

PD-ABX-794

118994

Albania Judicial Training and Strengthening Project

Final Report

Submitted to USAID/Tirana by:

**East West Management Institute (EWMI) – Implementing Subcontractor
SEGIR/LIR Contract PCE-I-00-97-00040-00, Task Order No. 802
Financial Markets International (FMI) – SEGIR/LIR Contractor**

January 10, 2003

TABLE OF CONTENTS

GENERAL PROJECT INFORMATION	4
EXECUTIVE SUMMARY	4
Introduction	4
Three Pillars of Support for the Albanian Legal System.....	5
Conclusion	9
PROJECT PURPOSE	9
PROJECT ACTIVITIES AND ASSOCIATED BENEFITS	9
Judicial Institution Building	10
1. Development and Installation of an Email System for the Courts.....	10
2. Production of an Albanian Law Database	10
3. Judicial Decision Publication.....	11
4. Institutional Support for the Albanian National Judicial Conference.....	12
5. Roundtable Forum for Chief Judges	16
6. Roundtable Forum for Court Chancellors.....	17
7. Development and Installation of Software for Court Case Statistics and Case Assignment.....	18
8. Albanian Judicial Budget Office Support	19
9. Establishing Communication and Coordination between OAJB/DJO	20
10. Development of a Final Strategic Plan for the School of Magistrates.....	21
11. Commercial Law Course Development for the School of Magistrates	21
12. Development and Publishing of a Webpage for the School of Magistrates	22
13. Assistance to the High Council of Justice and Ministry of Justice to Produce a Judge Credentials Database.....	23
14. Assistance to the Ministry of Justice's Directorate of Judicial Administration 24	
15. Court Technical Assistance Program.....	26
Training of Judicial Personnel.....	28
1. Commercial Law Training for Judges Sitting in the Commercial Law Sections of Albania's Larger Court Jurisdictions.....	28
2. Commercial Law Training for Judges Sitting in Albania's Smaller Court Jurisdictions.....	29
3. Civil Trial Practice and Procedure Course.....	29
4. Three New School of Magistrates Courses for the 2002 Curricula.....	30
5. Training of Court Staff and Sitting Judges in Basic Computer Skills	30
6. Training of Chancellors and Budget Officers in Office Management and Administration.....	31
7. Training Court Chancellors and Budget Officers in Procurement Practices	32
8. Training of Court Budget Officers in the Use of Budget Preparation Software and in Uniform Budget Preparation Methods	32
9. Training of Court Support Staff in Basic Secretarial, Work Planning and Service Delivery Skills.....	33

10. Training the Trainers (TTT).....	33
11. Court Management Team in Albania.....	34
Access to and Knowledge about Albania’s Judicial System and Laws	35
1. Albanian Court Public Information Centers	35
2. Albanian Law Database	36
3. Judicial Decision Publication.....	36
4. Preparation of a Commentary on the Albanian Registry Law	37
5. Citizen and Businessperson Commentary on the Albanian Justice System	38
6. National Day of Justice Activities	38
MEASURING PROJECT ACHIEVEMENT	39
CONCLUSION.....	39

GENERAL PROJECT INFORMATION

1. PROJECT IDENTIFICATION

Title: Albania Legal Systems in Support of Market Reform,
East-West Management Institute, Inc.
Financial Markets International, Inc.

Contract Number: PCE-I-00-97-00040-00 (FMI, SEGIR/LIR Contractor)
Task Order Number: 802

2. PROJECT MANAGEMENT

EWMI-New York:	Adrian Hewryk	212-843-7660
	Aleksander Dardeli	212-843-7660
EWMI/FMI-Albania:	William H. Kennedy	355-4-251981
	Andrea Lako	355-4-251981

EXECUTIVE SUMMARY

Introduction

The East-West Management Institute/Financial Markets International (EWMI/FMI) Albania Legal Systems in Support of Market Reform Project (LSSMR) is a continuation of the previous Albania Judicial Training/Strengthening Project, implemented by East-West Management Institute. EWMI/FMI continued training judges, court administrators, and other legal professionals in commercial law and court management concepts and assisted the further development of the judiciary in Albania. Project efforts focused primarily on achieving USAID's Strategic Objective 2.2 (Legal Systems that Better Support Democratic Processes and Market Reforms), with secondary achievements under Strategic Objective 1.3 (Growth in Number of Self-Sustaining Private Enterprises). Guided by these Strategic Objectives, EWMI/FMI strove constantly and successfully toward a more transparent, independent, and accountable judicial system in Albania. By supporting development of the rule of law in Albania, the Project helped lay the groundwork for a more stable and prosperous economy for Albanian citizens.

A brief review of Project achievements provides a clear picture of successful rule of law development activity. Due to East-West Management Institute's continuous presence in Albania for more than four years, EWMI/FMI tapped well-established counterpart relationships to deliver targeted assistance with continuity and long-term perspective. Realistic work plans were drafted, approved by USAID, and objectives achieved. Required deliverables and results were accomplished. EWMI/FMI worked closely with USAID to coordinate Project activities with other donors, as evidenced by successful cooperation at the Albanian School of Magistrates. Moreover, EWMI/FMI cooperated with USAID to monitor and evaluate the effects of the assistance provided by

the Project as, for example, in the Performance Monitoring Process (PMP) in 2001 and 2002.

Three Pillars of Support for the Albanian Legal System

1. **Effective, Transparent, and Fair Public Sector Legal Institutions:** EWTM/FMI worked closely with USAID to build institutional capacity at all of the major public sector institutions supporting the judiciary: (1) the National Judicial Conference, (2) the School of Magistrates, (3) the Ministry of Justice's Directorate of Judicial Organization, (4) the High Council of Justice, and (5) the Office of Administration of the Judicial Budget. This work was carefully coordinated with other USAID partners, including ABA/CEELI, and other donor institutions, such as DANIDA and World Bank, to avoid duplication of efforts and assure comprehensive, rational assistance.

The Albanian **National Judicial Conference (NJC)**, made up of all Albanian judges, is a new judicial body, which previously had no administrative support or institutional capacity. EWTM/FMI funded and trained an Albanian attorney to work at a new "Secretariat" office established and equipped under LSSMR in cooperation with the Chief Justice of the Supreme Court. Although the NJC is an evolving body and will take some time to fully establish itself, EWTM/FMI support has already helped improve the way it functions. Due to the input and assistance of the secretariat attorney, a recent meeting of the NJC to elect two replacement members to the High Council of Justice was run democratically and transparently, resulting in numerous candidates, spirited debate, and an open election with media coverage.

To increase understanding of the NJC mission and activities, both among its membership and Albanian citizens, EWTM/FMI developed a user-friendly, bi-lingual Internet website with special technology designed to make frequent and regular updates easier. This website, found at www.kgjk.org, includes the bylaws of the NJC, current topical information, committee information, the Unifying Decisions of the Supreme Court, and a large database of Albanian law, all word-searchable to ease browsing. EWTM/FMI also assisted in the development of a quarterly NJC newsletter, two editions of which have been distributed to the members. We facilitated communication among courts and institutions by helping develop a new directory of judicial institutions and personnel, which was distributed to the courts and other public sector legal institutions.

EWTM/FMI provided direct technical assistance to the **Directorate of Judicial Organization at the Ministry of Justice (DJO)** resulting in development of a strategic action plan to build national court administration capacity and improve collection of court management statistics. We provided expert assistance in program needs assessment, strategic planning, and implementation, using the same seasoned expert on three occasions to achieve continuity and build trust. We provided assistance with monitoring and analyzing

court work load and case management, training coordination, data collection, technology services, human resources, and records management. In addition, EWMI/FMI cooperated with the **Judicial Inspectorate Office of the High Council of Justice** and the DJO to input judge contact and credential information into a new Microsoft Access database developed under LSSMR which will for the first time provide these institutions with a reliable method of tracking and reporting judicial assignments, promotions, education, and disciplinary action.

EWMI/FMI began a long-term process of assisting the **Judicial Budget Office** by providing basic office management training to its central and local staff in courts throughout Albania. EWMI/FMI delivered numerous courses on general computer skills, use of Microsoft Excel for budgeting purposes, business administration, office management/secretarial skills, and procurement. This training was well received and will serve as a good foundation for continued assistance in the future. At the request of the Director of the Budget Office, EWMI/FMI sponsored and provided organizational assistance for all court budget officers and other key Budget Office personnel. EWMI/FMI also provided assistance with initiating a training program for the Budget Office Director in Ireland.

EWMI/FMI was instrumental in building institutional capacity at the **School of Magistrates** so that it can better educate sitting judges and prosecutors. An EWMI/FMI expert helped the School develop, finalize, and adopt a long-term Strategic Plan, and then began implementing the plan by assisting the School to draft and publish its first Program for Continuing Judicial Education. Pursuant to the Program, the School offered a full academic year of diverse and useful education and training to sitting judges and prosecutors. The next year, the School used the knowledge gained from EWMI/FMI to produce a curriculum calendar on its own and then organized a meeting of international donors to fund it. EWMI/FMI funded and provided expert assistance for three new courses in the curriculum. EWMI/FMI also assisted the School to create a new internet web-site whereby its curriculum is being more widely disseminated, its faculty more effectively communicating their accomplishments, and its alumni more easily staying in touch with one another.

2. More Competent Legal Professionals: Much of EWMI/FMI's assistance under LSSMR was focused on helping Albania implement its large body of recently enacted but poorly enforced commercial laws. As agreed in the LSSMR Task Order, we did this through a comprehensive judicial education program. EWMI/FMI provided judicial education to 56 judges (15 female) in Company Law, 17 judges (6 female) in Commercial Law Concepts, 92 (34 female) judges in the area of banking law, 91 (33 female) judges in creditor/debtor law, 67 judges (28 female) in commercial construction contracts, 29 judges (14 female) in civil trial practice, 31 judges (11 female) in Contractual Damage and Tort Remedies, 30 judges (14 female) in Evaluation of Evidence in the Civil Process, and 19 judges (10 female) in Conditions of Due Legal Process. We provided a specially

designed, four-day course in basic commercial law concepts for 17 judges from smaller courts.

In order to increase efficiency and improve administration at Albania's District and Appeal Courts, EWMI/FMI organized and delivered introductory computer training to another 123 (85 female) judges and court staff throughout Albania, continuing success in this area under earlier contracts. We also provided introductory office management and general administration training to court chancellors and budget officers. Additionally, EWMI/FMI provided 115 court support staff with a 2-week course in basic secretarial, work planning, and service delivery skills. Because administration of funds is so important to a stable and efficient judiciary, EWMI/FMI focused on training court budget officers. We sponsored a procurement practices course for all court budget officers, trained them to use budget preparation software, and then gave them a course in uniform preparation of budgets.

To develop sustainability for future court staff training, EWMI/FMI provided a five-day, intensive Training-the-Trainers workshop to high level personnel at the Budget Office, the DJO, and the Supreme Court. Two of the participants from this workshop (the Supreme Court Chancellor and the Budget Office Director) plan to use their newly acquired teaching skills to team-teach a Procurement Law Compliance course to all budget officers and court chancellors in January 2003.

Finally, EWMI/FMI brought training needs assessment and planning expertise to bear on the need to develop and implement a comprehensive court management training program for court chancellors. An EWMI/FMI expert conducted an interactive training needs assessment with all court chancellors and, based on his assessment, worked with the DJO to prepare a short and long term chancellor training plan. The plan was translated into Albanian and provided to the DJO for its use. Next, working closely with the DJO and the Supreme Court, EWMI/FMI implemented step one of the training plan by bringing chancellors and chief judges together for the first time for joint workshops in court management. This small-group training helped build court management teamwork and reduce tension between chief judges and the Ministry of Justice, which appoints chancellors.

3. Increased Access to Administration of Justice: EWMI/FMI, in cooperation with the Institute for Policy and Legal Studies, an Albanian non-governmental organization, completed the drafting of a citizens' and businesspersons' commentary on the Albanian justice system, which contains substantive information on Albanian law and regulations and practical information regarding court procedures. At the request of USAID, EWMI/FMI translated the commentary into English, so that it will benefit foreign persons and entities working in Albania. EWMI/FMI published 2000 copies of the commentary in a convenient bilingual edition. These were distributed to Albanian institutions,

including various schools, municipalities, and NGOs throughout Albania. The new commentary will increase citizen knowledge and provide greater public access to the courts and public sector legal institutions, making them more accountable and service driven. The commentary will also assist in educating school children about the basics of the Albanian legal system.

EWMI/FMI also worked to address an often lamented lack of Albanian language resources for scholars and students of the law. EWMI/FMI engaged a local Albanian banking law expert who, working in cooperation with a recognized U.S. banking law scholar, completed a new Albanian textbook and reference manual entitled Juridical Aspects of Banking Activity. The book was peer reviewed by two leading Albanian banking law experts and then professionally proofed before publication. The pedagogical staff of the Albanian School of Magistrates formally adopted the text for use at the School, and EWMI/FMI presented 250 complementary copies of the book to the School. Additionally, EWMI/FMI distributed another 250 copies to leading judges, scholars, and practitioners in Albania.

Additionally, EWMI/FMI worked with an Albanian software developer to design and produce a CD-ROM database of all laws passed by the Albanian Parliament since 1991. This database of Albanian legislation is indexed and cross-referenced in a user-friendly format, and was distributed to all Albanian judges at the NJC annual conference in December 2002. To help develop greater access to the law at Albania's other public sector legal institutions, the law database was also provided to the: (1) Ministry of Justice, (2) High Council of Justice, (3) Offices of the Legal Department and Economic Advisor to the Council of Ministers, (4) Office for the Administration of the Judicial Budget, (5) School of Magistrates, (6) Tirana Law School, (7) Ministry of the Interior, (8) Legal Office and Public Affairs Office at the Ministry of Foreign Affairs, (9) Office of the President, and (10) Office of the General Prosecutor. Also, in cooperation with the Chief Justice of the Supreme Court, EWMI/FMI published a compilation of all precedential Supreme Court cases rendered since enactment of the Constitution. These precedential decisions, known in Albania as "Unifying Decisions" of the Supreme Court, have also been published in word-searchable format on the NJC Internet web site, as noted above. Previously, judges' only access to Albanian law was through the many back issues of the Official Gazette, which have never been collectively published or annotated. Creation and distribution of the new law database and publication of the Supreme Court's Unifying Decisions will fundamentally increase the judiciary's access to Albanian law, improving the rule of law here.

Conclusion

Continuity is of paramount importance in rule of law development work. As evidenced throughout the following report, EWMI/FMI activities under the present contract built upon and affirmed work begun under previous contracts. Our work also prepared fertile ground for future work to strengthen the rule of law in Albania. All three pillars of EWMI/FMI's work are intricately connected and have seen significant, positive results during the course of the LSSMR Project. Albania is making progress as it travels down the long and difficult road toward rule of law that will support a democratic society and a free market economy.

PROJECT PURPOSE

The purpose and objective of the Financial Markets International/East-West Management Institute (EWMI/FMI) Albania Legal Systems in Support of Market Reforms Project was to further the successful realization of USAID's Strategic Objectives 2.2 and 1.3 by completing activities that would assist Albania's efforts to create a court system that can more fully carry out proper judicial branch responsibilities in an efficient, impartial, knowledgeable, and transparent fashion, and thereby facilitate increased citizen and business access to, and understanding of, Albania's judicial system and laws.

Consequently, in order to carry out the objectives set forth in USAID's Strategic Objectives and reiterated in the LSSMR Task Order, EWMI/FMI undertook a variety of activities that fall within three broad conceptual categories:

- (1) More effective, transparent, and impartial legal institutions (Judicial Institution Building);
- (2) More competent legal professionals (Training of Judicial Personnel), and;
- (3) Access to administration of law.

Within the available time/resource constraints, and with regard to creating the necessary foundation for future efforts, these activities were selected to provide the maximum feasible practical assistance to establishment of a properly-functioning judicial branch while providing significant collateral benefits to Albania's private business sector and citizens. The activities were chosen after extensive discussion and collaboration with EWMI/FMI's Albanian counterparts and reflect the expressed needs of those individuals and institutions.

EWMI/FMI completed the project successfully and met deliverable requirements, despite what is universally recognized as a challenging development environment in Albania, as explained in detail below.

PROJECT ACTIVITIES AND ASSOCIATED BENEFITS

As of Project Close-out, 31 December 2002, the status and anticipated benefits of approved work plan activities are as follows:

Judicial Institution Building

1. Development and Installation of an Email System for the Courts

Activity: An email network system has been installed in all district courts and courts of appeal throughout Albania. Initial and follow-up training at each location in the use of the email system was performed. The email system is currently in operation, and various relevant government institutions whose responsibilities affect the court system have been added to the email network. System usage appears to be increasing as court personnel become more familiar with the ease and benefits of electronic communication. To further increase usage, EWMI/FMI provided a refresher course to all court chancellors in the use of the email system at a roundtable forum of chancellors held on July 12, 2002.

Benefits:

- Facilitation of communication, closer cooperation and the sharing of information among the various courts and associated institutions;
- Central court authorities better able to provide direction to the courts;
- Courts better able to communicate budgetary, statistical, and other court administration information to central institutions.

2. Production of an Albanian Law Database

Activity: In accordance with its work plans, EWMI/FMI engaged an Albanian software development firm to create a database of Albanian law. The resulting CD-ROM database contains several thousand governmental decisions, presidential decrees, and all statutes promulgated by the Albanian Parliament from 1991 through July 2002. The CD-ROM is cross-indexed to facilitate user research. The CD-ROM law database was provided to all Albanian judges and several other Albanian institutions, non-governmental organizations and individuals within the legal community.

In lieu of the planned distribution at a roundtable meeting of chief judges (which was made impractical due to chief judge schedule conflicts and numerous EWMI/FMI training events for judges), EWMI/FMI distributed the database at the 2002 annual meeting of the Albanian National Judicial Conference (NJC), and provided a comprehensive live training session and demonstration of the software to all judges present. Distribution and training in conjunction with the 2002 NJC annual conference proved effective and efficient because EWMI/FMI provided training to all judges simultaneously.

All Albanian courts now have ready and convenient access to current versions of Albanian statutes passed by Parliament from 1991 through 2002. Unfortunately, due to the unexpected departure of the NJC Secretariat attorney for a higher paying position outside Albania, EWMI/FMI was precluded from leaving the NJC with a trained resource for the software, which had been planned for the Secretariat attorney. However, EWMI/FMI maximized institutional benefit across the judicial spectrum by providing

additional copies of the database and brief instruction in its use to the: (1) Ministry of Justice, (2) High Council of Justice, (3) Offices of the Legal Department and Economic Advisor to the Council of Ministers, (4) Office for the Administration of the Judicial Budget, (5) School of Magistrates, (6) Tirana Law School, (7) Ministry of the Interior, (8) Legal Office and Public Affairs Office at the Ministry of Foreign Affairs, (9) Office of the President, and (10) Office of the General Prosecutor.

Benefits:

- Texts of current laws more convenient and accessible to Albanian judges, prosecutors, and other judicial system actors, thereby improving legal research capabilities;
- Enhanced quality of judicial decisions;
- Decreased opportunities for corrupt or unethical decision making through accountability resulting from greater access to the law.

3. Judicial Decision Publication

Activity: EWMI/FMI's approved work plans indicate that LSSMR would also create and distribute a CD-ROM database of the texts of all Unifying Decisions of the Albanian Supreme Court. These precedential decisions were collected and organized in cooperation with the Chief Justice of the Supreme Court. However, because the local Albanian computer software firm EWMI/FMI engaged to create the software was unable to produce it in a timely fashion, EWMI met this deliverable in different manner.

First, EWMI/FMI worked with the Supreme Court Chief Justice to publish the decisions in book form for distribution to judges. Because these precedential decisions are binding on Albania's lower courts, 510 copies of the book were presented to the Supreme Court and distributed to the judges of Albania's 29 District Courts and six Courts of Appeal at the 2001 annual meeting of the National Judicial Conference.

Second, additional copies were distributed to other Albanian institutions, non-governmental organizations, and individuals at public sector legal institutions including the Ministry of Justice, the Council of Ministers, the Office for the Administration of the Judicial Budget, the School of Magistrates, Tirana Law School, the Ministry of the Interior and the Public Prosecutor's Office.

Third, in 2002, again in cooperation with the Supreme Court, EWMI/FMI published 510 copies of a supplemental volume of all the Supreme Court's Unifying Decisions rendered after publication of the initial volume. The supplementary volume was published in time for distribution at the 2002 annual conference of the National Judicial Conference, where the focus of discussion was the effects of precedential court decisions upon legal advocacy and lower court decisions.

Finally, EWMI/FMI published all the Unifying Decisions in word-searchable format on the Internet web site of the NJC. EWMI/FMI's publication of the Unifying

Decisions significantly increases convenience of access to Albania's only precedential court decisions.

Benefits:

- Better availability of texts of binding higher court decisions to lower court judges, thereby enhancing critical legal research capabilities;
- Improved quality of judicial decisions;
- Decreased opportunities for corrupt or unethical decision making through accountability resulting from greater access to the law;
- Greater analysis and use of judge-made law in rendering judicial decisions, reflecting growing trend in European legal practice.

4. Institutional Support for the Albanian National Judicial Conference

Activity: Among the most important of the institutional bodies within the judiciary is the Albanian National Judicial Conference (NJC). Composed of all of Albania's approximately 350 judges sitting in all court levels, the NJC is a constitutionally mandated body, which elects from among its own ranks nine of the 15 members of the High Council of Justice and proposes members for the Central Election Commission. However, the NJC is a nascent institution and is still in the process of evolving, possibly into the judiciary's central policy-making body. If it does, it would have the responsibility for considering and debating crucial issues of concern to the judicial branch. In so doing, the functions that it would perform would more closely resemble those performed by judges' conferences and associations in western nations, making the NJC a more important component of the system of justice in Albania.

Since its creation, the NJC has faced a number of ongoing problems, one of the most pressing being its lack of institutional stability. The NJC meets in full session only sporadically throughout the year and is designed according to its bylaws to operate through a variety of permanent committees. A central coordinating office was badly needed to perform necessary and continuing administrative tasks related to the planning of NJC meetings, preparation of agendas and session minutes, production of reports on current issues before the NJC, maintenance of official records, and the routine dissemination of information to and networking of NJC members and with other organizations and officials. Additionally, the committee structure of the NJC is relatively weak and ineffective; a stable support office will be crucial in spurring new and creative direction for the committees. To address these needs, EWMI/FMI worked in cooperation with the Supreme Court and other relevant authorities to assist the NJC in the following areas:

a. **Secretariat Staff Attorney:** EWMI/FMI assisted in creating, funding, equipping, and training an Office of the Secretariat for the NJC. The Office of the Secretariat is under the operational control of the Supreme Court Chief Justice, who customarily serves as the Chairman of the NJC. The Office of the Secretariat is staffed by a mid-level Albanian attorney, initially a part-time position funded by EWMI/FMI, made

full-time on 1 September 2002. The Secretariat staff attorney commenced work in support of the Albanian Judicial Conference under the guidance of EWMI/FMI technical staff in an office at the Supreme Court equipped by EWMI/FMI with a computer, furniture, and necessary office supplies. EWMI/FMI also funded a dial-up Internet connection for use by the Secretariat attorney.

In order to establish the Secretariat office in such a fashion as to insure its usefulness, efficiency and viability, EWMI/FMI provided a team of U.S. experts in court administration and judicial information technology during May 2002 and again in September and November 2002. These experts worked extensively with the staff attorney to begin the process of creating a Secretariat office that in the future would be able to:

- Assist the chief justice/Judicial Conference chairman, the Conference's Executive Committee and other committees in setting the overall direction of the Judicial Conference through the planning and organizing of meetings, and the planning and drafting of agendas, minutes and reports;
- Assist the Conference in the formulation, implementation, evaluation and communication of general policies and practices that promote an independent, transparent and professional judiciary,
- Initiate and implement projects that will improve the operation of the court system, and;
- Assist the Conference and its committees in the establishment and maintenance of relations with relevant Albanian judicial, governmental and academic entities, with non-governmental organizations and the public, and with foreign judicial organizations and other international bodies.

b. Directory of Judicial Personnel: EWMI/FMI provided technical assistance to the Office of the Secretariat to collect relevant information for the publication and distribution of a detailed directory of judicial personnel and institutions. This directory includes contact and mailing information for all the courts, including the names, court addresses, phone and fax numbers, and e-mail addresses (where available) of all judges. The directory also includes contact and mailing information for other judicial institutions, including the Ministry of Justice, the Judicial Budget Office, the High Council of Justice and its Inspectorate, the School of Magistrates, and the General Prosecutor's Office. The directory is formatted and published in such a manner as to make it cost effective for the Office of the Secretariat to update, republish, and redistribute it at regular intervals, either annually or semi-annually. 800 copies of the directory were published and distributed to all courts in Albania, as well as the other relevant central judicial institutions mentioned above.

Benefits:

- Improved communication between judges and judicial institutions and between judicial institutions and other branches of government;
- Increased cooperation and collegial relations among the members of the NJC;

- Increased judicial transparency.

c. **NJC Quarterly Newsletter:** EWMI/FMI and its U.S. experts helped the Secretariat develop the capacity to publish a quarterly newsletter, including electronic publication on the Internet web-site described below, for distribution to all courts. This new publication is a creative effort to fill the gap in communication and information exchange among the Judiciary. Some Albanian judges still remain relatively isolated and uninformed about legal and policy decisions and developments that affect them. The new quarterly judicial newsletter emanating from the Secretariat of the NJC has begun a new tradition of uniform, useful, and timely information for judges covering important legal and policy matters and events related to the judiciary. It serves as a convenient, written forum in which judges can now express themselves and educate one another on the latest developments in particular areas of the law, encouraging scholarly activity among sitting judges. Electronic publication on the NJC web-site allows Albanian judges with Internet availability to receive it in a timely and cost effective manner. So far, EWMI/FMI has assisted with the creation and publication of two editions of the newsletter. The first edition, eight pages long, was distributed on 4 October 2002 at a special meeting of the NJC and contained greeting remarks from the Chief Justice of the Supreme Court, as well as useful articles on court administration, court automation, the *Judicial Budget Office*, and the *School of Magistrates*. The second edition was distributed on 23 December 2002 and it covered court and media relations, the recent "Court Management Team in Albania" workshops, development of the judges' professional credentials database, and articles from the Annual NJC meeting of 2-3 December 2002.

Benefits:

- NJC ability to distribute information about itself to its members, other Albanian institutions, and to the public;
- Increased internal communication among NJC members; and
- Provision of a forum for NJC members to maintain contact and to discuss issues and concerns of interest.

d. **NJC Committee on Judicial Organization and Management:** EWMI/FMI has on numerous occasions discussed with the Supreme Court Chief Justice and other judges involved with the committees of the NJC the need for the creation of a separate committee on Judicial Organization and Court Management. Presently, the Budget Commission is the only NJC committee that might deal with issues of judicial organization and management, but to date has done nothing in that regard. Based on our discussions, the Chief Justice has agreed in principle to create a new sub-committee of the Budget Commission, which will focus specifically on judicial organization and court management. The project has provided the Chief Justice with a needs assessment/action plan for the future establishment of this potentially valuable sub-committee, and the Chief Justice has agreed to discuss this matter in the next meeting of the NJC Executive Council.

Benefits:

- New involvement by the NJC in the overall policy debate concerning court management issues;
- New forum for input from judges to the Ministry of Justice and the Budget Office regarding court administration matters;
- More debate concerning best practices on court administration between NJC members; and
- Development of a means by which the judiciary can advocate more effectively for policy decisions that tend to improve judicial organization and management of the Albanian court system in accordance with judges' experiences and observations.

e. **NJC Internet Web-site:** In cooperation with an Albanian software designer, EWMI/FMI assisted the Secretariat to design, develop, and publish a new Internet web page for the NJC. The web page contains both static and dynamic features and content. The static portion of the web page contains:

- a comprehensive description of the Albanian Judiciary and specifically the NJC;
- the Directory of the Albanian Judiciary;
- the Citizen's and Businessperson's Guide to the Albanian Legal System (described in detail below); and
- All Unifying Decisions of the Albanian Supreme Court, in a convenient, word-searchable format.

The dynamic portion of the web page includes:

- the quarterly NJC newsletter;
- a mailing list chamber for use by the judiciary to exchange information and discuss matters of common concern in their professional careers; and
- relevant press and other releases by the NJC.

To facilitate maximum use of the web page, important information contained in the static and dynamic portions of the web page is also available in English. The web page is designed, developed and published so as to allow for future expansion and upgrading, as well as its integration with other judicial web pages. The web address of the new NJC Web Page is: www.kgjk.org/

Benefits:

- Stronger institutional capacity at the Albanian Judicial Conference through automation;
- Broader and more convenient dissemination of information to judge members, Albanian citizens, members of Parliament, staff at the Ministries, the donor community, and others about staff planning and support issues, agenda and event planning, and NJC decisions and policies,
- New avenue for improving governmental relations between the judiciary and other branch institutions;
- Enhanced independence of the judiciary, thereby fostering the rule of law;

- Increased public access to the courts and to the administration of justice, thereby increasing public support for judicial institutions.

5. Roundtable Forum for Chief Judges

Activity: Together with the Albanian Supreme Court, EWMI/FMI co-sponsored a roundtable meeting of the chief judges of Albania's District Courts and Courts of Appeal at Pameba Resort in Durres on 26 October 2001. Chief Justice Kondi of the Supreme Court presided over the roundtable meeting. Also in attendance were Arjana Fullani, Director of the School of Magistrates and Luljete Laze, Director of the Judicial Budget Office.

Chief Justice Kondi and the chancellor of the Albanian Supreme Court gave a presentation regarding the organization and function of the chancellor's office at the Supreme Court and the specific role played by the chancellor in court administration activities. However, many of the judges expressed reluctance to delegate any significant authority to the chancellors of their courts. Unless addressed carefully, systemically, and methodically, this institutional conflict between the judiciary and the Ministry of Justice (which, under the law, employs the chancellors) is likely to continue, as is judicial reluctance to delegate authority.

Following up on a previous roundtable meeting of judges sponsored by EWMI under a previous project, the judges' discussion focused heavily on the topic of court security, which continues to be of serious concern to them and should be addressed (through the purchase of hardware such as metal detectors and the reorganization of the police forces) as a means of reducing the routine chaos and periodic physical danger that exists at the courts. Chief Justice Kondi also spoke about judicial corruption and possibly raising judicial salaries as a means of combating corruption. Whether the judiciary will take action to address the above concerns in a meaningful way is unknown.

EWMI/FMI continued the push for reform in the area of chief judge and chancellor relations. EWMI/FMI in November 2002 provided a two-day workshop for chief judge/chancellor teams entitled "The Court Management Team in Albania." This innovative workshop, taught by two veteran U.S. court administrators, for the first time brought all chief judges and their chancellors together in a single forum to learn about effective court management. In order to maximize interaction among the participants and instructors, the course was provided three times to small groups of 15-20 judges and chancellors. The workshop is described in greater detail below in Section B regarding Judicial Training.

Earlier chief judge and chancellor events were attended separately by either chief judges or chancellors. This workshop, in contrast, provided a venue which allowed much more of a focus on the issues which are the core of the chief judge/chancellor relationship, not only in Albanian courts, but in the courts of other countries as well. Most importantly it explored the delicate but important relationship between the chief judge and the chancellor and how the strength of that relationship directly affects the

quality and level of the administration of justice. The workshop provided a comprehensive list and explanation of a chancellor's duties. It also provided, in detail, the specific attributes and background a chancellor should have in order to be of maximum benefit to his/her particular court. In essence, this workshop was the equivalent of two separate, two-day roundtables; one for chief judges and one for chancellors, but took a big step forward by bringing them together.

Benefits:

- Provision of a central forum for chief judges to discuss and resolve court administration and policy issues;
- Development of an organized institutional mechanism through which chief judges' recommendations on improving the judicial system will be transmitted to Albania's Judicial Conference and other high judicial authorities.
- Development of a forum whereby chief judges can act as a catalyst for legislative reform.

6. Roundtable Forum for Court Chancellors

Activity: During 2001, in cooperation with the DJO at the Ministry of Justice, EWMI/FMI conducted the first roundtable meeting for court chancellors. The roundtable was attended by approximately 25 chancellors from the district courts and courts of appeal throughout Albania. At the roundtable, the court chancellors discussed various court administration issues that are of general interest to the chancellors, including EWMI/FMI-provided training in court management skills, training in procurement practices, training in basic computer skills for court personnel, training in secretarial and service-delivery skills for court secretaries, and the improvement of case-flow statistical reporting by the courts.

As a result of the roundtable, EWMI/FMI provided the chancellors (and additional court personnel) with training in procurement practices (see Section B.7. below). EWMI/FMI also provided the chancellors with training in the management and administration of organizations (see Section B.6. below). In addition, EWMI/FMI continued its program of training court personnel in computer literacy skills and provided such training to: (1) Kruje District Court during the December 2001–February 2002 period, (2) Peshkopi District Court during April 2002, (3) Kukes District Court during July 2002, (4) Pogradec District Court during October 2002, and (5) Gjirokaster District Court during November 2002 (see Section B.5. below).

EWMI/FMI and the DJO also held a roundtable meeting of court chancellors from Albania's district courts and courts of appeal during April 2002 for the purpose of discussing the data submission requirements to which the local courts would have to conform in order to allow the Directorate to produce the quarterly case-flow report discussed below in Section A.14.

EWMI/FMI worked with the DJO again to sponsor a third roundtable forum of all court chancellors, held at the Shalom Center just outside Tirana on 12 July 2002. At the forum, which was attended by 34 chancellors and key Ministry of Justice personnel, EWMI/FMI's U.S. court administration training expert, Anthony Fisser, conducted an interactive training needs assessment. Mr. Fisser first conducted a large group exercise to discuss previous training received and its effects on chancellor job performance. He then involved all the court chancellors in small group brainstorming sessions, where they prepared lists of shared challenges and common or recurring problems. Mr. Fisser then reconvened the large group session and taught the chancellors how to translate their shared experiences into training needs. In addition to allowing EWMI/FMI to assess court administration training needs, the July 12 roundtable forum served the equally important role of bringing all the chancellors together, allowing them to see and feel the dynamics of creating a cohesive professional group, sharing experiences and forming the framework for future networking.

Finally, court chancellors participated in one of the three, two-day workshops entitled "The Court Management Team in Albania: The Job of Chancellor" as described above in Section A.5., and which can be considered as a joint chief judge/chancellor roundtable. The subject of these workshops included the first specific training topic that Mr. Fisser recommended in his report and thus began the process of implementing his comprehensive chancellor training program, all in cooperation with the Ministry of Justice.

Benefits:

- Chancellors gain a comprehensive framework of duties, qualifications, and attributes to guide them in their further professional development;
- Development of a central forum for court chancellors to discuss court administration, budget, and training issues and to identify the needs of the courts;
- Development of an institutional mechanism through which recommendations are made by the court chancellors to Albania's chief judges regarding improvements in court administration and delivery of service to the public;
- Improved professional stature of court chancellors;
- Relief for chief judges from some of the administrative burden presently falling on them.

7. Development and Installation of Software for Court Case Statistics and Case Assignment

Activity: EWMI/FMI worked with a local software developer to design and install case statistics software at the Tirana District Court. The system design is complete and final installation, including input of specific case information, has occurred. This pilot software project enables the Tirana District Court to assemble and report to central court authorities case statistical data regarding number, type and resolution of court cases

in electronic form. This electronic assembly and reporting of case statistics makes generation and dissemination of reliable case statistical information easier and more efficient, thus assisting overall court administration and planning.

Benefits:

- Improved court efficiency in the assembly and reporting of case statistics and the assignment of cases;
- Reduced administrative burden on the chief judge;
- Corrupt and illegal case assignment practices discouraged;
- Greater transparency and ability to monitor case assignment;
- Public trust in the case assignment process fostered;
- Court budgeting process and caseload management improved.

8. Albanian Judicial Budget Office Support

Activity: EWTM/FMI has connected the Judicial Budget Office to the court email system. Additionally, EWTM/FMI has provided training to the Director of the Budget Office and to central Budget Office staff in procurement practices in the form of a three-day training seminar, and in the preparation of uniform budgets and the use of budget software. Similarly, EWTM/FMI has provided select Budget Office staff members with a one-week training course in organizational management and business practices.

During April 2002, EWTM/FMI provided the Office of the Administration of the Judicial Budget with an expert in court administration. He focused his technical assistance on:

1) Developing a needs assessment review for the Judicial Budget Office directed toward improving its internal management and operational capacities, including staff management and supervision, work planning, team work, and staff interaction. Among the important areas in need of review are the means by which the Judicial Budget Office can improve its capacity to assist local budget officers at District Courts and Courts of Appeal and how it can help the courts to improve physical facilities, budgeting procedures, and inventory control;

2) Improving statistical analyses of individual court inventories and court budget outlays; and

3) Developing initial steps toward strategic and action planning for the Judicial Budget Office.

Benefits:

- Albanian judicial system's budgeting capabilities strengthened;
- Corrupt and unethical practices in court administration reduced;
- Administrative burden on chief judges reduced.

9. Establishing Communication and Coordination between OAJB/DJO

Activity: Allocation of scarce resources, i.e., the budgeting process, is the life blood of any organization including the judicial system. The Office of the Administration of the Judicial Budget (OAJB) is central to this process for the Albanian court system. Thus it behooves both the OAJB and the Directorate of Judicial Organization (DJO) at the Ministry of Justice to closely communicate and coordinate their activities regarding the judicial budget and administration of the courts.

Until EWMI/FMI involvement, there had been basically no formal communication between the OAJB and DJO. The heads of both these two important central judicial system organizations agree that the communication and coordination between them should be improved; both support the liaison committee idea and enthusiastically endorsed EWMI/FMI assistance in this regard. Toward that end, EWMI/FMI's seasoned court management expert began working with the Directors of the DJO and OAJB during the second half of 2002 to develop a liaison working group made up of staff from both offices.

EWMI/FMI coordinated initial and follow-up meetings with both directors to establish and build upon the new communication link. A memorandum of understanding has been developed which will solidify this relationship when adopted. A related EWMI/FMI activity, the "Training the Trainers" workshop described below, dovetailed with the liaison working group initiative by bringing together one of the two directors and top level staff members from both organizations to learn how to better train their colleagues. This Training the Trainers initiative served to develop a closer personal relationship among these key persons from both organizations. Additionally, a list of activities that can be accomplished in a joint fashion has been developed which both organizations are beginning to address.

Benefits:

For the OAJB:

- Better understanding of court system processes;
- Better understanding of court system budget needs and priorities;
- Ready source of information and contact for questions and issues concerning the courts;
- Quicker budget document processing time by the courts via the DJO.

For the DJO:

- Clearer understanding of the OAJB and its role;
- Better understanding of the budget process which will result in more realistic expectations on the part of not only the DJO but of the courts;
- Ready source of information and contact for questions and issues concerning the OAJB;

For both the OAJB and DJO:

- Sound basis upon which both organizations can interface with one another in the future and better coordinate administration of the court system on a national basis.

10. Development of a Final Strategic Plan for the School of Magistrates

Activity: At the request of the Albanian Magistrates' School, EWMI/FMI continued its assistance to the School in finalizing its overall Strategic Plan for future operation. After further work, a final version of the Strategic Plan was produced and the School's Board of Directors approved the final draft in October 2001, thus enabling the School to move forward in a more rationally-planned fashion to accomplish School responsibilities.

EWMI/FMI also worked in cooperation with School authorities to develop, draft and complete the School's Program for Continuous Training, a task which represents accomplishment of the first implementation step recommended by the School's Strategic Plan. In cooperation with School authorities, EWMI/FMI drafted several versions of the Program for Continuous Training, the result of which was the creation of a final draft Program and its approval by the School's Board of Directors. Following the Board's final approval of the Program for Continuous Training, EWMI/FMI created a written published version of the Program, which the School of Magistrates presented to the Albanian Judicial Conference during its annual meeting on 5-7 December 2001 in order to provide the judges with necessary information about upcoming course offerings. The published program was distributed to the majority of Albania's judges who now submit applications to participate in particular courses specified in the Program.

Benefits:

- Development of the School's mission statement so as to clearly define its overall goals, the means by which such goals can be implemented, and the obstacles that might exist in the implementation process;
- School authorities more acquainted with the formal institutional planning process;
- Provision of a rational and orderly process by which courses are selected by the School of Magistrates and offered to the Albanian judiciary;
- More course alternatives available to the judiciary;
- Judges now learn of course offerings in a timely fashion so that they can apply for particular courses and plan attendance in advance;
- School of Magistrates able to more effectively plan for course attendance.

11. Commercial Law Course Development for the School of Magistrates

Activity: EWMI/FMI provided an American commercial law expert, Patricia Ray, who worked with an instructor from the School of Magistrates to develop a course in intellectual property. Ms. Ray worked with the School's instructor during December 2001 to develop and refine the course outline as the underlying structure for a

comprehensive course syllabus. After this joint effort, the School's instructor created a final course syllabus. Based on the course syllabus, Ms. Ray and the School's instructor co-taught the intellectual property course during April 2002 to an audience of 24 sitting judges from Albania's courts.

In addition, EWMI/FMI also cooperated with the School of Magistrates to create a course in banking law. During April 2002, EWMI/FMI provided an expert in banking law, Dorothy Sable, who worked with a School instructor to develop a banking law syllabus for use by the School as one of its course offerings. Based upon these discussions and this work, the School's instructor prepared a final course syllabus.

EWMI/FMI not only cooperated with the School of Magistrates to create a banking law course, we helped address an often lamented lack of Albanian language resources for scholars and students of the law. EWMI/FMI's local Albanian banking law expert, Neritan Kallfa, working in cooperation with Dorothy Sable, a recognized U.S. banking law scholar, completed a new Albanian textbook and reference manual entitled Juridical Aspects of Banking Activity. Banking is an area of the law that has developed extensively in Albania during the last ten years; the legal environment of the banking arena is expected to generate sustained interest in the coming years as well. EWMI/FMI delivered a preliminary copy of the manuscript to the Director of the Albanian School of Magistrates in order to allow the School an opportunity to provide input during the final editing process. Additionally, the book was peer reviewed by two leading Albanian banking law experts and then professionally proofed before submission for publication. EWMI/FMI engaged a Tirana publisher to produce 500 copies of the new text. After the School of Magistrates formally adopted the book for use in its teaching curricula, EWMI/FMI presented 250 complementary copies of the book to the School. Another 250 copies of the text were distributed free of charge to leading judges, scholars, and practitioners in Albania.

Benefits:

- Improved commercial law course offerings to the Magistrate School students;
- Counterpart School professors provided with individual substantive legal expertise;
- Counterpart School professor's teaching capabilities enhanced;
- New Albanian language legal text for use by students, scholars, and practitioners developed and published.

12. Development and Publishing of a Webpage for the School of Magistrates

Activity: Working with a local software provider, EWMI/FMI created a webpage for the School of Magistrates (published at www.magjistratura.edu.al). With EWMI/FMI's assistance, the School also published on the webpage a variety of legal dissertations from the School's magisterial and prosecutorial candidates, an action that enables these research and educational materials to be accessed and studied by members

of the School's faculty and other students, as well as domestic and foreign visitors to the School's website.

Benefits:

- School of Magistrates gained enhanced capacity to distribute information about itself to other Albanian institutions, to the public, and to prospective students;
- School gained increased ability to establish international contacts with magistrate educational institutions in other countries;
- School faculty, staff, and students have a new and convenient method of increasing internal communication;
- School alumni provided with forum to maintain contact and to discuss professional issues.

13. Assistance to the High Council of Justice and Ministry of Justice to Produce a Judge Credentials Database

Activity: Working in partnership with the Inspectorate of High Council of Justice and the Ministry of Justice, EWTM/FMI created a Professional Credentials Database for Judges. This database will eventually contain contact information for all Albanian judges, as well as other important information on their educational backgrounds, career history, continuing education status, promotions and transfers, and ethical or behavioral violations. EWTM/FMI consulted with both local Albanian judicial authorities and foreign experts to carefully determine the level of privacy protection and information security a database of this type would need. In the end, the High Council's Inspectorate made the decision that it should control access to the information in the database in order to protect privacy. This database will provide the High Council's Inspectorate with information for its bi-annual evaluation of judges. The database information will also assist the Department of Judicial Organization at the Ministry of Justice to produce management reports that improve court administration in Albania based on more accurate and updated information. In addition, the School of Magistrates (SOM) will gain a critical database of information concerning the educational backgrounds of the judges, which will help the SOM to develop future training curricula and decide which judges to invite to each training course.

The database, developed in an easy to use, off-the-shelf program known as Microsoft Access, already contains information on much of the judiciary. All data input so far has been done by staff at the High Counsel's Inspectorate in order to give the office that will maintain the database hands-on training in how to use it and to develop a sense of ownership of the program. Input continues as of the date of this writing, with almost 70% of the data now entered into the database. EWTM/FMI anticipates that the Ministry of Justice and the School of Magistrates will work collaboratively with the High Council of Justice in the future to compile and regularly update the database.

Benefits:

- High Counsel's Judicial Inspectorate better able to conduct and document its bi-annual evaluation of judges;
- Ministry of Justice gained increased ability to produce reports that strengthen court administration in Albania based on more accurate and updated information;
- School of Magistrates gained an efficient tool for developing future training curricula and selecting judges to invite to each training course.

14. Assistance to the Ministry of Justice's Directorate of Judicial Administration

Activity: In 2001, EWMI/FMI provided an expert in court administration from the Minnesota state court system to work in-house at the Directorate of Judicial Organization (DJO) on court administration issues specified in the terms of reference agreed upon by EWMI/FMI and the Directorate. The expert provided technical assistance to the Director of the DJO to develop a Strategic Action Plan, which formulated a number of useful suggestions to develop the DJO into a more responsive and proactive national body to guide administration of the nation's court system. Among the recommendations made in the Plan were suggestions regarding the creation of a court information technology unit within the Directorate, to assist the courts in maintaining computer hardware and in getting the fullest use out of existing information technology resources already installed in the courts. The Plan also suggested the creation of a quarterly case disposition report to be assembled by the Directorate for use by policymakers in allocating resources to the courts.

As a follow-up, in March/April 2002, the expert returned to the DJO to continue EWMI/FMI's work to develop and initiate a case-flow statistics quarterly report to track workloads at the various district courts and courts of appeal. The expert's return visit to Albania focused upon implementation of the Strategic Action Plan. He worked with the Directorate to create a basic quarterly case statistic report that would quantify caseload flow-through at each court throughout Albania (i.e., specifying the average residence time of cases and whether case backlogs are increasing or lessening). A quarterly report of this nature done by the Directorate would give policymakers at the Ministry, and perhaps within the court system and Parliament, a more objective and quantitative analytic tool with which to compare individual court performance, determine potential problem areas, and allocate and manage financial and personnel resources.

In the fall of 2002, EWMI/FMI again brought the same expert back to Tirana to continue his previous technical training efforts and his work to implement the DJO's Strategic Action Plan. By using an expert with extensive experience in Albanian court administration and good working relationships at the Directorate, EWMI/FMI significantly increased both the effectiveness of technical assistance and efficiency of efforts through reduction of lost time due to learning curve. The expert's presence at the DJO in November and December 2002 once again focused the Directorate on its core task – monitoring and improving the administration of the District Courts and Courts of Appeal. This time EWMI/FMI's assistance concentrated on personnel administration,

pursuant to specific requests the Project received from the Director of the DJO. The Director lamented during meetings with EWMI/FMI that the courts have little experience with the essential elements of an effective human resources management system, including the employment cycle (from hiring to termination), job classification, and organizational and progressive discipline (disciplinary measures tailored to seriousness of infraction, and warnings leading to more serious discipline along a progressive continuum). First, EWMI/FMI assessed current human resources practices at the DJO. Then we worked with the Director and his staff, providing them with technical advice on how to better their system. Finally, and perhaps most importantly, EWMI/FMI provided a comprehensive, step-by-step report to the Director entitled "Suggestions for Human Resources Management," which provides concrete illustrative examples of how to address such matters as recruitment, selection, performance appraisal, termination, procedures for investigating disciplinary matters, and job classification. Additionally, EWMI/FMI's expert provided information, as requested by the Director, on how Albanian court chancellors can join a recognized international court administration association.

Traditionally, the Ministry of Justice has no Internet capability. The resource-strapped Albanian government has not yet recognized this priority. The Director of the Directorate of Judicial Organization had to leave the MOJ building and travel to an Internet cafe to access e-mail. The Director believes that Internet capability in his department would significantly assist his efforts to bring court administration in Albania up to the level of more developed nations. Internet capability would allow the Directorate to communicate directly and efficiently with the chief judges and other central institutions in Albania, as well as provide the Directorate with access to numerous sites on the web that offer critical information regarding court administration in the U.S. and Europe.

Accordingly, the Director requested, and EWMI/FMI funded, the installation of one unlimited, dial-up Internet connection from a local Tirana Internet Service Provider for the DJO. This connection has already served the Directorate well, providing Internet access from three computers within the Directorate. EWMI/FMI funded the connection, provided technical assistance to install the service and configure the computers, purchased the necessary modems, and provided troubleshooting assistance during fall 2002. EWMI/FMI's court administration expert demonstrated to Directorate staff how to access specific web resources. The Director hopes soon to receive a budget allocation for the connection in the future.

Benefits:

- Improved ability at the Ministry of Justice to coordinate and manage the court system;
- Ministry personnel trained in formal management planning;
- Ministry provided with a comprehensive human resources management guide;

- Ministry better able to reduce unethical court practices through enhanced statistical gathering and monitoring.

15. Court Technical Assistance Program

Activity: In April, 2002, EWMI/FMI provided a U.S. expert in court administration to conduct an initial strategic assessment of the needs of Albania's District Courts and the role of central judicial institutions in supporting the courts. While in Albania, Mr. Keenan G. Casady visited the District Courts in Elbasan, Kruja, Shkoder, Tirana, Burrel, Bulquize, Peshkopia, Gjirokaster, Saranda, Vlora, Durres, and Korca, plus the Albanian Supreme Court. He conducted thirteen court site visits in all, interviewing chief judges, chancellors, chief secretaries, budget officers, and records archivists. Following his time in Albania, Mr. Casady prepared a lengthy working report containing recommendations on court organization and administration, budget and procurement, human resources and development, records management, case flow management and delay reduction, automation and telecommunications, and space, facilities, and security. The working report points out a current shortfall of trained personnel in the courts to properly utilize the computer hardware that exists there.

As noted by Mr. Casady, Albania is a nation of contrasts. The courts are generally equipped with modern computer hardware, but in most instances lack the personnel trained to keep the equipment functioning and make the best usage of automation. Based on EWMI/FMI's experience in the District Courts, there is enthusiasm and capability among court personnel toward information technology. However training is required. Often, computers sit unused and "broken" because of relatively simple software or hardware problems that could be easily and cheaply remedied by someone with IT experience. Based on Mr. Casady's experiences and his working report, and on our extensive institutional knowledge of the District Courts, EWMI/FMI explored ways to correct this situation during the fall of 2002.

Due to budgetary and personnel constraints, EWMI/FMI was unable to address these problems at all 29 District Courts. However, we identified six District Courts where training and technical assistance were likely to be effective: those in Pogradec, Berat, Gjirokaster, Korce, Shkoder, and Saranda. These courts are geographically representative of the entire nation and were selected based on cooperative relations between EWMI/FMI and chief judges.

Detailed, on-site assessment activities were undertaken at each of the above referenced district courts by EWMI/FMI's local staff information technology specialist and U.S. court administration expert. Specifically these experts:

- (1) Conducted an in-depth inventory of computer and all other electronic equipment systems such as fax machines, photocopiers, telephone systems, and remote camera security systems;
- (2) Determined the purposes for which each court uses its electronic equipment, computers in particular;
- (3) Determined existing maintenance services, whether external, internal or none;

- (4) Assessed the quality and condition of all electronic equipment in each court;
and
- (5) Identified local court employees that could be trained as "front line" trouble shooters for minor computer equipment and software problems.

EWMI/FMI took advantage of another opportunity to obtain additional technology information from virtually all courts in the country. A comprehensive questionnaire was developed by EWMI/FMI and was administered by the Project's local staff IT Specialist to each of the chief judges and chancellors in attendance during the three November workshops entitled "The Court Management Team in Albania: The Job of Chancellor." The information collected includes the information categories described above plus the information technology needs and desires of each court's chief judge and chancellor.

Information from these two sources, plus that provided by Mr. Casady, was compiled, analyzed, put into a report and provided to key judicial system leaders, including the Chief Justice and the Minister of Justice. The report contains not only an inventory of information technology equipment in the country, but also a completed needs assessment for the further development of technology and support services in the court system. This information will serve as the justification and basis for developing a system-wide court information technology entity in the Ministry of Justice which can serve, in a coordinated manner, the entire court system.

Benefits:

- Training and orientation in information technology provided to key personnel from each selected District Court, thereby beginning the process of training and developing "systems managers" at each court;
- Troubleshooting assistance with minor software and hardware problems and technical assistance onsite to selected District Courts provided;
- Local staff persons with the interest and capabilities to be trained as "front line" computer systems trouble shooters identified;
- Use of EWMI/FMI's court e-mail system encouraged, and additional e-mail training provided where needed;
- Initial automation "expertise" created within the target courts, in order to improve court administration and bring a much greater return on the investment in computer hardware made by the Albanian government and international donors; and
- Information technology needs assessment developed which can be used by court planners and leaders to create an Information Technology Service for the entire court system.

Training of Judicial Personnel

1. Commercial Law Training for Judges Sitting in the Commercial Law Sections of Albania's Larger Court Jurisdictions

Activity: EWMI/FMI, in cooperation with the International Law Development Institute in Rome, Italy, and numerous expert consultants from the U.S. and Europe, completed its program of training in commercial law and other subjects to sitting judges from courts throughout Albania. Under LSSMR, EWMI/FMI conducted 432 trainings of judges in commercial law and other relevant subjects in Albanian law in the following subject areas:

<u>Legal Subject</u>	<u>Number of Judges Trained</u>
Company Law	56 (15 female)
Commercial Law Concepts	17 (6 female)
Banking Law	92 (34 female)
Creditor/Debtor Relationships	91 (33 female)
Civil Trial Practice and Procedure	29 (14 female)
Evaluation of Evidence in the Civil Process	30 (14 female)
Conditions of Due Legal Process	19 (10 female)
Contractual Damage and Torts	31 (11 female)
<u>Construction Contracts Law</u>	<u>67 (28 female)</u>
Total	432 (165 female)

Much of this training was provided outside the School of Magistrates by EWMI/FMI, as a consequence of inadequate resources at the School to carry out its statutory mandate to provide continuing legal education to Albania's judiciary. However, throughout the Project's work, the School was kept regularly informed of the status of EWMI/FMI judicial training activities, even as EWMI/FMI worked daily to build institutional capacity at the School (as described above in Section A) to enable it to better carry out its mandate. The Albanian judiciary remains quite enthusiastic about continuing judicial education, as evidenced by its continuing interest and participation in these courses. For that reason, EWMI/FMI was extremely pleased, after more than two years of its institution building program at the School, when the School demonstrated new capacity and initiative during the fall of 2002.

In short, using institutional and management tools provided by EWMI/FMI and other donors, the School drew up its own 2002 course calendar (based in large part on the one EWMI/FMI helped prepare in 2001) and then organized a meeting of potential donors to seek and coordinate funding for continuing judicial and prosecutorial education. Although the Albanian government still has not appropriated adequate funds for this valuable, statutorily mandated training to improve the quality of Albania's sitting judges and prosecutors, the School's Director used carefully cultivated relationships with the donor community to fund the entire 2002 course calendar. EWMI/FMI funded and provided expert instructors for three of the courses. This success by the School's

Director is no small achievement and should be lauded, for it shows the managerial skills and determination on the part of an Albanian leader that our Project has worked hard to engender. However, the Albanian government should be pushed hard in the immediate future to allocate funds from the state budget to cover the costs of continuing judicial and prosecutorial education.

Benefits:

- Increased commercial law expertise among judges;
- Improved quality of judicial decisions;
- Predictability encouraged in the outcomes of contract and commercial disputes, resulting in growth of private enterprise in Albania;
- School of Magistrates professors better prepared to teach commercial law courses;

2. Commercial Law Training for Judges Sitting in Albania's Smaller Court Jurisdictions

Activity: As noted in the totals set forth in Section B.1. above, EWMI/FMI completed its stated goal of providing instruction in basic commercial law concepts to selected judges from the smaller court jurisdictions in Albania. This four-day course was taught to 17 judges and judicial candidates. EWMI/FMI provided an American commercial law expert who taught the course as part of a team with a designated law professor from the Albanian School of Magistrates. This arrangement was selected so as to develop greater in-house teaching capabilities at the School, and to encourage the School to take greater responsibility in meeting its continuing legal education mandate. Voluminous written materials were prepared in association with the course and were made available to course participants. The course outline developed for the course and the associated written materials will now be available for future teaching by School instructors to additional audiences.

Benefits:

- Increased commercial law expertise among judges;
- Improved quality of judicial decisions;
- Predictability in the outcomes of contract and commercial disputes encouraged, resulting in growth of private enterprise in Albania;

3. Civil Trial Practice and Procedure Course

Activity: As specified above in Section B.1., as an additional activity beyond the requirements of its work plan, EWMI/FMI provided a two-day training course in civil trial practice and procedure during the period of 10-13 December 2001 to two separate participant groups totaling 29 individuals selected from the Albanian judiciary.

Benefits:

- Increased level of expertise of individual judges in the procedural aspects of civil trials in order to strengthen the judiciary's institutional capacity to decide commercial disputes, thereby encouraging the growth of private enterprise in Albania;
- Better handling of civil disputes in the courtroom, resulting in increased public confidence in the judiciary.

4. Three New School of Magistrates Courses for the 2002 Curricula

Activity: Also as specified in Section B.1., in accordance with the approved work plan for the contract extension period through 31 December 2002, EWMI/FMI funded three new School of Magistrates courses for the 2002-2003 academic year. EWMI/FMI provided foreign expert consultants who worked with School faculty to design and implement new courses in evaluation of evidence in the civil process, conditions of due legal process, contractual damage and torts. The teaching materials and course outlines were provided to the School and can be used for teaching the courses in future academic years. All three courses were team taught by both the Project's foreign expert and the School's faculty, using training facilities of the School.

Benefits:

- Increased substantive legal expertise among individual judges, encouraging greater uniformity of decision making and greater predictability in the outcomes of commercial disputes, thereby encouraging the growth of private enterprise in Albania;
- Increased public support for the judiciary and increased public access to justice and the court system fostered.

5. Training of Court Staff and Sitting Judges in Basic Computer Skills

Activity: EWMI/FMI continued its training of court staff and judges in basic computer skills in order to respond to the increased need for such training arising from the Albanian government's installation of computers at each court. The training was offered both through the Harry T. Fultz Community College, located in Tirana, or through local trainers in the vicinity of the particular court. For several courts, the Fultz Community College provided its 50-hour "Introduction to Computers" course, some taught on-site at remote courts, with Fultz transporting and setting up a generator-backed computer lab at remote courts such as Kukes, Pogradec, and Gjirokaster. As of 31 December 2002, a total of 355 judges and court personnel from Albania's district courts and courts of appeal have been provided with introductory computer skills training, as set forth below:

<u>Court</u>	<u>Number of Personnel Trained</u>
Kruje District Court	15 (14 female)
Korca District Court	38 (27 female)
Pogradec District Court	15 (10 female)
Gjirokaster District Court	25 (18 female)
Kukes District Court	18 (10 female)
<u>Peshkopi District Court</u>	<u>12 (6 female)</u>
Total	123 (85 female)

In addition, 39 court personnel located in various courts throughout Albania have been trained in the operation of the court email system installed by FMI-EWMI, as listed below:

<u>Personnel Type</u>	<u>Total Number of Personnel Trained</u>
Judges and Court Administrators (Various Courts)	39 (32 female)

Benefits:

- Increased computer literacy of court personnel, resulting in increased court efficiency and customer service to citizens;
- Albanian courts now more computer literate and ready for a computer network in order to facilitate increased financial accountability, productivity, and service to the public.

6. Training of Chancellors and Budget Officers in Office Management and Administration

Activity: EWMI/FMI, in cooperation with the Fultz Community College, provided executive management and administration training to all court chancellors and to selected members of the central Judicial Budget Office staff. This one-week training course was provided to three separate audiences comprising a total of 55 chancellors and personnel from the Judicial Budget Office, listed as follows:

<u>Personnel Type</u>	<u>Number of Personnel Trained</u>
Chancellors	35 (30 female)
Budget Officers	13 (10 female)
<u>Ministry of Justice officials</u>	<u>7 (5 female)</u>
Total	55 (45 female)

Benefits:

- Improved court efficiency and administration;
- Improved delivery of court services to the public;
- Corrupt or unethical practices in the operation of the courts discouraged.

7. Training of Court Chancellors and Budget Officers in Procurement Practices

Activity: In addition to the management training given to court chancellors and budget officers, EWMI/FMI trained a total of 36 court chancellors and judicial budget officers in procurement practices. The three-day training course was given to two separate audiences, listed as follows:

<u>Personnel Type</u>	<u>Number of Personnel Trained</u>
Chancellors	25 (14 female)
<u>Budget Officers</u>	<u>11 (8 female)</u>
Total	36 (22 female)

Benefits:

- Increased court administration efficiency;
- Improved budget practices in the courts;
- Corrupt or unethical practices discouraged in the procurement of goods and services for the judicial system.

8. Training of Court Budget Officers in the Use of Budget Preparation Software and in Uniform Budget Preparation Methods

Activity: EWMI/FMI provided a one-week training course in the use of budget preparation software to judicial budget officers working in the district courts and courts of appeal of Albania. The course sessions were held at the Shalom Center in Tirana and trained the following individuals:

<u>Personnel Type</u>	<u>Total Number of Personnel Trained</u>
Judicial Budget Officer (Various Courts)	25 (24 female)

In addition, EWMI/FMI has worked in cooperation with the Albanian Judicial Budget Office to provide instruction in the preparation of court budgets in a uniform fashion so as to make the budgeting process operate more efficiently. Instruction has been provided to the following individuals:

<u>Personnel Type</u>	<u>Total Number of Personnel Trained</u>
Judicial Budget Officer (Various Courts and Central Budget Office)	39 (31 female)

Benefits:

- Increased court administration efficiency and improved budget practices in the courts;
- Corrupt or unethical budgeting practices discouraged.

9. Training of Court Support Staff in Basic Secretarial, Work Planning and Service Delivery Skills

Activity: EWMI/FMI provided training in office skills and work management to 115 court support staff working in Albania's district courts. The two-week course was provided locally in the cities in which the courts are located and has trained the following number of court individuals:

<u>Court</u>	<u>Number of Personnel Trained</u>
Tirana District Court	64 (64 female)
Lezhe District Court	12 (12 female)
Shkoder District Court	22 (22 female)
Vlora District Court	17 (17 female)
<hr/>	
Total	115 (115 female)

Benefits:

- Increased court support staff efficiency;
- Improved public access to the courts through greater customer service, thereby increasing public support for the judiciary.

10. Training the Trainers (TTT)

Activity: An integral part of any organization's growth and development is providing suitable, professional training to its employees. Many areas of training are best presented by experts from outside the organization. However, some of the best training resources, and the least expensive, are employees within the organization. In order to tap these internal resources it is necessary to prepare those employees to teach and train their colleagues. The means to do so is a "Training the Trainers" (TTT) program.

EWMI/FMI provided a training expert to introduce basic adult learning principles and appropriate methodology to potential trainers within the judicial system, both at the central level and the local court level. The purpose of the TTT program was to enable employees of the Albania judiciary to conduct ongoing in-house training in a wide

variety of areas, now and in the future. The first group of individuals to participate in the five day TTT program included top level staff from the Supreme Court, the Ministry's Directorate of Judicial Organization, and the Office for the Administration of the Judicial Budget. The TTT program is also one of the first specific courses Mr. Fisser recommended be presented to chancellors in his comprehensive Chancellor Training Plan. The first training to be conducted by some of the TTT "graduates" will be a program about the court system's procurement system. That course, to be taught entirely by participants in EWTMI/FMI's TTT program, will be presented to all court system budget officers and chancellors in January 2003.

Benefits:

- Selected court system personnel prepared to become a training resource for the judicial system;
- Inexpensive source of judicial system trainers prepared;
- Judicial system leaders more familiar with adult learning methods and teaching techniques;
- Process of institutionalizing court staff training in Albania underway.

11. Court Management Team in Albania

Activity: As described throughout this Final Report, EWTMI/FMI has provided activities and resources to support the development of court management and the court management framework in Albania. Initially, EWTMI/FMI assessed needs and planned a comprehensive program of future training for chancellors. The chief judges' and the chancellors' roundtables were highly successful forums for discussing issues facing both those bodies.

Perhaps the most important event involving chief judges and chancellors was "The Court Management Team in Albania: The Job of Chancellor" program held in November 2002 at the Shalom Center. Presentation of this 2-day workshop was a big step in implementing the comprehensive training plan. The workshop was provided three times, in order to include all chief judge/chancellor teams in Albania in a small-group environment conducive to active participation, interaction between participants and instructors, and adult learning. More than 60 individuals participated in the workshop program. Perhaps the greatest achievement of the program is that it was the first time chief judges and chancellors have interacted in the same educational forum to discuss common issues between them.

EWTMI/FMI court administration activities during the Life of the Project (LOP) have systematically involved personnel and leaders from across the entire judicial spectrum: the Chief Justice and other representatives from the Supreme Court, the Ministry of Justice, the Office for the Administration of the Judicial Budget, and the courts of appeal and the district courts. The level of participation by the Albanians at all levels is laudable and a credit to the system. The many workshops, discussions and materials provided by EWTMI/FMI over the LOP have provided the basis for exposing the

Albanian court managers to modern court administration principles. These tools also provide the court managers with alternatives and ideas to select from as the management of the judicial system is developed further.

Benefits:

- Modern court management principles introduced to the individuals actively operating Albania's District and Appeal Courts;
- Assistance provided in using management techniques that have been successful in other court jurisdictions;
- Forum created for discussing and debating court management issues and problems
- Communication channels more open between court staff and judges;
- Structured introduction to the use of technology in the courts provided;
- Models recommended for the strengthening of the court system's administrative structure.

Access to and Knowledge about Albania's Judicial System and Laws

1. Albanian Court Public Information Centers

Activity: EWMI/FMI completed writing the text for each of the 14 public information center posters to be installed in all Albanian courts. Production of a total of 575 posters was also completed.

The public information center posters have been installed at the district courts in Fier, Shkoder, Erseke, Burrel, Pogradec, Lezhe, Lushnje, Peshkopi, Permet, Vlora, Elbasan, Korca, Tirana, Lac, Bulqiza, Librazhd, Gramsh, Kukes, Puke, Rreshen, Kruje, Durres, Kavaje, Berat, Corovode, Bajram-Curri, Gjirokaster, Tepelene and Saranda. Poster sets have also been installed in the courts of appeal in Korca, Shkoder, Gjirokaster, Vlora, Durres and Tirana. Additional poster sets have been provided to the School of Magistrates and to the Ministry of Justice. As a result, all district courts and courts of appeal throughout Albania now have been provided with the public information poster sets.

Each court public information center poster set contains information on the following subjects:

- a) Extracts from the Constitution of the Republic of Albania regarding the judicial system and civil rights;
- b) Extracts from the Law on Internal Court Regulation relevant to public use of the judicial system;
- c) Summary of the Law on the Organization of the Judiciary;
- d) Extracts from the Codes of Ethics for Judges, Court Administrators, and Attorneys
- e) Diagrammatic depiction of the institutions comprising the Albanian justice system with brief descriptions of each institution;

- f) Description of the civil process in Albania;
- g) Description of the criminal process in Albania;
- h) Descriptions of the functions and responsibilities of chief judges, judges, court clerks and administrators, attorneys and prosecutors;
- i) Rules governing the behavior of members of the public and attorneys in courthouses;
- j) Description of the procedures to be used by the public to obtain court documents or other information;
- k) Schedule of various fees for filing documents with the court and for other court services;
- l) Description of the procedures to be used by physical persons in order to register businesses;
- m) Description of the procedural rules for filing a lawsuit;
- n) Description of the procedures to be used by members of the public to complain about judicial or attorney misconduct;
- o) Other information facilitating public use of the courts and the judicial system and increased public knowledge about the judiciary.

Benefits:

- Enhanced access to justice by citizens, and businesspersons through increasing knowledge about specific citizen and business rights, court procedures, fees, and complaint procedures;
- Increased public and business community support for the judiciary.

2. Albanian Law Database

Activity: As specified in Section A.2 above, final production of 350 copies of the Albanian law CD-ROM database has been completed. Copies of the cross-indexed CD-ROM law database were distributed to Albanian judges at the 2002 National Judicial Conference annual meeting so that they now all have access to the database for the purpose of researching the texts of Albanian statutes, governmental decisions and presidential decrees. Copies of the CD-ROM were also distributed to other Albanian institutions, non-governmental organizations and individuals within the legal community.

Benefits:

- Fundamental information on Albanian law disseminated, thus producing greater awareness of commercial and civil rights;
- Provision of a means by which private citizens, businesses, the press, and non-government organizations can better monitor the legal basis for judicial actions and decisions, thereby serving as a mechanism for monitoring the judiciary generally.

3. Judicial Decision Publication

Activity: As specified in Section A.3. above, the texts of the precedential decisions of the Albanian Supreme Court were collected and published in book form at

the request of the chief justice of the Supreme Court in lieu of producing a CD-ROM. Because these decisions are binding upon Albania's lower courts, 510 copies of the book were produced and distributed to the judges of Albania's 29 district courts and six courts of appeal at the 2001 NJC annual meeting. Copies of the text were also distributed to other Albanian institutions, non-governmental organizations and individuals within the legal community. Additionally, EWMI/FMI prepared and published a supplemental volume of precedential decisions for distribution at the 2002 NJC annual meeting.

Benefits:

- Greater dissemination of Albanian law, thus producing greater awareness of commercial and civil rights and greater accountability among the judges making decisions;
- Provision of a means by which private citizens, businesses, and non-profit organizations can better monitor the legal basis for judicial decisions, thereby serving as a mechanism for monitoring the judiciary generally;
- Increased legal analysis among judges, prosecutors, and members of the bar through reference to a binding source of clarification of the law.

4. Preparation of a Commentary on the Albanian Commercial Registry Law

Activity: EWMI/FMI selected a team of highly qualified Albanian commercial law experts to prepare the text for a new Albanian language legal commentary. The commentary was intended as a way to increase access to Albanian law and enhance and encourage legal scholarship in the country. The panel consisted of Professor Vangjel Kosta, a private lawyer and professor at the School of Magistrates; Dr. Tefta Zaka, a former Constitutional Court judge; Ms. Florina Tegu; Ms. Altina Xhoxhaj; Mr. Alban Caushi; and Gent Ibrahim, LL.M, the Executive Director of IPLS. This select group was engaged to prepare an analysis of the Albanian Law on Commercial Registry. Mr. Ibrahim served as Team Leader, to coordinate the group's activities and conduct both interim and final editing/proofing. Pursuant to consultant contracts entered into between the Project and the team members, on or before 6 December 2002, the team was to produce a manuscript fully ready for layout and publication. The Commentary text was to include thorough legal analysis of all 65 articles of the Law on Commercial Registry, substantive information on how the law should be construed and applied by magistrates, practitioner tips for advocates, any available legislative history or historical context in which the law was adopted, problems or difficulties that have arisen during implementation of the law, comparative references to similar systems in other countries, and discussion of the need for future amendments to the law.

Unfortunately, despite numerous written and verbal efforts by EWMI/FMI to convene members of the panel, monitor the research and writing process, and guide the team's work to a successful conclusion, the commentary team failed to meet to discuss progress and did not produce a manuscript of the new commentary on or before 6 December. Pursuant to the consultant contracts, EWMI/FMI terminated the relationship on 9 December for "cause" and no compensation was provided to any member of the

team. As before, EWMI/FMI still believes a commentary on the Albanian Law on Commercial Registry is needed and should be considered for future activities.

5. Citizen and Businessperson Commentary on the Albanian Justice System

Activity: EWMI/FMI, in cooperation with the Institute for Policy and Legal Studies, an Albanian non-governmental organization, completed the drafting of a citizens' and businesspersons' commentary on the Albanian justice system, which contains substantive information on Albanian law, regulations, and legal institutions, as well as practical information regarding court procedures. EWMI/FMI translated the commentary into English, so that it will benefit foreign persons and entities working in Albania, as well as Albanian citizens and businesspersons.

EWMI/FMI published 2000 copies of the commentary in a convenient bilingual (Albanian/English) edition. The books are being distributed to Albanian institutions, including various schools, municipalities, and NGOs throughout Albania. EWMI/FMI cooperated with both other USAID projects and Albanian government institutions to achieve the widest distribution possible. This valuable commentary will assist in providing greater public access to the courts and making the judiciary more responsible and service driven. The commentary will also assist in educating schoolchildren about the basics of the Albanian legal system.

Benefits:

- Increased citizen and businessperson understanding of the Albanian system of justice and of the legal aspects of conducting basic business transactions;
- Broad dissemination of fundamental information about Albanian law throughout Albanian society, thus producing greater awareness of commercial and civil rights;
- Provision of a means by which private citizens, businesses, and non-profit organizations can better monitor the legal basis for judicial decisions, thereby serving as a mechanism for monitoring the judiciary generally;
- Corrupt or unethical practices in the courts discouraged through greater citizen understanding of the law;
- Citizen confidence in the legal system bolstered.

6. National Day of Justice Activities

Activity: EWMI/FMI sponsored and participated in the 2001 ceremony at the Vlora District Court to mark the installation of the public information center posters in that court and their future installation in the courts throughout Albania. The ceremony included award of certificates of completion of previous computer training given to Vlora District Court staff. EWMI/FMI also produced and distributed to the public and to the media copies of a 90-page brochure setting forth basic information about Albania's judicial and legal system, the practical operation of its courts, and citizen legal rights.

Benefits:

- Increased public awareness of the importance of the rule of law and the judicial system;
- Public support for the judiciary fostered.

MEASURING PROJECT ACHIEVEMENT

Throughout implementation of the Project, EWMI/FMI coordinated closely with USAID and its other implementing partners to maximize the benefits of U.S. development assistance to Albanian citizens. As of Project close-out, EWMI/FMI is very pleased with the positive working relationship between its team in Albania and USAID's team. One excellent example of this cooperative relationship is EWMI/FMI's work with the Tirana USAID Mission to develop the Performance Monitoring Plan for Strategic Objective 2.2 (Legal Systems that better Support Market Reforms).

EWMI/FMI Tirana Project staff worked closely with USAID's local Democracy and Governance Officer and other S.O. 2.2 team members to select the most appropriate tool for measuring the benefits from and effectiveness of USAID assistance under S.O. 2.2. After significant discussion and study, a participatory self-assessment tool called the Organizational Capacity Assessment Tool (OCAT) was selected to identify areas of organizational strengths and weaknesses in the five judicial institutions being assisted under S.O. 2.2: (1) the National Judicial Conference, (2) the School of Magistrates, (3) the Ministry of Justice's Directorate of Judicial Organization, (4) the Office of Administration of the Judicial Budget, and (5) the Office of the Peoples' Advocate.

Working collaboratively, EWMI/FMI and ABA-CEELI developed appropriate OCATs for each of these five institutions. EWMI/FMI selected appropriate assessment panels and then administered the OCAT survey process for each of the three institutions with which it works most closely (DJO, OAJB, and the School of Magistrates). Numerous focus group sessions with assessment participants were held in order to ensure that the Performance Monitoring Process accurately reflected reality at the institutions. After collection of the raw assessment data through OCAT administration, EWMI/FMI aggregated the data in spreadsheets and on 31 October 2002 presented USAID with 2002 baseline indicators and future performance targets. EWMI/FMI also submitted reports analyzing and summarizing the results of each OCAT.

CONCLUSION**Anticipated Challenges and Recommended Solutions**

As evidenced throughout this report, EWMI/FMI activities under the present contract built upon and enhanced the work begun under previous contracts. All three pillars of EWMI/FMI's work (training more competent legal professionals; building more effective, transparent, and fair public sector legal institutions; and increasing citizen access to the administration of justice) are intricately connected and have seen

significant, positive results during the course of LSSMR. However, much remains to be accomplished in each area.

Some of the greatest challenges ahead for rule of law work in Albania are:

- The lack of court administration capacity at the local level.
- The tension between the judicial and executive branches over control and administration of the courts and inspection and discipline of judges. These two issues are exemplified in what are arguably the two hottest areas of concern among judges, based upon their comments at NJC events:
 1. The appointment process for court chancellors and budget officers, which is done by the Minister of Justice without formal input from the chief judges who run the courts; and
 2. The tension over the roles of the Judicial Inspectorate at the Ministry of Justice and the Inspectorate at the High Council of Justice, and the connected furor over who has the constitutional right to initiate disciplinary proceedings against judges.
- The need for continued institutional development at the National Judicial Conference, particularly in the Secretariat office.
- The need for national and local coordination of court automation capacity and policy, particularly in light of the current drive at the Council of Ministers to craft a strategic plan for the automation of the entire Albanian government. The judiciary should have a sizeable voice in this process, which is likely to be quite muted if the Ministry of Justice alone speaks for the judiciary. Any work in this area should also be coordinated with the World Bank's effort to design and implement an automated court case management system.

Should there be additional, pertinent efforts in the near to mid-term future to enhance the sustainability of the accomplishments of LSSMR, such efforts should carefully balance iterative components with new elements and be primarily geared toward the resolution of the four challenges outlined above. However, LSSMR achieved its objectives. It is up to the Albanian authorities to maintain the existing momentum and complete the already-effected changes.