



**QUARTERLY REPORT  
OCTOBER – DECEMBER 2009  
FOR THE  
JUDICIAL REFORM IMPLEMENTATION PROJECT  
Indefinite Quantity Contract  
No. DFD-I-00-04-00173-00  
Task Order No. 03**

Submitted to USAID  
January 20, 2010  
Prepared by DPK Consulting– A Division of ARD, Inc.

Skopje, Macedonia

**TABLE OF CONTENTS**

	<b>Page</b>
<b>EXECUTIVE SUMMARY</b>	<b>3</b>
<b>1. IMPLEMENTATION OF NEW REFORMS</b>	<b>6</b>
<b>2. IMPROVEMENT IN COURT PRACTICES AND MATERIAL RESOURCES</b>	<b>9</b>
<b>3. ADMINISTRATIVE TASKS</b>	<b>16</b>
<b>4. SUMMARY OF PLANNED ACTIVITIES FOR NEXT QUARTER</b>	<b>17</b>
<b>5. PROBLEMS AND REMEDIAL ACTIONS</b>	<b>20</b>

## EXECUTIVE SUMMARY

The report for this quarter continues to demonstrate the significant advancements of the Judicial Reform Implementation Project (JRIP or Project). JRIP focused on activities outlined in the Project's work plan as outlined below.

The *Implementation of New Reforms* component intensified work on the Law on Enforcement in anticipation of the transfer of about 615,000 cases to enforcement agents beginning in July 2010. Before this transfer can occur, each court must electronically document each pending case by noting criteria such as the costs that creditors have previously paid, all enforcement actions undertaken by the courts, etc. To assist the courts with these data collection tasks, the Project hired fourteen short term legal interns to assist Basic Courts Skopje 2, Tetovo, Kumanovo, Bitola, and Gostivar. The Project is assisting by coordinating efforts of the Ministry of Justice (MOJ), Chamber of Enforcement Agents (Chamber) and the courts by suggesting that the Project's Automated Court Case Management and Information System (ACCMIS) be used as a key tool to prepare for and monitor this transfer. The Project estimates that this documentation will be completed by March 1<sup>st</sup>, 2010.

Project staff also continued work on the proposed Law on Case Management. The law is designed to strengthen efforts to address case flow management, case delay reduction and related management issues in the courts. In October, the Project sponsored information meetings with all president judges and court administrators to obtain feedback on the draft law. In November, the Project coordinated a two day working group session to review these suggestions and finalize the text of the draft law. At that same time, the work group made modification to the draft law to accommodate electronic management of cases through ACCMIS.

JRIP has coordinated with two experts to lead an upcoming stress management capacity building initiative for the Chamber and the MOJ Sector that oversees the work of enforcement agents, public notaries and mediators (Sector). In October 2009, the Project sponsored a two day training session on "Effectiveness and Efficiency in Customer Service." This class included such topics as how to negotiate with clients, dealing with client resistance, and conflict prevention in interaction with clients. In addition, in February 2010 the Project has scheduled a two day working session for enforcement agents and president judges on how to analyze and address complaints against enforcement agents.

In late December 2009, the MOJ requested that the Project review and comment on the proposed new Law on the Academy for Training of Judges and Public Prosecutors (JTA). The MOJ requested a response on this review by January 9<sup>th</sup>, so the Project procured the assistance of retired Judge Joseph Traficanti to assess the draft law and prepare recommendations.

In early October 2009 the Project organized a legislative drafting work group to recommend the final text of the amendments to the Law on Civil Procedure. Major areas emphasized were: defining court processing timelines for specific actions, setting the criteria for determining the value of a case, effective use of expert witnesses, site visits by the court to collect evidence, encouraging mediation, introduction of electronic recording of court hearings, and preventing misuse of court processes by attorneys.

The component *Improvement of Court Practices and Material Resources* made significant progress this Quarter implementing the ACCMIS. On-site court user training by the vendor, EduSoft, ended on December 1<sup>st</sup>, but the vendor agreed to provide on-site user support

through mid January 2010. In the future, it is envisioned that new judges and court staff will be trained on ACCMIS through the JTA.

On October 14<sup>th</sup> the court president judges met to report on ACCMIS usage in their courts. In November, an improved version of ACCMIS was installed in courts as approved by the Commission for Standardization and Improvements. This is a significant sustainability step forward as it institutionalized the method for making changes in the software based upon actual court user needs and suggestions.

Throughout the Quarter, courts continued in the ACCMIS transition phase with dual entry – manually in registry books, and electronically through ACCMIS. During this period, court staff also succeeded in entering into ACCMIS current pending cases so the ACCMIS records, beginning January 1<sup>st</sup>, 2010, will mirror and replace data in the old registry books.

Demonstrations were held for several key leaders connected to this ACCMIS initiative. These sessions were held on November 23<sup>rd</sup>, for high level USAID officials, on November 25<sup>th</sup> for Judicial Council leaders, and on December 11<sup>th</sup> for MOJ officials. All demonstrations were held in Basic Court Kavadarci and led by the president of that court and court administration personnel that currently use ACCMIS on a daily basis.

In October the Project purchased 1,000 antivirus licenses, and renewed 1,400 existing licenses to protect the computers using the ACCMIS software. In addition, on October 14<sup>th</sup> and 15<sup>th</sup> JRIP supported a training class for the courts' IT personnel on appropriate installation and use of this software.

The Project determined that 11 courts still lacked a sufficient number of computers for sustained usage of ACCMIS. In December 2009, the Project began the procurement process for 431 computers, 42 monitors, 32 printers, and 22 switches. Most of this equipment will go to Basic Court Skopje 2 that has 400 ACCMIS users and almost half of the nations pending caseload. In addition, at the request of the President of the Supreme Court, JRIP extended short term contracts until the end of February 2010 for Project IT staff in 6 courts. This action will provide onsite IT support during the next two critical months of ACCMIS operations.

Recent technology changes in the courts were not compatible with the Court Book of Rules, which mandates a paper registry book case management system. In October and November, the Project staffed a MOJ appointed work group that drafted emergency changes to the Court Book of Rules that would support a full transition to ACCMIS on January 1<sup>st</sup>, 2010. In late December, the Supreme Court concurred with the proposed changes, and on December 28<sup>th</sup>, 2009 the Minister of Justice sent a letter to all president judges implementing the necessary Court Book of Rule changes.

The Project intensified discussions with the Judicial Council on their request for a modification of ACCMIS to enable electronic management of complaints against judges and court cases. This resulted in an agreement to proceed with the modification. The ACCMIS vendor, EduSoft, has met with a small workgroup of Judicial Council and JRIP staff to oversee and coordinate this activity. Computer programming for that ACCMIS modification has now begun and testing is set for late January 2010.

Planning continued concerning the implementation of electronic court recording in basic courts. The coordination committee for this initiative, chaired by MOJ State Secretary Biljana Brishkoska-Boshkovski, met to review possible legal impediments that could prevent its effective use. The committee also had two demonstrations, including a role playing situation

showing how an electronic court recording system works. A first step for the committee is to establish a legal basis for use of this technology consistent with the Law on Civil Procedures, the Law on Criminal Procedures, and the Court Book of Procedures. The next step will be to prepare the technical specification and then proceed with procurement and extensive training to ensure sustainability. However, the first key step is removing legal impediments for use of this technology.

Meetings were held between the JTA and the Project to coordinate court administration training principles. As a result, the Director of the JTA established a work group to develop the training program/curriculum for court administration personnel. The Project will conduct a needs assessment and engage a local expert to provide continuous mentoring and guidance to the work group as it develops a court administration training program/curriculum for 2010-2012.

In early October, the two week study tour to the US ended for a small group of high-level judicial branch representatives. On October 27<sup>th</sup> the study tour participants met with USAID Mission Director Michael Fritz and reviewed possible study tour follow-up activities. These included Judicial Council development of a code of ethics, capacity building in the areas of public and media relations, and the 2010 Judicial Council strategic plan.

With assistance from the Project, in late October, the Administrative Office (AO) of the Court Budget Council (CBC) created its first strategic plan for the period 2010-2012. This plan was then adopted by the CBC. The Project also sponsored a capacity building training for CBC members that focused on leadership, financial management and auditing, and improved communications skills. Efforts also began to assist the CBC determine the fixed percentage of gross domestic product (GDP) needed for adequately financing the judiciary.

The Project is expending significant efforts to strengthen the capacity of court administration staff to fulfill their tasks through support of the newly established Court Administration Association (CAA or Association). JRIP is now recruiting two consultants to perform a needs assessment and coordinate a strategic planning process for this 1070 member organization.

In the area of communications and building public trust and confidence in the courts, the Project completed its advanced training cycle for court Public Information Officers (PIOs). In addition, in cooperation with the JTA, in November JRIP provided a Training of Trainers for a selected group of nine PIOs. This training focused on adult learning techniques, facilitation skills, and how to deal with difficult situations in the classroom. The nine PIOs that completed this training are now ready to teach public and media relations courses at the JTA.

In November, the PIO from Basic Court Skopje 1 organized a meeting of that court's president judge and journalists. The courts goal was to open communication with journalists and demonstrate that the courts are striving to be open and transparent. This event was successful and resulted in numerous accurate and positive articles about the court.

To professionalize the PIOs role in courts, Basic Court Skopje 1 has established Macedonia's first Court Public and Media Relations Office. This office will coordinate their PIO's work with the public and media.

During this reporting period, JRIP was featured on the "Morning Program" of Macedonian Public Television. The October program focused on PIOs in the courts, and in December on the successful implementation of the Law on Enforcement.

## **1. IMPLEMENTATION OF NEW REFORMS**

### **1.1 LAW ON ENFORCEMENT**

During this quarter, the Project in cooperation with the MOJ intensified efforts to facilitate the transfer of old enforcement cases to enforcement agents, beginning on July 1<sup>st</sup>, 2010. This transfer of about 615,000 cases will be an enormous undertaking. Prior to this date, courts are required to document each pending case noting the costs that creditors have previously paid, as well as all the enforcement actions undertaken by the courts.

For this purpose, on October 1<sup>st</sup>, the Project in cooperation with the MOJ held a meeting with all president judges to coordinate court efforts for the upcoming transfer. At the meeting, JRIP presented the assistance it will provide to the courts in the process of preparing a full inventory of enforcement cases. Also, the Minister of Justice called upon the courts to give full support to the legal interns that will be engaged by the Project, by providing all the necessary conditions so that this assignment is successfully accomplished in a timely manner. The next meeting on transfer of enforcement cases will be held on March 1<sup>st</sup>, 2010, to follow the progress of the courts.

In addition, the Project met with the appellate courts president judges and received approval for a methodology that will create an electronic record of old enforcement cases and document and simplify the transfer process. In November, JRIP engaged eleven legal interns and additional nine in December. Currently fourteen legal interns assist Basic Court Skopje 2 -six are at the court premises and eight in the public utility companies ("EVN", "Toplifikacija", "Vodovod", "Komunalna Higijena", and "JPSSDP"). Two legal interns are in Basic Court Tetovo, two in Basic Court Kumanovo, and two in Basic Court Bitola. JRIP is in the process of obtaining approval for engagement of two additional legal interns to assist Basic Court Gostivar and one more for Basic Court Skopje 2.

JRIP monitors the work of the legal interns on a regular basis. As of December 24<sup>th</sup>, the legal interns succeeded in registering approximately 37,500 enforcement cases, out of which 4,525 were in Basic Court Skopje 2, 27,500 in the public utility companies, 1,020 in Basic Court Bitola, 3,922 in Basic Court Tetovo, and around 400 in Basic Court Kumanovo,

#### ***Capacity Building of the Chamber***

In the reporting period, the Project continued to support the development of the Chamber of Enforcement Agents (Chamber), and the MOJ Sector that oversees the work of enforcement agents, public notaries and mediators (Sector).

JRIP identified two experts and obtained the necessary approval for their engagement for the upcoming stress management trainings. The trainings are designed for the enforcement agents, their deputies, and employees of the Sector. Upon their approval, both experts immediately started developing the content for the training and creating a pocket-guide, outlining the best techniques and methods to manage stress. The ten trainings will be delivered between January and April 2010.

In October, JRIP organized a training on "Effectiveness and Efficiency in Customer Service" for the Sector. The training was delivered by Zoran Stojkovski, a local expert and Executive Director of the Center for Institutional Development (CIRa). The participants gained the necessary skills for customer service, including negotiation with clients, dealing with client resistance, and conflict prevention in interaction with clients. Besides this, JRIP will sponsor two additional training sessions for the Sector before May 2010.

The Project scheduled a two-day working session for enforcement agents and president judges, to analyze and address complaints against enforcement agents. This working session will target all enforcement agents and their deputies, all basic court president judges, judges of the appellate courts, and MOJ representatives. It will be conducted on February 19<sup>th</sup>-20<sup>th</sup>, 2010, by the Center for International Legal Cooperation (CILC), from the Netherlands. CILC has suggested two possible experts for the delivery of the working session, Jos Uitdehaag, an enforcement agent and Judge Guus Stille, an appellate court Judge.

## **1.2 LAW ON COURTS**

The MOJ initiated changes and amendments to the Law on Courts. At the meeting with the MOJ State Secretary, held on December 3<sup>rd</sup>, JRIP was requested to provide an opinion for introducing additional criteria for election of judges. The working draft of the Law was delivered to the Project on December 30<sup>th</sup>, 2009. The Project will prepare its comments and respond to the MOJ in early January 2010. The proposed amendments should be submitted to the Government in the first quarter of 2010.

Also, the Project actively supported the MOJ committee formed to recommend interim changes in the Court Book of Rules designed to eliminate potential impediments to full usage of ACCMIS. On November 24<sup>th</sup> and 30<sup>th</sup>, the committee held two working sessions and prepared draft changes. On December 28<sup>th</sup>, the changes and amendments to the Court Book of Rules were enacted and thus, all courts will use the electronic registry and work entirely in ACCMIS as of January 1<sup>st</sup>, 2010.

## **1.3 LAW ON ACADEMY FOR TRAINING JUDGES AND PUBLIC PROSECUTORS**

On December 15<sup>th</sup>, a coordination meeting was held between JTA and JRIP representatives in order to commence the realization of the "Further Court Administration Capacity Building Concept". The JTA Director stressed that her institution lacked capacity for implementation of the initial Framework Program for Court Administration Training (2007-2009) and this program did not target all court administration job positions. Considering the fact that continuous education for all court services personnel is a crucial chain leading to an effective and efficient court system, it was agreed that several steps need to be undertaken in order to develop a comprehensive and product based program.

Through December, the JRIP team worked on developing a needs assessment questionnaire that will be completed by court administration personnel in different positions, from all courts and appellate regions, so that it will assess the needs of all court staff. The results will be reviewed by the JTA established Advisory Working Group. This group will consist of designated representatives of different judicial branch authorities (Judge Aneta Arnaudova- JTA Director as chair, Silvija Kamceva- AO, Judge Lidija Nedelkova – Basic Court Skopje 1 President Judge, Judge Stojance Ribarev – Appellate Court Stip President Judge, two representatives of the Court Administration Association, Filip Janiceski and Gordana Stojanova-Ribaroski - JRIP). Based on the results of the needs assessment, the 2010-2012 Court Services Training Program will be developed. JRIP will support the work of the Advisory Group by providing a local expert for continuous mentoring and guidance through the process of developing the training program and the curriculums.

The kick-off session of the working group is scheduled for January 11<sup>th</sup>, 2010. By then, the recruitment process for the local expert will be finalized, and the needs assessment process will be underway.

During the reporting period JRIP assisted the JTA in developing the 2010-2012 court administration training seminar budget forecast.

The MOJ requested JRIP's assistance in reviewing and commenting on the new JTA Law, prepared on December 29<sup>th</sup>, 2009. The Project responded immediately and engaged retired Judge Joseph Traficanti to assess this draft and prepare recommendations. The assessment report and recommendations will be delivered to the MOJ by January 9<sup>th</sup>, 2010.

#### **1.4 LAW ON CIVIL PROCEDURE**

The process for amending the Law on Civil Procedure, enacted in 2005, continued this quarter. In October, the Project organized an off-site session of the legislative drafting work group for finalizing the text of the amendments. The working group consisted of basic and appellate court judges, representatives from the MOJ, the MOJ State Secretary, and JRIP staff.

The proposed amendments to the law are envisioned to improve the efficiency of courts in resolving civil disputes, improving expediency and access to an impartial justice system. Some of the major interventions include: defining timelines for specific actions, setting criteria for determining the value of the case, using expert witnesses, court site visits to collect evidence, encouraging parties to settle their dispute by mediation, introducing electronic recording of court hearings, and preventing possible misuse of court processes by attorneys.

Also, there is a general consent that the electronic court recording (ECR) should be introduced in the Law on Civil Procedure. For that purpose, on December 3<sup>rd</sup> JRIP organized a presentation of the ECR equipment for representatives of the Judicial Council and the MOJ in Basic Court Skopje 1, where this equipment has been installed. On December 18<sup>th</sup>, a presentation was organized for the ECR Committee, at the MOJ, including the Minister of Justice and the State Secretary. The changes and amendments to the Law on Civil Procedure must be coordinated with the amendments envisioned in the Law on Expert Witnessing and the introduction of the Law on Case Management. Considering this, JRIP and the MOJ decided to organize a three day legislative drafting session and finalize all these laws. The session will be held during the third week of January 2010.

#### **1.5 LAW ON CASE MANAGEMENT**

JRIP continued its support to the MOJ in the process of drafting the new Law on Case Management. In October, the Project held individual meetings with Judge Poliksena Antic, from Basic Court Skopje 2, and Rozalija Kochkovska, President of the Administrative Court, in order to finalize the respective provisions of the draft Law. Also, the Project met with court employees and the Court Administrator of the Supreme Court, and prepared the first draft provisions pertaining to case flow in the three departments of this court.

In October, the Project, in cooperation with the MOJ, held two information meetings with all president judges and court administrators, to receive feedback on the draft Law on Case Management. The meeting was chaired by Dimitar Georgievski, the Director of the State

Administrative Inspectorate, and chair of the MOJ Working Group for preparing the Law on Case Management. Retired Judge Joseph Traficanti shared a presentation on “Effective Case Management” and best practices used in the USA. During both days, many constructive and practical suggestions were presented.

Following these meetings, on November 20<sup>th</sup>, the Project organized an MOJ requested off-site session to finalize the text of the draft Law. At the session, the legislative drafting work group reviewed all the suggestions presented at the two information meetings, and made necessary modifications. The provisions of the Law were adapted to ACCMIS, in order to provide all necessary preconditions for efficient electronic management of court cases as of January 1<sup>st</sup>, 2010.

## **2. IMPROVEMENT IN COURT PRACTICES AND MATERIAL RESOURCES**

### **2.1 IMPROVED COURT ADMINISTRATION PRACTICES**

#### ***Improved Judicial Council functions and capacities***

The study tour in the USA for high official of the Judicial Council ended successfully with a session on the key lessons learned that could be applied in Macedonia. Also, a comprehensive package of materials was translated and submitted to the Judicial Council for their future use. The study tour participants will deliver a report to the Judicial Council, and based on their conclusions, further cooperation activities will be identified.

On October 27<sup>th</sup>, the study tour participants met with USAID Mission Director Michael Fritz, and discussed the experience gained during the visit and possible follow-up activities. The study tour was evaluated by the participants as very educational, practical and successful in providing tools and ideas to support their day to day work.

The final draft of the Memorandum of Understanding (MOU) between JRIP and Judicial Council was prepared and submitted to Judicial Council. The official signing is expected in early January 2010. In the meantime, JRIP responded positively to the request from the Judicial Council for limited technical support needed to accommodate new employees. By late January 2010, the Project will provide fifteen desktop computers. Also, in the first quarter of 2010, JRIP will support development of the first strategic plan of the Judicial Council.

#### ***Improved AO Strategic Planning and Operational Capacity***

In the past quarter the judicial branch developed its Strategic Plan 2010 – 2012, which was adopted by the CBC.

In October, JRIP organized a capacity building training for the CBC members. The combination of educational and practical sessions was lead by international and local trainers. The training focused on: leadership, strategic planning, communication skills, budget and finance best practices, review of the auditors’ findings and recommendations for the judicial branch, the process of budgeting and finance for the judicial branch, and sharing experiences gained from the recent study tour in the US. The training resulted in a number of conclusions and recommendations that should be implemented through the CBC. One of the priority recommendations is implementation of recommendation number 11 of the Budget and Finance Study - providing guidance for budget and financial activities through a Financial Planning and Control Manual. The manual would encompass best practices,

standardize and regulate court financial activities that will support an adequate, stable, and well managed court budget. It will target the president judges and the court administrators. The manual will be developed by the AO, with JRIP's support. The activity will also support the CBC's internal act on control of the judiciary budget.

In the last quarter, the CBC requested Project support for preparing an analysis for determining the adequate fixed percentage of the GDP for financing the judicial branch. To support this activity, JRIP will recruit a local budget and financing expert to provide continuous mentoring and guidance through the process and assist in finalizing the draft report to the CBC. The recruitment process is underway and the activity will be launched in early January 2010.

### ***Effective and efficient case flow management programs***

JRIP continues to provide day to day support in the implementation of efficient and effective backlog and case delay reduction practices in appellate court region Bitola. During 2009, all courts in this region established functional case flow management committees, plus developed and implemented backlog and delay reduction plans. As reported by the President of the Appellate Court Bitola, Judge Danica Ristova, this region in 2009 successfully reduced their backlog of old pending cases (older than two years) by 70 percent.

In January 2010, JRIP will support a meeting of the basic courts in Bitola appellate region for setting the 2010 case delay reduction strategies and goals. It is anticipated that this meeting will be attended by the other three appellate court presidents, who will have the opportunity to review Bitola's successes and then implement in their own regions the best practices presented at this meeting.

In February 2010, JRIP will organize a seminar on court administration, to assess implementation of the annual backlog reduction plans in all courts, and to set new goals and objectives for 2010.

### ***Functional Court Administration Association (CAA)***

The CAA, established under the Law on Court Services, was constituted as a voluntary, non-political and non-profit association in June 2009. Protection of court administration employee rights and interests, and members' professional development are the leading objectives of this Association. In the past six months, 1,070 court administration employees have joined the Association.

On October 13<sup>th</sup>, JRIP representatives met with the President of the CAA, Borche Mircheski.

In support of the Association's mission: effective and efficient court administration and through that an efficient court system, JRIP will support a capacity building needs assessment and strategic planning process for the CAA. The needs assessment will show the current strengths of the organization as well as areas that need improvement and will help JRIP to utilize its technical assistance for further capacity building of the Association. The strategic planning process will be organized in two workshops and in-house mentoring and will result in a strategic plan that will define the Association's priorities for the upcoming period.

JRIP supported active involvement of the CAA in preparation of the court administration training curriculum within the JTA. Two of their members were nominated for the Advisory Working Group established by JTA (please see section 1.3).

### ***Functional Court Services Council (CSC)***

As agreed, JRIP will provide material support for the new employee of the CSC. Also, the communication and decision-making process between the CSC members will be improved with the new communication device that will be purchased by JRIP.

## **2.2 IMPROVEMENT OF PUBLIC ACCESS, SERVICE AND INFORMATION**

### ***Public Information Officers (PIO)***

In the reporting period, the Project completed the training cycle for the PIOs in the courts, by organizing the third advanced training in public and media relations and the Training of Trainers for a selected group of PIOs.

Nine participants attended the third advanced training in public and media relations organized in October. Basic courts, the Administrative Court and the Supreme Court were represented. The training was organized in cooperation with the JTA, and was delivered by Jelena Janevska, the Project's Communications Coordinator and Biljana Petkovska, the Executive Director of the Macedonian Institute for Media.

The training provided advanced communication and presentation skills and detailed knowledge in public and media relations. It was highly interactive and allowed for full participation. PIOs developed advanced practical skills and knowledge that can be immediately used in their everyday work of publicly promoting the work of the courts. Participants gave statements in crisis scenarios, organized press-conferences, and worked on developing ideas for communications strategies. They received feedback on their performance from the group and from the trainers. In their evaluations of the trainings, participants expressed great satisfaction with the knowledge and skills they gained, as well as the methodology of the training.

To ensure sustainability of its efforts, in November, JRIP provided Training of Trainers for a selected group of nine PIOs. The goal of the initiative was to develop the capacities of PIOs to become trainers and continue promoting court openness and transparency. The training was organized in cooperation with the JTA, and was delivered by Jelena Janevska, the Project's Communications Coordinator and Svetlana Milenkova, Program Director of the CIRa.

The Training of Trainers focused on adult learning, different training methods, working with questions, facilitation, giving and receiving feedback and dealing with "difficult" situations and participants. Attendees had a chance to prepare and deliver real training sessions and receive feedback on their performance from the group and the trainers. This group of nine PIOs is now ready to provide valuable support to the judiciary in opening courts to the public.

On December 15<sup>th</sup>, the Project met with the JTA, shared the list of participants and the recommendations from the Training of Trainers class and suggested immediate use of the trained PIOs for the JTA's education sessions. JTA's Director, Judge Aneta Arnaudovska, expressed satisfaction and gratitude for the support of the Project. She committed that the JTA will use the trained trainers in their everyday work.

As a follow up to the trainings and mentoring provided by JRIP, the two largest courts, Skopje 1 and Skopje 2, advanced the most in their communication activities. In the reporting period, their PIOs became recognized and skillful communicators for the judiciary and their statements were included in numerous articles in the printed and electronic media. Also, on November 5<sup>th</sup>, Skopje 1 PIO, Judge Vladimir Tufegdzik, organized a meeting of the

President Judge and journalists to emphasize their openness to share information with the public and cooperate with the media. This resulted in numerous positive articles in the media, as well as accurate information presented to the public about the work of Basic Court Skopje 1.

In order to professionalize the PIO role in their court, the PIO and the President of Basic Court Skopje 1 took the lead and decided to establish the first Court Public and Media Relations Office in the country. This office will coordinate PIO's work with the public and the media. It will provide everyday contacts with journalists, update of the court website, and share information with the public on the court's work. The court approached the Project and requested support for the basic technical equipment that will help this office become fully operational. Within the PIO concept and budget, in January 2010, JRIP will provide its support to the work of this office.

On December 3<sup>rd</sup>, JRIP's Communications Coordinator attended a round table in Courts and Media, organized by OSCE. It gathered judges, public prosecutors and journalists and opened issues related to their everyday cooperation. Journalists expressed negative opinions about the courts and their work, mainly influenced by the libel cases against them. Despite this, journalists recognized that significant improvements have been made in the openness and transparency of the basic courts. However, they stressed that the Supreme Court, Appellate Courts and the Judicial Council still remain closed to the public. The two PIOs trained by the Project, from Basic Courts Skopje 1 and Skopje 2, were the most active and constructive during the discussions.

### ***Capacity Building in the Area of Communications***

In October, the Project's communications coordinator provided an interactive session on basic communication skills for the members of the CBC at their capacity building session.

## **2.3 COURT FINANCING STUDY**

In the first draft strategic plan for the judicial branch, the CBC committed to immediately implement the highest priority recommendations in JRIP's Court Budget and Financing Study. JRIP will assist the implementation of these recommendations (please see section: Improved AO strategic planning and operational capacity).

## **2.4 COURT COMPUTERIZATION**

### ***Automated Court Case Management Information System (ACCMIS)***

#### **On-site support use of ACCMIS:**

During this quarter, EduSoft instructors continued providing on-site support in the courts, through consultations and/or repeating some lectures/classes on an individual basis, on user demand or with new employees. They also assisted with entering electronic data and generating reports from ACCMIS. Such on-site support is complementary to the regular support that EduSoft provides through its fixed and mobile help-lines and ACCMIS built-in features for providing feedback on the work of the system.

As envisioned in the ACCMIS action plan, completion of extended on-site user support by EduSoft was scheduled to end on December 1<sup>st</sup>, 2009. However, EduSoft agreed to provide court users with on-site support through mid January 2010. In the future, trainings for new court employees, especially court administrators and judges are envisioned to be conducted

through the JTA. JRIP suggested that IT literacy and ACCMIS courses be included in the official curriculum of the JTA.

**Further progress in the practical usage of ACCMIS:**

In November, an improved version of ACCMIS was installed in courts and approved by the Court Commission for Standardization and Improvements of ACCMIS. It included all changes done in the past several months by EduSoft as requested and suggested by court users.

In this quarter, courts have continued entering their cases into ACCMIS on a daily basis. Exceptions are still the Appellate Court Gostivar and the remotely dispatched misdemeanor department of Basic Court Skopje 1 due to a lack of the minimal technical environment. The Ministry of Justice has promised by the beginning of January 2010 to provide the Appellate Court Gostivar with a used server machine as a temporary solution, for the purpose for starting ACCMIS on-site user trainings for that particular court.

Initiated by JRIP, on October 14<sup>th</sup> court presidents met to report and review the ACCMIS implementation progress. Each court individually reported on meeting the deadlines and achieved level of ACCMIS daily practical usage, emphasizing problems and readiness for switching completely to electronic case records keeping starting as of January 2010.

In this quarter, courts continued dual court case management: manually on paper and automatically on computer. As reported from the field, generally all courts were successful in keeping the achieved consistency and synchronization between paper and electronic data.

Less efficient were Basic Courts Gostivar, Kumanovo, Prilep, Gevgelija, Skopje 1 and Skopje 2, due to various obstacles for a complete usage of ACCMIS. Mainly, these courts are lagging behind due to organizational, court management and technical problems. However, during the JRIP visits, management of those courts expressed determination to double their efforts in order to catch up with other courts and to switch to complete electronic case management at the beginning of January 2010.

On November 23<sup>rd</sup>, the Project organized a demonstration of ACCMIS live usage for USAID Macedonia Mission Director Michael Fritz, Director of Democracy and Local Governance Ken Lizzio, and the Project's Contracting Officer Technical Representative Antoaneta Skartova. Mid-size Basic Court Kavadarci was chosen for an on-site live presentation of ACCMIS. The president of the court personally conducted the demonstration. The visit included a tour through the court in order to present the daily usage of ACCMIS through all stages of court case processing and to hear opinions and comments directly from users. Visitors were impressed by the successful completion of ACCMIS implementation and the relatively fast and smooth adoption of ACCMIS in daily court usage.

On November 25<sup>th</sup>, JRIP organized a similar presentation for seven members of the Judicial Council. They were able to see and hear testimonials from various court practitioners, clerks, typists, judge assistants and judges about their positive experience using ACCMIS in daily routines. During the visit, many practical aspects of ACCMIS in case processing and improving court efficiency were discussed.

On December 10<sup>th</sup>, JRIP organized a similar demonstration for a group of high MOJ officials.

JRIP will continue to closely monitor ACCMIS usage in the field through the next round of on-site visits during the second half of January 2010.

**Sustainability support:**

In order to further boost and secure the practical usage of ACCMIS, JRIP continued to work closely with the courts on improving the technical environment as well as their capacity building.

In October, JRIP purchased 1,000 Anti-Virus licenses valid for two years and renewed the existing 1,400 licenses for one more year. This provided protection for all 2,400 ACCMIS related computers. The Project also organized a two-day training of court IT personnel on computer anti-virus protection in courts, how to install, configure and maintain the provided protective packages.

In December, JRIP conducted an open international tender for providing courts and the Judicial Council with an additional 431 computers, 42 monitors, 32 printers, 22 switches, and a certain number of spare parts for refurbishing existing computers in courts. Most of this technical assistance will go to the biggest court, Basic Court Skopje 2 with around 400 ACCMIS users and almost half of the country's case load. By the end of December, JRIP completed the evaluation of bids, and will award and sign the contracts in early January 2010. Regarding this equipment, at the end of December the Project sent letters to the courts along with a MOU to facilitate this procurement process.

The Project worked to overcome both internal organizational and legal dilemmas to ensure successful operation of ACCMIS. President judge turnover, followed by a slow transition of power to the newly appointed president judges, in some courts created issues for ACCMIS operations. This was evident with resistance to computer use by some judges, using the excuse that the current Court Book of Rules provided directives for only manual work in paper registry books. In addition, some of these courts reported that the inspection from Judicial Council still did not recognize electronic record keeping, insisting instead on only manual paper work. A similar reaction was noted in representatives from the State Administrative Inspectorate, strengthening the resistance of some judges..

Technological changes and progress in the field were not adequately accompanied with required and appropriate legislative changes nor officially issued orders from judicial branch leaders. Therefore, JRIP continued to advocate for adequate regulative changes as prerequisite for long-term sustainability of ACCMIS.

In October and November 2009, after several letters and meetings with the President of the Supreme Court and Minister of Justice, JRIP organized a fast-track process for drafting minimal and urgently required changes in the current Court Book of Rules that give legality to ACCMIS usage in courts and makes its usage mandatory. In December the Supreme Court approved the proposed changes and the modified Court Book of Rules took effect. In addition, the Project will now start working with the courts and MOJ in drafting a new Court Book of Rules that will provide adequate regulative changes as a prerequisite for long-term sustainability of ACCMIS.

Simultaneously, in this quarter JRIP successfully advocated for an official written order from the Minister of Justice regarding the redundancy of the paper registry books and continuing only with electronic court case management. This letter was sent to all courts in late December 2009 and posted on the MOJ's website.

JRIP initiated the creation of technical specifications and the purchase of 37 new server machines for courts through a World Bank loan. An international tender was opened on November 26<sup>th</sup>. Six bids were received which, with participation of JRIP, were evaluated by

mid-December 2009. Expectations are that the contract will be awarded in January 2010 and the first servers will be installed by March 2010. This should strengthen the capacity and reliability for a complete electronic court case management system.

At the request of several courts and the President of the Supreme Court, JRIP extended short-term IT contracts for another three-month cycle starting October 1<sup>st</sup>. The twelve short-term IT contractors continued their valuable work in the courts, monitoring and maintaining network infrastructure, workstation computers and software and assisting ACCMIS implementation. Except for Basic Courts Negotino, Resen, Kratovo and Vinica, all other beneficiary courts had obtain approval, by the end of the year, to employ permanent IT staff. As requested by these four courts, JRIP provided an extension of contracts for the period January - February 2010.

The Project provided support to the Court Technology Commissions which are charged with standardization and improvement of ACCMIS usage. Establishing regular meetings of these commissions was envisioned as a major contribution to ACCMIS sustainability. Because the most urgent user requests and comments deal with nomenclatures and procedural steps, the focus was put on these areas. Currently, the working tempo of these committees is critically slow, not allowing EduSoft to apply changes as fast as users need and expect. The hope is that, with time, these committees will react much more promptly and efficiently.

**Other ACCMIS related activities:**

During October 2009, JRIP participated in meetings with IT representatives from the MOJ and the Supreme Court for determining the technical specification for a one-year extension of the current computer network connectivity between courts (Wide Area Network, or WAN contract), supported by a World Bank loan.

At the beginning of October, JRIP and the Judicial Council agreed to begin the creation of a special modification of ACCMIS suitable for the Council's electronic management of complaints on cases and judges. The agreed time-frame for this enhancement was October 15<sup>th</sup>, 2009 – March 31<sup>st</sup>, 2010. The contract for Judicial Council Case Management Information System (JCCMIS) was signed and by the end of November, EduSoft presented a design of the system. This software was partially presented and discussed during the field visit in Basic Court Kavadarci and the first impressions were very positive. In December, EduSoft started generating the software. JRIP will continue to coordinate activities with EduSoft and the Judicial Council working group in order to secure a quality and timely delivery of the product.

In November, JRIP also initiated and received support from the President of the Supreme Court for establishing a working group for creation of a Computer Use Policy Manual.

***Electronic Court Recording Study***

During the reporting period, a coordination body for electronic court recording was established to review the legal basis, assess and prepare all technical and logistical aspects for this initiative. Both groups will work under the auspices of the MOJ.

During this quarter, JRIP organized three events regarding the electronic court recording initiative. On December 3<sup>rd</sup>, the Project organized an on-site presentation in Basic Court Skopje 1. On December 10<sup>th</sup>, an initial coordination meeting was opened by the Minister of Justice, where the legal impediments to this technology were discussed. The third event was held on December 18<sup>th</sup>, as a role play of electronic court recording, attended by high-level representatives of the judiciary, including the Minister of Justice.

### **3. ADMINISTRATIVE TASKS**

#### ***JRIP's Communications***

In the reporting period, JRIP was twice featured on the morning program of the Macedonian National Television. In October, the Project presented its work in the area of supporting court openness and transparency, with particular focus on the public information officers in the courts. In December, the presentation focused on the successful implementation of the Law on Enforcement, with participation of JRIP, the MOJ and the Chamber. Both programs are available for viewing on JRIP's website ([www.jrip.org.mk](http://www.jrip.org.mk)).

In October and December, JRIP worked on developing the Project's Year 2 achievements publication that will be printed in the next quarter and will highlight the Project's contributions in improving the work of the judiciary.

During the reporting period, JRIP's website was updated with seven new articles and success stories on the Project's activities and achievements.

#### ***Processing Project Consultants***

In October, the Project hosted retired Judge Joseph Traficanti to provide short-term technical assistance in support of the CBC. Judge Traficanti worked for a total of twelve consultancy days.

In November, the Project engaged two local consultants, Vladimir Ortakov and Stanislav Petkovski. They will prepare and conduct a series of two day trainings on stress management for 68 enforcement agents, 10 deputy enforcement agents, and 6 employees of the Sector and develop a pocket-guide outlining the best techniques and methods to manage stress. Both experts will be engaged for total of 14 days each in the next few months.

**4. SUMMARY OF PLANNED ACTIVITIES FOR NEXT QUARTER:  
JANUARY TO MARCH 2010**

DATES	# OF DAYS	COURSE / ACTIVITY	DIRECTED TO	LOCATION	RESOURCES
<b>COMPONENT A: IMPLEMENTATION OF NEW REFORMS</b>					
<b>Task 1: Assistance in implementation of Law on Courts</b>					
January – March		Presentation of the Final reports with recommendations of the Assessments of labor and commercial cases, in trial courts Skopje 2, Bitola and Veles	Basic Courts	Skopje, Bitola, Veles	Ivanovska, Bushinoska
<b>Task 2: Assistance in implementation of Law on Enforcement</b>					
January - March	Ongoing	20 legal interns assist the courts with electronic entry of the enforcement actions undertaken by the courts and the costs of the creditors, so that courts are able to make a complete inventory of each pending case when the transfer of cases occurs.	Basic Courts	Skopje 2, Bitola, Tetovo, Kumanovo and Gostivar	Ivanovska, Bushinoska, 20 legal interns
January – April	20	Stress Management Training (10 two-day trainings)	Chamber of Enforcement Agents, MOJ Oversight Sector	TBD	2 experts, Ivanovska, Bushinoska
February 19 <sup>th</sup> -20 <sup>th</sup>	2	Working session of the enforcement agents and President Judges regarding complaints on the work of enforcement agents while conducting enforcement activities	Chamber of Enforcement Agents, Courts	Ohrid	2 experts, Ivanovska, Bushinoska
<b>Task 3: Assistance in implementation of the Law on Academy for Training of Judges and Public Prosecutors</b>					
January –July		Assessment and recommendations on the new Law on Academy for Training of Judges and Public Prosecutors.  Strengthening the capacity of the JTA (Component B), Preparation of Training Program and Curriculum for Court Administration	JTA	Skopje	Juncker, Janiceski, Ivanovska, Traficanti
<b>Task 4: Assistance in implementation of the Law on Judicial Council</b>					
January –July	Ongoing	Follow up activities and implementation of the Study Tour Report	Judicial Council, Supreme Court		JRIP Team
January –July	Ongoing	Signing Memorandum of Understanding and work on its implementation	Judicial Council	Skopje	Juncker, Janiceski
<b>Task 5: Assistance in implementation of the Law on Civil Procedure</b>					

DATES	# OF DAYS	COURSE / ACTIVITY	DIRECTED TO	LOCATION	RESOURCES
<b>COMPONENT A: IMPLEMENTATION OF NEW REFORMS</b>					
January – July	Ongoing	Organize three day legislative drafting session along with the working groups on the Law on Case Management and Law on Expert Witnessing and finalizing the draft law.	MOJ	Skopje	Ivanovska, Bushinoska
<b>Task 6: Assistance in drafting of the Law on Case Management</b>					
January – July	Ongoing	Organize three day legislative drafting session along with the working groups on the Law on Civil Procedure and Law on Expert Witnessing and finalizing the draft law.	MOJ	Skopje	Ivanovska, Bushinoska

DATES	# OF DAYS	COURSE / ACTIVITY	DIRECTED TO	LOCATION	RESOURCES
<b>COMPONENT B: IMPROVEMENT IN COURT PRACTICES AND MATERIAL RESOURCES</b>					
<b>Task 1: Improved Court Administration Practices</b>					
January-March	Ongoing	Engage in regular coordination meetings with the AO/CBC and designated staff to continue to build capacity of the AO	AO/CBC	AO	Juncker, Stojanova-Ribaroski, Janiceski
January-March	Ongoing	Engage in regular coordination meetings with the Court Services Council	Court Services Council	Court Services Council	Juncker, Stojanova-Ribaroski
January-March	Ongoing	Engage in regular coordination meetings with the Court Administration Association	Court Services Council	Court Services Council	Juncker, Stojanova-Ribaroski
January-March	Ongoing	Capacity building needs assessment and strategic planning development sessions of the Court Administration Association	Court Services Council	Court Services Council	Juncker, Stojanova-Ribaroski, Consultants
January-March	Ongoing	Work with the Appellate Court Bitola to enhance the case flow and backlog reduction programs begun with MCMP and replicate throughout the appellate court area and nation- wide.	Basic courts of the appellate courts region Bitola	Appellate Court Bitola	Juncker, Stojanova-Ribaroski
January-March	Ongoing	Work with court administrators on implementation of the backlog and delay reduction plans and meet the goals therein	Basic and Appellate Courts in Macedonia	All Basic and Appellate Courts	Juncker, Stojanova-Ribaroski, Janiceski
January-March	Ongoing	Assist the JTA in program and curriculum development for trainings of courts' staff in core competencies	JTA	JTA	Juncker, Stojanova-Ribaroski, Janiceski

DATES	# OF DAYS	COURSE / ACTIVITY	DIRECTED TO	LOCATION	RESOURCES
<b>COMPONENT B: IMPROVEMENT IN COURT PRACTICES AND MATERIAL RESOURCES</b>					
<b>Task 2: Court Financing</b>					
January-March	Ongoing	Analysis for determining fixed percentage of the GDP for adequate judiciary funding	CBC, AO, MOF, MOJ, Parliament, courts	Skopje	JRIP team
January-March	Ongoing	Drafting Internal Act for Enforcement Controls in the CBC and AO and Financial Planning and Control Handbook	CBC, courts, MOJ	Skopje and regionally	JRIP team
<b>Task 3: Court Computerization</b>					
January-March	Ongoing	Monthly automation steering committee meetings overseeing the live usage of the Automated Court Case Management Information System	MOJ, AO, Supreme Court IT, and all courts	JRIP or MOJ offices	Tagasovski, JRIP team
January-March	Ongoing	Perform quality assurance court field visits and monitor progress in usage of ACCMIS	MOJ, Courts	JRIP premises, EduSoft, all courts	Tagasovski, JRIP team and EduSoft experts
January-March	Ongoing	Work on draft of completely new Court Book of Rule, participating in other Law changes	MOJ, Courts, EduSoft, Court technology Committee, work groups,	JRIP premises, EduSoft, all courts	Tagasovski, JRIP team and EduSoft experts
January-March	Ongoing	Monitoring and evaluating requests and suggestions for ACCMIS improvements	Court technology Committee, work groups, EduSoft,	JRIP offices, all court, EduSoft	Tagasovski, JRIP team and EduSoft experts
January-March	Ongoing	Monitor and coordinate the process of modification of ACCMIS to suit Judicial Council needs for case management	Judicial Council, work groups, EduSoft,	JRIP offices, Judicial Council, EduSoft	Tagasovski, JRIP and Judicial Council team and EduSoft experts
January-March	Ongoing	Present the E-Court Recording Study to the rest of the judiciary officials; establish a Committee on technical and legal issues	MOJ, SC, JC, courts,	Skopje and regionally	Juncker, Janiceski
<b>Task 4: Communications</b>					
January	Ongoing	Publishing additional copies of PIO educational materials	PIOs, courts	JRIP offices	Janevska
January-March	3	Training in Public and Media Relations for the Judicial Council members	Judicial Council	TBD	Janevska, MIM, JRIP staff
January-March	Ongoing	Finalization and printing of JRIP Year 2 Achievements Publication	Courts, other institutions	JRIP offices	Janevska, JRIP staff
January-March	Ongoing	Development of video on JRIP activities	Public	JRIP offices	Janevska, USAID, US Embassy
March	14	PIO Study-tour	PIOs	TBD	Janevska, Juncker, Ivanovska
February	Ongoing	Preparation and publishing educational brochure for PIOs	PIOs	JRIP offices	Janevska

DATES	# OF DAYS	COURSE / ACTIVITY	DIRECTED TO	LOCATION	RESOURCES
<b>COMPONENT B: IMPROVEMENT IN COURT PRACTICES AND MATERIAL RESOURCES</b>					
March	2	PIO Networking Meeting	PIOs	TBD	Janevska
January-March	Ongoing	Printing of Issue 4 of AO Newsletter	Courts, donors, media	JRIP offices, AO	Janevska, AO
January-March	Ongoing	Support to PIOs in preparing press-releases, developing promotional materials, support to their initiatives, etc.	Courts	JRIP offices, courts	Janevska
January-March	Ongoing	JRIP's communication issues (preparing promotional materials, articles, reports, website update, press-clipping, etc.)	JRIP	JRIP offices	Janevska

## 5. PROBLEMS AND REMEDIAL ACTIONS

One of the priorities of the Project is successful implementation of ACCMIS. This task is progressing well. All Project sponsored on-site training ended on December 1<sup>st</sup>, 2009. However, a concern continues in the area of ICT staff support for six courts without technology staff. Without this support these courts will have issues maintaining ACCMIS related hardware as well as dealing with related software matters. To assist these six courts as they abandon use of registry books on January 1<sup>st</sup>, 2010, the Project extended until the end of February these contracts so Project hired ICT support staff will assist during this critical time. This will be a onetime exception and no contract extensions beyond February 26<sup>th</sup>, 2010 will be given by JRIP. These six courts with no ICT staff must resolve this issue by employing staff, outsourcing support or making agreements with nearby courts for support before the JRIP support ends.

During this quarter, there continued to be pressing threats to the long-term sustainability of ACCMIS due to the weak authority and management skills of court leaders. For example, in several courts there were a number of court typists that continued to use their old word processing software rather than ACCMIS when recording court events (summons, minutes of hearings, court decisions, etc.). Another example frequently occurred in Basic Court Kumanovo, where about fifty percent of the judges declined to use even the simplest functions of ACCMIS. Commonly, these judges said they were required to follow the current Court Book of Rules which directed a manual record and tracking of cases in paper registry books. This matter was resolved on December 28<sup>th</sup>, 2009 when the Minister of Justice sent a letter to all president judges informing them of Project supported changes to the Court Book of Rules. These changes mandated that, effective January 1<sup>st</sup>, 2010, ACCMIS would be the only mechanism for keeping records of court cases. In addition, the Minister mandated that all judges and court staff fully use ACCMIS rather than other software when recording court actions and events.

To build additional support for ACCMIS, on November 25<sup>th</sup>, the Project organized a site visit in Basic Court Kavadarci for key members of the Judicial Council. The visit consisted of a meeting with President Judge Lazar Nanev, where he personally demonstrated his use of ACCMIS. This was followed by visits to various court departments where court staff demonstrated their use of the software. This demonstration by the president judge and court staff was repeated on December 11<sup>th</sup> for high level MOJ officials. For the sustainability of ACCMIS, it was vital to have the President Judge and line court personnel (judges' assistants, typists, note-takers) conduct these demonstrations and show how they have

implemented the software, rather than have the Project or the vendor give that presentation.

It is critical that the first months of ACCMIS court operation without paper registry book backups is successful. To directly address this concern, JRIP staff, accompanied by MOJ and Supreme Court IT supervisors, has scheduled visits to all courts beginning in early January 2010. This will send the message to courts that the Supreme Court and Ministry, as well as the Project, are closely monitoring and evaluating court operations and compliance with ACCMIS standards.

In recent round table discussions sponsored by other projects, journalists continue to express a negative opinion of the courts and their work. Most of that concern is with the Supreme Court, Courts of Appeal, and the Judicial Council. Journalists recognize the improvements made in the basic courts in the areas of openness and transparency through the use of PIOs. Building on that success, the Project has agreed to assist Basic Court Skopje 1 in creating a Public and Media Relations Office. This office will provide everyday contact with journalists, update that court's website, and generally share information with the public and journalists on the court's work. JRIP will also support the Judicial Council to progressively open its work to the media and the public.

To clarify roles and responsibilities as the Project works with the Judicial Council, a Memorandum of Understanding (MOU) has been drafted. This MOU, in addition to the roles and responsibilities section, emphasizes provisions such as property, assistance/obligation of funds, publicity, and resolution of disagreements. The proposed draft was sent to the Judicial Council in December and the official signing will occur in early January 2010.