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USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT (JSP)

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I. PROGRAM-RELATED ACTIVITIES AND TASKS

I. RESULT I: STRENGTHENING ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM

I.1 Requirement I.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 JSP previously completed the short, focused initial assessment of the needs of 11 professional and civil society organizations (CSOs), through a subcontractor: the Macedonian Center for Institutional Development (CIRa). Based on the assessment, JSP selected three organizations for phase II of the assessment: The Macedonian Judges Association (MJA), The Macedonian Young Lawyers Association (MYLA) and The Court Administration Association (CAA).

In Phase II, CIRa assessed the performance of the three selected organizations to identify performance gaps and recommend training and technical assistance packages customized to each organization. Phase III commenced in October 2012. The activities and events for this reporting period are described below.

I.2 Requirement I.2: Per the Findings of Requirement I.1, the Capacity of at Least Two Judicial Sector Professional Associations are Improved

The JSP proceeded with the implementation of Phase III, which started in October 2012 and will run through October 2013. Phase III activities include a series of training workshops to enhance the capacity of the selected organizations. JSP is overseeing the implementation of these workshops. To date the project supported 25 trainings/workshops between October 31, 2012 and June 25, 2013. A number of these trainings were jointly conducted to reach several organizations simultaneously. No trainings took place during July and August due to the unavailability of the targeted organizations during the summer vacation period.

On July 22, JSP signed a modification agreement with Mesacons/Embra memorializing the agreement to include several additional LPAs in the trainings/workshops due to MJA's previous withdrawal from the scheduled programs. The agreement also conformed the dates to the actual dates on which the events were conducted. On August 27 a letter of invitation was sent to the eligible LPAs, inviting their participation in the trainings/workshops, which will begin September 4 and conclude on October 23 in accordance with the schedule below.

Trainings and Workshops Scheduled for September and October 2013

Activity/Deliverable	Counterparts	Activity Description	Start Date	Finish Date
Developing Membership Base Strengthening Strategies	AFFT, ELSA, Chamber of Mediators, Chamber of Enforcement Agents, Notary Chamber, BAR Association	<ul style="list-style-type: none"> ▪ Preparation of the trainings and workshop materials 	Sep. 04, 2013	Sep. 05, 2013
Organizational Design	MYLA		Sep. 10, 2013	Sep. 11, 2013
Provision for Effective and Efficient Services with Focus on Members	AFFT, ELSA, Chamber of Mediators, Chamber of Enforcement Agents, Notary Chamber, BAR Association	<ul style="list-style-type: none"> ▪ Implementation of the trainings and workshop 	Sep. 12, 2013	Sep. 13, 2013
Training in Management and Leadership Skills	MYLA		Sep. 20, 2013	Sep. 21, 2013
Developing Organizational and Financial Sustainability Plans	MYLA		Sep. 24, 2013	Sep. 25, 2013
Human Resource and Volunteer Management	MYLA / CAA	<ul style="list-style-type: none"> ▪ Evaluation of the trainings and workshop 	Oct. 03, 2013	Oct. 04, 2013
Developing Financial Management and Sustainability Plans	CAA		Oct. 15, 2013	Oct. 16, 2013
Financial Management for Non – financial personnel	CAA / AFFT, ELSA, Chamber of Mediators, Chamber of Enforcement Agents, Notary Chamber, BAR Association		Oct. 22, 2013	Oct. 23, 2013

1.2.1 Other Support for LPAs

Macedonian Young Lawyers Association

The MYLA is an LPA that provides continuing legal education for young lawyers and works to promote and advance the legal profession in Macedonia. Additionally, MYLA promotes access to public information and supports the establishment of a free legal aid system.

During this reporting period, JSP continued its support of institutional capacity building of this organization. JSP assisted MYLA in developing a concept paper for a potential grant from USAID through the Development Grants Program (DGP). This invitation was directed to private and voluntary organizations based in the United States and local Non-Governmental Organizations (NGO). The purpose of these grants is to foster sustainable grassroots development through the support of local development initiatives and capacity strengthening.

In addition, the project continued its support of MYLA and other interested LPAs in the development of a broad-based coalition to support the rule of law and an independent judiciary. During August this included assisting MYLA in the development of a code of ethics for the coalition. Documents and materials were sent to MYLA in support of this effort. A proposed code of ethics was developed and sent to JSP for review and possible revisions, after discussion with the other founding members –European Law Students Association (ELSA), Court Administration Association (CAA), and All For Fair Trials (AFFT).

European Law Students Association

During August the project supported ELSA with technical advice and material support for upgrading the organization's web-site. On August 27 the project's ICT expert and project attorney met with ELSA president, Ana Velkovska, to plan this revision.

It was concluded that the configuration of the webpage will have two sectors. The first will be designed for public use and will contain general information, activities and contact information. The second sector will be designed for access only by members in good standing. This section will provide member access to certain documents and applications, including the Student Trainee Exchange Program internship program sponsored by ELSA International. The Student Trainee Exchange Program (STEP) makes it possible for law students and young lawyers to gain working experience abroad.

This application will provide online data filling of needed applications and forms to be reviewed first by the local ELSA personnel and then electronically sent to the international association. In addition the web-site will provide shared documents and forms required by those matriculated in the state law schools. The second sector will also make available shared contacts as well as the opportunity for discussion and blogging by the membership. Plans are also being developed for the payment of membership dues online.

ELSA has also volunteered to provide two interns to assist the JSP staff at the two-day Leadership Conference to be held on September 17 & 18. This will provide JSP with logistical support for this complex endeavor.

Public Prosecutors Association

During August, JSP continued cooperation with the Public Prosecutors Association (PPA) assisting with the creation of a website and newsletter. A draft of the brochure was prepared by PPA members and staff and will serve as a means of information-sharing and promoting the association. It is currently being reviewed and edited by JSP staff. This publication will foster visibility and enhance the public relations of the PPA. JSP will print 500 copies in Macedonian and English which will be distributed to PPA membership, interested institutions, associations, and the media. During August, support was somewhat slowed due to the summer vacation period. This phase of PPA assistance is expected to be completed in early September.

Macedonian Bar Association

The Macedonian Bar Association (MBA) is an autonomous and independent public service organization, which provides legal assistance according to the Law on the Bar and other regulations. The MBA recently elected a new president and board members and the new administration is genuinely interested in JSP support.

As it did with other targeted LPAs, JSP sent information to the MBA about possible USAID grants, and the need for an initial concept paper. JSP also offered assistance in the concept preparation phase. The MBA acknowledged receipt and indicated they would apply. It is not known whether the organization has done so at this writing.

The MBA also attended two trainings/workshops delivered through Embra. The organization has confirmed its attendance at two of three additional capacity building programs to which they were invited to be held in September. It is expected that the LPA will attend a third in October.

The DCOP will attend a meeting with the president of the MBA on September 3 to discuss possible future cooperation and support.

All For Fair Trails

The project agreed to support the All for Fair Trials (AFFT) coalition in several programs and initiatives. After consultation with the USAID COR, cooperation with this CSO has been put on hold. The reason centers around the departure of the organization's executive director, considered a key person for the organization's ability to function effectively. The DCOP attended a meeting on August 29 at the Civil Society Project (CCP) which is holding a grant to AFFT and which is crucial to its continued operation. Several delicate issues were discussed at this meeting and JSP is re-evaluating further support at this writing. An additional meeting will take place on this subject at CCP on September 3. The JSP DCOP will attend.

Chamber of Enforcement Agents

On July 31, JSP staff met with representatives of the Chamber of Enforcement Agents (Chamber). The Chamber oversees the actions of enforcement agents throughout Macedonia, acts on ethics complaints and works towards enhancing the image and reputation of the profession. The chamber requested that the project support training for its members geared towards building good *rapport* and communication with the media. The object is to more fully inform the public of the work and procedures of enforcement agents and to strengthen the image of the profession and its important role in society. The DCOP and project attorney attended a coordination meeting with the Chamber at its offices on August 30. At the request of the Chamber the project agreed to support a two-day informational session of Chamber members and journalists to provide accurate information about the work of enforcement agents, their profession, challenges and obstacles. JSP will provide lodging and transportation for up to 10 journalists at this assembly scheduled for October 24 and 25.

1.2.2 Building Broad-Based Coalition of LPAs

Following the study tour to Estonia and Sweden for seven members of AFFT, MYLA, CAA and ELSA, JSP supported an event at which the participants from the LPAs and CSO study tour shared the experiences and knowledge gained with their colleagues from other associations. The assemblage discussed, among other items, forming a broad-based coalition to act as a watchdog in the area of the judiciary, based on similar coalitions in Estonia and Sweden.

Through August the project supported the creation of the coalition by coordinating with the major actors and supplying them with materials and documents as needed. In addition to the drafts of the paperwork required to formally create the coalition, MYLA submitted for JSP review and comment a draft code of ethics for the organization.

The initial endeavor by the proposed coalition members is in accordance with a Memorandum of Cooperation and Declaration for Establishment of Council of Promoting the Rule of Law in Macedonia previously agreed upon by the coalition members.

During August JSP began preliminary discussions with the Kaizen Group, which is a US company specializing in building and strengthening civil society advocacy and participation in government including the judicial sector. The preliminary negotiations and a proposed SOW by JSP resulted in important observations and suggestions from Kaizen. JSP has requested that Kaizen prepare a revised SOW which is expected in early September.

2. 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 Follow-up

One of the conclusions of the Judicial Branch Forum held on June 19 & 20 was an initiative to further reduce the backlog of pending cases. Judicial Branch Forum (JBF) is designed to provide an opportunity for the leaders of judicial branch institutions and associations to discuss the progress, current status and next steps in the implementation of the judicial reforms and improved court policies and practices in Macedonia.

After the fruitful discussion at the Forum in June, several conclusions were reached. One conclusion invited the appellate courts to prepare an analysis of the progress in resolving old cases for the period from January to June 2013 and further requested the PJs to monitor and secure the proper implementation of the Law on Case Management.

The president of the AC Gostivar, Judge Shefajet Hajdari, reported outstanding progress for his court. In December 2012, there were 260 old unresolved cases in the AC Gostivar. By the end of June all but 27 were resolved.

Judicial Practice Bulletin for Appellate Courts Shtip and Gostivar

The project supported the printing of a Judicial Practice Bulletin for the Appellate Courts of Shtip and Gostivar at the request of the president judges of each court. The bulletins provide rationale for, and underline the importance of, unification of the work of judges. This publication provides valuable insight and improved transparency as well as communication among judges. The support of these publications assists all courts in harmonizing court practice in the Republic of Macedonia. Seven hundred copies of each bulletin were printed and were distributed to appellate courts for distribution to all judges during August. Previously, JSP has supported the publication of the Judicial Practice Bulletin of the Appellate Court Bitola.

At a meeting on August 29, Judge Arsenievska, president of the Appellate Court Skopje, provided copies of a version of a Judicial Practice Bulletin for her appellate region. It was prepared “in-house” by the court and contained the elements of those prepared by the other regions. In addition, the results of previous harmonization meetings with Judges from all regions were included. JSP agreed that, at the end of the year, the project will support a formal printing of two of these AC Skopje bulletins cumulatively with the end-of-year bulletin prepared by the court.

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 Development of Job Descriptions

As previously reported, the JSP has supported working groups to enhance and create job descriptions for certain employment areas. As a result of these endeavors there are now three new draft job descriptions covering IT staff. These were posted on the ICT blog maintained by the courts' ICT experts for comment. It is expected they will be finalized during the first week in September and submitted to the appropriate judicial authority for approval.

During a session for training on Free Access to Public Information and Communication with Clients in the Courts, held on July 12 and 13, the assembled group of public information officers created a model job description for court officials designated for sharing information with the public. This document has been finalized and will be submitted with the ICT descriptions to the appropriate judicial authority for adoption early in September.

3. 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 Training on Mediation and Arbitration

The JSP reaffirmed its commitment with the Academy to support a training entitled "Mediation and Arbitration" for commercial judges. Judges Arem and Punt from the Netherlands accepted JSP's invitation to present at this training. During August the project staff and home office completed the technical approvals, rate approvals and planning. The training is scheduled for October 28 and 29.

3.1.2 Study Tour II for Court Administrators and Court Staff

The second JSP study tour will focus on increasing the capacities and skills of the court administrators and court staff. The program will stress coordination and communication among various court actors and offices in order to strengthen judicial independence and provide more effective and accountable court operations. Areas of focus will include court administration and management, budgeting and finance, case flow management, backlog reduction, human resources, court facilities, information communication technology, archiving and other relevant topics.

The Request for Proposals (RFP) resulted in one bid received from PHM International, which previously implemented a study tour with JSP. Negotiations for a best and final offer (BAFO) were completed and JSP selected the Netherlands and Slovenia as the venues that will provide the greatest value and best experience for the participants. The contracts were signed on August 21 and final plans are underway by PHM and JSP.

The project nominated eight participants who were approved by the USAID COR. Two interpreters have been selected and the participants will be accompanied by the JSP Court Administration Coordinator, Keti Businoska. An orientation meeting of all the participants will take place at the JSP offices on September 13 and the study tour will take place from September 23 to October 3.

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

3.2.1 Court Proceedings and Court Efficiency

As discussed and agreed upon at the last JBF, observations and conclusions of lawyers at the public discussion on “Court Proceedings and Court Efficiency” were posted on the MJA website for judicial comments. The COP and project attorney met with the MJA president on August 21 to coordinate a roundtable event for judges, trial lawyers and academics to discuss the issues and propose solutions where appropriate. This roundtable is scheduled for November 8. Since the coordination meeting with the MJA president, Judge Nikolovski, the project has developed a tentative list of participants, a draft agenda and a consolidated list of topics which will be shared with Judge Nikolovski during the first week of September.

3.2.2 Support for Judicial Sector Automation

Electronic Digital Recording of Court Hearings and Trials

The Court Book of Rules was amended, effective on May 18, to clarify procedures for the use of electronic court recording (ECR) of court hearings. JSP was informed that the courts need additional assistance to fully realize compliance with the law. A review of current readiness has revealed that additional training was necessary as well as integration of updated software into the system; both of which have now been completed.

JSP will provide support for an “in-house” electronic court recording coordinator at BC Skopje II due to the court’s workload which includes certain high-profile cases from the entire country. The court and its judges will benefit from the presence and assistance of this coordinator who will support full utilization of the Femida (ECR) software and hardware. The coordinator will provide continuous “in-house” training and daily support to the users of ECR. After screening and an interview, Nikola Bojcevski was selected. An initial one-month probation contract will be signed in September, after HO and USAID approvals. If Mr. Bojcevski passes the probationary period his contract will be extended for 11 additional months.

Upgrade of Automated Budget Management System

The Automated Budget Management System (ABMS) is the successful budget software program pioneered by the previous USAID-funded Macedonia Court Modernization Project. It has been integrated with ACCMIS and is the mainstay of the Macedonian courts’ budgeting and finance. The CBC requested an upgrade of the ABMS due to a number of changes in the laws and sub-regulations, requiring improvements to the ABMS.

The JSP is in the process of preparing a sole source procurement justification for ULTR, the company that developed ABMS in March 2006. Beginning with a meeting on July 3, JSP staff has been communicating with ULTRA and the Administrative Office of the Court Budget Council to verify that sole source procurement is permissible.

3.2.3 Coordination Meetings

President of the Judicial Council

The Chief of Party (COP) and/or the Deputy COP (DCOP) continue regular communications with the president of the Judicial Council (JC) to coordinate the efforts of the project with JC and the CBC activities and to support the various disciplines within the judicial branch. Among the topics discussed was a request from the JC to upgrade the Automated Budget Management System (ABMS) so as to provide more focused reporting and integration with ACCMIS. Also discussed in August was the updating the Judiciary Strategic Plan. Judge Zafiroska has approved this initiative and JSP contracted the Center for Institutional Development (CIRa) to assist the JC with the preparation of an updated Strategic Plan. The project staff met with the director of

CIRa on August 23 to begin the process. A proposal will be delivered to JSP during the first week in September

Meeting with President of the MJA

The JSP COP and project attorney met with Judge Nikolovski on August 21 to plan the roundtable “Court Proceedings and Court Efficiency” as more fully described in Section 3.2.1 above. It is tentatively scheduled for November 8.

Meeting with Director of the Academy for Training of Judges and Public Prosecutors

On August 19 and 29, the COP and the project court administration coordinator met with Judge Aneta Arnaudovska for the purpose of continued planning for the “Judicial Leadership Conference: Modern-day Judicial Leadership and Management” to be jointly sponsored on September 17 and 18. The agenda was agreed upon as well as final decisions on attendees and training modules. The event will include presentations from three foreign experts, Judge Bert Maan from the Netherlands, Judge Michael Kavanagh and COP Judge Joseph Traficanti, both from the US. Several local experts will also take part in the presentations and workshops including a representative of Polio Plus who will present a segment on “Access to the Courts by Persons with Disabilities.

Meetings with the Presidents of the Appellate Regions

Project staff met with each of the president judges of the appellate regions to discuss continued participation in court management and participation in the upcoming leadership training. All were amenable to participate and are expected to make a valuable contribution. The COP met with Judge Ristova of AC Bitola on August 14, Judge Ribarev of AC Shtip on August 15, Judge Hajdari of AC Gostivar on August 16 and Judge Arsenievska of AC Skopje on August 29.

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

No significant matters to report.

IV. SUMMARY OF ACTIVITIES PLANNED FOR SEPTEMBER 2013

The summary of activities planned for September 2013 is as follows:

- Oversee and manage the capacity development program with EMBRA in preparation for final trainings/workshops to be conducted between September 23 and October 4
- Maintain regular communications with EMBRA and conduct regular coordination meetings according to the subcontract
- Continue coordination and planning with the Academy for future events starting in September, October and November
- Ongoing preparation and planning for “Judicial Leadership Conference: Modern-day Judicial Leadership and Management” to be presented on September 17 & 18
- Supervise the consultancies of two experts –from the Netherlands and US
- Support for Harmonization of Court Decisions Program: Next meeting tentatively scheduled for September 27
- Continue to accumulate statistical data on case filings, dispositions, and backlogs by court and case type to support Staffing Guidelines and case management initiatives
- Continue to lead team to courts with problematic case processing issues and provide remedial assistance (scheduling meetings in Gostivar and Kicevo with AC PJ)

- At the request of the CBC, re-establish the working group for the next phase of the implementation of staffing guidelines and conduct a first meeting
- Oversee study tour contract with PHM International, continue planning, preparation; conduct an orientation meeting for Study Tour 2 and begin study tour –September 23 to October 3
- Continue planning and preparation for training on mediation and arbitration –event scheduled for October 28 & 29
- Prepare for training for court couriers scheduled for October 6
- Preparation and Planning for the event entitled “Court Proceedings and Court Efficiency” in conjunction with the MJA tentatively scheduled for November 8
- Preparation and Planning for a program on Commercial Law to be sponsored with the Academy and tentatively scheduled for November 15.
- Support distribution of ELSA’s *Juvenile Justice* publication in Kavadarci and other courts
- Assist in the development of a newly designed ELSA website with both public and membership access
- Assess request and prepare plan to strengthen the MBA when request received; coordination meeting scheduled for September 3
- Continue support of student visits to courts and distribution of ELSA publications integrating people with disabilities and orphans
- Continue the oversight of the implementation of electronic recording of court hearings including supporting the work of support coordinator retained for Skopje II –start date September 2
- Follow progress in implementation of the Action Plans of CAA, ELSA, MLA, AFFT and MYLA as part of the recent study tour objectives including formation of a broad-based coalition
- Publication of the brochure for the Association of Public Prosecutors (APP)
- Assist in the upgrade the website for the APP
- Continue negotiations, enter into and manage contract for the upgrade ABMS for the CBC
- Prepare for trainings, workshops, public discussions planned for September/October
- Continue to plan for and support training for the Mediators and Arbitration for October 28, and 29
- Negotiate contract with CIRa and support the development of a Judicial Strategic Plan in cooperation with the Judicial Council