



USAID/ Checchi and Company Consulting, Inc.  
Montenegrin Judicial Reform Project



# Court Facility Assessment



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## EXECUTIVE SUMMARY

Early in its Project to support Judicial Reform in the Montenegrin Court system and to establish two new court units and a new Administrative Office of the Courts, USAID/Checchi Judicial Reform Project (the “Project”) initiated a broad-based facilities assessment.. This assessment was performed by a team consisting of the persons listed in **Attachment A**, and was led by Senior Facilities Consultant, Mr. Gerald Thacker. The assessment, which included a component to support the Project’s Information Technology (IT) assessment, court administration assessment, case processing assessment and financial assessment was to conduct an “. . .analysis of court physical facility needs, including renovations required to enhance basic functionality, public access, public service provision and court security. . . .” (The assessment of court IT needs is included as a separate report by the Project’s IT Consultants in **Attachment B** to this report.)

The facilities assessment was also intended to provide the more independent judiciary of Montenegro and its new Administrative Office with the necessary tools to play a greater role in planning and managing the Judiciary’s court facilities, and to provide any necessary facilities support to the Judiciary as it established two new court units and the new Administrative Office.

### **FACILITY ASSESSMENT: METHODOLOGY**

The Deputy Chief of Party (DCoP) and the Project’s local Civil Engineer, in a series of on-site visits to every court facility, developed a building profile for each facility. Building profiles (see **Attachment C-1**) provide information about each facility’s size, age, occupants, construction, and needed repairs. Accurate floor plans for each facility were completed on CAD (computer assisted design) software. The Project also completed a computerized room-by-room inventory of furniture and equipment (see **Attachment C-2**).

In addition to the site visits by the DCoP and the Civil Engineer, the Project’s Senior Facilities Consultant (“Consultant”) and local Legal Advisor visited six of the sites and interviewed the President of the Court at each. The Project team also held several meetings with the Deputy Director and staff of the Department of Public Workst; with the Deputy Director and staff of the Directorate of Public Procurement; and with the head of the Escort Office of the Department of Criminal Sanctions Execution.

The Project team used a local construction firm to develop estimates of more extensive repairs for two locations selected as pilot courts (Kotor and Berane) that will showcase judicial reforms in IT, court administration, and facilities; and

used the Project's local IT consultant and a local electrical engineer to develop a scope of work and cost estimate (later verified by staff of the Department of Public Works) for necessary electrical repairs at the courthouse in Bijelo Polje so that the site could be used as a communications hub for the Judiciary's new wide area network (WAN).

## **FACILITY ASSESSMENT FINDINGS**

With only a few exceptions (notably the facilities for the Herceg Novi and Rozaje Basic Courts and the Supreme Court/Superior Court facility in Podgorica) the court facilities are in very poor condition. Eleven of the facilities are over 30 years old. Government funding has permitted only limited repairs and maintenance from year to year, and many facilities have deteriorated badly from water damage caused by leaking roofs and windows. In addition to roof and window repairs and the interior renovations needed to correct the damages caused by water leaks, none of the facilities provide accessibility for handicapped citizens. It will be extremely expensive to provide full accessibility, considering the age of the facilities and the type of construction generally used.

The Project's Civil Engineer has estimated for budgetary purposes a cost of the most critical repairs (no purely "cosmetic" repairs are included) for each location, which range from about 500 € at a small facility in Zabljak to more than 58,500 € at the larger facility in Kotor, and are likely to be modified higher as more extensive examinations are carried out. The costs of repairs at some locations cannot be estimated without more in-depth surveys.

In addition to the poor condition of most facilities, the facilities are very overcrowded, especially in judges' offices, which average only 18 square meters in the Basic Courts. Traditionally, almost all proceedings, including the formal trial, take place in the judge's office. There is no space in the judges' offices for attorney's to confer with clients or colleagues privately; witnesses can be easily intimidated by defendants and their families and friends; maintaining security of the prisoner is extremely difficult; and the public often cannot find space to attend the proceedings. Courtrooms, of which there are relatively few in the total court system compared to the number of judges), are rarely used.

The Design Guide for the Courts of Montenegro (see **Attachment D**) recommends that when possible, judges' offices where proceedings are routinely held be at least 26 square meters, and that judges make greater use of courtrooms for such proceedings, especially for trials.

## **FACILITY ASSESSMENT CAPITAL PLAN**

It will be critical, considering the lack of government funding for new construction and major alterations and the great need for basic repairs on the current facilities. therefore, for the Judiciary to establish a methodology for prioritizing the repair work that so badly needs to be done, and to confer with the Ministry of Justice, the Department of Public Works, the Directorate of Public Procurement, and the budget office of the government for the work to be funded and accomplished, i.e., in creating a capital plan for the courts of Montenegro..

The first necessary step is to create a long-range facility plan for each court facility that will describe the current situation within the court and any changes in occupancy or operations over a specific period of time (e.g., 5 or 10 years) that will affect the requirements on the building. These requirements can then be compared to the present condition and capabilities of the building.

The first part of developing long range facility plans has been completed in the form of the individual Building Profiles and estimate of repair costs. It remains for the Judiciary and other interested units of the government to determine the other pertinent information about the future demands on each facility, as discussed above. Building projects can be prioritized by the Judiciary, and sorted into appropriate budget years for funding by the government, using criteria such as .

- Health and safety of employees
- Overall building structural integrity
- Security of employees and judicial process
- Operating efficiencies and economies
- Caseload impacted

## **DRAFT OF THE DESIGN GUIDE FOR THE COURTS OF MONTENEGRO**

The guide (see **Attachment D**) is provided for the review and comment by the Judiciary and other units of the government sharing responsibility for court facilities, e.g., the Department of Public Works and the Directorate of Public Procurement. The comments received will then be reconciled by the Project team and a final version published. The major changes recommended in the design guide from current practice are

- Size of Judge's office
  - Trials: 26 m<sup>2</sup>
  - No Trials: 20 m<sup>2</sup>
  - President Judge
    - Where trials are routinely held: 35 m<sup>2</sup>
    - Where no trials are held: 30 m<sup>2</sup>
- Size of Courtroom: 40 m<sup>2</sup>

- Archive: 20 m<sup>2</sup> (minimum)
- Typist: 6 m<sup>2</sup>
- Clerk: 7 m<sup>2</sup>
- Handicapped accessibility (“Architectural Designing” Ernst Neufert)
- Security
  - Separated Circulation of Judges, Public, and Prisoners
  - Increased entrance screening, including use of fixed or handheld equipment
  - Emergency lighting in hallways and stairwells
  - Metal security bars on ground floor windows

### **SPACE FOR NEW COURT UNITS**

The Project team assisted the Chief Justice and the Department of Public Works staff in developing a plan for housing the new court units and Administrative Office within the Supreme Court building, including providing a detailed critique of the first iteration of the plans to incorporate additional security, prisoner circulation, IT requirements, and office space arrangements (see **Attachment F**).

The Project team will continue to assist the Chief Justice and the Department of Public Works in developing final plans for the new units and the Administrative Office. The Project will also fund many of the needed facility changes that are finally approved by the Chief Justice, and will purchase the necessary furniture and IT equipment to make the new units and the Administrative Office functional.

### **OTHER FACILITIES SUPPORT**

In consultation with the Chief Justice, the Project team identified two Basic Court locations to develop as pilot courts: Kotor and Berane. The pilot courts will showcase several reform initiatives, including court administration, case management, and court operations improvements; sound recording of judicial proceedings, and IT equipment and systems. The Project will also fund the purchase of new office equipment and extensive facility repairs in order to make the facilities weather tight, and to repair interior damage resulting from water damage and years of under funded maintenance, as well as make some space alterations for more efficient court operations. The Project team, using local private contractors, developed an estimate of facility repair costs for the two facilities.

In discussions with both the Department of Public Works staff and the staff of the Directorate of Public Procurement, the Project team is developing a method of cooperating with each unit and with the government. The Project will seek written approval by the appropriate government unit to develop statements of work either alone or together with the unit, select contractors, and inspect and approve the final products.

## **FINAL PRESENTATION**

On May 7, 2004, the Project team presented the information in this report to the Chief Justice and representatives from USAID, the Ministry of Justice, the Ministry of Finance, the Department of public Works and the Directorate of Public Procurement. A copy of that presentation is included at **Attachment G**.

Early in its Project to support Judicial Reform in the Montenegrin Court system and to establish two new court units and a new Administrative Office of the Courts, USAID/Checchi Judicial Reform Project (the "Project") initiated a broad-based facilities assessment.. This assessment was performed by a team consisting of the persons listed in Attachment A, and was led by Senior Facilities Consultant, Mr. Gerald Thacker. The assessment, which included a component to support the Project's Information Technology (IT) assessment, court administration assessment, case processing assessment and financial assessment was to conduct an ". . .analysis of court physical facility needs, including renovations required to enhance basic functionality, public access, public service provision and court security. . . ." ( The assessment of court IT needs is included as a separate report by the Project's IT Consultants in Attachment B to this report.)

The facilities assessment was also intended to provide the more independent judiciary of Montenegro and its new Administrative Office with the necessary tools to play a greater role in planning and managing the Judiciary's court facilities. It developed that providing assistance to the Judiciary for establishing the two new court units and the new Administrative Office also had a critical facilities component.

Appropriate facilities are essential to the effective and efficient operations of any judicial system, and are critical to accomplishing the goals of judicial reform:

- Protection of human rights
- Foundation of Economic Development
- Independence of the judiciary
- Timely, consistent, legally-correct resolution of legal disputes
- Reduction of case backlogs
- Transparent, open, responsive and accountable functioning of the courts
- Capacity of the judiciary to formulate and implement changes in court organization, practices and performance over the longer term

Organizations implementing judicial reform measures around the world have found that such initiatives cannot be fully implemented without appropriate facilities and equipment to support them. Indeed, it has been shown again and

again that the lack of appropriate facilities and equipment can seriously impede judicial reform implementation. For example, the use of automated systems for case management and judicial research--which improve the efficiency and accountability of the judiciary, and contribute to the transparency of court operations--cannot be implemented without appropriate furniture, selected for comfort and function, and automation equipment. Such furniture and equipment must have adequate facilities in which to operate: water-tight spaces, sufficient and reliable electrical power, and communications. The appropriate layout of spaces--both in size and arrangement--contribute significantly to the efficiency of court staff. Courtrooms appropriately sized and configured contribute to public access to the judicial system. Even something as minor as adequate signage increases the public's access to the legal system by making it easier for the public to find the right courtroom or clerical office.

### **FACILITY ASSESSMENT: METHODOLOGY**

The Deputy Chief of Party (DCoP) and the Project's local Civil Engineer visited every court facility at least once to develop the following information for each facility through direct examination of each facility and interviews with local judges and court staff:

- Location
- Ownership
- Surrounding context
- Age
- Occupants
- Number of court personnel assigned
- Number of floors
- Setbacks
- Parking and vehicle control
- Landscaping
- Building façade
- Roof construction
- Exterior lighting
- Building services (electrical, telecommunications, water, sewage, etc.)
- Square meters on each floor and the amount of space occupied by court offices
- Court occupants (offices) on each floor
- Interior construction: floor, ceiling, and partitions
- Building access security and controls
- Number of court occupants and functions in each office
- Building support spaces: toilets, storage, service entrances
- Floor plans (in AUTOCAD)

- Listing of highest priority repairs needed, (including those needed to support IT system installation in nine courts outside of Podgorica)
- A room-by-room inventory of furniture and equipment, which was put into computerized format for the courts.

In addition to the site visits by the DCoP and the Civil Engineer, the Project's Senior Facilities Consultant ("Consultant") and local Legal Advisor visited six of the sites and interviewed the President of the Court at each. The Project team also held several meetings with the Deputy Director and staff of the Department of Public Works, which is responsible for executing capital investments for the government; with the Deputy Director and staff of the Directorate of Public Procurement, which is responsible for maintenance and minor repairs of government buildings, including courthouses; and with the head of the Escort Office of the Department of Criminal Sanctions Execution, which is responsible for the transfer of prisoners between the state jail and courthouses, and for guarding prisoners within the courthouses.

The Project team used a local construction firm to develop estimates of more extensive repairs for two locations selected as pilot courts (Kotor and Berane) that will showcase judicial reforms in IT, court administration, and facilities; and used the Project's local IT consultant and a local electrical engineer to develop a scope of work and cost estimate (later verified by staff of the Department of Public Works) for necessary electrical repairs at the courthouse in Bijelo Polje so that the site could be used as a communications hub for the Judiciary's new wide area network (WAN).

At **Attachment C-1** are individual Building Profiles, containing the information described above, for each court facility in Montenegro. In addition, the AUTOCAD floor plans included in each Building Profile are also provided electronically on a CD. (The CD has been previously given to the staffs of the Department of Public Works and the Directorate of Public Procurement.)

Attachment C-2 contains individual Property Inventories of each courthouse, which define the type, size, material, model, serial number, and condition of every item in courthouse. Many of the courts had not previously done an inventory so dates of purchase and cost were unavailable. While the inventories are valuable to the courts the Project also will use them for cost projections as it relates to the Project's overall goals of providing furniture and equipment.

## **FACILITY ASSESSMENT SUMMARY OF FINDINGS**

With only a few exceptions (notably the facilities for the Herceg Novi and Rozaje Basic Courts and the Supreme Court/Superior Court facility in Podgorica) the court facilities are in very poor condition. The table below indicates the age of

each Basic Court facility and the amount of space occupied by the courts in the building.

<b>Location</b>	<b>Year Built</b>	<b>Size (occupied m2)</b>
Bar	1980	1086.94
Berane	1947	339.27
Cetinje	1934	198.55
Herceg Novi	1978 (Rebuilt)	481.47
Kotor	1965	577.12
Plav	1956	158.53
Pljevlja	1969	442.46
Rozaje	1950 (addition/renovation 1997)	383.03
Ulcinj	1986	673.23
Bijelo Polje	1970	928 (Basic & Superior Courts)
Danilovgrad	1960	210.94
Kolasin	1960	266.43
Niksic	1960	895.39
Podgorica	1980	1185.58
Zabljak	1970	127.91

As the table above shows, eleven of the facilities are over 30 years old. Government funding has permitted only limited repairs and maintenance from year to year, and many facilities have deteriorated badly from water damage caused by leaking roofs and windows. Almost no cyclical painting or carpet replacement has been done, except in isolated instances by the building occupants, sometimes at their own expense. The table below summarizes the types of most basic and critical building repairs identified by the Project team in its visits to the sites.

	Roof repair	Basement/foundation	Electrical system repairs	Repair/replace windows	Roof ext. stairs	Repair gutter	Repair toilets	Repair elevator	Repair central heat	Ceep Chimney	Replace ceiling tiles	Paint/plaster interior	Flooring	Alter space	Handicap access	Holding cell
<b>BASIC COURTS</b>																
BAR	x										x	x	x	x	x	
BERANE	x			x						x	x	x				x
CETINJE																
HERCEG NOVI	x										x	x		x	x	
KOTOR	x			x									x			x
PLAV												x				x
PLJEVLJA		x		x								x	x			x
ROZAJE												x				x
ULCINJ	x											x	x			
<b>BASIC COURTS</b>																
BIJELO POLJE			x		x						x	x	x			x
DANILOVGRAD									x		x	x				x
KOLASIN	x						x				x	x				x
NIKSIC	x										x	x				x
PODGORICA								x				x				x
ZABLJAK				x										x		x
<b>COMMERCIAL COURT</b>																
BIJELO POLJE					x											
PODGORICA	x						x							x		x
<b>SUPERIOR COURTS</b>																
BIJELO POLJE					x											
PODGORICA	x			x							x	x	x			x
<b>SUPREME COURT</b>																
PODGORICA																
																x

In addition to roof and window repairs and the interior renovations needed to correct the damages caused by water leaks, none of the facilities provide accessibility for handicapped citizens. It will be extremely expensive to provide full accessibility, considering the age of the facilities and the type of construction generally used. (Although some amelioration is probably possible at almost every location, the cost of providing full accessibility compliance has not been included in the basic repairs cost estimate.)

The Project's Civil Engineer has estimated for budgetary purposes a cost of the most critical repairs (no purely "cosmetic" repairs are included) for each location, as listed on the table below. The cost estimates, which range from about 500 € at a small facility in Zabljak to more than 58,500 € at the larger facility in Kotor, are likely to be modified higher as more extensive examinations are carried out, but the estimates serve to indicate the relative size of the repair work needed. At two locations (Kotor and Berane) more extensive corrective work has already been estimated by a local private firm in order for the facilities to be used as pilot courts for showcasing the Project's reforms in IT and court administration. For those two locations, the table below indicates both the Civil Engineer's estimates for the most critical repairs identified and the higher cost of the more extensive repairs and alterations.

The costs of repairs at some locations cannot be estimated without more in-depth surveys. For example, estimating the cost of repairs to the toilets and elevator at the Basic Court in Podgorica will require evaluation and diagnosis by plumbers and elevator repairers, respectively. Repairs for the facility in Podgorica where the Supreme Court and the Superior Court are located will take

place in conjunction with the realignment within the building to provide space for the new court units and the Administrative Office, which is discussed elsewhere in this report. (The table also differentiates between those Basic Court facilities for which the Project plans to install IT equipment and furniture, and those where the European Union has already done so.)

**BASIC COURTS  
(USAID/Checchi)**

**COSTS (Euros)**

**BERANE  
CETINJE  
HERCEG NOVI**

**27531** without handicapped (**49039**  
Pilot court)

**Court to be relocated**

**7873**

**58540** without handicapped (**84234**  
Pilot court)

**KOTOR  
PLAV  
PLJEVLJA  
ROZAJE  
ULCINJ  
BAR**

**3443** without handicapped

**20629** without handicapped

**3459** without handicapped

**19029**

**43932** does not include new offices

**BASIC COURTS**

**BIJELO POLJE**

**44665** without handicapped and real  
service stairs

**DANILOVGRAD  
KOLASIN  
NIKSIC**

**3510** without handicapped and  
reconnecting central heat

**11735**

**18755** without handicapped

**PODGORICA  
ZABLJAK**

? costs unknown: flooding toilets and  
elevator repairs

**534** without handicapped

**COMMERCIAL COURTS**

**BIJELO POLJE**

**10554**

**PODGORICA**

**9508** without handicapped

**SUPERIOR COURTS**

**BIJELO POLJE  
PODGORICA**

**Included in Basic Court est.**

**Unknown**

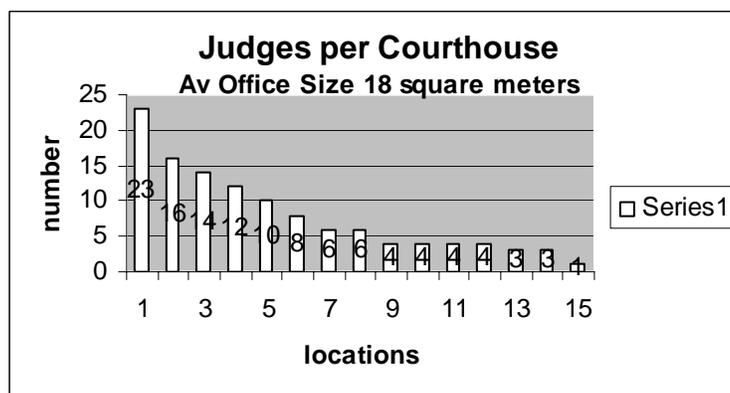
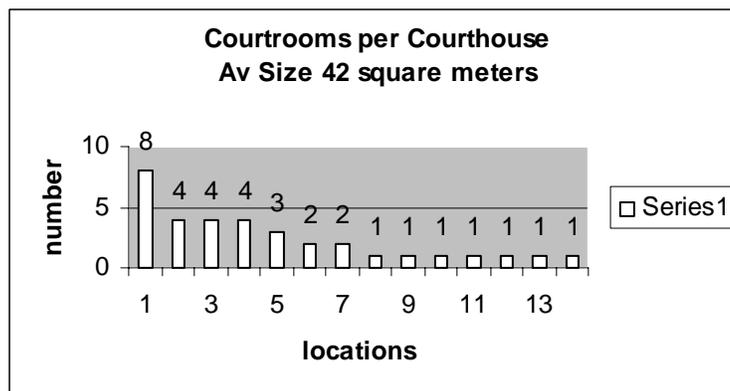
**SUPREME COURT**

**PODGORICA**

**Unknown**

In addition to the poor condition of most facilities, the facilities are very overcrowded. The most critical overcrowding occurs in judges' offices. While this may change because of the recently adopted laws on Criminal and Civil Procedure, the Montenegrin court system is traditionally based on the Continental inquisitorial system rather than the British/US adversarial system. Although the new criminal procedure law gives the prosecutor more responsibility for investigating cases, judges are still intimately involved in every aspect of the case's development. Almost all proceedings, including the formal trial, take place in the judge's office. Courtrooms, of which there are relatively few in the total court system compared to the number of judges (as the table below illustrates for the Basic Courts), are rarely used.

## BASIC COURTS



Judges' offices in the Basic Courts average only 18 square meters. In many courts, the judge's office houses not only the judge, but the work station for the typist who takes notes on proceedings and the legal assistant to the judge. In a typical criminal proceeding with only one defendant, for example, there will also be in the office the defendant, the prosecutor and defense attorney, a security

guard (if the defendant is in custody), judge jurors, witness, and spectators. There is no space for attorney's to confer with clients or colleagues privately; witnesses can be easily intimidated by defendants and their families and friends; maintaining security of the prisoner is extremely difficult; and the public often cannot find space to attend the proceedings.

The Design Guide for the Courts of Montenegro discussed below and included at **Attachment D** recommends that when possible, judges' offices where proceedings are routinely held be at least 26 square meters. Another obvious remedy for the problems of the current practice of holding most judicial proceedings in judges' offices is to make greater use of courtrooms for such proceedings, especially for trials. Greater use of courtrooms of appropriate size will solve many of the current problems caused by cramped space, particularly security concerns and lack of public access to trials. It is unlikely, however, that significant new construction of courtrooms or expansion of judges' offices can take place quickly, considering the lack of government funding for new construction and major alterations and the great need for basic repairs on the current facilities.

## **FACILITY ASSESSMENT CAPITAL PLAN**

The information that has been developed about the condition of the court facilities and the estimate of costs for the most critical repairs will be useful tools for the Judiciary to become knowledgeable partners with other units of the government in making decisions about what work will be done and when. By becoming a more knowledgeable partner, the Judiciary can ensure that the funds that are spent on court facilities further the reform goals of the Judiciary, including fostering more independence for the Judiciary as a separate branch of the government.

It will be critical, therefore, for the Judiciary to establish a methodology for prioritizing the repair work that so badly needs to be done, and to confer with the Ministry of Justice, the Department of Public Works, the Directorate of Public Procurement, and the budget office of the government for the work to be funded and accomplished, i.e., in creating a capital plan for the courts of Montenegro..

The first necessary step in creating a comprehensive, prioritized capital plan is to create a long-range facility plan for each court facility that will describe the current situation within the court and any changes in occupancy or operations over a specific period of time (e.g., 5 or 10 years) that will affect the requirements on the building. These requirements can then be compared to the present condition and capabilities of the building.

For example, it might be projected that additional staffing will need to be housed in the building in year 6 of a 10 years' long plan, and that space presently occupied by non-court offices can be captured and altered for the additional court

staff. The long-range facility plan would then indicate that the non-court staff would have to be moved to another location in year 4 of the plan, and space altered for the additional court staff during year 5 of the plan, in order to have the additional space ready for the new court staff when they arrive in year 6.

Thus, in addition to information about the current conditions and requirements placed on a facility, the long-range plan will also include projections of future needs, and a listing of small and large projects needed over time (along with estimated costs) to enable the facility to meet changing demands. The long-range plans for each facility should be updated periodically (every 2 years or sooner if new information becomes available).

The first part of developing long range facility plans has been completed in the form of the individual Building Profiles and estimate of repair costs. It remains for the Judiciary and other interested units of the government to determine the other pertinent information about the future demands on each facility, as discussed above. When these future demands are compared to the information about each building's current condition as described in the Building Profiles, an inventory developed of building projects—minor maintenance items, repairs, major alterations, and new acquisition (as will be needed for the Basic Court in Cetinje, for example, which has been asked to vacate the space it now occupies in the Municipal Building). These building projects can be more exactly estimated than has been currently done, prioritized by the Judiciary, and sorted into appropriate budget years for funding by the government.

Appropriate prioritizing criteria would include factors such as

- Health and safety of employees
- Overall building structural integrity
- Security of employees and judicial process
- Operating efficiencies and economies
- Caseload impacted

While a capital plan uses appropriate prioritizing criteria to sort the cumulative facilities needs of the judiciary into budget years for funding and execution purposes, the level of funding actually provided is, of course, a controlling factor in how a capital plan is executed and the frequency and extent of its revision.

A sample of the capital plan for new construction of Federal courthouses is included for information at **Attachment E**.

The following listing of locations indicates how the Project team would apply the criteria to individual locations, while recognizing that a critical planning step that must yet be taken by the Judiciary, i.e., assessing what other factors such as staff growth, would affect prioritization of specific projects:

- Bar
- Kotor
- Niksic
- Pljevlja
- Kolasin
- Berane
- Bijelo Polje (Basic and Superior)
- Herceg Novi
- Podgorica-Commercial
- Podgorica-Basic
- Bijelo Polje-Commercial
- Plav
- Danilovgrad
- Ulcinj
- Rozaje
- Cetinje
- Zabljak
- Podgorica-Superior
- Podgorica-Supreme

## **DESIGN GUIDE FOR THE COURTS OF MONTENEGRO**

The last tool developed by the Project team for the use of the Judiciary is a *Design Guide for the Courts of Montenegro*. A design guide contains information about courthouses that differentiates them from other types of government buildings. The information includes topics such as

- the types of spaces found in courthouses, e.g., courtrooms, judges offices, intake offices, and the activities that typically occur in the spaces that would determine appropriate sizes, finishes, electrical and lighting requirements, and so on.
- the appropriate adjacencies for the spaces, i.e., which spaces need to be near other spaces or on specific floors
- appropriate sizes for each type of office, portrayed either as a specific size, i.e., 26 M<sup>2</sup> for Basic Court judges' offices, or as square meters per staff person, which must then be multiplied by the number of staff to occupy the space at a specific location to determine the room size
- requirements that differ from other government buildings or ordinary building regulations for electrical; lighting; security; wall and floor finishes; heating and air-conditioning; telecommunications; location, parking, and siting; landscaping; overall courthouse façade design and appearance; handicapped access and accommodation; and exterior and interior signage.

A draft of the *Design Guide for the Courts of Montenegro* is included at **Attachment D**. The guide is presented for review and comment by the Judiciary and other units of the government sharing responsibility for court facilities, e.g.,

the Department of Public Works and the Directorate of Public Procurement. The comments received will then be reconciled by the Project team and a final version published. The major changes recommended in the design guide from current practice are

- Size of Judge's office
  - Trials: 26 m<sup>2</sup>
  - No Trials: 20 m<sup>2</sup>
  - President Judge
    - Where trials are routinely held: 35 m<sup>2</sup>
    - Where no trials are held: 30 m<sup>2</sup>
- Size of Courtroom: 40 m<sup>2</sup>
- Archive: 20 m<sup>2</sup> (minimum)
- Typist: 6 m<sup>2</sup>
- Clerk: 7 m<sup>2</sup>
- Handicapped accessibility ("Architectural Designing" Ernst Neufert)
- Security
  - Separated Circulation of Judges, Public, and Prisoners
  - Increased entrance screening, including use of fixed or handheld equipment
  - Emergency lighting in hallways and stairwells
  - Metal security bars on ground floor windows

## **SPACE FOR NEW COURT UNITS**

Recent judicial reform legislation created two new court units, the Appellate Court and the Administrative Court; and an Administrative Office of the Court, modeled on the Administrative Office of the US Courts. The legislation set July 1, 2004, as a target date for the establishment of the new court units. The Project was given responsibility for assisting the judiciary in establishing the courts, including providing IT system design, IT equipment, office furniture, case administration and organization, and space design assistance, as required. The IT systems design, identification of the needed equipment and furniture, and case administration/operations suggestions (see **Attachment B**) were completed very quickly, and, in the case of the IT systems, implementation begun. An appropriate physical location for the new court units and the Administrative Office, however, proved to be more problematic, and threatened to delay the selection of judges and meeting of the July 1, 2004, establishment date.

A government facility in Podgorica formerly occupied by the Department of Internal Revenues was initially evaluated by the Department of Public Works and by the Project team. The Project team's evaluation of the advantages and disadvantages of the site were presented to the Chief Justice, who subsequently turned down the site and asked the government to explore co-locating the new units and the Administrative Office with the Supreme Court at its present location.

Project team staff assisted the Chief Justice in developing the idea, which included relocating the State Prosecutors' office and the Misdemeanor Court to another location, and moving part of the Superior Court within the building.

The government eventually identified and acquired a facility near the Supreme Court building (the "Yugobank building") for the relocated units. The Project team assisted the Chief Justice and the Department of Public Works staff in developing a plan for housing the new court units and Administrative Office in the vacated space within the Supreme Court building, including providing a detailed critique of the first iteration of the plans to incorporate additional security, prisoner circulation, IT requirements, and office space arrangements (see **Attachment F**).

The Project team will continue to assist the Chief Justice and the Department of Public Works in developing final plans for the new units and the Administrative Office. The Project will also fund many of the needed facility changes that are finally approved by the Chief Justice, and will purchase the necessary furniture and IT equipment to make the new units and the Administrative Office functional.

### **OTHER FACILITIES SUPPORT**

In consultation with the Chief Justice, the Project team identified two Basic Court locations to develop as pilot courts: Kotor and Berane. The pilot courts will showcase several reform initiatives, including court administration, case management, and court operations improvements; sound recording of judicial proceedings, and IT equipment and systems. The Project will also fund the purchase of new office equipment. It will be necessary to make extensive facility repairs in order to make the facilities weather tight, and to repair interior damage resulting from water damage and years of under funded maintenance, as well as make some space alterations for more efficient court operations. The Project team developed a general scope of work based on the facility assessments previously conducted by the Deputy Chief of Party and the local Civil Engineer. The Project team then obtained the services of a local contractor to develop a more detailed scope and to estimate the cost of repairs.

Work on the pilot courts will be scheduled so that it does not interfere with the Project's highest priority: the establishment of the two new court units and the Administrative Office of the Court.

In discussions with both the Department of Public Works staff and the staff of the Directorate of Public Procurement, the Project team is developing a method of cooperating with each unit and with the government. The Project will seek written approval by the appropriate government unit to develop statements of work either alone or together with the unit, select contractors, and inspect and approve the final products.

It is anticipated that the above method of cooperating with those units traditionally having the responsibility for courthouse improvements will also enable the Project to work in an uncomplicated way with the Department of Public Works and the Directorate of Public Procurement to accomplish other minor work in the locations where it is required to implement the Project's IT work at nine court locations. For example, the electrical system at the Basic Court/Superior Court building in Bijelo Polje is in such dangerously poor condition that it must be replaced in order to use the facility as a communications hub for the judiciary's new WAN. (While Bijelo Polje is not a location where the Project will be providing IT equipment, it is critical for the Project's WAN support.) The Department of Public Works has developed a scope of work and cost estimate in cooperation with the Project, and the Project intends to contract for the work at an early date.

### **FINAL PRESENTATION**

On May 7, 2004, the Project team presented the information in this report to the Chief Justice and representatives from USAID, the Ministry of Justice, the Ministry of Finance, the Department of public Works and the Directorate of Public Procurement. A copy of that presentation is included at **Attachment G**.