

ALBANIAN JUSTICE SECTOR STRENGTHENING PROJECT (JuST)

YEAR 4 ANNUAL IMPLEMENTATION REPORT



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On the cover: “For Justice without Delay” from an informative brochure produced by the Kruja District Court to describe and promote public awareness of that Court’s active case management techniques for reducing unnecessary trial postponements and delivering better, more efficient services to citizens.

ACRONYMS

AJJ	Association of Journalists for Justice
ALTRI	Albanian Legal and Territorial Research Institute
APS	Annual Program Statement
CLCI	Center for Legal and Civic Initiatives
CLE	Continuing Legal Education
CSO	Civil Society Organization
DAR	Digital Audio Recording
EU	European Union
FTR	For the Record (company providing audio recording solution)
IAJ	International Association of Judges
IFC	International Finance Corporation
JuST	Albanian Justice Sector Strengthening Project
KRA	Key Results Area
MOJ	Ministry of Justice
NCA	National Chambers of Advocates
NCM	National Chamber of Mediators
NGO	Non-governmental Organization
NITA	National Institute of Trial Advocacy
NSA	National School of Advocates
OCCRP	Organized Crime and Corruption Reporting Project
OSCE	Organization for Security and Cooperation in Europe
OSFA	Open Society Foundation for Albania
PAKS	Automated Calendar Management System
PIO	Public Information Office
RFA	Request for Applications
TOT	Training of Trainers
UAJ	Union of Albanian Judges
UTLF	University of Tiranë Law Faculty

Executive Summary

The Albanian Justice Sector Strengthening Project (JuST), operated by Chemonics International, is pleased to present its annual implementation report summarizing accomplishments achieved during its fourth year.

JuST is going into its fifth and final year with a high-performing team that has already accomplished a great deal, but is determined to continue working creatively to ensure long-term success. Almost all the major elements of JuST assistance have reached or soon will reach sustainability. Digital audio recording (DAR) of courtroom proceedings continues to be the most prominent and tangible contribution to Albania's court environment and rule of law. It is frequently described as "revolutionary" by judges, government officials, and members of the public. Though already well established, JuST continues to seek ways to reinforce the message that audio recording is here to stay, and that it enhances all elements of judicial administration, due process, and access to justice.

Another notable success story of Year 4 was the launch of two pilot courts that are employing principles of active case management. This joint USAID/OSCE initiative brought immediate, measurable improvements in the way cases are processed through courts. It also served as a model of what can be accomplished through donor coordination and pooling of resources.

On the civic engagement side of JuST, JuST activities to promote investigative journalism have far exceeded early expectations. The Association of Journalists for Justice (AJJ) has become an active and vibrant organization, credited with exclusive investigations that have had a national impact. Civil society organizations (CSOs) are becoming incrementally stronger. The Union of Albanian Judges (UAJ) has grown and matured as an organization, and is taking on a more visible role as a voice of the judiciary.

In the area of legal education, Year 4 accomplishments have already exceeded early-project expectations. Continuing Legal Education (CLE) has grown from two regional training programs to a legally-authorized national program, in line with European standards, including a new School of Advocates which will continue to carry out the original objectives long after JuST closes. A JuST-initiated bar journal for the legal profession has long since achieved sustainability. The legal clinic has overcome early implementation challenges and is now a permanent part of the Law Faculty curriculum, providing practical experience to students who are working on legal issues presented by actual clients.

While JuST has every reason to be pleased with the many accomplishments of our counterparts, we are determined to use all of our remaining time to ensure a lasting legacy of USAID assistance to advancing the rule of law in Albania.

Highlights of progress to-date under each of the project's three components are set forth below.

Implementing Environment

A powerful driver for Albania's long struggle to create trusted democratic institutions free of corruption is its quest for accession into the European Union (EU). Prosperity and economic growth cannot thrive in an environment where the judiciary is perceived to favor powerful interests over the impartial application of law. Thus, USAID assistance to Albania focuses on

increasing court transparency, fairness, and efficiency through both direct engagement with institutional stakeholders, and also through citizen organizations and an independent media empowered to demand change and expose corruption.

Albania achieved a significant milestone in its development on June 24, 2014 when ministers from EU member states, based on the recommendation of the European Commission, granted EU candidate status to Albania. Reaching this milestone has been a long and arduous process, and much remains to be done on the path to EU membership. Significantly, USAID's investment in court audio recording technology is frequently cited as one measure of progress toward higher standards of transparency and accountability.

The United States remains committed to assisting Albania as it seeks to strengthen its institutions and enhance the rule of law. To this end, JuST a \$9.7M, five-year (October 2010-September 2015) project implemented by Chemonics International, works with Albanian governmental and non-governmental organizations to: (1) increase court transparency, fairness, and efficiency; (2) strengthen civic engagement to stem governmental and justice sector corruption; and (3) modernize legal education.

Summary of Key Results in Year 3

This report covers Year 4 of the JuST Project, October 1, 2013 through September 30, 2014.

Summary of Key Results, Component 1 – Court Transparency, Fairness, and Efficiency

- Installation of digital audio recording equipment by JuST reached 25 courts and 112 courtrooms;
- Convened three post-installation regional conferences on audio recording;
- In cooperation with OSCE, JuST launched two pilot courts to demonstrate the application of “active case management” to reduce court delay and improve court services;
- Carried out a nationwide public awareness campaign on digital audio recording.
- Inaugurated a second court Public Information Office (PIO) in Kavaja, and established a third PIO in the Kurbini District Court, reinforcing an architectural and service standard for future courts; and
- The National Chamber of Mediators (NCM) began operations.

Summary of Key Results, Component 2 – Civic Engagement

- Support to the Union of Albanian Judges (UAJ) has brought the organization to sustainability, active engagement in key policy issues for the independence of the judiciary;
- The Association of Journalists for Justice (AJJ), a new organization dedicated to investigative reporting, continues to grow and broaden its reach with JuST support;
- An independent online venue that publishes investigative reports that uncover corruption thrives, and is publishing important investigations with a national impact;
- CSO capacity building activities have resulted in more targeted proposals and projects being in line with the grant program objectives; and
- Capacity building activities in support of the National Chamber of Mediators (NCM) is completed.

Summary of Key Results, Component 3 – Education of the Legal Profession

- The Continuing Legal Education (CLE) program in three regional chambers was concluded successfully;
- The National School of Advocates (NSA), the body that will ensure sustainability of the CLE pilot program, was established with a successful start;
- The adoption of the action plan for the future of CLE, the decision to expand the pilot CLE program to 6 regional chambers, and the establishment of the NSA constitute a significant step towards a sustainable nationwide mandatory CLE Program;
- The bar journal, *Akokatia*, achieved sustainability by continuing to publish high-quality quarterly journals without USAID financial support;
- A website was completed for the Bar Journal;
- The Legal Clinic started functioning as a legal aid provider, assisting people in need with their court cases. Twenty six (26) students of the Legal Clinic, along with 15 volunteers at a local legal aid provider, took part in trial preparation. Additionally, many other students benefited from practice-oriented trainings; and
- The first Professional Internship Program for law school students at the State Advocate's Office was organized in collaboration with the Ministry of Social Welfare and Youth and the State Advocate's Office, and 21 UTLF students engaged in the first 6-month internship program that included daily work in trial preparation and was supervised by state advocates.

Cross-cutting Activities: Donor Coordination

Since its inception, JuST has been the focal point for donor coordination in the justice sector. JuST continues to host quarterly Connections Coordination Group meetings with representatives from donor projects in the justice sector. Following each meeting, the newsletter, "*Connections / Komunikojmë*", is produced based on member submissions. In addition to project updates and upcoming events, each edition includes a guest editorial written by prominent justice sector leaders. The e-newsletter is issued in English and Albanian and posted on donor websites, and distributed widely via e-mail to all partners and project counterparts in the justice sector.

In Year 4, coordination among justice sector donors of specific projects reached unprecedented levels of cooperation, ensuring maximum benefit for donors and recipients alike. In the area of court administration, JuST entered into fruitful collaboration with the OSCE presence in Albania to promote active case management in courts. By pooling resources, ideas, and institutional approaches, JuST and the OSCE were able to maximize impact and bring greater public awareness for active case management pilot projects in the district courts of Kruja and Korca. In the area of mediation services, JuST cooperated closely with the EU Delegation in Albania on each donor's respective contributions to promoting mediation as an alternative mechanism for resolving disputes. Project overlap was eliminated, saving resources and maximizing impact. These highly productive areas of cooperation resulted directly from quarterly information sharing among projects, hosted and coordinated by JuST since the beginning of the project. Donor coordination in Albania has become a success story, demonstrating the benefits of close cooperation among donors and projects in the same sector.

COMPONENT 1 – COURT TRANSPARENCY, FAIRNESS, AND EFFICIENCY

A. Results Achieved During Year 4 Compared to Annual Work Plan Targets

KRA 1.1: More Accurate Trial Records

When JuST was launched in 2010, accurate trial records rarely existed in any court in Albania. Some courts had reasonably accurate typed summaries of trials. Other courts were still relying on hand-written summaries. A few courts had analog recording devices in selected courtrooms, but they were rarely used. Thus, a key element of due process – reviewability – was inadequate or lacking completely. Lawyers complained that court secretaries did not properly capture their legal reasoning. Trust in the judiciary was very low. It was against this backdrop that the USAID rule of law strategy called for more accurate trial records through the implementation of audio recording technology.

During the early months of JuST, the project assessed court needs, and made strategic decisions regarding the technology to be used in order to achieve the goal of producing a verbatim record of trial proceedings. JuST’s approach called for an easy-to-use technology with an Albanian language interface; installation in every courtroom; an extensive training component; careful attention to the legal environment, suggesting changes where necessary; guidance to courts in developing new procedures; and techniques for building public and institutional support for full implementation.

This implementation approach is now in the final stages through a methodical, court-by-court process of installation and training. By the end of Year 2, seven courts, comprising 26 courtrooms had been equipped with DAR technology. By the end of Year 3, the JuST team had completed twenty courts, including the two biggest courts, Tirana and Durres. As Year 4 comes to a close, 112 courtrooms in 25 separate courthouses have been completed and are fully operational. Training in the technology has been conducted for 249 judges and 384 court staff.

JuST has developed a successful post-installation methodology to solicit feedback from users, incorporate suggestions, and reinforce the benefits of the technology. Following the completion of each appellate judicial district, JuST organizes a district-wide regional conference, inviting all judges, court secretaries, court chancellors, and IT specialists to participate. To date, five such events have been held, including three in Year 4 for the appellate districts of Tirana, Vlora and Gjirokaster. For every regional conference, attendance has approached 100%. The importance of DAR as a governmental priority has been reinforced by the participation of the Minister of Justice and members of the High Council of Justice at almost every gathering. New measures have been introduced or are in the process of being introduced following feedback collected from the DAR users after each regional conference. Examples of such measures are: “Log Notes” software installed in every judge’s computer to permit easier review of audio recordings; “Manager” software installed in all secretaries’ computers to permit the development of audio recording copies from the convenience of the office, rather than requiring secretaries to return to the courtroom; plans for better integration of the FTR system¹ with the case management system, ICMIS; and plans for producing manual on the Log Notes to be kept by the secretaries. All of these activities flow from the feedback provided by end users during our post-installation regional conferences.

¹ ForTheRecord, or FTR, is the digital audio recording solution, consisting of both hardware and software, selected for use throughout the Albanian court system.

In addition to the exchanges on experiences in implementing and using DAR, the regional conferences typically include a presentation of each court's performance as reflected by the statistical reports and graphs generated by the PAKS+ system that were developed by JuST and made available to courts and to the inspectorates of the Ministry of Justice (MOJ) and the High Council of Justice. This use of statistical data not only serves to track implementation progress, but is intentionally designed to create peer pressure among court leaders to be among those courts recognized as outstanding. These tables and charts depict the percentage of cases that are audio recorded. The highest-performing courts consistently maintain a 100% level. These good examples create a persuasive argument for the JuST training team when they enter a new court and encounter doubts about the feasibility of audio recording everything. Moreover, as chief judges realize their statistics are being scrutinized each month by the High Council of Justice and the MOJ, their commitment to full implementation increases. This has been seen throughout the series of regional conferences, and most recently during the July conference in Gjirokaster.

This emphasis on measurement is inspired by the literature on results-oriented government.² Among the themes articulated by this literature and being applied in JuST's work are the following:

- What gets measured gets done; after performance measures are established, people begin to ask the right questions, redefine the problem, diagnose that problem, and think about organizational goals;
- If you don't measure results, you cannot tell success from failure; when government lacks objective information, decisions depend largely on political considerations;
- If you cannot see success, you cannot reward it;
- If you reward success, you are probably rewarding failure;
- If you cannot recognize failure, you cannot correct it; and
- If you can demonstrate results, you can win public support.

At every event on audio recording, the JuST team articulates two simple goals or performance measures: First, that 100% of court hearings should be held in courtrooms; and second, that 100% of court hearings should be recorded. Since a number of courts are, in fact, consistently meeting these goals, they have become examples the JuST team can point to as encouragement for courts that have not yet achieved this benchmark.

To further reinforce the importance of tracking these measures of performance, in July JuST conducted a special training for all judicial inspectors at both the High Council of Justice (HCJ) and the MOJ. The response was enthusiastic, and JuST intends to intensify its work with the inspectors in the final year.

Anecdotal accounts confirm that this approach is gaining traction. For example, at a recent hearing of the High Council of Justice (HCJ) that addressed the issue of re-appointing a chief judge's mandate for another term, a number of questions were focused on his court's use of audio recording. The chief judge was proud to report that his court has consistently maintained its 100% usage of audio recording. He described the impact on court operations as "revolutionary," characterizing the technology as easy to use and essential for

² Osborne, David, and Ted Gaebler. 1992. *Reinventing Government: How the Entrepreneurial Spirit Is Transforming the Public Sector*. Reading, MA: Addison-Wesley

transparency. His nomination was approved. Even without formally changing judicial evaluation criteria, the word is spreading that full implementation of audio recording is a factor to be considered for judicial promotions. This is precisely the effect that the JuST team sought to achieve in developing the PAKS+ reporting tool and in providing training to stakeholders on how to use the information.

Increasing public awareness, including awareness of the right to obtain recordings of public trials, continues to be a key element in the successful implementation of DAR. In Year 4, working through a local NGO, the Albanian Legal and Territorial Research Institute (ALTRI), JuST intensified its public outreach efforts through a program entitled *Regional Campaign of Awareness and Advocacy for Digital Audio Recording in Courts*, described in greater detail in the Component 2 section of this report. The campaign organized “Open Court Days” in ten courts where attendees could view a mock trial played out by law students to demonstrate the use of audio recording. At each event, the chief judge of the court, along with key court staff, made themselves available for questions. The campaign also included roundtables and public events in five additional municipalities, as well as street promotional stands set-up all over Albania to distribute printed and electronic materials. Finally, TV spots ran 800 times on local and national TV stations, highlighting the existence of audio recording and the benefits to the public.

Begun amid considerable skepticism, it is now clear to almost everyone that DAR technology is bringing new levels of accountability to the judiciary, and may eventually contribute to a better public perception of the courts. Illustrative of this change over time are the following statements from judges attending the Tirana Appellate District Regional Conference in December 2013. Gjovalin Pernoca, Chief Judge of the Serious Crimes Appellate Court, stated:

I was one of the most skeptical persons regarding the usage of audio recording for documenting the court sessions. I had a lot of questions and doubts, but now I am convinced that it has value. It helps in increasing the transparency, correctness, solemnity and fair implementation of the legal procedures. Meanwhile there have been no problems from its usage.

Chief Judge Alaudin Malaj of the Tirana Appellate Court added that:

The new way of documenting the court sessions with audio recording and the new concepts introduced with the changes in the Civil Procedure Code in 2013 should be accompanied by changes in jurisprudence. The same changes should be reflected in the Criminal Procedure Code as well. It is important to establish some standard criteria in writing the Log Notes from the secretary, such as an informative manual regarding ways of handling different situations encountered during audio recording usage. A few times we have encountered differences between what is written in the Log Notes and what is audio recorded. In at least one case, the audio recording of the session in the First Instance Court has helped the Appellate Court take the right decision on the case.

Additionally, Judge Gerd Hoxha of the Tirana Criminal Court said:

The usage of audio recording for documenting the court sessions is in compliance with the provisions of the Criminal Procedure Code. It is very easy to hear the audio recording. The recording turns out to be very important in criminal trials especially

during witness testimonies. They can speak now freely without the judge asking them to stop time after time in order to give time to the secretary to write down the testimony.

And finally, Chief Judge Fatri Islamaj of the Tirana District Court, Albania's largest court, stated that:

The audio recording has established an important standard for increasing transparency in court sessions. It helps in the increase of the responsibility and accountability of judges not only regarding the law but also to the parties. The audio recording is a necessity in an environment with problematic perception of the public regarding the work of the judiciary and for all the above mentioned reasons I would like to thank USAID JuST for their support to the judiciary in Albania.

These opinions, voiced by judicial leaders, illustrate the extent of the changes brought about by the introduction of record-making technology.

KRA 1.2 Improved court management leading to more transparent and efficient court operations including court hearings that are more open to the public

During the first years of the project, JuST efforts to improve court management and promote more efficient court operations were focused on Albania's two largest courts, the District Courts of Tirana and Durres. Year 3 was a breakthrough year in this regard, as a new chief judge in the Tirana District Court moved quickly to implement many recommendations made previously by JuST regarding courtroom calendar management and better use of the limited courtrooms. Additional recommendations were implemented separating public waiting areas from judicial and court staff offices. The changes have been dramatic, bringing unprecedented order to this busy, urban courthouse. The planned addition of more courtrooms promises more improvement in the coming year.

In Year 4, JuST decided to confront the fundamental issue of case management with a different approach. During preparations for National Court Leadership conferences convened in Years 2 and 3 of the project, JuST worked closely with the OSCE Justice Project, which had been running a civil trial monitoring project. Through this collaboration, it became increasingly clear to both organizations that although each project had a different focus, both shared a common perspective that Albania courts lacked a coherent approach in managing their workloads. As documented in detail in the OSCE study, "Towards Justice," delays were commonplace and judges were not managing their calendars effectively. "Towards Justice" contained many common-sense recommendations that could be implemented without any changes to procedure codes or the basic legal framework. Following the National Court Leadership Conference in Year 3, JuST and OSCE decided to join forces, select a demonstration court willing to participate, and through close engagement, encourage the court to adopt some of the recommendations relating to active case management.

There are certain management principles shown to improve caseflow in all courts, regardless of type. These include the principle of trial date certainty; good pretrial preparation by the parties; firm control by the judge who manages the pace of litigation; adherence to the principle that each court appearance is meaningful; and finally, that trial postponements should be the exception, not the rule. To make these principles a reality, informational brochures have been prepared to inform court stakeholders and the public about the new way

of doing business. Forms for use by the court chancellor and the judges have been designed to guide implementation. The project has been strongly supported by the MOJ and HCJ, institutions with a strong interest to improve court efficiency.

The Kruja District Court was selected as the first demonstration court to implement these basic active case management principles. Following a weekend retreat in December 2013 that was facilitated by senior US judge, Truman A. Morrison, the project “For Justice Without Delays” was launched in February 2014. With the active engagement of the entire, all-women court, the results were immediate and overwhelmingly positive. While final results are being compiled as this is written, preliminary results showed substantial reductions in the number of non-productive hearings. In complex civil trials, the average number of hearings was reduced from 14 to 3. Moreover, the number of cases resolved by each judge more than doubled for comparable time periods. Cooperation among lawyers, prosecutors, and agencies working in the courts has been excellent, as all recognize the benefits of efficiency.

Given the success of the first demonstration court, JuST and OSCE, in consultation with institutional stakeholders and partners, selected the much larger Korca District Court for a second demonstration. A weekend retreat of all Korca judges was organized in May 2014, facilitated by Judge Truman A. Morrison, along with the active participation of the four judges from the first demonstration court in Kruja. While the techniques of active case management were initially greeted with skepticism, hearing about the positive experience of the Kruja judges was useful. The Korca judges established goals, developed an action plan, and set a timetable for program activities.

The results are being monitored continually in both courts and shared throughout the justice system. The early results in Kruja were so impressive that the Chief Justice of the Supreme Court requested a presentation by the Chief Judge of Kruja to all of the judges in Albania at the Annual Judicial Conference in Tirana. Moreover, during recent interviews of candidates for the position of chief judge of various courts in Albania, HCJ members have asked prospective candidates if they are aware of the practices being employed in Kruja and Korca, and whether they intend to implement such practices in their own courts. Thus, JuST, working in partnership with OSCE, seems to have found a successful formula for improving court management practices, leading to more efficient court operations. An important advantage of working with another international donor organization is that this activity will continue even as the JuST project begins to wind down in Year 5.

Improving Public Information Offices of the Courts

One of JuST’s activities to increase access to justice focuses on courthouse design. Courts should be built in a way that reflects their service orientation. To advance this objective, JuST has worked to improve public information areas in three courts by supporting the refurbishment of court information areas. System-wide improvements are beyond the scope of the project, but JuST has worked successfully with this sample of courts, and with the Office of Budget and Judicial Administration, to develop and refine a model of what a good court public information area should look like. During Year 4, JuST inaugurated a new, state-of-the-art public information office in the Kavaja District Court, and completed construction in the District Court of Kurbin. Through these three refurbishment projects, (the first being the District Court of Pogradec) a new standard for Albanian courts embodying a design philosophy of customer-friendly service to citizens has been established for future renovation projects by the Albanian government. JuST intends to provide the Office of Budget and

Judicial Administration with a set of written standards which will incorporate all the lessons learned in carrying out these three refurbishment projects.

KRA 1.3 Reduced Case Backlogs

Reducing case backlogs is an important objective in building trust in the judicial system. JuST is promoting several activities to reduce case backlogs, including modern case management practices (described in the previous section) and alternate dispute resolution techniques – namely mediation. Mediation, when successfully implemented, brings multiple advantages to the court system, including reduced costs to courts. Furthermore, parties that work out their differences together, in the context of mediation, are likely to be more satisfied with the outcome. If resolving a problem can be worked out among the parties themselves, there is no room for corruption, or the perception of corruption. Finally, mediation tends to be a much quicker process than traditional litigation. For these reasons, USAID has actively supported the development of mediation in Albania, as well as in other countries around the world. In Albania, JuST has supported and nurtured two “court connected” mediation programs since Year 1 in the District Courts of Durres and Korca.

In previous years, JuST support for mediation in Albania took three forms. First, JuST supported the original two mediation programs located in the District Courts of Durres and Korca, which focus on commercial and family cases. Second, JuST supported a mediation program in southern Albania through a small grant to a local NGO, the Gjirokaster Multifunction Community Center. While maintaining elements of court-connected mediation, it broadened the scope of services to include different kinds of cases that have the potential to be resolved before a case is filed in court. The Community Center established mediation offices in the southern cities of Gjirokastra, Permeti and Saranda. Third, JuST supported the establishment of the National Chamber of Mediators (NCM), authorized by the Law on Mediation that became effective in February 2011.

Of these three elements of JuST support for mediation, only the grant-funded Gjirokaster Multifunction Community Center produced significant results in Year 4, as measured by cases referred to mediation and mediation cases resolved. In both Durres and Korca, the court-connected mediation programs became dormant after JuST’s subcontract with an NGO was completed. Envisioned as taking over this function, the National Chamber of Mediators has had a difficult time organizing itself due to internal management conflicts, despite having funding mechanisms in place. By contrast, the mediation programs in Gjirokaster, Permet and Saranda operated by the Gjirokaster Multifunction Community Center received 252 cases from a variety of sources, and have resolved 217 of these cases to date.

B. Year 4 Implementation Challenges

More Accurate Trial Records: Regarding the most visible key results area, ensuring more accurate trial records through the implementation of digital audio recording technology, most of Year 4 installation and training objectives were accomplished smoothly and without confronting any serious problems. The only real implementation challenge was the need to equip courtrooms that did not yet exist when JuST conducted its Year 1 assessment of Albanian courts. Keeping up with the expanding number of courtrooms required administrative procedures to request and obtain additional funding, leading to delays.

Although they do not constitute major implementation challenges, several areas have been identified for intervention during Year 5. While DAR has already become the norm in a number of courts, there remain pockets of skepticism in some quarters. Surprisingly, some of this resistance comes from recent graduates of the Magistrates School, and needs to be confronted. In addition, JuST is continually soliciting feedback on how to improve the user experience in the software interface. Steps have already been taken to implement practical suggestions of court secretaries, and additional enhancements are planned for Year 5. Subsection C, which follows, describes the planned responses in each of these areas.

Reduced Cast Backlogs through mediation: A more protracted implementation challenge during Year 4, as in Year 3, involved JuST support for mediation. As planned, JuST combined elements of Component 1 and 2 objectives, and pursued a strategy of focusing assistance on developing the organizational capacity of the National Chamber of Mediators (NCM) in the belief that reducing donor dependency requires developing other mechanisms for funding mediation services. One such mechanism would be to establish a workable fee-for-service structure. Recognizing that there will always be indigent parties to disputes who will need to be supported in some manner, it is also true that commercial disputes often involve parties with the financial means to pay for mediation services. The JuST strategy in Year 4 was to nurture the development of the NCM, which could take on a number of functions, including approving and implementing a fee schedule for mediation. JuST also realized that it needed to provide short-term funding to continue existing court-connected mediation programs. This funding was viewed as a “bridge” intended to maintain services to courts only until the practical details of implementing a fee schedule could be worked out.

Specific milestones were achieved, albeit with delays. Following further turmoil within the NCM, a code of ethics was eventually adopted, along with a fee schedule. Unfortunately, adoption of the fee schedule did not lead to steps to make the fee schedule operational. By the third quarter of Year 4, JuST had reached a limited agreement with the NCM for a resumption of services previously provided by an NGO in the original two courts with mediation programs. JuST kept the Chief Judges of the two courts informed of progress. However, the personnel from the NCM assigned to serve as coordinators within the existing mediation offices did not actually begin the case referral process until late in the fourth quarter, and even then, it was only working in one of the two courts – Korca. By the end of Year 4, only a handful of cases (10 as of this writing) had been referred to mediation as a result of this agreement with the NCM. By contrast, the three-court mediation program operating in the South through a grant to the Gjirokaster Multifunction Community Center continued to perform well, and was a bright spot in JuST’s efforts to promote mediation.

C. Observations and Actions Taken to Improve Future Implementation

More Accurate Trial Records: The final year of JuST will be devoted to completing the installation of DAR equipment in all courtrooms along with the associated training of court personnel. Even more importantly, the last year will be used to guarantee that the recording system now in place continues to be used and becomes the norm in all courts and for all court hearings. Full implementation of audio recording goes hand-in-hand with full use of public courtrooms – a closely related objective of USAID assistance to Albania, and a necessary practice for gaining public trust in the judiciary.

To achieve these Year 5 objectives, and to address the “last hold-outs” of resistance and skepticism, JuST will build on its Year 4 training with the two inspectorates of the HCJ and

MOJ. Management reports are available to monitor which courts – and more importantly, which judges – are making effective use of available courtrooms and audio recording equipment. Judicial inspectors, who themselves have experience as judges, understand the importance of this technology in improving the delivery of justice. During training provided in July 2014, they immediately saw the relevance of recorded hearings to their work as inspectors. They enthusiastically welcomed the opportunity to learn how to access and use the available management reports. To the extent this information can factor in to judicial evaluations, there will be a powerful incentive for individual judges to show tangible results, knowing that those results will be scrutinized every month. These reports contain an objective measure of performance, and a measure which relates directly to public trust and fundamental fairness. Judges either do or do not hold trials in courtrooms, and they do or do not record the trials. Software tools can track judicial performance in this area. JuST will find new ways to encourage the use of these tools as one measure of judicial performance during the final year of the project. JuST will also explore the feasibility of providing online access of audio recordings to judicial inspectors. The planned central server or national repository for archiving audio recording files offers the technical possibility to make this goal a reality.

To better prepare graduates of the Magistrates School for what they will encounter in courtrooms, JuST plans to establish a DAR training curriculum, complete with audio recording equipment, in the School. The expected result is that new magistrates will be better oriented to the benefits of the technology, more familiar with the process, and better informed on how DAR can benefit the parties and the judiciary. Through this training, they will begin their judicial careers as proponents of technology, rather than skeptics.

Finally, ever-sensitive to suggestions from end-users, including court secretaries, JuST intends to provide deeper integration of FTR recording software³ with the ICMIS court case management software.

Reduced Cast Backlogs through mediation: Using the expertise of the Component 2 team, and the network of international mediation experts provided by Chemonics' subcontractor, Partners for Democratic Change JuST plans to use the final two months of Year 4 to complete its capacity-building program. (See following section for details.) One of the specific objectives of bringing in international STTA to offer "training of trainers" to members of the NCM was to provide more exposure to countries where mediation has been successfully established.

Going forward, as a result of Year 4 assistance, the NCM now has a strategic plan in place to guide their efforts and possible future assistance. Additionally, the NCM has an office and a part-time coordinator, also funded by JuST. They have the basic elements, including training modules and training experience, for expanding the cadre of trained mediators. They also have the prospect of EU support for mediation through a twinning program, due to begin mid-way through JuST's final year. It is now up to the NCM's leadership to make the most of this support. JuST will coordinate closely with the EU Delegation to ensure that their twinning program is informed by JuST's experience to-date.

COMPONENT 2 – CIVIC ENGAGEMENT

³ Courts and court secretaries must use both the court case management system and the FTR recording software. To the extent these systems can be linked and integrated, they become easier to use and maintain.

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, Component 2 aims to encourage citizens, NGOs and professional associations to become more involved in issues of good governance. More active civil society organizations can, and should, play a role in demanding good governance, an end to corruption, and justice sector accountability.

A. Results Achieved During Year 4 Compared to Annual Work Plan Targets

KRA 2.1: Increased Organizational Capacity of Civil Society Organizations and Stronger, More Effective Civic Participation

Capacity Development for the Judges’ Association. An independent judiciary is one of the hallmarks of rule of law. USAID has long supported professional associations of judges as one strategy to strengthen the judiciary and ensure its independence. At the inception of JuST, two competing entities claimed to represent judges. An early assessment of both entities revealed that they were little more than paper organizations with few members and virtually no services provided to those members. During the first year of JuST, it became apparent that only one of these organizations – the Union of Albanian Judges (UAJ) – possessed the basic organizational foundation to become a viable voice of the judiciary. JuST engagement with the UAJ commenced in July 2011 with support for convening a general assembly in Tirana. At that meeting, new leadership was elected with a renewed commitment to build the organization. JuST support later that year produced a strategic plan for the UAJ which has guided subsequent JuST-assisted activities since.

After three years of sustained (but declining) assistance, the UAJ has become a real success story. From a mere 45 members in 2011, the UAJ now has almost 200 judges representing more than half of the judiciary in Albania. Greater membership means more revenue from dues. A larger budget means the UAJ can organize more activities to continually expand its membership. Although initially supported by JuST, the UAJ now has an office and paid a professional staff that operates entirely from its own budget. Additionally, the UAJ is gaining a measure of international stature as a result of JuST support to participate in annual meetings of the International Association of Judges (IAJ), and its affiliate, the European Judges Association. By attending the annual conferences and participating in the accession process, the UAJ has moved from provisional membership to full membership, following a period of monitoring and a favorable recommendation from the *rapporteur* assigned by the IAJ to Albania.

A primary objective of JuST’s capacity-building efforts with the UAJ has been to develop the organization to serve as an independent voice on matters affecting the judiciary. This objective is being met. During much of Year 4, there was heated public discussion among politicians, internationals, justice sector leaders, and media commentators on judicial corruption, judicial discipline, judicial promotions, and the judicial evaluation process. The frequent calls for reform tended to reflect partisan political divisions more often than thoughtful problem-solving recommendations, yet the constant media attention on judicial corruption lowered public perception of the judiciary even further. The continuing negative publicity has presented a delicate situation for judges to be heard. In response to this

situation, the UAJ has continued to contribute its policy positions on a variety of topics, such as:

- Early in Year 4, the UAJ organized two roundtables/ entitled “*The evaluation and inspection system of judges in Albania – Alignment with international standards*”. These roundtables produced constructive dialogue that led to recommendations for consideration by the Judicial Inspectorate of the HCJ and for relevant institutions and the parliament;
- Citizens’ complaints against judges. In December 2013, a roundtable was convened to exchange views on how the online judicial complaint system was functioning;
- Policy positions put forth on sentences handed down as incompatible with the Constitution and the law on the “Organization and Functioning of the Supreme Court in Albania”;
- Commentary submitted to the MOJ and the Parliamentary Law Commission on proposed amendments to the Criminal Procedure Code; and
- “Constitutional Reforms from the Judges’ Viewpoint,” implemented in partnership with the Open Society Foundation for Albania (OSFA). The project produced a publication which was discussed in a public roundtable in July 2014. Though not supported by JuST, the ability to attract support from other international donors is one measure of how far the UAJ has come as a result of JuST-organized capacity-building assistance.

The UAJ is now providing valuable services to its members. It has established four regional offices, and has held regional meetings covered entirely by the UAJ budget. These meetings have served as a forum for gathering member input, as well as a mechanism for increasing membership. Among the products currently being developed by the UAJ for the benefit of all judges is the drafting of two practical guides for conducting civil and criminal trials, known as “bench books.” A third bench book is being produced on judicial conduct. These guidebooks are being produced through a small grant awarded to the UAJ by JuST in Year 4, and are intended to improve trial practices, case management and judicial conduct.

As the UAJ has matured as an organization, it is finding new and creative ways to contribute to the legal profession. It has reached out to provide educational opportunities to aspiring lawyers, providing internships for ten law students to acquire practical experience with court operations and to participate in UAJ activities. These activities broaden the practical experience of law students, which also contribute to Component 3 of JuST, the education of the legal profession.

By the end of Year 4, the UAJ had become fully sustainable. Its membership has grown, and it is well-organized with solid internal management capacities. It is now a well-respected member of the international judicial community, and has proven its effectiveness and long-term viability through partnerships with various international donor organizations.

Capacity Development for the National Chamber of Mediators (NCM): Promoting mediation as an alternative mechanism for resolving disputes is a specific objective within the first component of JuST. Since donor support for mediation existed for a number of years prior to JuST, JuST’s work in this area began by continuing a project in the Durrës District Court that was previously supported by UNICEF and IFC. JuST subsequently broadened this concept to include the Korça District Court, and later three more courts in the southern region of Albania. An ongoing challenge has been to find a mechanism for sustaining mediation without donor support.

Following a period of instability and internal conflict within the mediation profession, the MOJ moved forward during the first quarter of Year 4 by convening the Mediator Licensing Commission, seating the two members nominated by the board of directors, and recognizing as legitimate the first, properly-constituted board. JuST renewed its original strategy to support the NCM in the first quarter of Year 4, which is consistent with the capacity-building objectives of Component 2.

In the third quarter of Year 4, JuST collaborated with the MOJ and the EU Delegation in Albania to support the first public event of the NCM, organized around the theme of “Mediation, an Alternative for Dispute Resolution.” The presence of the Minister of Justice and high-ranking representatives of both the EU Delegation and USAID ensured extensive media coverage, raising public awareness on the benefits of mediation.

JuST continued to support the NCM throughout the remainder of Year 4 by providing short-term local technical assistance to the working groups established by the NCM. The aim of this assistance was to produce a number of important documents, including a five-year strategy and corresponding action plan for NCM activities; an internal “Organization and Functioning Rules and Regulations” for the NCM; an internal and external communications strategy, and a plan for developing initial and continuous training for mediators, including training curricula. JuST engaged an international expert near the end of Year 4 to provide Training of Trainers (TOT), intended to nurture the growth of the NCM during Year 5 and beyond the end of JuST. Finally, a leaflet was produced and a website built with JuST assistance under the domain of www.dhkn.gov.al. These products are designed to convey the benefits of mediation and inform the public on the existence and activities of the new NCM. JuST is continuing to work with the NCM to draft and approve rules and regulations that govern training standards for new mediators.

Despite the breadth of assistance provided by JuST, the development of the NCM has been impeded considerably by internal disputes, as well as by a relentless campaign being waged in the courts to challenge the legitimacy of the NCM Board. Although support for mediation will continue beyond the life of the JuST project through an EU-sponsored twinning project, it remains to be seen whether the NCM will achieve what the drafters of the 2011 Law on Mediation intended for it to accomplish.

Capacity Development for Civil Society Organizations: A central part of the USAID’s assistance to Albania is strengthening civil society as a means of increasing citizen participation and achieving greater transparency and accountability from the governmental institutions. Throughout the project, JuST has encouraged CSOs to develop projects with strong anti-corruption and watchdog features, and has offered training programs to promote these objectives. During the final month of Year 4, JuST contracted a regional anti-corruption expert to deliver a training program aimed at equipping Albanian CSOs with a variety of tools for engaging governmental agencies as partners in anti-corruption projects. The intended immediate outcome of this training is to create a pool of high-quality anti-corruption proposals submitted for the final Year 5 round of grant funding. The larger objective is to encourage CSOs to become more effective and proactive in designing projects that go to the heart of institutional corruption.

Justice and Good Governance CSO Grants Program

Because of the limited funds remaining for grants, JuST decided simply to extend the existing Annual Program Statement (APS) until the 2nd quarter of Year 4, rather than issue a new one. Following publication of the announcement, a large number of concept notes (21) were submitted by CSOs throughout Albania, most of which had participated in previous training programs organized by JuST. Six organizations were invited to submit full project proposals.

By the end of Year 4, \$441,934 of the \$500,000 available for this purpose, or 89%, had been committed, keeping JuST on track for full implementation of the small grants program.

Some grants were continuation projects from Year 3. Included in this category were the following:

- A coalition of three NGOs, made up of **Women to Women** in Shkodra, **Women Forum** in Elbasan, and the **Center for Legal Civic Initiatives** in Tirana completed its project during the first quarter of Year 4. Through this grant, free legal aid was provided to women and girls – all victims of domestic violence – in 20 cases. Roundtables were organized by each coalition member in their respective cities to present findings and recommendations based on their monitoring in the courts. Stakeholders such as regional police departments, courts, advocates, local and international NGOs, mediators, prosecutors, and municipal officials attended these events.
- **Girokaster Multifunctional Community Center (GJMRO)**, funded by a second-round grant, continued to enhance mediation and restorative justice practices in resolving various community-based problems and disputes in Gjirokastra, Saranda and Përmeti. GJMRO continues to gain the confidence of community members through their mediation offices, and their efforts to raise awareness among lawyers and judges on the benefits of mediation and restorative justice practices. Judges have referred commercial and domestic cases to the mediation offices to help reduce the court's caseload, while providing parties with a faster and less costly alternative to regular court hearings. In Year 4, 252 cases were referred to the mediation offices (169 in Gjirokastra, 47 in Përmeti, and 36 in Saranda). Ninety-seven of these cases were referred by the State Police, two by different public institutions, the majority of them, 138 cases, by community members, and a small number of cases by district court judges in the above-mentioned courts. Of those 252 cases, 217 cases were successfully mediated, and only 27 cases had one of the parties withdraw from the process.
- **Eye of the New Media (SMR)**'s 14-month project continued to strengthen the media's role and promote civic participation in tackling corruption in 14 local government units in the Vlora and Fieri regions. Its main activities focused on encouraging the public to denounce corruption in social services by targeting different local and state institutions and other agencies responsible for social services. SMR closely monitored the activities and performance of the 14 local government units with an aim to improving local decision making and policies related to social service delivery. In cooperation with the Association of Journalists for Justice (AJJ), investigative articles were published in www.investigim.al, exposing discrepancies and problems encountered in the social services system. These problems, including issues raised by beneficiaries, led to changes in the way state welfare institutions carry out the law.

During Year 4, a total of 243 economic aid beneficiaries in six local government units participated in open public meetings, where different issues related to social aid delivery, payments of disability, and the local decision-making process regarding the social scheme for the families in need were actively discussed. 158 council members, 14 local administrators and 17 staff members of the local government units were trained on the Law on Social Services, shared their opinions, and gave recommendations on changes that are necessary for the existing law. The journalists have produced 12 articles including blogs, features, and full investigative reports, which were published on the official AJJ website.

During Year 4, new grants were awarded to the following CSOs:

- **Association of Journalists for Justice (AJJ)** received a grant to implement a 12-month project focused on uncovering corruption by statistically examining decisions for the thefts and illegal weapons cases throughout the entire criminal process from arrest until final disposition and sentencing. By building and analyzing a database, the journalists examined the question of whether defendants charged with similar offenses under similar circumstances are treated similarly. The journalists gathered information from police and prosecutor offices, as well as the Tirana District Court. This data was fed into a database and regularly updated. Findings from their monitoring will be published on their investigative website, www.investigim.al.

On June 27, 2014, the AJJ, with support from JuST, organized a roundtable discussion on “The public denunciation of cases to the police, prosecution and court, to reduce corruption in the justice sector” used investigative articles on theft and illegal possession of weapons in Tirana that were written and published by AJJ members for their main topic of discussion. Senior officials from the police, prosecution, courts, and lawyers and students from the Faculty of Journalism of Tirana University attended the roundtable. During this event, the journalists presented their findings on a number of abuses, such as the use of double standards in court decisions, the failure to punish minor crime repeaters, the light sentences given to crime repeaters, the failure to implement changes to the law, the sentences regarding illegal possession of weapons, the theft of public property and criminal penalties, the release by the prosecution of the offenders for unlawful possession of weapons, the theft crime hotspots in Tirana, and the minimum sentences given for violent thefts. The journalists have continued to write and publish investigative articles about theft and illegal possession of weapons’ cases on a monthly basis.

- **Albanian Legal and Territorial Research Institute (ALTRI)** was awarded a grant to implement a six-month project to develop and lead a “Regional Campaign of Awareness and Advocacy for Digital Audio Recording in Courts.” ALTRI has successfully implemented a number of Open Court Day events in Elbasan, Kavajë, Durrës, Dibër, Korçë, Tiranë, Kurbin, Krujë, Pogradec and Mat District Courts, as well as in the Peqin, Gramsh, Përrenjas, Bulqizë and Librazhd municipalities. Additionally, ALTRI organized the Pedonale event in Tirana during Justice Day in May 2014. Moreover, ALTRI organized the regional round table activities in Kurbin, Korçë, Durrës, and Tirana in order to present the results of the campaign and on the monitoring process. All of these events attracted wide participation from members of the community and civil society organizations, including 24 officials from

municipalities, 55 teachers and government education officials, 65 judges, IT specialists, councilors, and secretaries, 67 lawyers, 88 students, and members from 31 different local NGOs. During project implementation, around 800 TV spots on local and national televisions and radio were continually broadcast, which contributed to an increase in the public's level of awareness of the benefits of the DAR initiative. Additionally, ALTRI has installed promotional stands throughout Albania to increase citizens' awareness. ALTRI then prepared a final documentary and project report on this public awareness raising regional campaign.

- **Union of Albanian Judges** was awarded a grant to implement an eight-month project aimed at producing civil, criminal, and judicial conduct bench books, previously described.
- During the 3rd quarter of Year 4, the **Center for Legal Civic Initiatives (CLCI)**, a provider of legal aid services, received a ten-month grant to work on strengthening the legal clinic at the Law Faculty of Tirana University. Their activities focus on raising the capacities and practical skills of law students by providing opportunities for students to work on concrete legal cases. During Year 4, the CLCI referred 10 clients/cases to the UTLF legal clinic, giving 20 law students who were completing an internship at the Legal Clinic the opportunity to work on the cases. The CLCI also organized a simulated debate with clinic law students that re-enacted a discussion between two US Supreme Court Judges. Finally, they provided two trainings on “Enhancing the practical capacities of the legal clinic students,” in which 49 students participated. Students commented that they appreciated the integration of both theoretical and practical elements in these activities. Moreover, the CLCI organized three informative meetings with students from the Faculty of Law and other institutions, such as the Anti-Discrimination Commission, to increase general awareness of the legal clinic and its activities.

KRA 2.3: Strengthened Role of Media in Reporting Corruption Cases

Train Justice Reporting Fellows: JuST continues to promote a vigorous and independent media as another anti-corruption strategy, most recently through its support to the new AJJ that was established during a JuST-sponsored training program. In Year 4, two representatives of the AJJ participated in the OCCRP (Organized Crime and Corruption Reporting Project) annual conference held in Istanbul, Turkey, at which they presented on the AJJ's current achievements and their future expectations. Important results from this conference included: an invitation to the AJJ to become a member of the OCCRP's regional network, and a meeting with Mr. Hans Staiger, program consultant of the International Center for Journalists (ICFJ), which was followed by another meeting in Tirana with all the members of the AJJ. The latter proved effective in exchanging ideas for national and regional collaboration in the future.

JuST organized two training programs for members of the AJJ, which contributed to strengthening the organizational capacities of the AJJ. The first training enabled the AJJ's board and staff to fulfill their respective roles and responsibilities; to pursue funding opportunities for the organization; and to provide better services to its members, as well as encouraging member engagement in fundraising activities.

The second training program was a video training, conducted by a well-established international videographer with extensive experience in journalism and creating documentary films, and focused on raising the participating journalists' capacities to produce high-quality video clips and reports. Adding video capabilities will enhance the quality of the AJJ website, and will significantly improve the website's viewership and ability to attract donor funding. Nine members of the AJJ with experience in visual media assisted in organizing this training.

Moreover, with support from JuST, 11 students from the Journalism Faculties of Tirana University and Elbasani's "Aleksandër Xhuvani" completed a two-month professional internship program at the AJJ. The internship program focused on writing investigative stories and producing video reports for publication on the AJJ's online independent media venue: www.investigim.al. This internship program resulted in 24 blog stories produced and one video story published, as well as a study with very good recommendations on marketing the independent online media www.investigim.al. This is the first such internship program the AJJ has offered for journalism students, and it will continue to be offered intermittently throughout Year 5.

Furthermore, during Year 4, the AJJ held its annual general meeting, at which all AJJ members were present. Based on the statute, an election process for the Chairman and Vice Chairman positions occurred, resulting in Kristina Fidhi and Sonila Mesareja being re-elected respectively in the positions of Chairman and Vice Chairman. This meeting also provided updates on the annual activities and projects implemented by the AJJ, their financial performance, the internal regulation and ethics in the communications among members, and future plans towards self-sustainability.

The AJJ has shown very positive signs of being a consolidated association with a good reputation with other donors in Albania. As a result of different capacity building programs offered by JuST, the AJJ was awarded a grant from the "small grant program" of the American Embassy, titled "*Tell your story! Public Institution Fraud and Corruption must end!*"

The independent venue for reporting corruption cases developed in Year 3 will be further developed and maintained throughout and beyond the project's duration. By the end of Year 4, the following sustainable mechanisms for the independent media venue were established:

1. Establishment of the (AJJ);
2. Building the organizational capacities and investigative skills of its members in order to be eligible to receive grants from numerous donors in the region and worldwide that support investigative work in third countries;
3. Supporting the AJJ to be exposed to and to network with other investigative journalists and centers in the region; and
4. The members of the AJJ decided to donate a portion of all individual payments received from donors for their stories and investigative pieces. These donations go into the general budget to support further activities of the association.

The strengthening of the Journalists' Association will be of key importance to ensuring the sustainability of the media venue as well. From inception, the rationale behind the establishment of an organization that brings together journalists pursuing common goals was to ensure sustainability of the independent media venue. The choice to organize journalists around an association as opposed to centers or foundations was precisely driven by

sustainability objectives, since only associations collect membership fees and therefore generate income which will be used to sustain the association's media venue.

Despite the tangible progress, there are inherent challenges in achieving long-term sustainability for investigative journalism. First, good investigative journalism often requires significant resources. Depending on the story, resources may be needed for travel, data collection, documentary research, data analysis, etc. Second, independence implies an arms-length relationship from many local sources of funding. Since businesses, foundations, and some civil society organizations often have informal affiliations with possible targets of investigations, this distance must be maintained. Therefore, JuST's strategy has been to build the Association and its media venue to the point where it can attract truly independent support, including support from regional organizations and some of the grant funding available from various embassies.

Establish and Maintain an Independent Venue for Investigative Journalists to Publish their Articles: Establishing an independent media venue has been accomplished in parallel with the growth and strengthening of the AJJ. The AJJ has made significant progress, as its internal management capacities have improved and its member journalists are now better equipped to investigate and report cases of corruption. They have achieved success in transferring their knowledge and training to young journalists to produce investigative stories.

The AJJ network has expanded through their partnership with OCCRP, thereby increasing their opportunities to become involved in regional projects and to produce and publish more investigations. Moreover, they have successfully concluded a project funded by a local NGO "Assist Impact," and have been awarded a new project by the American Embassy, which will enrich the venue by creating eight full investigative reports. The Embassy's support for investigative journalism through the project "*Tell your story! Public Institution Fraud and Corruption must end!*" is an important achievement for the association.

During Year 4, the number and quality of investigative stories published on the website continued to increase. As a result, several mainstream media channels have run articles originally published on www.investigim.al, and also linked the website from their own websites. These media include both national and international outlets including: "Tema" newspaper; Shqiptarja.com; A1 Report; "Shqip" Newspaper; Top Chanel; News Agency "NOA"; "Republika" Newspaper (Macedonia); Kosova Baner (Kosovo); Albania Herald; and Gazeta Arberia. One SHGD story that was reprinted widely was the story involving a secretary to the Saranda Socialist Party Member of Parliament. The individual was caught on camera requesting sexual favors from a minor in return for a promise to help the mother with employment. This story headlined the news on Albanian television, print and online, since it first broke on August 16, 2014. The article was published at www.investigim.al (in Albanian: <http://investigim.al/ekskluzivesekretari-i-ps-kerkon-seks-me-te-mituren-ne-kembim-te-punes/>; with the English translation at: <http://investigim.al/en/ekskluzivesekretari-i-ps-kerkon-seks-me-te-mituren-ne-kembim-te-punes/>). It has received a record number of visitors for the site and has also been widely shared in the social media.

During the period from March 2013 when the journalists started to publish their first stories until September 2014, there have **483** stories including blogs, investigative stories and videos from which **117 or 24% published articles** were paid through different projects including JuST project. The remaining **366 articles or 76%** have been written by members of the Association of Journalists for Justice on a voluntary basis. This is one indication that the

media venue www.investigim.al is not entirely donor dependent. It is becoming a recognized alternative medium where journalists are free to publish their articles without interference.

During Year 4, 198 articles were published on www.investigim.al, of which 159 reports were blogs, 35 articles were investigative pieces, and four were investigative video stories. Additionally, two Facebook campaigns were conducted by JuST on behalf of the AJJ in order to promote the AJJ's Facebook page to all Albanian, Kosovo and Macedonian Facebook accounts. The total number of received page likes was 3,031, and the total number of clicks this advertisement received was 95,490.

According to the internationally renowned web page ranking website www.alexa.com, the increase in blog postings and published investigative articles has led to a significant improvement in the Albanian and world ranking of www.investigim.al. A testament to this improvement is that many important daily newspapers have published several articles in which they refer to the www.investigim.al as a source site.

JuST Forum Albania: The JuST team continued to manage and coordinate the JuST Forum, with 6,376 JuST Forum Albania viewers in Year 4, almost triple the number of views in Year 3. The online Forum has been especially useful for communicating information on the small grant application process, ensuring full transparency and equal access to information. The Forum has also been used to set up dedicated discussion pages for specific groups of users, such as members of the Union of Albanian Judges (before they had their own website) and mediators.

B. Year 4 Implementation Challenges

In all areas but one, Component 2 results exceeded the targets and expectations set forth in the Year 4 work plan. The single weak area for this component relates to the continued challenges for the mediation profession to overcome internal disputes and make effective use of the assistance offered by USAID through JuST. JuST has expended considerable effort to develop the capacity of the NCM to govern itself effectively, with much of this effort occurring during the final months of Year 4.

C. Observation and Actions Taken to Improve Future Implementation

To overcome internal disputes among mediators in the NCM, JuST is continually encouraging board members and others to use their mediation skills to build the organization. At the end of Year 4, JuST brought in outside mediation expert Mr. Janos Wagner from Partners Hungary, to work in tandem with Albanian expert, Professor Arta Mandro, to offer a "Training for Trainers" program to the NCM as a means of expanding the pool of trained mediators and growing the profession. Another purpose of the training was to provide positive examples from other countries regarding what can be accomplished when people work together around common goals.

The AJJ and its independent online media venue have had a positive impact on the journalist scene in Albania. The association is functioning well, and has shown a sustained commitment to producing high-quality, well-documented stories and investigative pieces. However, investigative journalism requires resources, and this generally implies some kind of institutional backing. In Albania, support from private interests would compromise the very independence the journalists have worked so hard to achieve. Thus, JuST has worked to build the capacity of the organization to the point where it will be a good candidate for grants and

projects funded by non-partisan international donors. To a large extent, this effort has succeeded, but long-term sustainability will require some form of outside support.

JuST intends to improve future implementation through continued engagement and assistance. Some assistance will be provided at the local level. Other assistance will come from promoting the establishment of networks of journalists engaged in similar investigative reporting in the region, or encouraging the Albanian journalists to join existing regional organizations.

COMPONENT 3 – EDUCATION OF THE LEGAL PROFESSION

The third component of JuST is designed to improve the level of professionalism among practicing lawyers. This is an important element of the overall strategy to combat corruption and build confidence and trust in the judicial system. The component is also designed to prepare better qualified law school graduates. Year 4 brought significant progress and tangible achievements in both directions.

A. Results Achieved During Year 4 Compared to Annual Work Plan Targets

KRA 3.1: More Professional Lawyers

Continuing Legal Education Program

An important goal of Component 3 is to develop, implement, and ensure sustainability of a Continuing Legal Education (CLE) program for lawyers. Since the first year of the project, JuST – through a Memorandum of Understanding (MOU) between USAID and the National Chamber of Advocates (NCA) – has been conducting CLE classes through local chambers of advocates, beginning with chambers in Vlora and Durres and continuing in Fieri through Years 3 and 4. In November 2013, the amendments to the Law on the Legal Profession which, among other things, incorporated language drafted by the JuST legal team authorizing CLE as a mandatory requirement for all lawyers in Albania, entered into force. The law also authorized the establishment of a National School of Advocates (NSA) as the responsible body to provide initial training to assistant lawyers and continuous training to practicing lawyers. The establishment and functioning of the NSA is viewed as a means of long-term sustainability for USAID’s efforts to improve the professionalism of lawyers in Albania, and is a direct result of JuST’s collaboration with the National Chamber of Advocates.

During Year 4, while JuST was supporting CLE classes in three local chambers, the NCA established the NSA, which began providing courses in Tirana to more than 250 assistant lawyers from all over Albania. With a view to addressing sustainability issues and providing the NCA and the newly established NSA with a strategy for building and sustaining the CLE program, JuST assisted the NCA/NSA in drafting and adopting an “Action Plan for the Future of the CLE.” Given the importance of establishing and sustaining a nationwide, mandatory CLE program, JuST engaged an experienced consultant to work with the leadership of the bar and facilitate the preparation of the plan. After agreeing on a vision for the CLE program, the plan sets forth specific steps, activities, milestones, timeframes, and resources to implement CLE through the NSA, including the steps needed for the organizational development of the NSA. The action plan includes as principal strategic objectives:

- The consolidation of the NSA as a national academic institution capable of providing trainings to assistant lawyers and lawyers;

- The establishment and organization of the initial training for assistant lawyers through the NSA;
- The establishment and organization of the continuous training for practicing lawyers through the NSA, building upon the experience with the pilot CLE program implemented with JuST assistance;
- The consolidation of the status of the NSA as a public entity; and
- The development of the NSA as an institution capable of preparing academic and professional publications and studies.

Each strategic objective includes specific activities and milestones that need to be achieved within determined deadlines, and that will result in enhanced capabilities of the NCA and NSA to provide nationwide CLE in the future. The NSA Director has shown active engagement in quickly implementing the steps of the action plan.

With the support of JuST, upon completion of the second year of the CLE program in the three chambers, a recognition ceremony was organized, with certificates publicly distributed to the lawyers and assistant lawyers who attended all courses of the second year. The ceremony, held on the June 10, 2014, was attended by the head of the NCA, the USAID acting country representative, the head of the NSA, the heads of the Vlora, Fieri and Durresi regional chambers, and participants who received top credits. Over 480 lawyers and assistant lawyers attended the CLE courses in the second year, bringing the overall number of participants in the courses of the two CLE years to more than 630. Results of the CLE program have also been qualitative, with assistant lawyers who attended the USAID-supported CLE program successfully passing the bar exam. Specifically, 98% of the assistant-lawyers attending the CLE courses have been successful in passing the bar exam.

Based on the MoU between the NCA and JuST, and highly motivated by the success of the first two years of the program, the increasing demand from lawyers for these classes in the regions, and the legal obligation to provide trainings to lawyers from all over Albania, the NCA decided that the third year of CLE shall expand to three more regional chambers: Korca, Shkodra and Tirana, in addition to Vlora, Fieri and Durresi. Lawyers from nearby chambers will also be asked to attend the courses. Courses of the third year of CLE, starting in the fall of 2014, will target mainly lawyers for the first time. Nevertheless, the courses will remain open to assistant lawyers who cannot attend courses offered by the NSA in Tirana. On a parallel track, the NSA will continue to provide the initial training to assistant lawyers from all over Albania, as it prepares to also engage in providing continuous training to practicing lawyers upon termination of the pilot CLE program.

Bar Journal Publication

A major achievement of Component 3 has been the establishment of the first-ever bar journal of the Albanian legal profession, *Avokatia*. This quarterly legal periodical aims to foster professional debate among the Albanian legal community on different legal areas and concepts, newly-approved laws, and the latest Albanian and foreign judicial decisions, and to engage practicing attorneys in legal research and writing. Demonstrating the journal's sustainability, during Year 4, *Avokatia* was financially self-sustainable and the quarterly publication schedule remained on track without outside support. The bar journal has already become an established and respected legal periodical. Nonetheless, in Year 4 JuST continued its support to the NCA by designing a website for the journal: <http://avokatia.al>, which is currently available online. The website contains information on the journal, solicitations for articles, along with academic writing rules used by the journal, contact information, a table of

contents and summary of each issue, and the full text of at least three or four of the best articles. It is expected that the website will help *Avokatia* become more visible and will attract more potential authors. During Year 4, JuST also provided partial support with the distribution of the Journal.

JuST remained engaged with the editor-in-chief by assisting the NCA in its efforts to receive approval of academic status for *Avokatia* from the Ministry of Education. Early in Year 4, a support letter was submitted to the Ministry along with NCA's application for the academic status. Despite these efforts, such status was not obtained in Year 4 since there still is an institutional deadlock related to powers and criteria for awarding such status to publications in general. While the academic status would enrich *Avokatia* with articles from the academic world, since its main audience and targeted authors are practicing lawyers, the lack of such status does not interfere with the sustainability of the journal. Academic status, if achieved, would be useful in attracting authors who are already candidates for specific academic titles and who have an obligation to publish at least two articles in an academic journal. However, *Avokatia* was established as a journal primarily aimed at practicing lawyers, not academics. The number of academics pursuing titles is small compared to the target audience. As a practical matter, *Avokatia* has already demonstrated its capacity to produce quarterly editions on a timely basis for the past three years. The number of submissions exceeds the number of articles published. Nevertheless, JuST will continue to provide support as needed to NCA's efforts to obtain such status, as it would help the journal on its path to becoming one of the most respectable legal periodicals in the country.

KRA 3.2: Better Qualified Law School Graduates

Another important goal of Component 3 is to have better qualified law graduates. To address the overly theoretical focus of the Albanian legal education, JuST is assisting the University of Tirana, Law Faculty (UTLF) to set up a clinical legal education program. After a slow start during the initial phases of JuST, Year 4 saw significant progress in initiating the operation of a live client clinic.

After completing the refurbishment of the legal clinic and moot courtroom, JuST assisted the UTLF with developing and disseminating awareness-raising materials for the legal clinic and with preparing administrative documents that will be used with clients. To develop case referral mechanisms to the UTLF legal clinic, JuST awarded a grant to a locally experienced legal aid provider, the Center for Legal and Civic Initiatives (CLCI), which has referred 10 cases/clients to the legal clinic so far. The clinic also supported at least three "walk in" clients by providing them with specific assistance with their court cases, rather than just information.

While the number of students enrolled in the legal clinic courses was 38, 26 students from the legal clinic were immediately enrolled in trial preparation for these cases, and other students volunteered and participated in other activities at the clinic, such as mock-trial sessions, re-enacted debates and trainings. Groups of students, in pairs, interviewed actual clients, prepared legal opinions, court documents and other requests or documents as needed for these cases. In addition to those attending the legal clinic courses, 15 other students volunteered at CLCI during the summer and were involved in trial preparation, providing free legal aid to the CLCI's clients. The legal clinic has begun to operate as a free legal aid provider, addressing a variety of legal issues including divorces, property disputes, and work-related disputes. To date, participating students, under the supervision of professors, have completed 11 legal opinions and other official documents, such as requests directed to institutions.

In order to better prepare students in providing legal aid to clients, the CLCI, with JuST support and with the involvement of UTLF legal clinic professors, has organized two trainings on the topic of “Enhancing the Practical Capacities of the Legal Clinic Students.” These trainings are structured to teach students how to prepare legal opinions, how to interview clients, and the rules related to ethics, confidentiality, data protection, and conflict of interest.

The moot courtroom, refurbished with JuST support, hosted a variety of mock trial sessions in Year 4. JuST supported two practice-oriented trainings. Between April and May 2014, the professional ethics practice-oriented training was held, and was the first of its kind. Involving 25 students, the training was delivered by a judge of the Supreme Court, a prosecutor of the General Prosecution Office and a law school professor. The training provided students with practical skills regarding the application of codes of ethics for different legal professions (lawyers, judges, prosecutors), ethical obligations, and issues involving ethical dilemmas. The training included practical simulation exercises and mock trials. In June, a 4-day practice-oriented training in trial advocacy was held for 29 legal clinic criminal law students who participated in several mock trial sessions. This training replicated last year’s trial advocacy training offered by a group of NITA trained prosecutors. This year it was delivered by the law school professors themselves and two of last year’s students served as assistant instructors. Also, to commemorate the Albanian Justice Day (May 10th), students of the Legal Clinic mentored by CLCI participated in a re-enactment of a famous debate between two U.S. Supreme Court Justices.

The UTLF leadership has demonstrated support to the legal education program engaging in administrative measures to enhance the Legal Clinic. Both the Legal Clinic Board and the Dean have agreed to formally address the issue of providing extra payments from the School’s budget to the Legal Clinic Professors who are expected to dedicate extra time and effort in supervising students in the provision of legal aid to real clients, and of hiring administrative staff for the Clinic. In June temporary contracts were in place for administrative staff, with a plan to establish permanent positions in the future.

While much of Year 4’s focus was on making the law clinic functional, other activities were also designed to better prepare students in the practice of law in the future. JuST, in collaboration with the State Advocate’s Office and the Ministry of Social Welfare and Youth, supported the organization of the first Professional Internship Program for Law School Students at the State Advocate’s Office. The immediate target group consisted of law students in the Faculty’s Masters Program, and aimed at providing talented UTLF students with practical skills-building opportunities, professional development, and orientation to the labor market as they prepare to enter the workforce as new legal professionals.

JuST assistance included the preparation of a concept paper outlining details of the organization and implementation of the program, and other relevant documents such as the internship agreement between the State Advocate and the interns, facilitation with UTLF, publication of the call for applications, selection process, and preparation of a launching and closing event. An evaluation committee composed of JuST, State Advocate’s office and Law School representatives held individual interviews with the applicants and 21 successful applicants were selected to serve as interns at the State Advocate’s offices. On March 12, at the premises of Ministry of Social Welfare and Youth a launching event was held, with the presence of the Minister of Social Welfare and Youth, the General State Advocate and USAID representative. Ultimately, on March 17, upon signature of the individual Internship

Agreements, the interns started their internship at the State's Advocate's Office and for 6 months they assisted State Advocates in research, preparation of draft documents, and trial preparation.

The program had a strong practical focus using learning-by-doing methodology. JuST assistance also included assistance to the State Advocate's Office efforts with the NCA to have the internship period recognized as credits of the initial training provided by the NSA. Such programs contributed greatly to the major Component 3 objective of having better law school graduates, but also to the objective of providing law school students with practical work opportunities, including involvement in trial preparation. This successful model can be replicated in the future with the same institution and other institutions, increasing the number of beneficiaries.

B. Year 4 Implementation Challenges

Expanding the CLE program and ensuring sustainability of the pilot program remained a challenge, particularly due to an understaffed NCA, limited institutional capacities required to mainstream the CLE program nationwide, and challenges on the implementation of a new legal framework related to the training of lawyers and the establishment of a new structure – the NSA.

The refurbishment of the UTFL legal clinic spaces provided an opportunity to move forward with establishing a viable legal clinic program. It was a challenge to get the Clinic to work as a legal aid provider assisting actual clients, establish case-referral mechanisms, and have sustainability mechanisms in place. To achieve these goals, it is important to ensure that professors are motivated to make a long-term professional investment to the clinic. This will involve changes to the curricula, cooperation mechanisms with legal aid providers, and administrative measures designed to promote better management of the Clinic.

C. Observation and Actions Taken to Improve Future Implementation

To ensure sustainability of the CLE pilot program and provide the newly established NSA with a vision and plan for future expansion of CLE, JuST supported preparation of an action plan for the future of the CLE, encouraging the NCA/NSA to provide specific and actionable steps to enable the School to comply with its legal obligation of providing trainings to both lawyers and assistants. The NCA demonstrated genuine commitment in establishing the NSA. Given the difficulties for the NSA to immediately take on the responsibilities of training both lawyers and assistants nationwide, the NCA decided to utilize the pilot program to train lawyers and engage the NSA in providing trainings to assistant lawyers. While the latter offers courses to assistant lawyers from all over Albania in Tirana, courses of the pilot program will still be held regionally.

To help the Legal Clinic start off as a free legal aid provider, JuST concluded a contract under the grants mechanism with an experienced local legal aid provider – the CLCI. The Dean of the UTFL and the Legal Clinic Board only considered cooperation with NGOs that have the know-how of managing legal aid issues and are well known by the community as legal aid providers, which is crucial at the initial stage of the Legal Clinic. This was considered to create case referral mechanisms, benefiting from the knowledge of experienced legal aid providers, and increasing awareness for the Clinic.

To incentivize students and professors engaged with the different activities needed to strengthen a clinical education program, JuST supported practice oriented trainings which proved to be very popular. Students have demonstrated strong support and appreciation for the move away from a purely theoretical curriculum to a course of studies providing practical experience in the practice of law. On a parallel track, JuST worked with the UTLF leadership to identify and take necessary administrative measures that help the operation of the Clinic and its sustainability. To address the lack of administrative staff for the Clinic, JuST supported the engagement of four students to do administrative work beyond the main scope of the clinic. The UTLF administration also hired temporary administrative staff that are expected to become permanent employees in the fall. Working with the Legal Clinic Board, JuST supported changes that will provide professors with payments for the extra time required for their supervision of the Legal Clinic students who are now handling real cases.

APPENDICES: Success Stories



SUCCESS STORY

“For Justice Without Delays”

The introduction of practical active case management practices in Albania's the Kruja District Court with support from USAID and OSCE is making a difference in delivering justice more efficiently and effectively.



Photo: USAID JuST

Kruja District Court Chief Judge, Alma Hoxha Kolgjoka, as an invited speaker, presents the project “For Justice Without Delays” to her peers, at the National Judicial Conference in Tirana, April 18, 2014.

As members of the “Connections” Albanian justice sector donor coordination group, facilitated by USAID JuST, the project and the OSCE Presence are collaborating to support “For Justice Without Delays”. JuST is a five-year project, begun in October 2010, to increase court transparency, fairness and efficiency; bolster watchdog and anticorruption roles of civil society organizations and media; and strengthen the legal profession and legal education in Albania.

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That most scheduled hearings are either postponed or unproductive is as disturbing as commonplace in Albanian courts. The extensive 2012 “Towards Justice” study by the OSCE Presence in Albania added to such evidence provided by USAID’s JuST project’s 2011 courtroom usage study in two of Albania’s biggest courts. The phenomenon is confirmed daily by news of high profile court cases where proceedings are routinely postponed due to the absence of the defense lawyer or prosecutor, or continuances routinely granted on basic case evidence disclosure and study requests.

The situation was no different in the Kruja District Court where a study by JuST and the OSCE Presence found that civil trials took an average of 14 hearings and criminal cases, an average of almost 9 sessions to be completed, and that in half of all hearings, nothing happened. The difference was manifest in the resolve by the judges to do something about it. A two-day retreat organized by JuST and OSCE Presence in December 2013 for all court judges and the chancellor, facilitated by the Honorable Truman A. Morrison, a senior U.S. judge on the District of Columbia Superior Court, resulted in a joint consensus on practical steps to make court hearings productive and efficient.

Within only the first two months of the project entitled “For Justice Without Delays,” improvements in the practice of evidence submission, conduct of preliminary sessions, and contact with the parties, as well as closer cooperation with all stakeholders, had borne fruit. In the words of the Kruja District Court Chief Judge: “87% of two-party civil cases have been concluded in 3 sessions or less; 82% of criminal cases have been resolved in just 1 or 2 hearings; each judge has been closing twice as many cases compared to the same time period last year.”

What has made this possible is not complicated. The “Rosetta stone” is a mentored change in attitude from a rigid prescriptive mode where “unless the procedure says so, it can’t be done” to an active case management approach where “if the procedure does not expressly prohibit, a commonsense solution may prevail”. Changes in procedural legislation cannot be the panacea for everything. What it takes is judges recognizing the obligation to manage their case load efficiently by using the powers given by the law to work with the parties to avoid unproductive hearings, wasted time, and unnecessary delays.

The Kruja example is already taking hold. An expansion to the Korca district court has now already taken place, while the Albanian Supreme Court has been petitioned to issue a unified decision about case parties’ procedural notifications as one of key causes of delays in proceedings. The wheels of Albanian justice are indeed turning.



SUCCESS STORY

Clinical Legal Education - Meeting Needs

More developed critical legal thinking and practical skills are key students' benefits through the Clinical Legal Education Program at the Tirana University Law Faculty, build with USAID support, while disadvantaged clients receive free legal aid.



Photo: UTLF

Students of the University of Tirana Clinical Legal Education Program, under the supervision of academic staff provide free legal aid to a domestic violence survivor. UTLF Legal Clinic, June 2014

Support for better-trained lawyers is one of the key objectives of the five year USAID's Albanian Justice Sector Strengthening Project (JuST). Begun in October 2010, it aims to increase court transparency, fairness and efficiency; bolster watchdog and anticorruption roles of civil society organizations and media; and strengthen the legal profession and legal education in Albania.

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"It is an academic and intrinsic obligation on our part to deepen our students' practical education, and we are very thankful of the support from the USAID's JuST with the Clinical legal Education Program", says the Dean of the University of Tirana Law Faculty (UTLF), Altin Shegani. The disproportionate theoretical bias of legal education in Albania is an often-cited cause of underprepared law graduates in Albania that hampers their performance as they enter the workforce. Now, UTLF is doing something about it.

USAID JuST helped UTLF establish a Clinical Legal Education Program for final-year graduate students. It built a Legal Clinic, which started to operate during the 2013 - 2014 academic year as a live-client clinic offering free legal aid to people who cannot afford to pay for the services of lawyers. The Clinic is run by UTLF students, who under the supervision and guidance of the Legal Clinic professors provide clients with legal opinions, legal information, and help with court documents. In the course of the second semester of the last academic year, 26 students worked in pairs with at least 13 real life clients on their court cases. These have included domestic violence cases, ethnic minority discrimination, marriage dissolution, parental responsibility, property disputes, and employment disputes.

"Working at the Legal Clinic has made me both a better person and lawyer", says one of these students, Olta Qejvani. "It has given me the luxury of making mistakes in a safe environment. It's like being a doctor who cures legal ailments of persons in dire socio-economic straits, by injecting them with the serum of justice." A.M., a Clinic client in a parental responsibility case had this to say about her experience: "I felt very welcome. They made themselves fully available so that I could get the best legal advice possible. I have done what they told me, and I am extremely grateful for their help."

As part of the support for the UTLF Clinical Legal Education Program, USAID JuST has also assisted with developing students' courtroom skills through the organization of mock-trial simulations in a project-refurbished mock courtroom. Over 80 UT law students have already benefited from such training programs.

APPENDICES: Photos of Project Activities