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USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT

QUARTERLY REPORT: DECEMBER 2011 - MARCH 2012

April 2012

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LIST OF ACRONYMS

AO	Administrative Office of the Court Budget Council
ACCMIS	Automated Court Case Management and Information System
CAA	Court Administration Association
CBC	Court Budget Council
CIRa	Center for Institutional Development (Macedonia)
COP	Chief of Party
COR	Contracting Officer's Representative
CSC	Court Services Council
CSO	Civil society organization
DCOP	Deputy Chief of Party
ELSA	European Law Students' Association
EU	European Union
GOM	Government of Macedonia
HO	Home Office
ICT	Information and communication technology
JC	Judicial Council of the Republic of Macedonia
JSP	Judicial Strengthening Project
JTA	Academy for Training of Judges and Public Prosecutors (also known as Judicial Training Academy)
LPA	legal professional association
MJA	Macedonian Judges' Association
MLA	Macedonian Lawyers' Association
PAR	Performance assessment report
PMP	Performance-management plan
RFQ	Request for quotation
STA	Senior Technical Advisor
Tt DPK	Tetra Tech DPK
USAID	United States Agency for International Development
USG	United States Government

I. START-UP AND PRELIMINARY ACTIVITIES

The USAID/Macedonia Judicial Strengthening Project (JSP) is an ambitious four-year endeavor that started in November 2011. The overarching objective of the project is to help the Macedonian judiciary to evolve as an independent, self-governing, effective, and accountable branch of government capable of meeting the needs of citizens, businesses, and organizations for prompt and impartial protection of their rights and adjudication of their legal disputes.

Much of the first quarter was dedicated to start-up and preliminary activities, such as meeting with partners, potential counterparts, donors, and civil society organizations (CSOs) to build alliances and support for planned activities and events. This first quarterly report is devoted to both the start-up activities and programmatic tasks completed between November 2011 and March 2012. Subsequent reports will focus on the programmatic tasks undertaken to advance the results required under the Tetra Tech DPK (Tt DPK) contract with the United States Agency for International Development (USAID). A summary of the start-up activities follows.

I.1 ARRIVAL OF CHIEF OF PARTY

Joseph Traficanti was named chief of party (COP) of the JSP and his contract commenced on December 9, 2011. He arrived in Macedonia on December 11 and moved to permanent quarters on December 16.

Home Office (HO) Senior Technical Advisor (STA) Jason Schwarz also arrived in Macedonia on December 11 to assist with the project start-up and work plan drafting process.

I.2 ORIENTATION MEETING WITH USAID

On December 16, 2011, COP Traficanti, Deputy Chief of Party (DCOP) Ivanovska, and STA Schwarz met with USAID Contracting Officer Representative (COR) Antoaneta Skartova and Michael Stievater, director of the USAID/Macedonia Democracy and Local Governance Office. The orientation meeting covered a wide range of topics relating to the start-up of the project as well as programmatic issues. JSP personnel were urged to think beyond what resources are immediately available, since it may be possible to tap into media and civil society programs, thereby expanding what can be achieved with the project's own financial resources. Attention was drawn to the need for improvement in relations between the judiciary and the media. Strategies were discussed for introducing national time standards in the resolution of cases. A major goal of the JSP is to identify and prepare the future leaders of the judiciary. Leadership within the judiciary is sorely lacking and needs development, particularly among younger judges and lawyers. There is a need to create a climate in which judges are open to hear from outsiders; at present, many are somewhat insular.

I.3 PREPARATORY AND INTRODUCTORY MEETINGS

It is important to forge relationships with partners, counterparts, and key decision- and policy-makers early in a project. To start this process, meetings were arranged with some of the top judicial actors. During December 2011 the COP and DCOP met with the Macedonian

Judges Association (MJA), the Judicial Council of the Republic of Macedonia (JC), and the Academy for the Training of Judges and Prosecutors (JTA). These introductory meetings gave project staff an opportunity to inform potential partners of the project's mission and goals and afforded the JSP a chance to ascertain the expectations of its prospective partners. Introductory meetings continued during the reporting period and included meetings with other international donors. It is important to coordinate JSP activities with those of projects supported by other donors and to avoid duplication of effort and overlap of activities. The following gives an overview of introductory meetings held:

1.3.1 President Of The Judicial Council And Director Of The Administrative Office

On January 16, 2012, the COP and DCOP met with Judge Aleksandra Zafiroska, president of the JC and *ex officio* president of the Court Budget Council (CBC), and Ms. Silvija Janevska, director of the Administrative Office (AO) of the CBC, which comes under the umbrella of the JC. The purpose of the meeting was to ascertain what statistics were available on current staffing levels of the courts, as well as to inquire about case inventory information. This is information needed for an upcoming consultancy to study staffing and the possible adoption of staffing guidelines for the courts. The COP and DCOP inquired about the continued use of the court user satisfaction survey (known as Q-10) instituted in the courts under the previous USAID Macedonia Court Modernization and Judicial Reform Implementation projects (MCOMP and JRIP respectively). The last survey was conducted in June 2011.

Discussion also addressed the need for training of CBC members and staff, as well as financial personnel in the individual courts. Both Judge Zafiroska and Ms. Janevska supported the idea of conducting training to assist the CBC and the courts to prepare need-based budgets with clear and concise justifications. Needs-based budgets are those that clearly delineate and justify, with empirical data, the financial resources needed to adequately run the courts. The consensus was that the training should take place in May 2012.

The president of the JC informed JSP of a World Bank functional analysis of the Macedonian courts focused on improving their organizational effectiveness. This analysis was subsequently shared with the project by the World Bank when it was completed in February 2012. The results confirmed many of the judiciary's shortcomings, which the project is expected to address. The analysis will be of great assistance to JSP and a number of its short-term consultants, especially in the area of court administration and management and human resources.

1.3.2 Chief Justice Of The Republic Of Macedonia

The chief justice of Macedonia, Jovo Vangelovski, is also the president judge of the country's Supreme Court. Present for the meeting were the COP, DCOP, Sonja Gruevska, Court Administrator of the Supreme Court and president of the Court Service Council (CSC), Justice Emilija Ilievska, Justice Mirjana Radevska-Stefkova of the Supreme Court, and Lidija Tanevska-Jadrovaska, chief of cabinet of the Supreme Court. The chief justice was gracious in his greeting and expressed that he was looking forward to cooperation with the project. The COP and DCOP presented an overview of JSP's mission and objectives. Justice Vangelovski presented an overview of his priorities, which revolve around problems with service of process (including e-service) and the difficulties that have arisen regarding electronic recording of court hearings. He informed the participants that the courts will start using electronic recording but will, at least in the beginning, use the old system of summaries typed by judges' secretaries as back-up. Apparently, a number of the appellate judges are not in favor of listening to recordings and

would rather read the typed summaries, as in the past. Justice Vangelovski also stated that some additional equipment is needed to supplement what has already been provided by the JRIP. JSP will need to assess and analyze the impediments to full use of these electronic recording of court hearings and to recommend ways to encourage its use. A program to demonstrate the benefits of electronic recording and its contribution towards transparency and trust and confidence may help overcome judges' reluctance to adopt the system and will be worked into JSP activities.

A planned court staffing study was also discussed with the chief justice and the president of the CSC, which is the human resource arm of the judiciary. Empirical data on court staffing are needed to prepare budgets and to request new positions. Ms. Gruevska, president of the CSC and the chief justice agreed to support the collection of such data. The planning for and implementation of the staffing study was begun in March and will be described in detail later in this report.

Justice Ilievska and Justice Radevska-Stefkova are the outgoing and incoming liaisons, respectively, between the Supreme Court and the Committee for Coordination of IT activities in courts that include the implementation of the Automated Court Case Management and Information System (ACCMIS) program. They are open to discussing all issues regarding ACCMIS. Their assistance in inviting the full use of ACCMIS as a robust management tool could be a very useful resource.

1.3.3 President Judges Of Appellate Regions

An introductory meeting was held in January 2012 between the COP, DCOP, COR, and the president judges of Skopje Appellate Court (Judge Ljupka Arsenievska), Bitola Appellate Court (Judge Danica Ristova), and Shtip Appellate Court (Judge Stojance Ribarev). The president of the Gostivar Appellate Court was not present since his appointment as an acting president judge was only recently made and the appointment had yet to be confirmed. This meeting provided an excellent opportunity to convey to the judges the breadth and scope of the project and to brainstorm areas of possible collaboration. The judges expressed their individual and collective support for the project and their desire to cooperate in furthering the efficiency and effectiveness of the courts within their regions and across the country. Of special importance to them was the expeditious resolution of cases and addressing case backlogs. They agreed to supply the project with statistical data regarding the courts' inventories. They stated that they would assess backlogs after they had completed their January reports to the Supreme Court, since the transfer of enforcement cases, a key element in computing backlog, was theoretically completed on December 31, 2011. Another area of interest was ACCMIS connectivity (electronic transfer of case files) with the higher courts to expedite appeals and to improve the exchange of decisions to assist judges with their adjudicative function.

The president judges also expressed concern about the difficulties that have arisen in the electronic recording initiative. They agreed to support an effort to resolve any issues standing in the way of full use of electronic recording of court hearings.

1.3.4 Law On Mediation Project

The COP and DCOP met with Dutch Expert Vesna Lazic on January 23, 2012. Ms. Lazic recently started a one-year project to support implementation of the Law on Mediation. The local implementer of this project is the European Policy Institute, a CSO formed in February 2011 that seeks to raise awareness of European Union (EU) integration policies among the

general public and decision-makers. Ms. Lazic was interested in JSP's involvement in justice sector reform and in discussing current problems and challenges in implementing laws in Macedonia. COP Traficanti gave an overview of JSP's mandate and current activities. He informed Ms. Lazic of a quick, focused needs assessment the project will conduct of a number of professional associations, including the Chamber of Mediators. It was agreed that relevant results that pertain to the Chamber of Mediators will be shared with Ms. Lazic.

1.3.5 Republic Of Macedonia Committee For Protection Of The Right To Free Access To Public Information

The COP and DCOP hosted the meeting with the president of the Republic of Macedonia Committee for Protection of the Right to Free Access to Public Information, Pece Tashevski, and his junior associates, Katerina Dimovska and Makfirete Morina. This government committee is responsible for protecting the public's right to certain government information, including free access to information of the courts. Mr. Tashevski reported that judges and court personnel are not always in compliance with the laws relating to freedom of information and suggested the need for training judges and court staff on this issue. JSP should aim to embed the subject in future training for judges and administrators. This committee may also be a resource for training to familiarize the judges and especially court administrators with the law's requirements and to introduce an acceptable protocol for requests for information.

1.3.6 World Bank And BASME

The previous MCMP and JRIP have had excellent cooperation and collaboration with the World Bank. The COR, the director of the Democracy and Local Governance Office, COP, and DCOP met with Klaus Decker, Denis Boshkovski, and Beth Hoffman of the World Bank on January 17, 2012. The World Bank is winding up its justice system support mission in Macedonia. One of its last tasks was to prepare a study on Functional Analysis for Improving Organizational Effectiveness of the Courts in the Republic of Macedonia. This study encompassed the analysis of 12 courts, the Training Academy for Judges and Public Prosecutors, and the AO of the CBC, and was carried out in coordination with BASME. BASME is a private company that provides professional management and consulting services, and is a pioneer in management, consulting and training in Macedonia.

Since the analysis is relevant to the JSP work under Result 2, DCOP Ivanovska met with the study's team leader, Mr. Vlatko Danilov, on February 2, 2012, and obtained a copy of the draft report. The document was helpful to the two international experts contracted by JSP to conduct an assessment of court administration and management systems and a staffing study in March 2012. It will contribute to JSP work on enhancing the budget process and on developing needs-based budgets, including embedding cost-per-case analysis into this process.

On March 19, 2012, Mr. Danilov presented an overview of the study and answered questions on it at the JSP offices. The presentation was attended by the COP, DCOP, project staff, and JSP consultants for the court administration and management, and staffing studies, and for information and communication technology (ICT).

1.3.7 Organization For Security And Co-Operation In Europe

JSP is cooperating with the Organization for Security and Co-operation in Europe (OSCE). The COP and DCOP met with OSCE's rule of law officers for Macedonia, Ms. Rezarta Schuetz and Ms. Nathalie Tran, on February 13, 2012. OSCE has in the past provided JSP with up-to-date English translations of laws. JSP staff member Keti Businoska prepared a list of laws or

amendments for which the project lacked English translations. OSCE supplied what they had available and promised to send future translations as they become available. This provides the project with significant savings.

One of the objectives of this meeting was to determine areas in which OSCE is involved, programmatically, so as to avoid duplication or overlap with JSP activities. OSCE has submitted a proposal to the MJA for future cooperation in several areas. Since the MJA is one of JSP's target beneficiaries, JSP will avoid those areas and has submitted a proposal to the MJA outlining the assistance it will provide. This is discussed later in this report.

1.3.8 Open Society Institute (SOROS)

The COP and DCOP met with Ms. Karanfilova-Panovska and Ms. Naumovska, local representatives of the Open Society Institute. They gave an informative overview of the focus of their targeted grants in the areas of human rights, minority populations, and legal services for the poor. One area of mutual interest that was discussed was support for the Court Administrators Association (CAA). CAA members wish to provide free legal assistance to the poor but do not have the funding to initiate the program. Open Society Institute personnel seemed interested in the possibility of cooperation with the CAA, and JSP personnel have advised the CAA of that fact and encouraged CAA officers to contact the Open Society Institute.

1.3.9 Embassy Of The Kingdom Of Norway

The project was asked by representatives of the Norwegian Embassy to meet in anticipation of the Government of Norway preparing a project in Macedonia. The proposed project is in the field of criminal law, with a focus on juvenile justice, and mediation and diversion in particular. The deputy director of the Norwegian National Mediation Services Central Administration and a senior advisor attended on behalf of the Embassy. The COP and DCOP informed them of the focus of JSP and gave them background information on the traditions and usage of mediation in Macedonia. They also provided lists of contacts in the mediation area, which may be useful to the Embassy in preparing the project. There seemed little chance of overlap or collaboration with JSP at this time. JSP personnel offered to be a resource for information, when and if needed.

1.4 MEETINGS ON PROGRAM INITIATIVES

1.4.1 Macedonian Judges Association (MJA)

On February 17, 2012, the JSP team met with the MJA president, Supreme Court Justice Nikolco Nikolovski, at the JSP offices. The COP and DCOP briefed Justice Nikolovski on the progress of the initiative to advance the capacity of justice sector legal professional associations (LPAs) and the assessment of LPAs and Civil Society Organizations (CSOs) to be undertaken by the Macedonian Center for Institutional Development (CIRa). Justice Nikolovski presented a list of potential areas for JSP cooperation with the MJA. These included assistance in publishing the Judicial Review, which has been an MJA journal for a number of years. He is now interested in making it available electronically to MJA members. MJA is also looking for assistance in upgrading and maintaining the organization's website and in creating a web-based survey that the MJA can use to survey the work of the courts and solicit the opinion of the public.

The project team considered these options and conferred with the USAID COR. Factoring in the OSCE's assistance to the MJA, the project responded by letter to the judge identifying the following areas of possible assistance:

- Revise or prepare a new strategic plan
- Support the MJA in organizing a roundtable discussion for reviewing and preparing better laws
- Support MJA's effort to increase transparency and improve communication with the media
- Support training on grant applications to the EU and other donors, as well as teaching project-cycle management
- Obtain an intern to support use of IT and to publish an electronic version of the Judicial Review
- Work with MJA employees to increase their soft skills. The nature of this effort will depend on a needs assessment to be produced by CIRa by April 5, 2012

A final decision will be made in April as to which activities will be supported. Much will depend on the results of the LPAs and CSOs assessment and an evaluation of the MJA priorities.

1.4.2 Macedonian Lawyers Association

DCOP Ivanovska and Court Administration Coordinator Businowska met with representatives of the Macedonian Lawyers' Association (MLA) on February 22, 2012. Ms. Ivanovska presented the activities of the project, specifically explaining the upcoming assessment of the LPAs and CSOs, and how based on the results of the assessment, JSP may offer training in soft skills to members of the associations.

Mr. Belicanec, president of the MLA, gave a brief overview of the MLA and its major activities. He sees the MLA as a strong and self-sustainable association of legal professionals. The association organizes two meetings or conferences each year and discusses current legal topics. It publishes a monthly newsletter, "Pravnik" (Lawyer).

MLA has completed an analysis of the duration of the commercial cases in the courts. The analysis showed that the courts with the largest number of qualified judges in their commercial departments were most effective and expeditious in their work. This supports the need for special commercial departments in the courts and continuous education and training for commercial judges.

MLA will be a good partner for conducting workshops and public discussions on improving efficiency and quality of justice in the commercial area. This group will also be useful in determining the training needs of judges in the commercial area and perhaps helping in the design of training courses. It was subsequently selected as an organization or targeted capacity building support to be discussed later in this report.

1.4.3 European Law Students' Association

Ms. Ivanovska and Ms. Businowska met with Ms. Svetlana Kjoseva, president of the European Law Students' Association (ELSA), on February 22, 2012. The JSP staff presented the project's activities and explained the upcoming analysis of the LPAs and CSOs.

Ms. Kjoseva expressed an interest in collaboration on the needs assessment. She also emphasized that the law students would be willing to participate in project activities for a small

stipend. JSP staff envisions that ELSA should be included in the broad coalition of LPAs and CSOs that will be assembled to support and advocate for judicial reform and an independent judiciary.

1.4.4 President Judge Of The Appellate Court, Skopje Region

JSP representatives met with President Judge Ljupka Arsenievska on February 17, 2012, to update her on current initiatives and to seek her support. Judge Arsenievska supports the idea of appellate court presidents having input on new amendments to laws concerning the judiciary and would like to have all president judges on board. In discussing case processing and backlog reduction, she acknowledged that great progress has been made but refresher training on how to implement backlog reduction plans would be helpful.

Judge Arsenievska advised that the process of harmonizing court decisions at the appellate court level has been renewed in 2011 (there were no activities from late 2007 until 2010). The next meeting on harmonizing decisions in the criminal area is scheduled for April 6, 2012, and that on harmonizing decisions in the civil area is scheduled for May 11, 2012. Judge Arsenievska extended an invitation to JSP to attend and observe the meetings.

Judge Arsenievska supports the training of CBC members. She pointed out that president judges of appellate courts give constant support for budget preparation to the presidents of basic courts in their regions. The judge also enthusiastically supports the training of president judges and court administrators. A range of other topics was discussed, including the use of the ACCMIS, electronic recording of court proceedings, and greater transparency and improved relationships with the media relationship.

1.4.5 President Of The Court Service Council

To prepare for the upcoming consultancies, particularly the assessment of the court administration and management system, JSP met on February 17, 2012, with Sonija Gruevska, president of the CSC. She expressed her support for the initiatives discussed, including the staffing study and the assessment of the administration and management of the courts. She also supported training for court administrators. She considers this an urgent need, particularly for applying disciplinary procedures and for procedures used in appointing new court personnel.

Ms. Gruevska gave JSP a copy of the Act of Unified Descriptions for Court Administration, which was enacted in January 2011. A number of job descriptions, particularly that of the court administrator need to be updated with new tasks and responsibilities as a result of changes in laws since the enactment of the Act.

1.4.6 Administrative Office Of The Court Budget Council

In preparation for the upcoming staffing study and consultancy on courts administration and management, JSP staff met with Ms. Silvija Janevska, AO of the CBC, to obtain data and personnel assignment records under the control of the AO. The AO was gracious in supplying what was needed.

1.4.7 Court Administrators Association

On February 23, JSP staff met with Borche Mirceski, president of the CAA. Mr. Mirceski, himself a court administrator, emphasized that the court administrators have many new responsibilities and that there are no middle managers in the courts who could support the administrators in the performance of their numerous tasks and activities. He suggested that

new employment criteria should be introduced specifically for court administrators. The CAA will support the JSP consultancy initiatives underway and a number of its members have agreed to meet with the staffing study consultant on March 13, 2012. The association is now more than 1,200 members strong and is expected to be of great assistance to the current JSP initiatives. The three-year strategic plan of the CAA needs to be reviewed as 2012 is the last year of the plan. Based on the results of the LPAs and CSOs assessment, JSP will decide whether it can provide assistance to support such work or not. Mr. Mirceski asked for JSP financial support to send one or two persons to the International Association of Court Administration's International Conference in The Hague on June 13–15, 2012. After consultation with the COR, support was provided to sponsor two members to attend the conference.

1.4.8 ACCMIS Meetings

The level of use of ACCMIS was raised at several of the aforementioned meetings. The project met with Ms. Franka Kopankovska of EduSoft, the original vendor that now provides support to ensure effective ACCMIS usage. It appears that the product is working well but there is anecdotal evidence that, in some venues, the product is underutilized. Ms. Kopankovska believes that the complaints revolve around issues such as leadership and support in certain courts.

A number of meetings took place to discuss the issues of electronic recording of court proceedings. JRIP, JSP's predecessor, procured and installed electronic court recording devices in 80 courtrooms throughout Macedonia. It appears that the product is not being fully utilized. Clearly there are issues to be investigated and problems identified.

In mid-March the project retained a short-term consultant, Rozalija Karchicka-Vasilevska, to ascertain the short-comings, if any, of ACCMIS and electronic recording of hearings and trials, to identify the impediments to full utilization of the systems, and to make recommendations to remedy obstacles to ensure and effective utilization of both.

II. PROGRAM-RELATED ACTIVITIES AND TASKS

2.1 FIRST ANNUAL WORKPLAN

JSP's first annual work plan covers the period November 23, 2011, to November 22, 2012. The goal of the project is to further the judicial branch reforms by strengthening the institutions' and judicial actors' capacity for an independent, efficient and sustainable judiciary. The expected results are the following:

2.1.1 Project Results Framework

The JSP supports USAID/Macedonia's Assistance Objective of Greater Checks and Balances in Democratic Processes.

The project specifically targets the Intermediate Result (IR) 1.2: Greater Equilibrium among the Three Branches of Government at the National Level, by supporting Sub-IR 1.2.2: Greater Judicial Independence and sub-IR 1.2.3: Increased Confidence in the Judicial System.

The project will also include activities specifically focusing on improving court efficiency and quality in adjudicating commercial disputes to contribute to the accomplishment of Assistance Objective 3: Increased Job-Creating Private Sector Growth in Targeted Sectors, more specifically IR 3.1: Improved Business Environment in Critical Areas of Investment as envisioned in the Mission Strategy.

JSP also supports the, Program Area 2.1 Rule of Law and Human Rights under the United States Government (USG) Foreign Assistance program objective on Governing Justly and Democratically, and the following program element and sub-elements:

- Program Element 2.1.3: Justice System
 - Sub-Element 2.1.3.1: Justice System Actors
 - Sub-Element 2.1.3.2. Operations of Institutions and Actors

2.1.2 Project Results Areas

Within the results framework, the project's main results areas are:

- Result 1: Strengthened advocacy and citizen participation in judicial sector reform
- Result 2: More independent, efficient, and consistent application of judicial policies and practices
- Result 3: Increased fairness and efficiency of the administration of justice through more effective legal personnel and efficient processes
- Result 4: Crisis-modifier and material support
- Result 5: Serving as rapporteur with the justice sector

2.2 RESULT I: STRENGTHENED ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM

2.2.1 Requirement 1.1: A Short Focused Assessment, Baseline Survey, And Resulting Action Plan On Justice Sector LPAs and CSOs And The Role They Can Play In Strengthening The Rule Of Law In Macedonia

In accordance with the first year work plan, JSP will assist selected LPAs and CSOs in providing better services to their members and in advocating for their interests. The goal will be to foster the demand side of judicial reform and build pressure on the Government of Macedonia (GOM) and judicial leadership to undertake reforms that advance judicial independence and effectiveness. Based on the current concern over infringements of the independence of the judiciary, limited leadership for judicial reform, and weak civil society demand for judicial independence and judicial reform, JSP will invest significant efforts and resources developing civil society activism in the areas of rule of law and judicial reform. Building judicial independence requires support from many stakeholders and the general public. It is necessary that the key stakeholders, such as LPAs and CSOs, participate actively in the judicial reforms. Their engagement in advocacy and monitoring activities will contribute to building demand and support for improved independence, efficiency, and accountability of the judiciary. The project will identify relevant professional associations and CSOs willing and able to advocate for judicial reform. The focus of Year 1 work will be to assess and strengthen the capacity of selected organizations. The project will also explore the possibilities and plant the seeds for the development of a broad-based coalition for rule of law and judicial system reform that will include CSOs, LPAs, reform-minded individuals, academics, students, businesses, etc.

As a first step towards realizing these goals, the project was tasked with performing an assessment of LPAs and CSOs to identify organizations that are effective or potentially effective in terms of their ability to advocate for judicial sector reform, sustain themselves, advocate on behalf of the membership, independence from political parties, their ability to mobilize the membership, and be a key player in initiating national reform campaigns. Based on the focused assessment, JSP will select and recommend two to four LPAs and CSOs to receive targeted assistance to further strengthen their organizational capacity and performance.

In phase two an in-depth assessment of the selected LPAs and CSOs will be conducted to identify performance gaps and needs in order to tailor capacity-building assistance to the needs of each organization. The project will then develop an action plan for the selected organizations, outlining the process and setting up benchmarks for equipping these organizations with the skills needed to effectively contribute to the dialogue on judicial sector reforms and to advocate on behalf of their members.

A tentative list of LPAs and CSOs was formulated in December 2011. This list was refined after discussions with partners and counterparts and with the COR. The revised list identified those organizations and associations that would be eligible for JSP assistance after assessment and those that are potential JSP partner organizations and therefore will not be a part of the assessment. Potential partner organizations include the Association for Emancipation, Solidarity and Equality; CIRa; the Macedonian Institute for Integration; World Learning Impact; and Macedonian Center for International Cooperation. The Macedonian Bar Association was not included in the assessment as it did not respond to requests to meet with the assessment team. In the end, 11 LPAs and CSOs were assessed in phase one.

The final list of LPAs and CSOs is as follows:

Name of organization	Area of expertise	Contact person	Telephone number	Web site
Professional associations				
Macedonian Judges' Association	Law	Nikolco Nikolovski	071 330 038	www.mja.org.mk
Macedonian Young Lawyers Association	Free legal aid	Jasminka Brezovska	3220 870	www.myla.org.mk
Macedonian Lawyers' Association (former Business Lawyers' Association)	Commercial law	Miladinova Danica	02 3131 084 070 313 809	www.mla.org.mk
Court Administration Association	Court administration	Borce Mirceski	070 392 346	www.caa.org.mk
Association of Public Prosecutors in Macedonia	Criminal law	Marko Zvrlevski	Private Number	www.zjorm.mk

Chamber of Enforcement Agents of the Republic of Macedonia	Enforcement	Antonco Koshtanov	070 243 465	www.kirm.mk
Notary Chamber of the Republic of Macedonia	Law	Zorica Pulejkova	070 399 513	www.nkrm.org.mk
Chamber of Mediators	Mediation	Zoran Petkovic-Bakli	070-685-130	
Civil society organizations				
All for Fair Trials	Human rights, election monitoring, fair trials advocacy	Nikolina Tenceva	2 3215263	www.all4fairtrials.org.m
Center for Civil Communication	Communications	German Filkov	070 254 776	www.ccc.org.mk
European Law Students' Association	Law	Svetlana Kjoseva	2 3117 244 ex. 158 070 306 121	www.elsa-rm.org.mk

After a thorough procurement process, JSP contracted CIRa on February 16, 2012 for the implementation of the LPAs and CSOs needs and performance assessments.

CIRa completed phase one of the study on March 28, 2012 and submitted a draft report and gave a presentation to JSP personnel and the COR on April 2. On April 6, JSP staff, in consultation with the COR, selected three LPAs for phase two of the assessment:

- The Macedonian Judges' Association
- The Macedonian Young Lawyers Associations, and
- The Court Administration Association

The list was approved by the COR on April 11, 2012.

In phase two CIRa will conduct an in-depth performance assessment of these three LPAs and produce a performance assessment report (PAR) for each organization that outlines any performance gaps in the organization as well as threats and opportunities the organization faces in carrying out its work. Based on these findings, CIRa will propose a capacity-building action plan for each organization. CIRa is expected to deliver these reports by the mid-May 2012.

2.2.2 Requirement 1.2: Per The Findings Of Requirement 1.1 The Capacity Of At Least Two Judicial Sector Professional Associations Are Improved

In February 2012 the COP and DCOP met with representatives of CSOs that were identified as potential partners prior to the LPAs and CSOs assessment. Interviews were conducted with Zoran Stojkovski of CIRa, Tanja Georgievska of World Learning Impact (WL Impact), and Zoran Janakiev, president of the Macedonian Institute for Integration to assess their organizational and infrastructural capacities to conduct seminars and trainings. The discussions also evolved around the organizations' ability to assist LPAs or other CSOs in drafting proposals for Instrument for Pre-accession Assistance (IPA) funds and building other skills as Project Cycle Management to enhance the chances for long-term sustainability.

This preliminary assessment was completed in March, in accordance with the JSP work plan. An RFQ for the capacity building stage will be released in early June 2012. Between now and June, JSP will be working with a number of nongovernmental organizations and CSOs with the goal of bringing them together in a workshop to discuss common issues. Once the initial group is formed, it is the intention to gradually add to it and to build a broad-based coalition of organizations able and willing to advocate for an independent judiciary and the rule of law.

2.3 RESULT 2: MORE INDEPENDENT, EFFICIENT, AND CONSISTENT APPLICATION OF JUDICIAL POLICIES AND PRACTICES

2.3.1 Requirement 2.1: Legal Framework and Judicial Branch Policies Strengthen Independence, Effectiveness, and Accountability of the Judicial System

Review and Advocacy of Laws by Judiciary. JSP has been charged with improving the legal framework and judicial policies that strengthen independence, effectiveness, and accountability of the judicial system. JSP staff has been reviewing an array of laws, adopted as part of the recent reforms since the adoption of the Government Strategy for Judicial Reform in 2004.



Up-to-date versions of these laws, with the most recent amendments, have been collected and reviewed. The COP and DCOP have met with several partners such as the Macedonian Judges' Association (MJA), the Judicial Council (JC) and the Academy for the Training of Judges, to discuss the formation of a judicial group to review these laws and to identify inconsistencies, gaps, unfunded mandates, duplications, and idiosyncrasies. The goal is to encourage the judiciary to be proactive in proposing

laws and amendments and in opposing laws compromising judicial independence and efficiency. Plans are underway with the MJA to start this process. Through roundtables and forums, amendments and harmonization will be recommended and advocacy efforts made to implement changes in the laws or to defeat laws that have a negative impact on the judiciary, the rule of law, or the independence of the judiciary.

A series of meetings has been held with the president of the MJA, Supreme Court Justice Nikolco Nikolovski, aimed at developing a clearly defined and mutually agreeable selection of topics for discussion and action. As of this report these have yet to be formally agreed, but possible topics include:

- Commercial case law and processing
- Civil procedure law (various articles involving judges' authority)
- National time standards for disposition of cases
- Differentiated case management
- Processing misdemeanors by the Administrative Court and/or Basic Court
- Trail in reasonable time/Backlog of cases in the Administrative Court

Forums to discuss these and other possible topics are planned for May 2012.

In addition, the project has been invited to attend the next general session of the Supreme Court, at which time the court will review the work of the courts and hear about the working conditions of the judges and court personnel. The date is to be determined but will be prior to April 25, 2012.

It is anticipated that the forum on commercial law and processing of commercial cases will include a representation of commercial or business lawyers. Eventually, these forums/roundtables will be expanded to include other CSOs, which will work collaboratively with judges and others within the judiciary to advocate for reform, judicial independence, and the rule of law.

This activity will, in the long term, provide the foundation for JSP to assist the judges association and others in institutionalizing an internal mechanism for reviewing existing and new draft legislation that affects the judicial branch. This will provide a means for regular coordination and information sharing among justice sector actors and institutions.

2.3.2 Requirement 2.2: Administration And Management Rules, Policies And Procedures, Systems And Practices Support A Modern Court System; Work With Judicial Sector Authorities And Actors To Establish Effective Governance And Operational Systems For Managing Court Resources, -- Budget Human Resources, Facilities, Equipment Etc.; Strengthen Managerial Capabilities And Introduce Performance Standards

Strengthening Judicial Administration and Management Systems, Procedures, and Capacities. The project was charged with conducting an assessment of existing judicial administration and management systems, procedures, and capacities to identify procedural impediments and performance weaknesses within the courts. Over the past several years a number of reforms have taken place within the judiciary of the Republic of Macedonia, including a number of constitutional and statutory changes, restructuring of the way the courts are configured, and changes to jurisdiction. For the first time, court administrators were placed in supervisory roles in the largest courts and president judges were given more direct supervisory and management responsibility. An array of new institutions have been created within the judiciary, including the JC, the Academy for Judges and Public Prosecutors, the CBC, the AO, the CSC, and committees addressing specific subjects such as automation of case management. All of these changes are designed to work together to streamline and modernize the judicial process. However, as with anything new, change provides its own challenges. As the court administrators and staff adjust to numerous reforms the old paradigms may no longer be applicable and new approaches need to be fashioned.



An international expert, Moira O'Leary Rowley, was retained to assess the current situation and develop short- and medium-term strategies to improve court operations and oversight.

Ms. O’Leary Rowley commenced her consultancy in-country on Monday, March 19, 2012. On March 29, she presented an overview of her preliminary findings and recommendations to Mr. Robert Wurtz, mission director of USAID/Macedonia, and Antoaneta Skartova, COR. On March 30, the consultant delivered an overview of the preliminary findings and recommendations at the Day of the Judiciary event at the Supreme Court, which was supported by USAID/JSP. About 85 people attended, including the chief justice, the minister of justice, Supreme Court, appellate region, and basic court judges, court administrators, and other members of the judiciary and court staff.



In her final report, due in mid-April 2012, she will identify impediments to the free flow of information between the courts, court administrators, and other judicial-sector actors, and recommend changes in systems, rules, and procedures to improve effectiveness and accountability in the management of courts and court resources.

Project staff supported the consultancy in a number of ways. Before the consultant’s arrival, JSP staff gathered selected materials and information that constitute the existing framework for court operations and forwarded

it to Ms. O’Leary Rowley. During her time in-country the staff accompanied her to a number of meetings and interviews to provide context and background information for a more meaningful study. People met included:

- The chief justice of the Supreme Court
- The president of the MJA
- President judges of various appellate courts and basic courts
- The court administrator of the Supreme Court and president of the CSC
- The president of the CAA
- Individual court administrators
- The president of the JC
- BASME, consultant to the World Bank on the functional analysis of Macedonian judiciary
- The deputy minister of justice
- The head of the AO of the CBC
- ICT specialists

Court Staffing Study and Recommended Staffing Guidelines. There is anecdotal evidence suggesting that the courts are not staffed fairly and in accordance with work volume. Some courts have more than enough staff and others have too few. There is also a need for up-to-date job descriptions and performance standards in view of the many changes in the laws as well as automation case management. Court personnel have been required to perform new tasks, requiring new skills.

Staffing guidelines are important to provide a consistent, fact-based basis for the judiciary to assess staffing needs in all courts, and to reassign resources, as necessary. Such guidelines also provide a consistent, fact-based basis for the preparation of budget requests for positions. Such an approach mitigates the funding source’s ability to reject a request on the basis of lack of

justification. It is imperative also that staffing guidelines be realistic, easily understood, and consistently applied.

It is against this backdrop that JSP will undertake a staffing study and support the development of staffing guidelines.

International expert Dr. Ronald Stout commenced the study and on-site work on March 13, 2012. In support of his consultancy, JSP staff gathered a plethora of judicial and non-judicial information, including case filings, case dispositions, total case inventory, backlog statistics, as well as personnel and management information. Much of what was needed was accessed through ACCMIS, which underlined the importance of the system. JSP staff, particularly the court administration coordinator, assisted in creating a number of spreadsheets that will become the foundation of the final guidelines to be utilized by the courts and court administration as budgetary and management tools.

Dr. Stout began the consultancy by familiarizing himself with the current structure of the judicial branch and the dynamics of current court operations, including the necessary actors in administration and management. He also conducted a number of site visits and met with a number of policy- and decision-makers, including:

- President judges of appellate regions and basic courts
- The president of the CAA
- Individual court administrators
- The head of the AO of the CBC
- ICT specialists from the Supreme Court and basic courts
- The ACCMIS developer

Dr. Stout developed a methodology that the appropriate decision-making bodies in the judiciary can use in finalizing staffing guidelines. These will provide the fact-based formulas for the judiciary to use in self-assessment and management, and in preparation and defense of its budget requests. The methodology evolved over several meetings with court associations, individual courts, and relevant bodies.



In General the methodologies follow similar processes. Data on current staffing is being gathered from ACCMIS, regular statistical reports, and information gathered in on-site visits and discussions with president judges, court administrators, and information technology staff and will be used to provide the platform for exploring the impact of applying standard staffing ratios. As the data is collected, it is entered into spreadsheets that display the number of staff within an employee group in each court, the work unit for each employee group, the current staffing ratios, and the effect of recommended ratios. The number of staff is displayed in the following employee groups:

- Associates (legal research support) and typists supporting judges
- Court administrators
- Processing positions
- Additional supervisory positions
- IT support staff

The data can also be sorted (new cases, current ratios, types of court), which will assist authorities in developing the final staffing ratios, using an accepted technique for this type of effort. The work sheets and the technique will be fully described in the body of the consultant's report, which is expected to be delivered to JSP during the week of April 9, 2012.

Court Website Review. Transparency, outreach, and accessibility are key ingredients of an independent judiciary that has the trust and confidence of citizens. Throughout the life of the project, JSP will be alert to opportunities to build transparency into its initiatives, including support for producing educational materials, media briefings, court reports, etc. During MCMP and JRIP, the courts have had opportunities to establish their own websites presenting information for the public. Court decisions must now be posted on the courts' web pages within 48 hours of signing.

The first phase of the JSP transparency initiative began in March 2012, when project staff conducted a survey of each court in the Republic of Macedonia. They examined:

- Access to the court website
- Ease of locating the webpage and ease of use
- Publication of court decisions
 - Availability of court decision link
 - Current status of publishing court decisions
- Currency of information, such as the names of court presidents and court administrators
- Availability and ease of use of contact information
- Completeness of court statistics sections
- Availability of annual reports
- Presence of information and public announcements sections
- Presence of frequently asked questions section
- Availability of address and directions to the court
- Availability of "real life" questions from the public
- Publications of applicable laws and rule book of the court
- Information about general sessions of the court
- Links to other courts
- Information from the Committee on Case Management, including minutes of meetings
- Public procurement announcements
- Published court newsletters

Most court websites contained the most important and required information. Some were delinquent in neglecting to provide access to court decisions and judicial branch regulations. JSP staff and future interns will support court president judges and court staff to bring all court websites online and up to minimum standards.

2.4 RESULT 3: INCREASED FAIRNESS AND EFFICIENCY OF THE ADMINISTRATION OF JUSTICE THROUGH MORE EFFECTIVE LEGAL PERSONNEL AND EFFICIENT PROCESSES

2.4.1 Requirement 3.1: Develop and Implement Targeted Specialized Trainings for Judges, Court Administrative Executives, and Court Staff

The latest changes in the Law on Courts (2010) and the Law on Judicial Council (2010), as well as the Law on Case Management (2010), assign very specific responsibilities to president judges regarding management of their courts, managing court finances, and reporting to the JC. Each year president judges are evaluated based on the organization and functioning of their courts, transparency of the courts, usage of court information technology, and financial operation of the courts.

However, to date, the JTA has not developed specialized management training for president judges or court administrators. Capacity building in this area is required and, from discussions with president judges, desired.

At the request of the president of the CBC and JC, JSP is preparing tailored trainings for members of the CBC on budget preparation and execution, and for president judges and court administrators on court management. JSP has contracted Dutch expert, Judge Bert Maan, to develop and implement a curriculum for specialized training for judges and court administrative executives. Judge Maan will:

- Develop curricula and conduct training on preparation and execution of court budgets for 10 CBC members
- Develop curricula and conduct training on basic court management skills for 30 president judges and 25 court administrators, and
- Meet with Judge Aneta Arnaudovska, director of JTA, to further discuss the need to develop a standard curriculum for basic and advance management skills and practices for president judges and court administrators.

Judge Maan will start his consultancy in Macedonia on May 7, 2012.

2.4.2 Requirement 3.2: Improve Caseload Processing and Reduce Backlog of Cases

The automation of case management and court records has been successfully implemented with USAID support. ACCMIS was deployed in 2009. As of January 1, 2010, the ACCMIS replaced manual case processing, eliminating one of the major time-consuming procedures in the courts. It also improved court transparency and data reliability. The basic functionalities of the system include case data entry, creation of electronic case files, random assignment of cases to judges, case movement within a court, creation of calendars, scheduling of hearings, development of reports, and posting schedules of hearings and reports on court websites, and these are available to all courts and supporting judicial agencies. The system has been praised for its functionality and easy use. However, there have been reports of underutilization of the system in some venues and lack of ability among staff to fully utilize it as a court and case management tool.

JSP has retained a local IT expert, Ms. Rosalija Vasilevska-Karcinska, to assess the use of ACCMIS and determine and report on impediments to its full use by the courts and other users. The consultant has been tasked to assess the impact of ACCMIS on court operations and case processing and the synergies between records, systems, controls, management standards, and court budgets. She will make recommendations to improve the use of ACCMIS to improve case processing, reduce backlogs, plan, submit, oversee and manage budgets, and in court administration and management.

During March 2012 the consultant and JSP staff met with the president judges and court administrators of Basic Court Skopje I, Basic Court Skopje II, and Basic Court Kavadarci. Plans are underway for Ms. Vasilevska-Karcinska to visit the vendor of ACCMIS, EduSoft, the vendor for the electronic recording devices installed in a number of courtrooms by JRIP, and the court president and the court administrator of Basic Court Gostivar. She has reviewed appropriate documents including the contract between USAID/JRIP and the developer, EduSoft.

Ms. Vasilevska-Karcinska will also investigate the reasons for the underutilization of the electronic recording equipment installed with USAID support in 80 courtrooms by JRIP. She will make recommendations for enhancing its use, which will pave the way for installation of the equipment in all courtrooms in the Republic of Macedonia.

This 10-day consultancy also contributes to Result 2: More Independent, Efficient, and Consistent Application of Judicial Policies and Practices.

III. FIRST YEAR WORK PLAN AND PERFORMANCE-MANAGEMENT PLAN

3.1 FIRST YEAR WORK PLAN

During the first month of JSP operations, the COP, along with DCOP Ivanovska and HO STA Jason Schwarz, developed the draft first year work plan for the project. The project is comprised of the following main result areas:

- Strengthening advocacy and citizen participation in judicial sector reform
- More independent, efficient, and consistent application of judicial policies and practices
- Increased fairness and efficiency of the administration of justice through more efficient legal personnel and efficient processes

It also addresses the need for the project to be able to respond to unanticipated events in the justice sector and to serve as a rapporteur with the justice sector.

The first draft of the work plan was submitted to the USAID Contracting Officer Representative for review on December 22, 2011. The draft has been under revision throughout the reporting period, and a final draft was delivered to the COR on March 28. Some minor adjustments are being made to the document and final approval is expected for early April, 2012.

3.2 PERFORMANCE-MANAGEMENT PLAN

A draft performance-management plan (PMP) was completed with the assistance of DCOP Ivanovska and HO STA on December 30, 2011. The plan was revised throughout the reporting period as information became available and final approval is expected in April. The PMP prescribes an ambitious three-year plan, with outcomes and outputs that will fulfill the mission of the project and assure that the indicators prescribed by USAID are met.

IV. EVENTS AND INDICATORS

The project is aware of the importance of accurate reporting of events. Future quarterly reports will include a matrix summarizing each event, training, forum, seminar, round table etc., along with pertinent descriptive information. The table below is a sample which will be discussed with the COR before the next quarterly report and modified as necessary.

Sample Event Tracker

No.	Event	Date	Counterpart	Number of Participants	Gender		Result Requirement
					F	M	
1	Presentation of Court Administration Expert Report at Day of the Judiciary	April 6, 2012	Supreme Court, Judicial Council, Court Presidents & Court Administrators	87	51%	49%	Result 2.2.1
2	Etc.						
3							