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## SEPARATION OF POWERS PROGRAM

ANNUAL REPORT - YEAR FIVE

OCTOBER 1, 2012 – SEPTEMBER 30, 2013

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# SEPARATION OF POWERS PROGRAM ANNUAL REPORT - YEAR FIVE OCTOBER 1, 2012 – SEPTEMBER 30, 2013

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## TABLE OF ACRONYMS

COP	Chief of Party
DCOP	Deputy Chief of Party
ENCJ	European Network of Councils for the Judiciary
EU	European Union
EWMI	East-West Management Institute, Inc.
HCC	High Court Council
IACA	International Association of Court Administration
IDI	Institutional Development Index
IT	Information Technology
JA	Judicial Academy
MFAS	Material and Financial Affairs Sector of the High Court Council
MOF	Ministry of Finance
MOJ	Ministry of Justice
MOU	Memorandum of Understanding
NGO	Non-Government Organization
NJRS	National Judicial Reform Strategy
P-BMP	Performance-Based Monitoring Plan
SFMA	Sector for Financial and Material Affairs of the National Assembly
SPP	Separation of Powers Program
SRC	SRC Sistemske Integracije d.o.o.
TAIEX	Technical Assistance and Information Exchange
USAID	United States Agency for International Development

## **EXECUTIVE SUMMARY**

This report is a summary of SPP's activities covering October 1, 2012 through September 30, 2013. Proposed changes to the legal environment as Serbia prepared for E.U. candidacy meant that the operating environment for the judiciary was mercurial throughout the year, but SPP was able to leverage past success to participate in the discussion and to plan for an environment with increased judicial independence and improved court efficiency, particularly in the reduction of older pending cases.

### **TASK 1 JUDICIAL BRANCH FINANCIAL INDEPENDENCE**

In May, the Serbian Parliament adopted the National Judicial Reform Strategy, covering the period 2013-2018. The Strategy envisages strengthening of the role of the HCC, and calls for the transfer of budgetary responsibilities to the HCC by June 1, 2016. This document is expected to be the blueprint for changes to the judiciary, including enhanced budgetary and planning authority, and a new law on the HCC, which is currently under discussion.

SPP continued to develop capacity in the Financial Department of the HCC, and staff used software and other tools provided by the project to develop the 2013 budget request and to communicate the needs of the judiciary to the Ministry of Finance.

SPP also helped the HCC to prepare and implement changes to operational procedures, to modify the budget software and to create reports and analysis to assist in budget preparation and advocacy. The project also helped HCC to prepare and adopt a Communications Strategy, and to prepare a promotional video documenting the recent achievements of the organization.

### **TASK 2: COURT ADMINISTRATION**

The Government is pursuing broad changes to Serbia's laws, many of which affect the judiciary. SPP has actively shaped several proposed amendments to the Law on Court Organization, including provisions relating to the transfer of authority over court staff from the MOJ to the HCC and requiring courts to engage court managers. The Law on Court Organization requires large courts to engage court managers, and it is expected that they will do so once the Assembly approves permanent court presidents.

SPP also developed a Transition Plan for the new court network expected next year, and a National Plan for Backlog Reduction, which calls for an 80% reduction in old cases over the next five years. SPP presented the backlog reduction targets to HCC and MOJ officials, who responded favorably to the proposal, which is called for in the National Judicial Reform Strategy.

SPP also continued its work to decrease the backlog of old cases in the courts. The five courts participating in SPP's backlog prevention program closed 13% more cases than were filed in the

same period. SPP used the success of its partner courts to formulate targets for the National Backlog Reduction Plan

SPP also focused on developing public trust and confidence plans (PTCPs) for partner courts. Four courts adopted PTCPs for 2012, and SPP distributed templates to all ten partner courts.

SPP also worked on court-to-court cooperation, including a one day conference for 40 higher court judges on [“Harmonizing the Practice of the Higher Courts in Serbia;”](#) a backlog reduction workshop for partner courts; and case management training for over 100 judges.

SPP conducted a public opinion survey focusing on five key areas: fairness, support of the reforms, access to information, perceived corruption and bribery. The report shows a high level of public awareness about the problem of older cases and support for court administration reform, particularly among knowledgeable users.

## INTRODUCTION

The Separation of Powers Program (SPP) is funded by the United States Agency for International Development (USAID) through a five year contract with East-West Management Institute, Inc. (EWMI) that has been extended through December 2013. In general, SPP is designed to help Serbia move closer to European Union accession by strengthening the division of power and authority among Serbia's three branches of government.

SPP is structured around three tasks:

1. **Judicial branch financial independence:** Developing the capacity of the Serbian judiciary to allocate, acquire, and manage its resources;
2. **Improved court administration:** Assisting the Serbian judiciary in making its administration of justice more efficient, transparent, and responsive to the needs of its users; and
3. **Legislative branch financial independence:** Building the financial capacity of Serbia's National Assembly.

This report is a summary of SPP's activities covering October 1, 2012 through September 30, 2013. Because project assistance to the National Assembly officially ended in December 2011, no Task 3 activities are included in this report.

Section numbers in this report correspond to SPP's Year 5 Workplan, which covers the period commencing October 1, 2012 and ending August 13, 2013<sup>1</sup>. If a numeric section of the workplan is not specifically addressed below, it means that there were no material developments during the reporting period. Significant documents referred to in this report are attached as annexes, unless they have been attached to previous annual reports.

## TASK I: JUDICIAL BRANCH FINANCIAL INDEPENDENCE

### Summary of Performance Objectives

A summary of progress on performance objectives for Task I in the project contract is set out below. More detail is available in the subtask reports which follow, and in the Program Evaluation, which is attached as an annex to this Report.

No.	PERFORMANCE OBJECTIVE	RESULTS
7	After four years, the judiciary has adopted five- and 10-year development plans.	5 Year National Judicial Reform Strategy adopted (2013-2018).

<sup>1</sup> USAID awarded SPP a contract extension in 2013, extending the period of performance through December 2013

8	After four years, the budget and finance office and judicial leaders prepare an integrated budget for all courts.	Budget responsibilities still shared with Ministry of Justice. National Strategy calls for shifting all responsibility to High Court Council by 2016.
12	After five years, budget and finance staff and judicial leaders deal directly with the Ministry of Finance in budget preparations/negotiations.	Substantially accomplished for budget staff; budget advocacy training program designed and planned.
14	After five years, substantial progress is noted for Factor 10 (Budgetary Input) of the Judicial Reform Index.	Achieved. Program Evaluation and national Judicial Reform Strategy note transfer of budgetary responsibility to High Court Council

## **I.1 High Court Council Budget and Finance Functions**

### **I.1. A. HCC Budget and Finance Committee.**

In November 2012, SPP submitted a proposal to its Advisory Committee recommending that the High Court Council (HCC) establish a Budget and Finance Committee. The Chair of the HCC at that time, Chief Justice Nata Mesarovic, rejected the proposal, indicating that all budget-related matters should flow directly from the HCC's Material and Financial Affairs Sector (MFAS) to the full Council. SPP continued to advocate for the creation of this Committee, but efforts were largely unsuccessful, both with the former and current Chief Justice. This issue may resurface as SPP continues its budget advocacy training, but it is unlikely, particularly until after the new law on the High Court Council takes effect (See I.1C).

### **I.1.B. Future Budget Model for a Financially Independent Judiciary.**

In October 2012 the Future Budget Model for a Financially Independent Judiciary Report was still pending adoption by the HCC. SPP continued to advocate for its adoption, and shared recommendations for proposed legislative changes to the Law on Courts' Organization. SPP proposed that the criteria for determination of the number of court staff should be set by the HCC rather than the Ministry of Justice (MOJ), and that the HCC should propose the volume and structure of budgetary funds necessary for judges and court staff, which is currently handled by the MOJ. SPP also proposed an amendment to the Law stating that the HCC should be responsible for proposing part of the budget for court staff and allocation of these funds (currently under control of the MOJ) and that the provision stating that the MOJ exercises oversight of financial and material operations of courts and the HCC be deleted.

The MOJ agreed to transfer budget authority over court staff to the HCC and drafted an amendment to the Law on Court Organization to effectuate the change. The provisions were posted on the MOJ's website in Serbian and English in late 2012.

The MOJ's normative department removed these provisions from the draft law and posted a revised Serbian version. Assistant Minister of Justice Vojkan Simic, who was subsequently

terminated, informed SPP that the original English version was sent to the EU Commission in Brussels for review and comment.

In March 2013, several international and local groups, including the Venice Commission, EU experts, the Supreme Court of Cassation, and Serbia's Judges Association, weighed in on the importance of transferring budget authority to the HCC. .

In May, the Serbian Parliament adopted the National Judicial Reform Strategy, covering the period 2013-2018. The Strategy envisages strengthening of the role of the HCC, and calls for the transfer of all financial responsibilities to the HCC by June 1, 2016.

SPP presented the *Future Budget Model for a Financially Independent Judiciary* report to Chief Justice Milojevic in July and subsequently communicated some of its recommendations in a letter. It seems likely that this document will be subsumed by efforts to transfer authority from the MOJ to the HCC by 2016, in accordance with the National Judicial Reform Strategy.

The government created a working group to revise the law on the HCC. This group met for the first time in September, and has promised a draft law before the end of 2013. Committee members reached consensus on the following:

- The President of the Supreme Court of Cassation will not at the same time perform the function of President of the HCC;
- HCC President will be elected from the ranks of judges (ex officio members, including the Minister of Justice will not be able to serve as president);
- All members of the Council (judges and ex officio members) will take part in electing the HCC President.

### **1.1.C. Budget Advocacy.**

Recognizing the need for budget advocacy skills to present financial data from the judiciary and to ensure that courts are properly funded, SPP engaged a short-term expert to develop an introductory budget advocacy training program, which was finalized in February. SPP previewed the training to HCC-SPP Advisory Committee members and MFAS management on February and continued to advocate for the program throughout the year.

After the change in leadership at the HCC, in July SPP presented the training program to the new HCC Chair, Chief Justice Milojevic, along with information available through the Court Profile Database and Status of Funds Report (See 1.1.3). Following on the presentation, the project sent a set of recommendations to the Chief Justice: the steps related to the implementation of a Program of Advocating for the High Court Council budget; Elements of a Program for Budget Advocacy—a document that explains in detail the components that should be considered when developing strategies for a successful budget advocacy program; and the main recommendations of the report entitled "*Future Budget Model for a Financially Independent Judiciary*". SPP believes that the HCC would benefit from the implementation of an effective "budget advocacy program," which could lead to changes in policy and practice in public administration.

The Chief Justice and other HCC members expressed support for this idea, but further steps will likely have to wait until the new law on the HCC is approved, an action tentatively scheduled for later this year.

### **I.1.D. Priority Areas of Funding for Judiciary.**

The government's 2014 budget development process began in February 2013, when the Ministry of Finance (MOF) instructed institutions to identify priority funding needs. The MOJ currently controls the priority areas of funding for the judiciary, including capital expenditures for court facilities and information technology. SPP encouraged the HCC to take an active role to ensure that the judiciary's needs are met. In November 2012, SPP worked with the MFAS to develop recommendations for priority funding. These recommendations were based on information submitted by the courts to the MFAS in the 2013 budget planning process, using the court profile software module provided by SPP.

This process was new to MFAS, and staff were skeptical about its utility. SPP recommended that the HCC's priority funding request should include cost elements relating to the HCC's strategic plan and communications strategy, as well as the costs of maintaining the HCC's budget and accounting software. SPP also provided templates for estimating the costs of these different elements.

In March, the MFAS developed and submitted its priority funding request for the 2014 budget cycle, in which it requested the funds needed to implement the HCC's strategic plan and communications strategy, as well as to maintain the financial software licenses originally procured by SPP. While this may sound unremarkable, the MOF initially failed to invite the Council to participate in the priority funding process, assuming instead that the MOJ would continue to submit all priority funding requests for the judiciary. The MFAS successfully got the Council's voice heard, with assistance from SPP and USAID's Business Enabling Project, which helped in scheduling priority areas of funding training and consultations between the MOF and HCC.

## **I.2 Structural Support for MFAS**

### **I.2.A. Developing Internal Operating Procedures and Regulations.**

SPP held a three day retreat in November 2012 to harmonize draft procedures governing the financial operations of the HCC. Participants prepared final drafts of the Procedure for Creating Financial Plans; Directive on Financial Operations; Directive on Budget Accounting and Financial Reporting; Directive on Inventory of Financial Assets and Obligation; and Directive on Internal Financial Controls and Internal Audit.

SPP met with Chief Justice Mesarovic and MFAS leadership throughout the year to advocate for the adoption of these procedures and to counter procedural and other issues raised to impede progress.

Jelisaveta Colanovic, International Cooperation Advisor at the Supreme Court of Cassation, subsequently requested additional copies of the procedures to share with the new HCC President, Dragomir Milojevic, who replaced Nata Mesarovic on February . According to Ms. Zdravkovic, Chief Justice Milojevic was unsure if he could sign the procedures into effect or if they required formal adoption by the Council.

Because the MFAS was already applying these procedures in its daily operations, SPP organized a three day retreat for MFAS staff in April 2013 on best practices for implementing and utilizing the procedures. SPP also used the retreat to further train MFAS staff on using the information and financial reports currently available through the HCC's budget software, including how to analyze the data collected through the software's "court profile" and "status of funds report" modules.

On May 21, SPP met with the acting Secretary General of the Council, Ms. Majda Krsikapa, to continue pushing for the procedures to be formally adopted. The following day, Ms. Krsikapa informed SPP that the President of the HCC had approved all five procedures, thus formally incorporating them into the organization.

In July, SPP local financial expert Jovanka Manic completed a public procurement document for the HCC. The document sets forth the requirements for an internal auditor in the public sector, and also provides an example of the Audit Charter as a mandatory internal document for the HCC. SPP communicated the document to the MFAS Head Branka Tomasevic.

### **I.2.B. Updating Budget and Accounting Policies and Procedures Manual.**

SPP previously developed a Budget and Accounting Policies and Procedures Manual that documents the procedures relating to financial management of the courts. Adoption of the manual has been pending for more than a year. Certain sections of the manual required updating, due to changes in the legislative and procedural framework, such as changes to the Law on Budget System. SPP met in November with local experts, to determine the nature and scope of required updates. Chief Justice Mesarovic agreed at a December meeting that the HCC would distribute the manual to all courts. SPP secured USAID approval to engage a local expert to complete this work in the first half of February 2013. This expert, Jovanka Manic updated the Manual to reflect changes in the legislative and procedural framework, and completed the accounting updates and the budget updates in January and February 2013.

The manual and its distribution were also discussed at a January meeting with judges Bancevic and Stoiljkovski. SPP explained how the manual can be a valuable resource tool for court financial staff in efficiently managing court finances in accordance with prevailing laws and regulations, and informed the Council members of Chief Justice Mesarovic's intentions. Judge Stoiljkovski noted that the manual would have discretionary force if Chief Justice Mesarovic sent it on her own, whereas it would have mandatory force – courts would be required to use it—if approved and sent by the Council. He also recommended that the HCC and SPP seek full Council approval for the manual to have greatest impact.

SPP finished its internal review of the document in March and scheduled a retreat for MFAS to approve the document in July. This retreat was canceled for logistical reasons and rescheduled for later in 2013. Once the MFAS has signed off on the manual, SPP will push to have it presented to the Council for formal adoption and dissemination.

### **I.2.C. Training on Budget and Accounting Policies and Procedures Manual.**

SPP will conduct regional training programs for court financial staff on the manual once it is approved, with Ms. Manic and project staff serving as trainers.

## **I.3 Building MFAS Analytical and Operational Capacity**

### **I.3.A. Analytical Capacity.**

### **I.3.B. Budget Execution – 2013.**

### **I.3.C. Budget Formulation – 2014.**

### **I.3.D. Budget Justification.**

Because of developments over the year, we have merged these first four subtasks into one.

The Treasury Department of the MOF struggled to meet the December 2012 deadline for the adoption of the Decree on Budget Accounting, which will contain the accounting standards, the decision on converting all users to accrual based budgeting, and possibly a solution to turn over general ledgers to the direct budget users.

SPP encouraged the HCC to require each court to submit a quarterly status of funds report, which the MFAS could use to track and analyze actual expenditures versus budgeted funds. SPP and the MFAS reviewed the report and its purpose in February.



**SPP trains MFAS on enhanced court profile and status of funds report modules**

SPP, in coordination with the software developer, SRC, enhanced the court profile and status of funds report modules. SPP provided additional training for MFAS staff in November on how to use the budget profile for budget analysis and planning, and on how to use the status of funds report for budget execution and monitoring. Training was also provided by SPP on how to use these tools in day-to-day operations. The status of funds report can be used to track and analyze actual expenditures versus budgeted funds, providing MFAS with information to act on requests for line item reprogramming, supplemental budget requests, and the annual rebalancing of court budgets. In March, SPP and MFAS agreed that the status of funds software module and report should be expanded to track prior year requests awaiting execution (arrearages) and prior year executed payments. With these additions, the status of funds report should provide an accurate snapshot of each court's current financial situation in one report.

During March, SPP reached terms with SRC for building this additional functionality into the status of funds software module. SRC completed this work in April, thus allowing the courts and HCC to track prior year requests awaiting execution (i.e., unpaid invoices, or arrearages) and prior year executed payments (prior year invoices paid from current year funds). SPP also developed a three day training program for MFAS staff on how to effectively utilize these tools and procedures. The training was held in Palic, April -.

With these changes in place, SPP conducted additional training for nearly 140 court financial staff from April 15-19, 2013. SPP also developed and delivered a user's manual for the status of funds report.



**SPP holds training for nearly 140 court financial staff on court profile and status of funds report modules in April 2013**

Shortly after the training, the MFAS instructed all courts to electronically submit an updated court profile and a status of funds report by April . SPP continued assisting the MFAS in developing court standards such as the ratio of judges to registry clerks and judicial assistants, the ratio of judges to courtrooms, the types of personnel who should be equipped with computers, and replacement schedules for court vehicles and equipment.

In March, SPP presented a framework for baseline standards to the HCC-SPP Advisory Committee. While all parties expressed interest, they elected to defer further discussion until after a new court network is implemented, a puzzling decision since the standards could be of great assistance in allocating staff and resources within the new network.

In May, courts submitted their court profile information and status of funds reports electronically. The HCC allowed SPP to examine a copy of the database, and SPP extracted and summarized data for all 125 courts and developed queries to extract additional information (e.g., total number of judges, staff, square meters, vehicles, IT equipment, etc.).

SPP determined that 85-90% of the required court profile data is available and seemingly accurate (based on various cross-checking). Approximately 10 courts had some issues with the court profile database (two courts did not submit data at all, and eight did not populate all sections of the court profile). After consultations with the MFAS, SPP, in coordination with HCC, requested that courts submit the missing information by May 31, 2013, which they subsequently provided.

In June, SPP prepared the first sets of statistical reports, based on this analysis—more than 20 different reports. SPP presented an overview of the data to the Chief Justice and Secretary General of HCC and then to the members of the MFAS sector of the HCC.

In July, SPP produced a set of nine charts comparing performance in five court types. The project presented these to the Chief Justice and then to Assistant Minister Jelacha, advocating that they institutionalize their regular collection and analysis. The reports graphically demonstrate discrepancies, exceptions, deviations and outliers among the courts, and are useful in identifying areas demanding further investigation. They can also be used to assist in the creation of standards for human resources and inventory, as well as in the stewardship of existing financial resources and budget advocacy.

Also in July, the MFAS sent instructions to all the courts to populate financial plans for 2014 using the BPMIS application. This is the second consecutive year that the MFAS has issued instructions to the courts prior to instructions by the Ministry of Finance, in order to get enough information to accurately prepare a financial plan for next year. The instructions also contain a request for updating the Court Profile and Status of Funds Report by the courts, for information after the second quarter of 2013. The deadline for submission is August 26, and SPP is conducting a similar analysis to the effort mentioned previously in this Section.

Finally, it is notable that, shortly after the HCC's new president was appointed, SPP recommended that MFAS management provide regular briefings to the president and Council members regarding the financial status of the HCC and courts. The MFAS agreed and, with the president's concurrence, now provides regular briefings to the Council on financial developments.

### **I.3. F. Training Needs.**

In February 2013, SPP developed an assessment tool to determine the MFAS staff's additional training needs. SPP assessed the training needs of MFAS staff in April. Each staff member was asked to specify the additional training he/she required from a menu of budget and accounting topics. Internal control systems, preparation of balance sheets and other internal reports, utilization of the court profile and budget execution reports, and proper documentation of financial transactions were among the topics most frequently identified. SPP and MFAS management created a staff development and training plan based on the assessment outputs.

## **I.4 Information Management**

### **I.4.A. Modifications to Budget Software.**

SPP tested the latest changes to the budget software in November (See I.3) and concluded that SRC's work met with contractual requirements. By the end of 2012, the HCC and courts were using budget software provided by SPP to develop, analyze, and allocate their budgets. SPP met with MFAS and SRC representatives on December to perform additional testing and collect final comments on the court profile module included in the budget software. The parties agreed that the user interface should be modified slightly for ease of use. SRC made the required modifications in mid-December and forwarded the updated module to the MFAS for final review.

HCC and SPP representatives met again on January with SRC to determine if any additional functionality and/or reports should be built into the system. MFAS representatives noted that the only required changes related to terminology used in some screens of the Status of Funds report user interface. MFAS forwarded its requested changes to SPP and SRC in February for resolution, and SRC incorporated the required modifications into the software.

In July, SPP and the HCC-MFAS also conducted an analysis of the existing data fields and data entry forms in the BPMIS *Court Profile* and *Status of Funds Report* modules in order to eliminate unnecessary data fields and identify additional fields that may add value. SPP communicated the proposed improvements to SRC, which submitted a proposal for the effort. Negotiations were underway at the end of the reporting period. SRC would be able to deploy an updated version by November, but only limited changes will be implemented due to anticipated changes in the court network, currently slated for January 1, 2014. If those changes take place and time permits, SPP will organize training events for the newly established courts, and provide support for financial staff, in order to integrate them in the BPMIS network.

### **I.4.B. Utilization of Accounting and Human Resources Software.**

In addition to providing the HCC and courts with budget software in 2011, SPP procured accounting and human resources software for the HCC. These programs are not currently being used by the HCC. SPP reconfirmed in November that the HCC intends to continue using the ZUP Trezor accounting application used by the courts.

SPP continued to encourage the MFAS to use the software, and organized a presentation of its functionality for MFAS leadership in January. The MFAS again noted its interest in implementing the software, especially since it is required to maintain personnel files for all judges, lay-judges, and court staff (nearly 15,000 people), but expressed concern that the software may be too sophisticated for their current needs.

In July, SPP received USAID approval to donate a server from its surplus inventory to the HCC to assist in its duty to monitor human resources (see I.4 D). Shortly thereafter, the HCC expressed interest in finally using the human resources software. SPP organized a meeting with the HCC and the developer, SRC, in order to assess whether the existing application meets the needs of the HCC. The conclusion was that it does, with minor changes. In the next few weeks, the HCC will provide SPP and SRC with a list of mandatory fields, needed for maintenance of the data for judges, lay judges and court staff. The method of data collection is still outstanding: SPP supports an online approach—similar to the methodology for data extraction from BPMIS (See I.3A), but the HCC representatives have concerns about privacy and security.

#### **I.4.C. System Maintenance.**

The software solutions provided by SPP to the HCC are licensed, and the software remains proprietary to SRC, meaning that HCC must negotiate and pay continuing licensing, maintenance, and support fees to ensure that system updates and support are provided without interruption after SPP ends. SPP reminded the MFAS of these licensing requirements and worked with the MFAS to advocate that sufficient funds are included in the 2014 budget and beyond.

#### **I.4.D. Hardware Procurement.**

SPP considered procuring 40 computers for the misdemeanor and commercial courts to support utilization of the budget software. Anticipated changes to the court network, however, will likely result in an increased number of courts and significant network reconfiguration, and other sources of funding for hardware procurements may be available. With these developments in mind, SPP decided not to pursue the hardware procurement.

As HCC is responsible for maintaining a database of employee information, SPP was able to obtain USAID approval to provide them with a server to assist in this task. The hardware was originally procured in conjunction with plans for the website of the National Assembly, but was not implemented as plans were changed to procure hosting services off-site.

### **I.5. Strategic Planning**

#### **I.5.A. Extending the Strategic Plan to Five Years.**

Although the HCC continued to express a wish to extend their Strategic Plan to a five-year plan, there has been no movement in setting the tentative dates of the retreat during which the HCC would revise its plan. Moreover, the adoption of the National Justice Reform Strategy diverted attention from the many other strategic plans currently in development.



Three day retreat in Belgrade for the HCC working group to review the existing strategic plan, December 2013

A three year strategic plan was formally adopted by Serbia’s “temporary” HCC in March 2011 and subsequently ratified by the HCC’s permanent members. SPP facilitated a three day retreat in Belgrade December – for an HCC working group to review the existing strategic plan. An extended plan was substantially completed by the working group during the session. It builds on the strategic priorities and goals identified in the original plan, which remained largely intact in the draft extended plan. Copies of the draft extension were circulated in January to all HCC members for review and comment, while Council members Stoiljkovski and Tomic were tasked with updating the draft to include missing information, and completed their assignments in February. SPP documented the cost elements of activities contained in both the HCC’s Strategic Plan and Communication Strategy and provided the analysis to the MFAS. MFAS management intends to use the analysis to estimate the total cost of all activities contained in the two strategies, and to include such costs in its priority funding request described in section I.I.D. above.



HCC judge members during the Belgrade retreat on strategic planning in December 2013

Although the National Judicial Reform Strategy and discussions on a new law for the HCC demonstrate that the judiciary is looking forward into the future, the timing for the extension of the strategic plan seems premature at this time.

### **I.5.B. Monitoring the Implementation of the Strategic Plan.**

In July, SPP provided the Secretary General of the HCC a tracking tool to assist in monitoring the implementation of the activities identified in the Plan. The tracking tool lists all the activities in the initial draft Strategic Plan and the timeframe identified to begin and complete each activity.

## **I.6 Communications and Outreach**

### **I.6.A. Communications.**

In October 2012, SPP held a presentation “Modernizing the Judiciary’s Financial Operations” for court presidents of the entire court network as part of the official program at the National Judges’ Conference organized by the HCC on October 8-10, at Zlatibor Mountain Resort. Branka Tomasevic, Head of the MFAS, presented the results of this cooperation at a meeting held during the Conference’s second day to presidents of all 129 courts.

SPP helped the HCC develop a communications plan to improve its internal, external, and crisis communications, and lobbied for its adoption throughout the year.

The project organized a drafting session on November , at which the working group analyzed and revised the draft strategy previously created with SPP’s assistance. Highlights of the draft strategy included holding two open Council sessions annually, forming a public relations group within the HCC, improving website content, providing guidelines on transparency to courts, and fostering closer cooperation with professional associations. The Working Group met again in December, and in February, SPP’s short-term communications expert Mark West met with members of the group to discuss the additional steps required for official adoption of the strategy by the Council. The Working Group met one more time in February, and the revised communications strategy was then circulated among all working group members for final review.

Although progress on this activity was slow, some recommendations included in the strategy were enacted by other means. For example, the Council recently adopted a new Book of Rules which provides that its sessions can be open to the public, a recommendation included in the draft strategy at SPP’s urging.

In May, SPP continued talks with the HCC on the adoption of the Communications Strategy. HCC Acting Secretary General Ms. Majda Krsikapa agreed on the need to adopt and implement the Strategy, and pledged to discuss the official approval of the Strategy by the Council with the HCC president, Mr. Dragomir Milojevic.



Members of the HCC Working Group for Communications Strategy during one of their sessions

In June, President Milojevic told SPP that the Communications Strategy was adopted, without being specific about the exact day, but HCC Acting Secretary General Majda Krsikapa, told SPP that the Strategy was adopted together with the Internal Operating Procedures in May. The president also asked SPP to discuss the Communications Strategy as part of a presentation on outreach and public trust, scheduled for the Judicial Conference in October.

#### **I.6.B. Transparency and Outreach.**

After lengthy delay, the HCC agreed to continue work on the documentary video [“Modernizing the Judiciary’s Financial Operations”](#), which promotes and explains the introduction of the HCC’s new budget development methodology and technologies. Filming resumed on January at HCC premises, and the video was completed in early March<sup>2</sup>. Delays in filming were caused by difficulties in obtaining approvals for HCC staff to participate in the video and the subsequent resignation of Irina Ristic from her post of Secretary General.

#### **Other relevant information for Task I:**

Constitutional Court of Serbia ruled on December that the provision of the Law on Judges relating to the election of the President of the Supreme Court of Cassation was unconstitutional. The decision paved the way for removing Nata Mesarovic from her position as Chief Justice of the court and, by extension, from her role as President of the HCC. The Constitutional Court’s decision was published in the Official Gazette on December . By vote

<sup>2</sup> <http://www.ewmispp.org/en/video/modernizing-the-judiciary-finances#.Ule38dKAqZs>

of 138 to 45, the National Assembly voted on February to remove Justice Mesarovic from her positions as Chief Justice of the Supreme Court of Cassation and president of the HCC. The Assembly's decision effectively implements the Constitutional Court's October 2012 ruling that Justice Mesarovic's initial appointment as Chief Justice was unconstitutional. Justice Mesarovic will continue to serve as a judge in the Supreme Court's criminal department.

The Supreme Court of Cassation elected Justice Dragomir Milojevic as its acting president during the Court's general session on February . By extension, he will also serve as president of the High Court Council until a permanent successor is duly elected within the next year. Justice Milojevic returned to the bench in September 2012 after not being reappointed in 2009.

In addition, Irina Ristic resigned from her post as HCC Secretary General on December , citing personal reasons. She was replaced by Majda Krsikapa.

On January 28, 2013, the Constitutional Court rejected a complaint seeking annulment of the election of the HCC's current judge members on the grounds that the complainants—judges who were not reappointed in 2009 but were recently returned to the judiciary by Constitutional Court decision—were barred from participating in the election process. The complainants sought new elections of the Council's judge members. Instead, the Constitutional Court decision should allow the Council's current judges members to serve their full five year mandates, which end in April 2016.

Two of SPP's performance objectives relate to public and "user" perceptions about bribery, openness of court proceedings, availability of information about court operations, support for judicial independence, and corruption. SPP's past and current work, as well as its other performance objectives, relates more to efficiency than to the enumerated items. The performance objectives were developed with the understanding that the HCC would take the lead on anticorruption and openness issues, and that SPP would support Council initiatives. Instead, the Council focused its time and resources on the judge reappointment and placement process, to the exclusion of most other activities. Similarly, it was expected that USAID annual surveys would be the source for public opinion data. The questions required to collect the necessary data have not consistently been included in such surveys. Despite these issues, SPP engaged Ipsos Strategic Marketing to conduct final public polling for comparison against baselines established through various polls conducted in 2009 and 2010. The polling was conducted in April, including a countrywide omnibus survey of the general public and exit polling of knowledgeable court users in four towns with SPP partner courts - Uzice, Nis, Subotica and Vrsac. The results, which show improvements to public perceptions, especially among knowledgeable users in SPP partner courts, are included in the Annexes to this report.

These results were countered in September by a survey published by the Anti-Corruption Agency, which suggested that one third of Serbian citizens do not trust the courts<sup>3</sup>. director of Anti-Corruption, Tatjana Babic, said that the highest number of complaints is about the work of government administration and the courts. The data for the survey was collected in April and May, and included 30 courts across Serbia. 1,320 users of the courts were polled, of which one-

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<sup>3</sup> [http://www.acas.rs/images/stories/Prezentacija-Integritet\\_sudova\\_FINAL.pdf](http://www.acas.rs/images/stories/Prezentacija-Integritet_sudova_FINAL.pdf)

fifth admitted to tapping personal contacts in order to affect the outcome of the proceedings. Babic said that from the beginning of the year until September, the Agency received 2,183 citizens' complaints, of which 347 related to the work of the courts.

Chief Justice Milojevic announced in June that the Commission for the Supervision of Financial Operations in courts, which HCC had established earlier, found that over fifty percent of the courts paid salary supplements to the judges related to extra hours spent at work.<sup>4</sup> The analysis determined that some of these expenses were unnecessary and hard to justify. The research included all of last year and the first four months of 2013, and MFAS is working to determine the overall impact on the judicial budget.

## 2. TASK 2: COURT ADMINISTRATION

### Summary of Performance Objectives

A summary of progress on performance objectives for Task 2 in the project contract is set out below. More detail is available in the Program Evaluation, which is attached as an annex to this Report.

No.	PERFORMANCE OBJECTIVE	RESULTS
1	After two years, a career track for court managers/administrators is in place, and the authorities have approved a plan for placement of court administrators throughout the court system.	Position written into new draft law. Court managers required for courts with more than thirty judges.
5	After three years, trained professional court administrators/managers are working in key positions.	Seven positions filled in 2012; more expected after passage of new law.
6	After four years, additional trained court administrators/managers are working within the system.	Called for in new law; not yet implemented.
13	After five years, all the positions identified in the plan for placement of court administrators have been filled.	Called for in new law; not yet implemented.
10	After four years, the average number of cases pending for more than two years has been reduced, and the average number of cases pending for more than four years in select courts	SPP partner courts have reduced backlogs.

<sup>4</sup> <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:441643-Sudije-dnevnica-punile-dzepove> It should be noted that this could also be presented as 2/3 of citizens do trust the courts, which allows for a different interpretation.

	has been reduced.	
15	After five years, the average case processing time in selected courts has been reduced.	Clearance rates improved in all partner courts.
14	After five years, substantial progress is noted for Factor 28 (Case filing and tracking systems) of the Judicial Reform Index.	Reported by Program Evaluation as "Achieved."
14	After five years, substantial progress is noted for Factor 18 (Case Assignment) of the Judicial Reform Index.	Improvements to automation systems, transparency and public outreach accomplished.
9	After four years, a significantly lower percentage of users of select courts report offering and paying bribes to the judiciary and court personnel.	Polling data shows slight improvement.
11	After four years, and even more after five years, there is greater openness of court proceedings and information about court operations, increased support for judicial independence and reform, and reduced perception of corruption in the courts.	Polling data shows increased confidence in courts and support for reform, especially among knowledgeable users.

## 2.1. Court Managers

### 2.1.1. Institutionalize Position.

The MOJ is pursuing broad changes to Serbia's judicial laws, procedural laws, and court network. SPP has actively shaped several proposed amendments to the Law on Court Organization, including provisions relating to the transfer of authority over court staff from the MOJ to the HCC and provisions requiring certain courts to engage court managers. SPP provided support to the Working Group whose task was to amend the Law on Court Organization, attending numerous meetings and playing an active role in drafting the amendments.

SPP sponsored a public debate on November on the proposed amendments to the Law on Court Organization and the Law on Judges. Despite much criticism from the international and local legal communities over the pace of reform, most legislative initiatives were deferred to 2013.

SPP and several court managers drafted suggested revisions to the Book of Court Rules that could serve as the required implementing regulations for the proposed changes to the law. These revisions specify the duties and responsibilities of court managers in accordance with the proposed amendments to the Law on Court Organization. These suggested revisions were presented to Assistant Minister Ljiljana Blagojevic, in January.

In March, the Venice Commission delivered its comments on a package of judicial laws, including the Law on Court Organization that the Serbian government asked it to review. The Commission agreed with SPP's recommendation that additional budgetary powers should be transferred from the MOJ to the HCC. It did not comment either way on provisions of the Law related to court managers.

The government forwarded a package of amendments to judicial laws to the National Assembly in April. The package included the proposal for court managers (requiring them in Republic level courts and courts with more than 30 judges, and giving other courts the discretion to hire court managers). The proposed amendments were withdrawn from consideration after Serbia and Kosovo reached agreement to settle relations.

In late June, the government formally adopted an amended package to judicial laws and forwarded it to the National Assembly for adoption. The changes appear largely non-substantive. The provisions of the Law on Court Organization related to court managers remained the same. The package of judicial laws is still pending before the National Assembly.

### **2.1.2. Implement Long-Term Court Manager Plan.**

In October, SPP sent a memo to the new State Secretary, Danilo Nikolic, asking him to send a letter to the six courts that have court manager positions authorized but still vacant, urging them to fill the position by the end of the year. The State Secretary responded in November that the hiring of additional court managers should take place after the 2013 Staffing Plan is adopted.

SPP met with MOJ officials on several occasions in January to press for the engagement of court managers in the six courts with approved but vacant positions. The MOJ confirmed that its temporary hiring freeze on senior court staff would not apply to court managers. With this hurdle cleared, SPP's short-term expert Sheryl Loesch advocated for faster action and secured MOJ State Secretary Danilo Nikolic's support for quickly filling the court manager position in five courts – the Appellate Courts in Belgrade, Nis and Kragujevac, as well as the Administrative Court and Commercial Appellate Court.

SPP contacted each court and confirmed its willingness to hire a court manager in the short term. The courts, however, believed that they could not start the formal hiring process until the 2013 overall staffing plan for the judiciary was officially approved by the Ministry of Finance (MOF). The MOJ proposed a potential solution to this stalemate: a court could hire a court manager to fill a vacant "higher advisor" position, if it had one, thereby allowing the hiring procedure to start immediately. The manager would then be transferred to the appropriate court manager slot after the overall staffing plan is approved by the MOF.

The implementation of this reform was largely eclipsed by efforts to amend the Law on Court Organization and establish a new court network. While the amendments were pending, SPP continued to encourage the six courts with approved but vacant positions to move forward. After consulting with the courts in February, however, SPP determined that only the

Commercial Appellate Court had a vacant higher advisor position. The acting president of the Commercial Appellate Court was willing to follow Mr. Nikolic's recommendation and, with SPP's assistance, sent a letter to the MOJ confirming its intent. The court was reluctant to move forward, however, without written approval from the MOJ.

In April, SPP confirmed that five selected courts have clearance to engage court managers as higher advisors in accordance with the approved 2013 overall staffing plan—the Appellate Courts in Belgrade, Kragujevac, and Nis, the Commercial Appellate Court, and the Administrative Court. In late April, however, the new Chief Justice unexpectedly replaced all four acting appellate court presidents with new acting presidents. As a result, the likelihood of additional court managers being hired before the law on court organization is amended diminished significantly.

On May , the HCC published an ad for permanent court president posts for all republic level and appellate courts, which are not expected to be impacted by changes to the court network. However, the appointment procedure of permanent court presidents postponed SPP's efforts to encourage the aforementioned five courts from going forward.

On July 15, the HCC finished the procedure and closed the list of permanent court presidents for all republic level and appellate courts, which are not expected to be impacted by changes to the court network. The final list is currently pending before the National Assembly for approval. Most of the candidates from the final list are unknown to SPP and it is reasonable to assume that they have not been exposed to the concept of court managers. The project will revisit this issue as the changes to the legal environment are solidified.



SPP staff and court managers during one of the training sessions

### 2.1.3. Recruitment and Hiring.

Pending changes to the law prompted SPP to postpone a planned training program for court presidents and court managers.

Short-term consultant Sheryl Loesch returned to Serbia in late January to draft two induction packages—one for courts and the other for court managers. The package for courts contains documents and guidelines for recruiting, hiring, utilizing, and evaluating the performance of court managers. The package for court managers addresses professional responsibilities and contains best practices and other guidance for performing everyday duties.

By the end of April, SPP finished work on the packages and shared them with court managers for review and comment.

#### **2.1.4. Cooperation among Court Managers.**

Court managers were actively involved in the drafting of amendments to the Law on Courts' Organization. SPP compiled several versions of amendments submitted by court managers and worked with the MOJ to introduce them not only into the relevant legislation, but also into any amendments to the Book of Court Rules.

SPP organized a meeting of court managers during Ms. Loesch's visit to collect information for the induction packages (See 2.1.3). Ms. Loesch used the opportunity to provide the managers with practical advice on how to create an association for court administration/management.

In addition to helping court managers consider an association, SPP is also documenting their best practices, with the aim of sharing the information more widely. SPP met with court managers from the Higher and Commercial Courts in Nis and the Appellate and Basic Courts in Novi Sad to discuss their duties and practices, focusing on their expertise in financing, human resources and facilities management.

The MOJ approached SPP with a request to engage court managers to conduct a facilities assessment of Belgrade court buildings in preparation for their reorganization into the new network. After several meetings, however, the MOJ ultimately decided not to move forward with the assessment.

SPP gathered court managers at a public procurement seminar in Vrnjacka Banja, held between May and . Although the new Public Procurement Law, which came into effect on April 1, 2013, introduces EU standards and significantly changes the procedure by increasing transparency and reducing the possibility of corruption, the court managers expressed concerns that these new procedures will make their work even more difficult.

## **2.1.5. Training.**

### **(A) Orientation Training.**

SPP previously developed an Orientation Training in Court Management for court managers and court presidents. Existing court managers have already been trained, and SPP will support the delivery of training for the second generation of court managers once a critical mass is hired.

SPP and the Judicial Academy met in March to discuss the steps required to bring the orientation training to fruition.

### **(B) Advanced Training.**

SPP has also developed an Advanced Curriculum in Court Management for court managers, court presidents, and other members of the court management team (court secretaries, spokespersons, IT personnel, etc.).

## **2.2. Weighted Caseload Methodology**

SPP assisted an HCC-appointed working group in developing a weighted caseload system that will permit the objective calculation of the number of judges needed for each court and support objective budget and case distribution.

### **2.2.1. Securing Approval.**

SPP finalized a draft report on the case weighting methodology and presented it to the case weighting working group in September. However, proposed changes to the laws and the court network impacted the viability of the proposal.

Former SPP Chief of Party Judge Ken Stuart returned to Serbia in December to assist in presenting the working group's final report to the HCC. Council members were updated on the case weighting methodology and its application, as well as on the working group's findings and conclusions, and were encouraged to adopt the methodology as a resource allocation tool. SPP will continue to work with HCC members to urge and support approval of the report and the case weighting methodology as the operational environment stabilizes. Notably, case weighting was included in the Council's strategic plan.

### **2.2.1., Securing Approval.**

### **2.2.2., Developing Capacity.**

### **2.2.3 Training**

In addition to the advocacy efforts mentioned above, SPP engaged Judge Ken Stuart again, in June, to prepare an implementation plan, and to assess the viability of the methodology in the new network.

On June , SPP met with new Chief Justice Dragomir Milojevic and the Head of Administrative Office of HCC, Majda Krsikapa. They explained the purpose and significance of the methodology. The Chief Justice expressed interest about the methodology recommendations and asked for more concrete calculations before making the final decision if it can be used in allocating judges and cases when the new court network comes into effect.

## **2.3. Backlog Reduction and Case Management**

### **2.3.1. Implementation of Backlog Reduction Plans.**

During October, SPP collected statistical reports from its 10 partner courts for the nine month period ending September 30, 2012. Courts showed further progress in reducing their case backlogs, except two courts—the Basic Courts in Niš and Vranje—which reported increased backlogs in first nine months of 2012. In general, SPP was very satisfied with the results: during the first nine months of 2012, the average clearance rate for the five courts participating in SPP’s backlog prevention program exceeded 113%, meaning that the courts, on average, closed 13% more cases than were filed in the same period.

In mid-October, SPP visited Basic Courts in Vršac, Niš and Čačak to discuss courts’ results and future plans, including discussion of case management and court operation recommendations provided by SPP’s short term expert David Eager (see below).

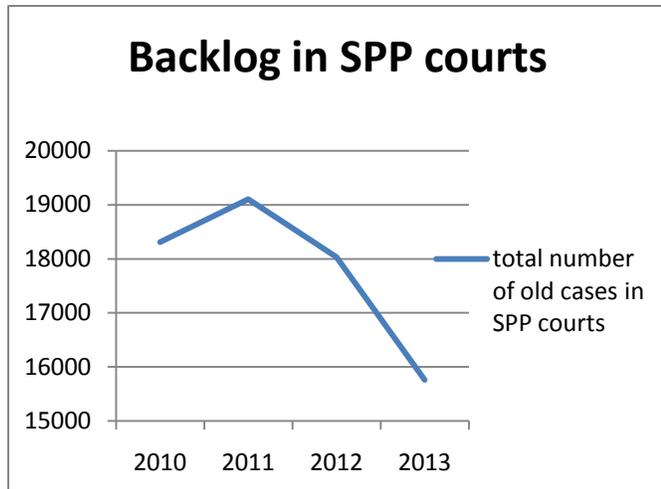
SPP met with its ten partner courts on December to review the results of their backlog reduction and case processing efficiency activities in 2012, discuss likely challenges in 2013, and begin the process of drafting 2013 annual backlog reduction plans. The meeting was used to compare actual results versus the backlog reduction goals set in early 2012 and share backlog reduction techniques that proved most successful. Most courts fell short of the aggressive goals they set for 2012. With this in mind, SPP provided the court with a template annual backlog reduction plan for 2013 and counseled them on setting more realistic, interim and year-long goals.

The courts finalized their backlog programs and submitted them to the MOJ by January . SPP reviewed the plans and visited the courts, focusing on the techniques to stimulate the short-term reduction of backlogged cases and the reallocation of resources to court departments facing the biggest backlog challenges.

To minimize the negative effects of transition into the new network, SPP engaged court administration expert David Egar to assess the operations of four courts and provide recommendations for improving overall court performance. Mr. Egar assessed the workflows of the Nis and Cacak Basic Courts in 2012 and developed recommendations for their improvement. SPP intended for Mr. Egar to conduct similar assessments of two additional courts in 2013, but anticipated changes in the court network argued for postponement of this activity, and Mr. Egar returned in March 2013 to assist the MOJ in drafting a system-wide plan for transitioning from the current court network into a new one, including issues related to: (i) the transfer/migration of physical case records and electronic case data from existing courts to newly established courts, including the re-registration, renumbering, and reallocation of cases;

and (ii) the organization of work in new court registries. The final report was provided to Assistant Minister Blagojevic in mid-April.

The Supreme Court of Cassation published its Annual Report for the courts in April, which showed an increase in backlogged cases in first instance courts in 2012. Nevertheless, five of SPP's partner courts—the Higher Courts in Belgrade and Subotica, and the Basic Courts in Subotica, Vrsac, and Nis—emerged as the most successful courts in reducing backlogs and increasing efficiency.



As court presidents and judges kept a close eye on developments regarding the new judiciary laws and ongoing replacement of the acting court presidents, HC Belgrade, one of SPP's most successful partners, suffered some of the biggest changes. Aside from changing the acting court president, the court faced replacement of the head of the civil department and her deputy, both reliable SPP partners. Despite this uncertainty, the SPP courts continued achieving excellent results. Vrsac Basic Court reported 155% case processing efficiency in the first five months of 2013, and significant backlog reduction (above 20%) in almost all case types.

Focusing on helping its partner courts to improve the reliability of their statistics, SPP engaged David Egar, to draft a manual and protocols for periodical statistical reporting. Mr. Egar created a document that encompasses analysis of the key statistical performance indicators, use of existing court reports, data quality control and management tips derived from statistical analysis.

During July, SPP received 6-month reports from all 10 partner courts and analyzed their performance in the first half of 2013. It was noted that all the courts decreased the number of old cases compared to 2012 and maintained case processing efficiency at the satisfactory level - 104,28% on average. SPP will communicate with its select courts to check progress and/or issues in certain departments and offer targeted assistance where needed.

Following the August court visits, SPP planned to organize a new round of meetings with Uzice and Vrsac Basic Courts to discuss further application of proposed new techniques—e-filing and “Backlog Reduction Week”, and to explore how a statistical dashboard created by SPP could be used and potentially tied to the case management system. However, the acting president of the Basic Court in Vrsac was suddenly and inexplicably replaced by the higher instance court, which puts a hold on planned activities. SPP also learned that 50% of court presidents in partner courts have been replaced (High Court Presidents in Belgrade and Novi Pazar; basic Court Presidents in Vrsac, Nis and Vranje). The motives and operational legitimacy of these actions are unclear at this time.

### 2.3.2. Court-to-Court Cooperation.

At SPP's suggestion, several registry clerks from Cacak visited the criminal registry of the Basic Court in Subotica in late January to learn about various case management practices that they could use to improve performance.

In addition, SPP met several times with civil judges from the Higher Court in Belgrade to discuss details of the court's request for support in organizing a meeting of all higher courts in Serbia.

In February 2013 SPP agreed with the Higher Court in Belgrade to co-sponsor a meeting of all higher courts in Serbia to discuss the unification of court practices related to thousands of military pension and compensation claims currently in the system. The meeting took place on March , a one day conference on "[Harmonizing the Practice of the Higher Courts in Serbia](#)". The conference was attended by more than 40 judges from higher courts throughout the country. In her opening remarks, Judge Zorica Bulajic, Head of the Civil Department of the Higher Court in Belgrade, noted the importance of establishing a continuous dialogue among the higher courts as a platform for unifying jurisprudence and addressing other common challenges.



SPP co-sponsored court-to-court meeting with the Higher Court in Belgrade in February 2013

Following a lively discussion about the issues faced in the most common types of civil cases, the judges agreed on certain standpoints that will be uniformly applied in future proceedings. One common conclusion was that place of residence is not a personal characteristic according to the provisions of the Law against Discrimination. Consequently, plaintiffs cannot claim damages on the basis of this law when certain rights are granted by the State to residents of some municipalities but not to others. Courts also agreed to ask the [Court of](#) for its opinion on whether army pensioners should be granted an increase in their pensions similar to the increase that civil pensioners were awarded in 2008. Tens of thousands of these cases are awaiting resolution. The courts agreed to share their views with basic courts that are dealing with these types of cases in the first instance.

Participants agreed that this format of court-to-court cooperation should become a regular activity. In March, SPP supported the Kragujevac Higher Court in hosting another "court-to-

court” meeting of criminal judges on May 24. The meeting gathered 45 criminal judges, who discussed issues tied to the misuse of official positions, as well as specific questions related to inconsistent court practices in deciding criminal offences. Open questions will were sent to the Supreme Court of Cassation and appellate courts for consideration.

### 2.3.3. Long-Term Strategies.

SPP conducted a strategic planning workshop for six of its partner courts in November. The workshop was facilitated by Dutch court expert Pim Albers, who co-authored SPP’s *Best Practices Guide: Backlog Prevention & Reduction Measures for Courts in Serbia*. Approximately 25 staff from the six courts participated in the workshop, which was aimed at helping the courts create their own strategic plans through setting goals, priorities, tasks, and activities. By the end of the workshop, the courts were able to develop their own three year plans using the template provided by SPP. Each court submitted its long-term strategy to SPP in December.

### 2.3.4. Outreach Planning.

SPP’s activities for the reporting period focused on developing public trust and confidence plans (PTCPs) tailored to the needs of each partner court. Four courts adopted PTCPs for 2012. At the December meeting described in section 2.3.1. above, SPP distributed sample PTCPs to all ten partner courts and encouraged them to develop PTCPs for 2013. SPP also encouraged the courts to incorporate PTCPs into their long-term strategies.



Spokesperson of the BC Uzice Jelena Cupic presents her court's PTCP at a workshop in Novi Sad in February 2013

In Quarter 2, Nis, Uzice and Vrsac courts formally adopted PTCPs. In March, SPP conducted an advanced workshop on PTCP planning for courts in its backlog reduction program, courts with court managers, and a higher court that has been applying SPP-recommended backlog reduction techniques. The workshop, in Novi Sad, was led by short-term Court Communications Specialist Mark West and attended by 22 participants. The Basic Courts in , and presented

their 2013 PTCPs, sharing the procedures followed for creating and adopting the plans, as well as their best practices in public outreach. Participants then discussed how best to present their work to the public and the most effective methods for doing so, with topics ranging from better use of websites, to working with school children, and to keeping the judicial community better informed.



BC Novi Sad newly opened information desk

During March, SPP also encouraged the Higher Courts in Belgrade and Kragujevac, Belgrade Misdemeanor Court, and the Basic Court in Novi Sad to adopt PTCPs, and offered support and mentoring during the process. The Higher Court in Kragujevac submitted a draft PTCP for review in April, and the Basic Court in Novi Sad opened an information desk on April 15, 2013, at the entrance of the court building. Users can: obtain information about cases and the location of court rooms; file complaints; and get written instructions on inheritance proceedings and on how to prepare for trial. Additional services and materials will be added as the information desk matures. SPP advised the court on staffing the desk and making it operational, and also recommended improvements to signage and website content.

### **2.3.5. Individual Case Management Training.**

SPP and the Judicial Academy held a two-day Training-of-Trainers (TOT) workshop on adult teaching techniques on November and December for 13 trainer-judges who will implement individual case management training.

SPP advisor Judge Carolyn Temin returned to Serbia in February to update the training materials and conduct a related train-the-trainers session.

Over 50 trainees from [Judicial](#) in Belgrade and Novi Sad attended two [on Individual Case](#) on March 19-20 and March 26-27. The two-day training was developed and conducted by SPP together with the Judicial Academy. Judges Zorica Smircic from the [Higher](#), Djordje Ristic and Zorica Djuric from the [Court in](#), and Vesna Sladojevic from [Court in Novi](#) introduced

participants to effective management practices in civil and criminal cases. Trainees also learned about mediation, settlement and plea bargaining, drafting verdicts, and holding preparatory hearings, which were recently introduced in the Serbian judiciary but have been successfully implemented by SPP's partner courts since 2010. During the second part of the course, young lawyers worked in small groups in trial simulations to better understand how to apply techniques learned during the training.

During April, SPP and the Judicial Academy implemented four individual case management training sessions for more than 60 civil and criminal judges from the basic courts under the Kragujevac Appellate Court. Experienced higher court judges, trained by SPP, educated participants on the use of effective management practices, including mediation, settlement, plea bargaining, and preparatory hearings. On May 10-11 in Nis, 32 basic court judges attended two training sessions on Individual Case Management; On June 3-5 in Novi Sad, approximately 50 basic court judges attended three training sessions. The first training session was organized for criminal law judges and the other two for civil law judges from all basic courts in Vojvodina. SPP organized nine trainings in total for 150 judges.

### **2.3.5 Public polling.**

SPP conducted a public opinion survey focusing on five key areas: fairness, support of the reforms, access to information, perceived corruption and bribery. The survey was conducted nationwide, with a boosted sample in four towns where SPP is working with partner courts: Vrsac, Nis, Uzice and Subotica. The second part of the survey focused on knowledgeable users operating in Basic courts in Vrsac, Subotica, Uzice and Nis and the Higher Court in Subotica. SPP presented the poll to U.S. Ambassador Michael Kirby and USAID Mission Director Susan Fritz on June . The report shows a high level of public awareness about the problem of older cases and support for court administration reform, particularly among knowledgeable users.

### **2.3.6. Newsletter.**

SPP developed and published a quarterly newsletter chronicling the project's work, sharing best practices with other courts and introducing the concept of strategic planning and outreach. The newsletter can be found on the SPP website.

## **2.4. Best Practice Guide**

### **2.4.1. Promotion.**

SPP presented the Best Practices Guide for backlog reduction and prevention and improvement of case processing efficiency at the 2012 National Judges Conference held on October 8-10 in Zlatibor. As part of the Conference's official program, SPP hosted and moderated two sessions "*Successful techniques for efficient trials*", for civil and criminal judges. The sessions included presentations by six judges on how to successfully apply techniques that helped their courts effectively tackle backlogs and inflow of cases.

Task 2 Manager Nikola Vojnovic and Assistant Minister Vojkan Simic presented SPP's backlog reduction efforts at an international backlog reduction conference in Sarajevo, Bosnia-Herzegovina on November 1 and 2. SPP presented and distributed its Best Practices Guide, and shared the successful techniques applied by its partner courts with more than 100 judges and lawyers from Bosnia, Croatia, Austria, the Czech Republic, Macedonia, and Montenegro. At the second day of the conference, Judge Cveta Kajevec Grubjesic, acting Court President of Vrsac Basic Court, facilitated a workshop on backlog reduction in criminal cases. SPP also utilized the conference to learn about backlog reduction techniques successfully applied in other countries.

MOJ Assistant Minister Ljiljana Blagojevic is equally interested in distributing best practices from the Guide to additional courts, and SPP developed a brief summary of selected techniques and sent it to the MOJ for further distribution.

#### **2.4.2. Updates and Transfer.**

During the February and March court visits described in section 2.3.1. above, SPP identified additional backlog reduction and case management techniques that could be transferred to other courts, such as using statistical reports to guide the reallocation of court resources, setting trial timeframes, sentencing by investigative judges, and using court-to-court meeting to harmonize court practices. SPP determined in April that they do not represent a sufficient body of material to warrant a new edition of the Best Practices Guide. Instead, these techniques were documented and disseminated through other means, such as success stories, and built into supporting materials for the national backlog reduction strategy. An example is attached, and more information is available on the SPP website<sup>5</sup>.

#### **2.4.3. National Backlog Reduction Strategy.**

The MOJ worked throughout the year on a National Judicial Reform Strategy for 2013-2018 (NJRS). SPP was invited to participate in the NJRS subgroup tasked with developing an action plan in support of the strategy's efficiency pillar. This subgroup, chaired by Assistant Minister Blagojevic, asked for information about SPP's weighted caseload methodology, workflow assessments conducted in Cacak and Nis, backlog reduction templates, Best Practices Guide, and operating procedures developed for the MFAS.

In support of this effort, SPP engaged Dr. Pim Albers to draft a National Plan for Backlog Reduction. Dr. Albers met with MOJ State Secretary, Danilo Nikolic and HCC Judge Member, Miroljub Tomic and received support from both institutions about the concept and goals of the National BLR Plan. By the end of the month, Dr. Albers and SPP finalized the Plan, which combines NJRS strategic goals and specific court techniques outlined in the SPP Best Practices Guide. In this way, the Plan calls for action at both the national and local level. SPP scheduled two presentations of the document for early July, one to HCC and MOJ high officials, and the other for the donor community. The first took place on July 8th, at the HCC's Library, and gathered Serbia's top judicial officials including Chief Justice Dragomir Milojevic, HCC judge

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<sup>5</sup> (See, for example:

<http://www.ewmispp.org/archive//file/Subotica%20Basic%20Court%20Trailblazer%20in%20Judicial%20Efficiency%281%29.pdf>  
<http://www.ewmispp.org/archive//file/SPP%20Court-to-Court%20May%202013.pdf>

members Mirjana Ivic, Miroljub Tomic, Sonja Vidanovic, Aleksandar Stoiljkovski and Branka Bancevic, Ministry of Justice State Secretary Danilo Nikolic, and Assistant Ministers Ljiljana Blagojevic and Cedomir Backovic. Chief Justice Milojevic assessed that a reduction is an important issue for judicial reform, with one of its most important goals to create effective and efficient judiciary, adding that all help is welcome in addressing the backlog. “The Plan is very realistic in terms of the time frame and its set goals from 2013 to 2018”, State Secretary Danilo Nikolic said, adding that the judiciary should find the most efficient way to implement the Plan. The second presentation was for EU Delegation and World Bank – MTFD representatives, who are interested in continuing these efforts.



Chief Justice Milojevic during the presentation of the draft National Backlog Reduction Plan in July 2013

The respected daily *Politika* carried two stories about SPP’s efforts in backlog reduction. Following the presentation at the HCC, the newspaper published an article “ [is a cure for old](#) ”, on July 9, emphasizing that the goal of the national plan is to reduce the number of backlog cases for 80 % in five years, following the timeline of the National Judicial Reform Strategy, and the results obtained by the six SPP partner courts. The paper reported that the draft plan was presented to the HCC officials and that the problem should be approached on a national level to improve the quality of justice available to citizens of Serbia.

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<sup>6</sup> <http://www.politika.rs/rubrike/Hronika/lma-leka-za-stare-sudske-predmete.sr.html> (English translation: <http://www.ewmispp.org/en/news/politika-spp-backlog-20130709114254#.Uf-vWqz7Z5c> )

On July 29, the same daily published an interview with SPP Chief of Party Brian LeDuc, international backlog reduction expert Dr. Pim Albers and Deputy Project Manager Milan Nikolic, entitled “ [cases must not “get”](#)”<sup>7</sup>

The National Assembly adopted the National Justice Reform Strategy in July, and the implementation Commission was named and met for the first time in September.

### **Other relevant information for Task 2:**

Assistant Minister for Judiciary Vojkan Simic was dismissed in late December. According to Mr. Simic, he was informed during his “exit interview” with the Minister that several reforms he supported would undermine the MOJ’s power. Mr. Simic was SPP’s key partner at the MOJ and backed many project activities. It is too early to determine how his departure will impact the project’s work with the Ministry, or whether a new partner for change will emerge from within the MOJ’s ranks.

Acting Chief Judge Cveta Kajevec Grubisic of the Vrsac Basic Court, one of SPP’s most dynamic and successful partners in backlog reduction and public outreach, was relieved of her leadership by the Higher Court in Pancevo in September 2013. The justification given for the action—end of term—was somewhat implausible, as it could be equally applied to all Chief Judges, whose status has been interim since the beginning of 2010.



Acting Chief Judge Cveta Kajevec Grubisic of the Basic Court in Vrsac during a meeting with SPP staff

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<sup>7</sup> (<http://www.politika.rs/rubrike/Hronika/Sudski-predmeti-ne-smeju-da-ostare.lt.html> ) . (English translation <http://www.ewmispp.org/en/news/spp-in-politika#.Uf-umqz7Z5c> )

### **3. ADMINISTRATIVE**

#### **3.2 Progress Meetings**

SPP held quarterly progress meeting with international counterparts, including USAID, DOJ, JRGA, OSCE, CoE and EU. Besides presenting its latest achievements, SPP used the opportunity to openly discuss with all international organizations the MOJ's legislative efforts.

#### **Other relevant information:**

SPP Chief of Party (COP) Patrick Wujcik announced his departure from the project to take a new position with a USAID project in the West Bank. His replacement, Brian LeDuc, arrived in Belgrade on May 27.