



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



Annual Report

For the Period

July 1, 2004

to

June 30, 2005

Contract Number: 170-C-00-03-00101-00

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INTRODUCTION

The United States Agency for International Development (USAID) contracted with Checchi and Company Consulting, Inc. to implement the Montenegro Judicial System Reform Project (“Project”). Implementation of this three year Project began in late July 2003. The Project has two components: Support for the Legal Reform Process, and Improvement of Court Operation. The first annual report was submitted for the time period of July 1, 2003 – June 30, 2004. The second Annual Report is for the time period of July 1, 2004 – June 30, 2005 and is prepared in four sections: Summary, Administrative, Project Activities and Financial. The Annual Report also has additional information, set forth as Attachments A – E.

SUMMARY

The overall judicial reform effort in Montenegro can be viewed with mixed success. In some areas, genuine reform has taken place, with the country taking steps to bring the legal system in line with the modern, progressive, and independent judiciaries seen in Western Europe. However Montenegro continues to suffer from serious structural deficiencies within the judicial system. These deficiencies hamper a full and effective transition to the establishment of true democratic norms.

On the positive side, during the past several years Montenegro has adopted many crucial laws, including the: Law on Civil Procedure, Law on Execution of Civil Judgments, Criminal Code, Law on Criminal Proceedings, Law on Administrative Disputes, Law on Prosecutors, Law on Mediation, Law on Bar Exams, etc. Montenegro has also adopted revised Rules of Court Procedure and became bound by the Convention on Human Rights. The Republic has also tried to undertake a program of computerizing its court administration system. Moreover, the country has established new judicial institutions, including the Appellate and Administrative Courts. The Project has played a major role in these successes, and can take credit for the ongoing efforts in the country to further the rule of law. Furthermore, the overall strategy of the government seems to be one of moving forward to the ultimate goal of integration into the European Union, and therefore there is a recognition that the judicial system must reform.

Nevertheless, on the negative side, the process of enforcing laws has proved to be very demanding in Montenegro, particularly in regard to proper implementation. If implementation continues to lag behind the ambitious targets set by the enactment of modern, progressive legislation, there may be a general loss of confidence in the overall reform effort in Montenegro. Likewise, training of judges has been sporadic, due to ongoing financial problems with the country's only training institute, the Judicial Training Center. Without a dramatic improvement in this area, it is unlikely that the judiciary can meet the demands of its citizenry, in particular in regard to complex, market/economic-oriented cases. Likewise, though the government has established two new judicial institutions, it did so after a long delay which hampered the Project's efforts to fully collaborate with the institutions. A third institution, the Administrative Office, has yet to be established.

The Project's overall objectives as set forth in the Year Two Work Plan were basically four-part. First, implement the reforms mandated by the newly enacted Courts Act, in particular the establishment of the Appellate and Administrative Courts and Administrative Office. Second, assist the Ministry of Justice in the drafting of new laws, and wherever possible, expand existing training opportunities in the area of judicial skills. Third, improve the professional resources and equipment available to the Montenegrin judiciary. Fourth, develop a comprehensive program dedicated to improving public access, services and information in the Project's "model" courts. In addition to these four objectives, the Project developed other activities designed to supplement the primary objectives in Year Two, mainly through the creation of court administration manuals, study visits to the United States and Europe and support to the MOJ in the implementation of newly enacted legislation through workshops and roundtables.

The Annual Report for Year Two describes the Project's activities as set forth in the Year Two Work Plan, and the degree to which the Project has met its goals and objectives as set forth above. Unfortunately, ineffectual counterparts hampered many of the Project's ongoing activities. In some cases, the Project simply did not have counterparts available due to delays in the parliamentary appointment process. (I.e., Chief Justice, Administrative Office) However the first and second quarters of 2005 provided the Project with a boost in several key areas, all of which are crucial to building and expanding the Project's reform program for Year Three.

I. ADMINISTRATIVE

A. VISIT FROM HOME OFFICE

Ms. Patricia McPhelim, from Checchi home office visited the Project from July 13 – 20, 2004. From September 9 – October 28, 2004, Checchi Senior Associate Thomas R. Reynders was in Podgorica to supervise the Project during the transition period from the former Chief of Party to a new COP.

B. CHANGES IN PROJECT TEAM

There were several changes in the Project Team in the reporting period. Professor Theodore Parnall left his post of Chief of Party on September 14, 2004 and was replaced by Robert Underwood on October 24, 2004. Likewise, Mr. Keenan Casady replaced Mr. Richard Martin, the Senior Court Administration and Management Advisor (SCAMA), and commenced work with the Project on January 11, 2005.

II. PROJECT ACTIVITIES PURSUANT TO THE YEAR TWO WORKPLAN

A. COMPONENT ONE: ACTIVITIES TO SUPPORT THE LEGAL REFORM PROCESS

1. Work with Senior Working Group

On July 19th, 2004, the Project organized a discussion in order to review a draft of the Year Two Work Plan for members of Senior Working Group and USAID representatives. Between July and the end of August 2004, the Project incorporated many of the activities proposed by SWG, and on October 6, 2004, the Project “officially” presented its Year Two Work Plan.

However, ongoing activities with the SWG were limited to work on issues pertaining to the renovation of the Supreme Court building in order to establish three new institutions, and some limited discussion on legislative reform. The Project also organized a meeting with SWG members in

November 2004 for purposes of introducing the group to the proposed model of the Project's Judicial Website.

Unfortunately in the calendar year 2005, the Project did not have substantive meetings with SWG, primarily due to the retirement of Chief Justice, Stevan Damjanovic, in January 2005. The Project continued to work with individual members of the SWG and their respective institutions, primarily Branka Lakocevic from the MOJ. It is hoped that the appointment of a new Chief Justice will eventually reinvigorate the SWG and permit the Project to work with an active counterpart.

2. Support for the Judicial Council

The President of the Judicial Council and head of the SWG, Stevan Damjanovic, approved all Project activities as set forth in the Year Two Work Plan. However the overall goal for the Year Two Work Plan was to assist the Judicial Council with draft criteria for the nomination of candidates to the bench, and this was not completed during this timeframe. As with the SWG, the retirement of Stevan Damjanovic as Chief Justice and President of the Judicial Council prevented the Project from having a working counterpart in which to implement planned activities. However a study visit concerning the draft criteria for judicial candidates was planned for the Year Three Work Plan with the Acting President, Dragan Rakocevic.

3. Support for the Programs of the Judicial Training Center

The three-year funding of the Judicial Training Center by the Open Society Institute (Soros) expired in November 2004. The JTC was operational during the reporting period due to short-term assistance provided by the OSCE and the government of Montenegro. Long-term assistance to this institution is now jeopardized by the MOJ's decision to relocate the JTC under the ministry's administrative branch. Regardless of the long-term situation of the JTC, the Project was able to conduct some limited programming during the reporting period.

The first event was a joint workshop with the OSCE on November 25th and 26th on the implementation of the new Court Rules. The new Court Rules are one of the essential pieces of legislation to the judiciary as it relates to the

random assignment of cases and the publication of case decisions. The event also addressed issues relating to judicial accountability, transparency of court operations, and procedures for improving the current system to increase citizen access and awareness of legal rights. The target audience for the event was judges, secretaries/administrators of the various courts, intake officers and other court professionals.

The Project was also able to conduct a training event on January 11th, 2005 on the draft law on Extrajudicial Procedures. Extrajudicial Procedures legislation is of great importance to the development of the legal system of Montenegro because it introduces international standards on issues related to the trial process in matters of family law, inheritance, expropriation of property, etc. Approximately (35) participants, including judges, prosecutors and legal professionals from Montenegro participated at the event.

4. Continued Work on Court Fees (Including Technical Capacity to Comply with Treasury Regulations)

The Project prepared a discussion paper and assessment on Court Financing and Court Fees in May 2004. This paper paved the way for the MOJ and working group on the Court Fees legislation to look at alternative methods for calculating and collecting court fees during Year Two. Nevertheless the MOJ decided to complete this legislation utilizing existing capacities at the MOJ and without Project assistance. As such, the Project's only opportunity to provide follow-up was to address the issue of court fees in the Manual on Budgeting, Financing and Internal Controls prepared by the Project's international experts. (See Component Two, Part B and Section #9).

5. Support of Budget Director for Administrative Office

Unfortunately the Project was not able to implement this program due to the ongoing delays of the government of Montenegro in approving funds for the establishment of this new institution. The government was to have appointed the appropriate personnel by December 2004, and then again in April 2005. Nevertheless, the Project did complete its work in creating the physical conditions for the establishment of AO and as outlined in its Year Two Work Plan (See A. 11).

6. Study Visit for New Appellate/ Administrative Judges

The Project sponsored and organized a study visit to the United States from March 11th –20th, 2005 for newly appointed judges and staff personnel of the Administrative Court of Montenegro. Judges and Court Secretary attended an intensive training at the International Law Institute in Washington, DC. The study visit was designed to provide an introduction to the United States system of administrative justice, with particular emphasis on the proper conducting of public hearings. Topics that were addressed at the event include the role of administrative law in a democratic society, comparative administrative adjudication, enforcement by administrative agencies, administrative agency adjudication of appeals, hearing mechanisms in administrative review, court administration and public information. The participants were able to observe several live hearings at the U.S. Energy Commission and Social Security Administration and at the highest administrative court in the state of Maryland. The group had the opportunity to interact with U.S. judges, judicial trainers and professors, discussing administrative issues and formulating the best ideas for the Administrative Court of Montenegro.

The Project was also able to implement a follow-up program to the study visit, including the completion of several public and professional publications, and the outline of a training program for administrative agencies. This training program will be activated during Year Three. Finally, the Project issued over (15) court administration and management recommendations that were adopted in full by the Administrative Court. These recommendations will tackle the difficult issue of the backlog of cases inherited by the Supreme Court and totaling approximately 850.

7. Participation in Conferences and Seminars

The Project sponsored the participation of judges and court administrators in several events during the reporting period. The first was the International Conference on Court Administration in Slovenia from September 26 – 28, 2004. This event was an opportunity for several judges and court administrators from Montenegro to learn about modern court management practices from experienced international experts from the United States, Europe, etc. Topics that were discussed included a comparison of court administration models, utilization techniques of automation services, budget

and financial management, ethics for court administrators, courts and the media and modern case management techniques. The International Association of Court Administrators was also established at this event.

The second event was the XVI Annual Jurists' Conference at Kopaonik, Serbia on behalf of jurists from the former Yugoslavia. The Project sponsored (10) judges and (2) representatives from the Ministry of Justice, providing them with valuable experience and exposure to newly enacted legislation from Serbia-Montenegro.

The third event was the Project's sponsorship of (4) judges from Berane to attend "Jurists' Days" in Budva, from June 6-9, 2005. Similar to the Kopaonik event, the conference gathers judges and lawyers from Serbia and Montenegro as well as other legal professionals from the former Yugoslavia for a review of new legislation and a discussion of current regional legal issues.

8. Public Access and Awareness

a. Model Web Site

The Project established the first Montenegrin judicial website during the reporting period. This website will promote transparency in the judicial system and provide valuable information to the Montenegrin citizenry, judges, legal professionals and media. Judges and legal professionals (lawyers, prosecutors, law professors, law students, et cetera) will be able to learn about current or pending legislation affecting the courts, job opportunities in the judiciary, legal precedents, et cetera. Lawyers and litigants will be able to obtain court addresses, telephone numbers, driving directions and other relevant contact information. Members of the Montenegro's media community will be able to learn about particular courts, judges, prominent cases and other useful information that might be of interest to the public. Citizens will be able to find basic information regarding respective court jurisdictions and more importantly, documents that detail the litigation process step-by-step, complete with sample legal forms.

b. Judiciary Public Affairs, News Media, and Outreach

1. Public Surveys

The Project, working with a local non-governmental organization, the Center for Entrepreneurship and Economic Development (CEED), completed an extensive public opinion survey on public awareness, understanding, and attitudes toward judicial reform in Montenegro in January 2005. CEED interviewed approximately 1020 Montenegrin citizens posing approximately (65) questions. The survey examined citizens' direct experience in judicial proceedings, and measured the quality of various segments of the Montenegrin judiciary. Specifically, the analysis provided a public assessment of the judiciary in the following areas of interest:

- 1) Perception of impartial trial
- 2) Understanding new laws and procedures
- 3) State of judicial reform
- 4) Administrative procedures and court staff
- 5) Selection of judges
- 6) Case resolution as a function of efficiency and effectiveness
- 7) Impact of judicial reform
- 8) Trust in the judiciary
- 9) Trust in the media
- 10) Prospective (importance of judiciary to social and economic development)
- 11) News preferences

The Project also used this survey as foundation for conducting a supplementary survey on awareness, knowledge and customer service in the two model basic courts of Kotor and Cetinje. This survey involved a sample of (205) respondents, and will be utilized in combination with the larger survey to develop the Project's public awareness campaign. This campaign will include assistance in making the court system "user friendly" for citizens, assisting pro se litigants, improving the work of court staff as it relates to the public, and providing resources for improving the level of information dissemination to the public on day-to-day court operations.

2. Publications

In cooperation with the Ministry of Justice and Professor Biljana Djuricin of the Law Department of the State University, the Project prepared a booklet on the Law on Mediation for utilization by the general public. The booklet

will assist citizens in learning about new alternatives in resolving disputes without the need of a costly, lengthy litigation process.

The Project also completed a three-fold pamphlet in conjunction with the Administrative Court. The pamphlet provides citizens with some basic information concerning the jurisdiction of the court, duties of judicial officials, proper methods for filing of complaints and a summary of the rules and procedures of the administrative system of justice in Montenegro.

9. Up-date of Judicial Reform Index

The Project reviewed and updated the Judicial Index for Montenegro in November 2004.

10. On-going Analysis of Status and Texts of Laws and Draft Legislation

The Project conducted legal analysis of several pieces of legislation during the reporting period, including the Law on Civil Procedure and the Law on the Execution of Civil Judgments in September 2004. The Project was also engaged in an analysis of the draft legislation on the Court Rules, issuing several recommendations to the MOJ for amendment.

11. Physical Establishment of New Courts and Administrative Office

The Checchi Project completed its efforts in assisting the Montenegrin government establish three new institutions at the Supreme Court building in Podgorica, including the Administrative Court, Appellate Court and Administrative Office. (Though the physical premises in completed, the AO was not be operational by July 2005.) The Project's work in establishing the institutions included extensive renovation work and the providing of all necessary operating equipment for approximately (40) judges. This work was a necessary step in achieving the overall goal of creating an efficient, professional and modern judiciary that meets international standards. In particular, the establishment of the Administrative and Appellate Courts will unburden the Supreme Court from its caseload and ensure that issues of conflict of jurisdiction are resolved promptly and efficiently without undue

delay. Reducing the backlog of cases is vital to increasing citizen satisfaction with the judiciary, and the establishment of these institutions will further this goal.

12. Participation in Local Workshops Organized by Others

The Chief of Party, Robert Underwood and/or Project Legal Advisor, Aleksa Ivanovic participated in numerous events during the reporting period, including:

- Seminar on European Convention on Human Rights and European Community Law, organized by JTC, CEMI and Council of Europe in September 2004.
- Regional start-up workshop on “Fighting Against High-Level Corruption in SPAI Countries” organized by OSCE in October 2004.
- Seminar on “Harmonizing Legislation of Montenegro with European Convention on Human Rights” organized by MOJ and COE in October 2004.
- Presentation of the brochure "Best Examples of the Fight Against Corruption" organized by OSCE in December 2004.
- Seminar on European Convention on Human Rights organized by JTC, COE, CEDEM and AIRE Center in December 2004.
- Roundtables on Economic Legal Reform Agenda, January 2005.
- Seminar on Family Law and European Convention on Human Rights organized by COE, CEDEM and AIRE Center in February 2005.
- Roundtable on the Implementation of Criminal Code and Criminal Proceedings organized by MOJ, OSI and OSCE in April 2005.
- Seminar on the European Convention on Human Rights organized by COE, CEDEM and AIRE Center, April 2005

B. COMPONENT TWO: ACTIVITIES TO IMPROVE COURT OPERATIONS

1. Renovation of Supreme Court Building for Three New Institutions

The Project completed all renovations of the Supreme Court building in order to provide the optimal conditions for the establishment of the new Administrative and Appellate Courts and Administrative Office.

2. Electric System in Superior Court of Bijelo Polje

The Project has been advised that the work on court computerization program would be significantly delayed without replacing the wiring system in the Bijelo Polje courthouse. The previous electrical system could not support the automation requirements and represented a hazard to the staff and the building. The Project completed the replacement of the electrical system in the Basic and Superior Courts buildings and connected it to the central transformer, thereby providing safe and sufficient power to the courts.

3. Commercial Court Assistance

The Project completed a detailed estimate of the renovation work necessary to bring the Secured Transactions Registry Department and premises of the Commercial Court up to modern standards. The Project's renovation work will immediately bring improvement in the public access area to the department, and increase the overall level of customer service.

4. Computerization of Seven Remaining Basic Courts, with Furniture

The Checchi Project has supported the improvement of professional resources, physical facilities, equipment and training in (5) Basic Court and (2) "model" courts. These upgrades will assist the Basic Courts in improving the delivery of services and make the court system more accessible and user-

friendly by the public. Support for this program has included supplying replacement furniture, court directories, transcription equipment, legal reference materials, library bookshelves, record storage cabinets, PC workstations to permit internet access and use of legal/professional CD software, facsimile and copying machines and repairs and renovation to courtrooms. The Project also continues to support the training of judges and staff on use of computers and legal/professional software and research tools.

The courts included in this program for Year Two were the Basic Courts of Herceg Novi, Cetinje in Year One, and Rozaje, Plav, and Pljevlja. The four Basic Courts of Berane, Kotor, Ulcinj and Bar still require some minor renovation in order to provide adequate conditions for the installation of the computer equipment and furniture that the Project had previously purchased. The Project estimates that all necessary renovation/ adaptation work will be completed in these courts during the Project Year Three.

5. Study Visit/ Training Events for Court Administrative Staff

The Project sent three court administrators to attend the International Conference on Court Administration in Slovenia (See A.7).

On June 13-15, 2005, the Project presented a comprehensive workshop on Court Administration for approximately (45) Court Secretaries, Chiefs of Registry Offices and Accountants. The workshop included several Project representatives, Blazo Jovanic, Assistant to the Chief Justice of the Supreme Court, Emir Mehmedbasic, a representative of the Economic Restructuring Office of USAID's Mission to Bosnia and Herzegovina and Gordana Stojanova, Pilot Court Manager for USAID/Macedonia's Court Modernization Project. The workshop addressed several key issues of court administration and management in Montenegro including the crucial problem of reducing the backlog of cases, as well as improving case flow and workflow efficiency in the courts. Also presented were the two Court Administration Manuals produced by the Project and local and international experts. The most essential manual, on *Finance, Budget and Internal Controls*, was designed to standardize the budgeting process for the courts in Montenegro, and bring some coherency and structure to overall financial operations. Also discussed were the establishment of an entirely new, modern filing system for the courts and the Project's legal website that is to be launched on September 1, 2005.

6. Project Court Management Software Initiative

The case processing software was suspended due to the impact of amendments to the Civil and Criminal Procedure laws. The company “CODING”, responsible for developing the software, inputted the numerous changes that resulted from adoption of the new legislation. The software was tested at the Basic Court of Podgorica in Year Two, and it appears to have been well received by the court. However it is now dependent on the Ministry of Justice to finalize all issues with CODING relating to the software prior to releasing its official release.

7. Working Group on Forms

This Project activity is closely related to the generation of the automated system for cases processing (See B.6). The Chief Justice of the Supreme Court was to have formed working groups for the development of standardized civil and commercial case forms. However during the reporting period the Chief Justice did not take any initiative in forming working groups responsible for the design of the forms, and the Project was not able to engage the Supreme Court after the retirement of the Chief Justice. However, the Project has now prepared the most useful pro-se forms for utilization by citizens, and will place the information on the Montenegro Judicial website.

8. Pilot Filing System

The Year Two Work Plan proposed testing of an improved filing system at the two model courts. The Project extended this plan in the reporting period to cover the Administrative Court as well. When implemented, the pilot filing system will drastically reduce the time needed to process routine paperwork in the courts, leading to increased efficiency and speedier resolution of cases. The new color-coded terminal digit filing system will also facilitate the location and control of case records, and greatly reduce the frequency with which court personnel repeatedly handle case files. In Year Two the Project was able to obtain both the consent of the Presidents of the three respective courts to utilize the system, and the agreement of the MOJ to “relax” the Rules of Court to allow full implementation. The Project also provided furniture and other equipment needed for the new filing system.

9. Development of Manuals for Court Administrators

The Project's Court Administration and Case Processing Assessments conducted in Year One addressed the various areas that require comprehensive written policy manuals. These manuals would assist court staff in their day-to-day management of the court system and bring consistency to operational procedures. During Year Two, Project completed final drafts on the Manual on Finance, Budget and Internal Controls as well as the Court Design Guide and Manual on Major and Minor Facilities Repairs. The Supreme Court officially approved the manuals and they were presented to court secretaries/ chiefs of intake offices and accountants at the workshop on Court Administration (See B.5).

10. Pilot Voice Recorder System

The Project planned to purchase and install a pilot voice recording system for use in the model courts, and possibly one additional upper-level court. The purpose of the equipment is to record various court proceedings, providing a transparent method and record for the judge, lawyers and litigants to utilize in monitoring the fairness and equitability of trials. The Project researched the possibility of utilizing stenograph equipment in Year Two, however the training period required for court personnel on the use of the equipment was simply prohibitive. In furtherance of the purchase of the voice recording system, the Project organized a study trip that included visits to Basic Court of the Brcko District (Bosnia and Herzegovina) and the War Crimes Tribunal in Belgrade. Representatives of the MOJ, two model courts and the Superior Court of Podgorica, participated in the study visit. The participants were able to see first-hand the innovative court practices and procedures available to a modern court that implements the voice recording system. The Project now plans to replicate the success of the Brcko District Court in the model courts.

III. ADDITIONAL ACTIVITIES – COURT ADMINISTRATION

In order to improve court administration in Montenegro, the Project has engaged the model courts as “laboratories” for experimentation in developing innovative ways to solve the persistent problem of the backlog of cases. As a starting point to resolving this problem, the Project engaged

several international experts to analyze the most serious issues hindering efficiency in the courts (Year One). In Year Two, the Project identified, collected, tabulated and analyzed statistical data concerning the “case flow” and “work flow” in the model courts of Kotor and Berane. This comprehensive data will be used to support concrete recommendations for sustainable change and address the issue of backlogs in Year Three. These recommendations cover everything from the manner in which cases are managed by the judges of the courts, to the filing and disposition of cases by court administrators. The Project was also able to obtain the consent of the MOJ in “relaxing” the Rules of Court, permitting full implementation of the recommendations.

Finally, the Project was able to initiate a similar case administration program with the Administrative Court, providing feedback and recommendations for better case management to the Court President. The Administrative Court adopted all of the proposed recommendations of the Project in Year Three (II.A.6) and the Project now intends on monitoring the court’s progress in reducing backlogs.

ATTACHMENT A: List of Consultants/Interns during Year Two

U.S.

Keith Rosten: Preparation of Study Visit for new Administrative Court – January 16-21, 2005;

Follow-up of the study visit on planning activities with Administrative Court – March 27-April 3, 2005;

Development of training plan on administrative proceedings – June 8-19, 2005

William Cleary (Mendez-England Subcontract): Interviewing attorneys, pro se plaintiffs/defendants - June 21, 2004-July 23, 2004

Development of questionnaire for Public opinion survey on public awareness, understanding, and attitudes toward judicial reform in Montenegro - November 8-24, 2004;

Development of supplement questionnaire on public awareness in two model courts - April 25-May 2, 2005

Gerald Thacker: Drafting Manual on Minor and Major Repairs; Court Design Guide – November 7-12, 2004

Joseph Bobek: Drafting Manual on Finance, Budget and Internal Controls- November 7-19, 2004

Karen Otto: Development of Progress Monitoring Plan (PMP) – March 20-April 2, 2005

Brenda Lee Pearson: Activities on Public Awareness Campaign – June 16-24, 2005

Gordana Stojanova: Workshop on Court Administration – June 12-14, 2005

Emir Mehmedbasic: Workshop on Court Administration – June 12-15, 2005

Montenegro Local Assistance

Professor Biljana Djuricin: Presentation on Law on Extrajudicial Procedure; Booklet on Mediation

Natasa Kopitovic: Renovation of Supreme Court Building; Estimation of works in basic courts of Kotor and Berane

Blazo Jovanic: Reviewing Manual on Finance, Budget and Internal Controls

Milovan Zogovic: Development of Montenegro Judicial Website

Svetlana Radosevic: Drafting Three Fold Pamphlet on Administrative Court Information

Vesna Acimic, Drafting Three Fold Pamphlet on Administrative Court Information

Snezana Bulatovic, Intern

Ljubica Simovic, Intern

Sonja Rasovic, Intern

Mirjana Ivanovic, Intern

Vladimir Bojic, Intern

Janko Djurdjic, Intern

ATTACHMENT B: Conferences, Workshops, Roundtables - Agendas and lists of participants

**I. International Conference on Court Administration, September 26-28, 2004
Ljubljana, Slovenia**

A. Agenda

Sunday, September 26

4:00 - 18:30 Registration, Grand Hotel Union, Glass Room

18:45 Participants will Congregate in Lobby of Hotel

19:00 Keynote and Conference Reception, District Court, Ljubljana
Keynote Speaker:
Honorable Franc Testen, President, Supreme Court of Slovenia
Location, Supreme Court

Monday, September 27

8:30 Welcome and Conference Overview
Honorable Aleš Zalar, President, District Court of Ljubljana
Location: White Hall

8:45 Introduction of Attendees
Jeffrey A. Apperson

9:00 Panel: Effective Case Management Techniques and Systems
Facilitator: Honorable Aleš Zalar, President, District Court of Ljubljana

Croatia: Honorable Zdravkoi Majerovic, Deputy President, Zagreb
Municipal Court
Jordan: Honorable Karim Pharaon, Judge, Court of Cassation
United States: Honorable Charles R. Simpson, United States District
Judge, Honorable Louisa Porter, United States
Magistrate Judge and Joseph Haas, Clerk of Court
Questions and Answers

- 10:30** Morning Intermission–Refreshments
- 10:15** Introduction to the Conference Workshop: Establishing an International
Association for Court Administration
Overview of the Concept
Markus Zimmer and Jeffrey Apperson
- 10:45** Conference Workshop
Breakout sessions: Participants will meet in four groups to discuss
strategies for establishing an International Association for Court
Administration. Each group will be responsible for developing proposals
for the Association in discrete areas. Each group should designate a person
to serve as scribe, facilitator, and spokesperson who will report on the
group’s work. Groups should break for a 60-90 minute lunch at an
appropriate interval in their discussions, and then reconvene. All groups
will reconvene at 2:30 for a general session at which each group will
report on its proposals and we will conduct a general discussion as to the
next steps in establishing the international association.

B. List of Participants:

1. Zoran Pazin, Judge, Basic court Podgorica
2. Nada Stanisic, Court Secretary, Basic court Herceg Novi
3. Tamara Bajagic, Court secretary, Basic court Bar
4. Gordana Belevic, Court secretary, Basic Court Bijelo Polje
5. Richard Martin, USAID/Checchi and Company Consulting, Inc.
6. Aleksa Ivanovic, USAID/Checchi and Company Consulting, Inc.
7. Slaven Lekic, USAID/Checchi and Company Consulting, Inc.
8. Vesna Ratkovic, USAID

II. Roundtable on Court Rules, November 25-26, 2004, Podgorica

A. AGENDA

November 25, 2004 (Thursday)

- 9:30-10:00** **Opening – Introductory remarks**
Branka Lakocevic, Ministry of Justice

Ana Grgurevic, JTC
Drino Galicic, OSCE
Robert Underwood, USAID/ Checchi–Montenegro Judicial
Reform Project

- 10:00-11:30** **Random assignment of cases**
Miras Radovic, Supreme Court Judge
Marko Sorli, Vice President of Supreme Court of Slovenia
- 11:30-12:00** **Discussion**
- 12:00-12:15** **Coffee break**
- 12:15-13:00** **Court practice**
Vesna Begovic, Supreme Court Judge
- 13:00-14:30** **Lunch**
- 14:30-15:15** **Court practice (continuation)**
Andrej Kmecl, District Court Judge at Supreme Court of Slovenia

15:15 – 16:00 Discussion

November 26, 2004 (Friday)

- 10:00-11:30** **Relations with media**
Zoran Pazin, Basic Court judge
Gregor Strojic, Public relation at the Supreme Court
- 11:30-12:00** **Discussion**
- 12:00-12:15** **Coffee break**
- 12:15-12:45** **Presentation of booklet on Law on Courts and Court Rules**
Ministry of Justice
- 12:45-13:15** **PRIS presentation by CODING**
Anica Obradovic
- 13:15-14:30** **Lunch**
- 14:30-15:30** **Recommendations and implementation**
Organisers

B. List of participants:

1. Marina Djurovic, Court secretary, Commercial court Podgorica

2. Dalibor Vukovic, Chief of Intake office, Commercial court Podgorica
3. Svetlana Raicevic, Chief of Intake office, Commercial court Bijelo Polje
4. Zoran Lekic, President of Basic court Bar
5. Tamara Bajagic, Court secretary , Basic court Bar
6. Ilija Suster, Chief of Intake office, Basic court Bar
7. Aleksandra Krivokapic, Basic court Herceg Novi
8. Nada Stanisic, Chief of Intake office, Basic court Herceg Novi
9. Branislav Grujic, President of Basic court Kolasin
10. Radoje Kandic, President of Basic court Pljevlja
11. Stevan Zoric, Chief of Intake office, Basic court Pljevlja
12. Zahit Camic, President of Basic court Rozaje
13. Milosav Zekic, Basic Court Rozaje
14. Mersudin Dautovic, Basic court Rozaje
15. Marina Sarac, Chief of Intake office, Basic court Berane
16. Dragoje Jovic, President of Basic court Ulcinj
17. Lirija Buzuku, Chief of Intake offic, Basic court Ulcinj
18. Svetislav Nisevic, Court secretary, Superior court Bijelo Polje
19. Nenad Smolovic, Chief of Intake office, Superior court Bijelo Polje
20. Stanimirka Petric, Chief of Intake office, Basic court Bijelo Polje
21. Radmila Perudjini, Chief of Intake office, Basic court Kotor
22. Vesna Pejovic, Court secretary , Basic court Kotor
23. Etem Omeragic, President of Basic court Plav
24. Rade Perisic, President of Basic court Niksic
25. Ratko Cupic, President of Basic court Danilovgrad
26. Radmila Mijuskovic, Judge, Basic court Danilovgrad
27. Zoran Zivkovic, President of Basic court Cetinje
28. Dragan Djuretic, Court secretary, Supreme court
29. Ivica Stankovic, President of Superior court Podgorica
30. Nada Rabrenovic, Court secretary , Superior court Podgorica
31. Ranka Carapic, Deputy of Supreme State Prosecutor
32. Veselin Vuckovic, Basic State Prosecutor
33. Vesna Ratkovic, USAID

Presenters:

34. Miras Radovic, Judge, Supreme court
35. Vesna Begovic, Judge, Supreme court
36. Zoran Pazin, Judge, Basic court Podgorica
37. Anica Obradovic, Coding
38. Marko Sorli, Slovenian expert
39. Andrej Kmecl, Slovenian expert
40. Gregor Strojin, Slovenian expert
41. Vuksan Vuksanovic, Ministry of Justice

Organizers:

42. Branka Lakocevic, Ministry of Justice
43. Ana Grgurevic, JTC

44. Biljana Perunovic-Milic, JTC
45. Drino Galicic, OSCE
46. Vladimir Savkovic, OSCE
47. Aleksa Ivanovic, Checchi
48. Slaven Lekic, Checchi
49. Robert Underwood, Checchi
50. Snezana Dubljevic, Checchi

III. XVI Annual Jurists' Conference –Kopaonik, December 13-17, 2004

A. List of participants:

1. Zorica Dabetic, Basic Court -Herceg Novi
2. Biljana Uskokovic, Basic Court - Kotor
3. Zoran Zivkovic, Basic Court - Cetinje
4. Milica Cukic, Basic Court - Berane
5. Etem Omeragic, Basic Court - Plav
6. Zahit Camic, Basic Court - Rozaje
7. Zoran Lekic, Basic Court - Bar
8. Dragoje Jovic, Basic Court - Ulcinj
9. Svetlana Vujanovic, Superior Court - Podgorica
10. Miljana Pavlicevic, Superior Court – Podgorica
11. Vesko Rebic, MOJ
12. Miodrag Andjelic, MOJ

IV. Roundtable on Draft Law on Extrajudicial Procedure, January 11, 2005, Podgorica

A. Agenda

January 11, 2005

9:30-10:00

Opening – Introductory Remarks

- Mr. Zeljko Sturanovic, Minister of Justice of the Republic of Montenegro
- Ms. Ana Grgurevic, Executive Director of Judicial Training Center
- Mr. Robert Underwood, USAID/ Checchi and Company Consulting, Inc.
- Mr. Donnie Harrington, Acting OIC USAID - Montenegro

10:00-11:00

General review of Draft Law on Extrajudicial proceeding

- Prof. dr. Biljana Djuricin, Law Faculty in Podgorica

11:00-11:30

Discussion

- 11:30-12:00** **Coffee break**
- 12:00-12:30** **Status extrajudicial proceedings**
- Radojka Nikolic, Judge of Superior Court in Podgorica
- 12:30-13:00** **Inheritance extrajudicial proceeding**
- Gavriilo Cbarkapa, Supreme Court Judge
- 13:00-13:30** **Discussion**
- 13:30-15:00** **Lunch**

B. List of participants:

1. Ajsa Medjedovic, Basic court Berane
2. Ratko Cupic, President of Basic Court Danilovgrad
3. Zeljko Raicevic, Basic Court Danilovgrad
4. Mihailo Andjelic, President of Basic Court Zabljak
5. Branislav Grujic, President of Basic Court Kolasin
6. Rade Perisic, President of Basic Court Niksic
7. Elzana Ajanovic, Basic Court Pljevlja
8. Radojka Marjanovic, Basic Court Pljevlja
9. Marina Jelovac, Basic Court Pljevlja
10. Zahit Camic, President of Basic Court Rozaje
11. Sefika Adrovic, Basic Court Rozaje
12. Mersudin Dautovic, Basic Court Rozaje
13. Kroma Ilijas, Basic Court Ulcinj
14. Budimir Capunovic, Basic Court Ulcinj
15. Rajko Bojovic, Basic Court Cetinje
16. Jelena Jablan, Basic Court Cetinje
17. Vesna Stojanovic, Center for social welfare
18. Maja Luketic, Center for social welfare
19. Milica Popovic, Commercial Court Podgorica
20. Momirka Marovic, Basic Court Kotor
21. Velika Vulcanovic, Basic Court Kotor
22. Biljana Vuksanovic, Basic Court Podgorica
23. Snezana Vukcevic, Basic Court Podgorica
24. Ana Perovic, Basic Court Podgorica
25. Natalija Filipovic, Superior Court Podgorica
26. Rusmin Nikocevic, Lawyer
27. Borislav Rasovic, Lawyer
28. Donnie Harrington, Acting OIC USAID - Montenegro
29. Vesna Ratkovic, USAID Program Specialist

Presenters:

30. Prof. dr. Biljana Djuricin, Law Faculty Podgorica

31. Radojka Nikolic, Superior Court Podgorica
32. Gavriilo Cabarkapa, Supreme Court

Organizers:

33. Zeljko Sturanovic, Ministry of Justice
34. Branka Lakocevic, Ministry of Justice
35. Nevenka Mugosa, Ministry of Justice
36. Ana Grgurevic, Judicial Training Center
37. Biljana Perunovic Milic, Judicial Training Center
38. Robert Underwood, USAID/ Checchi and Company Consulting, Inc
39. Aleksa Ivanovic, USAID/ Checchi and Company Consulting, Inc.
40. Slaven Lekic, USAID/ Checchi and Company Consulting, Inc.

V. Annual Jurists Conference – Budva, June 6-10, 2005

A. List of participants:

1. Ajsa Medjedovic, Basic Court Berane
2. Vojislav Stojanovic, Basic Court Berane
3. Zoran Djukic, Basic Court Berane

VI. Workshop on Court Administration, June 13-15, 2005, Igalo

A. Agenda

Monday, June 13, 2005

- | | |
|--------------------|---|
| 09:00-09:30 | <p>Welcome and Introductory Remarks
 Vesna Ratkovic, USAID/ Montenegro Office, Program Specialist
 Robert Underwood, USAID/Checchi, Chief of Party
 Keenan Casady, USAID/Checchi – Senior Court Administration
 and Management Advisor
 Moderator: Slaven Lekic, USAID/Checchi Legal Advisor</p> |
| 9:30-10:00 | <p>Ground Rules and Participant Introductions
 Moderator: Slaven Lekic, USAID/Checchi Legal Advisor</p> |
| 10:00-11:00 | <p>Presentation - Court Facilities Manual
 Keenan Casady, USAID/Checchi – Senior Court Administration
 and Management Advisor</p> |
| 11:00-11:15 | <p>Coffee Break</p> |
| 11:15-11:45 | <p>Breakout Session: Case Study - Court Facilities Manual
 Moderators: Slaven Lekic, USAID/Checchi - Legal Advisor
 Srdjan Zaric, Administrative Court Secretary</p> |

Blazo Jovanic, Supreme Court

- 11:45-12:00 Breakout Session Reports**
- 12:00-12:15 Coffee Break**
- 12:15-12:45 Montenegro Judicial Website Preview**
Slaven Lekic, USAID/Checchi - Legal Advisor
Milovan Zogovic, Webmaster
- 12:45-13:15 Breakout Session: Website Content - Discussion of Frequently Asked Questions/ Court Information Recommendations**
Moderators: Slaven Lekic, USAID/Checchi - Legal Advisor
Sasa Vujosevic, Supreme Court IT
Srdjan Zaric, Administrative Court Secretary
- 13:15-13:30 Breakout Session Reports**
- 13:30-14:00 Presentation on court administration – Bosnian experience**
Emir Mehmedbasic, USAID/ Bosnia and Herzegovina
- 14:00-14:15 Questions and answers**
- 14:15-15:30 Lunch**

Tuesday, June 14, 2005

- 09:00-09:45 Workflow Analyses – Basic Courts of Kotor, Cetinje and the New Administrative Court**
Slaven Lekic, USAID/Checchi – Legal Advisor
- 09:45-10:15 Breakout Session: Workflow Recommendations–What Can I Do?**
Moderators: Slaven Lekic, USAID/Checchi – Legal Advisor
Gordana Stojanova, USAID/DPK Consulting – Pilot Court Manager
Srdjan Zaric, Court Secretary, Administrative Court
- 10:15-10:30 Breakout Session Reports**
- 10:30-10:45 Coffee Break**
- 10:45-11:45 Color-Coded, Terminal Digit Filing System**
Keenan Casady, USAID/Checchi - Senior Court Administration and Management Advisor
Slaven Lekic, USAID/ Checchi – Legal Advisor

- 11:45-12:00** **Questions and Answers**
- 12:00-12:45** **Caseflow Analyses – Basic Courts of Kotor, Cetinje and the New Administrative Court**
Keenan Casady, USAID/Checchi - Senior Court Administration and Management Advisor
- 12:45-13:15** **Process of backlog reduction in the Macedonia Pilot Courts**
Gordana Stojanova, USAID/DPK Consulting – Pilot Court Manager
- 13:15-13:30** **Questions and answers**
- 13:30-13:45** **Coffee Break**
- 13:45-14:15** **Breakout Session: Caseflow Recommendations – What Can I Do?**
Moderators: Slaven Lekic, USAID/Checchi – Legal Advisor
Gordana Stojanova, USAID/DPK Consulting – Pilot Court Manager
Keenan Casady, USAID/Checchi - Senior Court Administration and Management Advisor
- 14:15-14:30** **Breakout Session Reports**
- 14:30-15:00** **Panel Discussion of Court Rules**
Slaven Lekic, USAID/Checchi - Legal Advisor
Srdjan Zaric, Administrative Court
- 15:00-16:00** **Lunch**

Wednesday, June 15, 2005

- 09:00-10:00** **Presentation of Finance, Budget and Internal Controls Manual**
Blazo Jovanic, Supreme Court Advisor
- 10:00-10:30** **Breakout Session: Preparation, Justification and Administration of the Court Budget**
Moderators: Aleksa Ivanovic, USAID/Checchi – Legal Advisor
Blazo Jovanic, Supreme Court Advisor
Slaven Lekic, USAID/Checchi – Legal Advisor
- 10:30-11:00** **Breakout Session Reports**
- 11:00-11:15** **Coffee Break**

11:15-12:00 **Establishment of Montenegro Court Administrators Association**
Slaven Lekic, USAID/Checchi – Legal Advisor

12:00-12:30 **Evaluations**

12:30-14:00 **Lunch**

B. List of Participants:

1. Tamara Bajagic, Court Secretary – Basic Court of Bar
2. Amra Sujkovic, Court Secretary – Basic Court of Berane
3. Gorica Belevic, Court Secretary – Basic Court of Bijelo Polje
4. Radun Radunovic, Chief of Intake – Basic Court of Danilovgrad
5. Tanja Vojinovic, Intake office – Basic Court of Zabljak
6. Slobodan Vukovic, Intake office - Basic Court of Kolasin
7. Vesna Pejovic, Court Secretary – Basic Court Kotor
8. Ljiljana Djuricic, Intake office – Basic Court Niksic
9. Almaida Radoncic, Chief of Intake – Basic Court of Plav
10. Stevan Zoric, Intake Chief - Basic Court of Pljevlja
11. Slavica Stijovic, Court Secretary - Basic Court of Podgorica
12. Kosuta Muljka, Chief of Intake – Basic Court of Rozaje
13. Cemal Causi, Chief of Intake – Basic Court of Ulcinj
14. Nada Stanisic, Chief of Intake – Basic Court of Herceg Novi
15. Nevenka Spadijer, Chief of Intake – Basic Court of Cetinje
16. Veljko Radovanovic, Intake Office – Superior Court of Podgorica
17. Nenad Smolovic, Chief of Intake – Superior Court Bijelo Polje
18. Dalibor Vukovic, Chief of Intake – Commercial Court Bijelo Polje
19. Svetlana Nacic, Chief of Intake – Commercial Court Bijelo Polje
20. Srdjan Zaric, Court Secretary – Administrative Court
21. Bojan Mandic, Chief of Intake - Appellate Court
22. Dragan Djuretic, Court Secretary – Supreme Court
23. Slavica Lazarevic, Accountant – Basic Court of Bar
24. Milka Stijovic, Accountant – Basic Court of Berane
25. Senija Lakic, Accountant – Basic Court of Danilovgrad
26. Ranko Cosovic, Accountant, Basic Court of Zabljak
27. Muamera Lisica, Accountant – Basic Court of Pljevlja
28. Nina Kovacevic, Accountant – Basic Court of Podgorica
29. Mirsada Hot, Accountant – Basic Court of Rozaje
30. Zorka Nenezic, Accountant - Basic Court of Ulcinj
31. Ljiljana Zivkovic, Accountant – Basic Court of Herceg Novi
32. Branka Bracanovic, Accountant – Basic Court of Cetinje
33. Karmila Rudic, Accountant – Commercial Court of Bijelo Polje
34. Miomir Popovic, Accountant – Administrative Court
35. Danka Smolovic, Appellate Court
36. Persida Kovacevic, Accountant – Supreme Court

37. Dijana Vulevic, Accountant – Supreme Court
38. Gordana Stojanova, USAID/ DPK Macedonia
39. Emir Mehmedbasic, USAID Bosnia and Herzegovina
40. Blazo Jovanic, Supreme Court
41. Sasa Vujosevic, Supreme Court
42. Milovan Zogovic, Web Master
43. Vesna Ratkovic, USAID
44. Robert Underwood, Checchi
45. Keenan Casady, Checchi
46. Slaven Lekic, Checchi
47. Aleksa Ivanovic, Checchi
48. Snezana Dubljevic, Checchi
49. Olja Dimic, Checchi

ATTACHMENT C: Study Visits

I. Study Visit on Administrative Law and Administrative Courts for Montenegrin Administrative Court Judges and staff, Washington D.C., International Law Institute, March 14-18, 2005

A. Agenda

Monday, March 14, 2005

- 8:45** *Depart hotel for International Law Institute*
- 9:00-9:30** **Orientation**
 ILI Course Advisor and Staff
- 9:30-10:45** **Introduction to the U.S. court system and U.S. legal system; the place of administrative law courts in the U.S. legal system; importance of administrative law in a democracy**
 Professor Jeffrey Lubbers, American University Washington College of Law
- 10:45-11:00** *Break – coffee, tea*
- 11:00-12:15** **Fundamentals of the Federal Administrative Procedure Act**
 Professor Jeffrey Lubbers, American University Washington College of Law
- 12:15-13:30** *Lunch*

13:30-14:45 The anatomy of an administrative law case – introduction
Professor Jeffrey Lubbers, American University Washington College of Law

14:45-15:00 Break – coffee, tea

15:00-16:30 The anatomy of an administrative law case – practical considerations and a view from the bench
Judge Edward T. Miller, U.S. Department of Labor

16:30 Adjourn

17:30-19:00 Welcome Reception at International Law Institute

Tuesday, March 15, 2005

9:00-10:30 Agency and party appeals from ALJ decisions; enforcing agency rules and orders; judicial review of agency decisions
Professor Jeffrey Lubbers, American University Washington College of Law

10:30-10:45 Break – coffee, tea

10:45-12:00 Role of lawyers in administrative hearings; relationship between judge and lawyer in administrative hearing and appellate review; preparation of briefs by lawyers for judges
John Gilbert, Esq. Hyman, Phelps & McNamara Washington, D.C.

12:00 Depart for Federal Bar Association

12:15-13:30 Lunch at Federal Bar Association

13:30-14:45 Judicial independence and judicial ethics in administrative courts
Judge Ronnie Yoder, U.S. Department of Transportation

14:45-15:00 Break – coffee, tea

15:00-16:15 Fundamentals of case management; importance of court staff in the functioning of a case management system and courts generally
James G. Apple, International Judicial Academy (IJA)

16:15-16:45 Discussion of day's activities and presentations
James G. Apple, IJA

16:45 Adjourn and return to hotel

Wednesday, March 16, 2005

- 9:00** *Depart hotel for Federal Energy Regulatory Commission (FERC)*
- 9:30-10:00** **Welcome by administrative judge; discussion of case**
Judge Bobbie McCartney, FERC
- 10:00-12:30** **Observe administrative hearing from special observation room;
discuss case with judge at break and after hearing**
Judge Bobbie McCartney, FERC
- 12:30-14:00** *Lunch*
- 14:00-14:30** **The role of the Chief Judge in an administrative court**
Chief Judge Curtis Wagner, FERC
- 14:30-15:00** **Tour of court administrative offices for observation and explanation
of administrative practices and procedures**
Chief Judge Curtis Wagner and FERC staff
- 15:00-16:00** **Settlement of cases and role of settlement judge in administrative
courts; use of law clerks in administrative courts; judicial opinion
writing for administrative court cases**
Judge Lawrence Brenner and law clerk, FERC
- 16:00** *Adjourn and return to hotel*

Thursday, March 17, 2005

- 9:00** *Depart hotel for Social Security Administration national offices
(Alexandria, Virginia)*
- 10:00-12:30** **Observe hearing; discussion with trial judge about hearing process
and issues**
Chief Judge David Washington Trial Division, Social Security
Administration
- 12:30-13:30** *Lunch at Social Security Administration*
- 13:30-14:00** **Appellate procedures in social security administration**
Chief Judge A. Jacy Thurmond Appeals Division, Social Security
Administration

14:00-15:30 Court administration issues; presentation by Chief Judge and Chief Clerk on practical aspects of court administration, case filings, case management; tour of administrative court offices and judicial chambers

Chief Judge David Washington and Chief Judge A. Jacy Thurmond
Social Security Administration

15:30 *Adjourn and return to hotel*

Friday, March 18, 2005

8:00 *Depart hotel for Maryland Office of Administrative Hearings*

9:30-11:00 Visit with Maryland administrative judges and administrators; observe hearings; observe court administration facilities
Chief Judge Thomas Newberry, Judge Laurie Bennett Maryland Office of Administrative Hearings

11:00-12:00 *Return to International Law Institute*

12:15-13:00 Course Evaluation

13:00-15:00 *Final Lunch and Certificate Awards Ceremony, International Law Institute*

15:00 Seminar conclusion

II. Study Visit to the District Court of Belgrade – Department of War Crimes and the Basic Court, Brcko District on Audio Voice Recording system

A. Agenda

Wednesday, June 22

9:30 Delegation Departs Podgorica for Belgrade

10:15 Delegation Arrives in Belgrade

10:15 – 11:00 Delegation Travels to The District Court of Belgrade, Department of War Crimes – Ustanicka 29, Belgrade

11:00 – 13:30 Delegation Visits the War Crimes Court

- 13:30 – 14:15** **Question and Answer Session with War Crimes Court Judges and Court Personnel**
- 14:15 – 14:30** **Delegation Concludes Visit**
- 14:30 – 16:00** **Delegation Breaks for Lunch**
- 16:00 – 16:30** **Delegation Departs Belgrade for the Brcko District, Hotel Grand**

Thursday , June 23

- 09:00-10:00** **Introductions –Delegation Meets with President of Judicial Commission, President of Appellate Court, President of the Basic Court, Public Prosecutor and IT Manager of the Basic Court of the District of Brcko and Representative of the AVC**
- 10:00-11:00** **Demonstration of FTR Gold Digital Audio Recording System**
- 11:00-12:00** **Presentation of FTR System Components:**
- **Recording**
 - **Archiving**
 - **Transcription and Duplication**
- 12:00 -14:00** **Question and Answer Session**
- 14:00** **Delegation Breaks for Lunch**

Friday , June 24

- 10:00** **Delegation Departs Brcko for Belgrade**
- 17:00** **Delegation Departs Belgrade for Podgorica**

B. List of participants

1. Zoran Zivkovic, President of Basic Court – Cetinje
2. Biljana Uskokovic, Judge of Basic court – Kotor
3. Nada Rabrenovic, Court Secretary of Superior Court – Podgorica
4. Vlado Radulovic, MOJ
5. Slaven Lekic, Checchi and Company Consulting, Inc.
6. Keenan Casady, Checchi and Company Consulting, Inc.
7. Robert Underwood, Checchi and Company Consulting, Inc.
8. Vesna Ratkovic, USAID

ATTACHMENT D: Selected News Articles

No	Date	Source	Headline
1.	July 30, 2004	Daily "Vijesti"	Administrative and Appellate Courts from December 31
2.	Nov. 26, 2004	Daily "Pobjeda"	Random assignment of cases, better justice
3.	Nov. 27, 2004	Daily "Pobjeda"	Media are guilty for distrust toward judiciary
4.	Dec. 10, 2004	Daily "Vijesti"	USAID is sending 10 judges to Kopaonik
5.	Dec. 29, 2004	Daily "Vijesti"	Computers and office furniture to judges
6.	Jan. 10, 2005	MOJ Website	Opening remarks by Donny Harrington, USAID OIC - audio
7.	Jan. 10, 2005	MOJ Website	Opening remarks by Robert Underwood, Checchi COP
8.	Jan. 12, 2005	Daily "Dan"	Struggle for protection of property rights
9.	Jan. 12, 2005	Daily "Pobjeda"	More efficient procedure with new solutions
10.	Jan. 12, 2005	Daily "Vijesti"	More efficient and fair trials
11.	Jan. 19, 2005	Daily "Pobjeda"	Enviably efficient of judges
12.	Feb. 8, 2005	Daily "Vijesti"	Computer equipment for judges
13.	Mar. 28, 2005	Daily "Pobjeda"	Controlling of regulations enforcement
14.	Apr. 23, 2005	Daily "Vijesti"	Justice is slow to achieve in Montenegro
15.	May 12, 2005	Daily "Dan"	The Central Bank is not to supervise the court but vice versa
16.	Jun. 14, 2005	Daily "Dan"	Appropriate education will lead to more efficient judiciary
17.	Jun 14, 2005	Daily "Vijesti"	Courts should continue operation in case of natural disasters
18.	Jun. 16, 2005	Daily "Vijesti"	Providing support for judicial reform

Daily «Vijesti», July 30, 2004

Minister of Justice, Zeljko Sturanovic announced establishment of new institutions

ADMINISTRATIVE AND APPELLATE COURT FROM DECEMBER 31.

Podgorica – At yesterday's Session Montenegrin Government adopted Law Proposal on protection of witnesses which would provide more efficient combat against all kinds of crimes and which would regulates protection of witnesses out of the court.

OSCE experts estimated that program of protection for one witness costs about 40 000 E and budget for 2005 will have some anticipated funds for this purpose. Significant sources will be needed for equipment and education of persons who will work in Unit for protection of witnesses which will be part of the Ministry of Internal Affairs and it will be established within the next half year – said Minister of Justice, Zeljko Sturanovic.

He mentioned four measures which would be applied in witness protection regarding physical protection of property and person, measures of relocation, hiding identity and property information as well as identity changing.

According his words, Administrative and Appellate courts will be established by December 31 and they will be situated in Supreme Court building and funds for its reconstruction are provided by USAID.

State Prosecutor and Republic Misdemeanor body will be located in «Jugobank building», in Sloboda street. Department for Public Works has already chosen company which will perform reconstruction of the building within 45 days – said Sturanovic.

Daily “Pobjeda”, November 26, 2004

Random assignment of cases, better justice

Podgorica, November 25 – Nobody will be able to have influence on assignment of cases and internal organization of courts will provide consistent implementation of right on random assigned judge. This approach provides that person who requests court protection can not know who will proceed her/his case – said judge of the Supreme Court of the Republic Montenegro, Miras Radovic at Roundtable on Court Rules which ahs started at restaurant “Ribnica”, today.

Radovic underlined the right on random assigned judge as one of the most important aspects of impartial court and it is also very significant for functioning of democracy in one society. Random assignment of cases is described as right on natural judge that is guarantied to anyone who comes to court for protection of her/ his rights.

According previous rules, president of court assigned cases and sometimes complex cases were assigned to a certain judge such proceeding was questionable. New Court rules determines assignment of cases according annual plan and it will depend only on tag and number. The assigning method of alphabetical order of judges and parties is regulated – said Miras Radovic.

Deputy of Minister of Justice, Branka Lakocevic explained that court rules were drafted by representatives of all instances. Court rules regulates relations between courts and media as well as giving information about some cases in new way. Taking photographs during the trial is forbidden unless it is approved by president of the court – said Lakocevic.

Slovenian regulations were used as comparative experience in drafting the Court rules and Vice-president of the Supreme Court of Slovenia, Marko Sorli, emphasized that the essence of these rules is transparency and impartiality of judges as features of democratic society and judicial authority.

In Slovenia, the random assignment of cases is regulated by Constitution – explained Sorli, underlining that presidents of the court has to enforce this principle according the Constitution otherwise they can lose their function. Robert Underwood, USAID/ Checchi Chief of Party of the Judicial Reform Project stressed that the Project is financed by USAID and he asked participants for more information that would help the Project in activities on further improvement of judiciary.

Presentations and discussion on court rules will be continued tomorrow as well.

ОКРУГЛИ СТО О УСВАЈАЊУ СУДСКОГ ПОСЛОВНИКА ОДРЖАН У ПОДГОРИЦИ

Случајни судија, сигурнија правда

Уведена забрана фотграфисања суђења. Онај ко тражи судску заштиту прије покретања поступка неће знати који судија поступи по његовом предмету, речено у данашњим изјављивањима о случајној распоједи предмета

Подгорица, 25. новембра - Нико неће моћи да утиче на расподелу предмета судијама, а унутрашњом организацијом судова мора се омогућити досљедна примјена права на случајног судију. Тиме се обезбјеђило да онај ко тражи судску заштиту прије покретања поступка не може знати који судија ће поступати по његовом предмету, казао је судија Врховног суда РШГ Мираш Радовић, на округлом столу „Судски пословник“, који је данас отпочео рад у ресторану „Рибница“.

Говорећи о праву на случајног судију, Радовић је подвукао да је то један од најбитнијих аспеката права за непристрасан суд, те да то има одлучујући значај за функционисање демократије у неком друштву. У међународним правним прописима о случајној дојели предмета се говори као о праву на природног судију што се гарантује свакоме ко се обраћа ради судске заштите.

По досадашњој регулативи председник суда је вршио расподелу, па је у неким ситуацијама значајан број сложенијих предмета повјеравао одређеном судији, што је изазвало подозрење. Новим пословником одређено је да се предмети дојеле према годишњем распореду, а то ће зависити искључиво од ознаке и броја. Прописан је и метод



СА ЈУЧЕРАШЊЕГ ОКРУГЛОГ СТОЛА

дојеле уз поштовање азбучног реда судија и странака, истакао је Радовић.

Помоћник министра правде Бранка Лакочевић је објаснио да су у изради судског пословника учествовали представници свих инстанци, те сегмент којим се уређује јавност рада суда, а на нови начин регулише однос ове институције према медијима и давања података у појединим предметима. Уведена је забрана фотграфисања суђења, осим ако то не одобри председник суда, рекла је Лакочевић.

Код доношења судског пословника у значајној мјери су консултовани прописи Словеније, па је потпредседник Врховног суда Словеније Марко Шерли нагласио да је

суштина ових правила у транспарентности и непристрасности судија, што су одлике демократског друштва и судске власти.

У Словенији је принцип случајне дојеле предмета подигнут на уставни ниво, објаснио је Шерли и подвукао да председник суда мора да спроводи овај принцип у складу са уставом јер ако то не чини може изгубити функцију. Роберт Андервуд, из УСАИД-а, шеф пројекта Чехи за реформу судства је истакао да они финансирају овај пројекат, и тражио нове информације како би помогли даље унапређење судства.

Илагања и дискусије о судском пословнику биће настављене и сјутра. Љ. П.

Daily “Pobjeda”, November 27, 2004

Second day of the Roundtable on Court rules was dedicated to courts relations with media.

Media are guilty for distrust toward judiciary

Podgorica, November 26 – Making court proceeding public prevents for secrecy of adjudication and provides parties to be equally treated – said Zoran Pazin on second day of the Roundtable on Court rules.

Stating that CEDEM’s public surveys which shows that trust in judiciary is on very low level are reason for concern, judge Pazin addressed critics to media. He says - they do not see their role in providing work of courts to be public in a way that would be suitable for democratic society in which freedom of expression implied responsibility for pronounced or written word. Journalist profession in Montenegro does not give appropriate significance to reporting on court proceedings and work of courts generally, as well as education of reporters, neither organizationally nor professionally – says Pazin.

Publicity of court proceeding is not the function for existing of courts. The main function of the court is to resolve dispute – explained Gregor Strojin, Public relation person at the Supreme Court of Slovenia. Today society gets the most of information through media and it creates public opinion. According his opinion, mentioning of judiciary in general in media has negative context.

Journalists that report on court proceeding try to get information from various sides and court is just one actor for media. In these way media and, not judges, is one who adjudicates the case and judiciary loses it’s reputation. Media should be mediator between professional and rhetoric language - emphasized Strojin.

The booklet on Law on courts and Court Rules that was prepared by Ministry of Justice was presented as well as PRIS – software for judiciary that was presented by Anica Obradovic.

Roundtable on Court rules which has been ended today was organized by Ministry of Justice of the Republic of Montenegro, Judicial Training Center – European Agency for Reconstruction, OSCE and USAID.

DRUGI DAN OKRUGLOG STOLA „СУДСКИ ПОСЛОВНИК“ У ПОДГОРИЦИ БИО ПОСВЕЋЕН ОДНОСИМА СУДА СА ЈАВНОШЋУ

За неповјерење у правосудје криви медији

Подгорица, 28. новембра. Јавно широкот судског пословац јавне стране у своје претни, првенствено у вези са јавношћу, било је судског пословац у Подгорици. Због тога, на тај дан, „Данак с јавношћу“, други дан округлог стола „Судски пословник“.

Корисници су били државноправни стручњаци ЦСДМ-а, по којима је информација јавности у правосудју на издатој страници, по-

што је уопште кривица на медији. Они, стварно, своју улогу не виде као повјерљиву, већ као јавно доступну информацију, на чему се не може изградити доверљивост. На осим тога, пошто је правосудје у Црној Гори недовољно информисано, ин-

формација о судској функцији била је недовољна. Иако је правосудје у Црној Гори недовољно информисано, информација о судској функцији била је недовољна. Иако је правосудје у Црној Гори недовољно информисано, информација о судској функцији била је недовољна.

Пошто је правосудје у Црној Гори недовољно информисано, информација о судској функцији била је недовољна. Иако је правосудје у Црној Гори недовољно информисано, информација о судској функцији била је недовољна.

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Daily "Vijesti" – December 10, 2004

USAID is sending 10 judges to Kopaonik

Podgorica – Judges and lawyers from Montenegro will participate at the biggest jurist event of State Union "Kopaonik school of natural law" appreciating to USAID's Project on Judicial Reform.

Ten judges and two representatives of Ministry of Justice will participate at this prestigious seminar that will be held from December 13-17, 2004. "Kopaonik school of natural law" will be attended by one judge from the following basic courts: Herceg Novi, Berane, Cetinje, Kotor, Plav, Rozaje, Bar and Ulcinj as well as two judges from the Superior Court of Podgorica.

Slaven Lekic, Legal Advisor of the Project on Judicial Reform, says for Vijesti – USAID is sponsoring participation of Montenegrin judges as to enable them to get introduced to new legal solutions both, in the country and abroad and also exchange opinions and ideas in the legal field.

Crnogorski pravici i ove godine
na predžurim savjetovanju

USAID šalje 10 sudija na Kopaonik

Podgorica - Na najvišem
stepu pravne države zaje-
dnice, pod nazivom "Kopaoni-
čka škola prirodnog prava", u-
čestvovace i sudije i pravnici
iz Crne Gore, zahvaljujući don-
aciji USAID-a za projekat refor-
me sudstva.

Na predžurim seminaru, ko-
ji se održava od 13. do 17.
decembra, učestvovace deset
sudija i dva predstavnika Mi-
nistarstva pravde. "Kopaoni-
čka škola prirodnog prava" p-
ričestvovace po jedan sudija
iz osnovnih sudova Herceg Ni-
ovi, Berane, Cetinje, Kotor, P-
lav, Rođaje, Bar i Ulcinj, dok
su porednata dva mjesta nam-
jenjena za dvoje sudija Višeg
suda u Podgorici.

Slaven Lekić, pravni savjet-
nik za projekat reforme sudst-
va, kazao je za "Vijesti", da U-
SAID finansira učesće crnogo-
rskih sudija sa ciljem da se st-
ručno usavršavaju i upoznaju
sa novim zakonodavim rješenj-
ima u zemlji i inostranstvu, kao
i zbog razmjene iskustva sa k-
ompetentnim ljudima iz prav-
ne struke.

COMPUTERS AND OFFICE FURNITURE TO JUDGES

Rozaje – USAID donated computer equipment and office furniture to Basic court in Rozaje and it has become one of the most equipped courts in the Republic.

President of the court, Zahit Camic said that valuable donation of USAID was realized through Checchi – Judicial Reform Project in Montenegro.

Old furniture and mechanical type writers which couldn't be repaired any more have been replaced with modern equipment. USAID will also conduct computer training for judges and court clerks these days – said Camic.

He emphasized that computers will improve efficiency in one of the most successful courts in Montenegro and citizens will be able to reach their rights faster.

Considering that numerous new laws have been past that were highly evaluated by international experts and also being aware that quality and efficient operation of the court includes advanced training of judges, we expect that this donation would contribute a great deal to achieve the above goal – said Camic.

According his words, Supreme Court of Montenegro will provide a car for court in Rozaje and it will complete technical needs of the court.

We expect that salaries and compensation for judges and court employees will be raised to such level to comply with complexity of work that they perform, because existing salaries are insufficient to satisfy even basic needs – concluded Camic.

USAID uputio donaciju rožajskom sudu u cilju efikasnijeg rada

Sudijama računari i oprema za kancelarije

ROŽAJE – Kompletnom računarskom i opremom za kancelarije koju je ovih dana donirao USAID, rožajski Osnovni sud postao je jedan od najopremljenijih u republici.

Prema riječima predsjednika te ustanove Zehira Camića, vrijedan poklon USAID-a, odnosno "Chechija" je u okviru pomoći reformi sudskog sistema u Crnoj Gori.

Dotrajali kancelarijski namještaj i mehaničke pisane mašine, za koje više nijesmo mogli naći ni rezervne dijelove, zamijenjeni su najsavremenijom opremom. Ovih dana će predstavnici USAID-a obaviti obuku sudija i službenika za rad na računaru – rekao je Camić.

On je istakao da će upotreba kompjutera doprinjeti još efikasnijem radu jednog od uspješnijih sudova u Crnoj Gori, te da će i građanima o-

mogućiti da brže ostvaruju svoja prava.

Ako se ima u vidu da je donijet niz novih zakona koji su od međunarodnih eksperata veoma visoko ocijenjeni, te da kvalitetan i efikasan rad suda pretpostavlja stručno usavršavanje sudija, za očekivati je da će ova donacija na tom planu pružiti puni doprinos – rekao je Camić.

Prema njegovim riječima, Vrhovni sud Crne Gore će ovih dana obezbijediti rožajskom sudu i jedno vozilo čime će se zakružiti planirana tehnička opremljenost.

Očekujemo i da će se plate sudija i službenika u sudu upodobiti sa težinom posla koji obavljaju, jer su postojeće nedovoljne za minimum najosnovnijih životnih potreba – zaključio je Camić.

A.S.

Introductory address by Robert Underwood, representative of USAID/Checchi and Company Consulting, Inc at the Round Table on the Draft Law on Extrajudicial Proceedings



Audio recording: Introductory address by Robert Underwood, representative of USAID/ Checchi and Company Consulting, Inc., delivered at the Round Table on the Draft Law on Extrajudicial Proceedings... [More](#) 

The Ministry of Justice Jan, 11 2005 11:22



Introductory address by Donny Harrington, USAID officer in charge for Montenegro, at the Round Table on the Draft Law on Extrajudicial Proceedings



Audio recording: Introductory address by Donny Harrington, USAID officer in charge for Montenegro, delivered at the Round Table on the Draft Law on Extrajudicial Proceedings... [More](#) 

The Ministry of Justice Jan, 11 2005 11:20



Introductory speech by Minister of Justice Zeljko Sturanovic delivered at the public debate on the Draft Law on Territorial Organization of the Republic of Montenegro



Introductory speech delivered by Minister of Justice Zeljko Sturanovic at the public debate on the Draft Law on Territorial Organization of the Republic of Montenegro... [More](#) 

Daily "Dan", January 12, 2005

Efficient extrajudicial proceeding with new legal solutions

STRUGGLE FOR PROTECTION OF PROPERTY RIGHTS

New law on extrajudicial proceeding gives special accent on fair trial in reasonable time – said coordinator of working group that drafted the law, Professor Biljana Djuricin from Law Faculty in Podgorica.

At Roundtable on working version of Law on extrajudicial proceeding, she said that main goal which they wanted to achieve, drafting the law was to harmonize the legislation with changed social-economic and political situation in new state union.

"Some institutes are improved and new solutions have been introduced and it will provide better efficiency of courts as well as legal protection of citizens. Special accent has been given to fair trial in reasonable time"- said professor Djuricin.

Minister of Justice, Zeljko Sturanovic said that progress to rounding up the judicial reform process in Montenegro will be achieved with new law on extrajudicial proceeding.

"New Law on civil procedure and Law on execution of civil judgments imposed need to change and harmonize existing law on extrajudicial proceeding which is part of civil process legislation which regulates personal, family, property and other legal issues" – said Sturanovic.

He pointed that law has new solutions which will improve extrajudicial proceedings in regard with clear setting of deadlines which were not determined with the old law.

Acting Officer in Charge, USAID/ Montenegro, Donnie Harrington said that rule of law and judiciary are very important segments for economic and democratic development of each country.

USAID assisted in preparation of Law on extrajudicial proceeding through Judicial Reform Project in Montenegro.

НОВИМ РЈЕШЕЊИМА ДО ЕФИКАСНОГ ВАНПАРНИЧНОГ ПОСТУПКА

Нови закон о ванпарничном поступку посебно акцентира правично и суђење у разумном року, казала је јуче координатор радне групе за припрему тог закона, професор подгоричког Правног факултета Биљана Бурићна.

Она је на округлом столу о радној верзији закона о ванпарничном поступку, казала да су непосредни циљеви који се желе поставити, усклађивање те области са измјененим друштвено-економским и политичким приликама у новој државној заједници.

„Поједини институти“ су побољшани, а уведена су и нова рјешења што ће допринијети већој ефикасности након реструктурирања судова, као и већој правној сигурности грађана. У том смислу је посебан акценат стављен на правично и суђење у разумном року“, казала је Бурићна.

Министар правде Желько

Борба за заштиту имовинског права

Штурановић рекао је да ће новим законом о ванпарничном поступку бити употпуњена реформа правосудног система у Црној Гори.

„Усвајањем нових закона о парничном и извршном поступку наметнула се потреба измјене и усклађивања важећег текста закона о ванпарничном поступку, као дијелу грађанско процесног права у којем се одлучује о личним, породичним, имовинским и другим правним стварима“, рекао је Штурановић.

Он је изјавио да су законом предвиђена нова рјешења како

би ванпарнични поступци били ефикаснији и ажурнији, у смислу јасног одређивања рокова, тамо гдје тијесу били предвиђени старим законима.

Вршилац дужности шефа канцеларије УСАИД-а за Црну Гору Доми Хатвангтон, казао је да у тој организацији сматрају издавању права и правосудје као важне делове економског и демократског развоја сваке земље.

УСАИД је Програмом реформе правосудја у Црној Гори помогао припрему закона о ванпарничном поступку.

(МИНА)

Daily "Pobjeda" – January 12, 2005

Roundtable on Draft Law on extrajudicial procedure was held yesterday in Podgorica

MORE EFFICIENT PROCEDURE WITH NEW SOLUTIONS

Podgorica, January 11 – Montenegrin Minister of Justice Zeljko Sturanovic said that reform of judicial system in Montenegro will be rounded up with new law on extrajudicial procedure at yesterday's roundtable on draft law on extrajudicial procedure.

Need to change and harmonize existing law on extrajudicial procedure as part of civil process law that regulates personal, family and other legal issues occurred with adoption of new law on civil procedure and law on execution of civil judgments – said Sturanovic.

He emphasized that new solutions will provide more efficient and timely extrajudicial procedures in regard with setting the deadlines that were not determined with old law.

Special accent in new law on extrajudicial procedure is given to fair trial in reasonable time- stressed coordinator of working group who drafted the law, Law professor, Biljana Djuricin and she also added that main goal was to harmonize this law with new social-economic and political circumstances in state union.

Drafters wanted to harmonize law with ratified international acts and special attention was given to number of recommendations given by international organizations. Some institutes are improved, new solutions are introduced and it will improve the efficiency of courts as well as it will provide better legal protection of citizens. Particular accent was given to fair trial in reasonable time – said Djuricin.

Acting Officer in Charge of USAID/ Montenegro, Donnie Harrington said that USAID considers rule of law and judiciary as important segments for economic and democratic development of every country. USAID assisted in preparation of law on extrajudicial procedure through Judicial Reform Program.

ЈУЧЕ У ПОДГОРИЦИ ОДРЖАН ОКРУГЛИ СТО ПОВОДОМ НАЦРТА ЗАКОНА О ВАНПАРНИЧНОМ ПОСТУПКУ

Новим рјешењима до ефикаснијег поступка



СА ЈУЧЕРАШЊЕ РАСПРАВЕ О НАЦРТУ ЗАКОНА О ВАНПАРНИЧНОМ ПОСТУПКУ

Подгорица, 11. јануара - Пригорски министар правде Жељко Штурановић рекао је данас у Подгорици на округлом столу поводом Нацрта закона о ванпарничном поступку да ће новим законом бити употпуњена реформа правосудног система у Црној Гори.

- Усвајањем нових закона о парничном и извршном поступку наметнула се потреба мијењања и усклађивања нажег текста закона о ванпарничном поступку, као де-

јелу грађанско процесног права у којем се одлучује о личном, имовинским, породичним и другим правним стварима, казао је Штурановић.

Он је истакао да су законом предвиђена нова рјешења како би ванпарнични поступци били ефикаснији и ажурирни, у смислу јавног одређивања рокова, тамо гдје нису били предвиђени старим законом.

- Новим законом о ванпарничном поступку посебно се наглашава правично и суђење у разумном року, истакала је

координатор радне групе за припрему тог закона професор на Правном факултету у Подгорици Биљана Ђурчић и додала да су непосредни циљеви који се жеде постићи усклађивање те области са европским, друштвено-економском и политичким циљевима у државној заједници.

- Аутори текста су жељели да ускладе закон са ратификованим међународним актима, при чему је посебна пажња посвећена бројним препорукама међународних организација. Неки институти су побољшани, узелена су нова рјешења што ће допринијети већој ефикасности након рас-теривања судова, као и већој и правној сигурности грађана. Посебно је стављен акценат на правично и суђење у разумном року, напоменула је Ђурчић.

Вршилац дужности шефа канцеларије УСАИД-а за Црну Гору Доли Хатингтон, је рекао да у свој организацији сматрају владину правну и правосудје као важне дјелове економског и демократског развоја сваке државе.

УСАИД је Програмом реформе пригорског правосудја помогао припрему закона о ванпарничном поступку.

А. О.

Daily “Vijesti”, January 12, 2005

Discussion about Draft Law on extrajudicial proceeding

MORE EFFICIENT AND FAIR TRIALS

Podgorica – New law on extrajudicial proceeding gives accent to fair trial in reasonable time – said coordinator of working group that drafted the law, Biljana Djuricin, Professor of Law Faculty in Podgorica.

She says that some institutes are improved and new solutions are introduced which will contribute to better efficiency of courts and better legal protection of citizens.

Working group used comparative experience of German and Austrian legislation in drafting this law.

Minister of Justice, Zeljko Sturanovic, said that new law on extrajudicial proceeding will lead to rounding up of judicial reform in Montenegro.

New Law on civil procedure and Law on execution of civil judgments imposed need to change and harmonize existing law on extrajudicial proceeding which is part of civil process legislation that regulates personal, family, property and other legal issues – said Sturanovic.

He emphasized that new solutions will provide more efficient and timely extrajudicial procedures in regard with setting the deadlines that were not determined with old law.

Welcome remarks at roundtable were also given by Acting OIC USAID/ Montenegro, Donnie Harrington, Robert Underwood, USAID and Ana Grgurevic in behalf of Judicial Training Center.

Rasprava o nacrtu zakona o vanparničnom postupku

Sudjenja pravičnija i znatno efikasnija

Podgorica - Novi zakon o vanparničnom postupku akcentira pravično i sudenje u razumnom roku - kazala je koordinator radne grupe za pripremu ovog zakona, profesor Pravnog fakulteta u Podgorici Biljana Đurićin.

Ona je na okrugliom stolu o "Nacrtu zakona o vanparničnom postupku" kazala da su pojedini instituti poboljšani, a uvedena su i nova rješenja koja će doprinijeti većoj efikasnosti nakon rasterećivanja sudova, kao i većoj pravnoj sigurnosti građana.

Radna grupa je prilikom izrade ovog nacrtu zakona imala uzor u njemačkom i austrijskom zakonodavstvu. Odlučili smo da ipak uradimo poseban zakon o vanparničnom postupku - kazala je Đurićin.

Ministar pravde Željko Šturanović rekao je da će novim zakonom o vanparničnom postupku biti upotpunjena reforma pravos-

udnog sistema u Crnoj Gori.

- Usvajanjem novih zakona o parničnom i izvršnom postupku nametnula se potreba mijenjanja i usklađivanja važećeg teksta zakona o vanparničnom postupku, kao dijelu građansko procesnog prava u kojem se odlučuje o ličnim, porodičnim, imovinskim i drugim pravnim stvarima - rekao je Šturanović.

On je naglasio da su zakonom predviđena nova rješenja kako bi vanparnični postupci bili efikasniji i ažurniji, u smislu jasnog određivanja rokova tako gdje nijesu bili predviđeni starim zakonom.

Okrugli sto o nacrtu zakona pozdravili su vršilac dužnosti šefa kancelarije USAID-a za Crnu Goru Doni Hatington, Robert Andervud USAID-a, te Ana Grgurević u ime centra za obuku sudija

K.R.

Pobjeda, January 19, 2005

Work results of Basic Court in Rozaje ENVIABLE EFFICIENCE OF JUDGES

Rozaje, January 18 –Good results of Basic Court in Rozaje which have been started few years ago, and which have made this court as one of the most successful courts in the Republic, continues in this year as well.

Criminal cases that were proceeded in last year did not indicate appearance of organized crime, most of these cases were criminal offences of security threatening, public traffic, illegal trade, forgery of public documents, illegal seizing of land, etc. – said President of Basic Court, Zahit Camic at today's press conference.

- Total efficiency of judges was achieved in cases of investigation, investigative activities and criminal offences of juveniles, and excellent efficiency was achieved in criminal and civil cases – said Camic.

We find it advantages that compared with previous year inflow of cases has been importantly decreased in some segments. Namely, court proceeded 8 420 cases last year, but significant number of cases were related to collection of public utility fees, electricity and telephone bills which are not standard cases but which significantly load the court. Camic emphasized that court proceeded 317 criminal cases, 38 investigation cases, 61 cases of investigative activities, 30 criminal offences of juveniles, 506 civil cases and 2 311 execution cases. Court was also very efficient in resolving backlog from previous years and there are just few cases that have not been resolved because of the objective circumstances. No outdatedness of pursuing in criminal cases ever occurred in the function of the court.

We were very sensitive in applying penalty policy in order to prevent personal and physical integrity of each citizen. Therefore, considering the competence of the court, we provided for legal safety for each citizen – said Mr. Camic.

He emphasized that through USAID/ Checchi Judicial Reform Project which assists in drafting and implementation of new laws, court got new furniture and computer equipment with software and in that way judges got modern equipped offices what will have significant impact on better efficiency and more quality work of the court.

Camic also said that big problem is material status of judges and court employees which is not on enviable level. Housing issues for judges have not been resolved and some of them live in rented apartment. Regarding to that, it is duty of competent judicial instances to provide judges material status that they deserve because it will contribute to their more quality work – said Camic.

Last year, court had good cooperation with all state bodies and institutions which significantly contributed to better and efficient work on cases that were proceeded in this institution – said Camic.

РЕЗУЛТАТИ РАДА ОСНОВНОГ СУДА У РОЖАЈАМА

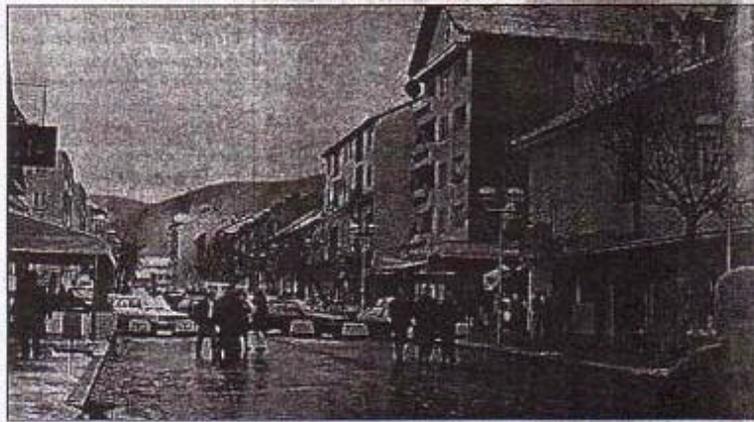
Завидна ажурност дјелилаца правде

Рожаје, 18. јануара - Контипунет добрих резултата рожајског Основног суда, започет прије неколико година, који ову институцију сврстава у ред успјешнијих основних судова у Републици, настављен је и у протеклој години.

У кривичним предметима који су се нашли у раду Основног суда у том периоду нема података који би указивали на појаву организованог криминала већ је ријеч углавном о кривичним дјелима из области угрожавања безбједности, јавног саобраћаја, незвољена трговина, фалсификовање јавних исправа, противправно заузимање земљишта и сл. казао је предједник Основног суда Захит Цамић на данашњој конференцији за штампу.

Потпуна ажурност овдашњих дјелилаца правде остварена је у предметима истраге, истражних радњи и предмета по кривци малолетних лица, док је у кривичним и парничним предметима постигнута завидна ажурност казао је Цамић.

Радује чињеница да је у минулој години у односу на претходну, забиљежено благо смањење прелиминарних предмета у појединим сегментима. Наиме, казао је, у раду суда укупно се нашло 8.420 предмета, али се значајан број односи на предмете из области наплате комуналних услуга, рачуна за струју и телефон што по својој природи не спада у класичне судске предмете већ то у значајној



РОЖАЈЕ

мјери оптерећује рад суда. Цамић је истакао да је у процедури било укупно 317 кривичних предмета, 38 предмета истраге, 61 предмет истражних радњи, 30 предмета по кривци малолетних лица, 506 парничних предмета и у 2.311 предмета извршења. Посебна ажурност је постигнута на рјешавању предмета из ранијих година тако да је остало неријешено свега неколико таквих предмета који нијесу завршени из објективних разлога. У кривичним предметима није било предмета да је наступила застарјелост кривичног гоњења.

Испазали смо крајњу осјетљивост и примјереном казненом политиком утицали на спречавању насиља и

заштити личног и тјелесног интегритета сваког грађанина, његове слободе и права тако да је сваком мјештанину у пуној мјери из надлежности суда обезбјеђена правна сигурност-казао је Цамић.

Он је истакао да је у оквиру реформи судства уз помоћ USAID-а „СНЕССНИ компаније“ који пружају услуге у доношењу и имплементацији нових закона, суд је у прошлој години опремљен новим канцеларијским намјештајем и рачунарском опремом са софтвером чиме су судије добиле модерно опремљене кабинете са најсавременијом опремом што ће у битној мјери утицати на ефикаснији и квалитетнији рад суда.

Као проблеми са којим се

сусреће ова институција Цамић је истакао материјални статус судија и службеника који није из завидног нивоу. Судије немају ријешена стамбена питања, односно неки од њих живе као подстанари. У том смислу обавеза је надлежних судских институција да судије добију материјални статус какав заслужују јер ће то допринијети њиховом квалитетнијем раду, казао је Цамић.

У протеклој години суд је остварио добру сарадњу са свим надлежним државним органима и институцијама што је, у битној мјери допринијело бржем и ефикаснијем раду рјешавања предмета који су се нашли у процедури код ове институције, казао је Цамић.

Ф. Калкић

Vijesti, February 8, 2005

USAID delegation visited Basic court in Rozaje, which also provides assistance in implementation of judicial reform

COMPUTER EQUIPMENT FOR JUDGES

Rozaje/ Plav – USAID provided computer equipment and furniture for Basic court in Rozaje at the end of the last year and representatives of USAID and Checchi and Company Consulting officially handed over it to the court yesterday.

President of the court, Zahit Camic, said at yesterday's press conference that representatives of those organizations have provided selfless assistance to Judicial Reform Project that have been carried out in Montenegro since 1998.

- Beside modern office furniture, court got modern computer equipment with software and photocopier machine. This assistance will provide better efficiency of the court that has distinguishing results comparing with other courts in the Republic – said Camic.

He expressed the opinion that USAID assistance will be even greater because its necessary that court staff is trained to use this new equipment.

Officer in Charge of USAID office in Podgorica, Donnie Harrington said that amount provided for equipment of court in Rozaje was about \$70 000.

Harrington said that Montenegro has already made great step forward in legal framework but it would be challenge to implement laws and that process would require judges to be trained. According his opinion, low salaries of judges are also very significant factor that will have impact on progress of reforms.

Chief of Party of Checchi Company, office in Podgorica, Robert Underwood is satisfied with results of donation which make easier daily operation of court.

Checchi Company performs as eyes and ears of USAID in the field. We talk with people from judiciary, present their need to USAID and after that we concretize further activities – said Underwood.

USAID representatives visited Plav and they talked with Mayer, Adam Jasavic. It was discussed about implemented projects in this municipality for which USAID provided assistance as well as priorities in development of this area for the next four years.

As Harrington said, suggestions and recommendations that were presented by leaders of Plav yesterday, USAID would try to include in its four year investment plan. Priority will be given to projects related to economic development of community and programs from legislation area.

It was stated that USAID invested about \$900 000 in development of Plav municipality through CHF. The total value of implemented projects in this municipality with participation of municipality and its citizens is about \$1 600 000.

Rožajski Osnovni sud posjetila delegacija USAID-a
uz čiju pomoć se realizuju reforme u sudstvu

Sudijama računarska oprema

ROŽAJE/PLAV - Nakon što su krajem prošle godine dopremili kompletnu kancelarijsku i računarsku opremu rožajskom Osnovnom sudu, predstavnici USAID-a i Čeki kompanije su je juče i zvanično predali na korišćenje.

Predsjednik Suda Zahit Camić, kazao je, na konferenciji za novinare, da predstavnici tih organizacija prужaju nesebičnu pomoć projektu sudskih reformi koje se od 1998. godine sprovode u Crnoj Gori.

Osim modernog kancelarijskog namještaja dobili smo i najsavremeniju računarsku opremu sa softverom i fotokopir-aparat. Ta pomoć će u bitnoj mjeri uticati na efikasniji i ažurniji rad suda koji je posljednjih godina imao prepoznatljive radne rezultate u republici - rekao je Camić.

On je izrazio uvjerenje da će pomoć USAID-a biti još veća, jer je neophodno obučiti kadar da koristi novu opremu.

Šef kancelarije USAID-a u Podgorici Doni Harrington je kazao da su u opremu rožajskog suda uložili oko 70.000 dolara.

Harrington je kazao da je Crna Gora što se tiče pravnog okvira već napravila veliki pomak, ali da je sada pravi izazov primijeniti zakon što je proces u kojem sudije treba da se obuču. Prema njegovom mišljenju i plata sudija koje su trenutno male su veoma značajan faktor koji će uti-

cati na razvoj reformi.

Šef Čeki kompanije, kancelarije u Podgorici, Robert Andervud zadovoljan je efektima donacije koja svakodnevno olakšava rad rožajskog suda.

- Čeki kompanija predstavlja oči i uši USAID-a na terenu. Nakon razgovora sa ljudima iz sudstva prezentujemo njihove potrebe USAID-u u prošle, čega konkretizujemo naredne projekte - rekao je Andervud.

Predstavnici USAID-a posjetili su juče Plav i razgovarali sa predsjednikom Opštine Ademom Jasavićem. Razgovarano je o do sada realizovanim projektima u toj opštini, koje je pomogao USAID, kao i o prioritetima u razvoj tog područja za naredne četiri godine.

Kako je kazao Harrington, predložio i sugestije koji su predloženi juče od čelnih ljudi Plava, USAID će nastojati da uključi u naredni četvorogodišnji plan investicija. Prioritet će svakako imati oni projekti koji ne tiču razvoja zajednice u ekonomskom smislu i programi iz oblasti zakonodavstva.

Konstatovano je da je USAID posredstvom CHF-a, u razvoj plavške opštine uložio oko 900.000 dolara. Ukupna vrijednost realizovanih projekata u toj opštini, uz učešće Opštine i građana od 46 odsto, iznosi 1.600.000 dolara.

A.S. - R.L.

Daily Pobjeda – March 28, 2005
Projects: Administrative Court of Montenegro

CONTROLLING OF REGULATIONS ENFORCEMENT

Judicial Reform and particular, new Courts Act predicts establishment of specialized court for administrative disputes – Administrative Court of the Republic of Montenegro, which has been established on December 28, 2004. Legal control over administrative power has been set for the first time in Montenegro with the establishment of the specialized body, because resolving administrative disputes requests special knowledge, skills, experience and standards of administrative procedure. President of Administrative Court, Mr. Branislav Radulovic says:

This is not new activity or new function of judicial institutions, but this is just new organization of judicial activities related to administrative disputes that were under jurisdiction of the Supreme Court of Montenegro before establishment of Administrative Court. New Law on Administrative Procedure and Law on Administrative Disputes have been adopted within the public administration reform. These laws have created conditions for democratic procedure in achievement of human rights and freedoms, more efficient acting of state and other bodies in achievement of these rights and freedoms as well as better control of legality of administrative acts – explains Radulovic.

According Courts Act and Law on Administrative Disputes, Administrative Court decides on legality of administrative acts and other individual acts when it is prescribed by the law.

In essence, Administrative Court has jurisdiction to perform judicial control on final decision of public administration and local governance bodies as well as other legal entities that carry out public authorizations in deciding on rights and obligations or legal interests of individuals and legal entities. Dispute can arise if party (citizen or legal entity) considers that decision of the body does not recognize right that pertains to the party according the law or if some obligation outside the law is imposed. E.g. , if citizens considers that her/ his pension has not been set up according the law or if tax without grounded bases has been imposed. So, there is a dispute in regard to recognized right or imposed obligation and Administrative Court resolves that dispute, deciding on legality of the act, in terms of deciding if the body applied regulations properly in making decision on some right or obligation of a party. Therefore, its about judicial control of executive power performance – explains President Radulovic.

It is important to inform citizens that Administrative Court has jurisdiction to decide on legality of administrative acts in all administrative areas (taxes, customs, urbanism, health care system, pension- disability insurance, immovable property, status rights of citizens, ID cards).

This means that Administrative Court applies at least hundred material laws of Montenegro and several hundreds regulations of local governance. Judges of this court have to know all regulations that determine rights and obligations of individuals and legal entities, as well as they have to know procedural rules of all bodies that decide on those rights and obligations. This is not an easy task. Administrative Court has President and

four judges, according decision on number of judges. The Parliament appointed President and three judges in December last year and appointment of the fourth judge has been in process. The Court has started its operation on the day when judges took an oath at the Parliament of Montenegro.

It is important to emphasize that Law on Administrative disputes sets obligatory principle of an oral hearing, if the party requests so or if court considers it is needed. The complexity of resolving administrative disputes has been additionally increased - pointed Branislav Radulovic. Court decides in panel of three judges. Decisions of Administrative Court are mandatory which means they have to be executed. Extraordinary legal remedies can be put against decisions of Administrative Court: request to repeat the procedure and request for extraordinary examination of court decision. Administrative Court in panel of five judges decides on first extraordinary legal remedy and Supreme Court of the Republic of Montenegro decides on second remedy. Knowing this and knowing that Administrative Court has received great number of claims, about 1300, with intention of constant inflow of case, there is a question if court with president and four judges can perform its function timely and efficient. In the meantime, the procedure to increase number of judges, for three more, has been initiated. I expect that court will increase number of judges and it would create conditions for timely cases resolving – concludes Radulovic.

USAID Assistance

There is an excellent cooperation with USAID. This organization provides significant technical and expert assistance to this court. Court offices have been adapted and equipped with furniture and computer equipment within this assistance. Court would not be able to start its operation in such relatively short period of time without provided assistance. Just to remind that judges took oath on December 28, 2004 and the first working day of the court was January 10, 2005.

Besides providing this assistance, USAID/ Checchi organized study visit on administrative law and administrative courts of US. Study visit has been held in Washington DC from 11-20 of this month. The Administrative system of US and particular proceeding standards in exercising citizens rights –says Radulovic.

Контрола примјене прописа



БРАНИСЛАВ РАДУЛОВИЋ

Реформом правосудја, односно новим Законом о судовима, предвиђено је оснивање специјализованог суда за управне спорове - Управни суд Црне Горе, који је основан 28. децембра прошле године. Овим се приликом у Црној Гори од специјализованог органа успоставља правна контрола над делатношћу управне власти, јер рјешавање административних спорова изискује посебно знање, стручност, вјештину, искуство и стандарде управног поступања. О Управном суду РЦГ за "Побједу" говори његов председник Бранислав Радуловић.

Не ради се о новом пословима или 5. новој функцији правосудних органа, већ само о новој организацији обављања послова који се односе на управни спор, а до почетка рада Управног суда су били у надлежности Врховног суда Црне Горе. У међувремену, у склопу реформе државне управе доцрпјет су нови Закон о општем управном поступку и нови Закон о управном спору, чиме су створени услови за демократску процедуру у остваривању људских

Управни суд је надлежан да врши судску контролу појединачних одлука органа државне управе, органа локалне управе и других управних лица

права и слобода, економичније поступање државних и других органа у поступку остваривања људских права и слобода и потпунија контрола законитости управних аката, објашњава Радуловић.

Саслано Законом о судовима и Закону о управном спору, Управни суд одлучује о законитости других појединачних аката када је то законом одређено.

У суштини, Управни суд је надлежан да обавља судску контролу појединачних одлука органа државне управе, органа локалне управе и других управних лица, која врше јавна овлашћења када одлучују о правима и обавезама или правним интересима физичких и правних лица. Спор може настати када странка (грађанин или правно лице) сматра да јој одлуком органа није признато право које јој по закону припада, или јој је противно закону наметнута нека обавеза. На примјер, ако грађанин сматра да му није утврђена пензија у складу са законом или, пак, да му је одређен порез којим није могао бити оптерећен. Дакле, постоји спор у погледу признања права односно у погледу наметнуте обавезе. Тај спор рјешава Управни суд, тако што оцењује законитост тог акта, у смислу да је ли је орган при одлучивању о неком праву или обавези странке

правилно приложио пропис. Према томе, ради се о судској контроли рада извршне власти, објашњава председник Радуловић.

Значајно је да грађани знају да је Управни суд надлежан да одлучује о законитости управних аката у свим управним областима (порези, царине, урбанизам, здравство, пензијско-инвалидско осигурање, непокретности, статуса права грађана, лична карта).

Ово значи да Управни суд примјенује најмање сто материјалних закона Црне Горе и више стотина прописа органа локалне управе. Ово захтијева од судија овог суда познавање свих прописа којима се утврђују права и обавезе физичких и правних лица, као и познавање правила поступања свих органа када непосредно пријебављују прописе рјешавању о тим правима и обавезама. Нисмо ло лак задатак. Управни суд, саслано одлуци о броју судија, има председника и четири судије. Парламент је у децембру прошле године изабрао председника и три судије, а у току је поступак избора четвртог. Даном полагања заклетве судија овог суда у парламенту РЦГ почео је рад.

Значајно је истаћи чињеницу да је Закон о управном спору, за разлику од досадашњег рјешења, утврдио обавезни принцип усмене расправе ако то странка у поступку захтијева или кад то суд одређи за потребно, чиме се сложеност у рјешавању управних спорова додатно повећава истиче Бранислав Радуловић. Иначе, суд одлу-

Помоћ УСАИД-а

Постоји изворна сарадња са УСАИД-ом. Ова организација пружа значајну техничку и стручну помоћ овом суду. У оквиру те помоћи адаптиране су све службене просторије суда, опремљене хиндспандикским намештајем и свом потребном рачунарском опремом. Без ове помоћи суд не би могао почети да ради за овако релативно кратко вријеме. Само да подсетим, судије су потписале заклетву 28. децембра 2004. а први радни дан у овој години је био 10. јануар.

Поред тога, УСАИД је организовао, за потребе овог суда, у Вашингтону од 11. до 20. овог мјесеца, семинар о управном спору и административним судовима САД, где нам је на веома квалитетан, стручан и непосредан начин презентирао управни систем ове земље, а посебно стандарди поступања у поступку остваривања права грађана, каже председник Радуловић.

чује у виђењу од три судије. Одлуке Управног суда су обавезне, што значи да се морају извршити. Против правоснажне одлуке овог суда могу се поднјети ванредна и правна средства. Захтјев за поништање поступка и захтјев за ванредно преститовање судске одлуке. О првом ванредном средству одлучује Управни суд у виђењу од пет судија, а у другом Врховни суд РЦГ. Имајући то у виду, као и чињеницу да је тренутно у Управном суду велики број тужби, око 1300, са интенцијом сталног прилива предмета, поставља се питање да ли суд у саставу од председника и четири судије може ажурно да обавља своју функцију. У међувремену покренут је поступак повећања броја судија, за три. Очекујем да ће се убрзо повећати број судија, чиме би се створили услови за ажурност у рјешавању предмета, закључује Радуловић.

Љ. Пашевић

Daily "Vijesti"- April 23, 2005

JUSTICE IS SLOW TO ACHIEVE IN MONTENEGRO

Huge backlog and slow performance are the greatest problems faced by the Montenegrin courts, said American expert

Podgorica- The greatest problems faced by the Montenegrin judiciary is enormous backlog. A number of cases have been waiting to enter court procedure for many years. Not only that we are very aware of it ,but judiciary is also aware that citizens have been frustrated by the fact that cases are not disposed of , in the timely manner - said for Vijesti" Mr. Robert Underwood, Chief of party of the Montenegrin Judiciary Reform Project that is implemented by the Checchi and Company Consulting from Washington D.C in accordance with the agreement reached between the Government of Montenegro and USAID.

Mr. Underwood came to Montenegro at the end of October, 2004 and will stay till July, next year, when the Project will be ended up.

He has worked as Chef of party on similar project in the states of former Soviet Union. Before that, he had been an attorney in New York and New Jersey and he mainly dealt with commercial disputes, representing international corporations.

Mr. Underwood also emphasized long lasting proceedings as another great problem of the judiciary, as well as delays in decision taking.

- This is not characteristic for the Montenegrin judiciary only, but for all other countries of the region and even for more developed countries.

We are currently engaged in a big project of the public survey on judiciary-about citizens' experience with the courts and whether they trust judiciary-said Mr. Underwood.

He also emphasized that the Project was well introduced to the situation prevailing in Montenegrin judiciary.

- Based on numerous contacts with the judiciary officials, we understood that they were problems faced by both, citizens approaching courts and the court employees themselves. Therefore, we are currently in the stage of making some recommendations. We hope that they will help people in judiciary to make some changes in their manner of work in order to provide for faster and more efficient achievement of rights by citizens. Our ultimate goal is to assist in creating modern, efficient and functional judiciary in Montenegro. By establishment of the new institutions and with the assistance rendered by the projects that are aimed at improving efficiency of trials, we would like to make access of citizens to the court to be as simple and as efficient as possible, in order to increase public trust in judiciary-said Mr. Underwood.

He also emphasized that the Project had been monitoring carefully, the operation of both, the Appellate and Administrative courts and that it would do the same, once the Administrative office, within the Supreme Court, starts to operate. Checchi and Company Consulting, Inc. as the implementer of USAID program, that helped in

establishment of the Appellate and Administrative courts as well as Administrative office of the Supreme court of Montenegro. USAID has assisted in renovation and equipment of the three new institutions by supplying furniture and installing computers and other technical equipment. Now, the Project is focused on training of judges.

These activities included a study trip to the United States organized for the judges of the Administrative court, that gave them opportunity to acquire new knowledge and to share their experiences with American colleges at the Institute for International Law and other institutions they visited.

Mr. Underwood also pointed out the efficiency of the Administrative court that started operating in January, this year and it is managed by very professional president Mr. Brano Radulovic . With the assistance of the Government, the premises in which the state and higher prosecutors used to be accommodated were renovated, as well as the space that belonged to the Superior and Supreme courts. Several hundred thousands dollar have been invested in renovation, furniture and computers. The same type of assistance was extended to the basic courts all over Montenegro, such as: court in Cetinje, Plav, Rozaje and Herceg Novi.

Currently, we are to start renovation and equipment of the basic courts of Kotor and Berane. And this will represent only one type of the Project activities, since it also includes various trainings for both, judges and the court staff. The experts of the Project are now working on creation of a new and more efficient case management system and streamlining of the case flow from the moment of its filing to the disposition of the same. The Project will continue to invest in the newly established institutions. It prepares publications to raise public awareness about purpose and competence of the new courts. We are also preparing manuals for judges and the court staff and we shall also try to establish a stabile link between judiciary professionals and their colleges from the western Europe and USA in order to enable them to share their various experiences- said Mr. Underwood. He mentioned the USAID assistance in applying the new laws on civil proceedings and civil judgments and the Court Rules.

- We have good cooperation with the Ministry of Justice in this area but we are to make more efforts in order to make it more intensive –said American expert in his interview for daily paper “Vijesti”

COURTS ON INTERNET

-At the moment, the Project is undertaking a very important activity on creating website of Montenegrin courts. It should enable raising of public awareness about judicial system. Certainly, the website will also include information being of interest for the legal professionals only. We expect the website to be accessible by the end of June, this year. Furthermore, it will contain the information for wider public such as address of the court, phone numbers, whom to refer to when approaching court in order to obtain information on the name of a judge, hearings schedule etc...It will also contain some court forms that the citizens can fill in, without professional assistance, list of attorneys and their commissions, amount of court fees. The site visitors will be able to put questions on typical situations when attending the court like: What to do when summoned by the court as a witness, defendant etc. We hope that this small step forward will contribute to better informing the public, hoping that in 4-5 years the level of public awareness about judicial

system will be considerably increased.

ROBERT ANDERVUD ZA "VIJESTI" O REFORMAMA CRNOGORSKOG PRAVOSUĐA

Crnogorcima pravda sporo stiže

Podgorica – Najveći problem crnogorskog pravosuđa je ogroman broj zaostalih predmeta od kojih neki građanima čekaju da uđu u pravosuđe. Mi smo i te kako sa tim upoznati, ali je i crnogorsko pravosuđe svjesno da su građani većinu istrupani činjenicom da se predmeti ne završavaju na vrijeme – kazao je u razgovoru za "Vijesti" Robert Andervud, šef projekta reforme pravosuđa u Crnoj Gori koju kompanija Čeki iz Vašingtona sprovođa u skladu sa sporazumom Vlade Crne Gore i USAID-a.

Andervud je u Crnu Goru došao krajem oktobra 2004. i ostao do jula naredne godine, kada se projekt završava.

Da je radio kao ied sličnih projekata u pot država bivšeg Svojetnog Saveza. Prije toga bio je advokat u Njuseju i Nje Olsenu i uglavnom se bavio privrednim sporovima zastupajući međunarodne korporacije.

Andervud ističe da je veliki problem u crnogorskom pravosuđu i dugi trajanje sudskog postup-

ka, kao i kašnjenje u donošenju odluka.

– To nije specifičnost crnogorskog pravosuđa, već se taj problem

Ogroman broj zaostalih predmeta i sporost najveći su problemi crnogorskih sudova, kaže američki stručnjak

ima pojaviti i u svim državama u regionu, čak i u mnogo razvijenim državama. Mi sada radimo na velikom projektu ispitivanja građana kako oni doživljavaju pravosuđe i koliko imaju povjerenja – kazao je Andervud.

On navodi da dobro poznaje situaciju u crnogorskom pravosuđu.

– Na osnovu velikog broja kontakata sa zvaničnicima, shvatio

smo da postoje problemi u pravosuđu sa kojima se suočava jako građani, tako i sudje i sudski činovnici. Upravo smo u tim izve-

de odredili preporuke. Nadamo se da ćemo na taj način postići da ljudi koji rade u pravosuđu izvrše neke izmjene u radnom na-

činu rada i tako ubrzaju odlučivanje i omogućiti građanima blagovremeno ostvarenje prava. Na kraju cil je da pomognemo da

se u Crnoj Gori stvori modernno, efikasno i funkcionalno pravosuđe. Izgradnjom novih institucija, i uz ove projekte koji povećaju povećanje efikasnosti, rješena bitimo da postaju građana sudovima bude što je jednostavniji i funkcionalniji, jer će ovi na taj način znatno povećati njihovo povjerenje u pravosuđe – kazao je Andervud.

On je rekao da veoma pažljivo prate rad Upravnog i Apelacionog suda, a to će činiti kada i administrativna kancelarija Vrhovnog suda počne da radi. Čekaju kompani konsalting, kao implementator USAID-ovog programa, pomoćno je u usmjeravanju Apelacionog suda, Upravnog suda i ad-

ministrativne kancelarije Vrhovnog suda Crne Gore.

USAID je pomogao u usmjeravanju i opremanju prostorija te tri institucije namještanjem, kompjuterizacijom i tehničkim opremom. Sada su uslijedili na trening sudija. Kadavno je, kaže Andervud, neposredno okončano studijsko putovanje sudija Upravnog suda u SAD, gdje su oni na Pravnom institutu u Vašingtonu sticali nova znanja i svoje osjetiva razmjenjivali sa američkim kolegama.

– Primijetio sam da novi Upravni sud, koji je počeo rad u januaru, ima vrlo visok stepen automatizacije. Njima rukovodi veoma stručan predsjednik Branislav Radulović – od-

govorio je Andervud.

Uz pomoć američke vlade obnovljene su i

prostorije u kojima su smješteni državni i vidičinski, kao i prostor koji je pripadao Vrhovnom sudu. Uloženo je nekoliko stotina hiljada dolara za adaptaciju, namještanje i kompjuterizaciju osnovne sudove države Crne Gore. Sudovi na Cetinju, u Pljevljama, Rožanama i Hercegovini USAID je opremio kancelarijama, kompjuterizacijom i pratećom tehničkom opremom.

Sada počinjemo adaptaciju i opremanje sudova u Koturu i Beranama. To je samo jedan od mnogih projekata. Dugo su radili na vrhu treninga, ne samo sa sudijama nego i sa sudskim osobljem. Sa našim stručnjacima radimo na kreiranju novog i efikasnijeg sistema upravljanja predmetima i njihovom bržem kretanju od trenutka dostizanja u sud, pa do donošenja odluke. Investicije u pravosuđe, posebno u novonovane institucije, biće nastavljene. Pripremamo publikacije kako bi javnost bila bolje upoznata sa vršinom i nadležnostima sudova. Pripremamo i profesionalni materijal za sudje i sudske činovnike. Poimalećemo da napravimo stabilnu vezu između crnogorskih profesionalaca u pravosuđu sa njihovim kolegama iz Zapadne Evrope i SAD-a, da bi na taj način mogli što bolje razmjenjivati različita iskustva – rekao je Andervud i dodao da je USAID pomogao i u pripremi novih zakona o građanskom i izvršnom postupku, te sudskog zakonika.

Imamo dobru saradnju sa Ministarstvom pravde u ovoj oblasti, ali smatram da bismo morali još više da je intenziviramo – rekao je američki stručnjak u razgovoru za "Vijesti".

K. RADIČIĆ



SUDOVI NA INTERNETU

Više bitna informacija na kojoj smo intenzivno radili jeste izrada web-sajta crnogorskih sudova. To bi trebalo da omogućiti podnosače zahtjeva građana o pravosuđnom sistemu. Naravno, ne smije se reći i informacije koje će sadržavati blagovremeno profesionalnim pravničkim javnost. Očekujemo da će web-sajt biti vanlinjski postavljen do kraja juna ove godine. Od informacija koje su bitne za većinu javnosti na internetu će se naći podaci gde gdje se nalaze zgrade sudova, koje su adrese i brojevi telefona, kome se treba obratiti prihvatanje dokaza u sud da li dobi određenu informaciju, imena sudija, pregled rasporeda suđenja... Tu će se nalaziti i određene sudske forme i obrazci koje će građani biti u stanju da ispunje bez stručne pomoći, spisak advokata i advokatske kancelije, te imena sudskih taksi. Poglednici koji mogu da se postavljaju pitanja o najvažnijim situacijama u koje može doći građanima u sudu, tu se smatraju. Oni sadrže ako dobijete poziv, kao pojedinačno, otvoreni i slobodno. Nadamo se da će ovaj mali izostaci doprinijeti da javnost bude informisana o pravosuđu više nego što je to u ovom trenutku, i da će se u narednih 4-5 godina taj stepen znanja javnosti o pravosuđnom sistemu znatno povećavati.

Andervud

Daily Dan, 12 May, 2005

RADULOVIC: The Central Bank is not to supervise the court but, vice versa

- **The appeal was filed on March 8, and the Central bank immediately urged for acting upon it as top priority**

The Administrative court has recently repealed, as unlawful, the Central bank's resolution on introducing the interim administration in Hipotekarna Bank. The shareholders of the bank, stated in their appeal, that introduction of the interim administration was not clearly grounded. They also quoted that none of the conditions stipulated by the Law on banks, had been fulfilled.

After such decision had been taken by the Administrative court, the Central bank reacted by accusing this court for hastened decision taking. It emphasized that decision was also taken during the religious holiday.

On this occasion, Mr. Branislav Radulovic, the President of Administrative court was interviewed by the daily paper "Dan". He reminded the Central Bank of, by the law, specified obligation of the Administrative court to supervise compliance of the administrative acts of the Central Bank and not vice versa.

-The appeal was filed on March 8, and the Central Bank immediately urged with the Administrative court to immediately act upon its appeal, as top priority. Considering the decision on introducing interim administration in Hipotekarna bank and the appeal on the same, as well as the allegation that the decision was taken during the religious holiday and regardless of the additional comments made by the Central Bank, it turns out that the law hasn't been properly enforced-said Mr. Radulovic.

Mr. Radulovic found that the Central Bank's accusations against the Administrative court that it hastened to take decision upon the appeal during the religious holidays were not legally grounded.

The decision taking was not hastened, since it took 20 days. I want to remind the Central Bank that taking of decision on April 28, which was religious holiday, complies with the Law on Celebration of Religious Holidays, that specifies religious holiday to be a working day, so that state bodies and institutions were obliged to perform their functions on that day - emphasised Mr. Radulovic.

The Administrative court was constituted at the end of 2004, as a specialized institution for carrying out of supervision over the lawfulness of activities taken by the public administration and it stated to operate at the beginning of February this year.

In fact, the Administrative court is responsible for carrying out judicial supervision over decisions taken by individual state institutions, local self government and other legal entities that are in charge of taking decisions in a legal interest of citizens. To be more specific, a dispute that will be in competence of the Administrative court may arise when a citizen considers that some of his rights provided by the law are either, not recognized or when some obligations are imposed over him unlawfully.

For example, if a citizen considers that his pension has not been determined in accordance with the law or, when he is burdened by ungrounded taxation. Consequently, a dispute may arise from either, unrecognized rights or imposing of ungrounded obligation. The Administrative court will be in charge of resolving such cases. The other words, the court is in charge of carrying out the supervision over the operation of the executive power- said Mr. Radulovic.

Pursuant to the current law, the Administrative court should have the President and seven judges. The President and three judges were selected by the Parliament in 2004. while, the procedure of selecting the fourth judge is in process. The announcement for three remaining vacancies will be announced in the newspapers these days. Mr. Radulovic finds that the court will have full number of judges available till June this year, and then the court will be fully operational and will provide for timely decision taking.

-Recently adopted Law on Administrative dispute specifies, as mandatory, the principle of public hearing either, if so requested by the party to the trial or if the court finds it necessary. I want to point out that the judgments of this court are bounding and have to be enforced. The request for the first extraordinary review of the final decision can be filed to this court. It will decide upon the first extraordinary remedy and the Supreme Court of Montenegro will be one to decide upon second extraordinary remedy-said Mr. Radulovic.

He announced that in cooperation with USAID, immediately after being rendered, all court decisions will be available on the website, soon.

ПРЕДСЈЕДНИК УПРАВНОГ СУДА ОДГОВАРА НА ОПУЖБЕ ЗБОГ „ХИПОТЕКАРНЕ“

Недавно донесеном пресудом Управног суда поништено је рјешење Централне банке о увођењу принудне управе у Хипотекарну банку, уз образложење да је такво рјешење било незаконито. Акционари банке у тужби су навели да је рјешење о увођењу принудне управе нејасно, као и да није био испуњен ниједан од услова прописаних у Закону о банкама.

Након пресуде реаговала је Централна банка, оптуживши овај суд да је одлуку дошао пребрзо и за вријеме вјерских празника. Тим поводом председник Управног суда Бранислав Радуловић у разговору за „Дан“ подсећа Централну банку да је законом предвиђено да Управни суд врши контролу законитости управних аката те банке, а не да Централна банка контролише овај суд.

— Тужба је поднјета осмог марта, а одмах након тога услједиле су ургеније од Централне банке да тужба треба да има приоритет у рјешавању. Из саме одлуке о увођењу принудне управе у Хипотекарну банку и тужба на

ово радни дан и да су државни органи обавезни да у вријеме тих дана обезбиједи остварење својих функција — нагласио је Радуловић.

Управни суд конституисан је крајем 2004. године, као специјализовани орган правне контроле над дјелатностима управне власти, а почео је са радом почетком фебруара ове године.

Управни суд у суштини је надрежан да врши судску контролу појединачних одлука органа државне и локалне управе и других правних лица које одлучују о правним интересима грађана. Конкретније, спор за који је надлежан Управни суд може настати када грађани сматра да му одлуком државних

или локалних органа није признато право које му по Закону припада или му је, противно Закону, наметнута нека обавеза.

— Примјера ради, грађанин сматра да му није утврђена пензија у складу са законом или, пак, да му је одређен порез за који није могао бити отпорећен. Дакле, постоји спор у погледу признатог права, односно наметнуте обавезе. За то је надлежан Управни суд. Рјеч је, дакле, о судској контроли рада извршне власти — каже Радуловић.

По важећем закону, Управни суд треба да има председника и седам судија. Председника и три судије је изабрало парламент 2004. године, у току поступка за избор осталих судија је у сваком дану расписан конкурс за престава три мјеста. Према изјави Радуловића, Управни суд ће се комплетирати до јуна ове године, чиме ће се створити неопходни услови за његову ажурност.

— Закон о управном спору недвосмислено је утврдио обавезни принцип усмене расправе ако то странка у поступку захтијева или када суд опцијени да је то



Бранислав Радуловић

Радуловић: Неће Централна банка контролисати нас, већ

МИ ЊУ

• Тужба је поднјета осмог марта, а одмах након тога услједиле су ургеније из Централне банке да тужба треба да има приоритет у рјешавању — навео је Радуловић

ову одлуку, без додатних коментара Централне банке, може се извести закључак да није испуњиван закон — навео је Радуловић.

Оптужбе израчене од стране Централне банке, да је Управни суд пребрзо рјешао спор и дошао одлуку за вријеме вјерских празника, Радуловић је озбиљно као неаргументоване.

— Одлучивање није било експресно, јер је трајало 20 дана. То што је 28. априла био вјерски празник — подсећам Централну банку да је, сагласно Закону о светковању вјерских празника,

потребно. Наглашава да су одлуке овог суда обавезне, што значи да се морају извршити. Према предвиђеном, одлуке може да поништи само Уставни суд, а не државни или локални суд. Црне Горе — рекао је Радуловић.

Он је изјавио и да ће, у оквиру сарадње са УСАИД-ом, ускоро на веб сајту бити префигурисане све одлуке суда, и то одмах након доношења.

И.ЧЕЛБИЋ

Daily "Dan", June 14, 2005

WORKSHOP ON COURT ADMINISTRATION ORGANIZED AT IGALO

Appropriate education will lead to more efficient judiciary

In organization of USAID ,three –day workshop on court administration has started yesterday in Mediterranean Center at Igalo. The workshop is attended by 40 participants from Montenegro, Bosnia and Herzegovina and Macedonia. Ms. Vesna Ratkovic, coordinator of the USAID program emphasized that the workshop was aimed at finding new solutions for performing the work in court administration through dealing with specific topics concerning this area. Ms Ratkovic also outlined that USAID has been supporting judicial reform in Montenegro for several years already, as to provide compliance with the Courts Act which is the basic document that judiciary relies on. Furthermore, there is an intention to create Administrative Office within the Supreme Court that will be in charge of performing the work that is common for all the courts. She also emphasized that USAID had gained a good reputation in conducting various trainings and educations that deal with court practice. The Court Rules adopted last year is also very important as well as introduction of a good IT system in the courts that will contribute to a better efficiency of courts operation. Being one of the Government branches to which all the citizens have a need to refer to, organizing of this type of workshops will help the courts to render better services to the citizens. Therefore experiences from Bosnia and Hercegovina and Macedonia that will be passed to the participant by the presenters from those countries will be very valuable- said Ms. Ratkovic.

Mr. Robert Underwood , Chief of Party of the Judicial Reform Project presented the Manual on Court facility repairs. At breakout sessions, the participants will consider recommendations for improvement of case flow as well as an initiative for establishment of court administrators association on the Republican level. The workshop on court administration will be closed tomorrow.

У ИТАЛУ РАДИОНИЦА О СУДСКОЈ
АДМИНИСТРАЦИЈИ

Едукацијом до ефикаснијег судства



Јуче у Итали

Јуче је у Медитеранском центру у Итали почела тродневна радионица о судској администрацији у организацији агенције за међународни развој УСАИД. У раду радионице учествује око 40 полазника из Црне Горе, Босне и Херцеговине и Македоније. Говорећи о различитим окупљањима, координатор програма **Вески Ратковић** је истакао да ће се на овом скупу бавити конкретним темама и покушати да нађу нова рјешења из судске праксе. Познато је, истакала је она, да УСАИД већ годинама даје подршку реформи пригорског судства. Заправо, цијели пројекат се и односи на реформу Закона о судовима, који је тема данас. Такође ту је и припрема за оснивање административног уреда који би требало да обавља заједничке послове за све судове. Наша асоцијација је позната и на сировоћеву разних тренинга и едукација које се односе на судску прак-

су. Посебно је важан, рекла је **Ратковићева**, судски пословник који је од прошле године у Црној Гори у примјени. Ту је и добар компјутерски програм који побољшава ефикасност рада судова. Пошто је и судство дво државних институција, нормално је да је оријентација према грађанима већа и отуд интересовање за оваквим радионицама потребнија. На њима ће се сазнати неке нове идеје као и искуства колега из наших пригорских, односно судова у БИХ и Македонији.

Шеф пројекта **Роберт Андервуд** је представио и приручник за судске објекте. Учесници скупа по групама ће разматрати препоруке за побољшање протока предмета а предвиђено је и оснивање удружења судских администратора наше републике. Радионица о судској администрацији у Итали рад завршава сутра.

З.Ш.

Daily "Vijesti" June 14, 2005

COURTS SHOULD ALSO CONTINUE THEIR OPERATION IN CASE OF NATURAL DISASTERS

Herceg Novi – Administrative staff of the courts has to create appropriate conditions as to enable the courts to continue their operation in the event of any disaster – accident that may happen, such as fire or an earthquake. This was emphasized at the yesterday's workshop on court administration that was organized in the Institute "Dr Simo Milosevic" by USAID/ Checchi Project.

The workshop gathered together administrative employees, heads of registry offices and secretaries of the courts from all over Montenegro. Mr. Robert Underwood, Chief of party of the Checchi Project and Blazo Jovanic, Chef of the Cabinet of the Chief Justice of Montenegro greeted participants. Mr. Jovanic announced that pursuant to the Courts Act, an Administrative office would be created within the Supreme Court, that will perform all administrative work for courts so that citizens may have an easy access to any information they might need.

Mr. Keenan Casady, Senior Advisor on Court administration on "Checchi" Project tried to pass to the audience his seven-year experience that he gained working in the court in Miami.

- During the night, a terrible storm i.e hurricane was hitting Miami.

The court was destructed and broken glass was scattered everywhere around. The prison was also badly damaged so that it could not hold prisoners any longer.

When such circumstances occur, the most important thing to do is to rescue lives of the people and to preserve property that is vital for court operation. The staff working in the court administration must be prepared to deal with such situations-said Keenan Casady. He emphasized that "mother nature always surprises us but we have to be prepared for such situations when they occur and we have to be able to define main problems."

-You are to be prepared and to plan how to secure functioning of the court in the event of an earthquake such as one that struck our country in 1979. It is on court administration to develop a plan for continuing operation of the court in emergency situations.- said Mr. Casady.

Web-site for courts will be available soon

The draft of the web-site for courts of the Republic of Montenegro was presented at the seminar. It will be of the assistance to both professional audience and lay persons in order to get introduced to the Montenegrin judiciary.

Mr. Milovan Zogovic, the author of web-site stated that this web-site would enable its visitors to find laws that are related to the judiciary in Montenegro, the list of all judges and their photos, their professional biographies, histories of the courts, courts' jurisdictions and types of courts available. It also includes the map of Montenegro at which location of each court is designated. One of the tables shown contains columns that incorporate "the most frequent questions" and include all necessary information required by citizens- exp. where to turn for legal advices and how to file a complaint.

The visitors of the web-site who are not familiar with legal terms, will be able to enter "legal glossary" that will help them to improve their presentation before court. Due to

some technical reasons, a possibility to have an access to "court decisions" is still uncertain.

U HERCEG NOVOM POČEO TRODNEVNI SEMINAR ZA SUDSKU ADMINISTRACIJU

Sudovi da rade i u slučaju prirodne nepogode

Herceg Novi - Sudska administrativna jedinica mora da se pripreme da sud funkcioniše i u slučaju katastrofe, čim u pozadini BiH simpozijum - iskustvo je više na seminaru o sudskoj administraciji u hotelu "Dr Sime Mikićević" u organizaciji UN-AID-a i radioničke kompanije "Čelik".

U "Učesnici o sudskoj administraciji", je kao glavni zvaničari posrednik u sektoru administrativni jedinici, šefovi pisarnice i sekretari iz svih općinskih sudova. Učesnici obično su predvođeni šefovima, šefovima, Robert Kandićem i Blažo Jovanik, šef kabineta predsjednika Vrhovnog suda Crne Gore, Jovanik je najavio da će, poama Zakona o odgovornosti i odgovornosti biti formirani timovi koji će pružiti sve administrativne poslove, tako da se predstavi na jednom od najam mada da dobije sve neophodne informacije.

Klasi Kandić, šef sekretari za sudsku administraciju očekuju pokušaj da prenesu odgovornosti iskustvo sude u Međunarodnom sudu.

Tokom noći, klasi je izdalo veoma nevoljne, odnosno uragan, sud je bio potpuno srušen, a sud je bilo polovljeno šteta. Zbog toga je takođe bio veoma običan, tako da nije bilo da prebavi, zatvorila, najprije je zaštititi sudake živote i imovinu, bitno za funkcionisanje rada suda. Sudska administrativna jedinica mora da pripreme da sud funkcionise i u takvim uslovima katastrofe - kazao je Kandić.

On je naglasio da, najza petroda vrjek iznenadi, ali da u takvom situacijama treba pogledati glavne probleme.

Treba još sada da planirate rad suda čak i slučaj kada bi se dogodilo sličnost, kao što je bio 1979 godine. Na sudskoj administraciji je da planira rad sudova nakon katastrofe - rekao je Kandić.

K. B.

USKORO I SAJT

Na seminaru je predstavljen i zvanični sajt sudova Republike Crne Gore, istaknuto je da će on pomoći da, kako kažu, saobraćaj i sudskoj javnosti da se bolje upozna sa mogućim sudovima.

Autorka sajt, Miroslava Šegvić je kazala da će posjetnici na ovom sajtu moći da pregledaju, između ostalog, i Crni Gor, spiseak suda, sudija sa fotografijama, njihove biografije, listice, sudovi, broj sudova, sudovima i druge informacije. To je veoma važno i u slučaju, pogotovo na sajt Crne Gore. U slučaju "nepogode prirodne" takođe sve informacije o sudovima - od toga, kazala je, i sada da se otkrene za prvni svijet, do uputstva kako da podnesu žalbu.

Pogotovo važnosti na barokni pravnom terminologiji, očekuje mrežu "pravni jezik", koji će pomoći da se stručna i laički može biti sa sajt, sudovima i sudovima "sudski odluke" za sada je prama, jer, kako kažu, pravno izmjenjeno, ne postoje tehnički uslovi za njena realizacija.

Daily "Vijesti", June 15, 2005

USAID DELEGATION VISITED THE BASIC COURT IN HERCEG NOVI

Providing support for judicial reform

Herceg Novi- High USAID delegation was headed by Mr. Woody Mefford, Deputy Assistant Administrator, USAID- Washington D.C., visited yesterday the Basic court of Herceg Novi that was supported by USAID / Montenegro Judiciary Reform Project which has been implemented by Checchi and Company Consulting.

- Mr. Mefford arrived in Montenegro from Croatia in making a tour of the region. His visit to Herceg Novi Basic Court is the first one in the row and it was aimed at getting acquainted with the operation of the Basic Court. Mr. Mladen Ivanovic, acting President of the court, introduced members of the delegation to the activities of the court and some issues of judicial reform in Montenegro that is supported by USAID were discussed as well. Checchi Project will continue to support the reform of judiciary system within the next two years. We are already in the process of designing new strategies for supporting ongoing reforms in Montenegro- said for "Vijesti" Mr. Keith Simmons, US Mission Director to Serbia and Montenegro.

The Basic court of Herceg Novi is one of numerous courts in Montenegro that was supported by the Project. This, about six and half million dollar worth Project includes equipment of the courts all over Montenegro and it has been implemented in cooperation with the Supreme Court of Montenegro and the Ministry of Justice of the Republic of Montenegro. In addition to Mr. Mefford and Mr. Simmons, Mr. Joseph Taggart, Officer In charge – USAID Montenegro Office and Mr. Robert Underwood, Chief of Party of USAID/Checchi Judicial Reform Project in Montenegro were also members of a delegation.

DELEGACIJA USAID-A POSJETILA OSNOVNI SUD U HERCEG NOVOM

Podrška reformama pravosuđa

Herceg Novi – Visoka delegacija USAID-a, predvođena zamjenikom glavnog administratora USAID-a iz Vašingtona **Vudijem Mefordom**, obišla je juče Osnovni sud u Herceg Novom.

USAID-ov program pomoći reformi crnogorskog pravosuđa implementira se preko agencije Čeki.

– Vudi Meford u posjeti je regionu i Crnoj Gori. Došao je iz Hrvatske i ovo je prvi sastanak koji je imao u Crnoj Gori. Cilj posjete je upoznavanje sa funkcijama Osnovnog suda u Herceg Novom. Razgovarali smo sa zamjenikom predsjednika suda **Mladenom Ivanovićem**, koji nas je upoznao sa aktivnostima u sudu. Razgovarali smo i o reformi sudstva u Crnoj Gori,

Meford i Ivanović
juče u Novom



koju pomaže USAID. Ovaj projekat će nastaviti da podržava reformu sudskog sis-

tema u Crnoj Gori u narednih godinu do dvije. Već ove godine radimo na dizajniranju

novih načina pomoći i reformskom procesu u Crnoj Gori – izjavio je "Vijestima" šef kancelarije USAID-a za Srbiju i Crnu Goru **Klit Simons**.

Osnovni sud u Herceg Novom je jedan u nizu crnogorskih sudova, koji je dobio pomoć. Ukupan program opremanja svih sudova u Crnoj Gori vrijedan je oko šest i po miliona dolara, a projekat se realizuje u saradnji sa Vrhovnim sudom Crne Gore i Ministarstvom pravde Crne Gore. Osim Meforda i Simonsa, u USAID-ovoj delegaciji bili su i šef kancelarije za Crnu Goru, **Džo Tagert**, i šef kompanije Čeki, koja realizuje pomoć crnogorskom pravosuđu **Robert Ander-
vud.** K.R.

ATTACHMENT E: Success stories and other news submitted to USAID

PROGRAM NEWS BULLETIN

Montenegro Judicial Reform Project (USAID/Checchi and Company Consulting, Inc.)

News in Brief #1

The Montenegro Judicial Reform Project (USAID/Checchi Co.) sponsored a study visit to the United States from March 12th – 19th on behalf of the newly appointed judges and staff personnel of the Administrative Court of Montenegro. The study visit took place at the International Law Institute in Washington, D.C., and involved U.S. based judges from the administrative courts and judicial trainers and professors from American University.

The study visit was designed to provide an introduction to the United States system of administrative justice, with particular emphasis on the proper conducting of public hearings. The participants were able to observe several live hearings at the U.S. Energy Commission and Social Security Administration, as well as the highest administrative court in the state of Maryland. Afterwards, the Montenegrin judges were able to take part in extensive question-and-answer sessions on administrative issues with their American counterparts. The participants also sat through several training sessions on practical topics related to the everyday functioning of a newly established court, including decision writing, case processing and administration and proper techniques for dealing with excessive case backlogs

The information gained from the study visit will be put to use in Montenegro through several Checchi sponsored programs. The Checchi Project plans on working further with the Montenegrin administrative judges to develop a training program for those legal professionals that operate at the agency level. The legal professionals are crucial to the efficient operation of the administrative system in Montenegro. The Project will also work with the Administrative Court in the development of public awareness material, designed to provide the Montenegrin citizenry clear information as to their legal rights in challenging government/agency decisions.

News in Brief #2

The Checchi Project completed its efforts in assisting the Montenegrin government establish three new institutions at the Supreme Court building in Podgorica, including the Administrative Court, Appellate Court and Administrative Office. The AO should be operational by 2Q 2005.) The Project's work in establishing the institutions included extensive renovation work and the providing of all necessary operating equipment. On

February 14th the Project held an official “opening” at the Administrative Court; the President of the Administrative Court and the USAID Mission Director were attendees.

The completion of the renovation, combined with the support the Project has provided in computerization, is a necessary step in moving toward the overall goal of creating an efficient, professional and modern judiciary that meets international standards. In particular, the establishment of the Administrative and Appellate Courts will unburden the Supreme Court from its caseload and ensure that issues of conflict of jurisdiction are resolved promptly and efficiently without undue delay. Reducing the backlog of cases is vital to increasing citizen satisfaction with the judiciary, and the establishment of these institutions will further this goal. The Project is looking forward to further cooperation with these institutions in meeting their training needs, publication of information for the public as well as providing technical legal material, and developing a sound case administration strategy for the courts.

News in Brief #3

The Cheechi Project, working with a local non-governmental organization, the Center for Entrepreneurship and Economic Development, completed an extensive public opinion survey on public awareness, understanding, and attitudes toward judicial reform in Montenegro in the month of January. This national survey involved interviews with approximately 1,050 Montenegrin citizens and will give the Project and the judiciary an understanding of the issues relevant to the public in their interactions with the legal system. The survey will also provide a base for the Project as it moves forward with its public awareness campaign, designed to increase public knowledge and increase accessibility to the courts.

News in Brief #4

The Project sponsored a roundtable on the draft legislation on “extrajudicial procedures” in January 2005 for approximately (35) judges. The purpose of the roundtable was to educate and train the judges and introduce several legal issues that are new to the judicial system within the context of the “extrajudicial” legislation. It was also an opportunity to receive input as to possible problematic issues that could arise with certain provisions and topic areas such as inheritance, family “status” and custody.

CASE STUDY

THE MONTENEGRO JUDICIAL REFORM PROJECT (CHECCHI) CONDUCTS A WORKSHOP ON COURT ADMINISTRATION

On June 13-15, 2005, the USAID/Montenegro Judicial Reform Project (“MJRP”) presented a comprehensive Workshop on Court Administration for approximately (45) Court Secretaries, Chiefs of Registry Offices and Accountants. This workshop was the first time an event was organized solely for court administrative staff and every court in

Montenegro was represented. The workshop was held at the Igalo Institute in Herceg Novi and presenters at the workshop included several Project representatives, Blazo Jovanic, Assistant to the Chief Justice of the Supreme Court, Emir Mehmedbasic, a representative of the Economic Restructuring Office of USAID's Mission to Bosnia and Herzegovina and Gordana Stojanova, Pilot Court Manager for USAID/Macedonia's Court Modernization Project ("MCMP").

The MJRP workshop addressed several key issues of court administration and management in Montenegro including the crucial problem of reducing the backlog of cases, as well as improving caseflow and workflow efficiency in the courts. Also presented were the two Court Administration Manuals produced by MJRP and local and international experts. The most essential manual, on Finance, Budget and Internal Controls, was designed to standardize the budgeting process for the courts in Montenegro, and bring some coherency and structure to overall financial operations. Also discussed were the establishment of an entirely new, modern filing system for the courts and the MJRP legal website that is to be launched on September 1, 2005.

The highlight of the conference was the "breakout" sessions wherein participants were asked to grapple with fact-based exercises that required them to apply knowledge gained during the various presentations and develop practical solutions for their respective courts. These interactive breakout sessions also provided participating court administrators with an opportunity to share their experiences and perspectives concerning the most common problems facing their courts such as service of process, postponements, lack of enforcement, etc.

The MJRP was a success according to participants, with the invitees rating the event a 4.69 on a 5.00 scale. Nearly all participants valued the interactive activities and viewed the presentations as useful tools in resolving some of the more problematic issues that they face in the Montenegrin courts. The MJRP intends on conducting follow-up to the Court Administration workshop in the fall of 2005.

VISIT OF MONTENEGRIN JUDICIARY DELEGATION TO THE DISTRICT COURT OF BELGRADE, DEPARTMENT OF WAR CRIMES AND ORGANIZE CRIME, AND THE BASIC AND APPELLATE COURTS OF THE BRCKO DISTRICT

On June 22-24, a delegation comprised of Vlado Radulovic, judicial inspector for the MOJ, Zoran Zivkovic, President of Cetinje Basic Court, Biljana Uskokovic, judge of Kotor Basic Court, Nada Rabrenovic, Secretary of Podgorica Supreme Court, Vesna Ratkovic, representative of USAID and MJRP CTO, Keenan Casady, Senior Court Administrator and Management Advisor, Slaven Lekic, Legal Advisor visited the District Court of Belgrade, Department of War Crimes and Organize Crime, and the Basic and Appellate Courts of the Brcko District in Bosnia and Herzegovina ("BiH"). The primary purpose of this visit was to learn about and view a demonstration of FTR's digital audio recording system, which is in use in both courts in the Brcko District.

During a brief visit to District Court of Belgrade, Department of War Crimes and Organize Crime, members of the delegation were introduced to a modern audio/video recording system provided to Serbia by the American people.

Next, the delegation traveled to the Brcko District to meet the Presidents of both the Basic and Appellate Courts, the President of the Brcko Judicial Commission and the Prosecutor, and to learn more about the digital audio recording system in use there. The Montenegro delegation was received by Nada Mainivoc, President of Judicial Commission of Brcko District, Jadranko Grevic, and President of the Basic Court, Damjan Kaurinovic, President of Appellate Court, and Zekerija Mujkanovic, the Brcko District's Prosecutor. The members of the delegation had very thorough and fruitful discussions with their colleagues, particularly regarding new approaches to old problems, innovative legal techniques and creative legislative solutions which have been employed in the Brcko District with much success.

The members of the delegation observed an actual trial before the Basic Court of Brcko District where they saw firsthand the many benefits of FTR's digital audio recording system. Following the demonstration, the members of the delegation unanimously expressed their support for the system and stressed the importance of *each* judge in the MJRP's two model being equipped with digital audio recording equipment simply because it would dramatically enhance their ability to perform their judicial functions more effectively. Through time savings created by this system, the judges would be more productive and be able to focus their collective energies on the reduction of delay and the elimination of their respective caseload backlogs.

Regarding new legal and legislative procedures and techniques which are in use in the courts of Brcko District, members of Delegation were impressed particularly with the following:

- All criminal investigative activities are performing by the Prosecutor's Office, not by a judge. The role of investigative judge no longer exists in BiH;
- In criminal proceedings, 73 percent of all criminal cases are disposed of by plea bargaining, which frees the judges to focus more on substantive civil matters;
- The District of Brcko has redirected funds, originally budgeted for the postal service, to the purchase of vehicles and the employment of additional couriers. This has dramatically improved service of process;
- The District of Brcko has implemented the color-coded, terminal digit filing system recommended for Montenegro's courts; and
- The Brcko District has established a monetary threshold that must be reached before a utility company can file a motion for enforcement of an overdue utility bill.

Representatives of both the Brcko District and members of the Montenegrin delegation agreed that every effort should be made to continue cooperation between our two countries, and organize, as soon as possible, future interactions with the judges and staff of the Brcko District.

WORKSHOP ON IMPLEMENTATION OF CIVIL PROCEDURE CODE CONDUCTED BY CHECCHI

In cooperation with the Ministry of Justice of Montenegro, the Montenegro Judicial Reform Project (MJRP) implemented by Checchi Consulting conducted a workshop on the new laws on Civil Procedure and Execution of Civil Judgments. The workshop was held on July 8th in Podgorica and included (65) judges, lawyers, prosecutors, ombudsman and representatives of the Central Bank and other legal professionals. In addition to the Minister of Justice, Zeljko Sturanovic, Hoyt Yee, Principal Officer of the United States Consulate and Vesna Ratkovic, Program Specialist of USAID were primary participants.

The intended purpose of the workshop was to review the progress that the Montenegrin judiciary has made over the past year in implementing the new Code of Civil Procedure and law on Execution of Civil Judgments. Both pieces of legislation are essential in a transitional economy because they are designed to organize legal proceedings in a more rational, efficient, and transparent way. At the July 8th workshop, the participants were asked to discuss some of the key concepts of the legislation, including:

- The initiation and defense of a civil action;
- A full hearing of all relevant facts at trial;
- Assuring the correct application of the law; including provision for speedy appeals; and
- Enforcement of the final judgment of the court

Other important innovations of the Civil Procedure Law that were discussed at the workshop included the alternative resolution of legal disputes through the law on mediation, as well as the right for business entities to conduct settlement proceedings through arbitration. Both concepts are crucial in reducing the growing backlog of cases that are submitted to the court system, as they provide citizens and businesses an opportunity to resolve disputes without the time-consuming process of a trial.

The participants reported a high degree of satisfaction with the legislation, but did point to several problems concerning implementation that would need to be addressed. These problems included the lack of consistency in service of processing of litigants, delays by state institutions in providing timely information, court and evidentiary deadlines that are often ignored by parties or not enforced by judicial officials, and the lack of public awareness in the utilization of the new mediation and arbitration proceedings. The lack of training of judges and court staff was also mentioned as a potential stumbling block in the efficient and professional operation of the judicial system.

The MJRP will now conduct follow-up to those areas identified as weaknesses in the implementation of the Civil Procedure Code and Execution of Civil Judgments through additional workshops and programming activities.

ROUNDTABLE ON IMPLEMENTATION OF LAW ON BUSINESS ORGANIZATIONS AND LAW ON SECURED TRANSACTIONS HELD IN PODGORICA

On July 11, 2005, the USAID/Montenegro Judicial Reform Project (“MJRP”) organized a roundtable and discussion on the Implementation of the Law on Business Organization and Law on Secured Transaction for approximately 30 attorneys, judges, and representatives of private business banks and clerks of the Central Pledge Registry of the Commercial Court. This one day roundtable was held at the Podgorica and presenters included Mr. Savo Djurovic, USAID Private sector Adviser, Slaven Scepanovic, Legal Team Leader of USAID/Barents Group Economic Reform Project in Montenegro and Yair Baranes, International Legal Expert, CREDILS LLC. Commercial Court Judge, Dijana Raickovic was also an active panel member, providing detailed answers to participants on various problematic legal questions. Both pieces of legislation are very important for ongoing economic reform efforts in Montenegro as they improve the investment environment in the country, encourage entrepreneurship, and provide public access to vital business registry data. Without the improvements actualized by this legislation, Montenegro would not have the necessary opportunities for sustainable market-oriented growth in the coming years.

The MJRP discussion addressed key issues on the implementation of these laws, including issues relating to the articles on collection of court fees, dissolution of partnership and legal complaints deadline, rights and obligations of shareholders, formation of board directors and property acquisition of a founder or shareholder. The discussion was very practical, interactive, and oriented to addressing the day-to-day problems experienced by participants in their professional work. One very tangible result of the workshop was the list of detailed, specific comments that were generated pertaining to the provisions of the legislation and viewed as hindrances to effective implementation. The comments will be condensed into an outline that will be provided to the Ministry of Justice for review and possible amendment. The Project will take the lead in working with the MOJ in this process.

It should be noted that this was the first in series of trainings/ discussions on commercial issues that Project organized in order to continually improve the implementation of legislation in Montenegro. Follow-up to the workshop is expected in the month of October.

SUCCESS STORY

MEMBERS OF MONTENEGRIN JUDICIAL COUNCIL VISIT POLAND

The USAID Montenegro Judicial Reform Project implemented by Checchi sent five members of the Judicial Council of Montenegro to Warsaw, Poland from July 19th to July 22nd. The purpose of the study visit was to allow the members of the Judicial Council to learn from their Polish counterparts in how to properly develop written criteria

for the selection, dismissal and discipline of judicial candidates to the Montenegrin bench.

The Judicial Council of Montenegro is the judicial power responsible for proposing candidates to the bench, however in recent years the process of selecting candidates has been the subject of intense debate in both professional circles and with members of the public. In particular, the selection process has often met with criticism that it is too overtly “political”, with suitable candidates overlooked for less experienced or qualified judges.

The study visit to Poland was the first step in addressing this criticism, with members of the Judicial Council of Montenegro interacting and working with their colleagues from the National Judicial Council of Poland (NJCP), the Supreme Court of Poland, the Supreme Administrative Court and the Ministry of Justice. The delegation obtained written material pertaining to the development of criteria for judicial nomination, conducted numerous meetings and sat through actual sessions of the NJCP. As demonstrated by the Polish example, written criteria can provide transparency, strengthen independence, and improve the overall quality and professionalism of the judiciary. It can also decrease the extent of political influence in the judicial selection process.

Dragon Rakocevic, Acting President of the Judicial Council of Montenegro stated, “This study visit to Poland organized by USAID/Checchi has proved very useful. We are now aware of the results that are possible in conducting reform in our country, and must carefully consider the valuable suggestions and ideas that we have discussed in Poland. We must now work toward implementation of these ideas in Montenegro.”