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JUDICIAL SECTOR DEVELOPMENT PROJECT FINAL REPORT



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CONTENTS

ACRONYMS	iii
EXECUTIVE SUMMARY	v
1.0 INTRODUCTION	1
2.0 JSDP YEARS 1-3	3
2.1 COMPONENT ONE: HIGH JUDICIAL AND PROSECUTORIAL COUNCIL	3
2.2 COMPONENT TWO: COURT ADMINISTRATION	4
2.3 COMPONENT THREE: STRENGTHENING THE BIH MINISTRY OF JUSTICE AND LEGISLATIVE DRAFTING	5
2.4 COMPONENT FOUR: LEGAL AID OFFICE AND INDIGENT CRIMINAL DEFENSE	7
2.5 GRANTS PROGRAM	8
3.0 MID-TERM EVALUATION AND CONTRACT MODIFICATION	9
4.0 JSDP YEARS 4-5 & END OF PROJECT RESULTS TRACKING	11
4.1 JUDICIAL INDEPENDENCE AND ACCOUNTABILITY (JIA) AND IMPROVED INTER-BRANCH DIALOGUE (COMPONENTS ONE, TWO & THREE)	11
4.2 STRENGTHENING THE INSTITUTIONAL PERFORMANCE OF HJPC (COMPONENT ONE)	15
4.3 LEGAL AID FOR INDIGENTS (FORMERLY COMPONENT FOUR)	19
4.4 COURT ADMINISTRATION REFORM (COMPONENT TWO)	20
4.5 STRENGTHENING THE INSTITUTIONAL PERFORMANCE OF THE BIH MINISTRY OF JUSTICE (MOJ) (COMPONENT 3)	25
4.6 GRANTS PROGRAM	28
5.0 CONCLUSION	31
ATTACHMENT 1: PERFORMANCE MONITORING PLAN	33
ATTACHMENT 2: HJPC ORGANIZATIONAL / COMPETENCY INDEX	37
ATTACHMENT 3: STATE MOJ CAPACITY INDEX	43
ATTACHMENT 4: SCORING FOR YEAR 5 MODEL COURTS	47
ATTACHMENT 5: LIST OF GRANTS MADE UNDER JSDP	61

ACRONYMS

ADI	Association for Democratic Initiatives
BiH	Bosnia and Herzegovina
BOR	Book of Rules
CCNS	Common Case Numbering System
CMS	Case Management System
COP	Chief of Party
DOJ	United States Department of Justice
EU	European Union
EWMI	East-West Management Institute, Inc.
FBiH	Federation of Bosnia Herzegovina
HJPC	High Judicial and Prosecutorial Council
IR	Intermediate Result
IT	Information Technology
JIA	Judicial Independence and Accountability Initiative
JSDP	Justice Sector Development Project
JSRS	Justice Sector Reform Strategy
LAI	Legal Aid Institute
M&E	Monitoring and Evaluation
MC	Model Court
MCI	Model Courts Initiative
MOJ	Ministry of Justice
MRMS	Manual Records Management System
NGO	Non-Governmental Organization
PR	Public Relations
ROL	Rule of Law
RS	Republika Srpska
SO	Strategic Objective
UNDOC	UN Office of Drugs and Organized Crime
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

INTRODUCTION

The United States Agency for International Development (USAID) awarded a contract to implement the Justice Sector Development Project (JSDP) to the East-West Management Institute, Inc. (EWMI) on March 15, 2004. The primary goal of the JSDP was to improve the efficiency and fairness of the justice system in Bosnia and Herzegovina (BiH) through the implementation of four cross-cutting components:

- Component One: Strengthen institutional capacity and performance of the High Judicial and Prosecutorial Council (HJPC);
- Component Two: Improve court administration and reduce case backlog in the courts;
- Component Three: Strengthen institutional capacity and performance of the State (BiH) Ministry of Justice (MOJ), particularly legislative drafting skills; and
- Component Four: Improve indigent criminal defense services and create a national-level legal aid office to provide such services.

As described in detail below, EWMI is pleased to report that it successfully implemented the various tasks and subtasks set forth in the contract, and attained and sometimes exceeded many of the results that were anticipated under the project. The JSDP resulted in the strengthening of key institutions and the creation of important USAID legacies that have made important contributions towards enhancing the rule of law in BiH.

SUMMARY OF KEY ACHIEVEMENTS

A concise summary of the JSDP's key achievements is as follows:

High Judicial and Prosecutorial Council

JSDP helped HJPC improve the professional quality of the judiciary and establish its independence from political influences. With support from JSDP, HJPC set new standards for judicial appointments, performance and discipline of judges, and codes of ethics for judges and prosecutors. Other JSDP assistance improved HJPC performance in the areas of strategic planning, senior management training, and public relations, as well as its institutional capacity to support two of its key competencies—court administration and budgeting. JSDP helped the HJPC adopt and publish a new Book of Rules for the courts—the first since 1974—that mandates nationwide implementation of a number of key reforms introduced by JSDP. Civil and criminal ‘benchbook’ manuals for judges’ daily use in court—the first of their kind in the region—were drafted, published and distributed to judges and prosecutors.

Court Administration Reform

JSDP's innovative Model Courts Initiative, which evolved into the European Standards Program in the later years of the project, helped 32 courts – almost half of all BiH courts, and twice the number anticipated in the original contract — implement rigorous court improvement plans. JSDP partner courts introduced new records management systems and computerized case management systems; remodeled courthouses to make them more accessible to the public; improved public relations and customer service; started use of audio equipment to record hearings; and took steps to reduce serious case backlogs, with some courts achieving annual backlog reductions of one-third to nearly one-half. They worked more closely with partners from the professional community such as prosecutors' offices, bar associations, media, and NGOs. 'Change management teams' now work in the courts to improve leadership skills at all levels. Their activities are results-oriented and better communicated. Courts now share 'best practices' with each other and have established cooperative networks among themselves.

The BiH Ministry of Justice

The BiH Ministry of Justice, a new and fledgling ministry at the beginning of JSDP, developed over the course of the project into a state ministry that is much more capable of carrying out its mandate. JSDP training in public finance, human resources, and project preparation and public relations helped the MOJ become an effective ministry, improving its work in justice sector strategic planning and policy-making, budgeting and finance, and donor coordination and European integration. JSDP helped the MOJ in the development of the first national Justice Sector Reform Strategy and assisted MOJ in the implementation of three of its main sections, which aim at enhancing the independence and efficiency of the judiciary, access to justice, and coordination in the justice sector. JSDP provided computer software to upgrade management of international legal assistance cases and helped the MOJ develop a central database on serious criminal offences to better track serious offenders. JSDP also helped the MOJ publish a legislative drafting manual now in use by all ministries and develop procedures for public consultation in the drafting of new legislation that are among the most progressive in Europe. JSDP also helped MOJ with the harmonization of BiH legislation with international conventions on anti-corruption and organized crime.

Indigent Criminal Defense

JSDP helped entity and cantonal ministries develop the first public legal aid institutes, which provide free legal representation to indigent criminal defendants. These institutes are providing high quality representation while courts are benefiting by realizing savings in their strapped budgets (in comparison to the alternative of *ex officio* appointment of private counsel). JSDP also helped develop uniform indigence eligibility standards for criminal legal aid, eliminating the disparities in the provision of free counsel that prevailed when determinations were left entirely to the discretion of judges. JSDP and HJPC also helped develop single court budget line items for mandatory and indigent defense in both entities, which allowed the courts for the first time to show the high costs of the *ex officio* system.

Judicial Independence and Accountability (JIA) and Improved Inter-Branch Dialogue

JSDP greatly improved inter-branch dialogue as a result of its senior JIA working group, quarterly JSDP/HJPC-sponsored private meetings with justice ministers, and numerous other working events sponsored by JSDP that brought the three branches together to discuss common issues. The novel regular gatherings of state MOJ, entity ministers, Brcko District and the cantonal ministers led to cooperative efforts based on fuller communication and less partisan approaches. Specific reforms addressed included important court fee legislation that was adopted in the RS and two Federation cantons and will serve to discourage frivolous claims that add to case backlogs. Overall, the sustainability of judicial reforms in BiH was improved as the judiciary became much more energized about articulating its interests and the status of HJPC as the institution representing the judiciary and guaranteeing its independence.

I.0 INTRODUCTION

This final report for the Justice Sector Development Project (2004-2009) (JSDP) is meant to provide USAID and other readers with a clear narrative of the accomplishments of the project during its five-year life as well as remaining critical issues in the sector. It is not intended to be a recitation of the details of activities carried out in JSDP, which are covered thoroughly in quarterly and annual reports previously submitted to USAID. Given that USAID decided to undertake a follow-on rule of law project (JSDP II) in mid-2009, the report also will attempt to use the history of JSDP to serve as a useful guide in planning activities for JSDP II consistent with USAID's Request for Proposals and the Year 1 Workplan of the new implementing partner following the contract award.

JSDP has been managed according to a results-based framework that covers all of its components and planned outcomes. Therefore, this final report tracks the level of accomplishment of the results set forth in project workplans, as carried through until the end of the project on May 31, 2009. In addition, the Performance Management Plan (PMP) has quantifiable indicators to measure whether desired outcomes have been achieved.

The project was given a mid-course correction in 2006-2007 following a mid-term evaluation in 2006, and a Contract Modification was signed in March 2007 to give effect to the changes agreed upon. Some components and activities of the original project were modified or closed out, with these changes more or less realized by the end of Year 3 in March 2007. The initial section of the report will cover the project as it began, and later sections will focus on project objectives and activities for Years 4 and 5 subsequent to the Contract Modification.

Following the standard USAID programming format for management of its assistance activities, JSDP as a project was designed to contribute to the achievement of defined Intermediate Results (program goals) that in turn contribute to the achievement of higher level Strategic Objectives (country program strategic goals), in this case in the core programming area for USAID known as Democracy and Governance.

The Intermediate Result (IR 2.1.2) sought through JSDP that contributes to the Strategic Objective is defined as "Strengthened Legal Systems Promote Increased Access to Justice." The Strategic Objective for Democracy and Governance (SO 2.1) is defined as "A more Participatory, Inclusive, Democratic Society." JSDP is an assistance activity at the project level with its own projected results.

Thus, the basic questions to be asked about the success or failure of JSDP need to be: (1) at the strategic level for the Mission's country program, has JSDP helped make Bosnia and Herzegovina a more participatory, inclusive, democratic society; (2) at the level of the Mission's DG program has JSDP strengthened the Bosnian legal system and has it promoted increased access to justice; and (3) at the project level, has JSDP met its output targets and were the planned impacts (results) realized?

JSDP was designed to have four main components with the following overall results sought during the life of the project:

- Component One: Strengthened institutional capacity and performance of the High Judicial and Prosecutorial Council (HJPC);
- Component Two: Improved court administration and reduced case backlog in the courts;
- Component Three: Strengthened institutional capacity and performance of the State (BiH) Ministry of Justice (MOJ), particularly legislative drafting skills; and
- Component Four: Improved indigent criminal defense services and creation a national-level legal aid office to provide such services.

JSDP also contained limited funding for a Small Grants Program to make annual grants of up to \$20,000 to Bosnian NGOs involved in justice sector reforms, civic education, women's rights, freedom of information laws, banking law reforms and the like.

2.0 JSDP YEARS 1-3

JSDP became effective on March 15, 2004 as a five-year project with an estimated funding level of \$14.6 million. EWMI opened offices in Sarajevo and began project implementation. This section covers JSDP activities and objectives in the first three years of the project.

2.1 COMPONENT ONE: HIGH JUDICIAL AND PROSECUTORIAL COUNCIL

Core institutional strengthening of HJPC in certain critical areas, enabling the newly created organization to carry out its assigned responsibilities, was the principal focus of the first three years of JSDP's work with the Council. The assistance activities carried out can be categorized in five target areas: (1) justice sector policy-making; (2) organizational planning and management; (3) codes of ethics for judges and prosecutors; (4) judicial performance standards; and (5) technical assistance for specific institutional needs, e.g. budgets and statistics.

In the original Scope of Work for JSDP, USAID stated the anticipated end of project status (result) as: "HJPC is a self-sufficient institution, managed and staffed exclusively by Bosnians, that effectively administers its responsibilities with respect to the judiciary and prosecutors as defined by law."

In Year 1, JSDP helped HJPC draft its first institutional strategic plan; draft internal rules for the operations of the Council; and collect court statistics for analysis. JSDP wrote a court performance measurement report, which was meant to assist HJPC in its function of appointment and disciplinary oversight of the judiciary. Much time and effort was devoted to building the relationships with HJPC personnel that would lead to cooperation on future institutional strengthening activities.

Year 2 activities advanced many of the same workplan items from Year 1, but significant other activities were added as the intensity of work with HJPC increased. For example, assistance in drafting ethical codes of conduct for judges and prosecutors was provided by JSDP experts, as well as technical assistance in developing a unified budget plan and a budgeting procedures manual. JSDP also began work with the Council on improving its public communications and information function.

JSDP increased its level of assistance to HJPC in capacity building for internal organization and management, with expatriate experts working closely with counterpart staff. They carried out a detailed organizational assessment and facilitated a staff retreat to initiate an update of the HJPC strategic plan and critique the plan's first year in operation. JSDP also provided two staff attorneys to participate in the working group established by HJPC to undertake a major revision to the Book of Rules on the internal operations of the courts, last updated in 1974.

Year 3 activities built on the framework established in the preceding years, focusing on leadership at senior levels, a conference to update the strategic plan, and additional management training for the administration and finance departments. Public information activities were initiated, with development of an HJPC communications and outreach strategy as an objective. Work on a court

statistical requirements data collection and reporting system to feed relevant information into HJPC from all courts was begun.

HJPC was a very young state institution, created only in 2002 with an effective start date in 2004. HJPC realized considerable institutional progress in these three years, putting the Council on a path to reach substantial self-sufficiency (in operational if not budget terms) by the end of the project in 2009. However, internal leadership difficulties that centered on the proper role of the Secretariat in serving the Council for decision-making hampered organizational development objectives. An expatriate Council member who involved himself excessively in the functioning of the Secretariat exacerbated this issue. The problem began to come under control as a 'leadership group' improved internal communications and the President of HJPC asserted his authority more forcefully.

2.2 COMPONENT TWO: COURT ADMINISTRATION

The largest component of the project in resource and staffing terms was dedicated to improving court administration, thereby increasing efficiency and the quality of service to the public. The strategy for Component 2 was based on use of selected 'model courts' to use as pilot demonstrations of what improved administration could achieve. The core methodology was to use a well defined 'court improvement plan' to guide technical assistance and the self-help efforts of the participating courts. Central to the improvement plan was the concept of 'change management,' meaning an integrated approach that would transform the existing management culture and lead to sustainable institutional reform, not simply ad hoc technical changes in court operations. Participating courts had to volunteer to be in the program and sign a memorandum of understanding in which they agreed to carry out the court improvement plan. This approach led to the acceptance of greater responsibility on the part of the courts, or 'buy-in,' as it is often called.

JSDP also had substantial resources to provide material support to participating courts for renovation and upgrading of court facilities that would support the improvement plan. This included remodeling of public areas to make them more accessible and user-friendly to court users. Another activity undertaken on a large scale was to modernize case processing and records management, with introduction of a manual records management system (MRMS) using a common case numbering system (CCNS), vertical shelving and color-coded case folders to make files reliably and easily accessible. This dovetailed with the computerization of court recordkeeping for case management (CMS) in civil cases initiated in an earlier USAID project known by its acronym, FILE.

In Year 1, JSDP carefully laid the groundwork for the Model Courts Initiative (MCI) by visiting courts that had expressed interest and doing the analysis of court administrative practices that would be the basis for developing court improvement plans. JSDP staff prepared a plan that contained nine annexes to the memorandum of understanding. They are listed below in numerical order:

1. Establishment of 'change management' teams;
2. Records management;
3. Judicial and court administration staff management;
4. Public awareness and access to court services;
5. Case backlog reduction and purging plan;
6. Court premises remodeling;
7. Court financing and accounting practices;

8. Study tours;
 9. Court administration reform seminars;
 10. Audio recording of court hearings;
 11. Improving criminal legal aid appointment and recoupment practices.
- (Two additional annexes were added in Year 3 and are included here for completeness).

In Year 2, four courts were selected to be pilot courts in MCI and described as “Wave 1” courts. Successive waves therefore lagged one number behind the number of the year of the project, e.g. “Wave 2” in Year 3. JSDP technical assistance teams visited these courts for meetings almost on a weekly basis for ‘hands-on’ support to the change management teams in the implementation of the agreed annexes. JSDP contracted with an NGO architectural and design engineering firm to plan for the remodeling of court facilities to be financed under the project. The cycle of assistance was designed to be for one year, and in Wave 1 the four participating courts implemented their improvement plans quite satisfactorily.

In Year 3, interest in MCI grew. In addition to the four planned Wave 2 courts, one ‘satellite’ court (a nearby court) and two appellate ‘partner’ courts were added to the program. The satellite court became a low-cost target of opportunity, and the appellate partner courts were added in a deliberate decision to take MCI to the appellate level of the court system. All the model courts until then were first instance trial courts (municipal or basic courts in Bosnian terminology). Completion of most of the remodeling work on courthouse facilities of Wave 1 courts carried over into Year 3.

The Wave 2 courts included Sarajevo Municipal Court and Banja Luka Basic Court, the two biggest courts in the country in terms of case volume and number of judges. Their inclusion represented a judgment that the MCI methodology could be scaled up and was applicable to the challenging court administration issues of the largest courts. With strong leadership in both courts, they became very visible and successful models.

2.3 COMPONENT THREE: STRENGTHENING THE BIH MINISTRY OF JUSTICE AND LEGISLATIVE DRAFTING

In a manner similar to Component 1 with HJPC, a third major component of the project was core institutional strengthening of the state-level (BiH) Ministry of Justice (MOJ), another newly created state institution, albeit one with limited competences and authorities. Most executive branch justice functions remained with the entity and cantonal governments. Additionally, work under Component 3 had the second specific objective of building the capacity within MOJ to play the lead role and be gatekeeper in drafting better quality legislation for all ministries for the Council of Ministers and Parliament. A project design flaw affecting this element is discussed later in this section.

In the original Scope of Work for JSDP, USAID stated the anticipated end of project status (result) as: “The State Ministry of Justice coordinates Bosnia and Herzegovina’s national judicial reform strategy and serves as the indigenous institution that leads legislative drafting initiatives.”

Core institutional strengthening of MOJ in certain critical areas, enabling the newly created ministry to carry out its assigned responsibilities, was to be the principal focus of the first three years of JSDP’s work with MOJ. However, the young ministry was barely functioning as of the start of the project in March 2004. Though it had been created officially in 2003, MOJ was operating in borrowed

premises and only a small fraction of its authorized staff had been hired. MOJ needed JSDP's available institutional development technical assistance very badly, but its absorptive capacity was very limited. Funding levels were also very low, making it difficult to achieve a rapid institutional start-up.

In Year 1, given these realities, JSDP's work with MOJ built up only slowly. A study tour to Slovenia and Austria to visit sister institutions was perhaps the main activity in that first year, but it did have an immediate impact. MOJ amended its organizational structure to provide for a spokesperson and an information technology expert as well as sections to manage prison administration and to harmonize Bosnian legislation with the EU *acquis communautaire*. The other significant activity was in a support role to DFID, which had an ongoing assistance project with MOJ. JSDP partnered with DFID for a series of MOJ strategic planning seminars, leading to preparation of the ministry's first strategic plan in Year 2.

In Year 2, based in part on the limited progress in Year 1, expectations and the workplan were tempered. It was difficult to carry out the interventions for institutional strengthening when MOJ was still not in a good position to set priorities and act on them according to its strategic plan. JSDP focused in on more targeted activities, such as a database for international legal assistance requests and another for tracking prison sentencing information. Two more study trips in the region were carried out, this time to Slovenia and Macedonia.

By Year 3 MOJ had progressed enough so that JSDP could begin work on core institutional capacity building tasks. The project provided technical assistance by an organizational development expert and helped MOJ to do a more thorough internal strategic planning exercise. Work also began on developing a workflow software program for managing MOJ's activities on a computerized basis.

The legislative drafting work as part of Component 3 also began slowly in Year 1, with preparatory activities occupying most of the time. A Uniform Drafting Code was adopted early in 2005, and JSDP used it as a starting point for a legislative drafting manual that was circulated to other ministries. JSDP also prepared a report for MOJ on public participation in the legislative process, which would lead to significant later action by MOJ with technical assistance from JSDP.

The design flaw referred to above caused a change in focus of the legislative drafting activities from Year 2 onward. At the time of project design it was understood that MOJ had a defined inter-ministerial primacy for legislative drafting and that all proposed legislation was to be drafted or at least reviewed and approved by MOJ prior to submission. This proved not to be the case, and ministries operated quite independently on the subject without objections from MOJ.

As a result, JSDP worked with a wide range of ministries rather than just with MOJ. Along with interested individuals JSDP was able to follow through on this effort and produce a legislative drafting manual for use by all ministries. Nicely printed and bound under MOJ cover, the manual was widely circulated and gained acceptance readily. In Year 3 JSDP used the manual for trainings for all state ministries in legislative drafting skills. For later years JSDP planned to shift to the task of harmonization of Bosnian legislation with EU laws, although this activity was not part of the original project design.

For Component 3 overall, Years 1-3 of JSDP could report rather limited progress, as MOJ's institutional immaturity and limitations made it difficult to put in place and execute a

comprehensive approach to institutional capacity building. The legislative drafting subcomponent, while well implemented as a ‘workaround,’ had a mistakenly defined objective with MOJ, and had reached something of a dead end by the close of Year 3.

2.4 COMPONENT FOUR: LEGAL AID OFFICE AND INDIGENT CRIMINAL DEFENSE

The fourth original component of the project was intended to improve indigent criminal defense services in BiH, particularly by promoting reforms in the mechanisms used to deliver such legal aid to the poor. At the time the project was launched, criminal legal aid was provided exclusively by court-appointed members of the bar, under an expensive, event-based tariff scheme that imposed significant financial burdens on the courts. Given the bar’s monopoly on such services, its strong incentive to preserve the status quo and its political clout, work in this area posed some of the greatest challenges faced by JSDP. Nevertheless, tireless work by JSDP during the first three years of the project laid the groundwork for important breakthroughs in the final two years of the project.

During the first year, JSDP spent considerable time promoting public discussion of the problem of high attorney tariffs, particularly in the Federation. The culmination of this effort was a JSDP cost comparison study conducted late in Year 1 and into Year 2 that demonstrated the high cost of the tariff system in comparison to the cost of the internationally sponsored legal aid office established in the Brcko District. Working with local judges and defense counsel, JSDP also began developing uniform indigence eligibility standards for criminal legal aid. At the time, indigency determinations were left entirely to the discretion of judges, resulting in significant disparities. As noted below, the final eligibility standards ultimately were fully implemented through the JSDP MCI European Standards program in the final two years of project.

JSDP also worked to increase public awareness of the availability of criminal legal aid during the first two years of the project, producing informative pamphlets and posters that were distributed to courts and police stations around the country. To improve the quality of indigent defense, JSDP conducted some limited training of attorneys in specialized areas, such as forensics training for defense counsel.

In the second and third years of project, JSDP worked increasingly on the financial mechanics of criminal legal aid. JSDP and HJPC developed a joint proposal for the adoption of single court budget line items for mandatory and indigent defense, a practice that had never existed previously. At the end of the second year of the project, the RS Ministries of Justice and Finance adopted this proposal. Following upon this success, the Federation MOJ requested that cantonal MOJ’s and MOF’s similarly adopt these budget line items. Along with District Court Banja Luka and the RS Ministry of Finance, JSDP also developed policies and practices to improve “cost recoupment,” the process of recovering the cost of free legal counsel from defendants ultimately deemed not indigent at the conclusion of a criminal prosecution. The RS Ministry of Finance issued new codes and improved recoupment practices for RS district courts. The Federation MOF also developed new revenue codes for collection of costs of ex officio defense attorneys and collection of other criminal proceeding costs that went into effect in 2007.

The major breakthrough for criminal legal aid came in June 2006, during the third year of JSDP, when the Federation Code of Criminal Procedure was amended to allow courts to appoint “sui generis” institutions to represent defendants in criminal cases. This eliminated the legal barrier to

the establishment of legal aid offices, as the Code heretofore and allowed only for criminal defense representation by individual members of the bar. The speaker in the House of Peoples noted the key support of HJPC for this amendment, support that was gained by prolonged advocacy on the part of JSDP. The change in the law allowed the Zenica-Doboj Legal Aid Institute to begin representing criminal defendants. While the legal aid institute had been established in 2005, it had been limited to civil representation as a result of the previous restriction. JSDP strongly promoted this office, giving it national attention and the support of HJPC.

A final footnote underscores the groundbreaking work of JSDP in criminal legal aid during the first three years of the project. During the September 2006 annual meeting of the Federation Bar Association, one of the main topics discussed was the organization's strong opposition to the referenced amendment to the criminal procedure code. Speakers referred to the amendment as having been "imposed" by the international community, namely JSDP. While this characterization is inaccurate, it is a testament to the work of JSDP that the principal opponents of this key reform viewed the project's efforts as having produced it.

2.5 GRANTS PROGRAM

The small grants program began in Year 3 with the establishment internally of a review committee and the publication of a call for grant proposals from local NGOs. Grants were to support programs of grantees that would contribute to civil society participation in justice sector reforms. Educational programs for the public were especially welcome, as knowledge of the changes occurring in the legal system to expand citizens' rights was woefully lacking.

Response to the program was enthusiastic. Three grants were approved in the first round and six grants in the second round. Grantees performed remarkably well, executing their agreed programs on time and under budget, with performance indicators to measure impact. The courts, which tended to be suspicious of NGOs, collaborated closely with a number of grantee NGOs, thereby improving their transparency and outreach as well.

3.0 MID-TERM EVALUATION AND CONTRACT MODIFICATION

USAID commissioned a mid-term evaluation of JSDP, which was carried out in April-May 2006. The evaluation report gave generally high marks to JSDP, but recommended significant changes in some areas. The legislative drafting work was based on an incorrect design assumption and could not be carried out as planned. Nonetheless, working with MOJ and other ministries JSDP staff were able to achieve most of the training objectives sought. With the publication and distribution of the Legislative Drafting Manual, all ministries had access to knowledge about proper legislative drafting. The evaluation report recommended against venturing into the new area of legislative harmonization with the EU body of law on the grounds that European expertise was preferable and EC funding readily available. A limited victory was declared and the important subcomponent was closed out, including the position of an expatriate advisor. A Bosnian lawyer on staff took over the senior position for all other work with MOJ.

The legal aid component proved more difficult to deal with, as access to justice was a key program objective and the lack of legal aid services was glaring. An expatriate advisor had worked tirelessly to promote the concept, but the necessary statutory framework was lacking and the organized bar opposed legal aid institutes as a threat to their monopoly on services. Given little prospect for meeting its objectives, the legal aid component did not appear to be worthy of continuation. The evaluation team reluctantly was ready to recommend closing out all legal aid activities. However, new developments shortly before that time left the door open a crack. Zenica-Doboj canton in the FBiH entity had adopted legislation to authorize a legal aid institute to provide free legal assistance to indigent criminal defendants. This was the first legal aid institute established in BiH (with the exception of Brcko District, which was under an altogether separate governing regime headed by an American official). As a result, USAID decided to continue a very limited level of effort in legal aid promotion, with EWMI closing out Component 4 and folding remaining activities into Component 1. The expatriate advisor position was eliminated.

Component 1 and Component 2 did not change significantly as a result of the evaluation report. However, the report did recommend that the MCI model courts program, which had achieved early success and enjoyed great popularity in the court system, be considered no longer simply as a pilot program and be extended more widely to the courts throughout the country as soon as possible. The report also recommended a greater emphasis on policy reform issues, such as ‘unified funding’ for the judiciary, enforcement procedure reform to reduce case backlog, and the upcoming justice sector strategy exercise.

In March 2007, USAID and EWMI reached agreement on desired changes to JSDP, and a Contract Modification with amended budget was signed. The new project structure reflected the changes described above and set out revised results anticipated in those areas. Institutional strengthening at HJPC and MOJ, along with court administration reforms through MCI, remained as the three defining elements of JSDP.

Thus, the stage was set for the remaining two years of the project. In the end, JSDP was extended for 10 weeks from a termination date of March 14, 2009 to May 31, 2009; but the project framework was unchanged for the rest of the project. The staff went from four expatriate advisors heading the four components to two expatriate and one Bosnian expert heading three components. In June 2007, a new expatriate Chief of Party (COP) took over management of JSDP and continued in that role until the end.

4.0 JSDP YEARS 4-5 & END OF PROJECT RESULTS TRACKING

During Year 4 the management and tracking approach for JSDP changed somewhat. As a result of the Contract Modification, policy reform activities took on greater importance and became part of a special effort that was called the Judicial Independence Initiative, later to become the Judicial Independence and Accountability Initiative (JIA). JIA was meant to bring together a senior, inter-branch working group with the objective of furthering judicial independence through amendments to the BiH Constitution and other statutory changes such as ‘unified funding’ for the judiciary at State level.

All JIA work remained integrally connected to the three Components but had discrete budget allocations; was tracked and reported upon separately; and received direct involvement by the COP on an ongoing basis. Component 1 took the lead on the first three parts; Component 3 took the lead on the fourth part; and the COP was team leader for a special JIA team. JIA was never considered a separate component of JSDP.

JIA was made up of four parts: (1) constitutional guarantees for the independence of the judiciary; (2) funding of the judiciary, meaning judicial budgets and court fees statutory reform; (3) enforcement procedure reform and case backlog reduction; and (4) inter-branch dialogue that would promote judicial independence and help to achieve constitutional amendments.

4.1 JUDICIAL INDEPENDENCE AND ACCOUNTABILITY (JIA) AND IMPROVED INTER-BRANCH DIALOGUE (COMPONENTS ONE, TWO & THREE)

Anticipated Project Results:

- Principles of independence of the judiciary and status of HJPC as a co-equal branch of government in the BiH Constitution formally proposed as constitutional amendments;
- Improved inter-branch dialogue and cooperation using the institutional mechanisms created by the Justice Sector Reform Strategy;
- (If national political agreement reached on constitutional reforms), the proposed amendments incorporated in the BiH Constitution.

In Years 4 and 5, the senior-level working group, first informally and then formally under HJPC chairmanship, began the exercise that hopefully would lead to constitutional change. JSDP facilitated this process actively and provided technical support and operational funding. However, the acrimonious political climate in BiH made the environment for change very difficult, as the issue of constitutional reform generally became controversial and the subject of political confrontations. Foreseeing this possibility and knowing the extent to which factors beyond the project’s control would affect outcomes, USAID had defined the expected result quite modestly. JSDP was not expected to actually see the amendments adopted, but only to promote the dialogue and bring the

issue to national consideration. Nonetheless, JSDP set out a more ambitious target, one that could not ultimately be fully realized before the project's termination in May 2009.

Inter-branch dialogue did improve markedly, however, because of the senior working group and numerous other working events sponsored by JSDP that brought the three branches together to discuss common issues. Most importantly, the JSRS process in its three stages of preparation, approval, and implementation brought the judiciary and the executive into a closer working relationship. JSDP took on an increasingly active role in JSRS implementation and sponsored the 2nd Ministerial Conference in May 2009.

4.1.1 Constitutional Guarantees for the Independence of the Judiciary and HJPC

Anticipated Project Results:

- Principles of independence of the judiciary and status of HJPC as a co-equal branch of government in the BiH Constitution formally proposed as constitutional amendments;
- (If national political agreement reached on constitutional reforms), the proposed amendments incorporated in the BiH Constitution;
- Increased sustainability of judicial reforms in BiH.

Activities in Years 4 and 5 have been discussed in the above section, which is a statement of the highest level of results hoped for in JSDP's policy reform efforts. Although in the end, constitutional amendments were neither formally proposed nor adopted, agreement in principle was reached in the working group and the possibility of later action remains. Hopefully, this will be supported in JSDP II with the necessary perseverance and patience. Success is highly dependent on a favorable national political environment.

In any event, sustainability of judicial reforms in BiH was improved as the judiciary became much more energized about articulating its interests and the status of HJPC as the institution representing the judiciary and guaranteeing its independence.

4.1.2 Funding of the Judiciary – Judicial Budgets and Court Fees

Anticipated Project Results:

- Improved budget processes and mechanisms for the judiciary;
- Sources of funding of the judiciary reduced from fourteen to four (if political agreement reached);
- Reformed law on court fees in force in RS entity; reformed law on court fees in FBiH entity in force or proposed;
- BiH meeting international standards for citizens' rights to access to court with respect to court fees and indigency.

In Years 4 and 5, a great deal of effort was made on this subject, with considerable success in some elements, less so on others. JSDP sponsored workshops, wrote policy papers and advocated directly with ministries of justice. JSDP visited every jurisdiction in the country to promote reform.

HJPC had drafted a model court fees law with JSDP expert assistance, and that legislation was discussed in numerous meetings and a workshop in Banja Luka. The RS Minister of Justice gave

his support to reform, and by late 2008 new legislation on court fees had come into force in the RS entity. In the FBiH entity, Western Herzegovina canton led the way with new legislation and by the end of the project Tuzla canton had also adopted legislation. Other cantons expressed support but had not taken action. Some wanted to wait for federal framework legislation, which was a curious position to take, as constitutional authority to set court fees rests with the cantons rather than the federation. Court fee reform, especially requiring payment in advance, can be an important contributor to reducing case backlog by discouraging petty claims and frivolous appeals. Better fee collection could also increase court income and budgets if courts are allowed to keep fees collected to apply to operating expenses.

It proved politically impossible to reduce funding sources for the judiciary from fourteen to four, even after RS entity resistance had blocked the preferred option of unifying the budget for the judiciary in a single budget at state level. The fallback option was to unify budgets in the FBiH entity at the federal level, but cantonal dissatisfaction with federal performance and lingering suspicions made the cantons unwilling to delegate their budget authority to the federal level. Some cantons expressed support for state-level funding, but that option was foreclosed by the RS entity position. Active dialogue on this issue should continue in JSDP II. The HJPC president has shown willingness to lead on the issue, and the state Minister of Justice is supportive.

JSDP achieved significant results at the operational level in the courts in their budget practices. The JSDP in-house budget expert trained staff in all 29 model courts on budget preparation in accordance with the program budgeting system, and she later returned to help them implement and report on budgets properly. She also trained court accounting staffs on use of Excel in managing their accounts. More work is needed to help court staff set program objective indicators and track performance accordingly rather than simply reporting on expenditures in the budget.

As a result of JSDP work on legal aid in conjunction with the Component 2 staff work in the courts, BiH is now meeting international standards for citizens' rights to access to courts with respect to court fees and indigency. HJPC adopted the rule being used as part of the European Standards program for all courts. The JSDP specialist trained staff in all 29 model courts in application of the standards for waiver of court fees for indigents.

4.1.3 Enforcement Procedure Reform and Backlog Reduction

Anticipated Project Results:

- Draft legislation on enforcement in compliance with EU standards prepared;
- Assist authorities at all levels to design reforms and draft action plans.

In Year 4, JSDP concentrated on working with interested parties on how to deal with the so-called "utility cases," unpaid utility bills that ended up in court as enforcement cases and created huge backlogs in the larger courts, especially Sarajevo and Banja Luka. JSDP sponsored workshops and helped draft position papers on the advisability of moving utility cases out of the court system altogether, where they did not belong.

The enforcement problem was one of great complexity and had defied solution for many years in spite of the fact that everyone recognized the problem. JSDP had begun to focus on the narrower issue of the utility cases because of their impact on case backlog. Other donors were also involved

with enforcement issues. The CIDA-funded project focused on accurately tabulating cases and setting up a special unit in Sarajevo dedicated solely to utility cases. GTZ supported a regional project with activities in Bosnia.

Swedish SIDA undertook a larger effort working through HJPC that in some sense was duplicative of what JSDP was working on. Donors agreed to coordinate efforts, with the SIDA/HJPC activity as the focal point. However, the projected time required to achieve results was quite lengthy and extended beyond the termination date of JSDP. JSDP in consultation with HJPC decided to change its approach and work directly with the judicial commission in Brcko District on comprehensive reform that could serve as a model for other jurisdictions.

This work with Brcko District authorities continued from the second half of Year 4 through to the end of Year 5. A working group of judges was formed and developed an action plan of analysis and recommendations for changes in law and procedures, particularly steps that would exclude utility cases and similar TV subscription fee cases from the courts. Brcko District previously had not suffered from this problem, but a rising case backlog made them interested in remedying the situation before it became too grave. Brcko District courts had an excellent reputation, and the judicial commission wanted to protect it. By the spring of 2009, with advice and input from JSDP specialists, the working group's action plan was approved by the judicial commission for presentation to the legislative assembly.

On a parallel track, JSDP had planned to sponsor an international conference on the subject of enforcement procedure reform. Macedonia had carried out a successful reform using a private enforcement agencies approach, and JSDP wanted to showcase it as well as reforms undertaken in Slovenia. The Brcko District approach could serve as another model. JSDP agreed to partner with the SIDA project to co-sponsor a regional conference in Sarajevo in early May 2009 hosted by HJPC. The conference attracted well-known regional experts as presenters and was very well attended.

The Brcko District experiment can be considered a success, but whether it will become a replicable model elsewhere in the country remains to be seen. Brcko decided against proposing private enforcement, which limits the innovativeness of the approach. There are no plans in JSDP II to work on enforcement reform, but USAID should try to keep track of developments in this area because of the continuing problem of court congestion. The HJPC/SIDA project may serve as a roadmap for still needed reforms.

4.1.4 Inter-Branch Dialogue

Anticipated Project Results:

- Better working relationships and institutional role definitions through inter-branch dialogue serve to make the judiciary more independent and efficient;
- Constitutional amendments and legislation crucial to strengthening of judicial independence proposed or passed.

The JIA working group was the most inclusive, in that it brought into discussions key legislators from the state and entity levels to join senior executive and judicial branch officials to discuss needed legislative action to amend the BiH Constitution to guarantee judicial independence and the status

of HJPC as the representative institution of a co-equal judicial branch.

Quarterly JSDP/HJPC-sponsored private meetings with justice ministers from all jurisdictions greatly improved executive, legislative and judicial branch dialogue on a number of key issues, such as salary increases for judges, unified court budgets, legal aid and naming of new judges or court districts. HJPC played a lead role in all these discussions, thereby strengthening its position as the spokesperson for the judicial branch and the judiciary for the whole country.

Bringing together the state MOJ, entity ministers, Brcko District and the cantonal ministers on a regular basis had never been done previously. The chance for serious, private, high level discussion of common issues led to cooperative efforts based on fuller communication and less partisan approaches. Cantons in particular applauded the opportunity to have their voices heard.

JSRS promoted inter-branch dialogue in an important, structured fashion. JSDP participated in the working groups for the three areas ('Pillars' 1, 3, and 5) of greatest relevance to other JSDP priority activities. JSDP supported preparations for the 2nd Ministerial Conference in Sarajevo in May 2009, at which serious debate about key issues in the sector ensued.

4.2 STRENGTHENING THE INSTITUTIONAL PERFORMANCE OF HJPC (COMPONENT ONE)

Anticipated Project Results:

- HJPC fully exercising its statutory mandate for independent, representative self-governance of the judiciary and as guarantor of the independence and accountability of the judiciary;
- HJPC functioning effectively as a contemporary institution applying strategic planning and program budgeting; managing institutional communications and public relations; making policy decisions for the judiciary based on sound statistics; and using modern management methods with trained staff;
- HJPC appoints all judges and prosecutors using transparent, merit-based procedures, removing political influences in the appointment process;
- HJPC improving the accountability of judges by exercise of its disciplinary authorities, using a modern ethics code and a trained staff in a specialized, autonomous Office of Disciplinary Counsel.

In Years 4 and 5, JSDP worked toward achievement of all of the above objectives, the sum of which would be grounds for considering HJPC to have been strengthened significantly as the lead institution for the judiciary. The Organizational Effectiveness Index used for PMP purposes showed continual, gradual improvement in HJPC, and by the end of Year 5 HJPC had reached the effectiveness targets sought. HJPC can be considered fully functional, but with serious deficiencies in certain areas of operations.

4.2.1 Supporting HJPC Communications with the Judiciary

Anticipated Project Results:

- Improved communications of HJPC with the judiciary and the courts;

- Improved communications of HJPC and the courts with the legal community in general and with the public;
- HJPC public relations and institutional communications strategy in place and being implemented effectively;
- Office of the Spokesperson established and operating effectively with trained staff;
- The leadership of HJPC and the Secretariat exercising their media and public relations functions effectively.

In Years 4 and 5, JSDP provided considerable assistance to HJPC and the courts on public relations. With specialized technical assistance from JSDP and a local media NGO, MediaCentar (previously supported by USAID in its media programming), HJPC prepared a communications and public relations strategy after some internal delays. HJPC established the Office of the Spokesperson as planned and its staff received training. In March 2009 JSDP facilitated a national meeting of court spokespersons, bringing together all HJPC and court staff dealing with public relations for the first time.

All courts participating in the European Standards program received technical assistance on media relations, especially on press conferences and TV interviews through Bosnian specialists' short courses. One of the standards dealt specifically with public outreach, so courts needed to show that they had taken steps to improve court communication with the public.

In this area overall, both HJPC and the courts now demonstrate recognition of the responsibility they have to share information with the public as a part of the accountability that goes alongside judicial independence. They recognize the principle of transparency and its importance.

4.2.2 – 4.2.4 (see 4.1.1 – 4.1.3, above)

4.2.5 Development of HJPC Statistical Capability and Court Performance Indicators

Anticipated Project Results:

- Functioning HJPC statistical services capacity for improved policy-making and management of the judiciary and individual courts;
- Improved judicial policy-making and court management using a formal and quantifiable system for measuring court performance.

In Years 4 and 5, HJPC completed work in this area with full achievement of its objectives. The short-term, expatriate JSDP expert provided a final round of training to HJPC staff in the statistics department. The introduction of CMS in all courts, a process nearly completed, gives HJPC the technology it needs to maintain a high quality database for analysis and policy-making. More than 50,000 data entries have already been made via CMS in a form that can be accessed for study. That is only a small portion of the data that will be entered into the system as it progresses.

JSDP helped HJPC to develop and put in place court performance standards with measurable indicators for the first time in the court system. The Council approved a set of performance standards that JSDP and HJPC staff had worked on for more than a year with input from the U.S. expert. The formal approval and promulgation by HJPC represented a major policy decision with system-wide consequences. The standards are not fully operational yet, but the data collected will allow cross-

comparison of all the courts in the country as to the applicable standards. The performance standards are an adaptation of CourTools, a methodology developed by the National Center for State Courts in the U.S., but custom-tailored for the Bosnian environment.

If the empirical data is applied well as it should be to policy-making for the judiciary, HJPC and the court system will have made a major step forward in modernizing planning and operations of the judiciary with a long-term perspective. The information gained will also allow HJPC and the courts to demonstrate improved efficiency to the public with objective, reliable data.

4.2.6 Improvement of the Budget Process in the Judiciary

Anticipated Project Results:

- Improved overall budget management process in the judiciary;
- HJPC empowered to implement its mandate in court budgeting and to advance the interests of an independent judiciary;
- HJPC and the courts use the required program structure for budget planning and execution.

In Years 4 and 5, JSDP intensified its efforts to improve the budget process in the judiciary. Although the major policy reform goals of unification of judicial budgets at the state or entity levels fell short, major progress was achieved in budget planning and management at the operational level. JSDP assigned an in-house, Bosnian budget expert to work full time with HJPC and the courts (MOJ as well) on improved practices. She traveled the country to work with all 29 model courts as well as with HJPC staff at headquarters.

Budgeting is a ‘shared function,’ meaning that HJPC has statutory authority for budget guidance and comment, but funding levels for the courts are set by the executive and legislative branches in the fragmented system of 14 jurisdictions in the country. HJPC still needs to develop greater internal capacity to carry out its functions for the courts in budgeting as well as to define for itself and assert how large a role it wants to play. In the interests of harmonization and adequate funding levels for the courts, there is a real need for HJPC to play a large role, larger than what it does currently. Now that CMS installation is complete, this should become a higher priority at HJPC.

HJPC and the courts, with JSDP assistance, all now use the mandated program budgeting system. HJPC is quite proficient, but most of the courts use the performance-based objectives system only at a basic level. They budget according to program objectives rather than simply expenditure categories but with only a weak understanding of how to track budgets against program objectives. They are only beginning to learn about how to develop indicators of program/budget performance. In order to assert greater autonomy over budgets, the judiciary will have to be able to show that it has greater capacity to manage its finances without justice ministries’ oversight. JSDP II will work in this important area.

4.2.7 Time Measurement-Based Performance Standards for Judges

Anticipated Project Results:

- A contemporary, automated system of performance standards for judges adopted by HJPC and in force to replace the outdated “quota” system;

- **Increased productivity of judges and higher judicial accountability standards;**
- **Improved case management and workflow through better distribution of caseloads among judges in any one court.**

In Years 4 and 5, JSDP worked intensively in this area with HJPC and a working group of judges and pilot courts. Setting time measurement-based performance standards for judges proved to be one of the most difficult tasks in the entire project. Ideally, it should be empirically based using court statistical data, but that level of data is only now beginning to feed into the system with the court performance standards and CMS. Using the best estimates of experienced judges for time needed to carry out certain tasks is the other alternative, the one used for piloting to date.

Time standards were developed and piloted, but after receiving voluminous feedback from judges, HJPC decided to take more time to refine the standards before giving any formal approval. The issue is controversial with many judges, who view it as an infringement on judicial independence. However, the larger problem is that it will make possible stricter standards of accountability for performance, something the judiciary is not used to but that is needed to convince a skeptical public. HJPC leadership is supportive but cautious. The outdated 'quota system' now in force needs to give way to modern methods if the judiciary is to achieve European standards of operation.

The investment in this important objective should be continued in JSDP II until an acceptable result is achieved. JSDP made progress but was unable to get 'over the top.'

4.2.8 Judicial and Prosecutorial Ethics

Anticipated Project Results:

- **Strict codes of ethics in force for all judges and prosecutors;**
- **Office of the Disciplinary Counsel established by law and functioning capably with trained staff and a complete set of internal regulations;**
- **Disciplinary system for judges and prosecutors works in line with EU standards;**
- **Increased public confidence in the judicial system.**

In Years 4 and 5, JSDP successfully completed its work program in this area, with desired results achieved. Codes of ethics for judges and prosecutors meeting European standards are in force nationwide with enforcement capacity in place. The Office of the Disciplinary Counsel is functioning with trained staff and a complete set of internal regulations. JSDP provided expert technical assistance over almost three years using the head of the sister office in the state of California as its expert. The Office suffered from personnel instability, but that internal Secretariat problem was overcome and qualified new staff were hired and trained.

The disciplinary process follows well-defined procedures for investigation and charging that meet due process standards. A large case backlog has been brought under control. The very high level of initial complaints has leveled off as the public begins to understand that dissatisfaction with a judge's decision is different from judicial malfeasance, and the Office has learned better how to separate frivolous complaints from those that require serious investigation.

4.2.9 Management Training of the HJPC Court Administration Department

Anticipated Project Results:

- HJPC empowered to implement effectively its mandate in court administration and introduce consistency in court administration practices throughout the territory of BiH, thus mitigating the problems of 14 different sets of executive and legislative authorities;
- Successful JSDP Model Courts Initiative reinforced with capacity building of the HJPC Court Administration Office to support administration reforms.

In Years 4 and 5, JSDP struggled with this issue due to repeated reorganizations within the Secretariat, vacancies in crucial positions, delays in naming senior personnel, and budget limitations. Only late in Year 5 with the naming of a new Executive Director in the Secretariat and the filling of several of the positions in the department was JSDP able to carry out planned technical assistance. Using a tested Bosnian consulting firm, JSDP provided training for the new office head and his staff in 2009.

In JSDP's opinion, HJPC is not yet fully exercising its statutory competences to provide administrative support to the court system. The court administration department focuses more on internal administrative issues of HJPC than on outreach to the courts. Its staff size needs to be increased and mandated to travel regularly to visit the courts in order to understand their needs and design adequate support systems. The courts needs are not well taken care of through their relationships with their respective justice ministries.

JSDP implemented the MCI European Standards program in Year 5 in full partnership with the court administration department as part of the strategy of handing off the program to HJPC for full rollout to remaining courts after JSDP terminated. Though HJPC formally expressed support for this handover, the court administration department does not yet have enough budget and staffing capacity to do this job well. Further attention to this issue is called for in JSDP II, but not with the level of involvement devoted to model courts in JSDP.

4.3 LEGAL AID FOR INDIGENTS (FORMERLY COMPONENT FOUR)

4.3.1 Legal Aid Institutes

Anticipated Project Results:

- USAID/JSDP, the first donor project spotlighting the human rights issue of legal aid to indigent criminal defendants, causes enhanced national discussion about legal aid, including coverage in the JSRS, and greater efforts to address the issue;
- Better inter-branch coordination among the judiciary, ministries of justice and the legislatures regarding necessary legal aid reform, and more informed and effective policy-making regarding criminal legal aid delivery mechanisms;
- Legal Aid Institute (LAI) in Zenica is being replicated in at least two other FBiH cantons;
- Higher level and quality of indigent criminal defense at lower cost being provided by professional, well-managed legal aid institutes.

In Years 4 and 5, JSDP's 'limited' assistance in this area delivered outstanding results, much more

than might have been predicted. Through diligent, low-key attention to the issue following the opening provided by the actions taken in Zenica-Doboj canton, JSDP was able to maintain policy dialogue with justice ministries, finance ministries and influential court presidents to keep legal aid under active discussion. As part of the regular inter-branch meetings of HJPC with justice ministers, JSDP continued to advocate for expanded legal aid services. The minister of justice in Western Herzegovina canton and soon thereafter the minister of justice in Tuzla canton gained government approval and secured passage of authorizing legislation in their respective cantons. They created legal aid institutes and opened their offices to the public. Two other cantons initiated action but had not completed it by the end of JSDP.

The minister of justice in the RS entity expressed his support and gained approval for establishing five legal aid offices, one in each judicial district. The model differed from the others in that representation of defendants in criminal cases in court was still restricted to members of the bar, which will be more costly. The advance in the RS entity was noteworthy because of earlier opposition to the concept of legal aid offices at all.

JSDP was able to network all these activities and bring together participants for trainings and study visits to see the legal aid institutes in Zenica and Brcko in action. JSDP made available the software program designed for legal aid offices and in Year 5 provided limited funding for equipment for established offices. In April 2009 JSDP sponsored a national legal aid conference, the first ever in Bosnia, to highlight progress made.

The legal aid topic is included in JSRS as well, with the objective of attaining coverage for the entire country. It is quite remarkable that JSDP was able to be the catalyst for these developments after the frustrations suffered in earlier years of the project and the lowering of the level of effort on legal aid after Year 3. Legal aid services as an issue is definitely on the national policy reform agenda now, thanks to USAID. Arguably, the level of adoption of authorizing legislation and legal aid institutes thus far has reached critical mass, and will spread further on its own until full coverage is achieved. Framework legislation at the federal level in the FBiH entity would add to this momentum.

4.4 COURT ADMINISTRATION REFORM (COMPONENT TWO)

Anticipated Project Results:

- 29 Model Courts operating at high level of efficiency due to MCI European Standards program of court administration reforms based on EU accession standards;
- 29 Model Courts and all other courts voluntarily participating in the MCI European Standards program on path to meeting “European standards” for EU accession;
- HJPC positioned to take over implementation of the MCI European Standards program for roll-out to all courts in BiH;
- Improved organization and operation of all courts in BiH through use of new HJPC Book of Rules on Internal Organization and Operations of Courts (BOR);
- Case backlog reduced in 29 Model Courts by an estimated 125,000 cases (average of all courts: 14%).

In Year 4, remodeling work for model courts from Wave 2 of the previous year was completed and inaugural ceremonies were held to highlight USAID’s support to the judiciary. Six new courts were

Map I: JSDP Model Courts (2005-2009)



chosen to participate in the MCI program as a part of Wave 3.

In another important development, USAID decided to fund major renovations of the damaged courthouse for Basic Court Srbrenica in Srbrenica, the town where acts of genocide had been committed by Serb forces during the 1992-1995 war. USAID provided an additional \$400,000 for JSDP to manage civil works in a co-financing arrangement with the RS entity government. The Basic Court was also added to the list of courts participating in MCI so that internal operating improvements would match the physical improvements to the building.

By Year 4 JSDP had decided to attempt a more ambitious MCI program in line with the recommendations in the mid-term evaluation. Careful study was made of a sister EWMI justice sector project in Bulgaria that had used a similar model courts approach, and evolving European standards were studied. JSDP decided, with HJPC participation in a joint working group, to build upon the court improvement plans used in MCI and craft a more comprehensive program of performance standards drawing upon international and European 'best practices.' The objective was to bring courts up to the standards expected as part of accession criteria for the European Union. Measurable indicators were drafted for each of the 25 standards agreed upon. Thus, MCI was transformed into the European Standards program to begin in Year 5.

In Year 5, JSDP also aimed to dramatically increase the number of participating courts in the annual cycle. 12 courts were initially selected, but an additional 8 courts were added in response to heavy demand. Those courts were to receive a lower level of technical assistance and no money was budgeted for infrastructure improvements. JSDP modified its staffing structure in order to expand the scope of the program in Year 5.

During Year 5 inaugural ceremonies were held for the courts in Wave 3 from the previous year, and when work on the courthouse in Srbrenica was completed it was inaugurated in 2009 with the U.S. Ambassador in attendance.

4.4.1 Court Policies and Standards

Anticipated Project Results:

- **Improved management and operations of courts through use of new HJPC BOR;**
- **HJPC adopts plan for takeover of MCI European Standards program and begins implementation in 2009;**
- **HJPC adopts use of benchbooks for civil and criminal trial judges and benchbooks written, printed and distributed to judges and prosecutors.**

In Years 4 and 5, the BOR was formally adopted; HJPC adopted a plan for takeover of the European Standards program (subject to additional funding); and the criminal and civil benchbooks were completed, printed and distributed to judges and prosecutors around the country. These three major results of systemic impact constituted major success for Component 2 of JSDP. The BOR and the benchbooks both took efforts that lasted over more than two years' time.

The new BOR was the first updating of the rules of the courts since 1974. The benchbooks, with persistent involvement from JSDP's U.S. expert Judge Carolyn Temin, represent the first introduction of this important bench tool for judges in the Balkan region and the countries of the former Yugoslavia. JSDP funded the technical assistance effort of the BOR and benchbook working

groups as well as the printing and distribution of the benchbooks to more than 400 judges and prosecutors.

4.4.2 MCI European Standards Approach

The 29 courts that became a part of the European Standards program all implemented their standards programs satisfactorily and became recognized as Model Courts. Courts were allowed to pick and choose among the 25 standards but with a minimum of 19 standards, of which 16 were mandatory. The standards were divided into four 'Performance Areas' based upon thematic areas of court services.

The standards shown in the four Performance Areas below are self-explanatory. Some courts performed better than others, which was reflected in their point scores from the scoring sheets used to measure performance; but by May 2009 all 29 courts had reached the required level of implementation to qualify as Model Courts.

The required caveat to this success story is that HJPC reported early in 2009 that it did not have sufficient funding from its own budget resources to take over the European Standards program for rollout to the 32 remaining courts. JSDP greatly exceeded its targets for the number of model courts 'produced' during the project, but the new vision for extending coverage to all courts is in serious jeopardy if HJPC cannot provide funds from internal or external sources to carry it through. Nonetheless, the new Executive Director of the Secretariat is fully supportive of the program and has agreed to carry out a new annual cycle in 2009-2010 with 11 courts in spite of the limited resources at his disposal. It is hoped that JSDP II can provide some limited support and advocate for HJPC funding of the program in future years.

4.4.2.1 Performance Area 1 – Public Access to Justice

Anticipated Project Results:

- **Improved public access to hearings and trials in all 29 model courts;**
- **Improved public access to court information in all 29 model courts;**
- **Court staffs of all 29 model courts provide improved 'customer care.'**

This was fully achieved.

4.4.2.2 Performance Area 2 – Governance, Stability and Administration

Anticipated Project Results:

- **Trained court leadership teams use improved court management methods in all 29 model courts;**
- **Improved communication, shared problem-solving, and increased motivation in the courts through use of internal communications strategy developed by JSDP;**
- **Case backlogs reduced in 29 model courts by 125,000 cases (average of all courts: 14%) using backlog reduction plans;**
- **Improved court outreach to and support from governmental and non-governmental groups;**

- **Better management of human resources in all 29 model courts through use of personnel software developed by JSDP;**
- **Enhanced budget planning and execution in all 29 model courts.**

This was fully achieved. However, the quantitative reductions in case backlog cannot be verified until HJPC produces the relevant statistics in its next Annual Report.

4.4.2.3 Performance Area 3 – Efficient and Effective Justice

Anticipated Project Results:

- Fuller utilization of judge time through implementation of judicial performance standards in all courts;
- Improved physical and technical working environment for judges and staff through JSDP-funded renovation and equipment in all 29 model courts;
- Uniform and fair process for judicial appointments of counsel for indigents in criminal cases by use of Eligibility Standards in all courts;
- More timely notification of judgments and decisions to litigants and lawyers through an improved recordation and monitoring system in all courts;
- MOJ receives decisions from all courts in serious criminal cases, as required by law, in more timely and complete fashion due to improved system;
- More efficient court registry service to judges and the public in all courts by use of improved Manual Records Management System (MRMS) that also facilitates the new Case Management System (CMS) software;
- Reorganization of court staffs in all 29 model courts reduces judges' administrative tasks to allow focus on hearings and quality decisions;
- Improved management of records in court archives benefits judges, staff and customers in all 29 model courts and creates additional courthouse space;
- More efficient, productive case processing by judges in all 29 model courts;
- Benchbooks aid judges in efficient processing of cases in all courts;
- Quality and timeliness of transcripts of court hearings for appeals improved in 17 model courts.

This was fully achieved with the exception of two items. Judicial performance standards are still pending HJPC approval and thus not yet operative in the courts. Benchbooks are now available and will be in use soon, but they were not yet in actual use by the end of JSDP.

4.4.2.4 Performance Area 4 – Transparency and Accountability

Anticipated Project Results:

- Greater public confidence in all 29 model courts through use of the public information and public relations strategies;
- Public better informed about the courts in 29 locations with publication of an annual report on the work of the court;
- Greater transparency and fairness in all courts by assigning cases to judges through random

assignment systems, as required by the new BOR.

This was fully achieved. However, with respect to greater public confidence the evidence is anecdotal, coming from court users, court staff and judges, particularly court presidents. In JSDP II it would be useful to use the early survey as baseline and collect new data.

4.5 STRENGTHENING THE INSTITUTIONAL PERFORMANCE OF THE BIH MINISTRY OF JUSTICE (MOJ) (COMPONENT 3)

Anticipated Project Results:

- MOJ, as the state-level executive branch ministerial institution, is fully functional, including computerized office operations, strategic planning, program budgeting, public relations, donor and EU integration coordination, and is implementing all aspects of its statutory mandate on a sustainable basis;
- MOJ is performing effectively in all areas of special targeted JSDP assistance, including financial and human resource management; public consultations; action against corruption and organized crime; international legal assistance and cooperation; and inter-branch dialogue;
- MOJ and other ministries produce better quality legislation using the Legislative Drafting Manual and applying the regulations on consultation in legislative drafting.

In Years 4 and 5, JSDP assistance to MOJ produced more satisfactory results than in Years 1-3. Although in a relative sense MOJ had not progressed as far as HJPC in the same period, MOJ did not enjoy the same high level of international funding and support. MOJ core functionality nonetheless advanced as the ministry gained operational experience and moved into its modern new offices.

JSDP transitioned to what was called ‘targeted institutional strengthening,’ meaning a focus on important discrete functions of MOJ rather than on core systems of the institution, which by then were functioning adequately, e.g. human resources management, workflow tracking software and public relations. The discrete functions were financial management, stakeholder consultations, anti-crime and anti-corruption, and international legal assistance. In all of these four areas JSDP’s assistance helped MOJ to achieve noteworthy results by the end of the project.

In the other activity of inter-branch dialogue, MOJ also made strides. MOJ played the leadership role in preparation and implementation of JSRS, working collaboratively with other ministries of justice and ultimately securing approval of the strategy by the Council of Ministers and all levels of government. This dialogue was important in other ways as well to JSDP’s project objectives because it included the main issues being treated in JIA. Constitutional amendments and unified funding for the judiciary were excluded from JSRS because the RS entity government objected to treating them in that context. Thus, only through the combination of JIA and JSRS inter-branch dialogue, both supported by JSDP, were all the major justice sector issues placed into the public domain.

4.5.1 Financial Management

Anticipated Project Results:

- **Program budgeting, a modern form of financial planning that increases transparency and accountability, fully implemented in MOJ.**

In Years 4 and 5, JSDP provided intensive technical assistance to MOJ in order to help the ministry put into place the newly required program budgeting system. JSDP's in-house budget expert served as a senior adviser and mentor to MOJ in changing over to the new system. She led the ministry through the full budget cycle of preparation of a submission, restructuring accounts and budget management following the new procedures. This work included training MOJ personnel in the new system so they would have the internal capacity to continue without need for future external assistance.

Work in Year 5 began to include the more difficult areas of the new system, beyond just the tracking of expenditures according to the new program budget categories. MOJ began to implement development of program performance indicators that would measure whether budget allocations were delivering the intended program results. This concept was entirely novel to MOJ employees and will need much more attention if it is to become fully operative and help drive budget allocations. Further assistance to MOJ for improved financial/budget management in JSDP II would be very useful in efforts to strengthen MOJ's institutional performance.

4.5.2 Stakeholder Consultations

Project Results:

- **State-level legal framework for consultations in legislative drafting developed and adopted;**
- **Applying the Regulations on Consultation in Legislative Drafting, MOJ fulfills its statutory mandate of 'ensuring inter-Entity legislative and justice system harmony and best practices,' as well as 'ensuring that legislation and implementation by BiH at all levels is in compliance with the obligations of BiH deriving from international treaties.'**

In Years 4 and 5, MOJ achieved the desired results with JSDP assistance. JSDP provided expert technical assistance and training, both expatriate and Bosnian, that helped MOJ develop and formally adopt a state-level legal framework for public consultations in legislative drafting, as required by law. These were the Regulations on Consultation in Legislative Drafting. JSDP trained MOJ staff on how to write and apply the regulations for public comment. Two pieces of legislation and the JSRS were selected as the vehicles through which to test the procedures. Public interest was strong, especially for online comments. Public consultation meetings were also held in different parts of the country for JSRS.

Experience showed that NGOs were the civil society actors most interested in participating in the public comment stage, but they were unused to this process and found it sometimes difficult to communicate freely with MOJ. Therefore, JSDP decided in Year 5 to fund a grant to the Association for Democratic Initiatives (ADI), a regional NGO with Bosnian offices, to carry out a survey of NGOs to be used to facilitate communications between MOJ and civil society on the consultation process. This was followed by a joint workshop where MOJ and NGOs interacted about how to develop a fruitful partnership relationship for public consultations on draft legislation. MOJ proved to be very open to the NGO actors, and a much more collaborative working relationship

has developed as a result. ADI did an excellent job in implementing the grant, which was less than \$20,000 in total.

4.5.3 Fighting Corruption and Organized Crime

Anticipated Project Results:

- **Based on the criminal code amendments and the upgraded database of severe criminal offences, MOJ fulfils its statutory function of ‘ensuring that [criminal] legislation and implementation by BiH at all levels is in compliance with the obligations of BiH deriving from international treaties.’**

In Years 4 and 5, JSDP provided valuable technical assistance that upgraded Bosnia’s compliance with international treaties signed by BiH in the fields of anti-corruption and organized crime. JSDP sponsored a study trip in Year 4 to Vienna to the UN Office of Drugs and Organized Crime (UNDOC) for a week of training for a mixed group of Bosnian justice sector officials. An expatriate expert helped MOJ personnel to upgrade its database of severe criminal offences so that the authorities could track offenders more efficiently. He returned on two more occasions to work with justice ministry officials at state and entity levels to make amendments to the criminal codes that would meet international standards for control of organized crime and anti-corruption. In all but a few areas needed changes were agreed upon.

The work in this area was a good example of how ‘targeted assistance’ could deliver concrete, substantive improvements in the work of MOJ and other justice ministries. By its leadership in this exercise, MOJ solidified its role as a state-level institution capable of ensuring that Bosnia and Herzegovina as a state was meeting its international treaty and convention legal responsibilities.

4.5.4 International Legal Assistance and Cooperation

Anticipated Project Results:

- **MOJ fulfils its statutory function of providing ‘international and inter-Entity judicial cooperation (mutual legal assistance and contacts with international tribunals).’**

In Years 4 and 5, JSDP provided technical assistance to MOJ in strengthening its capacity to handle international legal assistance cases, one of the few areas in which MOJ provides direct services to Bosnian citizens. This competence also included maintaining official contacts with international tribunals.

However, it was only late in Year 5 that JSDP achieved breakthrough results with MOJ. The bilateral legal assistance agreements with Croatia and Serbia badly needed amending following the 1992-1995 war in the region and the breakup of Yugoslavia. Relations among the three countries were strained in many respects, and it had proven impossible to update the bilateral agreements Bosnia and Herzegovina had with the other two countries. Both had agreed to negotiations, but internal issues always led to postponement of talks.

However, in the spring of 2009 MOJ was able to schedule meetings, first in Zagreb and then in Belgrade. JSDP helped MOJ prepare desired amendments to the bilateral agreements and sent a staff member to accompany the BiH delegation to both capitals. MOJ played its role very professionally and concluded discussions successfully with its counterpart ministries in Croatia and Serbia.

Agreements in principle as to amendments were realized, and formal amendment should follow in due course. It is rare that a bilateral USAID project such as JSDP is able to help its counterparts reach agreements at the international level. MOJ gained stature as a result of this activity.

4.5.5 MOJ Leadership in Justice Sector Reform Strategy (JSRS) and Inter-Branch Dialogue

Anticipated Project Results:

- MOJ leads a more active, strengthened inter-branch dialogue;
- Full implementation of JSRS helps ensure an independent judiciary that is also accountable and efficient;
- Legislation crucial to strengthening of judicial independence and efficiency proposed or passed, e.g. court fees, FBiH funding of the judiciary, enforcement procedures and legal aid institutes; constitutional amendments at the BiH level to establish HJPC as the judicial branch institution and guaranteeing its independence (see sections 0.1. – 0.3.).

In Years 4 and 5, MOJ played the lead role in preparation and implementation of JSRS. JSDP assisted MOJ throughout this process but only took on a lead donor role for USAID with MOJ at the implementation stage. The inter-branch dialogue activities of JSDP are more fully described in section 0.4 under JIA, above. MOJ played this lead role only with respect to JSRS but participated actively in very supportive fashion in all the other inter-branch dialogue activities, e.g. constitutional amendments, unified funding, court fees and legal aid. The Minister and Deputy Minister in particular gave their personal support to all aspects of the inter-branch dialogue. This was also true of the President of HJPC. As a result, the institutional relationship between HJPC and MOJ, often strained in the past, improved markedly. This relationship will be crucial to successful implementation of JSDP II and needs to be cultivated assiduously, both at an institutional level and personal level.

4.6 GRANTS PROGRAM

Anticipated Project Results:

- Civil society NGO role in justice sector reform dialogue increases;
- Nine NGOs carry out useful advocacy and civic education programs.

In Year 4, JSDP awarded six small grants to local NGOs working in the areas of an educational radio talk show, freedom of information legislation, women's rights, young lawyers' development and notary legislation for banking lawyers. All grantees performed well in carrying out their grant programs, which totaled some \$100,000, during the course of a year.

In Year 5, JSDP faced a budget shortfall, which led to postponement and eventual cancellation of a new round of grants. However, Component 3 did make a grant to ADI in support of its consultation in legislative drafting activities, which can be counted as part of the overall Grants Program, for a total of 10 grants.

Improvements in the dollar-KM exchange rate (favoring the dollar) during the course of Year 5 would have allowed for a grants program, but these developments occurred only gradually over the

course of the year and did not leave enough time to reinstate the program. Savings attributable to this and other budget categories allowed JSDP to continue activities for important objectives until May 31, 2009 after formal USAID approval of a 10-week extension. JSDP was also able to provide additional material support to participating model courts and to the newly established legal aid centers as the project drew to a close.

5.0 CONCLUSION

The EWMI implemented Justice Sector Development Project in Bosnia Herzegovina was an extremely successful project—meeting and often exceeding its contract goals. Through this five year effort, JSDP was able to improve the efficiency and fairness of the justice system in BiH by strengthening and building the capacity of both HJPC and the State MOJ, improving court administration and reducing the backlog in the courts, and improving indigent criminal defense services. Key achievements are as follows:

High Judicial and Prosecutorial Council

JSDP helped HJPC improve the professional quality of the judiciary and establish its independence from political influences. With support from JSDP, HJPC set new standards for judicial appointments, performance and discipline of judges, and codes of ethics for judges and prosecutors. Other JSDP assistance improved HJPC performance in the areas of strategic planning, senior management training, and public relations, as well as its institutional capacity to support two of its key competencies—court administration and budgeting. JSDP helped the HJPC adopt and publish a new Book of Rules for the courts—the first since 1974—that mandates nationwide implementation of a number of key reforms introduced by JSDP. Civil and criminal ‘benchbook’ manuals for judges’ daily use in court—the first of their kind in the region—were drafted, published and distributed to judges and prosecutors.

Court Administration Reform

JSDP’s innovative Model Courts Initiative, which evolved into the European Standards Program in the later years of the project, helped 32 courts – almost half of all BiH courts, and twice the number anticipated in the original contract — implement rigorous court improvement plans. JSDP partner courts introduced new records management systems and computerized case management systems; remodeled courthouses to make them more accessible to the public; improved public relations and customer service; started use of audio equipment to record hearings; and took steps to reduce serious case backlogs, with some courts achieving annual backlog reductions of one-third to nearly one-half. They worked more closely with partners from the professional community such as prosecutors’ offices, bar associations, media, and NGOs. ‘Change management teams’ now work in the courts to improve leadership skills at all levels. Their activities are results-oriented and better communicated. Courts now share ‘best practices’ with each other and have established cooperative networks among themselves.

The BiH Ministry of Justice

The BiH Ministry of Justice, a new and fledgling ministry at the beginning of JSDP, developed over the course of the project into a state ministry that is much more capable of carrying out its mandate. JSDP training in public finance, human resources, and project preparation and public relations helped the MOJ become an effective ministry, improving its work in justice sector strategic planning

and policy-making, budgeting and finance, and donor coordination and European integration. JSDP helped the MOJ in the development of the first national Justice Sector Reform Strategy and assisted MOJ in the implementation of three of its main sections, which aim at enhancing the independence and efficiency of the judiciary, access to justice, and coordination in the justice sector. JSDP provided computer software to upgrade management of international legal assistance cases and helped the MOJ develop a central database on serious criminal offences to better track serious offenders. JSDP also helped the MOJ publish a legislative drafting manual now in use by all ministries and develop procedures for public consultation in the drafting of new legislation that are among the most progressive in Europe. JSDP also helped MOJ with the harmonization of BiH legislation with international conventions on anti-corruption and organized crime.

Indigent Criminal Defense

JSDP helped entity and cantonal ministries develop the first public legal aid institutes, which provide free legal representation to indigent criminal defendants. These institutes are providing high quality representation while courts are benefiting by realizing savings in their strapped budgets (in comparison to the alternative of *ex officio* appointment of private counsel). JSDP also helped develop uniform indigence eligibility standards for criminal legal aid, eliminating the disparities in the provision of free counsel that prevailed when determinations were left entirely to the discretion of judges. JSDP and HJPC also helped develop single court budget line items for mandatory and indigent defense in both entities, which allowed the courts for the first time to show the high costs of the *ex officio* system.

Judicial Independence and Accountability (JIA) and Improved Inter-Branch Dialogue

JSDP greatly improved inter-branch dialogue as a result of its senior JIA working group, quarterly JSDP/HJPC-sponsored private meetings with justice ministers, and numerous other working events sponsored by JSDP that brought the three branches together to discuss common issues. The novel regular gatherings of state MOJ, entity ministers, Brcko District and the cantonal ministers led to cooperative efforts based on fuller communication and less partisan approaches. Specific reforms addressed included important court fee legislation that was adopted in the RS and two Federation cantons and will serve to discourage frivolous claims that add to case backlogs. Overall, the sustainability of judicial reforms in BiH was improved as the judiciary became much more energized about articulating its interests and the status of HJPC as the institution representing the judiciary and guaranteeing its independence.

ATTACHMENT I: PERFORMANCE MONITORING PLAN

PERFORMANCE MONITORING PLAN
JUSTICE SECTOR DEVELOPMENT PROJECT IN BIH

Expected Result	Indicator/Definitions	Data Source	Responsibility for baseline and data collection/ methodology	Frequency	Baseline	1st reporting period (April 2005-March 2006)		2nd reporting period (April 2006-March 2007)		3rd reporting period (April 2007-March 2008)		4th reporting period (April 2008-March 2009)		Final Target
						Target	Actual	Target	Actual	Target	Actual	Target	Actual	
USAID SO 2.1: A More Participatory, Inclusive Democratic Society														
USAID IR 2.1.2: Strengthened Legal Systems Promote Increased Access to Justice														
1. High Judicial and Prosecutorial Council (HJPC)														
A. Institutionalization of HJPC	1. Score on organizational/competency index of HJPC (See Attachment 1 for index.)** (Baseline effective 4/1/04)	HJPC	Committee of HJPC & JSDP reps & possibly outside person (maybe donor) thru roundtable discussion	Annually	1 (Doc 1A-1, Aug 17 05)	7.5 (Doc 1A-1, Aug 17 05)	6.5 (Doc 1A-3, Apr 06)	11.15 (Doc 1A-2, Apr 06)	882 (Doc 1A-4, Apr 07) (Doc 1A-5, May 07)	13.5 (Doc 1A-2, Apr 06)	14.73	19.5	19.5	21 Sustainable in all components
2. Court Administration Reforms														
A. Improved court administration/ case management	1. Percentage implementation of intervention plan. De-segregated by model court (MC) for each (See Attachment 2) (Baseline effective 4/1/05) 2. Number of model courts (MC) "graduated" due to successful completion of intervention plan ** (Baseline effective 4/1/05) 3. Number of JSDP/MC initiatives replicated in non-MC courts. De-segregated by: systematic replication (Book of Rules) non-systematic replication (other than Book of Rules provision (Baseline effective 4/1/05) 4. Percentage of MCs meeting reduction goals in backlog reduction plan (% reduction in identified timeframes)** (Baseline effective 4/1/05)	MCs	JSDP & Change Mgmt. Team complete plan checklist jointly thru roundtable discussion	Annually	0	100% for each court (Wave 1)	75% (Doc 2A-1, Jun 06)	100% for each court (Wave 2)	73% (Wave2) (Doc 2A-5, May 15 07)	100% for each court (Wave3)	All courts between 78% and 87%	100% for each court (Wave 4)	16 courts achieved 100% remaining 6 courts were between 90% and 96%	100% for each court (All Waves)
B. Increased court user satisfaction	1. Percentage of surveyed users in MCs who were satisfied with court services De-segregated by MC (Baseline effective 4/1/05)	MCs	EWMI	Annually	0	4	4 (Doc 2A-2, Jun8 06)	7	7 (Doc 2A-6, Jun 11 07)	6	6	22	22	16
C. Improved perception of judiciary	2. Percentage of surveyed public with positive perception of the MCs De-segregated by MC ** (Baseline effective 4/1/05)	HJPC	EWMI in consultation with Court Adm. Standing Committee	Annually	0	2	2 (Doc 2A-2, Jun8 06)	1	1 (Doc 2A-6, Jun 11 07)	1	0	1	6	5
		MCs	MCs thru statistical reports with verification by EWMI	Annually	0	5-10% (Wave 1 2A-3, Jan 06)	(See Memo Doc 2A-4, Jun 07)	5-10% (Wave 2 courts)	2% average (Doc 2A-7, Jun 11 07)	10-12% (Wave 3 courts)	Incomplete data	12-15% (Wave 4 courts)	14% average for model courts; 125,000 total case reduction (see note 3 below)	15% for each court (All Waves)
		Court Users	EWMI thru private survey	Twice or Every Two Years	28,58/43.0 (Doc 2 B-1, May 06)	TBD once baseline collected	N/A	N/A	N/A	10% increase (31.44/43.0) (Doc 2B-1, May 06)	N/A	N/A	N/A	20% increase
		Public	EWMI thru private survey	Twice or Every Two Years	27,0/46.0 (Docs 2C-1, 2, and 3 May 06)	N/A	N/A	N/A	N/A	10% increase (29.7/46.0) (Docs 2C-1, 2, and 3 May 06)	N/A	N/A	N/A	20% Increase (32.4/46.0) (Docs 2C-1, 2, and 3 May 06)

PERFORMANCE MONITORING PLAN
JUSTICE SECTOR DEVELOPMENT PROJECT IN BIH

Expected Result	Indicator/Definitions	Data Source	Responsibility for baseline and data collection/ methodology	Frequency	Baseline	1st reporting period (April 2005-March 2006)		2nd reporting period (April 2006-March 2007)		3rd reporting period (April 2007-March 2008)		4th reporting period (April 2008-March 2009)		Final Target
						Target	Actual	Target	Actual	Target	Actual	Target	Actual	
3. State Ministry of Justice														
A. State MoJ operational development	1. Score on MoJ capacity index (Attachment 3)** (Baseline effective 4/1/05)	MoJ, EWMI	EWMI and MOJ thru roundtable, meetings	Annually	1.0 (Doc 3B-1, Nov 05)	8.0 (Doc 3B-1, Nov 05)	7.5 (Doc 3A-1, Apr 06) Note: Index Revised	17 (Doc 3B-2, Apr 06)	15.5 (Doc 3B-3, Apr 07)	24	23.5 (Doc 3B-4, Apr 08)	27	25.5 (PMP-Component 3- March 2009)	27
4. Legal Aid for Indigent Criminal Defendants														
A. Improved legal aid system	1. Score on index of activities leading to the formulation of policy/practices to improve legal aid system (Attachment 4)** (Baseline effective 4/1/04)	EWMI and local counterparts	Relevant local and international shareholders with EWMI thru roundtable discussion at Stage 4 in Components 2, 4, 5 and 6; otherwise, EWMI	Annually	0	19	19.5 (Doc 4A-1, Mar21 06) Note: Index revised		N/A	N/A	N/A	N/A	N/A	28 (All activities except tariffs & admonition of right brought to highest stage; these brought to Stage 2)
	2. Percentage of ex-officio appointments under indigency defense provisions in model courts** Desegregated by court (Baseline effective 4/1/05)	Selected courts	MCs thru statistical reports	Annually	Baseline varies by court (Doc 4A-2, Mar21 06)	0% (Doc 4A-2, Mar21 06)	Ap-06: (Doc 4A-3, Mar21 06)	4%	N/A	8%	N/A	10%	N/A	10% increase
	3. Percentage increase in total amount of costs of defense recovered in model courts. Desegregated by court (Baseline effective 4/1/05)	Selected courts/ MOF	MCs/Ministry of Finance thru statistical reports	Annually	N/A	N/A	Not Viable (Doc 4A-4, Mar21 06)	--	--	--	--	--	--	Not viable
	4. Number of legal aid offices established (Baseline effective 4/1/05)	EWMI	EWMI	Annually	0	1	Not viable until legal basis is established. (Doc 4A-5, Mar21 06)	0	N/A	0	N/A	0	N/A	Not viable until legal basis is established

** Indicators that USAID is using in its PMP plan.
N/A – Not Applicable

Notes:

- 1) Measurements in percentages for each year constitute a percentage increase over the original baseline figure; except for Section 3.A(4), which provides for a percentage measurement of overall activity for each reporting year and does not reflect a percentage increase over the original baseline figure.
- 2) Component 4 (Legal Aid) was discontinued in January 2007 so no reporting for that component is tabulated beyond that date.
- 3) The 4th reporting period backlog reduction results are JSDP estimates. Confirmation of actual results will have to await the official data to be released in the HJPC 2010 annual report.
- 4) For technical and programmatic reasons, planned user and public opinion surveys were not conducted by the project in its final three years.

**ATTACHMENT 2: HJPC
ORGANIZATIONAL /
COMPETENCY INDEX**

**PMP – Section I.A (I)
 Institutional Development of the HJPC
 Score Card – Year I Actual Reporting (Apr08/Mar09)
 (March 2009)**

Attachment IA(I)

HJPC Organizational/Competency Index				
Criteria for each progressive stage				
Component	Founding (0)	Developing (1)	Expanding (2)	Sustaining (3)
1) Organizational capacity				
a. Internal regulations (IR) (.25)	(B) No internal regulations (IR)	(1) IR developed but not followed	(2)(3) IR developed, followed but do not reflect all needs	(4) IR developed, followed, reflect all needs
b. Administrative structure (AS) (.25)	(B) Administrative structure not in accordance with competences	(1)(2) Administrative structures developed but not fully reflecting competences	(3) Administrative structure applied but not fully effective	(4) Administrative structure reflects competences, applied and effective
c. Skill building of staff (.25)	(B) No skill building of staff	(1)(2) Skills identified, training conducted but does not cover all needed skill areas	(3) Training covers all needed skill areas but what learned not applied	(4) Adequate training, what learned applied
d. Planning (.25)	(B) No annual and strategic plan	Has strategic plan but not an annual plan	(1)(2) Both plans developed but not followed	(3)(4) Both plans developed and followed
2) Communications				
a. Communication and coordinating with stakeholders ¹ (.25)	(B) Lack of awareness of stakeholders; no consensus who the important stakeholders are; insufficient appreciation of value of communications and coordination with stakeholders	(1) Communications occurring <i>ad hoc</i> ; awareness/consensus about stakeholders, appreciation of and consensus on the important stakeholders	(2) Policy for communications developed but does not cover all areas and not fully implemented	(3)(4) Effective communications: Policy on communications with stakeholders developed and implemented
b. Reporting protocols between HJPC, courts, and prosecutor's offices (.25)	(B) No reporting between HJPC, courts, and prosecutor's offices; lack of consensus on the contents of reporting	(1) Reporting exists but not regular, not effective and does not reflect needs	(2)(3) Reporting protocol developed but not enforced and does not reflect all needs	(4) Reporting protocol covers needed information and is enforced
c. Information to the public (.25)	(B) No systematic information to the public; no consistent and no targeted messages disseminated to public	(1) Information to the public enhanced but irregular, insufficient and passive; no full-time staff and insufficient training of staff	(2) Information to the public actively disseminated but irregular and insufficient; full-time staff and training	(3) (4) Information to the public actively disseminated, sufficient and regular

¹ Note that the most important stakeholders - the courts and prosecutor's offices and the executive and legislative branches of power – are elaborated additionally under 2) b and 2) d.

HJPC Organizational/Competency Index

Criteria for each progressive stage			
Component	Founding (0)	Developing (1)	Sustaining (3)
d. Communications with executive and legislative authorities on drafting legislation, policy making and on shared competences (.25)	(B) No mechanisms of communications developed; lack of awareness and consensus on regularity and topics of communication	(1) <i>Ad hoc</i> communications on certain issues conducted	(2)(3) Regular communications but not entirely effective and not covering all areas
3) Management of judiciary			
a. Court administration (.33)	(B) No policies ² on court administration, no donor co-ordination	(1)(2) Policies issued but not covering all areas and not comprehensive, partial donor co-ordination	(3) Policies comprehensive and in all areas but not clearly promulgated to courts, good donor coordination
b. Statistics (.33)	(B) No statistics collected or statistics collected not consistently and not used consistently for management and evaluation purposes	(1) Statistical reporting protocol developed. Statistics not used consistently for evaluations and management purposes	(2)(3) All courts report, some statistics gathered used for determining management policies and evaluations.
c. Measurement performance of judges (MPJ) (.33)	(B) No system for MPJ exists	(1)(2) System for MPJ developed but not applied consistently	(3) System for MPJ developed and applied throughout the country
4) Ethics and discipline			
	(B) No ethics code developed, procedures for sanctioning disciplinary violations in place but not utilized consistently	(1)(2) Code and procedures exist but public does not understand, judicial officials not trained	(3) Public and judicial officials understand but violations not systematically addressed by the relevant mechanisms and institutions.
5) Budgeting of courts and prosecutor's offices			
a. Budgets reflection of true needs, quality of supporting documentation, periodic assessment of budget implementation (.25)	(B) Budgets do not reflect true needs, poor supporting documentation; lack of coordination with executive periodic assessment of budget implementation lacking	(1)(2) Collaborative planning process for budget preparation between courts and HJPC developed; sporadic ad hoc communications with executive and legislative	(3)(4) Budgets reflect true needs, regular control over budget management and implementation

² Policies are expected in the areas of filing systems, case assignment, case management, IT, records retention and destruction, etc.

HJPC Organizational/Competency Index

Criteria for each progressive stage			
Component	Founding (0)	Developing (1)	Sustaining (3)
b. Budgets used as management tool, quality of communication with courts (regular, two-way, transparent, etc) (.25)	(B) Budgets not used as management tool, poor communication with courts	(1)(2) Budgets used by court administration staff as a management tool only partially (in some areas and in some courts only)	(4) Budgets used as a management tool at all levels
c. Training of core staff and court staff (.25)	(B) Core staff and court staff not trained	(1)(2) Core staff trained, court staff not trained;	(3)(4) Core staff and court staff trained regularly, what learned applied
d. Clear definition of policy-making and administration of budget responsibilities (.25)	(B) Policy-making and administration of budget responsibilities not clearly defined; lobbying done irregularly and in a non transparent way	(1)(2) Policy-making and administration of budget responsibilities clearly defined in laws, but not fully implemented; lobbying activities more structured	(4) Clear responsibilities for policy making and administration of the budget process; lobbying activities regular, structured and transparent
6) Appointment and career development of judicial officials			
a. Appointment procedures (.5)	(B) Appointment procedures non-transparent and largely based on subjective/other than professional criteria	(1)(2) Appointment procedures improved but not guaranteeing transparency. appointments not sufficiently based on objective criteria;	(4) Selection, appointment and promotion procedures and based on widely publicized and objective criteria
b. System for career monitoring and development of judicial officials (.5)	(B) System for career monitoring and development of judicial officials lacking	(1)(2)(3) System for career monitoring and development of judges and prosecutors not sufficiently based on merit	Career development procedures and practices transparent and based on widely publicized and objective criteria
7) Supervision of training of judicial officials			
	Minimum amount of advanced professional training not determined, induction training of candidates for judicial officials not determined; No regular relationship between HJPC and training centers	(B)(1)(2) Minimum advanced training approved, supervision of training programs occurs sporadically or only on an yearly basis; Sporadic relationship with training centers	(4) Supervision of training mechanisms and programs existing and effective.

Instructions

- (B) indicates situation the JSDP found when starting (Baseline)
- (1) indicates actual at the end of the first reporting period
- (2) indicates expectations at the end of the second reporting period
- (3) indicates expectations at the end of the third reporting period
- (4) indicates expectations at the end of the last reporting period

Scoring

1. Each component represents one point. If there are subcomponents, each subcomponent represents an equal fraction of one point, so that the total of all subcomponents within the component equals one. For example, each of the three subcomponents under Component 3 (Management of judiciary) represents 0.33. The value of each subcomponent is indicated in the component column.
2. Place a checkmark in the appropriate column of each component or subcomponent according to the stage, which the organization is at.
3. Multiply the points associated with each component or subcomponent by the column value (0-3) of the stage at which the organization is at for that component.
4. Add the sums of all components or subcomponents.
5. Total possible points = approximately 21 (7 x 3)

Targets and Scores

Baseline score - I

First reporting period:

target score 7.5

actual score 6.50 (Scoring – April 2006)

Second reporting period:

target score 11.15

actual score 8.82 (Scoring - April 2007)

Third reporting period:

target score 14.23

actual score 14.73 (Scoring – April 2008)

Fourth reporting period:

target score 19.50

actual score 19.50 (Scoring March 2009)

ATTACHMENT 3: STATE MOJ CAPACITY INDEX

State MoJ Capacity Index¹

Criteria for each progressive stage			
Component	Founding(0)	Developing(1)	Expanding(2)
Sustaining(3)			
A) Management			
1. Skill building	No training provided to management staff	Training provided without analyses of skill areas and without training plan	Needs-based training plan developed but not implemented
2. Planning	No strategic plan	Strategic plan developed but not utilized	Strategic plan undergoing utilization
B) Communications			
1. With public	No systematic information to the public; no consistent and no targeted message disseminated to public	Information to the public enhanced but irregular, insufficient, and passive; no staff member responsible for public relations	Information to the public actively disseminated but irregular and insufficient; staff person responsible for public relations and this person trained
C) Sector Development			
I. International Legal Assistance Sector			
a. ILA Manual	No Manual	Manual developed	Manual utilized
b. Tracking system of requests	No system to track progress of requests	Tracking system being developed	Tracking system developed but not used
c. Monitoring of progress/follow-up if delays	No system to identify delays and take follow-up action when delay in receiving request information	Monitoring/follow-up system being developed	Monitoring/follow-up system developed but not used
d. Statistical reporting system	No statistical reporting system which includes comprehensive information about pending and closed cases	Statistical reporting system being developed	Statistical reporting system developed but not used
2. Sector for State Judiciary			
a. Standard operation procedures (SOPs)	No written SOPs for receipt of information from courts	SOPs developed for courts related to the provision of case information to MoJ	SOPs developed for courts but not used
b. Statistical reporting	No standard statistical reports to facilitate uniform reporting by courts and to Parliament	Statistical reports being developed	Statistical reports developed but not used

Scoring:

1. Place a checkmark in the appropriate column of each component/subcomponent according to the stage in which the organization/sector is.
2. Total the checkmarks in each column and multiply the total of the column by the column value (0-3).
3. Add the sums of all components/subcomponents.
4. Total possible points = 27 (9 x 3)

¹As additional long-term activities are identified, appropriate components should be added to this index.

ATTACHMENT 4: SCORING FOR YEAR 5 MODEL COURTS

Region I Courts: No. of Standards Selected:	BC Prnjavor						BC Gradiška					
Round of CMT Meetings	23						20					
	1	2	3	4	5	Current Points	1	2	3	4	5	Current Points
PA 1: Public Access to Justice												
1.1 Access to Hearings & Records (Jun 08 - Nov 08)	1	2	2	2		2	1	1	2	2		2
1.2 FOIA compliance (Jun 08 - Sep 08)	2	2	2	2		2	2	2	2	2		2
1.3 Customer service (Sep 08 - Nov 08)		1	1	2		2		1	1	2		2
PA 2: Governance, Stability, and Administration												
2.1 Change Management Team (Apr 08 - Mar 09)			1	2		2			1	2		2
2.2 Court Rules / Book of Rules (Jun 08 - Nov 08)	1	1	2	2		2	2	2	2	2		2
2.3 Internal Communications Plan (Jun 08 - Jul 08)	1	2	2	2		2	1	2	2	2		2
2.4 Strategic Plan (Sep 08 - Dec 08)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2.5 Backlog Reduction Plan (Nov 08 - Feb 09)		0	2	2		2	N/A	N/A	N/A	N/A	N/A	N/A
2.6 Training judges and staff (Aug 08 - Dec 08)		1	2	2		2		0	1	2		2
2.7 Public Outreach network (Oct 08 - Mar 09)		0	0	2		2	N/A	N/A	N/A	N/A	N/A	N/A
2.8 Court Admin. position (Sep 08 - Mar 09)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
PA 3: Efficient and Effective Justice												
3.1 Performance Management system (Jul 08 - Sep 08)		2	2	2		2		2	2	2		2
3.2 Physical & Technical work envir. (Aug 08 - Mar 09)		1	1	2		2		1	1	2		2
3.3 Appt. Counsel Eligibility standards (Jun 08 - Mar 09)	0	2	2	2		2	1	2	2	2		2
3.4 Notice of Decisions (Jun 08 - Jul 08)	2	2	2	2		2	2	2	2	2		2
3.5 Mediation (Oct 08 - Jan 09)		0	2	2		2		0	2	2		2
3.6 Manual Records M'g'ment Sys. (Jul 08 - Nov 08)		2	2	2		2		2	2	2		2
3.7 CMS (Jun 08 - Dec 08)	2	2	2	2		2	1	2	2	2		2
3.8 Study Tour to MC (Jun 08 - Aug 08)	2	2	2	2		2	N/A	N/A	N/A	N/A	N/A	N/A
3.9 Organize case dept. Staffing (Sep 08 - Oct 08)		0	2	2		2		0	1	2		2
3.10 Use Audio recording equipment (Oct 08 - Nov 08)	2	2	2	2		2		2	2	2		2
3.11 Archive records plan (Jun 08 - Dec 08)	0	1	1	2		2	1	1	1	2		2
PA 4: Transparency and Accountability												
4.1 P.R./Court Information Strategy (Oct 08 - Jan 09)		0	1	2		2		0	1	2		2
4.2 Annual Report (Jan 09 - Mar 09)		0	1	2		2		0	2	2		2
4.3 Random case assignment (Jun 08 - Aug 08)	2	2	2	2		2	2	2	2	2		2
Total Points Possible:	46	46	46	46	46	46	40	40	40	40	40	40
TOTAL POINTS EARNED:	15	27	38	46	0	46	13	24	33	40	0	40
Percentage:	33%	59%	83%	100%	0%	100.00%	33%	60%	83%	100%	0%	100.00%
Status:						Model Court						Model Court
Special Recognition as Model Court						YES!						YES!

Region I Courts: No. of Standards Selected:	BC Derвента						BC Modriča					
	21						24					
Round of CMT Meetings	1	2	3	4	5	Current Points	1	2	3	4	5	Current Points
PA 1: Public Access to Justice												
1.1 Access to Hearings & Records (Jun 08 - Nov 08)	2	2	2	2		2	2	2	2	2		2
1.2 FOIA compliance (Jun 08 - Sep 08)	2	2	2	2		2	2	2	2	2		2
1.3 Customer service (Sep 08 - Nov 08)		1	1	2		2		1	2	2		2
PA 2: Governance, Stability, and Administration												
2.1 Change Management Team (Apr 08 - Mar 09)			1	2		2			1	2		2
2.2 Court Rules / Book of Rules (Jun 08 - Nov 08)	2	2	2	2		2	1	1	2	2		2
2.3 Internal Communications Plan (Jun 08 - Jul 08)	2	2	2	2		2	1	1	2	2		2
2.4 Strategic Plan (Sep 08 - Dec 08)	N/A	N/A	N/A	N/A	N/A	N/A		0	0	1		1
2.5 Backlog Reduction Plan (Nov 08 - Feb 09)		1	2	2		2		1	1	2		2
2.6 Training judges and staff (Aug 08 - Dec 08)	N/A	N/A	N/A	N/A	N/A	N/A		1	1	1		1
2.7 Public Outreach network (Oct 08 - Mar 09)	N/A	N/A	N/A	N/A	N/A	N/A		1	1	2		2
2.8 Court Admin. position (Sep 08 - Mar 09)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
PA 3: Efficient and Effective Justice												
3.1 Performance Management system (Jul 08 - Sep 08)		2	2	2		2	2	2	2	2		2
3.2 Physical & Technical work envir. (Aug 08 - Mar 09)		2	2	2		2		1	2	2		2
3.3 Appt. Counsel Eligibility standards (Jun 08 - Mar 09)		0	2	2		2	0	0	1	0		2
3.4 Notice of Decisions (Jun 08 - Jul 08)	2	2	2	2		2	2	2	2	2		2
3.5 Mediation (Oct 08 - Jan 09)		1	2	2		2		0	0	2		2
3.6 Manual Records M'g'ment Sys. (Jul 08 - Nov 08)		2	2	2		2	1	1	2	2		2
3.7 CMS (Jun 08 - Dec 08)	2	2	2	2		2	1	1	2	2		2
3.8 Study Tour to MC (Jun 08 - Aug 08)	1	2	2	2		2	1	1	2	2		2
3.9 Organize case dept. Staffing (Sep 08 - Oct 08)		1	1	2		2		0	0	1		2
3.10 Use Audio recording equipment (Oct 08 - Nov 08)		2	2	2		2		2	2	2		2
3.11 Archive records plan (Jun 08 - Dec 08)	2	2	2	2		2	2	2	2	2		2
PA 4: Transparency and Accountability												
4.1 PR./Court Information Strategy (Oct 08 - Jan 09)		2	2	2		2		0	0	1		2
4.2 Annual Report (Jan 09 - Mar 09)		2	2	2		2		2	2	2		2
4.3 Random case assignment (Jun 08 - Aug 08)	2	2	2	2		2	2	2	2	2		2
Total Points Possible:	42	42	42	42	42	42	48	48	48	48	48	48
TOTAL POINTS EARNED:	17	34	39	42	0	42	17	26	35	42	0	46
Percentages:	40%	81%	93%	100%	0%	100.00%	35%	54%	73%	88%	0%	95.83%
Status:						Model Court						Model Court
Special Recognition as Model Court						YES!						No

Region I Courts:	BC Bijeljina						CC Tuzla					
No. of Standards Selected:	24						19					
Round of CMT Meetings	1	2	3	4	5	Current Points	1	2	3	4	5	Current Points
PA 1: Public Access to Justice												
1.1 Access to Hearings & Records (Jun 08 - Nov 08)	2	2	2			2	2	2	2			2
1.2 FOIA compliance (Jun 08 - Sep 08)	2	2	2			2	2	2	2			2
1.3 Customer service (Sep 08 - Nov 08)		2	2			2		1	2			2
PA 2: Governance, Stability, and Administration												
2.1 Change Management Team (Apr 08 - Mar 09)		2	2			2		1	2			2
2.2 Court Rules / Book of Rules (Jun 08 - Nov 08)	2	2	2			2	2	2	2			2
2.3 Internal Communications Plan (Jun 08 - Jul 08)	1	2	2			2	2	2	2			2
2.4 Strategic Plan (Sep 08 - Dec 08)		0	1			2	N/A	N/A	N/A	N/A	N/A	N/A
2.5 Backlog Reduction Plan (Nov 08 - Feb 09)		2	2			2		2	2			2
2.6 Training judges and staff (Aug 08 - Dec 08)		1	2			2	N/A	N/A	N/A	N/A	N/A	N/A
2.7 Public Outreach network (Oct 08 - Mar 09)		2	2			2	N/A	N/A	N/A	N/A	N/A	N/A
2.8 Court Admin. position (Sep 08 - Mar 09)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
PA 3: Efficient and Effective Justice												
3.1 Performance Management system (Jul 08 - Sep 08)	2	2	2			2	2	2	2			2
3.2 Physical & Technical work envir. (Aug 08 - Mar 09)		2	2			2		2	2			2
3.3 Appt. Counsel Eligibility standards (Jun 08 - Mar 09)	0	2	2			2	0	0	2			2
3.4 Notice of Decisions (Jun 08 - Jul 08)	2	2	2			2	2	2	2			2
3.5 Mediation (Oct 08 - Jan 09)		1	2			2	N/A	N/A	N/A	N/A	N/A	N/A
3.6 Manual Records M'g'ment Sys. (Jul 08 - Nov 08)	2	2	2			2	2	2	2			2
3.7 CMS (Jun 08 - Dec 08)	2	2	2			2	2	2	2			2
3.8 Study Tour to MC (Jun 08 - Aug 08)	2	2	2			2	N/A	N/A	N/A	N/A	N/A	N/A
3.9 Organize case dept. Staffing (Sep 08 - Oct 08)		2	2			2		1	1			2
3.10 Use Audio recording equipment (Oct 08 - Nov 08)		2	2			2		2	2			2
3.11 Archive records plan (Jun 08 - Dec 08)	2	2	2			2	1	2	2			2
PA 4: Transparency and Accountability												
4.1 P.R./Court Information Strategy (Oct 08 - Jan 09)		2	2			2		2	2			2
4.2 Annual Report (Jan 09 - Mar 09)		2	2			2		2	2			2
4.3 Random case assignment (Jun 08 - Aug 08)	2	2	2			2	2	2	2			2
Total Points Possible:	48	48	48	48	48	48	38	38	38	38	38	38
TOTAL POINTS EARNED:	21	44	47	0	0	48	19	33	37	0	0	38
Percentage:	44%	92%	98%	0%	0%	100.00%	50%	87%	97%	0%	0%	100.00%
Status:						Model Court						Model Court
Special Recognition as Model Court						YES!						YES!

Region I Courts:	BC Doboj						MC Bugojno						
No. of Standards Selected:	21						22						
Round of CMT Meetings	1	2	3	4	5	Current Points	1	2	3	4	5	Current Points	
PA 1: Public Access to Justice													
1.1 Access to Hearings & Records (Jun 08 - Nov 08)	2	2	2			2	1	2	2	2		2	
1.2 FOIA compliance (Jun 08 - Sep 08)	2	2	2			2	1	1	2	2		2	
1.3 Customer service (Sep 08 - Nov 08)		2	2			2	1	1	1	2		2	
PA 2: Governance, Stability, and Administration													
2.1 Change Management Team (Apr 08 - Mar 09)		1	2			2	0	0	1	2		2	
2.2 Court Rules / Book of Rules (Jun 08 - Nov 08)	2	2	2			2	2	2	2	2		2	
2.3 Internal Communications Plan (Jun 08 - Jul 08)	1	2	2			2	1	1	1	2		2	
2.4 Strategic Plan (Sep 08 - Dec 08)	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0	2		2	
2.5 Backlog Reduction Plan (Nov 08 - Feb 09)		1	2			2	1	1	1	2		2	
2.6 Training judges and staff (Aug 08 - Dec 08)	1	1	2			2	N/A	N/A	N/A	N/A		N/A	
2.7 Public Outreach network (Oct 08 - Mar 09)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		N/A	
2.8 Court Admin. position (Sep 08 - Mar 09)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		N/A	
PA 3: Efficient and Effective Justice													
3.1 Performance Management system (Jul 08 - Sep 08)	2	2	2			2	1	1	2	2		2	
3.2 Physical & Technical work envir. (Aug 08 - Mar 09)	1	2	2			2	2	2	2	2		2	
3.3 Appt. Counsel Eligibility standards (Jun 08 - Mar 09)	2	2	2			2	0	0	0	2		2	
3.4 Notice of Decisions (Jun 08 - Jul 08)	2	2	2			2	2	2	2	2		2	
3.5 Mediation (Oct 08 - Jan 09)	N/A	N/A	N/A	N/A	N/A	N/A	1	1	1	2		2	
3.6 Manual Records M'g'ment Sys. (Jul 08 - Nov 08)	2	2	2			2	1	1	1	2		2	
3.7 CMS (Jun 08 - Dec 08)	0	1	2			2	2	2	2	2		2	
3.8 Study Tour to MC (Jun 08 - Aug 08)	2	2	2			2	2	2	2	2		2	
3.9 Organize case dept. Staffing (Sep 08 - Oct 08)		1	2			2	0	0	0	2		2	
3.10 Use Audio recording equipment (Oct 08 - Nov 08)		2	2			2	1	1	2	2		2	
3.11 Archive records plan (Jun 08 - Dec 08)	1	2	2			2	2	1	2	2		2	
PA 4: Transparency and Accountability													
4.1 PR./Court Information Strategy (Oct 08 - Jan 09)		1	2			2	0	0	0	2		2	
4.2 Annual Report (Jan 09 - Mar 09)		2	2			2	1	1	2	2		2	
4.3 Random case assignment (Jun 08 - Aug 08)	2	2	2			2	2	2	2	2		2	
Total Points Possible:	42	42	42	42	42	42	44	44	44	44	44	44	
TOTAL POINTS EARNED:	22	36	42	0	0	42	24	24	30	44	0	44	
Percentages:	52%	86%	100%	0%	0%	100.00%	55%	55%	68%	100%	0%	100.00%	
Status:							Model Court						
Special Recognition as Model Court							YES!						

Region I Courts:	BC Mrkonjić Grad						BC Teslić					
No. of Standards Selected:	19						24					
Round of CMT Meetings	1	2	3	4	5	Current Points	1	2	3	4	5	Current Points
PA 1: Public Access to Justice												
1.1 Access to Hearings & Records (Jun 08 - Nov 08)	1	2	2	2		2	2	2	2	2		2
1.2 FOIA compliance (Jun 08 - Sep 08)	0	0	2	2		2	0	0	2	2		2
1.3 Customer service (Sep 08 - Nov 08)	0	1	1	2		2	1	1	2	2		2
PA 2: Governance, Stability, and Administration												
2.1 Change Management Team (Apr 08 - Mar 09)	0	0	2	2		2	0	0	1	2		2
2.2 Court Rules / Book of Rules (Jun 08 - Nov 08)	2	2	2	2		2	2	2	2	2		2
2.3 Internal Communications Plan (Jun 08 - Jul 08)	1	1	2	2		2	1	1	2	2		2
2.4 Strategic Plan (Sep 08 - Dec 08)	N/A	N/A	N/A	N/A		N/A	0	0	0	2		2
2.5 Backlog Reduction Plan (Nov 08 - Feb 09)	2	2	2	2		2	1	1	1	2		2
2.6 Training judges and staff (Aug 08 - Dec 08)	N/A	N/A	N/A	N/A		N/A	0	0	0	2		2
2.7 Public Outreach network (Oct 08 - Mar 09)	N/A	N/A	N/A	N/A		N/A	0	0	0	2		2
2.8 Court Admin. position (Sep 08 - Mar 09)	N/A	N/A	N/A	N/A		N/A	N/A	N/A	N/A	N/A		N/A
PA 3: Efficient and Effective Justice												
3.1 Performance Management system (Jul 08 - Sep 08)	2	2	2	2		2	2	2	2	2		2
3.2 Physical & Technical work envir. (Aug 08 - Mar 09)	1	1	1	2		2	2	2	2	2		2
3.3 Appt. Counsel Eligibility standards (Jun 08 - Mar 09)	0	0	0	2		2	0	0	0	2		2
3.4 Notice of Decisions (Jun 08 - Jul 08)	2	2	2	2		2	2	2	2	2		2
3.5 Mediation (Oct 08 - Jan 09)	N/A	N/A	N/A	N/A		N/A	0	0	0	2		2
3.6 Manual Records M'g'ment Sys. (Jul 08 - Nov 08)	2	2	2	2		2	2	2	2	2		2
3.7 CMS (Jun 08 - Dec 08)	2	2	2	2		2	0	2	2	2		2
3.8 Study Tour to MC (Jun 08 - Aug 08)	N/A	N/A	N/A	N/A		N/A	1	2	2	2		2
3.9 Organize case dept. Staffing (Sep 08 - Oct 08)	0	0	0	2		2	0	0	0	2		2
3.10 Use Audio recording equipment (Oct 08 - Nov 08)	2	1	1	2		2	2	2	2	2		2
3.11 Archive records plan (Jun 08 - Dec 08)	1	1	1	2		2	2	2	2	2		2
PA 4: Transparency and Accountability												
4.1 P.R./Court Information Strategy (Oct 08 - Jan 09)	0	0	0	2		2	0	0	0	2		2
4.2 Annual Report (Jan 09 - Mar 09)	2	2	2	2		2	2	2	2	2		2
4.3 Random case assignment (Jun 08 - Aug 08)	2	2	2	2		2	2	2	2	2		2
Total Points Possible:	38	38	38	38	38	38	48	48	48	48	48	48
TOTAL POINTS EARNED:	22	23	28	38	0	38	24	27	32	48	0	48
Percentage:	58%	61%	74%	100%	0%	100.00%	50%	56%	67%	100%	0%	100.00%
Status:						Model Court						Model Court
Special Recognition as Model Court						YES!						YES!

Region I Courts:	CC Novi Travnik						CC Zenica							
No. of Standards Selected:	24						20							
Round of CMT Meetings	1	2	3	4	5	Current Points	1	2	3	4	5	Current Points		
PA 1: Public Access to Justice														
1.1 Access to Hearings & Records (Jun 08 - Nov 08)	2	2	2	2		2	2	2	2			2		
1.2 FOIA compliance (Jun 08 - Sep 08)	2	2	2	2		2	1	2	2			2		
1.3 Customer service (Sep 08 - Nov 08)	2	2	2	2		2	1	2	2			2		
PA 2: Governance, Stability, and Administration														
2.1 Change Management Team (Apr 08 - Mar 09)	0	0	0	2		2	0	0	2			2		
2.2 Court Rules / Book of Rules (Jun 08 - Nov 08)	2	2	2	2		2	2	2	2			2		
2.3 Internal Communications Plan (Jun 08 - Jul 08)	1	2	2	2		2	2	2	2			2		
2.4 Strategic Plan (Sep 08 - Dec 08)	0	0	0	2		2	N/A	N/A	N/A			N/A		
2.5 Backlog Reduction Plan (Nov 08 - Feb 09)	1	1	2	2		2	1	2	2			2		
2.6 Training judges and staff (Aug 08 - Dec 08)	1	1	1	2		2	0	1	2			2		
2.7 Public Outreach network (Oct 08 - Mar 09)	1	1	2	2		2	N/A	N/A	N/A			N/A		
2.8 Court Admin. position (Sep 08 - Mar 09)	N/A	N/A	N/A	N/A		N/A	N/A	N/A	N/A			N/A		
PA 3: Efficient and Effective Justice														
3.1 Performance Management system (Jul 08 - Sep 08)	2	2	2	2		2	1	2	2			2		
3.2 Physical & Technical work envir. (Aug 08 - Mar 09)	2	2	2	2		2	2	2	2			2		
3.3 Appt. Counsel Eligibility standards (Jun 08 - Mar 09)	0	0	0	2		2	0	0	2			2		
3.4 Notice of Decisions (Jun 08 - Jul 08)	2	2	2	2		2	2	2	2			2		
3.5 Mediation (Oct 08 - Jan 09)	0	0	0	2		2	N/A	N/A	N/A			N/A		
3.6 Manual Records M'g'ment Sys. (Jul 08 - Nov 08)	1	2	2	2		2	2	2	2			2		
3.7 CMS (Jun 08 - Dec 08)	2	2	2	2		2	0	2	2			2		
3.8 Study Tour to MC (Jun 08 - Aug 08)	1	2	2	2		2	N/A	N/A	N/A			N/A		
3.9 Organize case dept. Staffing (Sep 08 - Oct 08)	2	2	2	2		2	1	2	2			2		
3.10 Use Audio recording equipment (Oct 08 - Nov 08)	2	2	2	2		2	2	2	2			2		
3.11 Archive records plan (Jun 08 - Dec 08)	2	2	2	2		2	2	2	2			2		
PA 4: Transparency and Accountability														
4.1 PR./Court Information Strategy (Oct 08 - Jan 09)	0	0	1	2		2	2	2	2			2		
4.2 Annual Report (Jan 09 - Mar 09)	2	2	2	2		2	2	2	2			2		
4.3 Random case assignment (Jun 08 - Aug 08)	2	2	2	2		2	2	2	2			2		
Total Points Possible:	48	48	48	48	48	48	40	40	40	40	40	40		
TOTAL POINTS EARNED:	32	35	38	48	0	48	27	35	40	0	0	40		
Percentages:	67%	73%	79%	100%	0%	100.00%	68%	88%	100%	0%	0%	100.00%		
Status:							Model Court							Model Court
Special Recognition as Model Court							YES!							YES!

Region I Courts:	MC Zenica						BC E.Sarajevo					
No. of Standards Selected:	24						20					
Round of CMT Meetings	1	2	3	4	5	Current Points	1	2	3	4	5	Current Points
PA 1: Public Access to Justice												
1.1 Access to Hearings & Records (Jun 08 - Nov 08)	2	2	2			2	2	2	2			2
1.2 FOIA compliance (Jun 08 - Sep 08)	2	2	2			2	0	0	2			2
1.3 Customer service (Sep 08 - Nov 08)	2	2	2			2	1	1	2			2
PA 2: Governance, Stability, and Administration												
2.1 Change Management Team (Apr 08 - Mar 09)	1	1	2			2	0	0	1			1
2.2 Court Rules / Book of Rules (Jun 08 - Nov 08)	2	2	2			2	2	2	2			2
2.3 Internal Communications Plan (Jun 08 - Jul 08)	1	2	2			2	1	2	2			2
2.4 Strategic Plan (Sep 08 - Dec 08)	0	0	2			2	N/A	N/A	N/A			N/A
2.5 Backlog Reduction Plan (Nov 08 - Feb 09)	2	2	2			2	N/A	N/A	N/A			N/A
2.6 Training judges and staff (Aug 08 - Dec 08)	0	0	2			2	0	0	1			1
2.7 Public Outreach network (Oct 08 - Mar 09)	0	0	2			2	0	0	1			1
2.8 Court Admin. position (Sep 08 - Mar 09)	N/A	N/A	N/A			N/A	N/A	N/A	N/A			N/A
PA 3: Efficient and Effective Justice												
3.1 Performance Management system (Jul 08 - Sep 08)	1	2	2			2	2	2	2			2
3.2 Physical & Technical work envir. (Aug 08 - Mar 09)	2	2	2			2	2	2	2			2
3.3 Appt. Counsel Eligibility standards (Jun 08 - Mar 09)	1	0	2			2	0	0	2			2
3.4 Notice of Decisions (Jun 08 - Jul 08)	2	2	2			2	2	2	2			2
3.5 Mediation (Oct 08 - Jan 09)	0	2	2			2	N/A	N/A	N/A			N/A
3.6 Manual Records M'g'ment Sys. (Jul 08 - Nov 08)	2	2	2			2	2	2	2			2
3.7 CMS (Jun 08 - Dec 08)	0	2	2			2	1	2	2			2
3.8 Study Tour to MC (Jun 08 - Aug 08)	2	2	2			2	N/A	N/A	N/A			N/A
3.9 Organize case dept. Staffing (Sep 08 - Oct 08)	1	2	2			2	0	0	2			2
3.10 Use Audio recording equipment (Oct 08 - Nov 08)	2	2	2			2	2	2	2			2
3.11 Archive records plan (Jun 08 - Dec 08)	2	2	2			2	2	2	2			2
PA 4: Transparency and Accountability												
4.1 P.R./Court Information Strategy (Oct 08 - Jan 09)	2	2	2			2	0	0	2			2
4.2 Annual Report (Jan 09 - Mar 09)	2	2	2			2	2	2	2			2
4.3 Random case assignment (Jun 08 - Aug 08)	2	2	2			2	2	2	2			2
Total Points Possible:	48	48	48	48	48	48	0	0	0	0	0	0
TOTAL POINTS EARNED:	33	39	48	0	0	48	23	25	37	0	0	37
Percentage:	69%	81%	100%	0%	0%	100.00%	58%	63%	93%	0%	0%	92.50%
Status:						Model Court						Model Court
Special Recognition as Model Court						YES!						No

Region I Courts:	MC Travnik						CC Sarajevo					
No. of Standards Selected:	24						23					
Round of CMT Meetings	1	2	3	4	5	Current Points	1	2	3	4	5	Current Points
PA 1: Public Access to Justice												
1.1 Access to Hearings & Records (Jun 08 - Nov 08)	1	2	2			2	2	2	2	2		2
1.2 FOIA compliance (Jun 08 - Sep 08)	2	2	2			2	0	1	1	2		2
1.3 Customer service (Sep 08 - Nov 08)	2	2	2			2	1	1	1	2		2
PA 2: Governance, Stability, and Administration												
2.1 Change Management Team (Apr 08 - Mar 09)	0	0	2			2	0	0	0	2		2
2.2 Court Rules / Book of Rules (Jun 08 - Nov 08)	2	2	2			2	2	2	2	2		2
2.3 Internal Communications Plan (Jun 08 - Jul 08)	1	2	2			2	2	2	2	2		2
2.4 Strategic Plan (Sep 08 - Dec 08)	0	0	1			1	0	0	0	2		2
2.5 Backlog Reduction Plan (Nov 08 - Feb 09)	2	2	2			2	1	1	1	2		2
2.6 Training judges and staff (Aug 08 - Dec 08)	1	1	2			2	0	0	1	2		2
2.7 Public Outreach network (Oct 08 - Mar 09)	0	0	1			1	0	0	0	2		2
2.8 Court Admin. position (Sep 08 - Mar 09)	N/A	N/A	N/A			N/A	N/A	N/A	N/A	N/A	N/A	N/A
PA 3: Efficient and Effective Justice												
3.1 Performance Management system (Jul 08 - Sep 08)	0	0	2			2	2	2	2	2		2
3.2 Physical & Technical work envir. (Aug 08 - Mar 09)	1	2	2			2	2	2	2	2		2
3.3 Appt. Counsel Eligibility standards (Jun 08 - Mar 09)	2	2	2			2	2	0	0	2		2
3.4 Notice of Decisions (Jun 08 - Jul 08)	2	2	2			2	2	2	2	2		2
3.5 Mediation (Oct 08 - Jan 09)	1	1	2			2	N/A	N/A	N/A	N/A	N/A	N/A
3.6 Manual Records M'g'ment Sys. (Jul 08 - Nov 08)	2	2	2			2	2	2	2	2		2
3.7 CMS (Jun 08 - Dec 08)	2	2	2			2	1	1	1	2		2
3.8 Study Tour to MC (Jun 08 - Aug 08)	1	2	2			2	0	2	2	2		2
3.9 Organize case dept. Staffing (Sep 08 - Oct 08)	1	1	2			2	0	1	2	2		2
3.10 Use Audio recording equipment (Oct 08 - Nov 08)	1	1	2			2	1	2	2	2		2
3.11 Archive records plan (Jun 08 - Dec 08)	2	2	2			2	2	2	2	2		2
PA 4: Transparency and Accountability												
4.1 PR./Court Information Strategy (Oct 08 - Jan 09)	0	1	2			2	0	1	1	2		2
4.2 Annual Report (Jan 09 - Mar 09)	2	2	2			2	2	2	2	2		2
4.3 Random case assignment (Jun 08 - Aug 08)	2	2	2			2	2	2	2	2		2
Total Points Possible:	0	0	0	0	0	44	48	48	48	48	48	48
TOTAL POINTS EARNED:	30	35	46	0	0	46	26	30	32	46	0	46
Percentages:	63%	73%	96%	0%	0%	95.83%	57%	65%	70%	100%	0%	100.00%
Status:						Model Court						Model Court
Special Recognition as Model Court						No						YES!

Region I Courts:	MC Kakanj						BC Vlasenica							
No. of Standards Selected:	20						21							
Round of CMT Meetings	1	2	3	4	5	Current Points	1	2	3	4	5	Current Points		
PA 1: Public Access to Justice														
1.1 Access to Hearings & Records (Jun 08 - Nov 08)	1	1	1	2		2	1	2	2	2		2		
1.2 FOIA compliance (Jun 08 - Sep 08)	0	0	1	2		2	1	1	2	2		2		
1.3 Customer service (Sep 08 - Nov 08)	1	1	1	2		2	2	2	2	2		2		
PA 2: Governance, Stability, and Administration														
2.1 Change Management Team (Apr 08 - Mar 09)	0	0	0	2		2	0	0	0	2		2		
2.2 Court Rules / Book of Rules (Jun 08 - Nov 08)	1	1	1	2		2	1	1	1	2		2		
2.3 Internal Communications Plan (Jun 08 - Jul 08)	1	1	1	2		2	1	1	2	2		2		
2.4 Strategic Plan (Sep 08 - Dec 08)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
2.5 Backlog Reduction Plan (Nov 08 - Feb 09)	1	1	1	2		2	N/A	N/A	N/A	N/A	N/A	N/A		
2.6 Training judges and staff (Aug 08 - Dec 08)	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0	0		0		
2.7 Public Outreach network (Oct 08 - Mar 09)	N/A	N/A	N/A	N/A	N/A	N/A	0	0	1	1		1		
2.8 Court Admin. position (Sep 08 - Mar 09)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
PA 3: Efficient and Effective Justice														
3.1 Performance Management system (Jul 08 - Sep 08)	2	2	2	2		2	2	2	2	2		2		
3.2 Physical & Technical work envir. (Aug 08 - Mar 09)	1	1	1	2		1	1	1	1	2		2		
3.3 Appt. Counsel Eligibility standards (Jun 08 - Mar 09)	0	0	0	2		2	0	0	0	2		2		
3.4 Notice of Decisions (Jun 08 - Jul 08)	1	1	2	2		2	2	2	2	2		2		
3.5 Mediation (Oct 08 - Jan 09)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
3.6 Manual Records M'g'ment Sys. (Jul 08 - Nov 08)	0	1	2	2		2	2	2	2	2		2		
3.7 CMS (Jun 08 - Dec 08)	0	0	1	2		2	1	1	1	2		2		
3.8 Study Tour to MC (Jun 08 - Aug 08)	0	2	2	2		2	1	2	2	2		2		
3.9 Organize case dept. Staffing (Sep 08 - Oct 08)	0	0	0	2		2	0	0	0	1		1		
3.10 Use Audio recording equipment (Oct 08 - Nov 08)	0	0	0	1		1	1	1	1	2		2		
3.11 Archive records plan (Jun 08 - Dec 08)	1	1	1	2		2	1	1	1	2		2		
PA 4: Transparency and Accountability														
4.1 P.R./Court Information Strategy (Oct 08 - Jan 09)	0	0	0	2		2	0	0	0	2		2		
4.2 Annual Report (Jan 09 - Mar 09)	2	2	2	2		2	2	2	2	2		2		
4.3 Random case assignment (Jun 08 - Aug 08)	2	2	2	2		2	2	2	2	2		2		
Total Points Possible:	40	40	40	40	40	40	42	42	42	42	42	42		
TOTAL POINTS EARNED:	14	17	21	39	0	38	21	23	26	38	0	38		
Percentage:	35%	43%	53%	98%	0%	95.00%	50%	55%	62%	90%	0%	90.48%		
Status:							Model Court							Model Court
Special Recognition as Model Court							No							No

Region I Courts: No. of Standards Selected:	BC Trebinje						BC Sokolac							
	21						20							
Round of CMT Meetings	1	2	3	4	5	Current Points	1	2	3	4	5	Current Points		
PA 1: Public Access to Justice														
1.1 Access to Hearings & Records (Jun 08 - Nov 08)	0	1	2	2		2	2	2	2			2		
1.2 FOIA compliance (Jun 08 - Sep 08)	1	1	1	2		2	1	1	2			2		
1.3 Customer service (Sep 08 - Nov 08)	1	1	1	2		2	1	2	2			2		
PA 2: Governance, Stability, and Administration														
2.1 Change Management Team (Apr 08 - Mar 09)	0	0	0	2		2	0	0	2			2		
2.2 Court Rules / Book of Rules (Jun 08 - Nov 08)	1	1	1	1		1	2	2	2			2		
2.3 Internal Communications Plan (Jun 08 - Jul 08)	1	1	2	2		2	1	2	2			2		
2.4 Strategic Plan (Sep 08 - Dec 08)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
2.5 Backlog Reduction Plan (Nov 08 - Feb 09)	1	1	1	1		2	1	2	2			2		
2.6 Training judges and staff (Aug 08 - Dec 08)	0	0	0	0		0	N/A	N/A	N/A	N/A	N/A	N/A		
2.7 Public Outreach network (Oct 08 - Mar 09)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
2.8 Court Admin. position (Sep 08 - Mar 09)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
PA 3: Efficient and Effective Justice														
3.1 Performance Management system (Jul 08 - Sep 08)	2	2	2	2		2	2	2	2			2		
3.2 Physical & Technical work envir. (Aug 08 - Mar 09)	1	1	1	2		2	2	2	2			2		
3.3 Appt. Counsel Eligibility standards (Jun 08 - Mar 09)	0	0	0	2		2	0	1	2			2		
3.4 Notice of Decisions (Jun 08 - Jul 08)	1	2	2	2		2	2	2	2			2		
3.5 Mediation (Oct 08 - Jan 09)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
3.6 Manual Records M'g'ment Sys. (Jul 08 - Nov 08)	0	0	0	2		2	2	2	2			2		
3.7 CMS (Jun 08 - Dec 08)	0	0	0	1		1	1	2	2			2		
3.8 Study Tour to MC (Jun 08 - Aug 08)	0	0	0	2		2	2	2	2			2		
3.9 Organize case dept. Staffing (Sep 08 - Oct 08)	0	0	0	2		2	0	0	2			2		
3.10 Use Audio recording equipment (Oct 08 - Nov 08)	1	1	1	2		2	1	2	2			2		
3.11 Archive records plan (Jun 08 - Dec 08)	1	1	1	1		2	2	2	2			2		
PA 4: Transparency and Accountability														
4.1 PR./Court Information Strategy (Oct 08 - Jan 09)	0	0	0	1		2	0	0	2			2		
4.2 Annual Report (Jan 09 - Mar 09)	2	2	2	1		2	2	2	2			2		
4.3 Random case assignment (Jun 08 - Aug 08)	2	2	2	2		2	2	2	2			2		
Total Points Possible:	48	48	48	48	48	48	48	48	48	48	48	48		
TOTAL POINTS EARNED:	15	17	19	34	0	38	26	32	40	0	0	40		
Percentages:	31%	35%	40%	71%	0%	90.48%	54%	67%	83%	0%	0%	100.00%		
Status:							Model Court							Model Court
Special Recognition as Model Court							No							YES!

Region I Courts:	MC Sarajevo						MC Mostar					
No. of Standards Selected:	23						21					
Round of CMT Meetings	1	2	3	4	5	Current Points	1	2	3	4	5	Current Points
PA 1: Public Access to Justice												
1.1 Access to Hearings & Records (Jun 08 - Nov 08)	2	2	2			2	1	2	2			2
1.2 FOIA compliance (Jun 08 - Sep 08)	2	2	2			2	2	2	2			2
1.3 Customer service (Sep 08 - Nov 08)	2	2	2			2	2	2	2			2
PA 2: Governance, Stability, and Administration												
2.1 Change Management Team (Apr 08 - Mar 09)	1	1	2			2	0	0	2			2
2.2 Court Rules / Book of Rules (Jun 08 - Nov 08)	1	1	2			2	2	2	2			2
2.3 Internal Communications Plan (Jun 08 - Jul 08)	2	2	2			2	1	2	2			2
2.4 Strategic Plan (Sep 08 - Dec 08)	1	1	1			2	N/A	N/A	N/A	N/A	N/A	N/A
2.5 Backlog Reduction Plan (Nov 08 - Feb 09)	2	2	2			2	1	2	2			2
2.6 Training judges and staff (Aug 08 - Dec 08)	N/A	N/A	N/A	N/A	N/A	N/A	1	1	2			2
2.7 Public Outreach network (Oct 08 - Mar 09)	N/A	N/A	N/A	N/A	N/A	N/A	0	1	2			2
2.8 Court Admin. position (Sep 08 - Mar 09)	2	2	2			2	N/A	N/A	N/A	N/A	N/A	N/A
PA 3: Efficient and Effective Justice												
3.1 Performance Management system (Jul 08 - Sep 08)	2	2	2			2	2	2	2			2
3.2 Physical & Technical work envir. (Aug 08 - Mar 09)	2	2	2			2	2	2	2			2
3.3 Appt. Counsel Eligibility standards (Jun 08 - Mar 09)	2	2	2			2	2	0	2			2
3.4 Notice of Decisions (Jun 08 - Jul 08)	2	2	2			2	2	2	2			2
3.5 Mediation (Oct 08 - Jan 09)	2	2	2			2	N/A	N/A	N/A	N/A	N/A	N/A
3.6 Manual Records M'g'ment Sys. (Jul 08 - Nov 08)	2	2	2			2	2	2	2			2
3.7 CMS (Jun 08 - Dec 08)	2	2	2			2	2	2	2			2
3.8 Study Tour to MC (Jun 08 - Aug 08)	2	2	2			2	N/A	N/A	N/A	N/A	N/A	N/A
3.9 Organize case dept. Staffing (Sep 08 - Oct 08)	1	1	1			2	0	0	2			2
3.10 Use Audio recording equipment (Oct 08 - Nov 08)	2	2	2			2	2	2	2			2
3.11 Archive records plan (Jun 08 - Dec 08)	2	2	2			2	2	2	2			2
PA 4: Transparency and Accountability												
4.1 P.R./Court Information Strategy (Oct 08 - Jan 09)	2	2	2			2	0	0	2			2
4.2 Annual Report (Jan 09 - Mar 09)	2	2	2			2	2	2	2			2
4.3 Random case assignment (Jun 08 - Aug 08)	2	2	2			2	2	2	2			2
Total Points Possible:	46	46	46	46	46	46	42	42	42	42	42	42
TOTAL POINTS EARNED:	42	42	44	0	0	46	30	32	42	0	0	42
Percentage:	111%	111%	116%	0%	0%	100.00%	71%	76%	100%	0%	0%	100.00%
Status:						Model Court						Model Court
Special Recognition as Model Court						YES!						YES!

ATTACHMENT 5: LIST OF GRANTS MADE UNDER JSDP

2006 GRANTEES

1. Vasa Prava. “Raising public awareness on access to rights, legislative changes and legal procedures”

The project activities included nine public awareness workshops countrywide involving the following topics: Gender Equality and Protection from Violence, Rights of National Minorities, Integration of Returnees and Refugees into Local Communities and Free Access to Information. In addition, Vasa Prava published workshop results in one of its monthly bulletins. The project activities were conceived to facilitate ongoing legal reforms that for many citizens, particularly vulnerable groups, are unable to follow frequent changes in legislation and therefore lack knowledge about their rights and legal deadlines. The project was implemented successfully. The main indicator for successful results of the project is represented by significantly increased number of beneficiaries that attended the workshops on the above topics.

2. Lex International. “Implementation of the Defamation Act in BiH (with a special reference to legal proceedings against media and journalists)”

With regard to this grant, Lex International targeted the inconsistent enforcement of the Defamation Act on a country-wide basis. Lex International conducted two conferences involving the participation of judges from relevant courts on the implementation of the Law on Defamation. In addition, Lex International broadcast two TV shows on the same topic, both in Sarajevo and Banja Luka. The aim of the conferences was to expose omissions and inadequacies concerning the law’s application. The TV broadcasts in Sarajevo and Banja Luka served aimed to educate the public on significance of the Defamation Act, its impact and inconsistencies, as well as the decriminalization of slander.

3. Center for Information and Legal Aid. “Improvement of transparency and efficiency of work of judicial institutions in Zvornik and Vlasenica through the practical application of the Law on Free Access to Information”

Aiming to enhance efficiency and transparency of the work of judicial institutions in municipalities of Zvornik and Vlasenica, the Center for Information and Legal Aid worked designed and printed a brochure on the Law on Free Access to Information and its application to courts. The Center, with the permission of the local courts, installed information panels in Zvornik and Vlasenica court buildings and organized roundtables with citizens on access to information. In addition, the Center set up a telephone line for access to court information and legal aid. Results of the project were: an increased number of information requests at these courts and a proposal by citizens in Vlasenica to establish a procedure for regular press conferences in order to inform the public about the status of court cases. The Vlasenica court accepted the proposal and instituted a press conference as a regular monthly activity.

4. Center for Freedom of Access to Information. “Implementation of the Freedom of Information Act in the Judiciary of Bosnia and Herzegovina”

The Center for Freedom of Access to Information organized two two-day trainings for 50 judicial officials from all levels of BiH judiciary on application of the Law on Freedom of Access to Information. In addition, the Center gathered information and conducted an assessment of the current practices in local judiciary regarding its compliance with the law and citizens’ requests for information. The Center’s trainings were recognized by the Judicial Training Centres, resulting in signing a memorandum of understanding and the granting of certificates to training participants. The implementation of all four projects began in October 2006 with project durations of either six or nine months. All project activities were implemented in accordance with project timelines with the exception of Center for Freedom of Access to Information, which granted a one-month extension due to the initial delay of project activities

2007 GRANTEES

1. Center for Free Access to Information. Implementation of the Freedom of Information Act (FOIA) in the Judiciary of Bosnia and Herzegovina

This grant was awarded to the association “Center for Free Access to Information” (CSPI) from Sarajevo as a follow-on grant to build upon 2006 program activities. The project provided additional education and raised awareness of the employees of JSDP model courts on practical implementation of the FOIA. Three one-day trainings were organized for 48 officials from the five JSDP model courts in Tuzla (for DC Tuzla and MC Tuzla representatives); Doboj (DC Doboj, BC Doboj and DPO Doboj); and Travnik (MC Travnik). The beneficiary courts now provide information within legal deadlines and allow better access to information via web sites or through press conferences.

2. Center for Informative Legal Aid. Improvement of Transparency and Efficiency of Work of Judicial Institutions in Kalesija and Srebrenica through Practical Application of the Law on Free Access to Information (FOIA)

This is another FOIA-related follow-on grant project carried out by the association “Center for Informative Legal Aid” (CIPP) from Zvornik over a six-month time period. Apart from the main objective stated in its title, the project also aimed to establish permanent communication channels between the grantee and Srebrenica and Kalesija courts in order to facilitate information exchange with citizens, as well as to educate local communities about practical application of FOIA. CIPP signed MoUs with Kalesija and Srebrenica courts; designed, produced and distributed the “Brochure on Practical Application of the FOIA” based on discussions with judicial institutions conducted during four roundtables; set up info panels in the two court buildings; set up telephone lines for providing free legal aid to citizens; organized four radio shows and two press conferences; and produced a website with database containing information on missing persons unreachable by the Srebrenica court. Immediate project outputs are an increase in the number of information requests submitted to Kalesija and Srebrenica courts by 52% and an increase in the quantity of relevant information available to the Srebrenica court.

3. Association of Young Lawyers. Practical Education of Young Lawyers by Case Study Methods

The “Association of Young Lawyers” from Sarajevo has successfully completed this seven-month project on preparing law students and young lawyers for practical work engagement in legal practice by using the case-study methodology. This initiative made a contribution to strengthening the human resource capacity of the judicial sector. At four one-day workshops organized in Banja Luka, Zenica, Tuzla and Mostar distinguished lawyers provided case study-type lectures to a total of 99 young lawyers. A roundtable session with the topic “Better Curriculums for Law Faculties” was then organized in Sarajevo for members of the broader legal and academic community. Another rather ambitious idea was that this project might also contribute to accelerating changes in curriculums of local law schools toward introducing more of a case study methodology. However, current circumstances and resistance of the academic community is preventing major changes in this area.

4. Vesta Humanitarian Organization. Promotion and Education of NGOs on Reform of the Judicial System and its Impact on Women’s Rights

This civic education initiative was carried out by the association “Vesta Humanitarian Organization” over a six-month time period. The project contributed to familiarizing the public with the judicial system and reform activities in the area of women’s rights. It improved the relevant knowledge of NGOs dealing with gender issues. Ten thematic radio shows were produced and broadcast on the basis of information collected from judicial institutions, NGOs and other agencies. In addition, three workshops were organized in Sarajevo, Tuzla and Banja Luka for a total of 73 representatives of these institutions, at which some 7,500 pieces of promotional materials were distributed. The workshop lecturers were prominent judicial and gender issue experts. The radio shows stimulated active involvement of citizens in discussion of judicial reform issues and improved cooperation between the NGOs and the judiciary.

5. Alter Media. Triangle Partnership Development for Media Promotion of the Reform of the Judicial System

Another project focused on media promotion of the judicial reforms was carried out by the association of local radio stations “Alter Media” from Sarajevo. This nine-month initiative improved citizens’ participation in judicial reform activities and also helped educate judicial officials about specific interests of the public and communication with the media. The association produced 16 thematic radio shows covering various topics related to judicial reform. A number of high-level judicial officials participated in these shows. Ten capacity-building workshops also were organized all around the country for representatives of the judiciary, media and local authorities. A platform for long-term cooperation among judicial institutions, associations of judicial professionals, media and local authorities is expected to be set up by signing the Memorandum of Triangle Partnership in the final project stage.

6. Association of Lawyers in the Banking Sector, Sarajevo. Emergence of Notaries and Their Consequences for the Courts in Bosnia and Herzegovina

Through this project, the “Association of Lawyers in the Banking Sector, Sarajevo” raised awareness of the target groups about the newly-introduced notary deed as an executive deed; its advantages and

disadvantages; and its impact on the efficiency of the judicial system. In the long term, this should contribute to increasing the efficiency of banks, land registry offices and court operations through standardization of practices in the area of executive proceedings. Following initial informative activities (mostly via web), the grantee organized a one-day seminar (178 participants); a one-day workshop (112 participants); and a one-day roundtable (60 participants) for lawyers from the banks and largest companies in BiH, as well as for executive judges and land registry employees.

2008 GRANTEE

1. Association for Democratic Initiatives. Survey of NGOs Regarding Consultations in Legislative Drafting

In Year 5 JSDP funded a grant to the Association for Democratic Initiatives (ADI), a regional NGO with Bosnian offices, to carry out a survey of NGOs to be used to facilitate communications between MOJ and civil society on the consultation process. This was followed by a joint workshop where MOJ and NGOs interacted about how to develop a fruitful partnership relationship for public consultations on draft legislation. MOJ proved to be very open to the NGO actors, and a much more collaborative working relationship has developed as a result. ADI did an excellent job in implementing the grant, which was less than \$20,000 in total.

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