

## REPORT ON THE COURTROOMS' ASSIGNMENT AT ROLP PILOT COURTS

### Background

Justified on grounds of courtrooms' shortages, the trial sessions in Albanian courts, especially first instance courts, are held in both courtrooms and judges' chambers. The sessions held at judges' chambers represent a major setback in terms of judicial transparency, openness, trial solemnity, and corruption perceptions. Judges' chambers are often deemed to serve as a cover-up for ethical and fair trial standards' infringements. Furthermore, there's confirmed evidence (through various court monitoring projects) that even in cases when the courtrooms are not busy, the trial sessions are still held at judges' chambers.

In an attempt to reverse this situation, the High Council of Justice (HCJ) has recently issued a Regulation on Court Solemnity that adopts the main court solemnity standards such as the special trial place, the judicial dress code, and the ethical behavior of the parties in session. It imposes upon the courts the obligation to hold all the trial sessions, for as much as possible, in courtrooms that are adequate for the type of the trial held. The Ministry of Justice is the responsible authority for the regulation implementation.

Based on the MOJ's request, ROLP has included in its current workplan several activities to increase the number of cases tried in courtrooms and the court users experience within the courtrooms. The activities will include the development of "an approach to maximize the courtroom usage, and the recommendations that can be implemented without changing regulations, including improved calendaring, priority allocation of courtrooms, and enforcement of existing regulations on issues including solemnity and ethics."

### Domestic Approach

With a view of improving the courtrooms' usages in ROLP pilot courts, we initially prepared a comparative analysis of the foreign and domestic methods of courtrooms assignment.

The following table provides a snapshot of how the courtrooms' assignment is currently done in ROLP pilot courts:

**Table 1: Courtroom assignment in ROLP pilot courts**

<b>Court</b>	<b># court rooms</b>	<b>Where do trials take place?</b>	<b>How is assignment done?</b>
<b>Tirana Appellate</b>	4	Courtrooms	<b>Planning-</b> Crtrooms assigned to the judges' panels at the beginning of every year by the CJ.

<b>Gjirokastra Appellate</b>	2	Courtrooms	<b>Planning-</b> Assigned to the judges panels at the beginning of the year by the CJ.
<b>Pogradec District Court</b>	1	Courtrooms/chambers	<b>No planning</b> – obligatory use for criminal cases or civil cases with many parties, - for the other trials, the courtrooms are used if not busy.
<b>Shkoder District Court</b>	5	Courtrooms/chambers	<b>No planning-</b> courtroom used if found not busy.
<b>Elbasan District Court</b>	2	Courtrooms/ chambers	<b>No planning-</b> cases involved detainees and protection orders take place in courtrooms. for the other trials, the courtrooms are used if not busy
<b>Vlora District Court</b>	8	Courtrooms/chambers	<b>No planning-</b> criminal cases and civil cases with many parties take place in courtroom without any planning.
<b>Durres District Court</b>	4	Courtrooms/chambers	<b>Planning-</b> courtrooms assigned to individual judges on specific days.
<b>Serious Crimes Court</b>		Courtrooms	<b>Planning</b> Assigned to the judges' panels
<b>Saranda District Court</b>	4	Courtrooms	<b>Planning-</b> courtrooms assigned to individual judges on specific days.

### Foreign approach

Based on desk research, I found out that the courtrooms' assignment at foreign courts is done in two ways:

1- Courtrooms are individually assigned to the judges.  
According to this approach, all cases adjudicated by a certain judge take place in his/her own courtroom, regardless of the case type.

2- Judges share courtrooms assigned to them according to the case type.

In all cases, the courtrooms' schedules were organized and presented on a daily basis and pending on the model applied, they looked as follows:

*Case 1: Courtrooms assigned according to the type of cases*

**Day:** \_\_\_\_\_

<b>Time:</b>	<b>Courtroom</b>	<b>Case</b>
8:30	Courtroom 2C	Orders of Protection
Etc		

*Case 2: Courtrooms individually assigned to judges*

**Judge** \_\_\_\_\_ **Courtroom** \_\_\_\_\_

**Monday**

8:30 Domestic Violence

1:30 Other hearings, etc

**Tuesday**

8:30 Trial Setting Conf

### **Recommendation**

After considering the foreign and domestic models as well as the courtrooms' insufficiency in the Albanian courts, the most feasible and workable approach for courtrooms' scheduling seems to be the individually assignment of courtrooms to judges or judges' panels on specific days or specific times of specific days. While this will make mandatory the use of courtrooms in the assigned schedules and will improve trial solemnity, the courtrooms' shortage on the other hand will equally affect all the judges and trials. Two of ROLP pilot courts, Saranda and Durres district courts, have already employed this method and issued internal orders in this regard. In both these courts, the courtrooms are assigned individually to judges or panels presided by them on specific schedules of specific days (e.g. Judge X has Courtroom Y on Mondays from 8.00 – 12.00 o'clock). Subject to further discussions with pilot courts and MOJ, ROLP might want to consider the application of this method to the other pilots as well.