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Final Report

ALBANIA

JUDICIAL STRENGTHENING AND TRAINING PROJECT

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## I. EXECUTIVE SUMMARY

The Republic of Albania continues to undergo fundamental political, legal and economic reforms in an effort to establish a market-based economy based upon democratic principles and the rule of law. The chaos in 1997 due to the collapse of the pyramid schemes and the civil unrest in 1998 jeopardized the stability of the government and delayed democratic reforms, which began only a few years earlier. Among the most important of these reforms is the strengthening of the central institutions of government. An indispensable component of institutional capacity building in Albania is in the development and maintenance of a fully functioning judicial system – a system that becomes widely seen by the public as an effective mechanism to resolve conflicts transparently and efficiently.

The USAID Judicial Training and Strengthening Project (“USAID JTSP”) was awarded to the East-West Management Institute, Inc. (“EWMI”) in September 1998. However, due to the evacuation of all US citizens and USAID contractors from Albania in August 1998, and the US State Department travel restriction for US citizens in place until April 1999, EWMI’s Tirana office opened in February 1999. In anticipation of the lifting of travel restrictions for US contractors, EWMI hired a local Albanian attorney who opened the EWMI Tirana office. The expatriate technical advisor arrived in August 1999.

Between September 1998 and February 2001 the USAID JTSP worked with a wide range of governmental institutions, non-governmental organizations and other donor organizations. Through a comprehensive training and judicial institution-building program, EWMI succeeded in its mandate as outlined in the SOW “to upgrade the professional skills of the judiciary and the court administration, to enhance judges understanding of specific commercial laws and EU directives, and augment their overall understanding of the economic underpinnings of financial/commercial issues.”

## II. INTRODUCTION

Over a 30 month period, USAID JTSP provided technical assistance to Albania in two areas: 1) judicial institution building; and 2) training for judges and court administrators. Per the task order, EWMI focused efforts on strengthening the commercial law knowledge of Albanian judges and their ability to adjudicate commercial law cases transparently and efficiently; and improving the efficiency of operations in the administration supporting Albanian courts.

Throughout the task order, EWMI submitted monthly reports to USAID in Washington, D.C. and to the USAID Mission in Tirana, Albania. The reports described in detail the challenges that project faced and its accomplishments. Additional material for specific legislation, seminar and evaluation materials, specific deliverables completed during each month (including gap assessment, seminar materials, institutional evaluation reports, etc.) were provided in electronic form or hard copy when the electronic version was not available.

This final report describes the project as it was implemented outlining both the challenges faced and the accomplishments achieved in each area.

### III. "GAP" ASSESSMENT QUESTIONNAIRE

#### A. Development of Questionnaire

Prior to opening the Tirana office, EWMI-NY began to develop the "gap" assessment questionnaire for judges with five or more years experience on the bench. The first draft of the questionnaire was completed January 12, 1999 with the help of U.S. legal experts.

The EWMI office in Tirana assembled a local advisory board of Albanian commercial law experts to evaluate and contribute to the draft questionnaire. The advisory board was organized to ensure that the questions posed to the judges and terminology used reflected nuances specific to commercial law precepts in Albania. It also allowed for the project to be localized and fully address the problems specific to the Albanian judiciary by incorporating ideas of in-country experts in the early stages of the project.

EWMI staff also met with officials at the Ministry of Justice, the School of Magistrates, and other donor representatives including ABA-CEELI, OSCE and IRIS, USAID's Collateral Law Project grantee, to gain their valuable insight on legal reform in Albania.

During these meetings with local experts and donors, EWMI sought advice as to the most appropriate way to distribute and collect the questionnaire from the judges. EWMI was sensitive to how the district court judges' perceive the questionnaire. At the time of the questionnaire's development, the Council of Europe ("CoE") in co-operation with the Albanian School of Magistrates was in the process of developing an exam to be administered to all judges with ten years or less experience on the bench. As this exam was highly political and controversial, and was postponed a number of times, EWMI wanted to avoid any misunderstanding that it too was "testing" the judges. In addition, most judges were busy studying for the CoE exam and did not have the time to focus on a questionnaire for EWMI. Finally, it did not make sense to have judges complete the EWMI questionnaire, in the event that they failed the CoE exam and were fired.

The delay of the exam to be administered by the CoE was the primary reason for EWMI's delay in administering the "gap" assessment questionnaire. EWMI also wanted to avoid all misperception of "pre-testing" judges with the questionnaire and waited for the CoE exam to be administered. The CoE administered the exam for judges on May 8, 1999.

#### B. Implementation of Questionnaire

Prior to implementation, EWMI vetted the final draft of the questionnaire with the CTO for the project at USAID in Washington, D.C. The questionnaire was completed and comprised of 122 questions in five areas: *Company law and Commercial Registry, Contracts, Bankruptcy, Secured Transactions, and Commercial Papers and Negotiable Instruments*. An U.S. attorney approved by USAID in June went to Albania as a short-term consultant (per the SOW) to oversee the questionnaire's distribution, which was scheduled for July 1999.

The questionnaire was distributed to and collected from each district court chief judge by a team comprised of the EWMI consultant and a local senior attorney working for the project. Questionnaires were hand delivered to the chief judges. At the time of distribution, the EWMI consultant explained the purpose of the questionnaire and interviewed (as referred to in the SOW) the chief judge concerning their court, the commercial caseload, and the number of judges assigned to the commercial section of their court, if such a section existed.

A total of 30 judges from various courts completed and returned the questionnaire. During interviews with the chief judges, it was determined that the majority of district court judges in Albania have little knowledge of or experience with commercial type disputes. The commercial registry for all companies is located in Tirana. According to Albanian law companies file all documentation concerning companies at the Tirana district court. As such, the majority of commercial law activity takes place at the Tirana court.

The results of the gap assessment were summarized in a report. The overall conclusion of the assessment was that the majority of District Court judges throughout Albania lacked basic knowledge in commercial law matters. However, it was also clear from the gap assessment and interviews conducted that any training to be delivered should be interactive in its methodology and not in lecture format.

To determine training needs and the professional level within the administration, the project staff conducted a similar gap assessment of court administration in Albania. EWMI gained useful information concerning the poor conditions of the courts, the lack of trained personnel and the need to raise the professional level of the administration working in the courts in interviews conducted with: district court judges (who participated the commercial law questionnaire); a number of court administrators, including the Chief Clerk at the Supreme Court of Albania; the Minister of Justice; the General Director of the Office of Administration of the Budget for the Judiciary; the Head of Archives at the Tirana District Court; and the Secretary of the Commercial Registry at the Tirana District Court.

The results of the assessment indicated that training was essential for all court personnel from court messengers, court secretaries, chancellors, budget officers to archivists and registry staff.<sup>1</sup> As other donors indicated in discussions that they too were focusing resources on court administration, EWMI was careful to coordinate and not duplicate efforts when planning training.

#### IV. COMMERCIAL LAW TRAINING FOR JUDGES

##### A. In-House Company Law and Bankruptcy Law Training

The initial training for judges began in September 1999. The Chief of Party delivered the training in seminar format in Company Law and Bankruptcy. A total of eight in-house seminars were

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<sup>1</sup> In addition, EWMI provided training to court secretaries in basic computer skills.

held. Training included a review of the Albanian Law regarding companies and bankruptcy procedures using illustrative case studies. As of December 1999, 55 district court judges received training. Evaluation of the seminars effectiveness was based on participating judges feedback at the end of each seminar. Judges were asked whether the course materials were relevant to the judges' current and/or future dockets. 77% of the judges evaluated the courses as relevant and excellent.

As it is difficult to conduct a true assessment of the effectiveness of courses delivered, the project endeavored to work with the Chief Judges of each district court to determine over a longer period whether court dockets related to Commercial Law matters were processed in a more efficient manner.

Since the expediency of case flow through the court system is not solely dependent on the efficiency and diligence of a particular judge, the project found that it was best to discuss efficiency matters with the Chief Judges who have a greater ability to evaluate their court and the performance of the judges who serve that court. It also should be noted that since the majority of the commercial type cases are adjudicated in Tirana, it is not feasible to measure the overall effectiveness of the training of judges who serve in courts that do not adjudicate such cases.

Feedback from the judges through informal evaluations after each seminar on the relevance of the training was also a basis for EWMI to determine effectiveness of training and in certain instances contributed to the modification of the training. For example, judges requested the following topics be covered in Company Law training:

- Registration of physical persons who are required to register for tax purposes, but who fall outside of the registration requirements for the commercial company registry;
- The substantive meaning of a juridical person and legal identity of companies with limited liability;
- The court hearing procedures on company registration;
- The meaning of *non-profit requirements for foundations and associations*;
- The distinction between public and non-public offerings;
- Definitions and differences between branch, subsidiary and affiliate;
- Relationship between shares of nominal value, registered capital and company balance sheets;
- Mechanisms to solve disputes between owners of commercial companies and;
- Dissolution of companies.

## B. Commercial Law Training by International Experts

Following the initial in-house training, EWMI engaged the International Development Law Institute ("IDLI"), an international organization providing participatory adult legal training globally, to conduct a series of seminars for judges and a select group of 3<sup>rd</sup> year Magistrate School students.

Training in the fundamentals areas of commercial law, such as corporate finance, commercial lending, mergers and acquisitions, intellectual property, commercial arbitration and international contracts was provided by international experts highlighting the relevant Albanian laws, as well as emphasizing EU directives.

The complete training program included seven courses. Each training course was conducted over a two-week period with a three-day course offered four times to four different groups of judges during the two-week session. Each course accommodates at least 15 judges and is three days in duration. A minimum of 60 commercial law judges participated in all of the seven courses. Soon after the first course began, EWMI adjusted the projects initial plans in order to accommodate additional judges interested in participating in the training. The scheduling approach allowed all commercial judges from the larger district courts to participate, while not to depleting these courts of their judges in the Commercial Law section for extended periods.

The training for District Court judges in the fundamentals of international contracts included basic aspects, sale of goods, agency, distribution and franchising, corporate finance, commercial lending, mergers and acquisitions, intellectual property, commercial arbitration and accounting for judges. For last training course, "Accounting for Judges", which took place from 8 to 13 December 2000, judges were showing an increased interest in participating in EWMI's commercial law training. The number of participants in the last course reached 72 judges.

The Albanian School of Magistrates, the institution mandated by law to train new judges and provide continuing legal education for all judges on the bench, endorsed EWMI's commercial law training as an extension of its mandate to train judges. As third year Magistrate School students are working as junior judges in the courts, EWMI included a group in its on-going Commercial Law Training courses. Approximately five students from a class of 20 in the class of 2000 were selected by the school to participate. This opportunity enabled the junior judges further training, as well as a forum to interact with their colleagues (sitting judges) who have more experience on the bench. Due to political strains existing between the judges coming out of the Magistrate School and the older more experienced judges who did not go through the school, EWMI's training course allowed for better alliances and relationships to be established between these two groups

During the seven courses an average of 60-70 Albanian judges participated. The course instructors were Italian lawyers with practical experience counseling foreign clients with activities in Albania. According to the evaluations completed after each session, the participants found the training to be very valuable and well focused on the types of commercial law issues that appear in the courts. All materials were translated into Albanian and each judge received large binder containing seminar materials. All training was conducted in English with simultaneous translation at a facility in Durres, Albania.

In addition to the commercial law training seminars, EWMI also hosted a one-week seminar in Comparative Law in September 2000. Participants included judges, state attorneys and officials from the Ministry of Justice. U.S. and European judges provided by IDLI and EWMI delivered the training.

With the exception of the comparative law seminar, all instructors and facilitators for the training were experienced attorneys (many with first hand knowledge of Albania commercial law) from the Europe

#### C. Basic Computer Skills Training for Court Administrators/Judges and Office Management Secretarial Training for Court Administrators.

The Albanian courts have begun to update their computer technology, recognizing that in order to make their courts more efficient and responsive requires the court's administration to become technologically competent.

The Office of the Judicial Budget has played a large role in procuring new computers for the courts. However, EWMI found that training court staff in basic computer use was not done. This resulted in computer under usage or break down's from misuse. EWMI also learned in discussions with the Chief Judges and during its visits to the courts that a number of Chief Judges acquired computers for their courts in addition to the computers that the centralized Office of the Judicial Budget provided. Yet these same courts with the additional technology were underutilizing computers due to computer illiteracy.

In response to this very basic need of the courts, EWMI in cooperation with the Harry T. Fultz Technical School ("Fultz") in Tirana developed a computer course for court staff and sitting judges. The short-term goal was to increase computer literacy in the courts and thereby increase efficiency in the court system. The long-term goal was to build each courts computer skills capacity in anticipation that Albania's courts would eventually become networked, increasing financial accountability, productivity and service to the public.

#### D. Public Information Campaign

In conjunction with Fultz and the Tirana District Court, EWMI organized a certificate award ceremony at the Tirana District Court. The purpose of this ceremony was twofold: to distribute the computer training certificates to the judges and the court administrators of the Tirana District Court, and secondly to introduce the creation of the first "*Public Information Corner*". The ceremony was honored with the participation of Mr. Joseph Limprecht, United States Ambassador to the Republic of Albania, Mr. Arben Imami Albanian Minister of Justice and Mr. Thimio Kondi, Chief Justice of the Albanian Supreme Court. Each representative stressed in their speech the need for a more professional and transparent judiciary that can better serve to the needs of the people. As of February 2001, over 300 court staff participated in EWMI's basic computer skills training course.

The *Public Information Corner* was equipped with a series of framed posters. The posters hang at the entrance of the Tirana District Court to deliver information to the public about the basic rights of a citizen in criminal and civil processes. The information that is provided in these posters includes how to obtain documents from the court, how to register commercial companies and non-profit organizations, and court filing fees. Such information was previously unavailable to the average citizen. EWMI decided that posters were more visible to the public and economical for the courts, as court budgets would not be able to sustain the reproduction of

individual pamphlets. The *Public Information Corner* at the Tirana District Court was a pilot initiative for EWMI, which has received positive feedback. EWMI recommends that USAID expand this program nation-wide.

## V. JUDICIAL INSTITUTION BUILDING

### A. Strategic Planning with the Albanian School of Magistrates:

EWMI established a working relationship with the Albanian School of Magistrates as the Project's local partner institution.

At the request of the Magistrates School Acting Director, Fatmira Luli, EWMI provided a short-term consultant to the school. A report entitled "Assessment of Management and Training Activities of the Magistrates' School of the Republic of Albania" was completed in July of 2000 as a short-term technical assistance project for the Albania School of Magistrates.

As a result of the initial institutional assessment, the Magistrates' School Acting Director requested assistance from EWMI to conduct a Strategic Planning Workshop that would initiate a more formalized systematic planning process for the School. The Workshop was held in Saranda, Albania, October 9 – 11, 2000. A report by the EWMI consultant on the Strategic Planning exercise was issued during the first week of November 2000.

The EWMI consultant returned to Albania in the last week of November to complete his consultations with the Magistrate school. However, due to an unexpected appointment of a new director of the School during the consultants visit, EWMI was unable to further the implementation process of the Strategic Plan. As the acting Director, Luli had been EWMI's counterpart prior to the new appointment it was unclear whether the planned cooperation between EWMI and the School would continue under the new directorship.

EWMI presented a copy of the assessment and the strategic plan to the new Director of the School, Ms. Ariana Fullani. She expressed her appreciation for EWMI's work and offered her support for follow-up activity with our project.

All reports concerning the consultant recommendations are attached in the annex of the final report.

### B. Assistance to the Ministry of Justice on Court Administration:

At the request of Mr. Arben Imami, Minister of Justice in November 2000, EWMI provided short-term experts in court administration to comment on the Draft Regulation on Court Administration. One of these experts participated in a roundtable meeting of Chief Judges and Court Chancellors held on November 27<sup>th</sup>, which was organized by EWMI. Furthermore, EWMI's court administration expert met with members of the Ministry of Justice staff and the Minister himself to discuss problems related to court administration and the structure of the Ministry's newly created Department of Court Administration ("the Department"). The court

administration expert provided on-the-job training to new members of the Department, consulted with the Department's Director, and updated the Minister as to his recommendations on the administrative structure for the department at the Ministry.

EWMI's short-term court administration experts drafted a final report based on their evaluation of the Department at the MOJ. The *"Report on the Organization of the Office of the Directorate of Judicial Organization at the Ministry of Justice of the Republic of Albania"* was delivered to Minister Imami and to Mr. Sokol Pasho, Head of the Directorate of Judicial Organization and included several management report formats to be used by the Department's Director when reporting to the Minister on court issues. Both found the technical assistance very useful and practical for their immediate and middle term needs.

The Ministry of Justice is very open to further technical assistance in this area. EWMI recommends that any follow-on technical assistance work include, but not be limited to the Ministry's Department of Court Administration.

### C. Course Development with the School of Magistrate's Professors

EWMI provided technical assistance to the Magistrate School for course development in Intellectual Property Law and Private International Law.

Working in conjunction with Western expert advisors in the field, two Magistrate School professors worked to develop law courses in Intellectual Property and Private International Law. Each course developed was to include: a course outline, a lesson plan and course materials for the instructor and students. EWMI found that part of the difficulties faced by the Magistrate School's administration is the retention of materials on courses delivered as part of each year's curriculum. This is due to the fact that the school employs a number of expatriate lawyers to teach each semester. Unfortunately no formal institutional memory or records have been maintained for courses previously delivered. The result is a lack of consistency of courses and materials from one semester to another, requiring every new instructor to develop courses from scratch. By coordinating the development of a formal curriculum with the School's administration and its professors, course materials remain in the school as a resource to be used by other instructors allowing for consistency.

Due to difficulties created by the electrical power crisis in the country hindering communications between Western experts and the School's professors, the law courses were not completed before the end of the task order. Nevertheless, a portion of the course development work was accomplished. The project was suspended and the professors agreed that should a follow-on task order be realized, they would continue the work they began in developing these and other courses. EWMI highly recommends the continuation of this course development should USAID decide to continue a follow-on project.

## VI. COORDINATION WITH OTHER DONORS

Throughout the duration of the project EWMI maintained contact and coordinated efforts wherever possible with other USAID projects, other donors and assistance providers such as ABA/CEELI, World Learning, GTZ, World Bank, Council of Europe, etc. Some of the coordinated efforts included:

- Supported Secured Transaction Seminars for Tirana District Court judges delivered by a representative of the USAID funded IRIS Collateral Law Project.
- Collaborated with the Council of Europe representative(s) concerning the Albanian School of Magistrate's assessment and strategic plan developed by EWMI.
- Discussed plans for basic computer training with World Bank representatives who concurred that EWMI's training directly supported its plan to upgrade court technology and software development for the courts.
- In cooperation with World Learning, EWMI identified judges and court personnel who participated in international study tours in Lithuania and the United States.

**East-West Management Institute, Inc.**

**Task Order # 05**

**Gap Assessment: Commercial Law Survey of the Judiciary in Albania**

**INTRODUCTION:**

The East-West Management Institute, Inc. ("EWMI"), under contract with the United States Agency for International Development ("USAID"), is to conduct a judicial training and strengthening program for Albanian judges with over 5 years on the bench. Per the scope of work for the Task Order, and as part of the "in-country gap assessment", EWMI's Legal Training Center ("the Center") in Tirana surveyed and interviewed Albanian District Court Judges between July 22, 1999 and July 30, 1999. Marilyn Zelin and Andrea Lako conducted the survey, which included a written questionnaire prepared with input from numerous legal experts in the U.S. and Albania, and approved by the USAID-Albania Mission. (A copy of the questionnaire is included as Annex A). The first part of the questionnaire covered issues such as the judges' training, experience and interest in/expectations for future training. The second part included 57 questions on various commercial law matters.

In addition to the survey, in-person interviews were conducted with many of the judges. These allowed for a broader discussion regarding the current status and situation of the courts and were generally run as group discussions in order to alleviate anxiety on the part of the judges. The survey was administered either at the Center's office in Tirana or at the respective court, in which case the questionnaire was left with the Chief judge for distribution and returned to the Center office within 2 days.

There are 29 District Courts in Albania with a total of 301 district court judges, of which 44% have more than five years experience. Six district courts have commercial sections and the Center estimates that 15% of all judges have been assigned specifically to their court's commercial section. (Statistics on the Albanian Court System are attached as Annex C). An estimated 35% of judges who work within the civil section of their respective court do adjudicate commercial law type cases. The law in Albania is not clear and certain cases that may be considered commercial elsewhere end up in the civil section. In practice, judges from both the civil and commercial sections handle a variety of cases resulting in an overlap between civil, criminal, and commercial matters. However, Albania's single company registry is located in Tirana, meaning that for the foreseeable future the majority of commercial cases, as recognized in Albania, will be adjudicated in Tirana.

Thirty District Court judges completed the survey (See Annex B - List of Judges). Half of this group (15) have more than five years of experience. The same number (15) reported

that they were specifically assigned to the commercial section of their courts. By including a broader range of judges the overall objectives of the project are addressed; the less experienced judges assigned to the commercial law section of their courts have not received any training in this field, nor did they study commercial law topics in law school. Moreover, assignments to the commercial section are quite fluid with only a small number of clear commercial cases in the courts.

## **OVERVIEW OF THE LEGAL SITUATION:**

### *General:*

Following the cessation of military activities in Kosovo, the major area of concern of the Albanian society continues to be the absence of law and order. Meanwhile, the government has been shifting the blame for the lawlessness to the judiciary. An incident in Shkoder, which took place on July 28 is an example of the disorder. After the Shkoder District Court released several persons who were arrested by the local police, the police staged a demonstration in front of the courthouse. The event was widely covered by the media. The judges from Shkoder traveled to Tirana the following day in order to participate in the survey. They explained to the survey team that there was not enough evidence to keep the suspects in jail (something overlooked in most of the media coverage of the event). The judges also said that the media reports concerning the fines issued were incorrect and that they were actually lower than the prescribed minimum.

The Shkoder incident demonstrates the ongoing tension between the police, the government and the judiciary, as well as the inability of the judiciary to speak with a unified voice when faced with such problems. The poor conditions of the courts, insufficient support at all levels and an overall lack of respect for the judiciary are some of the ongoing problems that confront Albanian judges on a daily basis.

### *Commercial Law:*

As in other countries in the region, many new laws have been prepared with the assistance of foreign experts, both from the U.S. and Western Europe. Ms. Katherine Imholz, an OSCE-funded advisor to the Council of Ministers, informed the team that many of the laws were prepared in Albania without sufficient input from Albanian legal experts and several laws are not suited to the situation and practice in Albania, and thus are not being implemented. One example Ms. Imholz gave is the Bankruptcy Law. The law was prepared by German experts and adopted in 1995<sup>1</sup>. A representative of the OSCE created a working group to prepare proposed amendments to the law, which are

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<sup>1</sup> A workshop on the implementation of this law was conducted by the GTZ in 1998 and a manual was published in 1999.

currently being presented to the Parliament. None of the judges interviewed for this project were aware of this. The "inappropriateness" of new laws, combined with the judges' lack of experience with these laws contributes to the fact that they are not being applied in the courts.

The overall business situation is a key factor when looking at commercial law matters. Indicative of the situation is the President's proposal of a fiscal amnesty, which would encourage businessmen to declare their wealth, including wealth gained illegally in order to establish a level playing field. This is not a new proposal and is widely viewed as a political, rather than an economic move. Nearly all judges interviewed for the survey acknowledged that there is corruption throughout the Albanian business community. Therefore, although it is important for judges to be knowledgeable in commercial law, the application of laws is not likely to become widespread until the overall business situation improves in Albania.

*Training and Certification:*

There are three law schools in Albania (Tirana, Elbasan and Shkoder). In the past, students could also enroll in legal correspondence courses, however these are being phased out. In addition, several judges entered the judiciary through an accelerated (six-month) training program in 1993. An examination of all sitting judges, administered by the OSCE and the Council of Europe, took place in May 1999. Although the purpose of the examination was to weed out those judges weak in legal knowledge, the examination questions were very simple (ABA-CEELI and other International organizations concurred with this point). In the end, only four judges failed the exam. Several judges, including some of the six-month judges refused to take the exam. Interestingly, some of the six-month judges were among the highest scorers on the exam.

There is also a school for magistrates in Tirana. The primary purpose of the Magistrates School at present is to train judges with less than 5 years experience. However, the first class of 20 students has just completed the two-year program and all of these students came directly from the law faculty. The Director of the school reports that although the school is prepared and willing to provide training to sitting judges with less than five years experience, the High Judicial Council must nominate the candidates to be trained. According to the director of the Magistrates School, the High Judicial Council has not nominated any judges to this date. This may happen now that the majority of district court judges have been tested and re-certified in their positions. The Magistrates School is also charged with developing a continuing education program for the judiciary, but is waiting for the High Judicial Council to initiate the process. There are currently no other ongoing training programs in commercial law in Albania. The Magistrates School is eager to cooperate with the EWMI program and has been in discussions with Mr. Lako for several months as to how this cooperation might be realized. The Center has agreed to

provide the Magistrates School with the questionnaire EWMI developed for the judges in order to test their students' knowledge in commercial law.

## **SURVEY RESULTS AND ANALYSIS:**

### PART 1 – INTERVIEW RESULTS

#### *Training:*

Most of the judges who participated in the survey attended the Tirana Law School and did not receive any additional training either inside or outside Albania. Eight of the judges participated in a two-day bankruptcy workshop organized by GTZ in 1998. Ten other judges participated in programs organized by the Ministry of Justice, the Ministry of Institutional Reform, the Council of Europe or ABA/CEELI on various topics including customs legislation, civil procedure and judicial ethics. Eight judges participated in training programs outside Albania. Three participated in a UNCRI course in Rome: one judge took courses on human rights in the U.S, England and Austria<sup>2</sup>; 2 participated in a course in Denmark and one of these judges studied civil and commercial law in Italy for one year on a law school exchange program.

Nearly all judges expressed a strong interest in training. Many of the judges are still quite young and eager to improve their situations. Many also see commercial law as the wave of the future. Particular issues/concerns raised were that the trainers be knowledgeable in Albanian laws and practice and have a working knowledge of the civil law system. The judges also have a strong desire for written materials, particularly commentaries from other countries with similar laws, copies of the laws themselves and copies of the publication(s) of Supreme Court decisions.

In terms of training priorities, nearly every judge requested training on specific commercial law topics such as bankruptcy, secured transactions, etc. There were fewer requests for training in general business/commercial concepts and skills training. The preferred format for training was interactive with less than 5 judges requesting either lecture format or self study. All of the judges were prepared to devote one or two days to preparation; some recognized the need for more preparation/homework. Although the majority of judges wanted courses to be given over a number of consecutive days (one to two weeks), a reasonable number preferred one or two days a week over a number of weeks. Many judges mentioned the need to give courses more than once so that all judges from the court could attend. (Note: this was of particular concern to the judges from the

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<sup>2</sup> This is a judge from Shkoder who had been a political enemy of the communist regime and entered the judiciary through the six-month program.

smaller courts). With the exception of one judge, the rest said they would be willing to serve as a trainer in the future.

*Court Administration:*

Court administration as it functions in the West is not really known in Albania. The Chief Judge is the person responsible for the random assignment of cases. The judges have secretaries who record hearings and type decisions<sup>3</sup>. Many judges found that their secretarial assistance was satisfactory, while others, particularly at the Tirana District Court, complained that the secretaries were unprofessional and could even benefit from a course in the Albanian language.

The majority of judges felt that the enforcement of laws was good, while several specified very good, reasonable or poor. The same was true in their response regarding the quality of assistance received from court administrators. Nearly all judges felt that the procedural law facilitated the application of laws. Approximately half of the judges reported having difficulty finding laws or case files. Since there was a range of responses from each court, it seems that those who really want to find the necessary information can, but the process could be made easier.

Improvements in this area may be forthcoming as the survey team learned that representatives from the Supreme Court and Ministry of Justice will be attending a workshop on judicial administration in Western Europe in August. Hopefully this group will help lead the efforts for reform of judicial administration. Four secretaries are also scheduled to attend a training program in the fall. The expectation is that this group will share their experience with other secretaries and administrative personnel and possibly serve as trainers.

The poor working environment is a major concern of the judges. Buildings are not adequate; there are insufficient telephone lines, computers, etc. When improvements were made, the judges were not consulted. For example, the survey team learned that the Tirana District Court judges did not know that there were plans to build a new court until after the tender was announced. They said they had no voice in planning the new building to accommodate the practical needs of the judges.

Security is a major concern in the courts. The judges have requested that security guards placed in the courts not be part of the local police. They complain that the police have no respect for the judiciary and will only take instructions from the Ministry of Public Order. The recent incident in Shkoder is an example of this problem.

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<sup>3</sup> This is after the judge writes the decision by hand as is required by Albanian procedural law.

*Other:*

The survey found that the judges feel very isolated. They complained that they are not consulted on new legislation and their needs/requests about improving the situation in the courts are continuously disregarded, even though there are complaints about the incompetence and corruption of the judiciary. Many judges expressed hope that this project would not only provide them with training, but also serve as a forum for gathering and presenting some of their ideas. To a certain extent the gathering of the judges for the training and the evaluation component after each training course will provide the judges with a forum to voice their ideas as it relates to the training. Many judges expressed interest in revitalizing the Judges Association<sup>4</sup> and hoped that this project might play a role in this effort. EWMI does not see the Judicial Training/Strengthening project as the mechanism by which this Association can be "revitalized". This falls outside the scope of the task order. The survey team understood from speaking with the judges, that a majority if the judges would like to see this Association created, however, no one has volunteered to step forward and organize it. The expectation, however unrealistic, is that a Western-funded project may assist in its re-establishment. However, should the Albanian judges revitalize this Association, our project would be more than willing to contribute in the area of Commercial Law.

PART II – QUESTIONNAIRE RESULTS

Survey scores ranged from a low of 22 to a high of 48 out of a possible 57 with an average of 39. A table of scores is attached as Annex D.

- Under 30: 5
- 30-40 10
- Over 40 15

Of the lowest range (under 30), scores were relatively low in all categories with a few correct answers in subjects such as bankruptcy, secured transactions, sale of goods and commercial paper. Scores on the true/false and hypothetical were also low. Some of the more experienced judges with relatively low scores did well on the true/false and hypothetical sections. Perhaps this indicates more practical experience and a better ability to reason.

In the mid-range (30-40), scores tended to be higher across all categories with most having relatively high scores in bankruptcy. At the higher end of this range (above 35), scores on the contracts and agency section were also high. Again some scores were depressed due to

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<sup>4</sup> It is our understanding that the formation of a judges' association was initiated by Advocates International. ABA/CEELI may also have been involved. A board was elected, but no activities were ever undertaken.

the inability to answer questions on secured transactions, sale of goods and commercial paper.

In the higher range (over 40), scores were generally higher across all categories, with a marked improvement in the company law and secured transactions sections. Scores on the true/false and hypothetical were only slightly higher than in the mid-range.

The relatively high scores on the bankruptcy section are probably due to the fact that several judges attended a 2-day training program in April 1998 on "The Enforcement of the Bankruptcy Law." This was conducted by GTZ, the Council of Europe and the Ministry of Justice. Those who did not attend the training may have had the opportunity to review the manual that was published in April 1999. This result may indicate that training programs are effective and that judges do refer to resource materials when provided with them.

Certain questions seemed to be more difficult. For example, in the Company Law section, questions 5 and 11 were often confused. Question 5 asks when the existence of a company can be disregarded, and question 11 asks when the court can rule for dissolution. Another example is question 4 in the bankruptcy law section. Many judges confused when the court can refuse to start a bankruptcy process with when a bankruptcy manager can reject a contract. In the secured transaction section, question 6 was problematic. It asked what is the connection between secured financing law and credit? Several judges either answered incorrectly or not at all. I think the above examples indicate that many of the judges were familiar with the basic concept of the laws, but were not familiar with exact provisions or their application.

## **CONCLUSION:**

The survey results indicate that many judges desire additional training and are willing to commit time and energy to this task. They also desire respect and a voice in the overall legal and judicial environment. To be most effective and enhance the likelihood of sustainability, EWMI's project office in Tirana will continue to work with the judges when designing the training program. To date, the Center has included the Albanian legal community in designing the questionnaire (project's advisory board), as well as developed a dialogue with the district court in Tirana and elsewhere, in order to have a more accurate idea of the current situation of the judges and their courts.

The survey results indicate that there is a fairly wide range of knowledge of commercial law matters, although the knowledge seems to concentrate on certain points. As such, the Center plans to begin the training program with a review of basic commercial law concepts and how they relate to a market based economy. One possibility to bridge the knowledge gap may be to provide introductory materials for the judges to study on their

own. Although most judges did not express a preference for general business studies or skills training, these elements will be incorporated into the more course materials.

EWMI will provide trainers with information about the Albanian legal system and will seek out trainers familiar with how commercial laws are applied in other civil law countries. Since many judges are willing to serve as trainers/mentors for other judges, at some point a train-the-trainers component may be incorporated in the project.

Finally, the results of the survey will serve as the basis for the development of the training program for the judges and court administrators.

JUDICIAL SYSTEM TRAINING/STRENGTHENING PROJECT IN ALBANIA  
\_ A USAID Funded Commercial Law Training Project \_

**COMPANY LAW SEMINAR**  
Course Outline

**Relevant Laws:**

**Law No. 7632 On the Provisions that regulate the First Part of the Commercial Code**

**Law No. 7638 On Commercial Companies**

**Law No. 7667 On the Commercial Register and the Formalities that are to be Respected by Commercial Companies**

**Law No. 7850 On Civil Code of the Republic of Albania**

\* \* \*

**The Concept of Juridical Persons**

Albanian law distinguishes between physical persons and juridical persons. Juridical persons include associations, foundations, and companies. A judicial person:

- Gains its independence from the moment it is established or when it is registered (if the law requires registration) (Civil Code § 29)
- Has its own full and abbreviated name and the name refers to its activity (Civil Code § 27)
- Has the capacity to purchase, obtain and hold legal rights (Civil Code § 29)
- Acts through its appointed representatives, individually or collectively (Civil Code § 31)
- Is liable for damages it causes (Civil Code § 32) and
- All property a juridical person owns is subject to be used as payment for its obligations (Civil Code § 32)

### **The Distinction between Public and Private Juridical Persons**

The law distinguishes between two types of juridical persons: public juridical persons and private juridical persons. The public juridical persons are:

- State Institutions which are self financed or financed from the budget of the state (Civil Code § 25)
- The Republic of Albania and everything the Republic owns directly is one whole, undivided public juridical person. Joint stock companies that the Republic owns are separate juridical persons because the Republic does not own them directly, but indirectly as shareholder. They are called state companies (Law on Commercial Companies §§ 94 and 95)

The Private Juridical Persons are (Civil Code § 26):

- Associations,
- Foundations,
- Commercial Companies, and
- Other entities of a private character

### **The Difference between Associations, Foundations and Commercial Companies**

Associations and foundations are different from commercial companies in the following ways:

- The purpose of a commercial company is to obtain a profit (law on Commercial Companies § 1), whereas associations can only be started for a non-profit purpose (Civil Code § 39) and foundations are prohibited from engaging in profitable activities (Civil Code § 56)
- Commercial Companies have owners whereas associations and foundations are self-owning juridical persons and have members
- The profits of a commercial company are distributed to the owners. The profits of an association or foundation remain in the association or foundation

### **Types of Commercial Companies**

The Law on Commercial Companies has four different forms of Commercial Companies:

- The General Partnership (shogerite kolektive)
- The Limited Partnership (shogerite komandite)
- The Limited Liability Company (shogerite me pergjekjesi te kufizuar)
- The Joint Stock Company (shogerite anonime)

### **A Commercial Company becomes a Juridical Person when it is registered**

A Commercial Company gets its legal status as a juridical person on the date it is registered in the Commercial Register (Commercial Company Law § 6)

- Before it is registered, a Commercial Company is not liable for any obligations, even those accepted in its name
- A judge registers the commercial company in the Commercial Register. The judge's decision to register a company is presently treated by the courts as a judgement that must be appealed in accordance with the Code on Civil Procedure (Law on the Commercial Register and the Formalities that are to be Respected by Commercial Companies § 39). The decision to register a company is based on a review of the registration documents and not a full-fledged court hearing with the parties presenting their arguments. It would be in better harmony with the civil procedure system and the Law on Administrative procedure if the judge's decision to register a company in the Commercial Registry was defined in the law as an administrative decision that can be appealed through the Law on Administrative Procedure.

### **More on Registration, Registration of Commercial Companies and Physical Persons**

Both commercial companies and physical persons that perform commercial activities must register in the Commercial Registry within one month from starting the commercial activity (Law on the Provision that Regulate the First Part of the Commercial Code § 18). Some Physical Persons are not required to register by the commercial laws:

- Physical persons who work alone as artisans or small businessmen and whose business does not go outside their chosen trade are not considered commercial persons and do not have to register in The Commercial Register (Law on the Provisions that regulate the First Part of the Commercial Code § 7)
- Physical persons involved in commercial activity, but the total volume of their sales has not exceeded an amount stipulated by the Council of Ministers (Law on Commercial Register § 9)

### **The Three Factors that usually decide the choice of Commercial Company**

Albanian Law recognises four types of commercial companies. The choice between the types is determined by three factors:

- *Transfer of Ownership.* Small businesses where the owner is working will typically not allow any of the partners to sell ownership in the company without the other partners' approval. General Partnership and Limited Liability Companies provide this protection to the partners and are often chosen by small businesses.

Larger companies that fund themselves by increasing the share capital by issuing new shares will usually not want the transfer of shares/ownership to depend on

approval from all the shareholders/owners. The owners want the companies' shares to have the highest possible price and a condition of transfer approval will press the price of the shares down. Larger companies will therefore often choose the Joint Stock Company form because it does not require approval from the owners for transfer of the shares.

- *Limited Liability.* A business that must borrow money either because it has an expensive inventory or requires significant start up investment will usually choose a company type where the owners' risk of losing money is limited to the amount invested in the company. Larger companies that obtain funding by public offerings of shares will also choose a company form with limited liability because investors will be more willing to invest if their risk of losing money is limited to the invested amount. Joint Stock Companies and Limited Liability Companies offer this liability protection and will often be chosen by these businesses.
- *Tax Reasons.* How the type of company is taxed will also decide which company type to choose. For example, Joint Stock Companies are treated as a separate tax subject in some jurisdictions. In such a case, Joint Stock Companies will therefore subject the owners to double taxation -- first tax on the Joint Stock Company's profit, then tax on the owners' income from the Joint Stock Company. General Partnerships and Limited Liability Companies are either not treated as separate tax subjects or the law provides so-called "flow through" and only taxes the owners.

In many jurisdictions in the 1980's, Limited Partnerships did provide significant tax benefits. These benefits have now been regulated away and Limited Partnerships are therefore used rarely today.

### **General Partnerships and their Uniqueness (shogerte kolektive)**

General Partnerships are formed when two or more persons start a business together with the purpose of making a profit.

- Each of the partners is jointly and severally responsible for the partnership's obligations (Law on Commercial Companies § 13). The General Partnership's creditors can recover all the General Partnership's debt in the company's assets and in each of the partners' assets without limitations. The partner who has paid off the general partnership's debt has a right to recover (regress) from the other partners in proportion to their ownership.
- Each partner is assumed to be internally liable for a portion of the general partnership's debt equal to the partner's ownership share, if the distribution is not otherwise agreed upon by the partners.
- All partners are Administrators and can carry out all the activities of administration in the interest of the company (Law on Commercial Companies §§ 15 and 16)

- Ownership in the general partnership can only be sold with the consent of all the partners. Ownership shares in a general partnership are not tradable securities. (Law on Commercial Companies § 23)

**Co-Ownerships have similarities with General Partnership but are not Commercial Companies**

Co-ownership over one or several objects as described in the Civil Code §§ 199 – 231 is very similar to a general partnership:

- Profits from the co-owned object are divided among the owners (Civil Code § 200)
- All co-owners have a right to take part in the administration of the co-owned object (Civil Code § 203)
- The co-owners have a pre-emptive right to purchase an ownership share before it is sold to a person who is not a co-owner (Civil Code § 204)

Co-Ownerships are different from general partnerships in that:

- Co-Ownerships are formed by two or more persons with the purpose of buying and using one or several objects together (Civil Code § 199)
- The main purpose of a general partnership and other commercial companies is to obtain a profit:

A company is established by two or more persons who agree . . . to put their assets or services in a joint venture, for the purpose of . . . profiting from the income which might result from it. (Law on Commercial Companies § 1)

- Co-Ownerships are not Juridical Persons

**Limited Partnership (shogerite komandite)**

A Limited Partnership consists of partner(s) whose liability for the partnership's obligations is limited to the partners' investments (called: limited partners) and partner(s) who are fully liable for the company's obligations (called: general partners) (Law on Commercial Companies § 26)

- The Statutes of the Limited Partnership must include the total amount of all partners' contributions to the company, the amount of each partners' contribution, and a stipulation of the total share of the unlimited partners' and the individual share of each limited partners' right to the profits of the company and to dividends pursuant to liquidations (Law on Commercial Companies § 29)

- Ownership shares can only be transferred with the consent of all the partners, unless otherwise agreed in the company's statutes (Law on Commercial Companies § 33)
- The General Partners are the administrators of the limited partnership. Limited Partners can never be administrators (Law on Commercial Companies § 31)
- The statutes of the limited partnership can only be changed or amended with the approval of all the unlimited partners and a majority among the limited partners (Law on Commercial Companies § 34)

**Limited-Liability Companies (shogerite me pergjegjesi te kufizuar)**

Limited-liability Companies are similar to the general partnership in that the partners' rights to transfer ownership are limited and are similar to joint stock companies in that the owners' liability is limited. The Limited-Liability Company form is mostly used for smaller companies who do not need to regularly access the securities market to obtain funding. In the United States, Limited-Liability Companies are not treated as separate tax subjects and consequently avoid the double taxation to which joint stock companies are subject.

- A Limited Liability Company can be established by one or several partners and is an exception from § 1 in The Law on Commercial Companies that requires two or more persons to found a commercial company (Law on Commercial Companies § 37)
- The partners' responsibility for the obligations of the company is limited to the amount of their investments (Law on Commercial Companies § 37). The article uses the words "only up to the limit of the value of their contribution to the basic/starting capital". It should be read to mean "only up to the limit of the value of their investment including both the contribution to the basic/starting capital and any extra issuing premium"
- The minimum starting capital of a Limited Liability company is 100,000 leks. The nominal value of ownership parts can not be less than 1,000 leks (Law on Commercial Companies § 38)
- Ownership in the Limited Liability Company can only be sold to a third party with the consent of owners representing    of the ownership parts in the company (Law on Commercial Companies § 47)
- Limited-liability companies are prohibited from issuing tradable securities (Law on Commercial Companies §§ 44 and 45)
- The highest authority of the limited-liability company is the general meeting of the owners (Law on Commercial Companies § 57)

- One or several administrators govern the limited-liability company. The administrators are elected by the owners (Law on Business Companies § 50)

### **Joint Stock Companies (shogerite anonime)**

In a joint stock company the owners' liability is limited to the invested amount. Ownership shares are divided into stocks and the stocks are easily transferable. Because of these two characteristics joint stock companies are the most attractive company type for investors and usually chosen when the company needs to attract funding from a big range of investors.

- The capital invested in a joint stock company at its founding is called the starting capital. The minimum starting capital of a company that is funding itself through a public offering is 10 million leks. If the company is funding itself without a public offering, the minimum starting capital is 2 million leks (Law on Commercial Companies § 75).
- The Albanian company laws lack a clear definition of the distinction between public and non-public offering. It is recommended that the rules for public offerings should be used when a joint stock company is issuing and offering its stocks, bonds or other securities to 50 or more physical or juridical persons and the total increase of starting capital is 10 million leks or more. This rule would be in harmony with the requirement for joint stock companies with more than 50 shareholders to register with an independent securities registrar (Law on Commercial Companies § 197.1), the requirement for 10 million leks in starting capital for companies with public offerings (Law on Commercial Companies § 75) and European company and securities regulation
- The shareholders in a joint stock company are responsible for losses only up to the limit of their contribution to the starting capital (Law on Commercial Companies § 74). This article should be understood in the same way as the similar article for limited-liability companies and mean that each shareholder's liability for the company's debt is limited to the shareholder's investment in the company as contribution to the starting capital and any potential issuing premium. (se Law on Commercial Companies § 151 on Issuance Premium)
- One or several partners can establish Joint Stock Companies (Law on Commercial Companies § 74). The rule that joint stock companies can be established by one partner is an exemption from the company definition in § 1 in the Law on Commercial Companies.
- The main rule is that the sale of ownership shares does not require consent from the other shareholders. The company may in its statutes provide that transfer of registered stocks is subject to the company's consent. Transfer of bearer stocks cannot be made subject to the company's consent (Law on Commercial Companies § 206)

### **Increase in Starting Capital**

The capital invested in a joint stock company at its founding is called the starting capital. It can be paid in cash, in kind or in special advantages. The value of payments in kind or in special advantages are estimated and given a cash value. The starting capital may later be increased by the company issuing and selling shares. The starting capital of the company will be decreased when the Company buys back its own shares.

- The starting capital of a joint stock company is usually spent buying the assets needed for the business, such as furniture or a car. Whatever happens to the invested money, the agreed upon starting capital remains constant as the measure upon which the ownership shares are calculated
- The minimum starting capital of a company that is funding itself through a public offering is 10 million leks. If the company is funding itself without a public offering, the minimum starting capital is 2 million leks (Law on Commercial Companies § 75).
- The rules on limited-liability companies stipulate that the nominal value of shares cannot be less than 1,000 leks (Law on Commercial Companies § 38). No similar rule applies to joint stock companies and it must be assumed that the founders are free to set the nominal value at whatever amount they may choose.
- The relationship between the nominal value of a single stock and the starting capital is identical to the percentage ownership represented by a single share in the joint stock company.
- The joint stock company can obtain funding by selling ownership. That is done by selling stocks to investors. The starting capital needs to be increased when the company is issuing and selling stocks because of the relationship between the starting capital and percentage ownership in the company.
- The extraordinary general meeting is the only body which is authorized to decide to increase the starting capital of a joint stock company (Law on Commercial Companies § 152)
- The percentage ownership in a joint stock company of old owners will be reduced when a company increases its starting capital if the old owners do not buy a similar percentage of new stocks. The law gives stockholders the right to priority in subscription for increasing starting capital, in proportion to the number of shares owned (Law on Commercial Companies § 155)
- The general meeting which decides the increase in starting capital can also decide to waive the right to priority in the subscription (Law on Commercial Companies § 156)

### **Corporate Governance of a Joint Stock Company**

The term Corporate Governance refers to the management (governance) of joint stock companies (corporations). Joint Stock Companies are managed by the General and Extraordinary Meeting of Stockholders; the Council of Overseers; and the Board of Directors.

### **The General and Extraordinary General Meeting of Stockholders**

is the highest authority of a joint stock company, certain decisions can only be taken at these meetings. Some of these decisions are:

- Amend the statutes of the joint stock company (Law on Commercial Companies § 128)
- Increase the starting capital (Law on Commercial Companies § 152)
- Waive the right to priority in the subscription of new shares (Law on Commercial Companies § 156)
- Authorize the issuance of bonds and of special securities connected with bonds (Law on Commercial Companies § 130)
- Appoint 2/3 of the Council of Overseers (Law on Commercial Companies § 105)

### **The Council of Overseers**

The Council of Overseers is in most ways similar to the Board of Directors in an American corporation. The Council of Overseers is, however, different in that only 2/3 of its members are appointed by the owners at the shareholders meeting. The employees of the company elect 1/3 of the members of the Council of Overseers (Law on Commercial Companies § 109). It can be noted that the limited-liability company, which in many ways is similar to the joint stock company, is not required to have employee representation among its administrators (Law on Commercial Companies § 50)

The Council of Overseers appoints the company's Board of Directors (Law on Commercial Companies § 97). The Board of Directors is in charge of the daily operation of the joint stock company, much like the Chief Executive Officer of an American corporation. The Board of Directors carries out its operation under the control of a Council of Overseers (Law on Commercial Companies § 96)

### **Board of Directors**

The Board of Directors manages the company on a daily basis (Law on Commercial Companies § 103)

### **Branch and Subsidiary**

A branch is a separate office, not a separate juridical person, of one joint stock company. A subsidiary is a separate joint stock company owned in part or whole by another joint stock company.

Businesses sometimes organize as several joint stock companies. For example, a German car maker may organize as a German joint stock company. The German joint stock company in turn owns joint stock companies in several countries. These different joint stock companies are established to make it possible for the German joint stock company to sell its cars in the various countries. These joint stock companies will typically be organized in accordance with local law and are each a subsidiary of the German joint stock company. All the joint stock companies together are collectively called a conglomerate, a group, or a concern.

The German joint stock company may decide to open an office of the German joint stock company in Albania. The Albanian office of the German joint stock company is called a branch, because it is not a separate commercial company but a part of the German joint stock company. The branch of the German joint stock company may be registered in the Albanian Company Register (Law on Commercial Register and the Formalities that are to be Respected by Commercial Companies § 8). When filing for registration, the German joint stock company will have to submit the same documents as if it were an Albanian commercial company.

#### **Affiliate, Participant and Control**

When businesses are organized as a cluster of several companies, it will sometimes be necessary to define which companies belong to the cluster and which are independent. This question will come up for example in relation to accounting and auditing rules, taxation rules and securities trading.

The Law on Commercial Companies §§217 to 230 gives some definitions as to the decisive criteria for deciding which companies belong to the same family. The law defines the following connections:

#### **Affiliate/Filiali**

Company A is called an affiliate ("Filiali") of Company B, if Company B owns more than 50% of Company A (Law on Commercial Companies § 217)

#### **Participant/Pjesemarrja**

Company A is called a participant in Company B, if Company A owns between 10-50% of Company B (Law on Commercial Companies § 218)

#### **Control/Kontroollon**

Company A is considered to control Company B if the requirements in § 219 of the Law on Commercial Companies are satisfied

**AGENDA**  
**FOR**  
**COMPANY LAW SEMINAR**

**OCTOBER 7, 1999**

Legal Training Center  
Rr. "Deshmoret e 4 Shkurtit"  
Pall. 7/1 Sh. 2, Ap. 2

- 10:00 - 10:45      Introduction
- The Market Economy and how it has shaped the Company Law
- Discussion of specific topics and related cases
- The Concept of Juridical Person
  - The Distinction between Public and Private Juridical Persons
- 10:45 - 11:00      Coffee break
- 11:00 - 12:00      Discussion of specific topics and related cases
- The Difference Between Association, Foundation and Commercial Companies
  - Types of Commercial Companies
  - The legal significance of Registration of a Company
  - Exceptions from the Registration Requirement
- 12:00 - 12:15      Break
- 12:15 - 13:15      Discussion of specific topics and related cases
- The Factors that decide which company form to use
  - The different types of Commercial Companies
  - Joint Stock Companies and the distinction between establishment of Company with Public Offering and establishment without Public Offering
- 13:15 - 14:30      Lunch
- 14:30 - 15:45      Discussion of specific topics and related cases
- The significance of Starting Capital
  - Corporate Governance concepts, the Council of Overseers and Labour Representation
  - Clarification of Branch and Subsidiary; Filial, Participant and Control
- 15:45 - 16:00      Summing up and Discussion of the program

**Analysis of the Draft Regulation on the  
Organization and Functioning of Judicial Administration  
in the Republic of Albania**

• **Introduction**

A request was made to East West Management Institute for an analysis of, and comment on, The Draft Regulation on the Organization and Functioning of Judicial Administration in the Republic of Albania. Following study, a number of issues were identified that deserve additional consideration before a final Regulation is presented. However, the authors also wish to make clear that the creation of the proposed Regulation is a major accomplishment and it contains much of the foundation needed for a modern system of judicial administration. Several of the most critical issues are briefly set forth in the Executive Summary. In subsequent sections, a fuller explanation and additional issues are provided.

• **Executive Summary**

The draft Regulation on the Organization and Functioning of Judicial Administration (hereafter Regulation) seeks to assist the Republic of Albania's courts by laying the foundation for a coherent, professional, credible, and effective trial and appellate court administrative system. To do this, it also seeks to establish greater uniformity in administrative procedures through Albania, to clarify organizational administrative functions, and to formalize the roles of various judicial and non-judicial personnel.

The above broad goals, however, are implied and not stated in the draft Regulation. This permits different individuals to make their own, different interpretations. It is suggested that the first sentences of the Regulation explicitly state why it is being issued, and its ultimate goal. Not only would this start the Regulation with a more inspirational beginning, but also provide a more comprehensive context for understanding the new order as is set forth in subsequent sections.

Due to the significance of the case assignment process and its importance to the integrity of the Albanian court system, consideration should be given to providing a separate Article at the end of Chapter I in the Regulation for this activity. Besides explaining the rationale and process of case assignment by lot, the new Article should specify how a party can challenge the assignment of a case if aggrieved. Documentation of the assignment process should be maintained by the Chancellor's office to support this function.

The draft Regulation also does not identify a judicial administration policy-advising Board to discuss priorities, address issues, and propose useful, new administrative regulations and procedures. A process is needed for assuring input into policy formulation and review for the courts of first instance and the intermediate trial court to the Minister of Justice.

The final Regulation should consider the creation of a committee of Chief Judges, with representation from the Chancellors, as a policy advisory body to the Minister on court administrative matters. Its voting membership should be stipulated and comprised of Chief Judges with one or two non-voting Chancellors. The Regulation should state the Board's responsibilities, general operating procedures, and a supporting sub-committee structure.

Another key suggestion is to include a clearer description of the proposed structure for the country's central judicial administration functions. The role and responsibilities of the Director of Court Administration should be provided for in the Regulation. This would help explain numerous critical issues such as how court administrative operations will be overseen, coordinated, and monitored. Similarly, a section differentiating the court management oversight responsibilities of the Minister of Justice and Chief Judges could clarify their working relationship. It could also explain more fully the Chancellor's dual reporting and supervisory relationship with both the Minister of Justice and the Chief Judge of his/her court. Without this, confusion, conflict and needless delay are likely to arise.

Considering the document in its entirety, the draft Regulation has a logical, coherent organization. There are sections, however, that would benefit from some restructuring, clarifying, and editing, as elaborated below. Sections that need additional structure and explanation include those that attempt to describe the duties of the Chief Judge and Court Chancellor. They could be improved by grouping and explaining the respective functions under categories or sub-headings such as leadership, enforcement of regulations and laws, judicial assignment, calendar and case flow management, records management, workload and statistical analysis, technology management, personnel supervision, and general administrative services including income accounting, budget, and facilities management. Also the inclusion of a Deputy or Acting Chief Judge and his/her responsibilities in Article 4 would be appropriate.

To reduce the amount of detail in Articles 5 – 13 and eliminate the need to change the entire Regulation each time procedures and job descriptions are changed, these portions of the Regulation should be located in separate documents. Detailed job descriptions for all non-judicial personnel should be contained in a Personnel Administration Manual. The second manual should be created to fully explain court activities and procedures that have a direct bearing on the court employees. These manuals would be reviewed by the advisory board of chief judges and chancellors before submission to the Ministry of Justice .

- **Overall Goals of the Regulation**

As noted above, Chapter I of the draft Regulation begins with the simple statement that "judicial administration realizes the supportive services in the courts as well as other duties of a general administrative character." It goes on to list the six general administrative duties consistent with Article 14a of the Organization of Judicial Power in the Republic of Albania.

As important as judges and their judicial decisions are, in Albania, as elsewhere, the trial and appellate courts would not function without their support staff providing innumerable administrative services. The quality of those services and the proficiency of the staff vary from court to court. Administrative policies and procedures are needed to set common standards and give clear direction to judicial and non-judicial personnel throughout the court system. These critical needs should be stated at the beginning of the document to justify and explain some of the details that follow in subsequent sections.

It is suggested that a broader, visionary goal, such as "to create the foundation for a coherent, professional, credible, and effective trial and appellate court administrative system to better serve the citizens of the Republic of Albania," might be more affective as an opening statement of purpose. This could be accompanied by a few more explicit statements, such as, how the Regulation seeks to accomplish the following three goals:

1. Establish administrative processes to facilitate the development, implementation, and promulgation of court policies, on such matters as
  - a. Selection, training, and supervision of non-judicial personnel;
  - b. Court records
  - c. Technology management
  - d. Judicial and case assignment
  - e. Case flow management
  - f. Finances (income accounting) and budgeting
  - g. Statistical and workload analysis and reporting
  - h. Intergovernmental and other liaison relations
  - i. Long-range planning
  - j. Facility management
  - k. Public Access and Information
  - l. Court security
2. Set forth an administrative court structure and clarify roles at both the national and local levels to include
  - a. Selection and management of personnel
  - b. Authority, responsibilities, and duties of the key organizations and positions including Chief Judges and the Minister of Justice, that provide or oversee judicial administrative functions in the trial and appellate courts of Albania;
3. Institute uniform administrative procedures to make the court system in the Republic of Albania more consistent, efficient, "transparent", and effective.

Finally, following the current list of general administrative responsibilities at the end of Chapter in the final Regulation, a new Article should be considered explaining the importance of an open, random, and transparent case assignment process. The Article would also describe in some detail how the drawing of lots is to be conducted, how an aggrieved party can challenge the assignment of a case, and how the Chancellor's office maintains documentation on the process and time cases are assigned.

- **Administrative Advisory Board**

The draft Regulation does not contain a statement or reference to any type of system-wide, policy- advising body or board with authority to recommend policies on behalf of all of the courts in judicial administration matters. It is recommended that, if at all possible, the final Regulation should include such a reference to an advisory board and include details explaining its role and how it will function.

Policy boards or committees comprised of chief judges or officers of judicial associations from each level of court are often established by constitution, legislation, or court rule in the United States. These committees set priorities, adopt administrative policies, and resolve system-wide issues for the court system as a whole. Such committees lend credibility to the court policy-making process and facilitate the implementation and acceptance of new policies and related regulations and procedures. If drafted properly, such committees or boards assist and guide court administration, through the powers delegated to them.

Consideration should be given in the final Regulation to include a section officially establishing a board to recommend policy on judicial administration for first instance and intermediate courts, stipulating its membership, its responsibilities, frequency of meetings, and its relationship to the Minister of Justice.

The new Round Table, with all the Chief Judges and Chancellors, may be too unwieldy to be an effective policy-advisory body. A suggestion would be to create a smaller board comprised of 10-15 Chief Judges from the various court levels and perhaps one or two non-voting Chancellors.

Sub-committees, based on court type (trial or appellate) or on specific administrative functions (case management or records management) also should be considered for incorporation into the Regulation. The Chancellors could play an important role in helping draft administrative policy for consideration by the proposed Policy- Advisory Board through the sub-committee model. Staff to the working groups or subcommittees could be provided through the Director of Court Administration's in the Ministry of Justice office.

This approach would widen the involvement of key persons in the courts, improve information flowing between the courts and the Ministry, be effective in initiating and recommending policies, and facilitate the implementation and acceptance of new policies, regulations, and procedures.

- **National Central Administrative Functions and Responsibilities**

There is no section in the draft Regulation revealing how many of the important, central, judicial administrative functions of the Albanian court system are to be conducted. This

leaves several unanswered questions: Is it to be assumed that all duties not specifically assigned to another organization or person is under the Minister of Justice? What are the responsibilities of the central Ministry office in the many areas of judicial administration and how do the responsibilities interact with Chief Judges and their responsibilities?

The draft Regulation also does not clearly explain how the central administration responsibilities in Albania are distributed among the Office of the Administration of the Budget of the Judiciary; the Magistrates' School, the Supreme Council of Justice, the Office of the Minister of Justice and possibly the Supreme Court.

Therefore, it is recommended that a new Article be written in the Regulation that addresses the division of court management responsibility at the national level. Particularly the Article should describe the role and responsibilities of the Minister of Justice and his Director of Court Administration.

As a guide, consideration might be given to the following central administrative functions performed by the state or federal Court Administrator and his/her staff in the United States:

- 1. Public Affairs and Intergovernmental Relations**
  - a. Represent the interests of the courts with the legislature, media, and others
  - b. Recommend system-wide goals and provide leadership
  - c. Oversee long-range planning for the court system
  - d. Provide support services to the central administrative policy-making authority
  
- 2. Trial and Appellate Court Services**
  - a. Develop, document, and disseminate procedures for court operations
  - b. Provide technical assistance to individual courts
  - c. Analyze and forecast performance based on time standards and workload statistics
  - d. Determine staff and other resource requirements for the various courts
  - e. Audit and monitor the operations of local courts, as appropriate
  
- 3. General Administrative and Technology Services**
  - a. Prepare and oversee budget and court financial activities
  - b. Develop and support automated systems and technologies used in the courts
  - c. Manage personnel system, as appropriate
  - d. Train judicial and non-judicial staff

Two functions among those listed above are key for a country establishing a new court system uniform policies and procedures: auditing and technical assistance. The proposed new Article could explain the auditing roles of the inspectorate of the Supreme Council of Justice and the Ministry of Justice. For instance, the latter may involve the more routine administrative activities, such as general records management and case management, found in procedural guides of duties.

Providing technical assistance to the trial and appellate courts is also critical to building an effective and consistent court system. Under the direction of someone such as the Director of Court Administrator, staff with expertise in information technology, case flow management, and records management (including records retention and disposal) need to be available to assist judges, Chancellors, and subordinate staff in effectively managing the business of courts.

- **Chief Judge**

In one of the most detailed portions of the draft Regulation, Chapter II, Article 4 deals with the duties of Chief Judges. First, there is no statement of how the Chief Judge is appointed nor what his/her term is. Also, while setting forth fifteen responsibilities, the rationale for the order in which these duties are listed is not clear.

There is no discussion of the designation of a Deputy Chief Judge to act in the absence of the Chief Judge. There should be a section to identify how this position will be filled. If a Deputy Chief Judge is to be designated, in other than emergency circumstances, this need should be addressed.

As a result, this Article on Chief Judges could benefit from some restructuring. Adding an initial statement of the Chief Judge's general responsibilities, before proceeding to enumerate specific duties, would provide a broader context in which to understand those that are in the listing. (This recommendation is similar to that made above concerning a broad statement of the reason for the Regulation being issued followed by specific goals. In other words, it would be more clear to start with the general and then move to the specific.)

Four or five key categories, as suggested below, could be created under which the various duties of the Chief Judge could be grouped and summarized further.

Borrowing in part from the new California Rules of Court, Rules 6.602 – 6.603, effective January 1, 2001 for a presiding (chief) judge (Attachment 1), the following format and categories could be used in the redrafting Article 4 for the final Regulation. Note the specific duties currently in the draft Regulation or proposed in the paragraphs below, are enumerated in parentheses and in the final document could be included in their entirety or in some summary form below the appropriate category or sub-heading.

1. **Selection and Term of Chief Judge**
  - a. Section: By Supreme Council of Justice
  - b. Term: \_\_\_\_\_

2. **General Responsibilities**

With the assistance of the Court Chancellor, the Chief Judge is responsible for leading the court, establishing local policies, and allocating resources in a manner that

promotes access to justice, for all members of the public, provides a forum for the fair and expeditious resolution of disputes, maximizes the use of judicial and other resources, increases efficiency in court operations, and enhances service to the public.

### 3. Authority and Duties

- a. Leadership and Enforcement of Regulations and Laws
  - i. Oversee management of judges and all administrative personnel (Article 4: 1, 8, 9)
  - ii. Represent the court with third parties (Article 4: 2)
  - iii. Enforce laws and regulations (Article 4: 5, 11, 13, 15)
  - iv. Conduct regular meetings and communicate with the courts judges and Chancellor.
  - v. Adopt "best" case practices and local court rules (Article 4: 7)
- b. Judicial Assignments, Calendaring, and Case Flow Management
  - i. Assign judges to chambers and panels (Article 4: 3)
  - ii. Oversee preparation of court calendars and meetings (Article 4: 4, 14)
  - iii. Assure the integrity of the case assignment system.
- c. Workload and Statistical Analysis (Article 4: 6)
- d. General Administration: Budget and Facilities Management
  - i. Approve and generally oversee the court's budget, expenditures, and income accounting.
  - ii. Oversee the management of court facilities and work environment (Article 4: 10, 12)

Generally, the Chief Judge's duties listed in the draft Regulation seem appropriate but need to be augmented to include three additional duties as incorporated above. The first is the judicial leadership responsibility of meeting regularly and communicating with all of the court's judges and the Chancellor to review administrative and caseload issues, assess new legislation and regulations, and discuss solutions and implementation strategies. The second, the Chief Judge's responsibility for assuring the integrity of his court's case assignment process as delineated in the proposed new Article in Chapter I. Finally, the third relates to generally overseeing the court's budget, expenditures, and income accounting functions through the Chancellor.

In addition, some reference to how the Chief Judge is selected and the length of his/her term would be helpful in understanding how this position fits into the country's structure for judicial administrative.

- **Chancellor**

In another very detailed section, Article 5 of the draft Regulation indicates the Court Chancellor “is the head of the administration in each court. He/she acts based on the orders of the Chief Judge or by its (his/her) own initiative when this regulation provides so.”

The proposed Regulation then proceeds to list twenty-six duties for the Chancellor. The Article applies to both trial and appellate Court Chancellor. Again, the rationale for the order in which these duties are listed is not clear. And again, there is no statement of how the Court Chancellor is appointed. The draft Regulation does make it clear that he/she has a dual reporting responsibility to the Chief Judge and to the Minister of Justice. As with the Chief Judge section, the Court Chancellor section could be improved by some restructuring. Also, adding a statement of his/her general responsibilities before enumerating the specific duties would provide a broader context in which to understand them.

To give a better sense of order to the Article 5, it would be useful to have six or seven key categories under which the various duties of the Chancellor could be grouped and summarized further. In addition, some reference to how the Chancellor is selected, evaluated, and terminated should be included. For instance, such a position could be held at the discretion of the Minister of Justice or Chief Judge, or, on vote of all the judges at a court location.

Again borrowing in part from the new California Rules of Court, Rules 6.606 – 6.607 Attachment 2), effective January 1, 2001 for a court executive officer (chancellor) the following format and categories could be used in the redrafting Article 5 for the final Regulation. Note the specific duties currently in the draft Regulation or proposed in the paragraphs below, are enumerated in parentheses and in the final document could be included in their entirety or in some summary form below the appropriate category or sub-heading.

**1. Selection and Termination:** By the Minister of Justice

**2. General Responsibilities:**

Acting under the direction of the Chief Judge and the Minister of Justice, the Court Chancellor is responsible for overseeing the management and administration of the non-judicial operations of court and allocating resources in a manner that promotes access to justice, for all members of the public, provides a forum for the fair and expeditious resolution of disputes, maximizes the use of judicial and other resources, increases efficiency in court operations, and enhances service to the public.

- a. Management of Court Employees and Operations
  - i. Supervise and plan for all support services (Article 5: 2, 9)
  - ii. Allocate, monitor, and discipline staff (Article 5: 10, 15, 19)
  
- b. Records and Technology Management

- i. Oversee receiving, recording, filing, and archiving court cases (Article 5: 3, 4, 5)
  - ii. Manage storing and destroying evidence (Article 5: 18)
  - iii. Evaluate, implement, and promote technological and automated systems
- c. Calendar and Case Flow Management
  - i. Announce and track cases and appeals (Article 5: 6, 14, 16)
  - ii. Oversee assignment and scheduling of cases (Article 5: 8, 25)
- d. Implementation and Enforcement of Judicial Administration Procedures
  - i. Enforce procedures, judgments, court orders, and regulations (Article 5: 1, 7)
  - ii. Maintain court decorum and procedure ((Article 5: 13, 26)
- e. Public Access and Customer Service
  - i. Assure court proceedings and appropriate records are open to the public
  - ii. Direct and train staff in *effective customer service*
- f. General Administration
  - i. Develop and maintain personnel policies and procedures (Article 5: 11, 12)
  - ii. Supervise income accounting and budget (Article 5: 17, 20, 21)
  - iii. Manage supplies, facilities and work environment (Article 5: 24)
  - iv. Coordinate court security (Article 5: 22, 23)

The Chancellor's duties described in the draft Regulation are consistent with court administrators or executive officers in the United States, with a few key exceptions. First, the Chancellor should be responsible for ensuring and finding improved ways to provide the public with easy access to the court and its services. Second, the Chancellor should be responsible for excellent customer service at the court location. Third, an important part of the Chancellor's records management responsibilities should be overseeing the implementation and acceptance of technological and automated systems to assist the court. Finally, it is not clear that the Chancellor has the authority to hire and fire the non-judicial personnel he/she manages. If not, is that the responsibility of the Chief Judge?

One other suggestion to eliminate potential confusion, disagreement, or needless delays, an explanation of how the Chancellor's dual relationship with the Chief Judge and Minister of Justice is to work should be included.

- **Other**

A few other suggestions to consider in redrafting the Regulation are:

- A. Articles 5-7, 9 –13 contain job descriptions for non-judicial personnel including the Chancellor, Head Secretary, Court Secretary, Court Employee, Office of Budget

Employee, Archivist, Court Driver, and Court Cleaning Lady. Article 8 is an over three-page description entitled "Documentation" outlining the steps of recording cases in registers. Because the draft Regulation is written primarily as a series of job descriptions and responsibilities, the inclusion of Article 8 is awkward.

To reduce the amount of detail in Articles 5 – 13 and eliminate the need to change the entire Regulation each time procedures and job descriptions are changed, these portions of the Regulation should be relocated to separate documents. First, the detailed job descriptions for all non-judicial personnel, currently in the Regulation, should be contained in a Personnel Administration Manual. As the chief operating officer, the selection, general appointing authority, and responsibilities of the Court Chancellor should be included in the Regulation as well as the Personnel Administration Manual.

The second manual should fully explain the court activities and procedures that have a direct bearing on the work of each of the non-judicial personnel. For instance, the step-by-step, description entitled "Documentation" in Article 8 would be very appropriate for this separate Court Administrative Procedures Manual.

With approval of a Personnel Administration Manual and a Court Administrative Procedures Manual, the basis for consistency and accountability will be documented and clear for all court personnel to follow.

- B. Consider separating the appellate and trial court procedures, Chief Judge, Chancellor, and other sections. Over time, the procedures and job descriptions of the two court levels are sufficiently different that they warrant their own Chapters in the Regulation and their own administrative manuals

- **Conclusion**

The draft Regulation on the Organization and Functioning of Judicial Administration discusses the necessary areas of court administration to guide the support to and monitoring of administrative activities of the courts of first instance and appellate courts, countrywide. The suggestions contained in this report are intended to strengthen the Regulation and separate policy level concerns from those issues that are important but more of an operational nature.

Clarification and inclusion of sections on the reporting relationship of the Chancellor to the Chief Judge and Minister of Justice, designation of the position of Deputy or Acting Chief Judge in the absence of the Chief Judge, and the case assignment process by the Chancellor will strengthen the administration of the courts. A discussion of the role of the Director of Court Administration in the Ministry of Justice and the creation of a policy advisory board will tie the administrative activities together.

**REPORT ON THE ORGANIZATION  
OF THE  
OFFICE OF THE DIRECTORATE OF JUDICIAL ORGANIZATION'  
MINISTRY OF JUSTICE  
REPUBLIC OF ALBANIA**

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**For:**

**EAST WEST MANAGEMENT INSTITUTE**

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**Office of the Directorate of Judicial Organization**

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**Report on the Organization of the  
Office of the Directorate of Judicial Organization**

**INTRODUCTION**

The purpose of this report is to provide recommendations on the development and organization of the Office of the Directorate of Judicial Organization in the Ministry of Justice, for the Republic of Albania. It builds on the recommendations contained in an earlier report relating to the analysis of the draft Regulation on the Organization and Functioning of Judicial Administration in the Republic of Albania (hereafter referred to as Judicial Administration Regulation). Specifically, this report prepared by consultants, Esther L. Bauman and Theodore C. Gladden, provides suggestions for structuring the Directorate of Judicial Organization and outlines initial staff activities for the office.

**Project Background**

In support of this portion of the consultancy, site visits were conducted between November 24 and December 6, 2000 at the trial courts in Kavaja, Durres, and Tirana, and interviews with selected Ministry personnel.

The following individuals were interviewed as part of this process:

*Sokol Pasho, Director of Judicial Organization;*  
*Sokol Como, Chief Judge, Court of First Instance, Tirana;*  
*Edmond Islamaj, Chief Judge, Court of First Instance, Kavaja;*  
*Bledar Cuci, Chancellor, Court of First Instance, Tirana;*  
*Marjana Dedi, District Judge, Court of First Instance, Tirana;*  
*Flutura Kadiu, Head Secretary, Tirana;*

*Ministry of Justice Personnel B*  
*Majlinda Bozgo, Statistical Division;*  
*Genta Rumano, Statistical Division;*  
*Diana Mamani, Statistical Division;*  
*Denar Biba, Interpreter.*

These individuals provided valuable background information on the statistical functions of the Directorate, as well as expertise on the existing case management and records management activities in the trial courts in Kavaja and Tirana.

## **The Directorate of Judicial Organization**

The consultants, provided by the East West Management Institute, were asked to recommend to the Minister of Justice a plan for the staffing of the Office of Judicial Organization to carry out the mandates delineated in Article 11/2 of the Law on the Organization and Functioning of the Ministry of Justice (Attachment 1). In addition, they were to recommend preliminary steps to be undertaken by the Directorate's recently hired and future professional staff.

By law, the Directorate of the Judicial Organization has countrywide responsibility for overseeing the general management functions of the courts of first instance and appellate courts. In short, it has similar responsibilities as the United States Administrative Office of the Courts or an American state court administrator's office, except in the areas of budget preparation and direct personnel administration.

Specifically, the Director and his office are charged with five key court administrative activities:

1. Recommend the number, composition, venue, territorial jurisdiction, and organizational structure of the country's trial and appellate courts.
2. Assure the effective implementation of the Judicial Administration Regulation and propose the organizational changes, the workload measures, the staffing levels, and type of personnel needed in the courts.
3. Coordinate the educational activities of judges and court personnel with the Faculty of Law, the School of Magistrates, and other domestic and foreign institutions.
4. Establish uniform procedures for the collection, analysis, maintenance, and monitoring of criminal and civil statistical court data.
5. Oversee information technology and the development of database systems to meet the court administrative responsibilities of the Ministry of Justice.

The recommendations below are designed to help the Director accomplish these responsibilities and to assert his legislated leadership role in managing the courts throughout Albania. The recommendations are divided into two sections: Organizational Structure of the Directorate and Implementation Steps.

### **ORGANIZATIONAL STRUCTURE OF THE DIRECTORATE**

To deliver the above five categories of court administrative services as contemplated in Article 11/2, it is suggested the Minister of Justice consider an organization with four operating units

within the Directorate (Attachment 2). These operating units include: court services, judicial and employee training, statistics and data analysis, and information technology. It is anticipated that the office may expand over time to include other operating divisions and there may be need for adjustment within these four divisions to fulfill the Directorate's mission and comply with the Minister of Justice's future directives.

It is also expected that the Director of Judicial Organization will hire or reassign competent, professional personnel to fill the positions in these four divisions. Attachments 5 – 9 provide sample job descriptions for these positions and highlight the importance of staff expertise in a wide array of court administrative support services in fields such as records management, case flow management, workload assessments, court information analysis, and technology implementation, as well as statistics and data analysis.

### **Court Services**

The Court Services Division (CSD) should be the heart or hub around which the other divisions will revolve and interact. It should provide technical assistance, monitor case processing and other activities for consistency with regulations adopted by the Ministry, and supply information to and support the other divisions in the Directorate.

#### ***Technical Assistance***

The CSD should assist the trial and appellate courts in initiatives from facilities improvements to the re-engineering or development of operational procedures for assigning cases, managing and storing case files, archiving records, analyzing case load and work load information and statistics, and identifying process and organizational problems.

#### ***Monitoring and Work Load Analysis***

It should also support the Director in ascertaining the judicial and court administrative staff needs and work load distribution of the individual courts, judicial productivity, and compliance with mandated uniform procedures.

#### ***Internal Support Services***

Finally, the CSD should provide vital information and implementation assistance to the Directorate's other divisions and the Minister of Justice's advisory committees and sub-committees. For instance, it should identify training, data information, and technology requirements as well as interpret and help explain statistical reports.

To be effective in providing these services to the Director, chancellors, chief judges, and key court personnel, it is critical that the professional staff in the CSD, often referred to as Court Specialists, be intimately knowledgeable of court operating procedures. Besides spending the majority of their work time in the individual courts helping with management issues and monitoring for consistency, the Court Specialists also should be available to staff committees or subcommittees created to resolve operational concerns and recommend new processes for the courts of first instance and appellate courts.

These above responsibilities and others are reflected in the Court Specialist job description in Attachment 5. The consultants suggest that at least two such positions will be needed immediately to assist the courts.

### **Court Judicial and Employee Training**

As provided in Article 11/2, there should be an operating unit within the Directorate with the responsibility for overall coordination of training activities and provide related services to accomplish the Directorate's mission. It is, therefore, recommended that a Court Judicial and Employee Training Division (CJET) be established for these purposes.

#### ***Training Coordination***

The CJET would serve as the focal point to coordinate the training initiatives for judges and court personnel conducted by the Magistrate School, Faculty of Law, other governmental agencies, and a host of donor groups. This Division should have the responsibility to create a record keeping system of all of the training that has been conducted for court administrative personnel and judges.

#### ***Manual and Program Development***

The CJET Division would assist the Court Services Division by developing and regularly updating procedural manuals and employee guide materials. For instance, the CJET staff would work with Court Specialists and perhaps advisory committees in creating manuals detailing the regulations and steps related to effective case assignment, records management, case management, and statistical data gathering.

Likewise, this Division would develop curriculum and training materials as well as conduct educational programs related to the effective administration of courts. Training would include non-judicial personnel orientation, records management techniques, staff supervision, and administrative or procedural law for judges. Because there is concurrent responsibility in the

area of judicial and court personnel training, it will be important that such training services to focus on procedural rather than substantive law be coordinated with the Magistrate School.

Attachment 6 is an example of a job description of a Human Resource Development Specialist that could be used for staffing this CJET Division. Initially, the consultants suggest that only one such position would be needed in the Directorate.

### **Statistics and Data Analysis**

A unit of statistics already exists within the Ministry of Justice. There are three individuals tasked with the gathering and manual compilation of case statistics from all courts of first instance and appellate courts. Regular three, six, nine month and annual statistics are provided to the Director. However, while a large volume of information is being collected and compiled into reports, the consultants found that much of the data has questionable management value for the administration of the courts. For instance, in the family law area, information relating to the educational level of the parties getting divorced, the age of any children in the marriage, and the length of time the couple was married is manually gathered by the trial court personnel and sent to the Ministry.

It is, therefore, recommended that this statistical unit be restructured into a Statistics and Data Analysis Division (SDA) or, if preferred, incorporated into the Court Services Division within the Directorate of Judicial Organization. The restructured Division's focus would be on meaningful data collection, analysis, and management reporting to provide information of immediate and longer-term planning value to the trial and appellate courts as well as the Director.

Attachment 7 is a sample job description for a Manager of Statistical Analysis. Initially, the consultants recommend that only one statistical professional position is needed in the SDA Division along with the existing Ministry staff.

### ***Executive Summaries and Case Management Reporting***

The Manager of Statistical Analysis should be trained in court management as well as statistical analysis in order to effectively oversee the SDA Division. His/her responsibilities would be to ensure that the data is correct, available, and timely. He/she must regularly review and analyze statistics to assure the cases in Albanian courts are being decided within the legislated time standards.

He/she should provide comparative data that can be easily understood to assist making decisions on judicial and non-judicial workload and staffing requirements. For instance, while

some of the current data collected provides assistance in terms of case disposition time and general pending case information, it needs to be arranged for easy comparison between the same time periods in other years. Attachment 3 provides three sample summary statistical reports for consideration. The reports are illustrative of how the data, gathered manually, can be presented to allow caseload activity comparisons between various time periods.

The SDA Division should review the data collection forms currently used in the courts as well as each data element being collected. The goal of this analysis should be to determine whether or not the data assists in understanding the operations of the courts or provides meaningful information to help achieve or monitor court management responsibilities. If it does not, it should be considered for discontinuation. A special advisory sub-committee composed of judges and court personnel could work with the SDA staff in assessing the value of the data elements and resolve any questions that might arise.

### *Annual Report*

The SDA Division should initiate the practice of preparing an annual report summarizing activities of the courts of Albania. This report could be available to the public, officials in other ministries, donor groups, and assure there is an historical record of summary statistics of the courts' operations prepared on an annual basis. It also would provide an opportunity for individual courts to compare their performance and workload with the others of similar jurisdiction.

### *Automated Data Collection*

Currently, a significant amount of staff resources are dedicated to collecting data in the Albanian courts. For example, one individual in the Tirana District Court spends all of her time compiling the required statistical information on a spreadsheet and providing it to the Ministry office for inclusion in summary statistical reports on all courts.

With automation, it should become easier to collect and compile information as well as provide more comprehensive reports. Automation should also allow management data to be collected as a byproduct of the regular court record keeping processes. However, it is imperative that the SDA staff completes its analysis of the data elements, as described above, before building or implementing an automated data collection and management information system.

## **Information Technology**

Albanian courts are already making limited use of computers. Generally, the courts use them for basic word processing applications and, in Tirana, for elementary statistical data gathering.

There is currently no court technology support staff in the Directorate to assist in the installation, training, and maintenance of computers.

On a larger scale, two significant pilot automation projects have been proposed to assist the courts in Albania: the World Bank is planning to automate the district court in Durres and the SOROS foundation is considering doing the same in the Tirana court. There is currently no manager of technology on staff in the Directorate.

It is strongly suggested that a Division of Information Technology (IT) be established to oversee the planning, development, and coordination of automated systems, technology, and electronic databases in the Albanian courts as well as to provide technical support services to the individual courts. Attachments 8 and 9 provide job descriptions related to these proposed functions.

### ***Technology Planning and Development***

Officials and others interviewed all expressed an interest in automating court management functions. While expressing a need to automate the courts, they appear to have limited understanding and experience in how such complex systems work or of the challenges involved in developing, implementing, and maintaining them. Therefore, it is essential that the Directorate have someone, such as an IT Director, with expertise and experience in information technology and data base development, preferably in courts, to work with other governmental units and donor groups involved in court automation projects in Albania.

It would be the responsibility of the IT Director to ensure any automation and other technology effort meets the operational and management needs of trial and appellate courts and the Minister of Justice, i. e. the needs of the decision-makers and the people doing the filing of records, assignment of cases, case management, statistical collection and analysis, case scheduling, and relying on management reports. He/she also should coordinate the development of various court technology projects to make sure critical data can be shared and is appropriately available to other justice organizations.

### ***Technology Support Services***

As noted earlier, trained personnel are needed to support computer and other electronic acquisitions and to respond to the hardware and software issues of judges and court personnel throughout the country. Under the direction of the IT Director, the Technology Support

Specialists, should respond to equipment malfunctions and issues related to software operations in a very timely manner. They should also propose policies and monitor the orderly acquisition and replacement of computer hardware and peripheral equipment as well as the standardization of commercial software.

The consultants suggest that two Technology Support Specialists would be needed initially to provide adequate service to the country's courts. However, as court personnel gain confidence in using computers, the demand for further training and software enhancements increases the support needs dramatically and may require additional staffing.

## **IMPLEMENTATION STEPS**

As with all organizational changes and major projects, establishing the infrastructure within the Directorate of Judicial Organization to meet its mandated responsibilities will take time, training, planning, and commitment. The initial steps involve putting together the right staff and educating them in the administrative operations and needs of the trial and appellate courts as well as in the techniques of court management to resolve them.

Following these immediate steps, more mid-term efforts should be taken to select and implement specific "do-able" projects that can both address pressing, court needs and offer opportunities for the Directorate to succeed in meeting them.

### **Immediate Steps**

The consultants were asked by the Minister of Justice of Albania to suggest immediate steps to be taken by the Directorate of Judicial Organization to achieve the objectives outlined in Article 11/2. Particular interest was expressed in how to develop the expertise and skills necessary for the newly hired or soon-to-be-hired, professional Directorate staff.

The following recommendations were discussed in person with the Minister and the Director of Judicial Organization and are briefly summarized here.

### ***Personnel Recruitment and Training***

It is suggested that beyond recruiting and hiring professional staff with relevant experience, the Directorate of Judicial Organization needs to provide them with clear job descriptions and performance expectations. (Sample job descriptions are provided in Attachments 5 – 9 to assist in this purpose.) In addition, as soon as possible, they should be trained and become knowledgeable in the management tools of court administration and other subjects relevant to their new positions.

To this end, a court management consultant may be required to provide on-site intensive training in subjects such as effective records management and storage, case management, system analysis methodologies, and court statistical reporting. Alternatively, the professional staff could individually attend appropriate training seminars in other countries.

### ***Technical Assistance***

A significant first step is to establish the needs of the Albanian courts and give the new Directorate staff hands-on experience with the courts' administrative issues. Therefore, the new personnel should begin gathering and documenting baseline data relating to the training needs, records management processes, and existing equipment in each court throughout the country. (Attachment 4 provides examples of survey forms that could be used in these efforts.) The entire process will assure that the Directorate staff get into the field and will provide the judges, chancellors, and other key court personnel to start building a personal relationship with them.

After documenting the needs of the individual courts, it will be the staff's responsibility to compile the information and develop priority lists based on criteria established with the Director and perhaps an advisory committee of judges and chancellors.

### ***Monitoring***

An important byproduct of the documentation process described above is that the information can be used as a basis for monitoring compliance with regulated court practices and procedures. It also provides the basis of determining the type of statistical and performance data that needs to be collected and analyzed for future judicial work load and court caseload monitoring. As mentioned earlier, Attachment 3 provides three sample case reports that will be helpful in the analysis of some of this information.

Such documentation will provide the basis for the Director to make recommendations to the Minister of Justice on replacements for chancellors, adjusting judicial and administrative staffing distributions, and identifying the courts with the best administrative practices to be replicated in other districts.

### **Mid-Term Steps**

During the on-site visit, it became evident that there are many areas that need to be reviewed in detail. Two such areas appear to offer the Directorate and the courts the most opportunities for "successes": records management and statistics collection and analysis. Projects in these areas would utilize the expertise and newly acquired knowledge of the

Directorate's staff. The records and statistics management projects also would address the need to improve court manual systems before automating them.

### ***Records Management***

Based on the consultants on-site observations, there needs to be a thorough review of all of the record keeping procedures in the trial and appellate courts to determine if they are in compliance with the Regulation on Judicial Organization and if they are achieving their intended purposes. The information gathered in the initial survey of the courts will be helpful in focusing on any perceived problems and possible training needs.

With assistance of records management experts from within or outside the country, the Directorate also should consider the modernization of its records storage systems as well as the formalizing of its records retention requirements. The adoption of a court record's retention regulation, likewise, would be useful. The Office of National Archives could provide guidance in this effort and Attachment 10, an example of a court records retention policy from North Dakota, and Attachment 11, an excerpt from the North Dakota Records Management Manual on file disposal, could likewise be helpful.

Once developed, training courses should be conducted to train affected court personnel on the new regulations and records management procedures. Manuals, produced by the Directorate's CJET Division, should be distributed to each trainee and court.

### ***Statistical Data Collection and Analysis***

As mentioned earlier, the large volume of data currently collected by the courts and compiled by the Ministry needs to be reviewed in terms of accuracy and relevancy to the effective administration of the country's courts. Each data element needs to be considered and only the necessary information should be maintained.

Once this information is available, case flow management and workload analysis reports should be developed that give the Director, Minister, and other senior management personnel as well as chief judges and chancellors executive summaries on case activity. Through these reports, the Court Specialists can monitor, among other performance indicators, the case filing and disposition activity of the courts, pending caseload, backlogs, and delay from continuances of cases in the individual courts and the system as a whole.

## **CONCLUSION**

The Ministry of Justice is creating a solid foundation for the management of the trial and appellate courts in Albania. Recommendations contained in this report are intended to support that effort and help build the important infrastructure needed to provide technical assistance to the courts.

The report contains the outline for the operation of the Directorate of Judicial Administration. This blueprint provides a sound basis upon which the office can grow as the needs of the judiciary change. No attempt was made to identify every specific job function as the specific staffing requirements will change, over time. The goal was to provide immediate and near-term direction thus giving the Directorate time to set its own long-term direction.

**Article 11/2 of the Law on the  
Organization and Functioning of the Ministry of Justice**

2. The Directorate of Judicial Organization undertakes the following activities:
- a) prepares recommendations in relation with legal and organization measures for the functioning of the judicial power, number of the courts, their venue and territorial jurisdiction, sections in each court, its personnel composition as well as other issues related to the judicial power;
  - b) prepares recommendations in relation with the legal and organization measures for the functioning of the court administration, its compositions and number of the judicial administration personnel;
  - c) supports, collaborates and coordinates its work with the Faculty of Law, the School of Magistrates, and other domestic and foreign institutions in relation with the issues of professional level, training and specialization of judges, prosecutors, private attorneys, notaries, lawyers of the public administration, as well as that of the court administration personnel;
  - d) takes care for the collection, processing, and the maintenance of the unified procedural, administrative, investigative, and judicial statistical data, as well as for the methods and practices of maintaining the criminal and civil statistics;
  - e) takes care for the realization of the IT services in relation with the collection, processing, maintenance, and the exchange of the data related to the Ministry of Justice field of work.

**DIRECTORATE OF THE JUDICIAL ORGANIZATION**

**THE SECTOR OF JUDICIAL ORGANIZATION, PERSONNEL, AND  
TRAINING FOR COURT ADMINISTRATORS**

The activity of the above sector will be focused in the following three directions:

**1. Judicial Organization**

## Attachment 1

Translation Provided by  
East-West Management Institute

Prepares recommendations in relation with legal and organization measures for the functioning of the judicial power, number of the courts, their venue and territorial jurisdiction, sections in each court, its personnel composition, as well as other issues related to the judicial power.

- The organization of the new judicial year and the preparation of the Joint Resolution.
- The study on the organization of the first instance courts, as well as the appellate ones, according to the new administrative structure of the Republic of Albania.
- Define the judges' workload in general and specifically in order to assure an effective functioning of the courts.
- Delegation and nomination of judges for the judgment of special cases.
- Drafting of the list of experts used by the courts.

### 2. Personnel

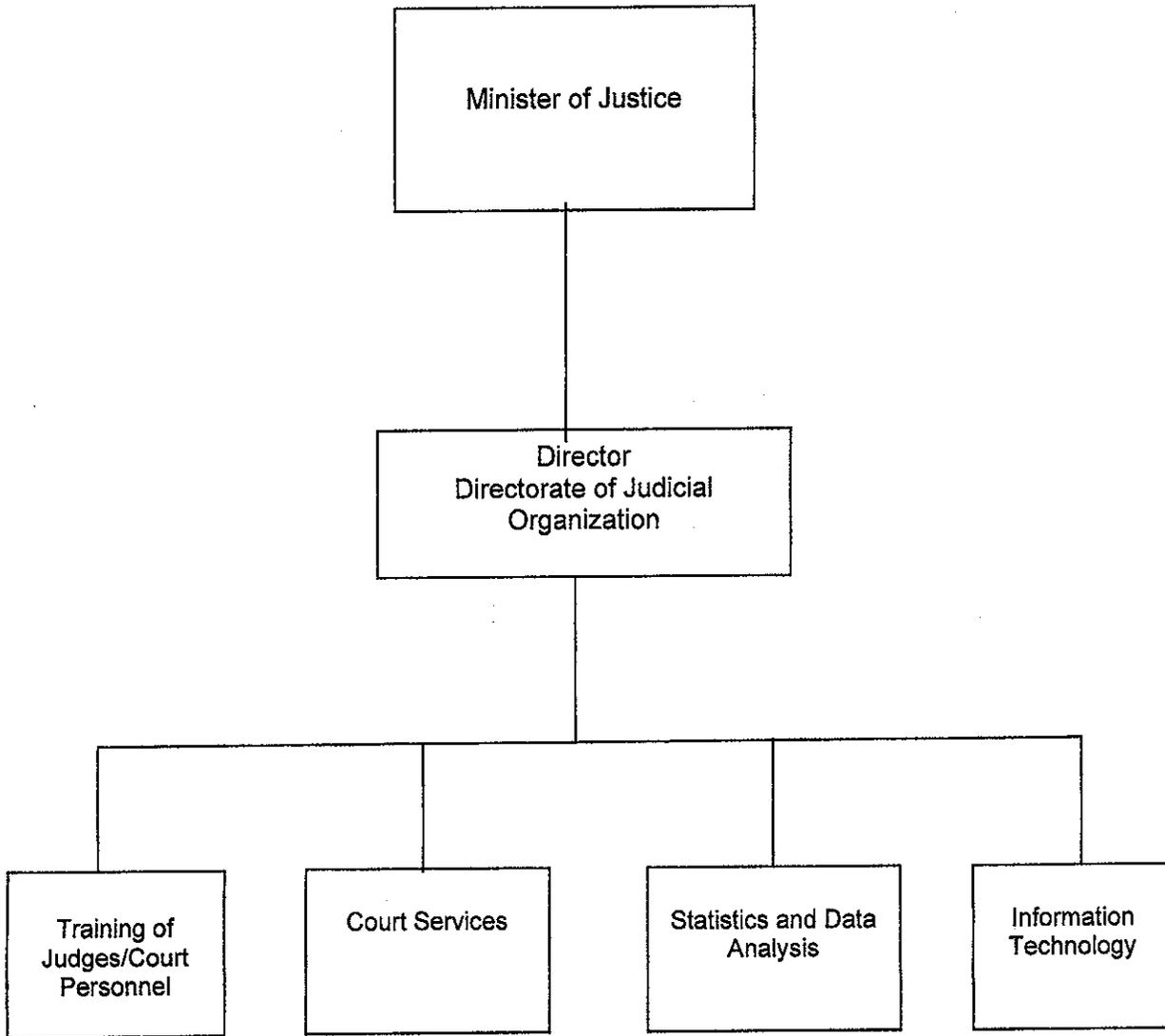
Prepares recommendations in relation with the legal and organization measures for the functioning of the court administration, its compositions, and number of the judicial administration personnel.

- Define the dynamics of court administrative personnel data.
- Study the composition of the court administrative personnel in comparison with the number of judges.
- Monitor the implementation of the Court Administration Regulation.
- Fill the chancellor vacancies.

### 3. Training

Supports, collaborates, and coordinates its work with the Faculty of Law, the School of Magistrates, and other domestic and foreign institutions in relation with the issues of professional level, training and specialization of judges, prosecutors, private attorneys, notaries, lawyers of the public administration, as well as that of the court administration personnel.

Directorate of Judicial Organization



## RECORDS RETENTION SCHEDULE - COURTS

### **Administrative (Noncriminal) Traffic Case Files**

This series contains the citation, correspondence, and may include a receipt.

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill. Administrative and Audit values.

### **Administrator's Records (Probate) [Obsolete]**

This series contains the typed or handwritten verbatim record of actual probate documents filed in a probate or guardianship proceeding. EX: Petition for Letters of Administration; Order Appointing Administrator; Bond of Administrator, etc.

Retain for 10 years from the file closing date, then dispose by landfill. Administrative, and Legal (NDCC '11-17-10) values.

### **Adoption Records (Permanent)**

This series contains petitions, social services report, decree, consent, notice of hearing, admission of service and decree of adoption.

Retain for 10 years after entry of the order, then may transfer to the State Archives for permanent retention. Administrative, Legal (Permanent), and Historical values.

### **Appointments**

This series contains bonds and oaths of office for official appointments.

Retain for 1 year after termination of the appointment, then dispose by landfill. Administrative value.

**Bank Deposit Record, Bank Statements, and Cancelled Checks Including Child Support**

This series contains the bound volume of check receipts and carbons including trust funds, court-cancelled checks, ordered restitution of funds, deposits, record of deposits and withdrawals, checks paid through court including stubs, receipts and receipt books.

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill.  
Administrative and Audit values.

**Bankruptcy (When no case file exists)**

This series contains notices and discharges of bankruptcy proceedings.

Retain for 1 year, then dispose by landfill. Administrative value.

**Birth Certificates**

This series contains copies of birth certificates and indexes. The original is filed in the Department of Health and Consolidated Laboratories, Vital Statistics Division.

Retain for 1 year, then dispose of the certificate copies by shredding and the indexes by landfill. Administrative value. Birth certificates recorded before January 1, 1960 may be retained by the Clerk of Court

**Burial Permits**

This series contains Records authority to bury, transport, remove, cremate, or dispose of human remains, issued by State Department of Health.

Retain for 1 year from the date of filing, then transfer to the State Archives. Administrative and Historical values.

**Burial Permits Index**

This series contains a record of burial and transit permits.

Retain for 1 year from the date of filing, then transfer to the State Archives. Administrative and Historical values.

**Child Support Records/Case File/Payment Ledgers**

This series contains URESA's, foreign support orders, paternity support orders, and transcription of court-ordered support.

Retain for 25 years from the date of filing, then dispose by landfill. Administrative value.

**Change of Name**

This is the case file containing the petition, affidavit of publication, and order relating to the change of name.

Retain for 100 years - Administrative, Legal, and Historical values.

**Civil Case Files**

This series contains all civil files with the exception of those otherwise noted in the retention schedule.

All documents filed with the clerk which may include:

- Summons;
- Complaint;
- Sheriff's Return;
- Certificates and Affidavit of Service;
- Answer;
- Amended Complaint;
- Stipulations;
- Subpoenas;
- Notice of Taking Depositions;
- Requests for Production of Documents;
- Depositions;
- Interrogatories;

- Answers to Interrogatories;
- Notice of Issue and Certificates of Readiness;
- Notice of Trial;
- Motion for Continuance;
- Orders' Juror Instructions;
- Transcript of Video Deposition and Videotape;
- Exhibits;
- Jury Instructions;
- Verdict;
- Order for Judgment;
- Judgment;
- Notice of Judgment and Taxation Costs;
- Affidavit of Identification;
- Notice of Entry of Judgment;
- Order Permitting Disposal of Exhibits/Discovery Materials;
- Order for Transcript;
- Notice of Appeal;
- Notice of Filing Notice of Appeal;
- Correspondence;
- Acknowledgement of Receipt of Order of Transcript; and
- Clerk's Certificate of Record.

(See Court Rules for Discovery and Exhibits, NDRCivP 5(d) and NDROC (6.04)

Retain as indicated below, then transfer to the State Archives\* if the case is appealed.  
Administrative, Legal (NDCC ' 11-17-08), and Historical values.

All civil except as otherwise noted.....10 years;  
Real estate .....24 years;  
Judgment not entered & Case Dismissals .....5 years;  
Money Judgment entered - not renewed.....11 years;  
Money Judgment entered and renewed.....21 years;  
Paternity.....100 years.

\*Note: Offer ALL cases prior to 1925 to the State Archives whether appealed or not.

**Civil Court Reporter Notes**

This series contains court reporter notes, tape recordings, audio visual recordings (possibly cassette tapes).

Retain for 15 years, then dispose by landfill, except for notes or tapes of support hearings, which may be disposed of 60 days after the order has been confirmed. Administrative value.

### **Claims, Register [Obsolete]**

This series contains a recording of claims received on each probate case.

Retain for 10 years from the closing date of the file, then dispose by landfill. Administrative and Legal ('11-17-10, NDCC) values.

### **Coroner's Inquest Case File**

This series contains the proceedings of coroner's inquest and coroner's certificate.

Retain for 1 year from date of filing, then dispose by landfill. Administrative value.

### **Correspondence**

This series contains general correspondence from persons or entities which does not pertain to cases or other record series of the court as specified in the retention schedule. This information is generally one-time in nature such as requests for information and of value for only a short time period.

Retain for 1 year from date of filing, then dispose by landfill. Administrative value.

### **Court Budgets**

This series contains annual and biennial budgets for municipal, county, and district court offices.

Retain for 3 years after the current fiscal year, then dispose by landfill. Administrative and Audit values.

**Court Calendar**

This series contains a listing of scheduled hearings and trials.

Retain for 1 year from the date of preparation, then dispose by landfill. Administrative value.

**Court Order Book [Obsolete]**

This series contains all court orders.

This is an obsolete record and is no longer created.

Retain for 10 years from the date of the close of the file, then dispose by landfill. Administrative value.

**Court Trial Records (Minutes of Proceedings)**

This series contains clerk's records, notes of court proceedings and a listing of juror names.

Retain for 1 year from the date of filing, then dispose by landfill. Administrative value.

**Criminal Case Files - Non-traffic Related**

Use:

- Summons;
- Complaint;
- Sheriff's Return;
- Certificates and Affidavit of Service;
- Amended Complaint;
- Stipulations;

- Subpoenas;
- Notice of Taking Depositions;
- Requests for Production of Documents;
- Depositions;
- Interrogatories;
- Answers to Interrogatories;
- Notice of Trial;
- Motion for Continuance;
- Orders;
- Juror Instructions;
- Transcript of Video Deposition and Videotape;
- Exhibits;
- Evaluations;
- Jury Instructions;
- Verdict;
- Judgment;
- Affidavit of Identification;
- Notice of Entry of Judgment;
- Order Permitting Disposal of Exhibits/Discovery Materials;
- Order for Transcript;
- Notice of Appeal;
- Notice of Filing Notice of Appeal;
- Correspondence;
- Acknowledgement of Receipt of Order of Transcript;
- Clerk's Certificate of Record;
- Request for Discovery and Request for Notice of State's Intention to Use Evidence;
- Response to Request for Discovery and Request for Notice of Prosecution's Intention to Use Evidence;
- Motion for Change of Venue;
- Order for Change of Venue;
- Return to District Court, Information, Warrant of Arrest, Plea of not Guilty pursuant to Rule 43, Waiver of Preliminary Hearing;
- Notice of the Prosecution of the Intention to use Evidence;
- Request for Discovery & Request for Notice of Prosecution's Evidence;
- Notice of Deposition;
- Notice of Pretrial Conference;
- Waiver of Jury Trial;
- Demand for Jury of 12 Persons;
- Demand for Change of Judge

- Notice of Intention to Withdraw Plea of Not Guilty;
- Order Revoking Suspended Sentence;
- Motion for New Trial;
- Order Staying Execution of Sentence;
- Search Warrant;
- Search Warrant Receipt and Inventory;
- Bench Warrant;
- Affidavit for Appointed Defense Services;
- Motion to Dismiss Order, Order of Dismissal;
- Warrant of arrest;
- Return to District Court information;
- Plea of Not Guilty pursuant to Rule 43;
- Waiver of Preliminary Hearing;
- Notice of the Prosecution of the Intention to Use Evidence.

Retention for Misdemeanor

Retain for 15 years from date of judgment, then offer to the State Archives\* if appealed. All other cases may be disposed by landfill. Administrative and historical values.

\*Note: Offer ALL cases prior to 1925 to the State Archives whether appealed or not.

Retention for Felonies

Retain for 21 years from the date of entry of the judgment, or 1 year after execution of sentence, whichever is greater, then dispose of the evaluations by shredding and all other records by landfill. Administrative value.

**Criminal Court Reporter Notes/Court Recorder Tapes**

This series contains court reporter notes, tape recordings, audio visual recordings, and possibly cassette tapes.

Retain misdemeanors and infractions for 15 years, then dispose by landfill. Administrative value.

Felonies

This series contains court reporter notes, tape recordings, audio visual recordings (possibly cassette tapes).

Retain for same period as file, then dispose by landfill. Administrative value.

### **Death Certificate Register**

This series contains the copies of the Death Certificate and indexes to the Register. Retain for 1 year, then dispose of certificate copies by shredding and indexes by landfill. Administrative value. Death certificates recorded before 1960 may be retained by the Clerk of Court.

### **Dental Hygienist Licenses**

This series contains Dental Hygienist license - Certification of dental hygienist license.

Retain for 3 years after the current fiscal year, then dispose by landfill. Administrative and Audit values.

### **Disbarments and Suspensions**

This series contains the notice and order of disbarment of attorneys from the State Bar Board.

Retain for 1 year, then dispose by landfill. Administrative value.

### **Discovery Materials - Civil Including Divorce**

This series contains depositions, requests for admission, request for interrogatories, request for production of documents and answers and responses. See Rule 5d, NDRCivP for filing and return of discovery materials.

Return to parties.

## Divorce Case Files

This series contains the following information:

- Summons;
- Complaint, Sheriff's Return;
- Certificates and Affidavit of Service;
- Answer;
- Amended Complaint;
- Stipulations;
- Subpoenas;
- Notice of Taking Depositions;
- Requests for Production of Documents;
- Depositions;
- Interrogatories;
- Answers to Interrogatories;
- Note of Issue and Certificates of Readiness;
- Notice of Trial;
- Motion for Continuance;
- Orders;
- Transcript of Video Deposition and Videotape;
- Exhibits;
- Order for Judgment;
- Judgment;
- Notice of Judgment and Taxation of Costs;
- Affidavit of Identification;
- Notice of Entry of Judgment;
- Order Permitting Disposal of Exhibits/Discovery Materials;
- Order for Transcript;
- Notice of Appeal;
- Notice of Filing Notice of Appeal;
- Correspondence;
- Acknowledgement of Receipt of Order of Transcript, and  
Clerk's Certificate of Record.

Retain for 100 years from date of entry of judgment, then dispose by landfill.  
Administrative value.

**Election Ballots and Documents**

This series contains ballots, computer printouts, copy of receipt, list of election employees, and voting affidavits.

Retain for 45 days from date of election, then dispose by landfill. Administrative and Legal (NDCC 16.1-15-13) values.

\*Retain ballots containing candidates for federal office for 22 months from date of election (42 USC 1974), then dispose by landfill.

**Execution Docket/Execution Record [Obsolete]**

This is an obsolete record series which should no longer be created.

Dispose by landfill. Administrative value.

**Exhibits (Criminal)**

This series contains all documents and/or tangible objects offered during trial or hearings.

Retain for 21 years from date of entry of judgment, then dispose by landfill. Administrative value.

**Fee Journal/Fee Book/Receipt Book**

This series contains a record of all money collected by clerk of court. It includes fees, fines, costs, bonds, bail, court administrative fees, restitutions, pay orders and contains clerk's receipt book listing funds collected or paid, for what purpose, with amount and date.

Retain for 3 years after the current fiscal year, then dispose by landfill. Administrative and Audit values.

**Grand Jury Proceedings**

This series contains transcripts of testimony during grand jury proceedings/prosecution's evidence, jury decision, and indictment.

Retain for 1 year from date of filing, then dispose by shredding. Administrative value.

### **Health Department Reports**

This series contains a listing of Marriage, Death, and Birth Certificates.

Retain for 1 year from date of filing, then dispose by shredding. Administrative value.

### **Index**

This series contains a listing of parties involved in the action. It includes all of the following indexes: All plaintiffs and defendants in civil, criminal, probate, confidential, small claims actions and marriage license applicants.

Retain permanently except for small claims which should be retained for 21 years from the entry of judgment, then disposed by landfill. If the record series indexed is to be transferred to the State Archives, transfer the index to the State Archives. Administrative, Audit, and Historical values.

### **Involuntary Treatment Proceedings (Mental Health)**

This series includes insanity and feeble-minded records. This series contains the following information:

- Order Appointing Expert Examiner;
- Order for Examination;
- Warrant of Attachment;
- Order of Dismissal;
- Motion and Order of Dismissal;
- Notice of Hearing;
- Order Appointing Attorney;

## Attachment 2

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- Findings of Fact, Conclusions of Law Temporary Treatment Order and Notice of Further Treatment Following Preliminary Hearing;
- Findings of Fact, Conclusions of Law and Order Following (Treatment) Continuing Treatment Hearing;
- Order Appointing Independent Expert Examiner;
- Order for Hospitalization & Treatment;
- Order for Alternative Treatment;
- Order for Less Restrictive Treatment;
- Emergency Treatment Order;
- Order Denying Petition for Discharge;
- Transfer Order;
- Order Returning Patient to Facility;
- Hospitalization Order Following Alternative Treatment Order;
- Detention Order Pending Hearing;
- Modification Order Following Alternative Treatment Order;
- Sheriff's Return of Service;
- Statement of Expert Examiner;
- Report of Examination;
- Report Assessing Availability and Appropriateness of Alternate Treatment;
- Notice of Medication;
- Notice of Release;
- Petition for Continuing Treatment;
- Certificate of Continuing Treatment;
- Petition for Order for Less Restrictive Treatment;
- Consent to Notify of Release;
- Notice of Initial Contact;
- Periodic Review Report;
- Notice of Review Results;
- Petition for Discharge;
- Notice of Transfer;
- Written Request for Release;
- Notice of Hospitalization of Respondent Subject to;
- Alternative Treatment Order;
- Notice of Detention by Director of Superintendent and Notice of Hearing;
- Petition for Involuntary Commitment;
- Affidavit in Support of Petition;
- Notice of Procedures and Rights;
- Application and Order for Waiver of Hearing;
- Application for Emergency Admission;

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- Request for Transportation for Emergency Detention;
- Notice of Emergency Detention;
- Notice of Purpose and Effects of Custody;
- Certificate of Service;
- Affidavit of Service;
- Application for Modification of Alternative Treatment Order and Notice of Hearing;
- Agreement to Combine Preliminary and Treatment Hearing;
- State's Attorney's Request for Investigation & Evaluation;
- Report of Mental Health Professional.

Retain for 21 years from the date of filing, then dispose by shredding. Administrative and Legal (NDCC ' 11-17-09) values.

### **Judgment Book [Obsolete]**

This series contains verbatim record of the judgment that has been entered in any civil or criminal case in either district or county court.

This is an obsolete record and is no longer created.

Retain for 1 year, then transfer to the State Archives. Administrative and Historical values.

### **Judgment Docket**

This series contains court record of money judgments including name of debtor, creditor, date of judgment, sum recovered or directed to be paid in figures, time when the judgment roll of transcript was filed and docketed in the clerk's office, the name of the court in which the judgment was rendered and the name of the attorneys for the party recovering the judgment.

Retain for 21 year, then dispose by landfill. Administrative and Audit values.

### **Juror Records**

This series contains jury qualification form, questionnaires, master jury list and all supporting lists, and payment records.

Retain for 3 years from the creation of master jury list, then dispose by shredding.  
Administrative value.

**Justice Court Case Files [Obsolete]**

This is an obsolete record series which should no longer be created.

Retain for 1 year from current fiscal year, then dispose by landfill. Administrative value.

**Juvenile Case Files**

This series contains pleadings and correspondence. This series also contains the following information:

- Citation;
- Notice of Informal Adjustment;
- Supreme Court Face Sheet;
- Juvenile Court Disposition form (to release evidence);
- Certificate of Traffic Offense (to Highway Department;
- 3x5 card (case history);
- 2-3x5 cards to probation officers (not in file);
- Consent to Informal Adjustment and Authorization for Release of Information;
- Informal Adjustment Conditions;
- Probation Officer's Case Narrative Sheet;
- Letters;
- Evaluation Reports;
- Social Service Reports;
- Releases of Information from Social Services Agencies;
- Petition/Petition for Extension/Petition for Termination of Parental Rights;
- Summons/Notice of Hearing;
- Order Appointing Attorney;
- Petition for Appointment of Guardian ad Litem;
- Consent and Order;
- Findings of Fact and Recommendations of the Judicial Referee;
- Notice of Findings and Recommendations of the Judicial Referee and of Your Right of Review;
- Affidavit of Service by Mail (usually more than one);

- Order of Confirmation;
- Sheriff's Return;
- Emergency Order for Care, Custody, and Control of Child;
- Temporary Order for Care, Custody and Control;
- Affidavit of Attempted Legal Service;
- Summons (for publication) Affidavit of Service by Publication;
- Amended Summons;
- Notice of Rescheduling;
- Consent to Voluntary Termination;
- State Youth Authority Reports;
- ND State Industrial School Reports;
- Permanency Planning Reports;
- Letters (original & copies);
- Supreme Court Face Sheet;
- Notice of Impending proceeding in State Court Involving Native Americans;
- Voluntary Consent;
- Certificate;
- Affidavit;
- Abuse/Neglect Reports; and
- Tape Recordings of Proceedings.

Retain as listed below, then dispose by shredding. Administrative and Legal (Section 27-20-54 ) values.

Petitioned Cases

Juvenile deprivation without termination of parental rights and special proceedings.....	30 years after expiration of final order.
Abortion Control Act.....	2 years after date of final order.
Termination of parental rights.....	permanent.
Delinquency .....	10 years.
Delinquency, Where Petition is Dismissed, or Unruly .....	1 year after child

**Attachment 2**

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has turned 18 or is released from supervision, whichever occurs later.

Non-Petitioned Cases.....When child turns 18 or is released from supervision, whichever occurs later.

**Land Condemnation Proceedings**

This series contains the offer to purchase, notice to property owner, transmittal voucher, receipt from clerk of court, warranty deed, receipt from property owner, certified receipts, correspondence, notice of commissioners actions, and quit claim deed.

Retain for 1 year from the date of disposition, then dispose by landfill. Administrative and Legal (NDCC '11-17-10) values.

**Lien Records**

This series contains Hospital, Oil, Gas and Miner's Liens.

Retain as specified below, then dispose by landfill. Administrative, Fiscal, and Legal (**Miners Lien** - 1 year from date of valid filing - NDCC 35-15-05; **Oil Lien** - 2 years from the date of filing of the lien - NDCC 35-24-14; **Gas Lien** - 2 years from the date of filing the statement - NDCC 35-24-14; **Hospital Lien** - 10 years from the date of filing - NDCC 35-18-11) values.

Miners Lien.....	3 years after the current fiscal year (ACFY);
Oil Lien.....	3 years after the current fiscal year (ACFY);
Gas Lien.....	3 years after the current fiscal year (ACFY);
Hospital Lien.....	10 years from the date of filing.

**Marriage License Records**

This series contains marriage license, application, certified copies of divorce decree, affidavits, and blood test results.

Retain as listed below. Administrative, Fiscal, Legal (NDCC '11-17-10), and Historical values.

Marriage licenses.....	permanent*;
All other documents.....	1 year from date of filing, then dispose by landfill.

**\*Note:** Transfer all marriage licenses prior to 1925 to the State Archives.

**Massage Therapist Certificates of Registration**

This series contains certificates of registration.  
Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill.  
Administrative and Fiscal values.

**Mechanic's Lien [Obsolete] & Satisfaction**

This series contains notices, liens, registers and tract indexes.

Retain for 10 years, then dispose by landfill. Administrative, Fiscal, and Legal (NDCC '11-18-14) values.

**Miscellaneous Court Orders**

This series contains Orders and Attachments, and Affidavits which are not contained in a case file or record found elsewhere on the retention schedule.

Retain for 5 years, then dispose by landfill. Administrative value.

**Military Service Records**

This series contains the recorded copy of the military discharge.

Retain for 100 years, then dispose by shredding. Administrative value.

**Monthly Case Inventory Report**

This series contains a report generated by state court administrator which includes the length of time a case can be on a docket. It is updated monthly.

Retain for 1 month. Administrative rule.

**Monthly Fee Report**

This series contains a monthly report of collections forwarded to the county/city auditor.

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill. Administrative and Fiscal values.

**Naturalization Records [Obsolete]**

This series contains documents filed to attain US citizenship. These records should have been transferred to the state archivist. See NDCC 11-17-02.

Transfer these records to the State Archives. Historical value.

**Notary Records [Obsolete]**

This series contains an index and notice of vacancy of officer of notary public.

Retain until July 1, 1993, then dispose by landfill. Administrative and Fiscal values.

**Perpetual Care Cemetery Records**

This series contains license records, license renewal, and the application and license to operate a perpetual care cemetery.

Retain for 3 years after the current fiscal year (ACFY), then transfer to the State Archives. Administrative, Fiscal, and Historical values.

**Probate Case Files (Informal, Formal and Guardian & Conservator)**

This series includes but is not limited to the following information:

- Application for Informal Probate of Will and Appointment of Personal Representative;
- Last Will & Testament;
- Order Appointing Special Guardian;
- Testimony of Subscribing Witnesses;
- Certificate of Probate of Will;
- Order Admitting Will to Probate;
- Notice to Creditors;
- Order appointing Appraisers;
- Notice to Oath of Appraisers;
- Inventory and Appraisal;
- Affidavit of Publication;
- Notice to Creditors;
- Decree of Due Notice to Creditors;
- Objection to Probate of Will;
- Codicil to Will;
- Petition for Adjudication of Intestacy and Appointment of a Personal Representative;
- Letters of Administration;
- Notice and Information to Heirs and Devisees and Notice of Disallowance of Claim;
- Demand for Notice;
- Brief in Support of Petition for Allowance of Claim;
- Petition to Require Filing an Inventory;
- Petition for Appointment of Guardian and Conservator;
- Order Appointed Guardian and Conservator;

- Order allowing Final Account;
- Letters of Guardianship;
- Petition for Termination of Guardianship and Conservatorship;
- Letters of Conservatorship;
- Cancelled checks and receipts;
- Pleadings; and
- Correspondence.

Retain permanently.

### **Quiet Title & Eminent Domain**

This series contains pleadings and correspondence (See Court Rules for Exhibits NDRCivP(5)(d)).

Retain for 100 years from date of entry of judgment, then dispose by landfill.  
Administrative and Fiscal values.

### **Record Search**

This series contains a copy of the certification of record search (whether criminal or civil).

Retain for 1 year, then dispose by landfill. Administrative value.

### **Register of Civil Actions**

This series contains the index of pleadings filed in the case. This does not include the actual index of plaintiffs and defendant's names.

Retain permanently. Administrative and Fiscal values.

### **Register of Coroner's Inquest**

This series contains the index of documents filed.

Retain for 1 year, then dispose by landfill. Administrative value.

**Register of Criminal Actions**

This series contains the index of pleadings filed in the case. This does not include the actual index of plaintiffs and defendants names.

Retain permanently. Administrative and Fiscal values.

**Register of Involuntary Treatment Proceedings (Mental Health)**

This series contains a listing of the papers filed in the case.

Retain for 21 years from the date of filing, then dispose by shredding. Administrative, and Legal (NDCC '11-17-10) values.

**Register of Juvenile Actions**

This series contains the index of pleadings filed in the case. This does not include the actual index of plaintiffs and defendant's names.

Retain as specified below, then dispose by shredding. Administrative and Legal (Section 27-20-54, NDCC) values.

Juvenile deprivation without termination of parental rights and special proceedings (i.e. Abortion Control Act) .....	30 years from expiration of final order;
Termination of parental rights.....	Permanent;
Files relating to unruly & delinquency .....	10 years.

**Register of Partnership [Obsolete]**

This series contains the title of partnership, list of partners, and location.

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill.  
Administrative and Fiscal values.

**Register of Probate Actions**

This series contains the index of pleadings filed in the case. This does not include the actual index of plaintiffs and defendants names.

Retain permanently. Administrative and Fiscal values.

**Safety Deposit Records [Obsolete]**

This series contains the petition, order, and inventory

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill.  
Administrative and Fiscal values.

**Search Warrants (When no case file exists)**

This series contains the affidavit, search warrant, receipt and inventory.  
Retain for 3 years, then dispose by shredding. Administrative value.

**Small Claims Case File**

This series contains pleadings including but not limited to claim affidavit, order for appearance, answer, counter-claim, judgment, affidavit of mailing, motion to remove, and service agreement.

Retain as specified below, then dispose by landfill. Administrative, Fiscal and Legal values.

Judgment .....5 years;

Judgment entered - not renewed.....11 years;  
Judgment entered - and renewed .....21 years;  
Dismissed.....1 year.

**Special Deposit Ledger**

This series contains a record of the date, explanation, clerk's receipt, debit, credit, and balance.

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill. If criminal restitution is included in Special Deposit Ledger, retain for three years after final payment has been made. Administrative and Fiscal values.

**State Game & Fish Proclamation**

Retain for 1 year, then dispose by landfill. Administrative value.

**Township Minute Books [Obsolete]**

This series contains meetings of township minutes (includes birth and death information which may be contained in the minutes).

Offer to the State Archives. Administrative and Historical values.

**Toxicology Reports**

This series contains a list of Certified Chemical Test Operators; List of Approved Chemical Testing Devices; Breathalyzer Operational Check List, Form 106; Standard Solution Analytical Report; Breathalyzer Ampoule Analytical Report; Approved Method to Conduct Breath Test with Breathalyzer; and Approved Method to Conduct Blood Alcohol Analysis.

This retention schedule is established by order of the State Toxicologist. Administrative value.

**Transcript of Judgment from Another Court**

This series contains an Abstract of Judgment, Affidavit of Identification, Notice of Filing Renewals of Judgment, Transcripts of Judgments, Notice of filing Transcripts of Judgment, Satisfaction or Cancellation of Judgment, Affidavit of Renewal of Judgment, Notice to Cancel Transcript of Judgment, and Assignment of Judgment.

Retain as specified below, then dispose by landfill. Administrative and Fiscal values.

Judgment Entered.....11 Years;  
Judgment Renewed.....21 Years.

**Trust Registration (unsupervised trust)**

This series contains a petition for administration and supervision of trust, notice of hearing; order approving administration and supervision; motion and order approving trust account and approval of management fees; and nomination of trustee, orders. See Chapter 30.1-32, NDCC.

Retain permanently. Administrative and Legal (NDCC ' 11-17-10) values.

**Tuberculosis Records [Obsolete]**

This series contains disclosure papers for sanitarium and certificates of indigence. This is an obsolete record series which is no longer created.

Dispose by shredding or burning. Administrative value.

**Wills**

This series contains wills deposited for safekeeping and possible receipt.

Retain for 100 years, then dispose by shredding. Administrative, Legal (' 11-17-09, NDCC) values.

**Witness Records**

This series contains witness certificates and vouchers.

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill.  
Administrative and Fiscal values.

Dated January 1, 1995

**CASE VOLUME REPORT (Time Period)**

<b>BERAT COURT</b>			
Type of Case	1998 (P)+(F)-(D)=(P)	1999 (P)+(F)-(D)=(P)	2000 (P)+(F)-(D)=(P)
Administrative			
Family			
Commercial			
<b>TOTAL CIVIL</b>			
Criminal			
<b>TOTAL CASES</b>			
<b>BULQIZA COURT</b>			
Administrative			
Family			
Commercial			
<b>TOTAL CIVIL</b>			
Criminal			
<b>TOTAL CASES</b>			
<b>GRAND TOTAL COUNTRYWIDE</b>			

(P)=Pending  
 (F)=Filed  
 (D)=Disposed

**Report is for Each Court**  
**Pending + Filed - Disposed=Ending Pending**

Attachment 3

COMPARISON OF CASES PENDING BY COURT AS OF 12/31/2000

<b>BERAT COURT</b>							
Type of Case	# Pending As of 12/31/98	# Pending As Of 12/31/99	Change (+, -)	% Change	# Pending As of 12/31/2000	Change (+, -)	% Change
Administrative							
Family							
Commercial							
<b>TOTAL CIVIL</b>							
Criminal							
<b>TOTAL CASES</b>							
<b>BULQIZA COURT</b>							
Administrative							
Family							
Commercial							
<b>TOTAL CIVIL</b>							
Criminal							
<b>TOTAL CASES</b>							
<b>GRAND TOTAL COUNTRYWIDE</b>							

**CASE AGING REPORT OF AGE CASES AT DISPOSITION REPORT BY COURT FOR (time period)**

<b>BERAT COURT</b>				
<b>Type of Case</b>	<b>0 to day 30</b>	<b>Day 31 to Day 90</b>	<b>Day 91 to day 180</b>	<b>Over 180 days</b>
Administrative				
Family				
Commercial				
<b>TOTAL CIVIL</b>				
Criminal				
<b>TOTAL CASES</b>				
<b>BULQIZA COURT</b>				
Administrative				
Family				
Commercial				
<b>TOTAL CIVIL</b>				
Criminal				

**GRAND TOTAL  
COUNTRYWIDE**

**Time periods should be based on the laws/rules  
for processing civil and criminal cases in Albania**

**Attachment 3**

**EQUIPMENT INVENTORY**

1. Type of Equipment:  Computer  
 Printer  
 Fax  
 Photocopier  
 Other equipment \_\_\_\_\_
  
2. Brand:
  
3. Model:
  
4. Age:
  
5. Location of Equipment in Courthouse:
  
  
6. Use of Equipment:
  
  
7. Types of Software Installed:
  
  
8. Surveyor Comments:

TRAINING SURVEY

Date: \_\_\_\_\_

1. Name of Court
2. Name of Employee:
3. Employment Date:
4. Job Duties:
5. Job Related Training Received:
6. Training Needed:  
(Employee observations)
7. Surveyor Comments:

RECORDS MANAGEMENT SURVEY

Date: \_\_\_\_\_

1. Name of Court:
  
2. Procedures used for active Records Storage:  
(Discuss indexing, document filing, sign out procedures)
  
3. Procedure used for Archived Records:  
(Discuss indexing, accessibility, sign out procedures)
  
4. Adequacy of Records Storage Space:  
(Discuss space for both active and archived records)
  
5. Records Storage Issues Identified:
  
6. Other Comments:

ALBANIAN MINISTRY OF JUSTICE  
DIRECTORATE OF JUDICIAL ORGANIZATION

Job Title: **Court Services Specialist**

Date: 12/1/00

**General Summary**

Under the general supervision of the Director, provides analysis and recommendations to him/her, the Minister of Justice, chief judges and chancellors on matters relating to the administration of the trial and appellate courts. Responsible for implementation of regulations, policies and procedures adopted by the Minister and the court administration laws of Albania.

**Principal Duties And Responsibilities**

1. Provides technical assistance, information, analysis, advice, and recommendations on administrative matters such as case assignment, general court and staff management, records management, case processing and work flow, to the Minister, Director, chief judges, and court chancellors.
2. Survey and evaluate organizational needs, Ministry regulations, and statutory requirements to recommend improvements in the administrative operations of individual courts and the court system as a whole.
3. Monitors judicial and court staff workload in courts throughout the country and recommends to the Minister redistribution of or additional resources, as necessary.
4. Assists in the countrywide implementation of new administrative regulations, policies and procedures.
5. Works with other Directorate staff in the areas of personnel management, education and training, statistical analysis, financial controls, planning, technology, etc.
6. Acts as the representative of the Minister and Director in meetings with chief judges, chancellors, and other officials.
7. Provides staff services to various advisory committees to the Minister or Director on topics such as case flow management, records management, case assignment.
8. Performs related work as required.

**Job Qualifications**

**Education**

Bachelor's degree in judicial, business, or public administration, or other related area. Prefer master's degree in court administration or law degree.

### Experience

Three years of progressively more responsible or expansive trial court administrative experience or other related legal or governmental management experience.

### Other Requirements

Experience in conducting research, surveys, and studies as required or requested in a timely manner.

Able to travel locally and on a countrywide basis as required

### Knowledge, Skills, and Abilities

- Thorough knowledge of the principles and procedures involved in conducting administrative studies and analysis of problems.
- Extensive knowledge of the modern principles and practices of court administration and public administration.
- Extensive knowledge of court procedures, functions, legal documents, laws and legal factors pertaining to the courts.
- Extensive knowledge of case management practices, principles of judicial assignment, and workload analysis methodology.
- Ability to organize, supervise, and coordinate the activities of staff engaged in a variety of court administrative activities.
- Ability to express ideas on technical subjects clearly and concisely, orally and in writing.

ALBANIAN MINISTRY OF JUSTICE  
DIRECTORATE OF JUDICIAL ORGANIZATION

Job Title: **Human Resource Development Specialist**

Date: 12/1/00

**General Summary**

Under the general supervision of the Director of Judicial Organization administers the countrywide human resources orientation and continuing education programs, including the development of manuals and other training materials. Coordinates judicial and court support training with other institutions and organizations. Creates and maintains a database of court employee training.

**Principal Duties and Responsibilities**

1. Coordinate and oversee the training and professional development of all judges and court employees with respect to procedural law and administrative matters.
2. Assist in the implementation and on-going enforcement of all laws and rules pertinent to court management by designing and providing educational programs and materials to ensure the judiciary's compliance.
3. Provide advice and recommendations to the Director, chief judges, and chancellors on training related issues and work with other Directorate staff to meet their own and court staff needs in the areas of personnel management, court services, statistical analysis, financial controls, planning, technology, etc.
4. Develop and implement orientation and continuing education policies. Report and make recommendations concerning compliance with policies and rules to the Minister of Justice.
5. Participate with judges and chancellors in analyzing and projecting staff training needs.
6. Provide staff services to the education related committees and others as assigned.
7. Develop public information publications relating to the judicial system.
8. May be involved in activities associated with: recruitment, selection, and retention of employees; evaluating organizational needs and statutory requirements to ensure an effective and efficient human resource management system.
9. Perform related work as required. May be assigned other primary and secondary portfolios as determined by the Director.

## **Job Qualifications**

### **Education**

Bachelor's degree in education, public or judicial administration, or a related area. Prefer a master's degree in management, public or judicial administration, adult education, or a law degree, or completion of the Institute for Court Management Court Executive Development Program.

### **Experience**

Three years of professional experience in the field of adult education, preferably in a court environment. Advanced course work in these fields may be substituted for years of experience.

### **Other Requirements**

Experience writing training or other educational materials.

### **Knowledge, Skills, and Abilities**

- Ability to review operating problems analytically and to develop effective education plans and programs to meet the needs of the judiciary.
- Knowledge of the principles of adult learning in order to develop successful education programs.
- Leadership capabilities, consensus-building skills, and the ability to develop and motivate staff and inspire a team effort.
- Strong written and oral communication skills that will allow the individual to produce and present written and oral reports, develop easily understood training manuals and public relations and other educational materials, and write grant applications if necessary.
- Ability to communicate and coordinate effectively with other organizations to accomplish the goals of the Directorate and achieve agreement on how and when judicial and court personnel training will take place.
- Experience in grant writing and administering grant funded programs.

ALBANIAN MINISTRY OF JUSTICE  
DIRECTORATE OF JUDICIAL ORGANIZATION

Job Title: **Manager of Statistics and Data Analysis**

Date: 12/1/00

**General Summary**

Under the general supervision of the Director of Judicial Organization, provides statistical and trend analysis for the Director, the Minister of Justice, chief judges, chancellors, and other appropriate officials on matters relating to the administration of the trial and appellate courts. Responsible for assuring the accuracy, availability, and relevancy of the data gathered from the courts and compiled and reported in his/her office.

**Principal Duties And Responsibilities**

1. Oversees the development of long-range plans, policies, and procedures related to the collection and use of data and statistics in the courts.
2. Works closely with the Director of Information Technology to assure future electronic data base systems meet the needs of the courts as well as the Ministry.
3. Survey and evaluate organizational needs, Ministry regulations, and statutory requirements to recommend appropriate statistical measures for the administrative operations of individual courts and the court system as a whole.
4. Provides information, analysis, advice, and recommendations on performance measures and necessary data collection related to administrative matters such as case assignment, case flow management, and workload trends to the Minister, Director, chief judges, and court chancellors.
5. Works with other Directorate staff in the areas of court technical services, education and training, statistical analysis, planning, technology, etc.
6. Acts as the representative of the Minister and Director in meetings with chief judges, chancellors, and other officials.
7. Provides staff services to various advisory committees to the Minister or Director on topics such as statistical analysis and effective management reporting.
8. Supervises statistics staff in the Directorate and conducts periodic training and audits of data collection in the individual courts.
9. Performs related work as required.

## **Job Qualifications**

### Education

Bachelor's degree in judicial, business, or public administration, statistical analysis, business or public administration or other related area. Prefer master's degree in court or public administration.

### Experience

Four years of progressively more responsible statistical analysis experience and at least two years supervising data collection and analysis staff.

### Other Requirements

Experience in conducting research, surveys, and studies as required or requested in a timely manner.

Able to travel locally and on a countrywide basis as required

### Knowledge, Skills, and Abilities

- Thorough knowledge of the principles and procedures involved in complex statistical analysis, electronic databases, and effective management reporting including easily read and understand executive summaries.
- Extensive knowledge of quality assurance practices that ensure the accuracy, consistency and relevance of data collected from multiple sources and sites.
- Extensive knowledge of the modern principles and practices of court administration and public administration.
- Considerable knowledge of court procedures, functions, legal documents, laws and legal factors pertaining to the courts in order to assure that the necessary statistics and reports are being maintained.
- Ability to organize, supervise, monitor, and coordinate the activities of staff engaged in a variety of court administrative activities and implement efficient practices.
- Ability to express ideas on statistical information clearly and concisely, orally and in writing, for non-technical decision makers.
- Knowledgeable in assessing the data needs of an organization and in eliminating inappropriate data collection.

ALBANIAN MINISTRY OF JUSTICE  
DIRECTORATE OF JUDICIAL ORGANIZATION

Job Title: **Director of Information Technology**

Date: 12/1/00

**General Summary**

Under the general supervision of the Director of Judicial Organization responsible for the planning, development, acquisition, and implementation of technologies in the courts. Directs the Division of Information Technology and assigns work to Technology Support Specialists. May oversee contractors and coordinate technology and electronic database projects.

**Principal Duties and Responsibilities**

1. Oversees the development of long-range plans and policies and procedures for the acquisition, coordination, and implementation of various court technologies.
2. Consults with judges, chancellors, users other Directorate staff, and consultants on capabilities and limitations of existing information systems, evaluates data processing needs and requirements in order to assure the development and efficient and effective use of information processing resources.
3. Advises the Director and the Minister of Justice on acquisition of equipment, computers, and software for the Albanian court system and the Directorate.
4. Oversees programming and software development services provided by outside agencies and contractors.
6. Provides technical support relating to equipment and software to the various courts throughout the country.
7. Provides staff and support services to various committees and donor organizations engaged in studies or implementation projects involving court-related technology and electronic databases.
8. Performs related work as required.

## **Job Qualifications**

### **Education**

Bachelor's degree with a major in computer science or related degree; or an associate's degree in computer science, supplemented with at least five years of computer management experience.

### **Other Requirements**

Three years experience managing and implementing computer systems involving complex electronic databases and the sharing of information by multiple organizations with different computer systems and technology.

Knowledge of the operations of the trial and appellate courts normally gained through two years experience within a court system or specialized education.

Able to travel locally and on a countrywide basis as required

### **Knowledge, Skills, and Abilities**

- Extensive knowledge in computers, systems design, and various technologies, such as facsimile machines, imaging storage devices, video-conferencing, etc.
- Considerable knowledge of principles, utilization, and operation of data processing systems as well as of personal computers, mini-computers, and related peripherals.
- Considerable knowledge of the PC-level software and networking systems,
- Ability to establish and maintain effective interpersonal and working relations with system users, consultants, donor organizations, and others.
- Ability to express ideas clearly and concisely, both orally and in writing.

ALBANIAN MINISTRY OF JUSTICE  
DIRECTORATE OF JUDICIAL ORGANIZATION

Job Title: **Technology Support Specialist**

Date: 12/1/00

**General Summary**

Under the general supervision of the Director of Information Technology, is responsible for the installing, maintaining, and administering of PC's, local area and system wide networks, and other technological systems in the Albanian courts.

**Principal Duties and Responsibilities**

1. Coordinates and provide services to install, configure, and maintain all PC's and network software and hardware in the courts of Albania and the Directorate.
2. Provides end user support and technical assistance for software and hardware problems and issues related to electronic data processing.
3. Advises the Director and the Minister of Justice on acquisition of equipment, computers, and software for the Albanian court system and the Directorate.
4. In conjunction with the Human Resource Development Specialist, provides and maintains training manuals as well as other necessary system documentation.
6. Creates and maintains a database of all hardware configurations and software applications installed throughout the court system.
7. Explores and evaluates advancements in software and hardware relating to PC's, local area networks, and other technologies that may be of assistance to the courts.
8. Performs related work as required.

**Job Qualifications**

**Education**

A minimum of an associate's or technical degree in computer science.

**Other Requirements**

- Two years experience providing technology support preferably in a court or other justice system environment.
- Able and willing to move at least 60 pounds from one location to another.
- Able to travel locally and on a countrywide basis as required

### Knowledge, Skills, and Abilities

- Considerable knowledge of personal computers, Windows operating systems or other operating systems used by the Albanian courts.
- Considerable knowledge of other technologies and equipment such as facsimile machines, imaging storage devices, video-conferencing, etc.
- Considerable knowledge of communication networks.,
- Ability to establish and maintain effective interpersonal and working relations with system users, data processing personnel, other governmental personnel, Directorate staff, consultants, and representatives from donor organizations.
- Ability to communicate clearly and concisely, both orally and in writing.

**Excerpt from the North Dakota Records Management Manual**

**APPRAISING RECORDS**

The third step in establishing a records management program is determining the retention value of the record or how long each record series should be kept in the office and in storage before final disposition. To do this, the immediate and future usefulness of the records to the agency must be determined. Records should be retained in the office area as long as they serve the immediate administrative, legal, and fiscal purposes for which they were created. When they no longer serve these purposes, they should be transferred to an inactive storage center, microfilmed, destroyed, or in some cases deposited in the State Archives.

The following values must be considered during the appraisal of records:

- a. **Administrative value:** When scheduling the retention of records, agency personnel should be primarily concerned with the administrative value of the records. Records are generally created to help accomplish the functions for which an agency is responsible. These records have value as long as they assist the agency in performing either current or future work. The primary administrative use of most records is exhausted when the transactions to which they relate have been completed. As the usefulness of the record in performing the current or future work of the agency diminishes, the administrative value of the record decreases. At this point, the administrative value of the record may no longer be enough to justify its retention. The determination of administrative values is the responsibility of each agency. (See Chapter II, Section A, 6 - Determination of Administrative Value for more information.)

- b. **Legal value:** Records have legal value if they contain evidence of legally enforceable rights or obligations of the state. Examples are: (a) legal decisions and opinions, (b) fiscal documents representing agreements such as leases, titles, and contracts, and (c) records of legal proceedings.

A legal retention value for certain records may be established by law. In these cases, the legal value is determined by the statute. The Attorney General is responsible for determination of the legal value of the record series.

- c. **Fiscal value:** Records which relate to the financial transactions of the agency have fiscal value. After the records have served their primary administrative purpose, they may be retained to document an expenditure of moneys and/or to account for them for audit purposes. In some instances the audit requirements of the federal government must be considered. The State Auditor is responsible for determining the fiscal value of the record series.

- d. **Historical value:** Records that (a) have continuing value because they contain information about significant events, (b) document the history and development of an agency, or (c) protect the rights of the state and its citizens, are deemed to have archival or historical value. These records contain precedents for policies and procedures. For this reason, they are valuable to the state, to researchers in many fields, and to historians, as evidence of what was actually done. The State Archives is responsible for determination of the historical value of the record series.

The information contained within the record or record series may have any one, any combination, or all of the preceding values. These values must be determined before a retention period can be established for any record series.

**COURT RECORDS MANAGEMENT PROGRAM**

**Administrative  
Rule 19**

**Section 1. Statement of Authority and Policy.**

- a. Under Article VI, Section 3 of the North Dakota Constitution, the Supreme Court has authority to promulgate rules of procedure to be followed by all courts of this state, including rules regarding the administration of court records. The Legislative Assembly has encouraged this process under Sections 27B02B05.1 and 54B46B06, NDCC.
- b. A goal of the North Dakota Judicial System is to establish a uniform judicial records management program.
- c. The Supreme Court recognizes the need to provide a court records policy that specifically addresses the retention and disposition of court records. This records retention and disposal procedure is established to meet this administrative goal.

**Section 2. Administrative Responsibilities.**

- a. The State Court Administrator is the court records administrator and is responsible for developing a retention and disposition schedule of court records. The State Court Administrator may obtain the services of the State Records Administrator to develop and monitor the record disposal report identified in Section 9 and to otherwise provide program services described in Chapter 54-46, NDCC.
- b. The clerk of district court in each county is responsible for the retention and disposition of all district court records in accordance with the records retention schedule.
- c. The judge of a municipal court or a clerk designated by the judge is responsible for the retention and disposition of all municipal court records in accordance with the records retention schedule.

**Section 3. Scope of Supreme Court Rule and Inconsistent Statutes.**

- a. This rule applies to all court records under the jurisdiction of the clerks of district court, municipal judges, and to commissions, boards, committees, and offices under the supervision of the Supreme Court.
- b. The phrase "court records" means any document, book, paper, photograph, sound recording or other material regardless of physical form or characteristics, made or received by the court pursuant to law or in connection with the transaction of official court business.

**Section 4. Permanent Retention Periods.**

- a. Court records assigned "permanent" retention periods must be retained by the clerk or judge having jurisdiction over the record for an indefinite period of time. The permanent retention periods are subject to a review process consistent with Section 8.6, NDRPR.
- b. Section 4(a) does not prohibit the clerk or judge having jurisdiction over the records assigned permanent retention periods from depositing such record with the state archivist for preservation pursuant to Section 10.

**Section 5. Disposition of Court Records.**

The term "disposition" means:

- a. transfer of a record to the possession of the state archivist pursuant to the procedure in Section 10;
- b. destruction by burning or shredding, if the record is confidential; or
- c. destruction by ordinary means, such as landfill or recycling, if the record is not confidential.

**Section 6. Records Disposition Record.**

The clerk or judge having jurisdiction over the records shall keep a record of the disposition of any court record pursuant to the records retention schedule. This record must indicate the title of the record series, a description of the contents of the record, the inclusive years of the records disposed, and the date and the means of disposition.

**Section 7. Records Disposition Process.**

The State Court Administrator will provide each clerk or judge having jurisdiction over court records with a records retention schedule. The records retention schedule must identify and describe each record series, provide the retention period based upon the fiscal, legal, administrative, and archival value of the records, and describe the method of destruction for each series that may be destroyed. The State Court Administrator shall file a copy of the records retention schedule with the Clerk of the Supreme Court. The records retention schedule constitutes approval for disposition of all records that have met the timeframes established in the schedule.

**Section 8. Procedures to Modify Record Retention Values.**

The following procedures apply when adding, changing, or deleting a record series from the records retention schedule.

- a. The person suggesting the changes must complete the Record Series Description, State Form Number 2042, with the exception of the legal value, fiscal value, archival value, and records control number.
- b. The completed Record Series Description must be sent to the State Court Administrator who shall obtain the advice of the State Auditor, Attorney General, State Archivist and State Records Administrator, to determine the administrative, legal, fiscal, and archival values of the records.
- c. A draft of the proposed addition, modification, or deletion of a record series must be submitted to the Court Services Administration Committee for comments.
- d. The State Court Administrator shall issue a revision to the retention schedule if appropriate.

**Section 9. Records Disposal Procedures.**

Each clerk or judge having jurisdiction over court records may dispose of records as designated in a records disposal report provided by the State Court Administrator or State Records Administrator. All non-confidential records may be disposed of by landfill. All confidential records must be shredded or burned.

A record series must not be disposed of before the time approved in the retention schedule. If a situation warrants early disposal of a record within a record series, the clerk or judge may

petition the State Court Administrator for early disposal of that record or may obtain an order from the judge of the court.

**Section 10. Transfer of Records to the State Archives.**

The State Court Administrator will provide in the Clerk of Court Procedures Manual procedures for the transfer to the State Archives of records determined to be of archival value. The clerk of court or judge will contact the State Archivist when the records are ready for transfer. Arrangements will be made by the State Archivist to take possession of the records within 60 days of notice to the State Archivist. The State Archivist shall complete a certification for archival transfer and send it to the clerk or judge after all records have been transferred.

**Section 11. Microfilming Records.**

Records subject to this rule may be microfilmed for purposes of retention and storage. Records microfilmed under this section must be microfilmed and maintained in accordance with the State Standards for Microfilming North Dakota Public Records developed by the Information Services Division. A copy of the standards must be included in the North Dakota Clerk of Court Manual.

**Section 12. Effective Date.**

This rule is effective November 1, 1998.

Dated at Bismarck, North Dakota, October 28, 1998.

Gerald W. VandeWalle, Chief Justice  
William A. Neumann, Justice  
Dale V. Sandstrom, Justice  
Mary Muehlen Maring, Justice

ATTEST:

Penny Miller, Clerk  
North Dakota Supreme Court

SOURCE: Adopted effective January 1, 1995; Amended effective November 1, 1998.

**Assessment of Management and Training Activities  
of the  
Magistrates' School of the Republic of Albania**

## **I. Introduction**

In a Scope of Work by Michael Diedring, Chief of Party of East-West Management Institute's (EWMI) Albania office, part of a USAID Judicial Training/Strengthening Program, several initial objectives were expressed. They included: developing indicators of institutional capabilities of the Magistrates' School of Albania; providing input on the School's development strategy; and, assessing and recommending improvements in management and operations, including specific, additional short-term technical assistance projects. Related objectives included consideration of such matters as organizational structure and staffing, fiscal capabilities such as reports and budgeting, governing board activities, planning, program development, and education and training processes and practices.

Pre-site visit research included study of the Albanian court system as well as the various law, regulations, and procedures that establish and define the School for Magistrates, and guide its operations. On-site work was performed June 28 to July 8. It included numerous days interviewing School management, staff and teachers, construction of an initial report with major conclusions and recommendations, an exit discussion with the School and EWMI, and oral presentation of general observations to USAID officials in Tirana. Subsequent to this, additional research was conducted concerning the Magistrates' School in France.

This Final Report summarizes the consultant's assessment of practices in three major areas, setting forth the challenges and suggestions for improvements:

- A. Organization, Administration and Planning;
- B. Participants and Programming/Training; and
- C. Programming Management and Administration

The format of the Final Report further divides these areas into their components and then notes selected *Key Issues and Challenges* of each, followed by *Priority Recommendations*.

## **II. Executive Synopsis**

The Magistrates' School of Albania was established July 31, 1996. It currently provides substantial post-legal studies training to individuals pursuing a career as a Magistrate or Prosecutor, and limited continuing education to current Magistrates. It thereby meets several of the goals established for it. Credit is due those individuals and organizations that have played a part in the substantial progress to this point.

The School's current level of organizational development is similar to any new training organization. As a viable, yet young organization, the Magistrates' School has a variety of strengths and weaknesses and consequently a variety of needs or issues in its internal operations, training services, and education products.

This assessment contains numerous recommendations. Several broad ones deserve to be emphasized. First, it is strongly urged that the School, its Managing Board, and court system leaders, undertake a strategic planning process that will help guide the School from its current position to higher levels of achievement. Second, it is recommended that adult education and knowledge of, and skills in curriculum development, including alternative teaching methodologies, be increased and then utilized in a formal process. Third, it is recommended that alternative methods of delivering education and training to Magistrates, Prosecutors and court support staff be explored and then utilized. Fourth, it is urged that resources be devoted to creation of substantive content, with special emphasis on the writing of original materials on Albanian law, procedure and practice. Finally, it is recommended that a basic database of potential participants and a basic spreadsheet of major fiscal accounts be created, accompanied by the creation of several, regularized management reports.

### **III. Assessment and Recommendations**

#### **A. Organization, Administration, and Planning**

In order to understand the institutional capabilities of the Magistrates' School of Albania and to provide input on the School's development strategy, an assessment was made of the organization's Mission, Governance and Funding, Administrative Structure, and Planning Processes.

##### **1. Mission, Governance and Funding**

These areas of assessment include issues of the School's mission (legal, expressed, implied and understood); governance; structure and operations; and, sources and types of funding.

##### **Key Issues and Challenges**

- The mission of the School could be said to be generally set forth in the enabling legislation, Law 8136 which provides that the School is to assure the professional training of Magistrates (judges and Prosecutors). The Law further says that such training is to include both mandatory initial training, which takes place after law training, and continual (continuing) education. However, these and other statements describe what is to be done rather than what one will have if the Mission is achieved. (What will the initial training program result in? What services will be in place when the continual training is at an optimal stage?) The Internal Regulations of the School of Magistrates of the Republic of Albania similarly focus on internal operations, not their result. Questioning staff as to what they think the

School's "mission" is, and their part is in it, reveals they too focus on "doing training" and are not guided by a broader understanding of the ultimate goal of the training.

- The School has been the sole provider of initial training to individuals who want to be a Magistrate. Classes are conducted at the School's facility, with the School's regular faculty, in accordance with a School-designed course of study. The School also is involved with providing limited continual (continuing) training to some existing Magistrates, almost exclusively as a result of foreign funding. This latter training is in substantial contrast, however, to the School's regular training. The School facility is not used, the regular faculty are not utilized, and the providers generally determine what occurs during the event. The unintended, but likely result is that many current Magistrates do not see the School as being the real provider of these continuing education events.

#### Priority Recommendations

- a. A small group of key individuals should spend three to four days in a retreat-like setting to create their Strategic Plan for Magistrate Education for the next three-five years. Their work would deal with such issues as vision, mission, goals, influences/trends, obstacles or impediments, strategies, tasks, priorities, and annual goals. The session should be led by a facilitator(s) with experience in strategic planning for judicial education. Participants should include the School's Director and Deputy Director, Chair of the Managing Committee, a representative of the teachers, one experienced and respected Magistrate and Prosecutor, and perhaps two others. If done correctly, many positive results will occur. In the area of governance, one will be to give management clearer direction based on activities that have at least broad approval and support, and another will be to have key decision-makers complete an intensive process resulting in a Plan they have produced, support, and are personally tied to.
- b. The role and work of the School should continue to be highlighted in as many ways as possible to help promote future funding and the organization's credibility. One proposal made to the Acting Director was to create a top-quality, well-designed *Magistrates' School of Albania Catalog*. It would contain all courses in the initial training program for potential Magistrates and Prosecutors, and in the continual training program. It would provide course descriptions, teacher profiles, Managing Board and management staff profiles, a few samples of library resources available, and plans for the future. Such a *Catalog* would provide recognition to achievements and contribute to a progressive and professional image for the institution and staff.
- c. A related recommendation is to continue producing an annual School Calendar. One was published several years ago, containing not only days of the month but also photos of the school and classes in session. It has not been done since, but apparently still hangs in many court offices, not for the dates certainly, but perhaps in recognition of their education institution.

## 2. Administration

This area of assessment includes management and other staff positions, job descriptions and responsibilities (“on paper” and actual), selection, training, current staffing levels, future staffing needed, and, performance evaluation processes, existing and needed.

### Key Issues and Challenges

- The number of staff positions currently filled at the School seems adequate for existing activities but an expansion of training into continuing education for all current Magistrates and Prosecutors will require additional resources. This is especially true in the academic section, notably the production of materials that support the education process.
- Some re-organization of staff positions seems justified. First, the Chief of Administration and Finance in reality not involved in financial matters. The Finance Specialist and Acting Director handle those. Second, in discussion with staff and teachers, it appears all report directly to the Acting Director, thereby creating too many direct reports. Third, there seems to be very limited delegation of supervisory responsibilities. While reasons do exist for these issues, it would be productive to resolve them. Fourth, the absence of the Director for a lengthy period of time has created challenges for remaining management but it is my understanding that issue will be resolved by the end of the year.
- Faculty qualifications are not adequately clear. There are no written statements of qualities full or part-time faculty should have, nor expectations of their work products and services. Their understanding is that they will “teach” with the assumption that means solely classroom lecturing for new Magistrates and not such related activities as research, writing, conducting continuing education courses, etc.

### Priority Recommendations

- a. Management skills and knowledge are acquired qualities needed by any manager, of any organization, in any country. This need is applicable, therefore, to management and supervisors of the Magistrate’s School, which faces the additional challenge of extremely limited organizational experience and tradition. Further, top management does not have as access to external sources of management experience that can offer guidance and mentoring when confronted with problems. It is urged, as a critical priority, that such opportunities be provided to Ms. Luli as soon as possible, and subsequently to other key staff. These opportunities will support greater delegation of work and parallel assumption of responsibility by those to whom matters should

be delegated, improved job descriptions with expectations for products and services, and overall efficiency and effectiveness.

- b. Additional resources are recommended to support academics and the quality and quantity of programming and materials, as recommended in the next Section of this Report. The resources would assist achieving the organization's core function as the training center for Albania's judiciary, Prosecutors and courts. They would also permit the prompt launch of a comprehensive series of continual training courses for Magistrates with less than five years experience, a requirement that has not commenced at the School. They would permit creation of other continual training programs for all other current Magistrates, regardless of experience.

Increased resource support for academics should be in the form of improved technology, including information technology, automation of processes, systems planning, and instructional technology, especially to provide alternative methods of delivery of education and training as discussed below.

- c. Greater use of committees and working groups would yield useful results. It would permit undertaking multiple, concurrent projects, and reduce demands on the Acting Director to be so involved in all levels of activity.
- d. Written explanation and standardization of job qualifications and work product expectations for full-time and part-time faculty, could establish a higher level for initial work. It would help establish that jobs in the education and training field involve a range of duties and that a request for something new is not outside one's job and therefore perhaps required additional payment. It would avoid simply having individuals begin teaching and then, after the fact, attempt to change what was done, a delicate issue for it can be taken as a personal and negative critique. The written descriptions, some formal and some not, would be for all types of positions, whether filled by Magistrates, Prosecutors, law faculty, or other experts being used for the continuing education courses.

### **3. Planning**

This area of assessment specifically concerns the organization's ability to forecast and plan for creation and delivery of its products and services, develop short and long-range goals and tasks, monitor progress, create effective strategies for achieving goals and mission, and marketing.

#### **Key Issues and Challenges**

- With substantial assistance on curriculum content from the Council of Europe, the School has commenced its program of initial training for potential Magistrates. However, looking forward from this point, the School has limited direction as to its mission and goals and how it will achieve them. It does not have a written plan, with short- and long-range goals or strategies, which is shared by management, decision-

makers, and those who influence policy and practices. The School faces many challenges, often involving "political" issues, and they are subject to being addressed in an ad hoc manner.

- Programming, other than the initial training of potential Magistrates, often is reactive, not proactive. Some courses for continuing education seem to have been developed because of the fortuitous availability of an "expert." It is the expert who full determines program content, methodology and materials. Programs should be produced because of well-defined education needs needs.

### Priority Recommendations

- a. A major recommendation, as noted above, is to create a three- to five-year Strategic Plan. One result under the heading of Planning will be to increase the visibility of planning as a useful tool and process. It will directly demonstrate the effectiveness of group problem solving.
- b. It is suggested the School determine the specific programs it wants in the coming year, based on valid needs assessments, and then seek resources to produce them. Part of the planning process should be to determine, prior to obtaining the main speaker, the sub-topics desired as well as the specific skills and knowledge that should exist at the conclusion. In other words, undertake improved curriculum design standards that the presenters should meet.

## ***B. Participants and Programming/Training***

An assessment was done of the current and potential audience of Magistrates' School training, general training content, and the training methodologies used, in order to recommend improvements in program management and operations, and to identify specific, additional, short-term technical assistance.

### **1. Participants**

This aspect of the assessment required consideration of precisely who have been, who are, and who will be the participants, when they participate, where, and how frequently.

### Key Issues and Challenges

- The number of potential recipients of the School's training is substantial and only a limited number have benefited to this point. Until now, the School has concentrated on individuals preparing to become a new Magistrate or Prosecutor. Remaining potential participants are the almost three hundred current judge Magistrates, and Prosecutors, spread throughout Albania, who qualify potentially for a category of training known as "continual." (Law 8136, Article 24)

Pursuant to legislative mandate and internal regulations, several other areas of need for training still remain. One pressing need is to extend programming similar to the mandatory initial training, but in a curtailed form, to all Magistrates in Albania with less than five years experience. (Law 8136, Articles 2 and 23). However, at this point in time, several, necessary, formal pre-requisites are missing. First, there seems to be no top level and final decision available as to the precise date from which the five-years is computed (despite the assumption that such a rule would be effective from time of its passage). Second, the required list of names of those individuals falling under this requirement has not been forwarded to the School. The result is a still undefined and undermined number of participants and an inability to assess these future participants' training needs. This issue will be even more challenging if a proposal to extend this aspect of "continual training" to all Magistrates with less than ten years experience is approved.

A second area in which the School is supposed to be training is judicial administration. Similar to the above group, the names and numbers of these persons, and their specific needs, are not available to the School.

- Travel is very difficult in the country, making it impossible to gather all Magistrates or Prosecutors for a one-day program without overnight lodging and meal expenses. Therefore, it is unlikely a program can be held once so all benefit at one time.
- Court schedules reduce the time available for education, exacerbated by the additional time needed to travel.
- Current Magistrates have no tradition of continuing education and its need is not universally seen as pressing.
- The current School facility is inadequate as the site of any expanded continual training and judicial administration training. This problem has also brought to a halt much decision-making concerning expansion of needed library and computer work areas.

#### Priority Recommendations

- a. Alternative methods to Tirana facility-based programs for the delivery of education and training are, and likely will be for the foreseeable future, increasingly important in order to respond to participant difficulties in travel and court schedules. They should be explored now. Some alternatives are mentioned under *Programming/Training, Priority Recommendations* below.
- b. Past attendance at optional continual or continuing education programs, including those produced for the School by foreign donors, should be counted as satisfying

some of the many hours mandated for Magistrates with less than five years experience.

- c. The Strategic Planning project, a central recommendation discussed earlier, should help resolve issues of precisely who will be part of the mandated continual education group. This will assist the School in reliably planning curriculum and its delivery. It also will help publicize for participating key, decision-makers how critical the facility issue is and how it must be resolved to determine where training conferences and other services will be located.

## **2. Programming**

This area of assessment included consideration of the amount, variety and focus of current and planned programming, substantive content, curriculum design, methodologies, faculty practices, facility utilization, and participant/clientele materials, both those that accompany programming and those which are produced as stand-alone products.

### *Key Issues and Challenges*

- The Magistrates' School is meeting the need for "initial training." It has established a three-year program of study. The first year takes place in the classroom, the second year is a combination of classroom and on-the-job activities in courts, and the third year one in which the students are fully assigned to courts.

A second area of need, generally unmet to this point, is "continual training" that can be attended by current Magistrates and Prosecutors. It includes two types. One type, mandated for those Magistrates with less than five years experience, has not been conducted, although a potential, and comprehensive curriculum exists on paper. In general, it parallels the subjects that comprise initial training, except that Ethics and a few other subjects have been added. The second type of continual training, also called "optional training" is for all Magistrates, irrespective of years of experience. Some programs of this type have been conducted, especially in commercial law and administration for District Court judges. These seem to have been well done and well received.

The issue for concern, however, is that all descriptions of these courses list the topics contained within rather than attempting to describe what will occur as a result. In other words, stated program goals are not goals as much as subjects to cover. Discussions with staff confirmed this perspective.

- The design of courses, which to this point has occurred solely within initial training, and general knowledge of curriculum development, is basic. This will carry over to the continual and judicial administration training anticipated for the future unless steps are taken soon to increase skills and knowledge of adult education and

curriculum design. The most immediate need to acquire a better understanding exists for School officials involved in academic matters especially course development, full-time faculty, part-time faculty, and the Managing Board which must support what the School does.

- In addition to improved knowledge of adult education and curriculum design, teachers need to incorporate such principles and practices into their courses.
- Needs assessments are not adequate for the development of curriculum in continual education and judicial education programs. Documented judicial needs do not adequately drive what learning activities do, and will occur.
- Program materials urgently need to be improved to more effectively support learning during a program. Some lengthy courses in the initial training do not have any materials for students and some have minimal materials. This pattern will likely be carried into the continual and judicial administration training. Foreign funded materials have been of a much higher, adequate level although the expert instructor rather than the participants determine their content.
- There is a critical need for education materials, which both facilitate the goals of the immediate program and provide a reference source for the future.
- Faculty are not compensated for, nor does the School know how to reimburse anyone for any research or writing. Apparently pay is based solely on lecture hours.
- Committees or working groups are almost never used to develop a course or other education product. The great values of team and group processes are not realized as the experience, skill, and knowledge of individuals are not aggregated.

#### Priority Recommendations

- a. New methods of delivery of education products and services should be explored, with one or two undertaken as pilot projects. Special attention should be given to distance education alternatives. One basic alternative could be self-study packages composed of an audiotape, written guide, and final test for either self-scoring or submission, similar to correspondence courses. A higher-tech alternative could be a self-instructional, computer-based training via CD-ROM. Another could be audio conferencing. And, as so much of the world is doing, one alternative should be initial creation of a fully functioning website dedicated to education and training of the Magistrates' School.

Such alternative methods of delivery will respond to the difficulty some participants have in attending because of travel and court scheduling. Self-instructional alternatives will provide an immediately accessible reference resource. The process of material development will be educational in itself, especially for faculty who are involved. It will train members of any working committee in effective group

processes. The products will also promote the Magistrates' School as an innovative source of needed education and training.

Commercial subjects may be the most appropriate place to start with such projects. Some Albanian judges are familiar with the subject matter as a result of past East West Management Institute programs, and those programs' materials are available to be built on. Another starting point could be judicial administration for Magistrates, which for them really is file management or case management, and for court support staff.

- b. Several projects should be launched concurrently to produce written materials, perhaps to be known as *Albanian Law and Practice Guides*, covering different areas of law and Magistrate practice. The materials should be developed in somewhat different versions to meet differing levels of need for a subject. For example, in one project, materials for one subject could be prepared for initial training of potential Magistrates, supplemented with extensive real-life problem situations for use in a seminar for current Magistrates, and expanded once again and re-formatted for use in a stand-alone reference work.
- c. Methods should be found to pay specialists for the research, writing, and production of written materials. Perhaps foreign funding could support initial projects, so long as the final product is well defined and a panel reviews and approves it. It's recommended the School investigate the possibility of assigning an experienced and respected Magistrate to the School for three to six months, maintaining regular pay. Perhaps some of the outstanding, third-year student Magistrates could have class projects to summarize different areas of practice. Another alternative could be for a foreign donor to give a one or two-year scholarship to underwrite the salary of two teachers, to not only teach a few hours a week but, most importantly, to write.
- d. As a major recommendation, a series of Train-the-Trainer sessions should be conducted. Subjects should include the elements of program design, goals and objectives, methodology, presentation skills and evaluation. These should first be held for the School's full-time faculty and academic administrators, then current and anticipated part-time teachers, especially judges who are motivated to do this type of work. These programs will demonstrate effective design practices and that learning can be enjoyable if done appropriately for adults. It will respond to the great need to use behavioral objectives, not a listing of subjects to be covered. It will raise awareness of the importance of supplemental materials. It will set new standards for teaching, create a cadre of persons who can assist in future education, including the imminent continual training, and provide special recognition to the better teachers.

### ***C. Programming Management and Administration***

These areas of assessment included programmatic reporting and record keeping, the utilization of program information for management decision-making and planning, and basic fiscal management.

### Key Issues and Challenges

- No Course Master File exists with copies of all course-related correspondence, materials distributed to participants, lesson plan, research or study assignments, or class schedule. If a teacher does not continue, any successor will have to start from anew.
- No Attendance Master File exists. Attendance at courses and continual programs is recorded, including those produced with foreign funding, but this information has not been aggregated under a single name. This must be corrected before undertaking any obligatory or mandated training such as that anticipated for Magistrates with less than five years experience.
- Budget reports are not immediately available when needed to project costs into the future or create various budget scenarios.
- No database or spreadsheet tools are in use for record keeping or fiscal reports.
- Direct special funding by foreign donors is unlikely as auditing and fiscal reports would be very limited.

### Priority Recommendations

- a. A major recommendation is to create immediately a basic relational database of all Magistrates, Programs, and Faculty. It should contain information concerning the country's judges and Prosecutors as well as programs produced by the School or any School-endorsed provider. It should have the ability to produce various training items including participant lists, committee memberships, name tags, tent cards, and education histories for each individual. It should produce management reports, including a list of all programs within a given period, total participants, and sorts by type of participant.

A substantial additional benefit of this project will be to introduce and demonstrate in a non-threatening way, the power and value of such automated tools.

- b. A similar major recommendation is to create immediately a basic Excel spreadsheet for major budgetary and fiscal accounts. It would standardize record-keeping, permit better reports to any foreign donors, and also introduce the School's bookkeeper and top management to an important computer tool.
- c. Administrative staff should be added to the PC training series being developed by East West, offering them a basic introduction to databases and spreadsheets.

- d. A method of payment or monetary reward should be considered for administrative staff who acquire computer skills and demonstrate an ability to produce some product with them. This seems feasible as the School currently gives a bonus for each new year and a small amount at times of family hardship.

#### **IV. Conclusion**

The Magistrates' School of the Republic of Albania has effectively established itself as the source of training for individuals wishing to become Magistrates or Prosecutors and it is preparing to expand into the field of continuing education. After many hours of discussions with Deputy Director Fatmira LULI (who has been Acting Director for approximately the past year), it is clear she provides strong leadership, substantial knowledge of the judiciary, courts, and general training needs. Most importantly, she exhibits a focused dedication to her responsibilities and the School's future. The identification of *Key Issues and Challenges* confronting the School, and some *Priority Recommendations* for eliminating or reducing their effect, should assist her, and others, in their efforts to create excellent education opportunities for the Albanian court system.

## **Initial Executive Summary**

### **Strategic Planning Workshop: Priority Goals for Magistrates School of Albania**

**For**

### **East-West Management Institute**

Note: This Initial Executive Summary has been prepared to assist the Magistrates' School in discussing their priority needs with donor organizations, at a meeting scheduled for October 25. It contains numerous Top Priority Goals, and some rough draft, implementation plans, all developed by participants as part of a Strategic Planning Workshop held several weeks ago. A fuller summary will be issued in the next few days

## **I Background**

In July 2000, a Report titled "Assessment of Management and Training Activities of the Magistrates' School of the Republic of Albania" was completed as a short-term technical assistance project for East-West Management Institute (EWMI). Requested by the Acting Director of the School, the Report examined practices in three major areas: Organization and Planning; Participants and Programming/Training; and, Programming Management and Administration. For each of these, Key Issues and Challenges were identified, and Priority Recommendations made.

The assessment of institutional capabilities led to a recommendation that School management, members of the Managing Board, and court system leaders, undertake strategic planning processes to "help guide the School from its current position to higher levels of achievement." By jointly focusing on overall mission, goals, trends, obstacles, strategies, and the beginnings of a basic implementation plan, the School would have a clearer, and shared vision and plan of where they are going, and the activities that are required, if given top level approval, to get there.

The Magistrates' School subsequently requested assistance from EWMI to conduct a Strategic Planning Workshop that would begin a more formalized, systematic planning process. The Workshop was held in Saranda, Albania, October 9 – 11, 2000. It was attended by:

- Mr. Arben Rakipi, Attorney General of Albania; Vice-Chair, School of Magistrates Board
- Mr. Hajredin Fuga, Judge, Constitutional Court of Albania; Original drafter of the law establishing the School of Magistrates
- Mrs. Fatmira Luli, Acting Director, School of Magistrates
- Mr. Fatos Qato, Judge, Appellate Court, Tirana; Member, School of Magistrates Board
- Mrs. Mariana Semini, Professor, School of Magistrates

- Mr. Ardit Mustafa, Chief Judge, Saranda District Court
- Mr. Michael Diedring, Chief of Party, EWTMI – Albania
- Mr. Andrea Lako, Senior Attorney, EWTMI – Albania
- Mr. Anri Moçi, Translator, EWTMI – Albania

## II Strategic Planning Process

The participants in the Strategic Planning Workshop were asked to provide five answers concerning the School for Magistrates:

1. Where do we want to go?
2. What is the Magistrates School going to look like?
3. What are the ways to get there?
4. What obstacles and difficulties can be anticipated, and how do we strategize around them?
5. What are going to be our short-term (1-2 years) and long-term plans (3-5 years)?

## III Results

The Workshop's results were several. First, the above questions were answered. Priorities were established for future work. Through a series of brainstorming sessions and prioritization exercises, participants reduced an initial list of approximately 160 ideas of "what the School should look like in five years" to a series of Top Priorities. The Priorities are attached to this Initial Executive Summary. Some immediate, rough draft implementation schedules were attempted for several.

Second, participants jointly created the following Mission Statement for the Magistrates School of Albania, to guide future activities:

*TO PREPARE SKILLFUL, INDEPENDENT, CREDIBLE JUDGES,  
PROSECUTORS, AND COURT ADMINISTRATORS TO ENSURE PROPER  
IMPLEMENTATION OF THE LAW, TO PROTECT RIGHTS, FREEDOMS, AND  
PUBLIC SAFETY OF CITIZENS, AND TO PROMOTE ECONOMIC  
DEVELOPMENT*

Third, participants jointly developed a motto for School of Magistrates:

## *EDUCATING FOR JUSTICE*

Forth, the Workshop achieved perhaps less immediately tangible, but other very important results for the future. These included the exposure to a structured planning process, the observation of different planning methodologies and consensus-building exercises, the first-hand experience of the value of team/group problem-solving, and the achievement of a challenging goal, in a limited time frame, solely by the group of Albanian participants.

### **IV Priorities**

An initial list of Top Priorities is attached.

## **Strategic Planning Workshop Results:**

### **Priority Goals of the Magistrates School of Albania**

This Report provides the results of a Strategic Planning Workshop conducted 9 – 11 October 2000 on behalf of the Magistrates' School of Albania. The Report consists of three sections: Workshop Background; The Strategic Planning Process; and, Conclusion and Recommendations. A supplementary Appendix provides the fullest possible recounting of participant ideas and suggestions by listing even those eliminated early in the prioritization process.

(This Report expands on the content of an initial Executive Summary prepared immediately following the Workshop. The earlier Executive Summary was written to assist the Magistrates' School in its imminent discussions of needs with donor organizations.)

#### **I Background of the Workshop**

In July 2000, a Report titled "Assessment of Management and Training Activities of the Magistrates' School of the Republic of Albania" was completed as a short-term technical assistance project for East-West Management Institute (EWMI). Requested by the Acting Director of the School, Fatmira LULI, the Report examined practices in three major areas: Organization and Planning; Participants and Programming/Training; and, Programming Management and Administration. For each of these, Key Issues and Challenges were identified, followed by Priority Recommendations.

The July Assessment of institutional capabilities contained a strong recommendation that School management, members of the Managing Board, and court system leaders, jointly undertake strategic planning processes to "help guide the School from its current position to higher levels of achievement." The Assessment noted that by jointly focusing on overall mission, goals, trends, obstacles, strategies, and at least broad outlines of basic implementation plans, the School would have a clearer, more focused, and shared vision of where they are going, and the activities that are required to get there. Perhaps an equally valuable second benefit would be learning more concerning the process and skills of strategic planning that could be utilized for numerous other projects in the future.

The Magistrates' School subsequently requested assistance from EWMI to conduct a Strategic Planning Workshop that would begin a more formalized, systematic planning process. The Workshop was held in Saranda, Albania, October 9 – 11, 2000. It was facilitated by the writer of this Summary. Participants included:

- Mr. Arben Rakipi, Attorney General of Albania; Vice-Chair, School of Magistrates Board
- Mr. Hajredin Fuga, Judge, Constitutional Court of Albania; Original drafter of the law establishing the School of Magistrates

- Mrs. Fatmira Luli, Acting Director, School of Magistrates
- Mr. Fatos Qato, Judge, Appellate Court, Tirana; Member, School of Magistrates Board
- Mrs. Mariana Semini, Professor, School of Magistrates
- Mr. Ardit Mustafa, Chief Judge, Saranda District Court
- Mr. Michael Diedring, Chief of Party, EWMI – Albania
- Mr. Andrea Lako, Senior Attorney, EWMI – Albania
- Mr. Anri Moçi, Translator, EWMI – Albania

## II Strategic Planning Process

As an initial exercise, participants were first asked to express informally their individual expectations of what the resulting product would be from the Workshop. Some of the responses were: a long-term schedule; short and long-term plans; direction and priorities; and faculty staffing plans. Then, incorporating number of the initial expectations, the actual goals of the Workshop were established. The goals of the Strategic Planning Workshop would be to provide answers to five questions concerning the School for Magistrates and those associated with it:

1. Where do we want to go?
2. What is the Magistrates School going to look like?
3. What are the ways to get there?
4. What obstacles and difficulties can be anticipated, and how do we strategize around them?
5. What should some of our short-term (1-2 years) and long-term (3-5 years) plans be?

The next step in the process therefore was to create a limited Mission Statement, or the “where.” This was accomplished by asking participants to express their thoughts concerning “Why does the School for Magistrates exist?” While most responses were practical and focused on daily matters such as “to train judges and prosecutors,” and “to improve professional standards,” the group was urged to think in broader terms of the results of the training, or the results of improvement in standards. Re-thinking the answer to “ultimately, why does the School exist,” participants jointly created the following Mission Statement to guide future activities:

*TO PREPARE SKILLFUL, INDEPENDENT, CREDIBLE JUDGES,  
PROSECUTORS, AND COURT ADMINISTRATORS TO ENSURE PROPER  
IMPLEMENTATION OF THE LAW, TO PROTECT RIGHTS, FREEDOMS, AND  
PUBLIC SAFETY OF CITIZENS, AND TO PROMOTE ECONOMIC  
DEVELOPMENT*

Participants then were asked to develop a motto for School of Magistrates that would capture its essence. After much creative thinking and discussion, the result was the phrase,

“ EDUCATING FOR JUSTICE”

The group next was asked to think about what the School would look like five years from now. The eventual goal of this portion of the Workshop was to end up with a few descriptions that would be top priorities for achievement. To accomplish this, participants began a lengthy series of brainstorming sessions and prioritization exercises. An initial, and good quality list of approximately 160 brief, succinct, ideas of “what the School should look like in five years” was generated. Duplicates were removed and some items were collapsed.

Next, seven major Categories to contain the remaining variety and mass of ideas were extracted from them. They were:

- I TEACHING PLANS AND PROGRAMS
- II TECHNOLOGY AND INTERNET
- III FACULTY ACTIVITIES
- IV ADMINISTRATIVE OPERATIONS
- V BUILDING AND WORKING/LIVING FACILITIES
- VI TEACHING AND PRACTICE METHODOLOGY
- VII PUBLICATIONS

The next step was to prioritize. Prioritizing was accomplished in several steps. First, participants chose their top ideas within a Category, then distributed points to them. Immediately, a substantial number were identified as having extremely limited, or no support. These were removed (see Appendix).

Next, the same process was used on the remaining ideas in each Category. Those removed from further consideration after the second of voting included the following:

Category I TEACHING PLANS AND PROGRAMS

- ❖ Good combination of the on going training from 1 to several days of training
- ❖ Court administration personnel are trained in computer skills
- ❖ The School has complete courses and publications for the court administrators
- ❖ The School has a annual program (60 hours) for subjects like: commercial, criminal and family law
- ❖ Twinned programs
- ❖ Description of the goals for each subject

## Category II TECHNOLOGY AND INTERNET

- ❖ A computer system which allows the possibility to exchange information between the School and the courts and prosecutors in order to get information about the judicial practice

## Category III FACULTY ACTIVITIES

- ❖ Regular continuous training for the professors
- ❖ School professors share their experience with other similar institutions
- ❖ Existence of a main pedagogical staff
- ❖ Professors prepare and deliver special lectures of 1 or 3 days

## Category IV ADMINISTRATIVE STRUCTURE

- ❖ The School's Board should have the following members from the School:
  - The Director
  - The Deputy Director
  - One Professor
  - Three Students (one from each year)
- ❖ Staff trained in Internet and IT
- ❖ Special file at the School's archive for each judge and prosecutor
- ❖ Court administration has its own education council that advises the School on court administration needs
- ❖ The General Public Prosecutors send evaluations on those magistrates working as public prosecutors

## Category V BUILDING AND WORKING/LIVING FACILITIES

- ❖ Moot Courtroom
- ❖ Legal Clinic having both mediation and legal assistance
- ❖ Conference room with translation facilities
- ❖ Special room for the meetings of the faculty and at least 7 classrooms
- ❖ Suitable office equipment and Xerox machines for the staff
- ❖ The School has a dormitory where the visitors can sleep as well
- ❖ A cafeteria as well as different gadgets with the School's logo

## Category VI TEACHING PRACTICE AND METHODOLOGY

- ❖ Use of audiovisual facilities for the student's evaluation
- ❖ The School becomes a center of perfection of professional and cultural knowledge of the Albanian judiciary
- ❖ Teaching through use of projectors which explains procedures and the material law
- ❖ Broad participation of the judges and prosecutors in the School's activities

- ❖ One month each year the magistrates follow trials in Strasbourg
- ❖ A training center in Saranda for organizing a summer School
- ❖ Distance learning possibilities
- ❖ Two dissertation topics for each candidate at the end of the second year

#### Category VII PUBLICATIONS

- Publication of the School's studies in foreign language and their launch in the Internet to be used by foreigners
- ❖ A book with the School's history is published
- ❖ A book with the School's students with their photographs is published
- ❖ The School publishes different book that can be sold
- ❖ Questionnaire for the public on their trust on the judiciary
- ❖ Annual training calendar for the continuous training
- ❖ Questionnaire for the students that have finished or are at the School in the last five years
- ❖ The School publishes a leaflet with pictures and its goals
- ❖ Periodical publication of the magazine "Magjistrati"
- ❖ Annual calendar for the optional training
- ❖ Publish posters with the School building/classes
- ❖ Questionnaire for all the judges to get their opinion on what has been the School's input into professionalism

With the above removed, the Top Priorities in each of the seven Categories remained (see below). Then, participants were required to once again prioritize, but this time across all Categories, both choosing their top 10 and then distributing points across those to indicate which were the most important. The ones selected across categories are indicated by an (X) placed next to the Top Priority listing below.

#### Category I TEACHING PLANS AND PROGRAMS

- To Publish a Comprehensive Teaching Plan for the School Containing all Courses, Hours, Methodologies, and Persons Responsible for Teaching
- To Conduct a Faculty Development Course (Training for Trainers) for all Current Magistrates' School Faculty and Those Likely to Teach in the Next Year for Continuous Training Programs (X)
- To Create a Specific Program for Prosecutors (X)
- To Complete a Training Program for New Students
- To Make a Diploma from the Magistrates' School Equivalent to a Masters Degree Diploma
- To Publish a Bi-Annual Report on All Continuous Education Activities of the School

#### Category II TECHNOLOGY AND INTERNET

- To Create an Internet Site for the Magistrates School (X)
- To Create a Computer Lab in the Magistrates' School for Training in Internet and Other Computer-Related Skills (X)
- To Give the School Access to A Judiciary Database

### Category III FACULTY ACTIVITIES

- To Provide Faculty with Support for Special Research Projects (X)
- Albanian Experts Exist Who are Able to Teach all the Required Major Subjects (X)
- To Have 6 Full-time Faculty Positions for: Civil and Criminal Law; Civil and Criminal Procedure; Internship: Continuous Training (X)
- All Faculty Have Doctors of Legal (Juritical) Sciences (X)
- Each Year A Special Training Program for New Teachers is Conducted
- Full-Time Law Faculty Have the Status of a Judge

### Category IV ADMINISTRATIVE STRUCTURE AND OPERATIONS

- Salaries of Full-Time Professors, and Part-Time Experts, Teaching for the School for Magistrates, Receive High Compensation and Honoria in Recognition of Their Important Work (X)
- The High Council Includes One Member From School Staff (X)
- The Regular School Budget Includes Funds for Annual Training of School Faculty (X)
- Scholarships are Available for the Best Students
- Each Staff Position at the School has a Formal Job Description of Duties and Responsibilities
- Each Faculty Position at the School has a Formal Job Description of Duties and Responsibilities

### Category V BUILDING AND WORKING/LIVING FACILITIES

- Each Full-Time Lecturer Has a Separate Office (X)
- Separate Meeting Space is Available at the School for Specialized Needs of Continuous Training Programs (X)
- Library is Approximately Four Times Larger Than Present to Accommodate Expansion of Research Capabilities
- The Albanian School for Magistrates Has Its Own Facility
- All Rooms at the School are Wired for Networking and High-Speed Internet Access

## VI TEACHING AND PRACTICE METHODOLOGY

- Study Tour Programs are Available for Student Magistrates (X)

- Regular, Consistent, Country-Wide, Continuous Training Provided to all Judges (X)
- Regular, Consistent, Country-Wide, Continuous Training Provided to all Prosecutors (X)
- Regular, Consistent, Country-Wide, Continuous Training Provided to all Court Administrators
- Legal Information is Exchanged with Other Schools in Europe and Organized Training Courses are Conducted for Judges and Prosecutors of Other Countries
- International Conferences on Issues Related to the School and to Law are Produced by the School

#### Category VII PUBLICATIONS

- Textbooks Are Created and Available for Each Major Subject Taught at the School (X)
- To Publish a Bulletin Containing Judgments Made by Graduates (X)
- To Create Materials for All Participants of All Continuous Training Programs (X)
- To Publish Cases/Case law from Albanian Practice

As seen above, nineteen ideas, features or characteristics were identified as Top Priority for the School for Magistrates to achieve in the next five years. Looking at the voting for these nineteen, six received somewhat more support and therefore could be considered especially important. They were:

- 1. To Conduct a Faculty Development Course (Training for Trainers) for all Current Magistrates' School Faculty and Those Likely to Teach in the Next Year for Continuous Training Programs**
- 2. To Create an Internet Site for the Magistrates School**
- 3. To Provide Faculty with Support for Special Research Projects**
- 4. Separate Meeting Space is Available at the School for Specialized Needs of Continuous Training Programs**
- 5. Textbooks Are Created and Available for Each Major Subject Taught at the School**
- 6. Continuous training ..... (for Prosecutors and Judges, and Faculty)**

Working in teams, participants next were asked to create some immediate, rough draft implementation schedules, describing basic steps required to reach their goal and then

estimating the number of months accomplish it. A few Top Priority items were chosen for this exercise. With limited time available for comprehensive plans, the goal of the exercise was to familiarize participants with at least some of the issues, questions, and skills involved in creating such plans. It was also felt that greater familiarity would assist in responding to some of the needs of donor-funded projects for schedules and accountability.

Basic plans, with estimates of time needed from a project start date to complete specific steps, were created for the following:

**Category I TEACHING PLANS AND PROGRAMS**

• To Publish a Comprehensive Teaching Plan for the School Containing all Courses, Hours, Methodologies, and Persons Responsible for Teaching

- I Needs Assessment Questionnaire sent to judges, prosecutors, and court administrators (6 months)
- II Responses compiled, sorted by group (judge, prosecutor, administrator) and priorities determined (1 year)
- III Potential faculty identified (6 months)
- IV Approvals obtained for top priority courses and the faculty who will develop them (1 year)
- V Funding obtained for faculty and production of materials (1 year)
- VI Faculty submit detailed written Proposal of the topics within their course, numbers of hours for each topic and materials each participant will receive (18 months)
- VII Proposals reviewed, approved, revised (18 months)
- VIII Comprehensive Teaching Plan and Calendar produced (2 years)

• To Conduct a Faculty Development Course (Training for Trainers) for all Current Magistrates' School Faculty and Those Likely to Teach in the Next Year for Continuous Training Programs (X)

- I Identify potential faculty experts to teach (1 month)
- II Identify School faculty and other teachers likely to be used in the next year (1 month)
- III Approvals and funding obtained (2 months)
- IV Program completed (3 months)

**Category II TECHNOLOGY AND INTERNET**

• To Create an Internet Site for the Magistrates School

- I Establish Web Site Committee (3 months)
- II Committee creates list of contents (6 months)
- III Funding obtained (8 months)
- IV Design proposals obtained from web site experts (10 months)
- V Expert designer hired, work begins (12 months)

VI Site opened for first use	(16 months)
VII Major components of site completed	(24 months)
VIII Education program available via audio	(36 months)
IX Education program via video available	(48 months)

- To Create a Computer Lab in the Magistrates' School for Training in Internet and Other Computer-Related Skills

I Identify computer skill needs of judges, prosecutors and administrators	(8 months)
II Determine what portion of needs can be met by sub-contracting and what portion at the School	(10 months)
III Determine wiring and facility capabilities	(10 months)
IV Create written Proposal for computer lab at School for Magistrates	(12 months)
V Obtain funding	(14 months)
VI Lab completed	(24 months)
VII Instructor and technician hired	(22 months)

### Category III FACULTY ACTIVITIES

- To Provide Faculty with Support for Special Research Projects

I Separate foundation and bank account opened	(8 months)
II Foundation Board of Directors created	(8 months)
III Funds raised for research projects	(6 months)
IV Research project descriptions submitted to review panel	(1 year)
V First three projects approved	(18 months)
VII Results first three projects published	(30 months)

### Category IV ADMINISTRATIVE STRUCTURE AND OPERATIONS

- Salaries of Full-Time Professors, and Part-Time Experts, Teaching for the School for Magistrates, Receive High Compensation and Honoria in Recognition of Their Important Work (X)

I Fee scale for different levels and types of teaching is proposed	(6 months)
II Fee scale approved	(8 months)
III Budget created for next two years utilization of professors and other full and part-time teachers	(12 months)
IV Funding sought from School Board/Foundation	(10 months)

### Category VII PUBLICATIONS

- Textbooks Are Created and Available for Each Major Subject Taught at the School

I Assessment of current books available and prioritized list of those needed	(6 months)
II Selection of numerous working groups (authors, judges with knowledge and experience)	(12 months)
III Working groups prepare proposals and action plans for development	

of each book	(14 months)
IV Submission of proposals and action plans to donors for funding assistance for those writing the material and publication	(16 months)
V Writings of first books commence	( 24 months)
VI Editing, review by working groups, revisions completed	(36 months)
VII First books printed and disseminated	(42 months)

Having identified where they wanted the School to go, and then what it should like after five years effort to get there, the Strategic Planning Workshop participants were asked to identify five-year trends and environmental influences affecting their planning for the future. Responses included: improved transportation; improved economy; greater sharing by all in the improved economy; reduction in crime; higher confidence in the judiciary and courts; greater stability; better dialogue between individuals and government organizations; dramatic increases in technology; increased use of mediation in family matters; lower birth rate; greater number of commercial and civil cases in the courts; and, increased use of alternative dispute resolution. Participants were reminded that these and other influences, most beyond their control, were examples of the necessary strategic planning step of evaluating what will, and what might affect outcomes.

### III Conclusion and Recommendations

The Strategic Planning Workshop successfully brought together key policy makers and representative customers of the Magistrates School to produce their priority goals for the next two to five years. The extensive brainstorming and prioritization processes were followed by the creation of tentative action steps or tasks, and timelines, needed to achieve some of the goals.

The Workshop was brief, but it accomplished very important results for the future. In addition to the above products, achievements included exposure of participants to a structured planning process, the observation of different planning methodologies, the successful use of consensus-building exercises, the first-hand experience of the value of team/group problem-solving, and the achievement of a challenging goal, in a limited time frame, solely by the group of Albanian participants.

Having completed several technical assistance projects concerning the Magistrates School of Albania, I offer two recommendations. The first is to continue and complete the development of action plans and implementation schedules for all of the top priority goals selected across all Categories. Then, following presentation to the Managing Board and other necessary authorities, and with necessary approvals, there would be clear direction for School management in the future. A side benefit of such detailed action plans would be that donors would be able to monitor completion of a project's specific implementation steps, identify problems, and determine justification for funding of remaining steps.

A second recommendation is that additional individuals in the Albania court and governmental system should be brought into the planning process, perhaps to assist designing action plans for the top priority goals, or later when projects are launched. This would widen the knowledge of how strategic planning can help move the School, and most any project, to new levels of achievement.

Attachment: APPENDIX

**Strategic Planning Workshop  
For  
Republic of Albania Magistrates School**

8 - 10/October 2000 Saranda, Albania

Conducted by: Anthony Fisser for East-West  
Management Institute

**PARTICIPANT GOALS**

**Category I TEACHING PLANS AND PROGRAMS**

<b>6 Top Priority Goals in this Category</b> (X) = Highest of the 6, across ALL Categories	<b>Initial Implementation Ideas (Completed within next?)</b>
<p><b>• To Publish a Comprehensive Teaching Plan for the School Containing all Courses, Hours, Methodologies, and Persons Responsible for Teaching</b></p>	<p>I Needs Assessment Questionnaire sent to judges, prosecutors, and court administrators (6 months)</p> <p>II Responses compiled, sorted by group (judge, prosecutor, administrator) and priorities determined (1 year)</p> <p>III Potential faculty identified (6 months)</p> <p>IV Approvals obtained for top priority courses and the faculty who will develop them (1 year)</p> <p>V Funding obtained for faculty and production of materials (1 year)</p> <p>VI Faculty submit detailed written Proposal of the topics within their course, numbers of hours for each topic and materials each participant will receive (18 months)</p> <p>VII Proposals reviewed, approved, revised (18 months)</p> <p>VIII Comprehensive Teaching Plan and Calendar produced (2 years)</p>
<p><b>• To Conduct a Faculty Development Course (Training for Trainers) for all Current Magistrates' School Faculty and Those Likely to Teach in the Next Year for Continuous Training Programs (X)</b></p>	<p>I Identify potential faculty experts to teach (1 month)</p> <p>II Identify School faculty and other teachers likely to be used in the next year (1 month)</p> <p>III Approvals and funding obtained (2 months)</p> <p>IV Program completed (3 months)</p>

## Additional Top Priority Goals

- To Create a Specific Program for Prosecutors (X)
- To Complete a Training Program for New Students
- To Make a Diploma from the Magistrates' School Equivalent to a Masters Degree Diploma
- To Publish a Bi-Annual Report on All Continuous Education Activities of the School

### **PRIORITY GOALS**

#### TEACHING PLANS AND PROGRAMS

- ❖ Good combination of the on going training from 1 to several days of training
- ❖ Court administration personnel are trained in computer skills
- ❖ The School has complete courses and publications for the court administrators
- ❖ The School has a annual program (60 hours) for subjects like: commercial, criminal and family law
- ❖ Twinned programs
- ❖ Description of the goals for each subject

### **EXPRESSED BUT ELIMINATED GOAL STATEMENTS**

#### TEACHING PLANS AND PROGRAMS

- Courses for different levels of experience
- Program and teaching plans and other written materials for each subject
- ❖ After three years, court administrators will be equipped with a certificate based on 10-days training at the School

## Category II TECHNOLOGY AND INTERNET

<b>3 Top Priority Goals in this Category</b> <small>X = Highest of the 3, across ALL Categories</small>	<b>Initial Implementation Ideas (Completed within next?)</b>
<ul style="list-style-type: none"> <li>• <b>To Create an Internet Site for the Magistrates School (X)</b></li> </ul>	<ul style="list-style-type: none"> <li>I Establish Web Site Committee (3 months)</li> <li>II Committee creates list of contents (6 months)</li> <li>III Funding obtained (8 months)</li> <li>IV Design proposals obtained from web site experts (10 months)</li> <li>V Expert designer hired, work begins (12 months)</li> <li>VI Site opened for first use (16 months)</li> <li>VII Major components of site completed (24 months)</li> <li>VIII Education program available via audio (36 months)</li> <li>IX Education program via video available (48 months)</li> </ul>
<ul style="list-style-type: none"> <li>• <b>To Create a Computer Lab in the Magistrates' School for Training in Internet and Other Computer-Related Skills (X)</b></li> </ul>	<ul style="list-style-type: none"> <li>I Identify computer skill needs of judges, prosecutors and administrators (8 months)</li> <li>II Determine what portion of needs can be met by sub-contracting and what portion at School fixed site (10 months)</li> <li>III Determine wiring and facility capabilities (10 months)</li> <li>IV Create written Proposal for computer lab at School for Magistrates (12 months)</li> <li>V Obtain funding (14 months)</li> <li>VI Lab completed (24 months)</li> <li>VII Instructor and technician hired (22 months)</li> </ul>
<b>Additional Top Priority Goals</b>	

<ul style="list-style-type: none"> <li>• <b>To Give the School Access to A Judiciary Database</b></li> </ul>
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**PRIORITY GOALS**  
TECHNOLOGY AND INTERNET

- ❖ A computer system which allows the possibility to exchange information between the School and the courts and prosecutors in order to get information about the judicial practice

**EXPRESSED BUT ELIMINATED GOAL STATEMENTS**  
TECHNOLOGY AND INTERNET

- ❖ Judges and Prosecutors chat thru Internet
- ❖ Internet available to all
- ❖ Top quality, powerful Xerox machines
- ❖ All courses recorded (audio by Jan 2001; video by Jan 2002)
- ❖ Staff experts on technology used in the courts
- ❖ School has Internet page from which Judges can download important materials

## Category III FACULTY ACTIVITIES

<b>6 Top Priority Goals in this Category</b> X = Highest of the 6, across ALL Categories	Initial Implementation Ideas (Completed within next?)
<ul style="list-style-type: none"> <li>• <b>To Provide Faculty with Support for Special Research Projects (X)</b></li> </ul>	I Separate foundation and bank account opened (8 months) II Foundation Board of Directors created (8 months) III Funds raised for research projects (6 months) IV Research project descriptions submitted to review panel (1 year) V First three projects approved (18 months) VII Results first three projects published (30 months)

<b>Additional Top Priority Goals</b>
<ul style="list-style-type: none"> <li>•• <b>Albanian Experts Exist Who are Able to Teach all the Required Major Subjects at the School (X)</b></li> </ul>
<ul style="list-style-type: none"> <li>• <b>To Have 6 Full-time Faculty Positions for: Civil and Criminal Law; Civil and Criminal Procedure; Internship: Continuous Training (X)</b></li> </ul>
<ul style="list-style-type: none"> <li>• <b>All Faculty Have Doctors of Legal (Juritical) Sciences (X)</b></li> </ul>
<ul style="list-style-type: none"> <li>•• <b>Full-Time Law Faculty Have the Status of a Judge</b></li> </ul>
<ul style="list-style-type: none"> <li>•• <b>Each Year A Special Training Program for New Teachers is Conducted</b></li> </ul>

### PRIORITY GOALS FACULTY ACTIVITIES

- ❖ Regular continuous training for the professors
- ❖ School professors share their experience with other similar institutions
- ❖ Existence of a main pedagogical staff
- ❖ Professors prepare and deliver special lectures of 1 or 3 days

### EXPRESSED BUT ELIMINATED GOAL STATEMENTS FACULTY ACTIVITIES

- ❖ Professors have knowledge on judicial practice, domestic and foreign legislation, and have good teaching methodology
- ❖ Professors with comparative knowledge obtained from training or study tours in other foreign Schools.
- ❖ There are two professors for each course
- ❖ There will not be external professors
- ❖ Advanced Training of Trainers
- ❖ Staff selection criteria: over 10 years work experience and active pedagogical and judgeship experience
- ❖ Students are tutored by an experienced judge (who gets paid) during the second year

## Category IV ADMINISTRATIVE STRUCTURE AND OPERATIONS

6 Top Priority Goals in this Category (X) = Highest of the 6, across ALL Categories	Initial Implementation Ideas (Completed within next?)
<ul style="list-style-type: none"> <li>• <b>Salaries of Full-Time Professors, and Part-Time Experts, Teaching for the School for Magistrates, Receive High Compensation and Honoria in Recognition of Their Important Work</b> (X)</li> </ul>	<p>I Fee scale for different levels and types of teaching is proposed (6 months)</p> <p>II Fee scale approved (8 months)</p> <p>III Budget created for next two years utilization of professors and other full and part-time teachers (12 months)</p> <p>IV Funding sought from School Board/Foundation (10 months)</p>

<b>Additional Top Priority Goals</b>
• The High Council Includes One Member From School Staff (X)
• The Regular School Budget Includes Funds for Annual Training of School Faculty (X)
• Scholarships are Available for the Best Students
• Each Staff Position at the School has a Formal Job Description of Duties and Responsibilities
• Each Faculty Position at the School has a Formal Job Description of Duties and Responsibilities

### **PRIORITY GOALS** ADMINISTRATIVE STRUCTURE

- ❖ The School's Board should have the following members from the School:
  - The Director
  - The Deputy Director
  - One Professor
  - Three Students (one from each year)
- ❖ Staff trained in Internet and IT
- ❖ Special file at the School's archive for each judge and prosecutor

- ❖ Court administration has its own education council that advises the School on court administration needs
- ❖ The General Public Prosecutors send evaluations on those magistrates working as public prosecutors

**EXPRESSED BUT ELIMINATED GOAL STATEMENTS  
ADMINISTRATIVE STRUCTURE**

- ❖ Organization's administrative structure should include 16 persons:
  - Director's office, 2 persons
  - Secretaries, 3 persons
  - Finance, 2 persons
  - Lab, 3 persons
  - Drivers, 3 persons
  - Library, 2 persons
  - Cleaning person, 1
- ❖ Annual Report
- ❖ Strong ties with the Bar Association
- ❖ The School has its own computer trainer
- ❖ Pedagogical Review Council for the new subjects introduced in the School's curricula
- ❖ Very high salaries for the professors and other staff people
- ❖ An active Board in supervising and advising
- ❖ School's Director has:
  - Over 15-20 years of experience
  - The academic title of "Professor"
- ❖ Admissions criteria includes psychological tests and foreign language test
- ❖ Review completed of the School's internal Regulations and especially the one for admissions

## Category V BUILDING AND WORKING/LIVING FACILITIES

<b>5 Top Priority Goals in this Category</b> (X) = Highest of the 5, across ALL Categories	Initial Implementation Ideas (Completed within next?)
	To Be Determined
<b>Additional Top Priority Goals</b>	

<ul style="list-style-type: none"> <li>• Each Full-Time Lecturer Has a Separate Office (X)</li> </ul>
<ul style="list-style-type: none"> <li>• Separate Meeting Space is Available at the School for Specialized Needs of Continuous Training Programs (X)</li> </ul>
<ul style="list-style-type: none"> <li>• Library is Approximately Four Times Larger Than Present to Accommodate Expansion of Research Capabilities</li> </ul>
<ul style="list-style-type: none"> <li>• The Albanian School for Magistrates Has Its Own Facility</li> </ul>
<ul style="list-style-type: none"> <li>• All Rooms at the School are Wired for Networking and High-Speed Internet Access</li> </ul>

### **PRIORITY GOALS**

#### BUILDING AND WORKING/LIVING FACILITIES

- ❖ Moot Courtroom
- ❖ Legal Clinic having both mediation and legal assistance
- ❖ Conference room with translation facilities
- ❖ Special room for the meetings of the faculty and at least 7 classrooms
- ❖ Suitable office equipment and Xerox machines for the staff
- ❖ The School has a dormitory where the visitors can sleep as well
- ❖ A cafeteria as well as different gadgets with the School's logo

#### **EXPRESSED BUT ELIMINATED GOAL STATEMENTS**

#### BUILDING AND LIVING/WORKING FACILITIES

- ❖ A portion of the library should contain moot court trial videos
- ❖ Special study room for students
- ❖ Cars at the disposal of staff
- ❖ Foreign language lab
- ❖ Good combination of big lecture rooms with the small ones used for the seminars
- Personal lockers for students
- ❖ Leisure room for students
- ❖ Lift
- ❖ Museum on history of School and achievements

## VI TEACHING AND PRACTICE METHODOLOGY

<b>6 Top Priority Goals in this Category</b> <i>X = Highest of the 6, across ALL Categories</i>	Initial Implementation Ideas (Completed within next?)
	To Be Determined
<b>Additional Top Priority Goals</b>	

<ul style="list-style-type: none"> <li>• Study Tour Programs are Available for Student Magistrates (X)</li> </ul>
<ul style="list-style-type: none"> <li>• Regular, Consistent, Country-Wide, Continuous Training is Provided to all Judges (X)</li> </ul>
<ul style="list-style-type: none"> <li>• Regular, Consistent, Country-Wide, Continuous Training is Provided to all Prosecutors (X)</li> </ul>
<ul style="list-style-type: none"> <li>• Regular, Consistent, Country-Wide, Continuous Training is Provided to all Court Administrators</li> </ul>
<ul style="list-style-type: none"> <li>• Legal Information is Exchanged with Other Schools in Europe and Organized Training Courses are Conducted for Judges and Prosecutors of Other Countries</li> </ul>
<ul style="list-style-type: none"> <li>• International Conferences on Issues Related to the School and to Law are Produced by the School</li> </ul>

### PRIORITY GOALS

#### TEACHING PRACTICE AND METHODOLOGY

- ❖ Use of audiovisual facilities for the student's evaluation
- ❖ The School becomes a center of perfection of professional and cultural knowledge of the Albanian judiciary
- ❖ Teaching through use of projectors which explains procedures and the material law
- ❖ Broad participation of the judges and prosecutors in the School's activities
- ❖ One month each year the magistrates follow trials in Strasbourg
- ❖ A training center in Saranda for organizing a summer School
- ❖ Distance learning possibilities
- ❖ Two dissertation topics for each candidate at the end of the second year

### EXPRESSED BUT ELIMINATED GOAL STATEMENTS

#### TEACHING PRACTICE AND METHODOLOGY

- ❖ Courses for different levels of experience
- ❖ Program, teaching plan and other written materials for each subject
- ❖ After 3 years the court administrators will be equipped with a certificate based on a 10-day training at the School

- ❖ Methods for transfer of knowledge in the long distance (*far away*) courts
- ❖ Good communication with the people and professional ethics are becoming two of the main values embodied from the students
- ❖ Organization of seminars and workshops planned in advance and published every week
- ❖ Focused methodology of teaching
  - Legal interpretation of legal provisions
  - Case law analysis
  - *Independent studies and other analysis*
- ❖ Separate internships (second year) for judges and prosecutors

## Category VII PUBLICATIONS

<p><b>4 Top Priority Goals in this Category</b> (X) = Highest of the 4, across ALL Categories</p>	<p style="text-align: center;">Initial Implementation Ideas (Completed within next?)</p>
<p><b>• Textbooks Are Created and Available for Each Major Subject Taught at the School (X)</b></p>	<p>I Assessment of current books available and prioritized list of those needed (6 months)</p> <p>II Selection of numerous working groups (authors, judges with knowledge and experience, foreign experts) (12 months)</p> <p>III Working groups prepare proposals and action plans for development of each book (14 months)</p> <p>IV Submission of proposals and action plans to donors for funding assistance for those writing the material and publication (16 months)</p> <p>V Writings of first books commence (24 months)</p> <p>VI Editing, review by working groups, revisions completed (36 months)</p> <p>VII First books printed and disseminated (42 months)</p>
<p><b>Additional Top Priority Goals</b></p>	

<p>• To Publish a Bulletin Containing Judgments Made by School Graduates (X)</p>
<p>• To Create Materials for All Participants of All Continuous Training Programs (X)</p>
<p>• To Publish Cases/Caselaw from Albanian Practice</p>

### PRIORITY GOALS PUBLICATIONS

- ❖ Publication of the School's studies in foreign language and their launch in the Internet to be used by foreigners
- ❖ A book with the School's history is published
- ❖ A book with the School's students with their photographs is published
- ❖ The School publishes different book that can be sold
- ❖ Questionnaire for the public on their trust on the judiciary
- ❖ Annual training calendar for the continuous training

- ❖ Questionnaire for the students that have finished or are at the School in the last five years
- ❖ The School publishes a leaflet with pictures and its goals
- ❖ Periodical publication of the magazine "Magjistrati"
- ❖ Annual calendar for the optional training
- ❖ Publish posters with the School building/classes
- ❖ Questionnaire for all the judges to get their opinion on what has been the School's input into professionalism

**EXPRESSED BUT ELIMINATED GOAL STATEMENTS  
PUBLICATIONS**

- ❖ An annual calendar is published with each month having pictures from the School
- ❖ Publication of material and guides from School experts dedicated to subjects needed by the judiciary
- ❖ A publication with the School history and its activities
- ❖ A book is published by the School with the title: "School of Magistrates: The School that Reduced Criminality in Albania"
- ❖ The School is on the list of those institutions that are supplied with priority from the State Publication Center (legal publications)

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OTHER MISCELLANEOUS

***EXPRESSED BUT ELIMINATED GOAL STATEMENTS***  
OTHER MISCELLANEOUS

- ❖ All judges and prosecutors are eager to follow the School's courses
- ❖ There is a public announcement of the best School students for a 5-year period
- The public shows appreciation for the trials handled by judges coming out of the School
- ❖ *Magistrates prepared by the School have a complete knowledge and contribute to the independence and the increased professionalism of the judiciary*
- ❖ The level of students that are admitted at the School is improved

**EAST • WEST  
MANAGEMENT  
INSTITUTE**

**Calendar of EWMI Activities**

APRIL 2000

**International Contracts: Basic Aspects**

**25 – 25 April, 28 – 30 April, 2 – 4 May, 5 – 7 May 2000**

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27			

MAY 2000

**International Contracts: Sales Contract**

**15 – 17 May, 18 – 20 May, 22 – 24 May, 25 – 27 May 2000**

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1	2	3	4			
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JUNE 2000

**International Contracts: Agency, Distribution, Franchising and Intellectual Property Transfer**

**5 – 7 June, 8 – 10 June, 12 – 14 June, 15 – 17 June 2000**

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
			1	2	3	4
5	6	7				11
			15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

JULY 2000

**Media and the Judiciary: Meeting with the Chief Judges and journalists from South Albania (Saranda)**

**21 – 23 July 2000**

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20			
24	25	26	27	28	29	30
31						

**EAST • WEST  
MANAGEMENT  
INSTITUTE**

**SEPTEMBER 2000**

**International Contracts: Commercial Arbitration and Alternative Resolution of Disputes  
18 – 20, September, 21-23 September, 25 – 27 September, 28 - 30 September 2000.  
11 – 16 September 2000 Workshop: Comparative Judicial Reform**

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20				24
25	26	27	28	29	30	

**OCTOBER 2000**

**Strategic Retreat with the School of Magistrates in Saranda  
9 – 11 October 2000**

**International Contracts: Borrowing and Lending Contracts  
16 – 18 October, 19 – 21 October, 23 – 25 October, 26 – 28 October 2000.**

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18				22
			26	27	28	29
30	31					

**NOVEMBER 2000**

**Corporate Finance**

**13 – 15 November, 16 – 18 November, 20 – 22 November, 23 – 25 November 2000.**

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15				19
20	21	22	23	24	25	26
27	28	29	30			

**DECEMBER 2000**

**Financial Statements and Analyses  
7 – 9 December, 11 – 13 December 2000.**

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
				1	2	3
4	5	6				10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

**ATTENDENCE OF JUDGES FOR COMMERCIAL LAW TRAINING**

- Session 1: International Contracts-Basic Aspects  
 Session 2: International Contracts – Sale of Goods  
 Session 3: International Contracts – Agency, Distribution, Franchising & Intellectual Property  
 Session 4: Commercial Arbitration & ADR  
 Session 5: Borrowing & Lending  
 Session 6: Corporate Finance  
 Session 7: Accounting for Judges

NO	NAME & SURNAME	DISTRICT	SESSION 1	SESSION 2	SESSION 3	SESSION 4	SESSION 5	SESSION 6	SESSION 7
1.	Admir Thanza	Shkoder	X	X					
2.	Astrit Kalaja	Shkoder	X	X	X	X		X	X
3.	Valbona Duraj	Shkoder	X	X	X	X	X	X	X
4.	Vezir Barolli	Durres	X	X	X				
5.	Neritan Tabaku	Durres	X	X	X				
6.	Shpetime Pitaku	Durres	X	X	X				
7.	Tritan Hamitaj	Lushnje	X	X	X	X	X		X
8.	Sotiraq Lubonja	Korce	X	X	X	X	X	X	X
9.	Irena Maneku	Fier	X	X	X		X	X	X
10.	Arta Dano	Fier	X	X	X	X	X	X	X
11.	Liradin Lila	Pogradec	X	X	X	X	X	X	X
12.	Altina Xhoxhaj	Tirana		X	X				
13.	Kaçe Agolli	Tirana		X	X	X	X	X	X
14.	Ali Koleci	Burrel		X	X	X			X
15.	Saida Dollani	Magistrate	X	X	X	X	X		X
16.	Blerona Hasa	Magistrate	X	X	X	X	X		X
17.	Anri Moçi	Law Student	X	X	X	X	X	X	X
18.	Ardian Braho	Magistrate			X	X	X		

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 Session 7: Accounting for Judges

NO	NAME & SURNAME	DISTRICT	SESSION 1	SESSION 2	SESSION 3	SESSION 4	SESSION 5	SESSION 6	SESSION 7
19.	Etleva Temo	Pogradec	X	X	X	X	X	X	X
20.	Marina Rraboshta	Shkoder	X	X	X	X	X	X	X
21.	Fuat Vjerdha	Shkoder	X	X	X	X	X	X	X
22.	Maliq Memcaj	Shkoder	X	X	X	X	X	X	X
23.	Bedri Qorri	Lushnja	X	X	X	X	X	X	X
24.	Blerta Cibuku	Gjirokastra		X		X	X	X	X
25.	Artan Laze	Gjirokastra	X	X	X		X	X	X
26.	Dritan Banushi	Gjirokastra	X	X	X	X	X	X	X
27.	Edlira Sinoimeri	Gjirokastra	X	X		X	X	X	X
28.	Lek Mehilli	Vlora	X	X	X	X	X	X	X
29.	Ardiana Bera	Kruja		X					
30.	Merita Gjiriti	Tirana		X					
31.	Marsida Xhafellari	Fieri	X		X		X	X	X
32.	Fabiola Dhima	Fieri	X		X	X	X	X	X
33.	Genti Shala	Shkoder			X				
34.	Dritan Halluni	Shkoder			X				
35.	Tomorr Kullolli	Elbasan			X				
36.	Enkela Bajo	Tirana			X			X	X

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 Session 7: Accounting for Judges

NO	NAME & SURNAME	DISTRICT	SESSION 1	SESSION 2	SESSION 3	SESSION 4	SESSION 5	SESSION 6	SESSION 7
37.	Miranda Ndoja	Tirana		X	X	X	X	X	X
38.	Ilir Toska	Librazhd	X	X	X		X		
39.	Astrit Faqolli	Librazhd	X	X	X				
40.	Hysen Saliko	Kolonje	X	X	X	X	X	X	X
41.	Pellumb Zaimi	Skrapar		X	X	X	X	X	
42.	Adriatik Bocaj	Lezhe	X	X	X	X	X	X	X
43.	Durim Kadiu	Kavaja	X	X	X	X	X	X	X
44.	Astrit Shema	Permet	X	X	X	X	X	X	X
45.	Entela Prifti	Korce	X	X	X	X	X	X	X
46.	Klodiana Gjzari	Magistrate	X	X	X	X	X		
47.	Amarildo Laci	Magistrate	X	X	X	X	X	X	X
48.	Ervin Metalla	Magistrate	X	X	X	X	X	X	X
49.	Luan Lusha	Kavaja	X	X	X	X	X	X	X
50.	Sokol Ngresi	Vlore	X	X	X		X		
51.	Sazan Aliko	Vlore	X	X	X		X	X	X
52.	Fuat Muka	Vlore	X		X	X	X	X	X
53.	Isuf Shehu	Kukes	X		X				
54.	Genti Sinani	Tirana	X		X	X	X	X	X

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NO	NAME & SURNAME	DISTRICT	SESSION 1	SESSION 2	SESSION 3	SESSION 4	SESSION 5	SESSION 6	SESSION 7
55.	Ardit Mustafaj	Saranda	X	X	X	X	X		
56.	Albano Cepele	Tropoja	X	X	X		X	X	
57.	Luan Hasani	Magistrate	X	X	X	X	X	X	X
58.	Edlira Bulaj	Magistrate	X	X	X	X	X	X	X
59.	Tereza Zefi	Magistrate	X	X	X	X	X	X	X
60.	Arta Llazari	Magistrate	X	X	X	X	X	X	X
61.	Valbona Vata	Magistrate	X	X	X	X	X	X	X
62.	Rilinda Bajrami	Magistrate	X	X	X	X	X	X	X
63.	Alma Arapi	Magistrate	X	X	X	X	X	X	X
64.	Iliriana Olldashi	Magistrate	X	X		X	X	X	X
65.	Albana Boksi	Magistrate	X	X	X	X	X	X	X
66.	Elvis Kotini	Magistrate			X		X	X	X
67.	Kastriot Gramshi	Magistrate			X	X	X	X	X
68.	Altin Shkurti	Magistrate			X		X	X	X
69.	Agron Zhukri	Tirana			X	X	X	X	X
70.	Mergim Dragushi	Shkoder					X		
71.	Sander Simoni	Shkoder					X	X	X
72.	Miranda Andoni	Permet					X	X	
73.	Arian Dosti	Permet					X	X	

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NO	NAME & SURNAME	DISTRICT	SESSION 1	SESSION 2	SESSION 3	SESSION 4	SESSION 5	SESSION 6	SESSION 7
74.	Gentiana Qeseja	Magistrates					X		
75.	Edlira Petri	Magistrates					X	X	
76.	Artur Malaj	Magistrates					X	X	
77.	Olsi Xhavela	Magistrates					X	X	X
78.	Zegjine Sollaku	Tirana					X	X	
79.	Musa Halili	Shkoder					X		
80.	Ibrahim Hoxha	Berat					X	X	
81.	Nazmi Troka	Berat					X	X	
82.	Anila Capo	Tirana				X	X		X
83.	Mariana Dedi	Tirana					X		X
84.	Ergys Selmani	Fieri				X	X		
85.	Alfred Konomi	Fieri				X	X		
86.	Etleva Deda	Permet				X	X	X	X
87.	Artan Gjermani	Lushnje	X				X	X	X
88.	Agron Vavla	Berat					X	X	
89.	Arben Topia	Berat					X		
90.	Mirela Kore	Gjirokaster					X		
91.	Manjola Bejleri	Lushnje						X	X
92.	Ailitun Aliaj	Saranda						X	X
93.	Petrit Cela	Saranda						X	X
94.	Maksi Qirjazi	Kolonje						X	