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USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT (JSP)

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I. PROGRAM-RELATED ACTIVITIES AND TASKS

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

I.1 Requirement I.1: A Short, Focused Assessment, Baseline Survey, and Resulting Action Plan on Justice Sector LPAs and CSOs, and the Role they can Play in Strengthening the Rule of Law in Macedonia

The Judicial Strengthening Project (JSP) previously completed the short, focused initial assessment of the organizational needs of 11 professional organizations and civil society organizations (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), which represents most of the judges in Macedonia. It is active in providing a forum for discussion of various issues facing society, such as the public discussion on the Law on Defamation and key areas of case processing through the Administrative and High Administrative Court.
- The Macedonian Young Lawyers' Association (MYLA), which is a legal professional association (LPA) that provides continuing legal education for young lawyers and works to promote and advance the legal profession in Macedonia. MYLA promotes access to public information and supports the establishment of a free legal aid system.
- The Court Administration Association (CAA), which represents approximately 1200 court employees and is very active in proposing and writing new rules and sub-regulations and advocating for reform.

In phase II, 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.

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

The JSP proceeded with the implementation of phase III, which started in October 2012 and will run through October 2013 at the latest. Phase III activities include a series of training workshops to enhance the capacity of the selected organizations. JSP is overseeing the presentation of these workshops.

MJA participation has been low and its members have displayed a lack of enthusiasm. JSP staff met on February 4, with the president of the MJA, Judge Nikolco Nikolovski, to discuss the future participation of the association in this program, among other things. Judge Nikolovski opined that the training sessions should focus more on substantive topics related to judges' adjudicative work rather than on strengthening the capacity of the MJA. He stressed that judges have busy schedules, making it difficult to ensure their participation in trainings. It was agreed that the MJA will be participating in only two training sessions: (i) Effective Media and Public Relations and (ii) Organization and Management Skills.

Given the reduced participation of the MJA in training events, the JSP has reached out to the eight LPAs/CSOs that are not among the original targeted group and has offered them seats

each at the remaining training sessions, provided that the selected participants make a good-faith commitment to attend specific sessions.

1.2.1 Trainings and Workshops for LPAs for April 2013

Activity/Deliverable	Counterparts	Activity Description	Start Date	Finish Date
Developing Strategies for Strengthening the Membership Base	CAA	<ul style="list-style-type: none"> Preparation of the trainings and workshop materials Implementation of the trainings and workshop Evaluation of the trainings and workshop 	Apr. 11, 2013	Apr. 12, 2013
Mobilization of Local Resources	MYLA		Apr. 16, 2013	Apr. 17, 2013
Developing Strategies for Strengthening the Membership Base	MYLA		Apr. 24, 2013	Apr. 25, 2013
Organizational and Management Skills for MJA	MJA		Apr. 29, 2013	Apr. 30, 2013

1.2.2 Court Administration Association

Support for a CAA Publication

The initial and follow-up assessment of CAA, 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. During April, the administrative assistant has assisted the CAA in developing a JSP-supported association publication for distribution to members.

The CAA published a brochure (*Informator*) in 2010. Members saw this as a very valuable tool for conveying information to, and communicating with, the entire membership, as well as judges, media, and other stakeholders. At the suggestion of the JSP, CAA members recently embarked on producing the association's second brochure to promote awareness of its recent results and accomplishments.

The draft of the publication was completed in April and JSP supported the translation of the draft into English. After internal editing by the JSP and the CAA, the JSP sent the publication for formatting and printing.

A total of 1,500 copies of the brochure are being printed as of this writing (1,300 in Macedonian and 200 in English). The CAA will distribute the brochure to all its members, the media, potential donors, and other institutions.

Project continues to support the international recognition and networking of the CAA within the International Court Administration Association.

Annual Assembly of the Court Administration Association

JSP will organize the fourth CAA Annual Assembly, in cooperation with the CAA. During the Assembly, members will draft revised versions of selected merit-based job descriptions and will review and recommend amendments to certain aspects of the Law on Court Service.

Approximately 70 members of the CAA will attend the Assembly, together with 10 participants of the working groups that will work on the revision of the job descriptions. The Assembly will elect a new managing board and president of the Association. The Annual Assembly will take place on May 22 and 23, 2013, at the Hotel "Gligorov," in Strumica.

1.2.3 Macedonian Young Lawyers Association

MYLA provides continuing legal education for young lawyers and works to promote and improve the legal profession in Macedonia. It also promotes access to public information and supports the establishment of a free legal aid system.

Earlier in the project, the JSP collaborated with MYLA in the preparation and distribution of a flyer designed to strengthen the association, bolster the participation of its existing members, and attract new members.

During March and into April, MYLA completed a more in-depth brochure describing its accomplishments, which it will distribute to young attorneys and law students, and potential donors, and partners from abroad. The brochure is currently being edited and translated into Macedonian. It will be formatted, printed, and ready for distribution in early May.

On April 25, MYLA made a presentation to the students of the Faculty of Law, FON University, Skopje. The presentation was attended by law students, USAID Contracting Officer's Representative (COR) Antoaneta Skartova, JSP Deputy Chief of Party (DCOP) Nena Ivanovska, JSP project attorney Ivan Mojsov, and JSP intern Uma Arunachalam.

Three 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 for lawyers under the age of 35. A brief question and answer session followed, at which the representatives of MYLA answered questions regarding the mission of MYLA and its objectives.

MYLA distributed its promotional flyer, produced with JSP's support, to the participants (approximately 40 students, mostly from the fourth and fifth year of law studies). The students also provided a list of their names and e-mail addresses for future direct e-mail communication between them and MYLA.

At the coffee reception that followed the presentation, the representatives of MYLA and FON University agreed to continue this fruitful collaboration. They signed a memorandum of understanding for cooperation in various fields, such as organizing lectures at the university on the practical aspects of practicing law and networking with the law society at FON University.

Macedonian Lawyers Association

On April 5, 2013, the DCOP attended a roundtable called by MLA, one of the NGOs with which the project has been working. The object of the roundtable was to discuss a new draft law on bankruptcy. This is of significance as it is the first time such a law has been presented in Macedonia where the public was invited to comment on the law before it enters the Parliamentary process. The MLA, one of the most active NGOs in the judicial sector, organized and facilitated this roundtable

I.3 Offshore Study Tour for LPAs & CSOs

The JSP organized a study tour for LPAs and CSOs to Estonia and Sweden on the premise that an effective civil society helps hold a democratic government accountable to its citizens by serving as a source of oversight. LPAs and CSOs in Macedonia have an opportunity to provide such oversight to the judiciary, thus strengthening its independence and transparency. However, many of these associations and organizations lack organizational capacity and experience with advocacy.

The JSP selected seven members from the MLA, MYLA, the European Law Students' Association (ELSA), All for Fair Trials (a CSO), and the CAA to go on the tour, with the approval of the COR. The DCOP accompanied the group on the study tour to ensure that the participants bring back the lessons learned and implement them in their organizations.

The participants traveled to Estonia and Sweden from April 8 to April 18, 2013, to study how LPAs and CSOs in those countries strengthen judicial independence and increase public confidence in the judiciary.

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 participants met with bar associations and district courts, who presented the skills needed to influence policymaking through lobbying and to promote transparency by leveraging the media to highlight issues of corruption or interference in the judiciary by other branches of government.

On May 17, the JSP will facilitate an event at which the participants will share their experiences and the knowledge they gained during the visit to Estonia and Sweden as well as their plans for the future. Participants will include members of other judicial sector LPAs and CSOs.

Roundtable Discussion 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, 2013. 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 JSP Chief of Party (COP), Joseph Traficanti, and DCOP attended the event as representatives of JSP.

I.4 Coordination Meetings

President of the Judicial Council

The COP and the DCOP communicated regularly with the president of the Judicial Council of the Republic of Macedonia (JC) in April to coordinate the efforts of the project with JC activities and to offer support for the various disciplines within the judicial branch. The DCOP, COR, and Judge Aleksandra Zafiroska, president of the JC, visited the basic court in Tetovo on April 26, 2013, to review the progress and efficiency of court operations, random assignment of cases, and status of automation.

General Secretary of the Judicial Council

Members of the JSP team met with the general secretary of the JC, Beti Vaskova, on April 4, 2013, to coordinate an ongoing effort by the JC to adopt a code of ethics for its employees. Participants at the meetings reviewed the proposed code and made a number of suggestions to

enhance its effectiveness when adopted. Another meeting will be scheduled once the JC staff reviews the revisions.

Association of Public Prosecutors

JSP staff met with the Public Prosecutors' Association on April 4 and April 19, 2013, to continue discussions on several topics involving possible assistance from the United States Government to the organization. Discussions revolved around potential assistance in producing a brochure and a newsletter and assistance in upgrading the organization's website. Decisions regarding possible assistance in these areas are under active consideration by JSP and the COR at the time of writing.

Mesacons/Embra

JSP staffs hold monthly coordination meetings with its training subcontractor, Mesacons/Embra (Embra). The meeting on April 5, 2013, discussed the issue of establishing base lines for measuring progress of the capacity of the LPAs being trained. Embra informed the JSP that it was developing a survey to distribute to the main targeted organizations to identify improvements in organizational practices and results. The JSP advised Embra to limit the surveys, at this time, to CAA and MYLA, because the MJA has not embraced the proffered trainings and workshops to the extent desired.

Evaluation of Work Plan and Progress on the Project Management Plan for 2013 by JSP Professional Staff

On April 5, 2013, JSP professional staff met to evaluate the project's progress and accomplishments to date, and to chart a course for the balance of the year covered by the current work plan, particularly the upcoming quarter. The results were reviewed with the COR and tasks for the upcoming quarter were agreed upon.

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

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

2.1.1 Review and Advocacy of Laws by the Judiciary

Harmonization of Decisions of Appellate Regions

One of the weaknesses noted in Macedonian jurisprudence is inconsistent application of laws in different appellate regions and even between courts of the same appellate region. Different courts can reach different decisions despite applying the same articles of the laws. This causes legal uncertainty and reduces public trust and confidence in the judiciary.

The project has agreed to support a leadership team for the harmonization of court decisions. The JSP and the director of the Academy for Judges and Public Prosecutors (JTA) have agreed to jointly organize quarterly meetings for president judges, heads of departments, and civil judges from the four appellate regions in the Republic of Macedonia. These meetings will discuss and bring to conclusion a number of questions raised by civil court departments. Judges in the courts of first instance will decide future cases by applying current laws and the conclusions reached at these harmonization meetings.

The conclusions from all harmonization meetings will be published by JSP in a bulletin at the end of the year. This transparency will foster greater public confidence in the judiciary, thus providing an identifiable basis of trust in the courts.

The first harmonization meeting took place on April 12 at the Academy. The JSP and the Academy will schedule subsequent meetings each quarter, based on the availability of the judges.

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

Court Service Council and Court Administrators

As reported above, JSP has agreed to support the Annual Assembly of the CAA, scheduled for May 22 and 23, 2013. This assembly will include an important opportunity for the project to support the CAA and the Court Service Council in a number of initiatives critical to both organizations.

The CAA is interested in supporting amendments to the Law on Court Services. The JSP will support and facilitate a working group on this topic during the annual assembly; this will attempt to build a consensus for certain amendments to the law.

In addition, the project will support and facilitate two working groups to work on replacing antiquated job descriptions for two major groups of court employees –Court Administrators and Information Technology Specialists. The work is needed because there have been many changes in the tasks required of these employees, and existing descriptions do not have the level of information required for an objective and modern human resource operation.

2.2.1 Support for Public Information and Education Activities

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. It will achieve this by supporting printing of public education materials and court reports, and by conducting media briefings, court tours, etc. 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 Council and its activities. Thus, the publication contributes to transparency, as well as to strengthening advocacy and citizen participation in judicial sector reform. Five hundred copies were printed in both English and Macedonian.

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

As previously reported the 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 to 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.

2.2.2 Differentiated Case Management—Consultancy

While there is a positive trend in the reduction of backlogged and pending cases in the Macedonian judiciary, an advanced case management tool known as differentiated case management, or DCM, could help improve the situation still further. Under the JSP's direction, a

consultant (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*. This presents the current status, managerial framework, and operational efficiency of the Macedonian court system, and reviews whether it is a viable candidate for successful implementation of DCM.

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 COR. This resulted in a decision to send the report to the president of each of the appellate courts and the president of the JC for in-depth review. The current plan is to present the concept and report to the next Judicial Branch Forum in June 2013 to encourage a consensus by, and the support of, the top judicial leaders of the Republic of Macedonia.

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

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

Most courts have made a good deal of progress in processing cases and reducing backlogs. However, challenges remain. The Law of Case Management requires each court to establish a case processing committee. Draft models of two documents required by law—monthly reports and internal procedures—were developed and promulgated by the JC.

As a follow-up to the appellate regional meetings held on March 18 and 21, 2013, which addressed backlogs and case processing and other concerns, JSP has contacted the president judges of the appellate regions requesting that they identify their most problematic courts in terms of case backlogs and processing issues. JSP staff will lead a local team to the identified courts and offer remedial assistance. At the same time, the JSP will train the team on how to address various problems in case processing and backlog reduction. As a result, the teams will become the future trainers for other problematic courts and for newly elected judges.

3.1.1 Support for Judicial Sector Automation

Electronic Digital Recording of Court Hearings and Trials

The JSP has completed training of teams in all courts in which electronic recording devices have been installed. While some courts are actively using the devices, full implementation is dependent on the adoption of amendments to the *Court Book of Rules* that provide clearer direction to judges and court staff.

Review and Evaluation of the Status of Judicial Automation

Over the past several years, there has been a proliferation of court automation tools, including the Automated Court Case Management and Information System (ACCMIS) developed by EDUSOFT, Skopje.

At JSP's request, in April 2013 the project's on-call ITC expert reviewed the progress of court case automation. She will submit her full report by May 7, identifying any gaps and shortcomings in the system used, making recommendations for future enhancements and development, and providing information for a long-term strategic plan. Once the report is received, the JSP will provide the judicial leaders with the opportunity to create a strategic plan for information technology, including a replacement schedule for outdated and underpowered equipment.

II. PROBLEMS AND REMEDIAL ACTIONS

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

III. ADMINISTRATIVE MATTERS

Tetra Tech DPK provided a Global Fellow intern, Uma Arunachalam, who started work on March 15, 2013, and is expected to be with the project until June 15, 2013. She has been of great assistance to the project, helping to update the project's website, writing reports, assisting in research regarding staffing guidelines, etc.

IV. SUMMARY OF ACTIVITIES PLANNED FOR MAY 2013

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

- Oversee and manage the capacity development program with Embra
- Maintain regular communications with Embra and conduct regular coordination meetings according to the subcontract
- Continue coordination with the Academy for future events
- Continue to accumulate statistical data on case filings, dispositions, and backlogs by court and case type
- Lead team to courts with problematic case processing issues and provide remedial assistance
- Re-establish the working group for the next phase of the implementation of staffing guidelines and conduct a first meeting
- Continue to work with six pilot courts and other courts to meet targets on needs-based budgets as requested by the Administrative Office of the Court Budget Council
- Send the DCM report to president judges of the appellate regions and the JC, and discuss future initiatives to advance DCM in the Republic of Macedonia
- Support and facilitate a follow-up meeting with study-tour participants in order to share experiences with other NGOs and CSOs
- Public discussion with four NGOs entitled "Court Practices and Court Efficiency" to supplement the Roundtable with other LPAs of March 22, 2013
- Assist the CAA administrative office and its new office assistant in printing and distributing the CAA brochure
- Support the Annual Assembly of the CAA on May 22 and 23, 2013
- Provide support for a working group of CAA members in preparing suggested amendments to *the Law on Court Services*
- Support and facilitate working groups revising job descriptions for Court Administrators and Information Technology Specialists
- Print a second brochure on MYLA accomplishments
- Support MYLA visits to law faculties
- Support printing and distribution of ELSA juvenile justice publication
- Continue updating the JSP website with assistance from the Global Fellow intern

- Continue to support student visits to courts and distribution of ELSA publications
- Continue to oversee implementation of electronic recording of court hearings
- Distribute report of JSP IT consultant and advocate for implementation of recommendations
- Follow progress in Implementation of the Action Plans of CAA,ELSA,MLA,All4FairTrials and MYLA as part of CSOs and LPs Study Tour objectives