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USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT

END OF YEAR QUARTERLY REPORT: OCTOBER – DECEMBER 2013



JANUARY 28, 2014

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LIST OF ACRONYMS

ABMS	Automated Budget Management System
ACCMIS	Automated Court Case Management and Information System
AFFT	All for Fair Trials
AO	Administrative Office (of the Court Budget Council)
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
DCM	Differentiated Case Management
ELSA	European Law Students' Association
EU	European Union
GRECO	Groupe d'Etats Contre La Corruption / Group of States Against Corruption
HAC	High Administrative Court
IACA	International Association for Court Administration
IDEAS	Investment Development and Export Advancement Support Project
IR	Intermediate Result
ICT	Information and communications technology
IT	Information technology
JC	Judicial Council of the Republic of Macedonia
JSP	Judicial Strengthening Project
JTA	Academy for Judges and Public Prosecutors (also known as Judicial Training Academy)
LPA	Legal Professional Association
MBA	Macedonian Bar Association
MJA	Macedonian Judges Association
MLA	Macedonian Lawyers Association
MOF	Ministry of Finance
MOJ	Ministry of Justice
MYLA	Macedonian Young Lawyers' Association
NGO	Nongovernmental organization
RFP	Request for proposal
RM	Republic of Macedonia
SEE	University of South Eastern Europe
STEP	Student Trainee Exchange Program
Tt DPK	Tetra Tech DPK
USAID	United States Agency for International Development
USG	United States Government

EXECUTIVE SUMMARY

ACHIEVEMENTS THROUGHOUT 2013

JUDICIAL STRENGTHENING PROJECT (JSP) RESULTS AREAS

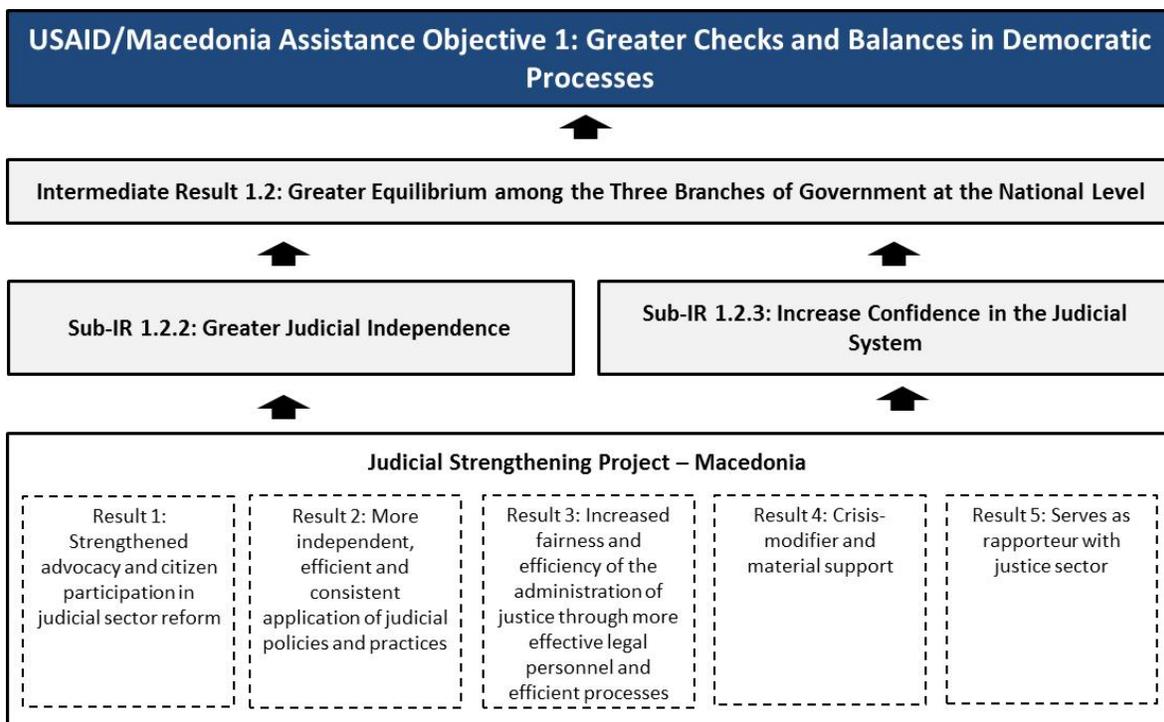
The United States Agency for International Development (USAID)/Macedonia Judicial Strengthening Project (JSP) employs a results-driven approach to its planning and programming. In Year III, the project will continue to focus on five key results:

- 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 justice sector

These five results areas contribute to the USAID Foreign Assistance Framework for Macedonia.

USAID RESULTS FRAMEWORK

The JSP supports the USAID/Macedonia Assistance Objective 1: Greater Checks and Balances in Democratic Processes. Under this Assistance Objective, the project supports Intermediate Result (IR) 1.2: Greater Equilibrium among the Three Branches of Government at the National Level. Specifically, JSP works toward Sub-IR 1.2.2: Greater Judicial Independence; and Sub-IR 1.2.3: Increased Confidence in the Judicial System. The chart below illustrates the conceptual linkages between the JSP and the USAID/Macedonia Framework.



BACKGROUND

After gaining independence in 1991, Macedonia took steps to integrate an independent judiciary and the rule of law into its constitution and statutes. In 2001, it assumed obligations related to the harmonization of its national legislation with European Union (EU) law and committed to the overall reform of the justice system. The movement toward reform began in earnest more than ten years ago, when significant donor assistance became available.

The noteworthy steps taken to integrate an independent judiciary and the rule of law into its constitution and statutes since 1991 include the following:

- **2001:** Macedonia signed the Stabilization and Association Agreement with the European Union, committing it to harmonizing its legislation with EU law
- **2004:** The government adopted the National Strategy for Reform of the Justice System, aimed at establishing a functional, independent, and autonomous judiciary and public prosecution system
- **2004:** The Law on Court Budget got into force granting judiciary responsibility to maintain its own budget and strengthened the financial independence of the judiciary
- **2005:** The government enacted amendments to the Constitution, giving authority to the Judicial Council and Public Prosecutor's Council and allowing courts to specialize and improve efficiency
- **2006:** The judiciary implemented a private bailiff system to enforce court decisions and established the Judiciary Training Academy to promote merit-based selection for judges and public prosecutors
- **2008:** The Law on Court Service was enacted, granting the judiciary responsibility for court administration and human resources
- **2009:** The judiciary deployed an automated case-management system in all courts, streamlining case processing and reducing backlog

As an offshoot of the legal framework reforms, several institutions critical to the seamless operations and administration of the courts have been established within the judiciary. These institutions include: the Court Budget Council (CBC); the Court Services Council (CSC); the Judicial Council of the Republic of Macedonia; the Administrative Office (AO) of the CBC; the Academy for Judges and Public Prosecutors; Supreme Court Working Committee for standardization of the usage of the Automated Court Case Management and Information System (ACCMIS); and the Case Processing and Backlog Committees of the Court. Several organizations within the justice sector also have the potential of supporting and providing a voice for an independent judiciary. They include: the Macedonian Judges Association (MJA); the Macedonian Bar Association; the Macedonian Young Lawyers Association; and the Court Administration Association (CAA).

In addition, there are several civil society organizations (CSOs) that could potentially assist in enhancing the role of an independent judiciary and support the principals of the rule of law.

Several of the organizations, associations, and chambers mentioned above are relatively newly formed. Others are older, venerable organizations. Most, however, have not reached their full potential and are in need of capacity building to enable them to serve their members and constituencies better and to become more effective advocates for a truly independent judiciary.

It was against this backdrop that the JSP was conceived. On November 23, 2011, a contract was signed between Tetra Tech DPK (Tt DPK) and USAID with the goal of furthering the judicial branch reforms by strengthening the capacities of institutions and judicial actors to support an independent, efficient, and sustainable judiciary.

Administrative issues :Mr. Ivan Mojsov was hired on December 1, 2012 for the position of Project Attorney. His probationary period ended on June 1, with his satisfactory performance.

THE SMOOTH TRANSITION OF THE DEPUTY CHIEF OF PARTY (DCOP) TO CHIEF OF PARTY (COP) OCCURRED ON NOVEMBER 15, WITHOUT ISSUES.RESULT 1: STRENGTHENED ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM

During the first project year, the JSP assisted selected Legal Professional Associations (LPAs) and CSOs in providing better services to their members and in advocating for their interests. The goal was to foster the demand side of judicial reform and build pressure on the Government of Macedonia and judicial leadership to undertake reforms that advance judicial independence and effectiveness. As a first step, potential JSP partner organizations were assessed to determine which are independent from political parties, able to mobilize their memberships, and have the potential to be a key player in initiating national reform campaigns. Eleven organizations and associations that would be eligible for JSP assistance were identified.¹

Summary of Successes for Result 1

- 35 capacity building trainings were delivered to selected NGOs and CSOs’;
- First off-shore study tour for LPAs and CSOs was completed, and a broad-based coalition was created to act as a watchdog in the area of the judiciary based on the experiences in Estonia and Sweden;
- The promotion of ELSA brochures in six courts had meaningful impact in providing civic education to youth.

In phase one, the project performed a short focused assessment of LPAs and CSOs to identify the nature, membership, membership services, and activities of these 11 judicial sector organizations to identify those that are effective or potentially effective in terms of their ability to advocate for judicial sector reform and be a key player in initiating national reform campaigns. From that assessment, completed on April 2, 2012, JSP identified three organizations that were targets of opportunity for improved advocacy. These are the Macedonian Judges Association (MJA), Court Administration Association (CAA), and the Macedonian Young Lawyers Association (MYLA).

In phase two, the project conducted an in-depth assessment of the three selected associations to identify performance gaps and needs and tailor capacity-building assistance to the requisites of each organization. Following the in-depth assessment, the project developed an action plan 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.

Both of these phases were conducted by a subcontractor, the Macedonian Center for Institutional Development (CIRa), in the first project year.

The third phase included a comprehensive series of trainings and workshops for the three targeted organizations mentioned above. The plan required, at a minimum, 31 trainings and workshops customized for each of the three targeted LPAs. The topics fall into ten distinct categories:

- Maintaining and building membership base
- Service delivery
- Public relations and media marketing
- External cooperation and networking
- Advocacy and lobbying
- Fundraising, income generation, and financial stability
- Strategic analysis and planning
- Governance, leadership, and decision making
- Human resource management
- Financial planning

JSP staff monitored the events, the subcontractor filed monthly reports, and coordination meetings were held with the subcontractor. Mesacons/Embra was flexible, scheduling the events to accommodate the targeted

¹ Macedonian Judges Association, Macedonian Young Lawyers Association, Macedonian Lawyers Association, Court Administration Association, Association of Public Prosecutors, Chamber of Enforcement Agents, Notary Chamber of the Republic of Macedonia, Chamber of Mediators, All for Fair Trails, Center for Civil Communication, and the European Law Students’ Association.

associations' schedules and shifting to new schedules and other LPAs when the MJA decided not to take part in all of the trainings/workshops. Reports from the participant organizations were very positive.

As mentioned above, the CAA, MYLA, and MJA were the chosen associations for targeted training to enhance their capability as organizations and to assure their long-term sustainability. From November 2, 2012 to October 4, 2013, key members of MYLA attended all of the trainings/workshops designated for MYLA and implemented with the JSP subcontractor, Embra. There were 9 trainings and 4 workshops specifically designed for MYLA and two trainings jointly held with other LPAs that JSP was supporting, for a total of 13.

CAA key members attended all of the trainings/workshops designated for CAA. From November 19, 2012 to October 25, 2013, there were 7 trainings and 4 workshops specifically designed for CAA and three trainings jointly held with other LPAs that JSP was supporting, for a total of 14.

MJA members attended 4 trainings, in the period of October 31, 2012 to April 30, 2013. In all these trainings, MJA participation has been low and its members have displayed a lack of enthusiasm. In the first quarter of this year, the MJA president, Judge Nikolco Nikolovski, informed JSP that judges have busy schedules, making it difficult to ensure their participation in trainings. He stressed that judges would rather participate in training sessions focused on substantive topics related to judges' adjudicative work, rather than on strengthening the capacity of the MJA. As a result, the last (fourth) training was agreed to be held on April 29-30, 2013.

Alternatively, JSP has reached out to the eight LPAs/CSOs that were not among the original targeted group and has offered them at minimum three seats each at the remaining training sessions, provided that the selected participants make a good faith commitment to attend specific sessions.

The following trainings/workshops were conducted from October 2012 through October 2013:²

TRAININGS AND WORKSHOPS: OCTOBER 2012 – OCTOBER 2013		
MJA	Date	
Advocacy and Lobbying T	Oct. 31	Nov. 1
Project Planning, Design, and Implementation/Project Cycle Management T	Nov. 6	Nov. 8
Media and Public Relations Strategies T	Mar. 18	Mar. 19
Organizational and Management Skills T	Apr. 29	Apr. 30
CAA	Date	
Developing a New Strategic Plan 2013-2015 W	Nov. 19	Nov. 21
Advocacy and Lobbying T	Nov. 29	Nov. 30
Establishing and Maintaining Effective Partnerships and Cooperation T	Jan. 24	Jan. 25
Provision on Effective and Efficient Services with Focus on Members W	Jan. 31	Feb. 1
Effective Media and Public Relations T	Feb. 11	Feb. 12
Organizational and Management Skills W	Feb. 19	Feb. 20
Project Planning, Design, and Implementation/Project Cycle Management T	Mar. 11	Mar. 13
Training in Management and Leadership Skills T	Mar. 14	Mar. 15
EU Funding Mechanisms (Joint with MYLA) T	Mar. 20	Mar. 21
Developing Membership Base Strengthening Strategies W	Apr. 11	Apr. 12
Developing Training Delivery Skills T	May 14	May 15
Human Resource and Volunteer Management (Joint with MYLA) T	Oct. 3	Oct. 4
Developing Financial Management and Sustainability Plans T	Oct. 15	Oct. 16
Financial Management for Non-Financial Personnel (Joint with Other Seven Non-Governmental organizations [NGOs]) T	Oct. 24	Oct. 25
MYLA	Date	
Developing a New Strategic Plan 2013-2015 W	Nov. 2	Nov. 4
Advocacy and Lobbying T	Dec. 15	Dec. 16
Project Planning, Design, and Implementation/Project Cycle Management T	Jan. 17	Jan. 19
Provision of Effective and Efficient Services W	Feb. 5	Feb. 6
EU Funding Mechanisms (Joint with CAA) T	Mar. 20	Mar. 21

² **T** = Training; **W** = Workshop

MYLA	Date	
Media and Public Relations Strategies T	Mar. 26	Mar. 27
Mobilization of Local Resources T	Apr. 16	Apr. 17
Developing Membership Base Strengthening Strategies W	Apr. 24	Apr. 25
Maintaining Effective Donor Relations T	May 16	May 17
Organizational Design W	Sep. 10	Sep. 11
Training in Management and Leadership Skills T	Sep. 20	Sep. 21
Developing Organizational and Financial Sustainability Plans T	Sep. 24	Sep. 25
Human Resource and Volunteer Management (Joint with CAA) T	Oct. 3	Oct. 4
Other 8 NGOs		
Training in Management and Leadership Skills T	May 28	May 29
EU Funding Mechanisms T	Jun. 24	Jun. 25
Developing Membership Base Strengthening Strategies W	Sep. 4	Sep. 5
Provision for Effective and Efficient Services with Focus on Members W	Sep. 12	Sep. 13
Financial Management for Non-Financial Personnel (Joint with CAA) T	Oct. 24	Oct. 25

Requirement 1.1 Assistance to Other Selected Organizations

In addition to the capacity and sustainability initiatives offered to the three targeted organizations, as described above, the JSP is committed to providing *ad hoc* development assistance to other nongovernmental organizations (NGOs) and CSOs working in the judicial sector. Civil, political, and economic societies are instrumental to the success of the rule of law efforts. Accordingly, the JSP has taken steps to integrate these groups into the overall fabric of Result 1. During the second year, the JSP has provided support and assistance to partner NGOs/CSOs in the following events, activities, and assistance:

Court Administration Association

The Court Administration Association (CAA), an organization representing approximately 1200 court employees, is very active in proposing and writing new rules and sub-regulations and advocating for reform.

On February 22, JSP sent a letter to the president of the CAA outlining the terms of their cooperation in order to clarify expectations on both sides. The CAA acknowledged receipt of the letter on February 27.

- *Support for office assistance.* The initial and follow-up assessment of CAA, which was conducted by CIRa, identified problems in the functioning of this young professional organization caused by a lack of both professional personnel and a functioning administrative office. The project funded the hiring of an office assistant to support the work of the CAA's president and facilitate clear communications with branch offices and other members. The assistant, who started work on January 15, 2013, assisted the CAA in the development of a JSP-supported publication for distribution to its membership. The office assistant has also attended the capacity building training sessions and workshops given by Embra, further strengthening the association's capacity and support in its daily work. The project has provided the office assistant with a small stipend for daily expenses.
- *Support for a CAA publication.* CAA published an initial brochure in 2010 ("*Informator*"), which was recognized by its members as a very valuable tool in conveying information to, and communicating with, the entire membership, as well as judges, media, and other stakeholders. On the initiative of the JSP, the CAA members embarked on producing the association's second brochure, describing its objectives, accomplishments in the previous year, and activities for 2013. In April, with JSP support, 1500 copies of the publication were printed in English and Macedonian and distributed to all CAA members, with extra copies delivered to the media, potential donors, and other institutions.
- *Support for Annual Assembly of the Court Administration Association (May 22-23).* In cooperation with the CAA, JSP organized the fourth CAA Annual Assembly on May 22-23 in Strumica. Fifty-five members of the CAA attended the Assembly, which included 34 women and 21 men serving as court administrators, court clerks, accountants, and IT staff. At the Assembly, a new managing board was elected. Past accomplishments and future activities were discussed and a presentation of the impressions and Action Plan was given by a member of the CAA who also participated in the first study tour, as described below under 1.2. Additionally, certain aspects of the Law on Court Service were reviewed, relating to the evaluation and

disciplinary responsibility of court employees, as well problems encountered in the implementation of these provisions.

Support for participation at the International Association for Court Administration Conference (December 9-10). The project supported the participation of the CAA president, Mr. Borce Mirceski, at the Sixth International Conference of the International Association for Court Administration (IACA), in Dubai, United Arab Emirates. The theme of the conference was "*Court Excellence in a Changing World*" and placed a strong emphasis on court excellence, efficiency, and customer engagement. The conference hosted a wide participation from the region and worldwide. The event provided an excellent opportunity for judicial organizations to share in and gain knowledge about best practices, latest strategies for change, and successful examples of court efficiency from all over the world, and to understand the dynamic perceptions and developments in global court systems. At the Conference, CAA board member and court administrator of the Supreme Court, Sonja Gruevska, gave a presentation about the role and development of the court administration in the Republic of Macedonia. The presentation was very positively received by the participants and CAA was invited to present at the next IACA Conference, which will take place in October 2014 in Sydney, Australia. As a recently established organization, CAA sees its participation at this Conference as a unique opportunity for international recognition and networking with similar organizations worldwide.

Macedonian Judges Association

The Macedonian Judges Association (MJA) represents most of the judges (660) in Macedonia. It is active in providing a forum for discussion of various issues facing the society, such as the public discussion on the Law on Defamation and key areas of case processing through the Administrative and High Administrative Court. During 2013, JSP provided support to the MJA in the following areas:

- *Assistance in Drafting the Judicial Code of Ethics and Developing a Judicial Ethics Advisory Committee.* The development of a Judicial Ethics Advisory Committee became an initiative of the MJA after representatives learned of the practice in some US jurisdictions and the benefits to judges at the second Judicial Branch Forum in March 2013. On September 18, the JSP arranged a meeting between Judge Nikolovski, president of MJA, and US consultant, Judge Michael Kavanagh—a retired judge from New York State who is a former member of the New York State Judicial Ethics Advisory Committee and well versed in the topic of judicial ethics. Judge Nikolovski is interested in creating a Judicial Ethics Advisory Committee as it will provide Macedonian judges with the ability to receive clear answers to ethical dilemmas and guide them in their conduct, both in and out of their judicial environment. The framework for this entity needs to be drafted with sub-regulations to guide the work of the committee and ensure fewer complaints of judges' behavior. At the fourth Judicial Branch Forum, in October 2013, it was concluded that a working group should be formed by the MJA, in cooperation with the Judicial Council (JC), to prepare a second draft version of the Judicial Code of Ethics. The second draft version will be submitted to all MJA branch offices to obtain opinions and comments, and will be on the agenda of the fifth Judicial Branch Forum in February 2014.

Roundtable on Court Proceedings and Court Efficiency. On November 7, JSP supported a roundtable on "*Court Proceedings and Court Efficiency*" for judges and lawyers to discuss issues arising in court proceedings in civil and administrative law. On March 22, the project organized a roundtable discussion with NGOs, LPAs, and public prosecutors on the same topic. The conclusions and recommendations from this roundtable were presented to the leaders of the judiciary at the third Judicial Branch Forum on June 19-20, 2013. It was also concluded that JSP should organize the second roundtable for judges, attorneys, representatives of the Judicial Council and the Ministry of Justice, to discuss current implementation of the Law on Civil Procedure, Law on Case Management, and Law on Administrative Disputes and identify loopholes that need to be addressed in the future revisions of these laws. The following major issues were discussed at the roundtable:

- Lack of communication between the Administrative Court, High Administrative Court, and state administration bodies, and the need for stronger coordination to provide complete documentation for completing court procedures in a timely manner;
- The responsibility of state administrative bodies for the delays in court proceedings, and accordingly for

- the compensation to the parties whose right to a trial in reasonable time has been violated;
- The ramifications of different courts observing different practices concerning expert testimony, service of process, and payment of court taxes; and
 - Issues that arise in the initial phase of implementation of electronic court recording.

Macedonian Young Lawyers Association

The Macedonian Young Lawyers Association (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 2013, JSP supported the publication of an MYLA promotional flyer and brochure, in February and April, respectively. Following the initial flyer, the brochure provided in-depth descriptions of MYLA accomplishments and initiatives. Both publications were prepared by MYLA members to serve as a means of promotion for the association and contribute to developing of the membership base while providing visibility and enhancing the media and public relation strategies of MYLA. Five hundred copies of the brochure were printed, of which 400 were in English and 100 were in Macedonian.

On April 25, MYLA held a presentation for the students of the Law School at FON University in Skopje. Members of MYLA presented the goals and objectives of the association, the procedure for becoming a member of MYLA, and the benefits and opportunities that MYLA offers.

A promotional flyer for MYLA was disseminated to approximately 40 law students for potential membership in the association, supported by JSP, with a brief Q&A session follow-up. The representatives of MYLA and FON signed a memorandum for collaboration in future projects such as lectures at the university by prominent MYLA attorneys in the practical application of law and in other networking functions.

On May 8, at the University of South Eastern Europe in Tetovo (“SEE”), MYLA held a presentation for the students of the Faculty of Law at the University. The presentation was attended by law students, the Dean of the Faculty of Law at SEE University, Mr. Ismail Zejneli, JSP DCOP Nevenka Ivanovska, and JSP Project Attorney Ivan Mojsov.

In similar fashion to FON University presentation, members of MYLA presented the goals and objectives of the association, the procedure for becoming a member, and the benefits and opportunities it offers to its members. The promotion was conducted in Macedonian and Albanian, keeping in mind that the majority of the students at SEE University are native Albanian speakers. After the presentation, Ivan Sterjovski, a prominent member of MYLA, presented an example of one well-known criminal law case, to illustrate the practical dilemmas of the law and court procedure, followed by a brief Q&A session.

The promotional flyer of MYLA, supported by JSP, was disseminated to the 30 law student participants, with an email list circulated for future communications between MYLA and the prospective members.

The DCOP announced project support in the promotion of the European Law Students Association (ESLA) Juvenile Justice Brochure- Prevention instead of punishment, which Mr. Ismail Zejneli gladly accepted, bearing in mind that juvenile justice is a point of interest and part of the curriculum at the Law School.

On December 6, the project supported the MYLA National Conference on “*Legal Profession in the Republic of Macedonia – Challenges, Problems and Perspectives*,” in Skopje. Prominent law professors, judges, and executives of LPAs addressed the participants. Major issues discussed at the conference were: introducing the Bologna system of legal education and its effects thus far; increasing the number of law faculties and law students and the influence on the quality of legal education in the Republic of Macedonia; the concept of the Bar Exam and possibility for introducing improvements; issues faced by legal professionals; and the future of the legal profession in the Republic of Macedonia. The conference marked the 10-year anniversary of MYLA by providing the opportunity for open debate regarding the results of the reforms in the legal education and legal profession, and their effects, especially on the young lawyers. Eighty-one participants attended the conference.

Macedonian Lawyers Association

- *Roundtable titled “Court Proceedings and Court Efficiency”*. On March 22, JSP sponsored a roundtable that included four LPAs—All for Fair Trials (AFFT), MYLA, Public Prosecutors Association (PPA), and Macedonian Lawyers Association (MLA), all of which played noticeable roles in the discussion. The objective of the discourse was to ascertain legal practitioners’ concerns regarding the practice of law in Macedonia. Subjects included issues involving aspects of the Civil Procedure Law and the Law on Case Management, aspects of the Criminal Procedure Law, and practices and procedures of the courts. As a result, 14 issues and/or concerns were raised and JSP received six recommendations for changes in laws or practices.
- *Roundtable titled “Bankruptcy Law”*. On April 5, the JSP DCOP attended a roundtable conducted at the Law faculty “Justinian Primus” that was initiated by MLA, one of the most active NGOs in the judicial sector. The object of the roundtable was to discuss a new Law on Bankruptcy. This is of significance as it was the first time such a law was presented, and public comment had been invited before the law entered the Parliamentary process.

Public Prosecutors Association (PPA)

In April, a coordination meeting with PPA included a discussion on potential assistance from JSP regarding the creation of a website, brochure, and publication of a compilation of prosecutors' master's dissertations. After a follow-up meeting was conducted to discuss the technical specification for the creation of a website, JSP has agreed to provide technical assistance for the website and a PPA brochure.

The website upgrade is now complete; the new website is fully operational. In addition, the vendor that created the site trained the staff members of the PPA on how to populate the website and provided them with a CD tutorial on the same topic. The next phase involves populating the website and translating its content into English. Website users (both public and members) will have the option of viewing the site in either Macedonian or English.

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. Before its publication, the brochure was reviewed and edited by JSP staff. This publication will foster visibility and enhance the public relations of the PPA. In January 2014, JSP will print 500 copies in Macedonian and English, which will be distributed to PPA membership, interested institutions, associations, and the media.

All for Fair Trials (AFFT)

As part of the Action Plan resulting from the first study tour to Sweden and Estonia, in which ELSA participated, JSP coordinated a training delivered by AFFT for 20 ELSA fourth and fifth year law students on the skills and processes used to effectively monitor court cases for fairness, transparency, and expediency. The training was conducted on October 18.

In December, JSP supported a series of events to mark the 10 year anniversary of the AFFT Coalition. Several roundtables were organized in different regions in the Republic of Macedonia, where AFFT presented their work and the results achieved over the past 10 years. Judges, lawyers, public prosecutors, and the ombudsman’s offices from the regions where the events were organized attended the roundtables. The events were open to representatives of the NGOs working on protection of human rights and freedoms and the general public interested in learning more about the AFFT and its mission.

The roundtables took place starting on December 2 in Skopje, Shtip, Gostivar, Bitola, Strumica, Struga, and Kochani. The cities were chosen based on the headquarters of NGO members of the AFFT Coalition. These events were considered to be a significant contribution to strengthening citizen participation in judicial sector reform by raising awareness about the standards for fair trials and the respect for human rights in the Republic of Macedonia. A total of eighty-one participants attended the roundtables.

European Law Students Association (ELSA)

During this year, JSP supported ELSA's effort to enhance public information and education through the publication of two brochures. The first brochure, "Organization of the Court System in the Republic of Macedonia," was designed as civics education to help high school level students understand the structure of government, the courts, and the legal process. On January 31, the brochure was presented to the students, in conjunction with a visit to the Basic and Appellate Courts, Shtip. A number of students from a school for special needs in the Shtip area were included in the group. On March 7, the brochure was presented in Basic Court Skopje 2. Around 45 students from vocational schools "Arsenie Jovkov" and "Vasil Antevski-Dren" attended the presentation of the brochure followed by the tour of the court. Ten students from the primary school "Idnina," a school for students with special needs, also attended. On June 4, the brochure was presented to students from a secondary school in economics education and Maca Ovcharova Elementary School, a school serving students with special needs in Veles. Along with the tour of the Basic Court, students had the opportunity to participate in a mock labor trial held by the president judge, followed by a Q&A session and an explanation of the function of the courtroom's new electronic recording system.

The second brochure, titled "Juvenile Justice System—Prevention Instead of Punishing," was designed to provide more specific information, with an overview of the juvenile justice system in the Republic of Macedonia and the emphasis on prevention instead of punishment. The brochure was distributed to courts, ELSA members, high school students, and other interested institutions and associations. ELSA members wrote the text for the brochure and Judge Lazar Nanev, an expert in the juvenile justice system, reviewed and approved the draft. A total of 1,500 copies of the brochure have been printed in Macedonian and Albanian. On the occasion of the European Day of Civil Justice, October 25, the project supported the promotion of this brochure at the Basic Court Kavadarci. During the event, participants had the opportunity to participate in a mock trial and oratorical debates held by the students of the local high school Dobri Daskalov. Additional presentations will be scheduled in the next year.

During the last quarter, the project supported ELSA with technical advice and material support for upgrading the organization's website. The site will be structured in two sections, the first for public use, and the second will be for access only by members in good standing. This section will provide member access to certain documents and applications, including access to the Student Trainee Exchange Program (STEP), sponsored by ELSA International. STEP makes it possible for law students and young lawyers to gain work experience abroad. At the time of this report's publication, JSP staff is procuring proposals for the design of the website.

The project supported ELSA's regional conference, titled "Fight Against Human Trafficking – Stop For the Modern Slavery," from November 21-24 in Skopje. The annual regional conference is organized each year in a different country by the respective ELSA branch offices, aimed at mutual cooperation and capacity building in the context of geographical, cultural, and historic similarities. Each year the host branch determines the topic. This year, ELSA Macedonia hosted the fifth regional conference. Eighty-one law students from the regional ELSA branch offices attended (67 women and 24 men).

This event was envisaged as an important way to increase ELSA's outreach and contribute to the organization's efforts to network and share experiences with colleagues from the region. The conference included lectures, workshops, mock trials, and discussion sessions on the current legislature and activities on the topic of interest.

Macedonian Bar Association (MBA)

The MBA is an autonomous and independent public service organization that provides legal assistance, according to the Law on the Bar and other regulations. The MBA recently elected a new president and board members. The organization's new administration is genuinely interested in JSP support. This is one of the organizations that embraced the Embra trainings when MJA withdrew from participation. Since joining the program, members of the MBA attended four Embra trainings/workshops.

The JSP's Deputy Chief of Party (DCOP) attended a meeting with the president of the MBA on September 3 to discuss possible future cooperation and support. MBA requested JSP to provide assistance in the following areas:

- Technical assistance in upgrading computer hardware

- Website enhancement
- Organization of study visits from the Balkan region
- Trainings for attorneys on Law of Civil Procedure
- Support dissemination of judicial practices (printed and website accessibility)

In November, JSP staff attended a meeting with the MBA Executive Director and staff to explore possible options for design, functionalities and layout of the web-site. Other types of support are still under consideration of the JSP.

On December 18, JSP's Chief of Party (COP) Nevenka Ivanovska, and project attorney met with the president of the BAR and finalized the requirements for the website upgrade and discussed future cooperation in 2014.

Requirement 1.2 Off-Shore Study Tour for LPAs and CSOs to Estonia and Sweden

An effective civil society helps hold a democratic government accountable to its citizens by serving as a source of oversight. Legal professional associations (LPAs) and civil society organizations (CSOs) in Macedonia have an opportunity to provide such oversight to the judiciary, strengthening its independence and transparency. However, many of these associations and organizations lack organizational capacity and experience with advocacy.

Seven members of the All for Fair Trials (AFFT) Coalition, MYLA, MLA, CAA, and ELSA, traveled to Estonia and Sweden from April 8-18 to learn how LPAs and CSOs strengthen judicial independence and increase public confidence in the judiciary of their respective countries. In Estonia, the study tour participants learned how to conduct targeted advocacy campaigns and monitor the implementation of reforms in their meetings with human rights organizations.

In Sweden, the representatives from Macedonia met with bar associations and district courts to learn how to influence policymaking through lobbying and how to promote transparency by leveraging the media to highlight issues of corruption or interference in the judiciary by other branches of government.

During May, the participants engaged in follow-up activities by continuing work on the implementation of action plans developed during the course of, and as part of, the study tour. The DCOP, who accompanied the representatives on the study tour and acts as their advisor, is guiding implementation of these action plans. On May 17, JSP supported an event during which the participants from the LPA and CSO study tour shared the experiences and knowledge gained during their trip and their plans for the future with colleagues from other associations. Major impressions of the study tour participants consisted of the uniqueness of Sweden's Parliamentary Ombudsman program, the strength of the bar associations in both Estonia and Sweden, the transparency of the Swedish courts, the accountability of the courts in both Sweden and Estonia, openness of the courts to the media, and the collaboration of human rights institutions with the judiciary. The group also discussed the possibility of forming a broad-based coalition to act as a watchdog in the area of the judiciary, based on similar coalitions in Estonia and Sweden.

On July 4-5, the project supported a working session for the participants of the study tour to further develop the concept and idea behind a broad-based coalition and prepare concept papers. At this two day working meeting, representatives of AFFT, ELSA, MYLA, and CAA prepared and signed a Memorandum of Cooperation and Declaration for Establishment of Council Promoting the Rule of Law in Macedonia. At the follow-up meeting on July 24, members and signatories of the Declaration further developed rules for acceptance and exclusion of members and prepared a rough draft of the Ethic Code for the Council.

From December 12-19, JSP hosted a consultant from the Kaizen Group, a US company specializing in building and strengthening civil society advocacy and participation in government, including the judicial sector. The plan for support envisions two one-week sessions at which Kaizen professionals will work with the participating organizations to enhance their effectiveness in the Macedonian judicial and legislative environment and to provide specialized training in outreach to members and lobbying and advocacy tools to support the rule of law and an independent judiciary. During the December first phase scoping trip, the consultant conducted several interviews with the participating organizations and a roundtable to assess the situation and gather additional feedback from the stakeholders. The next visit is planned for March 2014.

Requirement 1.3 Roundtable Discussions with USAID and Selected NGOs and CSOs

Jonathan Hale, USAID deputy assistant administrator for the Bureau for Europe and Eurasia, conducted a roundtable discussion for selected NGOs and CSOs on April 23. Participants had a productive and forthright discussion about the experiences of CSOs in carrying out watchdog activities in the rule of law area, the political situation affecting the rule of law and the civil sector in the country, and common issues and possible areas for regional cooperation among NGOs from the Western Balkans. The COP and DCOP attended the event as representatives of JSP.

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

This result focuses on supporting and sustaining reforms that strengthen judicial independence and promote more effective and accountable operations of judicial sector institutions and the courts. The project has worked toward strengthening the institutional capacity of various judicial governance bodies to work on new legislation and policies that allow the judiciary to be more autonomous, accountable, transparent, and effective. It has also worked on fostering communication and cooperation between justice sector actors and institution

Summary of Successes for Result 2

- Judicial Branch Forum institutionalized as a venue for discussion of high level judicial administration issues;
- Judicial Practice Bulletins and End-of-Year Reports of the four appellate courts contributing towards the harmonization of judicial practice and improved transparency and communication among judges.

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

Judicial Branch Forum (JBF)

The 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 judicial reforms in Macedonia. All of these topics are important to the ultimate accomplishment of the reform goals (i.e., establishment of the judiciary as a fully independent, effective, and self-governed branch of government capable of upholding the rule of law and providing timely and quality services to all citizens of the Republic of Macedonia). Participants include the top policy makers and decision makers of the judiciary in the Republic of Macedonia, as follows: the president of the JC, the chief justice, the president of the Court Services Council, the director of the Academy for Judges and Prosecutors, the four presidents of the appellate regions, the presidents of the High Administrative and Administrative Courts, the head of the Administrative Office (AO) of the CBC, the president of the MJA, representing the judges of the Republic, and the president of the CAA.

The first Judicial Branch Forum was facilitated by the JSP in November 2012. During 2013, JSP organized three meetings of the JBF, for each of them soliciting topics for discussion from the JBF members, which constitute the agenda. These topics are usually larger policy issues that require review and possible further action.

The second JBF was held on March 15, 2013 in Skopje. The agenda topics included:

1. Review of the new software for court statistics,
2. Need for harmonization of the Judicial Ethics Code with the international standards;
3. Appellate courts' strategy for reducing old cases; and
4. Benefits of centralized public procurement through the CBC.

The forum also allowed for an opportunity to discuss where gaps still exist and examine what is working well and what needs to be evaluated.

The participants reached the following conclusions:

- The president judges (PJs) of all the appellate courts and their teams should communicate the message to all PJs on their region to oversee the entry of data into the automated court case management information system (ACCMIS), in order for the necessary statistical reports to be generated.
- MJA should start the procedure for amending/improving the Judicial Code of Ethics, alongside a mixed committee to be created for that purpose. Justice Nikolovski explained that it is the recommendation of Groupe d'Etats Contre La Corruption (Group of States Against Corruption, GRECO) that each country-member of the Council of Europe should create an advisory body in the framework of the judicial branch, which will advise judges regarding the implementation and enforcement of the Judicial Code of Ethics.

Also, the Code of Ethics should be upgraded to incorporate standards for preventing conflicts of interest including paid and unpaid judges' activities, statement of assets, and receiving gifts, for example.

- The appellate courts should have a more active role in their regions for reducing the backlog of old cases. At a separate session, the appellate courts harmonization committees should discuss the issue of management of court procedure with special emphasis of preliminary review of the complaint and Article 19 of the Law on Courts.
- The CBC should implement centralized public procurement for telephone and internet services. In the interim, the public procurements should be organized on the appellate court level.

The third JBF was held on June 19-20, 2013 in Berovo. As this was the third of such events, the forum provided a rare opportunity for the top leaders of the court system to communicate and collaborate with each other as a group. The topics for the event were the following:

- Presentation and discussion of the DCM concept
- Presentation of the information and communications technology (ICT) report delivered by JSP's on-call consultant
- Presentation and discussion of the court budget
- Staffing guidelines and the development of a needs-based budget
- Other recommended topics by the members

Some of the conclusions reached at the third JBF included:

- All Appellate Courts are to prepare a report on progress in resolving old cases from January-June 2013 in their appellate regions;
- President judges are to control and assure proper implementation of the Law on Case Management;
- Amendments are proposed to the Law on Courts in the section related to the Supreme Court jurisdiction when deciding on the requests of parties for protection of the right for trial in non-reasonable time;
- The ICT development plan for the judiciary should be amended with the budget projection of expenses for replacement of ICT equipment and delivered to JC, CBC, and all courts;
- A separate working meeting with court administrators of the courts with the extended jurisdiction was to be organized on July 10, 2013 to discuss issues related to court administration, backlog reduction, and populating ACCMIS data.

The fourth JBF was held on October 17-18, 2013 in Ohrid. The topics for the event were:

- Methodology for court statistics
- Information technology systems of the courts in the Netherlands and Slovenia – impressions of the study tour – September 23-October 3, 2013
- Harmonization of the monthly reports of the working committees and the annual reports of the courts
- Presentation of the implemented projects of the CAA
- Judicial Code of Ethics – proposal and its harmonization with the GRECO recommendations
- Court budgeting in the Netherlands – impressions of the study tour – September 23-27, 2013
- Other recommended topics by the members

Some of the conclusions reached at the fourth JBF included:

- The ACCMIS Database is the main and sole source of data for the reports that the courts submit to the Judicial Council, the Ministry of Justice, and the Supreme Court. For a unified and quality database, it is paramount to introduce central nomenclatures at the Supreme Court level;
- The ICT Center at the Supreme Court is to request that the company that maintains the servers submit an offer for vertical linking of the courts. The dataflow from the basic to the appellate courts, and accordingly to the Supreme Court, will vastly accelerate the movement of cases, thus decreasing the possibility for errors in the registration of the parties information.
- After the Supreme Court adopts their Court Book of Rules, it will submit a formal request to all courts specifying the data that the annual report of the courts should contain.

- A working group formed by the Macedonian Judges Association (MJA), in cooperation with the Judicial Council, is to prepare a second draft version of the Judicial Code of Ethics. This version will include the recommendations of GRECO, the Commission for Anti-Corruption, and comparative documents of the Judicial Codes of Ethics of Great Britain, California, and New York State. The second draft version will be submitted to all MJA branch offices to obtain opinions and comments, and will be on the agenda of the fifth JBF in February 2014.

Requirement 2.2: Administration and Management Rules, Policies and Procedures, Systems and Practices Support to 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

Court Staffing Study and Recommended Staffing Guidelines

During its first year, JSP undertook a study to support the development of staffing guidelines. An international court-staffing expert was retained to develop the methodology for developing the guidelines. Three alternate methodologies were developed, from which one will be chosen by the relevant judicial authorities. The key findings of the Staffing Study and recommended staffing guidelines were presented at the third JBF on June 19-20, 2013.

The working meetings of the court administrators from the basic courts with extended jurisdiction held on July 10 and 16, as described in detail below, were an attempt to share experiences of the courts, which have implemented best practices in organization and distribution of limited personnel to balance workloads. During these meetings various types of information were assembled concerning the planned and actual number of cases and number of technical and professional court personnel per case. This endeavor will be replicated in the next year with a broader audience from all courts in the Republic of Macedonia. The data collected at these meetings will create a solid basis for continuation of the work to finalize the Staffing Guidelines for court administration in Macedonia. For that purpose a working group will be convened, assisted by the international consultant, to complete the final stage, produce the “Staffing Guidelines for the Courts of the Republic of Macedonia,” and pass it on to the decision makers and policy makers for approval.

Developing a Strategic Plan of the Judiciary

In consultation with the Judicial Council president, it was agreed that JSP would support an updated version of the Strategic Plan for the Judiciary of Macedonia. The previous judicial plan covered 2010 to 2012 and is now obsolete. The project issued an RFP to solicit a Macedonian company to prepare a three-year strategic plan. Six companies submitted proposals. After the evaluation by JSP staff, the most successful vendor was selected, the Macedonian Center for Institutional Development (CIRa). The initiative is scheduled to be completed by January 31, 2014, and will be implemented in three phases:

1. Assessment of the implementation of the Judiciary’s Strategic Plan – 2010 to 2012;
2. Series of workshops to facilitate the creation, adoption, and implementation of a strategic plan; and
3. Presentation and review of the strategic plan with designated judicial system actors.

In December, the initial interviews aimed at assessing the implementation of the previous Strategic Plan were conducted with key actors in the judiciary, encompassing the JC, courts, Ministry of Justice (MOJ), CAA, Court Services Council (CSC), and foreign donors.

The first workshop to facilitate the creation of the Judiciary’s Strategic Plan – 2014 to 2016, was held on December 23-25 in Strumica. Fifteen representatives of the key judicial institutions participated in the workshop. The participants used the findings of the assessment of the implementation of the Judiciary’s Strategic Plan – 2010 to 2012. The participants revisited the defined vision and mission and made adjustments. Also, a SWOT analysis was conducted to identify the strengths and weaknesses, as well as opportunities and threats for the judiciary in the Republic of Macedonia for the next three years. This exercise was used as a basis for developing a matrix with the three most important goals of the judicial system:

1. Improving the financial condition of the judiciary;

2. Increasing courts' openness and transparency and improving the public perception of the judiciary; and
3. Defining more precise criteria for evaluation and disciplinary responsibility of judges.

At the end, the participants developed action plans for the implementation of each of these goals.

Harmonization of Decisions of Appellate Regions

JSP, in cooperation with the Academy for Judges and Public Prosecutors (the Academy), supports the leadership team consisting of the four Appellate courts, regarding the harmonization of court decisions. Thus, it organizes periodical meetings on "Harmonization of Civil Court Decisions," to support the consistent application of laws in all courts.

One of the weaknesses noted is an inconsistent application of the laws in different appellate regions and sometimes between courts of the same appellate region. Different decisions can be reached in different courts although applying the same articles of the laws. This causes legal uncertainty and decreases public trust and confidence in the judiciary. The goal of these working meetings is to discuss and bring to a conclusion a number of questions raised by civil court departments. Judges in the first instance courts will decide future cases by applying current laws and the conclusions reached at these harmonization meetings of court practice on the appellate level.

The first harmonization meeting this year took place on April 12 with participation of forty-one judges, and the second meeting on December 6, with participation of fifty-one judges. It has been a common practice that before the meeting, each of the appellate courts sends to the Academy a certain number of legal issues that need elaboration and harmonization between all the appellate courts. Judges from civil departments from all appellate courts and from the Supreme Court of the Republic of Macedonia participate in the meetings. The issues for which the appellate court judges cannot reach a common conclusion at the meeting are usually referred to the Supreme Court for review and adoption of a principal legal opinion on the subject matter.

Support for the Administrative Office (AO) of the Court Budget Council (CBC)

Support Development of Needs-Based Budgets

The lack of material and human resources is obvious in all courts. In the past years courts have been losing employees due to retirements and other reasons, and yet have restrictions to fill the vacancies. Moreover, the court budget in the last couple of years has been far below the percentage of the GDP that was set forth in the Law on Court Budget from 2010. However, while some of the courts have accommodated the allocation of the material and human resources to provide the most efficient use of the limited funds, others have not. The analysis completed by the CBC in May 2013 concerning the planned and actual number of cases, budget spending, and status of human resources has shown significant differences in the allocation and proper use of limited resources by the courts.

To address this issue, JSP, in cooperation with the AO of CBC, organized a working meeting of the court administrators from the basic courts with extended jurisdiction, on July 10, and a follow-up meeting on July 16. The meetings were an attempt to share experiences of the courts, which have implemented best practices in the organization of their departments and re-distribution of personnel to balance workloads. This endeavor will be replicated in the next year with a broader audience from all courts in Macedonia.

On February 26 and March 25 the representatives of the project visited Basic Court Veles, together with the head of the AO, to follow up on the implementation of the model for calculation of planned and actual prices of a court case. This model was part of the Functional Analysis for Improvement of the Effectiveness of the Courts in Macedonia that was conducted by the World Bank and the Ministry of Justice in 2011. The Basic Court Veles has been a pilot court in this project and has participated in preparing needs-based budgets for 2013-2015, which should be replicated in all other courts in Macedonia. The proper implementation of this model would reflect the process of budget preparation in terms of making accurate projections for the number of filings and dispositions, and on such basis, the required financial and HR resources for each court. During the reporting period, a number of courts have made initial strides towards developing their budgets based on the projections of the number of received cases for the next three years, facilitated by the AO of the CBC.

Support for Court Accountants

Uniform application of accounting rules to ensure standardization of courts' budget preparation practices and reporting on budget spending is crucial. Despite frequent changes in accounting regulations, court accountants very rarely attend professional trainings due to budget constraints of the courts. The CBC, which prepares consolidated annual accounts based on the courts' accounts, has noted occasional mistakes or inconsistencies in the application of the accounting rules by individual courts.

Upon the request and cooperation of the AO and CBC, JSP organized a training entitled "Preparation of Final Annual Account" on January 17 and 18 to support the uniform preparation of final annual accounts in all courts in Macedonia. The objective of the training was to enhance skills and build a common understanding among court accountants regarding the preparation of final annual accounts. Due to the frequent changes in the accounting regulations (at least once a year), and the occasional mistakes or inconsistencies in the application of the accounting rules by individual courts noted by the CBC, the training was considered very useful and timely for the court accountants. High marks were given to the trainings for the attitude of the trainers, thoroughness of the topics, and use of concrete examples from their practice.

On February 4-5, 2013, JSP organized a workshop on "Preparation of Unified Payment Procedures and Guidelines upon Judges' Order and other Accounting Documents." The goal of the workshop was to prepare standardized forms of the above documents, which will be used routinely by judges and court accountants in all courts. Eighteen participants attended the workshop, including six judges, six court accountants, three court administrators, the head of the AO of CBC, and two internal auditors of the Judicial Council. The standardized forms developed by the group include payment orders for expert witnesses, ex-officio attorneys, jury judges, overtime duty, payments from court deposits, and for performed insight at the venue of the crime. While performing inspection in the courts, the internal auditors from the Judicial Council have pointed out several times that individual courts use different payment forms and apply different payment procedures, which should be standardized and adjusted with the requirements of the Law on Accounting for the National Budget Users. The AO sent the payment forms developed at the workshop to all courts for feedback. The next step is adoption of the forms at a session of the CBC and official presentation of the guidelines to the State Audit Bureau.

Support for Court Services Council and Court Administrators

CSC Manual for Hiring Court Employees

The Manual for Hiring Court Employees (Manual) was developed in 2012 as a guidance document for court administrators and their staffs. JSP completed in-house printing on February 28, and electronic versions were also made available on CD. During March, two copies of the printed and electronic version of the Manual were distributed to each court. The Manual is exclusively a product of the court administrators, and was developed during a series of workshops supported by the JSP in the first project year.

Development of Merit-Based Job Descriptions

The project has offered CSC to support and facilitate working groups to replace antiquated job descriptions for IT specialists, court administrators, and public information officers. On March 12, JSP COP met with the CSC president, Sonja Gruevska. JSP's COP reiterated the need for reviewing selected merit-based job descriptions that should be eventually endorsed by the CSC. Revision of the job descriptions has been raised several times by the IT administrators as an urgent need for improving their status in light of the crucial role they play for the functionality of ACCMIS, IT equipment, and overall operation of the courts. Following this meeting, JSP has taken steps to achieve this goal.

During the CAA Annual Assembly, organized with JSP support on May 22-23, a selected group of ICT administrators from eight courts in Macedonia worked on revisions to ICT job descriptions to standardize them throughout the country and to correspond to their actual tasks and duties in the courts. The group worked on the revision of the job descriptions for three levels of IT positions: IT manager, IT advisor, and junior IT associate.

In addition, at the training on "Free Access to Public Information/Communication with Clients in the Courts" organized on July 12-13 in cooperation with the Academy, a model job description was developed for the court official designated for sharing public information. This document, along with the three ICT job descriptions, has been finalized and consolidated by the JSP and submitted to the CSC for further processing and approval.

Judicial Council Employee Code of Ethics

The project was asked to assist the general secretary of the JC in finalizing the Code of Ethics for the employees of the JC. JSP staff, working with the general secretary, completed the final revisions to the code that was originally drafted in the previous project but never approved. The code was adopted by the JC at a meeting in July.

Judicial Code of Ethics

At a meeting on February 4, the MJA president, Judge Nikolco Nikolovski, and Director Arnaudovska of the Academy discussed with JSP the revision of the Judicial Code of Ethics (the “Code”), which is widely considered outdated and too ambiguous to enforce. JSP was asked to consider assisting the MJA in revising the Code by incorporating the latest findings of GRECO and the provisions of the Law on the Prevention of Corruption and Law on Prevention of Conflict of Interests.

The role of the JC in preparing the Code was also discussed, with the conclusion that the JC must endorse the revised Code and participate in all future phases of its preparation. The COP offered the project’s assistance for this endeavor, which both Judge Nikolovski and Judge Arnaudovska accepted, particularly in sharing experiences and expertise.

On March 28, JSP met with Judge Arnaudovska, the Academy director, and Macedonia’s representative to GRECO. The object of the meeting was to discuss the logistics of preparing a preliminary draft code to satisfy the GRECO deadlines of April 21. During early March, the project provided the director with preliminary research regarding the development of a revised judicial code of ethics and agreed to draft a preliminary proposed draft for further consideration by Director Arnaudovska, the MJA, the JC, and GRECO.

As reported above, on June 18, the JSP arranged a meeting between Judge Nikolovski, president of MJA, and US consultant, Judge Michael Kavanagh—a retired judge from New York State who is a former member of the New York State Judicial Ethics Advisory Committee and well versed in the topic of judicial ethics. At the fourth JBF in October 2013, it was concluded that the MJA should form a working group, in cooperation with the JC, to prepare a second draft version of the Judicial Code of Ethics. The second draft version will be submitted to all MJA branch offices for obtaining opinions and comments, and will be on the agenda of the fifth JBF in February 2014.

Courts Transparency and Communication with Media and Public

Public Information Officer Training

As reported above, on July 12-13, JSP and the Academy organized training on “Free Access to Public Information/Communication with Clients in the Courts. The training was designed for court officials designated for sharing public information, consistent with the Law on Free Access to Public Information. The trainers were Ms. Jelena Janevska, Mr. Kiril Efremovski, and Ms. Jordanka Stojkova, a representative of the Commission for Protection of the Right for Free Access to Public Information. Nineteen participants attended, including judges and professional court employees. Court practices since the enactment of the Law on Free Access to Public Information in 2006 have shown that the courts received most requests for information in writing, and that courts have not faced particular problems in providing the information within the deadlines set forth by the Law. During the training, the participants developed a model job description for the court official designated for sharing public information, which was subsequently sent to the CSC for review and further processing.

Judicial Practice Bulletins for the Appellate Courts

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 distributed to appellate courts for distribution to all judges during August. Previously, JSP supported the publication of the Judicial Practice Bulletin of the Appellate Court Bitola.

Judicial Council Brochure

One of the JSP’s objectives is to help the courts to improve transparency and communication with the public and the media. The project will achieve this goal by supporting printing of public education materials and court reports and by conducting media briefings, court tours, and other public engagement approaches. Accordingly, at the request of the JC, the JSP supported the editing, design, formatting, and printing of a publication—Brochure for the Judicial Council of the Republic of Macedonia—which the JC released in April 2013. The brochure serves as a means of promoting awareness of the Judicial Council and its activities. Thus, the publication contributes to transparency and to strengthening advocacy and citizen participation in judicial sector reform. Five hundred copies were printed in both English and Macedonian.

Year-End Report of Appellate Regions

In January, plans were made to support a year-end publication for each appellate region. The Shtip Appellate Court previously provided a very popular and informative publication that included pictures of the president judges in the region and case-flow information, including the number of pending cases at the end of the year—a significant step towards advancing transparency. All the appellate regions produced a similar publication, highlighting the excellent results in court processing and backlog reduction in 2012. JSP provided logistical and printing support and the publication of the four appellate region publications. The first copies were distributed at the first JBF on March 15 and later to all courts.

Year-End Report for the Supreme Court of the Republic of Macedonia

JSP encouraged all appellate regions to produce an annual court progress publication and offered logistical support to them for this effort. The four appellate regions contributed very attractive and informative publications. During April 2013, the Supreme Court requested that JSP support the publication of its annual report as well. The project assisted by having the publication bound and printed in accordance with the Supreme Court’s specifications.

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

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

This result addresses weaknesses in the administration of justice due to uneven professional capacities of judicial and non-judicial staff and the delivery of training to improve professional standards and performance and improve court efficiency in processing cases.

Develop and Implement Targeted Specialized Trainings for Judges, Court Administrative Executives, and Court Staff

During the last year the JSP collaborated with the Academy for Judges and Prosecutors and a local USAID project, Investment Development and Export Advancement Support Project (IDEAS), to develop and implement recommendations for training of judges in commercial law. IDEAS is a USAID project dedicated to the business community. At the joint roundtable, held on in Skopje on November 22, 2012, numerous recommendations for specialized trainings for commercial judges were developed and subsequently endorsed in the Academy’s Curriculum for continuous training for 2013. The following courses were supported in collaboration with the Academy during the second year:

- “Practical Implementation of the Law on Civil Procedure with a Special Emphasis on the Provisions for Electronic Delivery / Implementation of the Law on Electronic Signature and Electronic Data,” on February 1. The training was delivered by Judge Ljubica Kolic, head of the civil department of the Basic Court Skopje 2, and Mr. Marin Piperkoski, director of the Clearing House KIBS AD Skopje. The training focused

Summary of Successes for Result 3

- Standardized Practices for Courts’ Case-Processing Committees adopted by JC and implemented in all courts;
- Automation of courts enhanced in several areas: electronic digital recording of court hearings introduced and functional, the Automated Budget Management System upgraded, and ACCMIS Database Warehouse and Statistical Interface Software developed.

on the implementation of the Law on Electronic Signatures in the court practice. Forty-eight judges and representatives of the business chambers attended the training.

- Training on “Evidence and Quality of Evidence in Commercial Cases with a Special Emphasis on the Expert Testimony / Use of Financial Instruments as Evidence in Commercial Cases,” on February 15. Judge Tatjana Susuleska, Judge of the Appellate Court Bitola, and Mr. Marko Andonov, Law Professor at the University American College, Skopje, presented and led discussions on expert testimony and accepting documents as relevant evidence, their completeness and clearness. Twenty-six participants attended, including civil and commercial judges, representatives from the business chambers in Macedonia and members of the Macedonian Bar Association (MBA).
- Training on “Arbitration and Mediation – Ways for Alternative Dispute Resolution of Commercial Disputes,” on October 28-29. Despite the recent amendments to the Law on Civil Procedure and other laws aimed at promoting larger use of mediation, especially in commercial disputes, little has changed in the way cases are handled in the Macedonian courts, particularly those in the specialized commercial departments. Two experienced judges from the Netherlands, Bart Punt and Frans Van Arem, who have established extensive practices in the use of mediation/arbitration, delivered this training. The program introduced and shared experiences and best practices from the Netherlands in settlement of commercial disputes and mediations skills. Thirty-seven participants attended, including judges, judges’ assistants, MBA members, mediators, and representatives of business chambers.
- Training on “Managerial Contracts – Accurate Legal Classification and Distinguishing the Labor Disputes According to the Law on Labor Relations from the Disputes that Arise from Managerial Contracts,” on November 15. Judge Zoran Mihajloski, Judge of the Appellate Court Skopje, and Mr. Marko Andonov, Law Professor at the University American College, Skopje gave presentations. The event was attended by twenty-six judges and lawyers.

Computers for Initial Training for the Candidates for Judges and Public Prosecutors

During the last quarter, the Academy approached JSP with the request for purchasing computers needed for the successful realization of the initial training. After assessing the needs of the Academy for technical equipment, JSP positively responded to this request by purchasing four new desktop computers, monitors, and keyboards for 14 computers, including their formatting and installation. This technical equipment will enable candidates for judges and public prosecutors to effectively follow the theoretical part of the initial training, which consists of legal, general, and special subjects over a period of 9 months.

Judicial Leadership Conference: Modern-day Judicial Leadership and Management



Judicial Leadership Conference

There are a number of excellent leaders in the courts but leadership is not consistent and the concept of the courthouse and courtroom “team” has not been adequately developed or effectively advanced in most courts in Macedonia. Accordingly, in cooperation with the Academy, JSP supported a program to develop modern-day leadership concepts and to demonstrate to court actors the technical as well as the practical skills necessary for leadership in a modern day court system. The program was conducted on September 17 and 18, 2013 and included the concept of working together to achieve common goals and results including individual, institutional and team results. It consisted of modules that clarified team roles and procedures and the necessary elements of a cohesive team. The training highlighted benefits of working as a team and clear communication between team members, delegation, team self-assessment, correcting problems, dealing with difficult people, resolving disputes in the work environment, building organizational skills, motivating court staff, accountability, and transparency among other leadership skills. In addition, there was a segment on Comparative Practices in Appellate Courts in the US and the Netherlands, a segment on Equal Access to the Courts for Persons with Disabilities and Judges Impact on Public Perception of the Judiciary. Beside local presenters there were presentations by three international experts, Judge Bert Maan from the Netherlands and JSP COP Judge Joseph Traficanti and Judge Michael Kavanagh, both of the US. The

conference was well attended by more than 90 president judges, judges who are heads of departments and court administrators.

Off-Shore Study Tour for Court Administrators and Staff

Coordination and communication among various justice sector actors and institutions is integral to strengthening judicial independence and fostering more effective and accountable court operations. Therefore, the second JSP study tour focused on increasing the capacities and skills of the court administrators and court staff, who are responsible for these functions. Areas of focus included court administration and management, budgeting and finance, case flow management, backlog reduction, human resources, court facilities, information communication technology, and archiving. The study tour was implemented in the Netherlands and Slovenia from September 23–October 3 for eight participants plus a member of the JSP staff. The participants included three court administrators, three courts' information technology specialists, the head of the AO of CBC, and one judge's assistant.

At the fourth JBF on October 17-18, the participants presented the experiences and impressions gained at the study tour related to IT and budgets. At the follow-up meeting on October 24, JSP staff assisted the participants in developing an Action Plan from the information gleaned from the study tour. These items were a distillation of preliminary action plans developed while on the tour, and in general included:

- Process-mapping for the IT operations of the courts and courts' house rules;
- Drafting changes to the Law on Court Services to provide for the mandatory training for the court administration and staff;
- Preparing a report by the CBC on the realization of the court budget, which would facilitate the work of president judges in decision-making on key management issues;
- Establishing stronger and regular coordination of the courts' IT personnel for solving day-to-day problems and implementation of contemporary ideas in the IT sector; and

Increasing the capacities of courts' public relations offices and providing training for the staff of courts' public relations offices to secure greater openness and transparency of the courts.

Requirement 3.2: Improve Caseload Processing and Reduce Backlog of Cases

Appellate Region-wide Working Meetings – Case Processing and Backlog Reduction

JSP in cooperation with the JC and the appellate courts organized two working meetings on “Case Processing and Backlog Reduction,” on March 18 for the courts of the appellate regions of Bitola & Gostivar, and March 21 for the appellate regions of Skopje & Shtip. The goal of these meetings was to present the unified protocols for the working committees for backlog reduction (internal procedures, monthly reports and Annual Plan), which were developed by a selected committee in 2012. The meetings also focused on the possible reasons for case delay, measures to overcome the delay and the novelties introduced by the new software for court statistics.

Working Committee to Develop Standardized Practices for Courts' Case-Processing Committees

The Law on Case Management requires each court to have a case-processing committee. These bodies are essential to the expeditious resolution of cases and reducing the backlog of cases. Some court committees do not operate efficiently, nor do all the committees interpret their responsibilities in a consistent manner.

A select working committee of local court experts was established by the JSP and devised a model monthly report required to be submitted to the president judges and a model of internal procedures for the committee for each court. Both were required by law but are inconsistent and ineffective in most courts. After the final drafts were agreed upon by the committee, they were approved by the JC president and distributed to the courts. In March, the president of the JC met with the president judges, heads of departments and court administrators to emphasize, among other things, the need to use the standardized monthly reports and internal procedures. These were presented at events supported by JSP on March 18 and March 21.

In May and November, JSP participated in working meetings with basic courts in need of remedial assistance, with a “train-the-trainers” element. The meetings were held with the president judges and heads of departments of Basic Courts Skopje 1, Kumanovo, and Ohrid, with the goal to identify gaps, shortcomings and reasons for delay and to offer project assistance as needed. During the visits, participants identified common reasons for delay in both criminal and civil cases and discussed possible solutions. Some of major issues identified were service of process for the main hearing, failure to produce detainees in court, delays in submitting reports, and appearances of expert witnesses.

Differentiated Case Management – Consultancy

While there is a positive trend in the reduction of case backlogs and pending cases in the Macedonian judiciary, an advanced case management tool known as differentiated case management (DCM) has the potential to assure expediency and efficiency. Under JSP’s direction, from February 8-27, 2013, Markus Zimmer concluded a report entitled Case Management Practices in the Macedonian Courts: A Proposal for Designing and Implementing Differentiated Case Management and Time Standards to assess the current status, managerial framework, and operational efficiency of the Macedonian court system and to determine whether it is a viable candidate for successful experimentation of DCM.

The substance of the report extends beyond the description and implementation plan for a DCM pilot effort. The methodology for the assessment is comprised of five primary elements: (i) a review of the case process statistics; (ii) a determination of the sufficiency of existing judicial and support staff resources; (iii) the extent to which dispute settlement options are available, pursued by judges and utilized by parties; (iv) the engagement with judicial system leaders and reform champions through DCM presentations, targeted interviews, and focus group sessions; and (v) assessment of the judicial system’s automated court case management information system (ACCMIS).

While the report extends to both immediate and mid-term recommendations, some of the key elements for the Macedonian court system to sustain and build upon a DCM pilot effort for civil case management include:

- An assessment and 5-year and 10-year plan for the reduction of judicial staffing;
- A focus by the judicial system leadership on rebuilding and strengthening bench-bar relationship;
- Advocacy by judicial system leadership for settlement options and programs;
- A case information management system with event deadline tracking functionality, to which judges and staff have easy access;
- A well-trained judicial support staff assigned to work closely with judges to monitor event deadlines and ensure compliance;
- Development of a strategic IT systems sustainability plan that includes replacement of servers and computers, maintenance and upgrade of hardware and software, and provisions for its funding; and
- A central case management and statistical research and analysis function to monitor and provide feedback and guidance and to plan for and manage expansion of the pilot program to other trial courts in Macedonia.

Planning for the next steps in the process of vetting the concept and evaluating challenges began in April with brainstorming and planning between JSP staff and the Contracting Officer’s Representative(COR). In May, the translated report was sent to the president of each of the appellate courts and the president of the JC for in-depth review. It was formally presented to the JBF in June to encourage consensus and support from the top judicial leaders of the Republic of Macedonia.

Support for Judicial Sector Automation

Review and Evaluation of the Status of Judicial Automation

At JSP’s request, the on-call ICT expert reviewed the progress of court case automation to provide a thorough overview of ICT needs and developments that have taken place in Macedonia in recent years. The report is based mainly on data collected by JSP through a survey of existing hardware in the courts and site visits in the

last reporting period. The report highlights the different trends, implementation approaches, and problem-solutions in the courts, along with several recommendations, including the following:

- Schedule replacement/upgrade of workstations
- Schedule replacement/upgrade of servers
- Provide additional memory storage
- Centralize backup of data storage (hardware and software)
- Upgrade printing capacities
- Regular renewal of antivirus licenses
- Secure annual software subscriptions
- Support planned program of electronic delivery
- Provide new solution for storing court decisions electronically
- Improve standards for computer networks
- Provide a 5-year long-term budget plan for replacement and upgrading of ICT equipment
- Develop new ICT development trends
- Expand use of video conferencing
- Purchase new equipment according to the recommended international standards
- Implement a green ICT agenda (i.e., environmental responsibility)

Upgrade of Automated Budget Management System (ABMS)

The ABMS is the successful budget software program pioneered by the previous Macedonia Court Modernization Project. It has been integrated with ACCMIS and is the mainstay of the Macedonian courts budgeting and finance. During this reporting period, the CBC has requested an upgrade of the ABMS due to a number of changes in the laws and sub-regulations that require implementation to the ABMS.

Specifically, due to the changes to the Law on Court Service in which the AO of the CBC has taken over the administration of the Register of court employees, the Law has additional mandates including the consideration of requests for employment from the court budget users. To do so, the AMBS requires a substantial upgrade and change of the applicable software. Therefore, the project contracted a local IT company for the necessary changes to the ABMS in October. The contractor will implement the following improvements: upgrade the modules for financial and budget operations to enable generation of annual reports from the ABMS and generation of a consolidated annual report for all court budget users; upgrade the personnel records module regarding the Register for court employees and the systematizations to enable generation of appropriate reviews, reports, and statistics in accordance with the needs of the AO of CBC; upgrade the module for salary calculation pertaining to correction of salaries by court budget users for reporting income tax; and upgrade the form PDD-GI and its population with data for the paid taxes for all court employees.

The ABMS upgrade is already in process and is scheduled to be completed by February 1, 2014. The contractor will also assist the responsible personnel in the AO of the CBC in applying the installed upgrades by March 31, 2014.

ACCMIS Database Warehouse and Statistical Interface Software

The JSP, together with the JC, developed an ACCMIS database warehouse and statistical interface software. The objective of this program is to generate more precise and targeted statistical reports for the courts. These specialized reports are needed by the JC and the European Commission for Efficiency of Justice as part of Macedonia's integration with EU judicial standards. The database and software local vendor, EduSoft, completed the development on January 15

Back-up Testing and Restorative Procedures for ACCMIS

A team led by JSP Logistics and IT Coordinator Aleksandar Pavlovski traveled to Basic Court Krusevo on March 7-8 to test the backup capability of ACCMIS and determine whether it was possible to restore lost data. Results were positive, as data was backed-up and restored per systems requirement.

Automation for the High Administrative Court

The ACCMIS system has been in use in 33 courts since January 2010. In November 2010, following the latest changes in the Law on Courts, the High Administrative Court (HAC) was established to decide appeals on decisions brought by the Administrative Court. The initial ACCMIS application was not projected to be used in this court. Further development of ACCMIS was necessary to upgrade the system and enable processing of cases in the HAC. The JSP has committed to underwriting the cost of an upgrade to ACCMIS, including testing, installation, and training for users in the HAC. The project retained EduSoft to develop the software. Implementation in the court and user training was completed in April 2013.

Supreme Court Coordination Committee for Improving Use of ACCMIS

The Committee for Improving Use of ACCMIS meets regularly and JSP staff attends the meetings to facilitate coordination between the committee and courts. The committee working on developing uniform nomenclatures for court decisions in criminal, civil, administrative, and non-contested procedures is close to finalizing its work. In addition, an ACCMIS committee was established to develop a protocol for electronic delivery of summons, an initiative to which JSP will provide technical support.

Electronic Digital Recording of Court Hearings and Trials

In the closing days of the USAID Judicial Reform Implementation Project, electronic recording devices were installed in 80 courtrooms in Macedonia. The JSP is committed to moving forward with expanding the use of the devices, which contribute to openness and transparency and protect the judge and staff against unjustified criticism. In cooperation with Judge Ljubica Kolic, head of the civil department of Skopje II, and the JC, a procedure was developed that would help overcome objections to the use of these tools from some appellate judges. This process calls for the recording of the full hearing, combined with the judge dictating a summary of testimony and arguments into the record, with the summary being recorded by the court typist (in addition to the actual audio recording).

The full implementation of electronic recording requires additional training for judges and some court staff. In February, the selected vendor began training in two pilot courts (Basic Courts of Bitola and Veles) and then expanded the training to all civil courts with electronic recording devices. In April, JSP completed training of teams in all courts where electronic recording devices had been installed.

The Court Book of Rules was amended, effective on May 20, to clarify procedures for the use of electronic recording of court hearings. JSP was informed that the courts need additional training and additional assistance to realize full compliance with the law. Accordingly, JSP has consulted with and arranged to retain the previous trainer, Sasho Aleksoski, to conduct training of future trainers among the court staff.

JSP has also agreed to support the integration of certain software so that the recording system will function more seamlessly with ACCMIS. To facilitate its use, JSP retained a consultant to install templates for ease in issuing decisions and other recording device deliverables, which was completed in July. In addition, JSP supported an assistant for one year, from October 2013 to October 2014, to support the use of electronic recording in Basic Court Skopje II, the largest civil court in Macedonia.

At this point in the evolution of electronic recording of court hearings, additional training is necessary in some venues. Technical assistance and training to judges and typists will enhance the use and positive results of the system. The project decided to support additional training on an “as needed” basis in the courts and during actual hearings, and supplied a trainer for this purpose. Also, JSP supported the printing of an Electronic Court Recording (ECR) Manual to assist in its training and further enhancements. The Manual was developed in November, and the project plans to print 800 copies and make them available for all civil court judges and typists.

Roundtable and Coordination Meeting for Courts’ IT Staff



IT Staff Roundtable

Following a meeting in 2012 in which IT court personnel of Macedonia expressed a need for periodic learning and discussion, a roundtable took place on March 26. The top IT personnel held a planning session for the roundtable on February 26 to discuss the potential agenda topics and activities to support the IT employees in the courts. The roundtable was co-sponsored by the Academy and JSP and COP Traficanti and Director Arnaudovska gave a welcoming introduction. The PJ of the

CJ also attended and delivered important and instructive observations and comments. Two local experts provided the substantive lectures—Mr. Marin Piperkovski, on “Digital Certificates,” and Mr. Predrag Tasevski, on “Raising Awareness on the Issue of Security of IT Systems in the Courts.” Other presentations were made by court IT personnel. Mr. Orde Javanoski, the IT person from Basic Court Prilep, presented the results of the backup testing occurred in the Basic Court Krusevo and Mr. Dejan Stefanovski, the IT person from Basic Court Bitola gave a demonstration of the internal web page/forum that he created for the benefit of the court IT personnel across Macedonia. JSP ICT expert/consultant Rozalija Karcicka-Vaseleva presented an overview of ICT development in the Macedonian judiciary. The presentations were followed by a Q&A session. The problem of security was of major concern and its consensus raised the need for the development of unified security procedures. The JC president, Judge Zafiroska, added that IT personnel should advise the PJ and/or court administrator of any problems with ACCMIS, particularly regarding any divergence from the prescribed protocol for random assignment of judges.

I. INTRODUCTION

The United States Agency for International Development (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.

This quarterly report for October through December of 2013 focuses on the progress and implementation of programmatic activities and tasks aimed at delivering the results required under the Tetra Tech DPK (Tt DPK) contract with USAID. A brief description of the objectives, areas of work, project activities, and expected results follow.

1.1 OBJECTIVES

The overarching objectives of the project are to strengthen the role of the judiciary in the separation of powers and to develop broad-based support for rule of law and judicial sector reform. More specifically, the project focuses on supporting the development of professional associations in the justice sector, developing effective court governance systems and practices, and improving the efficiency and quality of justice.

1.2 AREAS OF WORK

The project's main components are outlined below.

1.2.1 Advocacy and Citizen Participation in Judicial Sector Reforms

The JSP supports the development of the capacities of professional associations in the justice sector to play a leadership role in efforts to reform the justice system and to advocate for the interest of their members; and increases public awareness and participation in the justice sector reforms and rule of law issues.

1.2.2 Independent, Efficient, and Consistent Application of Judicial Sector Policies and Practices

The JSP develops effective court governance systems and practices; increase the role of the judiciary in preparing laws and policies governing the branch; establishes regular coordination and consensus building on key issues among judicial institutions; promotes more effective and accountable operation of judicial sector institutions and courts; improves court operations through innovation and technology; and designs and applies performance standards.

1.2.3 Effective Legal Personnel and Efficient Processes

The JSP improves efficiency and quality of justice by providing specialized trainings to judges and by developing and applying national time standards for case processing, and builds the capacities of court personnel to provide efficient services to court users.

1.3 PROJECT ACTIVITIES

The project provides technical and managerial experience to key counterparts in the judiciary; legal professional associations (LPAs) and civil society organizations (CSOs) active in the judicial sector.

The range of support includes a combination of targeted long-term technical assistance, advisory services, project initiatives, and other forms of assistance identified as necessary for each of the results prescribed. Key activities and tasks include the following:

- Identifying and supporting key civil society and professional associations in their efforts to promote civil society support for the rule of law and an independent judiciary
- Building capacity of designated LPAs

- Assisting designated LPAs and CSOs in supporting laws, policies, and practices that support judicial independence
- Identifying gaps and/or idiosyncrasies in policies and practices of judicial administration and management and support reform
- Building leadership and management capacities
- Supporting the development of needs-based budgets for the courts
- Supporting education for various actors within the judicial sector, including president judges, court administrators, and court staff, to enhance efficiency and timeliness

II. PROGRAM-RELATED ACTIVITIES AND TASKS

2.1 RESULT 1: STRENGTHENED ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM

2.1.1 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

During 2012, the JSP completed a focused initial assessment of the organizational needs of 11 professional organizations and CSOs using a subcontractor, the Macedonian Center for Institutional Development (CIRa). 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 of the organizational assessment, CIRa assessed the performance of the three selected organizations to identify performance gaps and to recommend training and technical assistance packages customized to the needs of each.

2.1.2 Requirement 1.2: Per the Findings of Requirement 1.1, 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 was completed on October 25, 2013. Phase III activities included a series of trainings and workshops to enhance the capacity of the selected organizations. JSP was overseeing the presentation of these workshops implemented by JSP sub contractor Mesacons/Embrea (Embrea). The MJA declined to participate in some of the trainings that were originally agreed upon. JSP filled this vacancy with other LPAs and CSOs to ensure that the overall capacity building program for judicial sector LPAs and CSOs continues to reach beneficiaries and achieve its objectives.

2.1.2.1 Trainings and Workshops for LPAs for Fourth Quarter of 2013

As described above, CAA, MYLA, and MJA were chosen associations for targeted training to enhance their capability as organizations and to assure their long-term sustainability. During this quarter, one training was specifically designed for CAA and two trainings were jointly held with other LPAs, for a total of three.

MISSING PICTURE

TRAININGS AND WORKSHOPS FOR LPAS, FOURTH QUARTER OF 2013

Event	Date	Counterpart	Participants	Men	Women	Result
Training on “Human Resource and Volunteer Management” for MYLA & CAA	October 3-4, 2013	MESACONS/ EMBRA, MYLA & CAA	17	13	4	Result 1.2
Training on “Developing Financial Management and Sustainability Plans” for CAA	October 15-16, 2013	MESACONS/ EMBRA, CAA	12	9	3	Result 1.2
Training on “Financial Management for Non-financial Personnel” for CAA and other NGOs	October 24-25, 2013	MESACONS/ EMBRA, CAA and other NGOs	14	5	9	Result 1.2

2.1.3 Other Capacity Building Support for LPAs and CSOs

2.1.3.1 Macedonian Judges Association

During October, coordination and planning meetings were conducted with Judge Nikolco Nikolovski, president of the MJA. The meetings were devoted primarily to the planning of the MJA roundtable event “Court Proceedings and Court Efficiency”.



MJA meeting

The event took place on November 7 for judges and lawyers to discuss issues arising in court proceedings. Previously, on March 22, the project organized a roundtable discussion on the same topic with NGOs, LPAs, and public prosecutors. The conclusions and recommendations from this roundtable were presented to the leaders of the judiciary at the third Judicial Branch Forum (JBF) on June 19-20, 2013. It was also concluded that JSP should organize the second roundtable for judges, attorneys, and representatives of the Judicial Council and the Ministry of Justice to discuss current implementation of the Law on Civil Procedure, Law on Case Management, and Law on Administrative Disputes and identify loopholes that need to be addressed in the future revisions of these laws.

Twenty-six participants attended, including judges, lawyers, and officials of state administrative bodies.

The following major issues were discussed at the roundtable:

- Lack of communication between the Administrative Court, High Administrative Court, and the state administration bodies and the need for stronger coordination in order to provide complete documentation for finishing the court procedure in timely manner;
- The responsibility of state administrative bodies for the delays in court proceedings, and accordingly for the compensation to the parties whose right to a trial in reasonable time has been violated;
- The ramifications of different courts observing different practices concerning expert testimony, service of process, and payment of court taxes; and
- Issues that arise in the initial phase of implementation of electronic court recording.

As previously reported, Judge Nikolovski is interested in creating a Judicial Ethics Advisory Committee to provide Macedonian judges with the ability to receive clear answers to ethical dilemmas and guide them in their conduct, both in and out of their judicial environment. The framework for this entity needs to be drafted with sub-regulations to guide the work of the committee and ensure fewer complaints of judges' behavior.

On several occasions, JSP was asked to consider assisting the MJA in revising the Judicial Code of Ethics, and the JSP COP offered the project's assistance for this endeavor, which was accepted, particularly in sharing experiences and expertise. At the fourth JBF, in October 2013, it was concluded that the MJA should form a working group, in cooperation with the JC, to prepare a second draft version of the Judicial Code of Ethics. This version should include the recommendations of GRECO, the Commission for Anti-corruption, and comparative documents of the Judicial Codes of Ethics of Great Britain, California, and New York State. The JSP will procure these documents and will submit them to the MOJ, along with few relevant opinions of the advisory bodies from these states. The second draft version will be submitted to all MJA branch offices to obtain opinions and comments, and will be on the agenda of the fifth Judicial Branch Forum in February 2014.

2.1.3.2 Court Administration Association

The project continued support of CAA and other interested LPAs in the development of a broad-based coalition to support the rule of law and an independent judiciary. The development of the broad-based coalition is described in more detail in section 2.1.3.9 of this report.

On November 5, JSP met with the CAA president to discuss areas of future cooperation and follow-up activities after the completion of the Embra capacity building trainings. The president, Mr. Mirceski, highlighted the issue of prolonged dissatisfaction of CAA membership because the provisions of the Law on Court Service pertaining to the career levels of court employees have not been implemented due to the fiscal constraints of the Government. Furthermore, since January 2013, professional court employees cannot apply for judges according

to the Law on Academy for Judges and Public Prosecutors. As a result, the motivation of court employees is very low. For reason, the CAA president was contemplating meetings with the president of the Judicial Council of Republic of Macedonia and the Chief Justice to raise these concerns to a higher level and ask for their support in lobbying efforts. The CAA president also stressed that in the next period it is crucial that the organization focus on strengthening international cooperation, its public recognition, and presence in the media.

The CAA president pointed out that the organization’s membership has decreased since its creation in 2009, mostly due to the retirement of its members and not filling their vacant positions. Yet, the opportunity to give loans to members, an initiative that was introduced with the recently adopted Regulation for Loans, is one of the highly appreciated services that CAA provides to its members.

On December 9-10, the project supported the participation of the CAA president at the Sixth International Conference of the International Association for Court Administration (IACA) in Dubai, United Arab Emirates. The theme of the conference was "Court Excellence in a Changing World" and placed a strong emphasis on court excellence, efficiency, and customer engagement. The conference hosted a wide participation from the region and worldwide. The event provided an excellent opportunity for judicial organizations to share in and gain knowledge about best practices, latest strategies for change, and successful examples of court efficiency from all over the world, and to understand the dynamic perceptions and developments in global court systems.

At the Conference, CAA board member and court administrator of the Supreme Court, Sonja Gruevska, gave a presentation about the role and development of the court administration in the Republic of Macedonia. The presentation was very positively received by the participants and CAA was invited to present at the next IACA Conference, which will take place in October 2014 in Sydney, Australia. As a recently established organization, CAA sees its participation at this Conference as a unique opportunity for international recognition and networking with similar organizations worldwide.

2.1.3.3 Macedonian Young Lawyers Association



MYLA Conference

On December 6, the project supported the MYLA National Conference on “Legal Profession in the Republic of Macedonia – Challenges, Problems and Perspectives,” in Skopje. Prominent law professors, judges, and executives of LPAs addressed the participants. Major issues discussed at the conference were: introducing the Bologna system of legal education and its effects thus far; increasing the number of law faculties and law students and the influence on the quality of education; the Bar Exam and possibility for introducing improvements; issues faced by legal

professionals; and the future of the legal profession in the Republic of Macedonia. The conference marked the 10-year anniversary of MYLA by providing the opportunity for open debate regarding the results of the reforms in the legal education and legal profession, and their effects, especially on the young lawyers. Eighty-one participants attended the Conference.

2.1.3.4 Public Prosecutors Association



Public Prosecutors Association web page

During this quarter, JSP continued cooperation with the Public Prosecutors Association (PPA), assisting with the revision of its website and publication of a newsletter. The website upgrade is now complete; the new website is fully operational. In addition, the vendor that created the site trained the staff members of the PPA on how to populate the website and provided them with a CD tutorial on the same topic. The next phase involves populating the website and translating its content into English. Website users (both public and members) will have the option of viewing the site in either Macedonian or English.

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. Before its publication, it was reviewed and edited by JSP staff. This publication will foster visibility and enhance the public relations of the PPA. In January, JSP will print 500

copies in Macedonian and English, which will be distributed to PPA membership, interested institutions, associations, and the media.

2.1.3.5 European Law Students Association

During the last quarter, the project supported ELSA with technical advice and material support to upgrade the organization's website. The site will be structured in two sections, the first for public use, and the second will be for access only by members in good standing. This section will provide member access to certain documents and applications, including access to the Student Trainee Exchange Program (STEP), sponsored by ELSA International. STEP makes it possible for law students and young lawyers to gain work experience abroad. During this quarter, JSP staff procured proposals for the design of the website.

On the occasion of the European Day of Civil Justice, October 25, the project supported the promotion of



ELSA promotion in Kavadarci

ELSA's second brochure, *Juvenile Justice System—Prevention Instead of Punishing*, at the Basic Court Kavadarci. During the event, participants had the opportunity to participate in a mock trial and oratorical debates held by the students of the local high school Dobri Daskalov. Additional presentations will be scheduled in the next year. The brochure was designed to provide an overview of the juvenile justice system in the Republic of Macedonia, with an emphasis on prevention instead of punishment. ELSA members wrote the text for the brochure and Judge Lazar Nanev, an expert in the juvenile justice system, reviewed and approved the draft. A total of 1,500

copies of the brochure were printed.

In addition, the project supported ELSA's regional conference, titled "Fight Against Human Trafficking – Stop For the Modern Slavery," from November 21-24 in Skopje. The annual regional conference is organized each year in a different country by the respective ELSA branch offices, aimed at mutual cooperation and capacity building in the context of geographical, cultural, and historic similarities. Each year the host branch determines the topic. This year, ELSA Macedonia hosted the fifth regional conference. Ninety-one law students from the regional ELSA branch offices attended (67 women and 24 men).

This event was envisaged as an important way to increase ELSA's outreach and contribute to the organization's efforts to network and share experiences with colleagues from the region. The conference included lectures, workshops, mock trials, and discussion sessions on the current legislature and activities on the topic of interest.

2.1.3.6 All for Fair Trials

As part of the Action Plan resulting from the first study tour to Sweden and Estonia, in which ELSA participated, AFFT conducted training for 20 ELSA fourth and fifth year law students on the skills and processes used to effectively monitor court cases for fairness, transparency, and expediency. The training was conducted on October 18.



AFFT training

In December, JSP supported a series of events to mark the 10 year anniversary of the AFFT Coalition. Several roundtables were organized in different regions in the Republic of Macedonia, where AFFT presented their work and the results achieved in the past 10 years. Judges, lawyers, public prosecutors, and the ombudsman's offices from the regions where the events were organized attended. The roundtables were open to representatives of the NGOs working on protection of human rights and freedoms and the general public interested in learning more about AFFT and its mission.

The roundtables took place starting on December 2 in Skopje, Shtip, Gostivar, Bitola, Strumica, Struga, and Kochani. The cities were chosen based on the headquarters of NGO members of the AFFT Coalition. These events were considered to be a significant contribution to strengthening citizen participation in judicial sector reform by raising awareness about the standards for fair trials and the respect for human rights in the Republic of Macedonia. A total of eighty-one participants attended the roundtables.

2.1.3.7 Macedonian Bar Association (MBA)

The MBA is an autonomous and independent public service organization that provides legal assistance, according to the Law on the Bar and other regulations. The MBA recently elected a new president and board members. The organization's new administration is genuinely interested in JSP support. This is one of the organizations that embraced the Embra training when MJA withdraw from participation. Since joining the program, members of the MBA attended four Embra trainings/workshops, including the one in October on "Financial Management for Non-Financial Personnel."

At previous meetings with the president of the MBA, JSP discussed possible future cooperation and support, including the website enhancement. During this quarter, JSP staff attended a meeting with the MBA executive director and staff to explore possible options for design, functionalities, and layout of the website.

2.1.3.8 Chamber of Enforcement Agents

At the request of the Chamber, on October 25 and 26 the project supported a portion of 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 provided support for the attendance of 15 journalists at this assembly. The objective of this event was to 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 the society, as well as to understand each other's responsibilities, practices and challenges.

2.1.3.9 Building Broad-Based Coalition of LPAs



Coalition LPAs meeting

Following the study tour to Estonia and Sweden in April of 2013 for seven members of AFFT, MYLA, CAA, and ELSA, in August the project supported the creation of the coalition by coordinating and supplying the major actors 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 nascent organization. The development of a code of ethics is in accordance with the 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 this reporting period, JSP began preliminary discussions with the Kaizen Group, a US company specializing in building and strengthening civil society advocacy and participation in government, including the judicial sector. The plan for support envisions two one-week sessions at which Kaizen professionals will work with the participating organizations to enhance their effectiveness in the Macedonian judicial and legislative environment and to provide specialized training in outreach to members as well as lobbying and advocacy tools to support the rule of law and an independent judiciary.

Accordingly, during the December first phase scoping trip, the consultant conducted several interviews with the participating organizations and a roundtable to assess the situation and gather additional feedback from the stakeholders. The next visit is planned for March 2014.

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

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

2.2.1.1 Review and Advocacy of Laws by the Judiciary

Judicial Branch Forum

The Judicial Branch Forum provides an opportunity for the leaders of judicial branch institutions and associations to discuss the progress, current status, and next steps in the implementation of judicial reforms in Macedonia. These topics are important to the ultimate achievement of the reform goals (i.e., establishment of the



Judicial Branch Forum

judiciary as a fully independent, effective, and self-governed branch of government capable of upholding the rule of law and providing timely and quality services to all citizens of the Republic of Macedonia).

The fourth Forum was held on October 17 and 18. It was a two-day event that provided an opportunity for court leaders to concentrate on important systemic issues and concerns in a casual atmosphere away from the busy routines of their courthouses and offices.

There were six conclusions reached by a consensus of those present:

- The courts will prepare two reports: one for the performance of the judges, and one for the performance of the court.
- The Automated Court Case Management Information System (ACCMIS) database is the main and sole source of data for the reports that the courts submit to the Judicial Council, the Ministry of Justice, and the Supreme Court. For a unified and quality database, it is paramount to introduce central nomenclatures at the Supreme Court level.
- The ICT Center at the Supreme Court is to request that the company that maintains the servers submit an offer for vertical linking of the courts. The dataflow from the basic to the appellate courts, and accordingly to the Supreme Court, will vastly accelerate the movement of cases, thus decreasing the possibility for errors in the registration of the parties information.
- After the Supreme Court adopts their Court Book of Rules, it will submit a formal request to all courts specifying the data that the annual report of the courts should contain.
- The ICT representatives of the Supreme Court will forward to the president of the Supreme Court the suggestion for forming a smaller working group that will follow amendments to the laws, suggest new nomenclatures, and maintain the court statistics database. This working group could be independent or part of the ACCMIS Working Committee.
- A working group formed by the Macedonian Judges Association (MJA), in cooperation with the Judicial Council, is to prepare a second draft version of the Judicial Code of Ethics. This version will include the recommendations of GRECO, the Commission for Anti-Corruption, and comparative documents of the Judicial Codes of Ethics of Great Britain, California, and New York State. The JSP will procure those documents and submit them to the MJA along with relevant opinions of the advisory bodies in these states. The second draft version will be submitted to all MJA branch offices for input and comments, and will be on the agenda of the Fifth JBF in February 2014.

Developing a Strategic Plan of the Judiciary

In consultation with the Judicial Council president, it was agreed that JSP would support an updated version of the Strategic Plan for the Judiciary of Macedonia. The previous judicial plan covered 2010 to 2012 and is now obsolete. During this quarter, the project issued an RFP to solicit a Macedonian firm to prepare a three-year strategic plan. Six companies submitted proposals. After the evaluation by JSP staff, the most successful vendor was selected, the Macedonian Center for Institutional Development (CIRa). The initiative is scheduled to be completed by January 31, 2014, and will be implemented in three phases:

1. Assessment of the implementation of the Judiciary's Strategic Plan – 2010 to 2012;
2. Series of workshops to facilitate the creation, adoption, and implementation of a strategic plan; and
3. Presentation and review of the strategic plan with designated judicial system actors.

In December, the initial interviews aimed at assessing the implementation of the previous Strategic Plan were conducted with key actors in the judiciary, encompassing the JC, courts, MOJ, CAA, Court Services Council (CSC), and foreign donors.

The first workshop to facilitate the creation of the Judiciary's Strategic Plan – 2014 to 2016 was held on December 23-25 in Strumica. Fifteen representatives of the key judicial institutions participated in the workshop. The participants used the findings of the assessment of the implementation of the Judiciary's Strategic Plan – 2010 to 2012. The participants revisited the defined vision and mission and made adjustments. Also, a SWOT analysis was conducted to identify the strengths and weaknesses, as well as opportunities and threats for the judiciary in the Republic of Macedonia for the next three years. This exercise was used as a basis for developing a matrix with the three most important goals of the judicial system:

1. Improving the financial condition of the judiciary;
2. Increasing courts' openness and transparency and improving the public perception of the judiciary; and
3. Defining more precise criteria for evaluation and disciplinary responsibility of judges.

At the end, the participants developed action plans for the implementation of each of these goals.

Harmonization of Decisions of Appellate Regions

Part of the project's ongoing cooperation and assistance to the Judicial Training Academy is support to a leadership team for the harmonization of court decisions. The group, which comprises the four appellate region civil judges, meets quarterly to discuss and harmonize important decisions. The initiative is led by the Academy with the project's logistical support. The second harmonization meeting for this year was held on December 6 at the premises of the Academy with the participation of fifty-one judges.

2.2.2 Requirement 2.2: Administration and Management Rules, Policies and Procedures, Systems and Practices to 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

2.2.2.1 Strengthening Judicial Administration and Management Systems, Procedures, and Capacities

Development of Job Descriptions

The JSP 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 for IT staff positions. The drafts were posted on the ICT blog maintained by the courts' ICT experts for comment. This final task has been completed.

During a session for training on "Free Access to Public Information and Communication with Clients in the Courts," held on July 12-13, the assembled group of public information officers created a model job description for court officials designated for sharing information with the public.

This document, along with the three ICT job descriptions, has been finalized and was submitted to the Court Services Council for adoption during November.

Court Services Council (CSC)

During the previous quarter, the president of the CSC, Sonja Gruevska, requested JSP assistance for compiling a record of CSC's previous activities and to support trainings for incumbent and new CSC members. On October 24, JSP met with the president of the CSC and the president of CAA to discuss areas of future cooperation, as follows:

- Training for CSC members, including present and new members
- Two workshops for drafting and finalizing changes and amendments to the Law on Court Service
- Support for the fifth Annual Assembly of the CAA in May 2014, at which the new president of the CAA will be elected

- Support for the participation of one member of the CAA at the next IACA Conference on December 9 in Dubai
- Training for the staff of the courts' public relations offices

The training for the CSC members was initially planned for December 20-21, but due to the engagement of the court administrators in procedures for selection and hiring court employees, it was postponed to January 16-17, 2014. The training agenda will include: review of the CSC operation and achieved results; the role of the CSC in the hiring, dismissal, and disciplinary procedures of court employees; Rules of Procedures for the CSC; and organizational setting, communication, and decision-making. The training will mark the 5-year anniversary of the CSC and is envisioned to lay down its future activities.

The rest of the activities discussed at the meeting are now in the planning stages and will become part of the JSP work plan for its third year.

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

2.3.1.1 Develop and Implement Targeted Specialized Trainings for Judges, Court Administrative Executives, and Court Staff

The JSP reaffirmed its commitment with the Academy to support a training titled “Mediation and Arbitration – Ways for Alternative Resolution of Commercial Disputes” for commercial judges. Judges Frans van Arem and Bart Punt from the Netherlands conducted training on October 28-29. The topics included:

- What is mediation?
- Harvard method of negotiating
- Listening, summarizing, and follow through questions (paraphrasing/mirroring)
- Active listening
- Moving from positions to interests
- Levels of communication
- Feedback rules
- Conflict styles
- Reframing: cleaning up foul language
- What can be learned from arbitration (proceedings)?

Thirty-seven participants attended the training (25 women and 12 men). The group of participants included judges, judge assistants, lawyer-members of the Macedonian Bar Association, mediators, and representatives of business chambers.

On November 15, JSP supported the Academy in organizing the training on “Managerial Contracts – Accurate Legal Classification and Distinguishing the Labor Disputes According to the Law on Labor Relations from the Disputes that Arise from Managerial Contracts.” Judge Zoran Mihajloski, Judge of the Appellate Court Skopje, and Mr. Marko Andonov, Law Professor at the University American College, Skopje made presentations. Twenty-six judges and lawyers attended the event.

Computers for Initial Training for the Candidates for Judges and Public Prosecutors

During this quarter, the Academy approached JSP with the request for purchasing computers needed for the successful realization of the initial training of candidates for judges and public prosecutors. After assessing the needs of the Academy for technical equipment, JSP positively responded to this request, by purchasing four new desktop computers, monitors, and keyboards for fourteen computers, including their formatting and installation. This technical equipment will enable candidates for judges and public prosecutors to effectively follow the theoretical part of the initial training, which consists of legal, general, and special subjects over a period of 9 months.

2.3.1.2 Study Tour II for Court Administrators and Court Staff



Study Tour II

As previously reported, the second JSP study tour took place in the Netherlands and Slovenia from September 23–October 3, and focused on increasing the capacities and skills of court administrators and court staff. The experiences and impressions gained at the study tour related to the IT and budget areas were presented by the participants at the fourth JBF on October 17–18.

At the follow-up meeting on October 24, JSP staff assisted the participants in developing an Action Plan from the information gleaned from the study tour. These items were a distillation of preliminary action plans developed while on the tour, and in general included:

- Process-mapping for the IT operations of the courts and courts’ house rules;
- Drafting changes to the Law on Court Services to provide for the mandatory training for the court administration and staff;
- Preparing a report by the CBC on the realization of the court budget, which would facilitate the work of president judges in decision-making on key management issues;
- Establishing stronger and regular coordination of the courts’ IT personnel, for solving day-to-day problems and implementation of contemporary ideas in the IT sector; and
- Increasing the capacities of courts’ public relations offices and providing training for the staff of courts’ public relations offices to secure greater openness and transparency of the courts.

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

As described more fully in Section 2.1.3.1, JSP in cooperation with the MJA supported a “Roundtable on Court Proceedings and Court Efficiency” on November 7.

On November 5, JSP met with the president of the Basic Court Ohrid, Judge Milco Klisheski. This meeting was part of the Project’s ongoing efforts to improve caseload processing by insuring proper functioning of the courts’ committees for backlog reduction. Basic Court Ohrid is the court with the highest number of old cases in the Bitola appellate region. Prior to this meeting, on May 20 and 28, JSP participated in working meetings with a “train-the-trainers” element, with the president judges and heads of departments of Basic Courts Kumanovo and Skopje 1. These courts were identified by the president judge of the Appellate Court Skopje as courts in need of remedial assistance. During the visits, participants identified common reasons for delay in both criminal and civil cases and discussed possible solutions. Some of major issues identified were service of process for the main hearing, failure to produce detainees in court, delays in submitting reports, and appearances of expert witnesses.

2.3.2.1 Support for Judicial Sector Automation

Electronic Digital Recording of Court Hearings and Trials

The JSP has provided support for an “in-house” Electronic Court Recording (ECR) consultant at Basic Court Skopje II due to the court’s workload, which includes high-profile cases from the entire country. The recruitment and approval process to hire the ECR consultant took place in September. After a screening and interview process, the consultant was selected to fill this position. After an initial one-month pro bono service, the expert consultant signed a one-year contract that commenced on October 14. The court and its judges will benefit from the presence and assistance of this consultant who will support full utilization of the ECR Femida software and hardware. He will coordinate and provide continuous “in-house” training and daily support to the users of ECR.

At this point in the evolution of electronic recording of court hearings, additional training is necessary in some venues. Technical assistance and training to judges and typists will enhance the use and positive results of the

system. The project will support additional training on an “as needed” basis in the courts and during actual hearings. During this reporting period, JSP supplied a trainer for this purpose. Also, JSP supported the printing of an ECR Manual to assist in its training and further enhancements. The Manual was developed in November, and the project plans to print 800 copies and make them available for all civil court judges and typists.

Upgrade of Automated Budget Management System

The Court Budget Council (CBC) requested an upgrade of the Automated Budget Management System (ABMS) due to a number of changes in the laws and sub-regulations affecting judicial budgeting, finance, and human resources. The project addressed the issue through a sole source contract with the original vendor. The vendor, Ultra, will implement the following improvements: upgrade the modules for financial and budget operations to enable generation of annual reports from the ABMS and generation of a consolidated annual report for all court budget users; upgrade the personnel records module regarding the Register for court employees and the systematizations to enable generation of appropriate reviews, reports, and statistics in accordance with the needs of the AO of CBC; upgrade the module for salary calculation pertaining to correction of salaries by court budget users for reporting income tax; and upgrade the form PDD-GI and its population with data for the paid taxes for all court employees.

The ABMS upgrade is already in process and is scheduled to be completed by February 1, 2014. The contractor will also assist the responsible personnel in the AO of the CBC in applying the installed upgrades by March 31, 201

III. PROBLEMS AND REMEDIAL ACTIONS

Problems have been minimal and are of the type to be expected in the regular course of implementation. None have been extraordinary and all have been addressed and resolved.

IV. PERSONNEL AND ADMINISTRATIVE MATTERS

During this quarter, JSP continued its policy of internal coordination meeting to assess budget expenditures to date and to assist the finance administrator in coordinating project resources with projected activities and events. In addition, the third year work plan was completed and filed with USAID in mid-October.

On November 14, the COP, Joseph Traficanti, completed his full-time assignment, and the DCOP Nevenka Ivanovska assumed the COP position the next day. As planned, a local person will be hired to assist the new COP. A job description will be prepared and a posting made to fill the position.

V. EVENTS AND ACTIVITIES

The project is aware of the importance of accurate reporting of events. This quarterly report includes a matrix summarizing each event, training, forum, seminar, round table, or other event, along with pertinent descriptive information.

YEAR II: NOVEMBER 2012 – NOVEMBER 2013

No.	Event	Date	Counterpart	Number of Participants	Gender		Result Requirement	Rating Scale of 5
					M	F		
1	Training on “Advocacy & Lobbying” for the Court Administration Association (CAA)	November 29-30, 2012	MESACONS/EMBR A, CAA	10	5	5	Result 1.2	4.9
2	Working meeting on "Developing Protocols for the Operation of Courts Working Committees"	December 17, 2012	Judicial Council of the Republic of Macedonia (RM)	8	3	5	Result 2.2	/
3	Training on “Advocacy & Lobbying” for the Macedonian Young Lawyers Association (MYLA)	December 15-16, 2012	MESACONS/EMBR A, MYLA	8	4	4	Result 1.2	4.6
4	Promotion of ELSA brochure “Organization of the Court System in RM” to high school students at the Basic Court Tetovo	December 24, 2012	ELSA, Basic Court Tetovo	80	N/A	N/A	Result 1.2	/
5	Training on “Project Planning, Design, and Implementation / Project Cycle Management” for MYLA	January 17-19, 2013	MESACONS/EMBR A, MYLA	9	4	5	Result 1.2	4.1
6	Training on “Preparation of Final Annual Account”	January 18, 2013	Administrative Office of the Court Budget Council (AO of CBC)	36	6	30	Result 2.2	4.7
7	Training on “Establishing and Maintaining Partnership and Cooperation” for CAA	January 24-25, 2013	MESACONS/EMBR A, CAA	9	2	7	Result 1.2	5.0
8	Workshop on “Provision of Effective and Efficient Services” for CAA	January 31-February 1, 2013	MESACONS/EMBR A, CAA	8	4	4	Result 1.2	4.9
9	Training on “Practical Implementation of the Law on Civil Procedure with a Special Emphasis on the Provisions for Electronic Delivery / Implementation of the Law on Electronic Signature and Electronic Data”	February 1, 2013	Academy for Judges and Public Prosecutors (JTA)	48	10	38	Result 3.1	/
10	Workshop on “Preparation of Unified Payment Procedures and Guidelines upon Judges’ Order and other Accounting Documents”	February 4-5, 2013	AO of CBC	18	3	15	Result 2.2	/

YEAR II: NOVEMBER 2012 – NOVEMBER 2013

No.	Event	Date	Counterpart	Number of Participants	Gender		Result Requirement	Rating Scale of 5
					M	F		
11	Workshop on “Provision of Effective and Efficient Services” for MYLA	February 5-6, 2013	MESACONS/EMBR A, MYLA	9	4	5	Result 1.2	4.3
12	Training on “Disclosing Evidence, Quality of Evidence with Special Focus on the Expert Testimony / Financial Instruments as Evidence in Commercial Disputes”	February 15, 2013	JTA	26	9	17	Result 3.1	/
13	Promotion of ELSA brochure “Organization of the Court System in RM” to high school students at Basic Court Skopje 2	March 7, 2013	ELSA, Basic Court Skopje 2	85	N/A	N/A	Result 1.2	/
14	Lecture of JSP COP at the Law School “Iustinianus Primus”	March 11, 2013	Law School “Iustinianus Primus”	40	N/A	N/A	N/A	/
15	Workshop on “Organizational & Management Skills” for CAA	February 19-20, 2013	MESACONS/EMBR A, CAA	10	4	6	Result 1.2	4.9
16	Training on “Project Planning, Design, and Implementation / Project Cycle Management” for CAA	March 11-13, 2013	MESACONS/EMBR A, CAA	5	2	3	Result 1.2	4.9
17	Training on “Management and Leadership Skills” for CAA	March 14-15, 2013	MESACONS/EMBR A, CAA	15	8	7	Result 1.2	5.0
18	Training on “Media and Public Relations Strategies” for the Macedonian Judges Association (MJA)	March 18-19, 2013	MESACONS/EMBR A, MJA	7	5	2	Result 1.2	5.0
19	Training on “EU Funding Mechanisms” for CAA, MYLA, and All for Fair Trials (AFFT)	March 20-21, 2013	MESACONS/EMBR A, CAA, MYLA, and AFFT	23	10	13	Result 1.2	4.6
20	Training on “Media and Public Relations Strategies” for MYLA	March 26-27, 2013	MESACONS/EMBR A, MYLA	9	3	6	Result 1.2	4.6
21	Judicial Branch Forum (second meeting)	March 15, 2013	SC, CBC, AO of CBC, JC, CAA, Administrative Court, High Administrative Court, President Judges of the four appellate regions, MJA, JTA, CSC	10	4	6	Result 2.1	/

YEAR II: NOVEMBER 2012 – NOVEMBER 2013

No.	Event	Date	Counterpart	Number of Participants	Gender		Result Requirement	Rating Scale of 5
					M	F		
22	Working meeting for the courts of the appellate regions of Bitola & Gostivar on “Case Processing and Backlog Reduction”	March 18, 2013	Judicial Council, Appellate Courts	36	22	14	Result 2.2 & 3.2	/
23	Working meeting for the courts of the appellate regions of Skopje & Shtip on “Case Processing and Backlog Reduction”	March 21, 2013	Judicial Council, Appellate Courts	59	29	30	Result 2.2 & 3.2	/
24	Roundtable discussion for 4 NGOs on “Court Proceedings and Court Efficiency”	March 22, 2013	MYLA, Macedonian Lawyers Association (MLA), AFFT, and Public Prosecutors Association (PPA)	34	18	16	Result 1.2	/
25	Roundtable discussion for the IT staff from all courts in MK	March 26, 2013	Academy for Judges and Public Prosecutors (Academy), Supreme Court IT Department	52	37	15	Result 2.2 & 3.1	4.0
26	Workshop on “Developing Membership Base Strengthening Strategies” for CAA	April 11-12, 2013	MESACONS/EMBR A, CAA	25	9	16	Result 1.2	4.6
27	Harmonization of Civil Court Decisions	April 12, 2013	Academy for Judges and Public Prosecutors, Appellate Courts	41	22	19	Result 2.2	/
28	Training on “Mobilization of Local Resource” for MYLA	April 16-17, 2013	MESACONS/EMBR A, MYLA	7	3	4	Result 1.2	4.3
29	Study Tour for NGOs	April 8-18, 2013	MYLA, MLA, AFFT, ELSA, CAA	8	2	6	Result 3.1	/
30	Workshop on “Developing Membership Base Strengthening Strategies” for MYLA	April 24-25, 2013	MESACONS/EMBR A, MYLA	7	4	3	Result 1.2	4.3
31	Promotion of MYLA at the FON University	April 25, 2013	MYLA	30	N/A	N/A	Result 1.2	/
32	Workshop on “Organizational and Management Skills” for MJA	April 29-30, 2013	MESACONS/EMBR A, MJA	11	8	3	Result 1.2	4.5
33	Meeting with study tour participants	May 17, 2013	MYLA, MLA, AFFT, ELSA, CAA	21	11	10	Result 3.1	/
34	CAA Annual Assembly	May 22-23, 2013	CAA	55	21	34	Result 2.2	/

YEAR II: NOVEMBER 2012 – NOVEMBER 2013

No.	Event	Date	Counterpart	Number of Participants	Gender		Result Requirement	Rating Scale of 5
					M	F		
35	Promotion of ELSA brochure “Organization of the Court System in RM” to high school students at the Basic Court Veles	June 4, 2013	ELSA, Basic Court Veles	40	N/A	N/A	Result 1.2	/
36	Judicial Branch Forum (third meeting)	June 19-20, 2013	SC, CBC, AO of CBC, JC, CAA, Administrative Court, High Administrative Court, President Judges of the four appellate regions, MJA, JTA, CSC	8	3	5	Result 2.1	/
37	Training for “EU Funding Mechanisms” for other NGOs	June 24-25, 2013	MESACONS/EMBR A, NGOs	10	3	7	Result 1.2	/
38	Working meeting for implementation of the Action Plans of the study tour in Sweden & Estonia	July 4-5, 2013	Study tour participants	6	2	4	Result 1.2	/
39	Working meeting with court administrators of basic courts with extended jurisdiction	July 10, 2013	CBC	13	7	6	Result 2.2	/
40	Training for judges and court staff responsible for sharing public information	July 12-13, 2013	Academy, all courts	19	7	12	Result 2.2	4.9
41.	Workshop on “Developing Membership Base Strengthening Strategies” for the other 8 NGOs	September 4-5, 2013	MESACONS/ EMBRA, NGOs	11	3	8	Result 1.2	4.4
42.	Workshop on “Organizational Design” for MYLA	September 10-11, 2013	MESACONS/ EMBRA, MYLA	8	3	5	Result 1.2	4.7
43.	Workshop on “Provision for Effective and Efficient Services with Focus on Members” for the other 8 NGOs	September 12-13, 2013	MESACONS/ EMBRA, NGOs	11	3	8	Result 1.2	4.9
44.	Leadership Conference	September 17-18, 2013	JTA, all courts	92	54	38	Result 3.1	/
45.	Training on “Management and Leadership Skills” for MYLA	September 20-21, 2013	MESACONS/ EMBRA, MYLA	9	5	4	Result 1.2	4.7
46.	Training on “Developing Organizational and Financial Sustainability Plans” for MYLA	September 24-25, 2013	MESACONS/ EMBRA, MYLA	4	3	1	Result 1.2	4.5

YEAR II: NOVEMBER 2012 – NOVEMBER 2013

No.	Event	Date	Counterpart	Number of Participants	Gender		Result Requirement	Rating Scale of 5
					M	F		
47.	Study tour for court administration in the Netherlands & Slovenia	September 23-October 3, 2013	Court administration and staff	8	5	3	Result 3.1	/
48.	Training on “Human Resource and Volunteer Management” for MYLA & CAA	October 3-4, 2013	MESACONS/EMBR A, MYLA & CAA	17	13	4	Result 1.2	4.8
49.	Training on “Developing Financial Management and Sustainability Plans” for CAA	October 15-16, 2013	MESACONS/ EMBRA, CAA	12	9	3	Result 1.2	4.5
50.	Court Couriers Training	October 16, 2013	JTA, all courts	56	55	1	Result 3.1	/
51.	Judicial Branch Forum (fourth meeting)	October 17-18, 2013	SC, CBC, AO of CBC, JC, CAA, Administrative Court, High Administrative Court, President Judges of the four appellate regions, MJA, JTA, CSC	14	7	7	Result 2.1	/
52.	Training on “Financial Management for Non-Financial Personnel” for CAA and other NGOs	October 22-23, 2013	MESACONS/ EMBRA, CAA and other NGOs	14	5	9	Result 1.2	4.9
53.	Training for journalists and the Chamber of Enforcement Agents	October 26-27, 2013	Chamber of Enforcement Agents	13	6	7	Result 1.2	/
54.	Training on “Mediation and Arbitration – Ways for Alternative Resolution of Commercial Disputes”	October 28-29, 2013	Academy for Judges and Public Prosecutors	37	12	25	Result 3.1	/
55.	Roundtable on “Court Proceedings and Court Efficiency”	November 7, 2013	Macedonian Judges Association	26	11	15	Result 1.2	
56.	Training on “Managerial Contracts / Accurate Legal Classification and Distinguishing the Labor Disputes According to the Law on Labor Relations from the Disputes that Arise from Managerial Contracts”	November 15, 2013	Academy for Judges and Public Prosecutors	26	9	17	Result 3.1	/
57.	Regional conference on “Fight Against Human Trafficking – Stop For the Modern Slavery”	November 21-24, 2013	ELSA	91	24	67	Result 1.2	/

YEAR II: NOVEMBER 2012 – NOVEMBER 2013

No.	Event	Date	Counterpart	Number of Participants	Gender		Result Requirement	Rating Scale of 5
					M	F		
58.	Series of events “Week of Fair Trials” – 10 year anniversary of AFFT	December 2-10, 2013	AFFT	81	37	44	Result 1.2	/
59.	National Conference on “Legal Profession in the Republic of Macedonia – Challenges, Problems and Perspectives”	December 6, 2013	MYLA	81	36	45	Result 1.2	/
60.	Harmonization of civil court decisions	December 6, 2013	Academy for Judges and Public Prosecutors	51	26	25	Result 2.2	/
61.	Kaizen workshop for the launching of a Judicial Independence Advocacy Coalition	December 17, 2013	MYLA, AFFT, MLA, ELSA, CCA	17	6	11	Result 1.2	/
62.	Strategic Planning Workshop (CIRa)	December 23-25, 2013	Judges and court administration	15	6	9	Result 2.2	/
Total				1649	636*	738*		

* The sum of men/women participants is not equivalent with the total no. of participants because for some of the events the gender breakdown is not known.