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USAID/MACEDONIA JUDICIAL REFORM IMPLEMENTATION PROJECT

FINAL REPORT: SEPTEMBER 2007 – JUNE 2011

June 2011

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USAID/MACEDONIA

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TABLE OF CONTENTS

	PAGE
1. BACKGROUND	1
1.1 Project Background	1
<i>1.1.1 Project Organization</i>	1
1.2 Country and Sector Background	2
<i>1.2.1 Country Background</i>	2
<i>1.2.2 Sector Background</i>	3
2. MISSION STRATEGIC OBJECTIVES	4
3. TASK ORDER OBJECTIVES	5
4. DESCRIPTION OF WORK PERFORMED	6
4.1 Component A: Implementation of New Reforms	6
4.1.1 Law on Enforcement	6
Strengthening the Legal Framework	6
Filtering and Purging Enforcement Cases	7
Capacity Building of the Chamber of Enforcement Agents and the MOJ Sector for Oversight of the Work of Enforcement Agents, Notaries, and Mediators	8
4.1.2 Law on Civil Procedure	10
4.1.3 Law on Case Management	11
4.1.4 Law on Courts	12
Analysis of the Need for Commercial Courts	12
Analysis of Labor Cases	13
Amendments to the Court Book of Rules	13
4.1.5 Law on Court Services	13
4.1.6 Law on Academy for Judges and Public Prosecutors	15
4.2 Component B: Improvement of Court Practices and Material Resources	15
4.2.1 Effective Case Delay and Backlog Reduction in Macedonian Courts	15
4.2.2 Improved Judicial Council Functions and Capacities	16
4.2.3 Strengthened Administrative Office of the Court Budget Council	18
4.2.4 Stable and Adequate Funding for the Judicial Branch	18
Drafting a Proposal on the Changes to the Law on Court Budget	20
Judicial Branch Budget Drafting	21
Judicial Branch Budget Execution and Financial Management	21

CBC Strategic Plan	22
4.2.5 Court Administration Association	22
4.2.6 Functional Court Service Council	24
4.2.7 Developed and Strengthened Academy for Training of Judges and Public Prosecutors	25
4.2.8 Improved Public Access, Service, and Information	27
Public User Satisfaction Survey (Q10)	27
Public Information Officers in the Courts	27
Capacity Building in Communications	29
Improved Judiciary Outreach	29
AO Newsletter and Website	30
Websites for the Courts and the Macedonian Judges Association	30
4.2.9 Automation of the Courts	30
Assessment of Court Information Technology and Training Needs	30
Standardization of Court Nomenclature	31
Development of Automated Court Case Management and Information System	31
Judicial Council Case Management Information System	36
4.2.10 Electronic Court Recording	36
5. RESULTS ACHIEVED	38
6. PROJECT VISIBILITY	39
7. LESSONS LEARNED	40
7.1. Adequate Allocation of Financial and Human Resources Is a Prerequisite For Effective Implementation of Laws	40
7.2. Judicial Independence Requires Financial Independence	40
7.3. Automation Efforts Require Intensive Support	41
8. RECOMMENDATIONS FOR FOLLOW-ON PROJECTS	41
8.1 Promote the Judiciary’s Involvement in the Legislative Process	41
8.2 Develop Competence of Judges and Court Personnel	42
8.3 Encourage Leadership Development	42
8.4 Strengthen the Capacity of Key New Bodies	42
8.5 Continue supporting the Court Administration Profession	43
8.6 Provide Continuing Capacity Building Assistance to the Administrative Office of the Court Budget Council	43
8.7 Deepen Case Management Reforms	43

8.8 Promote Judicial Public Outreach and Legal Empowerment	44
8.9 Develop the Quality of Legal Professionals	44
8.10 Give Increased Focus to Inter-Agency Cooperation and Communications	44
9. LIST OF APPENDICES	45

ABBREVIATIONS

ACCMIS	Automated Court Case Management and Information System
ABMS	Automated Budget Management System
AO	Administrative Office of the Court Budget Council
CAA	Court Administration Association
CBC	Court Budget Council
CSC	Court Service Council
DARS	Digital Audio Recording System
EU	European Union
GDP	Gross Domestic Product
ICIS	Integrated Court Information System
ICT	Information and communication technology
IT	Information technology
JC	Judicial Council
JCCMIS	Judicial Council Case Management Information System
JRIP	Judicial Reform Implementation Project
JTA	Judicial Training Academy
LAN	Local area network
MCMP	Macedonia Court Modernization Project
MJA	Macedonian Judges Association
MOJ	Ministry of Justice
NATO	North Atlantic Treaty Organization
NPPA	National Program for Approximation with the Acquis
PIO	Public Information Officer
UPOS	Union for Employees of the Justice System and Other Administrative Bodies
US	United States of America
USAID	United States Agency for International Development

1. BACKGROUND

1.1 PROJECT BACKGROUND

The United States Agency for International Development's (USAID) Judicial Reform Implementation Project (JRIP or the Project) was implemented from October 2007 through June 2011 as part of the US Government's effort to promote the rule of law and human rights in Macedonia. The Project supported consistent and transparent application of the law by independent, impartial, and efficient courts. The Project built on and furthered the successes of the previous USAID Macedonia Court Modernization Project. JRIP was implemented by the US company, Tetra Tech DPK.

The overall goals of the Project were to:

- Develop the judiciary into a stronger, more effective, and independent branch of government, capable of standing on an equal basis with other branches of government
- Increase citizen trust in, and respect for, the judicial system by strengthening the capacity of the judiciary to operate in a more transparent, effective, and accountable manner
- Improve functioning of the courts through the timely and effective implementation of structural changes in the judiciary mandated by recent reform legislation and through the introduction of modern court administration practices and procedures
- Strengthen the capacity of individuals and organizations within the judiciary to create and implement long-term changes in court organization, practices, and performance
- Ensure that the judicial system continues to evolve as an effective institution able to meet the needs of citizens for protection of their rights and the marketplace for prompt and fair adjudication of their disagreements

JRIP Results and Impact

Overall project impacts included the following:

- **Enforcement success rates** more than doubled and average enforcement times reduced from over 340 to 60 days
- **Backlog and delayed cases were reduced in approximately 64 percent** at the first instance level in the Bitola Appellate Court region.
- **Public perceptions of the courts improved** and on average 80 percent of court user survey respondents have a positive impression of the courts
- **Independent judicial budget established** and fixed at 0.8 percent of Gross Domestic Product (GDP)

The Project contributed to significant long-term advancements in the Macedonian judiciary. Its support resulted in improved judiciary-related laws, developed with the participation of judges and court administration personnel. The Project strengthened judicial training capacity and case management in the courts and promoted improved court management, including the establishment of professional court administrators.

JRIP promoted the financial independence of the judiciary and contributed to improving its financial and budget planning and management. The Project introduced an automated court case management and information system (ACCMIS) in all courts, automating case processing from filing to disposition. JRIP helped the Macedonian judiciary become more open and transparent to the public by helping establish public information officers in the courts.

1.1.1 Project Organization

The Chief of Party (COP) was responsible for the operational, fiscal, and technical oversight of the Project. The first COP, David Anderson, undertook start-up tasks and led the Project from September 24, 2007 to January 31, 2008, after which he resigned due to personal reasons. Sam Juncker, lead advisor for the Project component on Improvement of Court Practices and Material Resources, took over as the new JRIP COP on February 1, 2008. Mr. Juncker, an experienced

court administrator, served concomitantly as the Project's Senior Court Administration Advisor until July 15, 2010, the original Project end date. After the Project was issued an extension until January 31, 2011, retired Judge Joseph Traficanti served as Acting COP from July 16 to August 31, 2010 and supported the transition of COP responsibilities to local senior staff member Nevenka Ivanovska. Ms. Ivanovska occupied the COP position from September 1, 2010 through the end of the project on June 30, 2011 (USAID granted JRIP a cost extension to that date).

The Project was organized into two complementary components:

- **Component 1. Implementation of New Reforms.** The Implementation of New Reforms component provided expert legal advice and other assistance necessary to support the Macedonian Government's efforts to implement recently mandated changes in the structure and operation of the judiciary. This component also assisted the government in the formulation of further changes in the legal framework required to harmonize the country's legal system with European Union requirements. The Project's Senior Legal Framework and Reforms Manager and later COP, Nevenka Ivanovska, who has extensive experience in the rule of law field and is a veteran of judicial reform activities in Macedonia, led this component. Legal Assistant Keti Bushinoska supported her in this effort.
- **Component 2. Improvement of Court Practices and Material Resources.** The second component focused on implementing sustainable reforms in court administration and management of the judiciary, improving caseload processing and reducing backlogs, developing and implementing a case management system in the courts, and making the courts more open to the public. This component was overseen by Sam Juncker and managed by several local staff members. Gordana Stojanova-Ribaroski, Hanis Mehmedi, and Filip Janiceski coordinated activities related to court administration and management and case delay reduction. Efforts related to the automation of the judiciary were coordinated by Ljupco Tagasovski, Senior Information and Communication Technology (ICT) Manager, while Jelena Janevska, the Project's Communications Coordinator, led activities related to court openness and transparency and Project branding and promotion.

The COP and technical staff were supported by an Office and Finance Manager, Procurement Coordinator, Logistics Coordinator, and Interpreter. JRIP engaged a limited number of short-term international experts from the US and EU to support project activities. Macedonian experts were also utilized, providing a blend of national and international legal experiences and best practices.

1.2 COUNTRY AND SECTOR BACKGROUND

1.2.1 Country Background

Macedonia adopted its post-communist constitution in 1991. The constitution provides for the protection of fundamental human rights, such as freedom of speech, freedom of religion, freedom of peaceful assembly and association, as well as for an independent judiciary. As with other European legal systems, the courts in Macedonia follow the Continental civil law jurisprudential model.

By signing the Stabilization and Association Agreement with the European Union in 2001, Macedonia assumed obligations to harmonize national legislation with EU law and to reform the judicial system, specifically with regard to enhancing the judiciary's functioning and the position of the judicial power with respect to the two other branches of government.

The obligation to reform the judicial system arises from the principles, priorities, and requirements contained both within the European partnership of the Republic of Macedonia with the European Union and within the National Program for Adoption of the EU Acquis.

On February 13, 2004, the Macedonian Government ratified the “Declaration for Submission,” the request for membership of the Republic of Macedonia in the European Union. On December 17, 2005, the Republic of Macedonia became a candidate member for European Union at the Summit of Presidents of the EU countries. The Macedonian Government stated that it is prepared to make the legal and economic reforms necessary for EU membership.

On November 22, 2004, the Government enacted the National Strategy for Reform of the Justice System prepared by the Ministry of Justice. The National Strategy prescribes a series of measures and actions to be undertaken by the Government and Assembly of the Republic of Macedonia, as well as for the judiciary and the public prosecution, with the overall goal of creating a new Constitutional and legal framework to establish a functional, independent, and efficient justice system based on European legal standards. The Strategy addresses three key areas:

1. Strengthening the independence of the judiciary
2. Human resources and representation of the community in courts
3. Increasing court efficiency

To implement the Strategy, amendments to the Constitution were enacted in December 2005 that paved the way for core changes in the overall structure and functioning of judicial institutions as well as depoliticizing the manner in which judges and public prosecutors are selected, promoted, and dismissed. These Constitutional amendments redefined the structure and competence of the Judicial Council (JC) of the Republic of Macedonia by removing the responsibility for election and dismissal of judges from the Assembly of the Republic of Macedonia and giving this authority to the JC.

The Constitutional amendments also provided for the creation of a new Administrative Court with jurisdiction over the entire country and for specialization within the courts as a way to improve their overall efficiency. Additionally, the amendments allowed for some misdemeanors to be handled by administrative bodies in the first instance, subject to judicial review.

By the beginning of JRIP, in September 2007, most of the new laws, revisions of laws, and sub-regulations required by the amendments to the Constitution had been adopted, although a few remained under preparation.

1.2.2 Sector Background

In Macedonia, as in other new democracies, the processes and institutions necessary to uphold the rule of law are still evolving. Between 2004 and 2007, Macedonia engaged in an ambitious agenda to reform its judicial system. Considerable donor assistance was provided, particularly by USAID and the European Agency for Reconstruction, to support the Macedonian Government in realizing its Judicial Strategy and the preparation of the legislative and regulatory framework necessary to improve judicial efficiency and accountability.

With most of the key laws in place by 2007, the challenge for the Macedonian Government was to implement the laws and policy measures of the Judicial Strategy and to develop and/or enhance the capacity of key judicial sector institutions to implement the comprehensive Strategy and sustain it.

The timely and effective implementation of the Judicial Strategy became a priority for the Macedonian Government in respect to its commitments to the EU under its European Partnership Agreement and the draft National Program for Approximation with the Acquis (NPPA) of April 2007. In a donor coordination meeting, held on April 13, 2007, the Ministry of Justice (MOJ) laid out its priorities for the following years, which mainly focused on furthering various reforms that had already begun, including specialization within the judiciary, adoption of case management techniques, court reconstruction and rehabilitation, specialized training, a functional out-of-court enforcement system, improved handling of administrative disputes, rehabilitation and reconstruction of penitentiary institutions, and information technology development. New priorities for the MOJ included reform of criminal legislation and court statistics.

The need to focus on implementation of adopted reforms was corroborated by a World Bank 2005 Legal and Judicial Assessment that examined the intersection between the judicial system, implementing institutions, and the business environment. A key finding of the World Bank Assessment was that although Macedonia had performed well in terms of building a modern legal framework, implementation and institution building had been comparatively weak. The World Bank Assessment identified a number of areas where additional donor support was needed to build the institutions and capacity necessary to implement the Government's reform agenda and meet the EU's accession requirements.

As the success of the reform process depends on the ability of key judicial sector institutions to implement it, the strengthening of key Macedonian institutions was critical to ensuring the full implementation and sustainability of the reform process. The main institutions to be assisted by JRIP included the following:

- Ministry of Justice
- 27 trial level courts called basic courts
- Four regionally based appellate courts
- Supreme Court
- Judicial Council
- Chamber of Enforcement Agents
- Academy for Training Judges and Public Prosecutors
- Administrative Office of the Court Budget Council

The court system also faced a number of significant structural problems in terms of human and financial resources. The lack of skilled and knowledgeable court personnel was identified by all parties as a serious constraint to further development of the legal system and to the implementation of the reform program. Additional training was required to increase both the skills and substantive knowledge of legal professionals, including judges and court administrative staff. The lack of automation and the time-consuming methods and procedures to prepare court records hindered the efficiency of the courts. While changes in procedure had been enacted to address many of the inefficiencies, additional changes were still required and there was also a need to improve implementation of the newly adopted procedures. Additionally, the increased use of automation within the courts was deemed critical to effective management of, and transparency in the courts, and the success of the reform process.

2. MISSION STRATEGIC OBJECTIVES

The Judicial Reform Implementation Project was part of the US Government's efforts to promote *Rule of Law and Human Rights* in Macedonia and contributed to achieving the broader foreign assistance objective of "Governing Justly and Democratically." It supported USAID Macedonia's strategic goal of Transparent and Accountable Government. Consistent, predictable, and

transparent application of the law by impartial, efficient courts was considered critical to Macedonia's ability to fight corruption, ensure equitable treatment and respect for basic human rights for all citizens, and to attract foreign investment. In this respect, the Project also contributed to USAID's strategic objective of "Economic Growth" as an impartial, efficient judiciary is critical to creating the enabling environment required for private sector development and for foreign and domestic investment in the country. In addition, this Project supported the objective of "Peace and Security" as effective rule of law resolves conflicts, fosters social interaction in accord with legal norms and widely accepted social values, and enhances predictability, equitable treatment, and a respect for basic human rights. All of these foreign assistance objectives contribute to Macedonia's own strategic policy goals of obtaining membership in the North Atlantic Treaty Organization (NATO) and the European Union (EU).

The Project directly addressed US Government Foreign Assistance Program Element 2.1.3 Justice System, providing technical assistance, training and material support to the Macedonian judiciary. It also aimed to improve operations of institutions and actors (Program Sub-element 2.1.3.2), and the professionalism of justice system actors (Program Sub-element 2.1.3.1).

3. TASK ORDER OBJECTIVES

JRIP was designed to directly address US Government Foreign Assistance Program Element 2.1.3 (Justice System) by providing technical assistance, training, and material support to the Macedonian judiciary to support the implementation of new reforms and the improvement of court practices and material resources.

To support the implementation of new reforms, the Project undertook to achieve the following results:

1. Implement changes in the structure and operations of the judiciary mandated by recent changes in legislation, including the Law on Courts, the Law on Judicial Council, the Court Book of Procedures, and other Laws and sub-regulations
2. Formulate and implement further changes in the current framework of laws necessary to increase the independence of the judiciary and to rationalize, streamline, and speed up the process of adjudicating civil and criminal cases
3. Increase the capacity of the Academy for Training of Judges and Public Prosecutors to effectively provide entry-level, career, and continuing legal education for both judicial and non-judicial staff in the Macedonian courts and to become technically, managerially, and financially self-sufficient

To support the improvement of court practices and material resources, JRIP had the following objectives:

1. Increase the capacity for court administration and management within the judiciary by supporting the development of the Administrative Office of the Court Budget Council into an effective, high performing body capable of overseeing the administration of the entire court system at the national level, by strengthening court administration and management capabilities at the appellate and basic court levels, and effectively linking together court administrators at these levels
2. Improve caseload processing and reduce backlogs by assisting in the dissemination of best practices already utilized by the courts, supporting the development and implementation of a case management system in the courts, and identifying and addressing additional structural and technical impediments that were hindering speedy resolution of cases
3. Increase the capacity of court presidents, judges, and court staff to effectively formulate and carry out organizational and procedural reforms, improve administration and management of

their courts, develop and implement better case management practices, and improve the quality of judicial decision-making

4. Support efforts to enhance automation within the judiciary through the provision of equipment and materials where necessary to enhance efficiency and increase the ability of courts to deliver legal services

4. DESCRIPTION OF WORK PERFORMED

4.1 COMPONENT A: IMPLEMENTATION OF NEW REFORMS

JRIP supported the implementation of key judicial sector laws, including:

- Law on Enforcement
- Law on Civil Procedure
- Law on Case Management
- Law on Courts
- Law on Court Service
- Law on Academy for Judges and Public Prosecutors

The following summarize the activities, results, and impacts achieved under Component A.

4.1.1 Law on Enforcement

A significant component of JRIP’s scope of work was support to the ongoing implementation of the Law on Enforcement, enacted during the prior USAID Macedonia Court Modernization Project (MCMP). The following summarizes JRIP’s activities and results in this area.

Strengthening the Legal Framework

Prior to 2006, enforcement of judgments was a major problem area with long delays and low success rates. As a result of the previous USAID MCMP, the new Law on Enforcement, which introduced a system of private enforcement agents, was enacted on May 5, 2005. The implementation of the law was postponed until May 2006 to prepare its sub-regulations, disseminate information to educate the public about the reform, prepare the various entities involved in the changes, and create programs for the examination, selection, and training of new enforcement agents.

Improving Enforcement of Cases

The implementation of the Law on Enforcement significantly improved the enforcement rate to 60 percent in less than 3 years. JRIP supported the implementation of the Law on Enforcement by drafting amendments, building the enforcement agents’ capacities, and strengthening the MOJ’s oversight role.

JRIP supported the development of various amendments to the Law on Enforcement. Project expert Nevenka Ivanovska assisted the working group established to prepare the amendments. The Project also engaged Dutch enforcement expert Jos Uitdehaag, who reviewed the proposed amendments and provided expert opinions on the disciplinary proceedings against enforcement agents and the role of public notaries in enforcement procedures. He also shared examples of European practices concerning these issues.

The first amendments to the Law on Enforcement aimed to better regulate court procedures regarding appeals and complaints filed by debtors. The amendments also postponed

the transfer of cases from the courts to the enforcement agents until the end of 2008 to give courts and agents more time to prepare for the transfer. These amendments were enacted by the Parliament on January 9, 2008.

The second set of amendments, enacted on July 3, 2009, pertained exclusively to the transfer of old enforcement cases from courts to private enforcement agents and the role of public notaries in the processing of enforcement cases based on authentic titles. Based on these amendments, the transfer of around 615,000 pending cases from courts to enforcement agents was postponed until July 1, 2010.

With JRIP's support, a third set of amendments to the Law on Enforcement were adopted by Parliament in April 2010. These amendments increased the authorities of enforcement agents in performing their work and clarified obligations of the state administrative bodies with respect to their cooperation with enforcement agents. The amendments also defined the procedures for transferring cases upon termination of an enforcement agent and the rules regarding the compensation of enforcement agents' expenses. The amendments strengthened rules regarding disciplinary proceedings against enforcement agents and the legal status of enforcement agents' assistants.

On June 16, 2010, the Parliament adopted another amendment to the Law on Enforcement. This amendment gave the MOJ authority to enact a tariff for fees and expenses regarding the work of the enforcement agents.

On July 2, 2010, the Parliament adopted an amendment to the Law on Enforcement and postponed the transfer of old enforcement cases from the courts to private agents to July 1, 2011. This postponement was due, in part, to the global economic crisis and social condition of citizens with considerable debts to utilities companies. Rescheduling gave debtors the opportunity to pay their bills before the new transfer date to avoid paying added expenses to enforcement agents.

Filtering and Purging Enforcement Cases

The first obstacle that the new system of private enforcement agents faced was the issue of old pending cases in the basic courts. The Chamber of Enforcement Agents (Chamber) expressed concerns about the following:

- The large volume of old enforcement cases to be transferred from the courts, which enforcement agents would be obligated to enforce
- Parties' anticipated reluctance to pay fees to the enforcement agents since fees had already been paid for the enforcement proceedings in the courts
- Overall capacity of courts to properly prepare cases for transfer to enforcement agents

Electronic Case Registration

During Project Year 1, JRIP legal interns in basic courts Skopje 2, Tetovo, Gostivar, Prilep, and Kumanovo succeeded in electronically registering over 90 percent of cases in these courts.

To address these concerns, the Project worked with the courts to develop a methodology for filtering and purging pending cases due to their inactivity or other reasons, rather than immediately transferring all the cases to enforcement agents.

The MOJ had calculated the backlog of enforcement cases in all 27 basic courts in Macedonia to be 393,000. The Project, however, believed that the actual backlog was greater than the official numbers (Skopje 2 Basic Court alone had reported a backlog of 434,000 cases). In March 2008, in cooperation with the MOJ and the Chamber, questionnaires were sent to all courts in Macedonia to report the number of pending enforcement cases. Based on the data collected, the number of unresolved enforcement cases in the courts was determined to be approximately 615,000.

These numbers showed that some courts needed assistance registering their cases, either due to large backlogs, lack of staff, or both. The most urgent need was identified in six basic courts: Skopje 2, Kumanovo, Gostivar, Tetovo, Bitola, and Prilep. By April 2008, JRIP had hired and trained 15 young lawyers to serve as interns in these courts and assist them with registering old enforcement cases. Since an overwhelming majority of the old enforcement cases in Skopje were related to utility bills, some of the interns were assigned to the enforcement departments of these companies. On a regular basis, the Project monitored the work of the legal interns and coordinated their efforts with the enforcement judges and presidents of each court.

Continuous Coordination with Counterparts

The Project continuously worked with the MOJ, the Chamber, and courts to coordinate activities regarding the transfer of enforcement cases.

JRIP also advocated before the JC for the assignment of additional enforcement judges to Skopje 2 Basic Court, which had the largest volume of backlogged enforcement cases. In January 2010, two additional judges were assigned to this court for a period of one year. As a result of these efforts, the Project prepared an electronic database of backlogged enforcement cases. The database included a total of 222,018 enforcement cases broken down as follows: 21,348 in Skopje 2 Basic Court; 74,735 in the public utility companies from

Skopje region; 1,600 in Bitola Basic Court; 26,000 in Tetovo Basic Court; 26,055 in Kumanovo Basic Court; 24,600 in Prilep Basic Court; and 47,680 in Gostivar Basic Court. After the registration was completed, legal interns continued to work with the enforcement judges to help them prepare the cases for transfer to enforcement agents.

The Project convened coordination meetings with all president judges in October 2008, October 2009, March 2010, and May 2010. At these meetings, participants reviewed their progress in registering enforcement cases while courts were urged to mobilize more resources toward this activity and to strengthen their enforcement departments by assigning additional judges. Since the procedure for transferring the enforcement cases was not closely regulated by the Law on Enforcement, the MOJ announced in May 2010 that it would, along with the Supreme Court, prepare regulations and guidelines to resolve unclear issues regarding the transfer of cases and build consistency in court practice.

In February 2010, JRIP organized a two-day working session for enforcement agents, president judges, and MOJ representatives. The session focused on addressing complaints against enforcement agents and supervision and discipline of enforcement agents. The best European practices and regulations on these topics were presented by two international experts, Judge Anthony Stille and Jos Uitdehaag, both Dutch enforcement professionals. Macedonian Supreme Court Justice Vladimir Babunski presented specific decisions of basic and appellate courts, which demonstrated that Macedonian court practices in regard to these issues lacked uniformity. As a follow-up to the working session, the MOJ working group, in charge of preparing the amendments to the Law on Enforcement, considered the suggestions of the international experts provided by the Project and the recommendations of the Chamber.

Capacity Building of the Chamber of Enforcement Agents and the MOJ Sector for Oversight of the Work of Enforcement Agents, Public Notaries, and Mediators

To strengthen institutional support for implementation of the Law on Enforcement, JRIP provided intensive capacity building assistance to the Chamber and the MOJ Sector for Oversight of the Work of Enforcement Agents, Public Notaries, and Mediators (MOJ Sector). Based on needs assessments conducted in May 2007 and April 2009, the Project prepared specific capacity building plans for these two bodies.

Capacity building of the Chamber addressed areas that were considered essential for the growth, sustainability, and long-term success of this organization:

- Strategic Planning (May–November 2008)
- Effective Work of the Governing Board (July 2008)
- Project Cycle Management (January–June 2009)
- Public and Media Relations (March 2009)
- Developing a Communications Strategy (April 2009)
- Training for New Enforcement Agents (June 2009)
- Stress Management Training for 80 Enforcement Agents and Deputy Enforcement Agents (February–May 2010)

Building the Chamber's Capacity

Trainings resulted in concrete products that have long-term significance for the work of the Chamber, such as the 3-year strategic action plan and communications strategy

These trainings had a significant positive impact in developing the capacities of the Chamber, strengthening the enforcement profession, and developing the capacities of individual enforcement agents. The trainings improved the organizational capacities of the Chamber by strengthening staff knowledge, skills, and abilities and the Chamber's communications activities and teamwork.

The trainings resulted in concrete products that will have long-term benefits for the work of the Chamber, such as the three-year strategic action plan and a communications strategy. Through these trainings, the Chamber also strengthened its Governing Board, which later played a key role in facilitating the effective implementation of the Law on Enforcement and protecting the interests of the profession. Without donor assistance, the Governing Board and the Committee for Continuing Education prepared a long-term program for continuing education and organized trainings in December 2007, May 2008, October 2008, March 2009, September 2009, June 2010, September 2010, December 2010, and March 2011.

The Project also supported the Chamber in preparing for its participation in the 2007 Annual Meeting of the International Union of Judicial Officers, during which the Macedonian Chamber was accepted as a member.

The capacity building of the MOJ Sector included training in the following areas:

- Monitoring and Control over the Work of Enforcement Agents (January 2008)
- Team Building (May 2008)
- Business Communication (September 2008)
- Conflict Resolution and Negotiation (March 2009)
- Effectiveness and Efficiency in Customer Service (October 2009)
- Stress Management Training (February 2010)

The Project partnered with the Center for Institutional Development, a well-regarded local nongovernmental organization, and legacy of an earlier USAID project, to develop and deliver trainings on strategic planning. In the communications area, JRIP's Communications Coordinator and the Macedonian Institute for Media collaborated to develop the MOJ Sector's public and media relations capabilities. Two local experts, a psychologist and a psychiatrist, delivered stress management trainings for the Chamber and MOJ Sector. For highly specialized enforcement issues, the Project engaged the expertise of the Center for International and Legal Cooperation from the Netherlands.

4.1.2 Law on Civil Procedure

In early 2009, the MOJ approached the Project for support in amending the Law on Civil Procedure, which was enacted in 2005. The first step was to identify the current problems and impediments to implementing the law. During April 2009, the Project and the MOJ organized four information gathering sessions in all four appellate court regions. More than 110 civil judges from courts throughout the country took part in the sessions and shared their experiences in applying the law. The judges pointed out specific articles of the Law on Civil Procedure where modifications or interventions were needed to improve its implementation.

The feedback received during these sessions was documented by the Project and shared with the MOJ-led legislative drafting working group. This working group consisted of basic and appellate court judges, representatives from the MOJ, the MOJ State Secretary, and JRIP staff. The feedback from the sessions guided later work on amending the law. The Project supported the meetings and legislative drafting sessions of the working group from February 2009 to June 2010. In April 2010, the Project and the MOJ organized a roundtable discussion on amending the Law on Civil Procedure. The discussion, held at the Supreme Court, was chaired by the Minister of Justice and attended by court presidents and heads of civil departments. The key suggestions from the roundtable were accepted and integrated into the draft law.



Obtaining judges' input on the Law on Civil Procedure

The amendments to the Law on Civil Procedure were adopted by the Parliament with a two-thirds majority vote on August 24, 2010. These amendments included defining timelines for specific procedural actions; setting criteria for determining the value of the case; using expert witnesses and court site visits to collect evidence only upon request of the party; encouraging parties to settle their disputes by mediation; introducing electronic recording of court hearings; increasing the monetary value of cases that can be heard by a single judge; and simplifying the process of delivery of summons. The amendments aimed to improve the efficiency of courts in resolving civil disputes and thus contribute to fast and fair justice. The law amendments will become effective one year after their enactment in order to provide the courts and judges adequate time to prepare for their implementation.

**Continuous Training
Delivery Improvement**

After each training session, JRIP trainers reviewed the participants' evaluations and, based on their suggestions, improved their presentations. This approach proved to be effective as participants' satisfaction increased from 73 percent in the first training to 85.83 percent in the most recent training.

After the amendments were adopted, JRIP coordinated with the Supreme Court, the Macedonian Judges Association, and the Academy for Judges and Public Prosecutors to provide a series of trainings for all civil judges on the changes to the Law on Civil Procedure. From October 2010 to May 2011, the Project organized nine training sessions for a total of 347 civil judges from basic courts, appellate courts, and the Supreme Court of the Republic of Macedonia. In addition, 19 lawyers from the Bar Association participated in the last four training sessions in April and May 2011.

From March through June 2011, JRIP published 800 copies of the amended Law on Civil Procedure in Macedonian and 200 copies in English. To facilitate the implementation of the Law when it takes effect in September 2011, JRIP supported a working

meeting on May 31, 2011 for judges from around Macedonia. The goal was to reach consensus and give guidance to basic court judges on interpretation and application of the innovations introduced in the amended law.

4.1.3 Law on Case Management

In February 2009, the MOJ created a working group to prepare the Law on Case Management. The Law defines precise timeframes for case processing from filing to disposition, addressing a gap in the Law on Civil Procedure, Law on Criminal Procedure, and other procedural laws. This law aims to contribute to the expeditious resolution of cases and reduction in case backlog and delay.

As one of its major priorities, the Project supported the preparation of this new law by organizing working group meetings and working sessions. The working group consisted of 11 members, including judges, MOJ representatives, and JRIP staff. In March 2009, the first draft of the law was prepared, after which the Project held several meetings with judges and court employees to finalize the provisions pertaining to processing of misdemeanor and inheritance cases, issuance of payment orders, and case administration matters.

In September 2009, the Project hosted a US expert, retired Judge and former Deputy Chief Court Administrator of the State of New York, Joseph Traficanti, who observed the processing of civil, criminal, and administrative cases in Skopje 1, Skopje 2, and Kriva Palanka basic courts; Skopje Appellate Court; and the Administrative Court. Based upon his observations and discussions with president judges and court employees, Judge Traficanti suggested improvements in the draft law. The Project also held a series of individual meetings with judges from various courts to finalize the provisions of the draft law.

In October 2009, the Project and MOJ held two roundtable discussions with all president judges and court administrators to receive feedback on the draft Law on Case Management. The roundtables were chaired by Dimitar Georgievski, the Director of the State Administrative Inspectorate and Head of the MOJ working group. Retired Judge Joseph Traficanti shared a presentation on “Effective Case Management” and best practices in the U.S. During the discussions, participants provided many constructive and practical suggestions, which were later considered by the working group in preparing the text of the law. After the roundtable discussions, JRIP organized two off-site sessions of the working group, in November 2009 and March 2010.

The Law on Case Management sets standards for publishing decisions on the courts' websites. JRIP supported the preparation of a Manual outlining the method of publishing and searching court decisions in a judicial website.

In August 2010, JRIP proposed that the law provide for creation of a judicial support team to oversee court operations regarding case management and backlog reduction, provide technical assistance to president judges and court administrators, advocate for needed resources, and recommend judicial and non-judicial assistance from other courts. The MOJ supported the proposal and the working group endorsed its institutionalization within the Supreme Court. The Law on Case Management was adopted by the Parliament and published in the Official Gazette of the Republic of Macedonia on December 30, 2010. It will be effective as of July 7, 2011.

According to the law, case flow management in the courts requires proactive management of cases by a court's president, court administrator, judges, and court employees, starting from the receipt of writs until the cases are archived. Under the law, the court president is required to

establish a working group for case management and enact an annual plan for case flow management to prevent and reduce case backlogs.

On June 24, 2011, JRIP organized case flow management trainings for 33 president judges and 25 court administrators. The goal was to introduce the participants to case management practices and performance standards of the United States courts. In the trainings, Judge Traficanti shared best case management practices from the US. The trainings served as a first step towards increasing efficiency and establishing court performance standards.

4.1.4 Law on Courts

Analysis of the Need for Commercial Courts

On October 21, 2007, the Government of the Republic of Macedonia adopted an initial decision to introduce a specialized commercial court. JRIP and USAID expressed a number of strong concerns about this development. Caseloads and disposition times did not indicate the need for a separate court, and no analysis had been provided that otherwise justified this reorganization. JRIP believed such a change would potentially have a substantial negative impact on court budgets by drawing off resources from other courts. Furthermore, JRIP considered that the specialized court was unlikely to improve the business climate in Macedonia unless commercial cases were to be defined to cover a broad range of commercial activities, parties were not limited to registered businesses, and judges were carefully selected and monitored.

In late November 2007, the MOJ established a legislative drafting working group to prepare amendments to the Law on Courts. This working group was commissioned to propose a structure for the court and assess the fiscal implication of a specialized commercial court on the court budget.

In response, the Project undertook to educate key policy makers regarding the potential negative impacts of the proposed changes. In February 2008, USAID and JRIP met with representatives of the Cabinet of the Deputy President of the Government and expressed their concerns.

Pursuant to discussions with the Minister of Justice on March 17, 2009, the Project committed to conduct an analysis of closed commercial cases filed from 2006 through 2008 in order to better understand the costs and benefits of creating a specialized commercial court. This analysis was carried out in Skopje 2 and Veles basic courts and finalized on May 15, 2009. The Project reviewed more than 9,679 commercial cases and analyzed 342 sample cases.

Five out of seven recommendations in the JRIP report were accepted by the MOJ with respect to the amendments to the Law on Civil Procedure.

JRIP also interviewed judges who presided over commercial cases. The Project prepared a report identifying bottlenecks in the Law on Civil Procedure and the Law on Bankruptcy that caused case delay. The Project provided recommendations for improving case processing through amendments to the existing law. The report provided data in favor of strengthening the specialized commercial departments within the basic courts of extended jurisdiction instead of creating a new, separate commercial court.

In April 2010, JRIP presented the commercial cases analysis to judges that hear commercial and bankruptcy cases at Skopje 2 and Veles basic courts. The recommendations were positively received, especially those related to specialization and sub-specialization of judges in commercial and bankruptcy issues.

Analysis of Labor Cases

JRIP also discovered that there were bottlenecks in the processing of labor cases. Labor cases are brought by aggrieved workers who come to the court if they perceive that they were treated unfairly and illegally by an employer. An analysis of labor cases was conducted in basic courts Skopje 1, Skopje 2, and Bitola from February to August 2009. It included the review of over 3,800 labor cases, and detailed analysis of a representative sample of 350 cases. Structured interviews were conducted with ten judges. The Project prepared a report that identified bottlenecks in the processing of labor cases, determined the current timeframe necessary for processing cases, and defined specific areas where modifications to case flow practices should be made in the Law on Civil Procedure. These amendments were subsequently adopted.

Amendments to the Court Book of Rules

To improve court practices and eliminate potential impediments to full usage of the ACCMIS (see Section 4.2.9), the Project actively supported an MOJ committee to recommend interim changes in the Court Book of Rules. On December 28, 2009, amendments to the Court Book of Rules were enacted which created a legal obligation for all courts to use the electronic registry and work entirely with ACCMIS as of January 1, 2010.

The Project also worked on comprehensive revisions to the Court Book of Rules to reflect the changes in the Law on Civil Procedure (2010), Law on Payment Operations (2010 and 2011), Law on Case Management (2010), and amendments to the Law on Court Budget (2010). As of JRIP's close, this work was in progress and the working group planned to continue its activities beyond the end of the Project.

4.1.5 Law on Court Services

As of November 2007, upon request by the MOJ, the Project supported the development of the Law on Court Services. This law aimed to bring judicial employees under the direct control of the judicial branch, contributing to the increased independence of the judiciary. It also established the title of Court Administrator to replace Court Secretary and strengthened the categorization of job descriptions within courts.

The first draft of the Law on Court Services prepared by the MOJ faced criticism from the Union for Employees of the Justice System and Other Administrative Bodies (UPOS). They disagreed with the proposed point system of certain positions, including law clerks, court police, and information technology (IT) personnel. The Administrative Office (AO) of the Court Budget Council (CBC) also expressed concerns about the fiscal implications of the point system proposed. The JRIP team identified its own concerns in provisions that conflicted with other laws, such as the Law on Courts.

To address these concerns, JRIP supported the work of a MOJ legislative drafting working group, provided expert opinions, and ensured broader public discussion of the draft law and its provisions. The Project used the expertise of retired Judge Joseph Traficanti to an analysis comparing the draft law with those of other European countries and the US. Judge Traficanti's "*Report on the Review of the Draft Law on Court Services and Recommendations*" was submitted to the MOJ in December 2007.

From December 2007 to February 2008, the Project organized five roundtable discussions in the four court appellate regions. JRIP also produced 4,000 fliers in Macedonian and 1,000 fliers in Albanian, which provided information about the benefits of the law.

Based on a series of roundtable discussions, the following key concerns were expressed by court staff:

- Employees opined that while the law was introducing a uniform system of salaries, a number of employees would experience a decrease in their salaries and others, such as court administrators, would receive a substantial increase
- The judges' assistants expressed concerns about the shifting of responsibility for the evaluation of their work from court presidents to court administrators
- Representatives from Skopje 1 and Skopje 2 basic courts expressed that their courts should have separate salary scales due to the specialized nature of their work as civil and criminal courts, respectively
- Court administration staff complained that their salaries were low compared to judges' salaries. They were dissatisfied with the Law on Judges Salaries that gives judges larger allowances for meals than for other civil servants

The Union of Court Employees called for a strike and court administration staff went on strike from February 18–20, 2008. The MOJ was responsive to the concerns expressed by the court staff and considered the suggestions gathered during roundtable discussions, as well as experts' recommendations, which resulted in a number of amendments to the first draft of the Law on Court Services. Court staff was generally satisfied with the changes and the law was enacted by the Parliament on July 25, 2008 and published in the Official Gazette of the Republic of Macedonia on August 4, 2008.

From October to December 2008, the Project supported the MOJ in drafting sub-regulations under the Law on Court Services. The working group put in charge of drafting these sub-regulations consisted of three employees from the MOJ, two JRIP staff members, a representative from the Court Service Council (CSC), a representative from the Court Budget Council, three court administrators, and a representative from the Agency of Civil Servants.

In January 2009, the Project and the MOJ organized a roundtable with court administrators, representatives of the court police, and the CSC to solicit feedback on the contents of the new sub-regulations. On June 8, 2009, five sub-regulations under the Law on Court Services were published in the Official Gazette:

- Regulation of the selection and employment of court employees
- Regulation of the procedure for evaluating court employees
- Regulation of the procedure for case flow management with the use of IT
- Curriculum for training of court police
- Regulation of the structure and content of the forms for registering court employees' data

During the implementation of the current Law on Court Services, several obstacles to efficient and effective court services were identified. In April 2010, the MOJ initiated changes to the law and established a working group, including JRIP Legal Framework and Reform Manager Nevenka Ivanovska. The main issues the working group considered included: the titles of court employees, payments and benefits, the structure of the CSC, and procedures for employment and promotion. The main intent of the legislative changes was to increase court administrators' decision-making authority regarding court employment issues.

JRIP also supported the newly established Court Administration Association (CAA) (see Section 4.2.4) in preparing a unified proposal for changes in the Law on Court Services, which was submitted to the MOJ working group in charge of compiling the amendments to that law. The working group accepted most of the CAA's recommendations and incorporated them into the amendments to the Law on Court Service, enacted on November 17, 2010.

These changes were aimed at:

- Streamlining the hiring process
- Introducing career development opportunities for high performing employees by announcing internal vacancies
- Addressing gaps that existed within disciplinary procedures
- Overcoming discrepancies with other laws
- Defining the position of the CAA as a key organization in the judiciary

4.1.6 Law on Academy for Judges and Public Prosecutors

When JRIP launched, the Academy for Training Judges and Public Prosecutors – known in judicial circles as the Judicial Training Academy (JTA) – was a new institution, established in 2006. The previous USAID MCMP supported the establishment and early development of this institution. JRIP built on the MCMP’s work and further supported the JTA’s development (see Section 4.2.6).

Project Cooperation with the JTA

JRIP partnered with JTA to effectively implement the Law on Academy for Training Judges and Public Prosecutors. The cooperation centered on improving JTA’s non-judicial training programs and supporting court openness and transparency.

At the end of 2009, the MOJ initiated the drafting of a new Law on the Academy for Training Judges and Public Prosecutors. The MOJ State Secretary requested JRIP to provide an expert opinion regarding this law. The Project engaged retired Judge Joseph Traficanti to prepare comments and suggestions for improving the proposed text. In late January 2010, Judge Traficanti’s report and recommendations were sent to the MOJ. Several of the recommendations were accepted and incorporated in the

draft text. These recommendations addressed the structure of the Managing Board of the JTA, introducing orientation training for mentors and educators, defining timelines for processing complaints filed by candidates, and introducing minimum requirements for passing the qualification exam. The new Law on Academy for Judges and Public Prosecutors was enacted by the Parliament on July 2, 2010.

4.2 COMPONENT B: IMPROVEMENT OF COURT PRACTICES AND MATERIAL RESOURCES

JRIP’s support under this Project component included the following:

- Effective Case Delay and Backlog Reduction
- Improving Judicial Council Functions and Capacities
- Strengthening the AO of the CBC
- Stable and Adequate Funding for the Judicial Branch
- Establishing the Court Administration Association
- Functional Court Service Council
- Partnering with the Academy for Judges and Prosecutors in Training Provision (JTA)
- Improved Public Access, Services, and Information
- Court Automation and Digital Recording

4.2.1 Effective Case Delay and Backlog Reduction in Macedonian Courts

Successful case delay and backlog reduction practices piloted by the previous USAID MCMP were replicated in the basic courts of the Bitola Appellate Court region, starting in November 2008.

Backlog and Delay Reduction Efforts in the Basic Courts of the Bitola Appellate Region							
# of cases older than 3 years ¹	BC Bitola	BC Ohrid	BC Struga	BC Prilep	BC Krushevo	BC Resen	Totals
January 1, 2009 Baseline	176	1,158	237	50	8	117	1,746
December 31, 2009	87	716	60	18	6	22	909
Reduction (%)	50.6%	38.2%	74.7%	64.0%	25.0%	81.2%	47.9%

Management and monitoring indicators were added to the lists of pending cases with which the basic and appellate courts committees assessed the effectiveness of the delay reduction practices. The implementation of these practices resulted in an overall delay and backlog reduction of approximately 64 percent of cases filed in the basic courts in this region.

The Project worked to replicate the results of the Bitola appellate region experience with the courts of other appellate regions. As a result, in October 2010, the President Judge of the Skopje Appellate Court sent out a questionnaire regarding case backlogs to basic courts in the region. Based on the feedback received by the courts at the beginning of November, JRIP helped this appellate court region to develop and implement individualized court strategies for undertaking case flow management programs and eliminating bottlenecks.

4.2.2 Improved Judicial Council Functions and Capacities

According to the amended Law on Court Budget, the authority over the AO of the CBC was transferred from the Supreme Court to the JC as of January 1, 2009. In March 2009, the Project met with Vasil Grchev, the new President of the JC and CBC, as well as Elizabeta Vaskova, General Secretary of the JC. During these meetings, the Project proposed specific assistance activities and more intensive cooperation with the JC. This resulted in an action plan for activities to support the AO and the JC, with an objective of increasing capacity of the members of the Council to carry out activities related to the funding of the judicial branch.



High representatives of the Macedonian judiciary visiting US courts

In May 2009, JRIP sponsored the participation of the President and the General Secretary of the JC at a conference of the European Network of Judicial Councils in Bucharest. This was the first major international appearance of the JC. The Project supported the JC's participation at this event by reviewing and translating their speeches and presentations.

In September 2009, the Project sponsored a two-week study tour to the US for a small group of high-level judicial branch representatives from the JC, the CBC, and the JTA. The tour was led by JC Deputy President Judge Naser Hadzi-Ahmetagik.

Other study tour participants included: Judge Stojance Ribarev, President of the Stip Appellate Court and member of the CBC, Judge Aleksandra Zafirovska of the JC, Judge Aneta Arnaudovska, Director of the JTA, and JC General Secretary Elizabeta Vaskova. The group had a unique opportunity to examine the independence and accountability of the American court system in New York, as well as the functioning of a Judicial Council in California. The objective of this

¹ This calculation considers the cases registered in the courts as of 2006.

activity was to give key judicial branch leaders a clearer vision regarding the independence, accountability, and organizational structure of the American court system and how aspects of the system can be applied in Macedonia.

Before returning to Macedonia, the high-level representatives, with support of JRIP Court Administration and Case Delay Assistant, Filip Janiceski, and retired Judge Joseph Traficanti, summarized the best practices they identified throughout the study tour and produced a general outline of possible areas where these practices could be applied within the Macedonian judicial system.

On February 2, 2010, JRIP signed a Memorandum of Understanding with the JC, outlining three key areas of support to this institution:

- Strategic planning process
- Development of ethical standards
- Training in public and media relations

The Project began its assistance in developing the JC's strategic planning process by conducting a needs assessment. Through a series of workshops and mentoring sessions, the JC's three-year strategic plan and annual work plan were finalized in May 2010 and adopted during the JC's session on June 10, 2010. The strategic plan was prepared in a participatory manner with contribution of the Council's members and administrative personnel. This document, the first of its kind, reflects the JC's objectives for the planning period:

- Increasing the effectiveness and efficiency of the JC
- Increasing the JC's role in improving the legal framework for the judiciary
- Developing mechanisms for promoting independent performance of judges
- Improving the public perception of the JC and judiciary

In April 2010, JRIP's international consultant, retired Judge Joseph Traficanti, supported the JC in developing its first codes of ethics. Judge Traficanti conducted a series of meetings, working sessions, and consultations to draft two codes. The first code for members of the JC was adopted at the Council's December 7, 2010 session. The second ethics code, for employees and personnel of the administrative office of the JC, has not yet been adopted as of the date of this report.

In late September 2010, JRIP provided training in public and media relations for the Deputy President of the JC, two members of the JC, and three state advisors. The participants gained knowledge about approaches for interfacing with the public, how to communicate effectively with media, and strategies for improving the image of the JC. The training was delivered by Jelena Janevska, the Project's Communications Coordinator, and local consultant Svetlana Milenkova.

As part of its support to the JC, JRIP also enhanced the JC's technology infrastructure with provision of 15 computers.



Support for the Judicial Council in developing their first strategic plan

4.2.3 Strengthened Administrative Office of the Court Budget Council

Learning-by-doing Approach

Learning-by-doing was a daily process the Project implemented with the AO of the CBC. Specific assistance to the AO included improving the process of court budget planning, management and execution, and supporting public access, service, and information.

Since its establishment in October 2007, JRIP has supported the AO of the CBC to strengthen its capacities by implementing the recommendations of the earlier USAID MCMP. These recommendations included developing a strategic plan with immediate, mid-term, and long-term goals, planning for implementation of the Law on Court Services, improving management structures within the AO to better support the needs of the courts, and making preparations in the event of a shift of the AO and CBC from the authority of the Supreme Court to the JC.

The emphasis throughout the life of the Project was on strengthening the capacities of the AO and creating a sustainable and effective administrative body. The Project recommended and supported the development of specializations and coordination among the AO staff to increase the AO's operational effectiveness in the areas of case flow management, human resources management, ICT management, financial management, public access and court user satisfaction, and court facilities management. Through the years, JRIP continuously worked with the AO's leaders and employees to increase their capacities and specialization in these key areas.

4.2.4 Stable and Adequate Funding for the Judicial Branch

At the time the Project was launched, the judiciary's share of the national budget had been decreasing for several years and was significantly below international standards. The Project committed to work with the AO and CBC to help them identify and implement solutions to improve court financial management and secure stable, sufficient funding for the Macedonia court system.

In May 2008, the Project engaged Deborah Botch (PhD), a US expert in budget and financing, to prepare a study of the judiciary's budgeting and fiscal management processes. With assistance from the Project team, Ms. Botch conducted meetings, interviews, workshops, and focus groups and reviewed key laws, budget data and development processes, execution policy circulars, budget planning guidelines, budget requests, and other relevant reports and documents. Based on this analysis, Ms. Botch prepared a *Macedonia Judiciary Budget and Finance Study*. The study incorporated 29 recommendations to address the serious challenges facing the Macedonia Judiciary in securing sufficient resources for the effective operation of the courts.

Recommendations were made in the following five areas:

1. Budget request preparation, analysis, and adoption
2. Budget execution and financial management
3. Communications and relations with external government institutions
4. Strategic planning
5. Training and professional development

The study was shared with the AO and other appropriate institutions and used as a guide for developing and implementing specific initiatives to improve the judiciary's budget management.

In October 2008, the Project and the Supreme Court co-organized a conference on budgeting and financial management in the Macedonia Judiciary. More than 80 representatives of the Macedonian courts, the CBC, the MOJ, the Ministry of Finance, the Macedonian Parliament, and USAID attended the conference, where the findings of Ms. Botch's *Budget and Finance Study* were presented.

After the conference, a working group of judiciary budget users met with Ms. Botch to evaluate reform priorities and develop an action plan to implement the recommendations of the study. In the action plan, the budget users defined the following five recommendations as priorities:

- Completion of planned modules of the Automated Budget Management System (ABMS), the judiciary's budgeting software system, and development of instructions for courts on the proper use of fiscal data and ABMS summary reports for budget execution and control²
- Modules of the ABMS should be implemented throughout the court system and instructions should be developed for use of ABMS reports to guide budget planning and analysis
- The CBC should officially adopt and issue an annual planning budget calendar and schedule for the judicial branch
- The CBC and the AO should issue budget preparation guidelines and forms that incorporate criteria on data sources and methods to be used by court and program financial staff to develop budget request estimates for ongoing operations, new legal mandates, and initiatives
- The CBC should issue instructions, forms, and timetables to court and program level budget users for preparation of standardized medium-term (three year) strategic plan updates and guidelines that explain how to link resource estimates to budget requests

Based on the action plan, the AO determined its priorities for 2009:

- Development of a budget and finance strategy for the judiciary
- Development and implementation of a cost per case methodology
- Centralization of judicial branch procurement procedures
- Hiring of budget experts in the CSC to provide support to courts and judicial departments
- Enactment of four AO regional support positions

Within its mandate, the Project continuously provided training and technical assistance support in implementation of the key recommendations of the study.

Based on one of the recommendations from the *Budget and Finance Study*, in January 2009, the AO requested JRIP's assistance in developing a cost per case methodology to support the development and justification of proposed court budgets. The Project's consultant, retired Judge Joseph Traficanti, commenced work on the requested activity in February 2009. He reviewed relevant background materials and held several meetings with court officials. Judge Traficanti prepared a methodology for gathering data required for cost per case calculations in civil and criminal cases. The use of the methodology was tested in Skopje 2, Strumica, and Veles basic courts on several closed cases, including general civil, labor, commercial, small claims, and payment orders. Based on the findings, the methodology was fine tuned to effectively meet the requirements of the courts in developing accurate needs-based budgets.

In March 2009, Judge Traficanti obtained additional data related to budget and case statistics from the AO. With this information, he updated the methodology based on staffing levels and case filings and dispositions. The results and instructions for national application of the methodology for budget preparation and analysis were presented to court administrators of the basic and appellate courts at the Court Administration and Court Administrators training held in March 2009. A report outlining this work and the methodology was provided to the AO and relevant stakeholders for further use.

² The Macedonian Court Modernization Project assisted the AO in developing an Automated Budget Management System (ABMS), a comprehensive budgeting software application designed for use by the Macedonian judiciary.

In July 2009, JRIP recruited two local experts, Dimitar Todevski and Nina Babuskovska, to provide continuous mentoring and technical support to the CBC and AO for the preparation and justification of the annual budget. Budget preparation encompassed drafting a complete “budget story” as an expanded narrative to accompany the budget request (as was set out in the recommendations of the *Budget and Finance Study*).

In November 2009, the CBC requested the Project’s support in preparing an analysis to determine an adequate fixed percentage of the national Gross Domestic Product (GDP) for the judicial branch budget. In January 2010, JRIP hired a local consultant, Zoran Jankulovski, to prepare the study. Through a series of meetings with the AO and an analysis of relevant documentation (regulations, previous budgeting and financial documents for the judiciary, international reports, and studies), the Project completed and submitted the *Study for Determining a GDP Percentage for Funding of the Judiciary* to the CBC. The CBC adopted its recommendations at its May 5, 2010 meeting.

The President of the CBC (also President of the JC), the Chief Justice, and the Minister of Justice expressed their full commitment to advocating changes to the Law on Court Budget to fix the funding of the Judiciary at 0.8 percent of the GDP (currently equivalent to 2 percent of the National Budget) as the study recommended. Over time, this change is expected to increase the judicial budget and resolve critical operational issues that courts are now facing due to fiscal constraints, such as case processing delays, high levels of debts, late payment of obligations for goods and services, and understaffing of positions, such as judges’ assistants, court clerks, typists, IT specialists, and other administrative staff.

Drafting a Proposal on the Changes to the Law on Court Budget

Based on the foregoing analyses and consultations, the CBC created a working group to prepare changes and additions to the Law on Court Budget. These were based on the recommendations and conclusions from the aforementioned *Budget and Finance Study* and the *Study for Determining a GDP Percentage for Funding of the Judiciary*.

JRIP Promoted Judicial Independence

Funding for the judiciary amounts to 0.43 percent of Macedonia’s GDP. A Project sponsored study and subsequent work with stakeholders resulted in the approval of amendments to the Law on Court Budget that fixed the funding for the judiciary at 0.8 percent of Macedonia’s GDP (over 2 percent of the national budget). This increase helps ensure stable and better funding of the judiciary as an independent branch of government.

To support the working group, upon request of the AO JRIP again engaged the international budget and financing expert Deborah Botch to provide off-site mentoring and guidance to the working group in the process of developing amendments to the Law on Court Budget. Ms. Botch suggested changes to improve judicial budget

independence, the budget structure, inter-branch and public communications of the CBC, judicial branch strategic planning and budgeting, probity and performance, and budget execution and control flexibility.

The working group followed Ms. Botch’s recommendations and drafted amendments to the Law on Court Budget at two workshops organized and supported by JRIP upon request of the CBC. Most of the draft amendments to the Law on Court Budget prepared by the CBC (16 amendments to 17 articles) were incorporated in the proposal presented to the Parliament by the Government of the Republic of Macedonia. The text included a provision for fixing the funding of the judiciary at 0.8 percent of the GDP, a substantial increase from the then-current percentage of 0.43 percent. The increase will be reached through annual 0.1 percent incremental increases, starting on January 1, 2012. The working group and the AO accepted this phasing of the budget

increase for several reasons: 1) the executive power had already developed the 2011 budget circular; 2) the CBC and the individual budget users needed time to effectively execute the increased budget; and 3) the national budget did not at the time have the available funds to support an immediate increase to 0.8 percent of GDP.

Additionally, the proposed changes in the law include provisions to safeguard the judiciary's budget allocation in the event that the overall government budget is reassessed, which in the past typically resulted in revisions to the budget for the judiciary. The Law changes also increase funds assigned for judicial education. Two and a half percent of the judiciary's total budget now must be allocated to professional training of judges, court administrators, civil servants, court police, and other employees in the courts. This provision will help ensure sustained implementation of the Court Administration Training Program, developed with the Project's support.

Fixing the funding of the judiciary at 0.8 percent of the GDP as of 2015 will ensure more stable and higher funding of the judiciary as an independent branch of government.

Judicial Branch Budget Drafting

To support the implementation of the first group of recommendations of the *Budget and Finance Study* (related to budget request preparation, analysis, and adoption) and to build the capacities of the AO/CBC, in July 2010 the Project organized a two-day workshop on budget request guidelines, criteria, and forms development for relevant AO/CBC personnel. The workshops resulted in budget request indicators and forms that were used by each of the budget unit users in developing their 2011 budget projections.

JRIP-Promoted Use of Statistical Parameters

Newly developed parameters have helped the court users to overcome the former practice of "blindly" following established patterns for fund requests.

To help the AO of the CBC finalize the budget preparation guidelines and to use statistical methods to determine budget figures, the Project engaged Deborah Botch to assist the process of revising the guidelines and developing new budget parameters based on statistical data. The guidelines were updated by the AO Director and JRIP's Court Administration Coordinator for implementation by court budget users.

The new statistical parameters and indicators, used in the process of development and justification of the 2012 court budget request, assist court units to not only predict but also justify their budgetary needs. These unified statistical parameters and indicators lay the foundation for preparing realistic budget proposals that meet the financial needs of the judicial power. Unified criteria and methodology for budget development also promotes transparency and accountability, two key strategic goals of the judiciary.

In support of the same set of recommendations and the process of 2011 budget preparation, in July 2010, JRIP organized a workshop to help the judiciary better plan its ICT needs. During the workshop, criteria for determining the actual ICT needs of the judicial branch were defined and a 2011 ICT budget was prepared.

Judicial Branch Budget Execution and Financial Management

To achieve a higher level of financial accountability, the CBC identified a need 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) and the CBC's annual program for 2010, in November 2010, the Project engaged a team of local experts who conducted a needs assessment focusing on the CBC's internal control mechanisms. The

conclusions of the needs assessment guided the AO/CBC through the process of developing an Internal Act of Controls and establishing key internal organizational processes.

By the end of the Project, 19 recommendations of the *Budget and Finance Study* were either fully implemented or in process of implementation by the AO/CBC. The CBC plans to implement the remaining recommendations in the near future.

CBC Strategic Plan

In October 2009, JRIP supported the development of the CBC’s first strategic plan, an important requirement set out in the Law on Court Budget. The development of CBC’s strategic plan played a key role in implementing several recommendations contained in the *Budget and Finance Study*.

The strategic plan was prepared through a series of workshops organized in October and November 2009 and supported by local consultant Nina Babuskova. In November 2009, the CBC adopted its Strategic Plan 2010–2012. This plan accompanied the budget request for the judiciary that was submitted to the Ministry of Finance and used by the President of the CBC to justify the budget request before the Government and the Parliament for the judiciary.

4.2.5 Court Administration Association

The CAA, established under the Law on Court Services, was created as a voluntary, non-political and non-profit association in June 2009. The leading objectives of this Association are the protection of court administration employees’ rights and interests, and the professional development of its members. There are 1,072 court administration employee members.

Since its establishment, JRIP recognized the potential of this organization in contributing to an effective and efficient judiciary, and undertook to support the strengthening of its organizational capacities.



Court Administration Association developing its first strategic plan

In December 2009, the Project supported an organizational needs assessment and assisted with the development of a strategic plan for the Association. From January to March 2010, through a series of trainings, workshops and mentoring sessions, the CAA developed its three-year strategic plan, accompanied by a 2010 action plan. The strategic plan was adopted by the CAA Management Board and the presidents of the local branches on March 12, 2010. The key objectives outlined in the strategic plan were the following:

- Increase the professionalism and efficiency of court administration
- Increase the influence of CAA in the process of adopting laws and sub-regulations related to the justice system
- Enhance public trust in courts and court administration

One of the first activities undertaken by the CAA, and supported by JRIP, was preparing a unified proposal for changes in the Law on Court Services. This proposal was submitted to the MOJ working group in charge of preparing the amendments and considered by the MOJ when drafting the changes to the law (see Section 4.1.5).

JRIP supported the CAA in developing a Code of Ethics for employees in the Macedonia court service, in cooperation with the CSC. The CAA was actively involved in the preparation of the court administration training curriculum within the JTA. Two of the CAA's members were nominated to the Advisory Working Group established by the JTA (see Section 4.2.6).

JRIP's Communications Coordinator Jelena Janevska organized a workshop for the CAA Public Relations Committee in April of 2010. The objective was to create a positive image for the CAA among its members, institutions of the judiciary, and the general public. At the workshop, participants learned about the process of communication strategy development and finalized the key aspects of the CAA's communication strategy. This document set forth the Association's communication objectives, target groups, messages for each target group, tools, techniques, and expected results. It outlines the tasks 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 in support of the successful implementation of the Association's strategic plan.

In May 2010, JRIP helped the CAA to develop its first newsletter. The newsletter provided an organized way of presenting the opinions of court administration employees on various issues related to the work of the courts. At the same time, it contributed to strengthening the role of court administration in the Macedonia judicial system.

Based on the findings of the organizational needs assessment, the Project supported training for CAA members on Project Cycle Management in September 2010. The participants gained knowledge, skills, and tools in the area of planning and managing projects. Through practical exercises, they developed a project proposal entitled "Enhancement of Public Trust within the Macedonia Judiciary," which will be submitted for funding to relevant international donor agencies.

In November 2010, JRIP provided training in Advocacy and Establishing Effective Partnerships. Fourteen participants (members of the CAA Management Board, Supervisory Board, and committees for public relations, lobbying, and international relations) took part in the training. During the training, participants defined key CAA advocacy goals, defined target groups, developed key messages for each target group, practiced advocacy techniques, and developed an advocacy action plan. They also developed a partnership matrix that determined their key potential partners and strategies for cooperation with each of them.

The capacity building of the CAA was provided by JRIP with the support of local experts Zoran Stojkovski and Svetlana Milenkova, from the Center for Institutional Development.

In early 2011, the Project supported the development of the CAA's website. The site provides information on CAA topics such as the following:

- CAA structure e.g., Assembly, Subsidiaries, Management Board, Supervisory Board, Presidency, Administrative Office, and Committees
- Procedures to become a CAA member
- News and activities
- Contact information
- Relevant documents

Three members of the Association, including its President, were trained on how to update the website. JRIP funded the hosting of the domain for a period of one year.

4.2.6 Functional Court Services Council

The CSC was established in October 2008 by the new Law on Court Services, which was enacted in July 2008. According to the law, the role of the CSC is the enforcement and protection of the rights of the court service. The CSC has nine members, five court administrators and four president judges. The CSC is responsible for the following:

- Deciding appeals against decisions of the president judges related to hiring and terminating court service employees
- Deciding appeals against decisions of the court administrator within the scope of his/her work
- Deciding appeals related to court employee disciplinary procedures
- Deciding appeals in labor relations matters for the court service
- Approving court regulations

In March 2009, JRIP conducted an orientation training for the CSC, the first training and capacity building exercise for the nine members of the CSC. The training brought the CSC’s members together to discuss how the Council will function and grow into a professional institution within the court system. CSC members discussed the mission of the CSC, its mandate, structure and composition, indicators for success and their measurement, and potential obstacles to achieving success.

The workshop focused on developing a vision and plan for the CSC and identification of human and material resources necessary for achieving the CSC’s goals. The members of the CSC also discussed the shortcomings in the law that regulate their work and provided suggestions for law amendments and enhancements. The training was facilitated by JRIP’s consultant, retired Judge Joseph Traficanti.

In February 2010, the Project signed a Memorandum of Understanding with the CSC, which enhanced cooperation. To assist the CSC in commencing its operations, JRIP provided the necessary office equipment for an administrative officer, the first official employee of the CSC.

To further support the CSC, JRIP conducted an organizational needs assessment, which identified the developmental needs of the Council. In April 2010, the Project organized a planning and coordination workshop for the CSC’s members. At the workshop, CSC finalized its action plan. The plan was submitted to the AO/CBC for consideration when planning the 2011 judicial branch budget.

JRIP Support to Strengthen the Court Services Council

JRIP assisted the CSC by supporting capacity building trainings, developing its first Strategic Plan, developing a Code of Ethics for court service employees, and printing informational material.

Stemming from the priorities identified in the needs assessment, JRIP provided capacity building training to the CSC’s members on principles of effective service delivery and on building an effective organizational structure. These trainings contributed to improving the institutional and organizational capacity of the CSC.

Activities implemented by the CSC in 2010 demonstrated that the CSC has started to play a central role in improving court administration in Macedonia. Supported by JRIP and in close cooperation with the CAA, the CSC developed a Code of Ethics for the Employees of the Court Service. On September 15, 2010, the Code was reviewed and adopted by the Council’s members, and then published in the Official Gazette. The employees of the court service are now obligated to act in accordance with this Code. All violators of its provisions will be subject to disciplinary action before the Council. JRIP supported the printing of 2,500 brochures for all court service employees and 500 posters to be hung on the courts’

premises with information for court employees and citizens about the provisions of the Code of Ethics.

The Law on Court Service provides that job titles and descriptions of court employees are to be determined by the CSC. In support of the implementation of this provision, in December 2010, JRIP's Court Administration Coordinator supported the CSC in developing the Act for Unification and Standardization of Job Titles Descriptions (Act). In December, JRIP supported workshops of a CSC working group to analyze existing job titles, agree on uniform nomenclatures, and define the structure and content of job descriptions.

The job titles and descriptions were included in a draft Act of the CSC. Once approved, the Act will be sent to the courts to help them develop individual court acts for their internal organization and systematization. The unified job position nomenclatures will also be incorporated within the register of court service employees maintained by the AO/CBC.

4.2.7 Developed and Strengthened Academy for Training of Judges and Public Prosecutors

The Academy for Training of Judges and Public Prosecutors – known in judicial circles as the JTA – was established in 2006 with support of the USAID MCMP. JRIP continued assistance to further develop and strengthen this institution and to effectively implement the Law on Academy for Training Judges and Public Prosecutors. The Project held regular coordination meetings with the JTA Director, Judge Aneta Arnaudovska, to define priorities and coordinate joint capacity building activities. The cooperation centered on improving the JTA's non-judicial training programs and supporting court openness and transparency.

In September 2008, in cooperation with the EU CARDS 2004 Project, JRIP supported the JTA to organize training programs on case flow management, ethics, and customer service. These trainings included approximately 80 court representatives, court secretaries, and heads of intake offices; and provided them with practical knowledge, experience, and skills necessary to become more effective court employees.

In December 2008, the Project supported the JTA in organizing court administration training for the Appellate Court Gostivar and the Administrative Court. Sixteen court employees took part in the training, which explored the topics of case flow management, ethics, time management, customer service, and communication technology. The training included information on the recent legal reforms in Macedonia. This training was of great importance for the two courts as it was their first formal training and contributed to their development into strong and professional institutions.

JRIP's support to the JTA resulted in training of over 1,100 judges and court personnel.

In February 2009, following the analysis of the court public user satisfaction survey (see Section 4.2.7), the Project delivered four trainings in customer service for the basic courts in Veles, Radovis, and Kumanovo. The trainings introduced key skills necessary for working with clients and achieving client satisfaction. Eighty court employees were included in the trainings. Simultaneously, customer service trainings in basic courts in Gostivar, Tetovo, and Kocani were conducted by the JTA and the AO.

In cooperation with the JTA, in March 2009, the Project organized the CSC's first capacity building and orientation training. CSC's nine members discussed how their institution will function and grow into a professional body (see Section 4.2.5).

The Project also conducted a Court Administration and Court Administrators training, aimed at supporting the transition of court secretaries into proactive court administrators, in line with the new Law on Court Services. The training provided the practical knowledge and skills necessary to become effective court managers. The training presented a new model for court management and underlined the importance of leadership within the court environment. The training focused on the main responsibilities that the court administrators assumed under the new law. These management areas include: budget and finance, effective case flow management, human resources, facilities, and IT. The prospective court administrators had an opportunity to further develop their skills during training sessions on communication for court administrators and time management. The training also included an action-planning session where participants developed individual action plans for implementing the knowledge gained during the training.

In June 2009, the collaboration with the JTA in the area of capacity building of court administration continued with a JRIP-supported workshop on “Further Development of Case Flow and Other Court Administration Mandates.” The workshop focused on the draft Law on Case Management, the implementation of unified backlog and delay reduction plans, the Law on Court Services, and employment procedures. It also aimed at developing the capacities of the court administrators in effective communication and business correspondence. The training curriculums and training materials were delivered to the JTA for future use in non-judicial training programs.

The capacity building trainings provided by the Project revealed a lack of training programs for non-judicial staff at the JTA. JRIP proposed to the JTA to work together on developing a training strategy/program (2010–2013) for court staff along with appropriate training curriculum. The goal was to move continuous education for court staff to the next level in terms of quantity (e.g. number of training programs and inclusion of more court employees) and quality (e.g. expand and improve the courses), while developing and implementing a sustainable output-based training program, rather than relying on short-term *ad hoc* workshops. The overall goal was more effective administration and management of court resources and improvement of the quality, timeliness, and transparency of judicial decision-making.

**Sustainable Output-based
Capacity Building at the JTA**

JRIP supported the development of JTA's 2010-2013 Court Administration Training Program. The Program was adopted in July 2010 and implemented in September 2010.

In January 2010, the JTA established an advisory working group for the development of the 2010–2013 Court Administration Training Program. The working group consisted of representatives from different judicial bodies and included 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), Borce Mirceski (President of the Court Administration Association), Ilija Nikolovski (Vice President of the Court Administration Association), and Filip Janiceski and Gordana Stojanova-Ribaroski (JRIP). The Project supported the work of the advisory working group by managing meeting logistics and providing a local expert, Atanas Gorgievski, who mentored and guided the group through the development of the training program and curriculum.

In support of the curriculum development process, JRIP's Court Administration Coordinator and Court Administration and Case Delay Assistant conducted a needs assessment with administrative court personnel working on different job positions. The results of the needs assessment were presented to the JTA advisory working group in March 2010. The information

gathered in the assessment and its analysis provided a basis for the working group to develop the comprehensive Court Administration Training Program.

In June 2010, JRIP's consultant, Mr. Gorgievski, completed the final draft of the Court Administration Training Program and it was then officially submitted to the JTA. In July, the JTA Program Council and Management Board adopted the Program with minor changes. As of September 2010, the JTA commenced the implementation of the Court Administration Training Program for court administration employees.

4.2.8 Improved Public Access, Services, and Information

To enhance the openness, accessibility, and services of the courts, JRIP undertook an integrated, multi-pronged strategy, including introduction of court user surveys, establishment of information officers, and extensive training of court staff.

Public User Satisfaction Survey (Q10)

An important tool for assessing public satisfaction, trust, and confidence in the courts was the Public Users Satisfaction Survey (known as Q10), conducted semi-annually by the previous USAID MCMP. This survey consists of ten questions that establish court users' perception by providing performance measures. As of February 2008, the AO agreed to take over this function with diminishing assistance from JRIP, thus making the survey sustainable. JRIP trained and supported AO staff to develop capacity of the AO to conduct future surveys and use the results to improve court operations. From February 2008 to November 2010, the AO independently conducted six surveys and used the results to suggest improvements in court operations and management.

Sustainability of JRIP Activities

JRIP assisted the AO to conduct the Q10. From February 2008 to November 2010, the AO conducted six surveys independently and used its results to identify improvement areas.

Public Information Officers in the Courts

For the judiciary to succeed in its work, public trust and confidence are of crucial importance. The concept of the Public Information Officer (PIO)³ provides a mechanism to implement the principles of openness, transparency and accountability in the courts. In Macedonia, the Law on Courts and the Court Book of Rules established the role of the PIO. Either the President Judge or a judge appointed by the President Judge can serve in the role of PIO in the court. In reality, the role was not operational. The PIOs' heavy workload and lack of proper skills in conducting public relations activities prevented courts from

Surveys and research found that the courts faced the following public information challenges:

- The judiciary had the least public support compared to all other governmental institutions
- Most of the courts did not conduct any public relations activities
- Since the media did not receive information about the courts' work, they evaluated court performance based on cases and trials and did not account for the diligent and honest efforts of judicial personnel in challenging conditions
- Courts' positive performance results and successes generally did not reach the public

³ PIOs are the courts' media and public relations representatives to the public. They are "the face", advocates, and image of the courts. PIOs link the court and the general public through relations that are usually, but not exclusively, established with the media. They are also known as media liaisons or court information officers. All requests by the media are made directly to PIOs or referred to PIOs.

In May 2008, JRIP hired a full-time Communications Coordinator to develop and institutionalize the concept of the PIOs in the courts. The concept was shared with relevant partners: the Supreme Court, the Administrative Office of the Court Budget Council, the JTA, the JC, and courts throughout Macedonia.

To introduce and develop the role of the PIO, JRIP implemented a number of activities aimed at increasing the capacities of the courts to plan and manage their communications with the public. These activities included the following:

- Conduct of four 3-day trainings in public and media relations for PIOs, their assistants, and representatives from other judicial institutions. The trainings were delivered in the four court appellate regions in September, October, and November 2008
- Continuous mentoring and technical assistance to the PIOs in performing their role, including assistance with developing press releases, organizing public events, developing communications strategies, and preparing publications
- Support to basic courts in developing websites and publishing promotional posters and leaflets
- Carrying out of two advanced 3-day trainings in public and media relations for PIOs. The trainings were conducted in May, June, and October 2009
- Assistance in developing educational publications on courts and media, drafting press releases to promote the work of the courts, and preparing public and media relations tools for promoting the work of the courts
- Undertaking of training of trainers in public and media relations (November 2009), which helped developed the planning and teaching skills of nine PIOs
- Organization of a study tour for eight PIOs to Sweden to observe one of the most open and transparent judicial systems in Europe (April 2010)
- Organizing networking meetings to exchange experiences, best practices, and challenges in performing the job of PIO (June 2010)
- Introducing an annual award for the best PIO in the courts (January 2011)
- Supporting the PIOs' initiatives for promoting the work of their courts such as printing publications for the Administrative Court, basic courts Skopje 1 and Radovis, printing the 2009 annual report for the Appellate Court Stip, organizing public events for the National Day of the Judiciary in 2009 and 2010, and physically equipping the first public relations office in the Basic Court Skopje 1



Celebration of the Day of the Judiciary, sponsored by JRIP

By the end of the Project, these activities resulted in the following achievements:

- 58 PIOs and their assistants gained the basic skills in public and media relations to effectively perform their work
- 30 PIOs gained advanced skills in public and media relations
- Press releases were prepared and positive articles on the work of the judiciary were published in the national and local media. Examples of the titles are the following: “Satisfaction with the Work of Skopje 1 Basic Court,” “Efficient Basic Court in Struga,” “Students Get Familiar with the Work of the Basic Court Skopje 2,” and “Regional Conference Organized by the Judicial Training Academy”

- PIOs organized public events to promote the work of their courts such as the celebration of the National Day of the Judiciary 2010, which was coordinated among nine courts. Courts continued these activities independently by successfully coordinating activities for the European Day of Justice (October 25, 2010)
- The number of media articles covering the work of the courts, as opposed to articles covering specific court cases, increased by almost 300 percent from 2008 to 2010
- 9 PIOs underwent “training of trainers” for future replication of training programs. The JTA will utilize this pool of trainers for their basic and continuous education programs
- PIOs received specialized educational materials that helped them perform their daily work
- Courts have their own websites, which are regularly updated and used by the media and citizens to obtain information

The concept of PIOs in the courts introduced new principles and approaches to openness, transparency, and accountability into the courts.

Capacity Building in Communications

During the Project’s lifecycle, JRIP’s Communications Coordinator delivered a number of training sessions, workshops, and mentoring sessions to help project partners become aware of the need to open their institutions to the public and develop their skills in public communications and media relations.

On several occasions, upon request of the JTA, training in communications was delivered to judges and public prosecutors within the programs for continuing education (February 2009, March 2010, and September 2010).

In February 2009, the Project’s Communications Coordinator delivered four sessions of training in customer service for court personnel in three basic courts.

In March 2009, a session in communication skills was delivered to court administrators and training in public and media relations was provided for the Chamber of Enforcement Agents. After the latter, the Project helped the Chamber develop its first communications strategy. As of June 2011, the Chamber was successfully implementing this strategy.

In June 2009, training in business correspondence was provided to the court administrators. In October 2009, the Project’s Communications Coordinator provided an interactive session on basic communication skills for the members of the CBC.

The Project provided ongoing mentoring to all partner institutions to improve their communications. This included helping the JC improve its website, improving the AO’s strategic plan, helping the JC develop appropriate activities to promote openness and transparency, improving the JC’s code of ethics, and providing guidelines on how to make communications more appealing to the target audiences.

Improved Judiciary Outreach

At the time the Project was launched, the judiciary institutions lacked printed materials that provided information about their roles, activities, and achievements. JRIP, through key leaders of the judiciary and the PIOs, advocated for using a variety of public- and media-relations tools to bring the work of the judiciary closer to the citizens. JRIP supported the production of the following:

- Four issues of the AO Newsletter
- A factsheet about the JC

- The CAA Newsletter
- The 2009 Annual Report for the work of the Stip Appellate Court
- A factsheet about the Administrative Court
- A factsheet about the Radovis Basic Court
- A brochure on the Skopje 1 Basic Court and its activities for openness and transparency

These publications were distributed to court users, citizens, and representatives of the judiciary and received positive feedback.

AO Newsletter and Website

In June 2008, the Project supported the development of the AO's first newsletter. The newsletter aimed to promote the work of the AO among the court users, inform them about its activities and contributions to the work of the judiciary, and discuss important issues. 350 copies of the newsletter were printed and distributed to court users.

The responsibility for preparing the newsletter articles was transferred from the Project's Communications Coordinator, Jelena Janevska, to the AO personnel. The Project developed the AO's capacity to plan newsletter content and write professional and interesting articles. As a result, four issues of the AO newsletter were printed by the end of 2010. JRIP also supported the development of the first AO website.

Websites for the Courts and the Macedonian Judges Association

The USAID MCMP developed websites for 10 pilot courts. These websites were then linked to the web page of the Supreme Court of the Republic of Macedonia. JRIP continued this support and developed websites for 15 more courts. The Project also published promotional leaflets and posters to inform citizens about the existence of these websites and the information on them. These websites were used as bases for the new, interactive websites introduced by the Supreme Court in 2009. By the end of JRIP, all courts were actively using and regularly updating their websites.

In addition, JRIP supported the MOJ in preparation of a manual outlining the method of publishing and searching court decisions on the courts' websites. The manual that was issued on April 5, 2011, will be a useful tool for court staff responsible for publishing court decisions on their websites.

The Project funded the development of the Macedonian Judges Association (MJA) website. During April 2011, JRIP engaged a software company to design and develop a functional site in accordance with the Association's needs and vision. In May 2011, MJA employees were trained to operate and maintain this website. The website was officially launched on May 24, 2011.

4.2.9 Automation of the Courts

Since its inception, JRIP committed its efforts to furthering the automation of the Macedonian judiciary to improve access to justice and court management. At the regular coordination meetings with the MOJ, the Project was asked to provide technical assistance for preparing an inventory of IT used by the courts, assessing the Integrated Court Information System (ICIS), and planning for future automation of the judiciary.

Assessment of Court Information Technology and Training Needs

The first activity was preparing an accurate, detailed inventory of IT hardware and software in the courts. In February 2008, JRIP conducted a nationwide inventory of 62 court and prosecutor

locations, in collaboration with the MOJ Computer Center staff, the Supreme Court, and the AO's IT staff. The work included the inventorying of the IT infrastructure in the courts, encompassing technical and hardware specifications (routers, switches, servers, personal computers, and printers), assessing the connectivity and functionality of the local area networks (LANs), and conducting interviews with judges and court secretaries regarding the use of automation in each court.

General conclusions from field trips included the following:

- The majority of the courts saw the lack of financial and human resources as the main obstacles to better use of the available hardware and software
- No court identified the lack of equipment/computers as the highest priority
- The courts stated that they would like to have more training in the use of IT rather than new equipment
- Courts' local server machines were outdated and should be replaced with new ones
- Courts complained of slow or bad wide area network (WAN) response time
- Half of the courts have no internet connection

The IT inventory was completed in April 2008. It provided a clear picture of the IT assets and needs as a precondition for the implementation of any new software. The final inventory report was distributed among the main stakeholders – the MOJ, the Supreme Court, and the AO. It was recognized that keeping this inventory updated is of central importance.

Standardization of Court Nomenclature

JRIP deemed that before undertaking any initiatives to improve the ICIS or create a new information system, it was essential that nomenclatures (the legal terms used in courts' automated management systems) be standardized.

JRIP was asked by the MOJ to provide technical assistance in defining and unifying nomenclatures. JRIP hired two short-term consultants, Boban Misoski and Hanis Mehmedi, and a full-time ICIS Technical Assistant on Nomenclatures, Vladmir Manasievski, to implement this activity. Over a 6 month period, Mr. Manasievski

conducted on-site research on existing nomenclatures and the possibility of their consolidation. In March 2008 JRIP formed and facilitated the work of 10 expert groups working on nomenclatures in the following areas: civil, criminal, labor, and commercial law, non-contested procedure, law enforcement, misdemeanors, prisons, prosecutors, mediators, notaries, and enforcement agents.

The court nomenclatures development and unification effort was completed in June 2008. These nomenclatures not only provided standard statistical reports but also promoted the unification of various court practices. The nomenclatures were submitted for approval to the Chief Justice, Jovo Vangelovski, in September 2008. Since their approval in 2008, the nomenclatures have been used in designing the new integrated court information system.

Development of Automated Court Case Management and Information System

In February 2008, the MOJ informed the JRIP team that a policy decision was made to completely overhaul ICIS⁴ with a new ACCMIS. JRIP formed an Executive Committee for this

Development of Nomenclatures and Promotion of Standardization of Court Practices

The development and unification of nomenclatures supported the successful design of the new Automated Court Case Management and Information System

⁴ The Integrated Court Information System (ICIS) was a case tracking system software developed and installed in the Macedonian courts in 2003. The system was partly used in only three courts. In-depth evaluations recommended the system's overhaul.

task. The committee consisted of Sam Juncker (JRIP Chief of Party), Joseph Traficanti (JRIP Consultant), Ljupco Tagasovski (JRIP Senior Information and Communication Technology Manager), Nevenka Ivanovska (JRIP Senior Legal Framework Advisor), Gordana Stojanova-Ribaroski (JRIP Court Administration Coordinator), Dimitar Gjorgievski and Ilija Petrovski (MOJ representatives), Maja Hadzi Kimova (AO representative), and Vesna Bojadzievska (Supreme Court IT department). The committee met regularly on the ACCMIS design and implementation.

JRIP helped establish a focus group to assist the committee in the process of designing functions as well as testing and piloting the new ACCMIS. The focus group comprised 17 relevant and experienced practitioners from nine courts: four typists, four registry clerks, two IT administrators, three judges, one legal assistant, and three court secretaries.



ACCMIS being demonstrated in one of the basic courts for the MOJ

Based on standards from the US National Center for State Courts, JRIP developed a survey questionnaire that listed 214 operations of automated court case management software to help define the desirable system functions.

In March 2008, the Project administered the survey among the focus group members, 21 employees from the Skopje 1 Basic Court, and 10 heads of departments from the MOJ. The information gathered was compiled in a summary report and presented to the executive committee. The general conclusion was that the new automated case management system should incorporate most of the 214 listed functions.

In April 2008, JRIP engaged US consultants Ronald and Marianna Stout to review the functional status of the ICIS system and define functional requirements for the development of a new case management system. The consultants worked with the focus groups and conducted an in-depth analysis.

As suggested by the consultants, JRIP established working groups to assist in the development of the ACCMIS and to address desired functions, business rules, and technical requirements.

Based on this consultancy, the feedback received from court users, and the findings of the focus group, in May 2008 the Project initiated a procurement process for purchasing the new ACCMIS software.

In cooperation with the Supreme Court, the Project organized a Court Officials' Consultation Meeting on ACCMIS in July 2008. This meeting gathered 80 representatives of the judiciary, including president judges, court secretaries, representatives from the JTA, and JC members. The goal of the meeting was to assure the acceptance of the system by its future users. Project representatives presented the scope and goals of the ACCMIS project, activities undertaken to support ACCMIS, and future activities needed to ensure its success. The attendees were asked for their support of the aggressive agenda proposed for early completion. During the panel discussion, participants welcomed the initiative and agreed upon the need for strengthening coordination and cooperation efforts.

After a thorough technical and financial evaluation, the company EduSoft was selected as the best bidder and was awarded a contract with the project on August 27, 2008. EduSoft worked closely with the Project, the ACCMIS executive committee, and the judiciary focus groups to design the software and ensure all data were transferred from the old system to the new one.

In October 2008, EduSoft presented the initial system, including its technical documentation. To ensure the product was of the highest possible quality, the model was also presented to a focus group consisting of 35 experienced court practitioners for their expert opinion. Over the course of three days the focus group members analyzed the ACCMIS screens one at a time. They checked their content, identified missing or redundant entry fields, corrected titles and labels, and double-checked terminology and procedural logics. The court practitioners agreed that the proposed model would handle the necessary inputs and provide the desired outputs for the majority of the data.

In December 2008, JRIP organized a demonstration of the ACCMIS model for the Minister of Justice and the President of the Supreme Court. The agenda for this event included a brief introduction of the ACCMIS activity, efforts to date and future activities, a practical demonstration of the functionalities of the software, a question-and-answer session, and an open discussion session. Both the Minister and the President Judge were satisfied with the model, the options it offered, and the activities implemented. They emphasized the importance of the system as one of the key judicial reforms and committed the full support of the government.

Close Monitoring Ensured Effective Implementation

JRIP conducted regular visits to courts to get firsthand information on the progress and quality of the ACCMIS installation, training, and usage. The training revealed some of the issues courts faced, such as management issues, lack of IT personnel, and lack of hardware. JRIP offered continuous assistance to help the courts address these issues.

In December 2008, ACCMIS was tested simultaneously in the Supreme Court and the Ohrid Basic Court. The goal of the testing was to check the technical and functional capacity of the software. The test determined the system's compatibility with the existing computer hardware, software, and communication infrastructure used by the courts. For each test, forms were completed to describe the results, irregularities, improvements needed, and comments. EduSoft reviewed the feedback received and made the required modifications.

As of January 2009, the implementation of ACCMIS entered its second phase: implementation in all courts throughout Macedonia. By mid-January, JRIP and EduSoft had visited all courts in Macedonia, scrutinized their technical infrastructure, and installed ACCMIS wherever technical conditions allowed. The Project prepared a field report, which was presented to and reviewed by the ACCMIS Executive Committee. Based on the findings, JRIP informed the Chief Justice and the Minister of Justice on the key priorities that required immediate action for the installation and functioning of ACCMIS nationwide.

At the end of January 2009 training of ACCMIS users started simultaneously in courts where the application was installed. By the end of September 2009 more than 2,100 court users had received training on the ACCMIS. Courts that made strong progress started practicing with actual data and gradually introduced ACCMIS in their daily operations. The first of such courts was the Skopje Appellate Court. After completing the curriculum, trainers continued to be present daily in the courts, providing on-site consultation and support. This allowed courts to gradually and smoothly introduce use of the ACCMIS.

From July to December 2009, courts were responsible for transferring their pending cases from paper registry books into the ACCMIS.

During the entire implementation of the ACCMIS, JRIP conducted regular visits to courts to get firsthand information on the progress and quality of the ACCMIS installation, training, and usage. During these visits, complaints and suggestions, technical conditions, obstacles, and achievements were identified. A typical visit to a court included a meeting with the president judge, court secretary, appointed person responsible for ACCMIS implementation, court IT staff, subcontracted trainer, and some trainees. Field visits uncovered some of the issues courts faced, such as lack of leadership, shortage of IT personnel, and insufficient and inadequate equipment. Within its mandate, JRIP continuously offered its assistance wherever it was possible.

The Project engaged IT support staff for 12 courts⁵ to support the implementation and use of the system. The Project extended the IT staff's contracts several times until the judiciary was able to permanently employ IT personnel in these courts. Based on their initial scanning of the technical conditions, JRIP provided the IT contractors with the necessary tools and materials (connectivity patch cables and plug-in connectors, network testers, tongs, switches, and CD devices) to effectively perform their work.

JRIP provided the courts with RAM memory for refurbishing old computers to allow them to run Windows XP and be registered on the Judicial Domain network. The Project also provided 2,400 computer antivirus licenses and worked with the MOJ and the World Bank to purchase new servers for the courts. In January 2010 the Project provided courts with 431 computers, 35 printers, 53 splitters, 22 switches, 42 monitors, and 42 RAM memory kits. The Project also provided 48 port switches for improving the LAN condition in Stip and Skopje appellate courts as well as in Stip and Strumica basic courts. From November 2010 until June 2011, JRIP purchased 91 personal computers to be distributed among the appellate courts in Skopje and Gostivar, and basic courts in Bitola, Prilep, Resen, Tetovo, Strumica, and Kumanovo.

Automation of Case Management and Court Records

- As of January 1, 2010, ACCMIS replaced manual case processing and addressed the time-consuming procedures in the courts. The system improved court transparency and data reliability.
- ACCMIS deployment entailed the training of over 2,300 court users.
- To effectively support the use of the system, JRIP provided 542 computers, 35 printers, 22 switches, 42 monitors, 42 RAM memory kits, and other IT material upgrades to the courts.

JRIP initiated regular ACCMIS coordination meetings with the President of the Supreme Court and the president judges. Such meetings were organized in March 2009, June 2009, and October 2009. The purpose of these meetings was to discuss the progress of ACCMIS, identify possible implementation obstacles, and advocate for active participation of all stakeholders in its successful implementation.

The Project continuously advocated for establishing a national Court Technology Committee, which was created on February 25, 2010. This committee reviews and approves all changes, extensions, and improvements of the software in response to user needs and legislative changes. It meets on the first Thursday of every month at the Supreme Court. Until the end of the Project, JRIP representatives actively participated in these meetings and assisted the work of the committee.

⁵ Basic courts in Debar, Struga, Kicevo, Resen, Kumanovo, Negotino, Berovo, Delcevo, Radovis, Kratovo, and Vinica, and Appellate Court in Stip.

As of January 1, 2010, ACCMIS became a reality in all 33 Macedonian courts. The system is expected to have a long-lasting positive influence on the Macedonian judiciary. It provides complete automation of the flow of court cases, which in turn simplifies court processes, reduces their duration, and contributes to reducing the backlog of cases. The system standardizes the process and nomenclatures on a central level, enables easy access to important information and legislation related to the cases, and provides automatic report generation. It also improves data protection and security. The Project worked with the courts that demonstrated sufficient level of ACCMIS use, helping them to post their monthly schedules of case hearings on their websites. These schedules are generated through ACCMIS. Using the courts' websites, citizens can find the exact date, time, courtroom number, the appointed judge, and lay judges. This initiative complemented the judiciary's initiative to post case decisions as well as court reports on the courts' websites.

The Project continued to support court staff in using the ACCMIS system. Special attention was given to the two largest basic courts, Skopje 1 and Skopje 2. The Project contracted four IT professionals to work in these two courts for six months. They trained and helped the courts' management to establish effective control mechanisms to ensure accurate and prompt usage of ACCMIS.

To ensure sustainability and control of the system, in April and May 2010 JRIP facilitated training on ACCMIS for all 36 inspectors of the State Administrative Inspectorate (SAI) so they can use the system as a tool for their inspections of courts. JRIP and EduSoft assisted the inspectors during the first four inspections of the courts in each of the appellate regions in June 2010. The SAI, which is the MOJ body responsible for monitoring how courts are implementing the Court Book of Rules, performed inspections in the basic courts of Stip, Skopje 1, Prilep, and Gostivar. The inspections showed positive results with respect to ACCMIS use for Prilep, Stip, and Gostivar. Skopje 1 presented weaknesses and inefficiencies in its use of ACCMIS. Inspections were conducted in an automated manner through a specially designed software module. Inspectors and courts were highly appreciative of this module because, for the first time, it allowed them to conduct detailed, accurate, objective, and fast inspections.

With the latest law changes at the beginning of 2011, the SAI no longer has jurisdiction over courts' administrative work, as the responsibility was shifted away from the MOJ. Its substitute was not yet determined, meaning that training of eventual new inspectors on inspection of ACCMIS use should be carried out after the project ends.

At the beginning of 2011 courts prepared their 2010 annual reports. Encouraged by the ease of generating reports from ACCMIS and their accuracy, courts and the JC accepted the idea that the JC will receive monthly reports directly from the courts' ACCMIS databases. Preparations and software changes to allow this were completed and successfully tested in May 2011. Technical infrastructural issues with interconnectivity between courts and the JC are the only reason this automated monthly reporting to the JC has not been officially implemented to date.

In January 2011, complaints from the courts began mounting regarding the newly acquired server machines purchased by the MOJ with a loan from the World Bank. In February, the Project took the opportunity to raise this issue in a World Bank–USAID meeting. It was agreed that the World Bank would visit several courts to review the quality of the servers. The Project was invited to join the visits. By the end of February, this team of experts had visited eight court locations. As a result of these visits, at the beginning of March the World Bank sent a letter to the Minister of Justice and to the Minister of Finance with its findings and recommendations. In that letter, the World Bank recognized the success of ACCMIS and pointed out issues preventing even-greater

court efficiency through use of ACCMIS, including the need for more IT staff within the courts and a more proactive approach by Supreme Court IT staff in promoting its implementation. Other issues were identified relating to the quality of the servers, antivirus software, and operating system and database licenses.

ACCMIS Improved Court Reporting and Monitoring

Encouraged by the ease of generating accurate reports from ACCMIS, courts and the Judicial Council accepted use the ACCMIS-generated reports as a court reporting and monitoring tool.

The World Bank’s letter labeled these issues as a significant risk to the effective and reliable use of ACCMIS, and to system’s long-term sustainability. As a result of this communication, the MOJ took steps to improve its control over the implementation of ACCMIS, including ensuring the quality of the servers (and their installation) in the courts.

Despite the Project’s expression of its concerns to the MOJ, at the end of March 2011 the contract expired between the MOJ and the

local telecommunications provider of WAN interconnectivity for the judicial institutions. This caused delays to the implementation of certain activities, such as installing an automated electronic court reporting system at the JC and restructuring the Judicial Domain hierarchy structure and its Active Directory.

As the Project entered its final months, the Supreme Court exhibited the least effective use of ACCMIS. Minor improvements were achieved in 2011. Upon request from the EU for reports on “trials conducted in a reasonable time”, the Supreme Court pressed the department responsible for these types of case to update the respective ACCMIS records. It is JRIP’s hope that this experience encourages other departments at the Supreme Court to update their data in ACCMIS.

To add to its institutional memory, the Project contracted with a local company for the production of a video that will summarize the design, implementation, use, and benefits of the ACCMIS system. The video was featured and distributed at the Project close-out event on June 28, 2011.

Judicial Council Case Management Information System

In September 2009, JRIP positively responded to the JC request to modify the ACCMIS software to meet their specific case management needs. Representatives of JRIP and JC drafted the basic technical requirements for ACCMIS modification, and named it the Judicial Council Case Management Information System (JCCMIS). EduSoft started the software preparation. The software was tested in February and installed in March 2010, after which the vendor trained 25 users from the JC. As of April 2010, the JC was actively using the JCCMIS in its daily operations.

4.2.10 Electronic Court Recording

The Project identified the need for modernization of proceedings regarding the preparation of court hearing minutes, as these are commonly filtered, rephrased, misdirected, and misinterpreted under the current manual system. In early 2009 JRIP prepared an electronic court recording study to evaluate the installation of a digital audio recording system as a means of ensuring accuracy and completeness of court hearings’ minutes.

In May 2010, the concept and the study were shared with the MOJ, the JC, and court administrators. A positive reaction was received from these stakeholders. The Project initiated the establishment of a court recording committee, involving various stakeholders, which focused primarily on addressing and resolving the legal and technical impediments for the use of such system.

In December 2009, JRIP organized three events relating to the electronic court recording initiative. On December 3, the Project organized an on-site presentation in Basic Court Skopje 1. On December 10, an initial coordination meeting was opened by the Minister of Justice, where the legal impediments to this technology were discussed. On December 18, a “role play” event on electronic court recording was held and attended by high-level representatives of the judiciary, including the Minister of Justice.

In February 2010, JRIP recruited a local audio recording company to visit all courts and prepare a feasibility study for the implementation of electronic court recording. In early March, JRIP signed a contract with a local vendor, SAGA MK. SAGA MK experts visited the courts and provided detailed information for technical and other specifications needed within each court. These specifications were described in the study report submitted by SAGA MK in April 2010. In June, the vendor’s report was shared with the MOJ Court Recording Committee. By September, in cooperation with the MOJ and courts, JRIP identified 80 courtrooms where the audio recording systems would be installed.

Implementation of the Digital Audio Recording System Courts

- The Digital Audio Recording System (DARS) was installed in 30 courts throughout Macedonia
- Training on DARS maintenance and use were delivered from April through June 2011
- Over 63,300 CDs and 480 head phones were provided to courts to support initial use of the system
- Electronic signatures were purchased for 250 civil judges to secure accuracy in producing the audio recordings

The amendments to the Law on Civil Procedure adopted by the Parliament on August 24, 2010, provided the legal basis for electronic court recording of trials. This audio recording system will enable the courts and parties to have precise information on everything that happens during court hearings and help judges to make decisions based on accurate records of proceedings. The audio record shall become an integral part of the case file.

In November 2010 JRIP completed the procurement process for purchasing the audio recording system and equipment. A local company, ICS, was selected as having made the best offer. The favorable US dollar exchange rate and vendor’s lower-than-expected price allowed for the provision of more equipment than originally planned for.

The contract with ICS was signed on March 22, 2011. The installation of the equipment and software in 30 courts throughout Macedonia was completed on schedule at the end of May 2011.

Training in the operational maintenance of the Digital Audio Recording System (DARS) was delivered to the courts’ IT staff in April 2011. Training for the system end-users (judges and judges’ secretaries) ran from the end of May through mid-June 2011.

DARS will likely not be actively used until mid-September 2011 because the law that prescribes its usage comes into effect on September 9, 2011. Also, the courts perform a limited amount of work during the judicial summer break. To ensure the knowledge and skills transmitted in the training are not lost, it is important to conduct refresher training after the enabling law comes into effect.

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. At the end of each trial session, parties will be given a CD with the audio recording of the hearing. The Project provided courts with 63,300 CDs to support the initial

use of DARS. It also provided 480 headsets to the courts in June 2011. Finally, the project procured electronic signatures for 250 civil judges to protect the accuracy of the audio records.

5. RESULTS ACHIEVED

To accomplish its goals, JRIP developed and implemented annual work plans that were approved by and regularly coordinated with USAID Macedonia. A monitoring and evaluation plan⁶ was developed as well to track the Project's performance and to ensure that corrective actions were implemented where necessary. The Project's key achievements were the following:

- **Improved regulation of court procedures and efficiency of enforcement agents** by supporting amendments to the Law on Enforcement (in 2008, 2009, and 2010) and building the capacities of the Chamber of Enforcement Agents and the MOJ oversight body
- **Improved case processing efficiency, electronic delivery of summons, and audio recording** by supporting amendments to the Law on Civil Procedure (in 2009 and 2010) and training 347 judges and 19 lawyers on these changes
- **Promoted judicial independence** by supporting the drafting and implementation of the Law on Court Service. Court employees, previously civil servants under the executive branch, became part of the court administration (judicial branch) with the implementation of this law
- **Fostered the court administration profession** by supporting the establishment of the CAA. The Project assisted the CAA in developing its first strategic plan and participating in policy-making activities. The CAA drafted 10 of 39 amendments to the Law on Court Service (2010) and provided input in the development of the first Court Service Ethics Code and training curriculum for court staff
- **Supported the institutionalization of judicial and court personnel training** by partnering with the JTA in providing various training activities and supporting the development of the Academy's Court Administration Training Program for 2010–2013
- **Set standards for case processing, delay prevention, backlog reduction, and publishing of decision on courts' websites** by supporting the preparation of the Law on Case Management (2010) and implementing case delay and backlog reduction practices in the Bitola Appellate Court region. The implementation of these practices reduced case backlog and delay by approximately 64 percent at the first instance level in the Bitola Appellate Court region
- **Promoted financial independence and sustainability of the judicial system** by supporting a study and amendments to the Law on Court Budget (2010) that fixed the funding for the judiciary at 0.8 percent of the Macedonian GDP
- **Improved court budgeting and financial management** by conducting a *Budget and Finance Study* (2008) and supporting the implementation of the study's recommendations. The Project assisted the AO of the CBC in setting standards and procedures for budget preparation, budget execution, and financial management
- **Improved court efficiency** by developing and implementing the Automated Court Case Management and Information System in all 33 Macedonian courts. Over 2,300 judges and court personnel received training on ACCMIS. As of January 2010 the system had replaced manual case processing and addressed the time-consuming procedures in the courts
- **Installed a Digital and Audio Recording System** in 80 courtrooms to increase efficiency and transparency of civil hearings, and to support the implementation of Law on Civil Procedure. Over 650 judges, judges' assistants, typists, and IT personnel were trained to use this system

⁶ The Performance Monitoring and Evaluation Plan is included as appendix 9.1 of this report

- **Improved court transparency and openness** by introducing the PIO concept, training 41 judges and court personnel on communications and public relations, developing court websites, and printing brochures, flyers and other court information. The proportion of media articles covering the work of the courts, as opposed to covering specific court cases, increased from 14 percent in 2008 to 46 percent in 2010

6. PROJECT VISIBILITY

In accordance with its Branding and Marking Plan, JRIP continuously provided information about its work and contribution to the judiciary, project partners, and the general public. Its public information activities included the following:

- **JRIP website (www.jrip.org).** This website, in Macedonian and English, provided key information related to Project’s mission, objectives, and activities. The “News” section of the website was regularly updated with Project success stories. By the end of the Project, 69 success stories had been published on this website
- **JRIP publications.** A factsheet about the Project was printed in Macedonian and English and distributed at public events. The Project printed publications outlining its achievements during its first and second years. At the end of the Project, a booklet highlighting JRIP’s key achievements was published and distributed among judicial institutions and legal professionals
- **JRIP in USAID’s newsletter and on its website.** Articles about JRIP’s work were published in the USAID newsletter and on its website (June 2008, September 2009, May 2009, and April 2010)
- **JRIP in other newsletters.** More than 20 articles on JRIP’s contribution to the judiciary were published in the AO/CBC, CAA, and JTA newsletters
- **Media coverage.** As a result of its media support to various courts and the judiciary in general, JRIP was mentioned in numerous articles in local and national printed and electronic media
- **Public presentations.** A presentation on JRIP and its support for automation of the judiciary was delivered to members of American Corners in June 2010. The Project and its contribution to the judiciary in Macedonia were mentioned at various training sessions for judges and court staff delivered in cooperation with the JTA
- **TV shows.** JRIP activities were featured in the national Macedonian Television three times. These 15–20 minute programs focused on JRIP’s contribution to court automation and deployment of ACCMIS (May 2009), court openness and transparency (October 2009), and implementation of the Law on Enforcement (December 2009). These shows involved JRIP’s Chief of Party, Senior ICT Manager, Communication Coordinator, and project partners



JRIP's presentation on Macedonia national television

7. LESSONS LEARNED

The following summarizes some of the key lessons learned during the implementation of the Project.

7.1 ADEQUATE ALLOCATION OF FINANCIAL AND HUMAN RESOURCES IS A PREREQUISITE FOR EFFECTIVE IMPLEMENTATION OF LAWS

The Macedonian judiciary was tasked with implementing several laws enacted as part of the National Strategy for the Reform of the Justice System. Some of these laws were prepared without a thorough analysis of the current state of affairs, participation of the judiciary and legal community, or, more importantly, allocating adequate financial and human resources to support their implementation.

Already underfunded, Macedonian courts were challenged with the implementation of new laws and regulations without the necessary means. For example, the new Law on Enforcement (2005) required courts to process enforcement cases until December 31, 2007, and then transfer the remainder of cases to private agents. Despite the fact that the deadline for processing these cases was put back three times – the new deadline is July 1, 2011 – the courts were unable to take effective steps to reduce their backlog. The judges' heavy workload and courts' financial constraints, which prevented hiring of needed support personnel, impeded the effective implementation of the new law. The Project was able to help resolve this issue by developing a methodology for purging pending cases and, through use of trained interns, assisting courts in preparing to transfer pending enforcement cases to enforcement agents.

The lesson learned is that without strategic vision and methodology for implementation, adequate funding, and sufficient professional and administrative personnel, challenges in implementing key reforms will persist. Future programs should build awareness of judicial leadership of this lesson and develop their capacity to address the issue. Further, programs should promote the participation of the judiciary and legal community in the policy-making process to ensure a more strategic and forward-thinking approach in implementing reforms aimed at strengthening judicial independence and compliance with EU standards.

7.2 JUDICIAL INDEPENDENCE REQUIRES FINANCIAL INDEPENDENCE

From 2003 to 2010, the funding for the judicial branch continued to decrease while the mandates that the Government imposed upon the courts increased. The court budget represented less than two percent of the state budget in 2003, and had declined to only 1.10 percent in 2010. This budget is not sufficient to meet the needs of the courts. For example, for almost 2 years, the AO operated with only one full-time professional; temporary staff was paid by the previous USAID/MCMP project. It was not until late 2008 that the AO increased its staff and started to manage the court budget in a professional manner.

To address the need for financial independence of the judicial branch, JRIP successfully helped promote awareness of the need to increase the size and stability of the judiciary's budget. The additional funds committed by the Macedonian Government will enable the judiciary to focus on strategic goals such as building a professional and competent judiciary, processing cases within a reasonable time, and strengthening citizens' trust and confidence in the judiciary.

The lesson learned is that the prospects for success of strategic judicial reforms aimed at building judicial independence is dependent on an adequate judicial budget. The significant time and resources JRIP allocated to the issue of judicial budgeting was a worthwhile investment that has

delivered an important building block in the effort to establish a strong and independent judicial branch in Macedonia.

7.3 AUTOMATION EFFORTS REQUIRE INTENSIVE SUPPORT

Implementation of ACCMIS nationwide was a significant achievement under JRIP. Designing, implementing, and ensuring effective use of the software were challenging tasks with technical, organizational, financial, and political complexities.

While the Project's assistance proceeded according to plan, obstacles to implementation included financial and management constraints in the MOJ and the courts. To maintain progress and meet implementation schedules, the Project occasionally needed to intervene with additional donations in the form of computer equipment and training.

The lesson learned is that programs tasked with implementing automation efforts need to evaluate implementation risks, develop appropriate contingency and mitigation plans, and prepare for the allocation of resources to compensate for delays or shortcomings, especially when a rigid schedule is involved. Approaches that proved to be effective with ACCMIS were the conduct of extensive meetings at every operational level of the involved institutions, and initiation of numerous joint work groups and committees. Preparatory meetings with relevant senior officials prior to any new or intensified field activity in order to gain leadership support were particularly effective in maintaining progress of implementation efforts.

The significant number of ACCMIS users (over 2,400) that had to be trained and supported and the scattered location of the courts were also challenging. The Project successfully addressed these challenges by identifying and using well-established local IT companies that were able to provide immediate support. Another effective strategy was to identify and motivate court employees that were proficient in ACCMIS and DARS to promote their use among colleagues and build a "competitive spirit" within each court.

Lack of regular controls and monitoring systems was another obstacle towards the automation of processes. To address this issue, the project upgraded ACCMIS with tools for inspections and trained 36 audit inspectors in its use. The project also produced a special version of ACCMIS for the JC, encouraging it to use the special version when evaluating the annual performance of judges. Programs tasked with automation initiatives should consider the introduction of regular controls and monitoring as a prerequisite for effective implementation.

8. RECOMMENDATIONS FOR FOLLOW-ON PROJECTS

The following are recommended for follow-on projects to provide continuity in key areas, fill gaps, prevent backsliding, and effectively build upon JRIP's work to achieve a modern, professional, and independent judiciary that meets EU standards.

8.1 PROMOTE THE JUDICIARY'S INVOLVEMENT IN THE LEGISLATIVE PROCESS

There is a need to improve the involvement of the judiciary in the development of legislation affecting the judicial system, to ensure that the judiciary operates under the best legislative framework possible. Specific activities could include:

- Develop a *Legislative and Rules Task Force* within the judiciary (e.g. JC or the Supreme Court). Construct a process with identified members responsible for identifying proposed legislation that will positively or negatively affect the judiciary. Trained task-force members

should provide a comprehensive report on judicial-related draft legislation or rules for further action. Task-force members should also serve as advisers to the legislative branch for improving laws pertaining to the judiciary and the justice system

- Develop a protocol whereby the *Legislative and Rules Task Force* would, at the direction of the JC and/or the Supreme Court, lobby the MOJ, parliamentary committees, and members of parliament for or against legislation or rules
- Identify a core group of leaders from the legal professional associations to serve as *pro bono* advisers to the legislative branch for drafting laws related to the judicial system as appropriate

8.2 DEVELOP COMPETENCE OF JUDGES AND COURT PERSONNEL

Although the capacity and performance of judges and court staff has continually increased over the life of JRIP, there remains room for further improvement. Future activities could include:

- Enhance the quality of judges' work in their adjudicative role. Expediency as well as quality should be addressed. Further activities may include:
 - Improving the quality of judicial decisions for sitting and candidate judges
 - Improving legal research skills and resources, including availability of international research material
 - Improving the abilities of legal support staff by training court attorneys
 - Establish a *Judicial Research Office* responsible for collecting, indexing, and collating reportable decisions from all courts, and for posting information on the websites
 - Institutionalize the current cadre of court attorneys in basic courts into an institutional entity with oversight by senior attorneys as supervisors, providing a balanced distribution of work and uniform accountability standards
- Assist the Academy for Judges and Prosecutors in developing and implementing a specialized program to strengthen the leadership and managerial skills of president judges
- Support the Academy for Judges and Prosecutors with the implementation of the Court Administration Training Program
- Encourage and support JTA's long-distance and web-based learning capacity with the possibility of forging links with institutions around the country to assist in the delivery of sessions for judges, court administrators, and court staff
- Conduct training in various specialties within the courts including: trying complex cases, commercial and labor cases, bankruptcy cases, juvenile justice, and other specialized legal areas on the rise

8.3 ENCOURAGE LEADERSHIP DEVELOPMENT

The judicial administration and courts of Macedonia require leaders who understand and appreciate the importance of leadership in effecting change and motivating others. Sustained and meaningful reform requires leaders committed to reform and improving justice sector competencies and services. There remains room for improvement in this respect. Future programs may aim to instill a proactive management culture in judicial sector leaders. A *Proactive Management Culture for Judicial Leaders Program* could include judicial decision and policy makers of all levels and across public, private, and civil-society sectors.

8.4 STRENGTHEN THE CAPACITY OF KEY NEW BODIES

The Court Services Council, the CBC, and the Court Information Offices are new, evolving institutions with critical functions, and require further support if they are to effectively implement their mandates and tasks. Future programs should continue building the organizational capacities of the Court Service Council, the CBC, and employees at the Court Information Offices.

8.5 CONTINUE SUPPORTING THE COURT ADMINISTRATION PROFESSION

Court Administrators are in need of further support to enhance their skills. The CAA also requires further organizational development and material resources such as computers and software.

8.6 PROVIDE CONTINUING CAPACITY BUILDING ASSISTANCE TO THE ADMINISTRATIVE OFFICE OF THE COURT BUDGET COUNCIL

This office has a critical role in resource allocation and performance-based budgeting for the judiciary. It is in need of further development if it is to perform at a level consistent with EU standards. Future activities may include:

- Assist the AO of the CBC in assessing current court staffing levels and developing court staffing guidelines to assure that there is an even distribution of staffing and workload
- Support the AO of the CBC in developing and implementing a long-term strategic planning process to achieve more stable funding for the judiciary. The process should incorporate and utilize the recommendations and tools developed through the JRIP budget study
- Assist the courts and the AO in developing budgets that are realistic and reasonable, based on caseload and other factors
- Assist the courts in preparing fiscal requests with valid justifications and a rationale for each request
- Support the expansion of the AO to include regional offices, which will support the entire array of administrative tasks in the four appellate regions, including case-flow management, user satisfaction, human-resource management, new-employee orientation, statistic gathering and keeping, and records management

8.7 DEEPEN CASE MANAGEMENT REFORMS

Much progress has been made and positive momentum exists in introducing modern case management approaches, which is fundamental to efficient and effective justice service delivery. Further development should continue, building on successes and maintaining the current momentum. Specific activities could include:

- Assist the Supreme Court in introducing a case weight system and standards for case processing and performance measurement to ease the Supreme Court into modern court processing practices
- Pilot and then gradually implement a differentiated case system throughout Macedonia and across all court types
- Support implementation of the new Law on Case Management with a special focus on enhancing case management techniques for preventing and reducing case delay and backlog including:
 - Providing individual attention to each court, in order to accommodate each local situation
 - Replicating the Bitola Appellate Court region's experience for each appellate region with a clear line of responsibility identified
- Enhance case management by:
 - Focusing on differential case management
 - Introducing a "rocket docket" to quickly dispose of cases that lend themselves to early disposition
 - Periodic on-site mentoring and training to eliminate old cases
 - Encouraging and supporting a regular schedule of case settlement conferences
 - Supporting with experts and trainings, an expanded use of mediation
- Further support implementation of DARS to increase transparency and efficiency in the processing of civil cases

8.8 PROMOTE JUDICIAL PUBLIC OUTREACH AND LEGAL EMPOWERMENT

Courts have made great strides in opening themselves up to the public and increasing communications with citizens and the media. Much work remains to be done to create a society that is fully informed of its legal rights and has a clear expectation of a judiciary that acts independently and efficiently. Such an empowered citizenry is a critical element in promoting judicial independence. Illustrative activities may include:

- Establish a speakers' bureau of judges and court administrators for presentations to schools and civic groups on democracy, rule of law, court administration, and civil society participation
- Establish a working group to develop an *Annual Report of the Judiciary* and encourage and sponsor a “State of the Judiciary” presentation delivered through a public address by the Chief Justice, annually
- Support the expansion of civic education to build civil society awareness and the demand for democracy, judicial independence, the rule of law, and human rights. This can be accomplished by having school students and university students not studying law take part in civic education initiatives. Civic education plays an important role in shaping students' personalities and preparing them to become active citizens of the future

8.9 DEVELOP THE QUALITY OF LEGAL PROFESSIONALS

The legal profession plays a crucial part in effective delivery of justice to all citizens. In JRIP, the need to further strengthen the capacity of the legal profession became evident. Specific activities may include:

- Enhance the quality of legal education. The quality of legal education is the foundation of effective lawyering skills and advocacy. Interventions with the country's law schools should focus on:
 - Ensuring a broad range of law school courses emphasizing practical skills such as legal reasoning, research and legal writing
 - Giving students the knowledge and skills to participate in a legal career
 - Developing a strong law school administration that effectively supports the work of the law schools
- Support a *Small Business Legal Clinic* to give students interested in the business world real-life experience handling transactional legal problems and to provide assistance to business owners and entrepreneurs
- Expand the use of student interns to support the work of the courts. The interns would work for the project and gain academic credit but receive only travel expenses. It is recommended that interns be recruited from the South Eastern European University to promote broader ethnic participation in the courts

8.10 GIVE INCREASED FOCUS TO INTER-AGENCY COOPERATION AND COMMUNICATIONS

Courts have become more open over the life of JRIP; however, there remains room for improved communication between judicial branch bodies, actors, and other institutions. Robust and systematic communication by the judiciary is a key driver of improved judicial performance and public perceptions of their role. Future programs may, among other activities, support institutionalization of communication by developing protocols that foster formal and informal cooperation with and between agencies and branches of the judiciary.

9. LIST OF APPENDICES

9.1 PERFORMANCE MONITORING AND EVALUATION PLAN

9.2 COMPONENT A – IMPLEMENTATION OF NEW REFORMS

Law on Courts

- Commercial Cases Analysis (June 2009)
- Labor Cases Analysis (August 2009)
- Amendments to the Court Book of Rules (December 2009)

Law on Judicial Council

- Law on Judicial Council

Law on Enforcement

- Recommendations and comments on proposed amendments to the law (J. Uitehaag – February 2009)
- Workshop on implementation of changes to the law enacted in 2008 and 2009 (J. Uitehaag and A.L.G.A Stille – February 2010)
- Law on Enforcement (Integrated text)
- Stress Management Manual (V. Ortakov and S. Petkovski - 2010)

Law on Academy for Judges and Public Prosecutors

- Review of Draft Law on Academy for Judges and Prosecutors (J. Traficanti – January 2010)

Law on Court Services

- Sub-regulations (2009)
 - Criteria and Procedure for Selection and Employment of the Court Employees
 - Manner, Procedure, and Form for Evaluation of the Court Employees
 - Structure and Content of the Form for Registering Court Employees Data
 - Manner and Procedure for Case Flow Management with the Use of Information Technology
- Amendments to the Law on Court Service
- Flyer on the Law on Court Service

Law on Civil Procedure

- Amendments to the Law on Civil Procedure
- Law on Civil Procedure

Law on Case Management

- Law on Case Management

9.3 Component B – Improvement of Court Practices and Material Resources

Case Flow Management Practices Implemented in Basic Courts

- “Effective and Efficient Case Flow Management” presentation and “Steps for Introduction/Revision of the Delay and Backlog Reduction Plan” form

Building the JTA's Capacities

- Report on training needs assessment methodology (March 2010)
- Framework 2010-2013 Court Administration Training Program (June 2010)

Functional and Strong Court Administration Association (CAA)

- CAA Strategic planning process training
- CAA 2010-2012 Strategic Plan
- CAA Communications Strategy
- CAA Newsletter
- CAA Project cycle management training and mentoring sessions for project development (S. Milenkova and Z. Stojkovski - 2010). It includes a copy of the “Enhancement of citizens’ trust within the judiciary” project developed by CAA.
- Code of Ethics of Court Service Employees

Functional Court Service Council (CSC)

- Memorandum of Understanding between the CSC and JRIP (February 2010)
- Report on CSC capacity building and court administrators transition training (J. Traficanti – April 2009)
- CSC planning and coordination workshop materials (April 2009)
- CSC 2010-2011 Action Plan
- CSC Provision of Effective and Efficient Services Training
- CSC Key Organizational Processes

Stable and Adequate Funding of the Judicial Branch

- Macedonia Judiciary Budget and Finance Study (D. Botch – June 2008)
- Budget and Finance Study Trip Report (D. Botch – June 2008)
- Macedonia Judiciary Budget and Finance Study Conference and Action Plan Workshop (D. Botch – November 2008)
- Budget and Finance Study Trip Report – Second Visit (D. Botch – November 2008)
- Action plan for the implementation of the 29 recommendations (May 2009)
- Study for determining a percentage of Macedonia’s GDP for financing of the judiciary (Z. Jankulovski – July 2010)
- Report on preparation of the study for determining a percentage of Macedonia’s GDP for financing of the judiciary (Z. Jankulovski – July 2010)
- Manual for planning and allocation of budget assets (July 2010)
- Report on Judiciary Budget Request Development Indicators (D. Botch - November 2010)
- Amendments and changes to the Law on Court Budget (November 2010)
- Report on changes to the Law on Court Budget (D. Botch – May 2010)
- Judicial Branch 2010 – 2012 Strategic Plan
- Cost per Case Analysis Study and Development of Systems and Reports Measuring Efficiency and Cost Effectiveness (J. Traficanti – March 2009)

Improving Judicial Council's Functions and Capacities

- Memorandum of Understanding between the Judicial Council and JRIP
- Judicial Council 2010 – 2012 Strategic Plan
- Judicial Council Code of Ethics

Improvement of Public Access, Services, and Information

- The concept of Public Information Officers in the courts (JRIP – July 2008)

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- Report on Sweden Study Tour “The Role of the Public Information Officers in Achieving Openness and Transparency in the Modern Court Systems” (JRIP – May 2010)
 - “Developing a press release for promoting the work of the courts” (Brochure)
 - “Public relation tools for promoting the work of the courts” (Brochure)
 - “Courts and media” (Brochure)
 - AO/CBC Newsletter (Four issues)
 - JRIP Achievements: Year 1 and Year 2
 - JRIP Fact Sheet
 - Fact Sheets: Judicial Council, Administrative Court, Appellate Court Stip, Basic Courts Skopje and Radovis
 - Court websites (Leaflet and poster)
 - Code of Ethics of Court Service Employees (Brochure, flyer, and poster)

Court Computerization

- Report on ACCMIS RFQ (R. Stout – August 2008)
- ACCMIS Tender Documentation (JRIP – June 2008)
- ACCMIS Contract (September 2008)
- ACCMIS Database Logical Design (EduSoft - September 2009)
- ACCMIS Software Technical Documentation (EduSoft - September 2009)
- ACCMIS Technical Guide (EduSoft - September 2009)
- ACCMIS Training Program
- Feasibility Study for Digital and Audio Recording System (SAGA – May 2010)
- DARS Tender Documentation (JRIP – October 2010)
- DARS Contract (March 2011)
- DARS Manual for IT administrators (Special Recording Systems – May 2011)
- DARS Manual for end users (Special Recording Systems – May 2011)