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## EXECUTIVE SUMMARY

During this quarter the Judicial Reform Implementation Project (JRIP or Project) continued to provide valuable support to the judiciary through its two components: *Implementation of New Reforms* and *Improvement in Court Practices and Material Resources*.

In the past few months, the Project supported the Court Budget Council (CBC) to prepare amendments to the Law on Court Budget. These changes will assure a sufficient level of funding for the judiciary and provide it with greater financial independence and autonomy. Recommendations from the two judiciary financing studies funded by the Project were incorporated in the new Law on Court Budget. Included in these recommendations is the provision for fixing the funding for the judiciary at 0.8 percent of the GDP. The goal is to reach that percentage by gradual increases starting from 2012 until 2015.

On July 2<sup>nd</sup>, the Parliament adopted an amendment to the Law on Enforcement and reset the date for the transfer of old enforcement cases from courts to private enforcement agents to July 1<sup>st</sup>, 2011 instead of 2010. The Project discussed this issue with the courts in light of the support it provides for registering enforcement cases and preparing them for transfer. Courts clearly recognized the work that has been done by the legal interns in the past six months and asked for additional support until January 31<sup>st</sup>, 2011. The Project agreed to continue with this support. In the upcoming period, the Project will focus on improving courts' capacities to properly handle the cases until they are transferred to enforcement agents in July 2011.

In the reporting period, the Parliament adopted the amendments to the Law on Civil Procedure that were prepared with Project's assistance. The Project supported the participative development of the new Law on Case Management and amendments to the Law on Courts and the Law on Civil Service. These laws are currently in parliamentary procedure. It is expected that their implementation will help improve the efficiency and effectiveness of the Macedonian courts.

In September, JRIP increased the capacities of the Judicial Council in public and media relations. The group of participants - three members of the Council and three state advisors - adopted the key public relations skills and committed to intensify their efforts for improving the image of the Judicial Council. The Project also supported the development of the fourth edition of the Court Budget Council's newsletter.

On July 15<sup>th</sup>, Project's Chief of Party Sam Juncker completed his service. From July 20<sup>th</sup> through September 1<sup>st</sup>, 2010, the Project was managed by Retired Judge Joseph Traficanti. As of September 1<sup>st</sup>, Nevenka Ivanovska began service as JRIP's Chief of Party.

Most of the activities planned for this quarter were implemented as planned. Due to partners' engagements, minor changes occurred in the dates for some activities. Since the Project approaches its close-out phase, many of the activities, trainings, and investments in the judiciary are aimed to ensure sustainability of JRIP's efforts. Among those, the Project will provide electronic court recording equipment for sixty courtrooms and 86 additional computers for five courts.

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

### **1.1 LAW ON ENFORCEMENT**

During this quarter, the work on the enforcement cases has significantly slowed down due to the court recess. In the courts where the electronic registry of enforcement cases was completed (Basic Courts Skopje 2, Tetovo, Kumanovo and Prilep), the legal interns continued to work with enforcement judges, assisting in processing the old enforcement cases. Their work has been particularly focused on checking the regularity of the service of process, composing decisions for merging cases with the same debtor, and writing conclusions. Only the Basic Court Gostivar has not yet completed this process. The legal interns in this quarter continued with the electronic registry of cases and successfully registered a total of 39,000 enforcement cases. The exact number of cases in this court is unknown but the estimation is that there are approximately 40,000 enforcement cases.

On July 2<sup>nd</sup>, the Parliament adopted an amendment to the Law on Enforcement and reset the transfer of old enforcement cases from courts to private enforcement agents to commence on July 1<sup>st</sup>, 2011, instead of 2010. According to this amendment, the courts will keep their jurisdiction over the old enforcement cases until the day of the actual transfer and should continue processing these cases.

During the regular field visits to basic courts Kumanovo, Tetovo, Gostivar, and Prilep, Nevenka Ivanovska met with the court presidents and enforcement judges and discussed the work of the legal interns and the implications of the new amendment to the Law of Enforcement. The courts expressed concern over the postponement of the transfer of enforcement cases for another year, considering the lack of human resources in their enforcement departments. The courts recognized the work that has been done by the legal interns and asked for additional support until January 31<sup>st</sup>, 2011. The Project agreed to continue this support as it will enhance the work of their enforcement departments in dealing with these cases.

On July 14<sup>th</sup>, the Project held a coordination meeting with the legal interns and discussed their assignments after September 1<sup>st</sup>, depending on the current situation in each court. In coordination with the enforcement judges, the legal interns were given time off from July 15<sup>th</sup> to September 1<sup>st</sup>, 2010. It was considered that their assistance would be more beneficial when the courts start their regular operations and work dynamics. Due to the state holidays at the beginning of September, the official starting date of the legal interns in the basic courts was September 13<sup>th</sup>. In Basic Court Kumanovo, although the registration was finished in June, around 2,000 new unregistered cases appeared. Registration of these cases is a priority so the interns will return to their regular work with the enforcement judges after the registration of cases is completed.

In October, the Project plans to organize a coordination meeting for all enforcement judges and legal interns from the five courts it supports to discuss the issue of transferring knowledge to other court volunteers. It is envisioned that the legal interns will transfer their experience to the court volunteers who will take over this task after the end of the Project, on January 31<sup>st</sup>, 2011 and until the cases are transferred to enforcement agents, on July 1<sup>st</sup>, 2011.

In early July 2010, the Project received a request through USAID to meet with representatives of the SEAD Program in Kosovo. On July 27, 2010, Joseph Traficanti, Nevenka Ivanovska, and Keti Bushinoska met with Peter Kahn, Senior Legal Advisor and Teki Shehu, Legal Advisor from SEAD, Kosovo and shared the experience in setting a new

legal framework and working with courts, private enforcement agents, and the Ministry of Justice to implement the Law on Enforcement.

## **1.2 LAW ON CIVIL PROCEDURE**

The amendments to the Law on Civil Procedure (LCP) were adopted by the Parliament with 2/3 majority of votes after its second reading, on the session held on August 24<sup>th</sup>.

In August, Nevenka Ivanovska met with the Director of the Academy for Judges and Public Prosecutors (JA), Judge Aneta Arnaudovska in order to discuss the possibility of coordinating joint efforts to train judges on the new changes to the LCP. Following this meeting, on August 13<sup>th</sup>, JRIP sent a draft training plan to the JA. On August 24<sup>th</sup> JA sent its positive feedback on the proposed training plan and posted the full schedule of LCP trainings on its web site. The plan includes nine two-day training sessions for a total of 325 civil judges from all basic courts, appellate courts and the Supreme Court of the Republic of Macedonia. These sessions will be organized in appellate regions, from October 29<sup>th</sup> to December 24<sup>th</sup>, and are envisioned to provide follow-up to the trainings on the LCP that the Macedonia Court Modernization Project organized during 2005 for all civil judges. The Project and the JA will organize a joint meeting with all trainers in early October, before the trainings commence, in order to plan the training details and develop the curriculum.

One of the crucial novelties in the LCP is the introduction of electronic recording of court hearings. This audio recording will enable the court and parties to have precise information on everything that happens during court hearings and allow the judge to make a decision based on an accurate record of the proceedings. The audio record shall become an integral part of the case file. As the amendments to the LCP were enacted by the Parliament, JRIP started the procurement procedure to purchase sixty units of electronic court recording equipment for one third of courtrooms in the country.

## **1.3 LAW ON CASE MANAGEMENT**

On August 25<sup>th</sup>, JRIP met with Dimitar Georgievski, chair of the legislative drafting group for the Law on Case Management (LCM), to discuss the progress of the LCM and future steps that need to be taken for finalizing this law and presenting it to the Government. It was agreed that in early September JRIP and the Ministry of Justice (MOJ) will hold working meetings with Supreme Court justices and judges from the Administrative Court to finalize the chapters regarding processing cases in these two courts.

JRIP proposed in the new draft of the LCM that a separate judicial support team oversees the court operations regarding case management and backlog reduction, provides technical assistance to president judges and court administrators, advocate for needed resources (temporary or permanent), and makes recommendations for judicial and non-judicial assistance from other courts. Mr. Georgievski was open to this idea recognizing the importance that this support team could have in the overall functioning of the judiciary. Mr. Georgievski suggested this group should be institutionalized within the Supreme Court.

On August 31<sup>st</sup> JRIP participated in the meeting of the legislative drafting group called to finalize the draft LCM. The meeting was held at the MOJ premises and chaired by the MOJ Secretary. The meeting was. Due to the late notice about the meeting only one judge and several employees of the MOJ attended. The State Secretary presented a number of remarks on the draft with evidently a different concept for the content of the law. During the meeting, the group made several changes in the draft according to these remarks, while the Project provided technical advice to support them, as well as background information about

the previous meetings. It was concluded that given the short time, the MOJ will finalize the text of the law and will submit it to the Government for review in September.

#### **1.4 LAW ON COURTS, LAW ON COURT SERVICES, AND LAW ON JUDICIAL COUNCIL**

On July 21<sup>st</sup>, the MOJ organized a public discussion at the Supreme Court on the draft laws related to the judiciary. The goal was to obtain feedback on these laws from president judges of all courts in Macedonia. However, since the event was organized in the middle of the court recess the attendance was not extensive and not all president judges were present.

The Minister of Justice opened the discussion by giving a summary of the proposed amendments to the Law on Courts, Law on Judicial Council of the Republic of Macedonia, Law on Court Services, Law on Court Budget and Law on Administrative Disputes. Judges expressed concerns regarding the proposed changes in the Law on Courts related to the definition of “incompetent and unconscientiously performance of judicial function” as criteria for dismissal. The proposed solutions for conducting the disciplinary procedure laid out in the draft Law on Judicial Council were unacceptable to the participating judges. Prior to the public discussion, the Judges Association of the Republic of Macedonia sent a written opinion to the MOJ including suggestions on how to improve the drafts of the Law on Courts and Law on Judicial Council. The proposed amendments to the Law on Court Budget and Law on Court Services were accepted as positive changes that will contribute to better and effective implementation of these laws.

The first reading of these laws is scheduled for the 121th session of the Parliament that will begin on October 4<sup>th</sup>, 2010, including fifty agenda items.

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

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

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

During this quarter, the Project continued to support the Judicial Council (JC) developing its institutional capacities.

From September 29<sup>th</sup> to October 1<sup>st</sup>, JRIP provided basic training in Public and Media Relations for the Council. For more information, please see the Improvement of Public Access, Services and Information section of this report.

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

JRIP continues to provide daily support to the work of the Court Budget Council (CBC) and the Administrative Office (AO) in an effort to assure greater judicial branch independence and autonomy. In the past quarter, progress was made in all areas of cooperation:

#### ***Drafting the proposal on the changes to the Law on Court Budget***

The Project provided support to the CBC's working group to prepare changes and amendments to the Law on Court Budget. These were based on the recommendations and conclusions from the Budget and Finance Study and the Study for Determining a GDP Percentage for Funding of the Judiciary, both supported by JRIP.

To support this activity, upon request of the AO, JRIP engaged the international budget and financing expert Deborah Botch to provide an expert opinion on the issue of authority for filling new and vacant positions within the judiciary. Currently, the filling of open positions is perceived as a responsibility of the executive branch since it provides approval for all employments in the judiciary. This compromises the independence of the judicial branch. Ms. Botch's recommendations concluded that the judiciary must decide independently on the employments in the judicial branch, which is a widely accepted practice in the USA and around Europe. On August 23<sup>rd</sup>, Ms. Botch's recommendations were sent to the CBC for their further use in advocating for this issue.

Most of the draft amendments to the Law on Court Budget prepared by the CBC (16 changes/ amendments/ additions in 17 articles) were incorporated in the proposal presented to the Parliament by the Government of the Republic of Macedonia. The text includes a provision for fixing the funding of the judiciary at 0.8 percent of the GDP, which will be reached by an incremental increase to the current percentage (0.43 percent) of 0.1% percent each year starting on January 1<sup>st</sup>, 2012. The working group and the AO consider this a reasonable solution for several reasons: 1) The executive power has already developed the 2011 budget circular; 2) The CBC and the individual budget users will need time in order to effectively execute the increased budget; and 3) The budget of the Republic of Macedonia currently does not have the available funds to support this provision.

Additionally, the proposed changes in the law include provisions that will safeguard the assigned amount in a situation of a rebalance of the national budget, which usually results in revisions to the budget for the judiciary. Also, the proposed text envisions the increase of funds assigned for education; 2.5 percent of the total budget of the judiciary will have to be allocated for professional training of judges, court administration, civil servants, court police, and other employees in the courts. The Project expects this will ensure implementation of the Court Administration Training Program developed with its support.

Fixing the funding of the judiciary at 0.8 percent of the GDP as of 2015 will insure stable, adequate and sufficient funding of the judiciary as an independent branch of government.

*Budget request preparation, analysis and adoption*

The Project continued to support the implementation of the recommendations of the Macedonia Judiciary Budget and Finance Study, related to budget request preparation, analysis, and adoption.

On July 22<sup>nd</sup> and 23<sup>rd</sup>, the Project organized a two-day workshop on preparing budget request guidelines and formats. The working group developed the draft instructions and determined the criteria for developing the 2011 budget request.

On July 27<sup>th</sup> and 28<sup>th</sup>, JRIP organized a workshop to help the judiciary better plan its needs related to Information and Communication Technologies (ICT). During the workshop, the criteria for determining the real ICT needs of the judicial branch were defined and the 2011 ICT expenditures drafted.

To help the AO/CBC finalize the budget preparation guidelines and formats and use statistical methods for determining budget figures, the Project will engage an international court budget expert and organize working sessions for the CBC advisory groups.

*Judicial branch budget execution and financial management*

In order to achieve a higher level of accountability, the CBC determined necessary to implement appropriate internal control mechanisms. In line with the second group of recommendations of the Budget and Finance Study, related to budget execution and financial management, it was decided that JRIP will support the CBC to revise the existing Internal Act of Control for execution of court budget. The Project will engage a team of local internal control experts and organize a workshop for finalizing and approving the document.

**Functional Court Administration Association (CAA)**

In the past quarter, JRIP supported the following activities of the Court Administration Association (CAA):

*Proposing changes and amendments to the Law on Court Services*

During the implementation of the current Law on Court Services, several areas were identified where improvements are needed for more efficient and effective court services. JRIP supported the CAA in preparing a unified proposal for changes in this law that was submitted to the MOJ working group working on the amendments. The working group accepted most of the CAA's recommendations (10 changes/ amendments/ additions to 39 articles) and incorporated them in the Law on Court Service. The law is currently in parliamentary procedure.

These changes are expected to:

- Ease the hiring process
- Improve the work of the Court Service Council and open this body to the users
- Introduce opportunity for career development of current skillful employees by announcing internal vacancies
- Overcome the existing gaps within the disciplinary procedure
- Overcome eventual discrepancies between existing laws
- Define the position of the CAA as a key partner in the judiciary

### *Code of ethics for court service*

On July 12<sup>th</sup> and 13<sup>th</sup>, JRIP supported the CAA to organize a workshop for drafting the Code of Ethics for employees in the Macedonia court service. Suzana Varnaliev, Ilija Nikolovski, and Maja Babanovska from the Court Services Council also participated in the workshop and complemented the work of the CAA Working Group responsible for drafting this Code. On July 13<sup>th</sup>, the group finalized the Code and it was sent to all CAA members for their feedback. For further details of this activity please see the Court Service Council section.

### *Communications Strategy*

In July, JRIP's Communications Coordinator Jelena Janevska helped finalize the narrative of the CAA communications strategy. The development of this document, which is based on CAA's strategic objectives, sets up the Association's communication objectives, target groups, messages for each target group, tools and techniques to be used, and expected results. It also outlines the responsibilities for the implementation of the strategy, as well as monitoring and evaluation mechanisms. The document will support the CAA in planning and implementing their communication activities.

### *Building CAA's capacities*

In July, the Project met with the CAA to discuss the conclusions and recommendations of their organizational needs assessment. The CAA capacity building priorities were identified and JRIP determined the key organizational and administrative issues required for the implementation of the trainings in the next four months. The trainings will be in the areas of project cycle management, advocacy and establishing efficient partnerships and cooperation with institutions, and public and media relations. It is expected that they will contribute for improving the institutional and organizational capacity of the CAA.

On September 22<sup>nd</sup>-24<sup>th</sup>, the Project organized training on Project Cycle Management for thirteen members of CAA. The group gained knowledge, skills and abilities in the area of planning and managing projects, programs and organizations. Through practical exercises, the group developed the key elements of three different projects that will be finalized at the two mentoring sessions scheduled for October 5<sup>th</sup> and 12<sup>th</sup>. The training and the mentoring sessions are expected to develop CAA's capacities, generate sound project ideas and help CAA assure additional funds for their future work.

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

In the reporting quarter, JRIP supported the Court Services Council (CSC) by implementing the following activities:

#### *Developing CSC capacities*

In July, the Project met with the CSC and presented the conclusions and recommendations of the organizational needs assessment conducted for this body. The assessment report was shared with all members of the CSC and the capacity building priorities were identified. In the upcoming months, JRIP will provide capacity building in the areas of effective and efficient service provision, building an effective organizational structure, and increasing the internal communication and coordination. It is expected that these trainings will contribute to improving the institutional and organizational capacity of the CSC.

#### *Code of Ethics for Court Service*

JRIP also partners with the CSC for developing a Code of Ethics for the Employees of the Court Service, in close cooperation with the Court Administration Association (CAA).

On July 19<sup>th</sup>, the draft Code of Ethics for Court Service was officially presented to the CSC. On September 15<sup>th</sup>, the Code was reviewed and adopted by the Council's members. The

employees of the court service will be obliged to act in accordance with this Code. All violations to its provisions will be subject to disciplinary procedure before the Council. The Code will be officially published in the Official Gazette by the CSC. JRIP will support the printing of the Code for all court employees.

***Judicial Academy (JA) - Efficient and effective court administration employees***

On June 21<sup>st</sup>, JRIP provided the final draft of the Court Services Training Program to the JA. In July the JA Program Council and Management Board adopted the Program with minimum changes related to the title and the module for court police. As of September JA started the implementation of the training modules among the court administration employees.

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

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

During this quarter, JRIP continued to provide mentoring and support to the Public Information Officers (PIOs) as a mechanism for fostering more open and transparent courts.

The Project developed the draft publication “Public Relations Tools for Promoting the Work of the Courts”. This publication provides arguments on the importance of a continuous, proactive approach for opening the courts to the public, as well as practical tips and hints on each of the tools available. The publication covers: interviews, press conferences, briefings, organizing special events, press-releases, internal communication, publications, etc. The publication is currently being formatted and designed and will be printed and distributed in October.

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

During the reporting period, the Project supported the Judicial Council (JC) to develop its capacities in the area of openness and transparency.

From September 29<sup>th</sup> to October 1<sup>st</sup>, JRIP provided basic training in Public and Media Relations for the Deputy President of the Judicial Council, two members of the Council, and three state advisors. This training aimed to provide the skills and motivation that this institution requires to become more open and transparent to the public.

The training was delivered by Jelena Janevska, Project’s Communications Coordinator and Svetlana Milenkova, local consultant.

During the training, the participants gain knowledge on how to present their work to the public, how to communicate with the media, and how to work on improving the image of the Judicial Council. Specifically, the training topics included:

- Current coverage of the work of the judiciary in the media
- Public relations-elements and importance
- Communication skills
- Presentation skills
- Tools for communication with the media
- Press-release
- Interview
- Organizing a press-conference
- Public relations strategy

The training was highly interactive and provided full participation of all employees of the Judicial Council. It provided practical skills and knowledge that can be immediately used in

their everyday work. Participants wrote press-releases, were interviewed and recorded, and received feedback on their performance from the group and the trainers.

Participants expressed a high level of satisfaction with the training. On a scale from 1 (the lowest) to 5 (the highest), all aspects of the training were graded with 5.00. In their evaluations, participants said:

- “I am satisfied with the knowledge gained and I think it will be useful in my future career”
- “Good presentation by the trainers. They train in an easy and understandable way, which makes it possible for me to realize certain negative aspects of my behavior”
- “The training was perfectly organized. It would be very useful if all employees of the Judicial Council attend this training”
- “Excellent. Considering the fact that we are active for ten and more working hours, the lectures are excellent”

All participants expressed readiness to work together on improving the image of the Judicial Council by practicing the knowledge and skills they gained from the training. The Project will continue to provide support and mentoring the JC’s endeavors.

On September 24<sup>th</sup>, upon invitation of the Judicial Academy, JRIP’s Communications Coordinator provided training in Communication Skills for 58 newly appointed judges and public prosecutors, as part of their general orientation training.

### ***AO Newsletter***

In September 2010, JRIP supported the fourth issue of the bi-annual AO Newsletter, which starting from this issue was transformed into a Newsletter of the Court Budget Council (CBC).

For this issue, the employees of the AO prepared most of the articles, while JRIP’s Communication Coordinator reviewed and proofread them, prepared the introductory article and did the technical preparation and design of the Newsletter. This Newsletter in twelve pages covered the following topics:

- Changes to the Law on Court Budget
- Budget planning for 2011
- Cost per case study
- Strategic plan for capital investments
- Upcoming employments in the judiciary
- Centralized purchase of telephone and Internet services
- Implementation of the rights of judges
- Payments for sick leave and other leaves
- Timely payments for violation of the right for adjudicating in a reasonable time
- New organization of the AO
- Report of the work of the Judicial Academy

350 copies of the AO Newsletter were distributed to all courts, media, and other international agencies that support the judiciary. JRIP funded the printing and distribution of the Newsletter.

## **2.3 COURT COMPUTERIZATION**

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

#### ***ACCMIS usage in courts***

During this quarter, all courts continued using ACCMIS in their daily operations. The level of usage varied from court to court depending primarily on court leadership, willingness, and the courts' capacity to utilize and take advantage of the computer automation. Throughout this quarter, JRIP continued assisting courts in introducing improved ACCMIS organization and work procedures. Due to summer vacation season, until September, the level of activity was at its minimum. In this period ACCMIS was mostly used by the registry clerks for registering the newly received cases. In July and August, the courts are usually not conducting hearings so JRIP encouraged and assisted typists and judges' assistants to use that opportunity for checking, synchronizing, and bringing up-to-date the courts' electronic records in ACCMIS.

In July, the Project visited basic courts Tetovo, Gostivar, Bitola, Prilep, Kumanovo and Skopje. JRIP provided reports and analysis of the pending cases for each judge in the court and discussed these with the court leadership, pointing out the discrepancies between the real figures and electronic ones. The next steps that courts should undertake to further improve ACCMIS usage were agreed upon. From this group of courts, basic courts Prilep, Bitola, and Skopje 2 showed the greatest progress; Tetovo and Kumanovo showed modest progress; Gostivar and Skopje 1 showed the least progress in ACCMIS usage. Therefore, JRIP put forth additional efforts to help the latter two courts

In July, in Basic Court Skopje 1, JRIP conducted another series of weekly meetings with judges, registry clerks, typists, and judge assistants. The court administrator prepared the lists with dates, times and participants, and the president judge signed an order for attendance. Unfortunately, similar to the June sessions, the lowest attendance was from judges (around 15 percent) versus judge assistants (30 percent) and clerks and typists (50 percent). This again showed the reluctance of this court towards computerization not only by the court leadership but also among judges and their assistants. To help overcome this situation, JRIP offered to provide two to four short-term specialists to work with the courts to increase ACCMIS usage. This assistance in Skopje 1 was scheduled to start in September assuming that in meantime the court will purge and consolidate its electronic list of pending cases. Unfortunately, by the end of September, although backed and assisted by the ACCMIS vendor EduSoft, the court did not succeed in consolidating its electronic list of pending cases. Consequentially, the four short-term specialists' assistance to Skopje 1 was rescheduled to start in October.

As for the additional help for Basic Court Gostivar, in September JRIP visited the court and met with the court management. For that meeting, JRIP prepared reports with figures for court's workload and cases per judge, analyzing the progress and obstacles. A meeting was called with the most reluctant judges, where JRIP provided a live demonstration of case processing steps, emphasizing the legal grounds and obligations for judges to use ACCMIS emphasizing the benefits of using ACCMIS, and advocating for its regular use by the judges.

During this quarter, JRIP continued to actively assist the biggest Macedonian basic court, Skopje 2, in introducing improved ACCMIS organization and work procedures and best practices. In August and September, the scope of this assistance was shifted from the Registry Department office to groups of minutes-takers/typists and judges' assistants. JRIP hired four short-term contractors who assisted in checking and synchronizing the electronic data entered in ACCMIS. Users were also shown advanced ACCMIS techniques for checking and balancing the figures for various reports as well as for identifying and correcting inconsistencies in reporting numbers. During August, JRIP contractors also assisted in more advanced usage of predefined templates for minutes, summons, decisions, and verdicts. In September, the focus of this assistance will be moved towards judges of this court.

In September, JRIP continued with its regular field visits to courts. The Project visited appellate courts Skopje, Stip, and Gostivar and the basic courts Kriva Palanka, Kratovo, Kumanovo, Sveti Nikole, Stip, Tetovo, Kicevo, Gostivar, Negotino, and Gevgelija. The greatest usage of ACCMIS was noticed in Appellate Court Stip, then in Appellate Court Skopje; satisfactory usage was noticed in basic courts Tetovo, Stip, Kratovo and Kumanovo; modest usage with constant progress was shown in Sveti Nikole, Kicevo, Gostivar, Negotino and Gevgelija. A small decline in the level of keeping ACCMIS records up-to-date was noted in Basic Court Kriva Palanka due to the change of the court president, resulting in worsening interpersonal relations among employees. The usage of ACCMIS in the Appellate Court Gostivar suffered the most because their new server was down throughout September and the vendor failed to promptly replace it.

In July and September, JRIP participated in the meetings of the Supreme Court working group in charge of the standardization and improvement of ACCMIS usage in courts. The suggestions and requests received from court users for improvement of ACCMIS software were reviewed. The group's subcommittees also held several meetings dedicated to standardization and unification of the monthly reports which courts are submitting to the MOJ, the Supreme Court, and the Judicial Council.

In this quarter, JRIP supported ACCMIS usage in courts through modest equipment donations. In July and August, JRIP donated eight 48-port switches for improving the LAN condition in appellate courts of Stip and Skopje as well in basic courts in Stip and Strumica. In September, JRIP also decided to positively respond to some of the requests for computers received from several courts. JRIP will provide 86 additional computers for five courts: Appellate Court Skopje and basic courts Bitola, Prilep, Tetovo, and Kumanovo. The tender procedure was initiated in September and is expected to end at the beginning of October. JRIP plans to deliver the computers by mid November 2010.

### ***Sustainability of ACCMIS***

Issues surrounding the new courts' servers that were purchased through a World Bank loan threaten the sustainability of ACCMIS. In July, the MOJ contractor NeoCom continued with installation of the new servers. This activity is far behind schedule (the deadline was the end of May) and there are serious concerns about the quality of the work. According to the contract between the MOJ and the vendor, the new servers were supposed to have a three-year antivirus protection program preinstalled and licensed Microsoft Windows 2008 operating system and databases. Also it should have included licenses for 1,300 users and technical support for the next three years. Instead, the servers are without any antivirus protection and have inadequate operating system and databases.

Although the purchase of the new servers is not within JRIP's mandate, it significantly impacts ACCMIS implementation. The Project initiated talks with the World Bank, directors of the ICT Centers of the MOJ, and the Supreme Court to overcome this situation. The Project convinced the MOJ, the Supreme Court, and NeoCom to establish a committee that will oversee the installation of new servers. The committee meets every week to review the written field progress reports. The World Bank agreed to condition the final payment to the vendor on the full and correct completion of the job, confirmed in writing by relevant court representatives. The vendor agreed to complete the job in July by installing antivirus server protections, a legal operating system, databases, and user licenses as prerequisites for migration of Active Directory with Domain Controller structure as well as migration of ACCMIS application and databases to the new servers. By the time this report was prepared, this task had been partially completed.

The absence of quality control of deliverables and supervision of the agreement between the MOJ and World Bank allowed the awarded vendor to fall far behind the schedule. Therefore, after pointing this issue out during several joint meetings JRIP, at the beginning of September, sent an official letter to the Chief Justice and the Minister of Justice requesting a meeting dedicated to the progress of implementation of new servers.

During the reporting period, the current design and implementation of the Domain Controller System through the Active Directory became a considerable threat to ACCMIS' long-term sustainability. The outdated design and organizational structure of the Active Directory hierarchy does not match nor suits the current environment and needs in the field. The work group of court IT experts, initiated in July by JRIP, concluded that a complete new structural design that suits and enables the optimal technical performance of existing equipment and gives more autonomy and accountability to the courts in IT management is urgently needed. This issue was included in JRIP's suggestions for the 2011 Court Budget at an estimated price of 50,000 EUR. At the end of August, the Supreme Court's IT representative asked JRIP to fund this cost. JRIP did not make any commitment but will explore this possibility considering available Project funds in the approaching close out period.

To help the judiciary better plan its ICT needs, JRIP organized a workshop for drafting courts' budget proposals in the ICT area. At the workshop facilitated by JRIP, the IT experts from the Supreme Court, the AO and CBC defined the criteria for determining the real IT needs of the judicial branch and drafted the 2011 ICT expenditures based on the findings from the field, current ICT inventory, and reported requests from courts.

One of the conclusions of the group was that courts need to refurbish and reconstruct their computer Local Area Networks (LANs). Part of it (primarily switches) will be provided through a 350,000 EUR loan from the World Bank by the end of 2010. Courts reported the additional need for 175 LAN connections, which the 2011 court budget will not be able to provide. Also they pointed out the issue of a new Domain and Active Directory, described above.

Another conclusion on this ICT budget preparatory meeting was that there are approximately 800 underperforming computers in the courts, which are not suitable for effective usage. It is estimated that 394 should be urgently replaced, costing approximately 140,000 EUR. Currently 162 network and 1,162 local printers are used in courts and their efficiency could be improved by better management and maintenance. A larger issue is the cost for paper and toners for the existing printers, estimated at 370,000 EUR annually. It was concluded that this cost has to be rationalized as all the calculations show that it does not correspond with the real volume of printed materials.

Unofficially, the AO/CBC representative has informed JRIP that, due to the economic crises, no budget will be allocated for purchasing new computers, printers or other ICT equipment for 2011. The limited budget will be spent on LAN reconstructions. The amount to be allocated will be known after each court submits estimates for the number of new lines, cabling distances, material and labor costs.

In conclusion, this quarter's visits, interaction with courts, and ACCMIS reports, brought to light the absence of external and internal control mechanisms. As a result of this, users in courts are not executing given tasks and responsibilities accurately and in a timely manner. For the time being, JRIP is the only entity that actively and continuously monitors courts in ACCMIS usage. The absence of continuous supervision and regular periodical inspections is becoming the biggest threat to ACCMIS long-term sustainability in courts. The fear is that

once the Project ends, the usage of ACCMIS will slowly start to disintegrate if the state does not implement any regular controlling mechanisms.

### ***Electronic Court Recording Study***

During the reporting period, the Project completed its work with the vendor, SAGA, on the digital court recording feasibility study. This study provided technical specifications for the implementation of electronic court recording in selected courts. SAGA experts visited all courts and provided detailed information for technical and other specifications in each court. In June, the vendor's report was shared with the MOJ Court Recording Committee. By September in cooperation with Ministry of Justice and courts, JRIP identified sixty courtrooms where the audio recording systems will be installed.

Since the adopted changes to the Law on Civil Procedure set the legal bases for electronic court recording, at the end of September JRIP started the tender procedure. It is expected that the vendor will be selected by the end of October 2010.

## **3. ADMINISTRATIVE TASKS**

### ***JRIP Communications***

In the reporting period, JRIP's website was updated with six new articles on Project activities and achievements, both in English and Macedonian language.

In August, an article about JRIP's support for improving the financial independence of the judiciary was submitted to USAID Washington Administrator's Weekly. It was also posted on USAID website.

### ***Other Matters***

Sam Juncker's assignment as a Chief of Party (COP) for the Project ended on July 15<sup>th</sup>, 2010. As part of the approved transition plan, during the period July 20<sup>th</sup> through September 1<sup>st</sup>, 2010, Judge Joseph Traficanti served as acting COP. As of September 1<sup>st</sup>, COP responsibilities were transferred to senior local staff member Nevenka Ivanovska.

**4. SUMMARY OF PLANNED ACTIVITIES FOR NEXT QUARTER:  
JULY THROUGH SEPTEMBER 2010**

DATES	# OF DAYS	COURSE / ACTIVITY	DIRECTED TO	LOCATION	RESOURCES
<b>COMPONENT A: IMPLEMENTATION OF NEW REFORMS</b>					
Task 1: Assistance in implementation of <b>Law on Courts</b>					
October	1	Presentation of the Final report with recommendations of the Assessment of labor cases, in trial courts Skopje 2 and Bitola	Basic Courts	Skopje	Ivanovska, Bushinoska, MOJ representatives
Task 2: Assistance in implementation of <b>Law on Enforcement</b>					
October-December	Ongoing	15 legal interns assist the courts in processing of old enforcement cases, and with electronic entry of the enforcement cases so that courts are able to make a complete inventory of each pending case when the transfer of cases occurs	Basic Courts	Skopje 2, Tetovo, Kumanovo, Gostivar and Prilep	Ivanovska, Bushinoska, 15 legal interns
October	1/2 day	Coordination meeting with all enforcement judges and legal interns from the five courts supported by JRIP	Basic Courts	Basic Court Skopje 2	Ivanovska, Bushinoska
November		Printing Law on Enforcement in book format	Chamber of Enforcement Agents, Courts		Ivanovska, Bushinoska Nikolova
Task 3: Assistance in implementation of the <b>Law on Civil Procedure</b>					
October-December	Ongoing	9 two-day trainings for all civil judges from the Basic Courts, Appellate Courts and the Supreme Court of RM	Courts	Strumica, Ohrid	Ivanovska, Bushinoska JRIP staff
November		Printing Law on Civil Procedure in book format	Courts		Ivanovska, Bushinoska Nikolova

DATES	# OF DAYS	COURSE / ACTIVITY	DIRECTED TO	LOCATION	RESOURCES
<b>COMPONENT B: IMPROVEMENT IN COURT PRACTICES AND MATERIAL RESOURCES</b>					
Task 1: Improved Court Administration Practices					
October-December	Ongoing	Engage in regular coordination meetings with the Court Services Council	Court Services Council	Court Services Council	Stojanova-Ribaroski
October	Ongoing	Design and print the Code of ethics for the employees of court service	Court Services Council	Court Services Council	Stojanova-Ribaroski
October 14-16	6 days	Organize and support Provision of effective and efficient services of CSC to its clients training and mentoring sessions	Court Services Council	Hotel Manastir, Berovo	Stojanova-Ribaroski

DATES	# OF DAYS	COURSE / ACTIVITY	DIRECTED TO	LOCATION	RESOURCES
<b>COMPONENT B: IMPROVEMENT IN COURT PRACTICES AND MATERIAL RESOURCES</b>					
October-December	4 days	Organize and support building an effective organizational structure of CSC training	Court Services Council	Hotel Romantic, Veles	Stojanova-Ribaroski
November 18-20	4 days	Organize and support Increased level of internal communication and coordination of CSC training	Court Services Council	Hotel Manastir, Berovo	Stojanova-Ribaroski
October-December	Ongoing	Engage in regular coordination meetings with the Court Administration Association	Court Administration Association	Court Administration Association	Stojanova-Ribaroski
November 9-11	4 days	Organize and support the training of CAA on Advocacy and establishing efficient partnerships and cooperation with institutions	Court Administration Association	Hotel Sirius, Strumica	Stojanova-Ribaroski
December 2-4	4 days	Organize and support the training of CAA on Public and media relations	Court Administration Association	Hotel Sirius, Strumica	Stojanova-Ribaroski
October-December	Ongoing	Work with the appellate and basic courts to enhance the case flow and backlog reduction programs begun with MCMP and replicate throughout the appellate court area and nationwide	Basic and Appellate Courts in Macedonia	All Basic and Appellate Courts	Stojanova-Ribaroski
October-December	Ongoing	Follow up on the implementation of the JTA Program for court administration training	JTA	JTA	Stojanova-Ribaroski
<b>Task 2: Court financing</b>					
October-November	5 days	Support the work of the engaged court budget expert on developing the budget preparation guidelines and formats	CBC and its AO	JRIP	Stojanova-Ribaroski
October – November	12 days	Engaging and support to the team of local Court System Internal Controls Experts	CBC and its AO	JRIP	JRIP team
<b>Task 3: Court Computerization</b>					
October - December	Ongoing	Monthly meetings of the Supreme Court Committee in charge for standardization and improvement of ACCMIS usage	Supreme Court IT, and all courts	Supreme Court	Tagasovski, JRIP team
October - December	Ongoing	Perform quality assurance court field visits and monitor progress in usage of ACCMIS	Courts	JRIP premises, EduSoft, all courts	Tagasovski, JRIP team and EduSoft experts
October - December	Ongoing	Organizing and Coordinating the four IT contractors in basic courts Skopje-1 and Skopje-2	Courts Sk-1 and Sk-2	Courts, EduSoft	Tagasovski, EduSoft experts
October - December	Ongoing	Monitoring and evaluating implementation of the new servers in courts	MOJ, World Bank, Supreme Court,	JRIP offices, all courts, MOJ, Supreme Court	Tagasovski, JRIP team and MOJ and SC IT experts
October - December	Ongoing	Evaluate bids, award and oversee fulfillment of contract for computers for selected courts	JRIP, selected courts,	JRIP offices,	Tagasovski, JRIP

DATES	# OF DAYS	COURSE / ACTIVITY	DIRECTED TO	LOCATION	RESOURCES
<b>COMPONENT B: IMPROVEMENT IN COURT PRACTICES AND MATERIAL RESOURCES</b>					
Task 4: Communications					
October-November	3	Training in Public and Media Relations for all new president judges	Courts	TBD	Janevska, MIM, JRIP staff
October-December	Ongoing	Follow-up on the PIO Study-tour	Courts	Macedonia	Janevska
November	3	Workshop on legislation analysis in court openness and transparency	Courts, MOJ	TBD	Janevska, JRIP staff
October	Ongoing	Publishing and distribution of brochure in Public and Media Relation Tools for promoting the work of the courts	Courts	JRIP offices	Janevska
November	1	Annual award for the best PIO	Courts, public	Skopje	Janevska
December	Ongoing	Development and printing of Issue 5 of CBC Newsletter	Courts, donors, media	JRIP offices, AO/CBC	Janevska, AO
October-December	Ongoing	Support to PIOs in preparing press-releases, developing promotional materials, support to their initiatives, etc.	Courts	JRIP offices, courts	Janevska
October-December	Ongoing	JRIP's communication issues (preparing promotional materials, articles, reports, website update, press-clipping, etc.)	JRIP	JRIP offices	Janevska

## 5. PROBLEMS AND REMEDIAL ACTIONS

During the reporting quarter, the functioning of the Automated Court Case Management and Information System was interrupted in a number of courts on daily basis due to delays in the delivery of the new servers. The absence of quality of control of deliverables and supervision on the fulfillment of the signed agreement between MoJ and World Bank, allowed the awarded vendor to fall four months behind schedule for the installation of the newly acquired servers for the courts. Consequentially, during this reporting period, the current design and implementation of the Domain Controller System through the Active Directory software tool became a considerable threat to ACCMIS' long-term sustainability. In September, after several initiatives on joined meetings with Supreme Court representatives and awarded vendor/implementer, which resulted in no significant progress, JRIP sent an official letter to the Chief Justice and the Minister of Justice requesting a meeting dedicated to follow-up the status and progress of implementation of new servers.