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KOSOVO

JUSTICE SYSTEM REFORM ACTIVITY

QUARTERLY REPORT OCTOBER – DECEMBER 2005

DECEMBER 2005

This publication was produced for review by the United States Agency for International Development. It was prepared by the National Center for State Courts.

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DISCLAIMER

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

Project Highlights

Time Standards

NCSC staff has been working on developing a set of time standards to assist judicial managers to measure court performance. Establishing such standards is one of the most important steps in the development of a well-managed and effective justice system. Simply put, in order to successfully manage a process there has to be a reasonable set of standards to measure the system's progress and to be able to identify where the process needs management attention. Recommendations for uniform time standards were drafted by NCSC staff and submitted to the UN and local court management.

Business Process Mapping

NCSC pioneered a business process mapping exercise that provided a comprehensive and graphic representation of how a case moves through the courts. NCSC conducted the study in the district, municipal and minor offenses courts. The results of the study were ground-truthed in a presentation to the judges and court administrators from the courts where the study was conducted. The business maps received considerable attention from international donors, local judiciary, and UN/DOJ.

Transition Planning – preparing for the KJC and the MOJ NCSC worked with UN/DOJ Director, other donors, and local counterparts to identify the respective roles of each in the transition process. It was determined that NCSC would assist the Kosovo Judicial Council with advisors to provide assistance in the establishment and operation of the Secretariat, the Administrative Office of the Courts and to the KJC itself. In addition, NCSC committed IT advisory support for the KJC and as needed to the MOJ. With regard to the MOJ, NCSC, working with other donors and UN/DOJ, agreed to share responsibilities with EAR and to a lesser extent, DFID. It is expected that consultants from the EU/EAR will begin programmatic implementation during the end of the second quarter of 2006. NCSC also agreed to support an assessment of the needs to establish an Office of Prosecutors and the consultant is expected to perform the review during the first quarter of 2006.

Program Evaluations – During November, members of the ROL team from DCHA traveled to Kosovo to review the USAID rule of law portfolio. USAID provided the project with several recommendations that were taken into account in updates to the project work plan for 2005/06. For example, based on recommendations to modify the public awareness component of the project, activities in support of workshops and training will be discontinued in favor of working with local radio and TV networks to develop informational and other forms of programming to increase public knowledge of the new judiciary and their legal rights.

In December, a team from the ACE/EUR Bureau traveled to Kosovo at the request of the USOP to review rule of law programming and to develop a consolidated USG strategy to future ROL programs. The team met with many of NCSC's UN and local counterparts to discuss program activities and accomplishments, and conducted a review with NCSC home office and program office staff to summarize findings.

Component I – Transition to an Effective and Impartial Justice System

1 Contributing to the Development of a Justice System Strategy

1.1 Coordinate with Other Entities

NCSC consultants worked with the UN/DOJ, other donors, NGO's, and PISG institutions to establish and strengthen working relationships and coordinate donor activities related to the creation of the MOJ and the KJC.

One of the consultants is a member of a UN/DOJ team charged with coordinating transition planning with the Prime Minister's Office. To this end, he met with representatives from the PMO, both formally and informally, to discuss issues of concern and to provide advice regarding how to transition current structures into the new MOJ and KJC. Information was provided on current organizational structures within the DOJ, and agreements were reached on the future structure for the MOJ in terms of organizational, functions, and staffing levels.

In addition, an NCSC advisor has been assigned as the project manager for the Working Group on Court Restructuring (see discussion under AOC below). Staff members from DOJ, NCSC, and the DJA have been brought together under this Working Group to discuss structured methods of how to address this aspect of the project. Other Working Group members have also been identified, both on permanent and part-time bases. For example, former JART author, Beth Wiggins, was asked to draft a proposal on restructuring based on the model proposed by Director Monaghan within the Law on Courts. Ms. Wiggins met with PISG government officials, judges and others to incorporate their input and views on restructuring. She also obtained information about the size of courts, and their staffing needs to enable her to present this information in the form of concrete recommendations by mid-January 2006. The first Working Group meeting is scheduled for February 2006.

Much of the coordination in the area of court administration during this quarter has focused on court automation (a subject discussed in greater detail under Section 1.2.3). By bringing all stakeholders in at the initiation of both projects, duplication of effort and confusion to court staff has been greatly reduced. The desire is that all court automation projects in 2006, including computer training for court and Ministry of Justice Staff, will proceed with the same diversity of interested parties. Given the importance of reaching consensus amongst all parties involved prior to moving forward on specific activities, in early October, NCSC consultants met with representatives of the EAR, the DJA, UN/JDD, and the PISG to facilitate two projects in the area of court automation. Reaching consensus is vital since EAR plans to provide approximately two million euro to support the CMIS project.

1.2 Support the Establishment of the Kosovo Judicial Council and Subordinate Entities

Following a comprehensive review of the current staffing, case types and workloads for all District and Municipal Courts in Kosovo, the NCSC consultant supporting development of the AOC and other NCSC staff made recommendations to the UN on proposed court staffing for these courts. Since that time the UN has tentatively accepted the recommendations, recognizing that implementation of the staffing recommendations must be made by the future Kosovo Judicial Council. The recommendations themselves were submitted to NCSC-Arlington and USAID-Kosovo under separate cover (see Attachment A).

The consultant finalized the standard operating procedures to be used by the KJC Directorate and Secretariat for most work performed by this organization. The operating procedures include: codes of conduct, judicial council meeting preparation and agendas, data production, reporting, archiving, maintenance of council member records, installation ceremonies, duty travel, and recruitment.

Based upon passage of the KJC regulation, the consultant worked with representatives from UNMIK Pillar I and the DOJ to develop timelines and implementation plans for transition of the KJC Secretariat and administrative office of courts. This plan as well included budgetary analyses of current administrative office structures and a proposal for the division of this unit between the KJC and Ministry of Justice.

KJC (Directorate, Secretariat, and the Administrative Office of the Courts)

Several NCSC staff members worked together with NCSC consultant John Ferry to develop the internal rules according to which the KJC Directorate will operate. Mr. Ferry's work is focused particularly on the organization, administration, and management of the Secretariat, including several working sessions with the President of the Supreme Court.

The AOJ Advisor completed the analysis of staff and functions at the current administrative office of courts, the Department of Judicial Administration. During the quarter, the analysis focused on the legal division and the office of the director. Also during this period, the advisor was invited to participate in an UN-sponsored study tour to the High Judicial and Prosecutorial Council in Sarajevo, BiH. During this tour he interviewed the Secretariat and administrative office staff to assess functions in an effort to see if the work performed in the BiH counterpart organizations could be exported to Kosovo. The findings formed part of a separate report submitted on 29 October 2005 (see Attachment B). These areas included running of an HJPC meeting, automated case management systems, judicial reappointment, case flow management, adoption of judicial time standards, implementation of the BiH law on courts, and budget, statistic and administration practice.

The advisor spearheaded two areas of court automation through the establishment of two sub-working groups, comprised of a cross-section of stakeholders. One project is for an interim case tracking system to provide immediate automated assistance to the courts, UNMIK and NCSC on a number of projects including case backlog reduction and judicial auditing. The team assembled set forth the goals and technical requirements for this project and selected a project manager. The project manager's draft proposal is expected in January 2006. The second project, CMIS – Phases II and III, will ultimately provide full automation, including case tracking and local and wide area networks, to all Municipal Courts. The consultant brought together all stakeholders in this area who set the goals for these phases of CMIS, and appointed a project team whose work will include the establishment of terms of reference for the awarding of the contract, evaluation of potential vendors, and providing guidelines on the application of automation to current court practices.

1.3 Develop Judicial Reform Strategy

At the request of the UN/DOJ Director, a court restructuring group was established with the purpose of analyzing current court configuration in Kosovo, caseload analysis and staffing and to make recommendations thereon for a more efficient system that would not impair the administration of

justice throughout the region. The AOC Advisor drafted a work plan for the Working Group according to which the project was to proceed. Due to the unforeseen announcement of the early departure of the UN/DOJ Director, the project was put on hold, but it is anticipated that it will be revived with the arrival of a new Director in early 2006.

2 Assist in Drafting Regulations and Legislation Pertaining to the Judiciary

NCSC staff continued to serve as liaison points between UNDOJ and the DLA Piper Rudnick law firm that is drafting both pieces of legislation. NCSC staff assisted in the planning, execution and follow up on all Law on Courts and Law on Public Prosecutors working group meetings, contributing to Law on Courts' working group deliberations, providing counsel in the area of court administration and how it should be addressed in the draft law. Similarly staff provided guidance to the working group drafting the Law on Prosecutors in the area of administrative oversight for the Office of Public Prosecutor for Kosovo. In addition, they provided comments and coordinated the dissemination of the draft legislation to interested parties and coordinated the collection and discuss of comments for consideration and inclusion in the legislation.

Once the KJC and MoJ regulations were signed in to force in December 2005, NCSC staff worked with UN/DOJ and UNMIK on drafting and reviewing the regulation to establish the KPC, focusing especially on that pertaining to the Kosovo Judicial Council. The assistance included preparing drafts in the areas of court administration, council oversight, and interaction with the Secretariat. The consultant throughout this process provided feedback on the entire regulation, as well as that establishing the Ministry of Justice. The KPC regulation review will be completed in January 2006, and the Law on Courts and the Law on Prosecutors are scheduled for completion by February/March 2006.

During the quarter, three meetings were convened to discuss the draft laws:

1/ The Law on Courts Advisory Group meeting was held on 10 November to revise the translation of the draft laws, incorporate comments and suggestions. Principal issues emerging from this meeting included the need for further research and study for the chapter regulating the structure and the number of the courts.

2/ The second meeting of the Advisory Group on Law on Public Prosecutors was held on November 9 and 10, 2005. The main topic of the meeting was reviewing the first Draft Law on Public Prosecutor and the Group focused on the following issues:

- § Relation between Office of Public Prosecutor and Ministry of Justice
- § Administration of Office of Public Prosecutor
- § Power of Public Prosecutor to Intervene in Other Proceedings
- § Qualifications for Appointment as Public Prosecutors
- § Duties and Responsibilities of Public Prosecutors
- § Discipline of Public Prosecutors

One of the key issues remaining to be clarified is the structural placement of the Office of the Public Prosecutor vs. Ministry of Justice and the mandate and composition of the Kosovo Prosecutorial Council.

3/ The first meeting on Court Restructuring was held on 10 November. Following the discussions at the law on Court Advisory group meeting, NCSC consultants Wiggins and Ferry reviewed the framework for the future court structure in Kosovo, with a view to providing advice and guidance to the next meeting on the Law on Courts, scheduled for the first quarter of 2006.

Component II – Improve Effectiveness of Court Operations

Access to Texts of Laws, Regulations and Decisions

NCSC staff worked in close cooperation with Prism Research and the Kosovo Law Center to develop and finalize the questionnaires and in depth interviews to be used for preparing the marketing survey. The major purpose of this research was to identify possible markets inside and outside of Kosovo, as well to review data pertaining to opinions and attitudes of all major target groups about the print version of the codification of Kosovo Laws by subject matter. The major target groups were found to be: lawyers, judges, legal practitioners, public officials and administrative UNMIK & PISG, local and international NGO's, and law Faculty and students. Marketing survey was conducted and report delivered by Prism Research by mid December 2005.

Revision of the Law on Execution Procedure

The NCSC sub-contractor consultant will travel to Kosovo during January to continue in-depth planning for the pilot execution of judgment program initiated in three courts: Gjilan, Prizren, and Pristina.

Court Automation

In response to UN/DOJ's request to support development of the IT requirements for the MOJ and the KLC (that will include automation requirements of the courts), in October 2005, NCSC hired a team of senior IT managers. At the macro level, the IT Team is working with the UN and counterparts to update the strategic plan for automation that an NCSC consultant prepared for the Phase I project in February 2002. In addition, the IT Team is focusing on automation needs of the courts, to include the interim case tracking system to be developed to collect case-related statistics, and providing follow-up support for the Budget Management Software (BMS) that was developed previously as a customized software application for the Department of Judicial Administration.

With regard to the BMS, the Team initiated contacts with DJA staff, focusing on the following activities:

1. Create the project record and documentation for hand-over to the DJA once the project is completed.
2. Analyze and supervise the process of correcting reported errors.
3. Review new features required by the client.
4. Report on the project progress to the NCSC and DJA management.
5. Supervise the implementation and deployment of each new corrected version of the BMS software.

Initially, the IT Team prepared a brief workshop to include NCSC and DJA management in their capacity as BMS project decision-makers. The workshop included a brief presentation by the IT

team and a test aiming at collecting the decision-makers' opinions and their evolved requirements for the BMS project since its inception. The IT Team considered that involvement and inclusion of all stakeholders was crucial in order to get a fresh starting point, to establish a baseline and to finalize the BMS project on time given the new requirements. A printed copy of the materials was handed over to DJA participants although the workshop never took place.

Final consensus on decisions was not reached, pending user input about software operation based on actual use of the system. This began to take place in late October, and on October 28 and November 7, NCSC received two batches of errors. The IT Team documented the errors, corrected them, and returned the new error-free version of the BMS software, which was installed on DJA server. Since then, there have been weekly status checks with DJA. The BMS software currently installed at DJA includes all features required and has corrected all errors as reported by DJA up to the end of December 2005. There is no documentation in place to hand over apart from the attached error and change requirements and the workshop materials. (See Attachment C for all documents related to the BMS project.)

Caseflow Management

NCSC's Caseflow Management and Delay Reduction study was completed and the report entitled "Statistical Studies of Caseflow and Pending Caseload in Selected Courts" was compiled and distributed to all Kosovo Courts and justice related entities. The report identified the pace of litigation in each of the five district courts and in each of a cross-section of five municipal courts. The pending caseload report reflects the court's inventory of all pending (unfinished) cases, by case type and by age. This information, in concert with case time to disposition information, provides court managers with a useful management tool that provides a more complete picture of how courts are managing their caseloads. Analysis of this information provides court staff with a clear picture of not only how long it takes for cases to be completed, but also identified the main stages within a case. This management information helps to identify the bottlenecks in case processing system and provides a solid basis for developing action plans to address those bottlenecks to reduce unnecessary delay. As reported elsewhere in this report NCSC has begun projects in three pilot courts to address ways to reduce backlog, starting with civil execution cases.

In response to a request from the UN, NCSC prepared and submitted recommendations to establish uniform time standards for case processing in the courts. The recommendations were provided to court leadership in the pilot courts and NCSC will provide on-going assistance for introduction of the standards.

Backlog Reduction On 6 December 2005, NCSC held a workshop with consultants Barry Mahoney and Violaine Autheman on Eliminating Backlogs and Improving Case flow Management in Civil Execution Cases. Three pilot municipal courts (Prishtina, Prizren and Gjilan) were represented in the seminar by execution clerks, court administrators and judges. The main focus of the workshop was to develop action plans to reduce the number of their pending civil execution cases. (See Attachment D for all documents related to this workshop.)

Business Process Mapping The project has started in mid September 2005, carried out by NCSC's consulting partner, Alfa XP Web Software Company. The purpose of the project was to conduct a study involving workflow analysis and business process mapping in Kosovo courts. The Team performed site visits in the Pristina District, Municipal and Minor Offences Courts, and within the courts of Gjilan, where the Team conducted interviews of court clerks and administrators. They

also obtained copies of court procedural documents, registers, rules of procedures, case jackets and other relevant procedural documents. Project introduction was accepted very well by the Court officials, their comments related to the project were very supportive in sense of using the project work product as tool to improve their case processing, workflow process and also administrative staff work performance.

The team conducted a series of interviews in Pristina District Court, Pristina Municipal Court and Pristina Minor Offences starting with the court clerks (court messengers, front office clerk, cashiers, civil clerk) and two court administrators. Along with the interviews the team also obtained copies of court procedural documents, registers, rules of procedure, case jackets and other relevant materials that were available for this purpose. During a three week period, the project team conducted interviews with 31 court officials, including seven judges and 24 clerks.

In early December, the consultant working with EAR on court automation, prepared the minutes of the Court Automation Working Group meeting held in November, at which NCSC's sub-contractor Alfa-XP presented the court workflow process mapping work. Since the model business process maps contained in the minutes report had already been validated by the stakeholders, they were immediately available for use by all members of the Working Group. The Group noted that the project's work on business process mapping will save a significant amount of time and resources, and will serve as a positive example of donor coordination.

Based on this meeting, it was decided by the Working Group that software developed to support a future caseload management system should use the most recent industry technology available – such as that used by the project to demonstrate the results of the business mapping process.

The Working Group also decided that a Kosovar project coordinator/manager should be designated as responsible for development and implementation of the case management system. The Group requested that all members recommend candidates from within an existing governmental entity. The NCSC IT Team has agreed to provide support and input to the Working Group on an as-needed basis.

Records Management

NCSC continued to provide technical assistance to courts in developing, implementing and evaluating their records retention plans and the destruction of closed cases that no longer need to be maintained by the courts. This type of technical assistance will continue on a limited, as needed basis throughout the life of the overall project.

Court Recording

As of the end of the last quarter, audio recording upgrades were completed and systems checks were performed at all pilot sites except one Pristina District Courtroom and one Gjilan courtroom. The sub-contractor AVC began installation of a Player upgrade in the pilot sites to resolve some recurring IT issues that had arisen with Windows XP SP2. NCSC also provided additional licenses, and equipment for use with the records installed in the criminal courts.

Training in use of the recording and transcription equipment was provided to all sites, and all sites received copies of the user's manual. There were also numerous hands-on training sessions that

were conducted on-site to ensure that all users were fully comfortable with the equipment. Actual user performance was monitored at Pristina Municipal, Prizren District, and Gjilan District courts throughout the quarter. In addition to training of the pilot staff, a representative from the Department of Judicial Administration Trainer also received training on how to operate the audio recording equipment, doing so by participating in the court user training and also through independent sessions.

Audio recording is being implemented with new cases in nearly all pilot sites. In December 2005 Sub-working group was created, composed of pre-trial judges, main trial judges and transcribers. AVC and NCSC staff developed forms for transcripts that are fully compliant with the requirements of the criminal procedure code. These have already been integrated into the audio recording system of all pilot courts.

Both audio and log notes/transcript records are currently named and retained according to the associated court file, by case number, name of accused, and date of proceeding. Initial user feedback has been very positive. (See Attachment E.)

Public Information Officer

During the third quarter, functional PIO job descriptions were prepared by staff, who also met with UN/DOJ to discuss NCSC's recommendation for the hiring of six PIOs: one at the Secretariat level and five for district levels. It is expected that once the KJC and Secretariat are established, the vacancies for the above mentioned positions will be posted.

Notary Service

The first meeting of the Working Group on Notary Law was held in KJI facilities in Pristina on December 6, 2005. Mr. Roland Niklaus and Mr. Michel Merlotti, experts of the International Union of Latin Notaries, presented the draft law on the notary in Kosovo and discussed specific areas within this draft law, to include:

1. Notaries Functions and the Notary Service
2. Notarized Deeds
3. Eligibility to the Notary Profession
4. Distribution and Attribution of the Notary Offices
5. The Exercise of the Notary Service
6. Cessation of Office, Suspension or Absence of a Notary
7. The Chamber of Notaries
8. Supervision and Discipline

Alternative Dispute Resolution

The ADR component of the project is implemented in concert with NCSC sub-contractor, Partners. During the quarter, Partners analyzed and compiled the results of various training seminars that were presented to judges, prosecutors and court staff (copies of the reports for October and November are included in Attachment F). The training sessions were held with judges, prosecutors and court staff in the district, municipal and minor offence courts in the five regions. Selected participants were trained in the following areas: defining conflict and its roots; strategies and models for conflict

resolution; methods of communication (barriers to effective communication and ways to overcome them, perceptions and reality, active listening skills); negotiation skills, multiparty negotiation, the role of the mediator; traditional and modern mediation, mediation stages, ethical issues for the mediator; family mediation; and multiparty mediation & mediation of difficult cases.

Core Competencies

The purpose of this program is to provide Kosovo's president judges and court administrators with basic information and tools with which they can use in the day-to-day management of their courts. To date, these managers had received very little if any such training. The four module series includes Human Resource Management Principles, Budget and Financial Management in the Courts, Caseflow Management/Delay Reduction and Information Technology in the Courts, and these were presented initially to 20 president judges and court administrators at Ohrid in June 2005.

During the fourth quarter, project staff conducted planning for presentation of the second series of Core Competency training in "Human Resource Management Principles" to be held in January, 2006 for another group of president judges and court administrators.

Backlog Reduction

In December, three municipal courts were selected as pilot sites for a concentrated backlog reduction program for civil execution cases. This case type was selected as it falls within one of the standards that the UN has identified as requiring attention to expedite the execution of civil judgments. The three municipal courts selected were: Gjilan, Pristina and Prizren.

At NCSC's request, each court president created a backlog reduction team for the purpose of implementing processes and procedures developed by NCSC staff to facilitate backlog reduction. NCSC provided a one-day backlog reduction training seminar on the principles of managing such programs and facilitated each group's development of a backlog reduction plan to be used throughout the life of this experimental project. Beginning in January, the teams will begin implementation of their individual plans.

Component III – Enhance Respect for Ethics and Delivery of Quality Services

Audit Section

During the reporting period, NCSC completed the JIU Judicial Audit Section's (JAS) staff selection process with the hire of one additional Audit Coordinator (to complete the team of seven professional lawyers). This will set the stage for formal training to commence in early 2006.

To support the work of the Audit Section within JIU, NCSC has recommended key amendments to UN Administrative Direction 2001/4 which sets out the JIU mandate. These amendments include a clear delineation between the JIU inspection function and audit function, with the newly proposed name of *The Office of Judicial Inspection and Audit*.

To support the formal training of the Audit Section, NCSC has identified a team of international internal audit professionals and has reached agreement with the trainers and UN/DOJ to begin training early in 2006. In anticipation of the formal training, NCSC began testing and interviewing

of all JIU legal staff (Judicial Auditors, Inspectors & Legal Assistants) to assess the pre-training potential of Judicial Auditors, and to identify (non-JAS) staff within JIU most appropriate for training. As a result, the seven core JAS staff will be joined in the training by six non-JAS staff for a total of 13 trainees. This cross-training of JIU staff is meant to ensure the creation of a JIU able to withstand attrition.

Although formal audit training was delayed until January 2006 due to hiring difficulties, NCSC provided informal training exercises to JAS staff by drafting of operating procedures. These draft SOPs will be presented to the internal audit training team for their feedback and will form a part of the training process.

The JAS also completed draft criteria for judicial performance assessments that are being considered by the JIU Head to support future assessments carried out in response to KJPC (or its successor KJC).

During the quarter, NCSC led JAS staff in first performance assessment of a Deputy District Prosecutor. The assessment began in November in response to a KJPC request (to support their consideration of a candidate for promotion). The exercise provided an opportunity for JAS staff to gain experience in interviewing judges and prosecutors and collecting data from court administrators.

Finally, NCSC offered JAS assistance to KJPC in processing of 59 ILEP judicial candidate applications – a part of the on-going work of the Judicial Vetting Coordinator that has provided valuable experience with reviewing data for accuracy and with sensitive person-to-person contact to correct previously submitted incomplete applications.

Judicial Reappointment Process

At the request of the UN/DOJ Director, NCSC drafted a comprehensive proposal for an internationally led reappointment process for all judicial and prosecutorial posts in Kosovo. With the impending expiration of all such posts set to coincide with UNMIK's departure, such a process is considered to be critical to ensure that adequate background checks and performance reviews have been conducted for all sitting judges and prosecutors.

Component IV – Public Awareness and Education

Increasing Public Awareness through the Media

During this period, all planned public outreach activities continued. Twenty trainers have conducted training throughout Kosovo with targeted citizen groups. In addition, preliminary meetings with some several production companies have taken place (INIT, CMB Productions, Koperativa) to discuss and conceptualize ways in which the media could support citizen awareness of changes taking place within the judiciary and the justice system in Kosovo.

Issues on the Horizon

Institutional Development of the Kosovo Judicial Council - A major challenge for 2006 will be that of assisting the future KJC to develop the needed organizational, managerial and administrative

infrastructure, clarifying its role and responsibilities, and the development/mentoring of its appointed members and support staff. In addition to supporting infrastructural development, NCSC staff will focus efforts on working with future KJC members, in particular the President of the Council, to determine how the Council will operate, together with the priority of issues to be addressed in early sessions of the KJC.

CMIS Tender - NCSC staff will continue to follow developments with regard to the automated case information management system, in particular the tenders that will be issued during the first quarter of 2006 to support definition of the functional specifications for the system, and the tender for procurement and installation of the system itself. To the extent that EAR or another donor or donors are involved, NCSC staff will coordinate activities to ensure consistency of efforts. In the meanwhile, to address immediate needs for statistical information needed from the courts to support activities under the records/case management and audit section components of the project, NCSC will work with counterparts at the DJA to support rapid development and testing at pilot sites of an automated program that will track case-related data.

Judicial Reappointment Process – A process to support conducting a background check and performance review of all sitting judges and prosecutors is under development within UNMIK to supplement vetting activities that are currently being carried out by an NCSC consultant. As requested by USAID, NCSC will provide comments and other support for these processes.

Assessment of Prosecutorial Needs – At the request of the UN/DOJ Director, NCSC will field an expert in prosecution during the first quarter to conduct an assessment of training and other needs associated with the establishment of an Office of Prosecutors. Recommendations will be provided to USAID, the USOP, and the UN.



To: Elizabeth Rolando

cc: Mihaela Simion
Dan Deja
Al Szal
Eric Dodds
Bob Steere

From: Mitch Gruner

Date: 8.11.05

Re: Court Staffing

Dear Elizabeth,

Please allow this memo to provide recommendations concerning staffing for Kosovo's District, Municipal and Minor Offense Courts. Herein I have not provided recommendations for either Supreme Court or High Minor Offense Court, though I can do so if you like. I as well have not provided recommendations for the Commercial Court since it is my understanding that the jurisdiction of that court may change and I therefore recommend that staffing recommendations be requested from Bearing Point as they are the organization working most closely with the Commercial Court.

Except for the staff noted below, all recommendations provided on the attachments are on a per-court basis. In the past we discussed the possibility of providing staff recommendations on a per-judge basis. However, following the recent downsizing effort it became clear that staffing the courts on a per-judge basis would not accommodate downsizing needs. In addition, since my review I have become convinced that the number of judges in each court does not appropriately represent a given court's caseload. For example, you can have two courts each with six judges, but the number of cases between the two can vary widely. Furthermore, upon further analysis it is clear that large portions of any particular court's caseload can be notary cases, something that requires little, if any, of a judge's time. I have therefore based these recommendations instead on the following factors, in addition to interviews with judges, DJA and court staff: (1) the number of cases a court had at the beginning of 2004; (2) the number of new cases that were filed in 2004; (3) for District and Municipal Courts, the type of new cases filed in 2004; (4) the number of open cases at the end of 2004; and, (5) have taken into consideration whether the cases required substantial amounts of staff time based on a judge's need to participate in the matter. In the attached charts I provided, for each District and Municipal court, the number of judges approved for that court, as well as the number of new filings in 2004 as a total, and the number of those that were notary cases. I believe these numbers provide a useful basis for your review of these staff recommendations.

Overall there is a decrease in the number of court staff. This reflects a number of things including a general sense of over staffing in the judiciary, as well as the changing role of court employees. For example, a draft Law on Execution of Judgments will change the duties of execution clerks, and therefore their numbers have been reduced. On the other hand, the reduction may not be as great as some expected since new positions such as public information officers were added, and positions such as legal secretary increased to reflect a one-secretary-to-one-judge preference. However, I do believe that reductions are appropriate as, if more court staff are necessary, it should be up to the judges and court administrators to explain why that is so.

Positions based on number of judges:

As noted earlier, all recommendations on the attached charts are on a per-court basis, except the following. Some positions must be based on the number of judges, and those appear below. These positions apply to judges in District, Municipal and Minor Offense Courts, except the position of Legal Officer; there are no Legal Officer positions in Minor Offense Courts.

Legal Officer - .5 per judge (applies only to District and Municipal Court)

Legal Apprentice - .25 per judge

Legal Secretary – 1 per judge

Specialized Positions

- Librarian

The position of Librarian exists only in Supreme and Commercial Court. They are each approved to hire one librarian. I would retain the position as far as the Supreme Court is concerned and, as noted, seek the recommendation of Bearing Point concerning Commercial Court staff.

- Network Administrator

Though not completely reflected in the payroll information, my understanding is that each District Court has a network administrator. These positions were created to address the increasing use of automation in the courts. At this time I am unable to predict what the increased use of automation will be, and therefore cannot make recommendations concerning network administrators other than those positions already in place.

As you know EAR and Pronet are currently developing case management systems for both District and Municipal Courts. While I am uncertain as to what recommendations Pronet is required to make under their contract with Pillar I, my estimate is that EAR and Pronet will be in a better position to recommend the number of network administrators required in each court. Currently there are two EAR consultants at DJA, so perhaps they can address this issue immediately.

- Guard Supervisor

Each district court has the position of one "guard supervisor." I would eliminate this position altogether.

- Senior Archivist

Each District court has two "senior archivists" approved and filled. It is unclear as to what the additional responsibilities are, though in interviews conducted it appears that the position was created by the prior senior international at DJA with the intent of having the senior archivists oversee the work of other archivists within the district. This type of oversight is not being done, or appears necessary, and the position should therefore be reclassified to "archivists" and each District Court requires only one, something reflected in the attached charts.

- Archivists

You will see there is a recommendation that each District and Municipal court, except Gracinica Municipal, be provided with an archivist. During downsizing discussions this was a position that conceivably could be further reduced,

though this is not recommended. If that does become necessary, the recommendation is that each District court be provided an archivist, along with one archivist in the Municipal Courts in Pristina, Ferizaj and Gjakova.

- Administrative Assistants

Personnel documents provided by DJA, based on current payrolls, show that several courts, most notably Pristina Municipal, have administrative assistants. It is my understanding that those currently employed in these positions are working part time as part of a file purging project, and do not fill the role of an administrative assistant as that position is commonly understood.

That said, I recommend that each of the court administrators in the five large Municipal Courts [Gjilan, Mitrovica, Peja, Pristina (2) and Prizren] be provided with an administrative assistant. The caseloads in these courts is significantly higher than those of other Municipal Courts, and the reporting requirements and other administrative needs of these larger courts demand additional support staff for the court administrators.

- Public Information Officers

Much discussion has occurred concerning the need for Kosovo to utilize the responsibilities of public information officers. These positions can serve varying needs including providing information to the press and public concerning court operations, and public information on specific cases, as well as filling a public awareness/education function on court access and operations. I recommend that each district be staffed with a public information officer and that the officer's responsibilities extend to all courts within the district. For purposes of Kosovo Judicial Council (KJC) development, I further recommend that a public information officer be employed at the Secretariat level. This person can undertake the duties noted above on behalf of the KJC and the judiciary as a whole, as well as providing oversight and training to those public information officers at the district level. Proposed terms of reference for public information officers will be provided under separate cover.

Please let me know if I can provide anything further, or if you would like to discuss these recommendations in greater detail.

Gjilan District

Position → Court ↓ (No. of Approved Judges/2004 Total Filings/No. of 2004 Filings that were Notary Cases)	Administrator	Execution Clerk	Registrar Clerk	Receptionist	Cashier	Handyman
District Gjilan (8/1929/120)	1	0	4	1	1	1
Municipal Gjilan (8/8901/4206)	1	3	5	1	1	0 – Shares with District Court
Minor Offense Gjilan (6/14588)	1	2	4	1	1	0 – Shares with District Court
Municipal Kamenica (6/4228/2782)	1	1	3	1	1	1
Minor Offense Kamenica (4/4289)	1	1	2	0 – Shares with Municipal Court	1	0 – Shares with Municipal Court
Municipal Viti (4/6428/4227)	1	1	2	1	1	1
Minor Offense Viti (4/6192)	1	1	2	0 – Shares with Municipal Court	1	0 – Shares with Municipal Court
Municipal Ferizaj (8/17818/11138)	1	4	5	1	1	1
Minor Offense Ferizaj (5/10950)	1	2	3	1	1	1
Municipal Shterpc*	1	1	1	1	1	1
Minor Offense Shterpc (2/436)	1	1	1	0 – Shares with Municipal Court	1	0 – Shares with Municipal Court

* Shterpc is a branch of the Ferizaj courts and therefore a detailed breakdown of their Municipal Court cases is not available.

Gjilan District

Position → Court ↓ (No. of Approved Judges/2004 Total Filings/No. of 2004 Filings that were Notary Cases)	Messenger	Guard	Cleaner	Driver	Administrative Assistant	Archivist	Translator
District Gjilan (8/1929/120)	2	8	2	2	0	1	2
Municipal Gjilan (8/8901/4206)	3	0 – Shares with District Court	1	1	1	1	2
Minor Offense Gjilan (6/14588)	2	0 – Shares with District Court	1	1	0	0	2
Municipal Kamenica (6/4228/2782)	2	8	2	1	0	1	1
Minor Offense Kamenica (4/4289)	2	0 – Shares with Municipal Court	1	1	0	0	1
Municipal Viti (4/6428/4227)	2	8	2	1	0	1	1
Minor Offense Viti (4/6192)	2	0 – Shares with Municipal Court	0 – Shares with Municipal Court	1	0	0	1
Municipal Ferizaj (8/17818/11138)	3	8	2	2	0	1	2
Minor Offense Ferizaj (5/10950)	2	8	2	1	0	0	1
Municipal Shterpc*	1	0 – Shares with Minor Offense Court	1	1	0	1	1
Minor Offense Shterpc (2/436)	1	4*	0 – Shares with Municipal Court	1	0	0	1

* Shterpc is a branch of the Ferizaj courts and therefore a detailed breakdown of their Municipal Court cases is not available.

Mitrovica District

Position → Court ↓ (No. of Approved Judges/2004 Total Filings/No. of 2004 Filings that were Notary Cases)	Administrator	Execution Clerk	Registrar Clerk	Receptionist	Cashier	Handyman
District Mitrovica (8/2160/431)	1	0	4	1	1	1
Municipal Mitrovica (9/10595/7253)	1	3	5	1	1	1
Minor Offense Mitrovica (6/8503)	1	1	4	1	1	1
Municipal Vushtrri (8/9496/6757)	1	2	4	1	1	1
Minor Offense Vushtrri (4/6350)	1	1	3	1	1	1
Municipal Skenderaj (4/6265/4795)	1	1	3	1	1	1
Minor Offense Skenderaj (4/3048)	1	1	2	1	1	1
Municipal Leposavic (5/1278/1019)	1	1	2	1	1	1
Minor Offense Leposavic (3/776)	1	1	1	1	1	1
Municipal Zubin Potok (4/294/201)	1	1	1	1	1	1
Minor Offense Zubin Potok (1/494)	1	1	1	1	1	1

Mitrovica District

Position → Court ↓ (No. of Approved Judges/2004 Total Filings/No. of 2004 Filings that were Notary Cases)	Messenger	Guard	Cleaner	Driver	Administrative Assistant	Archivist	Translator
District Mitrovica (8/2160/431)	3	8	2	2	0	1	3
Municipal Mitrovica (9/10595/7253)	3	4 – Shares with Minor Offense + OPPK	2	2	1	1	3
Minor Offense Mitrovica (6/8503)	2	3 – Shares with Municipal + OPPK	1	1	0	0	2
Municipal Vushtrri (8/9496/6757)	2	8	2	1	0	1	2
Minor Offense Vushtrri (4/6350)	2	0 – Shares with Municipal Court	1	1	0	0	1
Municipal Skenderaj (4/6265/4795)	2	8	1	1	0	1	1
Minor Offense Skenderaj (4/3048)	2	0 – Shares with Municipal Court	1	1	0	0	1
Municipal Lepasovic (5/1278/1019)	1	8	2	1	0	1	1
Minor Offense Lepasovic (3/776)	1	0 – Shares with Municipal Court	0 – Shares with Municipal Court	1	0	0	1
Municipal Zubin Potok (4/294/201)	1	8	1	1	0	1	1
Minor Offense Zubin Potok (1/494)	1	8	1	1	0	0	1

Peja District

Position → Court ↓ (No. of Approved Judges/2004 Total Filings/No. of 2004 Filings that were Notary Cases)	Administrator	Execution Clerk	Registrar Clerk	Receptionist	Cashier	Handyman
District Peja (8/3508/673)	1	0	4	1	1	1
Municipal Peja (10/24101/11624)	1	4	6	1	1	1
Minor Offense Peja (8/14066)	1	1	4	1	1	1
Municipal Gjakova (8/15412/8772)	1	3	5	1	1	1
Minor Offense Gjakova (6/11705)	1	1	4	1	1	1
Municipal Istog (4/7418/4501)	1	2	2	1	1	1
Minor Offense Istog (3/4024)	1	1	1	1	1	1
Municipal Deçan (4/5028/3476)	1	1	2	1	1	1
Minor Offense Deçan (4/2894)	1	1	1	1	1	0
Municipal Klina (4/7410/4722)	1	1	2	1	1	1
Minor Offense Klina (3/5691)	1	1	2	1	1	0 – Shares with Municipal Court

Peja District

Position → Court ↓ (No. of Approved Judges/2004 Total Filings/No. of 2004 Filings that were Notary Cases)	Messenger	Guard	Cleaner	Driver	Administrative Assistant	Archivist	Translator
District Peja (8/3508/673)	2	8	1	2	0	1	1
Municipal Peja (10/24101/11624)	3	0 – Shares Building with District Court	1	1	0	1	1
Minor Offense Peja (8/14066)	2	8	2	1	0	0	1
Municipal Gjakova (8/15412/8772)	2	4 – Shares with Minor Offense Court	2	1	0	1	1
Minor Offense Gjakova (6/11705)	2	4 – Shares with Municipal Court	1	1	0	0	1
Municipal Istog (4/7418/4501)	2	8	2	1	0	1	1
Minor Offense Istog (3/4024)	1	0 – Shares with Municipal Court	1	1	0	0	1
Municipal Deçan (4/5028/3476)	2	8	2	1	0	1	1
Minor Offense Deçan (4/2894)	2	0 – Shares with Municipal Court	0 – Shares with Municipal Court	1	0	0	1
Municipal Klina (4/7410/4722)	2	8	2	1	0	1	1
Minor Offense Klina (3/5691)	2	0- Shares with Municipal Court	0 – Shares with Municipal Court	1	0	0	1

Pristina District

Position → Court ↓ (No. of Approved Judges/2004 Total Filings/No. of 2004 Filings that were Notary Cases)	Administrator	Execution Clerk	Registrar Clerk	Receptionist	Cashier	Handyman
District Pristina (14/4615/877)	1	0	5	1	1	1
Municipal Pristina (28/38894/24091)	1	9	9	1	2	1
Minor Offense Pristina (15/26465)	1	2	6	0	2	0 - Shares with Commercial Court
Municipal Gracinica*	1	1	2	1	1	1
Municipal Podujeva (6/8317/6144)	1	1	3	1	1	1
Minor Offense Podujeva (7/4802)	1	1	2	0	1	1
Municipal Glllogoc (5/6737/5811)	1	1	3	1	1	1
Minor Offense Glllogoc (3/3965)	1	1	2	0	1	0 - Shares with Municipal Court
Municipal Lipjan (6/9074/7332)	1	1	3	1	1	1
Minor Offense Lipjan (4/4970)	1	1	2	0	1	0 - Shares with Municipal Court
Municipal Kaçanik (1/4902/3504)	1	1	2	0 – Shares with Minor Offense Court	1	0 – Shares with Minor Offense Court
Minor Offense Kaçanik (3/3332)	1	1	2	1	1	1

* Satellite Court of Pristina, all information grouped with Pristina Municipal

Pristina District

Position → Court ↓ (No. of Approved Judges/2004 Total Filings/No. of 2004 Filings that were Notary Cases)	Messenger	Guard	Cleaner	Driver	Administrative Assistant	Archivist	Translator
District Pristina (14/4615/877)	3	8	2	1	0	1	2
Municipal Pristina (28/38894/24091)	5	8	3	3	2	1	3
Minor Offense Pristina (15/26465)	4	0 - Shares with Commercial Court	1 – Shares with Commercial Court	1	0	0	2
Municipal Gracinica*	1	4	1	1	0	0	1
Municipal Podujeva (6/8317/6144)	2	4 – Shares with Minor Offense Court***	2	1	0	1	1
Minor Offense Podujeva (7/4802)	1	4 – Shares with Municipal Court***	2	1	0	0	1
Municipal Glogoc (5/6737/5811)	2	8	1	1	0	1	1
Minor Offense Glogoc (3/3965)	1	0 – Shares with Municipal Court	1	1	0	0	1
Municipal Lipjan (6/9074/7332)	2	8	1	1	0	1	1
Minor Offense Lipjan (4/4970)	1	0 – Shares with Municipal Court	1	1	0	0	1
Municipal Kaçanik (1/4902/3504)	1	8	1	1	0	1	1
Minor Offense Kaçanik (3/3332)	1	0 – Shares with Municipal Court	1	1	0	0	1

* Satellite Court of Pristina, all information grouped with Pristina Municipal

** The standard guard complement for each facility is 8. However, as Gracinica is a part time court, the recommended complement for this facility is 4.

*** The DJA facilities map indicates that Podujeva Municipal and Minor Offense Courts are in separate buildings, but my understanding is that they share a facility. The numbers above reflect current staffing, something that tends to confirm a shared arrangement.

Prizren District

Position → Court ↓ (No. of Approved Judges/2004 Total Filings/No. of 2004 Filings that were Notary Cases)	Administrator	Execution Clerk	Registrar Clerk	Receptionist	Cashier	Handyman
District Prizren (9/2434/415)	1	0	4	1	1	1
Municipal Prizren (10/27566/18922)	1	4	6	1	1	1
Minor Offense Prizren (8/15480)	1	2	3	1	1	1
Municipal Rahovec (6/9216/7192)	1	1	3	1	1	1
Minor Offense Rahovec (5/4245)	1	1	2	1	1	0 – Shares with Municipal Court
Municipal Malisheva (4/7319/6322)	1	2	2	1	1	1
Minor Offense Malisheva (3/4001)	1	1	2	1	1	0 – Shares with Municipal Court
Municipal Suhareka (5/6265/4627)	1	2	3	1	1	1
Minor Offense Suhareka (6/4926)	1	1	2	0 – Shares with Municipal Court	1	0 – Shares with Municipal Court
Municipal Dragash (6/3274/2790)	1	1	2	1	1	1
Minor Offense Dragash (3/1047)	1	1	2	0 – Shares with Municipal Court	1	0 – Shares with Municipal Court

Prizren District

Position → Court ↓ (No. of Approved Judges/2004 Total Filings/No. of 2004 Filings that were Notary Cases)	Messenger	Guard	Cleaner	Driver	Administrative Assistant	Archivist	Translator
District Prizren (9/2434/415)	3	8	2	1	0	1	3
Municipal Prizren (10/27566/18922)	3	0 – Shares with District Court	1	1	1	1	4
Minor Offense Prizren (8/15480)	2	8	1	1	0	0	3
Municipal Rahovec (6/9216/7192)	2	8	2	2	0	1	1
Minor Offense Rahovec (5/4245)	1	0 – Shares with Municipal Court	0 – Shares with Municipal Court	1	0	0	1
Municipal Malisheva (4/7319/6322)	2	8	2	1	0	1	1
Minor Offense Malisheva (3/4001)	1	0 – Shares with Municipal Court	0 – Shares with Municipal Court	1	0	0	1
Municipal Suhareka (5/6265/4627)	2	8	2	1	0	1	1
Minor Offense Suhareka (6/4926)	2	0 – Shares with Municipal Court	0 – Shares with Municipal Court	1	0	0	1
Municipal Dragash (6/3274/2790)	2	8	2	1	0	1	1
Minor Offense Dragash (3/1047)	1	0 – Shares with Municipal Court	0 – Shares with Municipal Court	1	0	0	1

To: Dan Deja
Al Szal
Randy Hansen

From: Mitch Gruner

Date: 29.10.05

Re: Sarajevo Study Tour Summary

Please allow this memo to summarize the court administration-judicial investigation unit study tour to Sarajevo, Bosnia and Herzegovina, 17-19 October, 2005. For reference purposes I am attaching the study tour schedule.

General Impressions of the Council + Secretariat

When you first enter the floor on which the Council and Secretariat reside you are impressed. The offices are modern, security is hi tech, and the feeling is very professional. However, after a few days of presentations and asking questions I have to say that I was not overwhelmed by the Council's understanding of issues, or really their interest in them. During the Council meeting there was literally no discussion on any topic except one. In that instance a recommendation was made on an appointment of a new prosecutor, and the person making the recommendation said she had one concern. Another council member said he personally knew the candidate and vouched for him. A vote was then taken, and like almost all the votes it was unanimous without discussion. I had the feeling that the Council would simply rubber stamp anything put before them. During the presentation on the automated case management system, the first time it was demonstrated for the Council, not one question was asked. In fact the only time there was a split in the voting was during consideration of whether to accept a judicial disciplinary appeal, and even then the issue went straight to a vote without discussion.

I found the division heads in the Secretariat to be young, bright and interested in their work. My estimate was that the population of Bosnia is simply better educated than that in Kosovo, making recruitment of local, qualified staff easier. The Director of the Secretariat, on the other hand, while also bright and energetic, I found less than genuine. The feeling I got was that she enjoyed the feeling of running the Council (her office was about 30% larger than that of the Council President), but her assessment of her own workload involved more than a bit of puffery. On Tuesday I asked if she may have time to meet for about ten minutes to discuss some issues. She told me it was unlikely since she was so busy, but then proceeded to take a three hour lunch. The next day we finished early and I went to the Ottoman section of town, about a 15-minute cab ride from the Secretariat building. I ran into the Director there wandering the streets around 3:00PM. Apparently what constitutes busy and work ethic in Bosnia are no different that one finds in Kosovo.

I was told off the record that some people were not pleased with the current Director. Complaints were that she lacks the ability to delegate, taking the approach that if she has all information it makes her irreplaceable. Others told me that in hindsight the Director should have been named "Acting Director" for one year, thereby allowing the council to conduct open recruitment once they were more comfortable with their role. The Acting Director in this model would as well be able to apply for the position, but it would allow the Council to replace the Director if they felt it necessary. Honestly, the way the Council went about its business I doubt they would show the initiative to make such a move.

My overall impression was that the Council benefits greatly from the fact that Bosnia has gone through the reappointment process. Other than that process, however, and very nice facilities, I didn't see evidence of the five year head start that Bosnia has on Kosovo.

Monday, 17 October

Attendance at High Judicial and Prosecutorial Council Meeting

1. Automated Case Management System

First item on the agenda was a demonstration of the automated case management system (CMS) that will be rolled out into most courts by the end of this year. This was the first demonstration for the High Judicial and Prosecutorial Council (HJPC). This is a project that is being overseen by USAID's Economic Mission in Bosnia and Herzegovina. [Given the DOJ Director's current interest in court automation in Kosovo, on Tuesday, 18 October I met with the USAID Chief of Party and the CMS Project Manager to discuss automation implementation in BH. This meeting is summarized later.]

A couple of observations about the Bosnian automation project are interesting:

- First, implementation is through the HJPC, unlike in Kosovo where my understanding is that the current KJPC has only a passing involvement in the implementation of the case management system, if at all.
- The system as demonstrated is capable of generating notices and other documents commonly used in the courts. This is something that was lacking in the demonstration of the Kosovo system that I attended in Mitrovica.
- The system uses a variety of methods to manage an individual's work, not just manage cases. For example, there is a task bar that shows the assignments that have been given to an employee, whether it is a judge or clerk. These tasks are sorted by due dates, and are color-coded to indicate the level of necessity to take action.
- While not yet fully developed, the system will eventually be able to assign cases to judges using a weighted case assignment system.
- At the request of the HJPC and Secretariat, the system will not be web-based but will rely on a virtual private network.
- CMS uses statutes and code provisions, where applicable, to automatically set dates by which action must be taken.

2. Case Flow Management Proposal

Second item on the agenda was a presentation by someone from the international community on a case management system for the courts. A request was made for endorsement by the HJPC and the authority to seek international donor funding for the project. The interesting thing about this discussion was a question asked by a council member representing the advocates' association as to whether this project could be adapted for use by the office of the public prosecutor. The response was, in essence, that you were dealing with apples and oranges in this area, and that a different approach would be necessary for use by the prosecutors. What is interesting here is the possible tension that could exist in a single council overseeing both courts and prosecutors, and how issues are prioritized. More discussion on this appears below.

3. Vacancies for Prosecutors

A variety of vacancies exist among prosecutors, and a council member apparently charges with oversight of filling these vacancies went through each vacancy, explaining in detail the recruitment process and recommending a candidate. As noted in the earlier observations, the only discussion was on one candidate where a single flag was raised concerning finances, and

another council member said he personally knew this candidate and vouched for his integrity. All recommendations were approved unanimously. I actually don't think many were paying attention.

4. Judicial Discipline

An appeal was made to the HJPC by a judicial facing judicial discipline. There was no discussion on the topic before a vote was taken, one split about 10 to 5.

5. Secretariat's Administrative Items

The Secretariat Director Elmira Pasagic went through a list of administrative items. Her descriptions were short, no discussion or votes were had.

6. Meeting Observations

Meeting facilities were very nice, including an enclosed room for the translators so that their translation did not interrupt the flow of the meeting.

The interactions among council members, which included judges, prosecutors, attorneys and others, were collegial and no tension was apparent.

There was a good gender mix on the council (9 men, 6 women), and while I can't attest to this, the ethnic mix seemed okay as well.

All members of the committee attended the meeting.

Meeting with Council Members

The next meeting was with three council members, who discussed a variety of council functions and initiatives, including the following:

1. Backlog Reduction

The council is presenting considering implementation of the use of seventy reserve judges to assist in reducing court backlog, a problem here that is as great as it is in Kosovo. There seems to be some confusion as to what backlog actually means, as the words "backlog," "pending" and "active" are seemingly used interchangeably. At a meeting on Wednesday a staff attorney with the Secretariat spoke more knowledgeably on the issue, but I'm not sure HJPC members actually understand the distinctions.

2. Judicial Reappointment

This issue was touched on briefly, as it was to be more thoroughly discussed later with Tim Hughes of USAID who oversaw the reappointment process. Some key points made, however, were that the application for reappointment was quite thorough, including inquiries on personal information, political affiliation, wartime activities, and professional activities including scholarly writings.

A three-member panel would then review the application. Only those candidates that passed this initial screening would be interviewed. This process resulted in the reappointment of about 70% of the then-sitting judges.

3. Q & A and Observations

Answers were given to the following areas of questioning:

The Law on the HJPC has the Secretariat preparing a budget for approval by the Council, which is then submitted to the Ministry of Justice for approval. Council members clearly would prefer if this step were eliminated. However, given the autonomy the Law on the HJPC provides the Council this seems a small price to pay. For example, there is no involvement by

the Assembly in the appointment of judges, and I am told that judges are among the highest paid members of the government, most earning more than Assembly members, and some earning as much as ministers.

In response to a question about tension that may exist between the interests of judges and prosecutors on a council that oversees both, all council members present said in hindsight they would prefer separate councils for both the judiciary and prosecutors. Two of the three council members present went further to say that being a member of the council creates some problems in dealing with colleagues that are not council members. There were suggestions that full time council membership could replace being a judge or prosecutor. (It's worth noting that the Law on the HJPC does permit for paid leaves of absence to be taken by council members.) There was also a suggestion that council members not be chosen from among active judges and prosecutors. This suggested to me that, even after over one year implementation of the Law on the HJPC, some council members, including the Council President, don't fully appreciate their role in the system. It is difficult to understand how those other than judges and prosecutors would understand the unique issues faced by the courts. My guess is that for years judges and prosecutors complained that they lacked control over how their organizations functioned, and now that they have control they complain about the additional work. This is something I expect will occur as well once the KJC begins its functions with reduced international support.

A question was asked as to whether there was an examination given to those judges that sought reappointment, and if not whether there was consideration given to such an exam. Tim Hughes replied that no exam was given, that it was a topic discussed, and that the only reason an exam was not administered was due to time constraints (they estimated this would have added approximately 6-8 months to the reappointment process; this seems like long a long addition and I may have misunderstood; what may have been meant is that the reappointment process would take a total of 6-8 months, a length increased by the addition of an examination process.)

Reappointment in BH

Tim Hughes, who oversaw reappointment in Bosnia, spoke for about an hour on the process that occurred in Bosnia. Some of the notable points he made were:

- The application should be the sole source of information on a judge. If it's not, and further information is required, one will have to investigate alternative sources rather than having the information all in one place. The application used in the Bosnian reappointment process is available on the HJPC web site. You should also consider on providing a summary sheet for each candidate so reviewers can more easily organize and evaluate candidates (the summary sheet used in Bosnia is among the materials provided, which I forwarded to John Furnari).
- The reappointment process began with smaller, higher level courts, and then proceeded to the larger trial courts.
- Much of the work concerning reappointment was undertaken by the same group of people who would be responsible for judicial investigation. Though they served two roles, the initial focus was largely dedicated to reappointment. The idea was that a thorough reappointment process would produce a more professional judiciary from the outset. Once that task was complete, the group could then turn their focus to disciplinary proceedings.
- The reappointment team reported weekly to the HJPC in order to make certain they were aware of and involved in the process. When council members were up for reappointment they temporarily stepped down from the council.

Tuesday, 18 October

[Prior to the meetings conducted for the entire group, there was a smaller meeting with the Secretariat Director. Given limited seating in her office (I saw her office, it was the size of the

conference room we used), the Director requested that only 4-5 people attend. The list of attendees was made by Drita and Arianna. As I was not included on this list I cannot report on the matters discussed.]

Secretariat Division Meetings – Budget, Statistics + Administration

The basic functions of each office were discussed. The attached agenda reflects that there were a host of presentations scheduled. However, the initial meeting with the Director lasted until 11:30, leaving only cursory review for the first two presentations. The lunch scheduled for 1½ hours actually took 3, so the afternoon sessions were cut short as well. Instead of attending this lunch I met with the USAID staff that developed the case management and that meeting is summarized below.

Budget - The most interesting aspect of this presentation was learning that each court within BH is responsible for its own budget administration. This is apparently a holdover from the prior system where a canton, or municipal district, would administer government agencies within each canton. This was somewhat surprising given the typical socialist approach of administration being controlled centrally.

Statistics – The principle focus of this presentation was the Secretariat’s program to address court backlog and introduce time standards for processing cases. The terms “backlog,” “active” and “pending” were used interchangeably. This represented either simply a misuse of the terms by someone that was not a native English speaker, or a lack of understanding of the issue. In a conversation I had with the presenter afterwards it appears she understood the difference between these terms, though the fact that Council members as well used the terms interchangeably suggests to me a lack of understanding that exists in Kosovo as well. As in Kosovo, enforcement cases involving utilities make up the majority of court backlog, representing 54% of those cases. The Council and Secretariat have not yet considered alternate means of resolving the existing cases, or addressing future ones. I suggested that perhaps consideration should be given to changing the existing code so that utility cases, such a problem in the Balkans, could be brought before some tribunal other than the courts, such as an administrative body set up to deal specifically with utilities. I was told this had not been considered by the Council.

Standards are currently being introduced to courts in BH. As they appear below, they were largely determined by looking at code requirements (e.g., how long a party has to file an answer) to come up with the times. The two things that jumped out at me on these numbers are: (1) the time standard for enforcement cases seemed long; and (2) the time standard on second instance civil cases seemed very short.

Case Type	Time Standard
Criminal, First Instance	1 year from indictment
Criminal, Second Instance	6 months from receipt of appeal
Civil, First Instance	1 year
Civil, Urgent First Instance	6 months
Civil, Second Instance	45 days from receipt of appeal
Administrative*	6 months
Administrative, Second Instance	6 months from receipt of appeal
Enforcement	1 year

* Administrative dispute cases are cases where cantonal and district courts in BH decide on legality of decisions issued by BH administrative authorities. These are the cases where someone sues the municipality, canton, entity or state.

In addition to time standards, Bosnia is introducing “quotas” for judges, though it appears that these may be more like guidelines, than actual quotas for completing cases in a given time period. As well there is a recently-enacted law on mediation, but I was told that it had yet to be used.

Lunch with USAID's Court Automation Project Staff

The court automation system in Bosnia is a project overseen by USAID. The local developer is Ping. Tim Bates, the project manager and, as it turns out, a NCSC employee, said that Ping is the best company he has worked with in thirty-five years of system development.

Some of the more interesting aspects of the Bosnian court automation system were as follows:

- Prior to any training being conducted on use of the system, court staff was given 10 hours of basic computer training over 5 weeks. The training was conducted after hours. Given the utter lack of computer skills in the Kosovo courts, this should strongly be considered.
- Development of the system for all Bosnian courts began in February 2005 and is due to be completed by the end of the year. The project is currently on schedule.
- The system, like that being developed in Kosovo, is to be used by prosecutors as well.
- The steering/review group for this system had fourteen members, a combination of judges, prosecutors and legal secretaries. [From what I know of the review group for the Kosovo CMIS, there is one judge, one prosecutor, and a DOJ legal officer.]

Wednesday, 19 October

Office of Disciplinary Counsel + ODC Database

Given the fact that reappointment has taken place in Bosnia, the Office of Disciplinary Counsel is permitted to focus entirely on complaints made against judges and prosecutors. Some of the interesting points made during this presentation were:

- A violation of the applicable code of ethics is no longer per se a disciplinary offense.
- The appellate process for judicial discipline is now considered too long, and they're right. In some instances three appeals following the first instance panel are permitted.
- Investigators are appointed not by the Council or Secretariat, but by the Civil Service Administration. I asked if there was a concern that, since appointments were being made by people without particular expertise in this area, the best investigators may not be hired. The reply was this was not a concern, though I don't see how it couldn't be.
- There is a 5-year statute of limitations on lodging a complaint for judicial or prosecutorial misconduct. Once the complaint is made the ODC has two years to decide whether disciplinary action will be sought. If an action is brought to a first instance panel, the panel has one year to decide. Given the various appeals permitted, a disciplinary action against a judge or prosecutor could literally take a decade to resolve.
- The overwhelming majority of disciplinary actions conclude with a joint consent agreement.

Observation

Questioning by the Kosovo JIU staff was notably most active during this presentation. Obviously this is the area in which most attendees work, and they were eager to learn from their more experienced colleagues. However, during the questioning JIU Head Drita cut off one questioner and asked that only she and Nedim ask questions for the remainder of the session. She then proceeded to ask the most banal of questions, ones that could easily have

been answered had she read the applicable Law on the HJPC, the HJPC annual report, or the materials we were provided. Her other questions were simply requests for forms, something that could have been done following the meeting or in future correspondence. Her questions were, to be kind, less than insightful. Drita may have felt that some of the questions being asked by others were too basic, but the fact that her questions as head of the division were just as trite was even more embarrassing. Her decision to limit questioning had a stifling affect on the meeting, and it was clear afterwards that the mood of the group, and its opinion towards Drita, was tainted. Given the difficulties JIU had on their return trip to Kosovo, coupled with Drita's handling of the meeting, it is no wonder that the mood at JIU has become poisoned. This is a shame, because one of the best things about such a study tour is the chance for a developing organization to connect as a unit. I have since recommended to Elizabeth Rolando that if Drita is named JIU Head at transition that her title be "Acting Head" for one year, at which time open recruitment take place.



JUSTICE SYSTEM REFORM ACTIVITY
IN KOSOVO

WORKSHOP

ELIMINATING BACKLOGS AND IMPROVING CASEFLOW MANAGEMENT IN CIVIL EXECUTION CASES

Presented by the

NATIONAL CENTER FOR STATE COURTS

PRISTINA, KOSOVO

December 6, 2005

INDEX

TAB 1. Seminar Overview

- Seminar Objectives
- Agenda

TAB 2. Data on Pending Caseloads and Case Processing Times

TAB 3. Materials on Backlog Reduction

TAB 4. Materials on Planning for Improved Management of Newly Filed Civil Execution Cases

SEMINAR OBJECTIVES

At the conclusion of this seminar, participants should:

- 1. Be familiar with basic concepts and techniques of caseflow management and backlog reduction as applied to civil execution cases.**
- 2. Be able to develop goals, strategies, and action plans for reducing backlogs of old cases and reducing the overall size of the pending caseload.**
- 3. Know how to monitor progress and identify problems in implementing a backlog reduction project.**
- 4. Be able to develop plans for improving the management of civil execution cases filed in the future.**

***Workshop on Eliminating Backlogs and Improving
Caseflow Management in Civil Execution Cases in
Kosovo***

Pristina, Kosovo

6 December 2005

AGENDA

- | | |
|----------------------|--|
| 09:30 – 10:00 | Registration |
| 10:00 – 10:20 | Welcome; introductions; overview of the workshop |
| 10:20 – 10:40 | Plenary: The current situation – data on pending caseloads and case processing times in civil execution cases |
| 10:40 – 11:10 | Plenary: Caseflow management and backlog reduction in civil execution cases: the basics |
| 11:10 – 11:25 | Team session # 1: Developing case processing time standards for civil execution cases |
| 11:25 – 11:40 | BREAK |
| 11:40 – 11:50 | Plenary: Reports back from team session # 1 |
| 11:50 – 12:15 | Plenary: Attacking old case backlogs – what needs to be done? |
| 12:15 – 12:40 | Team session # 2: Initial planning for backlog reduction |
| 12:30 – 12:50 | Plenary: Reports back from team session # 2 |
| 12:50 – 1:45 | LUNCH |
| 1:45 – 2:00 | Plenary: Engaging key stakeholders and developing effective action plans to eliminate backlogs |
| 2:00 – 2:40 | Team session # 3: Action planning for backlog reduction |

2:4 – 3:00	Plenary: Reports back – presentation of team plans; discussion
3:00 – 3:15	BREAK
3:15 – 3:40	Plenary: Improving the management of newly filed cases
3:30 – 4:00	Peer group session: Improving systems for handling new cases in the future
4:30 – 5:00	Plenary: Reports back from peer group session; discussion
5:00 – 5:30	Concluding Session: Evaluations; discussion of NCSC technical assistance capabilities and availability; closing comments by faculty
5:30	ADJOURN

INTRODUCTIONS

Thinking About Improved Management of Civil Execution Cases

Please briefly introduce yourself (name, court, and position) and answer the following question:

Apart from resources, what is the most significant obstacle that your court faces in resolving civil execution cases speedily?

Pending Civil Execution Cases

Court	Pending cases (January 1, 2004)	Cases received (2004)	Total Cases (2004)	Solved cases (2004)	Pending Cases (January 1, 2005)
Pristina	7,898	3,085	10,983	1,385	9,598
Ferizaj	1,728	1,644	3,372	911	2,455
Gllokovc	95	209	304	130	174
Kacanik	653	458	1,111	148	963
Lypian	84	146	230	114	111
Podujeva	383	724	1,107	304	803
Mitrovica	1,672	683	2,355	1,282	1,073
Skenderaj	137	759	896	702	194
Vushtrri	138	500	638	365	247
Leposavic	7	30	37	24	12
Zubin Potok	1	19	20	12	8
Gjilan	1,900	887	2,787	444	2,343
Kamenica	77	255	332	195	136
Viti	321	503	824	139	650
Peja	17,311	5,767	23,078	6,225	16,853
Decan	436	468	904	51	853
Gjakova	4,454	3,170	7,624	201	5,123
Istog	773	418	1,191	196	995
Klina	572	N/A	N/A	N/A	N/A
Prizren	347	1,410	1,757	561	1,196
Dragash	21	64	85	62	23
Malisheva	37	29	66	13	53
Radovec	153	456	609	234	375
Suhareka	93	152	245	89	156
Total	39,291	21,836	60,555	13,787	44,394

Note: DJA data

Disposition of Civil Execution Cases

Court	Pending cases (January 1, 2004)	Cases received (2004)	Total Cases (2004)	Solved cases (2004)	Cases solved v. cases received (2004)	Cases solved v. total cases (2004)
Pristina	7,898	3,085	10,983	1,385	45%	13%
Ferizaj	1,728	1,644	3,372	911	55%	27%
Gllokovc	95	209	304	130	62%	43%
Kacanik	653	458	1,111	148	32%	13%
Lypian	84	146	230	114	78%	50%
Podujeva	383	724	1,107	304	42%	27%
Mitrovica	1,672	683	2,355	1,282	188%	54%
Skenderaj	137	759	896	702	92%	78%
Vushtrri	138	500	638	365	73%	57%
Leposavic	7	30	37	24	80%	65%
Zubin Potok	1	19	20	12	63%	60%
Gjilan	1,900	887	2,787	444	50%	16%
Kamenica	77	255	332	195	76%	59%
Viti	321	503	824	139	28%	17%
Peja	17,311	5,767	23,078	6,225	108%	27%
Decan	436	468	904	51	11%	6%
Gjakova	4,454	3,170	7,624	201	6%	3%
Istog	773	418	1,191	196	47%	16%
Klina	572	N/A	N/A	N/A	N/A	N/A
Prizren	347	1,410	1,757	561	40%	32%
Dragash	21	64	85	62	97%	73%
Malisheva	37	29	66	13	45%	20%
Radovec	153	456	609	234	51%	38%
Suhareka	93	152	245	89	59%	36%
Total	39,291	21,836	60,555	13,787	63%	23%

Note: DJA data

Caseloads of Execution Clerks

Court	Total Cases (2004)	Solved cases (2004)	Execution clerks (2004)	Number of cases per execution clerk	Number of cases solved per execution clerk
Pristina	10,983	1,385	10	1,098.30	138.50
Ferizaj	3,372	911	5	674.40	182.20
Gllokovc	304	130	1	304.00	130.00
Kacanik	1,111	148	1	1,111.00	148.00
Lypian	230	114	1	230.00	114.00
Podujeva	1,107	304	1	1,107.00	304.00
Mitrovica	2,355	1,282	5	471.00	256.40
Skenderaj	896	702	2	448.00	351.00
Vushtrri	638	365	1	638.00	365.00
Leposavic	37	24	1	37.00	24.00
Zubin					
Potok	20	12	1	20.00	12.00
Gjilan	2,787	444	5	557.40	88.80
Kamenica	332	195	1	332.00	195.00
Viti	824	139	1	824.00	139.00
Peja	23,078	6,225	6	3,846.33	1,037.50
Decan	904	51	2	452.00	25.50
Gjakova	7,624	201	5	1,524.80	40.20
Istog	1,191	196	2	595.50	98.00
Klina	N/A	N/A	2	N/A	N/A
Prizren	1,757	561	6	292.83	93.50
Dragash	85	62	1	85.00	62.00
Malisheva	66	13	2	33.00	6.50
Radovec	609	234	1	609.00	234.00
Suhareka	245	89	1	245.00	89.00
Total	60,555	13,787	64	955.11	215.42

Note: DJA data

PURPOSES OF COURTS

- 1. To do individual justice in individual cases**
- 2. To appear to do justice—*i.e.*, demonstrate the workings of a fair and responsible judiciary**
- 3. To provide an impartial forum for the resolution of legal disputes**
- 4. To protect against the arbitrary use of governmental power**
- 5. To establish a formal record of legal status**
- 6. To enable effective enforcement of rights and obligations**

CASEFLOW MANAGEMENT

What is it?

Caseflow management is the coordination of court processes and resources to ensure that cases move from filing to resolution in a timely manner.

- **It involves the entire set of actions that a court takes to monitor and supervise the progress of cases, from initiation to conclusion.**

- **It has both micro and macro aspects**
 - **Organization and management of daily dockets**
 - **Management of individual cases**
 - **Management of the court's overall pending caseload**
 - **Visioning and strategic planning**
 - **Budgeting and resource utilization**
 - **Court and justice system leadership**

The core purpose of caseflow management is to enable justice to be done promptly and fairly in all cases.

WHY IS CASEFLOW MANAGEMENT IMPORTANT?

Widespread concerns about court delays:

“The excessive length of judicial proceedings is a central concern of the Council of Europe.”

European Commission for the Efficiency of Justice, *Framework Programme* (June 2004)

Effective caseload management enables courts to achieve their core purposes.

Focusing on caseload management leads to improvements throughout court operations.

- **Must re-examine traditional practices**
- **Need to acquire and use reliable information**
- **Highlights education and training needs**
- **Leads to improved use of information technology**
- **Excellent caseload management is a pre-requisite for high performance throughout the court**
- **Will lead to lower workloads for judges and staff**

GOALS OF CASEFLOW MANAGEMENT

- 1. Fair treatment of all litigants**
 - Similar cases treated similarly
 - Fair processes
- 2. Timely disposition of cases**
 - Time frames can vary, depending on case complexity and other circumstances
- 3. Adequate time and opportunity for**
 - Case preparation
 - Negotiation concerning resolution
 - Consideration of difficult issues
- 4. Predictability/certainty in case scheduling**
- 5. High quality litigation process**
- 6. Effective use of limited resources**
- 7. Public confidence in the court**

COMMON ELEMENTS OF SUCCESSFUL PROGRAMS TO ELIMINATE BACKLOGS AND REDUCE DELAYS

- 1. LEADERSHIP**
- 2. GOALS**
- 3. INFORMATION**
- 4. COMMUNICATIONS**
- 5. CASEFLOW MANAGEMENT PROCEDURES**
- 6. JUDICIAL COMMITMENT**
- 7. STAFF INVOLVEMENT**
- 8. EDUCATION AND TRAINING**
- 9. MECHANISMS FOR ACCOUNTABILITY**
- 10. BACKLOG REDUCTION and CONTROL OF PENDING CASELOAD**

LEADERSHIP

“The ability to translate ideas into reality and sustain them over time.”

- Warren Bennis

LEADERSHIP IN ORGANIZATIONS REQUIRES:

- **A reputation for personal integrity**
- **Personal competency**
- **A vision for the future**
- **A commitment to the organization**
- **A willingness to persist**

SUCCESSFUL LEADERSHIP IN BACKLOG AND DELAY REDUCTION REQUIRES:

- **Understanding what needs to be done**
- **Making the decision to do it.**
- **Making a public commitment to eliminating the backlog and reducing delays**
- **Communicating the need for action**
- **Marshalling the resources needed for success**
- **Monitoring progress and fixing problems**
- **Persisting in moving toward the goals**
- **Rewarding those who make success possible**

MANAGING CIVIL EXECUTION CASES

Suggested Goals

- **Eliminate old case backlogs**
- **Achieve case processing time standards**
 - **Need standards for all major case types**
 - **May want both interim (short-term) and long-term standards**
- **Dispositions per year consistently exceed new filings**
- **Pending caseloads at manageable level**
- **Appropriate (and flexible) utilization of limited court resources**

WHY ARE CASE PROCESSING TIME STANDARDS VALUABLE?

- 1. Provide a statement of purpose and intent**
 - Set forth what the court will seek to accomplish
- 2. Acknowledge the public interest in the work of courts**
 - prompt and fair resolution of cases
 - Effective enforcement of judgments and other legal obligations
- 3. Establish expectations**
 - Lawyers, parties, and court staff will know how long cases are expected to take
- 4. Provide a framework for scheduling case events in individual cases**
- 5. Provide a way of measuring overall effectiveness in caseflow management**
- 6. Stimulate self-examination and continuing assessment of case management practices**

COMMON OBSTACLES TO ACHIEVING TIME STANDARDS

- 1. Existing practices may make it impossible to achieve the standards. For example:**
 - **No procedures for dealing with complex cases separately from other cases**
 - **First in-first out approach to resolving cases – priority always given to oldest case**
 - **All cases follow same procedures, with same events and similar timing**
 - **No way to identify cases that can be resolved easily and quickly with early court intervention**
- 2. Judges and staff may not be familiar with techniques for effective case management.**
- 3. Lawyers and parties may resist efforts to resolve cases expeditiously.**
- 4. Existing caseload may be so large that judges and staff are discouraged from attempting to achieve ambitious time standards.**
- 5. Court may lack timely and reliable information about caseloads and individual cases.**
- 6. Court may not have enough judge and/or staff resources**

Team Session # 1

Examining Possible Civil Execution Case Processing Time Standards for Kosovo

Assume that the following case processing time standards have been suggested for civil execution cases in Kosovo courts:

Newly filed cases: All non-complex cases resolved within four months after filing
All cases resolved within one year after filing

Backlog elimination: No cases pending for more than 2 years since filing

Consider the following questions:

1. Is it feasible to achieve these standards within a five year period?
2. If not, what revisions would your group suggest?
 - What is the timeframe within which most cases should be finished?
 - What is the maximum period (the timeframe within which all cases should be completed)?
3. What will be the most difficult obstacles to achieving appropriate case processing time standards?
4. What are the most important things that each of the following can do to help achieve appropriate time standards:
 - Court presidents
 - Judges handling civil execution cases
 - Assistant judges
 - Execution clerks
 - Other registry staff

Examining Possible Civil Execution Case Processing Time Standards for Kosovo

How (if at all) should the hypothetical case processing time standards be revised?

What will be the most difficult obstacles in implementing case processing time standards?

- 1.
- 2.
- 3.
- 4.

What are the most important things that each of the following can do to help achieve the time standards?

- **Court Presidents**
- **Judges handling civil execution cases**
- **Assistant judges**
- **Execution clerks**
- **Other Registry staff**

DEFINITIONS

Backlog: The number of cases pending for more than an acceptable period of time

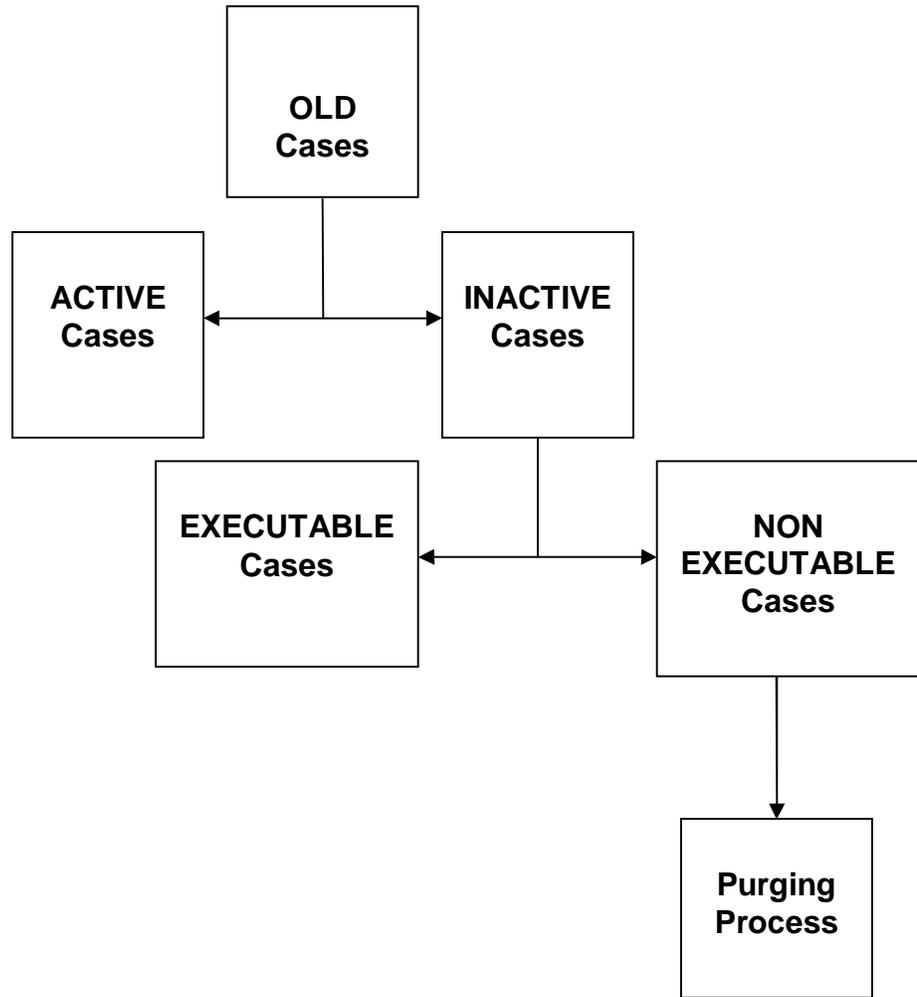
or

the number of cases pending for more than the case processing time standard applicable to that category of cases

* * *

Delay: Any elapsed time other than reasonably necessary required for pleadings, discovery, and court events.

BACKLOG IDENTIFICATION AND CLASSIFICATION



SUGGESTED DEFINITIONS

A CASE IS

IF

Old

the case was filed 24 months or more prior to the date of inquiry.

Inactive

the last action on the case was taken 12 months or more prior to the date of inquiry.

Non-executable

one of the following affirmations is true:

- **The debtor is unknown or deceased.**
- **The debtor's location is unknown or is outside the jurisdiction of Kosovo courts.**
- **The debtor has no assets or is insolvent.**

CLASSIFICATION OF CIVIL EXECUTION CASES: SAMPLE CATEGORIES

1. Age (years/months since filing)

2. Routine or complex case

A case will be classified as routine if all the following criteria apply:

- There is information on the debtor and his assets.
- The creditor is seeking execution against monetary assets (bank account, salary) or the creditor is seeking execution against non-monetary assets but can be satisfied without having to go to auction.
- There are no external factors which may impede the execution.

3. Type of debt for collection

- Utility bill
- Alimony
- Unpaid loan
- Court judgment against debtor

Etc

4. Type of asset(s) sought for execution

- Bank account
- Salary
- Land/house
- Equipment

Etc

5. Name of debtor

6. Name of creditor

OLD CASE PURGING PROCESS

SUGGESTED STEPS

1. **Advertise the purging process in the news media:**
 - the objectives of the process
 - the locations of the notice boards
 - the timeline of the process
2. **Notify the parties in eligible cases:**
 - If the address is known, deliver summons.
 - In all cases, post the names of the parties on a notice board at the court.
3. **Require the parties to report to the court within a deadline of 30 days.**
4. **If the parties do not report to the court within the deadline, the court may elect to either place the case on an inactive backlog list or simply dismiss the case.**
5. **If the parties report to the court within the deadline, they will be given the option to:**
 - a. Withdraw the case.
 - b. Transfer the case to mediation.
 - c. Keep the case in the court. If the case is kept in the court, the creditor should be informed that in the absence of additional information or activity within 90 days the court may elect to either place the case on an inactive backlog list or simply dismiss the case.

OLD CASE PURGING PROCESS

DISPOSITION OF CASES

1. Withdrawal by the creditor.
2. Dismissal by the court.
3. Setting aside on an inactive backlog list.
4. Transfer to mediation.

Grounds for dismissing or setting aside the case

1. The case is eligible for the purging process.
2. The court has made a good faith effort to obtain information on the debtor and his assets but no information was obtained. The debtor is therefore presumed unknown or insolvent.
3. The creditor is notified of the lack of information or activity and that failure to provide the court with additional information within 90 days will lead to dismissal or setting aside as inactive. And
4. The creditor fails to report to the court or fails to provide additional information.

Mediation for old case purging process

1. The case is eligible for the purging process.
2. The court has set a “mediation day”. A team of retired judges, judges in training and/or judges from neighboring courts have been put together.
3. The parties have elected to bring their case to mediation.
4. The objectives of the mediation process should be (a) catalyze agreement between the parties on a settlement; and (b) dispose of the case unless evidence of activity is presented.

PRIORITIZING EXECUTION CASES USING A COMPUTERIZED CASE DATABASE

Objectives:

- 1. Improve the understanding of the nature and type of caseload.**
- 2. Facilitate resource allocation.**
- 3. Allow for prioritization of case resolution.**
- 4. Ensure that time targets are met.**
- 5. Highlight patterns in case resolution (or non-resolution).**

Contents:

- 1. Date of initial filing**
- 2. Actions by the parties/court and their dates**
- 3. Date of last action**
- 4. Debtor and creditor names**
- 5. Debtor and creditor addresses**
- 6. Asset information**
- 7. Type of debt to be collected**
- 8. Type of asset against which execution is sought**

The database should enable the implementation of prioritization criteria. For example it should facilitate identification of:

- Cases pending longer than the backlog threshold time standard.**
- Type of debt to be collected (for example, alimony).**
 - Quality of information available - i.e. names, addresses, asset information**

PLANNING FOR BACKLOG REDUCTION: FIRST STEPS

1. Define “backlog” for your court.
 - Does the court have civil execution case processing time standards? (If so, any cases older than the maximum period allowed under the relevant standard are part of the backlog)
 - If the court does not have standards, what do court leaders regard as an acceptable time for resolving cases of particular types? (older cases = backlog)
2. Define “active”, “inactive” and “non-executable” cases for your court.
3. Set priorities for case categories. Which components of the backlog should be eliminated first?
4. Take inventory of top priority category, beginning with the oldest cases by the year in which the cases were filed.
 - Review registers
 - Review case files if necessary
 - Make lists of unresolved cases, by year filed
5. Create a simple computerized database, usable for recording the inventory data and tracking future actions
6. Record, in the database, the information needed to take action to resolve the case.
7. Develop a plan for resolving the backlog cases.
8. Identify and organize the resources needed to resolve the cases in the backlog.
9. Develop a plan to prevent recently filed and new filed cases from falling into backlog status.

CONDUCTING AN INVENTORY OF OLD CIVIL EXECUTION CASES

1. Identify person(s) to conduct the inventory and maintain the database
 - Will need to provide training and supervision
2. Create a simple computerized database organized by year of case filing.
3. Review registers, starting with register with oldest open cases. Identify all unsolved cases.
4. For each unresolved case on each year's list of cases, enter key information into the database:
 - Case number
 - Date filed
 - Case title – creditor and debtor names
 - Amount sought
 - Specific asset information, including identity of third parties named as holding assets
 - Last court event
 - Date of next scheduled court event
 - Reason for delay (if easily ascertainable)
 - Complexity of the case
 - E.g.: Routine – Complex
 - Classify: active or inactive
 - If inactive, why?
 - Action needed to resolve the case
 - Contact information for
 - Parties - lawyers - asset holders

Most information should be in registers. Use physical case files if necessary.

After the inventory has been completed, what should be done?

1. Set goals for eliminating portions of the backlog within specific time periods.

- **Example: All civil execution cases filed in 2003 or before to be resolved by 30 June 2006; all cases over 18 months to be resolved by 31 December 2006**

2. Identify and organize resources needed to eliminate the backlog.

- **Who will be responsible for leading the project?**
- **What resources will be necessary?**
 - **Judges - Judicial assistants - Execution clerks**
 - **Other Registry staff - Messengers**
 - **Courtrooms - Conference rooms**

3. Using the computerized database, sort cases by category, including the following categories:

- **Old cases (e.g., cases over 2 years since filing)**
- **Inactive cases (e.g., no activity for at least one year)**
- **Non-executable cases, including:**
 - **Debtor is unknown or deceased**
 - **Debtor's location is unknown**
 - **Debtor has no assets (insolvent)**
- **Active cases**

4. Take steps to dispose of old, inactive, and non-executable cases:

- **Notify creditor of inactivity and/or lack of information on which to proceed. Advise creditor that failure to provide essential information within 90 days will result in dismissal of the case.**
- **To notify: mail to last known address; post notice in newspapers and on notice board in courthouse**

5. Develop plan and procedures to resolve active cases

Team Session # 2

Initial Planning for Backlog Reduction

Please discuss the following questions and complete the attached form.

- 1. Who in the court will be responsible for conducting the inventory?**
 - **Who will lead the project?**
 - **Who else will be involved?**

- 2. What must be done in order to create the computerized database of information about pending cases?**
 - **Does the court have the necessary computer and software?**
 - **Who would enter the data?**
 - **Who would maintain the database?**

- 3. What resources will be needed to conduct the project?**
 - **Personnel**
 - **Facilities and equipment**
 - **What source(s) for additional resources needed:**
 - **Reallocate from other duties**
 - **Other sources – what?**

- 4. What changes, if any, should be made to the definition of old, inactive and non-executable cases?**

- 5. Can active cases be separated from the old, inactive, and non-executable cases?**
 - **If so, what cases should receive priority?**
 - **If not, what alternative approach will enable expeditious elimination of the backlog?**

- 6. What revisions would have to be made in existing practices and procedures in order to?**
 - **Expediently bring old, inactive, and non-executable cases to disposition?**
 - **Efficiently resolve active cases filed within the last two years?**

Initial Planning for Backlog Reduction

1. Who in the court will be responsible for conducting the inventory?

- Project leader:
- Others involved:

2. What must be done to create the database of information about pending cases?

3. What resources will be needed to conduct the project?

- Personnel
- Facilities and equipment
- Sources of the resources:

4. What changes, if any should be made to the definition of:

- Old cases
- Inactive cases
- Non-executable cases

5. Is it feasible to separate the active cases from the old, inactive, and non-executable cases?

a) If so, what cases should receive priority?

b) If not, what alternative approach will be taken?

6. What revisions will have to be made in existing practices and procedures?

a) For handling old, inactive, and non-executable cases?

b) For efficiently resolving active pending cases?

REDUCING THE BACKLOG OF ACTIVE CIVIL EXECUTION CASES

1. Using the computerized database, sort cases into categories that will facilitate effective management
 - Classify by age. Begin with oldest cases.
 - Classify by whether “routine” or “complex”
2. Create separate calendars/dockets for routine cases and complex and routine cases.
3. Cluster cases same persons or entities
 - E.g.: creditors/debtors/asset holders
 - Try to resolve them at the same time.
4. If needed action is clear: set next action date.
5. If needed action is unclear, set case for conference; notify lawyers/parties to provide information about case status and readiness for trial.
6. Conduct case conference; set schedule for completion of case if not resolved at the conference.
7. If party does not appear for conference or hearing/trial: dismiss or default judgment.

ESTIMATING BACKLOG REDUCTION RESOURCE NEEDS: AN EXAMPLE

Time Standard: Complete all non-complex civil execution cases in 6 months and all civil execution cases within one year

Number of execution clerks assigned to civil execution cases: 5

Project Goals: Eliminate backlog and meet time standard

ASSUME:

Cases pending 1 Jan 2005:	2200
2005 Filings:	2900
Cases disposed 2005	2700 (540 per execution clerk)
Cases pending 1 Jan 2006	2400
Cases pending over 2 years:	560 (Backlog)
Cases pending 1 – 2 years:	340 (Backlog)
Cases pending 181 – 365 days:	500 (Potential Backlog)
Cases pending 121 – 180 days:	300
Cases pending 0 – 120 days:	700
TOTAL PENDING:	2400

Estimated filings in 2006: 2900 (same as in 2005)

Estimated dispositions in 2006 if no change in practices: 2700

Annual disposition rate per execution clerk: 540

Monthly per-clerk disposition rate: 45 per clerk (2700÷5=45)

EXAMPLE (Continued)

To eliminate the backlog and resolve all cases pending on 1 Jan 2006 at current (2005) disposition rates:

Clerk-months needed to eliminate backlog of cases pending over one year on 1 Jan 06 (900 cases): 20 months ($900 \div 45 = 20$)

Clerk-months needed to resolve cases pending 180-365 days on 1 Jan 06: (500 cases): 11.1 months ($500 \div 45 = 11.1$)

Clerk-months needed to resolve cases pending less than 180 days (1000 cases) on 1 Jan 06: 22.2 months ($1000 \div 45 = 22.2$)

Total clerk-months needed to eliminate backlog and all other cases pending on 1 Jan 2006: 53.3 months

To complete the year 2006 with a manageable caseload:

Clerk-months needed to resolve 1/2 of anticipated 2006 filings (i.e., 1450 cases): 32.2 months ($1450 \div 45 = 32.2$).

TOTAL clerk-months needed to accomplish backlog elimination and establish current caseload with 6-month supply of cases, if existing practices and procedures are followed: 85.5 clerk months (= 7.2 clerk years)

- **At this rate, pending caseload on 31 Dec 06 would be 1,450.**

NOTE: This example assumes that cases in the backlog are similar to other pending and incoming cases in nature and complexity.

PROBLEM

Assume that your court has a civil execution case backlog. To eliminate the backlog and meet time standards, it would take approximately 7 clerk-years if existing procedures are followed. However, the court has only 5 execution clerks assigned to criminal cases. What can the court do to achieve this goal?

Possible approaches:

- **Obtain (temporary) additional execution clerks and/or other personnel.**
- **Reorganize work assignments and/or court hearing hours to achieve greater productivity.**
 - **Strengthen/clarify responsibilities of execution clerks**
- **Create a special backlog reduction unit (judges and clerks) to address the “over-goal” cases; assign other judges and clerks to work on current caseload.**
- **Design and institute new procedures that will enable more effective management of the caseload.**
 - **What new procedures could help?**
- **Re-design management information reports and data collection and analysis, to produce data necessary to identify problem cases and monitor progress toward goals**
 - **Ensure that cases currently within standard are resolved within the time standard**
 - **Organize system so new cases are addressed promptly**
 - **Monitor new filings, to ensure timely resolution**
- **Engage major creditors, bar, and other essential entities to help plan program and assist with implementation.**
- **What other approaches?**

NOTE: *These approaches can and should be combined.*

IMPLEMENTING A BACKLOG REDUCTION PROJECT: KEY ISSUES

Leadership

- Who will be responsible for the project?

Information

- What do the court president and court administrator need to know about the progress of the project?
- How will they get the essential information?

Procedures

- What new procedures will be necessary in order for the project to succeed?
- How will these procedures be adopted? Who needs to be involved?

Resource acquisition and allocation

- What resources are essential? How can they be obtained?
- How should available resources be allocated during the backlog reduction project, in order to:
 - Eliminate/reduce the backlog of old cases AND
 - Prevent recently filed cases from becoming part of the backlog

Key stakeholders

- Who – what entities and individuals – needs to be involved?
 - Within the court
 - From outside the court
- What authorizations will be needed to move ahead?

Education and training

- Who needs to learn about the plans?
- What do they need to know?
- Who will teach them?

Team Session #3 Planning a Backlog Reduction Project

In this session, members of each court team will have an opportunity to develop the basic outlines of a backlog reduction project for the court, using work products from previous team sessions

Process:

1. Review the goals for backlog reduction that you worked on in Team Session #1 and your answers to the questions considered in Team Session #2. What are likely to be the most feasible approaches to eliminating backlogs in your court? Consider the following questions:

- Is it feasible to obtain temporary additional staff?
- Should time standards (or “interim standards”) be adopted to provide guidance to judges, staff, and lawyers?
- Should goals be set for the time by which the backlog will be substantially eliminated?
- Can cases be classified as suggested?
- Can a computerized database be created?
- Could work assignments or case assignments be reorganized to achieve greater productivity?
- Could court time be re-arranged to enable greater productivity?
- Is it desirable to create a special backlog reduction unit to deal with backlog cases?
- What types of cases should be given priority?
- Is it feasible to re-design management information reports to make them more useful for monitoring the progress of the backlog reduction program and managing caseloads?
- Are there particular individuals or groups whose cooperation should be sought?
- What other possible approaches might be effective?

2. Using the planning form, first identify the tasks that must be undertaken. Then consider who should be responsible for each task, who else should be involved, what resources would be necessary, and in what timeframe it should be accomplished.

3. Complete the Report Form, indicating your tentative goals, main tasks, who would be responsible for making sure the tasks are accomplished (“LEADER”), and the first steps that the team will take to implement the

Product: A preliminary work plan for achieving your backlog reduction project goals.

Report Form – Team Session #3

Court _____

Outline – Preliminary Backlog Reduction Plan

GOAL(S):

<u>MAIN TASKS</u>	<u>LEADER</u>
1.	
2.	
3.	
4.	
5.	
6.	
7.	

FIRST STEPS

- 1.
- 2.
- 3.
- 4.

IMPROVING THE FUTURE MANAGEMENT OF NEWLY FILED CASES: FIRST STEPS

1. Expand the backlog database to facilitate the classification of newly filed cases:
 - Non-executable cases
 - Routine or complex cases
2. Use the case database and classification criteria to prioritize case resolution.
3. Adopt performance goals:
 - Time targets
 - Disposition targets
4. Clarify the respective responsibilities of judges and execution clerks:
 - In which cases is the intervention of a judge needed?
 - When in the process should the judge intervene?
5. Establish summary dismissal mechanisms
 - Criteria for eligible cases: non-executable, inactive, etc.
 - Notification process and response delays
6. Establish mediation alternatives
 - Criteria for eligible cases
 - Monthly mediation day to facilitate settlement between the parties
7. Strengthen information mechanisms.

USING CASELOAD MANAGEMENT INFORMATION

POSSIBLE INDICATORS OF CASEFLOW MANAGEMENT EFFECTIVENESS

Clearance rate: Annual dispositions equal to or greater than annual filings.

Pending Caseload:

- Total size decreasing over time
- Few (or no) cases pending longer than applicable time standard

Time to Disposition:

- Few (or no) cases taking longer than times called for by applicable time standard
- Times for median and 80th percentile cases decreasing over time

Productivity: Dispositions per execution clerk increasing over time

Case Scheduling Effectiveness: High percentage of scheduled events take place on date scheduled (Few continuances)

Quality of Justice: Difficult to measure but important to ascertain perceptions of quality

* * *

IMPORTANT TO USE MULTIPLE INDICATORS!!!

REDUCING BACKLOGS AND IMPROVING CASEFLOW IN CIVIL EXECUTION CASES

What can court presidents, court administrators,
and chief execution clerks do?

Suggested Internal Actions

- **Identify civil execution case backlogs and delays as a problem that must be addressed by the court.**
- **Take the lead in developing plans to eliminate the backlogs and improve caseload management.**
 - Work collaboratively.
 - Take advantage of specialized knowledge of each.
- **Convene meetings to develop and refine plans for eliminating the backlogs and improving the system.**
- **Promote uniform approaches to execution caseload management.**
 - Adopt uniform case classification and definitions.
 - Adopt case dismissal guidelines.
 - Adopt case resolution prioritization guidelines.
- **Organize the resources needed for implementation**
- **Lead implementation efforts**
 - Assign responsibilities to judges and staff who can do the job.
 - Monitor progress.
 - Provide feedback and guidance.
 - Recognize/reward success.
- **Clarify the respective responsibilities of execution clerks and judges in the execution process.**
 - Clarify which actions require the intervention of the judge.
 - Ensure that execution clerks have the authority they need to do their job.

REDUCING BACKLOGS AND IMPROVING CASEFLOW IN CIVIL EXECUTION CASES

What can court presidents, court administrators,
and chief execution clerks do?

Suggested External Actions

- **Identify and engage other key stakeholders to promote collaboration on execution cases, including:**
 - **Major creditors**
 - **Institutional information holders (banks, registers, tax authority, etc.)**
 - **Major employers**
- **Educate other stakeholders about the problems and about ways to address them.**
- **Initiate/assist fact-finding process.**
- **Organize the resources needed for implementation**
- **Develop incentives for case withdrawal.**
- **Develop alternative mechanisms (e.g. mediation) to promote settlement between the parties.**
- **Advocate for necessary legal or regulatory changes where internal policies are not sufficient to address the problems.**

Peer Group Session

Key Caseload Management Functions for Court Presidents, Judges Handling Execution Cases, and Execution Clerks

Using the suggested internal and external actions, as well as other materials presented and developed in team exercises today, please discuss the following questions in the group:

1. What can we, in our positions, do (or stop doing) in order to improve the management of civil execution cases and make a backlog reduction program successful in our own courts?
 - a) What are we NOT doing now that we should start to do?
 - b) What are we doing now that could be stopped or changed in order to help eliminate backlogs?
2. What other “stakeholders” should be brought into the planning process in order to develop a viable backlog reduction program?
3. What specific types of help, other than provision of additional resources, would it be desirable to have from these stakeholders or from others who work in or have interaction with the court, in order to implement a successful backlog reduction program? List types of help needed and possible sources.
4. What can you (or persons in your position) do to obtain the needed assistance?

Report Form – Peer Group Exercise

Group: _____

Key Caseload Management Functions for Court Presidents, Judges Handling Execution Cases, and Execution Clerks

1. The most important things that we can do to improve caseload management and make a backlog reduction program successful:

2. Who else should we seek to bring into the planning process in order to develop a viable program to eliminate backlogs and improve overall caseload management?

3. What specific types of help are needed and who could provide it?

Type of help

Possible Source

4. What can persons in our position do to obtain the needed assistance?

AXIOMS OF CASEFLOW MANAGEMENT

1. Early and continuous control of case progress helps minimize delays.
2. Differentiated case management works.
3. Dispositions take place when key decision-makers have the necessary information.
4. Every case must always have a date certain, *for a purpose certain*, assigned.
5. Accurate and timely information is essential.
6. What you count *counts*. Information reports influence behavior.



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Justice System Reform Activity in Kosovo

**AUDIO RECORDING/TRANSCRIPTION
STATUS REPORT WITH RECOMMENDATIONS**

**Judy Cassidy
NCSC Audio Recording/Transcript Consultant**

OCTOBER 5, 2005

CONTENT

- EQUIPMENT
- RECORDING/TRANSCRIPTION TRAINING
- TRANSCRIPTION
- FEEDBACK
- RECORDS RETENTION/NOMENCLATURE
- IMPLEMENTATION
- CERTIFICATION

EXECUTIVE SUMMARY:

Equipment: As of September 23, 2005, audio recording upgrades were completed and systems checks have been performed at all pilot sites except one Pristina District Courtroom and one Gjilan courtroom. AVC reports that these courtrooms are also fully operational.

AVC has received a further Player upgrade. They will start this week to install it in Pristina, and continue next week at the remaining sites. The upgrade is expected to resolve some remaining IT issues with Windows XP SP2.

AVC also expects additional licenses and foot pedals to arrive by the end of this week, and if they are not delayed by Customs AVC will start to deliver and install them on Monday, October 10, 2005.

- Mitrovica District Courtroom and Municipal Chambers (2 installations)
- Prizen District Courtroom (1 installation, LAN in place)
- Gjilan District Courtrooms (2 installations)
- Pristina District Courtrooms (2 installations)
- Pristina Prosecutor's Office (1 installation)
- Pristina Municipal Courtroom and Chambers (2 installations)

In the future, it may be helpful to have a central IT staff person or group coordinate FTR site maintenance and repairs.

Also, it may be helpful to have a training unit at a central location that could also be used for certification testing.

CD's currently in use for archiving are those recommended by AVS, and their lead technician has found that sound quality remains high for at least 5 years.

Recording/Transcription Training:

All sites were represented except Mitrovica Municipal Court at a 2-day training session presented on the Court Recording and Transcription Manual training. This training was subsequently conducted at their site for Mitrovica Municipal and other interested secretaries.

In addition, numerous hands on training sessions have been conducted on-site to ensure secretaries are comfortable with the equipment. Proceedings have been monitored at Pristina Municipal, Prizren District, and Gjilan District courts.

AVC will provide additional secretarial training/written instruction as CD-RW becomes available on copying CD. This will allow secretaries to work on transcripts in their offices.

The Department of Judicial Administration Trainer, Lumine Mustafa, has been trained on training skills and the Court Recording and Transcription Manual. She has attended nearly all of the training sessions/monitoring sessions/meetings held over the course of this reporting period. She has conducted training sessions independently. She has a list of available contacts at each pilot site for follow-up monitoring and training.

Display translation documents have been generated. One, on current FTR ReporterDeck usage, is currently being translated. The other, on additional FTR features, is available for translation/distribution if desired.

Albanian speaking coaches are most desirable for training and monitoring court proceedings.

Transcription:

Full transcription capabilities remain largely dependent upon office licenses and subsequent upgrades at most sites. Transcripts have been generated using both an independent Microsoft Word document, and FTR Log Notes.

Feedback:

It was initial feedback that resulted in additional audio recording training. Since that training has been provided, without exception, those Judges who have used audio recording during proceedings have endorsed it. Secretaries are also now enthusiastic about the equipment and utilization of log notes. It may be helpful to provide an additional feedback instrument for site IT's. A number of individuals are identified in this report who may be asked to participate in feedback interviews.

Records Retention/Nomenclature:

Both audio and log notes/transcript records are currently named and retained according to the associated court file, by case number, name of accused, and date of proceeding.

Audio Recording Implementation:

Audio recording is being implemented with new cases in all pilot sites except the Prosecutor's Office in Pristina.

Certification:

Certification administrative considerations, and proposed test content, include pre-session setup demonstration, a written test based on the Court Recording and Transcription Manual, and a short proficiency demonstration on generating a log note and associated transcript.

AUDIO RECORDING EQUIPMENT STATUS AND RECOMMENDATIONS

- In the absence of the AVC senior technician representative delays occurred on technical consultations regarding the FTR equipment. The remaining AVC technician, Hilmi, has been handling all FTR matters single-handed, which has led to unavoidable delays.
- Aggressive follow-up by Ardita Metaj expedited the upgrade process 9/15-23/05.
- Recommend that additional FTR/PC equipment installations at remaining court sites in Kosovo take place one at a time, so that any bugs can be quickly identified and corrected, and so that the secretaries can obtain timely hands on opportunities. The sooner the secretaries are fully trained and confident with the equipment, the more likely their skills, incentive, and ownership for the equipment will remain high.
- Recommend that a separate working group be established to address FTR equipment maintenance and repair, to ensure audio equipment is maintained operational.

Recommend Kujtim Baraliu, DJA IT in Prizren, be seriously considered to be working group lead/participant in the coordination of audio recording equipment maintenance and repair tasks. He is currently half-way through a six-month contract with DJA. Coordination/troubleshooting tasks for this position could include:

- § Contact point for court administrators and AVC to ensure rapid turnover of upgrades/repairs and maintenance at audio recording sites.
- § Trainer for court site IT's on IT aspects of FTR equipment use. IT's could receive training on audio recording equipment operation with secretaries.
- § Contact point for feedback on IT perspective regarding FTR equipment.
- § To ensure anti-virus software is installed at all sites.
- § Currently there are many users, few installations per site. Users need licenses for office installations to produce transcripts and to maintain skills. As program expands, recommend a followup mechanism/IT coordinator to ensure licenses and pc upgrades if needed are in place and completed timely.
- § Page 12 of July 2005 Report indicates that the vendor recommended DJA IT develop and implement uniform policies and procedures for installation of all court computer equipment, including software requirements, backup policies and procedures, partitioning of hard drives, and standard peripherals. Depending on the status/results of this project, additional IT coordination and support may be helpful.

- § This agency/coordinator could also check all sites to ensure they are properly grounded.
- In addition, one full-time IT per site would be optimal to assist with technical problems, and to make necessary, detailed technical contacts if or when repairs are required.
 - A meeting was held 9/15/05 with NCSC staff, Prizren IT Kujtim Baraliu and AVC Technician, Ilir Gorani, where it was determined that one obstacle to full equipment implementation was that compatible computers were not available. It had been NCSC's understanding that DJA was going to provide these computers/upgrades. NCSC agreed to provide necessary PC's for upgrades (i.e., Pentium 4). AVC ensured all FTR-specific systems would be operational within a week. Meetings were scheduled for each installation at each site, attended by Ilir Gorani, Ardita Metaj, Lumine Mustafa (DJA Trainee) and Judy Cassidy, to finalize ReporterDeck installations.
 - AVC will complete PC installations for transcription capabilities (i.e., controlled playback with pedals and the ability for secretaries to copy audio and log notes from ReporterDeck to CD for their office computers) as the licenses for the computers are obtained.
 - While monitoring a Prizren hearing on 8/19/05, I observed that headphones were not used. The IT and secretary later relayed that the transcript she completed was at least partially transcribed by placing her head near the equipment to pick up what she could of the record. It was subsequently indicated during a 2-day training session the following week that the pilot sites had not received headphones. Headphones were provided to the training participants on 8/23/05. Those not in attendance at the training, Mitrovica Municipal Court representatives and the Pristina Prosecutor's office, also have headphones.
 - Optimally, the headphones originally distributed might be replaced by single jack, mono headphones. Prizren court staff are going to try the "music" type headphones that encase the entire ear area, and provide feedback. As a user, I favor the small earpad headphones, with replaceable coverings, that fit into the outer ear cavity. Secretaries here are new at adapting to the time delay difference between what they hear coming from the courtroom and what they hear through the headphones have indicated they prefer larger earpiece headphones.
 - Secretaries have been somewhat resistant to using headphones because it was their original understanding that the volume level display is adequate to monitor an audio record. Because they are typing log notes throughout an audio-recorded proceeding, however, they have been informed that headphones must be used to reliably monitor the audio record so that they instantly know if any party's voice has not clearly registered.

- If audio recording via FTR ReporterDeck and PC is accepted throughout Kosovo, a fully operational, centrally located FTR ReporterDeck/Annotator/Player Plus/PC training unit, perhaps at least temporarily in the NCSC office or the DJA Trainer's office, would be very helpful.
 - Additional trainers who may be needed could learn/practice on training unit.
 - Court secretaries would have a practice unit, particularly for those sites where the number of secretarial staff who will be using audio recording/transcription equipment significantly exceeds the number of fully operational units available at a given court site.
 - FTR has a number of additional features that AVC purposely did include in initial FTR training, but that they intend to eventually address (e.g., configuration options, playback from local). As additional features are added, it would be helpful to both trainers and trainees to have a central location to practice the new features.
 - As verbatim transcription process is developed, a training unit would assist in exploring various format options.
 - If CER certification requirements include an audio recording equipment competency demonstration, this phase of testing could take place at training unit.
- CD's are currently unavailable to the Pristina Court secretaries for archiving. This appears to be a bureaucratic issue. 3,000 CD's are in the cashier's office, but it is alleged the cashier wants someone else to be responsible for controlling their distribution. Ardita Megaj has informed the District President Judge of this issue, and he responded that he will address the problem.
- The quality of CD's available in Kosovo may be uncertain. It is probably a good idea to create a backup CD of each archived record, particularly where CD's are the only archive capability.
- Emailed the lead AVC technician to ask for his recommendations as to the best CD's to use, that will guarantee good sound for a 6-hour record, and for the longest retention period. He has indicated that those provided by his company are the best (Sony and TDK) and that he has CD's that have retained high quality for at least 5 years.
- LCD for Judges at the bench may be considered, per initiative of Prizren IT, Kujtim Baraliu.
- Australian Systems Engineer Marc D'Arcy may be contacted as backup to local AVS, if needed, to answer FTR systems questions (see appointments/contacts document).

AUDIO RECORDING/TRANSCRIPTION TRAINING STATUS AND RECOMMENDATIONS

(Please see Chronology, Attachment 1, for more specific information on training provided from August 19, 2005 – October 7, 2005.)

- On 8/22-23/05, a 2-day Court Recording and Transcription Manual training session was conducted for 16 participants and the DJA trainer-trainee, Lumine Mustafa. All pilot sites represented except Mitrovica municipal, who received no invitation. At this training it was discovered that Pristina Municipal Courtroom equipment was not fully operational.
- 8/24/05 A meeting was held with Lumine Mustafa, DJA Trainer, to establish her availability as a trainer. The process of training her on instructional skills was initiated. She has since attended 3 training sessions specific to training skills, and she has accompanied the NCSC audio recording team on the majority of hands-on training/ monitoring sessions/court meetings.
 - She is highly competent, committed, and prepared to fully assume training duties on October 7th.
 - Recommend site secretarial contacts assist in training at their respective sites. (Please See Attachment 2, Appointment/Contacts document, for primary contacts)

Hands on training has been provided for all pilot sites.

At the onset of the audio recording specialist project, all sites needed the courtroom playback feature while recording, and full installation Player Plus in order to be fully operational. In the meantime, I obtained a ReporterDeck User's Manual on-line from Marc D'Arcy, systems engineer from Australia, and instructed Gjilan secretaries on the ReporterDeck recording/playback from local/archiving capabilities, so that they could playback for transcript production.

Subsequently, all sites were soon outfitted with Player Plus, and hands-on opportunities have been provided to secretaries that include "point and click" courtroom playback.

- Training will be needed on how to copy both audio and log notes to CD when licenses are in place/pc's are appropriately configured as needed. AVC has indicated they will conduct this training.
- Recommend if audio recording equipment is implemented throughout Kosovo that hands-on training is provided to secretaries, and that feedback mechanisms ensure they feel adequately prepared to use the equipment, before Court Recording and Transcription Manual training is conducted. User understanding

of the audio recording process is prerequisite to implementing legal/procedural requirements.

FTR displays:

- A base document for translation into Albanian has been prepared and submitted for translation for ReporterDeck displays currently used by secretaries. Recommend translation be completed and display document be distributed as a training aid to court secretaries. As the audio recording project expands, it may be helpful to have these displays translated into Serbian, as well, for Mitrovica and other appropriate courts.
 - The ReporterDeck Panel diagram has been translated and distributed in Gjilan, Mitrovica, and Prizren. Recommend this diagram also be distributed as a training aid to any sites who have not yet received it. Lumine Mustafa has copies of these documents.
 - One page of the Albanian FTR Instruction Manual was inadvertently included in English. This page, too has been translated, distributed to Gjilan, Mitrovica, and Prizren. The DJA trainer has additional copies.
 - Many additional displays, not currently used by the secretaries, also appear in English. A translation document has been prepared for these displays, as well, and provided to Ardita Metaj, in the event they are deemed useful. Recommend it be distributed as a training aid when these features are addressed by AVC technicians.
 - AVC has indicated that all displays will eventually appear in Albanian. This is part of a major FTR corporation project, however, to address translation for all of the equipment they have sold, in the languages of the countries that now use them. Thus, it may be some time before this project is implemented in Kosovo.
- It may be most effective, from both cost and training perspectives, to have staff who speak Albanian coach/monitor/interview pilot and anticipated expanded court staff. Coaching during the audio recording of a main trial will be less disruptive if the coach speaks Albanian. This not only would solve frequent seating space challenges for translators and coaches, but would also address the need to respond quickly and unobtrusively when the secretary needs immediate, on the record, assistance.

AUDIO RECORDING/TRANSCRIPTION STATUS AND RECOMMENDATIONS

- The secretaries have tackled their training and hands on opportunities with enthusiasm and determination. Audio recordings have been monitored in Prizren District, Gjilan District, and Pristina Municipal Courts. In all cases the secretaries were conscientious and thorough in logging the proceedings as their Judges requested. A hearing is scheduled for audio recording in Mitrovica District Court on 10/18/05.
- Transcription status/recommendations:
 - It may be helpful to begin the requirement that transcripts be generated after secretarial office installations make it possible for assigned secretaries to work on transcripts outside of the courtroom.
 - Information related to the frequency and length of main trials will be available from Al Szal, Deputy Chief of Party, in the near future. The main trials appear to, at least occasionally, take place in segments, sometimes a couple of weeks apart. Also, they may often be somewhat perfunctory. The impact of verbatim transcription on secretarial work load, and thus court staff inclination to pursue it, may be more clear when this data becomes available.

The requirement that a verbatim transcript be produced for main trials appears at this point to be causing some judges to continue to favor the court summary (e.g. Prizren), because it is less time consuming. The tendency was, in the hearings I monitored, for the judge to wait for his secretary to type the record in-court, verbatim, as it occurred, because there is little time, and at this point, there are few if any PC's that can provide out of court transcription capabilities for the secretaries.

Verbatim transcripts challenge existing resources, according to the civil-criminal judge, and secretaries in Gjilan and Prizren.

Additional licenses for secretarial staff who may transcribe recordings out of court is another option that might support and encourage increased verbatim transcription.

Currently, two transcript formats have been submitted: a Microsoft Word narration with some verbatim testimony, and an expanded Log Note of a court summary. Site secretaries, experienced with Microsoft Word, possibly with the help of IT's, can develop the most useful and workable format as audio recording is more extensively implemented.

At this time, the transcript format most secretaries seem to be considering is expanded log notes. Instructions on transcript generation displayed in the Court Recording and

Transcription Manual use the log notes as a basic format, which may also favor this format, which contains all the information required for a verbatim transcript.

- Recommend that as they become available, initial transcripts in each court be reviewed by an Albanian-speaker to ensure they meet content requirements.
- An International word list was provided to the NCSC project by the Gjilan civil/criminal Judge that may also help in the transcription process.

AUDIO RECORDING PROJECT FEEDBACK AND RECOMMENDATIONS

- 8/22/05 Feedback obtained in course of training session requested
 - Hands-on opportunities
 - Office playback/transcription equipment
- Every Judge with whom I spoke, at every pilot site, was in favor of audio recording. This included Judge Krazniqi at the Municipal Court in Pristina; the President Judge of Pristina Municipal Court; Mitrovica Judges Rexha and Lushta; Prizren Judges Hoxha and Elshani; a District Court Judge in Gjilan, and a Civil judge-first instance, Criminal Judge-second instance Judge in Gjilan.
- The pilot Prosecutor's Office prosecutor is ambivalent about FTR usefulness. He indicated it is too complex and time consuming for the large number of cases they have. He also asked that the word, "transcript" be replaced with an Albanian word. In addition, he indicated that signed witness interview statements to confirm their willingness to have the interview recorded might later be retracted.
- The Pristina Juvenile Court Municipal Judge, whose jurisdiction includes 7 municipalities, has requested FTR audio recording equipment be installed at the earliest opportunity in her courtroom. Recommend that the option be explored for her to use Courtroom 36 of Municipal Court when it is not already in use.
- Gjilan District Judge indicated after his main trial was logged/recorded that with added responsibilities, a wage raise is appropriate for secretaries. It might be considered to pay the secretaries the fee per page on required/requested transcripts.
- Recommend that an instrument be generated to interview IT's and capture feedback from their perspective at the various pilot sites.
- Court Recording Problem Reports, Court Recording/Transcription Evaluation Sheets, and Court Recorder/Transcript Preparation Logs have been translated into Albanian and distributed to courts that are currently audio recording, i.e., Mitrovica District, Gjilan, Pristina Municipal, and Prizren District.

- In view of various FTR equipment operation delays, it is too soon to conduct formal interviews on court Judge/staff recommendations. From a user's standpoint, the questions in the existing evaluation instruments thoroughly cover relevant feedback information. These instruments have been translated into Albanian and are ready for use. It may provide the most thorough results if the interviews are conducted by someone who speaks Albanian.
- DJA Trainer Lumine Mustafa is aware that she may be asked to conduct feedback interviews with Judges/Secretaries, and is prepared to do so.

The requirement that a verbatim transcript be produced for main trials appears at this point to be causing some judges to continue to favor the court summary (e.g. Prizren), because it is less time consuming. The tendency was, in the hearings I monitored, for the judge to wait for his secretary to type the record in-court, verbatim, as it occurred, because there is little time, and at this point, there are few if any PC's that can provide out of court transcription capabilities for the secretaries.

- In addition to Ardita Metaj and Lumine, the bilingual staff listed below are highly competent and flexible, with many skills. Possibly they could also be asked to participate as trainers/interviewers
 - Kujtim Baraliu, IT, Prizren
 - Brikene Bunjaku, NCSC secretary
 - Enver Fejzullahu, NCSC Senior Staff Associate
 - Ilir Gorani, AVC Technician
 - Hilmi, AVC Technician
 - Artan Mehmeti, NCSC IT
 - Aferdita Salihaj, NCSC secretary
 - Bojan Stjepanovic, AVC Technician

RECORDS RETENTION/NOMENCLATURE

- Audio recordings, archived CD's, log notes, and/or transcripts are currently filed in the associated case file, and are named by case number, the date of proceedings, and the name of the accused, in Gjilan (2 judges), Prizren (1 judge), and Pristina Municipal (1 judge). These records are slated to be kept with the file for the lifetime of that file.
- Once licenses are in place, log notes and transcripts can also be stored on PC. Currently they are stored on courtroom PC's.
- Only district courts are slated to have LAN's. Other installations will continue with manual archiving to CD. Recommend that the sound quality and maximum retention lifetime of CD's be established.
- LAN/FTR naming conventions may suffice until the entire process, from recording through transcription, is established, for the original log note. At this time secretaries are experimenting with other names by "saving as copy."

AUDIO RECORDING IMPLEMENTATION

Audio recording has been implemented and monitored in Prizren District, Gjilan District, and Pristina Municipal courts. In all cases, audio monitoring and log notes have been competent. A monitoring session has been tentatively scheduled with the DJA Trainer for a new trial on 10/18/05 in Mitrovica.

Secretaries at various sites have indicated that the judges are clearing away old cases, and intend to use the equipment for new cases. I have suggested to secretaries that they ask permission to use old case hearings to practice audio recording/log notes with an actual court proceeding.

In one audio-recorded main trial in Gjilan, the trial panel deliberations took place in the presiding judge's chambers, where no audio equipment was available. He also requested that the justification for sentence be off the record. Other than that, the main trial was fully audio recorded.

CERTIFICATION RECOMMENDATIONS

Overall, I propose a three-part test: 1) equipment pre-session setup, technical operation demonstration; 2) written test on secretarial requirements and expectations per Court Recording and Transcription Manual; and 3) short log notes/transcription demonstration test (open book, per Court Recording and Transcription Manual).

ADMINISTRATIVE PROPOSALS:

- Certification applications due 8 months prior to testing.
- Distribute requirements to applicants six months prior to their taking the certification test.
- Conduct workshop for applicants one month prior to taking the test
- Standardize requirements to provide for reciprocal certification
- Identify temporary certification criteria and designation
- Identify/Create the agency responsible for
 - test generation, and conduct
 - Court recording and transcription policy and procedures updates.

CERTIFICATION TEST:

- Technical Demonstration test – ability to operate equipment
 - Pre-courtroom setup
 - Start ReporterDeck, archive, record, log, in-court playback; end of session shutdown; retrieve and load audio record
 - Generate short log and transcript, using approved format
- Test on Court Recording and Transcription Manual. Be able to identify
 - 1) Ethical/Professional expectations of a court recorder/judicial secretary
 - 2) Key tasks of a judicial court recorder/ secretary.
 - 3) Pre-session courtroom preparation activities.
 - 4) Precautions to ensure a complete, clear, accurate audio record.
 - a. Equipment monitoring
 - b. Special situations, e.g., teleconference, audio-visual exhibits
 - 5) Primary functions of an electronic log sheet.
 - 6) The relationship between the audio record, log sheet, and transcript.
 - 7) Contents of a log sheet header
 - 8) Contents of a log sheet case identifier
 - 9) Contents of a log sheet
 - a. verbatim
 - b. speaker identification abbreviation conventions
 - c. other standard abbreviations
 - d. evidence identification convention

- e. standard parentheticals
- 10) Special requirements for examination proceedings
- 11) Transcript contents (demonstration, using log notes as a basis)
 - a. cover page
 - b. Index
 - c. body of transcript
 - d. certification
 - e. when minutes are acceptable
 - f. when a verbatim transcript is required
- 12) Transcript format requirements
- 13) Administrative procedures regarding transcripts
 - a. Transcription deadlines, by type of proceeding
 - b. Restricted records
 - c. Separate records – jury panel
 - d. Requests for copies of audio record
 - e. Requests for transcripts
 - f. Requests for corrections/additions/deletions/changes
- 14) Naming convention:
 - audio record
 - log
 - transcript
- 15) Storage/preservation/records retention schedule for the audio record, log sheets, and transcripts

Sunday-Monday, 8/14-15/05

Travel; work on lesson plan.

Tuesday, 8/16/05

- Trip to Prizren, meeting with President Judge and District Judge who both endorse new equipment. District Judge uses new system and equipment; president judge who hears appeals, has not had opportunity to use it since equipment was installed.
- Also met with Secretary and IT, discussed record storage. Archive CD and transcript are stored in case file. She has produced a transcript, using log notes as a basis, of a hearing; contents are essentially a court summary..
- Also discussed/observed courtroom equipment setup with IT in Prizren, who is continually available in the courtroom to ensure proper microphone usage/equipment setup while Judge hears case and recorder monitors hearing.

Wednesday, 8/17/05

Revised Court Recording and Transcription Manual lesson plan to place greater emphasis on FTR ReporterDeck usage. Meeting with Pristina Municipal Judge Baki Krasniqi and his secretary, Neremanes Sokoli, regarding use of audio equipment, which they have used. Judge had highly positive comments about it. Secretary Sokoli produced a transcript of a Municipal Court Hearing, in which she blended summary and verbatim transcription.

Thursday, 8/18/05

Meeting with UN AVC/JDA staff to discuss potential IT support for pilot courtrooms, projected training. In response to a question, indicated that in the future it is planned that certification criteria will be identified.

Friday, 8/19/05 .5 Training Day

Another trip to Prizren – monitored court hearing, noted headphones not used. Also, opportunity to witness Kosovar court procedural practices.

Monday, 8/22/05 16 Training Days

Day 1 Training was conducted in Pristina Municipal Courtroom 36. All who were invited were present, and eager to learn about/use the equipment. Judge Krasniqi provided an opening endorsement of his experience with audio recording.

Only 2 participants had used the equipment to audio record a hearing. Four participants came in to training from holiday in order to participate. Participants represented a total of over 225 years of courtroom secretarial experience, and are competent, motivated professionals. DJA Trainer Lumine Mustafa also attended.

Training for day 1 included an overview of the Court Recording and Transcription Manual; discussions of the judicial secretary code of conduct and job description; audio recording techniques/considerations; relationship of audio recording, log notes, and

transcript; contents of log notes including use of abbreviations and parentheticals, the importance of identifying speakers with proper name spellings, and special considerations for examinations, which appear to roughly correspond with confirmation hearings.

Written feedback obtained in the morning from participants indicated that they had been reluctant to work with equipment, particularly in an actual courtroom hearing, because they had not yet had an opportunity for hands on work with equipment during previous FTR training sessions. In addition, in the Pristina court there are many secretaries, but only 2 ReporterDeck Units. Further, Mitrovica equipment is not yet installed.

Participants were provided with limited hands on opportunities to archive and generate a log note, (class size 16, one unit available for practice) but we were unable to playback a record on the courtroom equipment.

Tuesday, 8/23/05: 16 Training Days

Day 2 Training – same attendees - provided headphones to class participants. Discussed verbatim transcription, and the guidelines/law that require it (basically, minutes from 4/1/05 meeting). Hands on opportunity was again provided for archiving, recording and log notes features, but difficulties continued with playback function.

Because of the large number of participants, and only one FTR unit available in training setting, only about ¼ of the participants had an opportunity to practice on the equipment.

Wednesday, 8/24/05 .5 Training Day

Met with Department of Judicial Administration trainer, Lumine Mustafa, to set up a schedule with her to train her on basic training principles. First meeting will be next Wednesday, August 31, 2005, and she will attend, whenever possible, any training/followup meetings.

Thursday, 8/25/05: 5 Training Days

Six-hour visit to Pristina municipal court, with 4 Pristina staff and DJA trainer trainee in attendance, in chambers and courtroom. Headphones, optimally, should be exchanged for single-jack, smaller earpad version. Participants identified need for FTR ReporterDeck status and menu displays to appear in Albanian.

Friday, 8/26/05

Worked on a display translation document to reflect the Albanian meaning of FTR displays that currently appear in English.

Monday, 8/29/05

Worked on display translation document. Also met with Dan regarding concerns that surfaced at Pristina court and training sessions.

Tuesday, 8/30/05

Met with AVC technician Hilme, and Staff Attorney, Ardita Metaj, to discuss questions, concerns regarding equipment. Determined that it is possible to reconfigure FTR equipment so that displays appear in Albanian. AVC technician will ask his supervisor about reconfiguring displays in Albanian at earliest opportunity. UPDATE: Ilir has since indicated that plans from FTR company are underway to provide displays in existing languages for many customers, including Kosovo.

A visit with the AVC technician Hilme to Pristina Court; determined repairs are needed in Courtroom 36 regarding playback features. He reconfigured chambers ReporterDeck to reflect its current (recently changed) location from Office 25 to Office 20. In addition, Pristina staff were informed that efforts are underway to translate displays into Albanian.

Wednesday, 8/31/05: .5 Training Days

Visited Mitrovica to meet with Judge Rexha and follow up on Ardita's request that we temporarily install Mitrovica municipal court equipment in the NCSC office. Meeting with Judge Rexha was encouraging and productive. He has generously permitted us to temporarily install Mitrovica FTR equipment in the NCSC office, to ensure it is working properly, and to use as a training device for pilot secretaries.

Installation of that equipment has begun in NCSC office. Some additional work is being completed on NCSC computer and on FTR unit to make it operational. Artan has indicated there are problems with playback.

Conducted training session with DJA trainer on Basic Training Principles: development of objectives/test instruments; determination of the level of understanding of participants/prerequisite knowledge; organization of material so that it can be best retained (e.g., logically, in sequence, by importance, and/or to support motor activities/skills); training aid considerations, class size considerations, training setting considerations; use of a training outline and agenda.

Thursday, 9/1/05

ReporterDeck control panel diagram to Aferdita for translation
Proofed displays against FTR ReporterDeck 2.1 User's Guide
IT and AVC tech working on equipment installed in office. – not operational

Friday, 9/2/05

Move into office
AVC continues to work on equipment – not operational
Meeting today, to be held in room where equipment is being installed, may postpone final work on FTR system

Monday, 9/5/05

Holiday – Translator unavailable to continue training for DJA trainer.

- Reviewed evaluation; confirmation hearing and main trial minutes generated from audio recordings in Pristina and Prizren, respectively.
- Began work on proposed certification requirements..
- Meeting with Ardita to discuss configuration options – Serbian and Albanian; follow-up training arranged at Prizren Court on Friday, 9/9/05; further DJA trainer training; and current playback problems in Pristina and Metrovica equipment.
- Status test of FTR ReporterDeck 2.1 from Metrovica, installed in NCSC office reveals that:
 - Mics are working,
 - CD is accepted for archiving
 - annotator is correctly logging time,
 - Recording audible through headphones
 - Volume control displays, accessible during recording
 - Log sheets are automatically saved,
 - Navigator does not appear to be operational, but log notes can be accessed through C drive log notes folder
 - Manual Playback working through local, with play button, to headphones
 - Manual Playback working through archived CD, with play button, to headphones. While not recording.
 - Playback not working from pedal, or Player Plus, from local.
 - Playback not working from time link.
 - Playback not working into courtroom.
 - Checked online to see if possible solutions; wrote FTR Online Support; awaiting reply.

Tuesday, 9/6/05

Reviewed evaluation instruments, and July 2005 evaluation, to identify follow-up areas as I proceed with court visits.

Arranged with Aferdita to translate in Prizren 9/9 and tomorrow at 1:30 p.m. with Lumine.

Spoke with Ardita re Prizen trip plans, trip to Gjilan, arrange possibly some day this week for next week.

Conducted preliminary ReporterDeck testing of display translation documents.

Note: At this point, a lot of focus on hands on training and equipment repair, vs implementation of equipment/audio recording procedures.

Discussion with Gazmend Mejzini, NCSC Project Manager to ensure NCSC office is grounded, as is Pristina Municipal Court, per Al's request. Lack of electrical grounding had been a problem for recording equipment in Alaska and Egypt when Al was there.

May be that evaluation instruments best conducted by someone who speaks Albanian; also, someone possibly outside NCSC.

Wednesday, 9/7/05: 5 Training Days

Prep/conduct FTR/Court Recording and Transcription Manual trainer training with Lumine. Went over training objectives, prelim FTR hands on. She will develop lesson plan, call me when ready to proceed to next step.

Enver will translate and drive to Gjilan; DJA driver will drive, Enver will translate, in Prizren

Aferdita translating Transcription evaluation sheet, Preparation log, and Problem report for trip to Prizren; display documents, too, if possible.

Set up visit with Gjilan courts

New error message on Mitrovica equipment installed in the office, that license agreement has not been accepted; numerous problems today with playback/archiving.

- Another Status test of FTR ReporterDeck 2.1 from Metrovica, installed in NCSC office:
 - Mics are working,
 - CD is accepted for archiving
 - annotator is correctly logging time,
 - Recording audible through headphones
 - Volume control displays, accessible during recording
 - Log sheets are automatically saved,
 - Navigator does not appear to be operational, but log notes can be accessed through C drive log notes folder
 - Manual Playback working through local, with play button, to headphones when archiving is completed, but not while recording is going on or archiving is still underway.
 - Manual Playback working through archived CD, with play button, to headphones – again, when archiving is completed.
 - Playback not working from pedal, or Player for Local
 - Playback not working from time link.
 - Playback not working into courtroom.
- Received online response from FTR; have answered their questions.

Thursday, 9/8/05: 5 Training Days

Gjilan, trained 7 secretaries. Administrator present throughout training. Need courtroom playback.

Office/Mitrovica equipment: Attempted to reach record through Player Plus, while recording or not recording, archiving or not archiving; all attempts unsuccessful. Received Microsoft error message, unable to transmit, internet not available throughout the building. Also, printer connection not working; another error message.

Friday, 9/9/05: 1 Training Day

Emailed, cc'd NCSC staff, to FTR online help regarding Mitrovica (office) equipment problems.

Problem report, transcript log and transcript evaluation sheets translated into Albanian. Problem report provided to IT, Kujtim Baraliu, in Prizren.

Prizren 8:30 – 4:45, monitored courtroom hearing, provided with problem report, log, which indicates need for:

[Cable for] courthouse playback.

LAN graphics card

Grounding – tender is in place, should be done within month, should fix mic problem

Prizren secretaries Requested hands-on training for an additional 6-7 secretaries.

Archived CD is stored in court case file, as is printout of log sheet..

Monday, 9/12/05:

Updated chronology

Provided Dan with site appointment/contacts document.

Enver made appointment with Prosecutor's Office for status visit tomorrow at 11:00. Aferdita to contact Lumine.

Enver contacted AVC re support over the next week, in Gjilan and in office.

Hilme will be in a seminar until 9/14/05.

Generated Equipment Status Report

Generated Training Status Report

Emailed Dan, Al, Gaz and Ardita with Equipment Status Report, Training Status report attached.

Met with Aferdita re display documents, Reporterdeck diagram translations.

Reviewed online material re FTR Player Plus

Transporation/translator, Gjilan Wednesday – Enver Fejzullahu

Tuesday, 9/13/05

Requested appointment for Thursday, 9/15/05 with Pristina District Court secretary when I can see what equipment they currently have. Training – Pristina District Prosecutor's Office, 11:00, Lumine accompanied. Reconfigured to current date. Can record, archive; Can playback to site or headphones from PC, using Player Plus, if not recording, and can adjust forward/back/play with foot pedal. Unable to playback while recording. Able to save as html, copy and paste to Word, add header information; or able to save many iterations of one log note, 1st as original, others as copies, for different cases. Notes and CD saved in case file, named by case # and name of accused.

Prosecutor felt that this was too complex a system for the thousands of cases/witnesses he is involved with; also, wanted an Albanian name for Transcript.

Discussion with chief prosecutor at lunch to let him know there was a unit in District Prosecutor's office, and to see how it's working for them.

Possibly, if not working for prosecutor, take to Pristina Juvenile Judge?

Email to AVC group, equipment status report attached.

Retested office (Mitrovica) equipment; minor changes to Equipment Report, i.e., playback from local to headphones works; Player Plus cannot be accessed at all; no playback to courtroom.

Wednesday, 9/14/05: 2.5 Training Days

Trip to Gjilan – monitored audio recording of hearing. Main trial, except panel deliberation and justification, were audio recorded and properly archived, good log notes kept. Stayed in pm with followup training session on log notes, and discovered. FTR Player Plus is inoperable in small courtroom. In large courtroom, secretaries indicated that the PC and ReporterDeck are both inoperable. FTR Instruction manual is partly in English, unintelligible to court secretaries.

Conducted training session with DJA trainer on Basic Training Principles: development of objectives/test instruments; determination of the level of understanding of participants/prerequisite knowledge; organization of material so that it can be best retained (e.g., logically, in sequence, by importance, and/or to support motor activities/skills); training aid considerations, class size considerations, training setting considerations; use of a training outline and agenda.

Thursday, 9/15/05, .2 training days

Generated initial impressions/notes for report for Nial.

Gathered documents that will need translation by outside source, submitted request to Gaz for translator for these documents. (page from instruction manual, display documents, ReporterDeck diagram)

Updated Equipment Status Report

Worked on display translation documents.

Monitored Pristina Municipal Confirmation Hearing w/AVC technician Ilir present. Audio record of international case. Ilir explained how FTR playback to work, using flash or floppy, send notes or copy, via Explorer, and use CD on office PC when licenses are available. Met with Judge Krazniqi, Presiding Judge of Pristina, and Neremanes Sokoli, who is willing to be key contact person for Municipal Court.

Meeting with Dan Deja, Ardita Metaj, Gazmend Mejzini, AVC Technician Ilir Gorani, Prizren IT Kujtim Baraliu, and myself at 2:00 pm today, determined all PC's will be operational in all respects, and NCSC will provide pc's/upgrades if necessary.. System check appointments made, generated checklist.

Prizren – courtroom grounding unsuccessfully attempted, will make second attempt.

Friday, 9/16/05, .5 training days

Ardita Metaj present to speak with Judges, oversee upgrades. 10:00 Systems Check – Pristina District, Prosecutor's office, and Pristina Municipal Court w/Ardita, Lumine, Ilir, Hilme. Playback from player plus, either to headphones or to site, now fully operational in Municipal Court, Office 20, and Prosecutor's office.

District Court installations pc problems, but ReporterDeck has been configured as needed, will be ready Monday. Some delays were due to remodeling of District Court Building.

Every PC needs a CD writer and reader before Annotator and sound files can be copied to CD. This will be completed when licenses and foot pedals are received, thereby making it possible for secretaries to work on transcripts when in their offices.

Enver Tullari has agreed to be key contact point for District Court secretaries. Court Administrator for district court is Mr. Berisha.

Training meeting with Lumine. Assignment: outline of what she proposes to teach, and how she proposes to teach it, regarding the Court Recording and Transcription Manual for training in Mitrovica Monday.

Conducted training session with DJA trainer on Basic Training Principles: development of objectives/test instruments; determination of the level of understanding of participants/prerequisite knowledge; organization of material so that it can be best retained (e.g., logically, in sequence, by importance, and/or to support motor activities/skills); training aid considerations, class size considerations, training setting considerations; use of a training outline and agenda.

Monday, 9/19/05: 2 Training Days

Ardita Metaj present to meet with Judges, oversee upgrades. 10:00 Mitrovica systems check. All systems working. Need printer in courtroom. Procedures Training for 2 municipal secretaries, 4 district secretaries, 60 percent complete, conducted by Lumine (transcripts portion remains). I monitored, and also conducted initial orientation/hands on training for 6 secretaries on equipment, 2 hours

More development of evaluation report notes.

Tuesday, 9/20/05 2 training days

Ardita Metaj present to meet with Judges, oversee upgrades. Prizren – ¼ day training for 8 secretaries, co-training, Lumine and me; systems check.

Wednesday, 9/21/05 3.5 training days

Gjilan Training – 9 students, 3 hours, largely conducted by Lumine while I monitored. Ardita Metaj present to meet with Judges, oversee FTR ReporterDeck playback installations/upgrades.

Thursday, 9/22/05 .75 Training day, Lumine and I monitored Day 1 of main trial in Gjilan. Systems check – annotator, player plus not installed in small courtroom. Training meeting with Lumine. Assignment: outline of what she proposes to teach, and how she proposes to teach it, regarding the Court Recording and Transcription Manual for further training in other pilot sites.

Friday, 9/23/05 .5 training days

Gjilan court. DJA trainee monitored day 2 of hearing, IT present with secretary Fatmire in courtroom..

Need to establish retention life of a CD. Transcription requirement is slowing down courtroom activities.

May consider keyboard tray if desired for recorders in courtroom.

Small courtroom must be repaired by Wednesday. From W-F each week, beginning 9/29, the large courtroom will be used to conduct international trials. Judge in Gjilan has indicated they must have the small courtroom operational asap, and certainly by 9/29/05.

District Judge who presided at the main trial listened to his trial played back. He brought up 1) secretary voice interruptions. With earphones on, she doesn't realize how loud her voice can be; 2) wages for secretaries with increased responsibilities (have been dropped when they were supposed to be raised.)

Monday, 9/26/05: 2 training days

Lumine set up and conducted training in District Court for 2:00 today. I monitored. 8 Secretaries, 2 hours.

AM Worked on draft evaluation report, provided it to Ardita.

Judges have indicated they are finishing old cases off the audio record.

Per Ardita, both Pristina District Court and Gjilan small district courtroom are now fully operational.

Tuesday, 9/27/05: 4 training days

Training in Mitrovica – Lumine provided 4 hours of training to 8 secretaries on audio recording equipment, using transcript information from Manual as training aid during log notes portion. I accompanied her as backup, but she didn't need any help, did fine on her own.

Additional FTR instructions translated into Albanian provided to Lumine, as well as ReporterDeck diagram in Albanian, to use as training aids.

E-mailed initial displays document to Brikene for translation.

Wednesday, 9/28/05:

Brief overview with Dan – pilot secretaries have received hands-on training, and have indicated they are ready to begin audio recording. Will call if they need assistance for first trial, either Ardita or Lumine.

Lumine will select one session she will conduct independently between now and 10/7/05.

Secretaries invited to consider asking their judges if they can practice courtroom recording for old cases not currently required by Articles.

Continued work on evaluation report, updated chronology and appointments/contacts documents.

Updated training stats.

Thursday, 9/29/05:

Re-sent revised display translation document to Brikene, that contains only basic displays.

Final preps advanced display translation document, for when needed

IT ReporterDeck rear panel info saved for whomever – ask Ardita who will have the most use for it.

Friday, 9/30/05

Trip to Pristina District, for training session and systems check of second district court installation was cancelled: trial to be held, using old system.

Met with Miheala Simeon, DJA, regarding audio recording training and budgetary concerns for purchase of additional equipment. Updated her that all pilot sites are either already implementing audio recording or are fully prepared to implement, and the feedback is positive from the judges and secretaries where this equipment is in place. Chief of Party also suggested that any additional FTR/PC units be installed one at a time, so that installation/training/implementation can follow quickly upon one another.

I monitored, and also conducted initial orientation/hands on training for 6 secretaries on equipment, 2 hours

Monday, 10/3/05

Emailed Ilir Gorani to confirm best CD to use for archiving, in terms of retention, amount of time that can be reliably recorded per CD, and sustained sound quality.

Emailed Kujtim Baraliu, IT in Prizren, to see if “music” type headphones were more helpful and acceptable to secretaries.

Additional FTR instructions translated into Albanian provided to Lumine, as well as ReporterDeck diagram in Albanian, to use as training aids.

Emailed second display translation document to Ardita, for use if and when needed, that translates ReporterDeck displays not yet addressed by AVC training.

Updated report to include some additional information/recommendations, e.g., implementation status, suggestions re future installations.

Tuesday, 10/4/05 – Holiday

Wednesday, 10/5/05 - Report completed; Internet problems, unable to convey to Nial.

Thursday, 10/6/05 – Closeout Meeting held with Audio Recording Specialist and DJA Project Manager, DJA Trainer, NCSC Chief of Party, NCSC Staff Attorney and NCSC Project Manager. Audio Recording project appears to be on track. They will provide new headphones and proceed with efforts to provide budget support for expanding the audio recording project.

Court Appointments, Contacts: Pilot sites

All attended Day 1 and Day 2 training except for Mitrovica Municipal, who did not receive invitation.

Mitrovica Municipal Court (1 chambers installation)

Judge Mrs. Nesrin Lushta,
Administrator Mr. Reshat Zhubi, Primary Contact
Systems check/training 9/19/05
Training 9/19/05
Training 9/27/05

Mitrovica District Court (1 courtroom installation)

Judge Gani Rexha
Secretary Jasmina Pasic, Okruzni, 0638185404 (Primary Site Contact)
Secretary Fehmije Kyqyku, District Court, 0638955610
8/31/05 Meeting with Judge Rexha
9/19/05 systems check, fully audio operational, training on procedures and equipment, both district and municipal
9/27/05 training

Prizren District Court (1 courtroom installations)

Judge Hoxha, Presiding Judge
Judge Evidet Elshani,
IT Kujtim Baraliu
Secretary Fatmire Kastrati, Qarqut, 044 624 913, Primary Contact
Secretary Kujtesa Uka
Administrator Zylfiu
8/16/05 – Meeting with Judge and Secretary
8/19/05 – Monitored hearing
9/9/05 – Monitored, court hearing; provided with logging documents from July 2005 report. And ReporterDeck panel translation document.
9/16/05 – systems check
9/20/05 – systems check, secretary training

Gjilan District Court (2 courtroom installations; small courtroom needs systems check)

Judge Ymer Huruglica,
Administrator Azemi
Secretary Fikrete Destani 028020145?195, Primary Site Contact
9/8/05 – Meeting w/secretaries, DJA trainer present
Enver, technical assistance
9/14/05 Monitored Main Trial; further training, identified Player Plus PC problems in small courtroom, PC problems make FTR ReporterDeck not operational in big courtroom.
9/21/05 systems check, both installations; large courtroom okay

9/22-23/05 monitored main trial
9/23/05 – Gjilan courts both fully operational, need systems check in small
courtroom

Pristina District Court (1 courtroom installation)

Judge Dehari,
Administrator Berisha
Secretary Enver Tullari, primary site contact 044181397
Systems check 9/16/05, not operational
9/26/05 systems check, 2-hour training

Pristina District Prosecutor's Office (1 installation checked)

Prosecutor Osman Kryeziu,
Administrator Ms. Teuta Abdurrahmani, Primary Site Contact
9/13/05 Hands-on Training with Secretary
9/16/05 systems check, okay

Pristina Municipal Court: (Courtroom 36 and Chambers, Office 20)

Judge Baki Krasniqi;
Secretary Nerimanes Sokoli, 038560808 or better 044 264 367?, Primary Site
Contact
Mr. Hoxha Administrator, Mr. Muharremi, Professional Assistant. Advisory
Judge Jashari
Clerk/Recorder Ruzhdi Bytyqi, Kohmunale 038 248 805
Clerk/Recorder Fatmir Gashi, Komunale 044 609 260
Clerk/Recorder Nurije Rexhelebeqaj, Komunale , 044 234 179
Clerk/Recorder Bedri Vitija, Komunale 044 399 242
8/16/05 Meeting with Judge Krasniqi, Secretary Sokoli
8/22/05 – Day 1 Training
8/23/05 – Day 2 Training
8/25/05 – 6 hour follow-up with FTR Technician;
Determined playback not operational, will repair
9/15/05 – Monitored Trial, Pristina Municipal; observe District equipment
9/16/05 – systems check

Pristina Civil Court Secretaries – training has been requested so that they can provide
backup coverage to Municipal/District Court secretaries. Ardita, Lumine, Dan are aware
of request. Lumine has indicated some civil secretaries were present at Pristina District
Court training session.

Pristina Municipal Juvenile Court

Clerk/Recorder Fermaze Jashari 044 199 342 (keyboard issue?), Primary Site Contact

United Nations Senior International Officer Mihaela Simion, DJA. simion@un.org, tel 381 (0) 38 243 634, cell phone 377 (0) 44 187 428

DJA Trainer Training for Lumine Mustafa 044163031

8/24/05	Initial Meeting to establish her availability
8/25/05	Accompanied to Pristina Municipal
8/31/05	Training Basics
9/7/05	FTR Equipment/Procedures Training
9/8/05	Accompanied to Gjilan
9/9/05	Accompanied to Prizren
9/13/05	Accompanied to Prosecutor's Office
9/14/05	Accompanied to Gjilan
9/15/05	Accompanied to Pristina Municipal and District?
9/16/05	Training session, developed outline to conduct Procedures
9/19/05	Lead trainer, Court Recording and Transcription Manual, Mitrovica
9/21/05	Training session Gjilan, co-lead
9/22/05	Monitored trial Day 1 as lead
9/23/05	Monitored trial Day 2 as lead
9/26/05	Lead trainer, Pristina District
9/27/05	Lead trainer, Mitrovica

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8/30/05, Meeting; established displays can be reconfigured in Albanian.

9/15/05, Meeting regarding equipment repairs and upgrades. Albanian displays will be provided, but will take time. Displays are being reconfigured for all non-English speaking units.

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