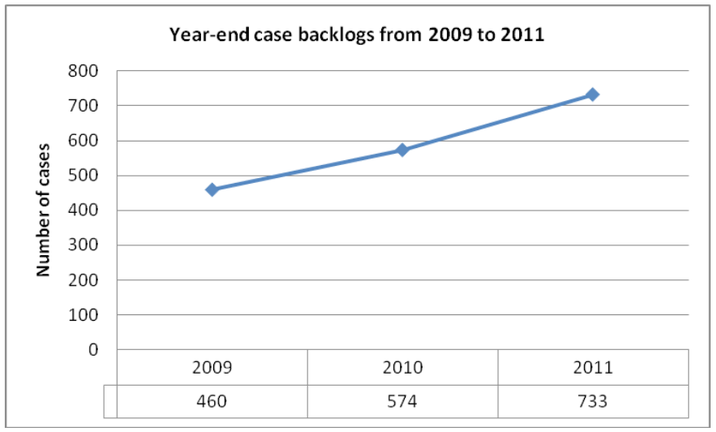
**Graph 4.** *Number of cases examined from 2009 to 2011 by type of case*




*Source: DJA*

The case backlog at the end of the year increased from 460 in 2009 to 733 in 2011 (Graph 5).

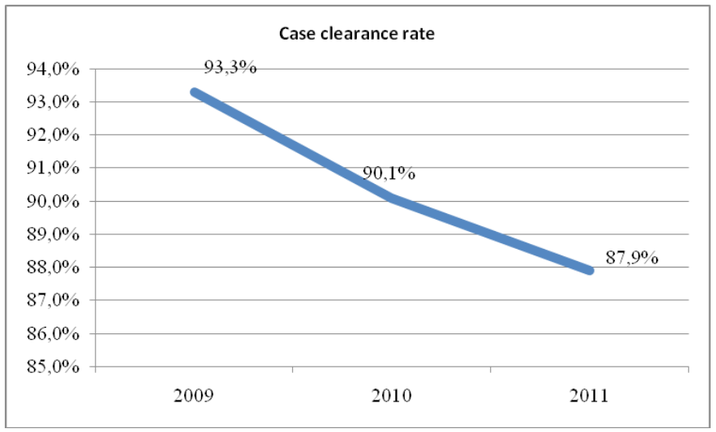
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

The case clearance rate in Ialoveni District Court decreased from 93.3% in 2009 to 87.9% in 2011 (Graph 6).

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Ialoveni District Court has a chancellery, archives, and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice and analyzing judicial statistics and perform other duties as needed for the normal run of activities.

The chancellery of Ialoveni District Court is located on the ground floor and has three offices. Access to the chancellery offices is restricted, so the public uses the information window. The chancellery specialists scan documents from case files and register case files in ICMS and on paper.

Ialoveni District Court chancellery keeps the registers in Table 4.

**Table 4.** *List of registers used by Ialoveni District Court chancellery*

| Register Category | Register Title |
|---|---|
| *General* | 1. Incoming mail<br>2. Outgoing mail |
| *Civil* | 1. Index of civil case files<br>2. Index of simplified procedures<br>3. Index of administrative review<br>4. Index of commercial civil case files<br>5. Cases received from the Court of Appeals<br>6. Cases sent to the Court of Appeals<br>7. Civil case files sent to judges<br>8. Case files under simplified procedure sent to judges<br>9. Case files under administrative review sent to judges<br>10. Enforcement procedures<br>11. Requests for revision<br>12. Applications without case files and orders received from the Ministry of Justice<br>13. Civil case files sent to the archives<br>14. Case files under simplified procedures sent to the archives<br>15. Case files under administrative review sent to the archives<br>16. Judgments sent to CRO<br>17. Action card |
| *Criminal* | 1. Criminal case files sent to judges<br>2. Index of criminal case files<br>3. Criminal case files sent to the archives<br>4. Criminal case files sent to the Court of Appeals<br>5. Enforcement of punishment for persons convicted under Article 90 of the Criminal Code<br>6. General enforcement procedures<br>7. Criminal case files sent upon request and kept in the chancellery<br>8. Presentations<br>9. Wanted persons<br>10. Physical evidence<br>11. Assets confiscated in favor of the state<br>12. Enforcement of punishments for women who have children under eight years old<br>13. Interlocutory order for criminal cases |
| *Administrative* | 1. Materials received based on articles<br>2. Motions<br>3. Judgments on changing unenforced punishment<br>4. Administrative judgments on the application of penalties, sent for enforcement<br>5. Administrative judgments on the deprivation of the right to drive a vehicle<br>6. Administrative case files sent to judges<br>7. Administrative judgments on demolishing unauthorized constructions<br>8. Index of administrative motions<br>9. Materials sent to the Court of Appeal<br>10. Index of administrative case files<br>11. Administrative motions sent to judges<br>12. Materials and complaints against extra-judiciary bodies on administrative cases |

*Source: Ialoveni District Court chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information is entered three or even four times in different records as shown in Table 5.

**Table 5.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Register of incoming mail, Index of civil case files, Register of civil case files sent to judges |
| Plaintiff's name | ICMS | Action record card | Register of incoming mail, Register of civil case files sent to judges |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil case files |
| Defendant' s contact information | ICMS | Action record card | Index of civil case files |
| Case file category | ICMS | Action record card | Register of incoming mail, Index of civil case files |
| Essence of the case | ICMS | Action record card | |
| State duty | ICMS | Action record card | |
| Circulation of the case file within the court | ICMS | Action record card | Register of civil case files sent to judges |

*Source: Ialoveni District Court chancellery specialists*

The chancellery keeps more registers than the SCM Decision requires.[3]

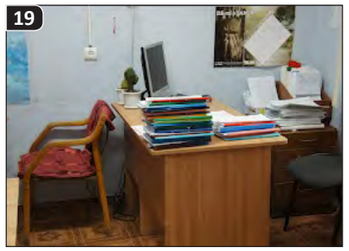
The archives of Ialoveni District Court are located on the ground floor of the building in two separate, locked rooms. The rooms are in a satisfactory condition, but they are too small. The archives are well organized and the case files are arranged on shelves by years. The most recent files are kept in the chancellery.

## *Conclusions*

- The number of cases filed at Ialoveni District Court decreased by 11.6% from 2009 to 2011.
- The number of cases examined in the court decreased by 16.7% from 2009 to 2011.
- The number of civil cases examined in the court increased by 245 cases from 2009 to 2011, the number of criminal cases increased by 27 and the number of administrative cases decreased by 2022.
- The case backlog increased by 273 from 2009 to 2011.
- The case clearance rate decreased by 5.4% from 2009 to 2011.
- There is duplication of effort because laws and instructions on secretarial work require both paper and digital registers.
- The number of registers kept by the chancellery specialists exceeds the number required in the Guidelines.

## *Recommendations*

- Consolidate the archives into a single room.
- Install a ventilation system in the archives.
- Review the internal procedures for keeping the records of the case files to make them compliant with the SCM Decision 93/7 of 2 March 2011 and to reduce the number of registers to the number specified in the Guidelines.



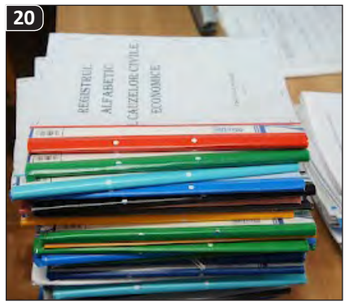


**Photo 18**. *Entry in the chancellery*
**Photo 19**. *Chancellery office*
**Photo 20**. *Registers in the chancellery*
**Photo 21**. *Case files kept in the chancellery*
**Photo 22.** *Archives*
**Photo 23.** *Archives*

[3] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

### *Assessment*

Ialoveni District Court has 6 judges and 26 regular staff.

Ialoveni District Court has no human resources specialist; those duties are performed by the court president, the head of the chancellery and the adviser to the president.

The roster does not have a position for coordinating specialist for public relations, to represent the court to the media and the public, but according to the website, a spokesperson and a coordinating specialist for public relations have been appointed.

Recruiting personnel starts with announcements on the website and on the information board. The announcement specifies the job requirements, the documents to submit and the deadline for submitting the application. When the vacancy is for a civil servant, the announcement is additionally published in the periodicals *Local Hour* (*Ora Locală*) and *Law* (*Dreptul)* and a commission is set up for selecting the candidates. Candidates take a written and a verbal test and based on the results, the court president issues the order for employment.

Ialoveni District Court has job descriptions for the positions of vice-president, adviser, consultant, head of archives, archivist, head of chancellery, court clerk, specialist, translator, driver, cleaner and courier. New employees read their job descriptions.

**Table 6.** *Staffing scheme of Ialoveni District Court*

| Nr. | Position | Current number |
|---|---|---|
| 1. | Judge | 5 |
| 2. | Investigating judge | 1 |
| 3. | Adviser to the court president | 1 |
| 4. | Chief accountant | 1 |
| 5. | Consultant | 2 |
| 7. | Head of the chancellery | 1 |
| 8. | Specialist | 4 |
| 9. | Court clerk | 6 |
| 10. | Translator | 1 |
| 11. | Coordinating specialist | 1 |
| 12. | Head of the archives | 1 |
| 13. | Head of the auxiliary service | 1 |
| 14. | Driver | 1 |
| 15. | Guardian | 3 |
| 16. | Complex maintenance worker | 1 |
| 17. | Room cleaner | 2 |
| | **TOTAL** | **32** |

*Source: Accounting office of Ialoveni District Court*

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ and in 2011, all the judges of Ialoveni District Court met the requirement of 40 annual hours of continuous training. The judges interviewed by the assessment team mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. Ialoveni District Court does not subscribe to the legislative database Moldlex. Some of the publications to which Ialoveni District Court subscribes are *Law (Dreptul), Official Gazette, SCJ Newsletter (Buletinul CSJ), Labour Law, Constitutional Justice* and *Law and Life.*

The court clerks need training in how to write the minutes of hearings, how to write enforcement titles, how to make lists of hearings and how to work with ICMS and Femida.

### *Conclusions*

- In Ialoveni District Court, human resources are managed by the court president, the adviser to the president and the head of chancellery.
- According to the information posted on the website, the court has a spokesperson and a public relations specialist.
- The court has no human resource specialist.
- The court has no internal system for training employees.

### *Recommendations*

- Recruit and train a human resource specialist.
- Include a public relations specialist in the staffing plan and train this person.
- Organize training for court staff internally so that they can solve the problems they face in carrying out their duties.

## V. SERVICES FOR THE PUBLIC

There is no information window at the entrance to Ialoveni District Courthouse; it is instead at the chancellery which is located on the ground floor of the building but not at the entrance. There are plaques on judges' doors with their names and warnings not to use mobile phones or cameras in the offices, but the warning that access is restricted is missing. There is an information board at the entrance to the building with information about the lists of cases scheduled for hearing, some of which are extracted automatically and printed from ICMS. There are no signs in the courthouse directing the public to the chancellery, the archives or the courtrooms.

Monday through Friday from 8:00 until 12:00, parties and other trial participants may request copies of documents from case files by filling out an application at the chancellery/archives. The applicant has to pay the state fee at a bank and with confirmation of payment receives the copy. Copies are issued on the same day or within a few days.

### *Conclusions*

- There is no information window for the public at the entrance to Ialoveni District Court.
- There are no signs directing the public to the chancellery, archives or courtrooms.
- There are clear signs identifying the chancellery, archives, and judges' offices.
- There is an information board for the public at the entrance to the building.

### *Recommendations*

- Install signs directing the public to the chancellery, archives and courtrooms.
- Use ICMS to generate lists of cases scheduled for trial.
- Post more information of public interest on the information board, for instance, information about the website, information about recording hearings and the rights of the parties in a trial to request a copy on a CD, news about the judiciary system, information about state fees, templates of applications, etc.

**Photo 24.** *Doorplate on a judge's office door*
**Photo 25.** *The window at the entrance in the chancellery*
**Photo 26.** *Information board*
**Photo 27.** *Doorplates on a courtroom door*
**Photo 28.** *Doorplates on chancellery's door*

## VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Ialoveni District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA which receives the ceilings for the entire judiciary from the Ministry of Justice. The ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling is set for the following two expenditure categories:

1) Current expenses (staff, others);

2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by the DJA while capital expenses are determined by each individual court after negotiations with the DJA. Other expenses are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

### 6.1. BUDGET

The budget of Ialoveni District Court is divided into six expenditure categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[4]

From 2010 (executed) to 2012 (approved), the budget of Ialoveni District Court increased from MDL 1.4 million to about MDL 2 million (Table 7).

In 2011 the court budget increased by 7% compared with 2010 due to the increases in the funds allocated for operating expenses (34%) and utilities (13%). Staff expenses increased by only 5% that year, repairs were reduced by 28%, and no funds were allocated for fixed assets.

The budget for 2012 was planned with an increase of 29% over 2011 with increases in all categories except operating expenses. The 100% increase in fixed assets was to procure a car. Allocations for repairs increased by 54% in 2012 compared with 2011. Also, with an increase of 34% was planned utilities and with 16% personnel expenses. Regarding to operational expenses, these were planned at the level of year 2011.

[4] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 7.** *Budget of Ialoveni District Court by type of expense (2010–2012)*

| Expense category/year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 1,056,796 | 1,110,073 | 5% | 1,283,000 | 16% |
| Repairs | 108,563 | 77,855 | -28% | 120,000 | 54% |
| Utilities | 77,198 | 87,557 | 13% | 117,100 | 34% |
| Fixed assets | 3,880 | 0 | -100% | 210,000 | 100% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 208,159 | 279,528 | 34% | 280,800 | 0% |
| **Total** | **1,454,596** | **1,555,013** | **7%** | **2,010,900** | **29%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court.*

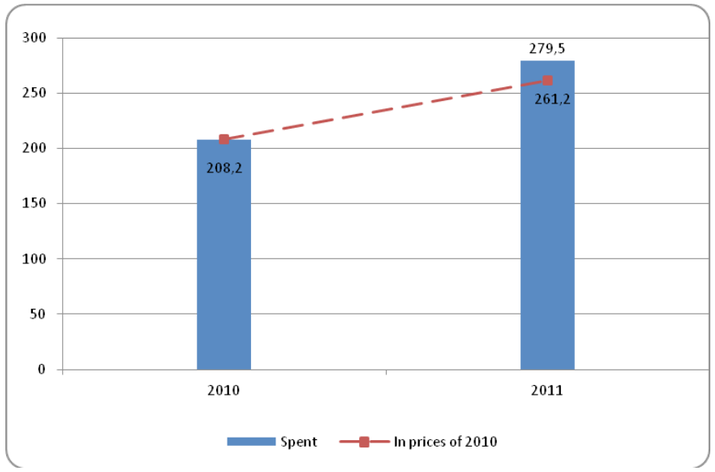
### 6.2. STAFF EXPENSES

The average value of staff expenditures for the three years was around 70%. Due to the fact that remuneration is governed by law and regulations, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

### 6.3. OPERATING EXPENSES

From 2010 to 2011 both the face value and the real value of operating expenditures increased. Their face value increased from MDL 208.2 thousand to MDL 279.5 thousand, an increase of 34%. Their face value increased by 26%, taking into account that in 2011 the inflation rate was 7%.[5] MDL 279.5 thousand in 2011 was therefore equivalent to about MDL 261.2 thousand; hence, the real value of operating expenses increased by MDL 53.1 thousand (Graph 7).

**Graph 7.** *Operating expenses for Ialoveni District Court in 2010 and 2011*



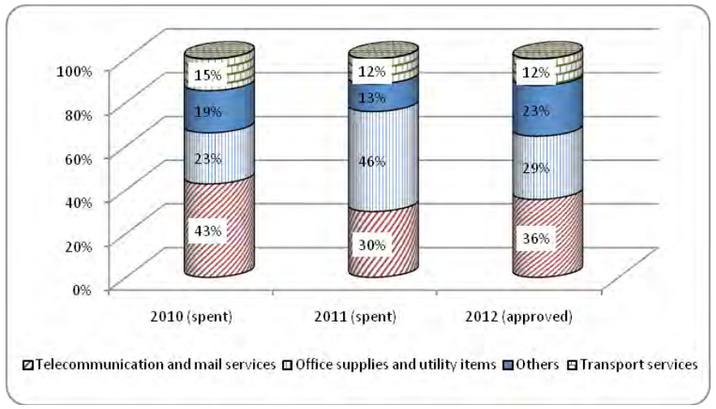

[5] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport;
- Telecommunication and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that in 2011, office supplies and utility items had the biggest share of total operating costs at 46%, a 23% increase over the previous year. Expenditures in the other two categories decreased: telecommunications and mail services decreased from 43% in 2010 to 30% in 2011, while transport expenditures decreased from 15% to 12%.

In 2012, the share of office supplies and utility items decreased by 17 percentage points (29%) while telecommunication and mail increased by 6 percentage points and transport expenses remained at the 2011 level.

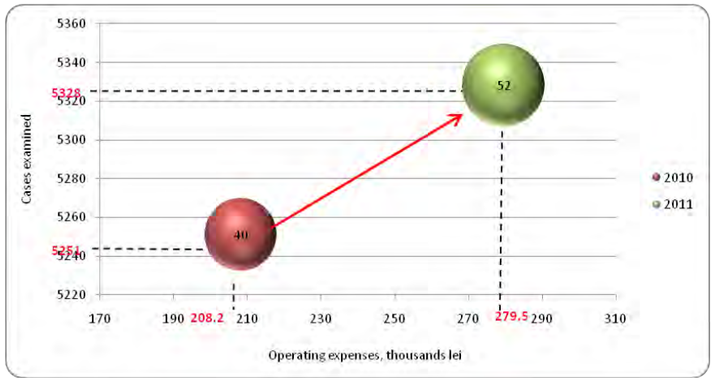
Telecommunication and mail merit attention as approximately 80% are for postage.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase in the operating expenses in 2011 compared with 2010 can be explained by a number of reasons including by the number of cases examined. In 2011 there were examined 5328 cases as compared to 5251 cases in 2010.

Comparing operating costs with the number of cases examined, in 2010 the average cost for examining a case was approximately MDL 40 while in 2011 it was MDL 52 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Ialoveni District Court in 2010 and 2011*



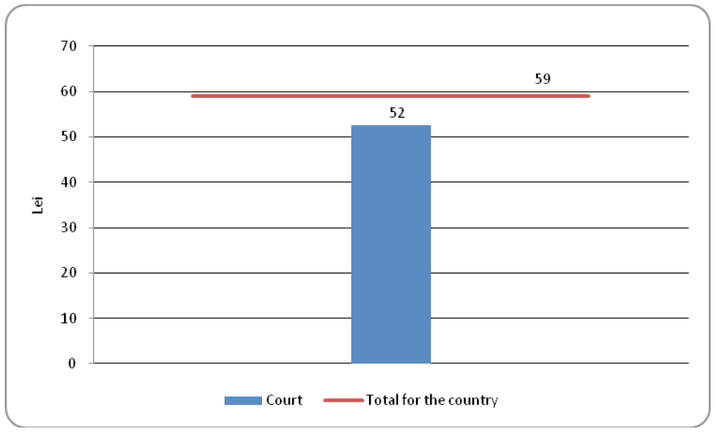

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

Although both operating expenses and the number of cases examined increased, in 2011 the average operating cost of a case increased by MDL 12. This increase can be explained by the fact that the rate of increase in operating expenses (34%) was higher than the rate of increase in the number of cases examined (1%).

## 6.6. AVERAGE OPERATING COST PER CASE IN IALOVENI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 52 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Ialoveni District Court in 2011 and the weighted average cost per case for the country as a whole*




As shown in Graph 10, in 2011 the average cost per case examined in Ialoveni District Court was lower than the weighted average cost per case for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Ialoveni District Court does its accounting manually because of a lack of funds to purchase accounting software.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the adviser to the chief judge who does not have professional qualifications in procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, both the face value and the real value of operating expenses increased.
- The average cost of examining a case in 2011 increased compared with 2010.
- In 2011 the average cost of examining a case was less than the weighted average for the country as a whole.
- Mail expenses account for a large share of total operating expenses.
- Accounting is done manually.
- All public procurements are made without a procurement specialist.
- Training in procurement is needed.

### Recommendations

- Consider purchasing accounting software and training the staff to use it.
- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Leova District Court, situated in the town of Leova, serves 54,500 inhabitants in the 39 localities that are part of Leova District according to Moldovan Law No. 764 of 27 December 2001.

According to its staffing plan, the court has 3 ordinary judges and 1 investigating judge. Its office also employs other 20,5 staff units. There is no human resource specialist. Those duties are instead performed by the court president and the adviser to the court president. The job of public relations specialist is combined with the position of court clerk.

Staff expenditures follow an upward trend. The court does all its public procurements without a procurements specialist. In 2011 both the face value and the real value of the allocations for operating expenditures increased. In 2011 the average operating cost for examining a case increased compared with the previous year and was higher than the weighted average cost of a case examined for the country as a whole (see the detailed analysis in Chapter VI).

Leova District Court covers 1439.8 sq. meters on 2 levels and a basement. The building is in very good condition; its exterior, water supply and sewerage systems and power system have been renovated. The court plans to install bars on the windows on the first level and a fence around the courthouse lot.

The staff of Leova District Court uses ICMS Version 2 which was installed in 2009, but they mentioned that there are issues with it including an uneven distribution of case files and slow speed.

# LEOVA DISTRICT COURT

*22, Unirii Str., Leova town*

*Date of visit: 1 June 2012*

The staff does not make audio recordings of hearings held in the two courtrooms where recording equipment is installed. The reason for not using it is lack of training for court clerks. During the visit for documentation, it was mentioned that since there are four courtrooms for four judges, all hearings are held in courtrooms. Turnover of court clerks, lack of training and legal requirements for written minutes in addition to recordings (overlapping) are among the reasons that not all hearings are recorded.

Specialists at Leova District Court continue to keep a considerable number of registers, although amendments to the Guidelines have reduced the number required.

The total number of cases filed at Leova District Court from 2009 to 2011 decreased by 407, while the number of cases examined decreased by 505 with a case clearance rate of 92.1% in 2011.

The court has an information board for the public and office doors have doorplates showing judges' names, but there are no warnings that entry to the offices is not allowed.

Leova District Court regularly updates its web page and all menus have information of public interest; however, sometimes the title of the menu does not match its content.

# I. INFRASTRUCTURE

## *1.1. ASSESSMENT*

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 1 | The exterior has been fully restored as part of the 2010 renovations. The building was strengthened. |
| Water supply | 1 | The water supply is sufficient. The court is connected to the centralized water supply system. The pipes in the basement have been replaced. |
| Power supply | 2 | The power system has been renovated. No issues have been reported. |
| Sewerage system | 1 | The sewerage system was renovated. |
| Heating system | 2 | The heating system is based on gas. Pipes and radiators are old; only pipes in the basement have been renovated. The boilers are 10 years old. No issues have been reported; however there are plans to replace the radiators. |
| Firefighting system | - | None. |
| Roofing | 4 | The roof structure has cracks. There are plans to repair it. |
| Interior | 1 | The interior of the courthouse has been fully renovated. The results are excellent and attractive. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

**Photo 1.** *Courthouse exterior*
**Photo 2.** *Courthouse exterior*
**Photo 3.** *Public room*
**Photo 4.** *Courtroom*
**Photo 5.** *Archives*

## 1.2. CURRENT CONDITION

The assessment focused on a comparative analysis of the physical and operational condition of Leova District Court in May 2012.

The courthouse has two floors and a basement with a total area of 1439.8 sq. meters. There are 15 offices, 2 public rooms and 4 courtrooms.

Leova District Court benefits from the services of the judicial police during the day and has 3 night guards on staff. There are plans to install an alarm system and video cameras.

In 2007, the building was in poor condition. The interior finishing on the ground floor was dilapidated, particularly the flooring which was heavily damaged in some places. The courtroom on this floor also required renovation. The windows, doors and doorframes were made of wood and in an unsatisfactory condition. The light fixtures and wall sockets throughout the building were in very poor condition and required replacement. Restrooms on this floor required renovation. Rooms on the second floor were in a similar condition and required repairs.

Presently the building is in good condition since the first and second floors have undergone capital repairs. No repairs have been conducted in the basement.

The water supply and sewerage systems have been renovated and are in very good condition. The power system is in good condition having been totally renovated. The archives are efficiently laid out in one room on the first floor that was designed specifically for them. A ventilation system has been installed. The security of the archives is ensured by a sound door. The court clerk has been transferred to a bigger office closer to the entrance. The office of the chief of the chancellery is opposite the courthouse entrance. An office on the ground floor that was earlier occupied by a judge has been freed up and transformed into an office for the court clerk.

The functional area of Leova District Court is appropriate for the work of a court of law. There is a separate entrance and separate space for detainees consisting of three cells. The courthouse has four courtrooms shared by four judges.

Leova District Court has a renovation project that includes repairing the roof, basement and garage. There are plans to install bars on the windows on the first floor and a fence around the court lot.

The interior of the ground floor is in very good condition. All spaces have been renovated, including the archive space. The ceiling and flooring have been changed in the offices, and the walls have been painted. The doors and windows have been changed. On the ground floor, there are two restrooms, both in good condition after a full renovation.

On the second floor, the walls, ceiling, flooring, windows and interior doors have been renovated. New tiling has been installed, walls have been painted and ceilings have been suspended in the court offices and the halls. Furniture has been bought and new light fixtures installed. The courtrooms have been renovated and new furniture installed. The server was installed in a deliberation room that has air conditioning. Natural lightning is good, and all windows on this floor are in sound condition. The offices of judges and of other employees are also in good shape. The staff restroom is in a good state as well.

The heating system is sound. The basement pipes have been renovated, and there are plans to replace radiators. The boilers are 10 years old and in good condition.

Leova District Court has no alarm system. Security during the daytime is ensured by the judiciary police and during the night by the staff guards.

The light fixtures have been replaced as part of the repair works in 2010.

There are neither firefighting systems nor emergency lights.

The 2009 Infrastructure Assessment Report listed six priorities for capital repairs, all of which have been implemented. The windows have been renovated and the repairs on the façade have been finalized. The electrical network and the water supply and sewerage system have been renewed. Bailiffs have been transferred and the space they occupied has been reconfigured. An air conditioning system has been installed in the server room.

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2009 | Implementation stage in 2012 |
|---|---|
| Replace windows and finalize repair of the building façade. | Done |
| Renew the electrical network, electrical cables and light fixtures. | Done |
| Transfer bailiffs to a proper building. | Done |
| Reconfigure the space and renovate the interior, particularly the courtrooms. | Done |
| Repair the sewerage and water supply pipes. | Done |
| Install an air conditioning system in the LAN server room. | Done |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of capital repair priorities in 2012*

### Conclusions

- From 2009 to 2012, Leova District Court was extensively renovated.
- The work followed the recommendations and priorities indicated in the 2009 Infrastructure Assessment Report.
- Taking into account the priorities for repair identified in 2009, 100% of the recommendations have been fulfilled.

### Recommendations

- Install a fire alarm fighting system.
- Install door plaques with warnings that entry into the judges' offices is not allowed.
- Install door plaques with warnings that court hearings are audio recorded.

**Photo 6.** *Space for litigants*
**Photo 7.** *Hall (2nd floor)*
**Photo 8.** *Booth for the court guards*

# II. COURT AUTOMATION

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Leova District Court has used ICMS Version 2 since 2009, but the staff mentioned that there are issues with it including an uneven distribution of case files and slow speed.

After case files are registered, the clerical staff scans the civil and administrative cases in full but scans only the indictments in criminal case files.

The court has no information technology specialist on staff; all technical issues are addressed to CST.

According to the staff, CTS solves problems but only after delays; they wish CTS were more prompt. They have also mentioned the high cost of the CTS services. Thus, the general satisfaction of Leova staff with services provided by CTS in 2012 can be rated a 4 out of 5.

**Table 2.** *Suggestions for modifying ICMS for Leova District Court*

| No. | Suggestions for ICMS modification |
|---|---|
| 1. | Increase information processing speed. |
| 2. | Modify the "Court president" user rights to secure his unlimited access and do the same for the "Manager." |

*Source: President of Leova District Court*

## 2.2. AUDIO RECORDING SYSTEM

Leova District Court has four courtrooms two of which have audio recording equipment and software installed. Hearings are not, however, audio recorded because court clerks have not been trained to use the equipment. All hearings are held in courtrooms.

There have been no requests for audio recordings of court hearings. Since 2009, there have been no requests for CDs with recordings of hearings.

There are no signs on the courtrooms stating that court hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings,[2] the reason for recording court hearings is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. Since hearings are not recorded at Leova District Court, court clerks do not use them to ensure the completeness and accuracy of their written minutes.

The issues the employees of Leova District Court face relate to lack of training on the use of the audio recording equipment and the high turnover of court clerks, legislation requiring duplication of effort - written minutes and audio records.

[2] *SCM Regulation on digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

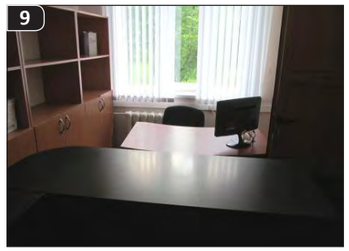


**Photo 9.** *Office of the head of the chancellery*
**Photo 10.** *Office of the court clerk*

**Photo 11.** *Courtroom*
**Photo 12.** *Courtroom*
**Photo 13.** *Inscription on a courtroom door*

## 2.3. WEB PAGE OF LEOVA DISTRICT COURT

Leova District Court has a web page on which it posts information for the public; it is updated by the adviser to the court president as needed.

Table 3 shows the menus and their contents on the web page.

**Table 3.** *Content of the web page of Leova District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the Court president | – Announcement about the launch of the web page of Leova District Court |
| Jurisdiction | – Competences<br>– Localities under the jurisdiction of Leova District Court |
| Regulatory Framework | – Basic regulatory documents on court activities |
| Public Relations Service | – Full name of the public relations specialist and court contact data<br>– Active link to court regulations |
| Press Releases | – No information |
| News | – Active link to the "*Vacancies*" section which contains no information |
| Archive | – General information about the archive; schedule for receiving requests and issuing documents<br>– Active link to the "*Useful Links*" section which contains no information |
| Organization | – A file with the court's organizational chart |
| List of Hearings | Information extracted automatically from ICMS |
| List of Case Files | Information extracted automatically from ICMS |
| Database of Judgments | Information extracted automatically from ICMS<br>**The last decision was posted on July 16, 2012** |
| Statistical Data | – Statistical data on cases examined during 2009 |
| Information of Public Interest | – No information |

*Source: http://jlv.justice.md/*

Table 3 shows that not all menus have information of public interest about the work of the court. Sometimes, the title of the menu does not match its content. For instance, the section "*Message of the Court President*" actually does not contain the message of the court president; instead, it displays information about the opening of the court's web page which should have been posted in the *"News*" section. In the "*News*" section there is an active link that directs visitors to the "*Vacancies*" section which in turn contains no information. In the "*Archive*" menu there is an active link directing visitors to "*Useful Links*" which contains no information. In "*Jurisdiction,"* the table showing the localities should be reformatted. The information in "*Statistical Data*" has not been updated.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Leova District Court seems to have sufficient equipment to carry out its activities. Table 4 shows the type of equipment, the number of items existing and the number of items needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Server | 1 | - |
| Computers | 18 (only 17 work) | 3 |
| Printers | 16 (only 15 work) | 3 |
| Scanners | 2 | 1 |
| Fax | 3 | - |
| Audio recording sets | 2 | 2 |
| UPS | 4 | 13 |

*Source: Leova District Court*

### Conclusions

- When using ICMS Version 2, the staff of Leova District Court faces the problems of uneven case assignments and insufficient knowledge of its options.
- The staff of Leova District Court does not use the audio recording system during court hearings.
- To improve the work of Leova District Court, the following equipment is necessary: 3 computers, 3 printers, 1 scanner, audio recording sets and 13 UPS units.
- Leova District Court uses the web page content management system. Menus are partially completed with information of public interest about court activities. Sometimes the title of the menu does not match its content.

### Recommendations

- Use the audio recording system.
- Carry out internal training for court clerks to use ICMS and the audio recording system.
- Supplement the web page with information of public interest.
- Ensure the uniformity of the font and colors used on the web page
- Arrange the information on the web page according to the menu titles.

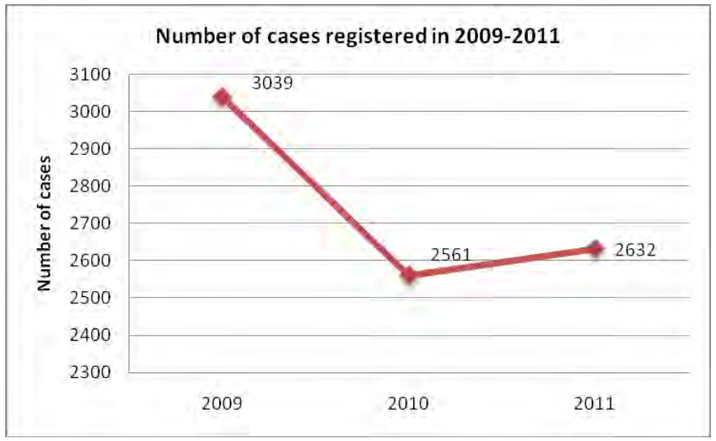
# III. WORK OF LEOVA DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The workload at Leova District Court from 2009 to 2011 was assessed based on the total number of cases registered, the total number of cases examined, the number examined by type of case, the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases filed at Leova District Court decreased from 3039 in 2009 to 2632 in 2011.

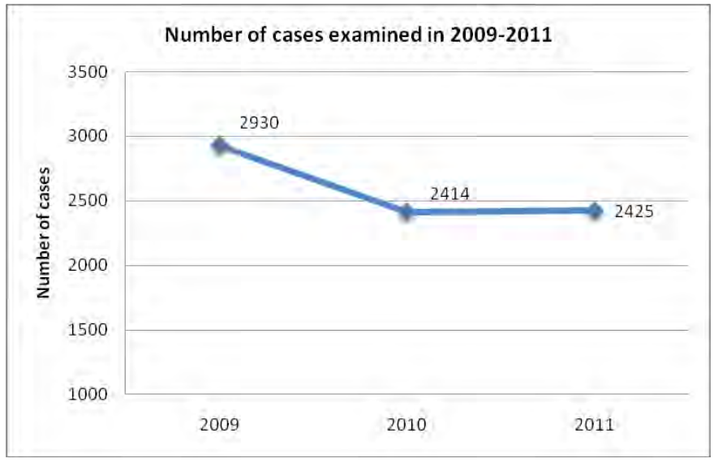
**Graph 2.** *Number of cases registered at Leova District Court from 2009 to 2011*




*Source: DJA*

Graph 3 shows that the number of cases examined decreased from 2930 in 2009 to 2425 in 2011

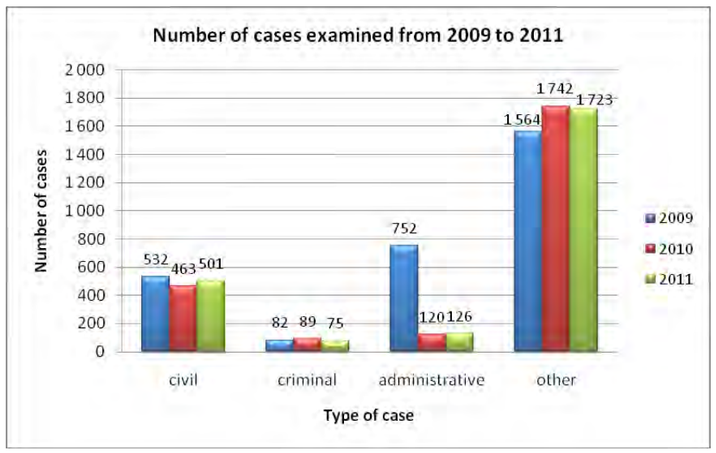
**Graph 3.** *Total number of cases examined at Leova District Court from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, from 2009 to 2011 the number of civil cases examined in Leova District Court decreased from 532 to 501, the number of criminal cases examined did not change significantly and the number of administrative cases decreased from 752 to 126.

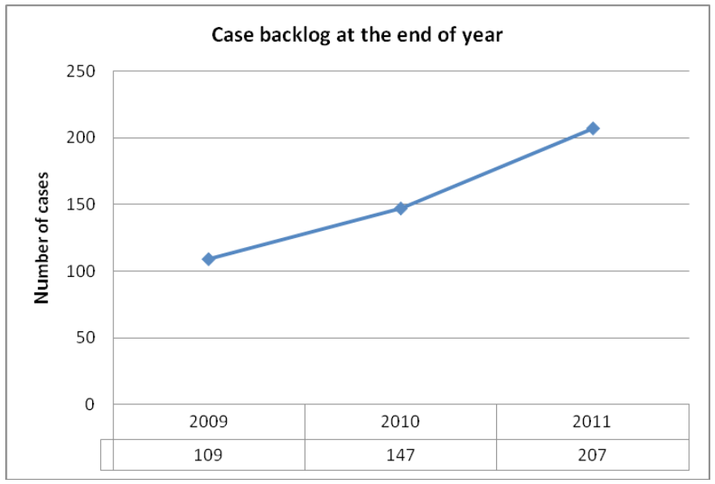
**Graph 4.** *Number of cases examined at Leova District Court from 2009 to 2011by type of case*




*Source: DJA*

The analysis of the case backlog at Leova District Court showed an increase from 109 in 2009 to 207 in 2011 (Graph 5).

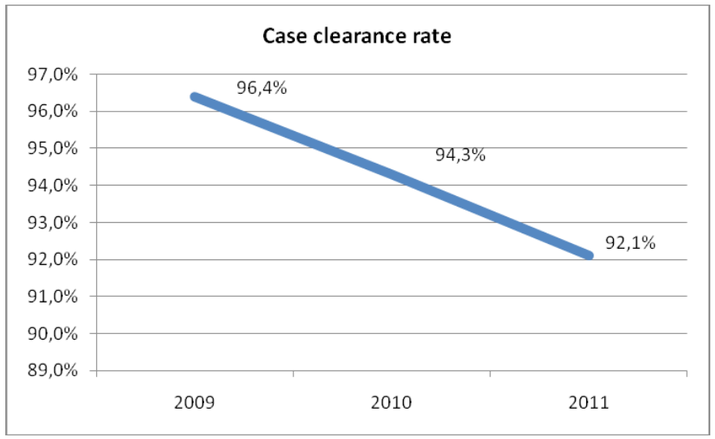
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Leova District Court decreased from 96.4% in 2009 to 92.1% in 2011

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Leova District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice and analyzing judicial statistics and perform other duties as needed for the normal run of activities.

The chancellery is located on the ground floor close to the entrance. Its staff includes two specialists responsible for scanning documents from case files and registering cases in ICMS and on paper. The chancellery maintains the registers listed in Table 5.

**Table 5.** *List of registers used by Leova District Court chancellery*

| Register Category | Register title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Envelope letters<br>4. Literature received by the court<br>5. Case files sent to the Court of Appeals, Supreme Court of Justice and prosecutor's office<br>6. Approval of forced hospitalization and treatment and psychiatric examination or hospitalization at in-patient psychiatry unit<br>7. Requests for legal assistance for submitting documents to foreign courts (delegation for compulsory legal assistance) |
| ***Civil*** | 1. Index of civil case files<br>2. Record card |
| ***Criminal*** | 1. Index of criminal case files<br>2. Arrest warrants<br>3. Requests for extension of the term of arrest<br>4. Provisional release of a detained person under judicial control<br>5. Complaints against actions of criminal investigation bodies and bodies exercising operative investigative activities<br>6. Physical evidence<br>7. Persons put on the wanted list<br>8. Enforcement of court judgments<br>9. Record card |
| ***Administrative*** | 1. Index of administrative case files<br>2. Complaints against decisions of extra-judiciary bodies on administrative cases |

*Source: Leova District Court chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may be entered three or four times in various records.

**Table 6.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Register of incoming mail, Index |
| Plaintiff's name | ICMS | Action record card | |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index |
| Defendant's contact information | ICMS | Action record card | Index |
| Case file category | ICMS | Action record card | Index |
| State duty | ICMS | Action record card | |
| Circulation of the case file within the court | ICMS | Action record card | Register of case transfer |
| Essence of the case | ICMS | Action record card | |

*Source: Leova District Court chancellery specialists*

Judging by the list of registers presented to the assessment team, it may be concluded that the staff of Leova District Court has followed the amendments to the Guidelines,[3] particularly in terms of registration of civil and administrative cases. The list of general registers and criminal case file registers still needs to be revised.

The archives of the Leova District Court are located on the ground floor and are well laid out in one room, but there is no signage to guide visitors. The space for keeping case files is of sufficient size and temperature. The files are kept in good order. The technical condition of the room is good, and it has a ventilation system. Physical evidence is kept in a separate place.

### Conclusions

- The number of cases filed at Leova District Court decreased by 13.4% from 2009 to 2011.
- The number of cases examined decreased by 17.2 % from 2009 to 2011.
- The number of civil cases examined from 2009 to 2011 decreased by 31, the number of criminal cases decreased by 7 and the number of administrative cases decreased by 626.
- The case backlog increased by 98 from 2009 to 2011.
- The case clearance rate decreased by 4.3% from 2009 to 2011.
- There is duplication of effort because laws and instructions on secretarial work require both paper and digital registers.

### Recommendations

- Review internal procedures for record keeping to avoid duplicating information.
- Review internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.

[3] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

Leova District Court has 4 judges (according to the approved staffing plan). Its office also employs other 20,5 staff units.

The court staffing plan does not include the position of human resource specialist; in practice, those duties are performed by the court president and the adviser to the court president. Before this position was introduced, human resources used to be managed by the court president and the head of the chancellery.

Leova District Court has a public relations specialist who currently combines this position with that of a court clerk. In fact, the duties of the public relations specialist are carried out by the adviser to the court president who is responsible for making information of public interest available promptly; for displaying information about case files pending examination on the information board; for managing the court's website; for preparing information on court activities for publication and securing the publication thereof in the media, both upon the request of the press and on his/her own initiative and for performing other job-related duties.

Court employees are either civil servants or technical staff. Civil servants include the adviser to the court president, court clerks, translators, consultants and the accountant. Technical staff includes cleaners, workers, drivers, etc. Vacancies are posted on the court's information board and on its website. To fill vacant civil servant positions, a commission is created consisting of three judges and a secretary. Applicants must pass a verbal and a written test consisting of a number of questions; they have 30 minutes to prepare their answers. Afterwards, a meeting is held and minutes are drafted and based on the final scores a decision is made on who to hire. The court president issues the employment order.

Leova District Court has job descriptions for the positions of adviser to the court president, chief accountant, managing specialist, head of the chancellery, court clerk, head of archives, court clerk, and translator.

**Table 7.** *Staffing scheme of Leova District Court*

| No. | Position | Current number | Vacancies |
|---|---|---|---|
| 1. | Judge | 3 | - |
| 2. | Investigating judge | 1 | - |
| 3. | Adviser to the court president | 1 | - |
| 4. | Chief accountant | 1 | - |
| 5. | Consultant | 1 | - |
| 6. | Head of the chancellery | 1 | - |
| 7. | Specialist | 1 | - |
| 8. | Court clerk | 4 | - |
| 9. | Translator | 1 | 1 |
| 10. | Managing specialist | 1 | - |
| 11. | Head of Archives | 1 | - |
| 12. | Chief of the auxiliary service | 1 | - |
| 13. | Driver | 1 | - |
| 14. | Cleaner | 2.5 | - |
| 15. | Courier | 0,5 | - |
| 16. | Guard | 3 | - |
| 17. | Boiler room operator | 0.5 | - |
| | **TOTAL** | **24.5** | **1** |

*Source: Accounting office of Leova District Court*

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

**Judicial Training**

Judges are trained by NIJ, and in 2011 all judges of Leova District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. The court does not subscribe to any private legislative databases. For legal research and reference, the judges use the free legislative database on the Ministry of Justice's web page. Some of the publications to which Leova District Court subscribes are the *Official Gazette, Buletinul CSJ (SCJ Newsletter); Contabilitate si Audit (Accounting and Auditing); Legea si Viata (Law and Life); Institutul National de Justitie (National Institute of Justice); Revista Nationala de Drept (National Law Magazine); Themis si Justitie Constitutionala (Themes and Constitutional Justice)*.

Court staff other than judges did, however, mention that the last time they were trained by NIJ was two years ago, and the court has not conducted any in-house training for them. Training for court clerks relates to preparing minutes of court hearings and enforcement orders, operating ICMS and Femida and the conduct and ethics of civil servants.

### *Conclusions*

- Leova District Court has no human resource specialist.
- Human resource management is carried out by the court president and the adviser to the court president.
- The court has a public relations specialist who also holds the position of court clerk. The duties of the public relation specialist are carried out by the adviser to the court president.
- There is no system for internal staff training.

### *Recommendations*

- Employ a human resource specialist and train him/her.
- Train the public relations specialist.
- Organize internal training for the court staff so they can solve the problems they face in carrying out their duties.

## V. SERVICES FOR THE PUBLIC

The Chancellery of Leova District Court is situated on the ground floor next to the courthouse entrance. The workstation of the public relations specialist (who is also a court clerk) is in the chancellery. The office of the adviser to the court president who actually carries out the duties of the public relations specialist is also located on the ground floor. At the entrance to the court, there is no signage guiding visitors to the office of the public relations specialist, the chancellery or the court archives. There are no door plaques warning that access to the judges' offices is not allowed.

The building has a board at the entrance with the following information:

- List of cases scheduled for trial that is not printed automatically from ICMS but prepared manually in Word
- Poster about mediation.

During the week, parties and other trial participants may request copies of judgments by filling out an application at the chancellery. The application is then forwarded by the court clerks to the court president for approval. If the application is approved, the applicant pays the state fee for the copy. With confirmation of payment, the applicant may pick up a copy of the judgment at the archivist's office. For applicants who come long distances, the copies are issued on the same day. For other categories of persons, the average time is three days.

### *Conclusions*

- There are no clear signs showing the way to the office of the public relations specialist, chancellery or archives.
- The information board for the public at the entrance does not contain sufficient information to help visitors orient themselves.
- The chancellery of Leova District Court is situated on the ground floor of the building close to the entrance; however there is no one-stop-shop for information and filling out/receiving documents.
- The procedure for getting copies of judgments requires the approval of the court president who has to make time to examine, approve or reject applications.

### *Recommendations*

- Install clear signs showing the way to the office of the public relations specialist, the chancellery and the archives.
- Simplify the procedure for getting copies of judgments by sparing the court president the obligation to approve applications and by training the chancellery specialists correspondingly.
- Use the ICMS module automatically generating the list of hearings.
- Post more comprehensive information of public interest on the information board such as the working hours of the court, an announcement about the launch of the court website, information about the right of parties involved in a case to request the audio recordings of hearings and CDs with copies of the recordings, news about the judicial system, information about the state fee, samples of applications, etc.

**Photo 14.** *Board with the list of hearings*
**Photo 15.** *Information board about mediation*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Leova District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA which receives the ceilings for the entire judiciary from the Ministry of Justice. The ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling is set for the following two expenditure categories:

1) Current expenses (staff, others);

2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by the DJA while capital expenses are determined by each individual court after negotiations with the DJA. Other expenses are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET (basic component)

The budget of Leova District Court is divided into six categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[4]

From 2010 (spent) to 2012 (approved), the budget of Leova District Court has fluctuated. It increased by 37% in 2011 compared with 2010, but a 53% decrease was planned for 2012 (Table 8).

These fluctuations are explained by the fact that in 2010 and 2011 the court received funds for capital repairs, and in 2011 the court purchased a car. In 2012 the court did not budget for these expenses: capital repairs are complete and it did not plan to purchase more fixed assets. Expenditures on utilities and operating expenses have also varied. In 2011, utilities increased by 6% compared with 2010 but in 2012 the court planned for a 141% increase. Operating expenses in 2011 increased by 192% compared with 2010 while in 2012 allocations decreased by 22%.

[4] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Leova District Court by type of expense (2010-2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 747,964 | 736,130 | -2% | 899,900 | 22% |
| Repairs | 1,174,458 | 1,449,589 | 23% | 0 | -100% |
| Utilities | 77,999 | 82,999 | 6% | 200,200 | 141% |
| Fixed assets | 15,036 | 299,993 | 1895% | 0 | -100% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 122,812 | 358,173 | 192% | 278,000 | -22% |
| **Total** | **2,138,269** | **2,926,884** | **37%** | **1,378,100** | **-53%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

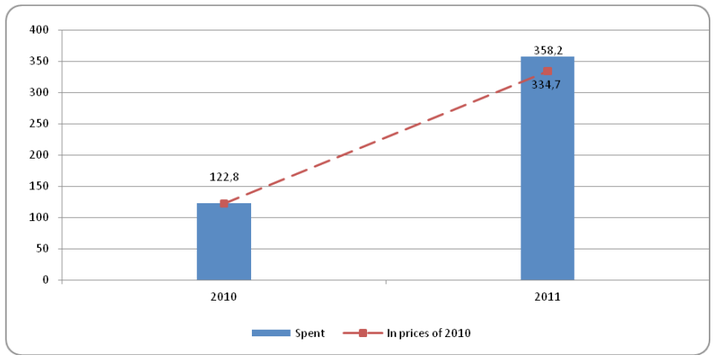
## 6.2. STAFF EXPENSES

Staff expenses represent approximately 60% of the total budget having increased compared with the previous year. Due to the fact that remuneration is governed by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

In 2010 and 2011 both the face value and the real value of operating expenditures increased. Their face value grew from MDL 122.8 thousand to MDL 358.2 thousand, a twofold increase. Their real value increased by approximately 173%, which is also an impressive figure taking into account that in 2011 the inflation rate was 7%.[5] MDL 358.2 thousand in 2011 was therefore equivalent to 334.7 thousand in 2010; hence, the real value of operating expenses increased by approximately MDL 212 thousand.

**Graph 7.** *Operating expenses for Leova District Court in 2010 and 2011*



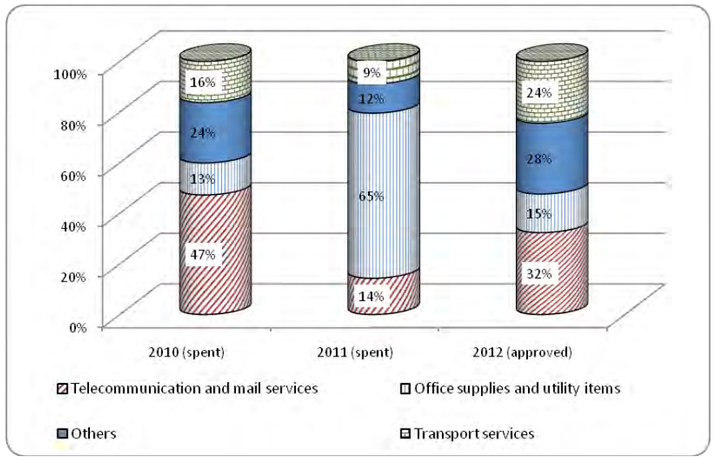

[5] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*



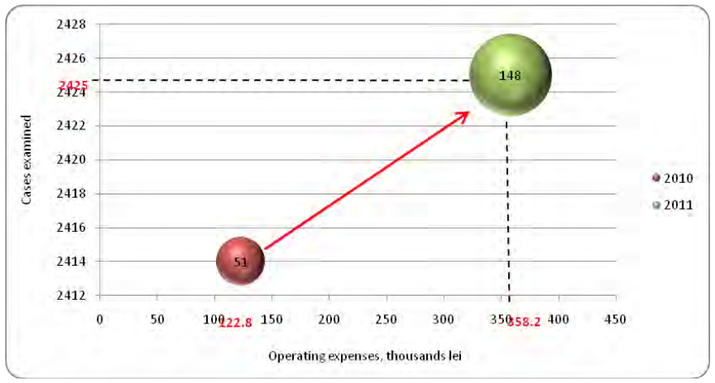

Graph 8 shows that in 2011 the share of expenses for office supplies and utility items increased significantly from 13% in 2010 to 65% of the total. It is this category that underlies the increase in the operating expenses mentioned previously. In 2012 these allocations account for only 15% of the total. Expenditures for transport and telecommunications decreased from 2010 to 2011, but allocations for both categories increased in 2012.

Expenses for telecommunications and mail merit attention because approximately 70% are for stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase of operating expenses in 2011 compared with 2010 was not due to an increase in the number of cases examined as it grew by only 11 cases. Comparing the operating expenses with the number of cases examined, in 2010 the average cost for examining a case was approximately MDL 51 while in 2011 it was MDL 148 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Leova District Court*



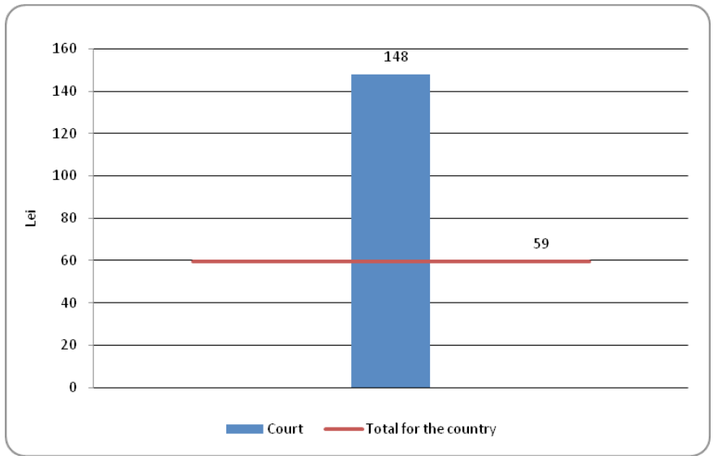

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The growth of the average cost of a case examined can be explained by a rapid increase in operating expenses over 2010.

## 6.6. AVERAGE OPERATING COST PER CASE IN LEOVA DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 148 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Leova District Court and the weighted average cost per case for the country*




As shown in the Graph 10, in 2011 the average cost per case examined in Leova District Court was higher than the weighted average cost per case for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Leova District Court does its accounting manually. Because of a lack of financial resources the court has not purchased any software for electronic record keeping.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the chief accountant who does not have professional qualifications in public procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, the real value of the budget of Leova District Court, including the funds for operating expenses, increased.
- In 2011, Leova District Court examined almost the same number of cases as in 2010, but its operating expenses increased considerably. This indicates that there is no direct correlation between operating expenses and the number of cases examined.
- In 2011, the average operating cost for examining a case increased compared with 2010 year.
- In 2011, the average operating cost for examining a case was higher than the weighted average cost of a case examined for the country as a whole.
- Mail expenses account for a large share of total operating expenses.
- Accounting is done manually due to lack of accounting software.
- All public procurements are made without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing accounting software for automatic accounting records keeping and training the staff to use it.
- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Nisporeni District Court, situated in the town of Nisporeni, serves 60,722 inhabitants in the 39 localities that are part of Nisporeni District according to Law No. 764 of 27 December 2001 on the Administrative-territorial Organization of the Republic of Moldova.

According to its staff roster, the court has 4 judges and 1 investigating judge. Its office also employs other 21 persons. The court has no human resource management specialist. Those duties are instead performed by the court president and the head of the chancellery. The court also does not have a public relations specialist.

Staff expenditures follow an upward trend. The court does all its public procurements without a procurements specialist. In 2011 both the face value and the real value of the allocations for operating expenditures decreased. In 2011 the average operating cost for examining a case decreased compared with the previous year but was higher than the weighted average cost of a case examined for the country as a whole (see the detailed analysis in Chapter VI).

Nisporeni District Court was built in 1974. It is located next to the police station close to the town center—an appropriate location for easy public access.

Nisporeni District Court has two floors and a basement. Its total surface area is 962 sq. meters. It was designed to be a courthouse. The courthouse is in satisfactory condition, although its exterior and roofing were repaired long ago and the electrical system, the heating system, the sewerage system and the room for the archives have been only partially repaired.

The staff of Nisporeni District Court uses ICMS Version 3 which was installed in 2011, but they mentioned that there are issues with it including an uneven distribution of case files, the failure to assign cases to the investigating judge and insufficient knowledge of the new options in Version 3.

# NISPORENI DISTRICT COURT

*5, Ion Voda Str., town of Nisporeni*

*Date of visit: 29 May 2012*

Lack of rooms for detainees and rapid staff turnover are the most acute problems of the court. Currently it employs 16 persons who also work in other places. The court accepts this situation because otherwise those employees would leave their jobs.

The staff makes audio recordings of all hearings held in the three courtrooms where recording equipment is installed. Since there are four courtrooms for five judges, not all hearings are held in courtrooms; some of them are held in judges' offices and, hence, are not recorded. Turnover of court clerks, lack of training and legal requirements for written minutes in addition to recordings (duplication of effort) are among the other reasons that not all hearings are recorded.

Specialists at Nisporeni District Court continue to keep a large number of registers even though amendments to the Guidelines have reduced the number required.

The total number of cases registered at Nisporeni District Court from 2009 to 2011 decreased by 495 while the number of cases examined decreased by 530 with a case clearance rate of 92.1% in 2011.

The court has an information board for the public and office doors with plaques showing judges' names; however, they do not state that the public is not admitted.

Nisporeni District Court regularly updates its web page and all menus have information of public interest. Nonetheless, some menus lack information or their titles do not match their contents.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 4 | The exterior walls are made of stone, are plastered and are in unsatisfactory condition. The exterior has not been renovated due to lack of funds. |
| Water supply | 2 | The water supply is central, uninterrupted and has acceptable pressure. |
| Power supply | 2 | The electrical system is good. |
| Sewerage system | 2 | The sewerage system is centralized and connected to the underground system of the town. In 2011 the whole sewerage system was replaced. The pipes were replaced almost completely except for a few places where it was impossible because it would have required a complete overhaul of rooms. |
| Heating system | 2 | The heating system is autonomous based on gas. In 2006 the court installed a new system with two boilers. |
| Firefighting system | 2 | It was installed in 2007. There are fire extinguishers throughout the building. |
| Roof | 4 | The roof is wood covered with corrugated asbestos board. It was repaired in 1991. Now there are signs of leaks through cracks around the seams of the asbestos boards. |
| Interior | 1 | The offices are in very good condition. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

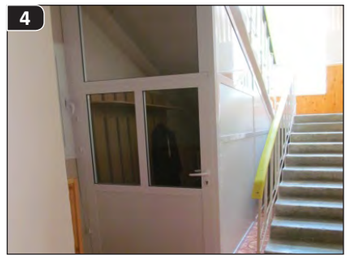


**Photo 1.** *The exterior of Nisporeni District Court*
**Photo 2.** *Entrance stairs*
**Photo 3.** *Interior stairs*
**Photo 4.** *Cloakroom for lawyers*
**Photo 5.** *Public restroom*
**Photo 6.** *Exterior*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational condition of Nisporeni District Court in May 2012.

Nisporeni District Court is a two-storey building with a basement, 20 offices, 2 public areas and 4 courtrooms with a total area of 962 sq. meters.

Since 2007, security has been provided by the national guard which installed fire alarms and burglar alarms in the courthouse.

Nisporeni District Court has centralized sewerage and water systems that were partially renovated 2011. The exterior and roof were not repaired. The archives are kept on the ground floor in a room that has been renovated in part and has an air conditioner and wooden shelves with metal supports.

The heating system is in satisfactory condition. The boiler is new. To save money on gas, all pipes and radiators should be replaced. The restroom for the public is located in the yard and was renovated in full in 2011.

The functional area of Nisporeni District Court is appropriate for a courthouse except that there are no cells for detainees. Currently they are taken to the courtroom directly from the police station through the court's back entrance. The courtroom for criminal cases has a separate entrance for detainees and a separate area for them.

The courthouse has four courtrooms shared by five judges. In 2011, a courtroom with a deliberation room was arranged in the basement. Its ceiling and the back stairs of the court were renovated.

The interior of the ground floor is in very good condition. It was renovated in full in 2008, including replacing windows, doors and ceilings, refurbishing walls and flooring and replacing light fixtures and furniture. There is no restroom for the public on this floor; however, there is a restroom with an entrance from the president's lounge that is in very good condition.

All offices on the second floor were renovated in full in 2008—including new doors and windows—and are in a very good condition. Many rooms have wooden paneling to protect the walls.

The front stairs were partially repaired but need to be tiled and to have a railing installed. The back stairs were completely renovated in 2011. Also in 2011, a room for material evidence was arranged in the basement.

The waiting area for the public is tiled and has a suspended ceiling. There is no restroom on this floor. The two available restrooms have entrances from the deliberation rooms and are in good condition. They are used only by the staff.

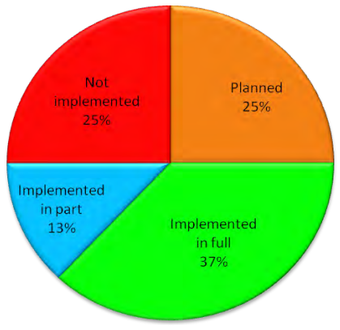
Most offices have air conditioners.

The 2009 Infrastructure Assessment Report listed six priorities for capital repairs. Three of these six recommendations have already been implemented, one has been implemented in part and two have not been implemented but there are plans to do so next year (Table 1 and Graph 1).

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2008 | Implementation in 2012 |
|---|---|
| Replace asbestos roofing with metal sheeting and install gutters, downspouts and rainwater collectors. | Planned. |
| Clean and paint exterior walls. | Planned. |
| Renovate the power system, including the interior wiring. | Implemented in part |
| Renovate and reconfigure the interior as necessary. | Implemented |
| Install a fence around the whole perimeter. | Implemented |
| Install air conditioners in the room hosting the LAN server. | Implemented |

*Source: 2009 Infrastructure Assessment Report*



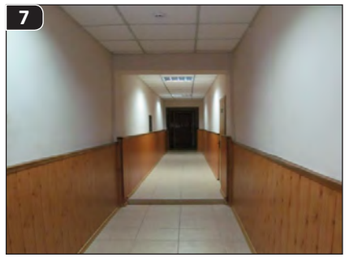

**Graph 1.** *Implementation of priorities for capital repairs in 2012*

### Conclusions

- From 2009 to 2012, Nisporeni District Court implemented many of the recommendations for repairs listed in the 2009 Infrastructure Assessment Report; those that remain are planned.
- Most rooms in the courthouse were renovated between 2008 and 2011.
- The work was done on the basis of the recommendations and priorities listed in the 2009 Infrastructure Assessment Report.
- ROLISP estimated that of the priorities for capital repairs identified in 2009, 37% had been implemented, 25% had not been implemented but were planned for future implementation and 13% had been implemented in part.

### Recommendations

- Arrange a cell for detainees.
- Renovate the exterior of the building.
- Replace asbestos roofing with metal sheeting and install gutters, downspouts and rainwater collectors.
- Replace the heating system.
- Renovate the sewerage system in full.
- Replace old doors.
- Pave the area around the court.
- Arrange a separate room for the server and ensure its security.
- Arrange a room where lawyers and prosecutors can read case files.
- Change the office of the court president on the ground floor into a courtroom.
- Change the courtroom on the second floor into an office for the court president.
- Arrange a central archive room and new restrooms on the ground floor.
- Renovate interior finishing where needed.



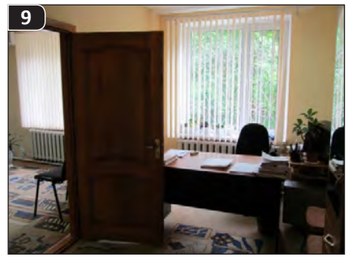




**Photo 7.** *Corridor*
**Photo 8.** *Office of a judge*
**Photo 9.** *Clerk's office*

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The staff of Nisporeni District Court has used ICMS since 2009; in 2011 this software was upgraded to Version 3, including the electronic statistical reporting module and changes required by the programming of this module.

The staff does not use the reporting module, however, because they do not know how to use it. Other problems relate to technical aspects of ICMS such as error messages and uneven assignments of cases. Moreover, ICMS does not allow the registration of counter claims. The staff mentioned that Version 3 is more efficient and that its processing speed is faster than that of the previous version.

The server of the court is in the deliberation room on the second floor. Access to it is restricted, and the room has an air conditioner.

After case files are registered, the clerical staff scans all documents attached to the statement of claim in civil cases and only the indictments and the cover letters in criminal cases. The chancellery specialist said that scanning documents takes a great deal of time.

The staff uses ICMS as a primary source of information for the public. If they do not find the information requested in ICMS, they search for it in action record cards or, if necessary, in the registers in the chancellery.

The staff mentioned that CTS provides services of good quality and in a reasonable timeframe, so they contact CTS whenever they have problems. They rated their satisfaction with CTS in 2012 as a 5 out of 5.

Nisporeni District Court does not have an information technology specialist. The court has signed a contract for information technology services with a legal entity; however, some problems are referred to CTS.

**Table 2.** *Suggestions for modifying ICMS*

| No. | Suggestions for modifying ICMS |
|---|---|
| 1. | Adjust the assignment menu to the requirements of the Regulations on Case Assignments in Courts of Law. |
| 2. | Enable the option “Return” in cases with the indicator 2PO. |
| 3. | Create a separate menu that would include only cases tried by a single judge, because cases that were reassigned from another judge, accepted for instance in 2010, are listed in various menu tabs, and it is difficult to find them if the name or the number of the case file is unknown. |
| 4. | Enable the registration of counter claims. |
| 5. | Enable the option “upheld in part” for hearing results. |

*Source: President of Nisporeni District Court*

### 2.2. AUDIO RECORDING SYSTEM

Audio recording equipment and software have been installed in three of the four courtrooms at Nisporeni District Court. The renovated courtrooms have deliberation rooms and air conditioners. All hearings held in the courtrooms are audio recorded except for rare cases when the equipment breaks down. Most hearings are carried out in courtrooms, but some may be held in judges’ offices since there are four courtrooms for five judges. The court has space for a fifth courtroom but has no funds to arrange it.

The audio recording equipment is functional; difficulties with using are technical. The president mentioned that all hearings held in courtrooms with equipment are recorded, irrespective of the requests of the participants in a case.

The court satisfies all requests for recordings of court hearings, but from 2009 to 2012, the period the audio recording software and equipment have been in use, there were requests for copies of only 1% on CDs.

The courtroom doors have plaques stating that hearings are audio recorded.

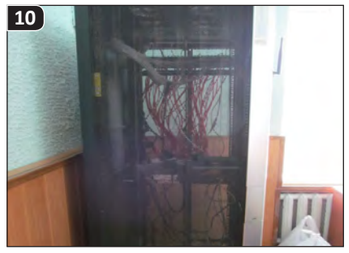
According to the Regulations on Digital Audio Recording of Court Hearings,[2] the reason is to check the accuracy and the completeness of the written minutes and to ensure transparency and efficiency in court work. In 100% of cases, court clerks use the recordings to make sure the minutes are complete and accurate.

The audio recordings are stored on the court server. The staff follows the procedures for storing and deleting recordings stipulated in the Regulations on Digital Audio Recording of Court Hearings.

Copies of all hearings are saved on CDs and are attached to case files. Audio recordings are deleted from the server as required by the Regulations on Digital Audio Recording of Court Hearings.

The technical issues encountered by the staff of Nisporeni District Court are an insufficient number of courtrooms, an insufficient number of audio recording sets and legislation requiring duplication of effort—written transcripts and audio recordings—and an insufficient number of trained staff.

[2] *Regulations on Digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*



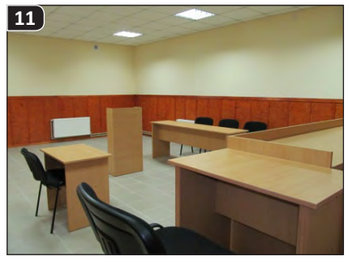


**Photo 10.** *The server of Nisporeni Court*
**Photo 11.** *The courtroom in the basement*
**Photo 12.** *A courtroom with the audio recording equipment*
**Photo 13.** *Inscription on the door of a courtroom*

## 2.3. WEB PAGE OF NISPORENI DISTRICT COURT

Nisporeni District Court has a web page with public information. It is the job of the information technology specialist to update this page regularly as new information is generated, but currently the court does not have an information technology specialist, so nobody is responsible for managing the web page. The staff mentioned that they need a person to edit judgments posted on the web page. Currently all judgments are posted by judges themselves.

Table 3 shows the menus on the court web page and their contents.

**Table 3.** *Web page content of Nisporeni District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the Court President | – Message of the Court President<br>– A picture of the courthouse facade. This picture cannot be seen. |
| Competence | – Competence of Nisporeni District Court<br>– Table of localities within the geographical coverage of Nisporeni District Court |
| Regulatory Framework | – Table with fourteen basic regulatory acts governing the court's activities<br>– List of three more regulatory acts |
| Public Relations Service | Regulations on public and media relations |
| Press Releases | Does not contain information |
| News | The link "Job Vacancies" which does not contain information |
| Archives | Links that do not contain information |
| Organization | Organizational chart |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>**The last decision was posted on August 10, 2012** |
| Statistics | Does not contain information |
| Information of Public Interest | Legal dictionary |

*Source: http://jns.justice.md/*

Table 3 shows that some menus contain information of public interest about Nisporeni District Court; however, some menu titles do not match their contents and others do not contain any information at all. Thus, "Archives" contains the sub menu "Links" which does not contain information and is inappropriate in this menu. This menu should contain general information about the activities of the archives and the working hours of this service. In the menu "Competence," the table showing the geographical coverage of Nisporeni District Court should be redone. "Regulatory Framework" contains a number of regulatory acts on judicial work but they cannot be seen. These links should be made active. More information of public interest should be added to the web page and it should be updated regularly.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Nisporeni District Court has sufficient equipment to carry out its activities. Table 3 shows the type of equipment, the number of existing items and the equipment needs of the court.

**Table 3.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Computers | 26 | 5 |
| Notebook | 10 | - |
| Microphone with a support | 14 | 3 |
| Mobile telephones | 8 | - |
| UPS | 8 | - |
| Headphones | 13 | - |
| Voltage regulator | 6 | - |
| Printer/scanner/photocopier | 2 | - |
| Printers | 2 | 5 |
| Server | 1 | - |
| Air conditioners | 15 | - |
| TV set | 1 | - |
| DVD-VCD TV set | 1 | - |
| Refrigerator | 2 | - |
| Scanners | 1 | 2 |
| Generator | 1 | - |
| Digital photocopier | 1 | - |
| Boiler | 1 | - |
| Audio recording sets | 3 | 1 |

*Source: Nisporeni District Court*

### Conclusions

- When using ICMS Version 3, the staff of Nisporeni District Court faces problems of uneven case assignments and insufficient knowledge of its options.
- The staff uses the audio recording equipment during court hearings.
- The staff deletes audio recordings from the server as required by the regulations.3
- To improve its work, Nisporeni District Court needs 5 computers, 5 printers, 2 scanners, 3 microphones with supports and 1 audio recording set for the renovated courtroom in the basement.
- The person responsible for managing the web content of Nisporeni District Court has resigned. Currently nobody updates the web page. Most menus on it contain information of public interest. Some, however, are empty.

### Recommendations

- Arrange enough courtrooms for all judges.
- Conduct all hearings in courtrooms through better planning.
- Appoint a person to manage the web page.
- Add more information of public interest to the web page, and update it regularly.
- Arrange a separate room for the server and ensure its security.

3 *Regulations on Digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

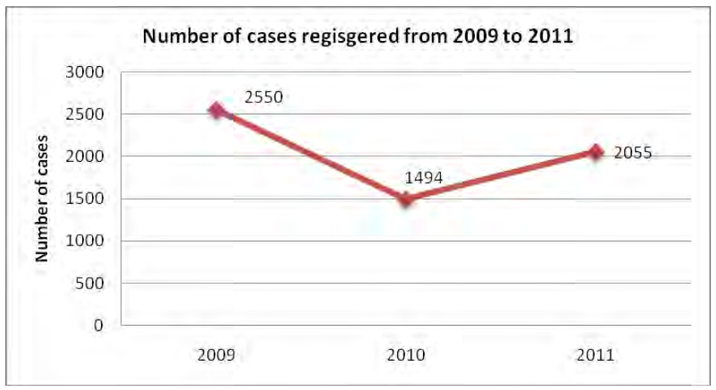
# III. WORK OF NISPORENI DISTRICT COURT

## 3.1. WORKLOAD OF THE COURT

The assessment covered the following items from 2009 to 2011: the total number of cases registered; the total number of cases examined; the number examined by type of case; the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases registered at Nisporeni District Court decreased from 2550 in 2009 to 2055 in 2011.

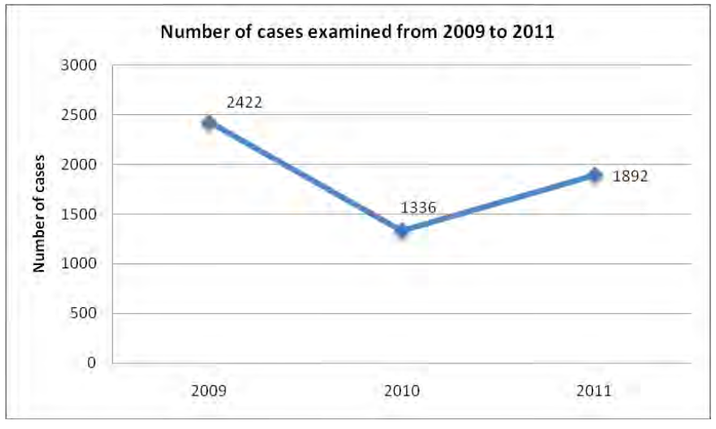
**Graph 2.** *Number of cases registered at Nisporeni District Court from 2009 to 2011*




*Source: DJA*

Graph 3 shows that the number of cases examined decreased from 2422 in 2009 to 1892 in 2011.

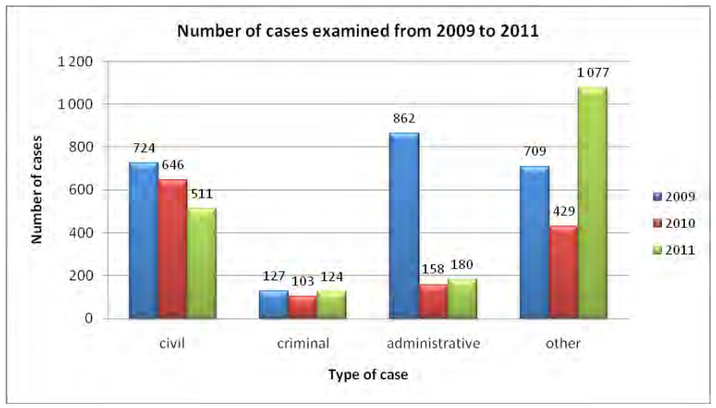
**Graph 3.** *Total number of cases examined at Nisporeni District Court from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, from 2009 to 2011 the number of civil cases examined in Nisporeni District Court decreased from 724 to 511, the number of criminal cases did not change very much and the number of administrative cases decreased from 862 to 180.

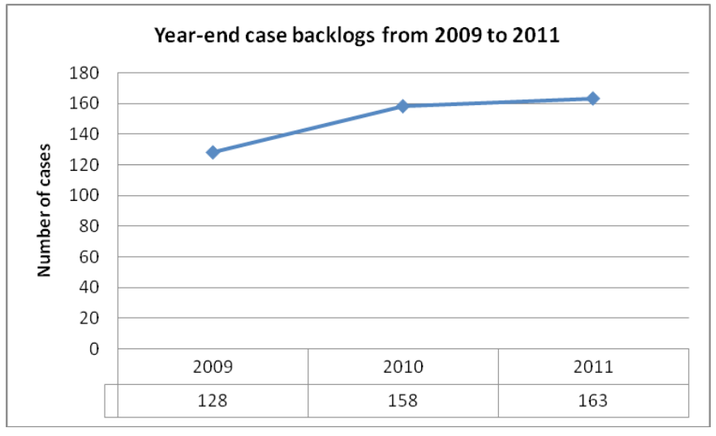
**Graph 4.** *Number of cases examined at Nisporeni District Court from 2009 to 2011 by type of case*




*Source: DJA*

The analysis of the case backlog at Nisporeni District Court showed an increase from 128 in 2009 to 163 in 2011 (Graph 5).

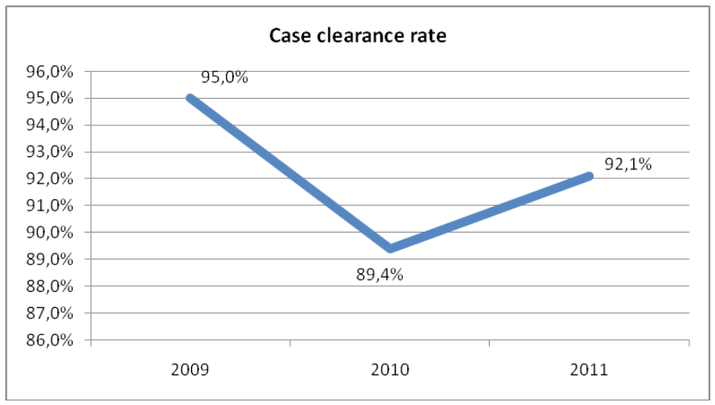
**Graph 5.** *Year-end case backlogs from 2009 to 2011*




*Source: DJA*

Graph 6 shows that the case clearance rate at Nisporeni District Court decreased from 95% in 2009 to 92.1% in 2011.

**Graph 6.** *Case clearance rate from 2009 to 2011*




## 3.2. ORGANIZATION OF ACTIVITIES

Nisporeni District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and conducting other work required for the normal run of court activities.

The chancellery is located on the ground floor near the main entrance. At the time of the assessment visit, only the head of the chancellery worked there as all other positions in this department were vacant. The duties of the chancellery specialists include scanning documents from case files and registering cases in ICMS and on paper. The chancellery space is small; it should be enlarged.

The chancellery uses the search option of ICMS and action record cards and registers to provide the information requested by the public.

The chancellery maintains the registers listed in Table 5.

**Table 5.** *The list of registers used by Nisporeni District Court chancellery*

| Register Category | Register Title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Information on the enforcement of judgments in civil cases<br>4. Information on the enforcement of judgments in criminal cases<br>5. Writs |
| ***Civil*** | 1. Index of civil cases<br>2. Appeals in civil and administrative cases<br>3. Records, circulation and archiving of administrative and commercial cases<br>4. Cases examined under simple procedures<br>5. Applications for retrial<br>6. Civil cases |
| ***Criminal*** | 1. Index of criminal cases<br>2. Criminal cases passed to judges<br>3. Appeals<br>4. Case files sent to the Court of Appeals<br>5. Persons on the wanted list<br>6. Persons to whom Article 96 of the Criminal Code was applied<br>7. Cases transmitted to the courier<br>8. Material evidence<br>9. Applications for rehabilitating persons<br>10. Declined appeals<br>11. State fee<br>12. Applications and judgments transmitted for translation |
| ***Administrative*** | 1. Complaints against extra-judicial authorities<br>2. Information on administrative materials |

*Source: Nisporeni District Court chancellery specialists*

The court keeps duplicate records of case files–one on paper and one in electronic format. The same information may be entered three or four times in various records as Table 6 shows.

**Table 6.** *Registration of a civil case by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case | ICMS | Action record card | Incoming mail |
| Plaintiff's name | ICMS | Action record card | Incoming mail |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case category | ICMS | Action record card | Index of civil cases |
| Essence of the Case | ICMS | Action record card | |
| State fee | ICMS | Action record card | |
| Case file circulation within the court | ICMS | Action record card | |

*Source: Nisporeni District Court chancellery specialists*

The chancellery keeps more registers than the Guidelines require.[4]

The archives in Nisporeni District Court are kept in a small room on the ground floor. It has an air conditioner. There is no humidity, and cases are arranged in alphabetical order. Access to the archives is restricted.

## *Conclusions*

- The number of cases filed at Nisporeni District Court decreased by 19.4% from 2009 to 2011.
- The number of cases examined at Nisporeni District Court decreased by 21.9% from 2009 to 2011.
- From 2009 to 2011, the number of civil cases examined decreased by 213, the number of criminal cases decreased by 3 and that of administrative cases decreased by 682.
- The case backlog increased by 35 from 2009 to 2011.
- The case clearance rate decreased by 2.9% from 2009 to 2011.
- There is duplication of effort because laws and regulations require both paper and digital registers.
- The chancellery keeps more registers and other documents than those stipulated in the Guidelines.

## *Recommendations*

- Review internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.
- Expand the room for the archives.
- Expand the chancellery.

[4] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

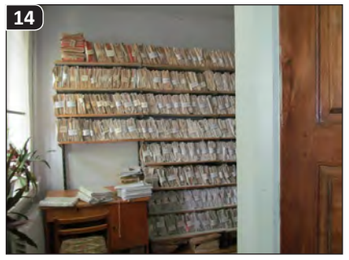


*Photo 14. The archive room*
*Photo 15. The archive room*

## IV. HUMAN RESOURCES

According to its staff roster, the court has 4 judges and 1 investigating judge. Its office also employs other 21 persons (Table 7). The court has no human resource management specialist. Those duties are performed by the court president and the head of the chancellery. The head of the chancellery, however, performs most of them, such as filling out work records of the staff, keeping the records of job descriptions, establishing job duties and assessing the initial and ongoing training needs of the staff.

Nisporeni District Court does not have a public relations specialist to represent the court officially in media and public relations in order to ensure court operations are transparent and comply with the law.

The court has not used its internal recruitment procedures for a few years. Employing applicants on a competitive basis is done in line with the Regulations on Competitive Employment approved in Government Decision No. 201 of 2009. The court has announced vacancies for educational psychologist, chancellery specialist and clerk, but nobody has applied.

The management of the court approves job descriptions every year. Job descriptions help to clarify the duties of the staff and to ensure transparency in their work. Nisporeni District Court has job descriptions for judges, adviser to the president, chancellery specialist, head of the chancellery, consultant, chief accountant, clerk, translator, coordinating specialist, driver and head of the archives.

**Table 7.** *Staffing scheme of Nisporeni District Court*

| No. | Position | Current number | Vacancies |
|---|---|---|---|
| 1. | President | 1 | - |
| 2. | Judge | 3 | - |
| 3. | Investigating judge | 1 | - |
| 4. | Adviser to the president | 1 | - |
| 5. | Chief accountant | 1 | - |
| 6. | Consultant | 2 | - |
| 7. | Court clerk | 5 | - |
| 8. | Translator | 1 | - |
| 9. | Head of the chancellery | 1 | - |
| 10. | Specialist | 4 | - |
| 11. | Coordinating specialist | 1 | 1 |
| 12. | Head of the archives | 1 | - |
| 13. | Courier | 0.5 | - |
| 14. | Driver | 1 | - |
| 15. | Room cleaner | 0.5 | - |
| 16. | Room caretaker | 2 | - |
| | **TOTAL** | **26** | **-** |

*Source: Accounting office of Nisporeni District Court*

The court has Internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and duties of the management, the judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ and, as reported during the visit, in 2011 all judges of Nisporeni District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training is not very relevant for their judicial practice as topics are addressed in light of practices in other countries without focusing on national practices. Most judges said that the training organized twice a year by SCM with participation of judges from SCJ is more interesting and relevant because it mainly addresses topics of national legislation. The publications from SCM are insufficient for their training and information needs. For legal research and reference, the judges of Nisporeni District Court use the legislative database on the Ministry of Justice's web page and the private legislative database MoldLex. The court subscribes to the *Official Gazette, Buletinul Curţii Supreme de Justiţie (Newsletter of the Supreme Court of Justice), Dreptul (Law), Contabilitatea şi audit (Accounting and Audit)* and *Revista Naţională de Drept (National Law Magazine).*

The regular staff of Nisporeni District Court said that the last time they had received training at NIJ had been two years ago; it focused on the use of ICMS. The president mentioned the need to train clerks to prepare documents related to their duties. The chancellery specialists need training in applying the Guidelines.

### *Conclusions*

- Human resources are managed by the court president and the head of the chancellery.
- Nisporeni District Court does not have a public relations specialist.
- The court does not have a human resource specialist.
- The court has job descriptions for its staff.
- There is a need to train the clerks, the chancellery specialists and the archive specialist. Training topics vary from analyzing peculiarities of applying the law to studying the judicial information system and applying procedural documents in criminal and civil cases.

### *Recommendations*

- Employ a human resource specialist and train him/her.
- Employ a public relations specialist and train him/her.
- Implement internal training for the regular staff of Nisporeni District Court so they can solve problems they meet in their jobs.

## V. SERVICES FOR THE PUBLIC

Nisporeni District Court does not have an information window at the entrance. The position of public relations specialist is vacant. Those duties are performed by the chancellery which is located at the courthouse entrance. The judges' doors have plaques with their names, but there are no warnings that the public is not admitted.

At the court entrance there is a board with the following information:

- Working hours of Nisporeni District Court
- Information about the locations of the chancellery, the archives, the consultant's office and the judges' offices
- List of court hearings.

During the working hours of the court, parties and other trial participants may request copies of judgments by filling out an application at the chancellery. The chancellery specialists register the application in the incoming mail register under a reference number. If the president approves it, the applicant pays a fee for the copy at a bank, unless this is the first copy he/she requested. With confirmation of payment, the applicant may pick up a copy of the judgment at the archivist's office or at the chancellery. The copies are certified by the head of the chancellery, who was authorized by the president of the court. After the copy is certified, the chancellery delivers the document to the applicant who must sign the cover of the original file, stipulating the date of issue. Copies are delivered on the same day or at the latest the following day.

### *Conclusions*

- The information board has information guiding them to the office of the public relations specialist, the chancellery, the archives and the courtrooms.
- The information board has information helping visitors to orient themselves.
- Copies of judgments are delivered only with the approval of the head of the chancellery.

### *Recommendations*

- Install guiding signage for visitors.
- Install plaques on judges' office doors stating that the public is not admitted
- Print the lists of cases scheduled for trial generated by ICMS.

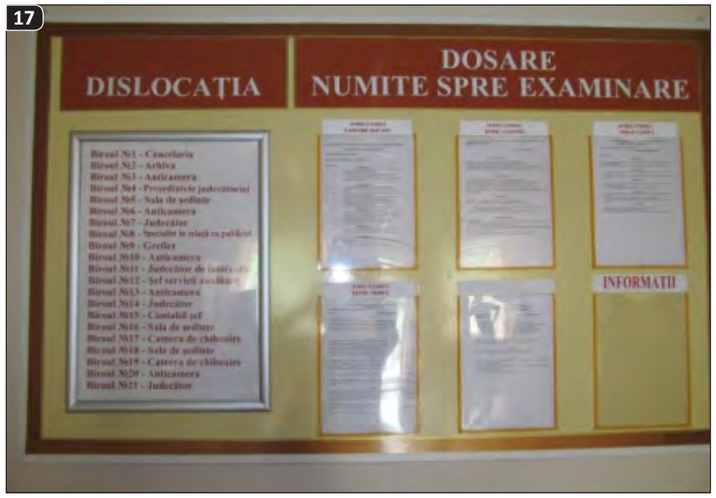



**Photo 16.** *Public area*
**Photo 17.** *The information board*

## VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Nisporeni District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA which receives the ceilings for the entire judiciary from the Ministry of Justice. The ceilings from the Ministry of Justice are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others),

2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

### 6.1. BUDGET (basic component)

The budget of Nisporeni District Court is divided into six categories:

- *Staff expenditures* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – power, gas, water and sewerage and sanitation;
- *Expenditures for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[5]

From 2010 (spent) to 2012 (approved), the budget of Nisporeni District Court increased from MDL 1.2 million to MDL 1.5 million (Table 8).

In 2011 the court's budget increased by 55% compared with 2010 due to expenditures for capital repairs and the purchase of a car.

In 2012, the court cut the budget by 21% compared with 2011 because no allocations were budgeted for fixed assests and repairs. There were, however budget increases in 2012 of 65% for operating expenditures and 21% for staff expenses.

[5] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Nisporeni District Court by type of expenditure (2010–2012)*

| Expenditure category/ year | 2010 (spent) | 2011 (spent) | | 2012 (aprobat) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 822,941 | 887,213 | 8% | 1,070,400 | 21% |
| Repairs | 0 | 368,248 | 100% | 0 | -100% |
| Utilities | 77,354 | 96,267 | 24% | 121,000 | 26% |
| Fixed assets | 85,665 | 330,670 | 286% | 0 | -100% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenditures | 208,834 | 170,215 | -18% | 281,300 | 65% |
| **Total** | **1,194,794** | **1,852,613** | **55%** | **1,472,700** | **-21%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

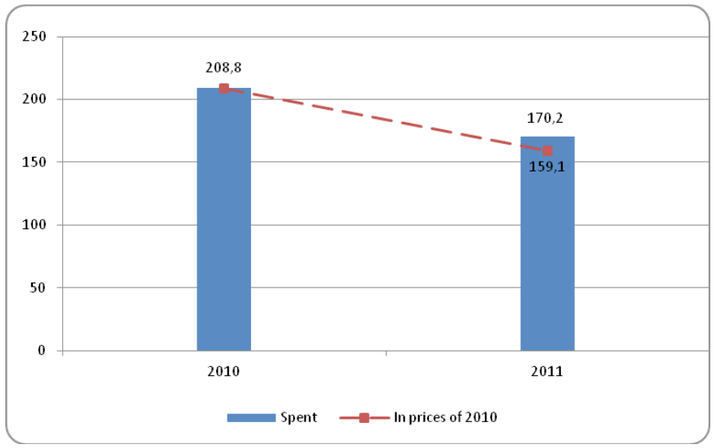
### 6.2. STAFF EXPENDITURES

Staff expenditures represent approximately 70% of the total budget, having increased compared with the previous year. Due to the fact that remuneration is governed by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

### 6.3. OPERATING EXPENDITURES

In 2010 and 2011, both the face value and the real value of operating expenditures decreased. Their face value decreased from MDL 208.8 thousand to MDL 170.2 thousand, which is an 18% decrease. Their real value decreased by 24%, allowing for inflation of 7% in 2011[6]. MDL 170.2 thousand in 2011 was equivalent to 159.1 thousand in 2010, hence, the real value of operating expenditures decreased by approximately MDL 49.8 thousand.

**Graph 7.** *Operating expenditures for Nisporeni District Court in 2010 and 2011*



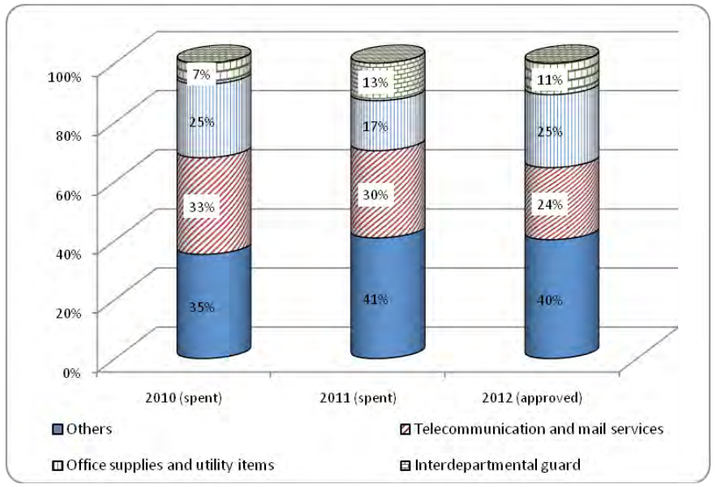

[6] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Interdepartmental guard;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




In 2010, 33% of all operating expenditures were for telecommunications and mail while in 2011 and 2012 that figures decreased to 30% and 24% respectively.

Allocations for office supplies and utility items went from 25% in 2010 to 17% 2011 then back to 25% in 2012.

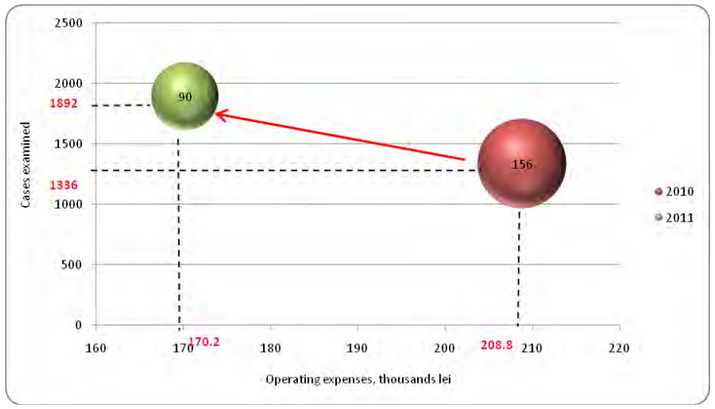
In 2010 and 2011, 7% and 13% respectively of total operating expenditures were for guard services; in 2012 the court budgeted 11% for these services.

Expenditures for telecommunications and mail merit attention because approximately 70% of them are for stamps.

## 6.5. OPERATING EXPENDITURES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease of the operating expenditures in 2011 compared with 2010 was not related to the number of cases examined which increased from 1336 in 2010 to 1892 in 2011. Comparing the operating expenditures with the number of cases examined, in 2010 the average cost for examining a case was approximately MDL 156 while in 2011 it was MDL 90 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Nisporeni District Court in 2010 and 2011*



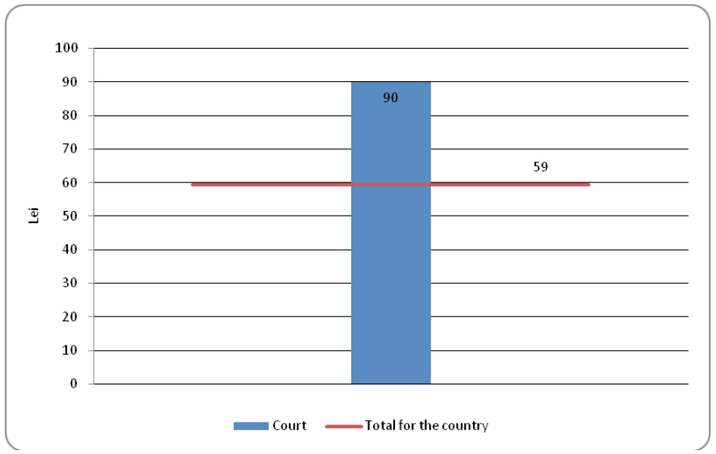

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

In 2011 the operating expenses was lower than in 2010, but Nisporeni District Court examined 556 more cases which reduced the average cost of examining a case.

## 6.6. AVERAGE OPERATING COST PER CASE IN NISPORENI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 90 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Nisporeni District Court in 2011 and the weighted average cost per case for the country*




As shown in the Graph 10, in 2011 the average cost per case examined in Nisporeni District Court was higher than the weighted average cost per case for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Although the accounting department of Nisporeni District Court has accounting software, the staff does not use it because they do not know how to. They keep only records of wages electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the accountant who does not have professional qualifications in public procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011 operating expenditures decreased.
- Compared with 2010 in 2011 Nisporeni District Court examined more cases using fewer funds. This indicates that financing operating expenditures is not correlated with the number of cases examined. Therefore, the court had to make savings.
- The average cost for examining a case in 2011 decreased compared with 2010.
- In 2011, the average operating cost for examining a case was higher than the weighted average cost of a case examined for the country as a whole
- Mail expenditures account for a large share of total operating expenditures.
- Accounting is done electronically only in part because the staff does not know how to use all the options in the software.
- All public procurements are made without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider training the staff to use the existing accounting software.
- Consider purchasing postage meters to reduce mail expenditures. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Ocnita District Court in the town of Ocnita serves 57,300 inhabitants in the 33 localities that are part of Ocnita District according to Law No. 764 of 27 December 2001 on the Administrative-territorial Organization of the Republic of Moldova.

Ocnita District Court has 4 judges and 17.5 regular staff. It does not have a human resource specialist. Those duties are performed by the adviser to the president who acts both as a court administrator and as the webpage administrator. The court has a public relations specialist appointed by the president.

Staff expenditures have followed an upward trend. The court makes all its public procurements without a procurement specialist. In 2011 both the face value and the real value of the operating expenses increased compared with 2010. In 2011 the average operating cost for examining a case increased compared with the previous year and was higher than the weighted average cost of a case examined for the country as a whole (see Section VI).

Ocnita District Court is a two-storey building with a basement with a total area of 894 sq. meters. It has 17 offices, 2 public areas and 2 courtrooms. Rooms on the ground floor were renovated in full and those on the second floor were partially renovated. In addition to the partial renovations carried out, there are plans to enlarge the interior and to arrange and renovate additional rooms.

# OCNITA DISTRICT COURT

*47, Burebista Str., Ocnita*

*Date of visit: 20 June 2012*

The Ocnita staff has used ICMS since 2009, and in 2011 it upgraded to Version 2. The problems with ICMS encountered by the staff are its slow processing speed, uneven case assignments, inability to establish the degree of complexity of cases and incomplete information in its menus.

Ocnita District Court has two courtrooms both equipped with audio recording sets and software. The court has four judges. The staff does not make audio recordings of hearings held in the courtrooms due to lack of training.

Chancellery specialists continue to keep more registers than the amendments to the Guidelines require.

The total number of cases registered at Ocnita District Court from 2009 to 2011 decreased by 742 while the number of cases examined decreased by 753 with a case clearance rate of 94.0% in 2011.

At the entrance to the courthouse there is a board with comprehensive information for the public, but there is no information window. The court has signs to guide the public. The doors of judges' offices have plaques with their name but no warning that entry is restricted.

The court's webpage is managed by the adviser to the president. All menus contain information of public interest, but they need to be reorganized in a logical order. The information should be arranged in accordance with the menu title and the formatting should be redone so the font and the colors are uniform.

# I. INFRASTRUCTURE

## *1.1. ASSESSMENT*

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 2 | The exterior seems to be in good condition though it has not been renovated for a long time. |
| Water supply | 2 | The court is not connected to the central water system. It uses water pumped from a well. |
| Power supply | 3 | The electrical system has been replaced in part. |
| Sewerage system | 2 | The sewerage system is old and needs to be renovated. |
| Heating system | 3 | The heating is autonomous and uses gas. The boiler has been replaced. The system is old. |
| Firefighting system | - | There is no system. |
| Roof | 2 | The roof has not been repaired for a long time, but it is in good condition. |
| Interior | 3 | The rooms have been partially renovated. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

**Photo 1.** *Entrance stairs to the courthouse*
**Photo 2.** *Side exterior wall of the courthouse*
**Photo 3.** *Area for the public*
**Photo 4.** *Heating system*
**Photo 5.** *Back stairs of the courthouse*
**Photo 6.** *Boiler*
**Photo 7.** *Common toilet for court staff and litigants*
**Photo 8.** *Garage court*

## 1.2. CURRENT CONDITION

The assessment focused on a comparative analysis of the physical and operational condition of Ocnita District Court in June 2012.

Ocnita District Court is a two-storey building with a basement with a total area of 894 sq. meters. It has 17 offices, 2 public areas and 2 courtrooms. The court has an adjacent plot of land with an area of 0.16 hectares and a garage.

During the day, Ocnita District Court is protected by the judicial police and at night by three guards on staff. The courthouse does not have an alarm system.

The courthouse is in good condition since from 2009 to 2011 it was partially renovated. Some offices, the waiting area for the public, the chancellery and the courtrooms were renovated. The wiring in those rooms was replaced. The interior staircase was renovated in full.

In addition to the renovations that were done, there are plans to arrange additional rooms and to renovate the exterior, four offices on the ground floor and the cells and the restroom for detainees.

The court is not connected to the central water system and gets water from a well equipped with a pump.

The sewerage system is old. The restroom is used by both the staff and the public and is located outside the courthouse. There are plans to arrange a restroom for the staff on the ground floor.

The courthouse has autonomous gas heating. The boiler has been recently replaced but the pipes and radiators are old.

The interior on the ground floor is in good condition. The entrance hall, windows, the staircase, the judges' offices and the chancellery have been renovated in full. The ceilings, the flooring and the light fixtures have been replaced. The second floor has been partially renovated. The waiting room for the public and the courtrooms have been repaired. The furniture in the courtrooms is old and needs to be replaced. The deliberation rooms and offices on this floor have been renovated.

The archives are kept in a dry room on the ground floor and are organized efficiently. The archive room should be equipped with a ventilation system. The room is not large enough to store all files, so it should be enlarged.

The server room is on the ground floor and does not have a ventilation system. There are plans to relocate the server to the second floor and to equip the new room with an air conditioner.

The functional area of Ocnita District Court is arranged properly for a court. There is a need for two additional courtrooms and some offices. The courtrooms have separate entrances for the public, and there is a room for storing physical evidence. There is no separate room for juvenile detainees, for interviewing juvenile witnesses or for lawyers or prosecutors to study case files, but there are plans to add these rooms. The courthouse has three cells for detainees, which have been refurbished.

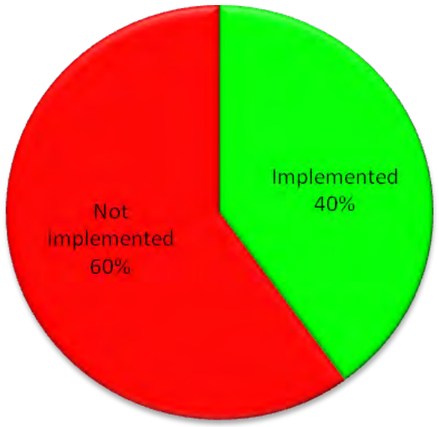
The 2009 Infrastructure Assessment Report listed five priorities for capital repairs, of which two have been implemented in part and three have not been implemented (Table 1 and Graph 1).

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repairs in 2009 | Implementation in 2012 |
|---|---|
| Repair the pipes of the water and the sewerage systems. | Not implemented |
| Purchase new furniture for two courtrooms. | Not implemented |
| Reconfigure all rooms and renovate the interior, particularly the chancellery and the reception area for the public on the ground floor. | Implemented in part |
| Renovate the electrical network, the wiring and light fixtures. | Implemented in part |
| Install an air conditioner in the server room. | Not implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of capital repair priorities in 2012*




### Conclusions

- From 2009 to 2012 Ocnita District Court implemented some recommendations for repairs.
- Renovations were based in part on the recommendations listed in the 2009 Infrastructure Assessment Report.
- ROLISP estimated that of the recommendations for capital repairs identified in 2009, none has been implemented in full, 40% have been implemented in part and 60% have not been implemented at all.

### Recommendations

- Renovate the courthouse exterior and the rooms that have not been renovated.
- Replace the heating system (pipes and radiators).
- Renovate the entire sewerage and water systems.
- Renovate the electrical system.
- Enlarge the archive room.
- Arrange additional courtrooms and offices.
- Equip the server room with an air conditioner and secure the room.
- Install door plaques with warnings that entry into judges' offices is restricted.
- Relocate all offices for judges and clerks to the second floor and restrict access to them.
- Arrange a room for interviewing juvenile witnesses.
- Arrange a room for assistants.
- Arrange separate restrooms for the public and for the court staff.
- Arrange an office where prosecutors and lawyers can study cases.
- Arrange a separate room for the judicial police.
- Install a fire alarm system.

**Photo 9.** *Entrance into the courthouse*
**Photo 10.** *Furniture in a courtroom*

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The Ocnita staff has used ICMS since 2009; in 2011 it upgraded to Version 2.

Using ICMS means the staff has to scan files after they are registered. The chancellery specialists scan documents in civil and criminal cases but do not scan administrative case files.

The staff mentioned their problems with ICMS are its slow processing speed and uneven assignment of cases that ignores their complexity. The staff suggested the menus in ICMS should contain more options.

The assessment team found that most ICMS menus are used in full; however, the staff does not use the menus for registering appeals and cassations and for registering enforcement procedures.

Ocnita District Court does not have an information technology specialist. Some technical problems are solved by CTS. The staff rated their general satisfaction with services provided by CTS in 2012 as a 3 out of 5. The staff is not satisfied with CTS because of the high cost of its services and because CTS does not fix issues quickly and efficiently.

**Table 2.** *Suggestions for modifying ICMS*

| No. | Suggestions for modifying ICMS |
|---|---|
| 1. | Increase the processing speed. |
| 2. | Enable the assigning degrees of complexity to cases. |
| 3. | Complete the menu "Outcomes of the court hearing" with reasons for delays provided for in the legislation on civil and criminal procedures. |
| 4. | Complete the menu "Do not admit the application/Reject/Return" with all legal reasons allowed by civil and criminal legislation. |
| 5. | Introduce index 4d. |

*Source: President of Ocnita District Court*

### 2.2. AUDIO RECORDING SYSTEM

Ocnita District Court has two courtrooms both equipped with audio recording sets and software. The court has four judges. The staff does not record hearings due to the complexity of the recording software and the lack of training for newly employed staff.

Since in 2009 when the equipment and software were installed, there have been no requests to record hearings.

The courtroom doors have plaques stating that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings,[2] the purpose is to check the accuracy and the completeness of the transcripts of hearings and to ensure transparency and efficiency of court operations. As the clerks do not record hearings, they are not used for that purpose.

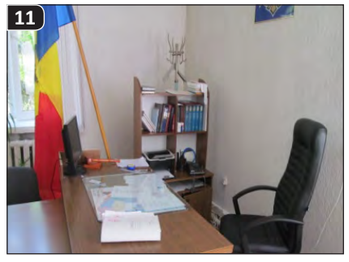
### 2.3. WEB PAGE OF OCNITA DISTRICT COURT

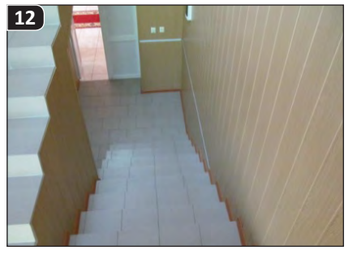
Ocnita District Court has a webpage on which it posts information for the public; it is updated regularly by the advisor to the court president and the public relations specialist.

There are no major difficulties with managing the webpage though the staff mentioned the occasional inability to access it and the difficulty in posting texts prepared in .doc format.

Table 3 shows the menus and their contents.

[2] *SCM Regulations on Digital Audio Recording of Court Hearings, approved through SCM Decision No. 212/8 of 18 June 2009.*





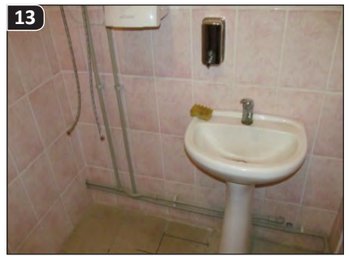


**Photo 11.** *Office of an officer*
**Photo 12.** *Interior staircase*
**Photo 13.** *Restroom for detainees*
**Photo 14.** *The server of Ocnita Court*
**Photo 15.** *Chancellery of Ocnita Court*
**Photo 16.** *Audio recording equipment*
**Photo 17.** *A microphone for audio recording equipment / booth for detainees*

**Table 3.** *Content of the web page of Ocnita District Court*

| Menu title | Information posted on the web page |
|---|---|
| Overview | Brief history of the town of Ocnita and of Ocnita District Court |
| Media Relations | – Contact information for the person responsible for media and public relations<br>– Regulatory acts governing access to information and the manner and terms for delivering it |
| Regulatory Framework | Table with regulatory acts governing court operations |
| Public Relations Service | – General information about the person responsible for public relations at Ocnita District Court<br>– Contact information and working hours of that specialist |
| Press Releases | Regulations on the public information and media relations service |
| News | – Information on Civil Servant Day<br>– Active link to "*Vacancies*"<br>– Active link to "*Investigating Judge*" that contains information on temporary transfer of the investigating judge to Soroca Court |
| Organization | Information on court staff and their contact information |
| List of Hearings | Information extracted automatically from ICMS |
| List of Case Files | Information extracted automatically from ICMS |
| Database of Judgments | Information extracted automatically from ICMS<br>**The latest judgment was posted on 13 August 2012** |
| Statistics | Statistics on civil, criminal and administrative cases examined from 2007 to 2011 |
| Information of Public Interest | – Active link to "*Citizen's Guide*"<br>– Active link to "Rules of Behavior in a Court"<br>– Active link to "*Norms of Behavior for Court Staff*"<br>– Active link to "*Public Summons*"<br>– Active link to "*Court of Law*" with information on the judicial system of the Republic of Moldova, the status of a judge, the public nature of court hearings, the language of court proceedings and the right to translation, the appeal and the mandatory nature of final sentences and judgments.<br>– Active link to "*Telegram*" (template for summons)<br>– Active link to "*Internal Regulations*" |
| Archive | – General information about the archive service<br>– Working hours of the archives<br>– Hours for getting copies of case materials |
| Competence | Geographic coverage |
| Motion for Suspension of Trial | Does not contain any information |
| Message of the Court President | Message of the Court President |

*Source: http://joc.justice.md/*

Table 3 shows that Ocnita District Court uses the webpage management module regularly. The text in all menus should be reformatted to make the font and colors uniform. The menus should be in the following order: "*Message of the Court President*," "*Overview*," "*Competence*," "*Organization*," "*Regulatory Framework*," "*Public Relations Service*," "*Information of Public Interest*," "*Press Releases*," "*News*" and "*Statistics*." "*Press Releases*" contains the regulations on the public information and media relations service which does not fit in the menu title. "*Motion for Suspension of Trial*" should be removed; this information should be in "*Information of Public Interest*." "*News*" contains outdated information.

## *2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS*

Ocnita District Court has sufficient equipment to carry out its activities. Table 4 shows the type of equipment, the number of items and the equipment needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Computers | 12 | 9 |
| Printers | 7 | 14 |
| Scanners | 1 | 5 |
| Audio recording set | 2 | 3 |
| Fax | 1 | 1 |
| UPS units | 8 | 13 |
| Cooler | 1 | 5 |
| Telephone | - | 1 |

*Source: Ocnita District Court*

### *Conclusions*

- When using Version 2 of ICMS, the staff of Ocnita District Court faces the problems of its slow speed, uneven case assignments, inability to assign degrees of complexity to case files and the need to complete some menus with the information required by civil and criminal legislation.
- The staff of Ocnita District Court does not use the audio recording system during court hearings due to insufficient knowledge of the software and lack of training for the newly employed staff.
- The court's webpage is managed by the adviser to the president and the public relations specialist. All menus contain information of public interest. Menus on the webpage are not organized logically, and the contents of some menus do not match their titles.
- To improve its work, Ocnita District Court needs 9 computers, 14 printers, 5 scanner, 3 audio recording sets, 1 fax, 13 UPS units and 1 postage meter.

### *Recommendations*

- Implement in-house training in using ICMS and the audio recording software (Femida).
- Use all the options in ICMS.
- Conduct all hearings in courtrooms by arranging courtrooms for all judges and efficiently scheduling the hearings.
- Use the audio recording equipment and software.
- Update the webpage regularly and arrange the menus logically. Arrange the information on the webpage according to the menu title. Ensure the uniformity of the font and colors used on the webpage.

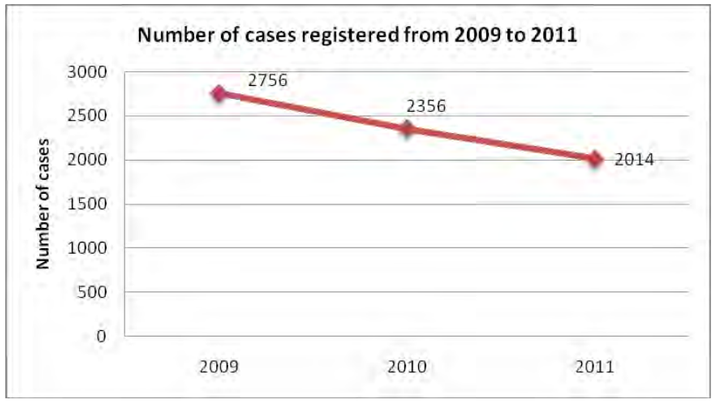
# III. WORK OF OCNITA DISTRICT COURT

## 3.1. WORKLOAD OF THE COURT

The assessment covered the following items from 2009 to 2011: the total number of cases registered; the total number of cases examined; the number examined by type of case; the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases filed at Ocnita District Court decreased from 2765 in 2009 to 2014 in 2011.

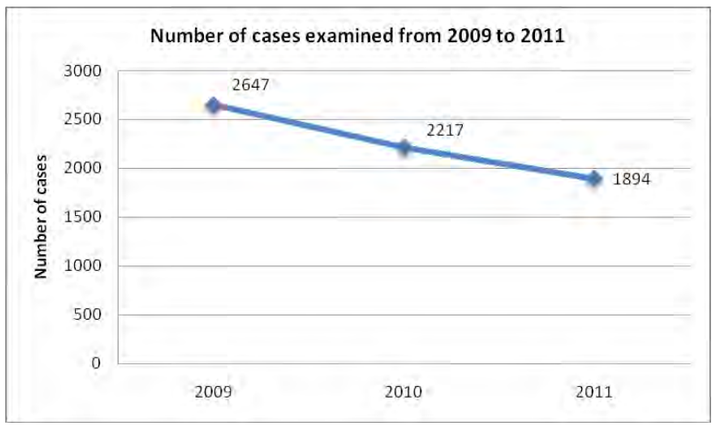
**Graph 2.** *Number of cases registered at Ocnita District Court from 2009 to 2011*




*Source: DJA*

Graph 3 shows that the number of cases examined decreased in the same period from 2647 to 1894.

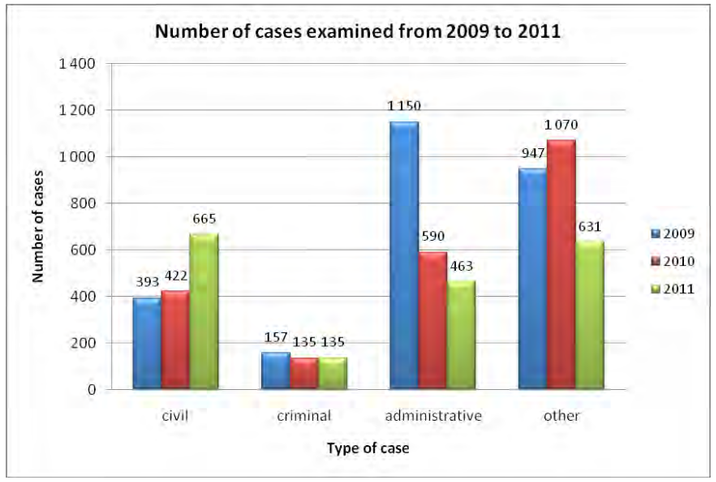
**Graph 3.** *Total number of cases examined at Ocnita District Court from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, the number of civil cases examined in Ocnita District Court increased from 393 in 2009 to 665 cases in 2011, the number of criminal cases examined during the same period did not change very much while the number of administrative cases decreased from 1150 in 2009 to 463 cases in 2011.

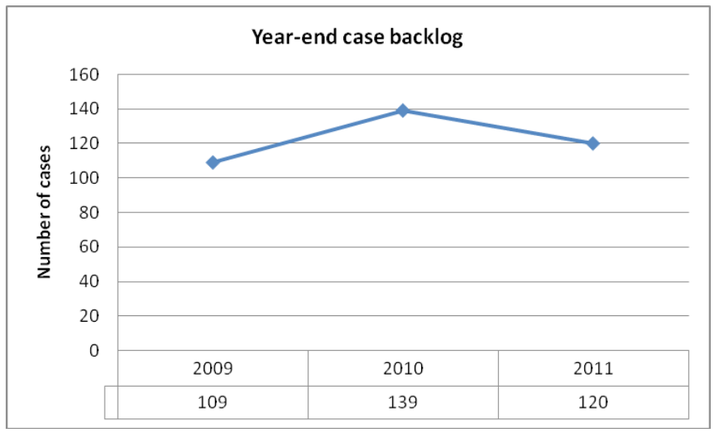
**Graph 4.** *Number of cases examined at Ocnita District Court from 2009 to 2011 by type of case*




*Source: DJA*

The analysis of the case backlog at Ocnita District Court showed an increase from 109 in 2009 to 120 in 2011 (Graph 5).

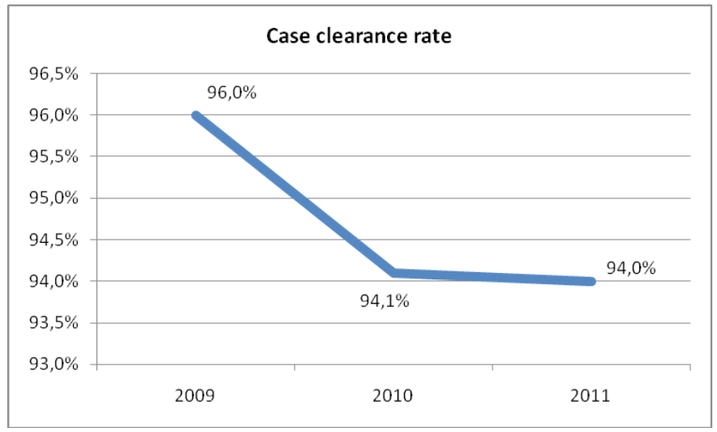
**Graph 5.** *Year-end case backlogs from 2009 to 2011*




*Source: DJA*

Given the aforementioned, the case clearance rate in Ocnita District Court decreased from 96.0% in 2009 to 94.0% in 2011 (Graph 6).

**Graph 6.** *Case clearance rate from 2009 to 2011*




## 3.2. ORGANIZATION OF ACTIVITIES

Ocnita District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and conducting other work required for the normal run of court activities.

The chancellery of Ocnita District Court is on the ground floor. Its specialists are responsible for scanning documents from case files and registering cases in ICMS and on paper.

The chancellery maintains the registers listed in Table 5.

**Table 5.** *List of registers used by Ocnita District Court chancellery*

| Register Category | Register title |
|---|---|
| *General* | 1. Incoming mail<br>2. Outgoing mail<br>3. Case files and materials sent by courier<br>4. Registered letters<br>5. Cases passed to judges/chancellery |
| *Civil* | 1. Commercial cases<br>2. Civil case files<br>3. Cases examined in administrative procedures<br>4. Cases examined according to writ proceedings<br>5. Action record card |
| *Criminal* | 1. Criminal cases<br>2. Materials on enforcing court judgments including those on cases retried as a result of an appeal - index 21<br>3. Complaints against actions of criminal investigation authorities and investigating bodies<br>4. Action record card |
| *Administrative* | 1. Administrative cases 4<br>2. Administrative cases 4d<br>3. Complaints against decisions of extra-judiciary bodies in administrative cases - 5r<br>4. Action record card |

*Source: Ocnita District Court chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may thus be entered three times in various records as Table 6 shows.

**Table 6.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Incoming mail<br>Cases passed to judges/chancellery,<br>Register of civil case files |
| Plaintiff's name | ICMS | Action record card | Incoming mail,<br>Cases passed to judges/chancellery |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | |
| Defendant's contact information | ICMS | Action record card | |
| Case file category | ICMS | Action record card | Incoming mail,<br>Cases passed to judges/chancellery |
| Essence of the case | ICMS | Action record card | |
| State fee | ICMS | Action record card | |
| Circulation of the case file within the court | ICMS | Action record card | Cases passed to judges/chancellery |

*Source: Ocnita District Court chancellery specialists*

The chancellery keeps more registers than required in the Guidelines.[3]

The archive room is located on the ground floor. This room is in satisfactory condition though it is not equipped with a ventilation system. It is too small to store all files examined at Ocnita District Court. Also, additional shelving is needed. Nonetheless, the archives are well organized and shelved according to years.

## *Conclusions*

- The number of cases filed at Ocnita District Court decreased by 26.9% from 2009 to 2011.
- The number of cases examined at Ocnita District Court decreased by 28.4% from 2009 to 2011.
- The number of civil cases examined from 2009 to 2011 increased by 272, the number of criminal cases decreased by 22, and the number of administrative cases decreased by 687.
- The case backlog increased by 11 from 2009 to 2011.
- The case clearance rate decreased by 2.0% from 2009 to 2011.
- There is duplication of work because laws and the instructions on secretarial work require both paper and digital registers.
- Specialists from the chancellery keep more registers than required by the Guidelines.

## *Recommendations*

- Review internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.
- Enlarge the archive room.
- Install a ventilation system in the archive room.

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**Photo 18.** *Files in the archives*
**Photo 19.** *Archives*
**Photo 20.** *Chancellery*

**Photo 21.** *Area for keeping files in the chancellery*
**Photo 22.** *Registers kept in the chancellery*

[3] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

### Assessment

Ocnita District Court has 4 judges and 17.5 administrative staff (Table 7).

There is no human resource specialist. Those duties are performed by the adviser to the court president who also manages the webpage and works as a court administrator.

The court has a coordinating specialist for public relations appointed by the president. The public relations specialist is responsible for informing the public about the work of the court and managing the webpage.

The staff is recruited in accordance with the legislation in force on employment for public office. To fill a vacancy, the court posts an announcement on its webpage and in the local newspaper *Meridianul Ocnita* (*Ocnita Meridian*). Then the president forms an employment commission to select applicants. This commission consists of a judge, the adviser to the president and the head of the chancellery. Applicants undergo an oral test. After that the commission prepares minutes of the competition and based on the final scores decides whom to hire. Finally, the court president issues the employment order.

The court's procedures for dismissing and disciplining staff comply with current labor laws. The staff is held liable for deviating from their job duties and for behavior that impairs their work or the administration of justice. Prior to disciplining a staff member, the court prepares a document describing the action with the explanations of the person responsible. Then then the president issues an order applying a sanction.

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Ocnita District Court has job descriptions for all positions; they have been circulated to the judges and the staff.

**Table 7.** *Staffing scheme of Ocnita District Court*

| No. | Position | Number |
|---|---|---|
| 1. | Judge | 3 |
| 2. | Investigating judge | 1 |
| 3. | Adviser to the court president | 1 |
| 4. | Chief accountant | 1 |
| 5. | Consultant | 1 |
| 6. | Court clerk | 4 |
| 7. | Translator | 1 |
| 8. | Head of the chancellery | 1 |
| 9. | Specialist | 1 |
| 10. | Public Relations Specialist | 1 |
| 11. | Driver | 1 |
| 12. | Cleaner | 2 |
| 13. | Guard | 3 |
| 14. | Courier | 0.5 |
| | **TOTAL** | **21.5** |

*Source: Accounting office of Ocnita District Court*

Judges are trained by NIJ and in 2011 all judges of Ocnita District Court met the legal requirement of 40 annual hours of continuing training. The judges mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. For legal research and reference, the judges use the private legislative database MoldLex. The court subscribes to the *Official Gazette, Buletinul CSJ (Newsletter of SCJ), Dreptul muncii (Labor Law), Revista naţională de drept (National Law Magazine)* and *Timpul* (*Time*).

Training topics for the clerks include preparing transcripts and using the audio recording equipment; for the archivist they are procedures for archiving and destroying files and for the adviser to the president they are doing public procurements, managing human resources and managing the webpage.

### Conclusions

- Human resources are managed by the adviser to the president.
- The court has no human resource specialist.
- The court has a public relations specialist.
- There is no system for internally training the staff.
- The training needs of judges are covered by ongoing training at NIJ and the publications the court subscribes to.

### Recommendations

- Employ and train a human resource specialist.
- Implement internal training for the regular staff of Ocnita District Court so they can solve problems they meet in their jobs.

## V. SERVICES FOR THE PUBLIC

Ocnita District Court lacks an information office or an information window at or near the courthouse entrance. The chancellery is located on the ground floor near the entrance. There are signs guiding visitors to the public relations specialist, the chancellery and the archives. The doors of judges' offices have plaques with their names but no warning that entry is restricted.

The building has a board at the entrance with the following information:

- Working hours of the court
- Rules of behavior for the public in a courthouse
- Templates for applications
- Information on state fees
- Hearing schedule created in ICMS
- Fire evacuation plan

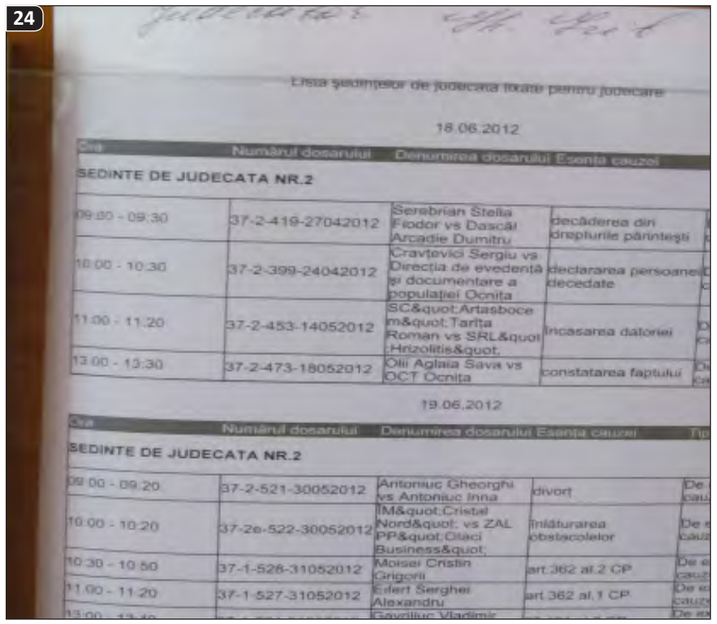
Parties and other trial participants may request copies of judgments daily by filling out an application at the chancellery. If the court president approves the application, the applicant needs to pay a state fee. For applicants who come from long distances, copies are issued on the same day. For other categories of persons, the average time is one or two days.

### *Conclusions*

- Ocnita District Court does not have a separate room for the judicial police.
- There is no information window for the public.
- The courthouse has a public information board at the entrance.
- The judges' offices have plaques with their names.
- List of cases scheduled for trial are generated by ICMS.
- The procedure for getting copies of judgments requires prior approval by the court president.

### *Recommendations*

- Arrange a window at the courthouse entrance to facilitate public access to information.
- Install plaques on judges' office doors warning that the entry is restricted.
- Simplify the procedure for getting copies of judgments by sparing the president the obligation to approve applications.



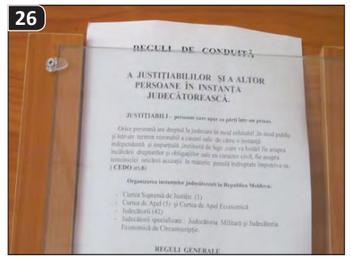
Lista ședințelor de judecată fixate pentru judecare

18.06.2012

| Ora | Numărul dosarului | Denumirea dosarului | Esența cauzei |
|---|---|---|---|
| SEDINTE DE JUDECATA NR.2 | | | |
| 09:00 - 09:30 | 37-2-419-27042012 | Serebrian Stella Fiodor vs Dascăl Arcadie Dumitru | decăderea din drepturile părintești |
| 10:00 - 10:30 | 37-2-399-24042012 | Cravțevici Sergiu vs Direcția de evidență și documentare a populației Ocnița | declararea persoanei decedate |
| 11:00 - 11:20 | 37-2-453-14052012 | SC"Artasboce m"Tarița Roman vs SRL"Hrizolitis" | încasarea datoriei |
| 13:00 - 13:30 | 37-2-473-18052012 | Olii Aglaia Sava vs OCT Ocnita | constatarea faptului |

19.06.2012

| Ora | Numărul dosarului | Denumirea dosarului | Esența cauzei | Tip |
|---|---|---|---|---|
| SEDINTE DE JUDECATA NR.2 | | | | |
| 09:00 - 09:20 | 37-2-521-30052012 | Antoniuc Gheorghi vs Antoniuc Inna | divorț | De c cau |
| 10:00 - 10:20 | 37-2e-522-30052012 | ÎM"Cristal Nord" vs ZAL PP"Otlaci Business" | înlăturarea obstacolelor | De e caus |
| 10:30 - 10:50 | 37-1-526-31052012 | Moisei Cristin Grigorii | art.362 al.2 CP | De e caus |
| 11:00 - 11:20 | 37-1-527-31052012 | Eifert Serghei Alexandru | art.362 al.1 CP | De e cauz |
| 13:00 - 13:40 | | Gavriliuc Vladimir | | De ex |



REGULI DE CONDUITĂ
A JUSTIȚIABILILOR SEA ALTOR PERSOANE ÎN INSTANȚA JUDECĂTOREASCĂ.

JUSTIȚIABIL – persoane care apar ca părți într-un proces.

Organizarea instanțelor judecătorești în Republica Moldova:

- Curtea Supremă de Justiție (1)
- Curtea de Apel (5) și Curtea de Apel Economică
- Judecătorii (42)
- Judecătorii specializate : Judecătoria Militară și Judecătoria Economică de Circumscripție

REGULI GENERALE

**Photo 23.** *Entrance hall of the courthouse*
**Photo 24.** *Hearing schedule generated in ICMS*
**Photo 25.** *Inscription on the chancellery*
**Photo 26.** *Rules of behavior for the public posted on the information board*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Ocnita District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which in turn receives ceilings for the entire justice sector from the Ministry of Justice. These ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others)

2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted as per the inflation rate predicted for the coming year. After all these calculations, the court proposes a draft budget that complies with the ceilings established by DJA

## 6.1. BUDGET

The budget of Ocnita District Court is divided into the following six categories:

- *Staff expenditures* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – power, gas, water and sewerage and sanitation;
- *Expenditures for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[4]

From 2010 (executed) to 2012 (approved), the budget of Ocnita District Court increased from MDL 1.2 million to MDL 1.4 million (Table 8).

In 2011 the court budget increased by 5% compared with 2010 due mostly to expenditures for repairs. Operating expenditures increased by 9% compared with the previous year, and staff expenditures increased by only 1%.

For 2012, Ocnita District Court budgeted 13% more funds than it did in 2011. Funds for utilities increased by 28%, allocations for staff grew by 15% and funds for repairs dropped 10%.

[4] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Ocnita District Court by type of expense (2010–2012)*

| Expenditure category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 880,834 | 889,326 | 1% | 1,023,500 | 15% |
| Repairs | 50,000 | 110,522 | 121% | 100,000 | -10% |
| Utilities | 98,000 | 73,383 | -25% | 94,000 | 28% |
| Fixed assets | 6,000 | 0 | -100% | 0 | 0% |
| Capital investments | 0 | 0 | 0% | 0 | 0% |
| Operating expenditures | 189,033 | 206,095 | 9% | 223,300 | 8% |
| **Total** | **1,223,867** | **1,279,326** | **5%** | **1,440,800** | **13%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

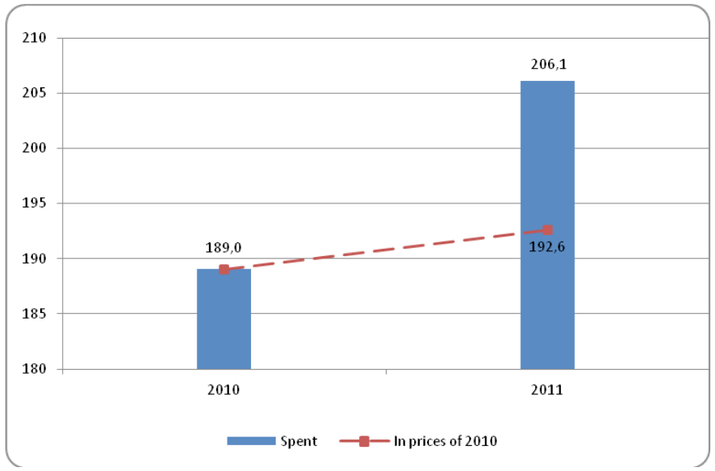
## 6.2. STAFF EXPENDITURES

Staff expenditures represent approximately 70% of the total budget and increase year by year. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

From 2010 to 2011, both the face value and the real value of operating expenditures increased. Their face value increased from MDL 189 thousand to MDL 206.1 thousand, which represents a growth of about 9%. Their real value increased by approximately 2% taking into account that in 2011 the inflation rate was 7%[5]. MDL 206.1 thousand in 2011 was therefore equivalent to MDL 192.6 thousand in 2010; hence, the real value of operating expenditures increased by only MDL 3.6 thousand (Graph 7).

**Graph 7.** *Operating expenditures for Ocnita District Court in 2010 and 2011*



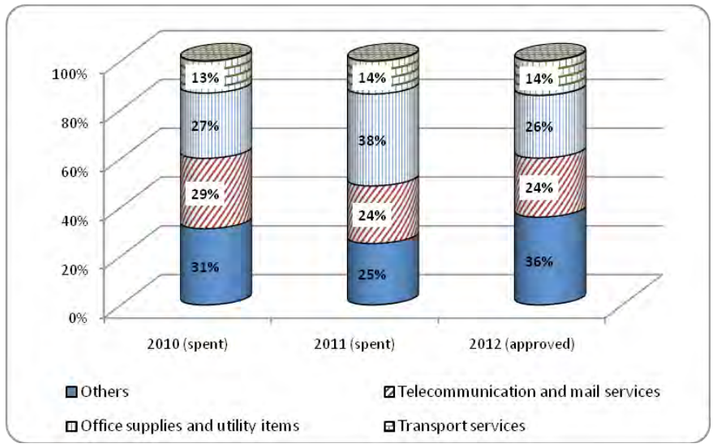

[5] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that in 2010 telecommunications and mail services accounted for 29% of operating expenditures, office supplies and utility items accounted for 27% of the total and transport services accounted for 13%.

In 2011 the structure of operating expenditures changed. Office supplies and utility items accounted for 38% of total operating expenditures, telecommunications and mail services accounted for 24%, and transport services remained almost unchanged at 14%.

In 2012 the operating expenditures had the following structure:

- Allocations for offices supplies and utility items decreased by 12 percentage points.
- Telecommunications and mail services and transport services were the same as in 2011.

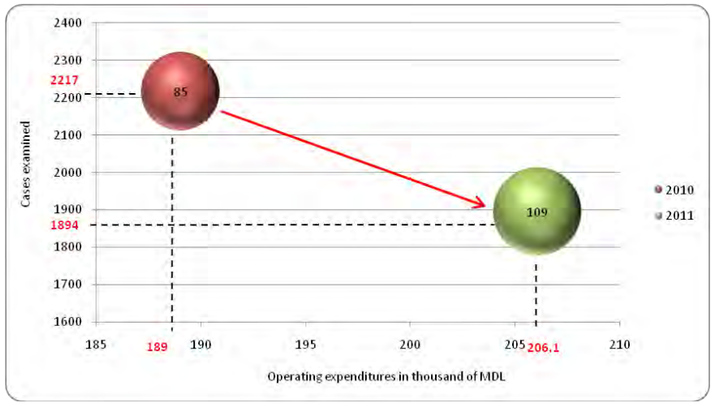
Expenses for telecommunications and mail merit attention because approximately 70% are for stamps.

## 6.5. OPERATING EXPENDITURES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase in operating expenditures in 2011 compared with 2010 was not related to the number of cases examined, which was 1894 in 2011 compared with 2217 in 2010.

Comparing the operating expenditures with the number of cases examined, in 2010 the average cost for examining a case amounted to around MDL 85 while in 2011 it was MDL 109 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case at Ocnita District Court in 2010 and 2011*



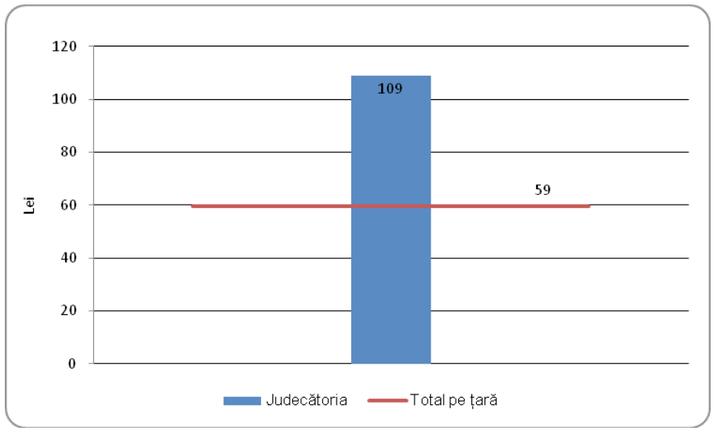

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The increase in the average cost per case examined can be explained by the decrease in the number of cases examined and a concurrent increase in operating expenditures.

## 6.6. AVERAGE OPERATING COST FOR EXAMINING A CASE IN OCNITA DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY AS A WHOLE

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 109 per case in 2011 is high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined at Ocnita District Court in 2011 and the weighted average cost per case for the country as a whole*




As shown in Graph 10, in 2011 the average cost per case examined in Ocnita District Court was higher than the weighted average cost per case examined for the country as a whole.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Ocnita District Court does its accounting manually. The court has not purchased accounting software due to a lack of funds.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the chief accountant and the adviser neither of whom has professional qualifications in procurement. Since procurement legislation is continuously changing, these persons should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, both the face value and the real value of operating expenditures increased.
- In 2011 the average operating cost for examining a case increased compared with 2010.
- In 2011 the average operating cost for examining a case was higher than the weighted average cost of a case examined for the country as a whole.
- In 2011, Ocnita District Court examined fewer cases than it did in 2010 but spent more on operating costs which indicates that there is no direct correlation between operating expenses and the number of cases examined.
- Mail services account for a large share of total operating expenses.
- Accounting is done manually.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing accounting software and training the staff to use it.
- Consider purchasing postage meters to reduce mail expenses. Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Orhei District Court, situated in the town of Orhei, serves 116,296 inhabitants in the 75 localities that are part of Orhei District according to Law No. 764 of 27 December 2001 on the Administrative-territorial Organization of the Republic of Moldova.

Orhei District Court has 8 judges. Its office also employs other 27 persons. Human resource management at Orhei District Court is carried out by the court president and the adviser to the court president. Orhei District Court does not have a public relations specialist nor has it a job description for this position. There are no signs guiding citizens to the chancellery, specialists or the courtroom. The regular staff of the court does not receive internal training.

Staff expenditures follow an upward trend. The court does all its public procurements without a procurements specialist. In 2011 both the face value and the real value of the allocations for operating expenditures increased. In 2011 the average operating cost for examining a case increased compared with the previous year but was lower than the weighted average cost of a case examined for the country as a whole (see the detailed analysis in Chapter VI).

The main building of Orhei District Court is a historic monument. It has 22 offices, 2 public rooms and 1 courtroom with a total surface area of 424.2 sq. meters. The court also has an additional building that was previously occupied by bailiffs and is now undergoing capital repairs. This building has an annex with a courtroom. The exterior, the roof, the water supply system, the sewerage system and the interior of the main building need repairs.

# ORHEI DISTRICT COURT

*135, V. Mahu Str. Orhei town*

*Date of visit: 11 May 2012*

The staff of Orhei District Court uses Version 2 of ICMS. The staff reported that there are technical issues with its slow speed and also with frequent power outages.

The staff makes audio recordings of some hearings held in the only courtroom they have. An insufficient number of courtrooms, lack of training and legal requirements for written minutes in addition to recordings (overlapping) are among the reasons that not all hearings are recorded.

Specialists at Orhei District Court continue to keep a large number of registers although amendments to the Guidelines have reduced the number required.

The total number of cases filed at Orhei District Court from 2009 to 2011 increased by 424, and the number of cases examined increased by 217 with a case clearance rate of 90.3% in 2011.

The court has an information board for the public, and office doors have plaques showing judges' names, but there is no warning that the public is not admitted.

The court does not use its web page management system efficiently. The employee responsible for web page management publishes judgments on it; however, the information posted on this page needs to be reformatted and updated.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 3 | The exterior needs to be cleaned. One wing of the building has cracks and should be demolished. |
| Water supply | 1 | The court is connected to the central water supply. The pressure is low, and the pipes are old. |
| Power supply | 4 | The wiring is old and needs to be replaced. There are frequent power outages. The court purchased a voltage regulator to stabilize the electrical system. |
| Sewerage system | 4 | The sewerage system is central. The pipes are the original ones and should be inspected and repaired. |
| Heating system | 1 | The heating system is based on gas. It was repaired in 2010. Because windows are old there is excessive heat loss. |
| Firefighting system | - | Does not exist. |
| Roof | 4 | The roof of the main building leaks, so the ceiling on the upper floor has deteriorated. The ceiling in the building with the courtroom is in good condition. |
| Interior | 4 | The rooms in the main building need repairs. The building previously occupied by bailiffs is undergoing capital repairs and its rooms have been redesigned. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

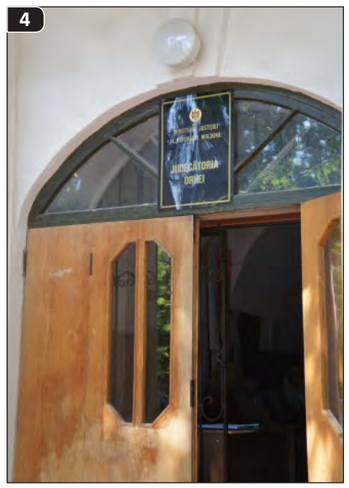


**Photo 1.** *Interior stairs*
**Photo 2.** *Building's exterior*
**Photo 3.** *Building's exterior*
**Photo 4.** *Building's exterior*
**Photo 5.** *Cracks in the facade*
**Photo 6.** *Building being renovated*
**Photo 7.** *Stabilized power*
**Photo 8.** *The façade of the two buildings*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational condition of Orhei District Court in May 2012.

The main building of Orhei District Court has 22 offices, 2 public rooms and 1 courtroom with a total surface area of 424.2 sq. meters. The court also has an additional building that was previously occupied by bailiffs and is now undergoing capital repairs. This building has an annex with a courtroom.

Orhei District Court does not benefit from the services of the national guard but has its own guards who work 24 hours a day in shifts. For a few daytime hours, the court is protected by the judicial police.

The main building of the court has two floors and a basement. The basement is the place where the court keeps its main archives. This room has problems related to high humidity and crumbling walls. The basement also has two restrooms used by judges, the staff and the public. The stairs leading into the basement are made of concrete and have simple iron banisters. This area is insufficiently illuminated.

The interior of the main building is in bad condition, and the finishing is old and shabby. Floors are made mostly of wood or concrete and in some areas they are uneven. Most rooms have wooden panels that protect the walls.

The windows are old and in bad condition. They may be replaced only with the permission of the Ministry of Culture of the Republic of Moldova because Orhei District Court is a historic monument.

The heating system was repaired in 2010. Nonetheless, in winter temperatures inside are below normal because the old windows do not prevent heat leakage.

There are problems with humidity, and rainwater leaks through ceilings on the second floor. Until the roof is repaired all other repairs are useless. It is currently not possible to repair the roof because the Ministry of Culture requires that the roof be tiled and the court cannot afford to pay for the materials and labor this would involve.

The doors are old and need to be replaced. The stairs need to be covered with floor tiles and should have new banisters.

The light fixtures are the same ones installed when the building was commissioned.

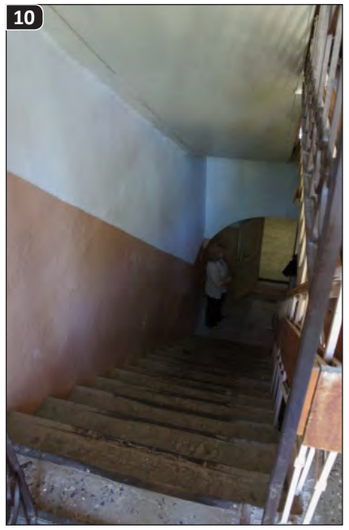
There is neither a firefighting system nor emergency lighting.

The second building is undergoing capital repairs; there are plans to move the chancellery into this building. To date, only two restrooms in the basement of this building have been repaired completely.

The extension with the courtroom has been renovated. This courtroom has appropriate working conditions and new furniture.

The judges and the staff of Orhei District Court work in three buildings but use the historic landmark at V. Mahlu Str. as the main one. This building is not appropriate for a court of law. There are no separate rooms for court clerks. The offices are small. Although the chancellery is very small, five persons work in it. The only courtroom is outside the main building.

The 2009 Infrastructure Assessment Report listed six priorities for capital repairs, only one of which has been implemented (Table 1 and Graph 1). Instead, the court started capital repairs in its second building.



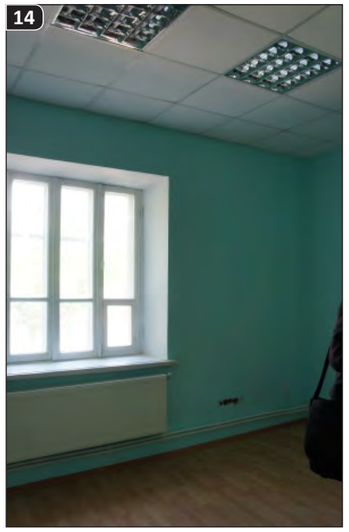


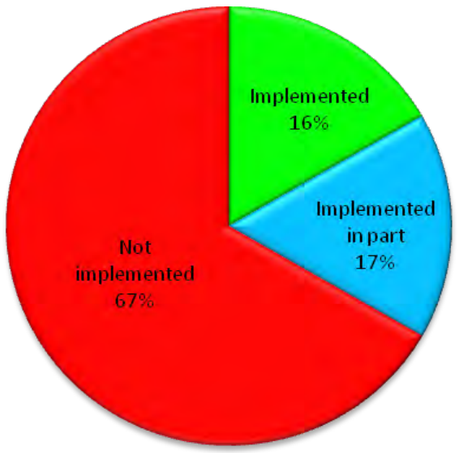

**Photo 9.** *Old windows*
**Photo 10.** *Entrance in the basement of the main building*
**Photo 11.** *Ceilings in the main building*
**Photo 12.** *The repaired restroom in the basement*
**Photo 13.** *Repairs in the second building*
**Photo 14.** *The repaired chancellery in the second building*

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repairs in 2009 | Implementation of capital repair priorities in 2012 |
|---|---|
| Consider moving into another sufficiently large building that can be renovated. | Not implemented |
| Consider building a new courthouse. | Not implemented |
| Repair the roof. | Not implemented |
| Repair the restrooms and the sewerage system. | Implemented in part |
| Replace the windows. | Not implemented |
| Replace the boilers and install a heating system in the courtroom. | Implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of priorities for capital repairs in 2012*




## *Conclusions*

- From 2009 to 2012, very few of the renovations recommended in the 2009 Infrastructure Assessment Report were implemented at Orhei District Court.
- ROLISP estimated that of the priorities for capital repairs identified in 2009, 16% had been implemented, 17% had been implemented in part and 67% had not been implemented.
- The functional area of the main building of Orhei District Court is inappropriate for a court of law.
- Most rooms in the main building need repairs.
- The court has to get permission from the Ministry of Culture to repair its roof and to replace the windows and the entrance door of the main building.
- Between 2009 and 2012 the court started capital repairs in its second building but has not finished them.

## *Recommendations*

- Move the chancellery into the second building.
- Clean the exterior of the main building.
- Repair all rooms in the building.
- Replace old windows and doors.
- Replace the heating system.
- Renovate the water supply and sewerage systems.
- Renovate the electrical system.
- Replace the light fixtures.
- Install a fire alarm system.

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Orhei District Court has used ICMS since 2009. Now it uses ICMS Version 2.

After files are registered, the clerical staff scans statements of claims and certain documents attached to those statements in civil case files, indictments in criminal cases and administrative case files in full.

As for modifying ICMS Version 2, the staff suggested moving writs under the menu "Judgments" and requested access to the register of population, the register of individuals and information about border crossings, while the archivist additionally suggested enabling the option of searching files by judge's name (Table 2). Their technical issues are the slow speed of ICMS and frequent power outages.

Orhei District Court does not have an information technology specialist although it has a contract with an information technology professional who serves a number of institutions in Orhei and hence is not always available.

**Table 2.** *Suggested modifications for ICMS*

| No. | Suggestions for modifying ICMS |
|---|---|
| 1. | Move writs under the section "Judgments". |
| 2. | Provide access to the register of population, register of individuals and the information about border crossing. |
| 3. | Provide the possibility for the archivist to search files by judge's name. |

*Source: Orhei District Court staff*

The court goes to CTS when the staff has problems with ICMS. The staff rated their general satisfaction with the services provided by CTS as a 3 out of 5.

## 2.2. AUDIO RECORDING SYSTEM

Orhei District Court has one courtroom equipped with audio recording equipment and software. Another audio recording set was purchased with court funds and installed in the office of the court president. Only the hearings that are held in the courtroom are recorded. These are important cases or cases requiring lawyers or defense attorneys. The records are stored on the server.

The court usually meets requests for recordings of hearings. Since the audio recording software and equipment has been used, there have been only three requests for CDs of hearings.

The courtroom door does not have a plaque stating that the hearings are audio recorded.

According to SCM regulations on digital audio recording of hearings,[2] hearings are recorded to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. The clerks use all the recordings to ensure the completeness and accuracy of written minutes.

The issues the employees of Orhei District Court face relate to an insufficient number of courtrooms, duplication of work—written minutes and audio recordings—and frequent power outages.

[2] *SCM Regulations on Digital Audio Recording of Court Hearings, approved through SCM Decision No. 212/8 of 18 June 2009.*

## 2.3. WEB PAGE OF ORHEI DISTRICT COURT

Orhei District Court has a web page on which it posts information for the public. Although Orhei District Court has a person managing its web page, he does not use the web content management module and is responsible only for publishing judgments.

Orhei Radio has started the practice of announcing cases tried by the court on the respective day.

Table 3 shows the menus and their contents.

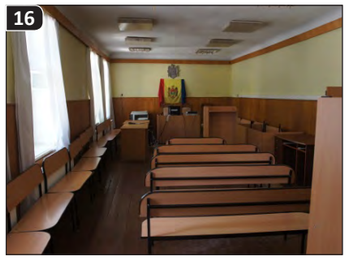


**Photo 15.** *A chancellery specialist using ICMS*
**Photo 16.** *Courtroom*
**Photo 17.** *Entrance to the courtroom*
**Photo 18.** *Audio recording equipment*

**Table 3.** *Content of the web page of Orhei District Court*

| Menu title | Information posted on the web page |
|---|---|
| Main Page | Lorem Ipsum text (a placeholder text used to demonstrate the graphic elements of a document) |
| Message of the Court President | Address of the President of Orhei District Court |
| Competence | – Competence of Orhei District Court<br>– Territorial coverage of Orhei District Court |
| Regulatory Framework | List of regulatory acts governing the work of Orhei District Court |
| Public Relations Service | Contact information for the public relations specialist |
| Press Releases | Information about appointing a judge to deal with mass-media relations and requests for information |
| News | Information about the 2008 training for clerks on using the audio recording equipment in court hearings |
| Archive | – Information about delivering copies of procedural documents<br>– Active link to the 2008 guidelines |
| Organization | Link to the organizational chart of Orhei District Court. |
| List of Hearings | Information extracted automatically from ICMS |
| List of Case Files | Information extracted automatically from ICMS |
| Database of Judgments | Information extracted automatically from ICMS<br>Last decision was posted on August 3, 2012 |
| Statistics | Statistics for 2010 and 2011 |
| Orhei District | General information about Orhei District with two links that when accessed result in an error message. |
| Vacancies | Information from 2011 about the vacancy for adviser to the president. |

*Source: http://jor.justice.md/*

Table 3 shows that the web content management module of Orhei District Court was last accessed in 2011. The web page contains statistics for 2011 and an announcement about a job vacancy. "*Competence*" should be redone to better use the space. "*News*" contains obsolete information. The text in "*Statistics*" is inefficiently formatted and laid out.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Orhei District Court seems to have sufficient equipment to carry out its activities. Table 4 shows the type of equipment, the number of items existing and the number of items needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Server | 1 | - |
| Computers | 32 (24 work) | 2 |
| Printers | 31 (21 work) | 5 |
| Scanners | 2 | 8 |
| Fax | 2 | 1 |
| Femida system | 2 | 1 |
| UPS | 21 (19 work) | 5 |

*Source: Orhei District Court*

### Conclusions

- When using ICMS Version 2, the staff of Orhei District Court faces the problems of slow speed and frequent power outages.
- The staff of Orhei District Court uses the audio recording system during important court hearings and when lawyers or defense attorneys participate in hearings.
- To improve its work Orhei District Court needs 2 computers, 5 printers, 8 scanners, 1 audio recording set, 1 fax and 2 UPS units.
- Orhei District Court does not use the web content management module.

### Recommendations

- Ensure an uninterrupted power supply.
- Provide enough courtrooms to accommodate all hearings and record all hearings.
- Establish the practice of deleting audio recordings from the server in line with SCM Regulations.[3]
- Ensure the uniformity of the font and colors used on the web page.
- Rearrange the layout of the text on the web page so as to use the space efficiently.
- Update the information on the web page.

[3] *Regulations on Digital Audio Recording of Court Hearings, approved through SCM Decision No. 212/8 of 18 June 2009.*

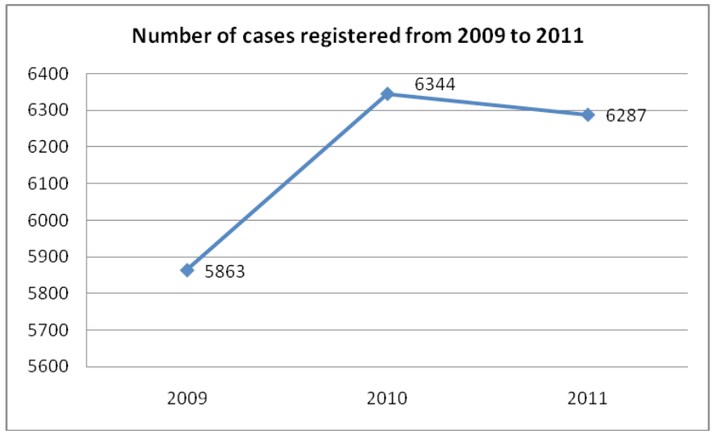
# III. WORK OF ORHEI DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The workload at Orhei District Court from 2009 to 2011 was assessed based on the total number of cases registered, the total number of cases examined, the number examined by type of case, the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases filed at Orhei District Court increased from 5863 in 2009 to 6287 in 2011.

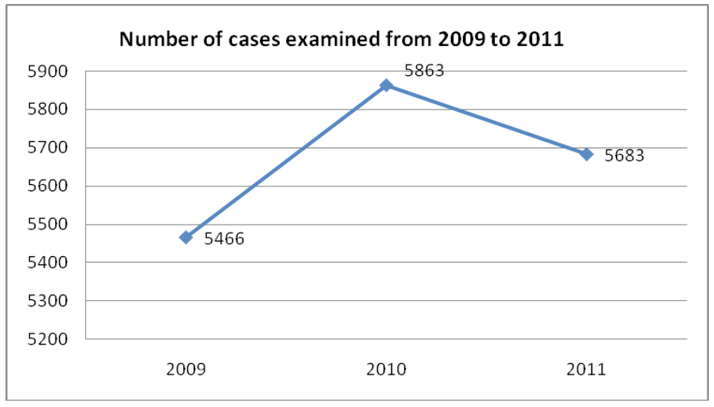
**Graph 2.** *Number of cases registered at Orhei District Court from 2009 to 2011*




*Source: DJA*

Graph 3 shows that the number of cases examined increased from 5466 in 2009 to 5683 in 2011.

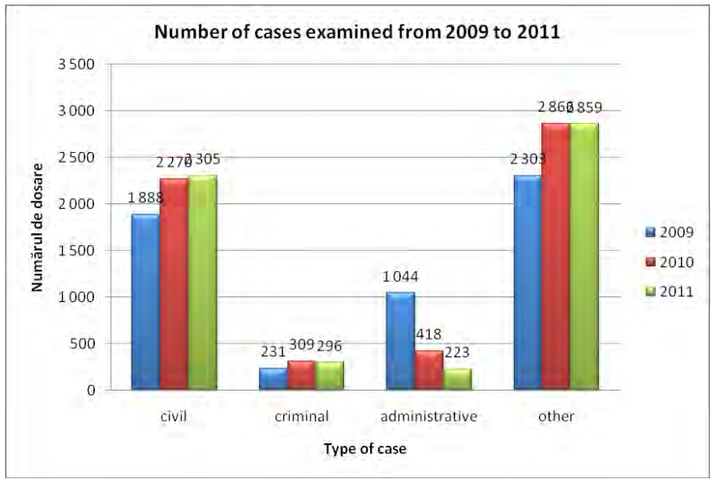
**Graph 3.** *Total number of cases examined at Orhei District Court from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, from 2009 to 2011 the number of civil cases examined in Orhei District Court increased from 1888 to 2305, the number of criminal cases examined increased from 231to 296 and the number of administrative cases decreased from 1044 to 223.

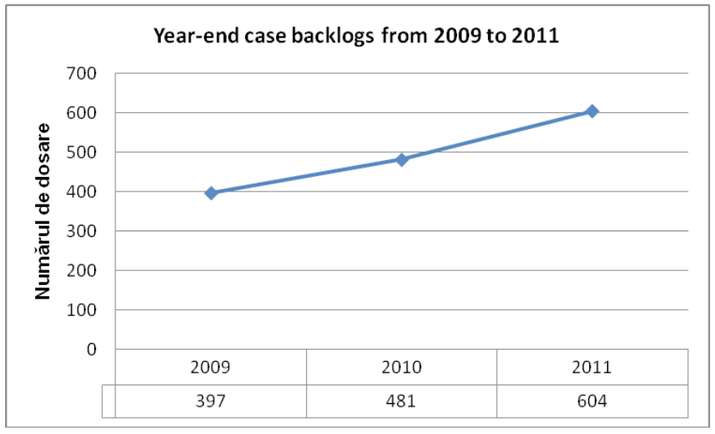
**Graph 4.** *Number of cases examined at Orhei District Court from 2009 to 2011by type of case*




*Source: DJA*

The analysis of the case backlog at Orhei District Court showed an increase from 397 in 2009 to 604 in 2011 (Graph 5).

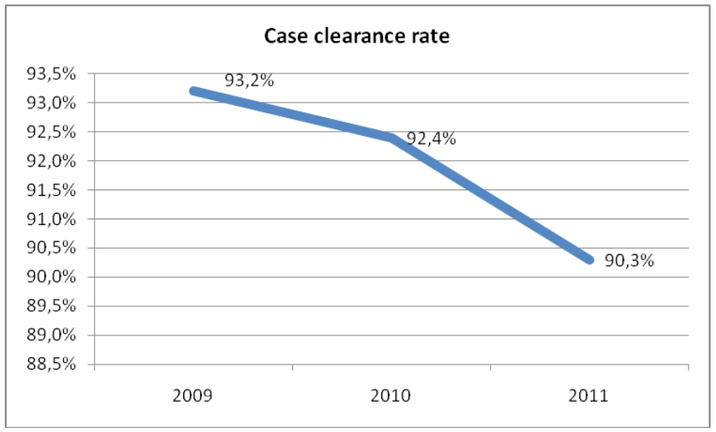
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Orhei District Court decreased from 93.2% in 2009 to 90.3% in 2011.

**Graph 6.** *Case clearance rate from 2009 to 2011*




## 3.2. ORGANIZATION OF ACTIVITIES

Orhei District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice and analyzing judicial statistics and perform other duties as needed for the normal run of activities.

The chancellery of Orhei District Court is located on the ground floor. Its specialists are responsible for scanning documents from case files and registering cases in ICMS and on paper.

The chancellery maintains the registers listed in Table 5.

**Table 5.** *List of registers used by Orhei District Court chancellery*

| Register Category | Register title |
|---|---|
| *General* | 1. Incoming mail<br>2. Incoming email<br>3. Case files sent for expert examination<br>4. Correspondence with the Court of Appeals and the Supreme Court of Justice. |
| *Civil* | 1. Civil cases<br>2. Judgments sent to the Civil Registry Office<br>3. Index of civil cases<br>4. Enforcement orders sent to the bailiff's office<br>5. Enforcement orders sent to the Tax Inspectorate<br>6. Administrative procedures<br>7. Retrials<br>8. Cases with indices 22–26<br>9. Writ procedures<br>10. Commercial cases<br>11. Action record card |
| *Criminal* | 1. Criminal cases passed to judges<br>2. Index<br>3. Material evidence<br>4. Criminal cases – Article 90 of the Criminal Code<br>5. Action record card |
| *Administrative* | 1. Complaints against decisions of extra-judiciary bodies<br>2. Index of administrative cases<br>3. Administrative cases passed to judges<br>4. Action record card |

*Source: Orhei District Court chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may be entered three or four times in various records as shown in Table 6.

**Table 6.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Register of incoming mail, Register of civil cases, Index |
| Plaintiff's name | ICMS | Action record card | Register of incoming mail |
| Plaintiff's contact information | ICMS | Action record card | Register of civil cases |
| Defendant's name | ICMS | Action record card | Register of civil cases, Index |
| Defendant's contact information | ICMS | Action record card | Index |
| Case file category | ICMS | Action record card | Register of civil cases, Index |
| Essence of the case | ICMS | Action record card | Register of civil cases |
| State fee | ICMS | Action record card | Register of civil cases |
| Circulation of the case file within the court | ICMS | Action record card | Register of civil cases |

*Source: Orhei District Court chancellery specialists*

The chancellery keeps more registers than required in the Guidelines,[4] and furthermore, the titles of most registers do not match the titles established in the Guidelines.

The archives of Orhei District Court are located in the basement, but the rooms are small and are not appropriate for them. There are no humidity controls and no ventilation. The files are kept in good order. Entrance is restricted.

## *Conclusions*

- The number of cases filed in Orhei District Court increased by 7.2% from 2009 to 2011.
- The number of cases examined from 2009 to 2011 increased by 3.9%.
- The number of civil cases examined from 2009 to 2011 increased by 417, criminal cases increased by 65 cases and administrative cases decreased by 821.
- The case backlog increased by 207 from 2009 to 2011.
- The case clearance rate decreased by 2.9% from 2009 to 2011.
- There is duplication of effort because laws and guidelines require paper and digital records.
- The chancellery specialists keep more registers than stipulated in the Guidelines.

## *Recommendations*

- Move the chancellery to facilitate public access to information.
- Eliminate power outages.
- Provide appropriate conditions for the archives.
- Review internal procedures for keeping records to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.
- Use the electronic statistical reporting module in ICMS Version 3.

[4] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

**Photo 19.** *Chancellery*
**Photo 20.** *Archives*
**Photo 21.** *Archives*

## IV. HUMAN RESOURCES

### Assessment

Orhei District Court has 8 judges. Its office also employs other 27 persons[5].

The court does not have a human resource specialist; those duties are performed by the court president and the adviser to the president. Before the position of adviser to the president was established, the head of the chancellery was responsible for human resource management. The adviser mentioned that the court needs to employ a human resource specialist.

Orhei District Court does not have a public relations specialist; in fact, there is not even a job description for this position. On orders from the court president, one of the consultants publishes judgments on the web page. All requests for information are examined and dealt with either by the chancellery staff or by the president's office. On the other hand, according to information on the court's web page, it has a public relations specialist, who works in the chancellery. The same source shows that the president appointed a judge to deal with the media.

When the court needs to employ staff it posts an advertisement on the information board and also considers applicants recommended by existing staff, both of which have proved to be very efficient.

According to the president, in the past two years only one person resigned of his/her own volition, and no one was dismissed.

Orhei District Court has job descriptions for adviser to the president, chief accountant, head of the chancellery, head of the archives, archivist, consultant, court clerk, translator, chancellery specialist, guard (who also works as a boiler operator), driver-courier, cleaner-courier and cleaner.

The court has internal regulations that have been handed on to judges and regular staff to establish the organization of work in the court and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice. These regulations are posted on the information board.

Judges are trained by NIJ, and in 2011 all judges in Orhei District Court had met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. Orhei District Court subscribes to the legislative database MoldLex. The court subscribes to *The Official Gazette,* the magazines *Dreptul (Law)* and *Legea și viața (Law and Life)* and the newspaper *Plaiul Orheian (Orhei Land).*

As for the regular staff, clerks need to be trained on how to work the audio recording system and how to use it efficiently to prepare minutes.

### Conclusions

- Human resource management at Orhei District Court is carried out by the court president and the adviser to the president.
- The court has no public relations specialist although according to its web page it seems to have one.
- The court does not have a human resource specialist.
- The court does not organize internal training for its regular staff.

### Recommendations

- Employ a human resource specialist and train him/her.
- Employ a public relations specialist and train him/her.
- Write a job description for the human resource specialist.
- Write a job description for the public relations specialist.
- Formalize employment practices in Orhei District Court.
- Implement internal training for the regular staff of Orhei District Court so they can solve problems they meet in their jobs.

[5] *The list of staff was not provided to the assessment team.*

## V. SERVICES FOR THE PUBLIC

Orhei District Court has neither an information window nor an information office near its entrance. The judges' doors have plaques with their names, but there are no statements that the public is not admitted. There is an information board at the entrance, but no signs to guide citizens to the chancellery or to the courtroom. The courtroom door does not have a plaque stating that hearings are audio recorded.

The board in the hall has the following information:

- List of cases scheduled for hearing which in Orhei District Court is retrieved automatically from ICMS
- 2 templates for applications
- Emergency evacuation plan
- Internal regulations of Orhei District Court
- Rules of behavior for court users.

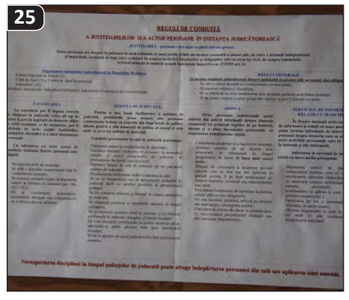
During the working hours of Orhei District Court the parties and other participants in a case may request copies of judgments by filling out an application at the chancellery. The applications are forwarded to the court president for approval. If the president approves it, the applicant pays a state fee at a bank. After the applicant shows the confirmation of payment, he/she may pick up a copy of the judgment at the archivist's. The copies are delivered within 1-10 days depending on how old the document is.

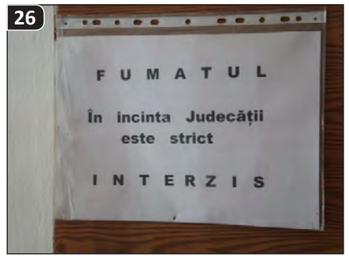
### *Conclusions*

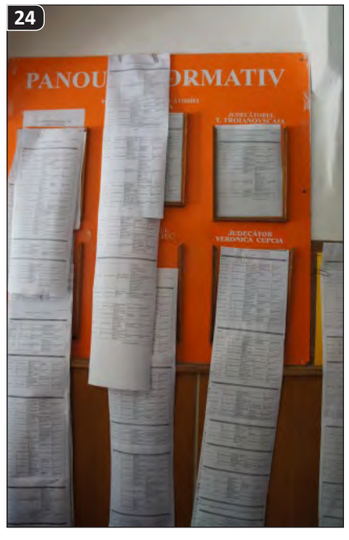
- There is no information window for the public.
- There are no signs showing the way to the chancellery or to the courtroom.
- There are no plaques warning that the public is not admitted in judges' offices.
- The courtroom door lacks a plaque stating that hearings are recorded.
- The information board contains information meant to help visitors to orient themselves.
- The chancellery of Orhei District Court is on the ground floor and must be moved to another place.
- The procedure for getting copies of judgments requires the approval by the court president.

### *Recommendations*

- Move the chancellery and arrange a one-stop-shop for information and for filling out applications and receiving documents.
- Install signs showing the way to the chancellery and the courtroom.
- Post more detailed information of public interest on the information board (e.g. announce the web page of the court, information about audio recordings of hearings and the right to request a copy of the CD, news in the judiciary, information about the state fee, etc.).





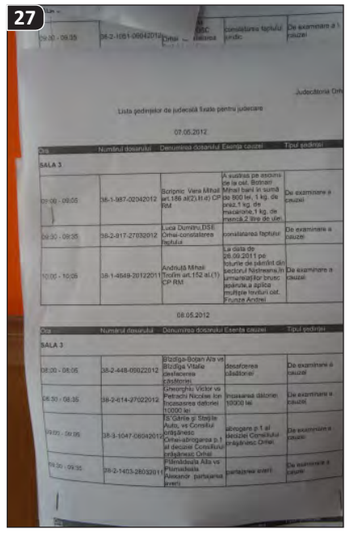




**Photo 22.** *Plaque on a judge's door*
**Photo 23.** *Renovation design*
**Photo 24.** *Information board*
**Photo 25.** *Rules of behavior for court users*
**Photo 26.** *A warning (Smoking in the courthouse is not allowed)*
**Photo 27.** *Hearing schedule created in ICMS*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Orhei District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA which receives the ceilings for the entire judiciary from the Ministry of Justice. The ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling is set for the following two expenditure categories:

1) Current expenses (staff, others);

2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by DJA while capital expenses are determined by each individual court after negotiations with DJA. Other expenses are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET

The budget of Orhei District Court is divided into six categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[6]

In 2010 (spent) and 2012 (approved), the budget of Orhei District Court was almost the same at MDL 2 million while in 2011 it was MDL 2.6 million(Table 7).

In 2011, the budget of the court increased by 38% compared with 2010 with increases in nearly all categories particularly fixed assets (the court purchased a car), repairs and operating expenses.

In 2012 the court planned a budget cut of 26% over 2011. There are no allocations for fixed assets; repairs are 90% less than in 2011, and operating expenses decreased by 19%. On the other hand, utilities increased by 45% while allocations for staff increased by 15%.

[6] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 7.** *Budget of Orhei District Court by type of expense (2010–2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 1,235,537 | 1,299,201 | 5% | 1,491,000 | 15% |
| Repairs | 399,400 | 621,625 | 56% | 63,200 | -90% |
| Utilities | 82,000 | 134,251 | 64% | 195,000 | 45% |
| Fixed assets | 20,300 | 342,500 | 1587% | 0 | -100% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 215,151 | 301,243 | 40% | 244,600 | -19% |
| **Total** | **1,952,388** | **2,698,820** | **38%** | **1,993,800** | **-26%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

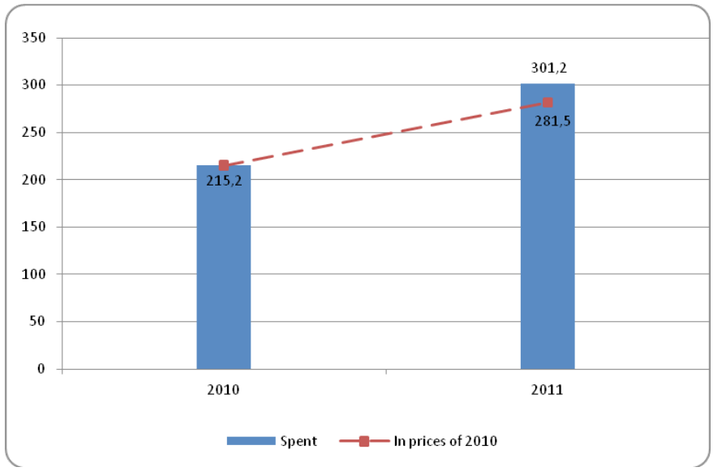
## 6.2. STAFF EXPENSES

Staff expenses represent approximately 60% of the total budget increasing annually. Due to the fact that remuneration is governed by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

From 2010 to 2011 both the face value and the real value of operating expenditures increased. Their face value grew from MDL 215.2 thousand to MDL 301.2 thousand, a 40% increase. Their real value increased by approximately 31% taking into account that in 2011 the inflation rate was 7%[7]. MDL 301.2 thousand in 2011 was therefore equivalent to 281.5 thousand in 2010; hence, the real value of operating expenses increased by approximately MDL 66 thousand (Graph 7).

**Graph 7.** *Operating expenses for Orhei District Court in 2010 and 2011*



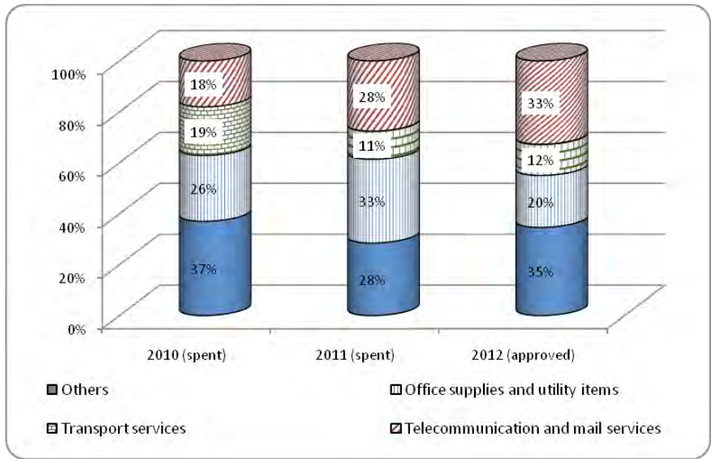

[7] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




In 2011, the main share of total operating expenses went for office supplies and utility items at 33% which was 7 percentage points more than in 2010. Telecommunications and mail were 28% of the total, a 10 percentage points increase, and transport expenses accounted for 11% which was 8 percentage points less than 2010.

In 2012, allocations for office supplies and utility items decreased to 20% of the total while expenditures in the other categories increased most notably in telecommunications and mail (at 33%, an increase of 5 percentage points).

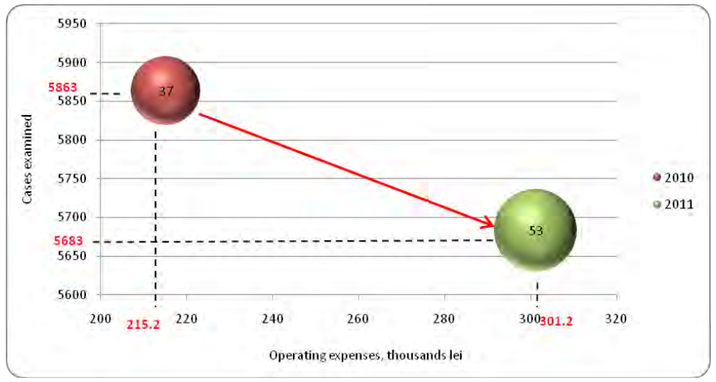
Expenses for telecommunications and mail merit attention because approximately 70% of them are for stamps.

## 6.5. REAL VALUE OF OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase in the real value of operating expenses in 2011 compared with 2010 was not related to the number of cases examined as it was 5863 in 2010 and 5683 in 2011.

Comparing the operating expenses with the number of cases examined, in 2010 the average cost for examining a case was approximately MDL 37 while in 2011 it was MDL 53 (Graph 9).

**Graph 9.** *Comparative analysis of the average cost for examining a case in Orhei District Court in 2010 and 2011*



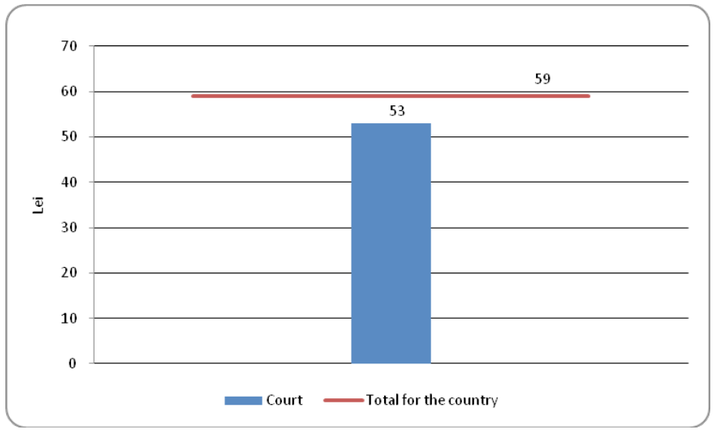

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The increase in the average cost of examining a case was due to the decrease in the number of cases examined and the increase in operating expenses.

## 6.6. AVERAGE OPERATING COST PER CASE IN ORHEI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 53 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Orhei District Court and the weighted average cost per case for the country*




As shown in the Graph 10, in 2011 the average cost per case examined in Orhei District Court was less than the weighted average cost for examining a case for the country as a whole.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Orhei District Court does its accounting electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the chief accountant who does not have professional qualifications in public procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, both the face value and the real value of the court's operating expenses increased.
- In 2011, the average cost of examining a case increased compared with 2010.
- In 2011 the average cost of examining a case was lower than the weighted average cost per case for the country as whole.
- In 2011, Orhei District Court examined fewer cases than in 2010, but its operating expenses increased. This indicates that there is no direct correlation between operating expenses and the number of cases examined.
- Mail expenses account for a large share of total operating expenses.
- Accounting is done electronically.
- All public procurements are made without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Rezina District Court, situated in the town of Rezina, serves 53.400 inhabitants in the 41 localities that are part of Rezina District according to Moldovan Law No. 764 of 27 December 2001 on the Administrative-territorial Organization of the Republic of Moldova.

According to its staffing plan, the court has 4 ordinary judges and 1 investigating judge. Its office also employs other 1 8 persons. The Ribnita Court, with one judge and one court clerk, is also located in the Rezina District Court. There is no human resource specialist; those duties are performed by the court president and the adviser to the court president. The public relations specialist keeps the public informed about the court's activities and administers the court's website.

Staff expenditures follow an upward trend. The court does all its public procurements without a procurements specialist. In 2011 both the face value and the real value of the allocations for operating expenditures decreased. In 2011 the average operating cost for examining a case decreased compared with the previous year and was lower than the weighted average cost of a case examined for the country as a whole (see the detailed analysis in Chapter VI).

Rezina District Court covers 1.317 sq. meters on two levels and a basement. The building is in good condition; its exterior, roof, water supply and sewerage systems and power system have been renewed. The court plans to lay out a cell for detainees in the basement.

# REZINA DISTRICT COURT

*7, Voluntarilor Str., Rezina*

*Date of visit: 1 June 2012*

The staff of Rezina District Court uses ICMS Version 2 which was installed in 2009, but they mentioned that there are issues with it including an uneven distribution of case files and insufficient knowledge of its options and therefore there is a need for additional training.

The staff of Rezina District Court makes recordings of some of the hearings held in the six courtrooms where audio-recording equipment is installed. During the visit for documentation, they said that all hearings are held in courtrooms as there are five courtrooms for the five judges who currently work at the Rezina District Court and one for the judge who works at the Ribnita Court. Turnover of court clerks, lack of training and legal requirements for written minutes in addition to recordings (overlapping) are among the reasons that not all hearings are recorded.

Specialists at Rezina District Court continue to keep a considerable number of registers although amendments to the Guidelines have considerably reduced the number required.

From 2009 to 2011, the total number of cases filed at Rezina District Court increased by 167 and the number of cases examined increased by 174 with a clearance rate of 97.3% in 2011.

The court has an information board for the public, and there is a warning on the door leading to the second floor where judges' offices are located that entry into those offices is not allowed.

Rezina District Court updates its webpage periodically and the menus contain some information of public interest although some do not have all the information indicated while in others information is repeated.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 2 | The exterior façade has been fully refurbished and is maintained in good condition. It should be mentioned that Rezina was one of the pilot court projects of the Moldova Governance Country Threshold Program funded by the Millennium Challenge Corporation. |
| Water supply | 2 | The water supply is sufficient. It has been fully renewed. There are still some problems with the external network which was installed too close to the surface and therefore freezes in winter. |
| Power supply | 1 | The electrical system has been fully renewed. The problems with the power network are caused by the regional network. A transformer was installed to ensure power security for the server. |
| Sewerage system | 2 | The sewerage system has been renovated. |
| Heating system | 2 | The heating system is based on gas. Although it is old, no issues have been reported. In 2011 a new boiler was purchased. |
| Firefighting system | - | None. |
| Roofing | 1 | The roof structure is sound as it was repaired in 2009. |
| Interior | 1 | The interior has been fully repaired and is maintined in good condition. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

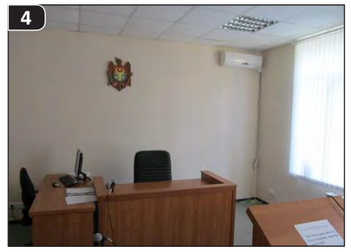


**Photo 1.** *Court facade*
**Photo 2.** *Court facade*
**Photo 3.** *Signs directing visitors*
**Photo 4.** *Courtroom*
**Photo 5.** *Arhives*

## 1.2. CURRENT CONDITION

The assessment focused on a comparative analysis of the physical and operational condition of Rezina District Court in June 2012.

The courthouse has 2 floors and a basement with a total area of 1443.2 sq. meters. There are 15 offices, 1 public space and 6 courtrooms.

Rezina District Court benefits from the services of the judicial police and the state guard; therefore, the position of night guard has been dropped from the staffing plan.

Rezina was one of four pilot court projects that benefited from technical and financial assistance as part of the Moldova Governance Country Threshold Program funded by the Millennium Challenge Corporation.

Ribnita Court, with one judge and one court clerk, is also located in the Rezina District Court.

The court façade is in good condition as it was repaired in 2009. Gutters and down spouts were installed to drain storm water from the roof.

The court has renewed its water supply and sewerage systems which are now in good condition. The power system is in very good condition after having been totally renewed as part of the 2009 repairs. The archives are efficiently laid out in one room on the ground floor. The chancellery is also located on the ground floor close to the main entrance. There is an information window at the entrance to the courthouse. Judges' offices are on the second floor and access to it is restricted so the space used by public is separated from the one used by judges.

The condition of the ground floor interior is good. All spaces have been capitally refurbished. In the offices, ceilings and floors have been replaced, walls have been painted and new furniture has been purchased. The new chancellery space, public intake area and the case review room have significantly facilitated public access to information. On the ground floor there is one restroom for the litigants that has been refurbished. The main stairs and back stairs of the courthouse have also been renovated.

On the second floor, the interiors have been fully refurbished. New furniture and light fixtures have been purchased. The server has been installed in a separate room which has air conditioning, and a transformer was installed to ensure its proper operation. The offices of the judges and of other staff are in good condition after full refurbishment. The staff restroom is in good condition and parties' access to it is limited.

The heating system is in good condition. Though the pipes and radiators are old, no problems have been reported. In 2011 a new boiler was purchased.

There are neither firefighting systems nor emergency lights.

The operational space of Rezina District Court is appropriate for a court of law. The courthouse has a separate entrance for detainees; however, there is no separate space for them. Currently detainees are brought to the courtroom through the court's back entrance and the public hall. The court has six courtrooms for the five judges of the Rezina District Court and the judge of the Ribnita Court.

Rezina District Court plans to lay out a space for detainees in the basement.

Since it was a pilot court project, Rezina was not assessed in the 2009 Infrastructure Assessment Report. During reparations, the space was designed to provide better service to the public and to reduce possibilities for direct contact with the court staff. It was reconfigured to ensure the full separation of public space from space for court staff and detainees.

### Conclusions

- Rezina District Court was fully renovated between 2009 and 2012. The repairs were carried out in accordance with the principles stated in the 2009 Infrastructure Assessment Report.
- The water supply network is too close the surface, so in winter water freezes.
- The building exterior and interior were renovated in 2009.

### Recommendations

- Install a firefighting system.
- Create a cell for detainees with limited access.

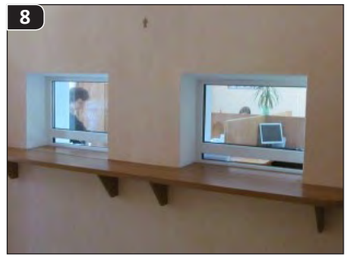



**Photo 6.** *Signs on a courtroom door*
**Photo 7.** *Courtroom*
**Photo 8.** *Public information window*

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Rezina District Court has used ICMS Version 2 since 2009.

The staff mentioned some technical issues with ICMS such as uneven assignment of cases and the need for additional training. The court president manages ICMS users and enters new users.

After case files are registered, the clerical staff does not scan them citing a lack of time, the slow speed of the scanning program and the fact that the scanned documents are not used because the documents are attached to the case file as hard copies.

The court does not have an information technology specialist; all technical problems are referred to CTS.

The court staff stated that CTS fixes problems promptly and even on weekends when needed. They rated their satisfaction with CTS in 2012 as a 4 out of 5.

**Table 1.** *Suggestions for modifying ICMS for Rezina District Court*

| No. | Suggestions on ICMS modification |
|---|---|
| 1. | When saving a hearing, there should be an option for each user (judge) to indicate the courtroom where that hearing was held. |
| 2. | Introduce case weighting for random case assignments. |
| 3. | Create the possibility to resume work on cases classified "closed" (in situations when the decision was made to dismiss the complaint and reinitiate the case). |
| 4. | Introduce indexes for the motions of the probation office and those of the enforcement officers. |

*Source: Rezina District Court staff*

## 2.2. AUDIO RECORDING SYSTEM

Audio recording equipment and software have been installed in all six courtrooms of Rezina District Court, but not all hearings are recorded even though they are all conducted in courtrooms. Audio recordings are kept on the court server; they are not routinely copied onto CDs for storage.

Since 2009, CDs with copies of recordings have been provided to 100% of requesters.

Each courtroom door has a sign stating that court hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings,[2] the reason for recording court hearings is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. At the Rezina District Court, clerks sometimes use the audio recordings to ensure that the minutes are complete and accurate.

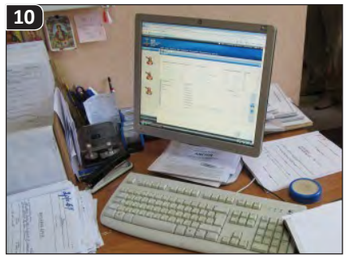
Among the technical issues they face, Rezina District Court employees reported that periodically it is not possible to use the audio recording equipment or to listen to the recordings. Other issues include the legislation requiring duplication of effort—written minutes and audio records—as well as insufficient numbers of trained staff.

[2] *SCM Regulation on digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

## 2.3. WEB PAGE OF REZINA DISTRICT COURT

Rezina District Court has a web page on which it posts information for the public; it is updated by the public relations specialist as needed.

Table 2 shows the menus on the court website and their contents.



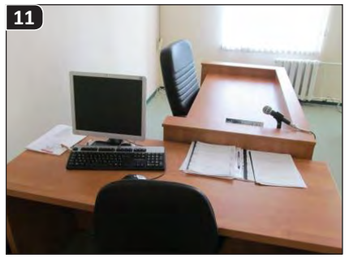


**Photo 9.** *Resina Court Chancellery*
**Photo 10.** *ICMS on the court clerk's computer*
**Photo 11.** *Courtroom*
**Photo 12.** *Courtroom*
**Photo 13.** *Audio recording system*

**Table 2.** *Content of the web page of Rezina District Court*

| Menu title | Information posted on the web page |
|---|---|
| About Rezina District Court | – Court history<br>– Information about the fact that it was a pilot court project<br>– General information about the restructuring |
| Message of the Chief Judge | – Welcome address |
| Jurisdiction | – Competence<br>– A file showing the localities under the jurisdiction of the Rezina District Court |
| Regulatory Framework | – List of basic regulatory acts governing the court's work |
| Public Relations Service | – Full name of the public relations specialist and contact data |
| Press Releases | No information |
| News | Active link to "*Vacancies*" |
| Archives | – General information about the archives<br>– Active link to *Guidelines on Manual Secretarial Work in Courts of Law and Courts of Appeal approved by SCM Decision No. 473/21 of 18 December 2008*, which directs visitors to the website http://www.csm.md that generates an error<br>– Active link to the Law for Amending the Law on Archives of the Republic of Moldova<br>– Active link to "*Useful Links*" which contains no information. |
| Organization | A file with the court's organizational chart |
| List of Hearings | Information extracted automatically from ICMS |
| List of Case Files | Information extracted automatically from ICMS |
| Database of Judgments | Information extracted automatically from ICMS<br>Last decision was posted on December 21, 2011 |
| Statistics | – Active link to "*Informative Note for 2009*" which contains data from the 2009 Statistical Report |
| Information of Public Interest | – Active link to "*Rules of Conduct for Court Staff*"<br>– Active link to "*Court Working Hours*"<br>– Active link to "*Guidelines for Citizens*" which directs visitors to "*Civil Complaints*" |

*Source: http://jrz.justice.md/*

Table 2 shows that not all menus have information of public interest about court activities. "*News*" contains an active link that directs visitors to "*Vacancies*." In the menu "*Jurisdiction,*" the table presenting the localities should be redone. The menu "*Organization*" contains a link to a Word file presenting the organizational chart of the court. To facilitate public access to this information, the organizational chart should be displayed directly on the website. The information in "*Statistics*" should be updated.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Rezina District Court has sufficient equipment to carry out its activities. Table 3 shows the type of equipment, the number of items and the equipment needed.

**Table 3.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Server | 1 | - |
| Computers | 25 | - |
| Monitor | 22 | - |
| Printers | 17 | 5 |
| Scanners | 2 | - |
| Audio recording sets | 6 | - |
| Xerox | 3 | - |
| Air conditioning systems | 9 | 3 |
| Fax | 2 | - |
| UPS | 22 | - |
| TV set | 1 | - |
| DVD | 1 | - |
| Telephone | 4 | - |

*Source: Rezina District Court*

### Conclusions

- When using ICMS Version 2, the staff of Rezina District Court faces problems of uneven case assignments and insufficient knowledge of the software's options.
- The staff of Rezina District Court sometimes uses the audio recording system.
- All audio recordings are stored on the server and are not routinely copied to CDs.
- Last decision was posted on December 21, 2011.
- To improve the work of Rezina District Court, the following equipment is necessary: 5 printers and 3 air conditioners.
- Rezina District Court uses the website content management system; all menus have some information of public interest, but sometimes the title of the menu does not match its content.

### Recommendations

- Establish the practice of deleting audio recordings from the server according to SCM regulations.[3]
- Continue the practice of posting court decisions on the website by using the corresponding ICMS module.
- Supplement the website with information of public interest.
- Ensure the uniformity of the font and colors used on the web page.
- Avoid duplicating information on the website.

[3] *Regulations on Digital Audio Recording of Court Hearings approved by SCM Decision No. 212/8 of 18 June 2009.*

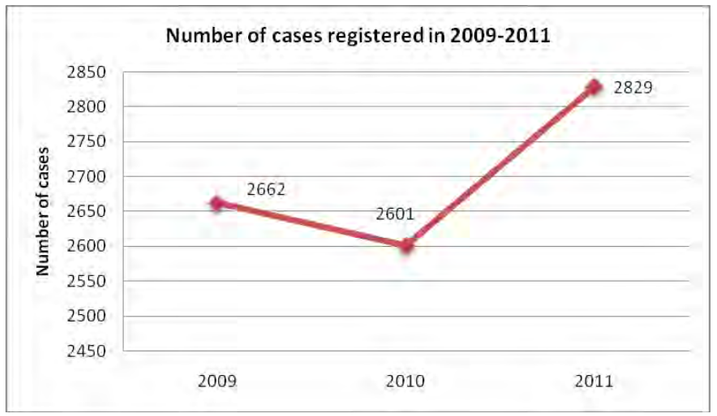
# III. WORK OF REZINA DISTRICT COURT

## 3.1. WORKLOAD

The assessment covered the following items from 2009 to 2011: the total number of cases registered; the total number of cases examined; the number examined by type of case; the case backlog at the end of the year and the case clearance rate.

Graph 1 shows that the number of cases registered increased from 2662 in 2009 to 2829 in 2011.

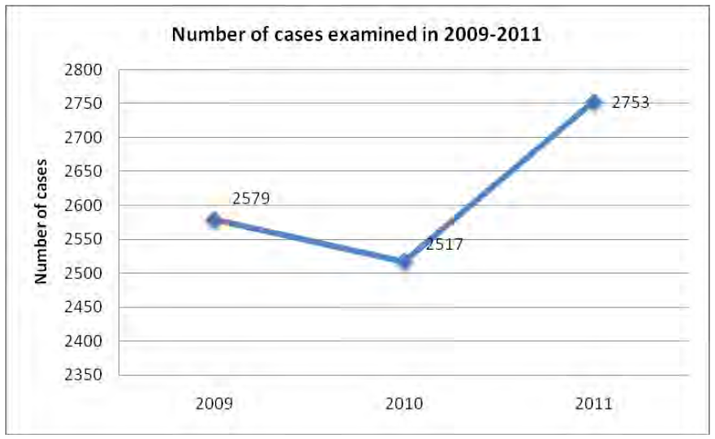
**Graph 1.** *Number of cases registered at Rezina District Court from 2009 to 2011*




*Source: DJA*

Graph 2 shows that the number of cases examined increased from 2579 in 2009 to 2753 in 2011.

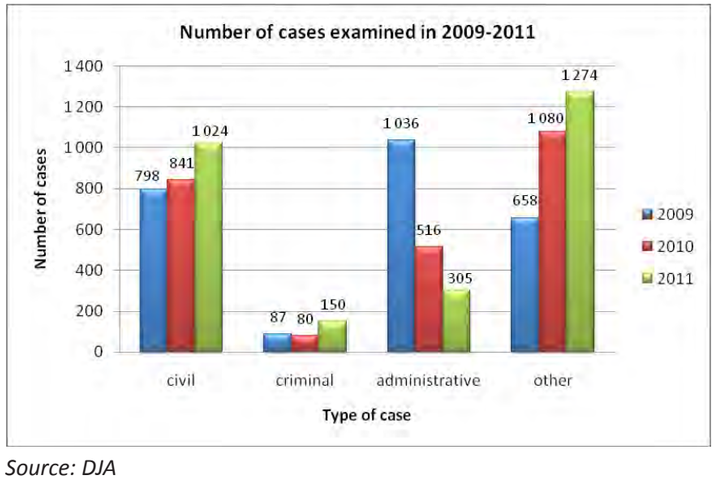
**Graph 2.** *Total number of cases examined at Rezina District Court from 2009 to 2011*




*Source: DJA*

According to the data in Graph 3, from 2009 to 2011 the number of civil cases examined in Rezina District Court increased from 798 to 1024, the number of criminal cases did not change very much and the number of administrative cases decreased from 1036 to 305.

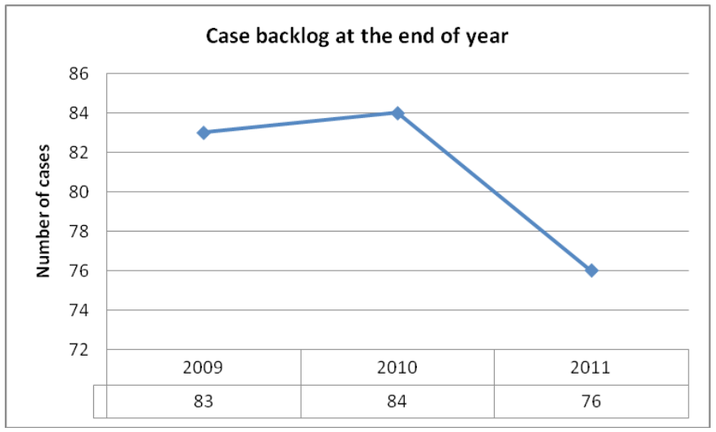
**Graph 3.** *Number of cases examined at Rezina District Court from 2009 to 2011by type of case*




*Source: DJA*

An analysis of the data on case backlogs at Rezina District Court showed a decrease from 83 in 2009 to 76 in 2011 (Graph 4).

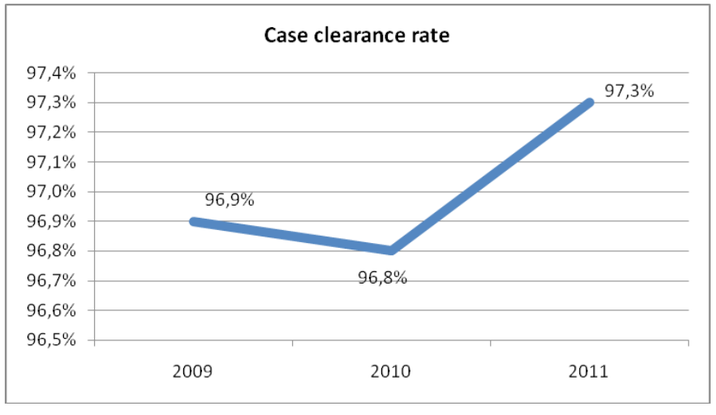
**Graph 4.** *Case backlogs from 2009 to 2011*




*Source: DJA*

As shown in Graph 5, the case clearance rate in Rezina District Court increased from 96.9% in 2009 to 97.3% in 2011.

**Graph 5.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Rezina District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and conducting other work required for the normal run of court activities.

The chancellery is situated on the ground floor close to the entrance. Its staff includes two specialists responsible for registering case files in ICMS and on paper.

The chancellery maintains the registers listed in Table 4.

**Table 4.** *List of registers used by Rezina District Court chancellery*

| Register Category | Register title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Correspondence sent throughout the town<br>4. Transfer enforcement orders<br>5. Case files received from the Court of Appeals, Supreme Court of Justice |
| ***Civil*** | 1. Index of civil case files<br>2. Case files sent to the Court of Appeals, Supreme Court of Justice<br>3. Record card |
| ***Criminal*** | 1. Index of criminal case files<br>2. Complaints against actions of criminal investigation bodies and motions<br>3. Arrest warrants<br>4. Record card |
| ***Administrative*** | 1. Index of administrative case files<br>2. Administrative case files<br>3. Appeals |

*Source: Rezina District Court chancellery specialists*

Duplicate records of case files are kept—one on paper and one in electronic format. The same information may thus be entered three times in various records as Table 5 shows.

**Table 5.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Index |
| Plaintiff's name | ICMS | Action record card | Index |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index |
| Defendant's contact information | ICMS | Action record card | Index |
| Case file category | ICMS | Action record card | Index |
| State duty | PIGD | Action record card | |
| Circulation of the case file within the court | PIGD | Action record card | |
| Essence of the case | ICMS | Action record card | |

*Source: Rezina District Court chancellery specialists*

The chancellery keeps more registers than the Guidelines[4] require; however, the number of registers kept by type of case is in line with the provisions in the Guidelines.

The archives of the Rezina District Court are located on the ground floor and are efficiently laid out in one well located room of sufficient size. The files are kept in order, but, there is no ventilation system in the room. The security of the room is ensured only by the door lock. There is no space for physical evidence so it is kept at the police station.

### Conclusions

- The number of cases filed at Rezina District Court increased by 6.3% from 2009 to 2011.
- The number of cases examined increased by 6.7% from 2009 to 2011.
- The number of civil cases examined from 2009 to 2011 increased by 226, the number of criminal cases increased by 63, and the number of administrative cases decreased by 731.
- The case backlog decreased by 7 from 2009 to 2011.
- The case clearance rate increased by 0.4 from 2009 to 2011.
- There is duplication of work because laws and the instructions on secretarial work require both paper and digital registers.

### Recommendations

- Install a ventilation system in the archives.
- Review in-house procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.
- Install ICMS Version 3 and use the electronic statistical reporting module in it.

[4] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

Rezina District Court has five judges (according to the approved staffing plan). Its office also employs other 18 persons.

Ribnita District Court has one judge and one court clerk (according to the approved staffing plan).

The staffing plan of Rezina District Court does not include a human resource specialist. In practice, these duties are the responsibility of the court president and the adviser to the court president. Previously, human resource management used to be the responsibility of the court president and the head of the chancellery.

Rezina District Court has a public relations specialist who officially represents the court to the media and the public. His main duties are to examine petitions and draft answers to them and to manage the court's e-mail.

When there is a job vacancy, an announcement is posted on the court's information board and website. The court president organizes an interview and a written test. The written test assesses typing speed both in Romanian and Russian. The court president decides on employment and prepares the employment order.

Rezina District Court has job descriptions for the positions of adviser to the court president, chief accountant, consultant, head of the chancellery, head of archives, court clerk, translator, cleaner, driver and boiler room operator.

**Table 6.** *Staffing scheme of Rezina District Court*

| No. | Position | Current number[5] |
|---|---|---|
| 1. | Judge | 4 |
| 2. | Investigating judge | 1 |
| 3. | Adviser to the court president | 1 |
| 4. | Chief accountant | 1 |
| 5. | Consultant | 1 |
| 6. | Head of the chancellery | 1 |
| 7. | Specialist | 1 |
| 8. | Court clerk | 5 |
| 9. | Translator | 1 |
| 10. | Managing specialist | 1 |
| 11. | Head of Archives | 1 |
| 12. | Driver | 1 |
| 13. | Cleaner | 2 |
| 14. | Courier | 0,5 |
| 15. | Boiler room operator | 1,5 |
| | **TOTAL** | **23** |

*Source: Accounting office of Rezina District Court*

**Table 7.** *Staffing scheme of Ribinta District Court*

| No. | Position | Current Number[6] |
|---|---|---|
| 1. | Judge | 1 |
| 2. | Court secretary | 1 |

*Source: Accounting Department of Rezina District Court*

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ and, as reported during the visit, in 2011 all judges of Rezina District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. The court does not subscribe to any private legislative databases. For legal research and reference, the judges use the free legislative database on the Ministry of Justice's web page. Some of the publications to which Rezina District Court subscribes are *Official Gazette, Buletinul CSJ (SCJ Newsletter); Contabilitate si Audit (Accounting and Auditing); Dreptul (Law), Cuvîntul (The Word)* and *Farul Nistrean (Nistru Beacon).*

Court staff other than judges mentioned that the last time they were trained by NIJ was two years ago, and the court has not conducted any in-house training for them.

### *Conclusions*

- Human resource management is carried out by the court president and the adviser to the court president.
- The court has a public relations specialist.
- The court does not have a human resource specialist.
- There is no system for internally training staff.

### *Recommendations*

- Employ a human resource specialist and train him/her.
- Train the public relations specialist.
- Organize internal training for the court staff to solve problems they face doing their jobs.

[5] *There are no vacant positions at the Ribnita District Court.*

## V. SERVICES FOR THE PUBLIC

Rezina District Court has two public information windows in the chancellery which is situated on the ground floor close to the entrance. The public relations specialist has a separate office on the ground floor. At the courthouse entrance, there is a sign guiding the public to the information office (chancellery). There are arrows directing people to the chancellery, archives and courtrooms. There are also signs with the warning that access to the judges' offices is not allowed.

The building has a board at the entrance with the following information:

- List of cases scheduled for trial that is not printed automatically from ICMS but is rather prepared manually in Word;
- Internal regulations;
- List of court staff and their vacation schedules.

Parties and other trial participants may request copies of judgments by filling out an application at the chancellery. Usually no approval by the court president is required. The application is forwarded by the court clerks for approval only when old judgments or judgments in controversial cases are requested. The applicant pays the state fee for the copy. With confirmation of payment, the applicant may pick up a copy of the judgment at the archivist's office. For applicants who come from long distances, the copies are issued on the same day. For other categories of persons, the average time is 2 days.

### *Conclusions*

- The court has one information window for the public.
- There are clear signs guiding the public to the information office, the chancellery and the archives.
- The information board for the public at the entrance contains information helping visitors to better orient themselves.
- The chancellery of Rezina District Court is situated on the ground floor of the building close to the entrance. This location meets the general design requirements for a court of law.
- The procedure for getting copies of judgments does not routinely require approval by the court president.

### *Recommendations*

- Use the ICMS module automatically generating the list of hearings.
- Post more comprehensive information of public interest on the information board such as announcements about the court's website; information about the rights of parties involved in a case to request audio recordings of hearings on CDs; news about the judicial system; information about the state fee; samples of applications, etc.

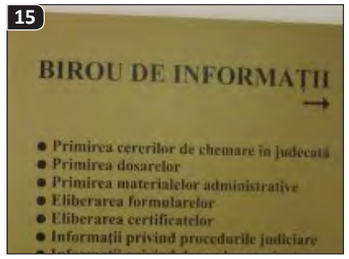


**Photo 14.** *Information board*
**Photo 15.** *Sign for the public*
**Photo 16.** *Sign on the door of the public relation specialist's office*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Rezina District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA which receives the ceilings for the entire judiciary from the Ministry of Justice. The ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling is set for the following two expenditure categories:

1) Current expenses (staff, others);
2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by the DJA while capital expenses are determined by each individual court after negotiations with the DJA. Other expenses are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET (basic component)

Rezina District Court has Ribnita District under its jurisdiction; but following will be presented the Rezina District Court's analysis only.

Budget of Rezina District Court is divided into six categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[6]

From 2010 (executed) to 2012 (approved), the budget of Rezina District Court increased from MDL 1.1 million to MDL 1.3 million (Table 7).

In 2011, the court budget increased by nearly 15% compared with 2010 due to increases in fixed assets and repairs.

The budget for 2012 is 5% more than 2011. Allocations for repairs decreased by 54%, and no resources were budgeted for fixed assets while operating expenses increased by 32%.

[6] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Rezina District Court by type of expense (2010-2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 803,092 | 835,969 | 4% | 960,800 | 15% |
| Repairs | 69,989 | 131,421 | 88% | 60,000 | -54% |
| Utilities | 109,000 | 135,600 | 24% | 168,000 | 24% |
| Fixed assets | 5,915 | 70,000 | 1083% | 0 | -100% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 155,005 | 137,554 | -11% | 182,000 | 32% |
| **Total** | **1,143,002** | **1,310,544** | **15%** | **1,370,800** | **5%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

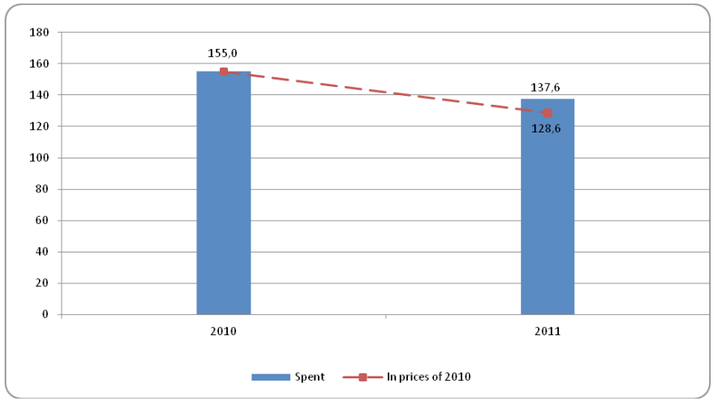
## 6.2. STAFF EXPENSES

Staff expenditures represent approximately 70% of the total budget having increased compared with the previous year. Due to the fact that remuneration is governed by law and regulations, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

In 2010 and 2011 both the face value and the real value of operating expenditures decreased. Their face value decreased from MDL 155 thousand to MDL 137.6 thousand, a reduction of 11%. Their real value decreased by approximately 17% taking into account that in 2011 the inflation rate was 7%.[7] MDL 137.6 thousand in 2011 was therefore equivalent to 128.6 thousand in 2010; hence, the real value of operating expenses decreased by approximately MDL 26.4 thousand.

**Graph 6.** *Operating expenses for Rezina District Court in 2010 and 2011*



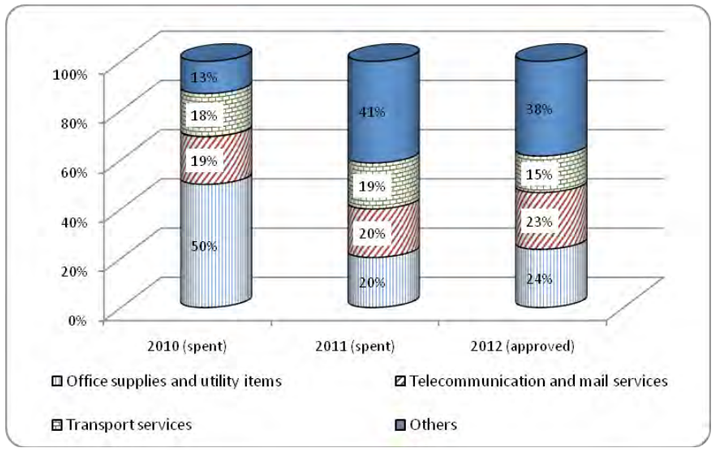

[7] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunication and mail services.

**Graph 7.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that from 2010 to 2011, the share of transport expenses grew from 18% to 19% of the total and telecommunications and mail grew from 19% to 20% of the total while office supplies and utility decreased from 50% to 20%. The budget for all three categories decreased in 2012.

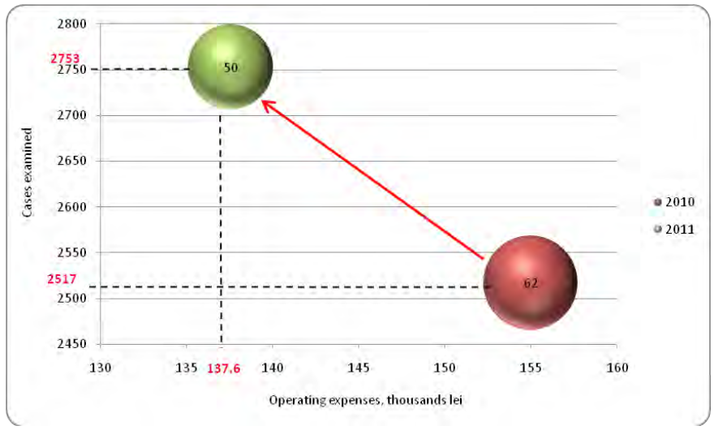
For 2012, the share of office supplies and utility expenses increased by 4 percent points while share of telecommunications and mail expenses increased by 3 percent points. The share of the transport expenses decreased by 4 percent points.

The expenses for telecommunications and mail merit attention because approximately 70% is for stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease of operating expenses in 2011 compared with 2010 was not due to a reduction in the number of cases examined as that number actually increased from 2517 to 2753. In 2010 the average cost for examining a case was approximately MDL 62 while in 2011 it was MDL 50 (Graph 9).

**Graph 8.** *Comparative analysis of the average operating cost/case in Rezina District Court*



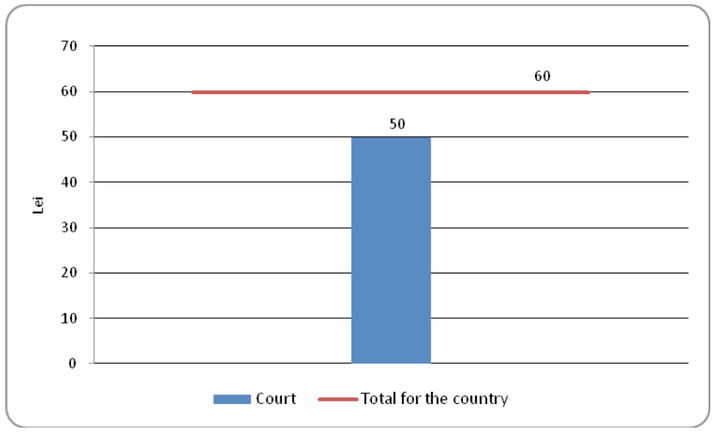

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

Although in 2011, operating expenses decreased compared with 2010, Rezina District Court examined 236 more cases. The increase in the number of cases examined reduced the average cost per case.

## 6.6. AVERAGE OPERATING COST PER CASE IN REZINA DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 50 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 9.** *Comparative analysis of the average cost per case examined in Rezina District Court in 2011 and the weighted average cost per case for the country*




As shown in Graph 10, in 2011 the average cost per case examined in Rezina District Court was lower than the weighted average cost per case for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Rezina District Court does its accounting manually. Because of a lack of financial resources, the court has not purchased any software for electronic record keeping.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the chief accountant who does not have professional qualifications in procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, operating expenses decreased.
- In 2011 Rezina District Court examined more cases than in 2010 spending fewer funds. This indicates that there is no direct correlation between operating expenses and the number of cases examined. The court had to cut down its expenses.
- In 2011 the average cost of a case examined was lower than the weighted average for the country.
- Mail expenses account for a large share of total operating expenses.
- Accounting is done manually due to a lack of accounting software.
- All public procurements are made without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing accounting software for automatic accounting records keeping and training the staff to use it.
- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Riscani District Court, situated in the town of Riscani, serves 70,900 inhabitants in the 55 localities that are part of Riscani District according to Law No. 764 of 27 December 2001 on the Administrative Territorial Organization of the Republic of Moldova.

The court has 5 judges, and 21 regular staff. The court does not have a human resource specialist. Those duties are performed by the adviser to the president.

Staff expenditures have followed an upward trend. The court does all its public procurements without a procurements specialist. In 2011 both the face value and the real value of the allocations for operating expenditures decreased. In 2011 the average operating cost for examining a case increased compared with the previous year and was higher than the weighted average cost of a case examined for the country as a whole (see the detailed analysis in Chapter VI).

Riscani District Court is a two-storey building with a basement with a surface area of 536 sq. meters. It was renovated in part in 2009.

Riscani District Court uses ICMS Version 2; its employees use most of its options. Their problems with ICMS are its slow speed, inability to assign degrees of complexity to cases registered and lack of training for new employees in how to use the software.

# RISCANI DISTRICT COURT

*9, 31 August 1989 Str., Riscani Town*

*Date of visit: 15 June 2012*

Riscani District Court has four courtrooms for five judges. All hearings are held in courtrooms.

Audio recording equipment is installed in three courtrooms. The staff, however, does not use this equipment because clerks do not know how to use it and need training.

The chancellery specialists keep more registers than required in the Guidelines.

From 2009 to 2011 the total number of cases filed at Riscani District Court decreased by 1181 and the number of cases examined decreased by 1111. The case clearance rate in 2011 accounted for 89.2%.

The judges' doors do not have plaques stating that the public is not allowed. This warning, however, is posted on the information board at the courthouse entrance.

The web page of Riscani District Court is updated regularly. Its menus contain some information of public interest though three menus do not contain any information. The adviser to the president is responsible for managing the web page.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 4 | The exterior needs repair. The most recent renovations took place in 2008. The entrance stairs are in good condition, but the exterior walls have deteriorated. The back entrance door and the back stairs are in unsatisfactory condition and need to be replaced. |
| Water supply | 2 | The water supply is insufficient. The system was renovated in 2010. |
| Power supply | 2 | The electrical system was renovated in full and meets the needs of courthouse. The old system was preserved. |
| Sewerage system | 2 | The sewerage system was renovated in full in 2010. |
| Heating system | 2 | The heating system is based on gas. A boiler was recently purchased but the pipes and radiators are the originals. |
| Firefighting system | - | Does not exist. |
| Roof | 4 | The roof is old; the structure is weak and needs to be replaced. |
| Interior | 2 | The offices and corridors have been recently renovated and provided with new furniture. They are in good condition. The flooring of the courtrooms is old and in unsatisfactory condition and needs repairs. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

**Photo 1.** *Courthouse exterior*
**Photo 2.** *A courtroom*
**Photo 3.** *Public area*
**Photo 4.** *Public area*
**Photo 5.** *Basement*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational condition of Riscani District Court in June 2012.

Riscani District Court is a two-sotrey building with a basement, 13 offices, 2 public areas and 4 courtrooms. Its total surface area is 536 sq. meters.

Riscani District Court is protected by the judicial police in daytime and by its own three guards at night. The court does not have a burglar alarm system.

In 2008 the court was partially renovated including the exterior, but its condition is unsatisfactory as the walls have deteriorated and need capital repairs. The interior is in good condition. Some offices, the hallways, the deliberation rooms and two courtrooms have been renovated. New windows and doors were installed. Three courtrooms were furnished with new furniture. The flooring should be replaced in all courtrooms. The sewerage and water supply system was renovated and is in good condition. The restrooms are located inside the court and were renovated in full in 2011. There is one restroom for the staff, one for the public and one for detainees.

The electrical system is in good condition and has been renovated in full. Riscani District Court preserved its old electrical system to decrease the voltage. Apart from the boiler, the heating system is old and needs replacement.

The archives are kept in two rooms—one on the groundfloor and one on the second floor. The chancellery is located on the ground floor but is not near the courthouse entrance. The space for judges and the public is not separate.

The court has a public information board at the entrance. The judges' doors have plaques with their names but without warnings that the public is not allowed.

The server is located in a separate room with a ventilation system.

In 2011 the court arranged a cell for detainees. The courthouse also has a back entrance for detainees and separate entrances into the courtrooms.

The court does not have separate rooms for anonymous witnesses, rooms for juvenile detainees and juvenile participants in a trial or rooms for lawyers to study cases.

The interior of the ground floor is in good condition and has been repaired in part. Offices have been renovated and provided with new furniture. Offices and courtrooms have air conditioners. The ceilings, windows, doors and floors in the hallway have been replaced and the walls have been painted. The light fixtures were replaced in all rooms on this floor. Tbe waiting room for the public has been renovated and tiled. One room previously used as an archive room has been redesigned into a courtroom for the investigating judge. Both courtrooms on this floor have been renovated and provided with new furniture. The flooring in the courtrooms is the original, but it has been painted and has not deteriorated.

There is a restroom for the staff on the ground floor that has been renovated and is in good condition.

The interior stairs have been renovated in full, tiled and equipped with a metal railing.

The condition of the second floor is the same as that of the ground floor. It was partially renovated in 2011. The finishings and public area are in good condition. The offices were refurbished and provided with new furniture. The old flooring in the offices and courtrooms was not replaced. One of the courtrooms on the second floor was divided into two offices and one smaller courtroom by means of panels. The public area and the stairs were renovated in full.

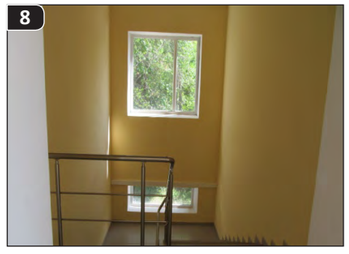
There are no firefighting systems.

The 2009 Infrastructure Assessment Report listed seven priorities for capital repairs four of which have been implemented in full, one in part and two not at all (Table 1 and Graph 1)

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repairs in 2008 | Implementation stage 2012 |
|---|---|
| Repair the roof, the gutters and the downspouts or alternatively construct a new roof. | Not implemented |
| Repair the exterior. | Not implemented |
| Connect the boilers. | Implemented |
| Install a plaque with the name of the institution on the façade. | Implemented |
| Repair the courtrooms and reconfigure other rooms, including moving the chancellery to another location and arranging a reception room on the ground floor. | Implemented in part |
| Improve the power supply system. | Implemented |
| Install air conditioners in the LAN server room. | Implemented |

*Source: 2009 Infrastructure Assessment Report*



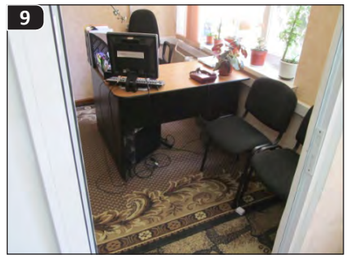
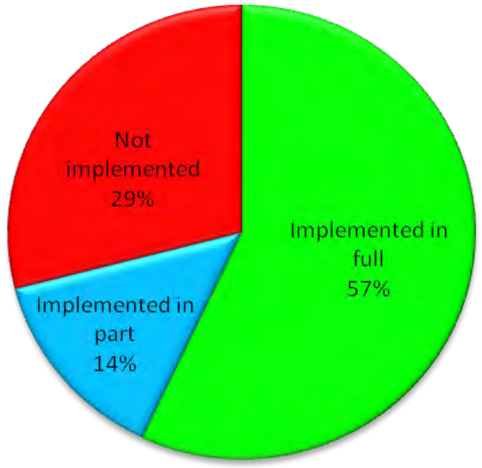



**Photo 6.** *The ceiling*
**Photo 7.** *The archives*
**Photo 8.** *Interior stairs*
**Photo 9.** *The office of an employee of Riscani District Court*

**Graph 1.** *Implementation of priorities for capital repairs in 2012*




## *Conclusions*

- From 2008 to 2011 Riscani District Court made renovations based on recommendations listed in the 2009 Infrastructure Assessment Report. The offices, the hallways and the courtrooms were renovated in part and provided with new furniture.
- Of the priorities for capital repair identified in the 2009 Infrastructure Assessment Report 57% have been implemented in full, 14% in part and 29% have not been.
- The courthouse exterior was renovated in 2008. Currently the condition of the exterior is unsatisfactory and needs renovations.
- The server room was equipped with air conditioning.
- One of the courtrooms was divided to arrange a smaller courtroom and two additional offices. On the ground floor an additional courtroom was arranged.
- The court has a separate room and a restroom for detainees.
- The area used by judges and the public was not repaired.

## *Recommendations*

- Renovate the façade and the roof.
- Install fire alarm systems.
- Move and consolidate the archives.
- Move the chancellery and arrange an information window or office at the courthouse entrance.
- Install plaques stating that the public is not allowed to enter judges' offices.
- Move all judges and clerks' offices to the second floor and restrict access to them.
- Arrange a room for assistants.
- Arrange a room for material evidence.
- Create a room for interviewing juvenile witnesses.
- Arrange rooms for juvenile detainees and juvenile participants in a trial.
- Arrange an office for prosecutors and lawyers to read case materials.
- Arrange a room for the judicial police.

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The staff of Riscani District Court has used ICMS since 2009. The court has Version 2 of this software.

The staff said that problems with ICMS are its slow speed and ongoing need for training for new employees. They also mentioned the need to set the degree of the complexity for cases.

The chancellery specialists scan documents from case files. The assessment team found that the staff uses most of the options in Version 2; however, they do not use the menus for registering enforcement procedures, for printing the list of hearings scheduled for trial, for managing human resources or for performance.

The court does not have an information technology specialist. Technical problems are referred to CST. According to the staff, CST solves issues with delays and after several calls. Often problems are left unsolved. The staff rated their general satisfaction with services provided by CST in 2012 as a 3 out of 5.

**Table 2.** *Suggestions for modifying ICMS in Riscani District Court*

| No. | Suggestions for modifying ICMS |
|---|---|
| 1. | Increase the processing speed of ICMS |
| 2. | Establish the degree of complexity for registered cases |
| 3. | ICMS does not take into account the number of judges who do not use the software. Therefore, it assigns more cases to judges who work actively with it. |

*Source: President of Riscani District Court*

### 2.2. AUDIO RECORDING SYSTEM

Riscani District Court has four courtrooms three of which are equipped with audio recording equipment and software, but the staff does not use it. In two of those three courtrooms, the computer has been disassembled and lacks a monitor and cables. Only one recording set is functional. The staff explained that they do not use the recording software because it does not function, it is excessively complicated and because the staff responsible for making recordings is not trained. The assessment team found that the recording set in the only courtroom where it had not been disassembled is functional.

Since 2009, when the audio recording equipment and software were installed, the staff has received three or four reqeusts for recordings of hearings. The staff did not satisfy these requests because they do not know how to use the software. So far there have been no requests by trial participants to listen to the recordings or to receive CDs of the recordings.

The courtroom doors have plaques stating that hearings are audio recorded.

According to SCM regulations on digital audio recording of hearings,[2] the purpose is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. The clerks do not make recordings so do not use them for that purpose.

[2] *SCM Regulations on Digital Audio Recording of Court Hearings, approved through SCM Decision No. 212/8 of 18 June 2009.*

**Photo 10.** *A courtroom*
**Photo 11.** *A courtroom*
**Photo 12.** *Audio recording system*

## 2.3. WEB PAGE OF RISCANI DISTRICT COURT

Riscani District Court has a web page on which it posts information for the public. The adviser to the president updates the web page regularly, but he mentioned that he did not know how to use a few minor options in the management module.

Table 3 shows the menus of the web page of Riscani District Court and their contents.

**Table 3.** *Content of the web page of Riscani District Court*

| Menu title | Information posted on the web page |
|---|---|
| Overview | – Judicial organizational system<br>– Administrative-territorial unit of Riscani District (geographical coverage, history, administrative organization) |
| Message of the Court President | Welcome address |
| Competence | – Competence<br>– Territorial coverage |
| Regulatory Framework | List of the basic regulatory acts governing the activities of the court |
| Public Relations Service | – A picture that can not be seen<br>– General information about the public relations specialist's duties, contact information and office hours |
| Media Relations | – A picture that can not be seen<br>– Information and contact information of the person responsible for public and media relations, list of regulatory acts governing access to information, means and terms of delivering information |
| Press Releases | Does not contain information |
| News | – An active link to information on the publication of judgements on the web page (extracted from Regulations on Publishing Judgements on a Web Page)<br>– An active link to information on performance assessments of public servants of Riscani District Court<br>– An active link to information on ICMS<br>– An active link to information on the wearing of gowns by lawyers during court hearings |
| Archives | – A picture that can not seen<br>– General information about the archives<br>– A link to the Law on the State Fee<br>– A link to other regulatory acts governing the work of the archives. When accessed, this link displays an error message |
| Organization | – An active link to the internal regulations of Riscani District Court<br>– An active link to the court staff which displays other links:<br>✓ Judges of Riscani District Court. The pictures on this page can not be seen<br>✓ Administrtive staff of Riscani District Court. The pictures on this page can not be seen<br>✓ Contact information for the court staff<br>– An active link to the organizational chart of Riscani District Court |
| Information of Public Interest | – An active link to the section "*Working Hours of the Court*"<br>– An active link to *SCM Decision No. 136/3 of 30 April 2009 on Rules of Court Users' Behavior in a Court of Law*<br>– An active link to the section "*Bank Details of Riscani District Court*"<br>– An active link to the section "*Court User's Guide*" which shows links to:<br>✓ Statement of claim, with information about the procedure for writing and filing a statement of claim<br>✓ Procedure for delivering an enforcement order and its contents<br>– An active link to the section "*Enforcemnt of a Judgment*" which does not contain any information<br>– An active link to the section "*Civil Procedure*" which does not contain any information |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>**The latest judgment was posted on 26 July 2012** |
| Statistics | Does not contain information |
| Useful Links | Links to web pages of central governments and other institutions. The link to the site of the Parliament of the Republic of Moldova is not active. Some pictures can not be seen. |
| Summons | Does not contain information |
| Hearings | Lists of court hearings (posted manually) |

*Source: http://jrs.justice.md/*

Table 3 shows that the web page management module of Riscani District Court is used. The web page contains information of public interest; however, some menus, such as "*Press Releases*," "*Statistics*" and "*Summons*" do not contain any information. Although some information is accompanied with photos, most pictures can not be seen. "*Announcements*" was last updated in 2011. The fonts and collors of the text on the web page should be uniform. The court does not have a menu for job vacancies. It is recommended that some menus be redone. They should be arranged in a logical order: "*Competence*," "*Organization*" and "*Regulatory Framework*" followed by "*List of Case Files*," "*Database of Judgements*," "*Court Hearings*" and "*Summons*." "*News*", "*Archives*" and "*Useful Links*" should be placed at the end of the menu list. This order would facilitate public access to information posted on the web page of the court.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Riscani District Court seems to have sufficient equipment to carry out its activities. Table 4 shows the type of equipment, the number of items existing and the number of items needed.

**Table 3.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Computers | 20 | 15 |
| Printers | 20 | 15 |
| Photocopiers | 3 | 2 |
| Scanners | 1 | 3 |
| Audio recording set | 3 | 1 |
| Fax | 2 | 2 |
| UPS | 10 | 10 |
| Cooler | 1 | 5 |
| Air conditioners | 7 | 7 |
| A device for binding files | - | 2 |

*Source: Riscani District Court*

### Conclusions

- When using ICMS Version 2, the staff of Riscani District Court face the problem of its slow processing speed, its inability to assign degrees of complexity to cases and a lack of training for new employees.
- The staff of Riscani District Court does not use the audio recording system during hearings due to the lack of training for new employees and the extreme comlexity of the software.
- To improve its work the court needs 15 computers, 15 printers, 2 photocopiers, 3 scanners, 1 audio recording set, 2 faxes, 10 UPS, 5 coolers, 7 air conditioners and 2 devices for binding files.
- Riscani District Court uses the web page content management module. Most menus contain information of public interest about the work of Riscani District Court; however, not all pictures accompanying the text can be seen, and three menus do not contain any information at all.

### Recommendations

- Implement internal training on using ICMS and the audio recording software.
- Use all options of ICMS.
- Print the list of cases scheduled for hearing from ICMS.
- Use the audio recording software and equipment during hearings.
- Ensure the uniformity of the font of the text on the web page. Redo menus to facilitate public access to the information posted on the web page.
- Update the web page regularly.
- Create the menu “Job Vacancies” on the web page.

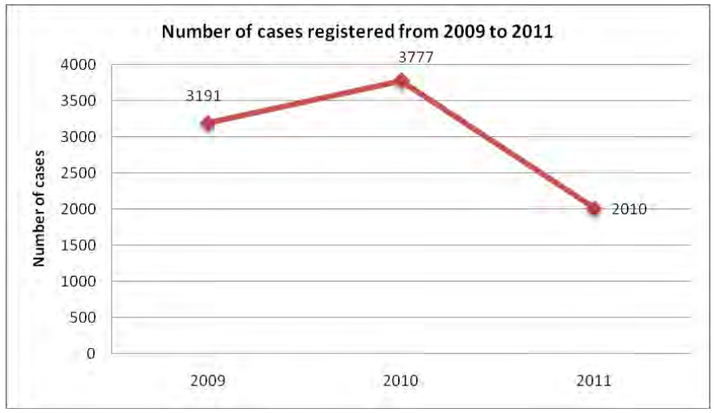
# III. WORK OF RISCANI DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The workload at Riscani District Court from 2009 to 2011 was assessed based on the total number of cases registered, the total number of cases examined, the number examined by type of case, the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases filed at Riscani District Court decreased from 3191 in 2009 to 2014 in 2011.

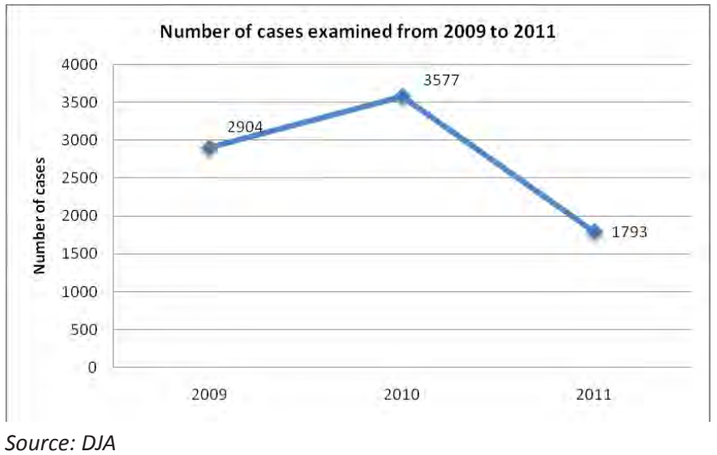
**Graph 2.** *Number of cases registered at Riscani District Court from 2009 to 2011*




*Source: DJA*

Graph 3 shows that the number of cases examined decreased from 2904 in 2009 to 1793 in 2011.

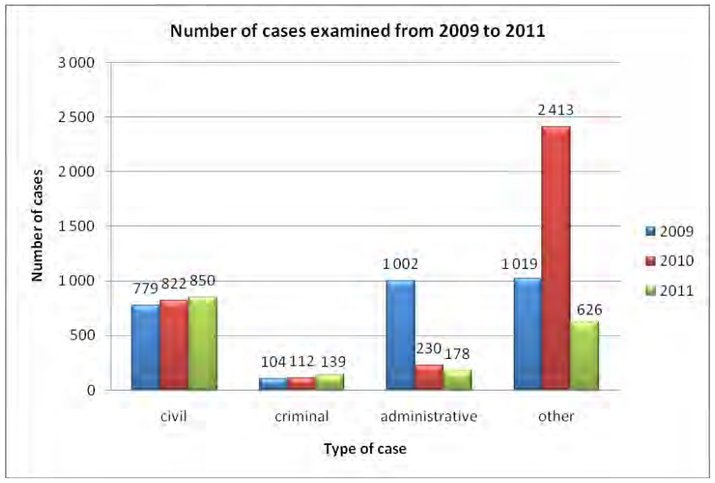
**Graph 3.** *Total number of cases examined at Riscani District Court from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, from 2009 to 2011 the number of civil cases examined in Riscani District Court increased from 779 to 850, the number of criminal cases examined did not change much and the number of administrative cases decreased from 1002 to 178.

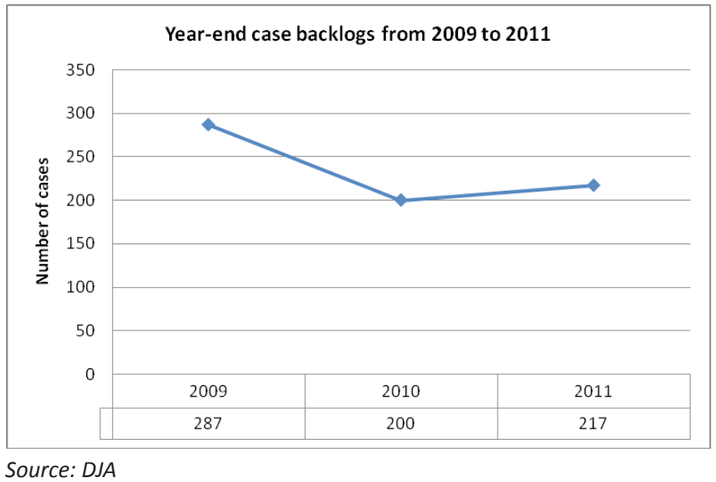
**Graph 4.** *Number of cases examined at Riscani District Court from 2009 to 2011by type of case*




*Source: DJA*

The analysis of the case backlog at Riscani District Court showed a decrease from 287 in 2009 to 217 in 2011 (Graph 5).

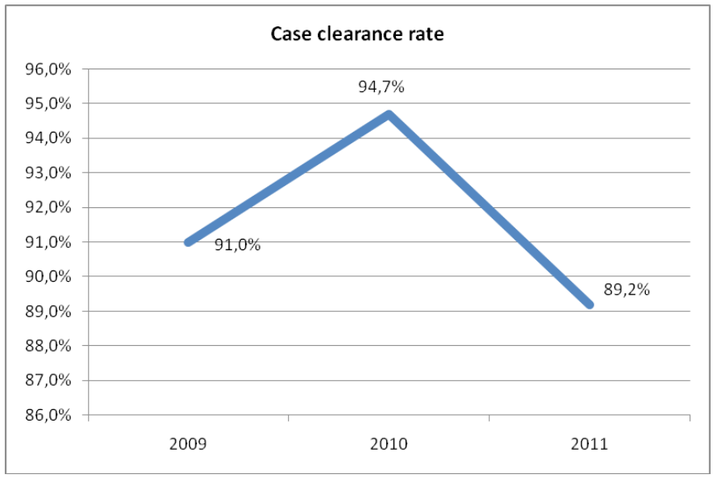
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Riscani District Court decreased from 91.0% in 2009 to 89.2% in 2011.

**Graph 6.** *Case clearance rate from 2009 to 2011*




## 3.2. ORGANIZATION OF ACTIVITIES

Riscani District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice and analyzing judicial statistics and perform other duties as needed for the normal run of activities.

The chancellery of Riscani District Court is located in two rooms on the ground floor. Its specialists are responsible for registering case files in ICMS and on paper.

The chancellery maintains the registers listed in Table 5:

**Table 5.** *List of registers used by Riscani District Court chancellery*

| Register Category | Register title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Local incoming mail<br>4. Cases transmitted to superior courts |
| ***Civil*** | 1. Index of civil cases<br>2. Civil cases<br>3. Administrative cases<br>4. Enforcement orders transmitted to bailiffs<br>5. Transmitted enforcement orders related to civil cases<br>6. Action record card |
| ***Criminal*** | 1. Index of criminal cases<br>2. Complaints against criminal prosecuting authorities<br>3. Motions for putting suspects, the accused under provisional arrest<br>4. Motions for extending the term of a provisional arrest<br>5. Writs on the distruction of material evidence<br>6. Transmitted enforcement orders related to criminal cases<br>7. Action record card |
| ***Administrative*** | 1. Materials on administrative offences |

*Source: Riscani District Court chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may be entered three or four times in various records as shown in Table 6.

**Table 6.** *Registration of the civil case file in relation to the source of information*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Register of incoming mail, Register of civil cases |
| Plaintiff's name | ICMS | Action record card | Register of incoming mail, Index of civil cases |
| Plaintiff's contact information | ICMS | Action record card | - |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case category | ICMS | Action record card | Register of incoming mail, Index of civil cases, Register of civil cases |
| State fee | ICMS | Action record card | - |
| Circulation of the case file within the court | ICMS | Action record card | Register of civil cases |
| Essence of the case | ICMS | Action record card | - |

*Source: Riscani District Court chancellery specialists*

The chancellery keeps more registers than required by the Guidelines.[3]

The archives of Riscani District Court are kept in two rooms—one on the second floor and one in the basement. The room on the second floor is too small, has no ventilation and no windows and the files are kept on wooden shelves or on tables. The files dating from 1991 to 2004 are kept in the basement in an unsecured room without doors in wooden cabinets. The registers and old files of the chancellery are also kept in the basement. These documents are secured and only the archivist has access to them.

## *Conclusions*

- The number of cases filed at Riscani District Court decreased by 37% from 2009 to 2011.
- The number of cases examined at Riscani District Court decreased by 38.3% from 2009 to 2011.
- The number of civil cases examined at Riscani District Court increased by 71 cases from 2009 to 2011, that of criminal cases increased by 35 and that of administrative cases decreased by 824.
- The case backlog decresaed by 70 from 2009 to 2011.
- The case clearance rate decreased by 1.8% from 2009 to 2011.
- There is duplication of effort because the law and guidelines require keeping written and digital records of case files.
- The chancellery specialists keep more registers than required by the Guidelines.

## *Recommendations*

- Consolidate and organize the archives into one room. Enlarge and secure it.
- Install a ventilation system for the archives.
- Review internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.

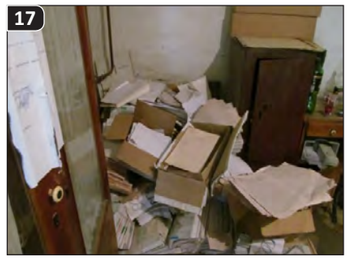



**Photo 13.** *Chancellery of Riscani Court*
**Photo 14.** *The archive on the second floor*

**Photo 15.** *The archive on the second floor*
**Photo 16.** *The archives in the basement*
**Photo 17.** *The archives in the basement*

[3] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

Riscani District Court has 5 judges and 21 regular staff (Table 7).

The court's staff roster does not list the position for human resource specialist. Those duties are performed by the adviser to the president who also administers the web page of the court and does the duties of the court administrator.

Riscani District Court has a coordinating specialsit for public relations appointed by the president. According to the web page of the court, the investigating judge of the court was appointed to handle media relations.

Court employees are either civil servants or technical staff. The former include the adviser to the president, clerks, translators, consultants, the accountant, head of the chancellery and specialists. The latter include cleaners, workers, etc.

Internal staff recruitment is governed by the legislation in force on employment for public offices. When there is a vacancy, the court announces it on its web page, in the local newspaper *Evenimentul actual (Current Events)* and on the local TV channel. The president creates an employment commission consisting of the president, a judge, the adviser to the president, the chief accountant and, if needed, the head of the chancellery. Applicants must past a written test and an interview. The commission prepares the minutes of selection meetings and selects the winners. Then the court president issues the employment or the appointment order.

The court has internal regulations that have been handed on to the judges and the regular staff to establish the court's activities, organization and the rights and obligations of the management, judges and the regular staff, either appointed or employed on the basis of an individual employment agreement, irrespective of its term, who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Riscani District Court has job descriptions that have been handed on to the judges and the regular staff of the court.

**Table 7.** *Staffing scheme of Riscani District Court*

| No. | Position | Current number | Vacancies |
|---|---|---|---|
| 1. | Judge | 4 | - |
| 2. | Investigating judge | 1 | - |
| 3. | Adviser to the court president | 1 | - |
| 4. | Chief accountant | 1 | - |
| 5. | Consultant | 1 | - |
| 6. | Head of the chancellery | 1 | - |
| 7. | Specialist | 2 | - |
| 8. | Clerk | 5 | - |
| 9. | Translator | 1 | - |
| 10. | Coordinating specialist | 1 | - |
| 11. | Head of the archives | 1 | - |
| 14. | Driver | 1 | - |
| 15. | Operator in the boiler room | 0,5 | - |
| 16. | Courier | 0,5 | - |
| 17. | Guard | 3 | - |
| 18. | Cleaner | 2 | - |
| | **TOTAL** | **26** | |

*Source: Accounting office of Riscani District Court*

Judges are trained by NIJ, and in 2011 all judges of Riscani District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training meets their information and training needs. To search for regulatory acts, the judges use the legislative database Moldlex, which is regularly updated. The court subscribes to the *Official Gazette, Buletinul CSJ (SCJ Newsletter), Dreptul muncii (Labor Law), Contabilitate și audit (Accounting and Audit), Dreptul (Law), Evenimentul social (Social Event), Asigurarea socială (Social Insurance)* and *Кадры и заработная плата (Staff and Wages).*

The court does not train its staff internally. The clerks would be interested in such topics as ICMS, Femida, writing hearing transcripts and behavior and ethics for public servants. The archivist would be interested in legal procedures for destroying files and managing the archives and the adviser to the president would like to know more about human resource management.

### *Conclusions*

- Human resource management at Riscani District Court is carried out by the adviser to the court president.
- The court has a public relations specialist and a media relations specialist.
- The court does not have a human resource specialist.
- The court does not train its regular staff internally.
- The staff's training needs are met by ongoing training at NIJ, the publications the court subscribes to and the legislative database MoldLex.

### *Recommendations*

- Employ and train a human resource specialist.
- Implement internal training programs for the regular staff to clarify difficulties related to their jobs.

## V. SERVICES FOR THE PUBLIC

Riscani District Court does not have an information office at the entrance. The judges' doors have plaques with their names but no warning that the public is not admitted. The courthouse entrance has an information board.

The information board contains:

- Lists of cases scheduled for trial prepared manually instead of by ICMS
- The office hours of the court president
- Warning that the public is not admitted to judges' offices
- European Convention on Human Rights
- Order on immediate delivery of copies of judgments
- Information on children's rights.

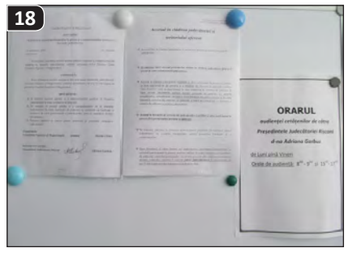
Parties in a case and other case participants may obtain copies of judgments at the chancellery or the archives on any working day. They need to fill out a written request, and the adviser refers it to the president. The applicant must then pay a state fee and may pick up the copy on the same day.

### *Conclusions*

- There is no information window for the public.
- There are no signs guiding the public to the office of the public relations specialist, the archives or the chancellery.
- The procedure for delivering copies of judgements requires that applications be approved by the court president who has to make time to examine and approve or reject them.
- The courthouse has a public information board at the entrance.

### *Recommendations*

- Arrange an information window at the courthouse entrance to facilitate public access to information.
- Post more information of public interest, for example, an announcement about the web page of the court, news on the judicial system, information about the state fee, templates for applications, etc.
- Use the ICMS module to generate the list of cases scheduled for trial.
- Install plaques stating that public is not admitted to jugdes' offices.
- Install signs guiding the public to the office of the public relations specialist, the archives and the chancellery.
- Simplify the procedure for delivering copies by sparing the president the obligation to approve applications.
- Arrange an office for the chancellery at the courthouse entrance.



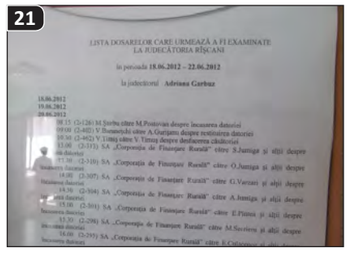



**Photo 18.** *Information board*
**Photo 19.** *ECHR posted at the information board*
**Photo 20.** *Plaque with a judge's name*
**Photo 21.** *The list of hearings on the information board*
**Photo 22.** *Room for the judicial police*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Riscani District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA which receives the ceilings for the entire judiciary from the Ministry of Justice. The ceilings from the Ministry of Justice are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others),

2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET

The budget of Riscani District Court is divided into six categories:

- *Staff expenditures* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – power, gas, water and sewerage and sanitation;
- *Expenditures for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[4]

From 2010 (spent) to 2012 (approved), the budget of Riscani District Court increased from MDL 1.2 million to MDL 1.7 million (Table 8).

In 2011 the court's budget increased by 30% compared with 2010 due to additional funds for capital repairs which increased approximately 14 times. Expenditures for utilities and fixed assets also grew, and allocations for staff expenditures increased by 11%.

In 2012 the court budgeted by 7% more than in 2011. Almost all categories of allocations were increased except for repairs which are not planned this year. The increase in fixed assests is to purchase a car, and funds for operating expenditures increased by 42%.

[4] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Riscani District Court by type of expenditure (2010–2012)*

| Expenditure category/ year | 2010 (spent) | 2011 (spent) | | 2012 (aprobat) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 835,469 | 924,088 | 11% | 1,032,200 | 12% |
| Repairs | 21,000 | 289,733 | 1280% | 0 | -100% |
| Utilities | 93,800 | 107,254 | 14% | 123,000 | 15% |
| Fixed assets | 23,800 | 27,290 | 15% | 210,000 | 670% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenditures | 246,561 | 241,117 | -2% | 342,200 | 42% |
| **Total** | **1,220,630** | **1,589,482** | **30%** | **1,707,400** | **7%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

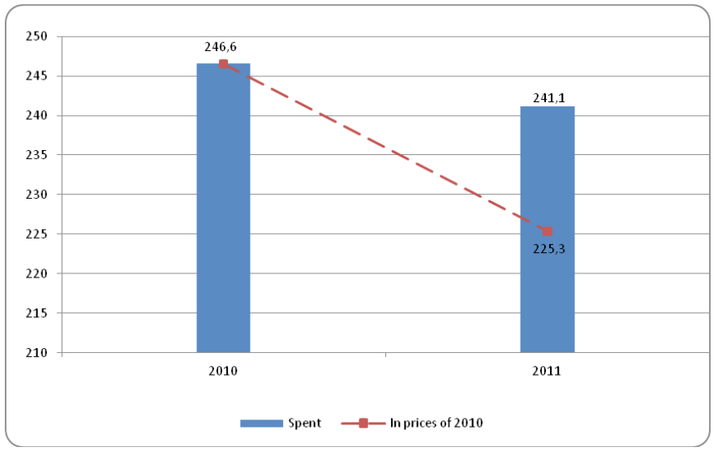
## 6.2. STAFF EXPENDITURES

Staff expenditures represent approximately 60% of the total budget in 2012, and increased compared with the previous year. Due to the fact that remuneration is governed by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

In 2010 and 2011, both the face value and the real value of operating expenditures decreased. Their face value decreased from MDL 246.6 thousand to MDL 241.1 thousand, which is a 2% decrease. Their real value, however, decreased by 9%, allowing for an inflation rate of 7% in 2011[5]. MDL 241.1 thousand in 2011 was therefore equivalent to 225.3 thousand in 2010; hence, the real value of operating expenditures decreased by MDL 21.2 thousand.

**Graph 7.** *Operating expenditures for Riscani District Court in 2010 and 2011*



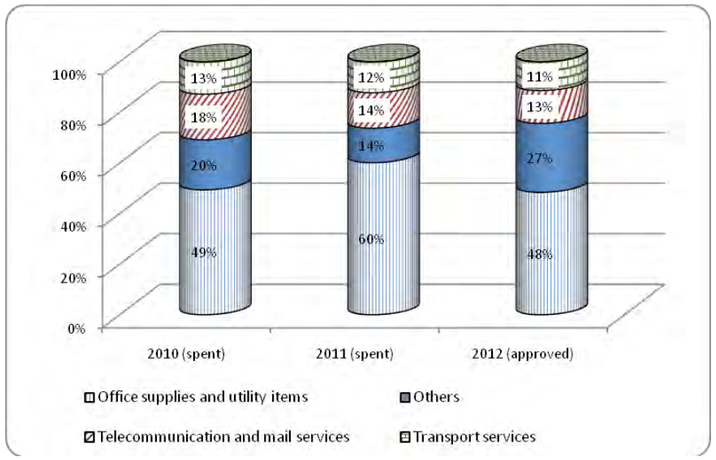

[5] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

There are three main types of operating expenditures (Graph 8):

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




In 2010, almost half of all operating expenditures were for office supplies and utility items (49%), allocations for telecommunications and mail accounted for 18% and transport services accounted for 13% of the total.

In 2011, the structure of operating expenditurs remained almost the same. Thus, the largest share (60%) went for office supplies and utility items. Expenditures for telecommunications and mail services decreaesd by 4 percentage points to 14% and transport expenditures remained almost the same (12%).

The 2012 budget is as follows:

- 48% for office supplies and utility items, 12 percentage points less than in 2011;
- 13% for telecommunications and mail services;
- The share of transport services did not change significantly, decreasing by 1 percentage point.

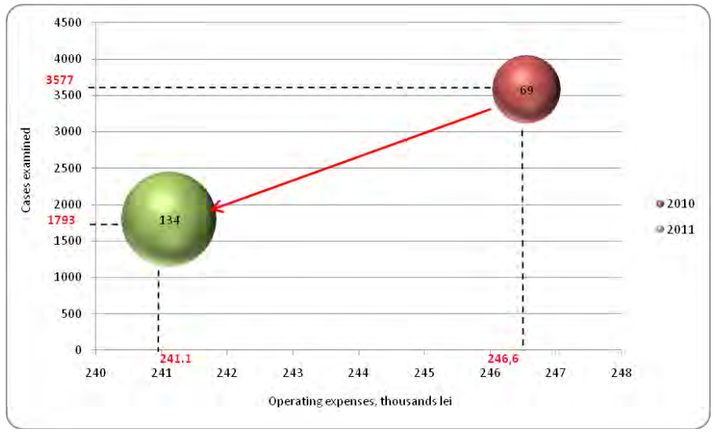
Expenditures for telecommunications and mail merit attention because approximately 70% of them are for stamps.

## 6.5. REAL VALUE OF OPERATING EXPENDITURES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease in the operating expenditures in 2011 compared with 2010 can be explained by a number of reasons, including by the number of cases examined, which decreased from 3577 in 2010 to 1793 in 2011 (1784 fewer cases).

Comparing operating expenditures with the number of cases examined, in 2010 the average cost for examining a case was approximately MDL 69 while in 2011 it almost doubled and was MDL 134 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Riscani District Court in 2010 and 2011*



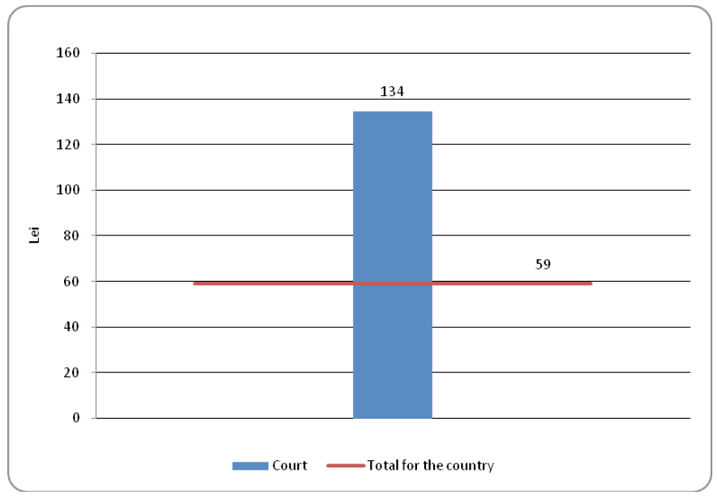

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

Although operating expenditures and the cases examined decreased, the average cost for examining a case increased considerably which can be explained by the fact that the rate of decrease in the number of cases examined (50%) was greater than that for operating expenditures (2%).

## 6.6. AVERAGE OPERATING COST PER CASE IN RISCANI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 134 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Riscani District Court in 2011 and the weighted average cost per case for the country*




As shown in the Graph 10, in 2011 the average cost per case examined in Riscani District Court was higher than the weighted average cost per case for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Riscani District Court does its accounting electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the adviser and the chief accountant, neither of whom have professional qualifications in public procurement. Since procurement legislation is continuously changing, these persons should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, both the face value and the real value of operating expenditures decreased.
- The average cost for examining a case in 2011 increased considerably compared with 2010.
- In 2011, the average operating cost for examining a case was higher than the weighted average cost of a case examined for the country as a whole.
- Mail expenditures account for a large share of total operating expenditures.
- Accounting is done electronically.
- All public procurements are made without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing postage meters to reduce mail expenditures. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Singerei District Court, situated in the town of Singerei, serves 87,152 inhabitants in the 70 localities that are part of Singerei District according to Law No. 764 of 27 December 2001 on the Administrative-territorial Organization of the Republic of Moldova.

According to its staff roster, the court has 5 judges. Its office also employs other 22 persons. The court has no human resource management specialist. Those duties are instead performed by the court president and the head of the chancellery. The public relations specialist also works as a chancellery specialist.

Staff expenditures follow an upward trend. The court does all its public procurements without a procurements specialist. In 2011 both the face value and the real value of the allocations for operating expenditures decreased. In 2011 the average operating cost for examining a case decreased compared with the previous year but was slightly higher than the weighted average cost of a case examined for the country as a whole (see the detailed analysis in Chapter VI).

Singerei District Court has two floors. Its exterior, the roof, the water supply system and the electrical system need repairs, none are planned.

The staff of Singerei District Court uses ICMS Version 2 installed in 2009. They mentioned that there are issues with it including an uneven distribution of cases and its slow speed.

# SINGEREI DISTRICT COURT

*4a, Testimiteanu Str., Singerei*

*Date of visit: 6 June 2012*

The staff of Singerei District Court does not record hearings held in the courtroom equipped with audio recording equipment because the court clerks are newly employed and do not know how to use it. During the site visit the staff said that it is not possible to hold all hearings in courtrooms because there are two courtrooms for six judges. Turnover of court clerks and legal requirements for written minutes in addition to recordings (overlapping) are among the other reasons that not all hearings are recorded.

Specialists at Singerei District Court continue to keep a considerable number of registers although amendments to the Guidelines have reduced the number required.

The total number of cases filed at Singerei District Court from 2009 to 2011 decreased by 1764 while the number of cases examined decreased by 1868 with a case clearance rate of 91.7% in 2011.

The court has a public information board, and the judges' office doors have plaques warning that entry to the office is not allowed.

Singerei District Court updates its web page regularly, and although there is some information of public interest on its menus, some of them do not contain any information at all while others duplicate information.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal1 | Comments |
|---|---|---|
| Exterior | 4 | The exterior needs repairs. The front entrance and the back entrance of the court need repairs Photos 1, 2 and 3). |
| Water supply | 2 | The water supply is sufficient. The court is connected to the centralized water system, and the plumbing is in good condition. |
| Power supply | 2 | The electrical system was partially renovated as part of repairs between 2009 and 2010. |
| Sewerage system | 2 | The sewerage system is in good condition. |
| Heating system | 2 | The heating system is based on gas. In 2007 the court purchased two boilers. |
| Firefighting system | - | Does not exist. |
| Roof | 3 | In 2000, the court replaced all its roofing and in 2007 it additionally replaced more than half of the roofing. Water leaking had been reported. |
| Interior | 2 | In 2008 all exterior windows were replaced and the interiors were somewhat renovated. Currently the interior needs renovations. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

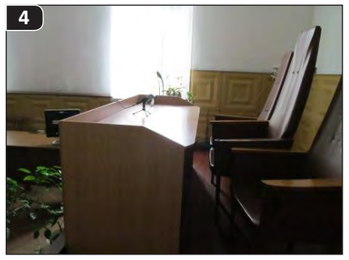


**Photo 1.** *Court facade*
**Photo 2.** *Court facade*
**Photo 3.** *Back entrance*
**Photo 4.** *A courtroom*
**Photo 5.** *A courtroom*
**Photo 6.** *The room for court users*
**Photo 7.** *Archives*
**Photo 8.** *Archives*
**Photo 9.** *A courtroom with audio recording equipment*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on a comparative analysis of the physical and operational conditions of Singerei District Court in June 2012.

The two-storey courthouse has 10 offices, 2 public rooms and 2 courtrooms.

During the day the court is protected by the judicial police and at night by its own guards.

The initial design of the building was not intended for a courthouse and nobody knows when it was constructed. The court moved into this building in 1986.

The courthouse exterior is in bad condition. Both its entrances need repairs. The grass in the small green space between the stairs needs to be replanted.

The sewerage and water systems are old and need repairs. The electrical system is in good condition due to partial renovation between 2009 and 2010. The archives are well organized and are kept in two rooms secured by only a door lock on the ground floor. The chancellery is located in two rooms on the second floor. The rooms previously occupied by bailiffs have been vacated.

The ground floor interior is in good condition. Its rooms have been refurbished and its windows replaced. In the offices, the flooring and the light fixtures have been replaced, and the walls have been painted. The restroom on the ground floor has also been renovated and is in good condition. It is used by the staff, the public and detainees. The server is located in a large room used by night guards. This room has no air conditioning. The archives are kept in two rooms without a ventilation system or humidity controls. The court has one staircase that has been partially renovated.

On the second floor in the hall, the floors have been covered with tiles, and the walls have been painted. The light fixtures have also been replaced. The offices of judges and other staff have been renovated, but in some areas the roof leaks resulting in stained ceilings. The courtroom on the second floor has not been renovated and is in unsatisfactory condition. It is dark with only two windows that are insufficient for its size. The chancellery is located in two offices, one of which is at the end of a corridor. The natural light is good, and all windows on this floor are in good condition.

The heating system is in good condition although the piping and plumbing are original. The 2007 repairs included purchasing two new boilers which generate the necessary heat.

There are neither firefighting systems nor emergency lights.

The functional space of Singerei District Court is inappropriate for a court of law. The courthouse has a separate entrance for detainees but no separate space for them. Detainees are taken into the courtroom directly from the police station through the back entrance, the public corridor and the main stairs. The public area, the area for judges and that for detainees are not separated. This cannot be changed as there is only one staircase. The most urgent problem in Singerei District Court is the insufficient functional area and the insufficient number of courtrooms for all judges (there are only two for six judges).

The court has a plan to improve the entrance stairs and to build a utility room. The court also needs more courtrooms and offices for the expected new staff (when the position of assistant is approved).

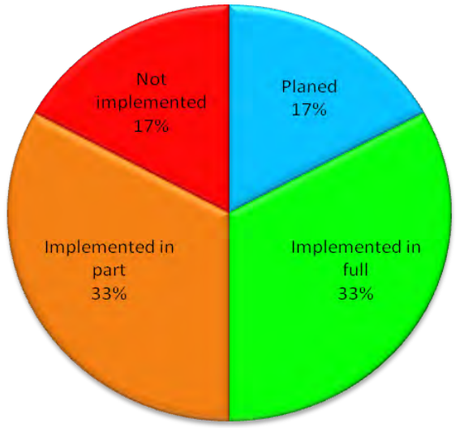
The 2009 Infrastructure Assessment Report listed six priorities for capital repairs, four of which have been implemented in part (Table 1 and Graph 1). The roof has been repaired and the bailiffs have been moved to another building. The sewerage system and the interior have been renovated. The interior, however, was repaired without reconfiguring the rooms so as to ensure better public service and access to information. The layout does not comply with the principle of separation between the public's and the judges' areas.

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2008 | Implementation of capital repair priorities in 2012 |
|---|---|
| Repair the roof. | Implemented in part |
| Move the bailiffs into another building. | Implemented |
| Reconfigure the rooms to arrange new courtrooms and offices for judges on the second floor. | Not implemented |
| Renovate the interior. | Implemented |
| Renovate the water and the sewerage systems. | Implemented in part |
| Repair the front and the back entrance stairs. | Planned |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of capital repair priorities in 2012*




### Conclusions

- From 2009 to 2012, Singerei District Court carried out renovations that were partially based on the recommendations in the 2009 Infrastructure Assessment Report.
- Some rooms such as the courtroom on the second floor need capital repairs.
- The court has neither a fire alarm system nor a sprinkler system.
- ROLISP estimated that of the priorities for capital repairs identified in the 2009 Infrastructure Assessment Report, 33% have been implemented in full, 33% have been implemented in part, 17% are planned and 17% have not been implemented.

### Recommendations

- Install a fire alarm system.
- Renovate the courtroom on the second floor.
- Create a limited access cell for detainees.
- Move the chancellery and the reception area on the ground floor near the main entrance to facilitate public access.
- Move judges' offices to the second floor to limit citizens' access.
- Build new restrooms on the ground and the second floors.
- Improve the electrical system.
- Install an air conditioner in the LAN server room.
- Arrange an office where prosecutors and lawyers can examine cases.
- Renovate interior finishing where needed.

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Singerei District Court has been using ICMS Version 2 since 2009.

The staff mentioned that there are issues with it including an uneven distribution of case files and its slow speed. Table 2 has suggestions for modifying ICMS. Human resources are managed through ICMS by CST because the person who has been trained in this area does not work in the court any more.

The chancellery staff does not scan case files because the scanners have broken down and the court does not have funds to purchase new ones. There is no information technology specialist; all technical problems are referred to CTS. Sometimes those duties are performed by the adviser to the president. According to the staff, CTS solves issues but with delays, and they wish problems were solved more promptly. The staff rated their satisfaction with CTS in 2012 as a 4 out of 5.

**Table 2.** *Suggestions for modifying ICMS in Singerei District Court*

| No. | Suggestions for modifying ICMS |
|---|---|
| 1. | Increase the speed of ICMS. |
| 2. | Establish the degree of case complexity. |
| 3. | Preset the software to enable assigning cases with the same parts to the same judge (excluding the need to join cases). |
| 4. | Empower the chancellery specialists to delete cases from ICMS. |

*Source: Singerei District Court staff*

### 2.2. AUDIO RECORDING SYSTEM

Singerei District Court has two courtrooms one of which has equipment and software for audio recording hearings. Hearings are not recorded, however, because the current clerks have not been trained to use the software and the equipment. Because there are six judges and only two courtrooms, it is impossible to hold all hearings in the courtrooms.

The court has received only one request for a recording of a hearing; it was satisfied. Since 2009, when the audio recording equipment and software were installed, there have been no requests for CDs of court hearings.

The courtroom doors do not have plaques informing the public that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings,[2] the reason for recording hearings is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. The clerks do not use these recordings for that purpose.

Problems encountered by the staff of Singerei District Court in using the audio recording software and the equipment consist of an insufficient number of courtrooms, legislation requiring paper minutes and audio recordings and insufficiently trained staff.

[2] *SCM Regulation on digital Audio Recording of Court Hearings approved by SCM Decision No. 212/8 of 18 June 2009.*

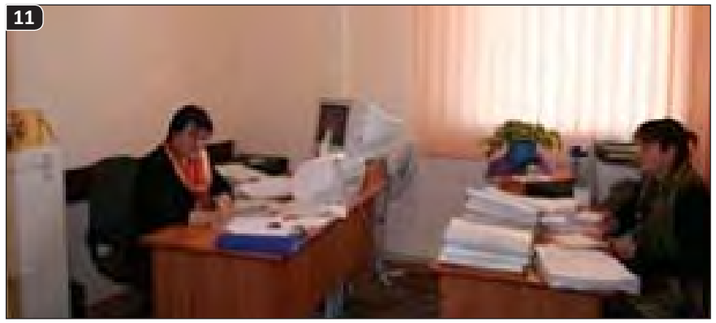


**Photo 10.** *Chancellery*
**Photo 11.** *Chancellery*

**Photo 11.** *A courtroom*
**Photo 13.** *Inscription on a courtroom door*

## 2.3. WEB PAGE OF SINGEREI DISTRICT COURT

Singerei District Court has a web page that is updated by the coordinating specialist for public relations as new information is generated. Table 3 shows the menus and their contents.

**Table 3.** *Web page content of Singerei District Court*

| Menu title | Information posted on the web page |
|---|---|
| Overview | No information. |
| Message of the Court President | – Welcome address<br>– Active link to the consultant's message which contains no information<br>– A file with the court's organizational chart |
| Competence | – Competence<br>– A table of localities under the jurisdiction of Singerei District Court |
| Regulatory Framework | List of basic regulatory acts governing the work of the court |
| Public Relations Service | General information about the duties and contact information of the public relations specialist |
| Press Releases | No information |
| News | Active link to the "*Vacancies*" section which contains no information. |
| Organization | No information. |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>Last decision was posted on June 29, 2012 |
| Statistics | No information |
| Information of Public Interest | – Active link to "*Court Working Hours*"<br>– Active link to rules of behavior for court users and other persons in a court of law |
| Useful Links | No information |
| Archives | General information about the archives |
| Hearings Schedule | No information |

*Source: http://jsi.justice.md*

Table 3 shows that not all menus have information of public interest about court activities. In the menu "Competence," the table showing the geographic coverage of Singerei District Court should be redone. "*Overview*," "*Organization*," "*Press Releases*," "*News*," "*Statistics*," "*Useful Links*" and "*Hearings Schedule*" contain no information.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Singerei District Court has sufficient equipment to carry out its activities. Table 4 shows the type of equipment, the number of items and the equipment needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Server | 1 | - |
| Computers | 29 (23 work) | - |
| Monitor | 20 | - |
| Printers | 21 (18 work) | 3 |
| Scanners | 1 | 2 |
| Audio recording sets | 1 | 1 |
| Photocopier | 2 (1 works) | 1 |
| Air conditioning systems | 2 | 2 |
| Fax | 2 (1 works) | 1 |
| UPS | 21 | - |
| Postage meter | 0 | 1 |

*Source: Singerei District Court*

### Conclusions

- When using ICMS Version 2, the staff of Singerei District Court faces problems of uneven case assignments and slow speed.
- The staff of Singerei District Court does not use the audio recording system.
- The court needs 3 printers, 2 scanners, 1 audio recording set, 1 photocopier, 2 air conditioners, 1 fax and 1 postage meter.
- The web page content management system is used inefficiently. Menus contain some information of public interest about the court activities, but many lack information or contain links that do not show any information.

### Recommendations

- Procure scanners and introduce the practice of scanning case file documents.
- Conduct all hearings in courtrooms by arranging courtrooms for all judges and efficiently planning the hearing schedule.
- Use the audio recording equipment and software. Implement the practice of deleting audio recordings from the server according to SCM regulations.[3]
- Implement internal training in the use of the audio recording software.
- Complete all menus on the web page with information of public interest.
- Ensure the uniformity of the font and colors used on the web page.

[3] *Regulations on Digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

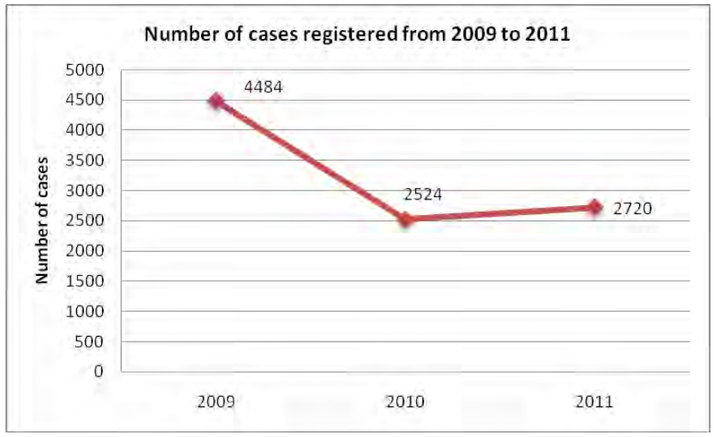
# III. WORK OF SINGEREI DISTRICT COURT

## 3.1. WORKLOAD OF THE COURT

The assessment of the workload of Singerei District Court covered the following items from 2009 to 2011: the total number of cases registered; the total number of cases examined; the number examined by type of case; the year-end case backlog and the case clearance rate.

Graph 2 shows that the total number of cases filed at Singerei District Court decreased from 4484 in 2009 to 2720 in 2011.

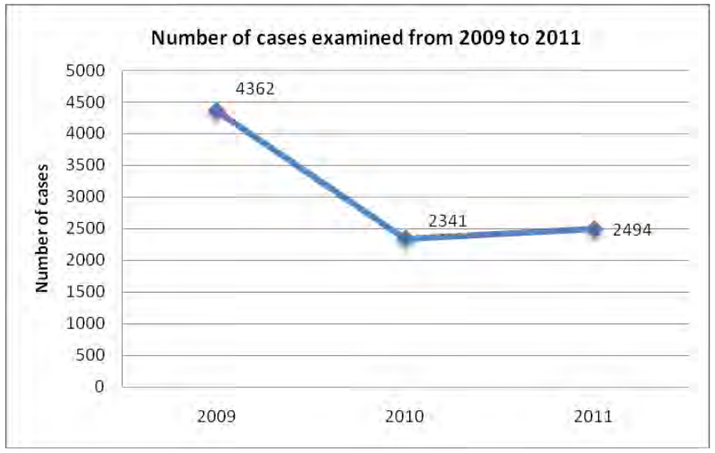
**Graph 2.** *Number of cases registered at Singerei District Court from 2009 to 2011*




*Source: DJA*

Graph 3 shows that the number of cases examined decreased also from 4365 in 2009 to 2494 in 2011.

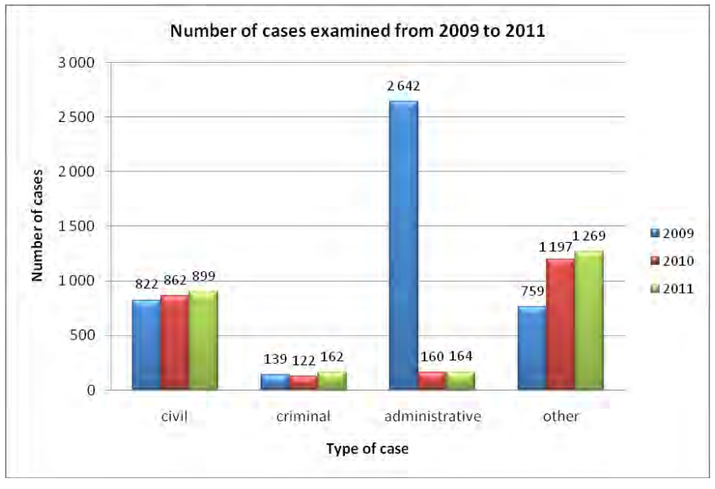
**Graph 3.** *Total number of cases examined at Singerei District Court from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, from 2009 to 2011 the number of civil cases examined in Singerei District Court increased from 822 to 899, the number of criminal cases did not change very much and the number of administrative cases decreased from 2642 to 164.

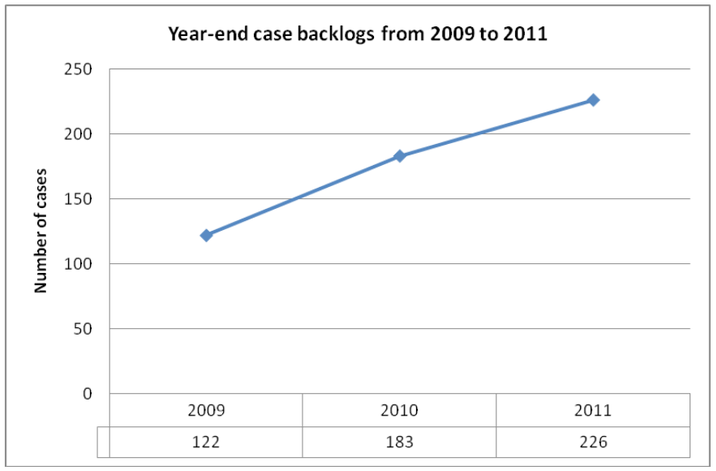
**Graph 4.** *Number of cases examined at Singerei District Court from 2009 to 2011 by type of case*




*Source: DJA*

The analysis of the case backlog at Singerei District Court showed an increase from 122 in 2009 to 226 in 2011 (Graph 5).

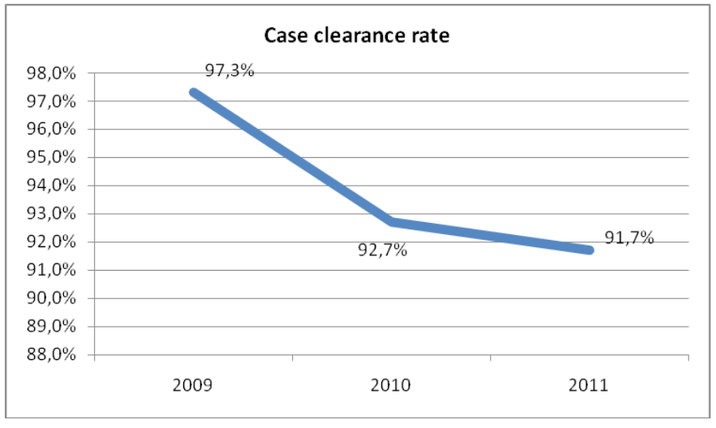
**Graph 5.** *Year-end case backlogs from 2009 to 2011*




*Source: DJA*

The case clearance rate in Singerei District Court decreased from 97.3% in 2009 to 91.7% in 2011 (Graph 6).

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Singerei District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and conducting other work required for the normal run of court activities.

The chancellery is located in two rooms on the second floor. It has two specialists and one coordinating specialist, who also works as a chancellery specialist. The chancellery specialists are responsible for registering documents in ICMS and on paper.

The chancellery maintains the registers listed in Table 5.

**Table 5.** *List of registers used by Singerei District Court chancellery*

| Register Category | Register title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Email record keeping<br>4. Cases filed from/sent to a higher court |
| ***Civil*** | 1. Index of civil cases<br>2. Civil cases<br>3. Cases examined in administrative procedures<br>4. Cases examined according to writ proceedings<br>5. Commercial cases<br>6. Enforcement orders<br>7. Delivery of writs<br>8. Documents transmitted to the Civil Registry Office<br>9. Action record card |
| ***Criminal*** | 1. Index of criminal cases<br>2. Criminal cases sent to the Court of Appeals<br>3. Criminal cases sent to the Supreme Court of Justice<br>4. Enforcement orders<br>5. Criminal cases sent to judges<br>6. Approval of forced hospitalization<br>7. Sentences passed by courts of appeals<br>8. Enforcement orders sent to the probation office<br>9. Action record card |
| ***Administrative*** | 1. Index of administrative cases<br>2. Administrative cases<br>3. Motions<br>4. Appeals<br>5. Cases sent to the Court of Appeals<br>6. Documents sent for enforcement |

*Source: Singerei District Court chancellery specialists*

Duplicate records of case files are kept—one on paper and one in electronic format. The same information is entered three or even four times in various records as shown in Table 6.

**Table 6.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Register of incoming mail, Register of civil cases, Index of civil cases |
| Plaintiff's name | ICMS | Action record card | Civil cases |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases, Register of cases |
| Defendant's contact information | ICMS | Action record card | |
| Case category | ICMS | Action record card | Civil cases |
| State fee | ICMS | Action record card | Civil cases |
| Circulation of the case file within the court | ICMS | Action record card | Register of civil cases |
| Essence of the case | ICMS | Action record card | |

*Source: Singerei District Court chancellery specialists*

The chancellery keeps more registers than required in the Guidelines.[4]

The archives of Singerei District Court are kept in two rooms on the second floor. Both rooms lack a ventilation system and are cluttered. Material evidence is kept in a safe in the chancellery.

### Conclusions

- The total number of cases filed at Singerei District Court from 2009 to 2011 decreased by 39.3%.
- The total number of cases examined at Singerei District Court from 2009 to 2011 decreased by 42.8%.
- The number of civil cases examined from 2009 to 2011 increased by 77, criminal cases increased by 23 cases and administrative cases decreased by 2478.
- The case backlog increased by 104 from 2009 to 2011.
- The case clearance rate decreased by 5.6% from 2009 to 2011.
- There is duplication of work because laws and the guidelines require both paper and digital registers.
- The specialists of the chancellery use more registers than required in the Guidelines.

### Recommendations

- Review internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.
- Consolidate the chancellery into one room and move it to another place. Arrange a reception room on the ground floor near the entrance to the courthouse.
- Consolidate the archives into one properly arranged and repaired room.

[4] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

According to its staffing chart, the court has 6 judges. Its office also employs other 21 persons (Table 7).

The chart does not list a human resource specialist. This job is performed by the court president and the head of the chancellery.

Singerei District Court has a public relations specialist who does not perform the duties listed in his job description but instead works as a chancellery specialist.

When there is a job vacancy, an announcement is posted on the court's information board. Then a commission consisting of the court president and two judges with the adviser or the head of the chancellery as a secretary interviews applicants. The court president decides whom to employ and issues an employment order. As the president explained, applicants for clerks or consultants are accepted without a written test because of an acute staff shortage.

Singerei District Court has job descriptions for the position of adviser to the president, chief accountant, head of the chancellery, consultant, clerk, translator, chancellery specialist and coordinating specialist for public relations.

**Table 7.** *Staffing scheme of Singerei District Court.*

| No. | Position | Current number | Vacancies |
|---|---|---|---|
| 1. | Judge | 4 | 1 |
| 2. | Investigating judge | 1 | - |
| 3. | Adviser to the president | 1 | - |
| 4. | Chief accountant | 1 | - |
| 5. | Consultant | 1 | - |
| 6. | Head of the chancellery | 1 | - |
| 7. | Specialist | 2 | - |
| 8. | Court clerk | 6 | - |
| 9. | Translator | 1 | - |
| 10. | Coordinating specialist | 1 | - |
| 11. | Head of archives | 1 | - |
| 12. | Driver | 1 | - |
| 13. | Courier | 0.5 | - |
| 14. | Guard | 3 | - |
| 15. | Cleaner | 1.5 | - |
| 16. | Administrator | 1 | - |
| | **TOTAL** | **27** | |

*Source: Accounting office of Singerei District Court*

The court has Internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and duties of the management, the judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ and as reported during the visit, in 2011 all judges of Singerei District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. For legal research and reference, the judges use the legislative database on the Ministry of Justice's web page because it does not subscribe to any private legislative databases. Some of the publications Singerei District Court subscribes to are the *Official Gazette, Buletinul CSJ (SCJ Newsletter); Contabilitate și Audit (Accounting and Auditing); Legea şi viaţa (Law and life), Dreptul (Law), Ecoul (Echo)* and *Plai Singerean (Singerei Land)*.

The regular staff of Singerei District Court mentioned that the last time they were trained by NIJ was two years ago, and the court has not conducted any in-house training for them. The adviser and the head of the chancellery need training in managing human resources and the clerks need to be trained to use ICMS and the audio recording software.

### *Conclusions*

- Human resource management is carried out by the court president and the head of the chancellery.
- The court has a public relations specialist, but he works as a chancellery specialist.
- The court does not have a human resource specialist.
- There is no system for internally training staff.

### *Recommendations*

- Employ a human resource specialist and train him/her.
- Train the public relations specialist to do the duties listed in the job description.
- Implement internal training for the regular staff so they can solve the problems they face in carrying out their duties.

## V. SERVICES FOR THE PUBLIC

Singerei District Court has neither an information window and nor an information office at the entrance. The workstation of the public relations specialist works as is in the chancellery on the second floor.

There are no signs to guide citizens to the public relations specialist, nor is there signage guiding them to the chancellery or to the archives. The court has signs with the warning that access to the judges' offices is not allowed.

The courthouse has a board at the entrance with the following information:

- List of hearings scheduled for trial that is not printed automatically from ICMS but prepared manually in Word
- List of rights and obligations of an accused person
- Rules of behavior in a court.

During the week, parties and other trial participants may request copies of judgments by filling out an application at the chancellery. The application is forwarded to the court president for approval. If the application is approved, the applicant pays the state fee for the copy. With confirmation of payment he/she may pick up the copy of the judgment at the archivist's office. For applicants who come from long distances, the copies are issued on the same day. For other categories of persons the average waiting time is two days.

### *Conclusions*

- There is no information window for the public.
- There are no clear signs showing the way to the office of the public relations specialist, the chancellery or the archives.
- The information board for the public at the entrance contains information helping visitors to orient themselves.
- The chancellery is located on the second floor which does not comply with the general design norms for courts of law.
- The procedure for getting copies of judgments requires the approval of the court president who has to make time to examine, approve or reject applications.

### *Recommendations*

- Move the chancellery to the ground floor and create a one-stop shop for information and filling out/receiving documents.
- Install clear signs showing the way to the office of the public relations specialist, the chancellery and the archives.
- Simplify the procedure for getting copies of judgments by sparing the court president the obligation to approve applications and by training the chancellery specialists accordingly.
- Post more comprehensive information of public interest on the information board such as announcements about the court's web page; information about the right to request audio recordings of hearings on CDs; news about the judicial system; information about the state fee; samples of applications, etc.

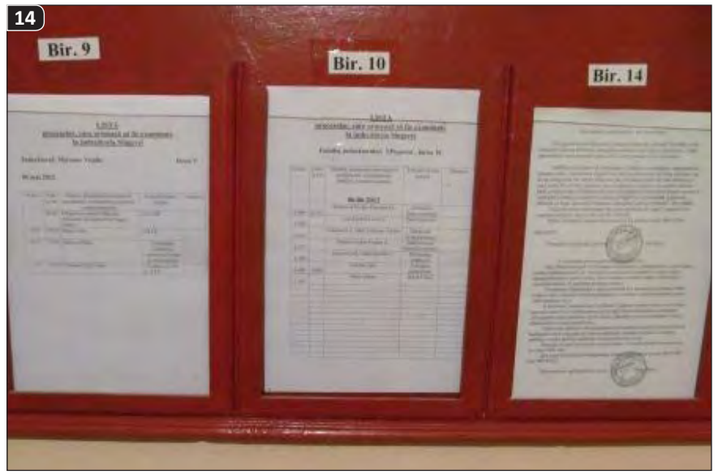


**Photo 14.** *Board with a list of hearings*
**Photo 15.** *The information board*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Singerei District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA which receives the ceilings for the entire judiciary from the Ministry of Justice. The ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling is set for the following two expenditure categories:

1) Current expenses (staff, others),

2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by DJA while capital expenses are determined by each individual court after negotiations with DJA. Other expenses are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET (basic component)

The budget of Singerei District Court is divided into six categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[5]

From 2010 (spent) to 2012 (approved), the budget of Singerei District Court increased from MDL 1.3 million to MDL 1.6 million (Table 8).

In 2011 the budget of the court increased by 6% compared with 2010 due to a 36% increase in expenses for repairs, a 26% increase in expenses for utilities and a 5% increase in staff expenses.

In 2012 the court budget was 14% greater than in 2011. It budgeted 29% more for utilities and 22% more for operating expenses.

[5] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Singerei District Court by type of expense (2010–2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 981,563 | 1,033,964 | 5% | 1,208,300 | 17% |
| Repairs | 99,700 | 135,209 | 36% | 100,000 | -26% |
| Utilities | 63,547 | 79,815 | 26% | 103,000 | 29% |
| Fixed assets | 19,540 | 0 | -100% | 0 | 0% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 167,234 | 156,563 | -6% | 190,400 | 22% |
| **Total** | **1,331,584** | **1,405,551** | **6%** | **1,601,700** | **14%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

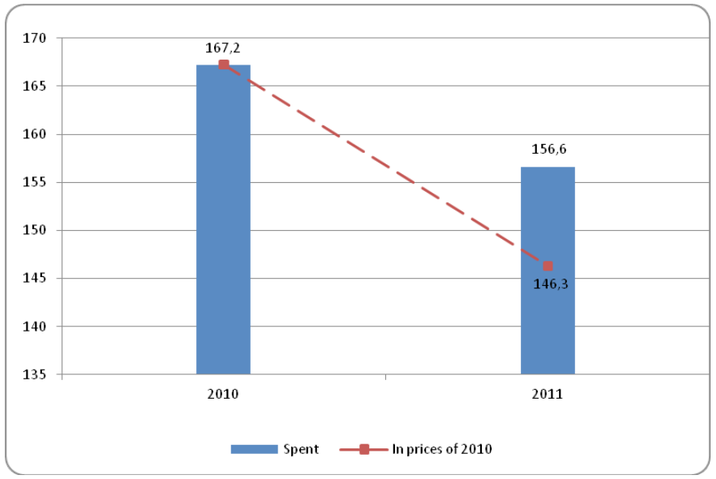
## 6.2. STAFF EXPENSES

Staff expenses represent approximately 70% of the total budget, having increased compared with the previous year. Due to the fact that remuneration is governed by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

In 2010 and 2011 both the face value and the real value of operating expenditures decreased. Their face value decreased from MDL 167.2 thousand to MDL 156.6 thousand, a decline of 6%. Their real value decreased by approximately 13%, allowing for the inflation rate of 7% in 2011.[6] MDL 156.6 thousand in 2011 was therefore equivalent to 146.3 thousand in 2010; hence, the real value of operating expenses decreased by approximately MDL 21 thousand.

**Graph 7.** *Operating expenses for Singerei District Court in 2010 and 2011*



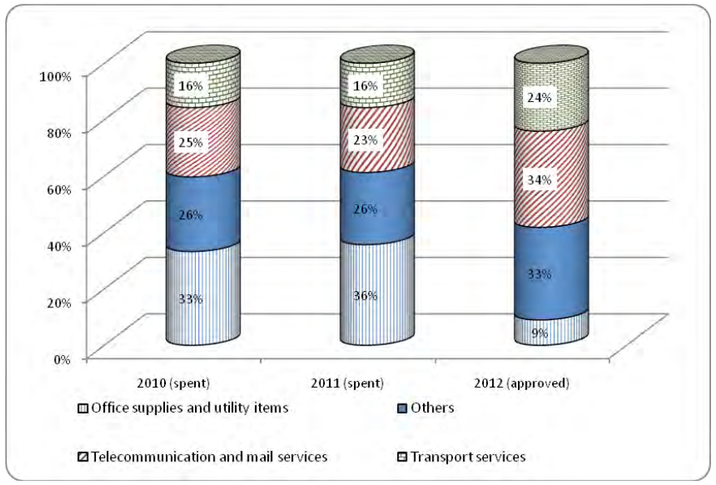

[6] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




In 2011, the budget for office supplies and utility items accounted for 36% of total operating expenditures, an increase of 3% over 2010, while telecommunications and mail expenses decreased by 2% and transport expenses remained at 16%.

In 2012 the court prepared the following budget:

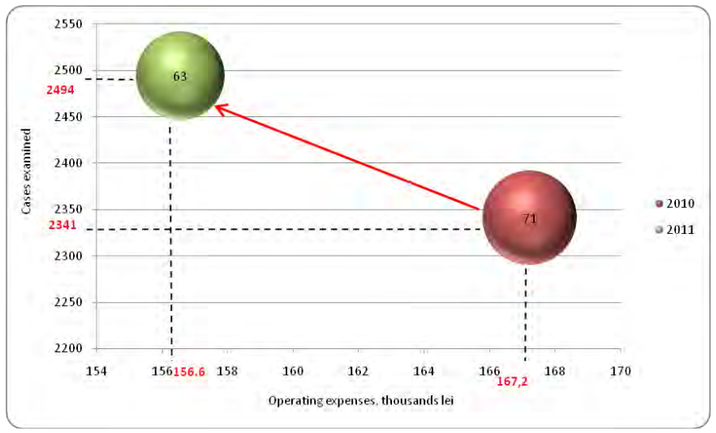
- 9% for office supplies and utility items, 36% less than in 2011;
- 34% for telecommunications and mail, 11% more than the previous year;
- 24% for transport expenses, up by 8% over 2011.

Expenses for telecommunications and mail merit attention because approximately 70% of them are for stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease of operating expenses in 2011 compared with 2010 was not related to the number of cases examined which increased from 2341 in 2010 to 2494 in 2011. Comparing the operating expenses with the number of cases examined, in 2010 the average cost for examining a case was approximately MDL 71 while in 2011 it was MDL 63 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Singerei District Court in 2010 and 2011*



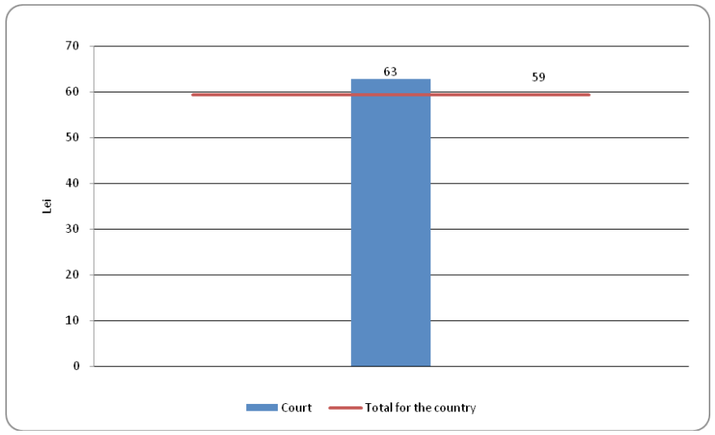

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

In 2011, the operating expenses were less than in 2010, but Singerei District Court examined by 153 more cases which reduced the average cost of examining a case.

## 6.6. AVERAGE OPERATING COST PER CASE IN SINGEREI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 63 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Singerei District Court and the weighted average cost per case for the country in 2011*




As shown in the Graph 10, in 2011 the average cost per case examined in Singerei District Court was almost at the same level to weighted average cost per case for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Singerei District Court does its accounting manually. Perhaps due to lack of funds the court has not purchased accounting software for electronic book keeping

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the chief accountant who does not have professional qualifications in public procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, the funds for operating expenses decreased.
- In 2011, Singerei District Court examined more cases with fewer funds than in 2010. This indicates that there is no correlation between financing of operating expenses and the number of cases examined and that the court had to make savings.
- In 2011 the average operating cost for examining a case decreased compared with 2010.
- In 2011 the average operating cost for examining a case slightly higher than the weighted average cost of a case for the country as a whole.
- Mail expenses account for a large share of total operating expenses.
- Accounting is done manually due to lack of accounting software.
- All public procurements are made without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing accounting software and train the staff to use it.
- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Soroca District Court, situated in the town of Soroca, serves 101,300 inhabitants in the 68 localities that are part of Soroca District according to Law No. 764 of 27 December 2001 on the Administrative Territorial Organization of the Republic of Moldova.

According to its staffing plan, the court has 9 ordinary judges and 1 investigating judge. Its office also employs other 32,5 staff units. There is no human resource management specialist. Those duties are instead performed by the court president and the adviser to the court president. The court has a public relations specialist.

Staff expenditures follow an upward trend. The court does all its public procurements without a procurements specialist. In 2011 both the face value and the real value of the allocations for operating expenditures increased. In 2011 the average operating cost for examining a case increased compared with the previous year and was higher than the weighted average cost of a case examined for the country as a whole (see the detailed analysis in Chapter VI).

Soroca District Court was built in 1993 and was initially designed as a courthouse. It is one of the biggest district courthouses in Moldova. The building is situated on a corner of the main street—a convenient location for public access.

The courthouse covers 1721.4 sq. meters on two levels, a basement and an additional building that is currently under construction for six court rooms. Its façade, roof and power system have been renovated.

The staff of Soroca District Court uses ICMS Version 2 which was installed in 2011, but they mentioned that there are issues with it including frequent power cuts, server failure and slow operation speed.

# SOROCA DISTRICT COURT

*2, Independentei Str., Soroca*

*Date of visit: 15 June 2012*

The shortage of courtrooms is the most critical issue for this court.

The staff does not audio record hearings held in the two courtrooms where recording equipment is installed because the equipment is not functional. In addition, during the documentation visit it was mentioned that since there are two courtrooms for ten judges, it is not possible to hold all hearings in courtrooms. Other reasons for not using the audio recording equipment are lack of trained staff and legal requirements for written minutes in addition to recordings.

Specialists at Soroca District Court continue to keep a considerable number of registers, although amendments to the Guidelines have reduced the number required.

The total number of cases filed at Soroca District Court from 2009 to 2011 decreased by 1,594, and the number of cases examined decreased by 1,825 with a clearance rate of 89.1% in 2011.

The court has an information board for the public, and office doors have plaques showing judges' names and bearing warnings that entry is not allowed.

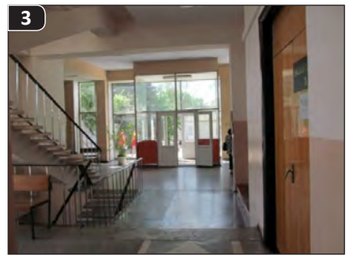
The court updates its web page, and some menus have information of public interest. In some cases the information is accompanied by photos, images and graphs.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 3 | The walls are made of stone and are in satisfactory condition but need to be cleaned. The façade needs to be fully renovated. |
| Water supply | 2 | The water supply is good. Pipes in the bathrooms and restrooms were replaced in 2008 and water pressure is normal. In the bathroom hot water is supplied by an electric heater. |
| Power supply | 1 | In 2011 the power system was fully renovated. |
| Sewerage system | 4 | The sewerage system is centralized. It is very old and needs to be completely renovated including replacing pipes. |
| Heating system | 3 | The heating is autonomous, based on gas and was installed in 2004. The system requires complete renovation as it is old and inefficient (136,000 MDL are spent each winter). |
| Firefighting system | - | The building has no fire alarm system no functioning sprinkler system. |
| Roofing | 1 | The roof was fully renovated in 2011. |
| Interior | 2 | The interior is in good condition considering the age of the building; however, if the space is to be reconfigured, the interior should be refurbished. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.



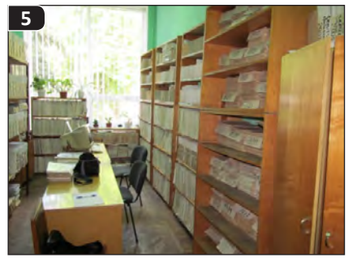



**Photo 1.** *Exterior*
**Photo 2.** *Additional construction*

**Photo 3.** *Public area*
**Photo 4.** *Space for archives*
**Photo 5.** *Space for archives*

## 1.2. CURRENT CONDITION

The assessment focused on a comparative analysis of the physical and operational condition of Soroca District Court in June 2012.

The courthouse has two floors, a basement and an additional building under construction with a total area of 1721.4 sq. meters. The additional building will house six courtrooms. Currently there are 28 offices, 2 public rooms and 2 functioning courtrooms.

Soroca District Court benefits from the services of the judicial police during the day and has three night guards on staff who work on nights and weekends.

The court has centralized water supply and sewerage systems that need to be fully renovated. A ventilation system should be installed in the basement.

Partial repairs to the exterior of the building have been done. The roof has been fully repaired. The power network has been totally replaced.

The functional area of Soroca District Court is appropriate for the work of a court of law except that there is no separate entrance and no separate room for detainees. Currently, detainees are taken into the courtroom through the public corridor directly from the police station. The courthouse has two courtrooms shared by 10 judges. Six courtrooms are under construction funded from the state budget.

The condition of the ground floor interior is good except for the hall and the entrance stairs. Since 2008, no general renovations have been undertaken due to a lack of funds, but work is planned for 2013.

On the second floor, the offices of the judges and other staff were refurbished in 2006 and are in good condition. New windows have been installed in almost half of the offices. Walls have been repainted and light fixtures have been replaced. Air conditioners have been purchased for most offices and for the server room. The two restrooms in the basement are in good condition after full renovation in 2006. There is a restroom in the courtyard for the public. All the other rooms on the second floor require repairs. The interiors of the courtrooms need to be refurbished as well.

The heating system is old. The pipes and radiators need to be replaced.

There are neither firefighting systems nor emergency lights.

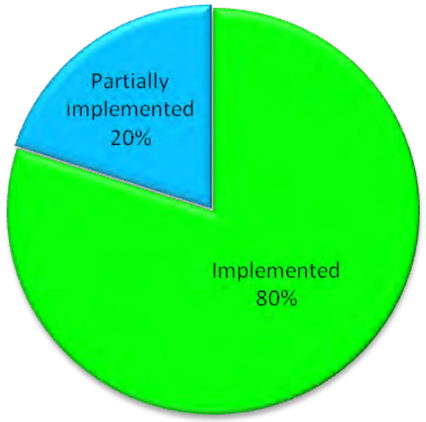
The 2009 Infrastructure Assessment Report listed five priorities for capital repairs of which four have been implemented fully and one partially with plans to finalize it by the end of 2012 (Table 1 and Graph 1).

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2008 | Implementation stage in 2012 |
|---|---|
| Build additional courtrooms in the current conference room or build a two-level extension to enlarge the space. | Partially implemented |
| Replace exterior windows. | Implemented |
| Renew the power system and the firefighting system | Implemented |
| Repair and reconfigure space including changing the location of the chancellery and creating a public intake area on the ground floor. | Implemented |
| Install an air conditioning system for the LAN server room | Implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of capital repair priorities in 2012*




### Conclusions

- From 2009 to 2012, Soroca District Court made or started all the renovations recommended in the 2009 Infrastructure Assessment Report.
- Some rooms in Soroca District Court need capital repairs.
- Regarding the priorities for capital works identified in 2009, 100% of the recommendations have been implemented: 80% are complete and 20% are currently underway.

### Recommendations

- Consolidate the archives into one room.
- Install a firefighting system.
- Repair the courtrooms on the ground floor.
- Replace the heating system.
- Replace the light fixtures.
- Create a cell for detainees in the basement with a restroom and sink.
- Renovate the building's interior as appropriate.
- Change the windows near the court entrance.
- Renovate the façade of the main building and the new construction.
- Replace the sewerage system.
- Replace the heating system.
- Locate the office of the public relations specialist close to the court entrance.
- Create a space near the court entrance for the judicial police.
- Install down spouts and gutters and create drains.
- Renovate the flooring in the halls on the ground floor and the second floor.
- Renovate the stairs at the court entrance leading to the second floor and the back stairs.
- Replace the old doors.
- Pave the space around the building.

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Soroca District Court has used the Integrated Case Management System since 2009; in June 2011, ICMS Version 2 was installed.

The staff of Soroca District Court does not use all the options of ICMS Version 2 as they do not know how to use them. Other issues reported were technical such as failures of the server, errors and uneven case assignments. In addition ICMS does not assign cases to the investigating judge although this option was introduced in Version 2 by creating specialized panels; however, neither the staff nor the court manager, who is also the adviser to the court president, is aware of this possibility. Suggestions for modifying ICMS are in Table 2.

After case files are registered, the clerical staff scans the complaints for civil cases, no acts for criminal cases and the minutes and appeals as applicable for administrative cases.

ICMS serves as a primary source for information requested by the public. If it cannot be found in ICMS, the case action cards or the registers kept at the chancellery are consulted.

The court does not have an information technology specialist, but it has concluded a contract with a company to provide those services.

According to the staff of Soroca District Court, the server often fails so they have to contact CTS several times a week to fix problems. Soroca staff rated their general satisfaction with the services provided by CTS in 2012 as a 4 out of 5.

**Table 2.** *Suggestions for modifying ICMS for Soroca District Court*

| No. | Suggestions for ICMS modification |
|---|---|
| 1. | Make case assignments even. |
| 2. | Secure the interaction between ICMS and Femida. |
| 3. | Simplify ICMS menus. |
| 4. | Provide the option for cases to be assigned to the investigating judge |

*Source: Soroca District Court staff*

### 2.2. AUDIO RECORDING SYSTEM

Soroca District Court has two courtrooms both of which have audio recording equipment and the corresponding Femida software; however, the equipment does not work. The court does not therefore record hearings although each courtroom door has a sign stating that court hearings are audio recorded. There have been three or four requests from the public to record hearings, but they were rejected due to the fact that the equipment does not work.

According to the Regulations on Digital Audio Recording of Court Hearings,[2] the reason for recording court hearings is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. Given that hearings are not recorded, Soroca District Court clerks cannot use recordings to ensure that the minutes are complete and accurate.

Other issues include an insufficient number of courtrooms (2 for 10 judges) and insufficient numbers of staff.

[2] *SCM Regulation on Digital Audio Recording of Court Hearings approved by SCM Decision No. 212/8 of 18 June 2009.*

**Photo 6.** *Inscription on a courtroom door*

## 2.3. WEB PAGE OF SOROCA DISTRICT COURT

Soroca District Court has a web page on which it posts information for the public; it is updated as needed by the public relations specialist. Table 3 shows the menus and their contents.

**Table 3.** *Content of the web page of Soroca District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the chief judge | – Address of the court president<br>– A photo showing the façade of the courthouse that cannot be viewed |
| Jurisdiction | – Competence<br>– Territorial jurisdiction of Soroca District Court |
| Regulatory Framework | – Table with basic regulatory acts governing the court activities<br>– List of three regulatory acts |
| Public Relations Service | – General information about the duties of the public relations specialist<br>– Contact data for the public relations specialist<br>– Information on the priorities in the communication strategy |
| Press Releases | – Press release on a roundtable on the protection of vulnerable minors |
| News | – Vacancies—the link is active but contains no information |
| Archive | – The sub-menu "Links" which is active but contains no information<br>– Data about the hours of the archives. |
| Organization | – Organizational structure of the court |
| List of Hearings | Information extracted automatically from ICMS |
| List of Case Files | Information extracted automatically from ICMS |
| Database of Judgments | Information extracted automatically from ICMS |
| Statistics | – Contains no statistics |
| Information of Public Interest | – Work hours of Soroca District Court<br>– When citizens are admitted |
| Useful Links | Links to websites of some central public authorities and other institutions |

*Source: http://jsr.justice.md/*

Table 3 shows that some menus have information of public interest about the work of the court. Sometimes the information is accompanied by photos, images and graphs; however, some contain no information of public interest, and sometimes the menu title does not match is content. In the "Useful Links" menu, links should have a name and be arranged in proper order. In "*Jurisdiction*," the table should be reformatted. In "*Regulatory Framework*," a number of regulations are posted, but they are not active; it would be useful to post active links. In "Information of Public Interest," there is no information about the schedule for issuing judgments, the rules of conduct for citizens in the court, the rules of conduct for court staff or a public guide.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Soroca District Court has sufficient equipment to properly carry out its activities. Table 4 shows the type of equipment, the number of items and the equipment needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Server | 1 | - |
| Surge protector for the server | 1 | - |
| Computers | 29 | 20 |
| Printers | 25 | 20 |
| Scanners | 4 | 10 |
| Audio recording sets | 2 | 8 |
| Digital copier | 1 | - |
| Air conditioners | 21 | - |
| Refrigerators | 1 | 2 |
| OM Water coolers | 2 | 2 |
| UPS | 17 (operational - 4) | 20 |
| Copier | 4 | 5 |
| Digital monitor | - | 1 |
| TV+DVD | - | 5 |

*Source: Soroca District Court*

### Conclusions

- When using ICMS Version 2, the staff of Soroca District Court faces the problems of uneven case assignments, failure to assign cases to the investigating judge and insufficient knowledge of the software's options.
- The staff of Soroca District Court does not record court hearings because the equipment does not work.
- To improve the work of Soroca District Court, the following equipment is necessary: 20 computers, 20 UPS, 20 printers, 10 scanners, 5 copiers, 2 refrigerators, 2 OM water coolers, 1 digital monitor, 5 TV/DVD and 8 sets of audio recording equipment (two for the exiting courtroom and six for the courtrooms under construction).
- Soroca District Court uses the webpage content management system. Information is sometimes accompanied by photos, images and graphs; however, some of the menus contain no information at all, and sometimes the title of a menu does not match its content.

### Recommendations

- Replace the audio recording systems.
- Make the number of courtrooms equal to the number of judges.
- Complete the website menus with information of public interest and update them regularly.
- Rearrange information on the website so it correlates with menu titles.

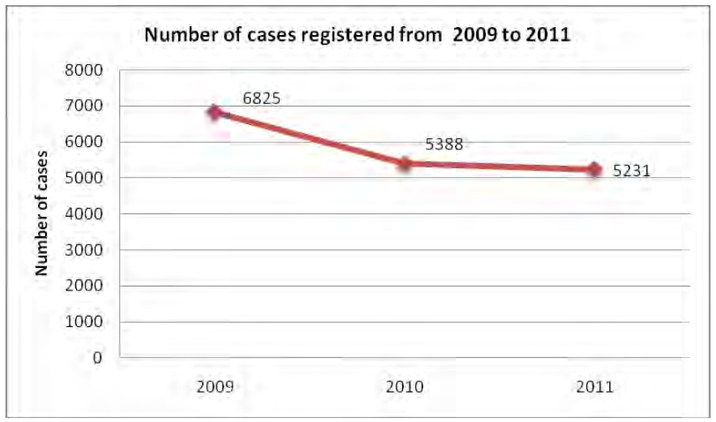
# III. WORK OF SOROCA DISTRICT COURT

## 3.1. WORKLOAD OF THE COURT

The workload at Soroca District Court from 2009 to 2011 was assessed based on the total number of cases registered, the total number of cases examined, the number examined by type of case, the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases filed at Soroca District Court decreased from 6825 in 2009 to 5231 in 2011.

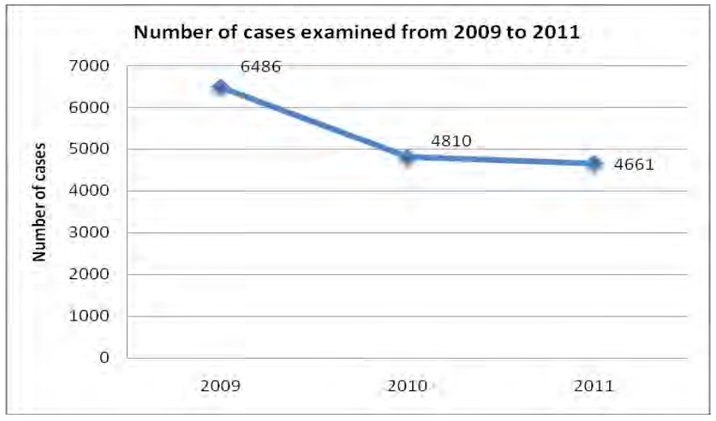
**Graph 2.** *Number of cases registered at Soroca District Court from 2009 to 2011*




*Source: DJA*

According to the data, the total number of cases examined also decreased from 6486 in 2009 to 4661 in 2011 (Graph 3).

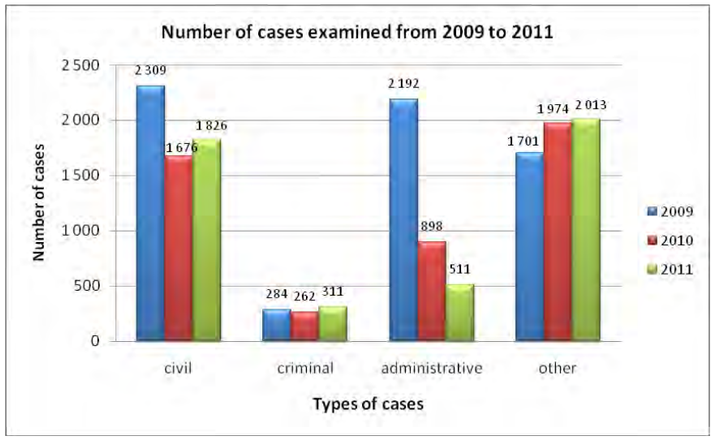
**Graph 3.** *Total number of cases examined at Soroca District Court from 2009 to 2011*




*Source: DJA*

Graph 4 shows that from 2009 to 2011, the number of civil cases examined decreased from 2309 to 1826, the number of criminal cases examined did not change significantly and the number of administrative cases decreased from 2192 to 511.

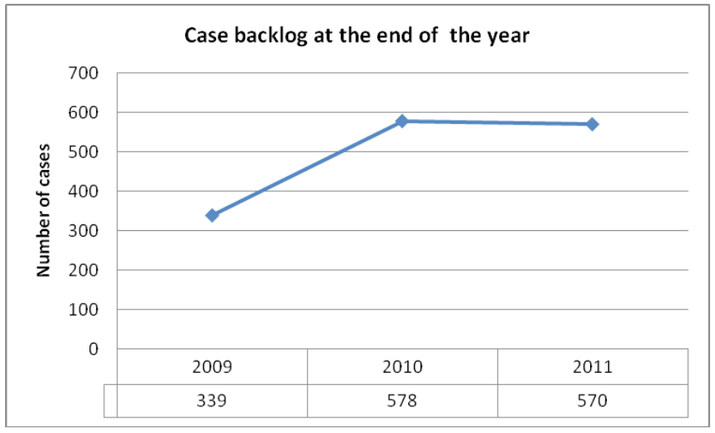
**Graph 4.** *Number of cases examined at Soroca District Court from 2009 to 2011by type of case*




*Source: DJA*

The analysis of the case backlog at Soroca District Court showed an increase from 339 in 2009 to 570 in 2011 (Graph 5).

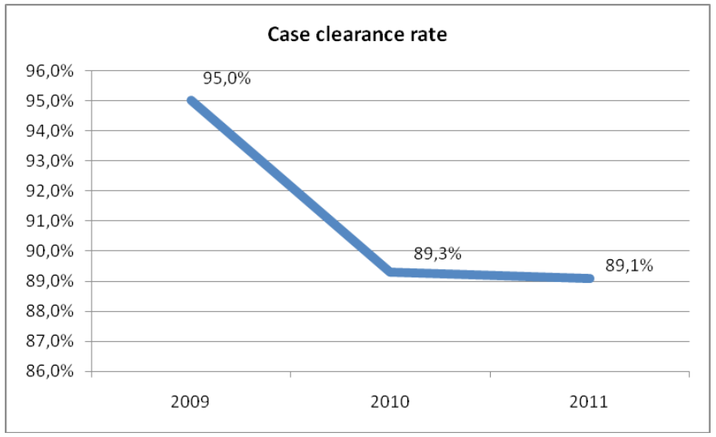
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Soroca District Court decreased from 95.0% in 2009 to 89.1% in 2011 (Graph 6).

**Graph 6.** *Case clearance rate from 2009 to2011*




## 3.2. ORGANIZATION OF ACTIVITIES

Soroca District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice and analyzing judicial statistics and perform other duties as needed for the normal run of activities.

The chancellery is located on the ground floor. Its staff includes four court clerks who are responsible for scanning documents from case files and registering cases in ICMS and on paper.

The chancellery uses the search menu of ICMS to provide information to the public; if there is no information in ICMS, it uses the case action record cards in the registry.

The chancellery maintains the registers listed in Table 5.

**Table 5.** *List of registers used by Soroca District Court chancellery*

| Register Category | Register title |
|---|---|
| ***General*** | 1 Criminal cases sent to superior courts<br>2 Incoming mail<br>3 Outgoing mail<br>4 Mail sent via courier<br>5 Ordinary mail<br>6 Registered mail |
| ***Civil*** | 1. Civil cases transmitted to judges<br>2. Index of civil case files<br>3. Rulings<br>4. Index of rulings<br>5. Economic and administrative cases transmitted to judges<br>6. Index of economic and administrative case files<br>7. Case files sent to the Court of Appeals in Balti and to the SCJ<br>8. Appeals filed in the court<br>9. Record card |
| ***Criminal*** | 1. Materials with the index 21 transmitted to judges<br>2. Index of materials with the index 21<br>3. Criminal cases transmitted to judges<br>4. Index of criminal cases transmitted to judges<br>5. Arrest warrants, extensions of arrest and home arrest (currently this register is kept by the secretary of the investigating judge)<br>6. Physical evidence<br>7. Record card |
| ***Administrative*** | 1. Administrative cases transmitted to judges (including 4d and 5r)<br>2. Index of administrative case files (4d and 5r)<br>3. Materials sent to the Court of Appeals in Balti |

*Source: Soroca District Court chancellery specialists*

There is a practice in the court of keeping a duplicate record of case files—one on paper and one in electronic format. The same information may be entered three or four times in various records as Table 6 shows.

**Table 6.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Register of incoming mail |
| Plaintiff's name | ICMS | Action record card | |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index |
| Defendant's contact information | ICMS | Action record card | Index |
| Case file category | ICMS | Action record card | Index |
| Essence of the case | ICMS | Action record card | |
| State duty | ICMS | Action record card | |
| Circulation of the case file within the court | ICMS | Action record card | Register of civil cases transmitted to judges |

*Source: Soroca District Court chancellery specialists*

The chancellery keeps more registers than the Guidelines require.[3]

The archives of the Soroca District Court are situated on the ground floor and in the basement. Both archive rooms are the proper size and location and have proper temperature and humidity levels and ventilation systems. Case files are kept in order. Entrance to the archives is restricted.

## *Conclusions*

- The number of cases filed at Soroca District Court decreased by 23.4% from 2009 to 2011.
- The number of cases examined decreased by 28.1% from 2009 to 2011.
- The number of civil cases examined from 2009 to 2011 decreased by 483, the number of criminal cases increased by 27 and the number of administrative cases decreased by 1681 cases.
- The case backlog increased by 231 from 2009 to 2011.
- The case clearance rate decreased by 5.9% from 2009 to 2011.
- There is duplication of effort because the laws and the instructions on secretarial work require both paper and digital registers.
- The number of registers used by the court clerks is greater than the Guidelines require.

## *Recommendations*

- Eliminate power cuts.
- Review in-house procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.

[3] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

Soroca District Court has 10 judges (according to the approved staffing plan). Its office also employs other 32,5 staff units (Table 7).

There is no human resource specialist at the court. In practice, these duties have been performed by the court president and the adviser to the president. The adviser is particularly responsible for preparing and keeping records of staff documents, preparing personal staff files and filling in and keeping employment record books.

Soroca District Court has a public relations specialist who is the official representative of the court in its relations with the media and the public. He is responsible for making information available to the media and the public with a view to ensuring transparency of court operations in accordance with current legal provisions.

For several years there have been no internal procedures for employing staff. When a staff member is employed on a competitive basis, the interview is organized according to the provisions of the Regulation on Competitive Employment of Civil Servants approved by Government Decision No. 201 of 2009.

Soroca District Court has job descriptions for the positions of judge, adviser to the court president, consultant, chief accountant, head of the chancellery, head of archives, public relations specialist, court secretary, translator, court clerk responsible for criminal case files, driver, guard, boiler room operator, courier and cleaner.

**Table7.** *Staffing scheme of Soroca District Court*

| No. | Position | Current number |
|---|---|---|
| 1. | Court president | 1 |
| 2. | Vice-president | 1 |
| 3. | Judge | 7 |
| 4. | Investigating judge | 1 |
| 5. | Adviser to the court president | 1 |
| 6. | Chief accountant | 1 |
| 7. | Consultant | 3 |
| 8. | Court secretary | 10 |
| 9. | Translator | 1 |
| 10. | Head of the chancellery | 1 |
| 11. | Court clerk | 3 |
| 12. | Coordinating specialist | 1 |
| 13. | Head of Archives | 1 |
| 14. | Archivist | 1 |
| 15. | Courier | 1 |
| 16. | Driver | 1 |
| 17. | Guard | 3 |
| 18. | Boiler room operator | 1.5 |
| 19. | Cleaner | 3 |
| | **TOTAL** | **42.5** |

*Source: Accounting office of Soroca District Court*

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ, and as reported during the documentation visit, in 2011 all judges of Soroca District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. For legal research and references, the judges use the legislative database on the website of the Ministry of Justice and the private legislative database Moldlex. Some of the publications to which Soroca District Court subscribes are the *Official Gazette, Buletinul CSJ (SCJ Newsletter); Revista Nationala de Drept (National Law Magazine); Contabilitate si Audit (Accounting and Auditing); Dreptul (Law), Dreptul muncii (Labor Law), Observatorul de Nord (Northern Observer)* and *Kadry y zarabotnaya plata (Staffing and Wages).* It was, however, mentioned that the legal literature available at the court is not sufficient to cover all current needs. Newly appointed judges have to buy the codices they need as they are not available at the court.

Court staff other than judges mentioned that the last time they were trained at the Balti Court of Appeals on the use of ICMS. The court president mentioned the need to organize training for court secretaries in drafting various types of minutes of court hearings (i.e., for examination, postponement, dismissal of cases, etc.) and in working with ICMS and Femida. For court clerks, seminars were requested on applying the guidelines.

### *Conclusions*

- At Soroca District Court, human resources are managed by the court president and the adviser to the president.
- The court has a public relations specialist.
- The court has no human resource specialist.
- Court secretaries, court clerks and the archive specialist need training ranging from the application of legal provisions to the study of the judicial information system and citing criminal and civil procedural acts.

### *Recommendations*

- Employ a human resource specialist and train him/her.
- Organize internal training for the court staff so they can solve the problems they face in carrying out their duties.

## V. SERVICES FOR THE PUBLIC

Soroca District Court has no information office or window situated near the court entrance. The office of the public relations specialist is situated on the ground floor; however, it is not clear how to find it since there are no signs to guide the public. On the judges' doors there are clear signs showing the names of judges and the warning that entry to the judges' offices is not allowed.

The building has a board at the entrance with the following information:

- Lists of cases scheduled for trial printed from ICMS
- Code of conduct for the civil servants (obligations and guarantees)
- Rights and obligations of convicts; investigation and trial of criminal cases
- Access to judges' offices is strictly forbidden
- Rules of conduct for the participants in a trial.

Parties and other trial participants may request copies of judgments by filling out an application at the chancellery on any business day during working hours; however, copies are issued only on Fridays except in emergencies when they are issued on the same day. The court clerks then forward the application to the court president for approval. If the application is approved, the applicant pays the state fee. The applicant then presents payment confirmation to the chancellery or the archivist, as appropriate, in order to be able to receive the copy. After the copy has been authenticated, the chancellery hands it to the applicant against his/her signature on the case file cover page with the date the copy was issued.

### *Conclusions*

- The court has no information window for the public.
- There are no clear signs guiding the public to the office of the public relations specialist, the chancellery, the archives or the courtrooms.
- The information board for the public at the entrance contains relevant and comprehensive information helping visitors to better orient themselves.
- The procedure for getting copies of judgments requires approval by the court president who has to make time to examine, approve or reject applications.

### *Recommendations*

- Install clear signs guiding visitors.
- Simplify the procedure for getting copies of judgments by sparing the court president the obligation to approve applications and by training the chancellery specialists accordingly.

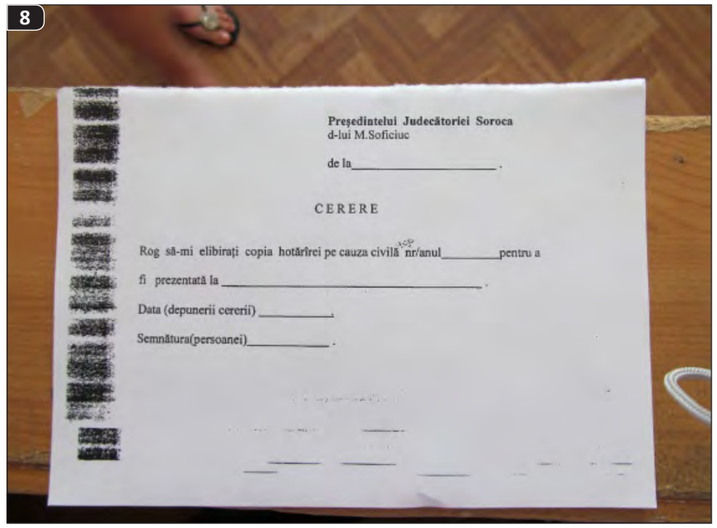



**Photo 7.** *Information board*
**Photo 8.** *Sample of request for copy of judgment*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Soroca District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA which receives the ceilings for the entire judiciary from the Ministry of Justice. The ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling is set for the following two expenditure categories:
1) Current expenses (staff, others);
2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by the DJA while capital expenses are determined by each individual court after negotiations with the DJA. Other expenses are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET

The budget of Soroca District Court is divided into six categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[4]

From 2010 (executed) to 2012 (approved), the budget of Soroca District Court increased from about MDL 2 million to about MDL 4.3 million(Table 8).

In 2011, the court budget was 56% more than in 2010 due to increases allocations for capital investments and fixed assets (to purchase a car). The court also received additional funds for utilities and operating expenditures. Allocations for repairs and staff decreased by 39% and by 2%, respectively.

The budget for 2012 is 34% more than in 2011. The budget for capital investments doubled. Allocations for other categories, including staff, increased. The exception is fixed assets, for which no funds were planned.

[4] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Soroca District Court by type of expense (2010–2012)*

| Expense category/year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 1,591,128 | 1,552,575 | -2% | 1,765,800 | 14% |
| Repairs | 106,900 | 64,913 | -39% | 70,000 | 8% |
| Utilities | 132,137 | 170,280 | 29% | 205,000 | 20% |
| Fixed assets | 0 | 240,000 | 100% | 0 | -100% |
| Capital investment | 0 | 904,443 | 100% | 2,000,000 | 121% |
| Operating expenses | 262,300 | 328,506 | 25% | 330,700 | 1% |
| **Total** | **2,092,465** | **3,260,717** | **56%** | **4,371,500** | **34%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

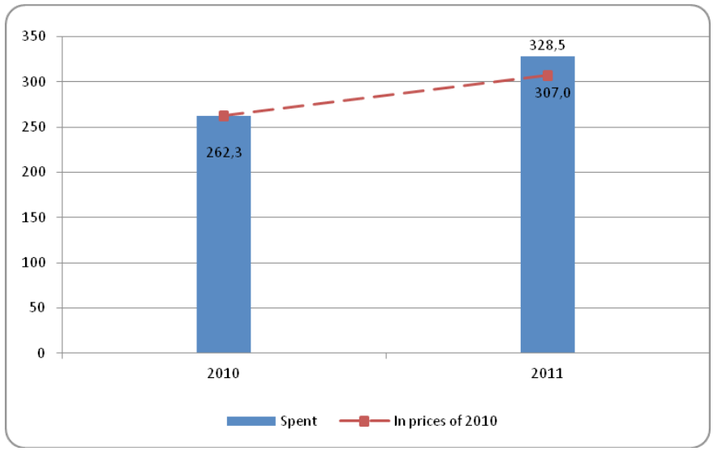
## 6.2. STAFF EXPENSES

The average value of staff expenditures for the three years is around 55%. Due to the fact that remuneration is governed by law and regulations, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

From 2010 to 2011, both the face value and the real value of operating expenditures increased. Their face value increased from MDL 262.3 thousand to MDL 328.5 thousand, an increase of 25%. Their face value increased by 17% taking into account that in 2011 the inflation rate was 7%.[5] MDL 328.5 thousand in 2011 was therefore equivalent to about MDL 307 thousand in 2010; hence, the real value of operating expenses increased by MDL 44.7 thousand (Graph 7).

**Graph 7.** *Operating expenses for Soroca District Court in 2010 and 2011*



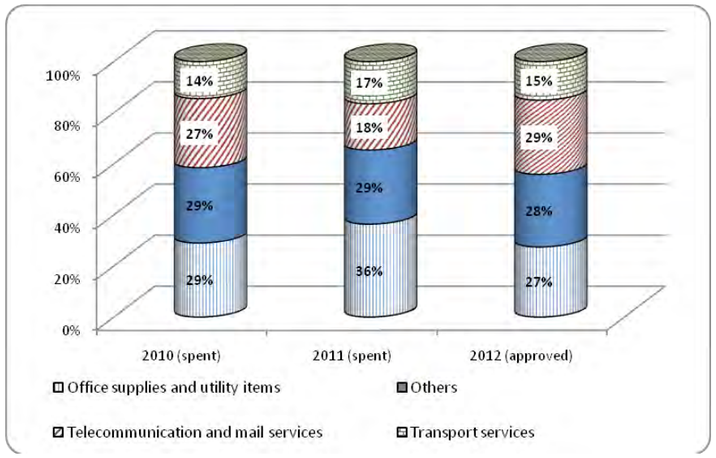

[5] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunication and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that the share of expenses for office supplies and utility items increased from 29% in 2010 to 36% in 2011. Transport expenses followed a similar trend though the percentage increase was smaller (14% to 17%). Expenses for telecommunication and mail decreased from 27% in to 18%.

In 2012, allocations for transport and for office supplies and utility items both decreased (by 2 percentage points and 9 percentage points, respectively) while telecommunication and mail grew to 29%.

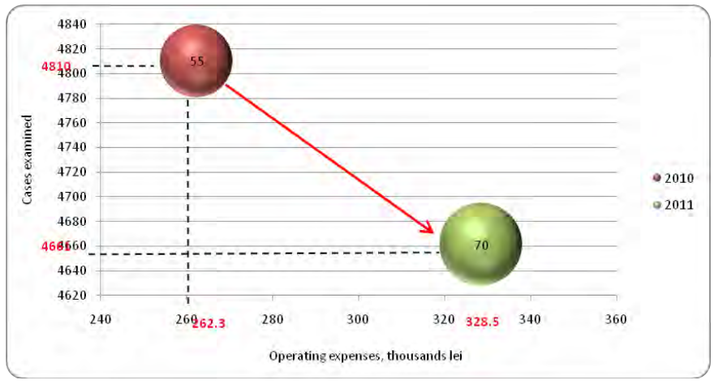
Telecommunication and mail merit attention as approximately 70% is for postage.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase in operating expenses in 2011 as compared to 2010 was not due to the number of cases examined. In 2011, the number of cases examined was 4661, by 149 less than in 2010.

Comparing operating costs with the number of cases examined, in 2010, the average cost for examining a case was approximately MDL 55 while in 2011 it was MDL 70 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Soroca District Court in 2010 and 2011.*



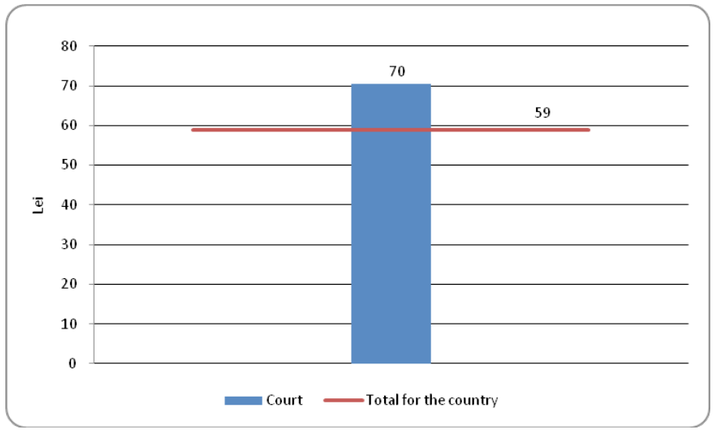

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The increase in the average cost was due to the decrease in the number of cases examined and the increase in operating expenses.

## 6.6. AVERAGE OPERATING COST PER CASE IN SOROCA DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of examining a case for the country as a whole can show whether MDL 70 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Soroca District Court in 2011 and the weighted average cost per case for the country*




As shown in Graph 10, in 2011 the average cost per case examined in Soroca District Court was higher than the weighted average cost per case for the country as a whole.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Soroca District Court does its accounting electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the chief accountant who does not have professional qualifications in procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, both the face value and the real value of operating expenses increased.
- The average cost of examining a case in 2011 increased compared to 2010.
- In 2011, the average cost of examining a case was higher than the weighted average for the country as a whole.
- Mail expenses account for a large share of total operating expenses.
- Accounting is done electronically.
- All public procurements are made without a procurement specialist.
- Training in public procurement is needed.

### Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Straseni District Court, situated in the town of Straseni, serves 88,763 inhabitants in the 39 localities that are part of Straseni District, according to Law No. 764 of 27 December 2001 on the Administrative Territorial Organization of the Republic of Moldova.

Straseni has 8 judges and 26.5 regular staff. There is no human resource specialist; those duties are performed by the court president and the consultant. Also, the court staffing plan does not include a public relations specialist; those duties are performed by the chancellery specialist.

Staff expenditures have followed an upward trend. The court does all its public procurements without a procurement specialist. In 2011 the face value and the real value of operating expenses decreased compared with 2010. In 2011, the average operating cost for examining a case remained almost the same as in the previous year and was lower than the weighted average cost of a case examined for the country as a whole (see Section VI)

Straseni District Court covers an area of 1036 sq. meters on two floors and a basement. The building is in good condition since capital repairs were conducted from 2009 to 2011. The court exterior and the interior spaces have been refurbished; the electrical system and the roof have been renewed. The operational space has been reconfigured; a public information window has been created on the ground floor. There are plans to expand the building.

The staff of Straseni District Court has used ICMS since 2009. In 2011, ICMS Version 2 was installed. The issues reported with it relate to uneven case assignments and the inability to assign all materials using the software.

# STRASENI DISTRICT COURT

*98, Stefan cel Mare Str., Straseni*

*Date of visit: 15 May 2012*

Straseni District Court has three courtrooms; each has a set of audio recording equipment and corresponding software, however, none of the hearings taking place in the courtrooms is audio recorded. The assessment team established that the equipment has been disassembled and is stored in a deliberation room.

Legal requirements for written minutes in addition to recordings (overlapping) and the lack of training (since most of the court clerks have been recently employed) are among the reasons that hearings are not recorded. There are eight judges working at the court.

Specialists at Straseni District Court have reduced the number of registers in accordance with the amendments to the Guidelines; however, the number of registers kept still slightly exceeds the number required.

The total number of cases filed at Straseni District Court from 2009 to 2011 increased by 1144, the number of cases examined increased by 786 in the same period with a clearance rate of 87% in 2011.

At the court entrance, there is a public information window with data about the working hours, the hours for receiving correspondence and a sample application for copies of documents. There is also an information board and a sign guiding visitors to the chancellery. On the doors of judges' offices there are clear signs with the names of the judges; however, there is no warning that entry to the office is restricted.

The webpage administration system at Straseni District Court is used by the adviser to the president. Some menus on the webpage contain no information while in others, the text needs to be reformatted in order to make the font, color and style consistent.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 2 | The exterior has been renovated |
| Water supply | 2 | The court is connected to the centralized water system. |
| Power supply | 2 | The electrical network has been recently replaced. |
| Sewerage system | 3 | The sewerage system is centralized; it has been partially replaced. |
| Heating system | 4 | The heating is autonomous and uses natural gas. The boilers were installed in 2007. The system is old. |
| Firefighting system | - | None |
| Roofing | 2 | The roof structure is sound. It has been recently repaired. |
| Interior | 1 | All interior spaces have been recently repaired and renovated. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

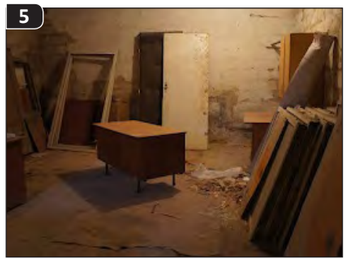


**Photo 1.** *Facade*
**Photo 2.** *Plaque with the court's name at the entrance*
**Photo 3.** *Rear of the building*
**Photo 4.** *Lateral exterior*
**Photo 5.** *Basement*
**Photo 6.** *Boiler room*
**Photo 7.** *Restroom near the deliberation room*

## 1.2. CURRENT CONDITION

The assessment focused on a comparative analysis of the physical and operational condition of Straseni District Court in May 2012.

The courthouse has two floors and a basement with a total area of 1036 sq. meters with 11 offices, 2 public spaces and 3 courtrooms.

Straseni District Court is not protected by the state guards but has two night guards on staff. During the day, court security is provided by the judicial police.

Straseni District Court was built in 1978 as a courthouse. The building is situated on the main street of the town. It is in very good condition as capital repairs took place from 2009 to 2011 during which the building's exterior, the interior spaces, the electrical system and the roof were renovated. The operational space was reconfigured; an information window was created on the ground floor. In addition to these capital repairs, there are plans to expand the building.

The court is connected to the centralized water system.

The electrical network is in good condition as it was recently replaced.

The sewerage system is centralized and in satisfactory condition.

Straseni District Court has an autonomous heating system that uses natural gas; however, it is old and there are plans to replace it.

The interior of the ground floor is in very good condition: all rooms have been renovated; the ceiling and flooring have been replaced and the walls have been painted; the doors and windows have been replaced; new furniture has been bought and light fixtures have been installed.

On the second floor, the walls, ceilings, flooring and the interior doors have also been refurbished. The hallway has been tiled, the walls have been painted and suspended ceilings have been hung. New furniture has been bought and new light fixtures installed. The courtrooms have been renovated and arranged with new furniture.

The server is installed in a separate space in a deliberation room, but there is no air conditioner. Restrooms for staff are located near the deliberation rooms of the three courtrooms and have been repaired. There are no restrooms for the public inside the courthouse.

The operational space of Straseni District Court is appropriate for the activity of a court of law. At the back of the courthouse there is a separate entrance and four cells for detainees. The courtrooms also have separate entrances for detainees through the stairs at the back of the building. Because eight judges use three courtrooms, it is strongly recommended to reconfigure the space in order to create an additional courtroom. This may be done by dividing the largest courtroom in two smaller ones.

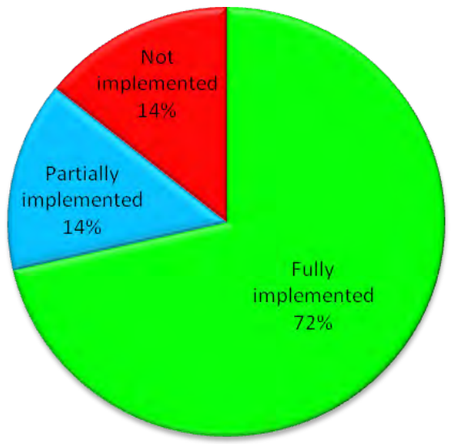
The 2009 Infrastructure Assessment Report identified seven priorities for capital repairs at Straseni District Courthouse of which five have been implemented fully, one partially, and one not at all (Table 1 and Graph 1).

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2009 | Implementation stage in 2012 |
|---|---|
| Repair the roof. | Implemented |
| Relocate the bailiffs to an adequate, separate room. | Implemented |
| Renovate the courthouse interior and reconfigure the space; relocate the chancellery and create a public intake area on the ground floor. | Implemented |
| Repair the water supply system and the sewerage pipes. | Partially implemented |
| Install an air conditioner in the LAN server room. | Not implemented |
| Renew the electrical network. | Implemented |
| Refurbish the courthouse exterior. | Implemented |

*Sourse: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of capital repair priorities in 2012*




### Conclusions

- From 2009 to 2012, significant renovations were conducted at Straseni District Court.
- Some of the renovations followed the recommendations of the 2009 Infrastructure Assessment Report.
- Taking into account the priorities for repair identified in 2009, 72% have been fully implemented, 14% have been partially implemented and the remaining 14% have not been implemented.

### Recommendations

- Replace the heating system.
- Fully renovate the sewerage network.
- Expand the building.
- Install an air conditioner in the server room.
- Create a hearing room for juvenile witnesses.
- Create restrooms for the public.
- Clean the basement.
- Install firefighting systems.

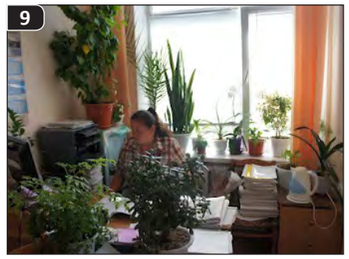


**Photo 8.** *Server*
**Photo 9.** *Office of the court clerk*
**Photo 10.** *Basement*

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The staff of Straseni District Court has used the Integrated Case Management System since 2009. In 2011, ICMS Version 2 was installed.

In order to create electronic case files, paper files have to be scanned; however, the chancellery staff of Straseni District Court does not scan case files after registering them. There is only one scanner, and it is installed at the public information window.

The staff of Straseni District Court did not make any requests for modifying ICMS; however, a number of technical issues were reported including uneven case assignments and the failure to assign all materials. Only 50% of the judgments made by the court are published because no one is responsible for editing judgments and posting them on the court's website.

The assessment team found that not all ICMS menus are used in full. The menus for registering summons, appeals and cassations, for registering enforcement procedures and the information storage module are not used.

Straseni District Court has no information technology specialist on staff; instead, they have contracted a specialist who fixes technical issues on request though some are also addressed by CTS. The staff rated their general satisfaction with the services provided by CTS in 2012 as a 4 out of 5.

### 2.2. AUDIO RECORDING SYSTEM

Straseni District Court has three courtrooms each equipped with a set of audio recording equipment and software, but hearings conducted in the courtrooms are not audio recorded. The assessment team established that the equipment has been disassembled and stored in a deliberation room. The reasons for the failure to use it relate to the insufficient number of courtrooms (three for eight judges), the duplication of work (written and audio records) and the shortage of staff trained in using the software (most court clerks were employed recently).

Since 2009 when the system was installed, there has been just one request for a recording of a hearing.

There are no plaques on the courtroom doors stating that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings[2], the purpose is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. Given that hearings are not audio recorded, court clerks are not able to use them for that purpose.

[2] *SCM Regulation on Digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

**Photo 11.** *Courtroom*
**Photo 12.** *A court clerk using ICMS*
**Photo 13.** *The chancellery*
**Photo 14.** *Court clerk showing how she uses the audio recording software*
**Photo 15.** *Courtroom*

## 2.3. WEB PAGE OF STRASENI DISTRICT COURT

The court has a webpage on which it posts information for the public; it is updated as needed by the adviser to the court president who taught himself to use the content management system. Court clerks are responsible for posting judgments on the webpage.

Table 2 shows the menus and their contents.

**Table 2.** *Content of the web page of Straseni District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the Court President | Welcome address |
| Jurisdiction | – Competence;<br>– Geographic jurisdiction |
| Regulatory Framework | – Table with the list of regulatory acts governing the court |
| Public Relations Service | General information about the duties of the public relations specialist and contact data |
| Press Releases | None |
| News | Active link to the menu "*Vacancies*" which contains no information |
| Archives | Active link to the menu "*Links*" which contains no information |
| Organization | – Active link to the internal regulation of Straseni District Court<br>– Active link to the organizational chart of the court |
| List of Hearings | Information extracted automatically from ICMS |
| List of Case Files | Information extracted automatically from ICMS |
| Database of Judgments | Information extracted automatically from ICMS<br>**The latest judgment was published on 26 January 2011** |
| Statistics | None |
| Information of Public Interest | – Active link to the menu "*Working hours*" which contains no information.<br>– Active link to the menu "*Citizens' Guide*" which contains another active link to the menu "*Civil complaint*" that displays information on filing civil complaints<br>– Active link to the menu "*Rules of conduct for court employees*" which displays the rules of conduct for the court staff and other persons within the court. |

*Source: http://jst.justice.md/*

Although the webpage administration system is used, some of the menus contain no information. In "*Jurisdiction*" and "*Information of Public Interest*," the content should be reformatted to make the font, color and style consistent.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Straseni District Court has sufficient equipment to properly carry out its activities. Table 3 shows the type of equipment, the number of items and the equipment needed.

**Table 3.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Computers | 48 | 4 |
| Server PC | 1 | - |
| Printers | 24 | - |
| Copiers | 6 | 2 |
| Scanners | 9 | - |
| Sets of audio recording equipment | 3 | - |
| Fax | 2 | 1 |
| UPS | 28 | 10 |
| Telephones | 9 | - |
| Router / Firewall | 1 | - |
| Air conditioners | 14 | - |
| Refrigerators | 12 | - |
| Rack with accessories | 1 | - |
| TV set | 1 | - |
| Set of video recording equipment | - | 1 |

*Source: Straseni District Court*

### Conclusions

- When using ICMS Version 2, the staff of Straseni District Court faces the problems of uneven case assignments, failure to assign all materials to judges and failure to publish judgments on the webpage.
- Case files are not scanned.
- The staff of Straseni District Court does not use the audio recording system during court hearings because of the insufficient number of courtrooms, the duplication of work and the shortage of trained staff.
- The last judgment posted on the webpage was on 26 January 2011.
- To improve its work, Straseni District Court needs 4 computers, 2 copiers, 10 UPS units and 2 sets of audio recording equipment.
- The webpage content management system is used by the adviser to the president. The webpage menus have some information of public interest; however, some menus contain no information and some information is out of date.

### Recommendations

- Organize internal training for newly employed staff.
- Scan case files.
- Make the number of courtrooms proportional to the number of judges.
- Conduct all hearings in courtrooms through efficient scheduling.
- Use the audio recording software and equipment.
- Complete all webpage menus with information of public interest.
- Use the ICMS module for publishing judgments and posting them on the court's webpage.
- Ensure the font and colors used are consistent throughout the webpage.

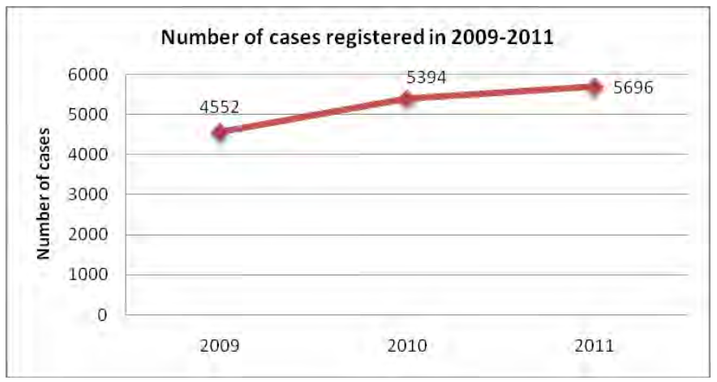
# III. WORK OF STRASENI DISTRICT COURT

## 3.1. WORKLOAD OF THE COURT

The workload at Straseni District Court from 2009 to 2011 was assessed based on the total number of cases registered, the total number of cases examined, the number examined by type of case, the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases filed at Straseni District Court increased from 4552 in 2009 to 5696 cases in 2011.

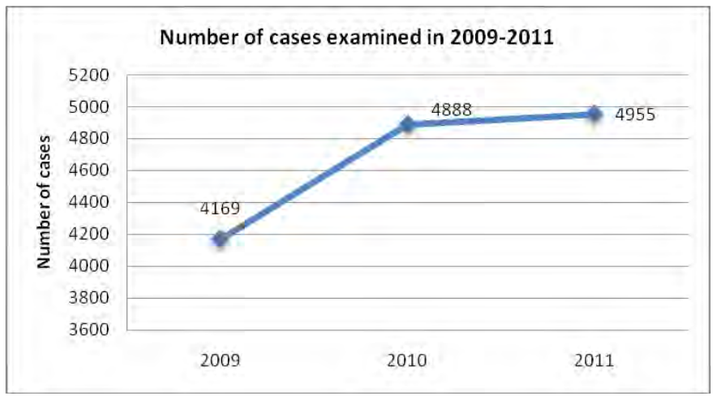
**Graph 2.** *Number of cases registered at Straseni District Court from 2009 to 2011*




*Source: DJA*

The total number of cases examined increased from 4169 in 2009 to 4955 cases in 2011 (Graph 3).

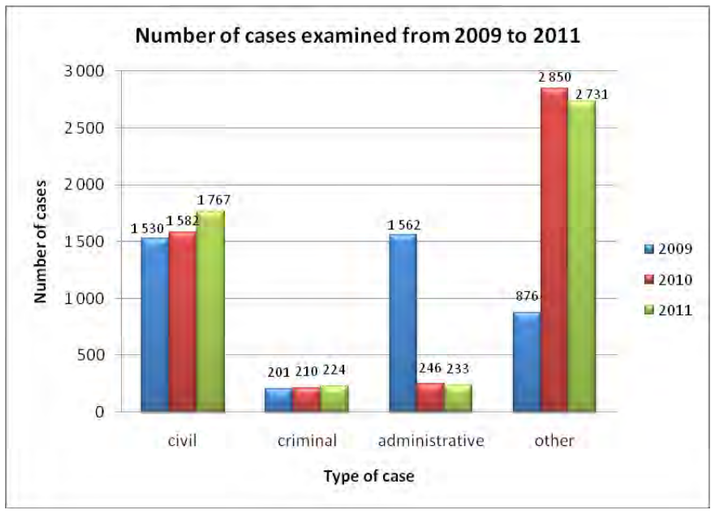
**Graph 3.** *Total number of cases examined at Straseni District Court from 2009 to 2011*




*Source: DJA*

Graph 4 shows that the number of civil cases examined increased from 1530 in 2009 to 1767 cases in 2011, the number of criminal cases examined within the same period did not change significantly while the number of administrative cases decreased from 1562 in 2009 to 233 cases in 2011.

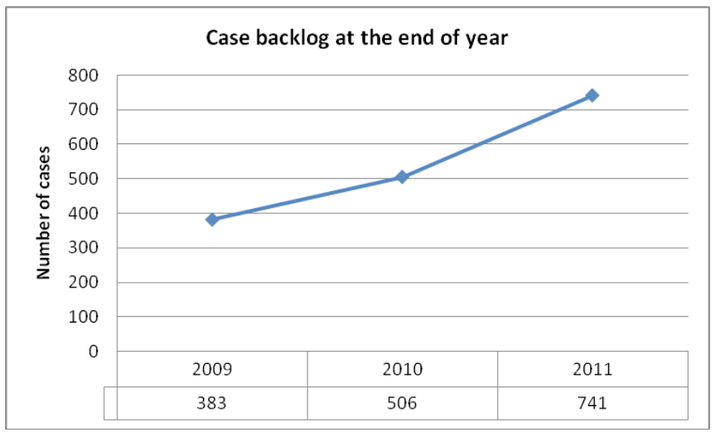
**Graph 4.** *Number of cases examined at Straseni District Court from 2009 to 2011by types of cases*




*Source: DJA*

The analysis of the year-end case backlog at Straseni District Court showed an increase from 383 cases in 2009 to 741 cases in 2011 (Graph 5).

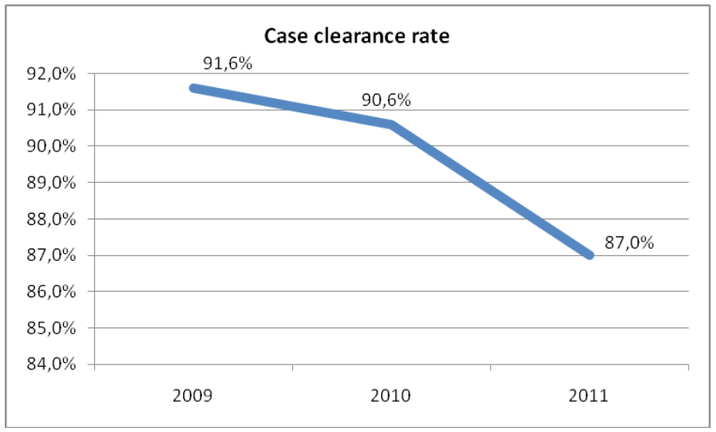
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As Graph 6 shows, the case clearance rate in Straseni District Court decreased from 91.6% in 2009 to 87.0% in 2011.

***Graph 6.*** Case clearance rate from 2009 to 2011




## 3.2. ORGANIZATION OF ACTIVITIES

Straseni District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice and analyzing judicial statistics and perform other duties as needed for the normal run of activities.

The chancellery is located on the ground floor. Its staff is responsible for scanning documents from case files and registering cases in ICMS and on paper.

The specialists at Straseni District Court keep the registers listed in Table 4.

**Table 4.** *List of registers used by Straseni District Court chancellery*

| Register Category | Register title |
|---|---|
| *General* | 1. Incoming mail<br>2. Correspondence relating to appeals and cassations |
| *Civil* | 1. Circulation of civil cases<br>2. Incoming civil correspondence<br>3. Index of civil cases<br>4. Action record card |
| *Criminal* | 1. Index of criminal case files<br>2. Materials on enforcing court judgments<br>3. Circulation of criminal case files<br>4. Action record card |
| *Administrative* | 1. Circulation of administrative case files<br>2. Administrative cases - individuals and legal entities<br>3. Motions<br>4. Appeals |

*Source: Straseni District Court chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may be entered three or four times in various records as shown in Table 5.

**Table 5.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Register of incoming mail<br>Register of circulation of civil cases Index of civil cases |
| Plaintiff's name | ICMS | Action record card | Incoming mail<br>Register of circulation of civil cases |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case file category | ICMS | Action record card | Register of incoming mail<br>Register of circulation of civil cases Index of civil cases |
| Essence of the case | ICMS | Action record card | |
| State duty | ICMS | Action record card | |
| Circulation of the case file within the court | ICMS | Action record card | Register of circulation of civil cases |

*Source: Straseni District Court chancellery specialists*

The number of registers is to a certain extent in line with the number required by the SCM Decision.[3]

[3] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

The archives of Straseni District Court are located on the ground floor of the building in a window at the entrance and in two separate rooms. The two rooms are in an unsatisfactory condition as they are too small though the archives are well organized and arranged on the shelves by years. Recent case files are stored in a room adjacent to the chancellery. The security of both rooms is ensured by a door lock.

## Conclusions

- The number of cases filed at Straseni District Court increased by 25.1% from 2009 to 2011.
- The number of cases examined increased by 18.9% from 2009 to 2011
- The number of civil cases examined at Straseni District Court from 2009 to 2011 increased by 237, the number of criminal cases increased by 23, and the number of administrative cases decreased by 1329.
- The case backlog increased by 358 from 2009 to 2011.
- The case clearance rate decreased by 4.6% from 2009 to 2011.
- There is duplication of work because laws and instructions on secretarial work require both paper and digital registers.
- The number of registers used by the chancellery specialists is nearly in line with the number required by the Guidelines.

## Recommendations

- Review internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.

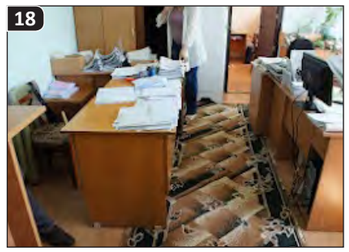


**Photo 16.** *Case files in the archives*
**Photo 17.** *Arhives*

**Photo 18.** *Chancellery*
**Photo 19.** *Registers in the chancellery*

## IV. HUMAN RESOURCES

Straseni District Court has 8 judges and 26.5 regular staff (Table 6).

The court does not have a human resource specialist; those duties are performed by the court president and the consultant.

Straseni District Court has no public relations specialist; those duties are performed by the chancellery specialist.

Employment procedures start by placing an announcement on the court's website, on the information board, in the newspaper *Strășeneanca* and in the *Official Gazette*. The court president then creates an employment committee. Candidates must pass a written and a verbal test. The committee chooses the winner based on the final scores, and the president issues the employment order.

Straseni District Court has job descriptions for the positions of vice-president, adviser to the president, consultant, head of archives, court clerk, specialist, translator, driver, cleaner and courier. Newly employed persons must read their job descriptions.

**Table 6.** *Staffing scheme of Straseni District Court*

| No. | Position | Current number |
|---|---|---|
| 1. | Court president | 1 |
| 2. | Vice-president | 1 |
| 3. | Judge | 5 |
| 4. | Investigating judge | 1 |
| 5. | Adviser to the court president | 1 |
| 6. | Chief accountant | 1 |
| 7. | Consultant | 2 |
| 8. | Court clerk | 8 |
| 9. | Translator | 1 |
| 10. | Head of the chancellery | 1 |
| 11. | Coordinating specialist | 1 |
| 12. | Specialist | 1 |
| 13. | Head of Archives | 1 |
| 14. | Archivist | 1 |
| 15. | Courier | 1 |
| 16. | Driver | 1 |
| 17. | Guard | 3 |
| 18. | Boiler room operator | 1.5 |
| 19. | Cleaner | 2 |
| | **TOTAL** | **35.5** |

*Source: Accounting office of Straseni District Court*

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ, and, as reported during the documentation visit, in 2011, all judges of met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. Straseni District Court subscribes to the legislative database Moldlex. Some of the publications to which the court subscribes are the *Official Gazette, the SCJ Newsletter, Timpul (Time), State Tax Agency's Newsletter, Dreptul Muncii (Labor Law)* and *Straseneanca.*

The situation regarding training is different for court staff. They were last trained in 2009. Training topics of interest for the court clerks reported during the documentation visit were drafting minutes of court hearings and using the audio recording software and equipment while archivists were interested in archiving procedures for case files.

### *Conclusions*

- At Straseni District Court, human resources are managed by the court president and the consultant.
- The court has a public relations specialist who also performs the duties of a chancellery specialist.
- The court has no human resource specialist.
- There is no internal system for training staff.

### *Recommendations*

- Employ a human resource specialist and train him/her.
- Employ a public relations specialist and train him/her.
- Organize internal training for the court staff so they can solve the problems they face in carrying out their duties.

## V. SERVICES FOR THE PUBLIC

There is a public information desk at the entrance to the Straseni District Court with information about the working hours, the hours for receiving correspondence and a sample application for copies of documents. The window next to the information desk is designed for the archives. There are clear signs on the doors of judges' offices with their names but no warning that entry is restricted. There is an information board at the entrance to the courthouse and a sign that shows the way to the chancellery. The information board displays the list of cases scheduled for hearing. The lists are not extracted and printed automatically from ICMS; instead, they are prepared manually.

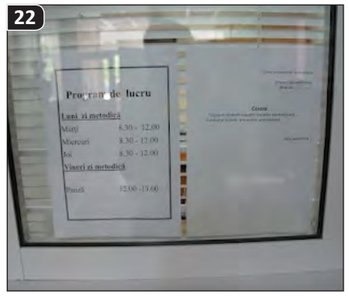
During working hours, the parties and other participants in a trial may apply at the chancellery for copies of judgments. The court president must approve the applications in all cases. If approved, the applicant then pays the state fee at a bank and with the payment confirmation goes to the archivist to get the copy on the same day or in 10 days at the latest. For people with disabilities and pensioners, copies are issued on the same day free of charge.

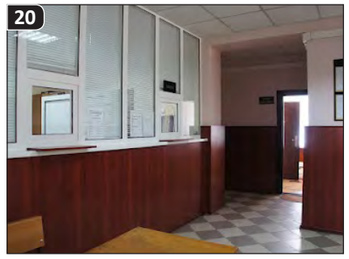
### *Conclusions*

- There is an information window at the entrance to the court.
- There is a sign guiding citizens to the chancellery.
- There are clear signs identifying the information window, the archives, the chancellery and judges' offices.
- The information board for the public at the entrance contains relevant and comprehensive information to help visitors orient themselves.
- The procedure for getting copies of judgments requires prior approval of the court president.

### *Recommendations*

- Install more signs to guide the public to the courtrooms and to the person acting as public relations specialist.
- Include the warning that entry to judges' offices is restricted on their door plaques.
- Install plaques on the doors of courtrooms warning that hearings are recorded.
- Post more comprehensive information of public interest on the information board, for instance, an announcement about the website of Straseni District Court, information about recordings of hearings and the rights of the parties in a trial to request copies on CDs, news about the judiciary, information about the state tax, and application samples, etc.





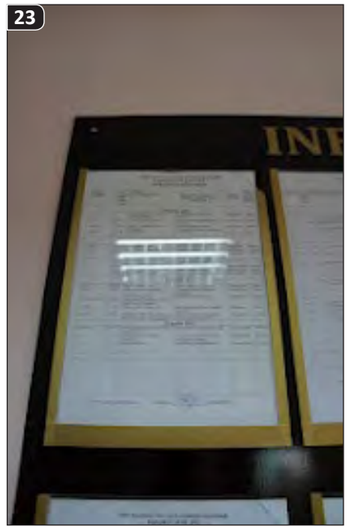


**Photo 20.** *Desk at the court entrance*
**Photo 21.** *Inscription on the chancellery door*
**Photo 22.** *Information on the information window*
**Photo 23.** *Information board*
**Photo 24.** *Plaque on a courtroom door*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Straseni District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA which receives the ceilings for the entire judiciary from the Ministry of Justice. The ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling is set for the following two expenditure categories:

1) Current expenses (staff, others);

2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by the DJA while capital expenses are determined by each individual court after negotiations with the DJA. Other expenses are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET

The budget of Straseni District Court is divided into six expenditure categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[4]

From 2010 (spent) to 2012 (approved), the budget of Strășeni Court did not have a steady growth. In 2011 it was approximately MDL 3.3 million (about MDL 1.1 million more than in 2010) but the budget for 2012 dropped to MDL 2.1 million (Table 7).

In 2011, the court budget increased by 44% compared with 2010 due to the 3.5 time increase in funds for repairs and the 55% increase in the funds for utilities.

The 2012 budget is by 36% less because allocations for repairs decreased by 87% and no funds were planned for fixed assets. Utilities and staff increased by 28% and 14% respectively compared with 2011.

[4] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 7.** *Budget of Straseni District Court by type of expense (2010–2012)*

| Expense category/year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 1,273,435 | 1,341,023 | 5% | 1,522,200 | 14% |
| Repairs | 431,121 | 1,535,280 | 256% | 205,800 | -87% |
| Utilities | 65,500 | 101,616 | 55% | 130,000 | 28% |
| Fixed assets | 250,000 | 66,000 | -74% | 0 | -100% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 270,963 | 260,003 | -4% | 271,200 | 4% |
| **Total** | **2,291,019** | **3,303,922** | **44%** | **2,129,200** | **-36%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

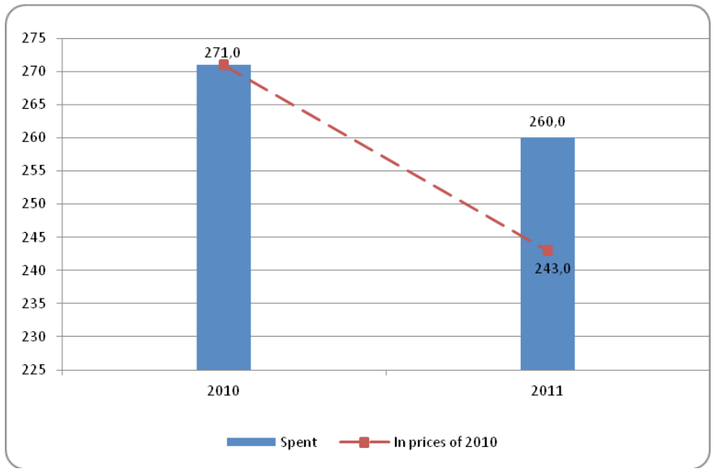
## 6.2. STAFF EXPENSES

Staff expenditures represent approximately 55% of the total budget. Due to the fact that remuneration is governed by law and regulations, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

From 2010 to 2011, both the face value and the real value of operating expenditures decreased. Their face value decreased from MDL 271 thousand to MDL 260 thousand a decrease of 4%. Their real value decreased by 10% taking into account that in 2011 the inflation rate was 7%.[5].MDL 260 thousand in 2011 was therefore equivalent to about MDL 243 thousand in 2010; hence, the real value of operating expenses decreased by MDL 28 thousand (Graph 7).

**Graph 7.** *Operating expenses for Straseni District Court in 2010 and 2011*



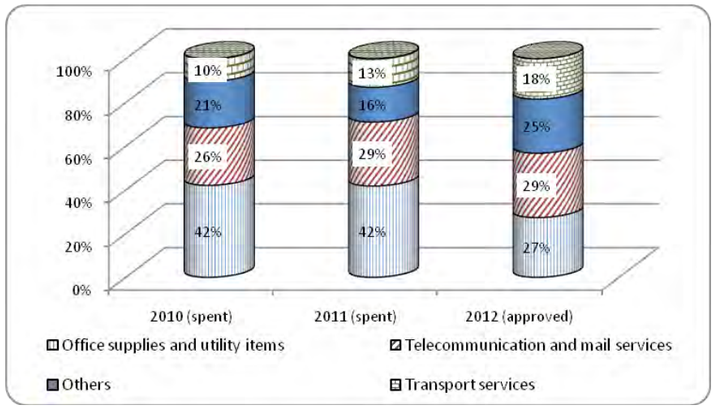

[5] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that office supplies and utility items were 42% of total operating expenses in 2010 and 2011 while allocations for telecommunication and mail increased by 3 percentage points in 2011.

In 2012 the budget has the following structure:

- 27% for office supplies and utility items (by 15 percentage points less);
- 29% for telecommunications and mail, which is the same as in the previous year;
- 18% for transport, which is 5 percentage points more than in 2010.

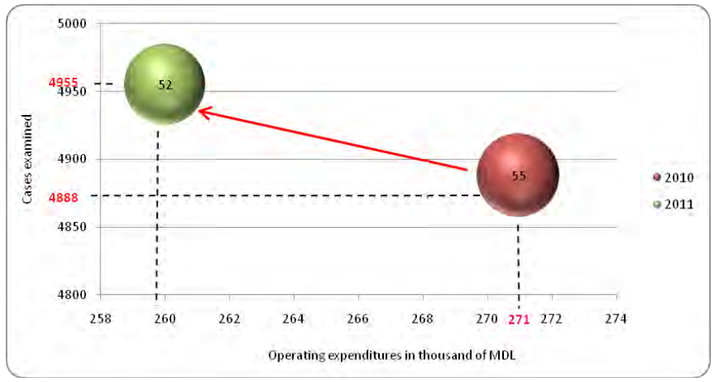
Telecommunication and mail merit attention as approximately 70% is for stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease in operating expenses in 2011 as compared to 2010 was not due to the number of cases examined as their number increased from 4888 in 2010 to 4955 in 2011.

Comparing operating expenses with the number of cases examined, in 2010 the average cost of examining a case was about MDL 55 while in 2011 it was MDL 52 (Graph 9).

**Graph 9.** *Comparative analysis of the average cost for examining a case in Straseni District Court in 2010 and 2011*



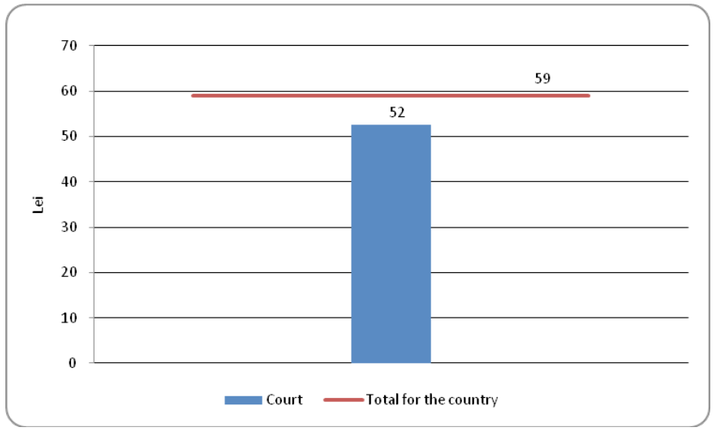

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

Although in 2011 the operating expenditures decreased compared with 2010, the court managed to examine by 67 cases more. This increase in the number of cases examined and a decrease in operating expenditures caused in part a decrease of the average cost.

## 6.6. AVERAGE OPERATING COST PER CASE IN STRASENI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 52 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Straseni District Court in 2011 and the weighted average cost per case for the country*




As shown in Graph 10, in 2011 the average cost per case examined in Straseni District Court was less than the weighted average cost per case for the country as a whole.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Straseni District Court does its accounting electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the chief accountant who does not have professional qualifications in procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, the operating expenses decreased.
- Compared with 2010, in 2011 Straseni District Court examined more cases with less funding, which means that at least the operating expenses are not correlated with the number of cases examined and the Court had to save.
- The average cost of examining a case in 2011 was less than the average in 2010.
- In 2011, the average cost of examining a case was lower than the weighted average for the country as a whole.
- Mail expenses account for a large share of total operating expenses.
- Accounting is done electronically.
- All public procurements are made without a procurement specialist.
- Training in public procurement is needed.

### Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Soldanesti District Court, situated in the town of Soldanesti, serves 42,216 inhabitants in the 33 localities that are part of Soldanesti District according to Law No. 764 of 27 December 2001 on the Administrative-territorial Organization of the Republic of Moldova.

According to its staffing chart, Soldanesti District Court has 3 judges and 1 investigative judge. Its office also employs other 17 persons. Soldanesti District Court has no human resource specialist; those duties are performed by the court president and the adviser to the court president. Soldanesti District Court has a public relations specialist who is responsible for providing information to the public, managing the court's website, writing press releases, monitoring the posting of judicial decisions and posting lists of cases scheduled for hearing, on the information board.

Staff expenditures follow an upward trend. The court does all its public procurements without a procurements specialist. In 2011 both the face value and the real value of the allocations for operating expenditures decreased. In 2011 the average operating cost for examining a case decreased compared with the previous year but was higher than the weighted average cost of a case examined for the country as a whole (see the detailed analysis in Chapter VI).

The building in which Soldanesti District Court is located has an area of 410 sq. meters on two floors. The facade, roof, interior and the power system need to be renovated. There are plans to renovate the electrical network.

# SOLDANESTI DISTRICT COURT

*18, Victoria Str., Soldanesti Town*

*Date of the visit: 07 June 2012*

The employees of Soldanesti District Court use Version 2 of ICMS and mentioned the following issues with it: difficulties in using it, lack of knowledge of all its options and the inability to register all the participants in a file without writing a personal code.

The employees of Soldanesti District Court don't make audio records of the hearings that take place in the four courtrooms, two of which are fitted with audio recording equipment, because the clerks are newly employed and don't know how to use the equipment. During the documentation visit they mentioned that all court hearings take place in the courtrooms since they have four and four judges. Turnover of court clerks, a lack of training and legal requirements for written minutes and for audio recordings (overlapping) are among the other reasons that all hearings are not recorded.

The specialists from Soldanesti District Court keep a number of registers that does not comply with the amendments to the guidelines that significantly reduced the number required.

The total number of cases registered at Soldanesti District Court decreased by 61 from 2009 to 2011 while the number of cases examined decreased by 173 during the same period with a case clearance rate of 86.3% in 2011.

The court has an information board for the public, and judges' office doors have plaques saying that access is prohibited.

The website of Soldanesti District Court is periodically updated and the menus have information of public interest though the information in some menus is duplicated.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 4 | The exterior needs repair. The front and back doors of the court need to be renovated. |
| Water supply | 4 | The court doesn't have a centralized water supply system. There is a well in the yard of the court that partially meets its needs. |
| Power supply | 4 | The electrical network is old and needs renovation. The State Energy Inspectorate has certified that the electrical system is not up to code. |
| Sewerage system | - | Does not exist |
| Heating system | 1 | The heating system is based on gas and was renovated in 2011. New boilers, heaters and pipes were installed, but the issue of insufficient water supply for the heating system persists. |
| Firefighting system | - | Does not exist |
| Roofing | 3 | The roofing was repaired in 2005 and needs repairs again. |
| Interior | 4 | No repairs have been made. Capital repairs of the rooms are needed. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

3

1

4

2

5

**Photo 1.** *Front door of the court*
**Photo 2.** *Back door of the court*
**Photo 3.** *Stairs in front of the court*

**Photo 4.** *Courtroom*
**Photo 5.** *The staircase between the 2 buildings of the court*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational conditions of Soldanesti District Court as of June 2012.

Soldanesti District Court consists of two floors with a total area of 410.3 sq. meters. There are 14 offices, 2 public rooms and 4 courtrooms.

Soldanesti District Court benefits from judicial police services during the day and has three night guards on staff.

Soldanesti District Court uses two adjacent buildings. The main building was built in 1980 and was initially designed to be a mayor's office. Later it was enlarged twice. In 1989, an annex with three rooms was added in front of the main building, and in 1991 an additional two-storey building was built at the back of the main building. The second building is the same size as the main one. Both have separate entrances but they are also connected by a structure. However, this structure is unsafe and the staff does not use it. Block III was built in the 1990s; its first floor was supposed to be used as a garage and storehouse while the second was intended for the chancellery and archives. Due to lack of funds, only the first floor was finished.

The exterior of the main building is in an unsatisfactory condition. The front and back doors are in good shape but need renovations. There are minor cracks in the building.

The court does not have water supply or sewerage systems because the town doesn't have centralized water or sewerage systems. The court is not connected to any alternative water sources. Previously the court was connected to the water pipeline of the railway depot, but it does not function anymore. Water for the heating system and for cleaning is brought by buckets from the well behind the court while drinking water is procured from a private company. The electrical system is in poor condition and needs complete renovation. The State Energy Inspectorate has determined that several aspects of the electrical network are dangerous and could electrocute people or cause fires.

The first floor of the front building is in unsatisfactory condition. The entire floor needs general renovation including floors and walls and suspended ceilings where needed. The annex in front of the main building where the archives and enforcement offices are located is in a very poor state. The electric network and lighting fixtures are the originals; they need to be repaired or replaced.

There are no restrooms in the front building, and there is no ventilation system or air conditioning. The server is located in a separate room, but the room does not have an air conditioner. The courtrooms need capital repairs. The linoleum was replaced, but because of dampness it is disfigured. Mildew has appeared in some of the rooms.

The second floor is in poor condition and needs capital repairs. The finishing of the big courtroom is in a relatively good state, but the floor needs renovation. The chancellery and the waiting rooms for the public are in a poor state. The archives are located in two rooms. One of them is inappropriate from a technical perspective since it is damp and there is no ventilation system. The second one is located in the chancellery and also needs renovation. The linoleum was changed in 2006, but because the quality of the workmanship was poor, it has started to come up in some places. All doors are obsolete wooden ones and need to be replaced. The windows are old; here and there the glass has significant cracks.

The heating system is in very good condition. In 2011 the piping was completely renovated; two new boilers were purchased. The issue of an insufficient water supply for the heating system persists, however.

There are no firefighting systems and no emergency lights.

The functional space of Soldanesti District Court is not suitable for a law court. The courthouse does not have a separate entrance for detainees; instead they are brought into the courtroom directly from the police station through the front door, the public hallway and main staircase. The spaces for the public, detainees, and judges are not separated. The most stringent issue of Soldanesti District Court is the lack of functional space and insufficient number of courtrooms for all judges. Although the facility covers 410.3 sq. meters, 130 are not usable because capital repairs or refinishing is required. Repairs to the existing rooms would cover the need for space, but the court president doesn't see this as a best choice because the court would be divided into three blocks which would in turn complicate its operations. The president is instead considering moving to an alternative location or building a new building.

Soldanesti District Court has a plan to completely renovate the electrical network.

The 2009 Infrastructure Assessment Report listed eight priorities for capital repair work, three of which have already been implemented (Table 1 and Graph 1). Only one recommendation has been partially implemented (new restrooms were not built but the existing ones were renovated).

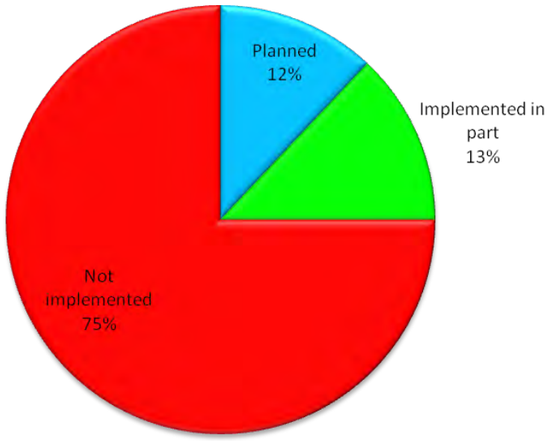
**Photo 6.** *Archives*
**Photo 7.** *Room for parties to litigation*
**Photo 8.** *Archives*

**Table 1.** *Implementation of the capital repair priorities identified in 2009*

| Priorities for capital repair in 2009 | Implementation stage in 2012 |
|---|---|
| Install an electric pump to provide the building with water from the well. | Not implemented |
| Build new restrooms. | Partially implemented |
| Install air conditioning in the room where the LAN server is located. | Not implemented |
| Replace outer windows. | Not implemented |
| Make minor repairs and refurbish the spaces including changing the location of the chancellery and create a reception area on the first floor in addition to making some changes in the courtrooms | Not implemented |
| Demolish the annex in front of the courthouse. | Not implemented |
| Repair the roofing and extend the gutters to ensure the drainage of rainwater away from the building. Install tanks to collect rainwater | Not implemented |
| Renew the electrical network | Planned |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of the 2009 capital repair priorities in 2012*




## *Conclusions*

- No renovation has been done on Soldanesti District Court since 2009.
- All rooms in the Soldanesti District Court facility need capital repairs.
- There is no fire alarm or sprinkler system in the courthouse.
- It was estimated that 13 % of the 2009 recommendations for capital repairs have been partially implemented, 12% are planned and 75 % have not been implemented.

## *Recommendations*

- Install a firefighting system.
- Create cells for detainees with restricted access and a separate entrance to the building for them.
- Establish water supply and sewerage systems.
- Install an electric pump to provide the building with water from the well.
- Relocate the chancellery and the reception to the first floor next to the main entrance to facilitate public access to information.
- Relocate the archives.
- Concentrate the judges' offices on the second floor to restrict the access of the public to them.
- Build new restrooms on the first and second floors.
- Renovate the power supply system.
- Air condition the LAN server room.
- Make deliberation rooms for prosecutors and lawyers.
- Renovate the interior finishing where needed.
- Replace outer windows and doors.
- Repair the roofing and extend the gutters to ensure the drainage of rain water away from the building

# II. COURT AUTOMATION

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The Soldanesti District Court staff has used ICMS since 2009. They currently use Version 2 and mentioned that it is difficult to use, that they do not know all the options in Version 2 and that it is not possible to register all the participants in a case without writing a personal code. The management of human resources is carried out by the adviser to the president.

After case files are registered, the clerical staff scans statements of claim in civil cases, indictment in criminal cases and descriptions of violations in administrative cases.

The court has no information technology specialist, so technical problems are referred to CST. According to the staff, CST responds with delays. Callers are redirected from one operator to another with waits of up to 10 minutes which makes for expensive phone calls. They want problems solved promptly and better quality work noting that problems reappear two or three days after CST has solved them. They rated their satisfaction with the services provided by CST in 2012 as a 3 out of 5.

**Table 2.** *Suggestions for modifying ICMS at Soldanesti District Court*

| No. | Suggestions for modifying ICMS |
|---|---|
| 1. | Introduce in "Enforcement" option the bailiff's office, the probation office, penitentiary, civil registry office and border police in addition to the authorities it already contains. |
| 2. | Enable saving hearings in chronological order in "Court Hearings," tab of the case file option. |
| 3. | Make it possible to register the participants in a case without writing a personal code. |

*Source: Soldanesti District Court staff*

## 2.2. AUDIO RECORDING SYSTEM

Soldanesti District Court has four courtrooms in two of which sets of audio recording equipment and software have been installed. Hearings in them are not, however, recorded because the clerks have not trained how to use the equipment and the electrical network doesn't allow simultaneous operation of several sets of equipment. All the hearings take place in courtrooms as there are four judges.

There have been no requests for CDs of hearings since 2009 when the equipment and software were installed.

The courtroom doors have no plaques stating that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings,[2] the purpose is to check the accuracy and the completeness of the written minutes and to ensure transparency and efficiency of court operations. The clerks do not use the recordings for this purpose.

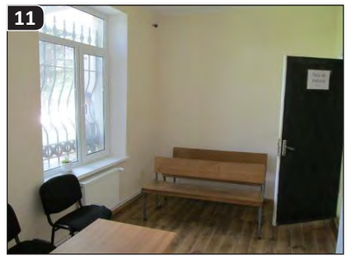
The technical issues faced by the staff of Soldanesti District Court relate to the obsolete electrical network. Other problems relate to the lack of trained staff.

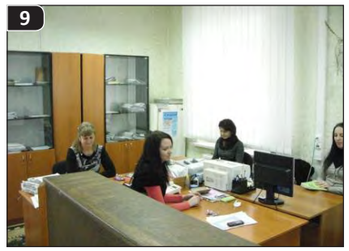
[2] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*

## 2.3. WEB PAGE OF SOLDANESTI DISTRICT COURT

Soldanesti District Court has a website where information for citizens is posted. The web page is updated by the coordinating specialist of Soldanesti District Court as needed.

Table 3 shows the menus and their completeness.



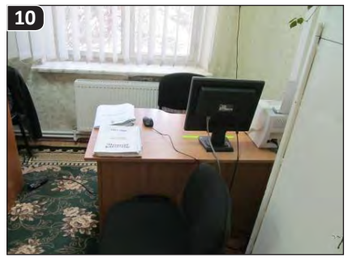


**Photo 9.** *Chancellery*
**Photo 10.** *Chancellery*
**Photo 11.** *Courtroom*

**Photo 12.** *Courtroom*
**Photo 13.** *Inscription on a courtroom door*

**Table 3.** *Content of the web page of Soldanesti District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the President of the Court | – Welcoming message of the president of the court |
| Overview | – Active links to *Overview of the website, General overview of Soldanesti District Court, Tasks of Soldanesti District Court, Symbols of Judicial Power, History of Soldanesti District Court* |
| Structure | – Staffing scheme of Soldanesti District Court<br>– Active links to the following:<br>• *President of the Court*<br>• *Judges*<br>• *Clerks*<br>• *Other employees*<br>• *Public Service Relations which contains an active link to the public information service and media relations*<br>• *The archives, containing an active link to the Guidelines on secretarial work in courts and courts of appeal; to the Law on the Archival Fund of the Republic of Moldova no. 880-XII of 22 January1992; Internal Regulations of Soldanesti District Court; Law on State Fee.*<br>• *Organizational chart of Soldanesti District Court* |
| Competence | – Competence<br>– Active links to the *Law on Judicial Organization, the Civil Procedural Code, the Criminal Code* and *the Code on Administrative Offenses of the Republic of Moldova*.<br>– Active link to the *territorial jurisdiction of Soldanesti District Court* which includes a table with settlements |
| List of Case Files | Information retrieved automatically from ICMS |
| Public Summons | – Active link *to summons issued by Judge Popa Elvira* which contains active links *summons issued in 2010 and in 2011*.<br>– Active link to *summons issued by Judge Ghilas Ion* which contains active links to the *summons issued in 2010, 2011 and in 2012*.<br>– Active link to *summons issued by Judge Mandraburca Alexandru* which contains active links to the *summons issued in 2011 and in 2012*. |
| List of Hearings | Information retrieved automatically from ICMS |
| Court Hearings | – Two active links to court hearings in 2011 and 2012 respectively which show active links to court hearings with judges Popa Elvira, Ghilas Ion, Mandraburca Alexandru and Taban Vasile with the lists of hearings. |
| Database of Judgments | Information retrieved automatically from ICMS<br>Last decision was posted on September 3, 2012 |
| Regulatory Framework | Active links to the *main regulatory acts that govern the court* |
| Mass Media Relation | – Information on the public relations specialist with contact data<br>– Active link to "*Mass Media in the Courtroom*"<br>– Active link to "*Press Releases*" which contains active links to:<br>• *General statistics for 2010*<br>• *Indicators for the first three months of 2011*<br>• *Synthesis of activities in the first half of 2011*<br>• *Activities during the first 9 months of 2011*<br>• *Statistical records for 2011*<br>• *Activities during the first 3 months of 2012* |
| Information | – Active links to:<br>• Information on the organization of Soldanesti District Court activities which contains an active links to:<br>✓ *Internal regulations*<br>✓ *Rules of conduct for the employees of the court*<br>✓ *Working hours*<br>✓ *Audience hours of the staff*<br>✓ *Contact data for Soldanesti District Court staff*<br>• Background information which contains active links to:<br>✓ *Rules of conduct for the participants in the cases and other persons in law courts*<br>✓ *Civil cases*<br>✓ *Civil actions*<br>✓ *State fees*<br>✓ *Participants in a civil case*<br>✓ *Criminal cases*<br>✓ *Administrative cases*<br>✓ *Publicity about court hearings*<br>✓ *Judicial forms*<br>✓ *Appeals*<br>✓ *Examples of petitions*<br>✓ *Information of public interest*<br>✓ *Enforcement activities*<br>✓ *Enforcing judgments*<br>✓ *Services provided by Soldanesti District Court*<br>• Statistical information which contains active links to:<br>✓ *Information note for 2009*<br>✓ *Statistics for 2010*<br>✓ *Statistics for 2011*<br>✓ *Statistics for 2012*<br>• Information notes which contain active links to:<br>✓ *Amendment of the Code on Civil Procedures of the Republic of Moldova in Law no. 102 of 28 May 2010*<br>✓ *Analysis of economic causes when Law no. 163 of 22 July 2011 was ruled unconstitutional* |
| Vacancies | – Active link to *vacancies* which contains no information<br>– Active link to *vacancies* with the announcement that Soldanesti District Court currently has no vacancies |
| Useful Resources | – Active links to:<br>• *Official website of the Republic of Moldova*<br>• *Official website of the President of the Republic of Moldova*<br>• *Parliament of the Republic of Moldova*<br>• *Government of the Republic of Moldova*<br>• *Ministry of Justice of the Republic of Moldova*<br>• *Superior Council of Magistracy*<br>• *Supreme Court of Justice of the Republic of Moldova*<br>• *National Institute of Justice*<br>• *National Council for State-Guaranteed Legal Support*<br>• *European Court for Human Rights judgments* |

| | |
|---|---|
| News Archives | – Active links to:<br>• *Year 2010* which contains active links to:<br>✓ *8 September 2010 Appointment of presidents of some law courts*<br>✓ *8 September 2010 Introduction of the new president of Soldanesti District Court*<br>✓ *11 October 2010 Open House in Soldanesti District Court*<br>✓ *19 October 2010 Report on the Open House*<br>✓ *21 December 2010 Season's Greetings*<br>• *Year 2011* which contains active links to:<br>✓ *04 March 2011 Congratulations on March 8, 2011*<br>✓ *19 April 2011 Happy Easter*<br>✓ *24 August 2011 Working and leisure time in August 2011*<br>✓ *26 August2011 Schedule of calls from 27–31 August*<br>✓ *27 August 2011 Congratulations*<br>✓ *18 October 2011 Lawyer's Day*<br>✓ *23 December 2011 Season's Greetings,*<br>✓ *30 December 2011 Schedule of judges' calls from January to March 2012*<br>• *Year 2012* which contains active links to:<br>✓ *16 January 2012 Activities of Soldanesti District Court in 2011*<br>✓ *06 February 2012 Annual meeting of the judges*<br>✓ *20 February 2012 Parliament approved draft Law no. 317 of 15 February on the first reading*<br>✓ *24 February 2012 Draft Law no. 317 was not considered on 23 March 2012 on the second reading*<br>✓ *24 February 2012 Day of 3 March 2012 working day and 9 March 2012 day off*<br>✓ *24 February 2012 Announcement on the filling of a vacant public position*<br>✓ *06 March 2012, 8 March 2012 (translator's note: the women's day in Moldova)*<br>✓ *06 March 2012 Draft Law no. 317 of 15 February 2012 was passed on the second reading*<br>✓ *13 March 2012 Announcement on the extension of the recruitment for a vacant public position*<br>✓ *26 April 2012 Day off in April*<br>✓ *08 June 2012 Notice of request for proposals*<br>✓ *15 June 2012 Annual meeting of the judges*<br>✓ *25 June 2012 Notice of request for proposals*<br>✓ *10 July 2012 Notice of request for proposals* |

Table 3 shows that all menus are filled with information of public interest on the activities of Soldanesti District Court, but the speed of downloading pictures on this website is slow. In the menu "*Vacancies*," the links to vacant positions are going to be eliminated. The information on this page should be directly on the page with no links. Information about vacancies should be transferred from "*News Archive*" to "*Vacancies*."

## *2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS*

Soldanesti District Court has sufficient equipment for proper operations. Table 4 shows the equipment category, the number of existing items and the equipment needed as per court staff.

**Table 4.** *Equipment inventory and needs*

| Equipment item | Number of items | Needed |
|---|---|---|
| Server | 1 | - |
| Computers | 17 | 2 |
| Printers | 11 | 2 |
| Scanner | 1 | 1 |
| Audio recording equipment | 2 | 2 |
| Photocopier | 2 | - |
| Air conditioner | 6 | - |
| Fax | 1 | - |
| UPS | 18 | 2 |
| Server UPS | 0 | 1 |
| Telephone | 9 | |
| Headphones | 10 | 2 |
| Server type 1 | 1 | - |
| Router | 1 | - |
| Rack with accessories | 1 | - |
| Smart UPS | 1 | - |

*Source: Soldanesti District Court*

### *Conclusions*

- The staff of Soldanesti District Court does not know how to use all the options in IMCS Version 2.
- The employees of Soldanesti District Court do not use the audio recording system.
- In order to improve their work, the staff of Soldanesti District Court need 2 computers, 2 printers, 1 scanner, 2 sets of audio recording equipment, 2 UPS units, 1 server UPS and 2 sets of headphones.
- Soldanesti District Court uses the website content management system. The menus are filled with information of public interest.

### *Recommendations*

- Repair the electric network in order to use of audio recording equipment and software.
- Train the staff to delete audio recordings from the server in line with the SCM regulations.[3].
- Compress pictures before placing them on the web page to facilitate access to them.
- Ensure the uniformity of the font and design used on the web page.

[3] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*

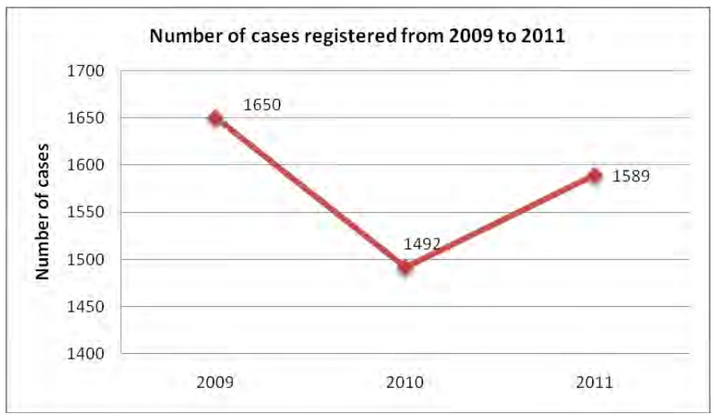
# III. WORK OF SOLDANESTI DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The workload of Soldanesti District Court was analyzed from 2009 to 2011 by the total number of cases registered, the total number of cases examined, the number examined by type of case, the year-end backlog and the case clearance rate.

Graph 2 shows that the total number of cases registered decreased from 1650 in 2009 to 1589 in 2011.

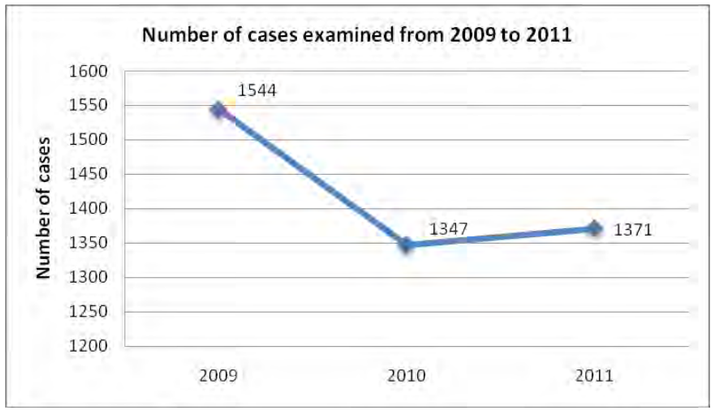
**Graph 2.** *Number of cases registered from 2009 to 2011*




*Source: DJA*

The total number of cases examined decreased also from 1544 in 2009 to 1371 in 2011 (Graph 3).

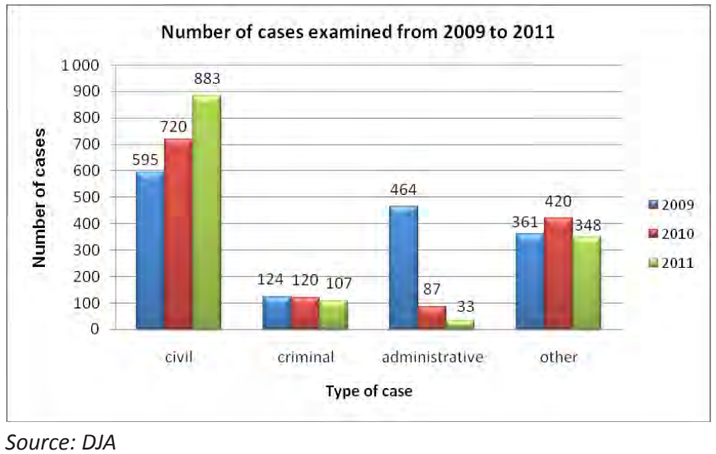
**Graph 3.** *Number of cases examined from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, from 2009 to 2011 the number of civil cases examined by Soldanesti District Court increased from 595 to 883, the number of criminal cases did not change materially and the number of administrative cases decreased from 464 to 33.

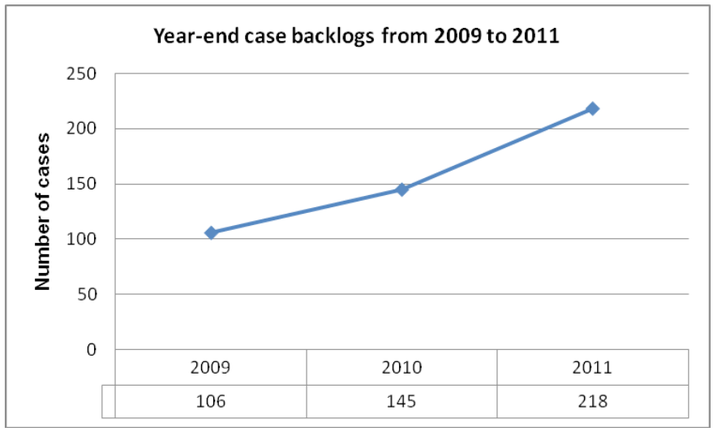
**Graph 4.** *Number of cases examined from 2009 to 2011 by type of case*




*Source: DJA*

The case backlog at Soldanesti District Court increased from 106 in 2009 to 218 in 2011 (Graph 5).

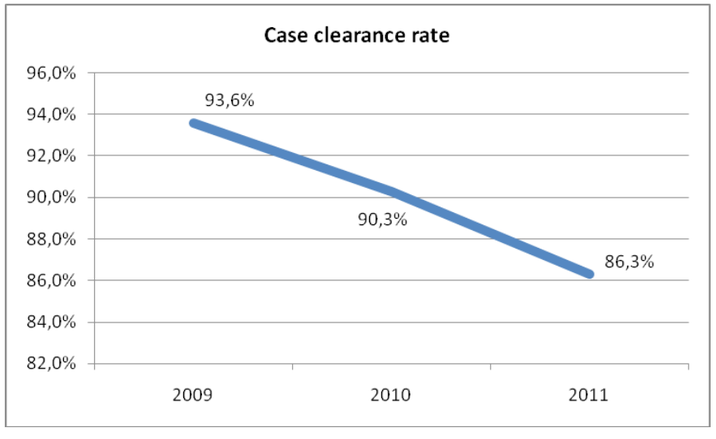
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Soldanesti District Court decreased from 93.6% in 2009 to 86.3% in 2011.

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Soldanesti District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and other necessary work.

The chancellery of Soldanesti District Court is situated on the second floor. The chancellery staff consists of two people responsible for scanning the files and registering cases on ICMS and on paper. The chancellery keeps the registers listed in Table 5.

**Table 5.** *The registers used by Soldanesti District Court chancellery*

| Register Category | Register Title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Simple correspondence<br>4. Registered letters<br>5. Receipt/sending files from/to the chancellery |
| ***Civil*** | 1. Index of civil cases<br>2. Summons to court<br>3. Civil case distribution<br>4. Cases sent to the court of appeals<br>5. Action record card |
| ***Criminal*** | 1. Index of criminal cases<br>2. Criminal case distribution<br>3. Criminal cases sent to the court of appeals<br>4. Incoming mail related to criminal cases<br>5. Material evidence<br>6. Action record card |
| ***Administrative*** | 1. Index of administrative cases<br>2. Administrative evidence<br>3. Administrative cases sent to the court of appeals |

*Source: Soldanesti District Court chancellery specialists*

The court maintains duplicate records of case files—one on paper and one in electronic form. The same information may be entered three or even four times in various records as shown in Table 6.

**Table 6.** *Registration of a civil case by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case | ICMS | Action record card | Incoming mail, register of summons to court, Register of civil case distribution |
| Plaintiff's name | ICMS | Action record card | Register of summons to court, register of civil case distribution |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index and register of civil case distribution |
| Defendant's contact information | ICMS | Action record card | |
| Case category | ICMS | Action record card | Register of summons to court |
| State fee | ICMS | Action record card | |
| Case file circulation within the court | ICMS | Action record card | Register of civil case distribution |
| Essence of the case | ICMS | Action record card | |

*Source: Soldanesti District Court chancellery specialists*

The chancellery keeps more registers than required in the guidelines.[4]

The archives of Soldanesti District Court are located in two rooms on the second floor of the front building. The rooms are inappropriate both because of their size and because they have no ventilation system, no humidity controls, no temperature controls and need capital repairs. Additional room is needed. The files are kept in order. Material evidence is stored in the chancellery.

### Conclusions

- The number of cases filed at Soldanesti District Court decreased by 3.7% from 2009 to 2011.
- The number of cases examined decreased by 11.2% from 2009 to 2011.
- During the same period, the number of civil cases examined increased by 288, the number of criminal cases decreased by 17 and the number of administrative cases decreased by 431.
- The year-end case backlog increased by 112 from 2009 to 2011.
- The case clearance rate decreased by 7.3% during the same period.
- There is duplication of effort because laws and regulations require paper and digital registers.
- The specialists of the chancellery use more registers than required in the guidelines.

### Recommendations

- Review the internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to bring the number of registers in line with the requirements in the guidelines.
- Change the chancellery location, and build a reception room on the first floor.
- Set up the archives in a single properly equipped and repaired room.

[4] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

According to its staffing chart, Soldanesti District Court has 4 judges. Its office also employs other 17 persons (Table 7). There is no human resource specialist. In practice, those duties are performed by the court president and the adviser to the president.

Soldanesti District Court has a public relations specialist who is responsible for providing information of general interest to the public, for managing the court website, for writing press releases, for monitoring the posting of judicial decisions and for posting of lists of cases scheduled for hearing on the information board.

In order to fill in a vacancy, an announcement is placed in the courthouse and on the website. A committee is established consisting of the president and two judges, the adviser to the president, a clerk and a specialist. Oral and written interviews are held. The president of the court decides whom to employ and drafts the employment order.

Soldanesti District Court has job descriptions for the positions of court president, judge, adviser to the president, chief accountant, head of chancellery, clerk, translator, chancellery specialist, coordinating specialist on public relations specialist and watchman.

**Table 7.** *Staffing scheme of Soldanesti District Court*

| No. | Position | Current number[6] |
|---|---|---|
| 1. | Judge | 3 |
| 2. | Investigative judge | 1 |
| 3. | Adviser to the court president | 1 |
| 4. | Chief accountant | 1 |
| 5. | Consultant | 1 |
| 6. | Head of the chancellery | 1 |
| 7. | Specialist | 1 |
| 8. | Clerk | 4 |
| 9. | Translator | 1 |
| 10. | Coordinating specialist on public relations | 1 |
| 11. | Head of the archives | 1 |
| 12. | Driver | 1 |
| 13. | Guard | 3 |
| 14. | Cleaner/courier | 1 |
| | **TOTAL** | **21** |

*Source: Accounting office of Soldanesti District Court*

The Court has internal regulations available to judges and regular staff and posted on the website that establish the operations and organization of the court and the rights and obligations of court management, judges and regular staff appointed or employed on the basis of an individual employment agreement, irrespective of its term, who are subordinated to the court or who provide services to ensure the efficient and effective administration of justice.

Judges are trained by the NIJ, and in 2011 all judges from Soldanesti District Court met the requirement of 40 annual hours of ongoing training. The judges the assessment team interviewed mentioned that NIJ training and the publications they receive from SCM are enough to meet their information and training needs. When looking for regulatory acts, Soldanesti District Court uses the legislative database on the Ministry of Justice website and also subscribes to the private legislative database MoldLex. The publications Soldanesti District Court subscribes to include the *Official Gazette*, *SCJ Bulletin, Contabilitate si audit (Accounting and Auditing), Revista naţională de Drept (National Law Magazine), Farul Nistrean (Nistru Beacon), Cuvântul (The Word), Moldova Suverană (Sovereign Moldova)* and *Legea şi Viaţa (Law and Life).*

The court staff mentioned that they were last trained by the NIJ two years ago and that the court does not organize any training internally for them. The clerks need training in drafting the transcripts of the court hearings, drafting enforcement orders, using the computers, and using ICMS and Femida. The public relations specialist of the court needs to be trained in website management, while the adviser to the president needs to be trained in human resource management and public procurement.

### *Conclusions*

- Human resource management in Soldanesti District Court is carried out by the court president and the adviser to the court president.
- The court has a public relations specialist.
- The court does not have a human resource specialist.
- The court does not have a system for training its regular staff internally.

### *Recommendations*

- Employ and train a human resource specialist.
- Implement an internal training program for the regular staff of Soldanesti District Court in order to clarify issues they encounter in their jobs.

## V. SERVICES FOR THE PUBLIC

Soldanesti District Court lacks an information window or office at the entrance to the courthouse. The office of the public relations specialist is on the first floor, but there is no sign to show citizens the way, and there are no signs showing the way to the chancellery or archives. There are plaques saying that access to judges' offices is prohibited.

The information board at the courthouse entrance contains the following data:

- List of cases scheduled for hearing drafted manually in MS Word;
- Working hours of the court
- Rules of conduct for participants in cases and other people in a law court
- Rules of conduct for employees of the court
- Poster about civil cases
- Information on state fees
- Poster about the participants in a civil case
- Poster about criminal cases
- Poster about enforcing judgments
- Services provided by Soldanesti District Court
- Emergency evacuation plan for the court staff
- Type of services provided for fees by law courts (specifies the price of a CD), including bank details
- Ten "golden" rules for journalists writing about children
- Representation in court (reference to Article 75 of the Civil Code of the Republic of Moldova).

On any day of the week, parties and other participants in a case may request copies of judgments from the chancellery. The chancellery staff submits the request to the court president for approval. If the request is approved, the applicant must pay the state fee at a bank and with confirmation of payment may then pick up the copy at the archivist's office. For people from long distances, the copy is issued on the same day. For other people, copies are generally issued within two days.

### *Conclusions*

- There is no information window for the public.
- There are no signs showing the way to the offices of the public relations specialist, the chancellery or the archives.
- The information board for the public at the courthouse entrance contains information helping visitors to orient themselves.
- The chancellery of Soldanesti District Court is situated on the second floor, a location that conflicts with the general design rules for law courts.
- The procedure for getting copies of judgments requires the approval of the court president who has to make time to examine, approve or reject applications.

### *Recommendations*

- Locate the chancellery closer to the entrance and create a single window for information and filling/taking documents.
- Install signs showing the way to the public relations specialist, chancellery and archives.
- Simplify the procedure for getting copies of judgments by sparing the court president the obligation to approve applications and by training the chancellery specialists accordingly.
- Place information of broader public interest such as an announcement about the website, news about the judiciary, samples of requests, etc. on the information board.

**Photo 14.** *Information board*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Soldanesti District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA which receives the ceilings for the entire judiciary from the Ministry of Justice. The latter are established and agreed upon with the Ministry of Finance.

The ceiling is set for the following two expenditure categories:

1) Current expenses (staff, others);

2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by the DJA while capital expenses are determined by each individual court after negotiations with the DJA. Other expenses are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET (main component)

Budget of Soldanesti District Court is divided into six expenditure categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[5]

From 2010 (executed) to 2012 (approved), the budget of Soldanesti District Court increased from about MDL 1 million to about MDL 1.3 million.

In 2011 the court budget increased by 25% compared to 2010 mainly due to the major repair works on which MDL 267.1 thousand was spent.

The budget for 2012 was practically planned at the level of the previous year. For this year, the amount of funds allocated for repair work was planned by a decrease of 64%. On the other hand, the funds for operation costs were planned with an increase of 32%. The funds for staff costs were planned also with an increase of 16%. For utilities, funds were planned with an increase of 13% more than in the previous year.

[5] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Soldanesti District Court by type of expense (2010-2012)*

| Expense category/year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 717,175 | 765,930 | 7% | 890,000 | 16% |
| Repairs | 49,870 | 267,128 | 436% | 95,000 | -64% |
| Utilities | 98,268 | 110,479 | 12% | 125,000 | 13% |
| Fixed assets | 17,200 | 16,000 | -7% | 0 | -100% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 142,471 | 123,336 | -13% | 162,900 | 32% |
| **Total** | **1,024,984** | **1,282,873** | **25%** | **1,272,900** | **-1%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

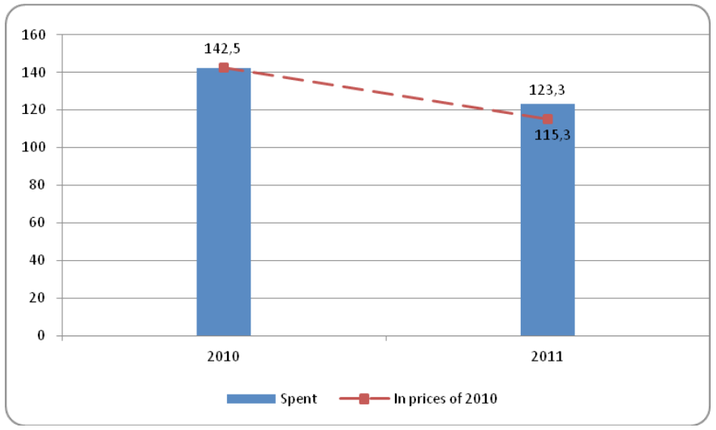
## 6.2. STAFF EXPENSES

Staff expenses account for about 67% of the total budget. Due to the fact that remuneration is governed by law and regulations, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

In 2010 and 2011 both the face value and the real value of operating expenditures decreased. Their face value decreased from MDL 142.5 thousand to MDL 123.3 thousand, a decrease of 13%. Their real value decreased by 19% taking in to account that in 2011 the inflation was 7[6]. MDL 123.3 thousand in 2011 was therefore equivalent to about MDL 115.3 thousand in 2010, hence, the real value of operating expenses decreased by about MDL 27.2 thousand.

**Graph 7.** *Operating expenses for Soldanesti District Court in 2010 and 2011*



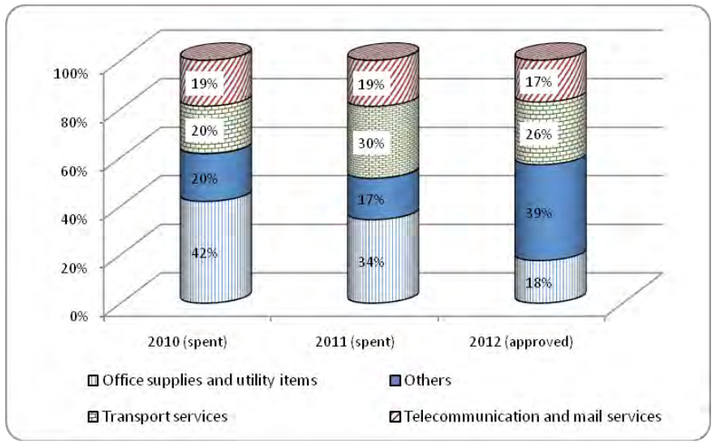

[6] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunication and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that from 2010 to 2011 the share of expenses for office supplies and utility items decreased from 42% to 34%. For 2012, only 18% of the total operational expenses were planned for this category.

As to transport costs, in 2010 they accounted to 20% of the total operational costs, in 2011 their share increased to 30%, and for 2012, they were planned at the rate of 26% of the total operational costs.

For telecommunication and mail, 19% of the total operating expenses were directed both in 2010 and 2011, and 17% were planned for 2012.

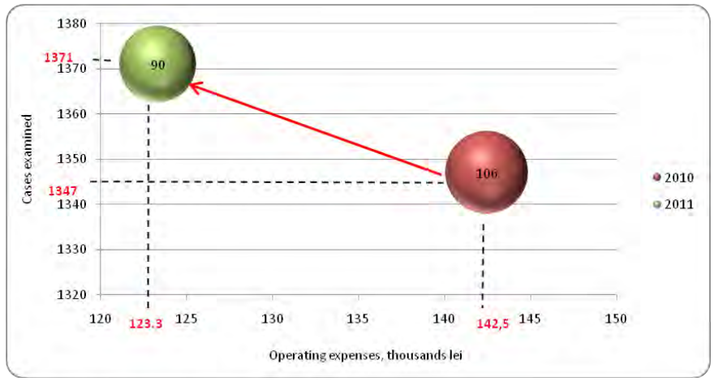
Telecommunication and mail services expenses deserve attention as about 70% of the total expenses are for postage.

## 6.5. REAL VALUE OF OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease in the real value of operating expenses in 2011 compared with 2010 was not due to a reduction in the number of cases examined as that number actually increased from 1347 to 1371.

Reporting the operational expenses to the number of cases examined we get that in 2010 the average operational cost of a case examined amounted to about MDL 106 and in 2011 – to MDL 90 (see graph below).

**Graph 9.** *Comparative analysis of the average operating cost/case in Soldanesti District Court*



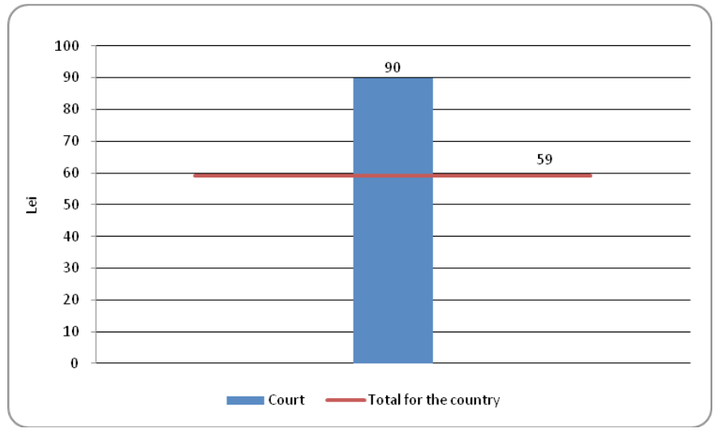

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

Although in 2011 the operating costs decreased compared to 2010, Soldanesti District Court managed to examine by 24 cases more. Perhaps, the increase in the number of cases examined, on the one hand, and the decrease in the operating costs, on the other hand, influenced the average operating cost per case.

## 6.6. AVERAGE OPERATING COST PER CASE IN SOLDANESTI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 90 lei per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country. Note that only data for courts of first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Soldanesti District Court and the weighted average cost per case for the country*




As shown in Graph 10, in 2011 the average cost per case examined in Soldanesti District Court was considerably higher than the weighted average cost per case for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

The accounting system of Soldanesti District Court is manual. Probably due to lack of funds the Court has not purchased yet an application for automatized keeping of accounts.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the adviser to the chief judge who does not have professional qualifications in procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

During the site visit, the court staff suggested organizing trainings in the public procurement procedure, especially with focus on the forms to be filled out. There had been cases when the court had prepared its documents in accordance with the requirements of DJA and MJ but the Public Procurement Agency did not accept them and requested that they be submitted according to its own forms.

### Conclusions

- In 2011, operating expenses decreased.
- As compared to 2010, in 2011 Soldanesti District Court managed to examine more cases with fewer funds. This means at least that the funding of operating costs is not correlated to the number of cases examined and the court has to make savings in this regard.
- The average operational cost per case examined in 2011 decreased as compared to 2010.
- In 2011 the average cost of a case examined was higher than the weighted average for the country.
- Mail expenses account for a large share of total operating expenses.
- Accounting is done manually due to a lack of accounting software.
- All public procurements are made without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing accounting software for automatic accounting records keeping and training the staff to use it.
- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes etc.

## OVERVIEW

Stefan Voda District Court, situated in the town of Stefan Voda, serves 70,000 inhabitants in the 26 localities that are part of Stefan Voda District according to Law No. 764 of 27 December 2001 on the Administrative Territorial Organization of the Republic of Moldova. Slobozia Court is also located in the Stefan Voda District Court and has 24 localities under its jurisdiction according to Law No. 514-XIII of 06 July1995 on judicial organization.

According to its staff roster, the court has 3 judges, 1 investigating judge, one judge for Slobozia District Court and 19.5 regular staff. There is no human resource specialist; those duties are performed by the court president and vice-president and the adviser to the court president. The coordinating specialist performs the duties of the public relations specialist.

Staff expenditures follow an upward trend. The court does all its public procurements without a procurements specialist. In 2011 both the face value and the real value of the allocations for operating expenditures decreased. In 2011 the average operating cost for examining a case was higher than in the previous year but still lower than the weighted average cost of a case examined for the country as a whole (see the detailed analysis in Chapter VI).

Stefan Voda District Court covers 990.4 sq. meters on two floors. It was built in 1965 and was designed as a courthouse. Its exterior, roof, heating system and archives were partially renovated in 2008. The court has no financial resources to finish replacing the sewerage system and the electrical system or to transfer the chancellery from the second floor to the ground floor, all of which was planned for 2012.

# STEFAN VODA DISTRICT COURT

*5 „a", 31 august 1989 Str., Stefan Voda town,*

*Date of visit: 4 June 2012*

The staff of Stefan Voda District Court uses ICMS Version 2 which was installed in June 2011. They have not made any requests for upgrades or changes to ICMS. Insufficient training for court clerks in the use of ICMS and of the audio recording system were mentioned as the main difficulties in court automation.

The staff of Stefan Voda District Court does not make audio recordings of hearings held in the two courtrooms in which the equipment has been installed. During the assessment visit, they mentioned that it is not possible to hold all hearings in courtrooms given the fact that there are two for the five judges who currently work at the court. Turnover of court clerks, lack of training and legal requirements for written minutes in addition to recordings (overlapping) are among the other reasons that not all hearings are recorded.

Specialists at Stefan Voda District Court continue to keep a considerable number of registers, although amendments to the Guidelines have considerably reduced the number required.

The total number of cases registered at Stefan Voda District Court from 2009 to 2011 decreased by 1069 and the number of cases examined decreased in the same period by 1073, with a clearance rate of 92.1% in 2011.

The court has an information board for the public and plaques on the doors of judges' offices, with their names but no warning that entry is not allowed.

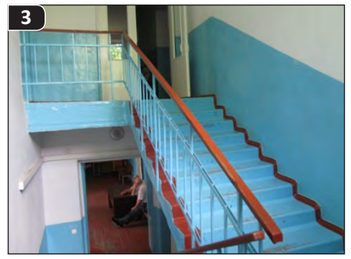
Stefan Voda District Court updates its webpage periodically, and all menus have some information of public interest. In most cases, the information is accompanied by pictures, images, and graphs; however, sometimes either the menu title is inconsistent with its contents or information is duplicated.

# I. INFRASTRUCTURE

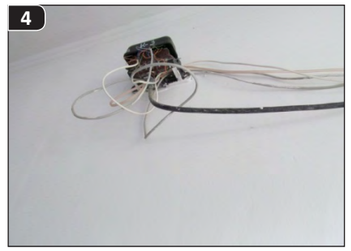
## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 2 | The exterior was partially repaired in 2010; funds are needed to finish the renovations. |
| Water supply | 3 | The water system is centralized; water pressure is normal. The pipes for hot water are old and need to be replaced. Leaks were noticed in some places. |
| Power supply | 3 | The condition of the power network is satisfactory; however, it needs to be fully renovated. The wiring inside the building was partially replaced in 2008. |
| Sewerage system | 3 | The sewerage system is centralized. It dates from 1964; however its condition is satisfactory and it does not present major issues. |
| Heating system | 1 | The heating system is based on gas. It was fully renovated in 2011 and pipes were replaced. Two new boilers were purchased. |
| Firefighting system | - | None. |
| Roofing | 2 | The roof is slate and was partially renewed in 2009; however, no downspouts or gutters were installed. |
| Interior | 4 | The offices were partially refurbished in 2008, but presently all of them require capital repairs. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.


3

1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2

5

**Photo 1.** *Public space*
**Photo 2.** *Renovated restrooms*

**Photo 3.** *Public stairs*
**Photo 4.** *Power network*
**Photo 5.** *nformation board*

## 1.2. CURRENT CONDITION

The assessment focused on a comparative analysis of the physical and operational condition of Stefan Voda District Court in June 2012.

The courthouse has a total area of 990.4 sq. meters. There are 15 offices, 2 public spaces and 2 courtrooms.

Stefan Voda District Court benefits from the services of the state guard and an alarm system installed in April 2012; however, one night guard has been kept on staff. Security is also provided by a policeman during working hours.

In 2008, cosmetic repairs were made throughout building. In the judges' offices, wallpaper was replaced and new furniture was bought. Walls were painted in the halls and the waiting rooms and wallpaper and light fixtures were replaced in the courtrooms. The wood floors in the courtrooms and the waiting rooms are original and are in unsatisfactory condition. Generally, all rooms have good natural lighting.

The sewerage system and pipes date from 1964 and are connected to the town system. All restrooms have been renovated. The pipes should probably be replaced; however, employees reported that there have been no problems with them. The space designed for the archives is divided between two rooms located on the second floor but it does not meet the court's needs. In 2010, façade was repaired. The roof was also partially repaired in 2009; however, the work was not finalized because of a lack of funds. The condition of the electrical system is satisfactory. The wiring inside the building was replaced in 2008. If major reparations are under taken, the power network should be renewed.

The functional area of Stefan Voda District Court is not appropriate for the work of a court of law because the building is too small, and if the number of judges increases it will be difficult to lay out the rooms according to the needs of a modern institution of this kind.

There are no separate areas for the public and for the judges given that there is only one staircase linking the two floors. No changes are possible unless major reconstruction is undertaken. The least expensive option would be to identify another building in the town to renovate and use as a courthouse.

Another issue faced by the court is the lack of a space for detainees. Currently, detainees are taken to the courtroom directly from the police station through the public corridor.

The courthouse has two courtrooms shared by the four judges of Stefan Voda District Court and one judge of Slobozia District Court. Most hearings are held in judges' offices. The largest courtroom has a deliberation room in which the server was installed. Each courtroom has a common entrance for the judges and the public.

The courthouse needs to be enlarged given the plans to increase the number of employees; the need to create separate entrances to the courtrooms for judges, detainees and the public and the need to lay out a space for detainees according to accepted standards and to create two more courtrooms. There are also plans to extend the archives.

There are plans to replace the flooring and the doors and to repair the inside walls by the end of 2012. The expenses for this work were estimated at about MDL 436,000; however, the court has only MDL 100,000 available

The condition of the ground floor is unsatisfactory except for the offices which have been partially renovated. In 2009 and 2010, air conditioners were installed in the offices and the server room, except in the accounting room on the ground floor, the office of the investigating judge's clerk and the consultant's office on the second floor. There are plans to install air conditioners in those rooms as well.

The offices of the judges and other employees on the second floor were renovated in 2008 and are in satisfactory condition. As part of the renovations, wallpaper was replaced, new furniture was bought for some offices and light fixtures were installed. The space for the archives is small and crowded; it has no natural lighting. The wood floors and door are original and will need to be replaced if capital reparations are undertaken.

The condition of the wood floor is unsatisfactory as it was installed in 1980. The walls need to be renovated as well, since only those in judges' offices were leveled and painted during the last repairs.

In 2011, the heating system was fully renovated; two new boilers were installed and the pipes were replaced.

The 2009 Infrastructure Assessment Report listed six priorities for capital repairs, of which two have been implemented fully, one partially and three not at all. Of those three, one is to be implemented in the near future. Table 1 and Graph 1 show the extent to which the priorities listed in 2009 have been implemented.

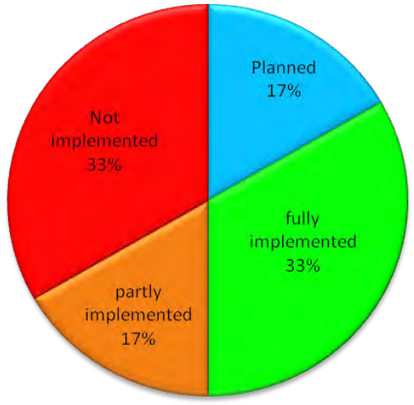
**Photo 6.** *Courtroom*
**Photo 7.** *Space for archives*
**Photo 8.** *Space for chancellery*

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2009 | Implementation stage in 2012 |
|---|---|
| Repairs of the building exterior are needed, including the walls around the windows where water leaks cause the deterioration of interior. | Partly implemented |
| Boilers and heating pipes need to be replaced. | Implemented |
| The power network needs to be renewed | Not implemented |
| The asbestos boards need to be replaced by metal sheeting and downspouts, gutters and storm water tanks should be installed. | Not implemented |
| Repair the interior and reconfigure the spaces (i.e. change the location of the chancellery and create a new public intake area on the ground floor close to the main entrance door. | Planned |
| Install an air conditioner in the server room. | Implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of capital repair priorities in 2012*




## *Conclusions*

- From 2009 to 2012, renovations were conducted at Stefan Voda District Court according to the recommendations of the 2009 Infrastructure Assessment Report.
- Some rooms in Stefan Voda District Courthouse need capital repairs.
- Taking into account the priorities for repair identified in 2009, 33% of the recommendations have been fulfilled, 17% - partly fulfilled, 33% - not fulfilled, and other 17% - planned.

## *Recommendations*

- Move the chancellery to the ground floor and create an information window.
- Consolidate the archives into one room.
- Move the archives to the ground floor.
- Install firefighting systems.
- Repair the courtrooms.
- Renew the power network of the building.
- Replace the asbestos roofing with metal sheeting and install downspouts, gutters and storm water tanks.
- Create a document review room for prosecutors and lawyers.
- Create two courtrooms on the ground floor.
- Make access to one of the courtrooms separate for the court staff.
- Concentrate all judges' offices and those of the court clerks on the second floor and limit access to them.
- Renovate the interior as needed.
- Create a space for keeping physical evidence.
- Create a cell for detainees with a toilet and a washbasin.

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Stefan Voda District Court has used the Integrated Case Management System since 2009. ICMS version 2 was installed in 2011. No suggestions have been made for changing or improving ICMS. The only issue reported was the need for training court clerks in the use of the software.

After case files are registered, the clerical staff scans all annexes in civil cases, only the indictment in criminal cases, and the indictment and the list of file materials in administrative cases.

As the staff of Stefan Voda District Court reported, ICMS Version 2 is in line with the provisions of criminal and civil law on electronic case registration. To provide information to the public, however, most often the chancellery specialists consult the case action cards and the tracking registers and use ICMS infrequently because it is much easier to work with hard copies although it might take longer.

Stefan Voda District Court does not have an information technology specialist. The court staff contacts CTS every time they have technical problems. They rate their general satisfaction with CTS in 2012 as a 4 out of 5.

### 2.2. AUDIO RECORDING SYSTEM

Stefan Voda District Court has two courtrooms, each with a set of audio recording equipment and the corresponding software; however, hearings that are held in those courtrooms are not recorded. During the assessment visit, staff reported that it is not possible to conduct all hearings in the courtrooms given that the two existing ones are shared by five judges: four from Stefan Voda District Court, and 1 from Slobozia Court.

There have been no requests for audio recordings of court hearings. Since 2009, there have been no requests for CDs with recordings of hearings.

According to the Regulations on Digital Audio Recording of Court Hearings,[2] the reason for recording court hearings is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. Since hearings are not recorded, court clerks do not use them for this purpose.

The main issue that the employees of Stefan Voda District Court face is lack of training in using the audio recording equipment. According to the court staff, in 2009 training was organized, but it has not been applied in practice. Other issues include an insufficient number of courtrooms, the legislation requiring duplication of effort—written minutes and audio records—as well as an insufficient number of trained staff.

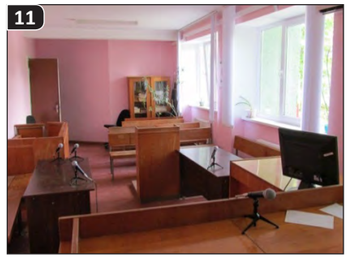


**Photo 9.** *Audio recording equipment*
**Photo 10.** *Server room*
**Photo 11.** *Courtroom*

[2] *SCM Regulation on digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

## 2.3. WEB PAGE OF STEFAN VODA DISTRICT COURT

Stefan Voda District Court has a web page on which it posts information for the public; it is updated as needed by the public relations specialist.

Table 2 shows the menus and their contents on the web page.

**Table 2.** *Content of the web page of Stefan Voda District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the Court President | – Welcome address<br>– A photo showing the façade of the courthouse, which cannot be viewed |
| Jurisdiction | – Excerpt from Law No. 514-XIII of 06 July 1995 on judicial organization<br>– A short message about the jurisdiction of Stefan Voda District Court and of Slobozia District Court, and a photo with the image of Themis |
| Regulatory Framework | – Active links to 14 basic regulatory acts governing the court activities<br>– A list with four regulatory acts, none of which opens |
| Public Relations Service | – General information about the duties of the public relations specialist<br>– Contact data for the public relations specialist<br>– Contact data and telephone numbers of the judges at Stefan Voda and Slobozia District Courts, the accountant and the head of chancellery |
| Media Relations | – Contact data of the person responsible for media relations |
| News | – News about the judicial information system<br>– News about the launch of initial training on mediation<br>– News about the official launch of the court website and the creation of the court's email address |
| Archives | – Information on the working hours of the archives, the location of the archive and the procedure for issuing copies |
| Organization | – Employment scheme for 2010 at Stefan Voda and Slobozia District Courts |
| List of Hearings | Information extracted automatically from ICMS |
| List of Case Files | Information extracted automatically from ICMS |
| Database of Judgments | Information extracted automatically from ICMS<br>**The latest judgments was posted on 6 August 2012** |
| Information of Public Interest | – Work hours: an active link which informs citizens about the working hours of the court<br>– Schedule of issuing judgments by the Ştefan Voda court chancellery: an active link which informs citizens about the days and hours when they may receive documents issued by the chancellery<br>– Schedule for visitors: an active link that shows the hours the court president and judges will meet with citizens<br>– Rules of conduct for the public and other persons in within the court: an active link presenting information about court organization in Moldova; general rules of conduct in courts, the chancellery, the courtroom and the archives as well as the means of communicating with the information and media relations service<br>– Rules of conduct for the court staff: an active link to the corresponding SCM decision<br>– Information of interest to the public: an active link that displays other active links with information on civil procedures, civil complaints, requests for issuing enforcement orders and the procedures for enforcing judgments as well as the rights and obligations of the participants in a trial<br>– Regulations: an active link that displays a list of other active links to the following regulations:<br>• Random Assignment of Cases in Courts;<br>• Digital Audio Recording of Court Hearings;<br>• Conduct of the Contest for Employment to the Position of Court Clerk;<br>• Public Information and Media Relations Service;<br>• Publication of court judgments on the website |
| Useful Links | – Links to the websites of some central and public authorities and other institutions. There are no names for the links. |
| Statistics | – Statistical data from2008 to 2010. |
| Vacancies | – Stefan Voda District Court openings for competitive positions. |

*Source: http://jsv.justice.md/*

Table 2 shows that all menus have information of public interest about the activities of Stefan Voda District Court that is often accompanied by photos, images and graphs; however, the information in some menus should be reviewed. In "Useful Links," the links indicated should have a name and should be arranged in proper order. In"Jurisdiction," the table that shows the territorial jurisdiction of Stefan Voda District Court should be reformatted. In "Regulatory Framework," there are a number of judicial regulatory acts; however, four of them are not active and should be.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Stefan Voda District Court has relatively sufficient equipment to properly carry out its activities. Table 3 shows the type of equipment, the number of items and the equipment needed.

**Table 3.** *Equipment inventory and needs*

| Item | Number | Needed |
|---|---|---|
| Server | 1 | - |
| Computers | 20 | 10 |
| Printers | 18 | 10 |
| Scanners/copier/printer | 5 | 2 |
| Air conditioners | 10 | - |
| Audio recording sets | 4 | - |
| TV set | 2 | - |
| Head sets | 10 | - |
| Stabilizer | 1 | - |
| Digital monitor | - | 1 |
| UPS | 15 | 2 |

*Source: Stefan Voda District Court*

### *Conclusions*

- The staff of Stefan Voda District Court is not sufficiently trained in the use of ICMS Version 2 and the audio recording equipment.
- The staff does not use the audio recording system during court hearings.
- To improve the work of Stefan Voda District Court, the following equipment is necessary: 10 computers, 10 printers, 2 scanners, 2 UPS units and 1 digital monitor.
- Stefan Voda District Court uses the webpage content management system; all menus have information of public interest. In some menus, the text has to be reformatted.
- The schedule for visitors is posted on the website.

### *Recommendations*

- Conduct all hearings in courtroom by increasing their number.
- Conduct all hearings in courtrooms through efficient scheduling.
- Update and regularly adjust all menus on the website.

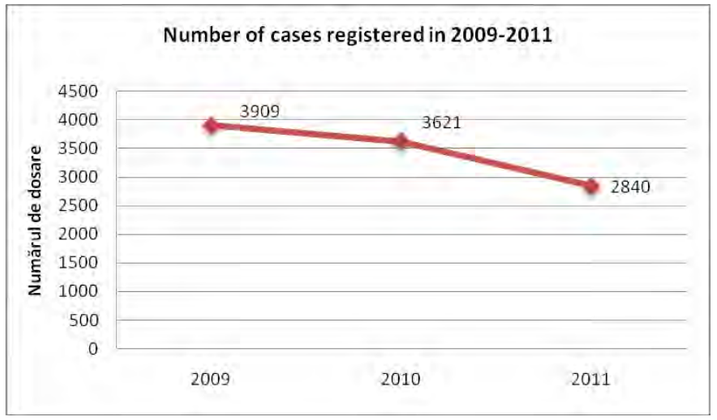
# III. WORK OF STEFAN VODA DISTRICT COURT

## 3.1. WORKLOAD

The workload at Stefan Voda District Court from 2009 to 2011 was assessed based on the total number of cases registered, the total number of cases examined, the number examined by type of case, the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases filed at Stefan Voda District Court decreased from 3909 in 2009 to 2840 cases in 2011.

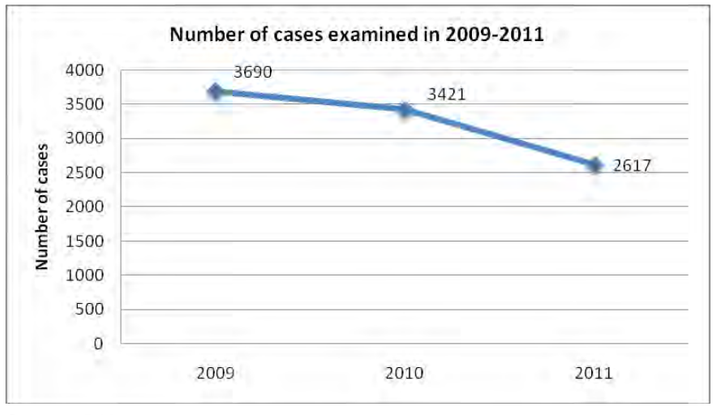
**Graph 2.** *Number of cases registered at Stefan Voda District Court from 2009 to 2011*




*Source: DJA*

Graph 3 shows that the number of cases examined during this period decreased from 3690 in 2009 to 2617 in 2011.

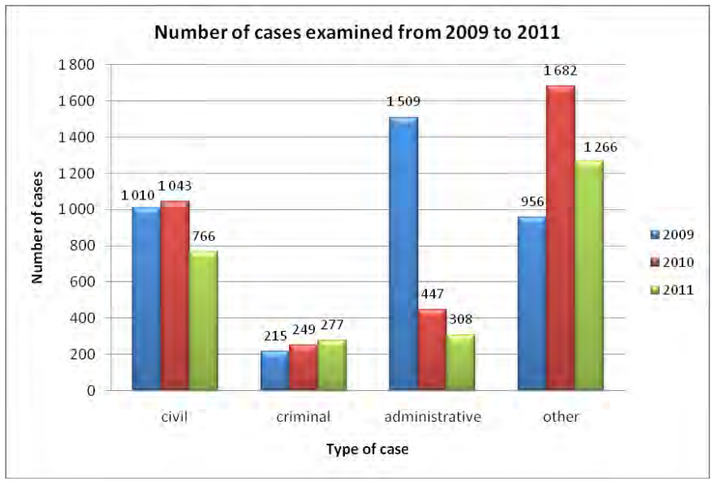
**Graph 3.** *Total number of cases examined at Stefan Voda District Court from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, the number of civil cases examined in Stefan Voda District Court decreased from 1010 in 2009 to 766 in 2011, the number of criminal cases examined during the same period did not change very much while the number of administrative cases decreased from 1509 to 308.

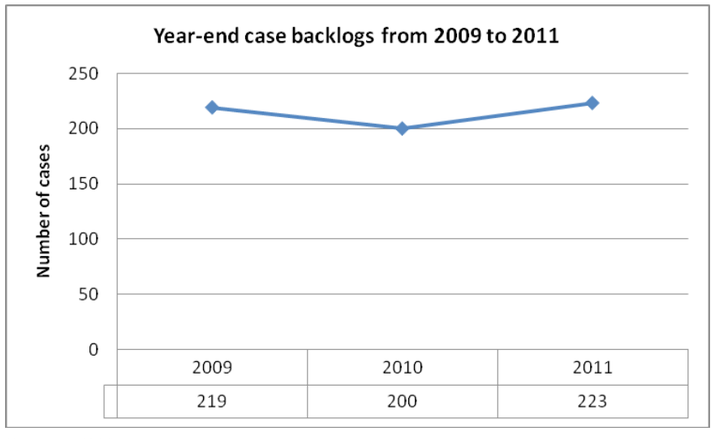
**Graph 4.** *Number of cases examined at Stefan Voda District Court from 2009 to 2011by type of case*




*Source: DJA*

An analysis of the data on case backlogs at Stefan Voda District Court showed a slight increase from 219 in 2009 to 223 in 2011 (Graph 5).

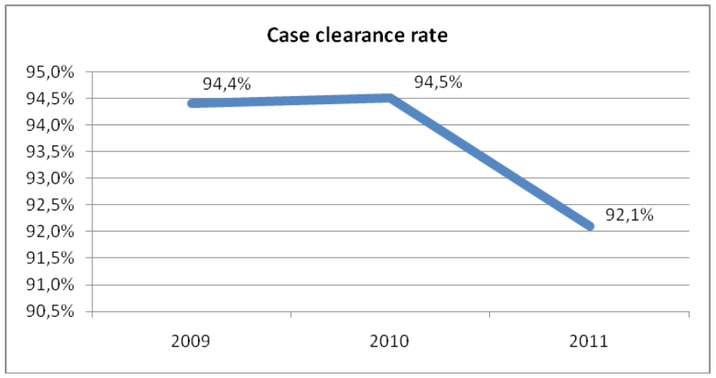
**Graph 5.** *Case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Stefan Voda District Court decreased from 94.4% in 2009 to 92.1% in 2011

**Graph 6.** *Case clearance rate from 2009 to 2011*




*Source: DJA*

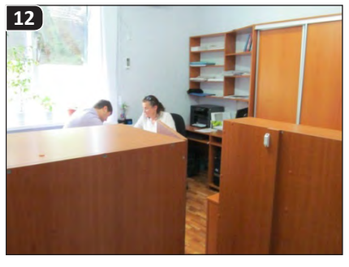



**Photo 12.** *Chancellery*

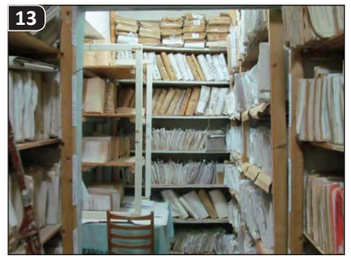



**Photo 13.** *Archives*

## 3.2. ORGANIZATION OF ACTIVITIES

Stefan Voda District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and conducting other works required for the good run of court activities.

The chancellery is situated on the second floor. Its staff includes three specialists responsible for scanning documents and registering case files in ICMS and on paper.

The chancellery maintains the registers listed in Table 4.

**Table 4.** *List of registers used by Stefan Voda District Court chancellery*

| Register Category | Register title |
|---|---|
| ***General*** | 1. Cases pending settlement in the court (there are five registers, one for each judge)<br>2. Incoming mail<br>3. Outgoing mail<br>4. Case files sent to the Court of Appeals |
| ***Civil*** | 1. Case files sent to judges and received from judges<br>2. Index of civil cases<br>3. Non-material damage paid (was introduced in 2011, when a request came to present such information and continues to be kept; there is also a register for 2012)<br>4. Cases filed for appeal and cassation review<br>5. Enforcement of civil judgments<br>6. Record card<br>7. Action record card |
| ***Criminal*** | 1 Index of criminal case files<br>2 Index (21)<br>3 Case files sent and received (21)<br>4 Physical evidence<br>5 Physical evidence subject to specific seizure<br>6 Action record card |
| ***Administrative*** | 1. Administrative materials assigned<br>2. Punishments changed upon request of the official examiner (4-d)<br>3. Records of the traffic police (4/4).<br>4. Records of the police station (4/5)<br>5. Records of the border guard service and other types of records (4/5)<br>6. Complaints and appeals (5r) |

*Source: Stefan Voda District Court chancellery specialists*

The chancellery of Stevan Voda Court keeps more registers than the Guidelines require.[3]

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may be entered three or four times in various records as Table 5 shows.

**Table 5.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Register of incoming mail; Index |
| Plaintiff's name | ICMS | Action record card | |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index |
| Defendant's contact information | ICMS | Action record card | Index |
| Case file category | ICMS | Action record card | Index |
| Essence of the case | ICMS | Action record card | |
| State duty | PIGD | Action record card | |
| Circulation of the case file within the court | PIGD | Action record card | |

*Source: Stefan Voda District Court chancellery specialists*

The archives of Stefan Voda District Court are situated in two separate rooms on the second floor. Both rooms are small and poorly located, but they have air conditioners. Entrance to the archives is restricted.

### Conclusions

- The number of cases filed at Stefan Voda District Court decreased by 27.3% from 2009 to 2011
- The number of cases examined decreased by 29.1% from 2009 to 2011
- The number of civil cases examined from 2009 to 2011 decreased by 244, the number of criminal cases increased by 62, and the number of administrative cases decreased by 1201 cases.
- The case backlog increased by 4 from 2009 to 2011.
- The case clearance rate decreased by 2.3% from 2009 to 2011
- There is duplication of effort because the laws and the instructions on secretarial work require both paper and digital registers.
- The court clerks keep more registers than the Guidelines require.

### Recommendations

- Review in-house procedures for record keeping making them compliant with SCM Decision No. 93/7 of 2 March 2011.
- Reduce the number of registers to the number required in the Guidelines.

[3] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

Stefan Voda District Court has 4 judges (according to the approved staffing plan), 1 judge for Slobozia District Court, and 19.5 regular staff (Table 6).

There is no human resource specialist at the court. In practice, these duties have been performed by the court president and the adviser to the president. According to his job description, the adviser to the president is responsible for administering the court; planning, organizing and leading court activities; establishing organizational requirements and delegating staff to develop and maintain programs for the court.

Stefan Voda District Court has a public relations specialist who is the official representative of the court to the media and the public. He is responsible for making information available to the media and the public with a view to ensuring transparency of court operations in accordance with legal provisions in force.

Court employees are either civil servants or technical staff. Civil servants include the adviser to the chief judge, court clerks, translators, consultants and the accountant. Technical staff includes cleaners, workers, etc. As the adviser to the court president reported, no formal employment procedures have been used in the past four years.

Stefan Voda District Court has job descriptions for the positions of adviser to the court president, consultant, public relations specialist, head of chancellery, court clerk, chief accountant, chancellery specialist, driver and courier.

**Table 6.** *Staffing scheme of Stefan Voda District Court*

| No. | Position | Current number | Vacancies |
|---|---|---|---|
| 1. | Stefan Voda District Court judge | 3 | - |
| 2. | Slobozia District Court judge | 1 | - |
| 3. | Investigating judge | 1 | - |
| 4. | Adviser to the court president | 1 | - |
| 5. | Chief accountant | 1 | - |
| 6. | Consultant | 1 | - |
| 7. | Head of the chancellery | 1 | - |
| 8. | Specialist | 3 | - |
| 9. | Court clerk | 5 | - |
| 10. | Translator | 1 | - |
| 11. | Coordinating specialist | 1 | - |
| 12. | Head of archives | 1 | - |
| 13. | Boiler room operator | 1 | - |
| 14. | Driver | 1 | - |
| 15. | Cleaner | 1.5 | - |
| 16. | Courier | 1 | - |
| | **TOTAL** | **24.5** | |

*Source: Accounting office of Stefan Voda District Court*

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ, and as reported during the assessment visit, in 2011 all judges of Stefan Voda District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. For legal research and reference, the judges use the legislative database on the website of the Ministry of Justice and the private legislative database Moldlex. Some of the publications to which Stefan Voda District Court subscribes are the *Official Gazette, Buletinul CSJ (SCJ Newsletter); Jurisdicţia Constituţională (Constitutional Jurisdiction), Contabilitate si Audit (Accounting and Auditing); Dreptul muncii (Labor Law), Resurse umane (Human Resources), Funcţionarul public (Civil Servant)* and the newspaper *Prier.*

It was, however, mentioned that it is necessary to organize training for court clerks, consultants and chancellery specialists in the use of ICMS and SRS Femida and in the preparation of procedural documents. The adviser to the court president needs training in human resource management.

### *Conclusions*

- At Stefan Voda District Court, human resources are managed by the court president and the adviser to the president.
- The court has a public relations specialist.
- The court has no human resource specialist.
- There is no internal training system for the court staff.

### *Recommendations*

- Employ a human resource specialist or train the adviser to the court president in human resource management.
- Organize internal training for the court staff so they can solve the problems they face in carrying out their duties.

## V. SERVICES FOR THE PUBLIC

Stefan Voda District Court has no information office or window situated near the court entrance. The office of the public relations specialist is on the second floor. This specialist ensures public access to justice and makes information of public interest available; however, it is not clear how to find the office since there are no signs to guide the public. At the entrance to the building there is an information board. Plaques on the doors of judges' offices bear their names but no warning that entry to the office is not allowed.

The building has a board at the entrance with the following information

- Lists of cases scheduled for trial printed from ICMS
- Office hours of the court president
- Working hours of the court
- Schedule of judgments issued by the chancellery
- The brochure "Citizens' Guide"
- Declaration on the Observance of the Rights of Child Victims or Witnesses to Crimes

Copies of judgments are issued from Monday to Friday from 8:00 to 17:00 with a lunch break between 12:00 and 1:00. To get a copy of a judgment, a person submits an application to the chancellery, and the chancellery specialists then forward it to the court president for approval. If it is approved, the chancellery specialist or the archivist makes copies and submits them to the court president for authentication. The applicant then pays the state fee and with payment confirmation goes back to the court to receive the copy.

### *Conclusions*

- The court has no information window for the public
- There are no signs guiding the public to the office of the public relations specialist, the chancellery or the archives
- The information board for the public at the entrance contains relevant and comprehensive information helping visitors to better orient themselves.
- The chancellery of Stefan Voda District Court is situated on the second floor of the building, a location inconsistent with the general rules for court design.
- The procedure for getting copies of judgments requires approval by the court president who has to make time to examine, approve or reject applications.

### *Recommendations*

- Relocate the chancellery to the ground floor and create a window for getting information and issuing/receiving documents.
- Install signs guiding visitors to the office of the public relations specialist, the chancellery and the archives.
- Relocate the office of the public relations specialist on the ground floor near the entrance to the court.
- Simplify the procedure for getting copies of judgments by sparing the court president the obligation to approve applications and by training the chancellery specialists accordingly.

**Photo 14.** *Information board with the list of cases scheduled for trial*
**Photo 15.** *Inscription on a judge's door*
**Photo 16.** *Inscription on a courtroom door*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Stefan Voda District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA which receives the ceilings for the entire judiciary from the Ministry of Justice. The ceilings from the Ministry of Justice are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others),

2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET (basic component)

The budget of Stefan Voda District Court is divided into six categories:

- *Staff expenditures* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – power, gas, water and sewerage and sanitation;
- *Expenditures for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[4]

From 2010 (spent) to 2012 (approved), the budget of Stefan Voda District Court increased from MDL 1 million to MDL 1.5 million (Table 7).

In 2011 the court's budget increased by 14% compared with 2010 due to expenditures for fixed assets.

In 2012 the court planned a 21% increase compared with 2011 and budgeted additional funds for all types of expenditures (except for repairs). The major increase was for utilities which was up 53% followed by a 51% increase in fixed assets. Interestingly, allocations for repairs in 2011 decreased by 22% compared with 2010 abd by 46% compared with 2011.

[4] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 7.** *Budget of Stefan Voda District Court by type of expenditure (2010–2012)*

| Expenditure category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 770,001 | 807,129 | 5% | 923,200 | 14% |
| Repairs | 112,183 | 87,076 | -22% | 47,000 | -46% |
| Utilities | 46,896 | 65,042 | 39% | 99,200 | 53% |
| Fixed assets | 0 | 139,038 | 100% | 210,000 | 51% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenditures | 145,616 | 129,604 | -11% | 204,000 | 57% |
| **Total** | **1,074,696** | **1,227,889** | **14%** | **1,483,400** | **21%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

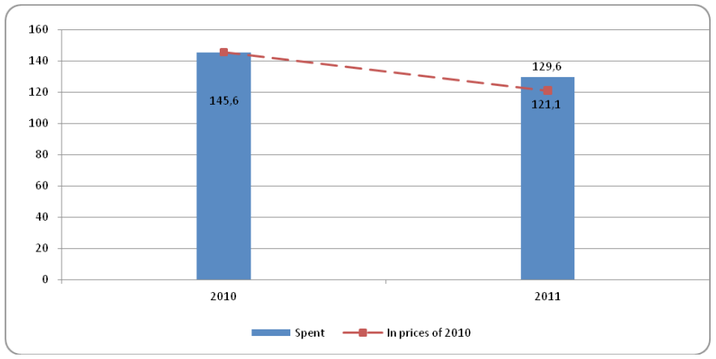
## 6.2. STAFF EXPENDITURES

Staff expenditures represent approximately 70% of the total budget and increase year on year. Due to the fact that remuneration is governed by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

From 2010 to 2011, both the face value and the real value of operating expenditures decreased. Their face value decreased from MDL 145.6 thousand to MDL 129.6 thousand, a 11% decrease. Their real value decreased by 17% allowing for the inflation rate of 7% in 2011.[5] MDL 129.6 thousand in 2011 was therefore equivalent to 121.1 thousand in 2010; hence, the real value of operating expenditures decreased by approximately MDL 24.5 thousand (Graph 7).

**Graph 7.** *Operating expenditures for Stefan Voda District Court in 2010 and 2011*



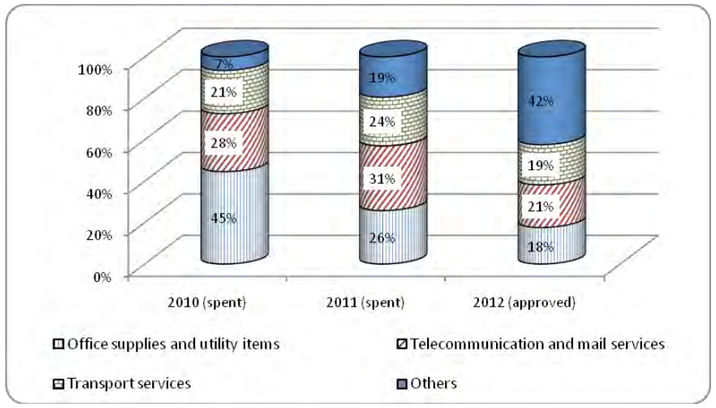

[5] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that office supplies and utility items steadily decreased from 45% in 2010 to 18% planned for 2012. The share of telecommunication and mail expenses is decreasing also from 28% in 2010 to 21 in 2012. A similar evolution is observed for transport services expenses. From 21% in 2010 tha share is decreasing up to 19% in 2012.

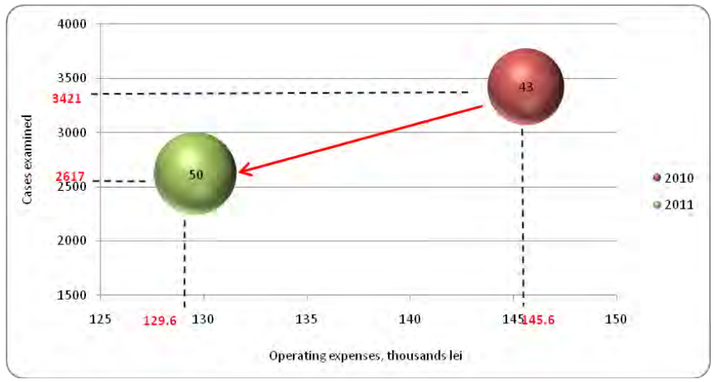
Expenditures for telecommunications and mail merit attention because approximately 50% of them are for stamps.

## 6.5. OPERATING EXPENDITURES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease in operating expenditures in 2011 compared with 2010 can be explained by a number of factors, including by the decreased in the number of cases examined from 3421 in 2010 to 2617 in 2011 (by 804 fewer cases).

Comparing operating expenses with the number of cases examined, in 2010 the average cost for examining a case was approximately MDL 43, while in 2011 it was MDL 50 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Stefan Voda District Court in 2010 and 2011*



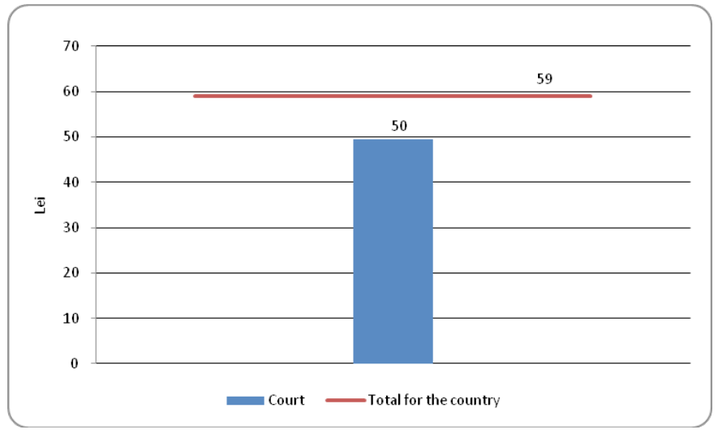

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court*

Increase of the average operating costs in 2010 could be explained by slowly decrease of the operating expenses compared to the number of case examined. Thus, operating expenditures decreased by 11% while the number of cases decreased by 24%.

## 6.6. AVERAGE OPERATING COST PER CASE COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 50 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Stefan Voda District Court in 2011 and the weighted average cost per case for the country as a whole*




As shown in the Graph 10, in 2011 the average cost per case examined in Stefan Voda District Court was lower than the weighted average cost per case for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Stefan Voda District Court does its accounting manually. Due to lack of funds it has not purchased an accounting software for electronic records keeping.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the chief accountant who does not have professional qualifications in public procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011 both the face value and the real value of operating expenditures decreased.
- The average operating cost for examining a case in 2011 was higher than in 2010.
- In 2011, the average operating cost for examining a case was lower than the weighted average cost of a case examined for the country as a whole.
- Mail expenditures account for a large share of total operating expenditures.
- Accounting is done manually due to lack of accounting software.
- All public procurements are made without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing accounting software and training the staff to use it.
- Consider purchasing postage meters to reduce mail expenditures. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Taraclia District Court, situated in the town of Taraclia, serves 44,100 inhabitants in the 26 localities that are part of Taraclia District according to Law No. 764 of 27 December 2001 on the Administrative-territorial Organization of the Republic of Moldova.

According to its staff roster, Taraclia District Court has 5 judges and 21 additional staff. Taraclia District Court has no human resource specialist; those duties are performed by the court president and coordinating public relations specialist. Taraclia District Court has a public relations specialist, who is responsible for posting information about cases scheduled for hearing on the information board, informing the public about the court's activities, and for keeping a public relations register. This specialist is also responsible for managing human resources and the website content.

Staff expenditures have followed an upward trend. The court does all its public procurements without a procurement specialist. In 2011, the face value of the allocations for operating expenditures increased but their real value decreased. In 2011 the average operating cost for examining a case increased compared with the previous year and was higher than the weighted average cost of a case examined for the country as a whole (see Section VI).

The building where Taraclia District Court is located has an area of 1390.5 sq. meters on two floors and a basement. The condition of the building is unsatisfactory. The electrical and, heating systems and the exterior and the roof need renovations.

# TARACLIA DISTRICT COURT

*3, Mira Str., Taraclia*

*Date of the visit: 13 June 2012*

Taraclia District Court staff uses Version 3 of ICMS, which was installed on 24 May 2012. An uneven distribution of cases is a problem with the software.

The employees of Taraclia District Court do not make audio records of the hearings that take place in the two courtrooms fitted out with audio recording equipment because the clerks do not know how to use the software. In addition, not all hearings are held in courtrooms since there are two for five judges.

The specialists at Taraclia District Court keep more registers than the amendments to the Guidelines require.

The total number of cases filed at Taraclia District Court decreased by 617 from 2009 to 2011, while the number of cases examined decreased by 713 during the same period with a case clearance rate of 89.4% in 2011.

The court has an information board for the public, and judges' office doors have plaques saying that the access is restricted.

The website of Taraclia District Court is periodically updated and the menus have some information of public interest, but some menus have no information while in others information is duplicated.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 4 | The exterior is deteriorating because of high humidity. Repairs are needed in addition to insulation. |
| Water supply | 4 | The water supply is sufficient. The court is connected to the centralized water system. The pipes are in poor condition. |
| Power supply | 4 | The electric system is obsolete as it was installed in 1988. The electrical network is overloaded and cannot ensure the proper functioning of equipment. |
| Sewerage system | 4 | The sewerage system needs renovation. |
| Heating system | 4 | The heating system is obsolete. Pipes and radiators should be replaced. |
| Firefighting system | - | Does not exist. |
| Roof | 4 | The roof structure is decaying. The slate tiles need to be completely replaced and gutters and downspouts should be installed. |
| Interior | 4 | The interior walls are mildewed. The flooring needs to be replaced and the ceiling must be renovated. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

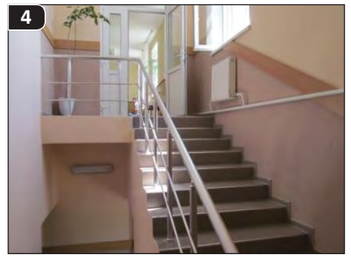


**Photo 1.** *Exterior*
**Photo 2.** *Back entrance to Taraclia Court*
**Photo 3.** *Room for parties to litigations*
**Photo 4.** *Interior staircase*
**Photo 5.** *Entrance staircase*
**Photo 6.** *Sewerage pipes*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational conditions of Taraclia District Court as of June 2012.

Taraclia District Court was built in 1989 specifically for this purpose. The facility consists of two floors and basement, with the total area of 1390.5 sq. meters. There are 12 offices, 2 public rooms and 2 courtrooms.

Taraclia District Court is guarded by the judicial police during daytime hours and has three night watchmen on staff.

The court's exterior and the back stairs are in unsatisfactory condition. The exterior walls are in a poor condition and there are obvious cracks in the back wall where building's foundation has started to sink. The exterior finishing is incomplete and unsatisfactory. The building is affected by high humidity both in the basement and on the exterior walls where mildew is growing. The foundations need to be reinforced.

The court has an obsolete sewerage system and the pipes are in poor condition and need to be replaced. The electrical system is unsatisfactory and is not able to ensure the functioning of all the equipment used in court. It needs to be completely renovated.

The archives are efficiently located in two rooms in chancellery and basement. Safety is ensured only by the locks on the doors. The chancellery is situated on the first floor. The spaces used by the judges and the public are not separated.

The interior of the first floor of the building is in unsatisfactory condition. Two rooms have been renovated, but in the other rooms the finishing is original and it is in poor condition. Some interior doors have been replaced, but the flooring and the walls need to be renovated. The waiting area for the public needs to be renovated and chairs need to be furnished. Staff restrooms also need renovation. There is no ventilation system in the building.

Minor repairs were done in 2007 on the second floor in the judges' and clerks' offices. Wallpaper was put up, new lighting fixtures were installed and new furniture was purchased. Minor repairs were also done in the small courtroom and in the waiting room for the public. The big courtroom was not renovated. The high ceiling and the size of that courtroom generate acoustic and heating issues. The floors are original and need to be repaired. The server is located in a separate room that has an air conditioner. There is no ventilation system in the area for the public.

There are no firefighting systems and no emergency lights.

The functional space of Taraclia District Court is suitable for the activity of a law court though the courthouse has no separate entrance for detainees and no separate space for them. They are brought to the courtroom directly from the police station through the court's front door and hallway. By reorganizing, it would be possible to separate the space for judges from that for the public and to create more courtrooms.

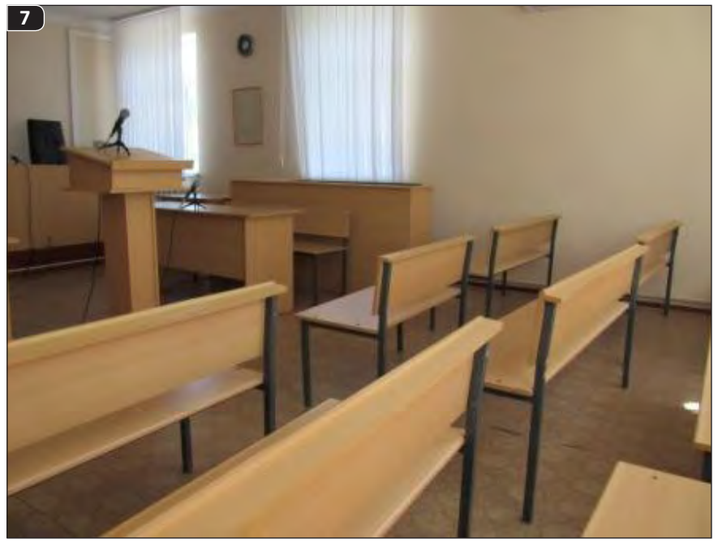
The court plans capital repair that includes the following: renovating offices on the first floor except for the two that were renovated previously; renovating the exterior and insulating the building; constructing a garage; repairing the courtrooms; replacing the electrical and heating systems and arranging rooms for the judicial police and for lawyers and prosecutors. They also plan to create a cloakroom for lawyers, repair the basement, landscape the grounds and fence in the perimeter.

The 2009 Infrastructure Assessment Report listed seven priorities for capital repairs. Only one recommendation has been completely implemented (Table 1 and Graph 1).

**Table 1.** *Implementation of the capital repair priorities identified in 2009*

| Priorities for capital repair in 2009 | Implementation stage in 2012 |
|---|---|
| Repair and enhance the front entrance and building exterior. | Planned |
| Relocate the bailiffs into a suitable place outside the court. | Partially implemented[2] |
| Renovate the interior and reorganize the space including changing the location of the chancellery, create a reception room on the first floor and renovate the big courtroom. | Planned |
| Repair or replace the water pipes. | Not implemented |
| Upgrade the electrical network and replace the wiring. | Planned |
| Replace the heating pipes and radiators | Planned |
| Install an air conditioner in the LAN server room. | Implemented |

*Source: 2009 Infrastructure Assessment Report*



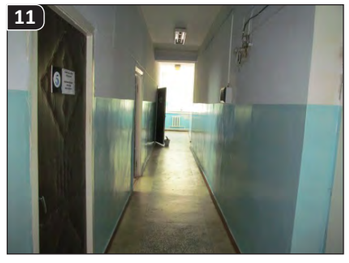
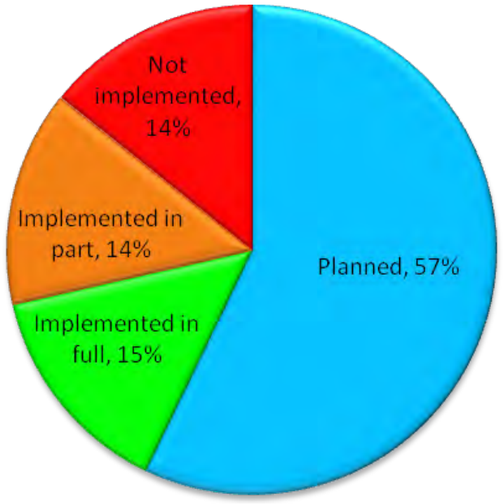



**Photo 7.** *Courtroom*
**Photo 8.** *Boiler room*
**Photo 9.** *Server*

**Photo 10.** *Floor of Taraclia Courthouse*
**Photo 11.** *Public space*

**Graph 1.** *Implementation of the 2009 capital repair priorities in 2012*




## *Conclusions*

- Minor repairs have been done on Taraclia District Court from 2009 to 2012.
- It was estimated that 15 % of the 2009 recommendations for capital repairs have been completely implemented, 14% have been partially implemented and 57% of the recommendations are planned.
- Repairs are planned in line with the recommendations of the 2009 Infrastructure Assessment Report.
- The server room has an air conditioner.
- The interior needs renovation.

## *Recommendations*

- Renovate the facade.
- Renovate the interior of the entire building.
- Reconfigure the space and move the chancellery and the reception closer to the main entrance to facilitate access to information for the public.
- Divide the big courtroom into two smaller courtrooms.
- Change the location of and consolidate the archives.
- Upgrade the electrical system.
- Establish an office for prosecutors and lawyers to review cases.
- Create rooms for minor detainees, minors participating in a case and anonymous witnesses.
- Repair the water and sewerage pipes.
- Replace the heating pipes and radiators.

# II. COURT AUTOMATION

## 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Taraclia District Court staff has used ICMS since 2009. Version 3 was installed on May 24, 2012. The staff noted the uneven distribution of cases as a technical problem with the software. At the court's request, CST manages human resources in ICMS and registers new employees of the court assigning them user names and passwords.

ICMS requires creating digital files by scanning documents after case files are registered. The clerical staff scans civil and administrative files in full but scans only the bills of indictment and prosecutor's closing argument in criminal case files.

The court has no information technology specialist, so technical issues are referred to CTS. According to the staff, CTS is tardy and ineffective and extremely and needlessly expensive. They rated their satisfaction with the services provided by CTS in 2012 as a 3 out of 5.

**Table 2.** *Suggestions for modifying ICMS at Taraclia District Court*

| No. | Suggestions for modifying the ICMS |
|---|---|
| 1. | Create the possibility to search for case parties in Russian. |
| 2. | Set degree of complexity of a case and ensure even case distribution. |

*Source: Taraclia District Court staff*

## 2.2. AUDIO RECORDING SYSTEM

Taraclia District Court has two courtrooms both with sets of court hearings audio recording equipment and software. Nevertheless, hearings taking place in the courtrooms are not audio recorded because it takes too much time and the clerks have not been trained to use the equipment. Also, not all the hearings take place in the courtrooms as there are five judges and two courtrooms.

There have been no requests to record court hearings. Since 2009 when the audio recording equipment and software were installed, there have been no requests for CDs of court hearings.

The courtroom doors have plaques stating that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings, the purpose is to check the accuracy and the completeness of the written minutes of hearings and to ensure transparency and efficiency of court operations. Hearings are not recorded so are not used for that purpose.[2]

[2] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*

**Photo 12.** *Inscription on a courtroom door*
**Photo 13.** *Courtroom*
**Photo 14.** *Courtroom*

## 2.3. WEB PAGE OF TARACLIA DISTRICT COURT

Taraclia District Court has a website where information for citizens is posted; it is updated by the public relations specialists as necessary.

Table 3 shows the menus for the web page of Taraclia District Court and their completeness.

**Table 3.** *Content of the web page of Taraclia District Court*

| Menu title | Information posted on the web page |
|---|---|
| Message of the President of the Court | Welcoming Message |
| Organization | – Competence<br>– Table with the settlements falling under scope of Taraclia District Court |
| Regulatory Framework | List of the main regulatory acts that govern the activities of the court |
| Public Relations Service | Does not contain any information |
| Press Releases | Does not contain any information |
| News | – Announcement of the position of translator<br>– Active link to "*Vacancies*" that contains the same announcement on the position of translator in Russian |
| Archives | Active link to the category "Useful Resources" which contains no information |
| Organization | Court's organizational chart |
| List of Hearings | Information retrieved automatically from ICMS[4] |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>**Last judgment was posted on 29 June 2012** |
| Statistical Records | Does not contain any information |
| Information of Public Interest | Does not contain any information |

*Source: http://jt.justice.md/*

[3] *File names are in Russian.*

Not all menus have information of public interest on the activities of Taraclia District Court. The menu "*News*" and the link "*Vacancies*" contain the same announcement. The menus "*Public Relations Service*," "*Press Releases*," "*Statistical Records*" and "*Information of Public Interest*" should have information of public interest.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Taraclia District Court has sufficient equipment to operate properly. Table 4 shows the equipment category, the number of existing items and the equipment needed as per court staff.

**Table 4.** *Equipment inventory and equipment needs*

| Equipment item | Number of items | Needed |
|---|---|---|
| Server | 1 | - |
| Computer | 20 | 23 |
| Printer | 15 | 23 |
| Scanner | 1 | 12 |
| Audio recording equipment set | 2 | 3 |
| Photocopier | 2 | 3 |
| Air conditioner | 4 | 12 |
| UPS unit | 10 | 23 |
| TV and DVD set | - | 3 |
| Fax | 2 | - |
| Metal detector | - | 1 |
| Postage meter | - | 1 |

*Source: Taraclia District Court*

### *Conclusions*

- When using IMCS 2, the staff of Taraclia District Court faces the issue of uneven distribution of files and difficulties in searching for parties.
- The clerical staff of the court scans civil and administrative case files in full but scans only the bills of indictment and the prosecutor's closing argument in criminal case files.
- The employees of Taraclia District Court do not use the audio recording system.
- In order to improve its work, the court needs 23 computers, 23 printers, 12 scanners, 3 sets of audio recording equipment, 3 photocopiers, 12 air conditioners, 23 UPS units, 3 TV and DVD sets, 1 metal detector and 1 postage meter.
- Taraclia District Court uses the website content management system. The menus have some information of public interest, but sometimes the menu title is not consistent with its contents, and some information is duplicated.

### *Recommendations*

- Ensure all court hearings are conducted in courtrooms by creating enough courtrooms and efficiently scheduling them.
- Use the audio recording equipment and software, and delete audio recordings from the server in line with SCM regulations.[4]
- Training the staff to use ICMS and the audio recording software.
- Ensure all menus on the web page have updated information of public interest.
- Avoid duplication on the website.

[4] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*

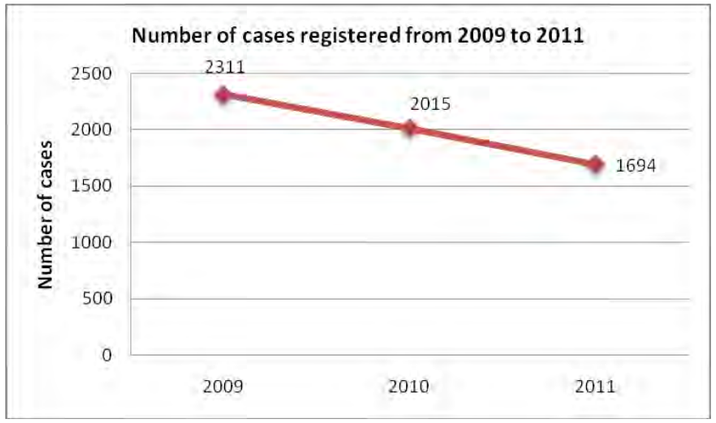
# III. WORK OF TARACLIA DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The work load of Taraclia District Court was analyzed from 2009 to 2011 by the total number of cases registered, the total number of cases examined, the number examined by type of case, the year-end backlog and the case clearance rate.

Graph 2 shows that the total number of cases registered decreased from 2311 in 2009 to 1694 in 2011.

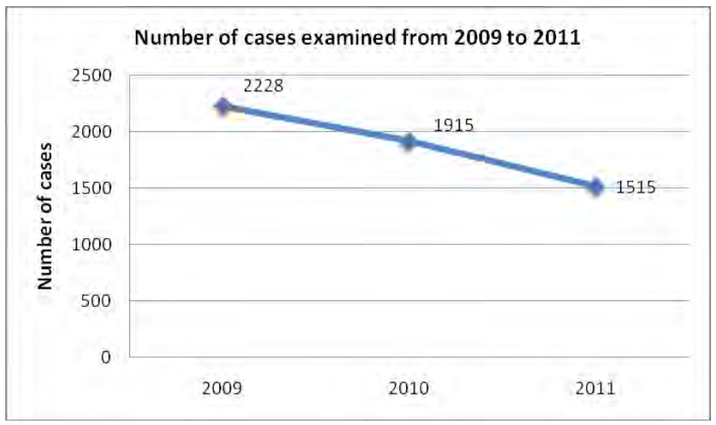
**Graph 2.** *Number of cases registered in 2009-2011*




*Source: DJA*

The total number of cases examined decreased from 2228 in 2009 to 1515 in 2011 (Graph 3).

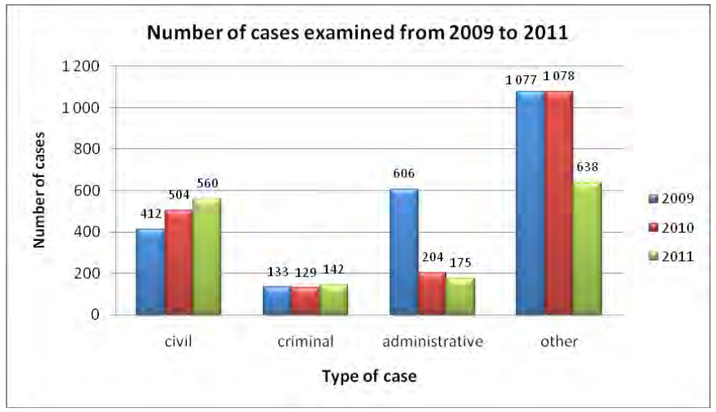
**Graph 3.** *Number of cases examined from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, from 2009 to 2011 the number of civil cases examined by Taraclia District Court increased from 412 to 560, the number of criminal cases didn't change materially and the number of administrative cases decreased from 606 to 175.

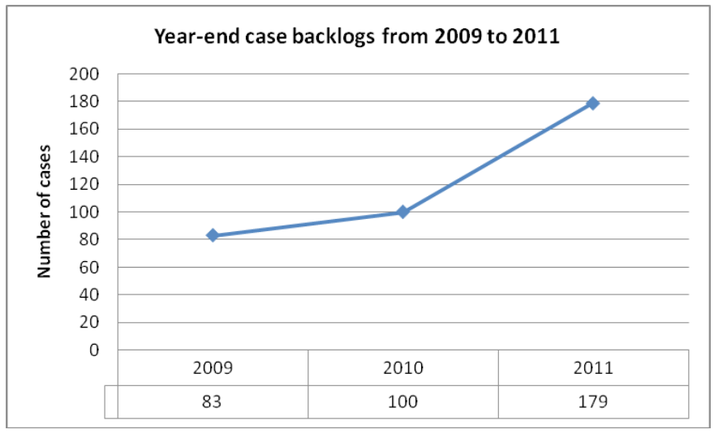
**Graph 4.** *Number of cases examined from 2009 to 2011 by type of case*




*Source: DJA*

The year-end case backlog of Taraclia District Court increased from 83 in 2009 to 179 in 2011 *(Graph 5*).

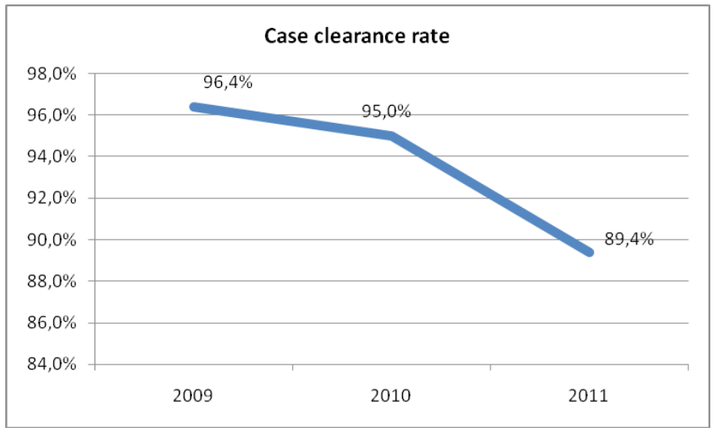
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Taraclia District Court decreased from 96.4% in 2009 to 89.4% in 2011.

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Taraclia District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and other necessary work.

The chancellery of Taraclia District Court is on the first floor. The chancellery staff consists of two people responsible for scanning the files and registering cases in ICMS and on paper.

The chancellery keeps the registers as shown in Table 5.

**Table 5.** *The registers used by Taraclia District Court chancellery*[5]

| Register Category | Register Title [6] |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Case submissions<br>4. Courier register<br>5. Enforceable orders |
| ***Civil*** | 1. Index of civil cases<br>2. Writ proceedings<br>3. Economic cases<br>4. Administrative cases<br>5. Civil cases<br>6. Action record card |
| ***Criminal*** | 1. Index of criminal cases<br>2. Criminal cases<br>3. Complaints against decisions of extra-judicial bodies on administrative cases<br>4. Complaints against the actions of criminal investigative and other investigative bodies<br>5. Requests to enforce preventive arrest<br>6. Requests to enforce home arrest<br>7. Requests to extend preventive arrest<br>8. Requests to extend home arrest<br>9. Materials on the temporary release of a detainee under judicial control<br>10. Materials on the temporary release on bail of a detainee<br>11. Materials on prosecutor's actions on exemption of criminal liability<br>12. Materials on enforcing judgments, including the registration of cases undergoing annulment<br>13. Claims against intercessions of bailiffs<br>14. Materials on challenges of judges<br>15. Bailiff's presentations on foreclosure of goods under the enforcement of verdicts and judgments<br>16. Materials related to an interdiction to leave the country<br>17. Actions, presentations that do not relate to the enforcement of judgments<br>18. Delegations for mandatory legal support<br>19. Actions for taking foreigners on state maintenance<br>20. Missing persons<br>21. Petitions<br>22. Material evidence<br>23. Action record card |
| ***Administrative*** | 1. Index of administrative cases<br>2. Administrative cases<br>3. Requests to replace sanctions<br>4. Cases tried as a review of judgments made on complaints against the decisions of extra-judiciary bodies in administrative cases<br>5. Materials on temporary withdrawals of drivers' licenses |

*Source: Taraclia District Court chancellery specialists*

The court maintains duplicate records of case files—one on paper and one in digital format. The same information may be entered three or even four times in various records as shown in Table 6.

**Table 6.** *Registration of a civil case by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case | ICMS | Action record card | Incoming mail, Index of civil cases, Register of civil cases |
| Plaintiff's name | ICMS | Action record card | Incoming mail, Index of civil cases |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case category | ICMS | Action record card | Incoming mail, Index of civil cases, Register of civil cases |
| State fee | ICMS | Action record card | |
| Case file circulation within the court | ICMS | Action record card | |
| Essence of the case | ICMS | Action record card | |

*Source: Taraclia District Court chancellery specialists*

[5] *The registers are kept in Russian.*

The chancellery keeps more registers than required by the Guidelines.[6]

Some of the archives are located in the chancellery and some are in the basement. The conditions in the basement are not suitable for storing files. Only files to be disposed of and material evidence are stored there. There is no ventilation system, and the room is too small. The archives on the first floor are in satisfactory condition. The files are kept in order on the shelves.

## *Conclusions*

- The number of cases registered at Taraclia District Court decreased by 26.7% from 2009 to 2011.
- The number of cases examined at Taraclia District Court decreased by 32.0% from 2009 to 2011.
- During the same period, the number of civil cases examined increased by 149, the number of criminal cases increased by 9 and the number of administrative cases decreased by 431 cases.
- The case backlog increased by 96 from 2009 to 2011.
- The case clearance rate decreased by 7.0% during the same period.
- There is duplication of effort because laws and regulations require paper and digital registers.
- The specialists of the chancellery keep more registers than required in the Guidelines.

## *Recommendations*

- Consolidate and organize the archives into a single room.
- Install a ventilation system in the archives.
- Move the chancellery closer to the entrance and build a reception room on the first floor.
- Separate the space for judges and for the public.
- Review the internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to bring the number of registers in line with the requirements in the Guidelines.

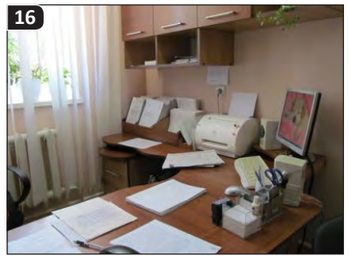


**Photo 15.** *Chancellery door*
**Photo 16.** *Chancellery*

**Photo 17.** *Archives*
**Photo 18.** *Archives*

[6] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

According to its staff roster, Taraclia District Court has 5 judges and 21 additional staff (Table 7).

There is no position for a human resource manager. In practice, those duties are performed by the court president and the public relations specialist. Previously the president of the court and the head of chancellery were responsible for managing human resources.

Taraclia District Court has a public relations specialist who is responsible for posting information about cases scheduled for hearings on the information board as well as updating the court's website and keeping a public relations register.

When a vacancy occurs, an announcement is placed in the *Official Gazette*, on radio, on the information board and on the website. Three working days before the expiry of the deadline for applications, a recruitment committee examines the applications and makes a short list. The secretary of the recruitment committee puts the list of accepted applicants on the information board and on the website and informs rejected applicants of the reason for rejection. The applicants undergo an oral and written test. The members of the recruitment committee decide on an applicant based on the final grade. The president of the court issues the recruitment order.

Taraclia District Court has job descriptions for the positions of adviser to the president, chancellery specialist, head of archives, translator, head of chancellery, chief accountant, clerk and public relations specialist.

**Table 7.** *Staffing scheme of Taraclia District Court*[7]

| No. | Position | Current number[5] |
|---|---|---|
| 1. | Judge | 4 |
| 2. | Investigative judge | 1 |
| 3. | Adviser to the court president | 1 |
| 4. | Chief accountant | 1 |
| 5. | Consultant | 1 |
| 6. | Head of the chancellery | 1 |
| 7. | Specialist | 1 |
| 8. | Clerk | 5 |
| 9. | Translator | 2 |
| 10. | Public relations specialist | 1 |
| 11. | Chief of the archives | 1 |
| 14. | Driver | 1 |
| 15. | Boiler room operator | 1.5 |
| 16. | Courier | 0.5 |
| 17. | Guard | 3 |
| 18. | Cleaner | 3 |
| | **TOTAL** | **26** |

*Source: Accounting office of Taraclia District Court*

The Court has internal regulations available to judges and regular staff that establish the operations and organization of the court and the rights and obligations of court management, judges and regular staff appointed or employed on the basis of an individual employment agreement, irrespective of its term, who are subordinated to the court or who provide services to ensure the efficient and effective administration of justice. The court also has rules of conduct for the case parties and public in Taraclia District Court.

Judges are trained by the NIJ, and in 2011 all judges of the court met the requirement of 40 annual hours of ongoing training. The judges the assessment team interviewed mentioned that NIJ training and the publications they receive from SCM are enough to meet their information and training needs. When looking for regulatory acts, Taraclia District Court uses the legislative database on the Ministry of Justice website and does not subscribe to any private legislative databases. The court subscribes to publications, including the *Official Gazette, SCJ Bulletin, Contabilitate si audit (Accounting and Audit), Salariul si cadrele (Staff and Remuneration), Svet (Light), Komsomolskaya Pravda (Comsomol Truth)*, and *Ekonomicheskoe Obozrenie (Economic Review).*

The court staff mentioned that they were last trained two years ago at NIJ in the use of ICMS. The court tries to cover staff training needs by conducting internal training sessions (one per week). The subjects the staff is interested in are legal areas and the use of ICMS and Femida and website management for the public relations specialist.

### *Conclusions*

- Human resources at Taraclia District Court are managed by the court president and the public relations specialist.
- The court has no human resource specialist.
- The court has an internal training system for staff.

### *Recommendations*

- Employ and train a human resource specialist.
- Train the public relations specialist.

[7] *There are no vacancies at Taraclia District Court.*

## V. SERVICES FOR THE PUBLIC

Taraclia District Court lacks an information window or office at the entrance to the courthouse. The office of the public relations specialist is on the first floor in the chancellery. There are no signs at the entrance to the court to show citizens the way to the public relations specialist, the chancellery or archives. There are signs saying that access to judges' offices is prohibited.

There is an information board on the second floor of the courthouse with the following data:

- List of cases scheduled for hearings which is not retrieved automatically from ICMS but is drafted manually in MS Word
- Rules of conduct for the participants in cases and other people in a court of law
- Internal regulations of Taraclia District Court.

Parties and other participants in a case may request copies of judgments from the chancellery. The request is approved by the court president. If the requester comes from a distance, the copy is issued on the same day. For other people, copies are generally issued within 10 days.

### *Conclusions*

- There is no information window for the public.
- There are no signs showing the way to the information office, chancellery or archives.
- The information board for the public on the second floor contains information helping visitors to orient themselves.
- The procedure for issuing copies of judgments requires the preliminary approval of the court president.

### *Recommendations*

- Put the information board on the first floor of the building.
- Post more detailed information of public interest on the information board, for example, announcements about the web page of Taraclia District Court, information about the right of parties in a case to request those recordings and a copy of the hearing on a CD, news on the judiciary, information about the state fee, samples of requests etc.
- Use the ICMS module for automatically retrieving the list of scheduled hearings.
- Install signs showing the way to the information office, chancellery and archives.

**Photo 19.** *Room for parties to litigations*
**Photo 20.** *Inscription on a judge's office door*
**Photo 21.** *Information board*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Taraclia District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which in turn receives ceilings for the entire justice sector from the Ministry of Justice. These ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others)

2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted as per the inflation rate predicted for the coming year. After all these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET (basic component)

The budget of Taraclia District Court is divided into the following six categories:

- *Staff expenditures* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – power, gas, water and sewerage, and sanitation;
- *Expenses for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[8]

From 2010 (executed) to 2012 (approved), the budget of Taraclia District Court increased from about MDL 1.1 million to MDL 1.6 million (Table 8).

In 2011, the court budget increased by 5% compared with 2010 mainly due to utilities and staff expenditures.

For 2012, the court budgeted a 31% increase with an increase in almost all categories except for repairs. Fixed assets increased substantially in order to purchase a car, and the funds for utilities almost doubled to pay for natural gas.

[8] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Taraclia District Court, by type of expense (2010–2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 823,837 | 894,777 | 9% | 1,045,300 | 17% |
| Repairs | 110,700 | 105,684 | -5% | 28,100 | -73% |
| Utilities | 53,068 | 62,786 | 18% | 121,800 | 94% |
| Fixed assets | 22,500 | 4,999 | -78% | 210,000 | 4101% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 163,970 | 165,960 | 1% | 215,100 | 30% |
| **Total** | **1,174,075** | **1,234,206** | **5%** | **1,620,300** | **31%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 received from the court*

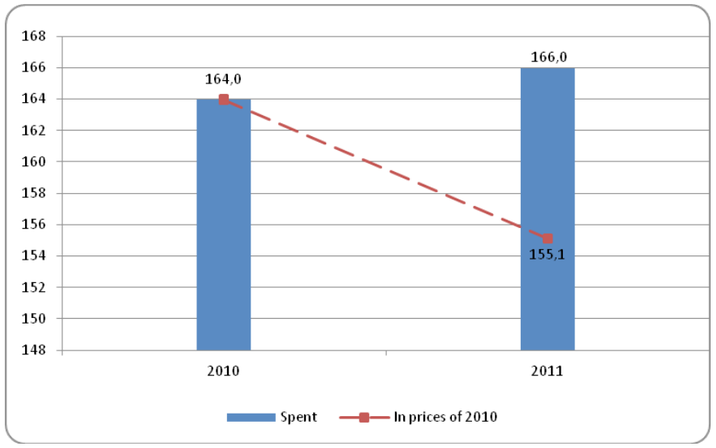
## 6.2. STAFF EXPENDITURES

Staff expenditures represent approximately 70% of the total budget in 2012 and increase year by year. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

From 2010 to 2011, the face value of operating expenditures was nearly the same with only a 1% increase in 2011, but the inflation rate in 2011 was 7%[9] which means that operating expenses decreased in real terms as MDL 166 thousand in 2011was equivalent to MDL 155 thousand in 2010. The real value of operating expenditures therefore decreased by approximately MDL 9 thousand.

**Graph 7.** *Operating expenditures for Taraclia District Court in 2010 and 2011*



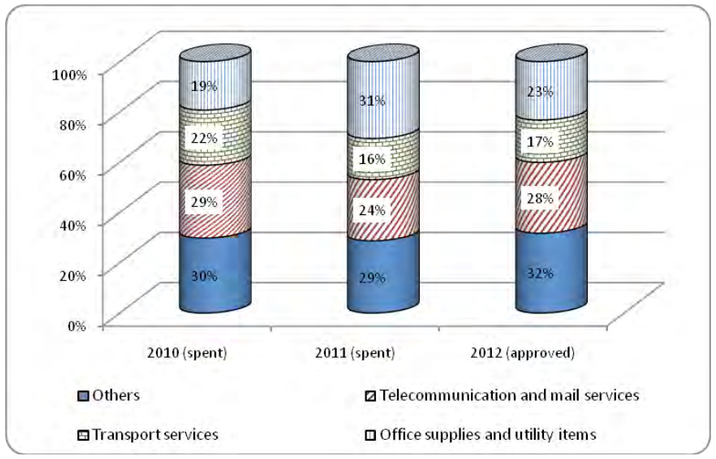

[9] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

The largest share of operating expenditures went into the following three categories:

- Office supplies and utility items;
- Transport services;
- Telecommunications and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




In 2010 about 29% of operating expenses were for telecommunications and mail services while transport services accounted for 22% and office supplies and utility items accounted for 19%.

In 2011 the largest share of operating expenses was for office supplies and utility items at 31% of the total. Telecommunications and mail services decreased by 5 percentage points to 24%, and transport services decreased by 6 p.p. compared to the previous year, going down to 16%.

For 2012 operating expenses were budgeted as follows:

- 23% for office supplies and utility items an 8 p.p. decrease compared to the previous year;
- 28% for telecommunications and mail services, which increased and almost achieving the level of 2010.
- 17% for transport services, remaining approximately at the level of the previous year.

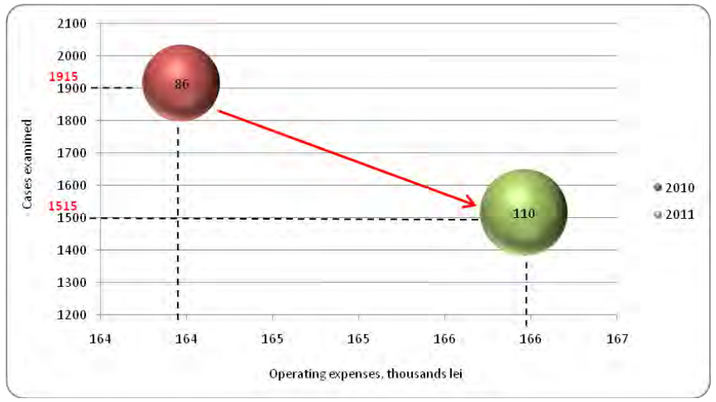
Expenses for telecommunications and mail merit attention because approximately 70% are planned for stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase of operational expenses in 2011 compared to 2010 can be explained by several factors. However, it was not due to the number of cases examined. Thus, in 2011 the number of examined cases was 1515, with 400 cases less than in 2010.

Comparing operating expenses with the number of cases examined, in 2010 the average cost of examining a case was about MDL 86 while in 2011 it was MDL 110 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Taraclia District Court in 2010 and 2011*



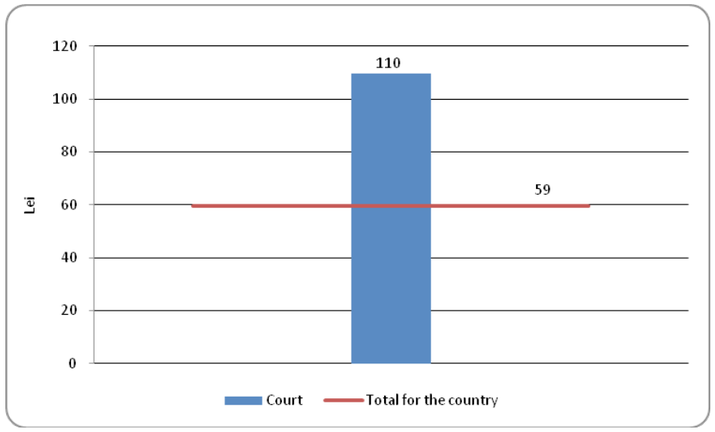

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The increase of the average operating cost/examined cases could be explained by decrease on the examine number and increase of operational expenditures.

## 6.6. AVERAGE OPERATING COST PER CASE IN TARACLIA DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 110 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Taraclia District Court in 2011 and the weighted average cost per case for the country as a whole*




As shown in the Graph 10, in 2011 the average cost per case examined in Taraclia District Court was higher than the weighted average cost per case examined for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

The book keeping is done electronically.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. The adviser to the president and the chief accountant are responsible for procurements, but they do not have professional qualifications. Since procurement legislation is continuously changing, these persons should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars, all of various brands and at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.)

### Conclusions

- Although 2011in nominal value, the operating expenditures increased, in real value these decreased.
- The average operating cost for examining a case increased in 2011 compared with 2010.
- In 2011, the average operating cost for examining a case was higher than the weighted average cost of examining a case in the country as a whole.
- The expenses for mail services account for a significant share of total operating expenses.
- Bookkeeping is done electronically.
- The court does all its public procurements without a procurement specialist.
- The training provided on public procurement is not enough to meet the needs of the court.

### Recommendations

- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Telenesti District Court, situated in the town of Telenesti, serves 51,752 inhabitants in the 54 localities that are part of Telenesti District according to Law No. 764 of 27 December 2001 on the Administrative-territorial Organization of the Republic of Moldova.

According to its staff roster, the court has 5 judges and 1 investigative judge and 20.5 support staff. Telenesti District Court has no human resource specialist; those duties are performed by the court president and the adviser to the court president. The position of public relations specialist is currently vacant, so those duties are mostly performed by the adviser to the court president though some fall to the chancellery specialist.

Staff expenditures have followed an upward trend. The court does all its public procurements without a procurement specialist. In 2011 both the face value and the real value of the allocations for operating expenditures decreased. In 2011 the average operating cost for examining a case increased compared with the previous year and was higher than the weighted average cost of a case examined for the country as a whole (see Section VI).

Telenesti District Court covers a total area of 475.3 sq. meters on two floors and a basement. There are 13 offices, 2 public rooms and 2 courtrooms.

From 2009 to 2011 general renovations were done, and the sewerage, electrical, and heating systems were repaired.

# TELENESTI DISTRICT COURT

*6, Stefan cel Mare Str., Telenesti*

*Date of the visit: 31 May 2012*

Telenesti District Court staff uses Version 2 of ICMS which was installed in 2011. The president of the court uses the random file distribution menu and cases are distributed evenly to all judges. Technical issues with ICMS were that some windows are blocked when ICMS starts because of browser incompatibility and frequent power outages. ICMS is managed by a consultant.

Telenesti District Court staff audio records all hearings held in its two courtrooms both of which have the equipment and software. During the documentation visit, the staff mentioned that it is impossible to record all court hearings since there are two courtrooms and six judges. The legal provisions stipulating both written minutes and recorded hearings (overlapping) are an additional disincentive for recording court hearings.

The specialists at Telenesti District Court have reduced to some extent the number of registers they keep in line with the Guidelines.

The total number of cases filed at Telenesti District Court decreased by 816 from 2009 to 2011, while the number of cases examined decreased by 816 during the same period with a case clearance rate of 93.7% in 2011.

The court has an information board for the public, and office doors have plaques clearly stating the judges' names but no warning that the access is restricted; however the plaques were taken off after the general repairs when the doors were replaced.

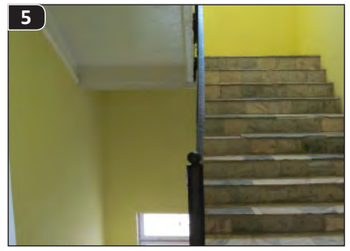
The website of Telenesti District Court is periodically updated, and most of the menus have information of public interest. However some information is lacking and the titles of some menus do not match their contents.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 2 | The facade was completely renovated in 2010. |
| Water supply | 2 | Water is supplied by the central system and the pressure is acceptable. |
| Power supply | 1 | The electric system was completely renovated in 2009 and 2010. |
| Sewerage system | 1 | The sewerage system was completely renovated in 2009 and 2010. |
| Heating system | 1 | The system is autonomous natural gas. A new boiler was procured in 2009; they plan to renovate the boiler room in 2013. |
| Firefighting system | - | There are fire extinguishers on every floor. |
| Roof | 2 | The roof was repaired in 2010 and is in relatively good condition. |
| Interior | 1 | The offices have been completely renovated; their condition is very good. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.



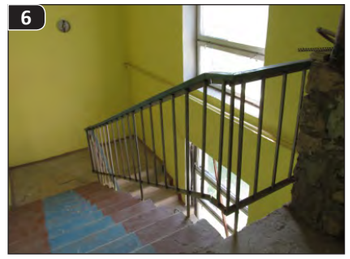



**Photo 1.** *Water drainage system*
**Photo 2.** *Yard of the courthouse*
**Photo 3.** *Pavement in front of the building*
**Photo 4.** *Back view*
**Photo 5.** *Interior staircase*
**Photo 6.** *Back stairs*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational conditions of Telenesti District Court as of May 2012.

Telenesti District Court covers a total area of 475.3 sq. meters on two floors and a basement. There are 13 offices, 2 public rooms and 2 courtrooms. The building is in good condition. The court façade and the electrical, heating and sewerage systems have been completely renovated as have the archive rooms.

The court is protected by the judicial police during the day and has three night watchmen on staff, who also work on holidays. They plan to install an alarm system and contract State Guard state-owned enterprise.

Capital renovations were made in 2009 and 2010; all offices got new furniture.

In 2011, the design of the front stairs was changed so people with disabilities have access to the building. The staircase was also repaired. The pavement in front of the building and the court facade were also repaired. The heating and power supply systems were completely renovated.

In 2012 they plan to construct a courtroom, pave the road in back of the courthouse for escorts, install an air conditioner in the LAN server room, and arrange a room for lawyers on the first floor. In 2013, they plan to move the archives from the first floor to the basement and to use the space for another courtroom.

The functional space of Telenesti District Court is suitable for the activity of a law court though there is no room for detainees. They are brought into the courthouse through the back door directly from the police station or penitentiary.

The interior finishing of the first floor is in very good condition as it was renovated in 2009 and 2010. The quality of work and the standard to which the finishing was done is very high. There are two restrooms on this floor used by both the staff and the public. The wiring and electrical sockets were replaced and new lighting fixtures were installed.

On the second floor, judge offices and the offices of the other employees were renovated in 2009 and 2010 and are in a very good condition. The lighting fixtures were replaced. Both courtrooms are on the second floor, where 6 judges perform their activity. Only one has a separate entrance for detainees. The courtrooms have deliberation rooms, but there are no separate entrances for the judges and for the parties in the case. The finishing of the existing courtrooms is very good, but the rooms have no air conditioners.

The server is on the second floor in the deliberation room which has no air conditioner.

The court does not have any firefighting alarms or sprinkler systems, but there are fire extinguishers on each floor.

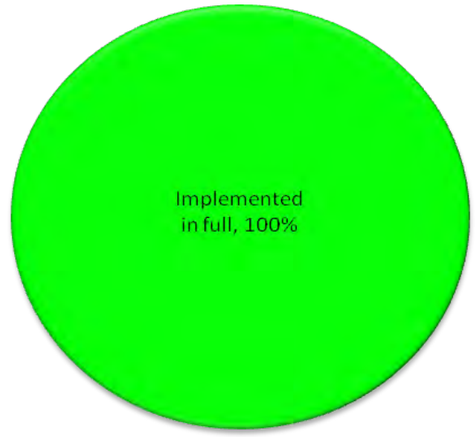
The 2009 Infrastructure Assessment Report listed six priorities for capital repair work; ROLISP estimated that 100% have been implemented (Table 1 and Graph 1).

**Table 1.** *Implementation of the capital repair priorities identified in 2009*

| Priorities for capital repair in 2009 | Implementation stage in 2012 |
|---|---|
| Finish the renovation of the smaller courtroom. | Implemented |
| Replace the water and sewerage pipes and renovate the restrooms. | Implemented |
| Solve the issue of dampness on the outer walls. | Implemented |
| Reorganize the facility and repair the interior finishing. | Implemented |
| Replace wooden windows. | Implemented |
| Upgrade the electrical network and electrical outlets in the building | Implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of the 2009 capital repair priorities in 2012*

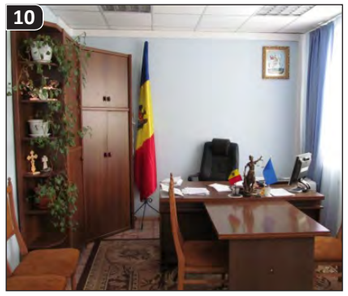


## Conclusions

- Telenesti District Court was renovated from 2009 to 2012.
- The renovation work was based on recommendations and priorities in the 2009 Infrastructure Assessment Report.
- ROLISP estimated that 100% of the 2009 recommendations for capital repairs have been implemented.

## Recommendations

- Organize the rooms in the basement to fit the current needs.
- Reconfigure the current space so the number of courtrooms equals the number of judges.
- Make space for the judicial police at the entrance to the court.
- Make space for lawyers and prosecutors.
- Make space for detainees.
- Relocate the chancellery and build a reception room on the first floor to facilitate public access to information.
- Provide air conditioners for all offices.



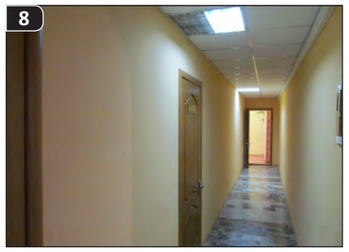


**Photo 7.** *Public space*
**Photo 8.** *Corridor*
**Photo 9.** *Public space*

**Photo 10.** *President's office*
**Photo 11.** *Public space*
**Photo 12.** *Restroom*
**Photo 13.** *Server*

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Telenesti District Court staff has used ICMS since 2009; Version 2 was installed in 2011.

The president of the court uses the random file distribution menu and cases are distributed evenly to all judges. The staff mentioned browser incompatibility, blocked windows and power outages as technical difficulties. ICMS is managed by a consultant.

In order to create electronic files, documents must be scanned after registering the files. The chancellery staff does not, however, scan the statements of claim and their annexes because the scanner they were using is not working. CST took the scanner to repair it but hasn't returned it yet.

ICMS is the primary information source for parties in a case. If the information is not found in ICMS, case papers or, the registers kept by chancellery are consulted.

Telenesti District Court has an information technology specialist who also holds the position of court consultant. The court has a contract with a legal entity to provide services, and some technical issues are also referred to CTS. The staff rated their satisfaction with the services provided by CTS in 2012 as a 4 out of 5.

The court staff said that the building has problems with the fuses, which causes frequent power outages. A voltage regulator for the server would improve the situation. The one they have does not work.

### 2.2. AUDIO RECORDING SYSTEM

Telenesti District Court has two courtrooms both with sets of audio recording equipment and software. Hearings taking place in the courtrooms are audio recorded but as there are six judges, not all hearings take place in the courtrooms and so not all are recorded. The equipment is functional and the court staff knows how to use it.

There have been no requests for recordings.

The doors of the courtrooms have plaques stating that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings approved by CSM Decision No. 212/8 of 18 June 2009, the purpose is to check the accuracy and the completeness of the written minutes of hearings and to ensure transparency and efficiency of court operations. Since not all hearings are audio recorded, the clerks cannot ensure the completeness of all minutes by using the recordings.

The audio records are stored on the server and are not deleted.

The staff of Telenesti District Court mentioned that the problems they face are the insufficient number of courtrooms and the legislation that requires minutes on paper and in digital format.

**Photo 14.** *Inscription on a courtroom door*
**Photo 15.** *Courtroom*
**Photo 16.** *Courtroom*
**Photo 17.** *Courtroom*

## 2.3. WEB PAGE OF TELENESTI DISTRICT COURT

Telenesti District Court has a website where information for citizens is posted; it is updated as needed.

Table 2 below shows the menus for the web page of Telenesti District Court and their completeness.

**Table 2.** *Content of the web page of Telenesti District Court*

| Menu title | Information posted on the web page |
|---|---|
| Statistical Records | Information on Lorem Ipsum |
| Welcome to the Website of Telenesti District Court | A picture is posted, but it cannot be seen |
| Congratulations | – A picture is posted, but it cannot be seen<br>– Season's greetings |
| Message of the president of the court | – Photo of court president<br>– Message of the president of the court |
| Competence | – General competence<br>– Territorial scope |
| Regulatory Framework | – A picture is posted, but it cannot be seen<br>– Table with 14 main regulatory acts that govern the activity of the court<br>– List of 3 other regulatory acts |
| Public Relations Service | – Working hours<br>– Office hours |
| Press Releases | A picture is posted, but it cannot be seen |
| News | – Vacancies<br>– Open House |
| Archives | Organizational chart |
| Organization | No information |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>**Last judgment was posted on 31 July 2012** |
| Archives | – Information note 2011 (6 months)<br>– Information note 2010<br>– Information note 2010 (9 months)<br>– Information note 2010 (6 months)<br>– Information note 2019<br>– Information note 2011 |
| Information of Public Interest | – Link to the menu "*Telenesti District*", which contains two pictures that cannot be seen and a link to the website of Telenesti District<br>– Link to the *Code of Conduct for Public Servants*<br>– Link to the *Rules of Conduct for Parties in Litigations in Court,* which contains an image that cannot be seen<br>– Link to *Resources for drafting statements of claim*<br>– Link to *Request for issuing an enforcement order*<br>– Link to *Services provided by Telenesti District Court*<br>– Link to *Staffing scheme of Telenesti District Court*<br>– Link to *Statement of income of judges from Telenesti District Court*<br>– Link to *Activity plan of Telenesti District Court*<br>– Link to *Schedule for issuing documents by the chancellery of Telenesti District Court*<br>– Link to *Working hours of Telenesti District Court*<br>– Link to the *Code of Conduct for Court Staff* |

*Source: http://jtl.justice.md/*

Most of the menus have some information of public interest; however, sometimes the menu titles and their contents are inconsistent and sometimes the information is not organized. The menu "*Regulatory Framework*" includes several acts that relate to the judiciary; however, the links are not active. To facilitate public access, it would be better to have active links in this menu. In "*Competence*," the table showing the jurisdiction of Telenesti District Court should be reformatted. "*Archives*" should have information about issuing copies of judicial acts, and the organizational chart of the court should be in "*Organization*."

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Telenesti District Court has sufficient equipment to operate properly. Table 3 shows the equipment category, the number of existing items and the equipment needed according to court staff.

**Table 3.** *Equipment inventory and equipment needs*

| Equipment item | Number of items | Needed |
|---|---|---|
| Computers | 23, only 21 work | 6 |
| Printers | 25, only 20 work | 6 |
| Photocopier | 3, only 1 works | |
| Scanner | 1, does not work | 1 |
| Audio recording equipment sets | 2 | 3 |
| UPS | 8 | 13 |
| Server | 1 | - |
| Water cooler | 1 | - |
| Postage meter | - | 1 |
| Voltage regulator | 1, does not work | 1 |

*Source: Telenesti District Court*

### Conclusions

- Staff of Telenesti District Court does not have any significant problems using ICMS except for frequent power outages.
- The court employees audio record hearings held in the two courtrooms.
- To improve its work, Telenesti District Court needs 6 computers, 13 UPS units, 6 printers, 1 postage meter, 1 voltage regulator and 3 sets of audio recording equipment for the courtrooms that will be established.
- Telenesti District Court uses the website content management system; however, there sometimes menu titles do not match their contents and some menus have no information at all.

### Recommendations

- Make the number of courtrooms equal to the number of judges.
- Ensure all court hearings are conducted in courtrooms by efficiently scheduling them.
- Ensure an uninterrupted power supply.
- Delete audio recordings from the server in line with SCM regulations.[2]
- Fill the menus on the website with information of public interest and update them regularly.
- Organize a room for the server with an air conditioner.

[2] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*

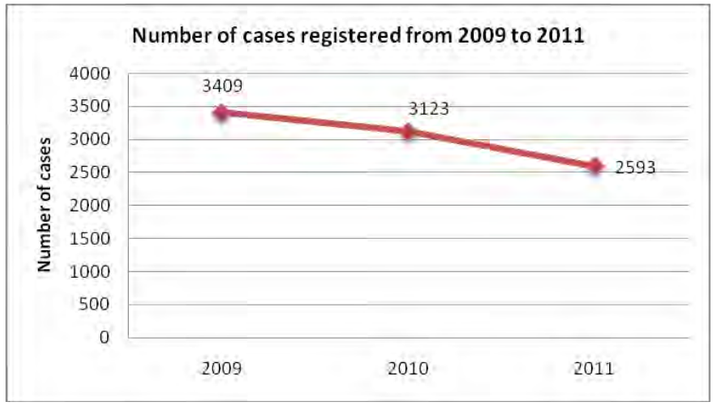
# III. WORK OF TELENESTI DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The workload of Telenesti District Court was analyzed from 2009 to 2011 by the total number of cases registered, the total number of cases examined, the number examined by type of case, the year-end backlog and the case clearance rate.

Graph 2 shows that the total number of cases registered decreased from 3409 in 2009 to 2593 in 2011.

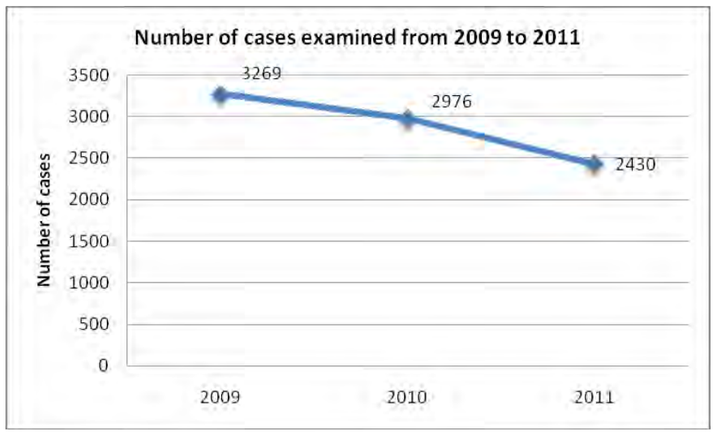
**Graph 2.** *Number of cases registered from 2009 to 2011*




*Source: DJA*

The total number of cases examined decreased from 3269 in 2009 to 2430 in 2011 (Graph 3).

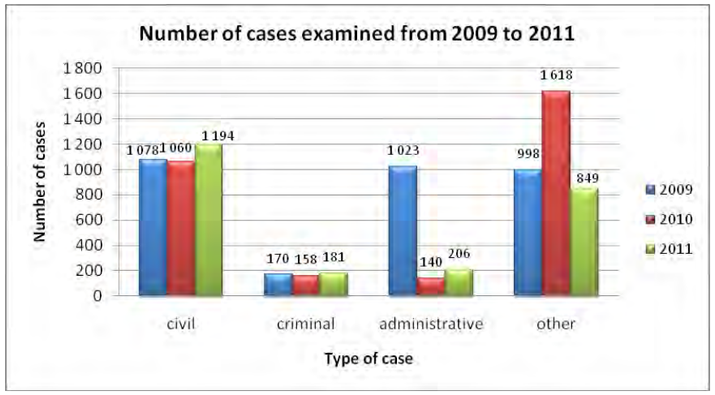
**Graph 3.** *Number of cases examined from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, from 2009 to 2011 the number of civil cases examined by Telenesti District Court increased from 1078 to 1194, the number of criminal cases didn't changed materially and the number of administrative cases decreased from 1023 to 206.

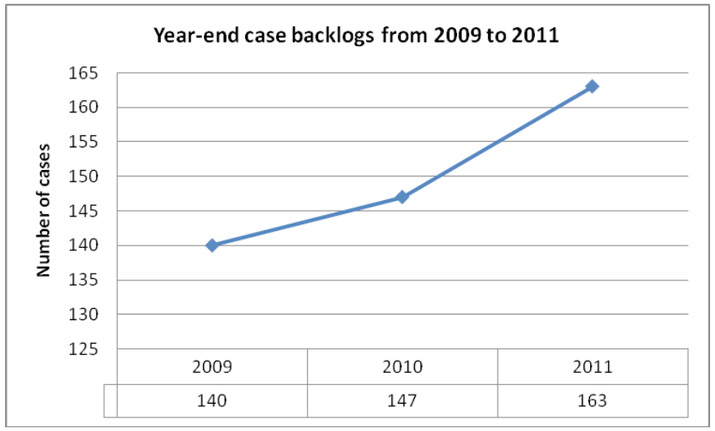
**Graph 4.** *Number of cases examined from 2009 to 2011 by type of case*




*Source: DJA*

The year-end case backlog of Telenesti District Court increased from 140 in 2009 to 163 in 2011 (Graph 5).

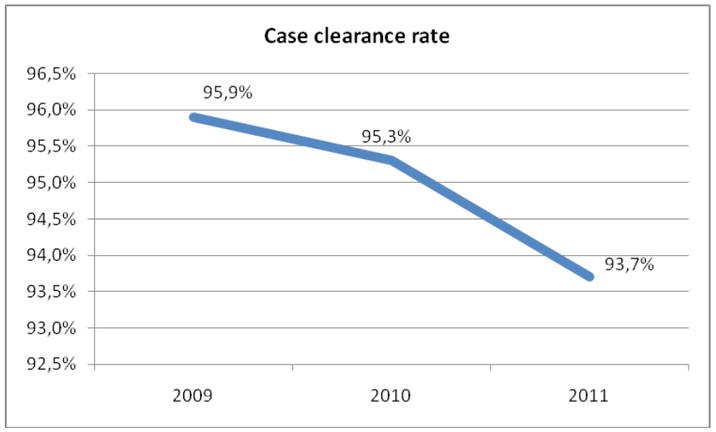
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Telenesti District Court decreased from 95.9% in 2009 to 93.7% in 2011.

**Graph 6.** *Case clearance rate from 2009 to 2011*




## 3.2. ORGANIZATION OF ACTIVITIES

Telenesti District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and conducting other work required for the normal run of court activities.

The chancellery of Telenesti District Court is situated on the first floor and has two employees. Its specialists are responsible for scanning documents from case files and registering cases in ICMS and on paper.

To get information for the public, the chancellery uses the search menu in ICMS as well as case documents if the information is not found electronically.

The chancellery of Telenesti District Court keeps the registers in Table 4.

**Table 4.** *The registers used by Telenesti District Court chancellery*

| Register Category | Register Title |
|---|---|
| ***General*** | 1 Incoming mail<br>2 Outgoing mail |
| ***Civil*** | 1. Index of administrative cases<br>2. Requests to review the civil cases<br>3. Materials submitted to and intercessions of the bailiffs<br>4. Cases sent to the higher courts<br>5. Materials related to enforcing judgments<br>6. Index of civil cases |
| ***Criminal*** | 1. Complaints against criminal investigative bodies<br>2. Authorizations for investigating criminal actions<br>3. Warrants of arrest<br>4. Home arrest<br>5. Index of criminal cases<br>6. Material evidence<br>7. Disposing of material evidence |
| ***Administrative*** | 1. Intercessions of investigators on revising sentences<br>2. Index of administrative cases |

*Source: Telenesti District Court chancellery specialists*

The court maintains duplicate records of case files—one on paper and one in digital format. The same information may be entered three or even four times in various records as shown in Table 5.

**Table 5.** *Registration of a civil case by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case | ICMS | Action record card | Incoming mail |
| Plaintiff's name | ICMS | Action record card | |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | Index of civil cases |
| Case category | ICMS | Action record card | Index of civil cases |
| Essence of the case | ICMS | Action record card | |
| State fee | ICMS | Action record card | Index of civil cases |
| Case file circulation within the court | ICMS | Action record card | |

*Source: Telenesti District Court chancellery specialists*

The chancellery has significantly reduced the number of registers in line with the amendments to the Guidelines.[3]

The archives of Telenesti District Court are located on the first floor of the building in two rooms: one for files and the other for original verdicts and judgments from the files. The room for files is a proper size and location and has appropriate temperature and humidity levels. The files are in order and efficiently organized. Access to the archives is restricted.

## *Conclusions*

- The number of cases registered at Telenesti District Court decreased by 23.9% from 2009 to 2011.
- The number of cases examined at Telenesti District Court decreased by 25.7% from 2009 to 2011.
- During the same period, the number of civil cases examined increased by 116, the number of criminal cases increased by 11 and the number of administrative cases decreased by 817.
- The case backlog increased by 23 from 2009 to 2011.
- The case clearance rate decreased by 2.2% during the same period.
- There is duplication of effort because laws and regulations require paper and digital registers.
- The specialists of the chancellery use more registers than required in the Guidelines.

## *Recommendations*

- Review the internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to bring the number of registers in line with the requirements in the Guidelines.

[3] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

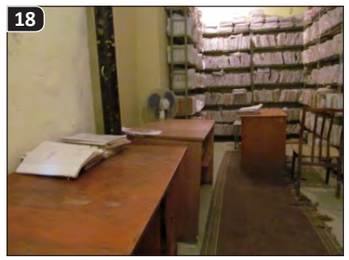


**Photo 18.** *Archives*

**Photo 19.** *Archives*

## IV. HUMAN RESOURCES

According to its staff roster, the court has 5 judges and 1 investigative judge and 20.5 support staff (Table 6).

Telenesti District Court has no human resource specialist. In practice, those duties are performed by the court president and the adviser to the president. The adviser is responsible for drafting and keeping records of staff documents and personnel files, for filling in and keeping records of labor cards and for developing draft orders and decrees.

The adviser to the president also performs the duties of a public relations specialist. He officially represents the court with mass media and the public and is responsible for informing mass media and the public to ensure that court operations are transparent and comply with the law.

Internal staff recruiting procedures are conducted in line with the Regulation on the Filling Public Positions Competitively approved by Government Decision no. 201 in 2009.

Job descriptions are approved every year as needed. They help to clarify the duties of court staff. Telenesti District Court has job descriptions for clerks, adviser to the president, consultant, chief accountant, head of chancellery, translator, and head of archives.

**Table 6.** *Staffing scheme of Telenesti District Court*

| No. | Position | Current number | Vacancies |
|---|---|---|---|
| 1. | President | 1 | - |
| 2. | Vice-president | 1 | - |
| 3. | Judge | 3 | - |
| 4. | Investigative judge | 1 | - |
| 5. | Adviser to the court president | 1 | - |
| 6. | Chief accountant | 1 | - |
| 7. | Consultant | 2 | - |
| 8. | Clerk | 6 | - |
| 9. | Translator | 1 | - |
| 10. | Head of the chancellery | 1 | - |
| 11. | Specialist | 1 | - |
| 12. | Coordinating specialist | - | 1 |
| 13. | Head of the archives | 1 | - |
| 14. | Courier | 0.5 | - |
| 15. | Driver | 1 | - |
| 16. | Guard | 3 | - |
| 17. | Cleaner | 2 | - |
| | **TOTAL** | **27.5** | **-** |

*Source: Accounting office of Telenesti District Court*

The Court has internal regulations available to judges and regular staff that establish the operations and organization of the court and the rights and obligations of court management, judges and regular staff appointed or employed on the basis of an individual employment agreement, irrespective of its term, who are subordinated to the court or who provide services to ensure the efficient and effective administration of justice.

Judges are trained by the NIJ, and in 2011, all judges from Telenesti District Court met the requirement of 40 annual hours of ongoing training. The judges the assessment team interviewed mentioned that NIJ training and the publications they receive from SCM are enough to meet their information and training needs. When searching regulatory acts, the judges use Moldlex legislative database. Telenesti District Court subscribes to *Official Gazette, Ziarul de Garda (Watchdog Newspaper), Cuvintul (The Word)*, and *Komsomolskaya Pravda (Komsomol Truth).*

The court president said the clerks need to be trained in drafting minutes of the court hearings and in the use of ICMS and Femida. He said that it would be suitable to train the clerks where judges are trained.

### *Conclusions*

- Human resource management in Telenesti District Court is carried out by the court president and the adviser to the court president.
- The court currently has no public relations specialist.
- The court has no human resource specialist.
- The clerks, chancellery specialists and the archive specialist need training in areas ranging from studying the peculiarities of applying the law to studying the judicial information system and applying the criminal and civil procedure documents.

### *Recommendations*

- Employ and train a human resource specialist.
- Employ and train a public relations specialist.
- Establish a system to train court staff internally.

## V. SERVICES FOR THE PUBLIC

Telenesti District Court does not have an information window at the entrance. The position of the public relations specialist is vacant. However, the public relations duties are performed by the adviser to the court president and by a chancellery specialist. There are plaques on the doors of the judges' offices stating their names, but there is no warning that access to the office is restricted.

There is a board at the entrance to the building with the following information:

- List of cases scheduled for hearing which at Telenesti District Court is retrieved automatically from ICMS
- An evacuation plan in case of emergency
- Information on combating corruption
- Working hours of Telenesti District Court
- Internal regulations of Telenesti District Court
- Code of Conduct for Public Servants

Parties and other participants in a case can apply at the chancellery for copies of judgments on all working days during the working hours of the court. Copies are issued on the same or on the next day. A copy of the requester's identity card must be submitted with the request. The person must pay the state fee if this is not the first copy requested. The president approves the request and appoints someone to implement it. With confirmation of payment the person may then pick up the copy of the decision at the chancellery or, as appropriate, at the archivist's office.

### *Conclusions*

- The court has no information window for the public.
- There is no signage guiding visitors
- The information board for the public at the courthouse entrance contains relevant and comprehensive information helping visitors to better orient themselves.
- The chancellery of Telenesti District Court is situated on the first floor.
- The procedure for getting copies of judgments requires the approval by the court president who has to make time to examine, approve or reject the applications

### *Recommendations*

- Establish an information window for citizens at the entrance to the court.
- Install guiding signage for the public.
- Employ a public relations specialist.
- Put notices on judges' office doors that access is restricted.
- Simplify the procedure for issuing copies of case documents by exempting the president of the duty to confirm the requests and train the chancellery staff accordingly.
- Post more detailed information of public interest on the information board, for example, announcements about the web page of Telenesti District Court, information about the right of parties in a case to request recordings and a copy of the hearing on a CD, news on the judiciary, information about the state fee, samples of requests etc.

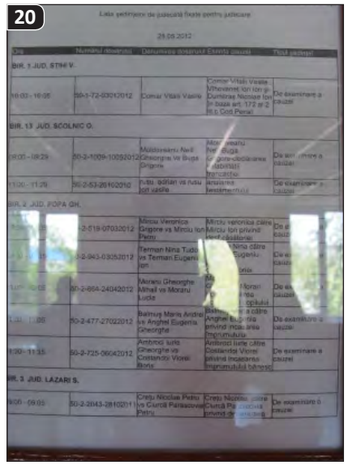


**Photo 20.** *List of cases scheduled for trial retrieved from the ICMS*
**Photo 21.** *Evacuation scheme*
**Photo 22.** *Information board*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Telenesti District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA, which in turn receives ceilings for the entire justice sector from the Ministry of Justice. These ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling from DJA is set for the following two expenditure categories:

1) Current expenditures (staff, others)

2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted as per the inflation rate predicted for the coming year. After all these calculations, the court proposes a draft budget that complies with the ceilings established by DJA

## 6.1. BUDGET (basic component)

The budget of Telenesti District Court is divided into the following six categories:

- *Staff expenditures* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – power, gas, water and sewerage, and sanitation;
- *Expenses for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[4]

From 2010 (executed) to 2012 (approved), the budget of Telenesti District Court increased from about MDL 1.3 million to MDL 1.8 million (Table 7).

In 2011 the court budget increased 7% compared with 2010 due mostly to the increase in operating expenses.

For 2012 the court planned a 27% increase over 2011 to buy a car and to fund a 23% increase in operating expenses and a 14% increase in staff expenses. Expenditures planned for repairs decreased by 33% compared to the previous year.

[4] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 7.** *Budget of Telenesti District Court by type of expense (2010–2012)*

| Expense category/ year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 1,027,429 | 1,079,344 | 5% | 1,226,200 | 14% |
| Repairs | 35,999 | 75,016 | 108% | 50,500 | -33% |
| Utilities | 66,732 | 74,715 | 12% | 84,100 | 13% |
| Fixed assets | 0 | 0 | 0% | 210,000 | 100% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 197,738 | 185,919 | -6% | 229,300 | 23% |
| **Total** | **1,327,898** | **1,414,994** | **7%** | **1,800,100** | **27%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 received from the court*

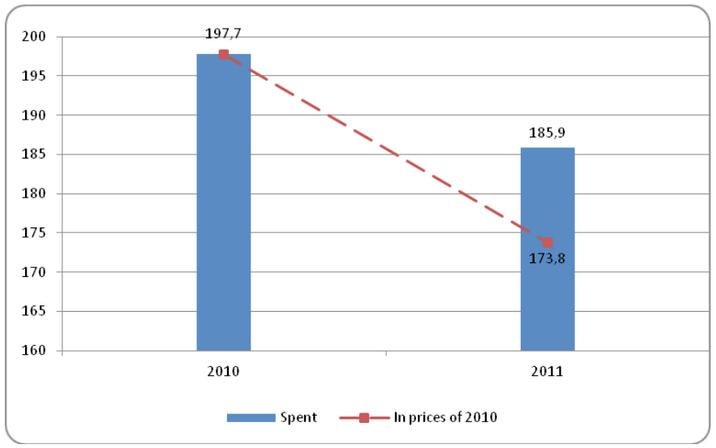
## 6.2. STAFF EXPENDITURES

Staff expenditures represent approximately 70% of the total budget in 2012 and increase year by year. Due to the fact that remuneration is regulated by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

From 2010 to 2011, both the face value and the real value of operating expenditures decreased. Their face value decreased from MDL 197.7 thousand to MDL 185.9 thousand, which represents a growth of about 6%. Their real value decreased by approximately 12% taking into account that in 2011 the inflation rate was 7%. MDL 185.9 thousand in 2011 was therefore equivalent to MDL 173.8 thousand in 2010; hence, the real value of operating expenditures decreased by approximately MDL 24 thousand. [5]

**Graph 7.** *Operating expenses in 2010 and 2011at Telenesti District Court*



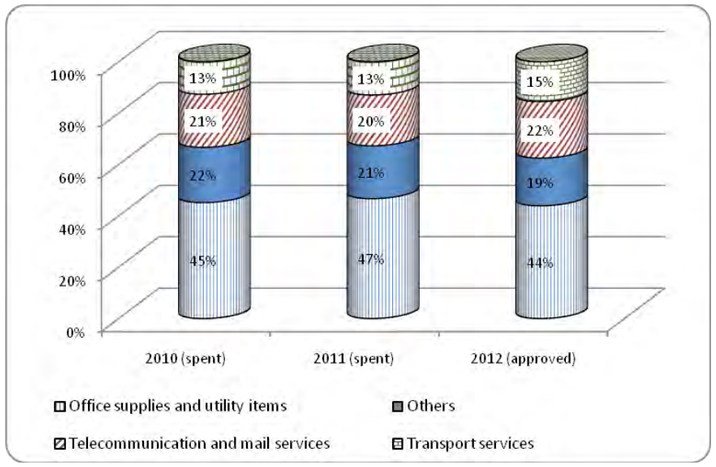

[5] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

The biggest share of operating expenditures went into the following three categories:

- Office supplies and utility items;
- Transport services;
- Telecommunications and post services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that in 2010 45% of the operating expenses were for office supplies and utility items while telecommunications and mail accounted for 21% and transport for 13%.

In 2011 the structure of operating expenditures was similar. So, the share of expenses for the procurement of office supply and utility items accounted for about 47% that is 2 percentage points more than in the previous year. The share of telecommunications and post office services accounted for 20% of the total operating expenses. The share of transport services remains at the level on the previous year.

For 2012 the budget is the following:

- 44% for office supplies and utility items
- 22%. for telecommunications and mail
- 15% for transport

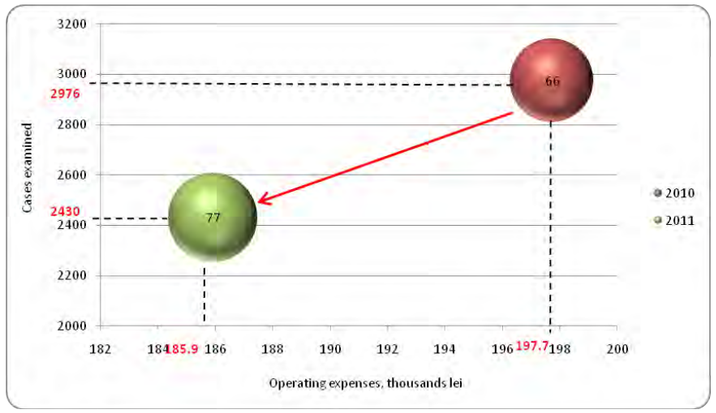
Expenses for telecommunications and mail merit attention because approximately 70% are planned for stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease of operating expenses in 2011 compared to 2010 can be explained by several factors including by decrease of the number of cases examined. In 2011 the court examined 2430 cases compared to 2976 cases in 2010.

Comparing the operating expenditures with the number of cases examined, in 2010 the average cost for examining a case amounted to approximately MDL 66 while in 2011 it was MDL 77 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in Telenesti District Court in 2010 and 2011*



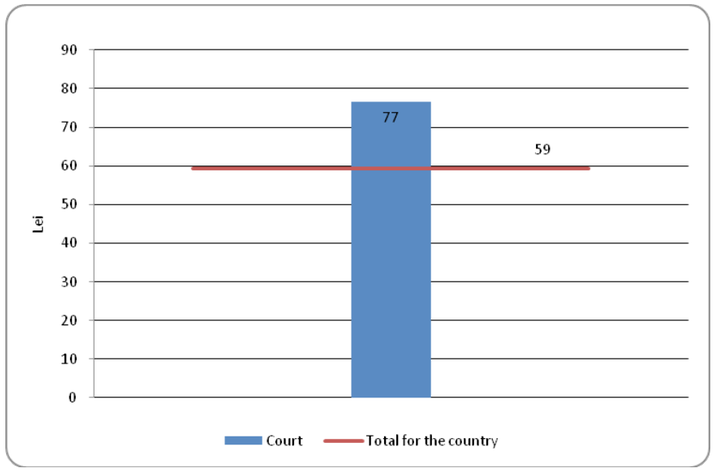

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

The increase in the average operating cost per case can be explained by the decrease in the number of cases examined and the concurrent increase in operating expenditures.

## 6.6. AVERAGE OPERATING COST PER CASE IN TELENESTI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 77 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Telenesti District Court and the weighted average cost per case for the country*




As shown in the Graph 10, in 2011 the average cost per case examined in Telenesti District Court was higher than the weighted average cost per case for the country as a whole.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Though the court has software for electronic accounting, the staff does not use it because they do not know how to. Accounting is therefore done manually.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed by the chief accountant who does not have professional qualifications in public procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars, all of various brands and at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.)

### Conclusions

- In 2011, both the face value and the real value of operating expenditures decreased.
- In 2011 the average operating cost for examining a case increased compared with 2010.
- In 2011 the average operating cost for examining a case was higher than the weighted average cost of a case examined for the country as a whole.
- The expenses for mail services account for a large share of total operating expenses.
- Bookkeeping is done manually because staff does not know how to use the software they have.
- The court does all its public procurements without a procurement specialist.
- There is need for training in public procurements.

### Recommendations

- Consider training the staff to use the accounting software.
- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Ungheni District Court, situated in the town of Ungheni, serves 110,600 inhabitants in the 74 localities that are part of Ungheni District according to Law No. 764 of 27 December 2001 on the Administrative-territorial Organization of the Republic of Moldova.

According to its staffing chart, Ungheni District Court has 7 judges, and 1 investigative judge. Its office also employs other 25 persons. Ungheni District Court has no human resource specialist; those duties are performed by the court president and the adviser to the court president. The public relations specialist also holds the part-time position of chancellery specialist.

Staff expenditures follow an upward trend. The court does all its public procurements without a procurements specialist. Althought the face value of the allocations for operating expenditures in 2011 increased, the real value decreased compared with previous year. In 2011 the average operating cost for examining a case slightly increased compared with the previous year but still was lower than the weighted average cost of a case examined for the country as a whole (see the detailed analysis in Chapter VI).

Ungheni District Court has an area of 460.3 sq. meters on two floors. Its exterior, roofing, sewerage system and electrical system have been renovated. No repairs are planned.

The Ungheni District Court staff uses ICMS Version 2 which was installed in 2009. The issues they mentioned with it were the inequitable distribution of cases, its slow speed and duplication of work.

# UNGHENI DISTRICT COURT

*21, Nationala Str., Ungheni Town*

*Date of the visit: 5 June 2012*

Ungheni District Court does not make audio recordings of the hearings that take place in the three courtrooms fitted out with audio recording equipment because the clerks are new and do not know how to use the equipment. During the documentation visit they mentioned that it is impossible to conduct all hearings in the courtrooms since they have three for eight judges. Turnover of court clerks, a lack of training and legal requirements for written minutes and for audio recordings of hearings (overlapping) are among the other reasons they do not record hearings.

The number of registers the specialists at Ungheni District Court keep does not comply with the amendments to the Guidelines that significantly decreased the number required.

The total number of cases registered at Ungheni District Court decreased by 624 from 2009 to 2011 while the number of cases examined decreased by 924 during the same period with a case clearance rate of 82.8% in 2011.

The court has an information board for the public, and judges' office doors have plaques stating that the access is prohibited but do not show their names.

The website of Ungheni District Court is periodically updated and the menus have some information of public interest. Nevertheless, some menus are empty while in others the information is duplicated or does not match the name of the menu.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 2 | The facade was renovated. It is in good condition and well cared for. |
| Water supply | 2 | The water supply is sufficient. The court is connected to a centralized water supply system. The piping is in good condition. |
| Power supply | 2 | The electrical network was completely renovated including the wiring. |
| Sewerage system | 2 | The system is in good condition, but some renovation is needed. |
| Heating system | 2 | The heating system is based on gas. In 2009, two boilers were purchased. |
| Firefighting system | - | Does not exist. |
| Roofing | 2 | The roof structure is in good condition. It was renovated during the repairs made in 2009. |
| Interior | 2 | The interior was completely renovated in 2009. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

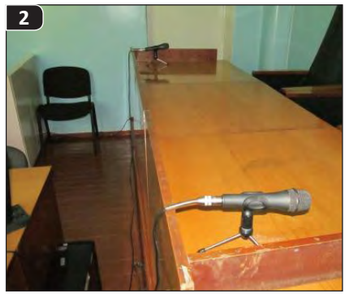


**Photo 1.** *Court facade*
**Photo 2.** *Courtroom*
**Photo 3.** *Courtroom*
**Photo 4.** *Court facade*
**Photo 5.** *Back door of the court*
**Photo 6.** *Space for judicial police*
**Photo 7.** *Archives*
**Photo 8.** *Ventilation system in the archives*
**Photo 9.** *Information window for citizens*
**Photo 10.** *Chancellery*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational conditions of Ungheni District Court as of June 2012.

The courthouse consists of two floors with a total area of 460.3 sq. meters. There are 25 offices, 4 public rooms and 3 courtrooms.

Ungheni District Court benefits from the services of the judicial police and state guard so does not have any guards on staff.

Ungheni District Court was one of four pilot courts that received technical and financial assistance for renovations under the Moldova Governance Threshold Country Program.

The court facade is in good condition as it was renovated in 2009.

The court has a renovated sewerage system and piping, both in good condition. The electric system is in a very good state because it was totally renovated during the 2009 repairs. The archives are efficiently located in a single room on the first floor. The chancellery is located on the first floor close to the main entrance and has a public information window.

The interior of the first floor of the building is in good condition. All rooms have been substantially renovated. The ceiling and walls in the offices were repaired, the walls were painted and new furniture was procured. The new rooms for the chancellery and reception have significantly facilitated the access of the public. There are restrooms on both floors for participants in trials. The main staircase of the court was totally renovated. The back staircase of the court was not but is in good condition.

The interior of the second floor was also completely renovated with new furniture and lighting fixtures. The server is located in a separate room that has an air conditioner. The offices of the judges and other employees are in good condition. The restroom for employees is in good condition; access to it by the public is restricted. Two courtrooms on the second floor were renovated but the third one wasn't and is unsatisfactory.

The heating system is in good condition; no problems were reported. Two new boilers were procured in 2009.

The lighting fixtures were changed during the repairs of 2009.

There are no firefighting systems and no emergency lights.

The functional space of Ungheni District Court is suitable for a law court. There is a separate entrance for detainees, but there is no separate room for them. Currently they are brought to the courtroom directly from the police station through the back door and the public hallway.

There are three courtrooms for eight judges.

Ungheni District Court has no renovation projects planned because the intention is to build or move to a new building. The current facility is too small and redesigning it cannot solve the problem. Because of this and due to the repairs of 2009, no capital investment in repairs is planned.

As a pilot project, Ungheni District Court was not assessed in the Infrastructure Assessment Report of 2009. When the repairs were made, the rooms were planned to ensure better services and easier access to information and the principle of separating space for the public from that for court staff was taken into account, but the lack of space didn't allow for complete separation.

### Conclusions

- In 2009 Ungheni District Court under went capital repairs and redesigning.
- Some rooms still need capital repairs.
- The court has no cells for detainees.
- There is no fire alarm or sprinkler system in the courthouse.

### Recommendations

- Install a firefighting system.
- Renovate the courtroom on the second floor.
- Establish cells for detainees and restrict access to them.

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The Ungheni District Court staff has used ICMS Version 2 since 2009. The problems they mentioned with the software were an inequitable distribution of cases and its slow speed. The adviser to the court president manages human resources, introduces the new employees of the court.

After case files are registered, the clerical staff scans statements of claim, receipts for state fees and copies of plaintiffs' IDs in civil cases. Criminal and administrative case files are not scanned.

The court has no information technology specialist, so technical issues are resolved by CTS. According to the staff, CTS solves problems quickly and the cooperation between them is efficient. They rated their satisfaction with the services provided by CTS in 2012 as a 4 out of 5.

**Table 1.** *Suggestions for modifying ICMS at Ungheni District Court*

| No. | Suggestions for modifying ICMS |
|---|---|
| 1. | Increase the speed. |
| 2. | Establish degrees of case complexity. |
| 3. | Make it possible to reopen files that have been closed (if the case is returned to the list). |
| 4. | Send fewer cases to newly appointed judges. |

*Source: President of Ungheni District Court*

### 2.2. AUDIO RECORDING SYSTEM

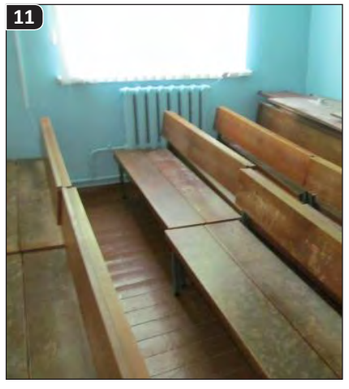
Ungheni District Court has three courtrooms, all of which have audio recording equipment and software. Hearings taking place in courtrooms are not, however, recorded because the clerks are not trained in how to use the equipment. In addition, not all the hearings take place in courtrooms as there are eight judges.

The staff never received requests to record hearings. Since 2009 when the audio recording equipment and software were installed, there have been no requests for CDs of court hearings. It was also mentioned that the court does not have any CDs.

The courtroom doors have no plaques stating that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings,[2] the purpose of recording court hearings is to check the accuracy and the completeness of the written minutes and to ensure transparency and efficiency of court operations. Recordings are not used by the clerks for this purpose.

The technical issues the staff faces are the impossibility to use audio recording equipment and software. Other problems are the insufficient number of courtrooms, legislation that requires keeping records on paper and in digital format and a lack of trained staff.



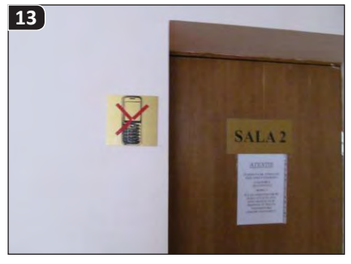



**Photo 11.** *Courtroom*
**Photo 12.** *Courtroom with audio recording equipment*
**Photo 13.** *Inscription on a courtroom door*

[2] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*

## 2.3. WEB PAGE OF UNGHENI DISTRICT COURT

Ungheni District Court has a website where information for citizens is posted that is updated by the adviser to the president of Ungheni District Court as needed. Table 3 shows the menus and their contents.

**Table 2.** *Contents of the web page of Ungheni District Court*

| Menu title | Information posted on the web page |
|---|---|
| Main Page | – Information about the court's tax identification number and treasury account<br>– Schedule for issuing forms by the chancellery and contact data of the chancellery |
| Message of the Court President | Welcome |
| Competence | – Competence<br>– Table of the territory under the jurisdiction of Ungheni District Court<br>– Picture of flowers |
| Regulatory Framework | List of the main regulatory acts that govern the court |
| Public Relations Service | Background information about this position, responsibility of the specialist and his/her contact data |
| Mass Media Relations | – General information about relations with mass media;<br>– Court contact data and working hours |
| News | – Active link to "Magna Carta of the Judges" that in turn contains an active link to the website of the Council of Europe<br>– Announcement about establishing the court's e-mail |
| Archives | – General information about the archives<br>– Active link to the SCM Decision no. 473/21 of 18 December 2008 on Amendments and Addenda to the Guidelines on Secretarial Work in Courts and Courts of Appeal which directs visitors to the website http://www.csm.md which generates an error<br>– Active link to the Law on the Amendment of the Law on the Archival Fund of the Republic of Moldova<br>– Active link to "Links" which contains functional links to the following web pages: "Parliament of the Republic of Moldova," "Government of the Republic of Moldova," "Ministry of Justice," "Supreme Court of Justice," "Supreme Council of Magistracy," "Ministry of Home Affairs," "General Prosecutor's Office," "Center for the Combating Economic Crimes and Corruption," "Legislation of the Republic of Moldova" and "The European Court of Human Rights." The link to "President of the Republic of Moldova" generates an error and the link to "National Institute of Justice" directs visitors to the NIJ website but generates error<br>– Court contact data and working hours |
| Organization | – Active link to the rules of conduct for court staff<br>– Court organizational chart |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS |
| Statistics | Picture with no information |
| Chancellery | – Information about the activities of the chancellery<br>– Court contact data and working hours |
| Information of Public Interest | – Information about the fact that lawyers must attend court hearings properly attired in compliance with the Lawyer's Code of Ethics<br>– Rules of conduct for the employees of courts<br>– Rules of conduct for participants in cases and other people in law courts |
| Announcements | Active link to "Vacancies" which contains information about the form and content of the application. |

*Source: http://jun.justice.md/*

Table 3 shows that not all the menus have information of public interest. Sometimes information is duplicated or appears even three times like the court's contact data. In "Competence," the picture should be deleted and the table should be reformatted. Information on the contact data and working hours of the court should be in just one menu. The duplication of rules of conduct for court employees in "Organization" and "Information of Public Interest" should be eliminated, and information should match the title of the menu.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Ungheni District Court has sufficient equipment for proper operations. Table 4 shows the equipment category, the number of existing items and the equipment needed as per court staff.

**Table 3.** *Equipment inventory and equipment needs*

| Equipment item | Number of items | Needed |
|---|---|---|
| Server | 1 | - |
| Computers | 29 | 16 |
| Printers | 26 | 16 |
| Scanners | 3 | 8 |
| Audio recording equipment | 3 | 5 |
| Photocopier | 1 | 4 |
| Fax | 3 | 2 |
| UPS | 26 | 10 |

*Source: Ungheni District Court*

### *Conclusions*

- When using IMCS Version 2, the staff of Ungheni District Court faces the issues of inequitable assignment of cases and of slow speed.
- The employees of Ungheni District Court do not use the audio recording system.
- In order to improve their work, the staff needs 16 computers, 16 printers, 8 scanners, 5 sets of audio recording equipment, 4 photocopiers, 2 faxes, and 10 UPS units.
- Ungheni District Court uses the website content management system, and the menus have some information of public interest, but some of the content does not match the menu title and some information is duplicated.

### *Recommendations*

- Conduct all hearings in courtrooms by increasing the number of courtrooms to match the number of judges and by efficient scheduling.
- Use the audio recording equipment and software.
- Train the staff to delete audio recordings from the server in line with SCM regulations[3]
- Organize training internally on using ICMS and the audio recording software.
- Complete all menus on the web page with information of public interest.
- Ensure the uniformity of the font and colors used on the web page.
- Avoid duplication on the website.

[3] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*

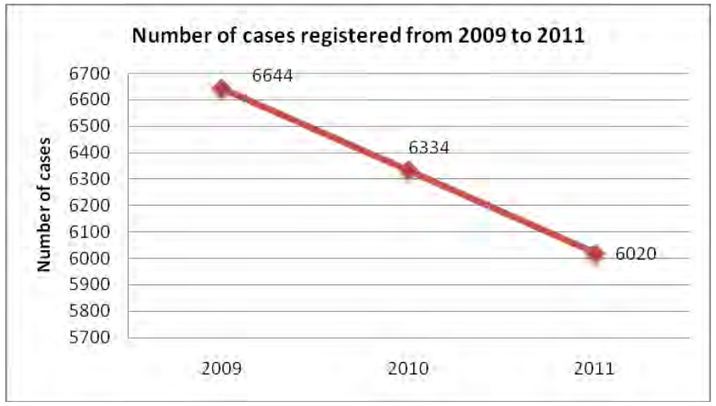
# III. WORK OF UNGHENI DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The workload of Ungheni District Court was analyzed from 2009 to 2011 by the total number of cases registered, the total number of cases examined, the number examined by type of case, the year-end backlog and the case clearance rate.

Graph 1 shows that the total number of cases registered decreased from 6644 in 2009 to 6020 in 2011.

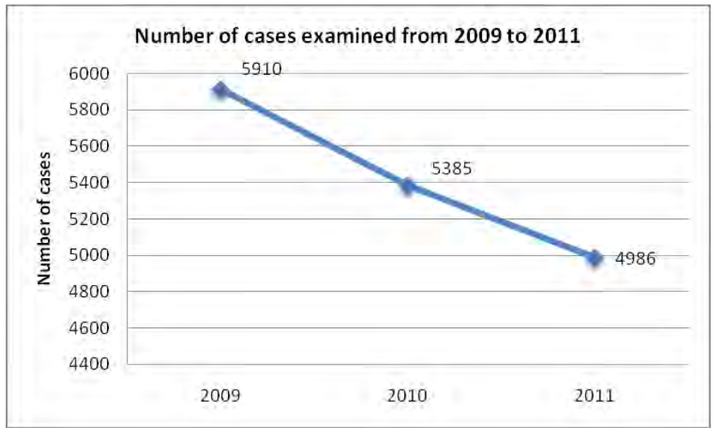
**Graph 1.** *Number of cases registered in 2009-2011*




*Source: DJA*

The total number of cases examined decreased also from 5910 in 2009 to 4986 in 2011 (Graph 2).

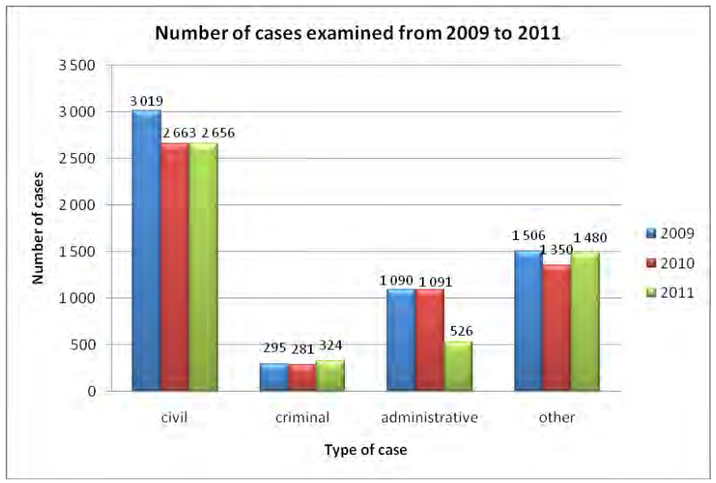
**Graph 2.** *Number of cases examined from 2009 to 2011*




*Source: DJA*

According to the data in Graph 3, from 2009 to 2011 the number of civil cases examined by Ungheni District Court decreased from 3019 to 2656, the number of criminal cases did not changed materially and the number of administrative cases decreased from 1090 to 526.

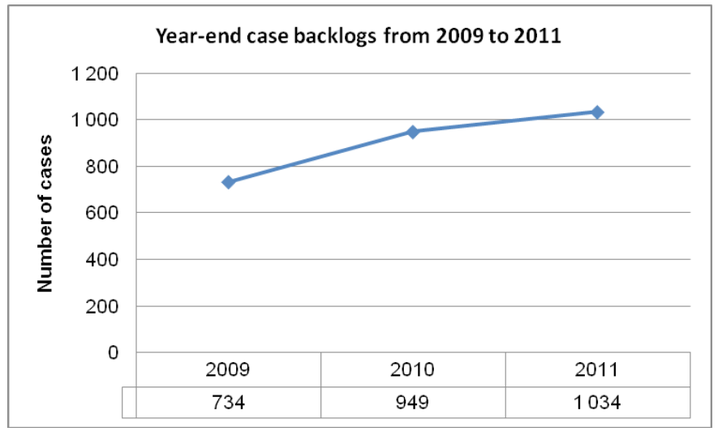
**Graph 3.** *Number of cases examined from 2009 to 2011 by type of case*




*Source: DJA*

The year-end case backlog at Ungheni District Court increased from 734 in 2009 to 1034 in 2011 (Graph 4).

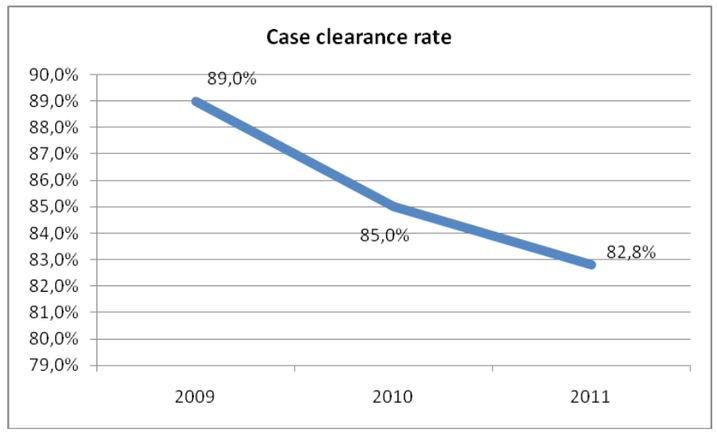
**Graph 4.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 5, the case clearance rate in Ungheni District Court decreased from 89.0% in 2009 to 82.8% in 2011.

**Graph 5.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Ungheni District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and other necessary work.

The chancellery of Ungheni District Court is situated on the first floor close to the entrance. The chancellery has five staff, as well as the coordinating specialist for public relations who also works as a chancellery specialist. The specialists are responsible for scanning documents from case files and registering cases in ICMS and on paper.

The chancellery of Ungheni District Court keeps the registers in Table 5.

**Table 4.** *The registers used by Ungheni District Court chancellery*

| Register Category | Register Title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Petitions<br>4. Local mail sent<br>5. Incoming requests for appeals and challenges<br>6. Files received from/sent to higher courts |
| ***Civil*** | 1. Enforcement orders sent<br>2. Index of civil cases<br>3. Index of administrative cases<br>4. Index of writ proceedings<br>5. Index of economic cases<br>6. Cases sent to the Civil Status Office<br>7. Requests for appeals and challenges<br>8. Action record card |
| ***Criminal*** | 1. Index of criminal cases<br>2. Requests for appeals and challenges<br>3. Seized goods<br>4. Enforcement orders submitted to probation offices<br>5. Material evidence<br>6. Action record card |
| ***Administrative*** | 1. Index of administrative cases<br>2. Requests for challenges<br>3. Enforcement orders sent |

*Source: Ungheni District Court chancellery specialists*

The court maintains duplicate records of case files—one on paper and one in electronic form. The same information may be entered three or even four times in various records as shown in Table 6.

**Table 5.** *Registration of a civil case by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case | ICMS | Action record card | Register of incoming mail, Index of civil cases |
| Plaintiff's name | ICMS | Action record card | Incoming mail |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil cases |
| Defendant's contact information | ICMS | Action record card | |
| Case category | ICMS | Action record card | Incoming mail |
| State fee | ICMS | Action record card | |
| Case file circulation within the court | ICMS | Action record card | |
| Essence of the case | ICMS | Action record card | |

*Source: Ungheni District Court chancellery specialists*

The chancellery keeps more registers than the Guidelines require[4].

The archives of Ungheni District Court are in a suitable location on the first floor of the building in a single room of a proper size with a ventilation system; the files are kept in order. Material evidence is stored in the archives.

### Conclusions

- The number of cases registered at Ungheni District Court decreased by 9.4% from 2009 to 2011.
- The number of cases considered by Ungheni District Court decreased by 15.6% from 2009 to 2011.
- During the same period, the number of civil cases examined decreased by 363, the number of criminal cases increased by 29 and the number of administrative cases decreased by 564.
- The case backlog increased by 300 from 2009 to 2011.
- The case clearance rate decreased by 6.2% during the same period.
- There is duplication of effort because laws and regulations require paper and digital registers.
- The specialists of the chancellery keep more registers than required in the Guidelines.

### Recommendations

- Review internal procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to bring the number of registers in line with the requirements in the Guidelines.

[4] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

According to its staffing chart, Ungheni District Court has 8 judges. Its office also employs other 25 persons (Table 7).

Ungheni District Court does not have a human resource manager. In practice, those duties are performed by the court president and the adviser to the president. Before the position of adviser was introduced, the court president and the head of chancellery were responsible for managing human resources.

Ungheni District Court has a public relations specialist who does not actually perform the tasks in the job description, but rather acts as a chancellery specialist.

In order to fill in a vacancy, an announcement is placed in the courthouse and on the website. A committee is established consisting of the president and two judges, and the adviser acts as secretary. Oral and written interviews are conducted. The president of the court decides whom to employ and drafts the employment order.

Ungheni District Court has job descriptions for the positions of adviser to the president, chief accountant, head of chancellery, clerk, translator, chancellery specialist, educational psychologist, and public relations specialist.

**Table 6.** *Staffing scheme of Ungheni District Court*

| No | Position | Current number[6] |
|---|---|---|
| 1 | Judge | 7 |
| 2 | Investigative judge | 1 |
| 3 | Adviser to the court president | 1 |
| 4 | Chief accountant | 1 |
| 5 | Consultant | 2 |
| 6 | Head of the chancellery | 1 |
| 7 | Specialist | 4 |
| 8 | Clerk | 8 |
| 9 | Coordinating specialist | 1 |
| 10 | Head of the archives | 1 |
| 11 | Driver | 1 |
| 12 | Courier | 0.5 |
| 13 | Chief of the auxiliary service | 1 |
| 14 | Cleaner | 2 |
| 15 | Boiler room operator | 1.5 |
| | **TOTAL** | **33** |

*Source: Accounting office of Ungheni District Court*

The Court has internal regulations available to judges and regular staff that establish the operations and organization of the court and the rights and obligations of court management, judges and regular staff appointed or employed on the basis of an individual employment agreement, irrespective of its term, who are subordinated to the court or who provide services to ensure the efficient and effective administration of justice.

Judges are trained by NIJ; and in 2011 all judges from Ungheni District Court met the requirement of 40 annual hours of ongoing training. The judges the assessment team interviewed mentioned that NIJ training and the publications they receive from SCM are enough to meet their information and training needs. When looking for regulatory acts, Ungheni District Court uses the legislative database on the Ministry of Justice website and does not subscribe to any private legislative database. The publications Ungheni District Court subscribes to include the *Official Gazette, SCJ Bulletin, Contabilitate si audit (Accounting and Auditing), Dreptul (The Law), Unghiul (The Angle),* and *Unghiul expres (Express Angle).*

The court staff mentioned that they were last trained by NIJ two years ago and that the court does not organize any training internally for them.

### *Conclusions*

- Human resource management at Ungheni District Court is carried out by the court president and the adviser to the court president.
- The court has a public relations specialist who functions as a part-time chancellery specialist.
- The court does not have a human resource specialist.
- The court does not have a system for training its regular staff internally.

### *Recommendations*

- Employ and train a human resource specialist.
- Train the public relations specialist.
- Implement internal training for the regular staff of Ungheni District Court in order to clarify issues they encounter in their jobs.

[5] *There are no vacancies at Ungheni District Court.*

## V. SERVICES FOR THE PUBLIC

Ungheni District Court has an information window for citizens located at the entrance to the courthouse. The public relations specialist (who functions as a part-time chancellery specialist) works on the first floor in the chancellery. The public relations specialist's office is labeled, however it is used by lawyers to study files and consult with witnesses or clients. There are signs pointing the way to the chancellery and archives and there are plaques on the judges' doors saying that access to the office is prohibited.

The information board at the courthouse entrance contains the following data:

- List of cases scheduled for hearings drafted manually in MS Word
- Sectors served by the bailiffs
- Rules of conduct in court
- Evacuation plan of the building
- List of wanted people and of debtors

On Tuesdays and Thursdays, parties and other participants in a case may request copies of judgments from the chancellery. Approval by the president of Ungheni District Court is needed only if they request a copy of an entire file. The person filing the request must then pay the state fee and with confirmation of payment may then pick up the copy of the decision at the archivist's office. If people live far away, the copy is issued on the same day. For other people copies are generally issued within one or two days.

### *Conclusions*

- The court has an information window for the public.
- There are signs showing the way to the public relations specialist, chancellery and archives.
- The information board for the public at the courthouse entrance contains information helping visitors to orient themselves.
- The chancellery of Ungheni District Court is situated on the first floor of the building close to the entrance. This location complies with the general design rules for law courts.
- The procedure for issuing copies of judgments does not require the preliminary approval of the court president.

### *Recommendations*

- Post more detailed information of public interest on the information board, for example, announcements about the web page, information about the right of parties in a case to request recordings of hearings on a CD, news on the judiciary etc.
- Retrieve the list of scheduled court hearings from ICMS.

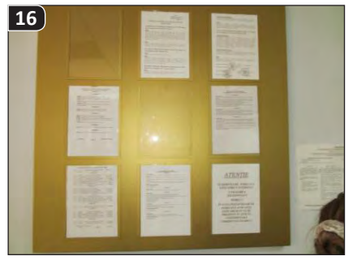



**Photo 14.** *Indicator for the public*
**Photo 15.** *Board with the list of court hearings*
**Photo 16.** *Information board*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Ungheni District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA which receives the ceilings for the entire judiciary from the Ministry of Justice. The ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling is set for the following two expenditure categories:

1) Current expenses (staff, others);

2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by the DJA while capital expenses are determined by each individual court after negotiations with the DJA. Other expenses are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET

The budget of Ungheni District Court is divided into six expenditure categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[6]

From 2010 (executed) to 2012 (approved), the budget of Ungheni District Court increased from MDL 1.7 million to about MDL 1.9 million (Table 7).

In 2011 the court budget increased by 11% compared to 2010 due to the increases in the funds allocated for fixed assets and repairs.

The budget for 2012 planned a 2% increase compared with 2011. Funds for repairs were down 60% and no funds were allocated for fixed assets, though funds for operating expenses increased by 46%.

[6] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 7.** *Budget of Ungheni District Court by type of expense (2010–2012)*

| Expense category/year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 1,302,639 | 1,199,003 | -8% | 1,402,700 | 17% |
| Repairs | 0 | 98,775 | 100% | 40,000 | -60% |
| Utilities | 75,455 | 84,212 | 12% | 110,600 | 31% |
| Fixed assets | 77,040 | 247,579 | 221% | 0 | -100% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 233,482 | 238,037 | 2% | 346,800 | 46% |
| **Total** | **1,688,616** | **1,867,606** | **11%** | **1,900,100** | **2%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

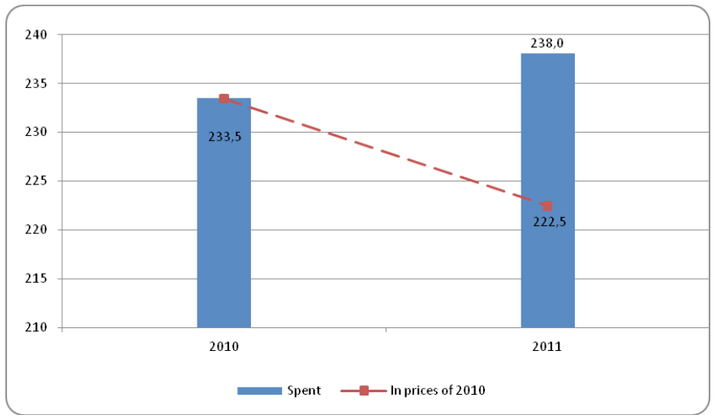
## 6.2. STAFF EXPENSES

Staff expenditures represent approximately 70% of the total budget. Due to the fact that remuneration is governed by law and regulations, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

From 2010 to 2011, the face value of operating expenditures was practically the same with an insignificant increase of MDL 4.6 thousand in 2011. The real value of operating expenditures, however, decreased by 5% given the inflation rate in 2011 of 7%.[7] MDL 238 thousand in 2011 was therefore equivalent to MDL 222.5 thousand in 2010; hence, the real value of operating expenses decreased by approximately MDL 11 thousand (Graph 6).

**Graph 6.** *Operating expenses for Ungheni District Court in 2010 and 2011*



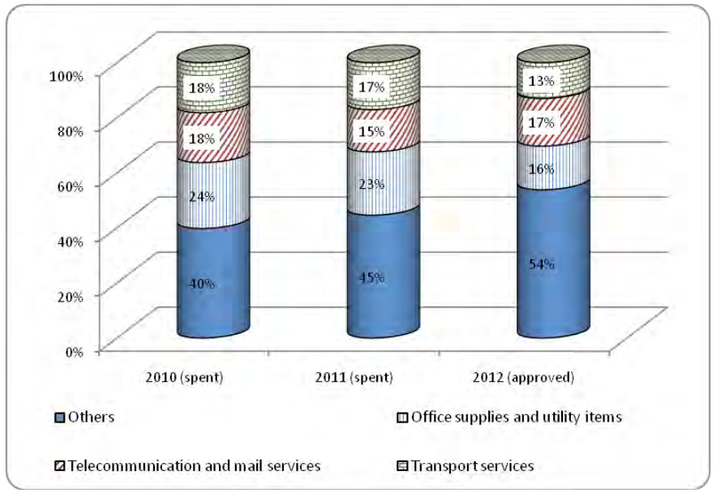

[7] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunication and mail services.

**Graph 7.** *Structure of operating expenditures from 2010 to 2012*




Graph 7 shows that from 2010 to 2012, the share of all three categories decreased in favor of other expenses.

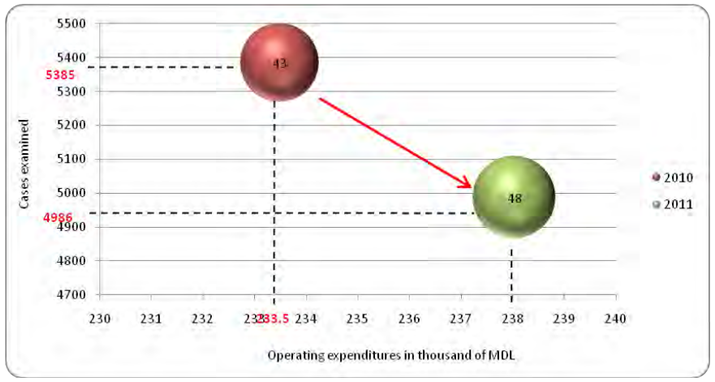
Telecommunication and mail merit attention as nearly 60% goes for stamps.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The same level of operating expenses in 2010 and 2011 can be explained by a few factors; however, is not due to the number of cases examined as in 2011 this number was 4986, by 399 less than in 2010.

Comparing operating expenses with the number of cases examined, in 2010 the average cost of examining a case was MDL 43 while in 2011 it was MDL 48 (Graph 8).

**Graph 8.** *Comparative analysis of the average operating cost/case in Ungheni District Court in 2010 and 2011*



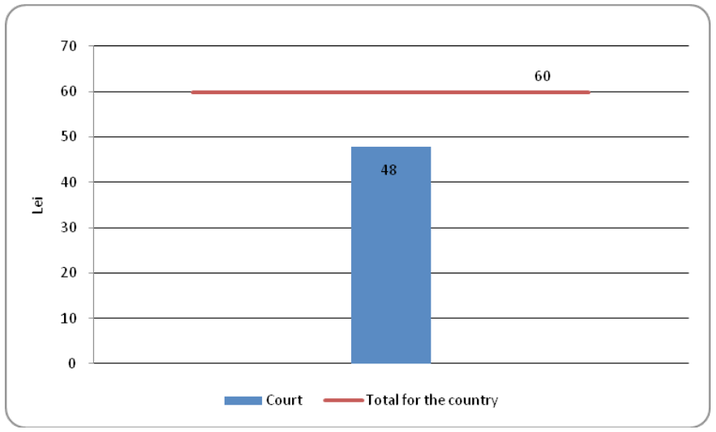

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

Since the operating expenses remained almost the same, the same average cost per case can be explained by the decrease in the number of cases examined.

## 6.6. AVERAGE OPERATING COST PER CASE IN UNGHENI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of examining a case for the country as a whole can show whether MDL 48 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 9.** *Comparative analysis of the average cost per case examined in Ungheni District Court in 2011 and the weighted average cost per case for the country as a whole*




As shown in Graph 9, in 2011 the average cost per case examined in Ungheni District Court was less than the weighted average cost per case for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Ungheni District Court does its accounting manually. Perhaps, due to the lack of funds, the court has not purchased any software for electronic record keeping.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed just by the adviser to the chief judge who does not have professional qualifications in procurement. Since procurement legislation is continuously changing, this person should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- Although the face value of the operating expenses increased in 2011, their real value (taking into account the inflation) decreased.
- The average cost of examining a case was virtually the same in 2010.
- In 2011, the average cost of examining a case was lower than the weighted average for the country as a whole.
- Mail expenses account for a large share of total operating expenses.
- Accounting is done manually.
- All public procurements are made without a procurement specialist.
- Training in public procurement is needed.

### Recommendations

- Consider purchasing accounting software and training the staff to use it.
- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

Vulcanesti District Court, situated in the town of Vulcanesti, serves 24,966 inhabitants in the 6 localities that are part of Vulcanesti District according to Law No. 764 of 27 December 2001 on the Administrative Territorial Organization of the Republic of Moldova.

According to its staff roster, the court has 2 judges, 1 investigating judge, 8 civil servants and 12 support staff, but no human resource management specialist. Those duties are instead performed by the court president and the adviser to the president. The court has a public relations specialist.

Staff expenditures have followed an upward trend. The court does all its public procurements without a procurement specialist. In 2011 the face value and the real value of operating expenses decreased compared with 2010. In 2011, the average operating cost for examining a case slightly increased compared with the previous year but was higher than the weighted average cost of a case examined for the country as a whole (see Section VI).

Vulcanesti District Court was built in 1972 and was originally designed to house the local public administration. The building is situated in the center of town. There is sufficient space for the current needs of the court though there is only one functional courtroom. A lot of the space is used inefficiently. The public space was not separated from that for the judges in the building plan.

The courthouse covers 408 sq. meters; the lot the building is on is 0.1536 hectares and the garage covers 189.6 sq. meters. The courthouse has two floors; there is no basement. During the visit, the renovation of the second floor that started in 2011 was ongoing. Currently, the offices for judges and other court employees on this floor are being laid out.

# VULCANESTI DISTRICT COURT

*50, Plotnicov Str., Vulcanesti town*

*Date of visit: 14 June 2012*

The staff of Vulcanesti District Court uses ICMS Version 2 which was installed in 2011, but they mentioned that there are issues with it including uneven assignments of case files, program errors and its slow speed.

For the most part, the staff does not make audio recordings of the hearings held in the courtroom though recording equipment has been installed there. The staff cited the shortage of courtrooms for the two judges who currently work in the court, a lack of training and the legal requirements for written minutes in addition to recordings (overlapping) as reasons that not all hearings are recorded.

Specialists at Vulcanesti District Court continue to keep a considerable number of registers although amendments to the Guidelines have reduced the number required.

The total number of cases filed at Vulcanesti District Court from 2009 to 2011 decreased by 501and the number of cases examined decreased by 525 with a case clearance rate of 86.7% in 2011.

There is an information board for the public, but it was not displayed given the repairs that were underway in the courthouse. The office doors have plaques with judges' names.

Vulcanesti District Court regularly updates its webpage; some menus contain information of public interest though others do not. In addition, sometimes the title of the menu does not match its content, or the information needs to be reformatted.

# I. INFRASTRUCTURE

## *1.1. ASSESSMENT*

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 4 | The exterior walls are made of cement, and there are some cracks. In some parts, the color has washed away. |
| Water supply | 3 | The water system is centralized, but the supply is not regular. The water pipes inside the building are old and need to be replaced. |
| Power supply | 3 | The electrical system is very old, the voltage is unknown, and power outages occur. The electrical network on the second floor has been totally changed; there are plans to renovate it on the first floor as soon as possible. |
| Sewerage system | 3 | The sewerage system is connected to the local sewerage network. Only one restroom is functioning in the building. The exterior pipes are old. The sewerage system is currently being renovated. |
| Heating system | 1 | The system is autonomous gas and was completely replaced in 2011. |
| Firefighting system | - | There are no sprinklers; however there are portable fire extinguishers throughout the building. |
| Roofing | 1 | The roof is in very good condition; it was totally renovated in 2011.The asbestos sheets have been replaced by metal shingles; gutters and downspouts have been installed. |
| Interior | 3 | The offices on the second floor were totally renovated in 2011 and 2012, and those on the first floor will be renovated in 2012 and 2013. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

**Photo 1.** *Courthouse façade*
**Photo 2.** *Installation of gutters*
**Photo 3.** *Renovated lighting system*
**Photo 4.** *Restroom for the public*
**Photo 5.** *Restroom*

**Photo 5.** *Garage*
**Photo 6.** *Roof on the courthouse*
**Photo 8.** *Interior walls*
**Photo 9.** *Renovated offices on the 2nd floor*

## 1.2. CURRENT CONDITION

The assessment focused on a comparative analysis of the physical and operational condition of Vulcanesti District Court in June 2012.

The courthouse has a total area of 408 sq. meters; the lot the building is on covers 0.1536 hectares and the garage covers 189.6 sq. meters. The courthouse has two floors and a basement. There are 15 offices, 1 public space and 1 functional courtroom.

Vulcanesti District Court is protected by the judicial police and has three guards on staff who works on nights and holidays. They also direct the public to locations in the courthouse. A firefighting system has been installed on the second floor; there are plans to install an additional system on the ground floor once the renovations of this floor start.

Vulcanesti District Court has centralized water and sewerage systems; the exterior pipes are old. The sewerage system is currently being renovated. No repairs of the exterior pipes have been carried out, however.

The archives are on the ground floor and are inefficiently organized. The room to which the archives will be relocated is currently under repair. Most windows and office doors on the second floor were replaced in 2011.

The functional area of Vulcanesti District Court is appropriate for the activity of a court of law. The building has more than enough space for its current needs; however it does not have space for detainees or a separate entrance for taking them into the courtroom. Currently detainees are taken to the courtroom through the public hall directly from the police station or the prison. The courthouse has one courtroom on the ground floor that has one entrance and no deliberation room and is shared by two judges. There are plans to lay out two additional courtrooms on the ground floor, to accommodate the number of judges provided for in the staffing plan. The interior finishing on the ground floor is in bad condition; there are plans to completely renovate it.

The offices for judges and other employees on the second floor are being totally renovated though they are not operational. New windows have been installed in all the offices; the walls have been repainted and the light fixtures have been replaced. Air conditioning has been installed in some offices. The restrooms have been renovated and are in very good condition. There are no restrooms for the public inside the courthouse but there is one outside that is in unsatisfactory condition and needs to be totally renovated.

The heating system was totally renewed in 2011. Most offices do not have air conditioning.

There are neither firefighting systems nor emergency lights.

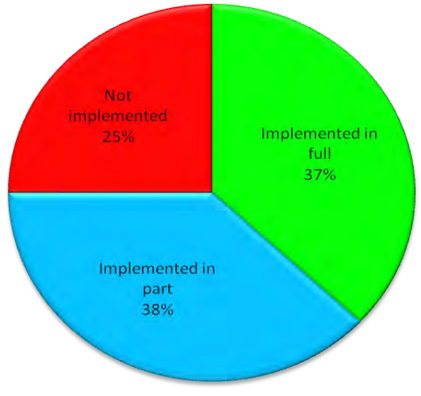
The 2009 Infrastructure Assessment Report listed five priorities for capital repairs, two of which have already been implemented and one that has been partially implemented and will be completed by the end of 2012. Two priorities have not been implemented (Table 1 and Graph 1).

**Table 1.** *Implementation of capital repair priorities identified in 2009*

| Priorities for capital repair in 2008 | Implementation stage in 2012 |
|---|---|
| Replace the windows and doors. | Partially implemented |
| Replace or repair the roof, and install gutters and downspouts to drain storm water away from the building. | Implemented |
| Repair the façade around the windows where water penetrates and damages the interior walls. | Not implemented |
| Replace the pipes and radiators of the heating system. | Implemented |
| Renovate the electrical network of the building. | Partially implemented |
| Renovate the interior and reconfigure the space, transfer the chancellery to the ground floor and create a room for receiving the public on the same floor. | Partially implemented |
| Install an air conditioner in the LAN server room. | Implemented |
| Connect the sewerage network to the centralized system of the town. | Not implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of capital repair priorities in 2012*




### Conclusions

- From 2010 to 2012, Vulcanesti District Court carried out a great number of the renovations recommended in the 2009 Infrastructure Assessment Report; some are still underway.
- All the rooms on the ground floor need capital repairs.
- The renovations that have been conducted were based on the recommendations and priorities in the 2009 Infrastructure Assessment Report.
- Regarding the priorities for capital work identified in 2009, ROLISP concluded that 37% have been implemented; 38 % have been partially implemented and 25% have not been implemented.

### Recommendations

- Finish the repairs on the ground floor.
- Install a firefighting system.
- Rearrange the deliberation rooms for all of the courtrooms on the ground floor.
- Replace the light fixtures on the ground floor.
- Create a cell for detainees and a separate entrance into the courtroom for them.
- Renovate the façade of the building.
- Repair the sewerage system.
- Connect the sewerage network to the centralized system of the town.
- Replace the old doors.
- Replace the flooring on the ground floor.
- Renovate the restroom for the public.
- Install air conditioning in all offices.
- Renovate the garage.
- Repair the finishing of the exterior walls around the windows where water penetrates and damages the interior walls.

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

Vulcanesti District Court has used the Integrated Case Management System since 2009; in 2011 Version 2 was installed. The staff mentioned that working in ICMS is very time consuming. The court president uses the menu for randomly assigning case files, but the assignments are uneven which creates a big difference in the workload for each judge. Other problems were technical such as the very slow speed when navigating through various ICMS menus. The advisor to the court president manages ICMS and is also in charge of ensuring the smooth operation of the software.

After case files are registered, the clerical staff scans the civil and administrative ones in full but scans only the indictments and the document index in criminal case files.

ICMS serves as a primary information source for the public, but if information cannot be found in ICMS, case action cards or the registers maintained by the chancellery are consulted.

The Vulcanesti District Court staff has stated that often the server does not function given the frequent power outages. A voltage regulator and a UPS would improve the situation.

The court does not have an information technology specialist. The court president has mentioned the need for one since many problems cannot be fixed by the court staff due to their lack of knowledge in the field. The court staff contacts CTS to fix problems as needed.

The staff rated their general satisfaction with the services provided by CTS in 2012 as a 4 out of 5.

**Table 2.** *Suggestions for modifying ICMS for Vulcanesti District Court*

| No. | Suggestions on ICMS modification |
|---|---|
| 1. | Adjust the assignment menu to the requirements and CSM Regulations on the assignment of cases in courts. |
| 2. | Increase the speed of navigation through ICMS menus. |
| 3. | Ensure the menu “Reinitiate case files” is operational for case files that are received from the Court of Appeals and need to be retried. |
| 4. | Ensure the menu “Transfer of case files” is operational. |
| 5. | Adjust the categories of civil and criminal cases to the ones considered by the court. |

*Source: Vulcanesti District Court staff*

### 2.2. AUDIO RECORDING SYSTEM

Vulcanesti District Court currently has one courtroom, and it has audio recording equipment and software. Hearings held in the courtroom are recorded by the court staff, but not all hearings can be recorded given the insufficient number of courtrooms and the repairs that are underway as the noise makes it impossible to record the hearings properly. Additional problems mentioned by the court president that negatively affect recordings are conducting hearings in Russian and large workloads.

The audio recording equipment works; no difficulties were cited in using it though court clerks need training.

There have been requests from the public for recordings, but they were rejected in a court ruling because of the repairs underway.

The court has purchased 600 CDs, 1/3 of which have already been used to copy recordings.

The door of the courtroom has a sign stating that court hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings,[2] the purpose is to check the accuracy and the completeness of the written minutes and to ensure the transparency and efficiency of court work. Given that not all the hearings are audio recorded, the clerks cannot always use them for this purpose.

Among the technical issues they face, Vulcanesti staff reported that they lack of one set of equipment for one of the two new courtrooms to be laid out on the ground floor. Other issues were the legislation requiring duplication of effort—written minutes and audio records—as well as insufficient numbers of trained staff.

[2] *SCM Regulation on Digital Audio Recording of Court Hearings, approved by SCM Decision No. 212/8 of 18 June 2009.*

**Photo 10.** *Courtroom*
**Photo 11.** *Inscription on a courtroom door*

## 2.3. WEB PAGE OF VULCANESTI DISTRICT COURT

Vulcanesti District Court has a web page on which it posts information for the public; it is updated as needed by the public relations specialist.

Table 3 shows the menus and their contents.

**Table 3.** *Content of the webpage of Vulcanesti District Court*

| Menu title | Information posted on the web page |
|---|---|
| Introduction | No information. |
| Message of the Court President | – Message of the court president<br>– Photo of the courthouse façade that cannot be viewed. |
| Regulatory Framework | – Table with basic regulatory acts governing the court's work<br>– List of other regulatory acts |
| Jurisdiction | – Information on the jurisdiction of Vulcanesti District Court<br>– Territorial jurisdiction of the court<br>– Photo that cannot be viewed. |
| Organization | – Table of the court staff<br>– Vulcanesti District Court's organizational chart |
| List of Hearings | Information extracted automatically from ICMS |
| List of Case Files | Information extracted automatically from ICMS |
| Database of Judgments | Information extracted automatically from ICMS |
| Statistics | – 2010 Statistical Report on civil, criminal and administrative cases.<br>– 2009 Statistical Report on civil, criminal and administrative cases.<br>– 2008 Statistical Report on civil, criminal and administrative cases. |
| Archive | – Description of archive's functions<br>– Information on the program of the archive |
| News | No information. |
| Public Relations Services | – General information on the responsibilities of the public relations specialist<br>– Regulations for the Public Information and Mass Media Service. |
| Press Releases | No information |
| Mass Media Relations | No information |
| Information of Public Interest | – Rights and obligations of trial participants<br>– Summons<br>– Appeals<br>– Recourse<br>– Dictionary of legal terms<br>– State Agencies for Protection of Law Rules |
| Announcements | Link – *Job Vacancy.* No information. |
| Useful Links | No information. |

*Source: http://jvl.justice.md/*

Table 3 shows that, in general, the menus contain some information of public interest; however, some menus do not, and the information in other menus needs to be reformatted. The menu "*Legal Framework*" contains a list of several regulatory acts. To facilitate the access to them, it would be better to post active links in this menu. In the menu "*Jurisdiction*," the table with information on the localities under the jurisdiction of Vulcanesti District Court should be reformatted. In the menu "*Links*" links to the central public authorities should be posted in an appropriate order.

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

Vulcanesti District Court has sufficient equipment to function properly. Table 4 shows the type of equipment, the number of items and the equipment needed.

**Table 4.** *Equipment inventory and equipment needs*

| Item | Number | Needed |
|---|---|---|
| Computers | 26 | 15 |
| Canon camera | 1 | - |
| Printers | 16 | - |
| Copiers | 2 | 2 |
| Scanners | 3 | - |
| Scanners/printers/copiers | 4 | - |
| Fax Panasonic | 4 | 3 |
| Audio recording sets | 2 | 1 |
| UPS | 19 | 15 |
| Smart UPS | 1 | - |
| Server | 1 | |
| Router | 1 | - |
| Air conditioners | 10 | 15 |
| Microwave | 1 | - |
| Refrigerators | 2 | - |
| TV set | 1 | - |
| Loudspeakers | 4 | - |
| Headsets | 8 | - |
| Microwave | 1 | - |
| Franking machine | - | 1 |

*Source: Vulcanesti District Court*

### Conclusions

- When using ICMS Version 2, the staff of Vulcanesti District Court faces problems of uneven case assignments and its slow speed.
- The staff of Vulcanesti District Court sometimes uses the audio recording system during hearings.
- To improve its work, Vulcanesti District Court needs 15 computers, 2 copiers, 3 fax machines, 15 UPS units, 15 air conditioners, 1 franking machine and an additional set of audio recording equipment for one of the courtrooms to be built.
- Vulcanesti District Court uses the website content management system; however there is no information in some menus and in others the information needs to be reformatted.

### Recommendations

- Create enough courtrooms for all judges.
- Ensure that all hearings are held in courtrooms by providing training in efficiently scheduling case hearings.
- Audio record all hearings in all courtrooms.
- Store and delete the recordings according to SCM regulations.[3]
- Complete the website menus with information of public interest and regularly update them.

[3] *Regulations on Digital Audio Recording of Court Hearings approved by SCM Decision No. 212/8 of 18 June 2009.*

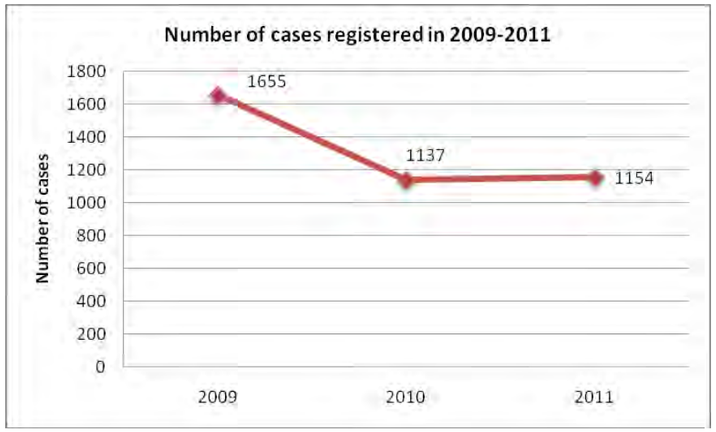
# III. WORK OF VULCANESTI DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The workload at Vulcanesti District Court from 2009 to 2011 was assessed based on the total number of cases registered, the total number of cases examined, the number examined by type of case, the case backlog at the end of the year and the case clearance rate.

Graph 2 shows that the total number of cases filed at Vulcanesti District Court decreased from 1655 in 2009 to 1154 in 2011.

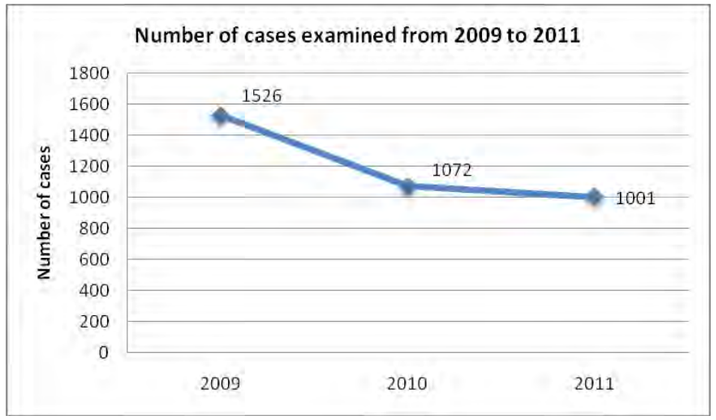
**Graph 2.** *Number of cases registered at Vulcanesti District Court from 2009 to 2011*




*Source: DJA*

Graph 3 shows that the number of cases examined during this period decreased from 1526 in 2009 to 1001 cases in 2011.

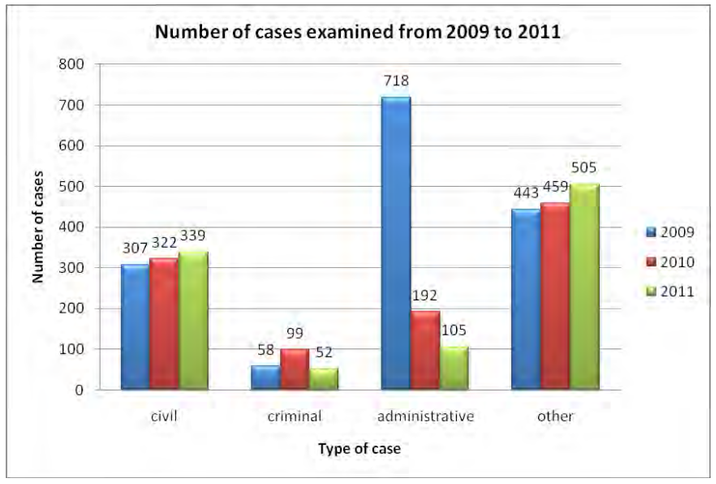
**Graph 3.** *Total number of cases examined at Vulcanesti District Court from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, the number of civil cases examined in Vulcanesti District Court increased from 307 in 2009 to 339 cases in 2011, the number of criminal cases examined during the same period did not change very much while the number of administrative cases decreased from 718 in 2009 to 105 cases in 2011.

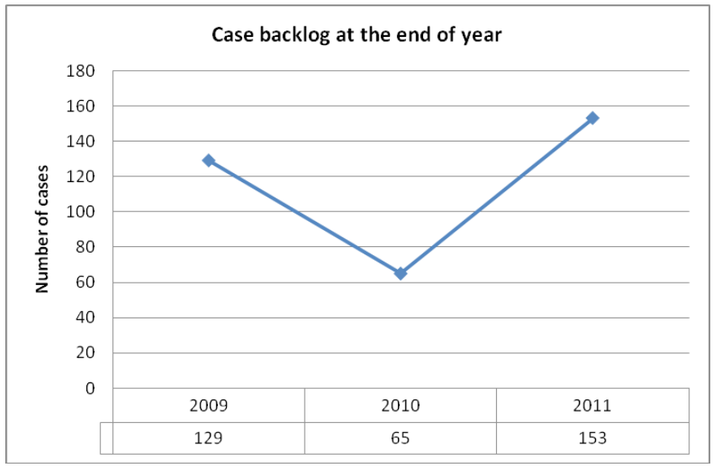
**Graph 4.** *Number of cases examined at Vulcanesti District Court from 2009 to 2011by type of case*




*Source: DJA*

The analysis of the case backlog at the end of the year showed an increase from 129 in 2009 to 153 in 2011 (Graph 5).

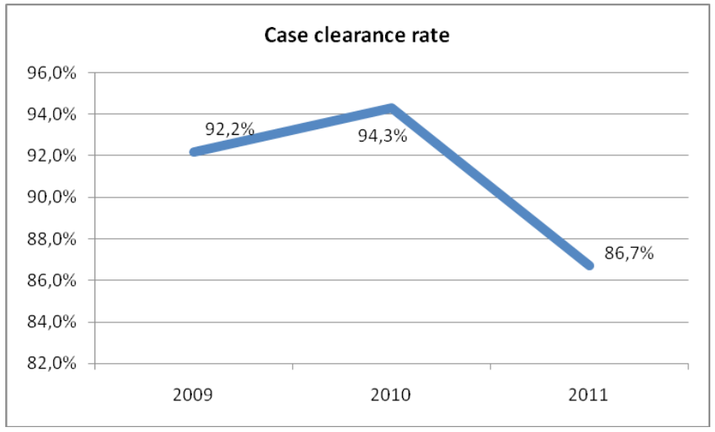
**Graph 5.** *Case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in Vulcanesti District Court decreased from 92.2% in 2009 to 86.7% in 2011.

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

Vulcanesti District Court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and conducting other works required for the good run of court activities.

The chancellery is located on the second floor. Its staff includes one specialist responsible for scanning documents from case files and registering cases in ICMS and on paper.

For keeping the public informed, the chancellery uses the search menu of ICMS and the register of action cards if the information is not found in ICMS.

The chancellery maintains the registers listed in Table 5.

**Table 5.** *List of registers used by Vulcanesti District Court chancellery*

| Register Category | Register title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Outgoing mail<br>3. Rendered judgments<br>4. Copies issued of judgments and sentences<br>5. Civil and criminal case files sent to the Courts of Appeals and the Supreme Court of Justice<br>6. Materials on legal assistance<br>7. Paid services rendered by Vulcanesti District Court<br>8. Mail correspondence<br>9. Distribution of materials to the probation service<br>10. Petitions |
| ***Civil*** | 1. Index of civil case files<br>2. Economic case files<br>3. Index of economic case files<br>4. Cases examined under ordinary civil procedures<br>5. Cases referred to judges<br>6. Cases examined under simplified civil procedures<br>7. Motions in civil cases |
| ***Criminal*** | 1. Index of criminal case files<br>2. Cases referred to judges<br>3. Physical evidence<br>4. Persons put on the wanted list<br>5. Materials and case files sent to the Court of Appeals<br>6. Motions in criminal cases<br>7. Arrest warrants<br>8. House arrests<br>9. Extension of the term of arrest and house arrest<br>10. Materials on enforcing punishments<br>11. Motions to release persons from criminal liability<br>12. Complaints against actions of criminal investigation bodies<br>13. Permits for searches, telephone tapping<br>14. Materials on applying coercive procedural measures<br>15. Materials on operative investigative measures<br>16. Materials on provisional release under judicial control<br>17. Materials on provisional release on bail |
| ***Administrative*** | 1. Referral of administrative materials to judges<br>2. Index of administrative case files<br>3. Motions /complaints |

*Source: Vulcanesti District Court chancellery specialists*

The court keeps duplicate records of case files—one on paper and one in electronic format. The same information may be entered three or four times in various records as Table 6 shows.

**Table 6.** *Registration of a civil case file by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case file | ICMS | Action record card | Register of incoming mail |
| Plaintiff's name | ICMS | Action record card | Register of incoming mail,<br>Register of case referral to judges |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | Index of civil case files,<br>Register of civil case referral to judges |
| Defendant's contact information | ICMS | Action record card | Index of civil case files |
| Case file category | ICMS | Action record card | Index of civil case files,<br>Register of civil case referral to judges |
| Essence of the case | ICMS | Action record card | |
| State duty | ICMS | Action record card | |
| Circulation of the case file within the court | ICMS | Action record card | Register of civil case referral to judges |

*Source: Vulcanesti District Court chancellery specialists*

The chancellery keeps more registers than the Guidelines[4] require.

The archives of Vulcanesti District Court are temporarily located on the ground floor since the space designed for it is being currently renovated. The room is not properly located and is small; the temperature and humidity are regulated, but there is no ventilation system. The files are kept in order but the archives are inefficiently organized. Access to the archives is limited. Documents are kept in satisfactory condition. The case files are shelved by years.

## *Conclusions*

- The number of cases filed at Vulcanesti District Court decreased by 30.2% from 2009 to 2011.
- The number of cases examined decreased by 34.4% from 2009 to 2011.
- The number of civil cases examined from 2009 to 2011 increased by 32, the number of criminal cases decreased by 6, and the number of administrative cases decreased by 613.
- The case backlog increased by 24 from 2009 to 2011.
- The case clearance rate decreased by 5.5% from 2009 to 2011.
- There is duplication of effort because the laws and the instructions on secretarial work require both paper and digital registers.
- Specialists from the chancellery use more registers than required by the Guidelines.

## *Recommendations*

- Move the archives to another room.
- Install a ventilation system in the archive room.
- Review in-house procedures for record keeping to make them compliant with SCM Decision No. 93/7 of 2 March 2011 and to reduce the registers to the number required in the Guidelines.

**Photo 12.** *Space for archives*

[4] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*

## IV. HUMAN RESOURCES

The court has 2 judges, one investigating judge and 20 regular staff (Table 7).

Vulcanesti District Court does not have a human resource specialist. In practice, human resource management is the responsibility of the court president and the adviser to the president. The latter is particularly responsible for drafting and registering staff documents, drafting personnel files and completing, keeping and registering work records.

Vulcanesti District Court has a public relations specialist who officially represents the court in its relations with the media and the public and is responsible for providing information in order to ensure the transparency of the court as required by law.

Court employees are either civil servants or technical staff. Civil servants include the adviser to the court president, court clerks, translators, the consultant and the accountant. Technical staff includes cleaners, workers, etc. There has not been a staff vacancy for several years. When new persons are employed, they are selected in accordance with the provisions of the Regulation on Competitive Employment in Civil Service approved by Government Decision No. 201 of 2009.

Vulcanesti District Court has job descriptions for the positions of adviser to the court president, chancellery specialist, head of archives, head of chancellery, consultant, chief accountant, court clerk, translator and coordinating specialist for public relations.

**Table 7.** *Staffing scheme of Vulcanesti District Court*

| No. | Position | Current number[5] |
|---|---|---|
| 1. | Chief judge | 1 |
| 2. | Judge | 1 |
| 3. | Investigating judge | 1 |
| 4. | Adviser to the chief judge | 1 |
| 5. | Chief accountant | 1 |
| 6. | Consultant | 1 |
| 7. | Court clerk | 3 |
| 8. | Translator | 2 |
| 9. | Head of chancellery | 1 |
| 10. | Specialist | 1 |
| 11. | Coordinating specialist | 1 |
| 12. | Head of Archives | 1 |
| 13. | Head of auxiliary service | 0,5 |
| 14. | Courier | 0,5 |
| 15. | Driver | 1 |
| 16. | Guard | 3 |
| 17. | Boiler room operator | 1 |
| 18. | Cleaner | 2 |
| | **TOTAL** | **23** |

*Source: Accounting office of Vulcanesti District Court*

The court has internal regulations that have been handed on to the judges and the court staff to establish the court's operations, organization and the rights and obligations of the management, judges and all employees either appointed or hired through an individual employment agreement irrespective of its term who are subordinated to the court or who provide services ensuring the efficient and effective administration of justice.

Judges are trained by NIJ and, as reported during the visit, in 2011 all judges of Vulcanesti District Court met the requirement of 40 annual hours of continuing training. The judges the assessment team interviewed mentioned that NIJ training and publications from SCM are enough to meet their information and training needs. For legal research and reference, the judges use the Lex DB database. Vulcanesti District Court subscribes to the following publications: *Official Gazette, Buletinul Curţii Supreme de Justiţie (Bulletin of SCJ), Moldova Suverană (Sovereign Moldova), Legea şi Viaţă (Law and Life), Contabilitate şi Audit (Accountng and Auditing), Buhgalterya y Nalogovaya Konsultatsia (Accounting and Tax Advice), Cadry y zarabotnaya plata (Staff and Remuneration)* and *Panorama Vesty Gagauzii (Panorama News of Gagauzia).*

The staff mentioned that the last time they were trained was at Comrat Court of Appeals in 2011 in the use of ICMS. The court president has mentioned that the clerks need Romanian language training since almost none of them drafts the minutes in Romanian. All hearings are held in Russian although the parties are Romanian speakers and the judge also speaks both languages. Other reported training needs relate to drafting the minutes of hearings and working with ICMS and Femida software.

Training for chancellery specialists in applying the Guidelines has also been requested.

### *Conclusions*

- Human resource management is the responsibility of the court president and the adviser to the president.
- The court has a public relations specialist.
- The court does not have a human resource specialist.
- It is necessary to organize training for court clerks, chancellery specialists and the archives specialist. Training topics vary from analyzing peculiarities of applying the law to studying the judicial information system and applying the criminal and civil procedure acts.

### *Recommendations*

- Employ and train a human resource specialist.
- Organize internal training for the court staff so they can solve problems they face in the performance of their duties.

[5] *There are currently no vacant positions at Vulcanesti District Court.*

## V. SERVICES FOR THE PUBLIC

Vulcanesti District Court lacks an information window at the court entrance. The office of the public relations specialist is situated on the ground floor. The doors of judges' offices have plaques with the names of the judges.

During the visit for documentation, there was no information board at the entrance of the building since renovations were underway. The following information of public interest is placed on the walls of the hallway:

- Working hours of the court
- Rules of conduct for the public in court
- Declaration on rights of child victims and witnesses of crimes
- Schedule of civil trials
- Lists of hearings printed automatically from ICMS
- Office hours and hours for issuing copies at the chancellery
- Fire evacuation plan

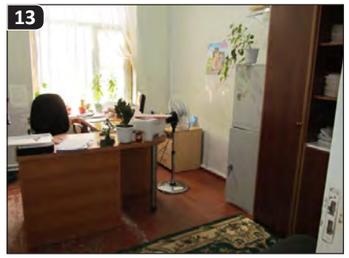
Parties and other trial participants may request copies of judgments by filling out an application at the chancellery on any working day during working hours. Copies are issued on the same day or on the next day. The application is forwarded to the court president for approval. If the application is approved, the applicant pays the state fee. With confirmation of payment, the applicant may pick up a copy of the judgment at the archivist's office or at the chancellery.

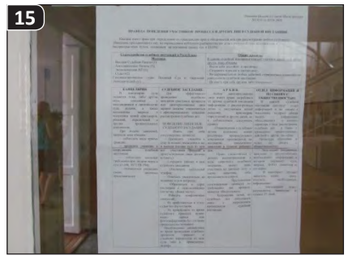
### *Conclusions*

- The information board for the public was not displayed on the wall at the court entrance.
- There is relevant information in the hall at the entrance helping visitors to better orient themselves.
- The procedure for getting copies of judgments requires the approval of the court president who
- has to make time to examine, approve or reject applications.

### *Recommendations*

- Install clear signs directing visitors.
- Add the warning that access to judges' offices is restricted to the plaques bearing their names.
- Create a space for the public on the ground floor.
- Organize information of public interest on the information board.
- Create an information window at the entrance to the courthouse.
- Simplify the procedure for getting copies of judgments by sparing the court president the obligation to approve applications and by training the chancellery specialists accordingly.





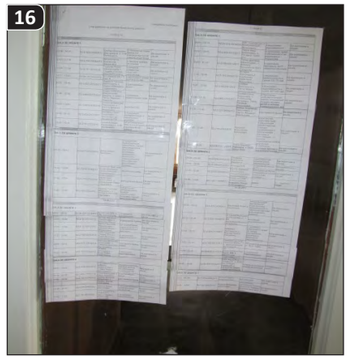


**Photo 13.** *Public relations specialist's office*
**Photo 14.** *Working hours*
**Photo 15.** *Rules of conduct*
**Photo 16.** *List of hearings*
**Photo 17.** *The inscription on the door of Judge*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, Vulcanesti District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA which receives the ceilings for the entire judiciary from the Ministry of Justice. The ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling is set for the following two expenditure categories:

1) Current expenses (staff, others);

2) Capital expenses (capital investments, fixed assets, capital repairs).

The court calculates staff expenses according to a methodology provided by the DJA while capital expenses are determined by each individual court after negotiations with the DJA. Other expenses are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET

The budget of Vulcanesti District Court is divided into six categories:

- *Staff expenses* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenses for repairs* – current and capital repairs;
- *Expenses for utilities* – power, gas, water and sewerage and sanitation;
- *Expenses for fixed assets;*
- *Expenses for capital investments;*
- *Operating expenses* – other expenses.[6]

From 2010 (executed) to 2012 (approved), the budget of Vulcanesti District Court increased from MDL 917.000 to 1.1 million.

The increase in 2011 was for capital repairs and fixed assets (to purchase a car).

In 2012, no funds were budgeted for fixed assets and the budget for repairs is down 98%. Due to this fact the total budget is 68% less than in 2011.

[6] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Vulcanesti District Court by type of expense (2010–2012)*

| Expense category/year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 600,684 | 688,172 | 15% | 803,600 | 17% |
| Repairs | 0 | 2,339,043 | 100% | 38,000 | -98% |
| Utilities | 73,395 | 83,967 | 14% | 113,400 | 35% |
| Fixed assets | 31,399 | 200,000 | 537% | 0 | -100% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenses | 211,591 | 202,475 | -4% | 180,500 | -11% |
| **Total** | **917,069** | **3,513,657** | **283%** | **1,135,500** | **-68%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

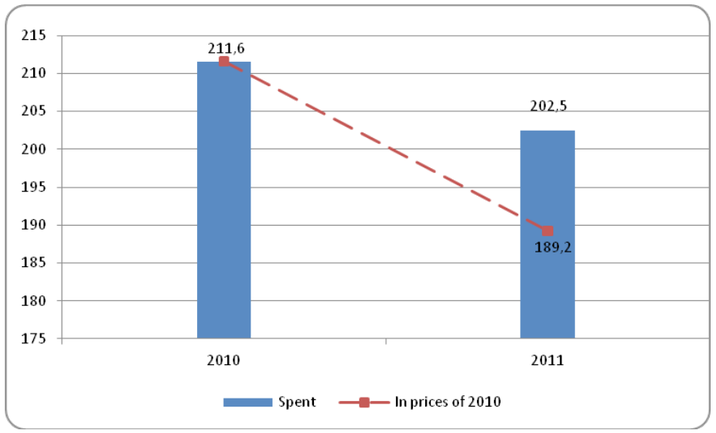
## 6.2. STAFF EXPENSES

Staff expenditures represent approximately 70% of the total budget, increasing year on year. Due to the fact that remuneration is governed by law and regulations, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENSES

From 2010 to 2011, both the face value and the real value of operating expenses decreased. The face value decreased from MDL 211.6 thousand to MDL 202.5 thousand, a reduction of 4%. Their real value decreased by 11%, however, taking into account that in 2011 the inflation rate was 7%.[7] MDL 202.5 thousand in 2011 was therefore equivalent to MDL 189.2 thousand in 2010; hence, the real value of operating expenses decreased by MDL 22.4 thousand (Graph 7).

**Graph 7.** *Operating expenses for Vulcanesti District Court in 2010 and 2011*



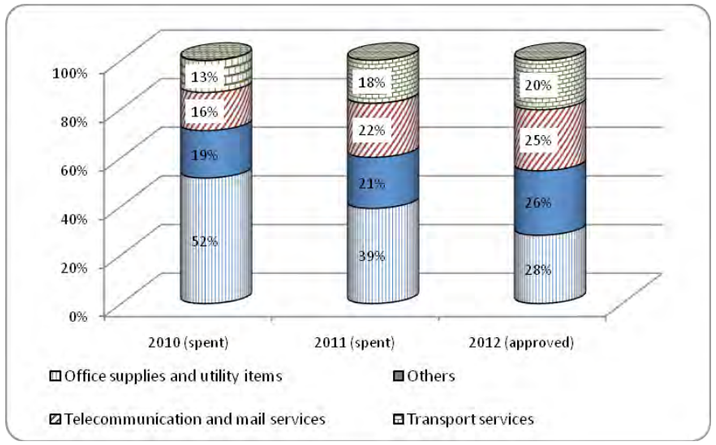

[7] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENSES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Transport services;
- Telecommunication and mail services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*




Graph 8 shows that the share of expenditures for office supplies and utility items decreased every year from 52% in 2010 to 28% planned for 2012 while the shares of the other two categories increased.

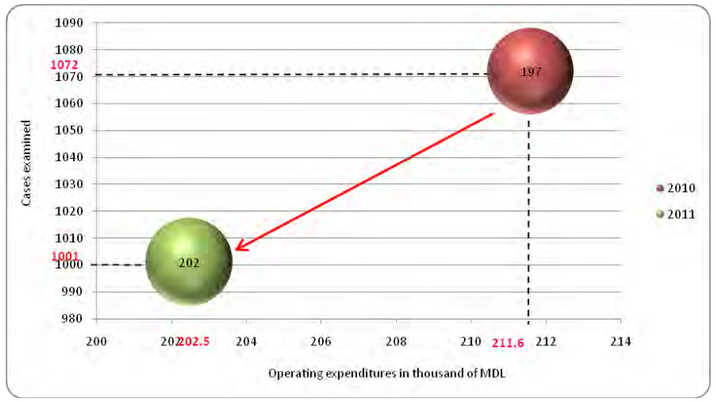
Telecommunications and mail merit attention as approximately 70% are for postage.

## 6.5. OPERATING EXPENSES COMPARED WITH THE NUMBER OF CASES EXAMINED

The decrease in the operating expenses in 2011 compared to 2010 can be explained by a number of factors, including by the decrease in the number of cases examined from 1072 to 1001 (by 71 cases).

Comparing operating costs with the number of cases examined, in 2010 the average cost for examining a case was approximately MDL 197 while in 2011 it was MDL 202 (Graph 9).

**Graph 9.** *Comparative analysis of the average cost for examining a case in Vulcanesti District Court in 2010 and 2011*



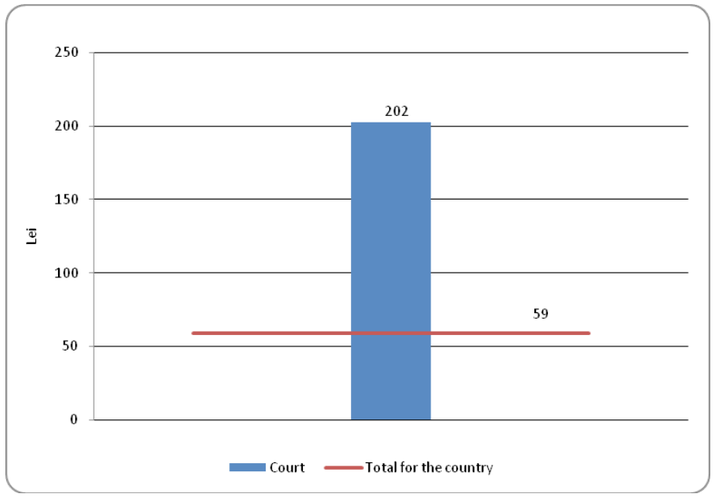

***Note:*** *The size of the sphere represents the average operating cost per case examined in the court*

The decrease in the average cost of examining a case could be the result of the decrease in both the operating expenses and the number of cases examined. The fact that the average cost per case increased indicates that the decrease in the number of cases examined was greater than the decrease in operating expenses.

## 6.6. AVERAGE OPERATING COST PER CASE IN VULCANESTI DISTRICT COURT COMPARED WITH THE WEIGHTED AVERAGE COST FOR THE COUNTRY

A comparison with the weighted average cost of a case for the country as a whole can show whether MDL 202 per case in 2011 was high or low. Note that only data for courts of the first instance were taken into account in determining the weighted average cost for the country.

**Graph 10.** *Comparative analysis of the average cost per case examined in Vulcanesti District Court in 2011 and the weighted average cost per case for the country as a whole*




As shown in Graph 10, in 2011 the average cost per case examined in Vulcanesti District Court was significantly higher than the weighted average cost per case for the country.

## 6.7. AUTOMATION OF THE ACCOUNTING SYSTEM

Vulcanesti District Court does its accounting manually, due to a lack of funds to purchase accounting software.

## 6.8. PROCUREMENT

The court does its procurement in accordance with current legislation. Procurements are managed just by the chief accountant and the adviser to the chief judge neither of whom has professional qualifications in procurement. Since procurement legislation is continuously changing, these persons should receive training at least every six months.

During the site visit, several court staff suggested centralizing the procurement of certain items in order to receive better prices and to relieve them from these duties. For example, in 2011 and 2012, some courts procured cars of various makes at different prices. If the tender had been centralized, the courts could have probably gained savings due to volume discounts. Similarly, procuring office supplies or contracting repair works or capital investments can be centralized. An especially important item would be acquiring postage meters that are cheaper if bought in bulk. In addition, centralized procurement would give all courts the same brand of postage meter which would make it easier and less expensive to maintain them (spare parts, etc.).

### Conclusions

- In 2011, both the face value and the real value of operating expenses decreased.
- The average cost for examining a case in 2011 increased compared with 2010.
- In 2011, the average cost of a examining a case was considerably higher than the weighted average for the country as a whole.
- Mail expenses account for a large share of total operating expenses.
- Accounting is done manually due to a lack of funds to purchase accounting software.
- All public procurements are made without a procurement specialist.
- There is a need for training in public procurement.

### Recommendations

- Consider purchasing accounting software and training the staff to use it.
- Consider purchasing postage meters to reduce mail expenses. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.

## OVERVIEW

The Commercial District Court in Chisinau Municipality serves all localities in the Republic of Moldova and tries cases that fall under its competence according to the Civil Procedure Code of the RM.

According to its staff roster, the Commercial District Court has 12 judges and 22 support staff.

The court has no human resource specialist; those duties are performed by the court president and the consultant. The Commercial District Court has no public relations specialist; those duties are performed by the president of the court.

Staff expenditures follow an upward trend. The court does all its public procurements without a procurements specialist. Although in 2011 the face and real value of the allocations for operating expenditures increased as compared to 2010. In 2011 the average operating cost for examining a case increased compared with the previous year (see the detailed analysis in Chapter VI).

The Commercial District Court has an area of 783.4 sq. meters and it is located on the second floor of a building that is in poor condition. The interior, electrical and heating systems need to be renovated. There are plans to organize and consolidate the archives.

# COMMERCIAL DISTRICT COURT

*73, Stefan cel Mare Str., second floor, Chisinau Municipality*

*Date of the visit: June 21, 2012*

The employees of the Commercial District Court use the Version 2 of ICMS and mentioned that it is slow and distributes cases unevenly.

The employees of the court do not make audio recordings of the hearings because there are no courtrooms and because the new clerks are not trained to use the audio recording software. During the documentation visit they stated that all court hearings take place in the judges' offices.

The specialists at Commercial District Court keep more registers than the amendments to the guidelines require.

The total number of cases registered at the Commercial District Court decreased by 2623 from 2009 to 2011, while the number of cases examined increased by 1222 during the same period with a case clearance rate of 92.7% in 2011.

The court has an information board for the public. The judges' doors have a warning that the entry is not allowed.

The website of the Commercial District Court is periodically updated, and the menus have some information of public interest.

# I. INFRASTRUCTURE

## 1.1. ASSESSMENT

| Infrastructure elements | Appraisal[1] | Comments |
|---|---|---|
| Exterior | 2 | The court is located on the second floor of a three-storey building. The condition of court's main entrance is good. |
| Water supply | 3 | The court is connected to the centralized water system. The pipes need to be renovated. |
| Power supply | 4 | The electrical network is old and needs renovation as it was last repaired in 2007. Power outages occur especially in autumn and spring when people turn on air conditioners and heaters. |
| Sewerage system | 3 | The court has a centralized sewerage system; the pipes need to be renovated. |
| Heating system | 4 | The court has a centralized heating system that needs renovation. |
| Firefighting system | - | Does not exist. |
| Roofing | - | The court is located on the second floor of a three-storey building. |
| Interior | 4 | No repairs have been made, but capital repairs are needed as is rodent extermination. |

[1] 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory.

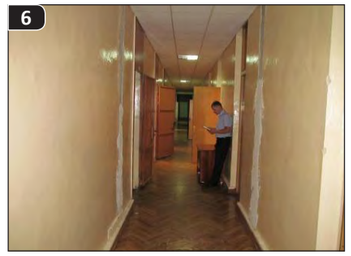
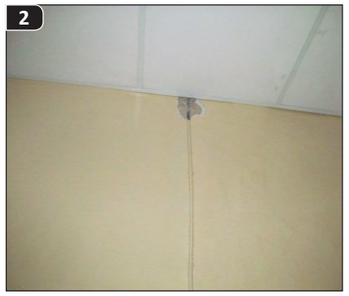
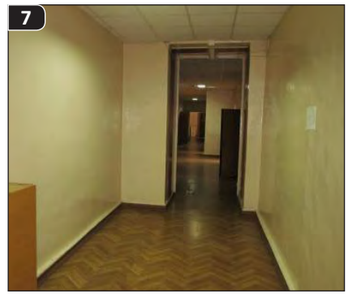




**Photo 1.** *Main entrance*
**Photo 2.** *Interior walls*
**Photo 3.** *Interior walls*
**Photo 4.** *Judge's office*
**Photo 5.** *Judge's office*
**Photo 6.** *Room for parties to liigations*
**Photo 7.** *Room for parties to litigations*
**Photo 8.** *Interior walls*
**Photo 9.** *WC for public and staff*
**Photo 10.** *Interior door*

## 1.2. CURRENT CONDITION

The infrastructure assessment focused on an analysis of the physical and operational conditions of Commercial District Court as of June 2012.

Chisinau Commercial District Court rents a floor in a historic building on Stefan cel Mare Boulevard in the center of the capital. It was built between 1949 and 1953. The Commercial District Court was transferred to this building in 1997 and was initially on the first floor, together with the Commercial Court of Appeals. In 2007, the Commercial District Court was moved to the second floor.

The court has an area of 783.4 sq. meters on one floor. There are 47 offices and 1 public room.

The Commercial District Court has no security system.

The court has centralized water and sewerage systems. The electrical system is in poor condition and needs complete renovation. Power outages occur as the electrical system of the entire building is obsolete. Changing the network only on the court's floor will not solve this problem.

The heating system is the original and is in an unsatisfactory condition. The pipes and radiators should be renovated.

The archives are inefficiently located in six rooms with safety ensured only by the locks on the doors. The technical condition of some rooms is unsuitable for archives. There is no ventilation system.

The court's interior is in unsatisfactory condition. The entire floor needs capital repairs. The hallways are dark because there is no natural light source, and in order to reduce expenditures for electricity, the lighting fixtures are not connected. There is no proper ventilation system. The ceiling of the corridors is suspended. There are cracks in the walls and in the linoleum. Many offices were repaired somewhat in 2008, but now they are in poor condition and need to be renovated. Air conditioners have been installed in some judges' offices. The court has only one restroom which is used by the staff and the public. The condition of the restroom is unsatisfactory and needs renovation. In some rooms, such as the archives and the storage room, the lighting fixtures are the ones installed initially when the building was built. The furniture is old and needs to be replaced. The server is located in a room used for archives. This room has air conditioning.

The court has no courtrooms. One of the courtrooms is used as an archive and other three rooms are used as offices for staff. The court has a room for lawyers to study cases, but it needs renovation and new furniture.

There is no firefighting system and no emergency lights.

The functional space of Commercial District Court is not suitable for the activity of a law court. The facility is inefficiently organized. There is no separation of the space for the public and that for judges. There are no courtrooms. The chancellery is too far from the entrance and is overcrowded. The corridors are used as waiting rooms and are uncomfortable because they lack light and are stuffy.

The Commercial District Court has a plan for organizing the archives in a more efficient way.

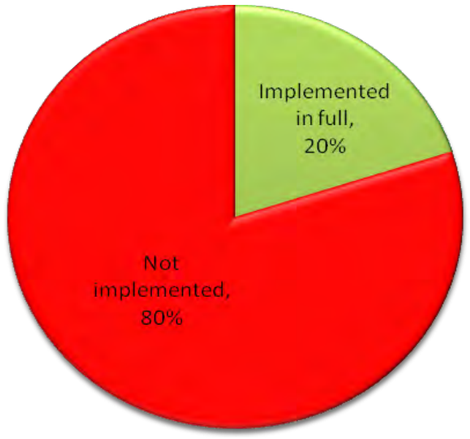
The 2009 Infrastructure Assessment Report listed four priorities for capital repair work. Only one recommendation has been fully implemented (Table 1 and Graph 1).

**Table 1.** *Implementation of the capital repair priorities identified in 2009*

| Priorities for capital repair in 2009 | Implementation stage in 2012 |
|---|---|
| Replace the door closing mechanism to allow evacuation in case of emergency | Not implemented |
| Reorganize the rooms to enhance public access to the Chancellery, create additional courtrooms and allow better separation of the space meant for the public and that meant for the court staff. | Not implemented |
| Renovate the corridors and washroom. | Not implemented |
| Install an air conditioner in the room where the LAN server is located. | Implemented |

*Source: 2009 Infrastructure Assessment Report*

**Graph 1.** *Implementation of the 2009 capital repair priorities in 2012*




### Conclusions

- No renovations have been done at the Commercial District Court from 2009 to 2012.
- All rooms need capital repairs.
- There are no security or firefighting systems.
- ROLISP estimated that 20 % of the 2009 recommendations for capital repairs have been fully implemented and 80 % have not been implemented.

### Recommendations

- Install a firefighting system.
- Install a security system.
- Relocate the chancellery and the reception to the entrance to facilitate access to information for the public.
- Consolidate and reorganize the archives.
- Reorganize the facility to separate the space for the public and to establish a sufficient number of courtrooms.
- Renovate the washroom and build a separate one for staff.
- Upgrade the electrical system of the building.
- Renovate the interior finishing and replace doors where needed.
- Create a waiting room for the public.
- Locate all judges and related staff offices into an area with restricted access in order to limit public access.

## II. COURT AUTOMATION

### 2.1. INTEGRATED CASE MANAGEMENT SYSTEM

The Commercial District Court uses Version 2 of ICMS.

The staff of the court mentioned an uneven distribution of cases and the slow speed of the software as problems with ICMS. Human resources are not managed through ICMS, since newly employed staff members use the logins and passwords of former employees.

The use of ICMS requires creating digital files by scanning documents after they are registered. The chancellery specialist does not scan them, however, because there is only one employee there who does not have time for scanning.

The court has no IT specialist, so technical issues are solved by CST. According to the staff, CST solves problems quickly so they rated their satisfaction with the services provided in 2012 as a 4 out of 5.

**Table 2.** *List of suggestions for modifying ICMS at the Commercial District Court*

| No | Suggestions for modifying the ICMS |
|---|---|
| 1. | Modify the case distribution mechanism so they are evenly distributed. |
| 2. | Include the results of court hearing in the list of hearings retrieved from ICMS . |

*Source: President of Commercial District Court*

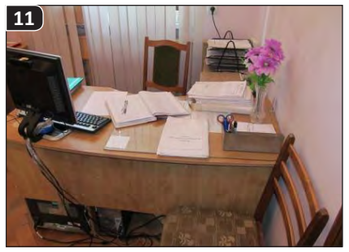
### 2.2. AUDIO RECORDING SYSTEM

The Commercial District Court has no courtrooms but does have four sets of audio recording equipment and software that are not used. There have been no requests to record court hearings. Since 2009 when the audio recording equipment and software were installed, there have been no requests for CDs with recordings of court hearings.

The doors of former courtrooms have no plaques stating that hearings are audio recorded.

According to the Regulations on Digital Audio Recording of Court Hearings, the purpose is to check the accuracy and the completeness of the written minutes of hearings and to ensure transparency and efficiency of court operations. Hearings are not recorded and therefore are not used for this purpose. [2]

[2] *Regulations on Digital Audio Recording of Court Hearings, approved by CSM Decision No. 212/8 of 18 June 2009.*



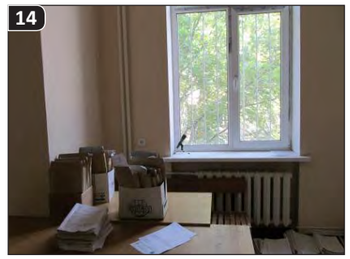



**Photo 11.** *Chancellery*
**Photo 12.** *Courtroom with audio recording equipment, transformed into archive*
**Photo 13.** *Chancellery*
**Photo 14.** *Courtroom with audio recording equipment, transformed into archive*

## 2.3. WEB PAGE OF THE COMMERCIAL DISTRICT COURT

The court has a website where information for citizens is posted; the consultant updates it.

Table 3 below shows the menus of Commercial District Court web page and their completeness.

Not all menus have information of public interest about the Commercial District Court. Information about vacancies should be removed from "News." The menus "Public Relations Service," "Press Releases," "News," "Archives," "Statistical Records" and "Information of Public Interest" contain no information.

***Table 3.*** Content of the web page of Commercial District Court [3]

| Menu title | Information posted on the web page |
|---|---|
| Message of the president of the court | Welcoming message of the president of the court |
| Competence | – Competence<br>– Table with settlements falling under scope of Commercial District Court |
| Regulatory Framework | – List of the main regulatory acts that govern the activity of the court |
| Public Relations Service | Does not contain any information |
| Press Releases | Does not contain any information |
| News | Active link to "Vacancies" which contains no information |
| Archives | Active link to "Links" which contains no information |
| Organization | Court's organizational chart |
| List of Hearings | Information retrieved automatically from ICMS |
| List of Case Files | Information retrieved automatically from ICMS |
| Database of Judgments | Information retrieved automatically from ICMS<br>**Last decision was posted on 31 May 2011** |
| Statistical Records | Does not contain any information |
| Information of Public Interest | Does not contain any information |

*Source: http://je.justice.md/*

## 2.4. EQUIPMENT INVENTORY AND EQUIPMENT NEEDS

The Commercial District Court has sufficient equipment to operate properly. Table 4 shows the equipment category, the number of existing items and the equipment needed according to court staff.

**Table 4.** *Equipment inventory and equipment needs*

| Equipment item | Number of items | Needed |
|---|---|---|
| Server | 1 | - |
| Computers | 41 | - |
| Printers | 24 | 1 |
| Scanner | 1 | 8 |
| Audio recording equipment sets | 4 | 9 |
| Photocopier | 1 | - |
| Air conditioner | - | 23 |
| Fax | - | 3 |
| Telephone | - | 8 |
| Table lamp | - | 4 |

*Source: Commercial District Court*

### Conclusions

- When using ICMS Version 2, the staff of the court faces the issues of uneven distribution of cases and its slow speed.
- The employees of the Commercial District Court do not use the audio recording system.
- In order to improve its work, the court needs 1 printer, 8 scanners, 9 sets of audio recording equipment, 23 air conditioners, 3 faxes, 8 telephones and 4 table lamps.
- The court uses some of the website content management system, but several menus have no information at all.

### Recommendations

- Use the audio recording system and software.
- Complete all menus on the web page with information of public interest.
- Update the name of the court on the website.
- Use the ICMS module for publishing judgments.

[3] *On assessment day the website stated the name of the court as the Economic District Court.*

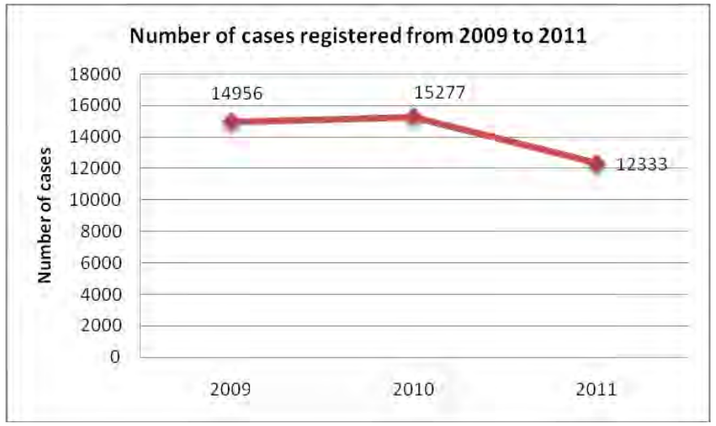
# III. WORK OF COMMERCIAL DISTRICT COURT

## 3.1. WORK LOAD OF THE COURT

The workload of the Commercial District Court was analyzed from 2009 to 2011 by the total number of cases registered, the total number of cases examined, the number examined by type of case, the year-end backlog and the case clearance rate.

Graph 2 shows that the total number of cases registered decreased from 14,956 in 2009 to 12,333 in 2011.

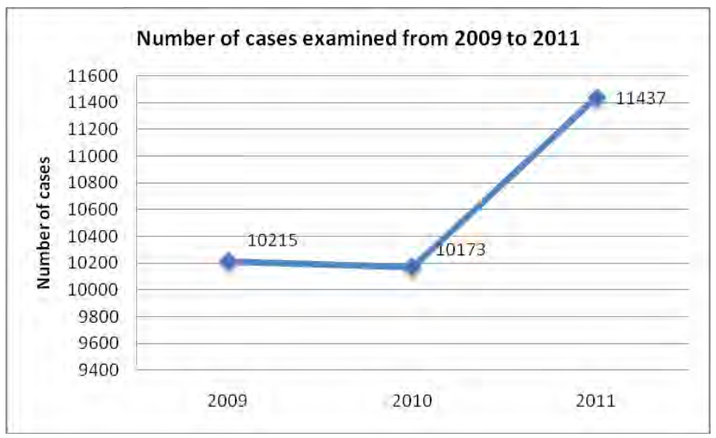
**Graph 2.** *Number of cases registered from 2009 to 2011*




*Source: DJA*

The total number of cases examined increased from 10,215 in 2009 to 11,437 in 2011 (Graph 3).

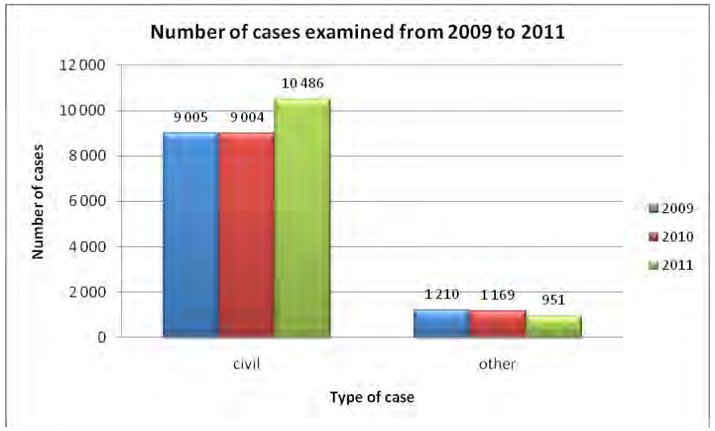
**Graph 3.** *Number of cases examined from 2009 to 2011*




*Source: DJA*

According to the data in Graph 4, from 2009 to 2011 the number of civil cases examined by the Commercial District Court increased from 9005 to 10,486.

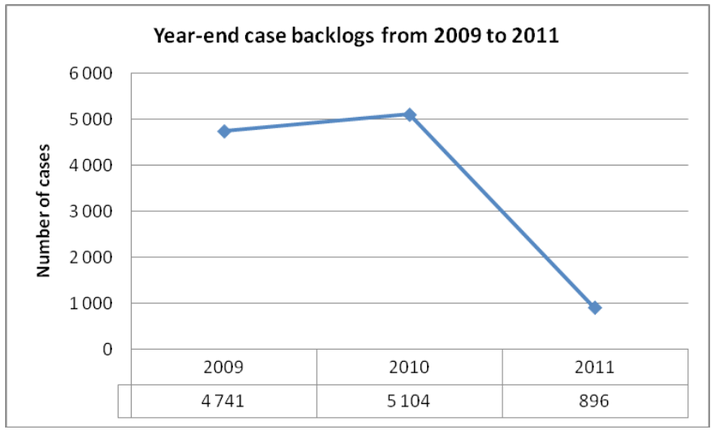
**Graph 4.** *Number of cases examined from 2009 to 2011 by type of case*




*Source: DJA*

The case backlog of the Commercial District Court decreased from 4741 in 2009 to 896 in 2011 *(Graph 5*).

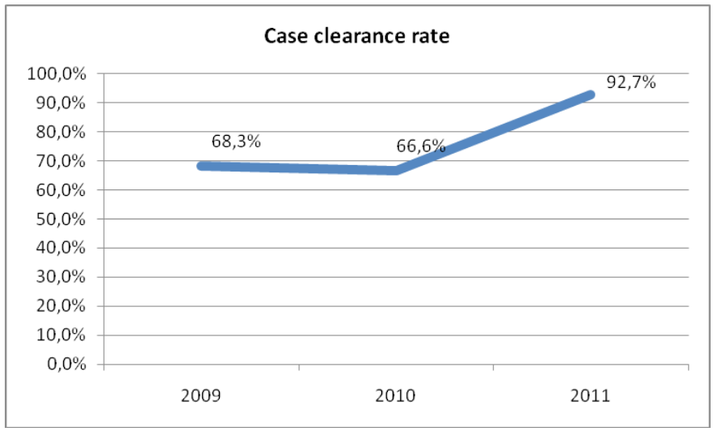
**Graph 5.** *Year-end case backlog from 2009 to 2011*




*Source: DJA*

As shown in Graph 6, the case clearance rate in the Commercial District Court increased from 68.3% in 2009 to 92.7% in 2011.

**Graph 6.** *Case clearance rate from 2009 to 2011*



## 3.2. ORGANIZATION OF ACTIVITIES

The court has a chancellery, archives and other services. The chancellery and the archives provide secretarial support for administering justice, generalizing judicial practice, analyzing judicial statistics and other necessary work.

The chancellery of the court is situated on the second floor. The chancellery staff consists of one person responsible for registering the cases in ICMS and on paper.

The chancellery of the Commercial District Court keeps the registers in Table 5.

**Table 5.** *The registers used by Commercial District Court chancellery*

| Register Category | Register Title |
|---|---|
| ***General*** | 1. Incoming mail<br>2. Challenges, expert review and connection petitions submitted to judges<br>3. Files returned to the court (files that were wrongly sent, etc.)<br>4. Petitions<br>5. Questions<br>6. Simple requests<br>7. Requests to archives<br>8. Disk[4] |
| ***Civil*** | 1. Statements of claims<br>2. Cases submitted for retrial, review, change of judgment, copies of enforcement orders (indicator 17)<br>3. Statements of appeal<br>4. Requests for challenges<br>5. Action record card |
| ***Criminal*** | - |
| ***Administrative***[5] | - |

*Source: Commercial District Court chancellery specialists*

The court maintains duplicate records of case files—one on paper and one in digital format. The same information may be entered three or even four times in various records as shown in Table 6.

**Table 6.** *Registration of a civil case by information source*

| Information category | Source 1 | Source 2 | Sources 3 and 4 |
|---|---|---|---|
| Manual number of the case | ICMS | Action record card | Incoming mail, Statements of claim |
| Plaintiff's name | ICMS | Action record card | Statements of claim, floppy disk |
| Plaintiff's contact information | ICMS | Action record card | |
| Defendant's name | ICMS | Action record card | |
| Defendant's contact information | ICMS | Action record card | |
| Case category | ICMS | Action record card | Statements of claim |
| State fee | ICMS | Action record card | |
| Case file circulation within the court | ICMS | Action record card | Floppy disk |
| Essence of the case | ICMS | Action record card | |

*Source: Commercial District Court chancellery specialists*

The chancellery keeps more registers than required by the guidelines.[6]

The archives of the court are located on the second floor of the building in six rooms that are too small, need repairs, have rodents and lack ventilation and air conditioning.. In some archive rooms the shelves are missing, so the files are stored on the floor. The person responsible for archives has no ladder to allow access to the files on the highest shelves and does not have enough time to properly organize them because in addition to managing the archives, this employee is responsible for dealing with the public, issuing copies, managing the court's website and managing human resources. [7]

### Conclusions

- The number of cases filed at the Commercial District Court decreased by 17.5% from 2009 to 2011.
- The number of cases tried by the Commercial District Court increased by 12% from 2009 to 2011.
- The number of civil cases tried by the Commercial District Court increased by 1481 cases from 2009 to 2011.
- The case backlog decreased by 3845 from 2009 to 2011.
- The case clearance rate increased by 24.4% during the same period.
- There is duplication of effort because laws and regulations require paper and digital registers.
- The specialists of the chancellery keep more registers than required in the guidelines.

### Recommendations

- Review the internal procedures for record keeping to make them compliant with SCM Decision No 93/7 of 2 March 2011 and to bring the number of registers in line with the requirements in the Guidelines.
- Change the chancellery's location and build a reception room at the entrance.
- Consolidate the archives into a single, properly organized, ventilated and repaired room.

[4] *Register that shows the case and indicator of the judge who tries it.*
[5] *Criminal and administrative cases are not examined at the Commercial District Court.*
[6] *SCM Decision No. 93/7 of 2 March 2011 on Amendment and Completion of the Guidelines.*
[7] *The position of archivist or head of archives is not on the staff roster. A consultant is in charge of the archives.*

## IV. HUMAN RESOURCES

According to its staff roster the Commercial District Court has 12 judges and 22 support staff.It does not include the position of human resource manager. In practice, those duties are performed by the court president and the consultant (Table 7).

The Commercial District Court has no public relations specialist; those duties are performed by the president of the court when needed.

The court staff is divided into public servants, support and technical staff. The first category includes the adviser to the president, clerks, consultants and the accountant. The second category includes the head of chancellery and specialists. The third includes cleaners, workers etc. In order to fill a vacancy, they place announcements in *Makler* and *Logos Press* newspapers. An oral and written interview is organized. The president of the court decides on employment and drafts the employment order.

The court has job descriptions for the positions of adviser to the president, consultant, clerk, translator and specialist.

**Table 7.** *Staffing scheme of Commercial District Court*

| No. | Position | Current number | Job vacancies |
|---|---|---|---|
| 1. | Judge | 12 | - |
| 2. | Adviser to the court president | 1 | - |
| 3. | Chief accountant | 1 | - |
| 4. | Consultant | 2 | - |
| 5. | Head of the chancellery | 1 | - |
| 6. | Specialist | 2 | - |
| 7. | Clerk | 12 | - |
| 8. | Translator | 2 | - |
| 9. | Driver | 1 | 1 |
| | **TOTAL** | **34** | **1** |

*Source: Accounting office of Commercial District Court*

The Court has internal regulations available to judges and regular staff that establish the operations and organization of the court and the rights and obligations of court management, judges and regular staff appointed or employed on the basis of an individual employment agreement, irrespective of its term, who are subordinated to the court or who provide services to ensure the efficient and effective administration of justice.

Judges are trained by the NIJ; as it was stated during the visit, in 2011 all judges of the court met the requirement of 40 annual hours of ongoing training. The judges the assessment team interviewed mentioned that NIJ training and the publications they receive from SCM are enough to meet their information and training needs. When looking for regulatory acts, the Commercial District Court uses the legislative database on the Ministry of Justice website and does not subscribe to any private legislative database. The court subscribes to the *Official Gazette*, *SCJ Bulletin, Accounting and Auditing*, and *Ekonomicheskoe Obozrenie (Economic Review*).

The court staff mentioned that they were last trained by NIJ two years ago and that the court does not organize any training internally for them. Clerks need training in drafting the minutes of court hearings, drafting enforcement orders and in the use of ICMS and Femida. The chancellery specialists need to be trained in the use of ICMS and the consultant needs training in human resource management and web page content management.

### *Conclusions*

- Human resource management is performed by the court president and the consultant.
- The court has no public relations specialist.
- The court has no human resource specialist.
- The court has no archivist.
- The court does not have an internal staff training system.

### *Recommendations*

- Employ and train a human resource specialist.
- Employ and train a public relations specialist.
- Employ an archivist.
- Conduct internal training for the regular staff of the Commercial District Court in order to clarify issues they encounter in their jobs.

**Photo 15.** *Archives*
**Photo 16.** *Archives*

**Photo 17.** *Archives*
**Photo 18.** *Archives*

## V. SERVICES FOR THE PUBLIC

The court lacks an information window or office at the entrance. There are no signs at the entrance to show citizens the way to the chancellery or archives. There are no plaques warning that the access to judges' offices is prohibited.

There is an information board at the entrance to the court that contains the following data:

- List of cases scheduled for hearing which is not automatically retrieved from the ICMS but drafted in MS Word
- Rules of conduct for participants in cases and other people in law courts
- Code of conduct for public servants
- Poster about corruption
- Poster about civil cases
- Poster about enforcing judgments

On any working day, parties and other participants in a case may request copies of judgments from the chancellery. The chancellery staff submits the request to the president of Commercial District Court for approval. If the request is approved, the applicant must pay the state fee at a bank. If the requester comes from far away, the copy is issued on the very same day. For other people, copies are generally issued within seven days.

### *Conclusions*

- There is no information window for the public.
- There are no signs showing the way to the chancellery and the archives.
- The information board for the public at the court entrance contains information helping visitors to orient themselves.
- The chancellery and archives of the court are far from the entrance—a location that conflicts with the rules for the general design of law courts.
- The procedure for issuing copies needs president's approval which requires him/her to spend time considering requests.

### *Recommendations*

- Locate the chancellery closer to the entrance and create a single window for information and filling out/taking documents.
- Install signs showing the way to the chancellery and archives.
- Simplify the procedure for issuing copies by exempting the president from the duty to approve requests and train properly the chancellery staff accordingly.
- Place information of broader public interest on the information board such as announcements about the website, news of the judiciary, samples of petitions, etc.

19

**Photo 18.** *Information board*

# VI. BUDGET AND PROCUREMENTS

Every year, as in any Moldovan court, the Commercial District Court develops its draft budget for the next fiscal year on the basis of the expenditure ceiling established by DJA which receives the ceilings for the entire judiciary from the Ministry of Justice. The ceilings are established and approved in conjunction with the Ministry of Finance.

The ceiling is set for the following two expenditure categories:

1) Current expenditures (staff, others);

2) Capital expenditures (capital investments, fixed assets, capital repairs).

The court calculates staff expenditures according to a methodology provided by DJA while capital expenditures are determined by each individual court after negotiations with DJA. Other expenditures are calculated on the basis of the previous year's budget adjusted for the inflation rate predicted for the coming year. As a result of these calculations, the court proposes a draft budget that complies with the ceilings established by DJA.

## 6.1. BUDGET

The budget of Commercial District Court is divided into six categories:

- *Staff expenditures* – salaries, mandatory state social insurance, health insurance contributions paid by employers and transfers to population;
- *Expenditures for repairs* – current and capital repairs;
- *Expenditures for utilities* – power, gas, water and sewerage and sanitation;
- *Expenditures for fixed assets;*
- *Expenditures for capital investments;*
- *Operating expenditures* – other expenditures.[8]

Note that the court leases its premises; hence expenditures for the lease were included in those for utilities.

In 2010 (spent) and 2012 (approved), the budget increased from MDL 2 million to MDL 2.4 million (Table 8).

In 2011 the budget of the court increased by 7% compared with 2010 due to a 30% increase in operating expenditures and a 5% increase in staff expenditures.

In 2012 the court budgeted 12% more funds than in 2011 due to a 15% increase in staff expenditures and a 35% increase in utilities.

[8] *Office supplies, periodic publications and books, telecommunication and mail services, transport services, upholstered furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard service, information technology and computation services, goods and services that do not fall into other budget categories, travel within the country.*

**Table 8.** *Budget of Commercial District Court by type of expenditure (2010-2012)*

| Expenditure category/year | 2010 (spent) | 2011 (spent) | | 2012 (approved) | |
|---|---|---|---|---|---|
| | Amount | Amount | Growth compared to the previous year | Amount | Growth compared to the previous year |
| Staff | 1,454,489 | 1,525,401 | 5% | 1,759,200 | 15% |
| Repairs | 0 | 0 | 0% | 0 | 0% |
| Utilities | 261,650 | 249,908 | -4% | 336,200 | 35% |
| Fixed assets | 8,000 | 0 | -100% | 0 | 0% |
| Capital investment | 0 | 0 | 0% | 0 | 0% |
| Operating expenditures | 311,222 | 404,449 | 30% | 343,800 | -15% |
| **Total** | **2,035,361** | **2,179,758** | **7%** | **2,439,200** | **12%** |

*Source: for 2010 BOOST database (http://minfin.md/ro/BOOST), for 2011 and 2012 forms No. 1 and No. 2 provided by the court*

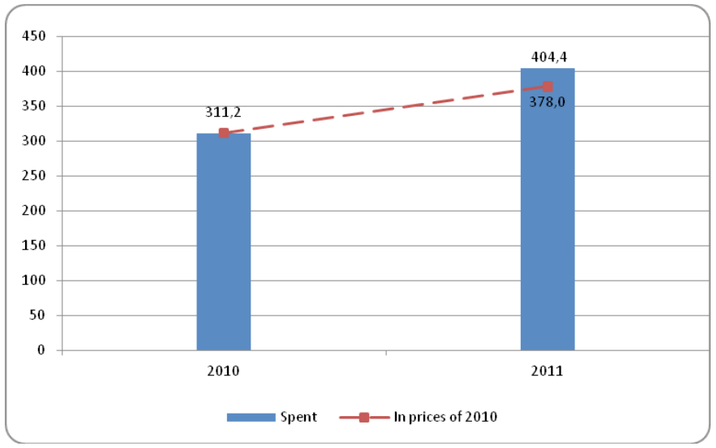
## 6.2. STAFF EXPENDITURES

Staff expenditures represent approximately 70% of the total budget, increasing annually. Due to the fact that remuneration is governed by law, the court cannot change wages based on performance. Having this in mind, no analyses or recommendations are proposed in this report.

## 6.3. OPERATING EXPENDITURES

From 2010 to 2011, both the face value and the real value of operating expenditures increased. Their face value increased from MDL 311.2 thousand to MDL 404.4 thousand, a 30% increase. Their real value, however, increased by 21% allowing for the inflation rate of 7% in 2011[9]. MDL 404.4 thousand in 2011 was therefore equivalent to 378 thousand in 2010; hence, the real value of operating expenditures increased by approximately MDL 66.8 thousand (Graph 7).

**Graph 7.** *Operating expenditures for the Commercial District Court in 2010 and 2011*



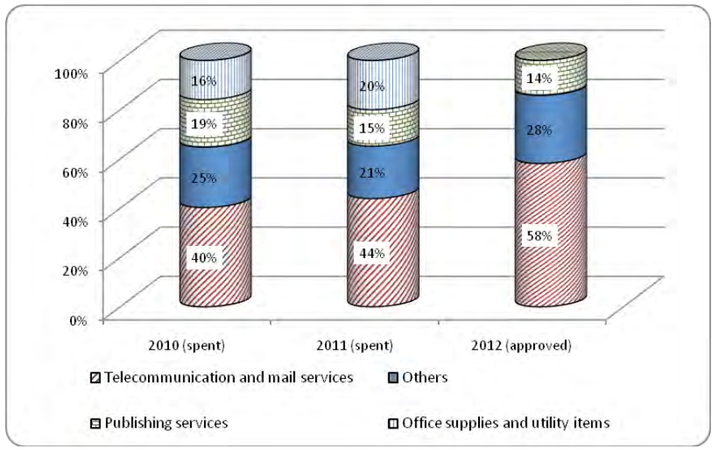

[9] http://www.statistica.md/pageview.php?l=ro&idc=335&id=2344

## 6.4. STRUCTURE OF OPERATING EXPENDITURES

There are three main types of operating expenditures:

- Office supplies and utility items;
- Telecommunications and mail services;
- Publishing services.

**Graph 8.** *Structure of operating expenditures from 2010 to 2012*



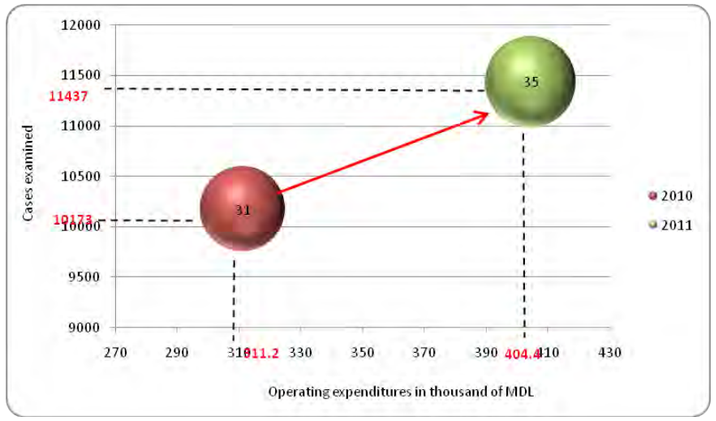

Graph 8 shows that the budget for telecommunications and mail increased from 40% of total operating expenditures in 2010 to 58% in 2012 while expenditures for publishing services decreased from 19% in 2010 to 14%. Office supplies and utility items increased from 2010 to 2011 while in 2012 the court did not budget any funds for them.

Expenditures for telecommunications and mail merit attention because approximately 70% of them are for stamps.

## 6.5. OPERATING EXPENDITURES COMPARED WITH THE NUMBER OF CASES EXAMINED

The increase in the real value of operating expenditures in 2011 compared with 2010 was due to a number of reasons, including to the increase in the number of cases examined, which increased from 10,173 in 2010 to 11,437 in 2011. Comparing the operating expenditures with the number of cases examined, in 2010 the average cost for examining a case was approximately MDL 31 while in 2011 it was MDL 35 (Graph 9).

**Graph 9.** *Comparative analysis of the average operating cost/case in the Commercial District Court in 2010 and 2011*




***Note:*** *The size of the sphere represents the average operating cost per case examined in the court.*

## 6.6. AUTOMATION OF THE ACCOUNTING SYSTEM

Commercial District Court does its accounting electronically.

### Conclusions

- In 2011, the real value and the face value of operating expenditures increased.
- In 2011 the average operating cost for examining a case was slightly higher than in 2010.
- Mail expenditures account for a large share of total operating expenditures.
- Accounting is done electronically.

### Recommendations

- Consider purchasing postage meters to reduce mail expenditures. This may require considerable investment now, but in the long run it will produce many benefits such as saving both money and staff time as they will not need to go to the post office and will not need to manually stamp envelopes.