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**USAID/MACEDONIA
JUDICIAL STRENGTHENING PROJECT
(JSP)
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I. PROGRAM-RELATED ACTIVITIES AND TASKS

RESULT 1: STRENGTHENING ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM

1.1 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

The Judicial Strengthening Project (JSP) fulfilled Requirement 1.1 during its first two years of implementation.

1.2 Requirement 1.2: Per the Findings of Requirement 1.1, the Capacity of at Least Two Judicial Sector Professional Associations are Improved

Per the findings of Requirement 1.1, JSP designed, delivered, and completed a training program to build the capacities of the Macedonian Judges Association (MJA), Court Administrators Association (CAA), and other legal professional associations (LPAs) as well as civil society organizations (CSOs). The sections below outline the follow up activities and events carried out during October 2014 that built on the implementation of the training program.

1.2.1 Other Support for LPAs

Macedonian Young Lawyers Association (MYLA)

Strategic Litigation Training

During October, Mr. Adam Weiss, Legal Director of the European Roma Rights Center (ERRC), accepted the JSP's invitation to conduct a workshop on strategic litigation and human rights protection. Mr. Weiss and his colleague Ms. Andrea Colak, ERRC Legal Consultant, will deliver a two day training for approximately 20 members of MYLA in late November or early December.

In Macedonia, MYLA has pioneered strategic litigation in cases of discrimination, unequal treatment, and most recently in asylum cases. In the framework of this consultancy, the experts will share their extensive experience in this field, which will pave the way towards further successes of MYLA in the area of human rights protection.

MYLA Analysis

The procedure for printing the *MYLA Analysis on the Challenges, Problems, and Perspectives of the Legal Profession in Macedonia (Analysis)* was finalized in the reporting period and sent out for printing on October 28. MYLA members reviewed and approved the final text of the Analysis and also engaged in approving the design of this publication. The JSP expects the Analysis to be printed and ready for distribution by mid-November as originally planned.

Court Administration Association (CAA)

Upon the request of the CAA President, the JSP will support a roundtable discussion on the new Law on Court Service (enacted March 4, 2014, effective January 1, 2015). The one-day event, scheduled for November 5 in Skopje, will target a broad audience, including representatives from the Ministry of Justice (MOJ), Supreme Court (SC), Judicial Council (JC), Court Service Council (CSC), Macedonia Judges Association, CAA, and law professors. The aim is to provide an excellent opportunity for a detailed review of the new provisions of

the law and an occasion to better understand the process of preparing the law and its expected effects on the status of non-judicial personnel.

Macedonian Judges Association (MJA)

During the month, the following preparatory steps were undertaken towards the printing the new Judicial Code of Ethics (the “Code”):

- Text was proofread by a professional editor
- Text was translated into English by JSP staff
- Format for the brochure was agreed on with MJA

The project will support the printing of the Code in booklet and poster format. A total of 800 copies of the booklet (600 in Macedonian, 150 in Albanian, and 50 in English) and 700 poster format copies (all in Macedonian) will be printed and distributed to all judges in Macedonia. The final texts for the booklet and the poster were sent to the JSP on October 31. The JSP expects the printing and distribution to be finalized in November.

During the previous stages of assistance to the MJA, the JSP assisted in revising the Code by sharing comparative experiences from other countries, including the established standards of the Bangalore Principles of Judicial Conduct.

European Law Students Association (ELSA)

During October, the preparation of ELSA’s fourth thematic brochure was started. This brochure will address free legal aid in Macedonia by providing analysis of the current legislation and reviewing current practices in this field, with a focus on the eligibility for receiving free legal aid, procedures for obtaining legal aid, and lists of current licensed free legal aid providers in the non-governmental organization (NGO) sector.

A working group, consisting of four ELSA members, drafted the first version of the brochure based on a thorough review of the Law on Free Legal Aid and additional research of the current practices in this field. The working group also conducted interviews with MYLA lawyers, one of the registered providers of free legal aid in Macedonia. MYLA’s extensive experience in this field will be a beneficial resource for the completion of the brochure and a good example of the collaborative efforts of two of the most active justice sector LPAs.

Following JSP’s observations and comments on the first draft, the text was sent back to the working group for small improvements. The text of the brochure is expected to be finalized in early November.

Macedonian Bar Association (BAR)

BAR Website

In late October, the JSP supported a workshop for BAR staff on updating the association’s website content. During the training, BAR members requested that some minor features be added to the website, which were promptly developed by vendor Fridge Check. The website is expected to be launched in early November.

Association for Emancipation, Solidarity and Equality of Women (ESE)

Domestic Violence Bench Book for Judges

The text for the *Domestic Violence Bench Book for Judges* (Bench Book) was reviewed and polished by members of the working group in October. The project will review the final text

of the Bench Book and send it for review to appellate court judges in November. The printed Bench Book will be distributed among judges that process domestic violence cases and ESE membership.

1.2.2 Broad-Based Coalition of LPAs

Rule of Law Council (ROLC) Public Awareness Campaign

The Request for Proposals for the ROLC public awareness campaign on the provisions of the new Law on Criminal Procedure was finalized during the month and published on October 20. By the closing date for questions, October 25, the JSP had received questions from two potential bidders. The questions were answered and sent out to the potential bidders on October 28. The deadline for submission of proposals is November 28.

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

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

2.1.1 Review and Advocacy of Laws by the Judiciary

Judicial Branch Forum (JBF)

The Judicial Branch Forum held its seventh meeting on October 21-22, in Berovo. It was attended by the President of the JC, the Presidents of the four appellate courts, the President of the Administrative Court, the President of the MJA, President of the CAA, the Head of the Administrative Office of the Court Budget Council, the President of the CSC, and the JSP Chief of Party (COP) and Project Attorney.

Following fruitful presentations and discussions, the following major conclusions were adopted:

1. The implementation of systematic training of judges on the key provisions of the Law on Civil Procedure (LCP) will continue as agreed at the previous JBF meeting, with the first training scheduled tentatively for December 15. A total of nine trainings for all civil judges will be conducted, along with a final session at which representatives from the judiciary, the Notary Chamber, the Chamber of Enforcement Agents, and the BAR will be invited.
2. JBF members determined that the introduction of differentiated case management (DCM) in the courts requires changes and amendments to the Law on Case Management (LCM) and Court Book of Rules. The JSP will prepare a proposal regarding the sections of the LCM that should be changed and will submit it to the JBF and MOJ for consideration.
3. JSP will support a roundtable with the Supreme Court and appellate courts on November 17-18 to discuss legal issues and appellate court opinions as well as to provide guidance to harmonize the appellate and Supreme Courts' judicial practice.
4. The SC's Department for Trial within a Reasonable Time will prepare an analysis of the relative responsibility of administrative bodies and courts in the violation of the right to a trial within a reasonable time. The separation of administrative and judicial responsibility would impact the determination of amounts of just compensation, which are currently a burden on the judicial budget.

5. The President Judges of the appellate courts will provide support to the members of the CSC to organize a workshop to prepare a new classification of working positions in the courts.

2.2 Requirement 2.2: Administration and Management Rules, Policies and Procedures, and Systems and Practices to Support a Modern Court System

2.2.1 Strategic Plans for the Basic Court (BC) Skopje I, Basic Court Skopje II, and the Academy for Judges and Public Prosecutors (Academy)

During October, the consultants from Trajkovski & Partners Consulting (T&P) continued the activities in the development of strategic plans for BC Skopje I and II. The final version of the Strategic Plan for the Academy was already sent to the Academy in September.

Basic Court Skopje I

On October 2-3, T&P facilitated the general Strategic Planning Workshop for the BC Skopje I in Veles. The working group consisted of nine participants, including three judges, a court administrator, two public relations officers, an IT administrator, a court clerk and the head of the intake office.

During the workshop the following results were achieved:

1. Strategic priorities of the BC Skopje I were determined
2. Ideas for specific activities were generated that would support the implementation of the strategic priorities
3. Projects were categorized according to their priority level
4. Expected outcomes and performance indicators were determined

The first in-house session with the BC Skopje I was held on October 27. The Court's vision, mission, and principles were defined, and the four strategic programs were reviewed, as set during the general Strategic Planning Workshop. The second in-house meeting is scheduled for November 4.

Basic Court Skopje 2

On October 1 and 6, T&P facilitated the second and third in-house sessions with BC Skopje 2. Due to the limited time of the judges at the meeting on October 6, one additional in-house meeting was held on October 15, aimed at completing the remaining two strategic programs and sub-programs. The Strategic Plan of the BC Skopje 2 is expected to be finalized and sent to the JSP for review by October 31.

2.2.2 Establish Court Operations Support Office (Analytical Office) in the JC and BC Skopje I

From September 30 to October 9, the JSP hosted US consultant, Judge Joseph J. Traficanti to support the establishment of an Analytical Office to perform applied research and analysis. It is envisioned that the Analytical Office will have two pilot units: one within the President Judge's office in the BC Skopje I, and one within the office of the President of the JC. Once developed, these pilot units are expected to serve as models to be replicated in other courts throughout Macedonia, primarily in courts with extended jurisdiction.

During his consultancy, Judge Traficanti conducted several meetings with the President of the BC Skopje I and the President of the JC. The consultant developed an Action Plan, which includes next steps and resources needed for establishing a fully operational Analytical Office. The fundamental function of each court's Analytical Office would be to oversee a variety of court operations and report to the president judge on a number of topics, in order to assist the president judge in meeting his administrative responsibilities.

2.2.3 Assist Courts to Improve Transparency and Communication with Public and Media

On October 22, the JSP received the text for the Judicial Practice Bulletin prepared by the Appellate Court Gostivar. The JSP will proceed with procuring the printing and distribution of this publication. In August, 700 copies of the Judicial Practice Bulletins, prepared by the Appellate Courts Shtip and Bitola, were printed and distributed to the appellate courts, for ultimate distribution to all judges.

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

3.1 Requirement 3.1: Develop and Implement Targeted Specialized Training for Judges, Court Administrators, Executives and Court Staff

3.1.1 Continue Training Opportunities for Judges with the Academy

Training on Judicial Writing Skills

On October 8, the JSP, in cooperation with the Academy, supported training on judicial writing skills. US Judge Joseph Traficanti trained 23 newly elected civil judges on the most important aspects of judicial writing; the participants also had the opportunity to interactively exchange experience and practices with Judge Traficanti.

During the first part of the training, Judge Traficanti explained the importance of a well-structured decision, including format and language, and the features of "good" and "bad" writing. During the second part, the participants analyzed two judicial decisions on family matters: one from a US and one from a Macedonian court. The training concluded with a brainstorming discussion on key issues to consider when writing a decision.

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

3.2.1 Develop Strategies for Differentiated Case Management (DCM) and Determine National Time Standards (NTS) for Different Case Types

During the month, the JSP worked on engaging US consultant Ms. Suzanne Schneider for the implementation of DCM and NTS in Macedonian courts. Ms. Schneider has had vast experience in the historical and contemporary roll-out of DCM within the US courts, particularly in Montgomery County, Maryland, where she was involved from the beginning of the process of introducing DCM in the Circuit Court. Ms. Schneider's consultancy will include a two-day workshop, scheduled for December 3-4, with the Macedonian Judiciary's DCM Working Group at which further steps towards the implementation of DCM will be taken, and the recommendations from Mr. Zimmer's report will be further elaborated and implemented.

3.2.2 Electronic Digital Recording of Court Hearings and Trials

Training-of-Trainers (TOT) for Court Information Technology (IT) Staff

On October 2-3, the JSP implemented an on-site technical TOT for court IT administrators on resolution of hardware and software problems related to the electronic court recording (ECR) system. The TOT addressed problems faced during the electronic recording and suggested appropriate solutions. This training was intended to enhance the skills of the IT staff to become local ECR resources for their colleagues. A total of 32 IT administrators (from 27 basic courts and four appellate courts) took part in the training.

The training was delivered by the consultant Saso Aleksoski, who had installed the equipment for audio recording and had previously conducted a number of trainings for judges and court staff on this matter. The training combined theoretical and practical elements, questions & answers sessions, and interactive work. The practical part of the training was held in an SRS Femida-equipped courtroom in the Basic Court Bitola and consisted of a simulation of common problems.

During the training, the following issues with the implementation of the SRS Femida system were identified:

1. Lack of space on local hard disc drives to save and back up audio data
2. Hardware problems with the equipment in some courts
3. CD-R deficiency

Based on these findings, the JSP will support the sustainable use of electronic recording by providing the courts with a stock of 10,000 CD-Rs that can be used to replace deficient equipment. The project issued the solicitation for this procurement on October 31 and expects to complete it and distribute the equipment by the end of November. The project will also extend the consultancy of ECR expert Aleksoski to continue providing technical assistance to the courts for an additional ten days.

RESULT 4: CRISIS-MODIFIER AND MATERIAL SUPPORT

Refurbishment of a Courtroom at the Faculty of Law in Shtip

Per the contract JSP signed with the selected vendor Arbor on September 19, the conversion work began on September 22. During a site visit on October 31, the COP confirmed that most of the work has been completed and pending tasks will be finished once the audio-video equipment is installed by an INL-contracted vendor. The installation of the audio-video equipment is expected to be finished by November 7.

Court Entrance Remodeling at the BC Skopje 2

During October, the JSP continued planning activities to support the remodeling of the BC Skopje 2 entrance to provide easier court access to the public. The remodeling work will improve the court's main entrances and relocate the intake office so that it has a separate entrance and provides a better service to the public. A draft Initial Environmental Examination (IEE) was submitted to USAID's Environmental Officer on October 31. The project expects to issue the solicitation for this work once the IEE is approved and the appropriate environmental requirements are incorporated into the contract with USAID.

Procurement of Spare Parts for ECR Hardware for Courts

On October 16, the JSP received the spare parts necessary for the uninterrupted use of the SRS Femida software and ECR hardware. This procurement was made to support sustainability and to enhance the use of ECR in the Macedonian courts. The JSP expects to distribute the spare parts in November based on courts' priorities.

II. PROBLEMS AND REMEDIAL ACTIONS

Problems have been minimal and are of the type to be expected in the regular course of implementation.

III. ADMINISTRATIVE MATTERS

On October 31, Ms. Ljupka Naumovska completed her internship assignment with the JSP, which started on September 2, 2014.

IV. SUMMARY OF ACTIVITIES PLANNED FOR NOVEMBER 2014

The summary of activities planned for November 2014 is as follows:

- Continue supporting and finalize strategic planning processes of the BC Skopje I
- Receive proposals for implementing the ROLC media campaign
- Print MYLA analysis
- Print Judicial Code of Ethics in poster and brochure formats
- Print Judicial Practice Bulletin for the Appellate Court Gostivar
- Complete preparations for printing domestic violence Bench Book for judges
- Implement CAA's roundtable discussion on the new LCS, on November 5
- Implement three-day workshop for finalization of the Jurisprudence Bulletin for the SC on November 7-9
- Implement roundtable for President Judges of all courts in Macedonia, to present inspection findings pertaining to personal data protection in the Macedonian judiciary, on November 14
- Implement two-day roundtable for civil judges of the SC and the four appellate courts, to discuss and resolve legal issues relating to the conclusion of procedures at the appellate court level, on November 17-18
- Conduct two-day workshop on strategic litigation for MYLA
- Issue request for proposals for adaptation of entrances of the Basic Court Skopje 2
- Start procurement process for a case weight expert.