



**USAID** | **RULE OF LAW**  
FROM THE AMERICAN PEOPLE PROGRAM IN ALBANIA

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MORE ACCOUNTABLE COURTS OPERATING IN  
A MORE TRANSPARENT, ACCOUNTABLE  
AND EFFICIENT MANNER  
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**EXECUTIVE SUMMARY**  
**Final Report**  
**Short Term Technical Assistance to the USAID Rule of Law Program in Albania**

The objective of this consultancy was to provide technical assistance and support assistance related to the United States Agency for International Development (USAID) Rule of Law Program in Albania (ROLP). The ROLP has the objective of creating more accountable courts operating in a more transparent, accountable and efficient manner. The ROLP is assisting 10 Pilot Courts and the Ministry of Justice to improve court performance, accountability and transparency. The ROLP is being carried out by DPK Consulting under Contract No. DFD-I-00-04-00173-00 with the USAID.

This consultancy provided technical assistance in the areas of:

- Effective use of the computerized case management information system
- Improvement in file management systems and case management systems
- Improvement of the making of the record of court proceedings so that it is more reliable, accurate, complete, and transparent.

The objective was achieved by:

- Conducting a review of laws and reports,
- Gathering and analyzing information from visits to four courts, tracking the specific flow of case papers, the utilization of manual registers, indexes and case file folders, and the interaction with two automated case management systems,
- Meetings with the information technology staff of the Ministry of Justice (MoJ), and with Datech, a private software development company under contract with the European Union and administered by the MoJ to finish development of the primary automated system, to determine the status of the automated system,
- Meetings with the legal and court administrative staff of the MoJ to emphasize the need for modification of the laws and rules regarding the use of manual record keeping systems,
- Preparing and presenting programs in a two day Workshop for the Pilot Courts on the:
  - Utilization of automated systems for improving case administration,
  - Next steps in automation in the Albania Judiciary, and
  - Creating and implementing a comprehensive Records Management Program for the Judiciary, including the creation of a Records Retention and Disposition Schedule and the redesign of file folders.
- Preparing recommendations and action plans to further the goals of the ROLP.

The following areas were addressed:

- Capacities and capabilities of the two existing computerized case management systems,
- Case management techniques and processes currently in use in appellate and trial courts,
- Use of the automated systems in the courts,
- Method of making a record of hearings, and making the record and other case information available to the public,
- Current records management practices and procedures, and
- National and individual court Memorandums of Understanding (MOU).

The findings and recommendations in the report include:

- A key element required for achieving the goals of ROLP is the successful modification of the automated case management system known as the Integrated Case Management Information System (ICMIS), and its implementation in the Pilot Courts.
- The current efforts to modify ICMIS are funded by the European Community, in contract with Datech, a private development company. The Albania Ministry of Justice (MoJ) is executing the contract through the efforts of its Information Technology office (IT). It is essential that the ROLP, the EU, the MoJ IT office, and Datech meet on a weekly basis to identify tasks required for modification and installation, assign responsibility for completion of tasks, monitor the completion of tasks, and take corrective action, where necessary.
- After the modifications to ICMIS have been delivered and tested, there are a number of recommendations required to train the courts in its use, and to insure that the ICMIS can be supported and will remain useful to the courts, including hiring and training a sufficient number of support staff and permanent formation of working groups, modifying existing laws and rules regarding the mandated use of manual registers, and equipment to help stabilize the electrical power supply.
- Initiate a formal, inclusive Records Management Program for the Judiciary, including developing and adopting a Records Retention and Destruction Schedule, and redesigning records storage methods,
- Aggressively pursue the actions identified in the MOU's. Specific recommendations are included regarding many of the activities and points of measurement to determine the results of the activities.

The Rule of Law Program has important and attainable objectives that will measurably improve the Albania Judiciary. However, it is very important to the courts and to the success of the ROLP that the ICMIS is finished, installed, and supported. Every effort needs to be made to monitor and support the completion of ICMIS, as outlined above. This effort must then be followed by action on the part of the Albania government to hire sufficient numbers of qualified staff to support this system.

## **1. INTRODUCTION**

### **1.1 OBJECTIVE AND BACKGROUND**

This report is the culmination of a contract to provide short term technical assistance related to the United States Agency for International Development (USAID) Rule of Law Program in Albania (ROLP). The Program has the objective of creating more accountable courts operating in a more transparent, accountable and efficient manner. The ROLP is being carried out by DPK Consulting under Contract No. DFD-I-00-04-00173-00 with the USAID.

The contract included a review of the capacities and capabilities of computerized case management systems, an analysis of case management techniques and processes currently in use in appellate and trial courts, and an analysis of the use of the automated systems in the courts, identification of barriers to the effective use of the selected automated system, and recommendations to overcome those barriers. The method of making a record of hearings was identified, as well as making the record and other case information available to the public. The current state of records management was identified and analyzed. Finally, a review was conducted of the national and individual court Memorandums of Understanding (MOU), and recommendations made concerning the implementation of the MOUs.

### **1.2 METHODOLOGY**

This project was conducted using the following steps: reviewing existing laws and reports, the structure and capabilities of automated systems, collecting information from on-site visits and workshops, developing recommendations, and preparing the final report.

#### **1.2.1 Collection of Data**

Data was collected from a variety of documents, on-site visits to courts, meetings, and workshops, including:

- Review of procedure laws, systems documentation, studies of automated systems, studies and examples of records management systems and methods of taking minutes of hearings, and the Memorandums of Understanding,.
- Visits to four courts: Supreme Court, Court of Appeals – Tirana, Serious Crimes Court, and District Court of Durres. These courts were selected because they represented a range of the status of automation, and three of the courts are Pilot Courts. In each court, the following steps were taken:
  - Opening interviews were conducted with the Chairman and/or designated staff, when the purpose of the study and of the visit was explained, and information was gathered concerning the status of automation in case processing.
  - On-site analysis was focused on the use of automation in case processing.
- Meetings with the Ministry of Justice Information and Technology staff to determine the status of the continuing design efforts of the selected automated system.
- Meeting with the Ministry of Justice legal staff and court administration staff to review the desirability of having flexibility in the law to permit electronic storage of items of information, rather than requiring the use of manual registries and other books.
- Meeting with Datech, the private software development company under contract to complete the design of the selected automated system.
- Meeting with the High Court of Justice to discuss the current status and remaining work to be done for full automation of the Judiciary
- Workshop with the ten Pilot Courts, consisting of the Chairman and the Chancellor to make presentations concerning the activities to be conducted within the Pilot Courts, to gather suggestions and comments, and respond to questions from the Pilot Courts.

### **1.2.2 Preparation of the Final Report**

The final report was prepared, taking into account information gathered from the:

- General principles of effective and efficient case management, records management, and the use of automation in the courts,
- Review of existing documents and reports,
- Visits to the courts and agencies, and
- Meetings and the Workshop.

### **1.3 ORGANIZATION OF REPORT**

The Report is organized in the following sections:

- Description and Assessment of the Current Status of Case Management in the Visited Courts, including
  - Automated Systems
  - Current Case Processing Methods and Techniques
  - Preparation Of The Official Court Record, And Public Access To The Records Of The Courts
  - Records Management Practices
  - Recommendations and Action Plans for Improving Case Management
- Review of the Memorandums of Understanding, and Recommendations for Implementation
- Recommendations for Future Consultancies
- Appendices

## **2. DESCRIPTION, ASSESSMENT OF CURRENT STATUS OF CASE MANAGEMENT AND RECOMMENDATIONS FOR IMPROVEMENT**

The Albania Courts use a system of manual registries and manual indexes to manage and control the flow of cases. The registries are listed in various laws and orders (for example, ORDER No. 1830 date April 3, 2001 'On Approval of Regulation 'On Organization and Functioning of Judicial Administration'). An extract of Order No. 1830 pertaining specifically to the registers and indexes is included as Appendix 1. In addition, the courts that were visited used automated case management systems in varying degrees, and for varying purposes.

### **AUTOMATED SYSTEMS**

There are two case management systems currently in use in the Albania Courts. The first system is commonly referred to as Ark-IT, after the name of the private development company that designed and implemented the system. The second system is referred to as the Integrated Case Management Information System (ICMIS).

The Ark-IT system was funded by a USAID project and by the SOROS Foundation and implemented by the East-West Management Institute starting in 2002. It was developed, implemented and installed by Ark-IT. The system is currently in use in seven courts, three of which are Pilot Courts.

The ICMIS was funded by the World Bank. Beginning in 2000, it began as a civil case management system, known as CCMIS. This system was later selected by the Government of Albania in 2006 for modification to include criminal cases, and to be installed country-wide. It was at this point that the system began being referred to as ICMIS. This modification effort is being funded by the European Union through a contract with Datech, a private software development company in Tirana, Albania. The contract for modification and correction is being

directed by the Albania Ministry of Justice (MoJ), which owns the source code for CCMIS/ICMIS.

The design, operation and functionality of both systems were observed. During the course of this consultancy, it was pointed out that the courts using Ark-IT considered it to be a working system that met their needs, and that ICMIS was not yet capable of replacing Ark-IT. It was therefore determined that both systems should be included in the assessment, but not to re-examine the decision to implement ICMIS on a national basis. Instead, the purpose was to determine the status and functionality of both systems, and to identify any remaining tasks facing the full realization of the ICMIS.

### **Summary of the Analysis Leading to the Selection of CCMIS as Compared with Ark-IT**

This topic is addressed in this report because of the frequent referral to the choice of CMMIS during the conduct of this consultancy. Inclusion of the summary presented below does not constitute an endorsement or concurrence with the conclusions reached by the evaluators. It is presented solely in the interest of providing a comprehensive description and assessment of the state of automation in the Albania Judiciary.

Euralius (European Assistance Mission to the Albanian Justice System) analyzed Ark-IT and CMMIS in 2006 to determine which system was the most desirable. Euralius would then fund the continued development and expansion of the most desirable system. (Report available at [www.euralius.org.al](http://www.euralius.org.al))

The result of the analysis led Euralius to conclude that “The CCMIS System clearly outweighs the Ark-IT System” (Report at p. 19). The report analyzed each system on several points, including the general technical features of the system, and ownership of the source code.

The CCMIS is a client-server application, web-based system. Both the data and the program are stored on the server. The system is accessed by the internet browser on each PC connected to a server. As long as a PC can be connected to the server and has an internet browser, the system can be accessed. In addition, changes to the system can be made to the server, which then become immediately accessible to all PCs. Finally, its web-based system (with the computer screens appearing as a web page), allows information to be readily expanded to other systems such as information kiosks.

The CCMIS source code is owned by the Government of Albania. Therefore, there are no license fees, and the Government can use and update the system without having to rely upon any particular vendor. The government also has all of the documentation for the system.

The Ark-IT is a client application. The data is stored on the server, while the program is stored on each computer. This means that any change in the program, such as a new field, a modified screen, or a new report, must be loaded on each PC. When the case management information system becomes fully installed throughout Albania, this would become unmanageable. Finally, the Euralius report cited studies that show that only 3% to 5% of the large European companies are using or purchasing client applications (Report at p. 18)

The Ark-IT system is privately owned, requiring annual license fees. Any changes have to be made through the private company.

It was also noted that Ark-IT displays all information about a case, even though by law some information should be private. This becomes particularly problematic given that Albania has

recently passed a law concerning the protection of private information to place it in conformance with the European Union regulations.

In summary, the systems architecture and ownership of the system led to the conclusion that the CCMIS was clearly favorable as a choice for continued development and support.

### **Ark-IT System**

The Ark-IT system was observed in operation at the Serious Crimes Court. Based on direct observations, and conversations with the Chairman, the Chancellor, and the information technology specialist in the Court, the system provides all of the functions needed by the Court. It will record all information about the processing of a case from the initial filing through interim actions, final disposition, and archiving of a case. The system will also produce all statistical reports required by the Court and by the MoJ. Although the system was observed processing only a criminal case, it clearly has the capability of also processing civil cases.

An additional feature is the automatic assignment of cases to judges. By design, it is not fully random. It first adjusts for the number of pending cases for each judge, and then by type of case. The system is designed to allow the Chairman to overrule the case assignment.

The system is also accessible from kiosks in the public areas of the court, and on a web site. Members of the public can determine the status of a case, and observe the case history, from these sites. This includes the orders and decisions of a case. The calendar of hearings for the court is also available. The Chairman informed us that members of the media frequently use this access point, and will ask penetrating questions based on the information, such as the reason for a delay in the issuance of a decision.

The system has an appropriate security structure controlled by passwords. According to the Chairman, the system is routinely backed up to a remote location, although not in Albania, or to a central location in the Albania Courts.

### **Integrated Case Management Information System (ICMIS)**

The predecessor of ICMIS, CCMIS, has been installed in most of the courts in Albania. The newer development, ICMIS, has been installed in several courts, with plans to install throughout all courts. The seven courts that are using Ark-IT are not using any aspect of the CCMIS or ICMIS.

The operations and functionality of ICMIS was observed in the Supreme Court, the Tirana Court of Appeals, and the Durres District Court. The design concepts employed in the underlying data base structure reflect an understanding of the requirements of a case management system. The system is designed to record all information about the processing a case from the initial filing through interim actions, final disposition, and archiving of a case.

Court staff were observed entering information into the system in the Supreme Court and in the Durres District Court. This was done for all phases of the processing of cases. The system automatically assigns cases to judges. By design, it is not fully random. It first adjusts for the number of pending cases for each judge, and then by type of case. The system is designed to allow the Chairman to overrule the case assignment.

This system is not yet fully functional. There are generally two types of work remaining to be accomplished. **First**, there are problems with existing functions that are not working properly. In spite of these problems, it is noted that in several courts the data was being carefully and

dutifully entered, even given the problems with the system. **Second**, there are required functions that have not been included. This type of work may require changes to both the underlying data base structure to capture additional items of information, and the programs that accept, process, and display information. For example, the system is not yet capable of producing the required statistical reports for the judges and the MoJ.

As mentioned previously, the IT staff of the MoJ is implementing the contract with Datech by directing the work of amending the system to meet unmet needs and to correct problems. According to the European Union, the contract with Datech is still in force until all necessary changes have been made and approved by the Ministry of Justice and the European Union. In addition, Datech is responsible for providing maintenance on the system and internet access to the courts for one year after approval of the software.

To help guide its efforts, the Minister of Justice created a Working Group consisting of:

- Minister of Justice
- Minister Advisor (former judge)
- IT Advisor
- District Court of Duress Judge
- District Court of Duress Court Secretary
- Two additional IT staff
- Representatives of Datech

During the course of this consultancy, the analysis of the existing system showed that the core of the data base design is appropriate to meeting the needs of a comprehensive automated case management system. The IT staff agreed with that analysis. In addition, there was concurrence that the work remaining to be done was extensive and important, but did not indicate any fundamental design flaw.

The IT staff made available three documents that they just prepared that requested systems information from Datech, and itemized the work remaining to be done on the functionality of the system. The IT staff informed Datech that the documents represented work by the IT staff and the Working Group. In addition, the Minister of Justice was going to review the documents with the Chairmen of all of the courts, and that further changes might be forthcoming.

The documents addressed two areas: requests for information about the design and implementation of the system, and a list of changes and additions to the functioning of the program. The requests for information about the design and implementation of the system include:

- The conceptualization and design of the wide area network, including electronic transfer of information between the courts and among different justice related agencies, and data replication at the MoJ and/or Supreme Court
- A comprehensive description of the central database, including descriptions of each table in the database, and logs that were created by the system
- The conceptualization and design of implementing web home pages and web access to the system
- The conceptualization and specific design elements of security for all aspects of the system, including encryption

The list of changes and additions to the functioning of the program occupied 37 pages. While the specific changes are too numerous to list here, they can be grouped into seven categories:

1. Changes to the names of fields on the computer screens

2. Changes in, or additions to, the “drop-down” fields for allowable values
3. Additional fields, which may require additional tables
4. Increasing the length of text fields
5. Establishment of business rules for “if-then” situations (for example, automatic generation of reports, insertion of a value in a different field, appearance of a sub-menu for additional information)
6. Expansion of searchable fields
7. Definitions of reports, including statistical reports.

An important note is presented here about the automated assignment of cases to judges – lottery procedures. This consultancy was informed that the High Council of Justice is in the process of reviewing options for implementation of the lottery procedures. Programming and implementation of the automated assignment component must, by necessity, wait for the final decision and enactment of the appropriate law or order.

### **Trust and Utilization of Automated Systems**

Regardless of which automated system was being used, all courts were continuing to use all of the manual registers and indexes that were in use before the installation of the system. There are several reasons for this. First, orders and laws seem to continue to require the use of the registers and indexes. Please refer to Appendix 1 as an example.

Second, in the courts using ICMIS, the full functionality required of the system is not yet available. For example, the system does not capture all of the detailed information about criminal cases, or information needed to produce the mandated statistical reports. That information is available in the manual registers, and therefore the courts are continuing to use the manual systems.

Third, there are infrastructure problems that threaten the integrity and availability of the data. The Chairmen and staff made frequent reference to the unreliability of the electrical supply, ranging from power interruptions to serious variations in voltage. It is instructive to note that the Chairman of the Serious Crimes Court was asked if the orders and laws were modified to clearly indicate that registration and indexing of cases could be accomplished electronically, would he be willing to stop using the manual system. Please recall that the Court uses Ark-IT which has the requisite full functionality. His response was that he would stop using the manual systems only if the automated system produced “hard copy” equivalents of indexes and registers.

These concerns and conditions must be addressed before the efforts to improve case processing through automation will be realized. The concerns and conditions are addressed in the Recommendations and Action Plans, presented later.

### **CURRENT CASE PROCESSING METHODS AND TECHNIQUES**

The courts that were observed used both the manual registers and the automated systems. The manual systems were always used to the full extent, while the extent to which data was entered into the automated systems varied among courts.

While there were some variations in the order in which procedures were undertaken, who performed the procedures, and where the procedures were taken, the following description of procedures in the Durres District Court are illustrative. This description applies to both civil and criminal cases.

- When a case is filed with the court, the Chairman reviews and categorizes the case, and returns the papers to the Registry Office.
- Registry Office enters case into ICMIS.
- ICMIS assigns the case to a judge. ICMIS is also used to determine if this case had been previously filed and dismissed.
- The case papers put in case file folder, and staff writes the case information onto the file folder.
- The case information is written in the Fundamental Register.
- The case information is written in the Name Index Book.
- The case file folder is taken to the assigned Judge (the case folder stays with judge or typist until disposed)
- The session secretary - typist that works with the assigned judge prepares the minutes and enters information into system. If there is a computer in the courtroom, these tasks will be performed in the courtroom. Otherwise, the typist takes manual notes for both the minutes and the recording of actions, and uses the computer in an office. Note that not all session secretaries can type.
- The typist uses MS-Word to prepare summons for the hearings. The automated system's text editor will not support the format used for the summons.
- The typist enters case closing information into the system.
- The case file folder is returned to the Registry Office.
- The final decision entered into the Decision Registry, the Fundamental Register and the Name Index.
- The case file folder is retained in Registry Office until the deadline for appeals has passed.
- If there is no appeal, the case file folder is transfer to archives in the court.
- If the case is appealed, the Registry Office prepares the file for transfer to the appeals court.
- After the case is returned from the appellate court, the result of the appellate court's decision is written in the Fundamental Register.
- The Registry Office also keeps a registry for Security Matters (pre-trial detention).

The observed staff was very knowledgeable about their responsibilities, and took those responsibilities seriously. The entries in the automated systems, case file folders and registers were done promptly and legibly. There were no observable stacks of case file folders waiting for action.

There are four problems with the current case processing methods and techniques. First, there is an obvious duplication of effort involved in writing information in the registers and indexes, and entering the same information in the automated systems (in both Ark-IT, and ICMIS). The reasons for this duplication are discussed above in 2.1.4 Trust and Utilization of Automated Systems.

The second problem is inherent in all manual systems: the information required in determining the progress or status of a case is physically located in several locations and in different registers and file folders. For example, in Durres, the case file folder is with the judge until disposition. One would have to either know the name of the assigned judge, or contact the registry office, to gather information. Other courts may have a system in which the judge returns the case file to the registry office until the next scheduled appearance, which then adds a layer of effort to locate the file folder.

The third problem is the lack of space for storing the file folders after a case is finalized. Current laws provide for the establishment of a records retention regulation, but it is our understanding that this has not yet been promulgated. In addition, the national archive is not accepting case file folders, registers or index cards from the courts. This has led to a severe lack of space for storage in the courts, and complicates location and retrieval of closed case files.

The fourth problem is the effort involved in compiling the quarterly statistics required by the MoJ. Information has to be gathered manually from the registers and the file folders, and entered on several reports with a number of columns and rows. It is very labor intensive, prone to error, and requires an individual who is knowledgeable about the case management.

Potential solutions to these problems are presented in the Recommendations section of this report.

### **PREPARATION OF THE OFFICIAL COURT RECORD, AND PUBLIC ACCESS TO THE RECORDS OF THE COURTS**

A key element of public trust and confidence in any Judiciary is transparency. This applies particularly to the written decisions of judges, the record of hearings, and the record of filings and events during the receiving, processing and deciding of a case. The preparation of the official court record includes the publication of judicial decisions and maintenance of the record of the hearings.

The extent to which this can be accomplished with a fully functioning automated case management system is apparent in the Serious Crimes Court. Virtually every aspect of processing a case, minutes of hearings, and written decisions and opinions are available to the public on-line and at a public access kiosk in the courthouse.

This is the exception rather than the rule in Albania. In many courts, the minutes of the hearings are handwritten, because many session secretaries do not know how to type. This, of course, severely restricts the ability of courts to make minutes readily accessible to the public. It is noted that all judicial orders and decisions are eventually typed. It is also noted that the ROLP is letting a contract to teach typing to court personnel, which will significantly improve the public's access to the courts.

Even in courts with computers, typed minutes, orders and decisions may not be produced in a short period of time. Not all courtrooms have computers, requiring that manual notes be kept for typing at a later point in time.

With regard to information about processing cases, the courts using ICMIS courts do not yet have the ability to display this information on web sites, or in the public areas of the courthouses. In addition, it is not known how many courts use the system beyond entering a sufficient amount of information at the beginning of a case to activate the judicial assignment module. As a consequence, in virtually all of the courts, individuals with questions regarding the processing of a case must telephone or go to the courthouse and ask a court staff person to manually retrieve the information.

In summary, it has been conclusively demonstrated that a comprehensive automated system case management system can dramatically increase the public's access to the court system. However, the skills of court staff, the automated case management system, and the availability of automation equipment must all be improved.

## **RECORDS MANAGEMENT PRACTICES**

As previously mentioned, the courts have voiced concern over the state of records and record keeping. During the on-site visits to the courts, the concern was further refined to the growing number of case file folders in the archives of the courts. Inquiries were made if the design of the case file folders could help alleviate this problem.

Experience has shown that these types of problems are symptomatic of the lack of a comprehensive records management program. Redesigning the file folders may be necessary to improve the records management and archives activities of the courts. However, redesigned file folders is almost always not sufficient by itself to result in any significant improvement.

The function of a file folder is to gather and retain the pertinent documents pertaining to both the substance and the processing of a case. The documents pertaining to the substance of a case includes, for example, the document that originated the case, subsequent pleadings and requests for actions, reports of experts, and orders and decisions of the judge. The document pertaining to the processing of a case can include notices about scheduled hearings and service of process.

There are two case folders in use in the district courts, one for criminal cases and one for civil cases. These case folders are also used by the appellate courts, because appeals are perfected by the district courts by forwarding the entire file folder and its contents to the appellate court. The case folders have designated areas for use by the appellate courts. After the appellate court has acted on cases, the case folders are returned to the district courts.

The information collected on the file folder is generally appropriate. There are several components of the design of the file folders that could be improved. First, there is no designated area to indicate the retention period of the case, and the permissible destruction date, if any. Second, the physical design of the file folder will not accommodate the thickness of documents filed in many cases. This is particularly true in the Serious Crimes Court. Finally, there is room on the inside and the back of the folder for additional lines to enter additional hearings and documents, if it is determined to be needed.

The problems with the file folders are relatively easily remedied. However, this cannot be recommended without addressing the larger need for a comprehensive records management program. The recommendations specifically addressing the need for such a program are presented below.

## **RECOMMENDATIONS AND ACTION PLANS FOR IMPROVING CASE MANAGEMENT**

This section presents recommendations and action plans for addressing needs identified in the preceding sections. The recommendations concerning automation address needs identified in Automated Systems, and Preparation of the Official Court Record and Public access to the Records of the Courts. There are also recommendations concerning Records Management Processes.

The statement of work for this consultancy called for an assessment of Current Case Processing Methods and Techniques, and recommendations for improving and simplifying case processing until the automated case processing system is fully implemented. However, after careful analysis, it is recommended that the current case processing continue without change until the implementation of ICMIS. There are three reasons for this:

- The ICMIS system should be in place in the near future – certainly less than one year

- Any change would require rule and/or statutory amendments replacing the current manual registries and indexes with another manual card system – an improvement, but probably not attainable in the short term.
- Modifying the manual system, even for the better, would constitute a major organizational change. This would then be followed very quickly by another major organizational change – implementation of ICMIS.

### **Recommendations Concerning Automated Systems**

The Albania Courts need a comprehensive, full-function automated case management system. Such a system is the backbone upon which modern case management processes can be executed. This system is also essential for improvements in preparing and maintaining the record of hearings, and orders and decisions of the judge. Finally, such a system will open up the entire process and substance of all cases to the public, thereby increasing the public trust and confidence in the courts.

As described earlier in this report, the continued development and installation of the ICMIS is being funded by the European Union under contract with Datech, a private software development company. The execution of the contract is the responsibility of the MoJ, through its IT department. It is clear that there is a commonality of interest among the MoJ, the Albania Judiciary, the EU, and Datech. There is an overriding need for the ROLP to work closely with the EU, the IT staff of the MoJ, and Datech to ensure that the ICMIS efforts are proceeding on schedule.

There are a number of specific recommendations addressing the development, implementation and ongoing support of the automated system. They are discussed next.

### **Coordination of Efforts of Rule of Law Project and European Union (EU)**

It is recommended that weekly meetings be held with staff from the ROLP, the IT office of the MoJ, the EU, and Datech. The first meeting should confirm the list of pending action items, establish responsibility for action for each item, and the deadline of the item. The list of pending items should include requests for information, and data base and programming changes developed by the MoJ, as well as the recommendations presented below in this report. The status of each item should be reviewed, and to the extent that an item has not met the deadline, identify actions that can be taken to complete the items. In addition, any additional item that needs action should be identified at this meeting

### **Complete the Corrections and Modifications to ICMIS**

The first and primary effort must be placed on completing the correction and modification of ICMIS so that the system provides all of the functions required by the courts and the MoJ. As discussed above, the MoJ IT office is directing a contract with Datech, a private software development company, to accomplish this goal. The IT office, together with a District Court Working Group, has developed an extensive list of specific corrections and modifications to be implemented by Datech.

**It is absolutely essential that the items in this list be incorporated into ICMIS.** When this occurs, the courts will be able to begin to utilize the system to meet all of their case processing and reporting requirements, and open their processes to public scrutiny. Without implementation of these items, none of these goals can be realized. It is interesting to note that both the participants in this consultancy and the MoJ IT office concur that the ICMIS is appropriately designed for the task of automated case processing and is virtually complete, but these last items are essential to the system's complete functioning.

After these items are incorporated in the system, testing, implementation and training can be carried out in each of the pilot courts. In addition, the implementation of the wide area network for data transfer, data warehousing, transferring of case data between courts, and accessing information from other agencies such as the prosecutor's office and the prisons can be realized. Additional efforts are required to develop web sites for each court, as well as providing public access to the appropriate sections of the data base containing information about the process and substance of cases through kiosks in the courts or through the web sites. While efforts to implement these items can be made concurrently with the incorporation of the modifications to ICMIS, priority MUST be given to completing the modifications to ICMIS.

### **Acceptance Testing**

After all of the corrections and modifications have been incorporated into the ICMIS, the system must be thoroughly and rigorously tested. A test plan should be developed that will identify each step in data input and processing, and the expected results. The expected results could include data being stored in specified areas, screens, menus or sub-menus appearing, and reports being generated. Elements of the test plan include:

- Selecting testing staff from the ROLP, the IT office of the MoJ, the EU, the courts, and Datech
- Preparing a list of each case type to be tested (for example, civil, criminal, and further subdivision of type such as serious crimes, ordinary crimes)
- Preparing a list of expected results from ICMIS for each function (for example, case registration, scheduling a hearing), such as fields to be populated, sub-menus to appear, and reports to be generated
- Selecting a sample of closed case file folders for each case type and subdivision of type
- Using the selected close case files, court personnel will enter the data, select records or run the reports that would occur during the sequence of case processing
- Comparing the actual results would be compared with the expected results
- Modifying ICMIS to correct any unexpected results
- Final acceptance of the program

It is essential to have a test data base that has all of the changes installed, but no data from cases. It is generally preferable to have a separate test site, such as the Magistrate's School. If the separate test site is not feasible, then arrangements can be made to install the test data base in a court, and have that court's staff input and operate the system during testing.

### **Installation and Training**

After the modifications to the system are accepted, one court should be selected for initial installation and training. It is recommended that the District Court in Durres be chosen for the first installation. The court staff have been actively using the system, are familiar with its operation, and are supportive of the concept of using an automated system. In addition, the court is of a moderate size, and processes all case types.

It is understood that additional computers and printers are planned to be installed in all of the courtrooms in the pilot courts. Every effort should be made to have this equipment installed before installation and training.

It is generally desirable to have a new system installed one court at a time. The staff in each court will have to be trained, and the process can be somewhat disruptive. In addition, having

the same people train each court initially provides continuity in the curriculum, and provides the opportunity to identify and correct any residual problems with the system. After systems are initially installed, new features or modifications can be installed and training can be conducted in multiple locations simultaneously.

A training plan, with manuals, needs to be developed. If the training is to be conducted at the court, a separate room should be set aside with four to five computers connected to the network. Four to five people per training session is an optimal size for training, and reduces disruption to normal court operations.

The primary trainer should be selected based on the knowledge of the courts, and of ICMIS. The primary trainer should be present at all training sessions in the court. It is also good practice to have two court staff designated as assistant trainers. These should be individuals who have expressed interest in the automated system, and who are familiar with all aspects of case processing.

The primary trainer should conduct the first training sessions, assisted by the assistant trainers. After a few training sessions, the assistant trainers should be encouraged to take the lead in conducting sessions. This experience will result in each court having a cadre of trainers that can answer questions from judges and staff, and to train judges and staff in using any new features that are added to ICMIS in the future.

The first two or three courts should be installed and trained one at a time, because of the usefulness of experience and “lessons learned” in the first two to three installations. After two to three courts have had the system successfully installed and users trained, consideration should be given to having two to three training teams, thus speeding the process of national installation.

### **Fast Typing Training**

The ROLP is in the process of selecting vendors to train session secretaries how to touch type. It is essential that this training be completed in advance of installation of ICMIS in the District Courts. Coordination should be made between the conduct of fast typing and the scheduled implementation of ICMIS in each court.

### **Ongoing Support and Development**

Experience has shown that automated case management systems need to be modified to meet new legal and procedural requirements, or development of new case management techniques. There are two key components of providing the capability of supporting and developing any automated system: sufficient support staff, and standing working groups.

#### **Sufficient Numbers of Well Trained Support Staff**

Any automated system requires specialized, highly trained and highly technical service staff. The staff must be able to develop, implement and maintain servers, desktop computers, printers and scanners, local area networks, wide area networks, operating systems, application software, and help desk and service request functions. Without this service capacity, even the best designed and implemented system will fail rapidly.

Each organization will need a different mix of staff abilities, depending upon several factors. These factors include the complexity of the application systems, the number of servers and user computers, the continuity of the capability and brand name of the equipment, the geographic size of the networks, and the sophistication of the users. In addition, automation service staff

will have to be trained constantly to keep informed of the latest technology, its capacities and costs, and possible application to the organization's changing needs.

Another key question is the number of staff required to adequately support an organization's automation system and users. The Mitre Corporation published a technical paper titled "Predicting Staffing Sizes for Maintaining Computer-Networking Infrastructure". The Corporation analyzed available ratios, and found that typical infrastructures had one full time equivalent support staff for every 42 users. The Gartner Company, in a similar study, found that governmental, educational and nonprofit organizations had a ratio of one support staff for every 36 users. A planning figure of one full time equivalent support staff for every 40 users in the Albania Judiciary will probably be adequate.

If possible, additional staff should be hired in advance of purchasing and installing new hardware and software. Every newly hired automation support staff person will have to go through a "learning curve" to understand the mission, operations and functions of the Judiciary, how automation supports the Judiciary, and the specific training and support needs of the users in the Judiciary.

The qualifications of the staff should include training and experience in developing, using and training users in:

- an office suite, such as Microsoft Office,
- data base software, such as SQL Server
- server software,
- operating systems, such as Microsoft XP,
- local area networks,
- wide area networks,
- HTML,
- ASPX,
- Internet access, design of web pages, and security.

In addition to hiring a sufficient number of qualified support staff, it is essential to provide continuous training to the staff. The technical environment is constantly changing, and in-house technical staff must be up to date in all of the latest components and systems.

### **Expansion of the Working Groups, and Creating Standing Working Groups**

During meetings with the MoJ IT office, it was mentioned that the Minister of Justice was considering creating a Working Group for the appellate courts. This is highly recommended, and should be done as soon as possible. While it is anticipated that most of the items for correction and modification of ICMIS will also benefit the appellate courts, there are likely to be some additional features that are necessary and desirable for appellate court purposes. The more quickly these items can be identified the faster ICMIS will move towards completion.

Another important component of providing ongoing support and development is to create national standing working groups. National standing working groups should be composed of judges, court staff, information technology staff, MoJ staff, and leaders and staff from justice community organizations such as prosecutors, members of the bar, prisons, etc.

The national working groups serve two primary functions. First, they provide a point of contact for the systems users who have suggestions for improvement. Second, they provide a focal

point for the analysis of pending and new legislation, and the new or additional requirements that would be placed on the system. After careful analysis by the professional support staff, the groups should be empowered to make recommendations for modifying the system, as appropriate.

In addition to the working groups formed at the national level, each court should consider creating its own working group. A court working group could consist of judges, the chancellor, the court secretary, session secretaries, typists, and registry office staff. As with the national working groups, they could collect information about current operations, and consider new functionalities or current problems. The court working group would then present its findings to the national working group.

### **Change the Laws and Orders Regarding the Use of Registers and Indexes**

The regulations concerning registers, indexes, protocols and books of delivery are quite detailed (see Appendix 1). There are many registers which are in use, and their use is required in the regulations.

It is important to note that not all laws and regulations were searched to identify all requirements for using registers, or requirements defining the contents of registers. This search should be made. Once a comprehensive listing is made, a strategy can be developed for making the necessary changes, described below.

The precise requirements in regulations are necessary when manual systems are being used. The requirements insure that the required information is written in a uniform fashion throughout the courts in Albania. However, that level of precision and detail which requires specific registers and books is detrimental to the efficient use of automated case management systems.

A well designed automated case management system is capable of electronically storing all relevant information about a case. The system is, in fact, an all-encompassing register, capturing all the information that is entered into the manual registers. The automated system also replaces index books or index cards, because any judge or staff person can find one case or a group of cases by entering search criteria into the appropriate computer screens.

Therefore, it is appropriate to consider preparing regulations that permit the implementation of the mandates by electronic means. This will allow staff to enter all information into the system without having to duplicate their efforts by also recording information in manual registers. The regulations could require that the appropriate governmental official (such as the Minister of Justice) approve the system for this purpose. The regulations could also require that automated systems produce automatic and daily print-outs such as:

- When a new case is first entered and saved in the system, a Register Card containing all known information could be automatically printed, as well as a smaller Index Card.
- At the end of each day a transaction log would be printed, organized by case number and showing every addition or change to the data base.
- When a case is disposed, and the time for filing an appeal has passed, a Register/History Card would be printed, to replace the initial Register Card.

Suggested designs for these cards are included in Appendix 2. Note that the holes in the left-hand side of the cards indicate where the cards can be stored in a post binder.

The regulations could certainly require that courts that do not have access to a fully operational automated case management system must continue to use manual registers and index books.

Preparing regulations that recognize the capabilities of an automated case management system will greatly enhance the improvements in efficient and effective management of the Albania Judiciary. Printing out the cards would preserve the case information in the event of an extended power outage, without requiring manually entering the same information in the old registers.

### **Uninterrupted Power Supplies and Line Voltage Conditioners**

In every visit to every court, electrical power went out at least once. In addition, the judges and staff emphasized that electrical power was subject to significant voltage variations. It is essential that all computers and related equipment, such as routers and printers, be protected by voltage stabilizing equipment. Significant fluctuations in voltage are more dangerous to equipment than power outages. Ideally, each courthouse should have voltage stabilizing equipment for the main electrical supply line.

After the voltage stabilizing equipment has been installed, uninterrupted power supplies should protect, in priority order, servers, network devices such as routers and switches, PCs, and printers.

### **Summary**

ICMIS is virtually complete, although significant work remains to be accomplished. Completion of the system, installation and training, and ongoing support will provide significant benefits to the courts and the public. Every effort should be made to ensure the success of this system.

### **Improvement of Records Management**

Before and during the course of this consultancy, a great deal of concern was voiced about the lack of space for storing case folders, and a desire to redesign the file folder to assist in the archiving of a case. However, the design of a file folder, and a definition of its contents for archiving, can only be achieved by designing and applying a rigorous Record Management and Archiving Program.

There are several reasons for initiating and carrying out a records management program. They include:

- Records are essential to any court. Properly stored records allow judges, the participants in a case, and the public, to confirm the filing and disposition of cases and the reasoning behind court decisions.
- Courts produce huge amounts of records, but much of the paper in case file folders may not be necessary to maintain the integrity of the record of a case after the case is closed.
- Unless there is a clear strategy for purging and storing court records, everything is saved.
- There is no more room in the courts, or the government, to store records – leading to disorganized, non-retrievable, deteriorating records. Microfilming and scanning is expensive. Yet there is a need to safeguard and retrieve case files.

The objectives of a records management program include:

- Preserving the integrity of the record of court proceedings,
- Enhancing the ability of judges, attorneys and staff to find and research cases, and
- Minimizing the cost of creating, storing and retrieving case files.

There are several steps in establishing and implementing a records management program. The steps are:

- Create a records retention and disposition schedule
- Establish procedures for storing and purging of documents
- Establish procedures and forms for destruction of records
- Consider records storage alternatives
- Develop and implement a strategy for addressing existing archived records

### **Create a Records Retention and Disposition Schedule**

The core of a records management program is a records retention and disposition schedule. The Minister of Justice has the authority to set regulations for the records of the Judiciary. Therefore, this effort should be lodged with the MoJ, with active participation of the leadership of the Judiciary.

The first step in creating the Schedule is to select and designate staff for this project. A project leader with strong project management skills should be appointed, and assisted by individuals who have court experience, and others who have formal training in archives management.

The next step in this project should be to establish a Records Retention and Disposition Committee. The Committee should review all proposals of the project staff, and make recommendations to the Minister of Justice. The Committee should consist of:

- Judges
- Minister of Justice or representative(s)
- Chancellors
- Court secretaries
- Historians
- Archivists
- Other legal experts

Once the staff and the Committee are in place, the staff should conduct a sample inventory of all case records established and maintained in the court. The inventory should include case file folders, registers, indexes, and other case control documents, such as calendars. The inventory of case file folders must include the range of case types (civil, criminal) and the range of cases within a case type (serious crimes, ordinary crimes, ordinary civil case, labor dispute cases).

The sample inventory must also identify and describe each and every type of document that is present in the file folder, such as initial filing, proof of payment of fee, notification of a hearing, and final order and decision). The staff must then recommend to the Committee a retention period for each document.

The survey must be very specific, with a clear description of each category and document. For example, File Folder could include the accusatory instrument, scheduling letters, disposition, and pronouncement of sentence. Case Control could include Fundamental Register, Name Index, and calendars of hearings.

After careful consideration of all of the facts and points of view, the Committee should then develop a draft Records Retention and Disposition Schedule, which would establish a retention period for each type of document. A separate schedule should be established by case type (criminal, civil, administrative), with possible sub-types (serious crimes, ordinary crimes). It is possible to group documents together for the purposes of establishing the retention period, but each document should be clearly identified. An extract of a Records Retention and Disposition Schedule is attached as Appendix 3.

The proposed schedules should then be presented to the Minister of Justice for his consideration and adoption.

### **Establish Procedures for Storing and Purging of Documents**

After the Records Retention and Destruction Schedule has been adopted, the project should then define the procedures and methods for storing, purging, destroying and archiving documents. Procedures include:

- Storage of each document during the life of the case.
- Purging documents that can be destroyed immediately from case file folders before archiving (interim reminder notes, general correspondence)
- Storing and purging documents that must be retained for a shorter period of time than the case file folder.
- Archiving each document.
- Designing file folders and other storage methods to maximize the efficiency of daily operations.

Some documents should be purged from the file folder and destroyed immediately. Other documents should be removed from the file folder, but must be retained for a period of time.

### **Examine and Revise Current Methods of Storing Records**

It is only after the Records Retention and Disposition Schedule is finalized that case file folders and other storage methods should be redesigned. The redesign should maximize the efficiency of daily operations and simplify archiving and destruction.

A design of the file folder could, for example, use split fronts and backs with posts to accommodate large files, with large labels printed from the automated system, in different colors for different types of cases. Using labels would allow the courts to easily change the design to accommodate emerging needs in the future. In addition, the label could have the case number printed in a bar code format. This would allow ICMIS to track and locate the case file folder at any time.

In addition, the case file folders could have a tab extending from the front of the folder upon which would be written the case number. This would allow the case file folders to be stored in open shelving, making identification, removal and re-filing much easier.

Other forms of storage can also be analyzed, such as scanning and electronic storage. This should be coordinated, and integrated, with the ICMIS.

### **Establish Procedures and Forms for Destruction of Records**

Even though a Records Retention and Disposition Schedule has been established, it is necessary to establish procedures and forms to be used by designated officials to request permission to destroy records, and other designated officials to authorize the destruction of the records. Procedures for destruction include:

- Define an authority to approve the destruction of records in accordance with the adopted schedule.
- Design and adopt a form for designated authorities (Chairman, Chancellor) to request permission to destroy records.
- Carefully define those documents that may be destroyed without requesting permission
- Define the method of destruction, including any witnesses and signatures confirming the destruction of the records.

### **Develop a Strategy for Addressing Existing Archived Records**

In many courts there is a significant problem with storage of archived records. The project should review the status of storage, and a program to purge existing archived records. The steps could include:

- Conduct an inventory of the volume of existing archived records
- Develop an estimate of the amount of time required to purge archived records to the standards set in the Schedule
- Seek funding for this effort

It is recommended that serious consideration be made to paying overtime to court personnel for this effort. Only court personnel have an understanding of the content of a case file folder, and can make an accurate judgment about which records can be purged. The procedures and forms for destroying records, discussed above, must be followed.

### **Summary**

This may appear to be a long and laborious effort, but experience has shown that it is both necessary and effective.

## **3. REVIEW OF THE MEMORANDUMS OF UNDERSTANDING, AND RECOMMENDATIONS FOR IMPLEMENTATION**

An essential component of the ROLP is the Memorandum of Understanding (MOU) with the core components of the justice system and the ten pilot courts. By signing the MOU, each pilot court agrees to work toward specific, measurable improvements in the Pilot Court's efficiency, accountability and transparency. Each pilot court MOU contains a work plan committing the actions of a court for not less than one year.

Each work plan contains specific objectives. Each objective has one or more activities, resources, outputs, and a timeline. This section of the Final Report makes comments on, or suggestions for, the activities and output measurements. These comments and suggestions are made with the intent of providing some additional guidance in obtaining the objectives of the court. The comments and suggestions are presented in a chart form, below. The full implementation of the MOU's, together with full implementation of the ICMIS, will have a measurable impact on the operations of the Albania Judiciary.

Objective	Activities	Outputs	Comment/Suggestion
1. Increased Court/Community Understanding and Transparency.	Jointly with the Durres District Court, the Project will organize a Court Public Forum in the judicial district of Durres.	Written report based upon participants inputs on how the District Court is administering justice; innovative project interventions identified.	Review the written report for possible publication.
2. More efficient use of IT tools including effective use of CCMIS.	<p>2.1. Brief Computer/ IT assessment.</p> <p>2.2 Support for the use of the CCMIS including the possibility of introduction program enhancements as needed.</p>	<p>Better understanding of the IT situation, the court personnel attitudes toward IT, and the training needs for IT.</p> <p>Effective use of CCMIS.</p>	<p>Output: Development of an action plan to improve IT utilization, in conjunction with Final Report:</p> <ul style="list-style-type: none"> <li>-Equipment</li> <li>-Training Room</li> <li>-Designated ICMIS Training</li> <li>-Fast Typing schedule</li> </ul> <p>Activity: Include implementation of action plan.</p> <p>Output: Full use of IT system – elimination of manual entry in all registers, indexes, and other case control documents. NOTE: this does NOT preclude manual entry onto case file folders.</p>
3. Improved trial records (more reliable, accurate, timely and transparent records)	<p>3.1. Assessment and selection of the most feasible method for improving the hearing record.</p> <p>3.2. Installation of PCs (if needed) in courtrooms for enabling typed recording of the hearing sessions.</p> <p>3. 3. Fast-typing training for court secretaries to enable computerized typed records’ keeping during the trial sessions.</p> <p>3. 4. Installation of monitors in some courtrooms to enable in- progress viewing of the typed/computerized record keeping.</p>	<p>Methods for improving the hearing records identified.</p> <p>PCs installed.</p> <p>Court secretaries trained and capable for keeping typed records during trial sessions.</p> <p>In-progress viewing of the typed trial sessions output.</p>	<p>Output: All records of trial sessions are kept by computerized methods.</p>

Objective	Activities	Outputs	Comment/Suggestion
	<p>3.5. Researching the possibility for integrating recordings with CMIS.</p> <p>3.6. Supply and installation of appropriate recording systems in the court within the available resources of the project.</p> <p>3.7. Experimenting of trial sound recording in the judges' offices.</p> <p>3.8. Continuous training of the appropriate court personnel on the use of the recording systems.</p>	<p>CMIS case files completed with electronic recordings.</p> <p>Recording systems step by step installed and functional in the court.</p> <p>Recording systems is used even in cases of trials conducted in the judges chambers.</p> <p>Court personnel trained and capable of using the system.</p>	<p>Output: Systems of recording minutes identified and tested.</p> <p>Output: Selection and installation of system of recording.</p> <p>Output: Records of trial session are kept by recordings.</p>
<p>4. Improvement in quality of written judicial decisions issued.</p>	<p>4.1. Training needs assessment for the judges.</p> <p>4.2. Appropriate training for judges on legal research and decisions' reasoning and writing.</p> <p>4.3. Providing judges with legal databases including the legal acts, codes, statutes, regulations, Official Journal, etc within the available financial resources.</p>	<p>Judges' training needs assessed and appropriate training planned.</p> <p>Writing and reasoning of court decisions improved.</p> <p>Easier access to legislation; Less time spent by the judge on studying the case and finding the applicable laws.</p>	<p>Output: Court decisions evaluated by competent legal scholars.</p>

Objective	Activities	Outputs	Comment/Suggestion
5. Improvement of time management for judges.	<p>5.1. Time use self study for the judges where they keep track of their time for agreed upon period on form agreed to.</p> <p>5.2. Designing and implementation of targeted assistance for better judge time management.</p>	<p>The use of the judge time identified.</p> <p>Better time management for judges; reduction of case processing time.</p>	<p>Objective: Including caseload management.</p> <p>Activities: Include closed case and pending case analysis, and best practices in caseload management</p>
6. Increase of public access to court information.	<p>6.1. Review of the effectiveness of how the public gets information from the pilot court.</p> <p>6.2. Ongoing analyzing and reporting on courtroom usage and needs.</p> <p>6.3. Introduction of standards and methodology aimed at improving public accessibility to court records and removing barriers to access.</p>	<p>Effectiveness of the systems and processes for public access to court information assessed.</p> <p>Knowing how efficiently the courtrooms are used by judges.</p> <p>Public access to court information improved.</p>	<p>Output: Action plan to improve public access, including use of ICMIS and public posting of case processing.</p> <p>Measure the number of “hits” on web pages.</p>
7. Increase of transparency and public access to court.	<p>7.1 Publication of selected court decisions electronically and in hard copies, development of a dissemination strategy that results in more effective reception of the decisions by those who might be interested.</p>	<p>Public access increased. Court decisions published.</p>	
8. Improvement of court efficiency through significant changes of the filing systems.	<p>8.1. Assessment of the current filing systems and methods of improvement.</p> <p>8.2. Technical assistance to the MOJ and other Albanian counterparts who are involved with the creation of necessary legislation on the archive</p>	<p>Current filing systems assessed and methods of improvement identified.</p> <p>Necessary legislation on archive systems and court administration staff prepared.</p>	

Objective	Activities	Outputs	Comment/Suggestion
	<p>systems and court administration staff.</p> <p>8.3. Implementation of agreed upon improvements for new filing systems within the available sources of funding.</p>	<p>Better organized and efficient filing systems.</p>	<p>Activity: Development of a Records Management Program, and a Records Retention and Disposition Schedule.</p>
<p>9. Improvement of caseload management in order to reduce delays.</p>	<p>9.1. One or more workshops, both for Durres alone, and in participation with other Pilot District Courts, to address common issues of improved case management.</p> <p>9.2. Training on the better use of CCMIS for improved case management.</p>	<p>Case processing time reduced.</p> <p>CCMIS used more efficiently for improved case management.</p>	
<p>10. Monitoring of court performance.</p>	<p>10.1. Several monitoring activities will be implemented by NPOs, media, others in collaboration with the court as decided in a separate document after the signing of this MOU.</p>	<p>Court performance monitored.</p>	

#### **4. RECOMMENDATIONS FOR FUTURE CONSULTANCIES**

During the course of this consultancy, three possibilities for future consultancies emerged.

##### **RECORDS MANAGEMENT PROGRAM**

As mentioned above, the Albania Judiciary needs a comprehensive approach to effective records management. Court records are relatively unique, and as far as can be determined, the necessary expertise may not exist in Albania.

The consultancy could be conducted in three phases. First, it would provide expert guidance to the courts and the MoJ at the beginning of the project, including the formation of the staff and the committee, conducting the sample surveys, and setting some of the initial retention and destruction schedule.

Second, a review of work undertaken to date would be conducted about three months into the project. The status of the inventories and schedules would be reviewed, and suggestions made concerning any modifications to the objectives and work plans. Preliminary recommendations could be developed concerning the methods and procedures for storing, retrieving and destroying records.

Third, the work accomplished towards the end of the project would be reviewed. Any final suggestions and corrections would be undertaken. Finally, the final design of records storage and destruction methods and procedures would be developed. These methods would be integrated with the anticipated installation of ICMIS.

##### **ELECTRONIC RECORDING**

Electronic recording of court proceedings is identified as one of the action items in the Memorandums of Understanding. A wide range of electronic recording equipment and methodologies exist throughout the world, designed for courts of differing requirements and circumstances.

The consultancy would review the available options for electronic recording, and analyze them in light of operating conditions and the likelihood of funding in the Albania Judiciary. Recommendations for testing appropriate systems would be made, and an action plan for testing, accepting, installing and training would be developed.

##### **ASSISTANCE IN THE REVIEW OF ICMIS SOFTWARE MODIFICATIONS**

The final development and testing of ICMIS is in a critical phase. While essential components are in place for this effort, it is not clear that there is staff available that has actually developed, assessed, installed and supported a full function automated case management system.

The consultancy would conduct a careful review of the required software modifications, and comment as to their necessity and compliance based on the knowledge of good data base practices, and court operations. Much of this review could be conducted by examining documentation at the consultant's place of residence and e-mail exchanges, followed by two weeks in Albania to make final recommendations.

## APPENDICES

**APPENDIX 1**  
**EXTRACT OF ORDER NO. 1830 PERTAINING SPECIFICALLY TO THE REGISTERS**  
**AND INDEXES IN THE COURTS**

CHAPTER IV  
SECRETARY OF COURT

Article 12  
Secretary of Court

The secretary of court accepts documents and procedural acts. It distributes accusations after drawing lots, receives files after conclusion of trial, and transfers them to the archive of judicial files.

Article 13  
Criminal Registers

The secretary of court keeps these criminal registers:

1. Fundamental criminal register.

Inquests for trial coming from district attorney's office and inquests for trial from accusers are registered in the fundamental criminal register.

The judicial secretary must complete the fundamental criminal register regularly, according to rubrics of the registers, up to abridgement of decision.

Registration of inquest for trial must be done upon the day of arrival to the court.

2. Military criminal register.

Military criminal inquests sent for trial by the district attorney's office are registered in the military criminal register.

3. Alphabetical index criminal cases.

The identity of parties is registered in the alphabetical index of the criminal cases.

Completion of rubrics of the alphabetical index of criminal cases is done in the same way with the alphabetical index of civil cases (article 14, point 2 of this regulation).

Completed fascicles from Military College (when available) are also registered in the alphabetical index of the criminal cases.

4. Register of criminal decision

Criminal decisions with ordinal number, dates of issue of decision, judge who issued the decision, names of the accused persons, accusations and number of sessions.

5. Register of complained criminal cases

Complaints and recourses against court decisions and inquest to review decision are registered in the register of complained criminal cases. Registration date is the date of submission of the inquest to the first-degree court.

6. Register of probation, revocation of decisions, recognition of decisions of foreign courts, etc.

Date of registration of inquest, name of judge of lawsuit after drawing of lot, data of issue of decision (without decision number) and the part of order of decision are registered in this register.

7. Register of safety measures and consideration of detainment and arrest in flagrance

Inquests of district attorney's office presented to the court on taking safety measures and on consideration detainment and arrest in flagrance of suspects based on material facts for authors of various criminal infringements are registered in this register. The register passes to all available judges and contains an ordinal number, name of district attorney, name of accused, date of issue of measure, and summarized content of issued measure.

8. Register of volume of criminal decision

The judicial secretary registers and keeps the volume of criminal decisions with the first copy of announced decision in the register of volume of criminal decision, after this decision has taken peremptory form. The decision must be signed by the judge of the relevant lawsuit and by the judicial secretary of the judicial session.

9. The judicial secretary may also keep other registers to help for a normal flow of the work.
10. The judicial secretary is responsible for the opening, maintenance and conservation of registers, which are completed with a clear, clean and legible writing using one color of ink for all.
11. The judicial secretary keeps and fill the criminal register and, in cases anticipated in Article 16, point 2, appointed by the chancellor for the maintenance and completion of the register.

#### Article 14 Civil register

The secretary of the court keeps these civil registers:

1. Fundamental civil register.

All civil charges and inquests presented for trial are registered in the fundamental civil register. The registration date is the date of order of registration issued by the judge of the relevant case.

In case when the case is invalidated by the Appeal Court or Supreme Court and is turned back for retrial, the word 'retrial' must be written above the case number, at the top of register.

2. Alphabetical index of civil cases

The alphabetical index of civil cases is filled with letter of the alphabet and contains the number of cases on which a final verdict is reached. The full name of the plaintiff and defendant are written in it. Their names are written at the same time with the registration of inquest for trial, by writing above the full name the number of the act, and later the number of the verdict is written immediately upon completion of trial.

3. Register of civil decisions

All civil court decisions with their ordinal number, dates of issues of decisions, full name of the judge, names of parties, object, and number of sessions are all registered in the register of civil court decisions.

4. Register of persons, who are removed of, limited or returned their capacity to act

Full name and general data of the person whose capacity to act is removed, limited or returned, date and number of court decision, disposition of decision, assigned tutor, and the court that rendered the decision are registered in this register.

5. Register of complained civil cases

Civil cases complained to the Appeal Court and Supreme Court are registered in the register of complained civil cases. The register contains the date of presentation the complaint. Inquests for review and objection of third parties are also registered in this register.

6. Register of volume of civil decisions

The register of volume of civil decisions is kept and completed for civil decisions in the same way as explained for the volume of criminal decisions (Article 13, point 8 of this regulation).

7. Register of trade companies

8. Register of physical persons

9. Register of non-governmental organizations

10. Register of political parties

11. Register of state-owned enterprises

12. Other registers for the registration of subjects according to law

13. Register of special criminal and civil cases. This register includes:

- a) Cases with the object 'correction of error'.
- b) Completion of decision;
- c) Re-establishment of term;
- d) Issue of execution order;
- e) Verification of safety measure and all submitted inquests whose solution does not demand a final decision.

14. Register of material facts

Reception of, any action with the material facts, and their delivery or elimination are all registered in the register of material facts. The material facts are registered according to their particularities defined by the deliverer in the procedural act and with the real quality of the object specified in number, size, type, gender and other special characteristics. The signature of the deliverer, receiver and the chancellor must not be missing for whatsoever reason.

Each register must have numbered pages with a relevant report at the last page, signed by the chancellor and judicial secretary of the court and sealed with the seal of the court.

15. Content of registers anticipated in points 7 to 12 of this article is defined in conformity with the requirements of special legal dispositions.
16. The judicial secretary may also keep other registers to help for a normal flow of the work.
17. The judicial secretary is responsible for the opening, maintenance and conservation of registers, which are completed with a clear, clean and legible writing using one color of ink for all.
18. The judicial secretary keeps and fill the criminal register and, in cases anticipated in Article 16, point 2, appointed by the chancellor for the maintenance and completion of the register.

**APPENDIX 2  
CARDS TO BE PRINTED OUT FROM ICMIS  
REGISTER CARD**

<b>O</b>	<b>Plaintiff Name</b>	<b>Defendant Name</b>	<b>Case Number</b>
	<b>Date/Time Filed</b>	<b>Case Type</b>	<b>Date Closed</b>
	<b>Merged with Case Number</b>		
	<b>Judge</b>	<b>Date Assigned</b>	

**O**

**INDEX CARD**

<b>O</b>	<b>Plaintiff Name</b>	<b>Defendant Name</b>	<b>Case Number</b>
	<b>Date/Time Filed</b>	<b>Case Type</b>	<b>Date Closed</b>
	<b>Merged with Case Number</b>		
	<b>Judge</b>	<b>Date Assigned</b>	

**O**

**REGISTER/HISTORY CARD**

<b>O</b>	<b>Plaintiff Name</b>	<b>Defendant Name</b>	<b>Case Number</b>



Also note that in the section concerning Case Management Records, automated case management systems have replaced all of the record series. The only record series still in use is the Calendar, which is printed by the automated case management system.

### CASE FILES

A case file contains all papers and documents relating to a case. Includes, but is not limited to, Accusatory Instrument, Supporting Depositions, Motions, Notices, Affidavits, Orders, Warrants, Fine and Surcharge Letters, Medical and Mental Health Reports, Probation Reports and Transcripts. Note that some courts currently store some of the documents listed above separately from the case file. These documents have been distinguished as separate record series in these schedules, but have the same retention requirements as the related case file.

RETENTION IS CONTROLLED BY DISPOSITION CHARGE, NOT ARREST CHARGE.

SERIES #	RECORD SERIES TITLE	RETENTION
80010	<b>CRIMINAL MISDEMEANORS - Misdemeanors defined in the Penal Law, Vehicle and Traffic Law and other statute.</b>	<b>a. DISPOSED CASES</b> Retain all case files prior to 1950 permanently for research purposes. Retain case files dated 1950 and later for twenty-five years from the date of disposition, then destroy, except for a sample to be retained permanently for research purposes. <b>b. CASES TERMINATED IN FAVOR OF DEFENDANT</b> Retain for six years, then destroy. Includes Criminal Misdemeanors that fall on a sample year. <b>c. UNDISPOSED CASES</b> Retain for fifty years, then destroy.
80030	<b>MOTOR VEHICLE/TRAFFIC INFRACTIONS</b> Does not include traffic offenses which are misdemeanors or felonies.	<b>a. DISPOSED CASES</b> 1. Retain DWAI Cases for ten years from date of disposition, then destroy. 2. Retain all other infractions for six years from date of disposition, then destroy. <b>b. ADJUDICATED BUT NOT SATISFIED</b> Retain for twenty years, then destroy. <b>c. UNDISPOSED CASES</b> Retain for twenty years, then destroy.
<b>SUPPLEMENTAL CASE RECORDS</b>		
80100	<b>DEFENDANT CRIMINAL HISTORY RECORDS</b> Arrest and case disposition records of defendants.	Retain until updated or until case is disposed, whichever occurs first, then destroy.
80110	<b>DRINKING DRIVERS PROGRAM CERTIFICATES</b> Court copies of	Considered part of the case file. File in case file. If maintained separately, retain for same length of time as case file

<b>SERIES #</b>	<b>RECORD SERIES TITLE</b>	<b>RETENTION</b>
	certificates of successful or unsuccessful completion of the Drinking Drivers Program	
80120	<b>DWI TEST STUBS</b> Court copies of documents used to administer breathalyzer tests. Includes operational check lists, result sheets and reports of refusal to submit to chemical tests.	Considered part of the case file. File in case file. If maintained separately, retain for same length of time as case file.
80130	<b>EXHIBITS</b> Exhibits presented as evidence in a case	Return to party who introduced exhibit immediately after disposition unless otherwise directed by the court. If not claimed, retain for thirty days, then destroy provided clear notice has been given.
80137	<b>FAMILY OFFENSE ORDERS OF PROTECTION; TEMPORARY ORDERS OF PROTECTION</b> Orders of Protection issued pursuant to CPL§530.12.	Considered part of the case file. File in case file. Retain order and file for twenty-five years, then destroy EXCEPT for those cases to be retained permanently for research purposes.
<b>CASE MANAGEMENT RECORDS</b>		
80190	<b>ADJOURNED IN CONTEMPLATION OF DISMISSAL LOG BOOKS</b> Log books recording date on which ACD is granted.	Retain for one year or until no longer needed, whichever is shorter, then destroy.
80200	<b>ADJOURNMENT LOG BOOKS</b> Log books listing dates to which cases are adjourned. Includes defendant name, charge, adjournment date and disposition.	Retain for one year or until no longer needed, whichever is shorter, then destroy.
80210	<b>ARRAIGNMENT LOG BOOKS</b> Chronological daily logs of arraignments. Includes defendant name, charge, plea, adjourned date, disposition and bail status.	Retain for one year or until no longer needed, whichever is shorter, then destroy.
80220	<b>ARRAIGNMENT SHEET BOOKS</b>	Retain for one year or until no longer needed, whichever is shorter, then destroy.

SERIES #	RECORD SERIES TITLE	RETENTION
	<p>Administrative records containing arraignment information completed by the judge during arraignment proceedings. This information is duplicated in the case file or arraignment log book. Includes defendant name, address, race, charge, complainant, plea, bail, counsel and adjourned date.</p>	
80230	<p><b>ARREST LOG BOOKS</b> Annual computer-generated records of all defendants arraigned by the court. Includes defendant name, date of arrest, NYSID number, court part and disposition.</p>	Retain for one year or until no longer needed, whichever is shorter, then destroy.
80240	<p><b>CALENDARS</b> Daily schedule of cases to be heard before the court. Includes, but is not limited to: defendant name, charge, docket number, date, judge and disposition.</p>	Retain for one year or until no longer needed, whichever is shorter, then destroy.
80300	<p><b>DISPOSITIONAL CARDS</b> Alphabetical files, by defendant, which provide information on access to the status and disposition of a case. This information is duplicated in the case file or arraignment log book. Includes defendant name, charge, attorney, appearances, plea and disposition.</p>	Retain for one year after disposition or until no longer needed, whichever is shorter, then destroy.