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ALBANIA JUSTICE SECTOR STRENGTHENING PROJECT (JuST)

YEAR 1 ANNUAL IMPLEMENTATION REPORT

Contract No. 182-C-00-10-00105-00

September 2011

This publication was produced for review by the United States Agency for International Development. It was prepared by Chemonics International Inc. The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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EXECUTIVE SUMMARY

Country Context:

Albania is at a crossroad in its development. Having achieved admission to NATO, and with the next goal of EU accession in view, international standards of governance must be reflected not only in the existence of EU-compliant laws, but more importantly in their daily implementation. Justice sector development has been slow, bogged down by old habits, lack of leadership, and insidious corruption throughout the institutions. This has not gone unnoticed by the citizens of Albania, who recently named the courts as one of the least helpful factions in addressing corruption. The 2010 Corruption in Albania survey paints a dismal picture with nearly 80% of Albanians reporting difficulty getting information from the courts, an increase from the previous year. More than one-third of those dealing with the courts believe they have been treated poorly or very poorly, while those reporting that they were treated well or very well have decreased. Attorneys become licensed with little or no practical skills training, and rely on corrupt practices to win their cases rather than legal reasoning. The separation of powers remains fragile, with extreme politicization in public sector institutions which limits the delivery of professional justice services. Civil society still struggles with an inability to self-support and limited financial resources hamper their ability to freely speak out and fulfill their role and mandates. In spite of the numerous media outlets, citizens lack sources for objective news, as outlets reflect the views and ambitions of their owners.

The vestiges of a multi-decade, tightly controlled, isolationist, and corrupt governments are not easily cast aside, but changes can be made by modifying behavior until a new mindset catches up. Laws now in place and pending in Parliament reflect democratic principles, and must be given full effect. Institutions are modernizing, accepting automated systems into which are built measures of transparency and efficiency. Judges and prosecutors' skills have shown remarkable improvement. Civil society has provided input on important public policy issues, and has shown the ability to effect change independent of donor funding. In the past year, a coalition of 30 civil society organizations (CSOs) supported by the Albania MCC Threshold Country Program Stage II project formed around an important justice sector issue – to advocate for the passage of the law that will create the administrative court, enabling citizens to challenge government decisions more easily.

To improve democracy and governance in Albania, USAID through its Justice Sector Strengthening Project (JuST) has created an opportunity to increase institutional transparency and efficiency, improve the effectiveness of key players in the justice system and media, and boost civil society efforts to reveal corrupt acts and demand better for the citizens of Albania. The Project reflects a carefully crafted blend of activities to enhance the supply and demand for justice, both within the components and by integrating the components to form a holistic support plan to improve justice delivery. Measures to reduce courts' caseloads through mediation and improve their transparency and efficiency through systematic changes will make the supply side stronger, as will heightening the skill level of lawyers so that legal arguments win cases, rather than cronyism or bribery. Demand is increased when the public knows of these changes, understands their value, and insists on these services, as well as when the media and non-governmental organizations (NGOs) are able to monitor, discover, and publicize corruption.

Following the project's visible launch marked by the Court Leadership Conference (described below), two situations arose which are worth noting as they have had an impact on JuST's work. First, the political distrust following the general elections of 2009 deepened further during the life of the project culminating with deadly anti-government riots of 21 January 2011. Local elections of May 2011 hampered the project's visibility significantly as state institutions; media and civil society were all preoccupied with election results. Two election observing coalitions bringing together most of the potential CSOs partners were formed to monitor and report on local elections. Print and electronic media journalist also partly ignored JuST calls for the expression of interest in March and April given the eventful pre-election time. The political and legal rows over the Tirana mayoral race continued to attract media attention well beyond the Election Day. For example, on May 20, 2011, despite the fact that four TV stations had confirmed participation, a well organized MoU signing event featuring the USAID Mission Director and NCA's President was not covered by any media because of the simultaneous press conference of the US Ambassador on election results.

The second is the position of the Minister of Justice remained vacant for two months after Minister Nishani's appointment as Minister of Interior in April 2011. The new Minister of Justice Halimi took office in July and announced that reform of the justice sector is his primary objective. The Government of Albania adopted Inter-Sectoral Justice Strategy on 27 July 2011 after more than two years of consultation with domestic institutions and international organization including USAID. Despite the fact that rule of law reform remains a condition for Albania's integration into EU, the public perception of judicial corruption remains very high. Lack of political consensus on adopting key laws on the judiciary such as the amendments to the procedural codes (criminal and civil), law on establishment of administrative courts as well as law on administration of justice are hampering positive development in the sector. Budget constraints are expected to have severe impact on all state institutions including the courts. For example, in July 2011, the GoA announced severe budget cuts for public relations offices across state institutions which affect the ability of courts to dedicate funding for their reconstruction or renovation, for building or enhancing public relations offices and for introducing necessary security equipment.

Project Background:

JuST works in three components: 1) Court Transparency, Fairness, and Efficiency; 2) Civic Engagement; and 3) Education of the Legal Profession. Additionally, the Project addresses four cross-cutting filters: youth, gender, minority, and environmental issues.

Component 1: Court Transparency, Fairness, and Efficiency

As described above, the lack of transparency and inefficiency continue to impede the Albanian judiciary's ability to implement meaningful reform. Contributing factors include but are not limited to: lack of capacity of judicial personnel; insufficient resources, both manpower and financial, for courts to sustain optimal functions; and the lack of uniform standards and procedures guided by court management best practices against which court performance can be objectively measured.

Judges routinely issue decisions without disclosing their reasoning and the decisions are rarely published. Case backlog continues to grow when judges fail to exercise their authority to hold parties accountable for excessive continuances. The integrity of the judicial process is questioned when judges receive parties and hold hearings in their private chambers inviting public criticism and accusations that the courts are rife with corruption. All of the above only feed the public's negative perception of the country's judicial system.

Through project activities, JuST proposes a comprehensive approach that recognizes that change requires close collaboration with counterparts, civil society groups, and relevant professional bodies. JuST aims to avoid common roadblocks, i.e. the antagonism that rises between courts and civil society watchdog groups over court monitoring, that afflict similar judicial reform programs where conflict and misunderstanding overshadow the common objective of an improved judicial system.

Component 2: Civic Engagement

Balancing the supply-side activities under Components 1 and 3, Component 2 activities focus on the demand side of the equation by bolstering the capacity of NGOs, including civil society and media, to educate citizens and demand more governmental and justice sector accountability.

JuST aims to identify, recognize and reward NGOs that have shown energy and direction in prior advocacy efforts, by providing them with technical assistance to build their organizational capacity. These NGO efforts are focused on two main tracks: first, specific assistance to a judges association (which we also will seek to involve in Component 1 activities), to improve the judiciary's public image and ability to engage the public. This track includes capacity building activities to the Union of Judges. Second, increasing public awareness and promoting a more transparent, accountable and effective judiciary as well as good governance. For this second area, JuST is identifying a cadre of grassroots NGOs that have a track record in tackling corruption in the justice system and state institutions in Albania. The project will provide training and capacity building activities on budgeting and finance management, strategic planning, creating internal procedures, governance, fundraising in the public and private sectors, communications with the media, networking and building coalitions, and advocacy techniques. The JuST grants program will also provide opportunities for NGOs to tackle corruption.

In addition to work with CSOs, the Project is working to strengthen the role of media in reporting judicial and government sector corruption. A needs assessment has identified gap areas and informed the Project's design and development of a series of capacity building trainings and technical assistance for journalists. The content areas of these trainings will be linked closely with the themes that advance the Project's work with the judiciary and legal community.

Component 3: Education of the Legal Profession

Component 3 is working closely work with the National Chamber of Advocates (NCA), University of Tirana Faculty of Law (UTFL) and the Magistrates' School of Albania (MS) to strengthen the legal profession and education.

The NCA has about 1300 registered members organized in 13 regional chambers governed by a presidency and a general council. To date, NCA has failed to carry out its statutorily-provided duties of overseeing lawyer discipline and providing continuing legal education (CLE) to its members at a satisfactory level. NCA has organized ad hoc trainings and seminars for a very limited number of practicing lawyers but no well-established and organized CLE is in place. JuST is working with existing legitimate albeit passive structures to support energetic and motivated members of the Bar to shift from the existing status quo into a new phase of institutional strengthening and increased Bar activity which will ultimately elevate the profession.

The UTFLE enrolls about 2,000 students in the bachelor, master and doctoral degree programs per year. Although it is undergoing significant infrastructure overhaul and programmatic reforms, it continues to attract the best students and professors. However, all relevant actors (students, professors and public) agree that law students focus on theoretical study and rote memorization, and thus lack the practical skills needed by effective lawyers. JuST is working with the professors and leadership to establish a clinical education program where students will be able to take part in trial preparation and case representation in Albanian courts.

JuST is also working with the Magistrates' School to develop a legal database of all unified decisions of the Supreme Court as well as international agreements ratified by Albania and integrate them in easy-to-use searchable software which will help lower court judges and attorneys searching for guidance to find the cases they need.

Key Year 1 Results:

Component 1: Court Transparency, Fairness, and Efficiency

Court Leadership Conference. The first national-level activity of the JuST Project took place on December 21, 2010, with the ceremonial project launch combined with a court leadership conference. The conference was designed to introduce the project to justice sector counterparts; cultivate local leadership; and develop a sense of ownership of project activities. It brought together for the first time all district and appellate court chief judges and chancellors, the Minister of Justice, the Vice Chairman of the High Council of Justice, judges associations, representatives from civil society, lawyers, media representatives, and other justice sector actors and donors. Working group discussions produced an unexpected level of agreement on a number of fundamental changes that need to take place in the way courts operate. The views expressed provided a solid basis for proceeding quickly with the project's planned activities. At the close of the conference, the JuST Project pledged to convene periodic gatherings of justice system actors as a means of evaluating progress and continuing dialogue and cooperation.

Audio Recording Equipment. Recording, filing and sharing the substance of the court hearings accurately and reliably are key to a strong, transparent and trustworthy judicial system. In preparation for audio recording equipment installation, JuST initially visited all courts slated for early installations, interviewed judges, witnessed trials, gathered information on the Integrated Case Management Information System (ICMIS), and prepared the technical specifications for the Request for Proposal. The Project plans to deploy a single solution for all of Albania, but intends to stage installations every few months over the life of the project taking into account a range of

variables, most important is the infrastructure capacity to support the new system, that impact court readiness to integrate the new technology. Considering the procurement approach, JuST expanded the needs assessment to include all Albanian courts (district and appellate) on four areas (audio-recording, trial records, public information offices and security upgrades). The assessment took stock of the situation on the ground and will serve as a reference document during the entire life of the JuST project. The findings of the report will shape the interventions of JuST project in each area in order to ensure the usefulness, feasibility and sustainability of USAID's justice sector assistance. In view of all the activities mentioned above the first installation is slated for completion in October 2011.

Courtroom use study. Through interviews with key counterpart court judges and staff, consultant observations, and data collection, JuST has documented important trends that will inform the nature and extent of future activities with the courts with respect to technology interventions (i.e., audio recording system, court calendar and schedule software), procedural recommendations, and training assistance.

Commercial and family mediation. JuST signed a Memorandum of Understanding (MOU) with the Durres District Court and the Albanian Foundation for Conflict Resolution and Reconciliation of Disputes (AFCR). With this agreement, USAID support for the program at court will support AFCR to introduce and implement mediation family court cases and continue to provide mediation services for commercial cases, as an alternative to the resolution of disputes by the courts. In the framework of introducing and expanding the family and commercial mediation a MOU for the establishment of the Korça District Mediation Program has been signed with AFCR and Korça District Court. US Ambassador will deliver his remarks in the Opening Ceremony of the Mediation Center at the Korça District Court on September 13.

Component 2: Civic Engagement

CSO assessment. JuST conducted an assessment of organizational and advocacy capacities of the CSOs that responded to the project's call for expressions of interest in working with JuST. The assessment identified their strengths and weaknesses from internal and external perspectives. In order to respond to the assessment needs, JuST developed the JuST Forum, an online platform, as a communication tool to facilitate CSO cooperation and further enable dialogue with other justice counterparts such as media networks and justice institutions.

Judges' associations assessment. During the first year, the JuST conducted an assessment of the organizational capacity of the two competing judges associations. The assessment findings revealed that only one organization, the Union of Albanian Judges, was viable, and thus eligible for USAID assistance. The assessment results include a two year action plan to build capacity to operate in a sustainable manner recruit and retain members, offer member services that support the integrity and professionalism of the judiciary, and act as a clear voice advocating for more transparency, accountability, and independence in Albania's judicial system. A key activity will be the project's work with the UAJ to facilitate strategic planning sessions that will support the institution as it crystallizes its vision and objectives. JuST's strategic planning assistance will take place in mid-September.

Grants program. The grants program, “Coalitions for Better Justice,” is initially targeted at the 51 CSOs selected through a “Call for Interest” process. The grants program will support innovative and measurable projects that aim to reduce corruption. To initiate the first grants cycle, JuST published an Annual Program Statement (APS) and solicited concept papers which will lead to its first round of grants. JuST has reviewed all concept papers, responded with feedback, and selected 7 NGO submissions to move forward to the full proposal and cost round.

Identification of training needs for journalists. Through a published “call for interest,” JuST identified 37 journalists with a track record of promoting anti-corruption and advocating for justice system reform. The project then commissioned an assessment designed to inform the project on the journalists’ capacities and training needs with respect to effective and vigorous coverage of justice and good governance issues in the Albanian media. The assessment findings, which include a summary of recommended training course, will aid in the development of a curriculum for the planned “Law School for Journalists,” as well as for the “Justice Reporting Fellows” program.

Component 3: Education of the Legal Profession

Pilot continuing legal education (CLE) program. JuST finalized the MOU for implementation of the CLE program with lawyers, and entered into a services agreement with the Albanian Center for Training and Legal Studies (ACLTS) to implement the CLE in two selected chambers. The needs assessment, selection of training topics and list of professors were finalized in June. The first training took place in July in both Vlora and Durrës. The program will continue until June 2012.

Bar Journal. JuST worked closely with the NCA to establish the bar journal. In March 2011, JuST proposed a roadmap on “How to Establish a Sustainable Bar Journal for the Albanian Legal Profession” which was fully endorsed by the President and Secretary General of the NCA. Amidst delays in following the roadmap for the first issues, the NCA began recruiting for the Editorial Board and Editor in Chief in July. Only two applicants applied and the NCA has not held interviews or selected the persons yet. Once selected, JuST will work with the new board and editor to launch the call for articles and assist in the preparatory phase and publication of the first issue.

Work plan with the Magistrates’ School of cataloging Supreme Court decisions and ratified conventions. The work plan was submitted to the Magistrates’ School Director in April. The plan outlines steps for the production of a database and links research work with regular coursework of the Magistrates’ School students. The plan envisioned that the database will be launched in October 2011 but leadership delays in engaging students to do the research work have delayed the subsequent stages of database development. The students’ involvement was delayed because after an initial assessment of the workload, the Magistrates School Director deemed that a greater level of efforts was required to complete the task. In May, the Director informed JuST that she had invited the Attorney General, Deputy Minister of Justice, and Deputy Chairman of the High Council of Justice to be part of a technical committee which would oversee the project. JuST respectfully disagreed as it considered the database development to be a technical project to be completed through close collaboration of the students and professors, a task not requiring the involvement of such high-level dignitaries.

In June, the Magistrates School Director insisted that at least two professors be paid top level expert rates for developing the database methodology. JuST, after consulting with USAID, informed the Director that JuST is willing to pay some modest compensation to involved professors but reiterated that the database was intended to be an academic exercise of students and professors and not a consultancy service that the Magistrates School is offering to USAID. In a subsequent meeting, the Director expressed her disappointment that USAID will not pay two full time expert rates to the professors and informed us that she had decided to include in the database only unified decision of the Supreme Court excluding the ratified international conventions. Although we observed a decrease of interest from the leadership to complete this project, JuST agreed to the reduced amount of work and is willing to assist in developing the database during the next academic year and paying some compensation to the student and professors involved. In July, each student was assigned to collect and study a number of decisions of the Supreme Court. Given the reduced workload, JuST is preparing a scope of work for at least one professor who will develop the cataloguing methodology for the unified decisions.

Assistance Plan for the Law Clinic. Upon request of the JuST Project, the Dean appointed a Working Group on Preparing a Plan for Establishing the legal Clinic. JuST moderated four meetings of the Working Group during May and June and provided recommendations on the status of the clinic, modification of curricula, rules on professors' involvement and the effects of their commitment on their teaching workload and other relevant issues. Based on these discussions, JuST successfully developed an assistance plan for the law clinic. The Dean presented the plan in the meeting of the Faculty Council (governing body) which was adopted without significant changes. JuST also developed a proposed MOU and submitted it to the Dean and USAID for comments.

Cross-cutting

Donor Coordination. JuST convened representatives from justice-related international donor organizations for the purpose of sharing information on activities, and where possible, coordinating efforts to maximize results. In connection with this regular get-together, JuST and this informal donor coordination workgroup established "Connections," a quarterly newsletter that summarizes donor activities. JuST continues to convene regular meetings with other donor projects in order to exchange information and streamline assistance.

Communications Strategy. The communications strategy includes both a public outreach and a public relations set of objectives. The overall goal of the strategy is to raise awareness about opportunities in addressing justice sector challenges in Albania, motivate coordinated action by relevant stakeholders to support their actualization, and ultimately contribute towards improving existing perceptions about the practice of justice in Albania.

COMPONENT 1 – COURT TRANSPARENCY, FAIRNESS, AND EFFICIENCY

A. Results Achieved During Year 1 Compared to Annual Work Plan Targets

Court Leadership Conference

The JuST kick off conference, “Toward More Transparent, Effective and Accountable Justice” took place on December 21, 2010. The event included court chief judges and chancellors from across Albania and representatives of legal professional associations, civil society and the media. This was the first time Albania has had such a gathering of its judicial elite. The event provided the opportunity for the nearly 100 participants to brainstorm, share information and discuss the fundamental changes that need to take place in the way courts operate. The views expressed provided a solid basis for proceeding quickly with the project’s planned activities. The success of this event has prompted JuST to commit to holding periodic conferences to bring together all the actors of the justice system. Given the momentum generated after the inaugural conference, JuST will consult with USAID as to the merits of supporting this conference annually which will not only serve as a platform for dialogue and cooperation, but also as a mechanism for evaluating JuST’s progress and the justice-sector reform efforts in the coming years.

More accurate trial records

Early on, the project spent time laying the groundwork for the first round of installations of audio recording equipment. Specifically, the JuST team reviewed focus group summaries from the previous Rule of Law Project to understand implementation issues and build on the experiences of the predecessor USAID project. Based on numerous consultations and discussions with counterparts in courts, the Ministry of Justice, the Office of Judicial Administration and Budget, USAID, and others, the selection criteria for the first round of audio recording installations began to emerge. The Project conducted a Court Needs Assessment to aid the process and determined that the initial focus should be on relatively small and manageable courts, in close proximity to Tirana, with a strong commitment by the Chief Judge. With the forward view that the Ministry of Justice and courts may want to integrate audio recording with the existing case management system, it was deemed advisable to begin with courts that are already using ICMIS, rather than courts that are in the process of moving from Ark-IT to ICMIS. Finally, JuST concluded that at least for the first round of installations, the priority would be given to courts that already have a solid IT infrastructure with connectivity to all courtrooms.

JuST held educational activities designed to raise awareness among project counterparts regarding the introduction of state-of-the art digital audio recording equipment into the courts of Albania. To begin public awareness building for the introduction of digital audio recording, JuST organized recording technology demonstrations in three cities – Lezhë, Korça, and Tirana. Lezhë and Korça represent the two courts selected for initial installations. For the Tirana demonstration, invitations were extended to all chief judges, chancellors, as well as representatives from the Ministry of Justice, High Council of Justice, donor organizations, prosecutors, attorneys, IT professionals, and the Office of Administration of Judicial Budget (OAJB).

The demonstrations not only showcased the ease of use of the technology, but also the potential to integrate audio recording into the existing ICMIS. While integrating audio recording technology does not fall within JuST's specified objectives, the project is considering this functionality with respect to any equipment procurements as it is within the foreseeable interests of the Albanian judiciary. The demonstrations further served to generate discussion on a variety of public policy issues, including the legal framework, the need and scope of transcription services, the limits of public dissemination of audio recording, and the value in promoting transparency within the judiciary.

The Project also completed a series of tasks necessary to prepare a request for proposals (RFP) to procure equipment not only for the initial installations, but for installations throughout the lifespan of the project. Some of the concerns raised, along with specific user interface issues identified, proved useful in developing specifications for the RFP. A number of legal, policy, and technical issues remain unresolved, but recent experience from other countries in the Balkans suggests that hands-on usage of the actual technology will allay many concerns and sharpen focus on specific legal and policy questions.

In June, a short-term technical expert specializing in court IT visited all courts slated for early installations, interviewed judges, witnessed trials, gathered information on ICMIS, identified solutions to the unique procurement issues and prepared the technical specifications for the RFP. In response to the RFP, JuST received four proposals and will complete a best and final offer (BAFO) process with top vendors to negotiate a best value solution. Following careful review it is anticipated that a provider of audio recording equipment will be selected and approved by USAID prior to the start of Year 2, with installation beginning during the first quarter.

In addition to collecting valuable information to guide the procurement process for the audio recording equipment, the assessment noted above also focused on three other areas: computerized trial records, public information offices and security upgrades. Valid information has been collected which will serve for better focusing JuST efforts in these areas. The work of JuST with regard to expanding computerized trial records, public information kiosks and security in the courts will be parallel with the installations process of audio recording system.

Improve court management leading to more transparent and efficient court operations including court hearings that are more open to the public.

An important activity of the project is technical assistance to the Tirana and Durrës District Courts to increase the utilization of court rooms thus reducing the number of cases heard in judges' chambers that are not accessible to public. The project organized a courtroom usage study with support from two short-term, *pro bono* consultants from the Federal Judicial Center in Washington, D.C. Donna Stienstra, a nationally-recognized court management expert who has conducted numerous analyses of courtroom usage in US federal courts, led the effort.

The JuST consultants conducted focus groups with court secretaries, gave presentations to all judges in both the Tirana and Durrës District Courts, and distributed questionnaires. The process yielded a large dataset, which included 5,400 observations for the Tirana District Court, and

1500 for the Durrës District Court. The data was analyzed by the team of researchers at the Federal Judicial Center.

The team found considerable variation in courtroom scheduling practices between the Tirana Civil and Criminal Divisions. The study supported the frequently-voiced view that there are far more court sessions scheduled each day than can be accommodated by the number of available courtrooms. But it also documented the fact that current scheduling practices using half-hour time slots for sessions generally concluded in 15-20 minutes results in an inefficient use of courtrooms. The report included detailed recommendations which will serve as a useful starting point once the embedded court advisor on-site during the first quarter of Year 2.

Reduce Case backlogs

Among a number of proven techniques for reducing case backlogs is mediation. Mediation programs offer the possibility of removing cases from crowded court dockets for resolution by the parties themselves, with assistance from a specially-trained mediator. When successful, mediation produces outcomes acceptable to all parties, and thus not subject to charges of corruption, favoritism, or denial of justice. The JuST project is continuing and expanding an earlier donor-supported mediation program, and assisting in the implementation of a new law on mediation designed to institutionalize mediation as a profession, and promote the concept as a means of reducing court case backlogs.

Shortly after project start-up, project staff was engaged in designing and planning to support the existing mediation program in Durrës, and to establish another program in a second court. These discussions took place with the Chief Judge of the Durrës District Court, the International Finance Corporation (IFC), the Albanian Foundation for Conflict Resolution (AFCR), and various individuals who have been trained as mediators. Similar discussions on a parallel track took place with leaders and interested parties in the Korça District Court, the third largest court in Albania, and the court selected for the second of three planned mediation pilot programs.

Following these negotiations, JuST signed a MOU with the Durrës District Court and the Albanian Foundation for Conflict Resolution (AFCR). Through this agreement, USAID is providing continuing support for the mediation program at the Durrës District Court, which has been expanded to encompass family as well as commercial cases. In the few short months since the mediation program was re-launched and expanded, it has accepted 19 cases, and has successfully resolved most of them in an average of only 8 days, a period of time far shorter than is customary through traditional litigation. Moreover, at the conclusion of each successfully mediated case, the agreement worked out by the parties goes back to court for an Executive Order, making it both final and enforceable. These procedures produce a “win-win” for all involved. The parties’ dispute is resolved by the parties themselves, and the court’s calendar has fewer cases, requiring fewer court resources.

A major milestone was achieved with the enactment of a new law on mediation in dispute resolution. This law provides a legal and regulatory framework for mediation under the auspices of the Ministry of Justice and establishes, among other things, a National Chamber of Mediators and a registry of licensed mediators, all of which should advance the cause of alternate dispute

resolution and facilitate future implementation efforts. The JuST Project will support the implementation of this law.

The second site for USAID-supported mediation was selected in Korça, based on the presence of trained mediators, the recommendation of AFCR, and the strong support of the Chief Judge, who pledged to make available space for the program in the recently-constructed courthouse.

B. Year 1 Implementation Challenges

Some Component 1 milestones and deliverables have not been achieved within the timeframe envisioned in the contract or in the Year 1 Workplan. Facing this reality, JuST has adjusted the initial staffing pattern, eliminating several support positions and redirecting budget resources to bring on additional personnel on the program or technical side. It is anticipated that with the additional team members, the pace of activities will accelerate.

One challenge facing Component 1 goes to the IT and communications infrastructure of existing courts. The Project is expected to “procure cutting-edge, off-the-shelf digital audio recording software that can be installed on existing computers.” It is now becoming clear that in some courthouses, existing computers are too antiquated to support the new technology and unanticipated infrastructure upgrades may be required. To address this challenge, the project team intends to work closely with the Office of Administration of Judicial Budget and the Ministry of Justice in order to better coordinate the expenditure of Project resources to coincide with or follow planned upgrades to courts by the Albanian government.

Budget constraints are expected to have a severe impact on all state institutions including the courts. For example, in July 2011, the GoA announced severe budget cuts for public relations offices across state institutions which affect the ability of courts to dedicate funding for their reconstruction or renovation, for building or enhancing public relations offices and for introducing necessary security equipment.

In the few courts where audio recording has been introduced, the JuST team has generally found only episodic use of the technology. There are no internal manuals on how to collect data on the use of such technology. It is thus difficult if not impossible to gather baseline statistical data on the use of audio recording in courtrooms.

With regard to mediation, a new law has been approved, but the approval of the sub legal acts on its implementation took some time. Due to the delays in approving the sub legal acts the process for certifying the mediators has not started yet and the chamber of mediators has not been established. This affects the licensing of the mediators that are subject to JuST trainings and the assistance that JuST will provide to the chamber of mediators in order to make mediation a permanent and self sustaining feature of the Albanian justice system.

C. Observations and Actions Taken to Improve Future Implementation

As documented in the Court Needs Assessment completed in Year 1, the courts of Albania have varying levels IT infrastructure, though in most cases, the equipment, though functional, is now

obsolete. Procedures for maintaining trial records also vary from court to court. Public information services are inadequate in most locations. The assessment will guide much of the project's assistance in the future, and will be useful in working with project counterparts in establishing priorities and time frames, especially for the installation of audio recording equipment. Once the installation process is underway, the project will aim to equip every courtroom in a given courthouse, as a means of ensuring that its use is routine, and not an exception to the general rule.

Future implementation will be accompanied with a clear guide on how to collect, use and store the audio recording data in view of preparing a unifying procedure for all the courts using audio recording. Currently, the recordings are kept in CD and administered in the court files.

The problem of trials held in the judges' offices is a problem faced more commonly in the District Courts of Tirana and Durres. Our efforts in trying to minimize this practice will be focused more in these courts. In other courts this issue will be solved in the near future by adding additional court rooms such as in Pogradec and Elbasan, where this problem is more due to the infrastructure shortcomings of the court.

Recently with the CoM Decision No. 519 dated July 20, 2011 it has been approved the Inter-Sectorial Strategy of Justice and its action plan. This strategy provides that different courts will undergo renovations; others will be equipped with IT equipment. This strategy and our close cooperation with our counterparts such as OAJB and MoJ will be our guide in order to avoid overlapping and maximize our assistance.

During our contacts with the judges we became aware that they fear the interference of the MoJ in their work and have challenged some decisions of the previous Minister of Justice related to their work (such as the order of the Minister of Justice that all judges should write in computer their decisions). Under these circumstances we will seek closer cooperation with the HCJ especially on issues related to making mandatory the audio recording or related to the increase of the usage of court rooms. Recently, the deputy chairman of the HCJ has expressed the opinion that the audio recording in the judicial proceedings will make trials more transparent, honest and professional, but also easily controllable and verifiable.

COMPONENT 2 – CIVIC ENGAGEMENT

A. Results Achieved During Year 1 Compared to Annual Work Plan Targets

Increased organizational capacity of civil society organizations and stronger, more effective participation

Through a call for expressions of interest early in the project, JuST identified 51 CSOs with experience in justice system reform and/or fighting corruption. During May and June 2011, the project conducted an assessment of the organizational and advocacy capacities of the 51 CSOs. The assessment identified their strengths and weaknesses from internal and external perspectives. Assessment results found that few of the CSOs focus on the judiciary and the variety of their activities are very limited, more so when considering CSOs involved in monitoring and reporting

on courts' work. There is very little interaction between the CSOs and government institutions which include courts. The JuST CSO assessment report, which was finalized by in mid June 2011, indicated three main tracks of assistance needed: 1) institutional development; 2) technical knowledge and skill training in monitoring of court and government performance; and 3) effective relationship building within the CSO community, and between CSOs and the media and government institutions.

In order to respond to the assessment needs, particularly those related to the third area of the support needed, the Project developed the JuST Forum, launched in June 2011, which is an online communication tool to facilitate CSO cooperation and further enable dialogue with other justice counterparts such as media networks and justice institutions. These organizations will be encouraged to join the Forum as a part of JuST's work with the Albanian justice sector. A database of the 51 CSOs that are qualified and interested in working with JuST is now available on the Forum at www.justforumalbania.org. The launch of the forum was followed by the issuance of Forum User Guide for facilitating the use of the forum and JuST provided user training, including a demonstration of the Forum, in July 20, 2011.

The project also completed an assessment and issued its findings on the capacity of the two judges' associations, the Union of Albania Judges (UAJ) and the National Association of Judges, in April 2011. The assessment revealed significant legal concerns regarding the registration of the National Association of Judges. The Association's failure to elect a chairperson and governing board, as called for in its statute, coupled with its inability to convene even small groups of members to respond to assessment findings, led JuST to conclude that it is simply not viable and, in consultation with USAID, determined it is not eligible for capacity-building support.

The assessment results include a two year action plan to build the UAJ capacity to operate in a legal and sustainable manner, recruit and retain members, offer member services that support the integrity and professionalism of the judiciary, and act as a clear voice advocating for more transparency, accountability, and independence in Albania's judicial system. JuST support will include close collaboration with the newly elected Board of UAJ. The project, with the involvement of a short-term consultant will assist the UAJ in developing a strategic plan outlining the future objectives and activities of the UAJ. The project will provide technical assistance, training, facilitation and other types of support, but cannot substitute for the active involvement of UAJ leadership and members.

Increased public awareness of corruption

JuST prepared a solicitation for the first round of the JuST grants program, "Coalitions for Better Justice," targeting the 51 CSOs selected through the "Call for Interest" process, in June 2011. The grants program aims at supporting novel and measurable projects that aim to reduce corruption, such as:

- Efforts to increase transparency, efficiency, and fairness in the Albanian courts;
- Efforts that improve methods of exposing corruption and punishing the wrongdoers;
- Efforts which aim to remove incentives that promote corruption.

The Project used the JuST Forum as a tool to assist the CSOs with the application preparations in terms of content related questions and administrative issues which is an effective vehicle for communicating uniform messages to all members. In the future, the Forum will also be the primary mechanism for the JuST Project to communicate with CSOs as they develop and implement their projects.

By August 1, 2011, the deadline for the first round of concept papers, JuST received submissions from 19 coalitions consisting of 37 CSOs. After the evaluation of the concept papers, seven coalitions consisting in 15 CSOs were selected to qualify for the full proposal phase. The 15 CSOs qualifying for the second phase of the grants program were invited to participate in a training that will provide them with guidelines for the preparation of the full proposal in line with the grants program overall objectives and JuST's scope. The training took place on September 1, 2011.

Strengthened role of media in reporting corruption cases

In April 2011, through a published "Call for Interest", JuST identified 37 journalists with a track record of promoting anti-corruption and advocating for justice system reform. During May and June 2011, JuST conducted an assessment of the 37 journalists to identify their capacities and needs with respect to effective and adequate coverage of justice and good governance issues in the Albanian media. As part of the assessment, JuST developed an outline of the media capacity-building action plan, as well as a framework for a training program intended to be an ongoing effort throughout the JuST project life cycle. The assessment report was finalized in July. Before the end of Year 1, JuST will have started developing training modules for the Law School for Journalists series.

B. Year 1 Implementation Challenges

Component 2 made important strides in its outreach in initiatives to civil society groups and media representatives. Though implementation of Component 2 activities has taken longer than originally expected, JuST's efforts at fostering buy-in and ownership among counterparts will pay off in the long run and ultimately foster sustainable impact. The local elections of May 2011 have posed a significant challenge to the implementation of this Component's tasks since for a long period including the pre- and post-election stage, the CSOs and the media were all preoccupied with election results.

Of the two judges associations originally targeted, one has been dropped from future capacity assessment initiatives and assistance due to their low level of interest and responsiveness.

The uneven level of experience, background, and expectations among CSOs poses a challenge to the project in meeting their respective needs. As such, JuST staff is designing interventions that leverage the relative sophistication and deep experience of a few established CSOs, and build their capacities as trainers and peer mentors. We believe these training of training initiatives will endow CSOs with sustainable skills and strengthen CSO networking and collaboration in their efforts to support justice and good governance practices in Albania.

While initially attracted to JuST due to the prospect of financial support, sustained interest in the project's activities has proven difficult to maintain. By the initial deadline for expressions of interest among CSOs, only 14 journalists submitted applications. This forced JuST to extend the period for EOI submission and bolster outreach efforts to the local CSO and media communities.

Completion of the assessments for CSOs and journalists also took longer than planned, primarily due to recent local elections scrutiny and the demands on journalists to cover daily developments.

The JuST project faces another challenge in working with the judges association. The UAJ, while viable, has very limited resources for advancing any kind of action plan. The JuST project will have to come up with solutions for assisting the organization in its development, developing UAJ's strategic plan and increasing membership and visibility of the UAJ's activity.

Finally, the JuST Forum has been developed as an innovative platform to facilitate cooperation among CSOs, and between CSOs and the Project. The Forum is central to the grants process. If the concept works as intended, stronger CSOs will form coalitions with weaker grass roots organizations, to the benefit of all involved. The Grants solicitation launched set strict rules on coalition building requiring that coalitions must consist of a minimum of two (2) organizations and CSOs partners may join up to two (2) coalitions during the Concept Summary stage, but however, upon evaluation of the Concept Summary applications, if applicants are invited to submit a full application, CSO partners may only be proposed on one (1) coalition during the full application stage. Coalitions had to clearly identify one organization in the coalition as the lead. Such requirements, limiting the possibility of CSOs to apply as coalition leaders in more than one coalition and as partners only in two coalitions was intended to encourage the formation of coalitions among stronger CSOs and weaker grassroots ones. The formation of coalitions will enable the exchange of knowledge and experience among partners CSOs, thus assisting growth among grassroots CSOs, as well as fostering new ideas for advocating good governance and monitoring anti-corruption. Needless to say, this approach differs from traditional grant programs. The Project Team believes that the potential benefits for the weaker grass roots CSOs are a strong argument for this approach.

C. Observations and Actions Taken to Improve Future Implementation

In Year 1, JuST observed that the CSO and media environment represent significant weaknesses with respect to their work in the justice sector, their capacities on court and government performance monitoring and the interaction with government institutions and among themselves. However, JuST has been able to promote initiatives that will tackle such weaknesses at the current stage with a view to improve future implementation. JuST anticipates that its grants program "Coalition for Better Justice Program" will improve interactions among CSOs and media through the JuST Forum, as well as result in more effective coalition-building with a built-in capacity building through weaker grass root CSOs pairing with strong, established CSOs to benefit from shared lessons and experiences. This online communication tool will facilitate CSO cooperation and further enable dialogue with other justice counterparts such as media networks and justice institutions. Other CSOs' weaknesses will be tackled through the organization of

capacity building activities and trainings that will address issues such as court monitoring, relation of CSOs with the court, coalition building, and preparation of advocacy campaigns.

The Grants program is also a tool for attracting and engaging CSOs in the implementation of activities aimed at improving the justice sector. The project is concerned that the vast majority of the grant proposal focused in standard activities of monitoring, reporting and publishing justice related findings without clear advocacy or watch-dogging objectives. To address this emerging issue observed during the Annual Program Statement (APS), JuST will be flexible to utilize other grant mechanisms such as Request for Applications (RFAs) for more targeted projects on court efficiency, transparency and effectiveness.

Under the media subcomponent, we observed low interest from journalists working in the justice sector partly due to the local election period. To respond to this unexpected low interest, JuST provided for an extension of the period for EOI submission with a view to increase the number of journalists willing to cooperate with the project and benefit from the project's assistance. The project is on designing the Law School for Journalists the more advanced training for a number of Justice Reporting Fellows. Local and international trainers will be provided training on investigative journalism techniques. As regards the beneficiaries of the capacity building activities for journalists, these activities will not restrict to the pool of journalists identified from the Call for Interest but also to other journalists working in the justice sector and/or engaged in investigative journalism indentified through an open call. JuST has learned that journalists may prefer USAID to take up all the costs for developing and maintaining the independent media outlet to report on justice sector and government corruption but JuST will explore ways to identify more dedicated investigative reporters with a view to share the burden of work build and sustain the venue with them.

COMPONENT 3 – EDUCATION OF THE LEGAL PROFESSION

A. Results Achieved During Year 1 Compared to Annual Work Plan Targets

More professional lawyers

In December 2010 and January 2011, JuST conducted three focus group sessions with regional chambers of Advocates in Vlora, Durrës, and Lezha to elicit opinions from bar members on ways to strengthen the legal profession. All session were well attended with 110 lawyers and assistant lawyers participating actively in the discussions. During the focus groups, JuST distributed a self-assessment form of organizational capacities to solicit opinions of members on important topics regarding the organization of the bar, internal operations, the decision-making processes of the governing bodies, financing and progress made by regional chambers in fulfilling their statutorily-mandated responsibilities.

The self-assessment forms indicated a very poor knowledge of the chambers' governing bodies and decision-making procedures.¹ JuST team also concluded that none of the chambers

¹ 52 members indicated that they were unaware of the number of members of the steering board and the general council. 46 members stated that they did know how often the steering board and/or the council met and were not informed of their decisions. All members admitted that their chamber did not have a work plan or a long-term strategic plan, outlining the objectives of their

represented through participants in the focus group had adopted an annual work plan or a strategic long-term plan to guide the chambers' activity. None of the chambers had full-time staff members, or any office space (with the exception of Vlora and Durrësi chambers) dedicated for the chamber's activity. The vast majority of participants was not familiar with the most recent version of the Law on the Profession of Advocates, and did not possess copies of the Statute of the NCA and Code of Ethics.² A view shared by all participants was that the regional chambers should have more financial and operational autonomy, in order to provide services to their members. The main recommendation appearing in almost all completed forms was the critical need for continuous legal training for lawyers. JuST saw a collective sense of motivation on making the regional chambers more active in order to offer services to the membership.

To further strengthen the legal profession, JuST proposed to the National Chamber of Advocates (NCA) that an inaugural conference be held in June 2011, however it has been postponed several times due to other priorities by the NCA. The conference will foster a sense of belonging and pride within the profession and among its membership and also to serve as a platform for continued dialogue and new initiatives to make the profession more active. The program for the conference will be divided between a ceremonial component consisting of presentations and addresses from officials from the Albanian government and international guests, and breakout sessions that focused on institutional strengthening of national and regional chambers. JuST remains ready to assist with the conference preparation once the date (preferably in Q1 of Year 2) is confirmed by the Chamber leadership.

The lack of a periodic newsletter or a professional bar journal is widely seen as an institutional weakness of the NCA. The National Bar Association has applauded the idea of establishing a law journal and JuST prepared a concept paper designed to serve as a roadmap for establishing the Bar Journal. Although the NCA applauded the idea of establishing a law journal, it has been very slow in taking steps to establish an Editorial Board and Editor in Chief. After a great deal of prodding, the NCA finally advertised for the Editor in Chief position. The President informed the project that seven potential members of the Board have been contacted and expressed their readiness to serve on the Board. Once appointed, JuST intends to work with the new board and the editor to launch the call for articles and assist in the preparatory phase and the publication of the first issue.

The NCA has offered some training programs to a limited number of members through donor driven initiatives but no well established CLE program exists in Albania. In December 2010, during the introductory meetings with JuST project, the NCA expressed the wish to cooperate in a mutual effort towards establishing and implementing a CLE program for practicing lawyers and assistant lawyers. After extensive research, JuST developed a research paper on CLE program in twenty European countries including recommendations on how CLE could be

organization and expected results. All members were aware of the annual membership fee of ALL 130.000. 65 members identified the lack of offices for regional chambers as a critical factor of the weak organization and lack of cohesiveness of their chamber. 43 members identified continuing legal training as a priority. 27 members requested more legal literature and suggested that the regional chamber establishes a law library to serve its members. 37 members called for better organization and a more active chamber, including the adoption of a work plan and hiring of office staff that would create an institutional identity.

² USAID-JuST in cooperation with NCA compiled a Compendium on Fundamental Acts on the Legal Profession which will be printed and distributed in 1000 copies in Albanian English which are now widely used by lawyers.

established in the Albanian context. Upon consultation with USAID and NCA, JuST proposed to start the CLE as a demonstration project in two chambers in Vlora and Durrës, and expand it to another chamber next year with a view at making it a national mandatory program organized and financed by the NCA by year 2013-2014. By 2015, the CLE program will be self-sustainable and financed entirely by the NCA through membership fees. In the event steps have not been taken to make the CLE mandatory by the third year (2013-2014), JuST may suspend support to the program until such time as the necessary regulation is enacted and an action plan for its implementation throughout Albanian is adopted.

Following negotiations with the NCA, JuST finalized the MOU for the Implementation of the CLE program for lawyers which was signed by the USAID Mission Director and the President of the NCA on May 12. On May 20, JuST entered into a Service Agreement with the Albanian Center for Training in Legal Studies (ACLTS) which will implement the CLE in two selected chambers. USAID will cover sixty percent (60%) of the cost of the CLE program in Vlora and Durrës chambers whereas the NCA shall cover the remaining forty percent (40%). The MoU attempts to strike a balance between starting the CLE as soon as possible and influencing the institutional change within the NCA that would make the CLE a sustainable program in accordance with the European trend.

ACLTS started the needs assessment process by distributing 200 questionnaires in Vlora and Durrës. About 120 questionnaires were returned completed. Later, ACLTS organized two brainstorming sessions attended by about 60 lawyers and assistants to identify the legal topics that the CLE program should include. JuST and ACLTS organized the first training sessions in Vlora and Durrës which took place in July with very high attendance rate. Over 90% of invited lawyers and assistant lawyers took part in the first trainings. The rest of the CLE courses will take place from September 2011 through June 2012. A total of 168 training sessions will be offered to 380 lawyers and assistant lawyers over the course of three semesters. JuST intends to attend all training sessions to monitor implementation of the CLE as per the MOU with NCA and the contract with ACLTS.

In parallel with the piloting of CLE program, JuST is pushing the NCA and MoJ to make the CLE a legal mandated nationwide program through amendments to the existing law on the profession of advocate. The project attended several meetings of MoJ and NCA on the proposed amendments to the law. The amendments were focused on making the ethics and disciplinary mechanisms of the NCA more effective but JuST managed to include two paragraphs on the law addressing the issue of initial and continuing legal training for lawyers and assistant lawyers. If such paragraphs are adopted as proposed, JuST will assist NCA in building a self-sustainable CLE program managed by the NCA and financed through membership fees.

Better qualified law school graduates

JuST held individual meetings with the Dean of the Law School and vice deans to inquire about the current status of the clinical education program and learned that the Legal Clinic is offered as an elective subject as part of the criminal law department. We learned that the class is usually elected by 40-50 students and is organized as a purely theoretical lecturing lacking a course book offering no real practical skills to students commonly offered by clinical programs. Following

several unsuccessful attempts to organize a focus group meeting for the purpose of conducting a needs assessment report as a collaborative approach, JuST requested the Dean's assistance to formally appoint a Working Group on Legal Clinic consisting for 9 professors from three departments. JuST prepared a set of twenty questions on different aspects of the clinical program to guide the meetings of the working group and receive feedback before designing the assistance plan. JuST moderated four meetings Working Group during May and June and provided recommendations on the status of the clinic, modification of curricula, rules on professors' involvement and the effects of their commitment on their teaching workload and other relevant issues. Based on these discussion, JuST successfully developed an assistance plan for the law clinic. The Dean presented the plan in the meeting of the Faculty Council (governing body) which was adopted without significant changes. The plan foresees that the clinic will be run as an interdepartmental program (public law, criminal law and civil law) with 3 elective courses offered annually to 60 students of third year and master candidates. JuST also developed a MOU and submitted it to the Dean and USAID for comments.

JuST also developed a work plan on cataloguing the decisions of the Supreme Court and ratified international conventions. The plan outlined the steps for the production of the database aiming to launch the database in October 2011. The plan links the research work with regular course work of Magistrates' School students and requires the hiring to two legal experts to do the scientific work of organizing the material and proving cataloguing methodology.

The methodology will serve as the basis for the development of a searchable online database. The work plan foresaw the launching of the database by October 2011 but there have been significant delays in assigning students to collect the materials. JuST and Magistrates' School staff have identified at least 11,000 Supreme Court decisions since 1999 and about 400 ratified conventions which need to be collected and analyzed by legal experts. The Director of Magistrates' School has expressed her concern that this project is turning out to be much more labor-intensive and time-consuming than originally planned and asked the JuST project to limit the database to the unifying decisions of the Supreme Court and the ratified conventions. JuST agreed to the request as our primary objective is to use this opportunity for the students to engage in an academic exercise that could be repeated annually to update and maintain the database.

Lastly, JuST discussed with the Dean of the Law School the ways that the current system of internships for law students could be improved. The Dean informed the Project third year students continue to do a month long internship in courts, prosecution offices and law firms. The Dean was happy with the cooperation with the state institutions but expressed the need to expand the internship program at private institutions such as banks and insurance companies. JuST initiated a stakeholder analysis and held meetings with Tirana Bank, Intesa Bank, Raiffessen Bank and Procredit Bank. Albana Xhako of Intesa Bank reported that the bank does not differentiate between private and public law schools and has concluded cooperation agreements with about 10 private universities for providing internship opportunities. Xhako added that the need for law interns is relatively low compared to other interns who have a finance background and can be assigned to learn at different sectors within banks. Elton Klosi from Procredit Bank said that the Procredit Bank is continuously drawing from students of the private and public economic faculties but has very little need for law interns. JuST project also elicited input from other sources realized that there is a limited role of JuST as a donor project to negotiate and

monitor internships at multiple institutions. JuST is exploring new opportunities to assist law school students and will consult with USAID to determine which activities will provide law students an opportunity to build practical skills to meet the Project's original objectives and are within its manageable control.

B. Year 1 Implementation Challenges

Component 3 has achieved considerable progress in developing the assistance plan for the NCA and all the initiatives have been endorsed by the President of the NCA. Nevertheless, JuST considers the lack of communication between the decision-making bodies of the NCA, the insufficient transparency regarding its activity and the weak pride in the profession as an emerging challenge to successful completion of JuST activities. Due to the lack of periodic communication between members, it is becoming increasingly difficult to affect positive change and nurture the sense of ownership in the NCA. The failure of the President to delegate authority to the NCA's administration is making the project dependant on his availability to respond to JuST's pace and causing undue delays in establishing the department of training, the department of publications and the editorial board as well as determining a date for the annual conference and the agenda.

The CLE program's implementation is well underway with courses already underway in July, ahead of the timeframe noted in the Year 1 Work Plan. However, JuST is concerned about undue delays in establishing the Department of Training. This delay may adversely impact the sustainability of the CLE in the midterm as the ACLTS is providing all the manpower to the implementation of the CLE without assistance or oversight from NCA. The project is also concerned by the Chamber's failure to set a date and agree on an agenda for the National Lawyers' Conference.

In addition, the project is finding it hard to motivate law school to engage proactively as a recipient institution in developing the law clinic. JuST anticipates further delays in developing the implementation plan and setting up the law clinic unless the school leadership demonstrates interest in sustaining the assistance.

Due to the long summer break of the Magistrates' School, and the reluctance of the Director to assign students to collect the materials for the database, the development of the searchable database as per the work plan was delayed.

C. Observations and Actions Taken to Improve Future Implementation

In Year 1, JuST observed that both NCA and regional chambers lack the vision and organizational capacity to strengthen the legal profession and mostly operate in a non-transparent fashion. However, JuST instead of challenging the modus operandi of NCA's leadership focused on building constituents' support for the CLE and the bar journal. JuST has been able to promote both initiatives as positive and non-threatening to the NCA leadership and convinced the President to share the cost of the CLE. Although, they may be further delays in publishing the first issue of the bar journal and convening the first annual lawyers conference, JuST believes that both these activities will take place due to increased pressure from NCA's membership for becoming a more dynamic and open organization. Likewise, now that the CLE has successfully

started, it will be hard to stop given the increased expectations of the lawyers and assistant lawyers in Vlora and Durrës.

With regard to the Law School, after identifying a serious lack of a proactive approach amongst senior leadership in establishing the law clinic, JuST called for involvement of younger professors in the working group. This action proved to be successful as the majority of junior professors attended all working groups session and provided useful recommendations which are now part of the Assistance Plan for the Law Clinic. JuST will continue to work closely with the Dean but rely more on the junior professors on implementation of the plan. JuST has realized that it can play a very limited role in streamlining the way internship program for law students works in state and public institutions and is exploring other opportunities to help law students consistent with Component 3 objectives. One of the options explored is co-organizing a Job Fair for senior law students for the purpose of placing them in the job market.

JuST recently delivered a clear message to the Magistrates' School that the database of Supreme Court decisions and ratified conventions should be developed by the students with support and guidance of JuST. We think that the close cooperation between students, professors and JuST will result in better future implementation and enhance the sense of ownership of the students.

ANNEX 1 – PERFORMANCE REPORT

A. Indicator Results

Indicator	FY 2011			Disaggregation	Notes
	Baseline	Target	End Result		
I. World Bank Governance Indicator (Rule of Law Index)	35.8	38.8	N/A		World Bank will release 2011 indicator data in 2012. As such there is no information to report at this time.
II. NGO Sustainability Index (Advocacy)	3.4	3.4	N/A		USAID will release the 2011 report on/about November 2012. As such there is no information to report at this time.
Component 1: Court transparency,					
1.1.1 Number of justice sector personnel that receive USG training	0	100	169	<p>Position: Archivist: 1; State Attorney: 1; Director: 6; Foreign Affairs Director: 1; General Director: 1; Expert: 1; Judge: 41; Inspector: 3; IT specialist: 5; Chancellor: 20; IT Advisor of the Minister: 1; Chief Secretary: 2; Chief Judge: 20; Head of Budget: 1; Chairman of National Chamber of Advocates: 1; Chairman of Regional Chamber of Advocates: 4; Head of Sector: 1; Prosecutor: 2; Judicial Secretary: 50; Secretary General: 2; Registration Secretary: 1; Foreign Affairs Specialist: 1; Deputy Minister: 1</p> <p>Institution: Ministry of Justice; Chamber of Advocates; Prosecutor's Office; Durrës Appellate Court; Korçë Appellate Court; Serious Crimes Appellate Court; High Court Berat District Court; Dibër District Court; Durrës District Court; Korçë District Court; Krujë District Court; Kurbin District Court; Lezhë District Court; Mat District Court; Përmet District Court; Pogradeci District Court; Sarandë District Court; Tiranë District Court; Serious Crimes First Instance Court; High Council of Justice; Ministry of Justice; Durrës Prosecution Office; General Prosecution; Tiranë Prosecution Office; Magistrate School; Judicial Budget Administration Office</p>	

Indicator	FY 2011			Disaggregation	Notes
	Baseline	Target	End Result		
				<p>Institution location: Berat: 2; Burrel:1 ; Durrës:26 ; Elbasan:1 ; Fier:2 ; Gjirokastrë:1 ; Kavajë : 1; Korçë : 37; Krujë : 1; Kukës : 1; Laç : 2; Lezhë : 17 ; Lushnjë : 2; Përmet : 1; Peshkopi : 1; Pogradec : 2; Sarandë : 2; Shkodër : 4; Tiranë : 61; Tropojë : 1; Vlorë : 3</p> <p>Gender: Female: 109; Male: 60</p> <p>Subject matter:</p> <ul style="list-style-type: none"> • Conference for a more transparent, effective and accountable justice working group: 42 • Resolution of disputes through commercial and family mediation: 27 • Commercial Mediation: 2 • Mediation in Dispute Resolution, previous experience and future steps: 6 • Round Table on presenting and discussing audio recording technology: 21 • Court room management and court calendar management: 37 • Audio Recording Technology and its impact in Albanian Courts: 34 	
1.1.2 Number of legal institutions and associations supported by USG	0	20	49	<p>Institution: Albanian Helsinki Committee; Albanian Foundation for Conflict resolution & Reconciliation of Disputes; Albanian Center for Legal training and Studies; Center for Public Information Issues; Berat Regional Chamber of Advocates; Durres Regional Chamber of Advocates; Fier Regional Chamber of Advocates; Gjirokastrë Regional Chamber of Advocates; Krujë Regional Chamber of Advocates; Laç Regional Chamber of Advocates; Lezhë Regional Chamber of Advocates; Lushnjë Regional Chamber of Advocates; Shkodër Regional Chamber of Advocates; Tiranë Regional Chamber of Advocates Vlorë Regional Chamber of Advocates; Durrës Chamber of Commerce; National Chamber of Advocates; Durrës Appellate Court; Korçë Appellate Court; Serious Crimes Appellate Court; High Court; Berat District Court; Dibër District Court; Durrës District Court; Korçë District Court; Krujë District Court; Kurbin District Court; Lezhë District Court; Mat District Court; Përmet District Court; Pogradeci District Court; Sarandë District Court; Tiranë District Court; Serious Crimes First Instance Court; Institute for Democratic Studies; Institute for Political and Legal Studies; High Council of Justice; Ministry of Justice; Durrës Prosecution Office; General</p>	

Indicator	FY 2011			Disaggregation	Notes
	Baseline	Target	End Result		
				<p>Prosecution; Tiranë Prosecution Office; Mediation Chamber Durrës; Mediation Chamber Korçë; Magistrate School; Society for the Protection of Urban and Rural Women; Tirana Legal Aid Society; Union of Albanian Judges; University of Tirana – Faculty of Justice; Judicial Budget Administration Office</p> <p>Type of organization: Professional associations: 14; Governmental agencies: 25; Non-governmental organizations: 10</p>	
1.1.3 Number of hearings that are verbatim recorded	0	0	0	<p>Court location: Presiding judge: Type of proceeding:</p>	
1.2.1 Number of hearings held in court rooms	0	0	0	<p>Case type: Court location: Jurisdiction: Presiding judge: Type of proceeding: Parties requesting open hearing:</p>	
1.3.1 Number of days from initiation to resolution of mediated cases	21	21	12	<p>Case type: Civil/Commercial: 3; Family: 8; Commercial: 2</p> <p>Court location: Durrës: 10; Korçë: 3</p> <p>Type of proceeding: Initiated: 23; Resolved: 13; Withdrawn:3; In Process: 7</p> <p>Selection of mediation: Judge referral:6; Other referral: 7</p>	
1.3.2 Number of mediated cases	14	14	23	<p>Case type: Civil:3; Family:16; Commercial:3; Contractual:1</p> <p>Court location: Durrës: 19; Korçë: 4</p> <p>Type of proceeding: Initiated: 23; Resolved: 13; Withdrawn: 3; In Process: 7</p> <p>Selection of mediation: Judge referral: 15; Other referral: 8</p>	

Indicator	FY 2011			Disaggregation	Notes
	Baseline	Target	End Result		
1.3.3 Number of mediated cases resolved	13	13	13	<p>Case type: Civil/Commercial: 3; Family: 8; Commercial: 2</p> <p>Court location: Durrës: 10; Korçë: 3</p> <p>Type of proceeding: Initiated: 23; Resolved: 13; Withdrawn: 3; In Process: 7</p> <p>Selection of mediation: Judge referral: 6; Other referral: 7</p> <p>Presiding judge: Ndue Gjura: 2; Merita Xhani: 3; Eda Kaja: 1</p>	
1.3.4 Number of mediators trained	0	5	10	<p>Employer: Durrës Chamber of Commerce: 2; Other: 8</p> <p>Location: Durrës: 10</p> <p>Gender: Female: 7; Male: 3</p> <p>Subject specialization (if applicable): Not applicable</p>	
1.3.5 Reduction of time to resolution: mediated vs. non mediated cases	TBD	TBD	n/a	<p>Case type (e.g., family, commercial):</p> <p>Court location:</p> <p>How resolved (mediation vs. litigation):</p>	

Indicator	FY 2011			Disaggregation	Notes
	Baseline	Target	End Result		
Component 2: Civic engagement					
2.1.1 Number of civil society organizations using USG assistance to improve organizational capacity	0	15	17	Location of organization: Tirana: 13; Berat: 1; Korçë : 1; Shkodra: 1; Elbasan: 1 Issue specialization (if applicable): Broad but with a focus in the judiciary. Subject of project-supported training: <ul style="list-style-type: none"> • Grant proposal writing and management: 1 • Advocacy, watchdog/monitoring, and coalition building: 1 • Strategic planning workshops: 2 • Focus group meetings with CSO: 1 	16 CSOs (in focus group and 2 trainings) and the Union of Judges.
2.1.2 Number of USG assisted CSOs that engage in watchdog functions	0	3	0	Location of organization: Issue specialization: Type of activity:	Data counting will start after project awards first grant in October.
2.1.3 Number of advocacy campaigns	0	3	0	Location of organization: Issue specialization: Type of activity:	Data counting will start after project awards first grant in October.
2.3.1 Number of corruption cases exposed by the media involved in our project	0	1	0	Subject:	Data counting will start upon journalist trainings.
2.3.2 Number of non-state news outlets that report on corruption assisted by USG	0	0	0	Entity: Location:	
2.3.3 Number of articles/investigative reports placed on the non-state news outlets that report on corruption assisted by USG	0	0	0	Entity: Location:	Data counting will start upon journalist trainings.
2.3.4 Number of journalists trained with USG assistance	0	10	0	Employer: Location: Gender: Subject of training:	Data counting will start upon journalist trainings.

Indicator	FY 2011			Disaggregation	Notes
	Baseline	Target	End Result		
Component 3: Education of the					
3.1.1 Number of issues of the Bar Journal	0	0	0	Issue: Articles: Contributing authors: Gender: Distribution:	
3.1.2 Number of lawyers and assistant lawyers that received USG training	0	150	198	Location: Vlorë; Durrës Gender: Male 112, Female 86 Subject matter: <ul style="list-style-type: none"> • Commercial Law • Family Law • Types of Civil Lawsuits • Parties in a Civil Trial Occupation: N/A	
3.1.3 Number of chambers offering training	0	2	2	Location of training: Vlorë; Durrës Subject matter: <ul style="list-style-type: none"> • Commercial Law • Family Law • Types of Civil Lawsuits • Parties in a Civil Trial 	
3.2.1 Number of law school students that take part in trial preparation and/or arguing actual cases	0	0	0	Participant class level (in law school): Gender: Case type (criminal, family, civil):	

Indicator	FY 2011			Disaggregation	Notes
	Baseline	Target	End Result		
3.2.2 Number of cases resolved by the Legal Clinic	0	0	0	Case type:	
3.2.3 Number of people seeking assistance at the Legal Clinic	0	0	0	Inquiry: Case type: Gender: Type of assistance:	

B. Summary Analysis of Year 1 Indicator Results

The following is intended to supplement the data reported in the above table and provide context and explanation for data anomalies.

World Bank's Worldwide Governance Indicator (WGI), Rule of Law Index. The WGI has been measured since 1996 and covers over 200 countries and territories, measuring six dimensions of governance: Voice and Accountability, Political Stability and Absence of Violence/Terrorism, Government Effectiveness, Regulatory Quality, Rule of Law, and Control of Corruption. The aggregate indicators are taken from a wide variety of existing data sources and reflects the views on governance of survey respondents and public, private, and NGO sector experts worldwide. The rule of law dimension captures perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. For JuST this is a context indicator intended to note trends and any changes to which JuST activities may indirectly contribute.

USAID NGO Sustainability Index. The Index highlights both advances and setbacks in sectoral development, and allows for comparisons across countries and sub-regions over time. It serves as a tool for local NGOs, governments, donors, academics, and others to understand and measure the sustainability of the NGO sector. The advocacy dimension looks at NGOs' record in influencing public policy. The prevalence of advocacy in different sectors, at different levels of government, as well as with the private sector is analyzed. The extent to which coalitions of NGOs have been formed around issues is considered, as well as whether NGOs monitor party platforms and government performance. For JuST this is a context indicator intended to note trends and any changes to which JuST activities may indirectly contribute.

Indicator 1.1.1. When originally defined, this indicator identified justice sector personnel as court personnel for the purposes of Component 1 activities. After project activities were underway, we realized interest from a wider range of individuals including the officials from other government offices (Prosecutors' Office, Ministry Justice, High Council of Justice, National and Regional Chambers of Advocates). This explains why the actual result exceeds the target. As subsequent annual indicators are cumulative, we don't anticipate the need to adjust targets for Years 2-5.

Indicator 1.1.2. Our definition of this indicator also captures a wide range of assistance including trainings, roundtables, seminars, workshops, and focus groups. Additionally, the target for this indicator was established before the project completed its CSO assessment and understanding of the number of organizations interested in working with the project, and, as such, it was based on our estimate of the organizations and institutions which the project might engage.

Indicator 1.3.4. JuST mediation activities took over activities previously implemented by IFC. The target value was conservatively established as participant interest levels were uncertain.

Indicator 1.3.5. The project is tracking the time to resolution for mediated cases, and after discussions with USAID to further clarify definition parameters for "resolved" cases, JuST is working with 2 courts to pull a comparable sample of non-mediated cases to complete the indicator. The Component 1 team, with the embedded court advisor, is prioritizing this activity.

Indicator 2.1.2. The target for this indicator was established shortly following Year 1 work planning when there was optimism that a small number of grants could reasonably be issued prior to the end of the first year. However, it became evident during the CSO assessment and the project's first announcement for grantee proposals that the pool of civil society organizations involved in justice sector reforms, anticorruption, advocacy, and watch dogging activities lacked programmatic rigor that merited project funding.

Indicator 2.1.3. The target for this indicator was established shortly following Year 1 work planning when there was optimism that a small number of grants could reasonably be issued prior to the end of the first year. However, it became evident during the CSO assessment and the project's first announcement for grantee proposals that the pool of civil society organizations involved in justice sector reforms, anticorruption, advocacy, and watch dogging activities lacked programmatic rigor that merited project funding.

Indicator 2.3.1. The target for this indicator was established with the intention that the project would deliver trainings to journalists during the first year and investigative journalists would start publishing their investigative pieces in the framework of this Project's activities. However, the implementation of these activities was delayed in the months preceding and following local elections. The local elections of May 2011 have posed a significant challenge to moving forward with the implementation of these activities since for

a long period including the pre- and the long post-election stage the Albanian journalists were all preoccupied with election results. Due to this, the first response rate to the EOI for journalists was very low, with only a few journalists expressing their interest, which caused JuST to extend the period for EOI submission. In this context, also the completion of the media assessment to determine training needs of journalists took longer than anticipated due to journalists' demands to cover daily developments related to local elections. The resignation of the Component Leader in the last 2 months of Year 1 also impacted the pace of media related activities. However, after an extensive recruit and careful vetting of candidates, the project anticipates filling the Component Lead position soon, pending final USAID approvals.

Indicator 2.3.4. The target for this indicator was established with the intention that the project would deliver trainings to journalists during the first year. However, the implementation of these activities was delayed in the months preceding and following local elections. For example, the completion of the media assessment to determine training needs of journalists took longer than anticipated.

Indicator 3.1.2. The definition for this indicator target initially envisioned tracking lawyers. Due to NCA's repeated requests to include assistant lawyers in the CLE, JuST agreed and inserted language in the MoU that assistants are also part of the CLE program. Subsequently, USAID agreed that assistants may also be counted for PMP purposes so this explains why the actual data exceeds the target.

ANNEX II – SUCCESS STORIES

Going win-win with mediation

USAID support for the expansion of mediation services in Albania provides the parties to commercial or family disputes the means to take full advantage of a faster and less costly alternative for conflict resolution.



Photo: AFCR

The Durrësi District Court Center for Commercial Mediation, which opened in 2009 with assistance from the International Financial Corporation, thanks to USAID support is also offering mediation services for family cases.

The five year USAID Albanian Justice Sector Strengthening project (JuST), begun in October 2010, aims at increasing court transparency, fairness and efficiency; bolstering watchdog and anticorruption roles of civil society organizations and media; and strengthening the legal profession and legal education in Albania.

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When you read the evaluation questionnaires filled out by parties to successful mediation efforts at the USAID-supported Durrësi court-connected mediation center, it comes as no surprise that all say they would use it again, and would certainly recommend it to others. Yet, it is not just human nature that harks back to things that have worked as a guide for future behavior, for even those that confessed to not being very satisfied with the final agreement, still gave the experience their full endorsement. It is undoubtedly a testament that resorting to mediation is basically a winning proposition, and that the assistance provided from USAID through the JuST project, in collaboration with the Albanian Foundation for Conflict Resolution and Reconciliation of Disputes (AFCR), is working.

When USAID JuST took over the support for the mediation center at the Durrësi District Court in April 2011, it set out to further promote the existing commercial mediation and expand into the mediation of family cases, too, as a means to help improve the efficiency of the Albanian judiciary by contributing in reducing the court case load. Within the first three months, the center had 32 referred cases, 26 of which concluded with an over 80% success rate.

“It saves you money.” “It takes place at a fast pace.” “It concludes in a short time.” “It is a flexible service.” “You don’t have to go to court.” These are some of the written comments from the beneficiaries in open-ended questions about their experience with mediation in the Durrësi center .

At the end of the day, a crucial ingredient for a successful mediation is trust in the integrity of the process, and it is certainly encouraging that while the center operates based on the concept of court-connected mediation, i.e. judges’ referrals of registered court cases, at least one-third of the overall number of cases referred for mediation are from lawyers, friends or family. The hope is that the improved perception about the level of efficiency in the Albanian judiciary as a result of successful mediation would translate in greater confidence in the overall justice sector, though this is certainly an uphill battle given that the latter ranks very low in the public confidence scale.

Responding also to a voiced need for more publicity about mediation services, USAID JuST is now working together with AFCR on an awareness campaign under the slogan: “The resolution of commercial and family disputes through mediation – an all around win-win alternative”, which also aims to showcase mediation success . It goes without saying that a winning proposition makes for easy work in public outreach.

A lawyers' wish comes true

The CLE program in Albania contributes to a more educated, professional and ethical legal profession, which is crucial in reducing corruption in the Albanian justice sector and improving the image of lawyers.



Emiljana Hajrullai Law Office

Emiljano Hajrullai, practicing law from January 2009 in Vlora, was one of the 40 participants (24 lawyers and 16 assistant lawyers) in the first two CLE courses that took place in the regional chamber of Vlora, on July 10, 2011.

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“Vlonjatët”, as the inhabitants of the Albanian Southwestern port city of Vlora are called, are widely known to be very hard to please, and with an inherent inability to take the cue from anyone else, or give merit to “out-of-towners”. So, it is certainly with this in mind that we talk to Emiljano Hajrullai, a young lawyer from Vlora about the Continuing Legal Education (CLE) program, that has now become reality in Albania. Established with the support of the USAID’s JuST project in collaboration with the National Chamber of Advocates (NCA), CLE is the first effort of its kind for the Albanian legal profession, and Emiljano is quick to point out that the Vlora regional chamber is the best place for launching it, with facilities unmatched outside of the capital, Tirana.

“CLE is a very effective initiative, as it has a direct impact in how qualified lawyers are,” he says from the outset. “The more professional lawyers are, the higher the quality of the overall delivery of justice in the judiciary, hence the better the service to the public as the ultimate beneficiary,” Emiljano remarks. Given the widespread perception of lawyers’ low professional standards, not wholly unwarranted, he admits, the establishment of the CLE is a good start to address the situation. This was one of the key conclusions of the three roundtables organized by the JuST project between December 2010 and January 2011 to discuss about the challenges facing the Albanian legal profession and provide recommendation for its strengthening. For Emiljano, a participant in the first such roundtable, the start of classes in July is good news for the lawyers in the CLE pilot regional chambers in Vlora and Durrës, as for all Albanian lawyers.

With the calendar for the year I in place, which includes 168 training sessions (12 credits) offered to 380 lawyers and assistant lawyers in three semesters through June 2012, Emiljano notes that it is essential that the CLE maintains its momentum. The CLE Memorandum of Understanding signed between USAID and the NCA on May 12, 2011 supports the goal of making it a mandatory, nationwide program by 2013 sustained through membership fees and delivered by the NCA.

In closing thoughts, Emiljano who is pursuing studies in finance to support his specialization as a commercial and property lawyer, notes his recommendations about making the CLE courses more challenging to participants, though he is glad that some of the top Albanian experts are CLE professors, and says laughing that there is some truth in the saying that “vlonjatët” even if offered gold, would probably say they already have some.