



Macedonia Court Modernization Project



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To Our Readers

Since the last issue of this Newsletter, spring has come to Skopje, and the Macedonia Court Modernization Project (DPK Consulting,) has marked its first full year of operation.

In that period we note three significant achievements: 1. The Court Budget Law has passed. The Project is now working closely with the Court Budget Council and the transition team of the Supreme Court to assist the establishment of an Administrative Office. This is a major development in the history of the judicial system of Macedonia. 2. Seven Pilot Courts are fully integrated into the Project's activities. Modern court administrative measures have been launched: backlog reduction, tracking of cases, automation supplements, uniform documents and forms. 3. In the Pilot Courts, a court facilities program will improve public access, create new courtrooms, upgrade security facilities and common areas.

During our first year the Project's full-time staff remained constant at 10. By year end we added two more full time staff.

The Project notes with sincere regret the tragic death of President Trajkovski and his colleagues. We extend our condolences to the families of the departed.

Doug Myers
Chief of Party

New in Macedonia: Administrative Office of Court Budget Council

The Macedonia Supreme Court (S.Ct.) moved swiftly to begin the difficult task of implementing the administrative apparatus needed to make the Court Budget Law (CBL) a reality. As the primary party responsible for the implementation of the Court Budget Law passed by the Macedonia Parliament on September 25, 2003, the Supreme Court demonstrated a new positive level of interest in undertaking the necessary planning to ensure Administrative Office (AO) success. In October 2003, immediately following enactment of the new law, the Supreme Court established an Implementation Committee, chaired by Judge Dragan Tumanovski, to plan the transfer of budget authority for the 32 court budget users from the Ministry of Justice (MOJ) to the newly formed Court Budget Council (CBC). A central task required in the transition to the new law is the creation of a new Administrative Office, providing management and technical support to the CBC.

President Judge Simon Gelevski invited the Macedonia Court Modernization Project (MCMP) team to work with the Supreme Court Implementation Committee to develop an organization and staffing plan for the Administrative Office. This technical assistance to support the CBL implementation became a primary area of focus during the fourth quarter of 2003. The project brought in an expert on court budgeting and AO strategy, Judge Bert Maan of the Netherlands, to assist the S.Ct. and MOJ in the Court Budget Council/AO planning process. The project also developed a unified court budget training plan, with the help of U.S. Court Budget expert, Kathryn Harrison, to team with Judge Maan, to provide the technical assistance to the CBC Implementation Task Force needed to make the Court Budget Council operational.

Ms. Harrison developed a comprehensive assessment of the budget planning and policy issues faced by the Court Budget Council.

As an initial foundation for the technical assistance, a training workshop, "Comparative Independent Court Budgeting Practices" was held on November 21, 2003. The workshop was attended by all members of the Court Budget Council and members of the Supreme Court CBL Implementation Committee. Introductory remarks were provided by Supreme Court President Judge Gelevski and Judge Tumanovski, Chairman of the Independent Court Budget (ICB) Implementation Committee. The training

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Judge Bert Maan, MCMP Consultant during his presentation at the Supreme Court of the Republic of Macedonia.



From left to right: SC Justice, Dragan Tumanovski, Chairman of the ICB Implementation Committee, Mr. Boban Misoski, Court Administrative Assistant and Ms. Zanina Kirovska, Director of the Administrative Office at the Court Budget Council.

agenda featured the two international experts, Judge Maan and Kate Harrison. The workshop included a comparative review of practices in the U.S. and Europe. Topics included:

- Establishing a unified judicial budget process
- Intergovernmental roles in the budget process
- Strategic planning and setting budget priorities
- Budget accountability and increased local court capacity
- Functioning of a Judicial/Court Budget Council

The conference was successful in generating a vision for building a strong court budget planning and management process.

Immediately following the Comparative Budget Practices workshop, the three Presidents of the Appellate Courts organized a series of regional workshops for all Basic Court President Judges. Regional Court Budget workshops were facilitated by Ms. Harrison over the period of December 5-7, 2003. The President Judges in each Appellate region provided input on local court budget training needs and participated in a roundtable discussion of court budget priorities.



*From left to right:
Ms. Kathryn Harrison,
MCMP Consultant,
Judge Maan, MCMP
Consultant, and Ms.
Danka Bubeska, Trial
Court Berovo,
member of the Court
Budget Council.*

In late December 2003, MCMP developed an AO organizational structure and comparative staffing analysis with recommendations for core AO staffing, to be presented to the Court Budget Council. The CBC approved the project recommendation to appoint an interim Administrative Director of the Courts, effective January 1, 2004, and offered tentative approval of the recommendation for core AO staffing of fifteen employees.

Initial budget negotiations between the Supreme Court and the Ministry of Finance indicate that the AO staffing request will be approved by the Government of Macedonia as part of a 20 percent budget increase to the Judiciary budget, tentatively approved over two budget years of 2004 - 2005.



Regional Court Budget workshop in the Appellate Court - Shtip.

All capital improvement funding will also be transferred from the MOJ (Executive) to the court budget effective January 1, 2004 representing a very positive result.

Future technical assistance efforts are planned to support the ambitious agenda of the Supreme Court, the Court Budget Council, and the Administrative Office. On March 10-13, 2004 an intergovernmental team comprised of CBC members, Supreme Court, Basic Courts, and Ministry of Finance visited the Slovenian AO, Ministry of Finance and Slovenian Judges Association as a means of integrating best practices identified in the judicial budget practices of that country.

On March 22-23, 2004 MCMP will sponsor a two day Strategic and Budget Planning workshop.



Training Needs Assessment

During a three month period starting in November 2003, members of the Center for Continuing Education (CCE) Board and Macedonia Court Modernization Project (MCMP) staff participated in ten court visits throughout Macedonia. The express purpose of the visitations was to gather information about the judge's suggestions for judicial education. The visits encompassed three parts:

First there was the welcome and a short overview of the MCMP to make sure that all judges were familiar with the project. As part of this opening segment there was a short presentation on judicial branch education as it exists today.

The second part of the presentation involved filling out a questionnaire developed by the project to help identify specific educational experiences, needs, and preferences. The questionnaire asked about topics such as length of service, preference for theoretical or practical education, desire to teach in future educational efforts, and greatest concerns about education.

Finally, there was a roundtable where the judges made suggestions for a course for new judges, by recalling the information they needed themselves when they became judges. This roundtable was also an opportunity to speak to the CCE Board Members about specific issues in judicial education. The members of the CCE Board on the teams were Judge Olga Angelova from the Basic Court, Skopje, Judge Dance Ristova from the Appellate Court, Bitola, and Judge Kire Zdravev from the Appellate Court, Stip. The MCMP team members included Petar Curciev, Nikola Lazarov, Gordana Stojanova, and Judge Ernest Borunda. The visits included Basic Courts in Veles, Tetovo, Ohrid, Bitola, Shtip, Kriva Palanka, Sveti Nikole, Vinica, Kocani, and Prilep. In addition to these visitations, the team attended meetings at each of the Appellate Court Districts of Shtip, Skopje, and Bitola to meet with the Court Presidents of all Basic Courts in Macedonia. The information was recorded for future planning purposes in the development of effective judicial branch education.

Visit of Professor Jan Vranken

The Macedonia Court Modernization Project (MCMP) has worked together with the Ministry of Justice (MOJ) on several legislative projects. Professor Jan Vranken, from the Netherlands was asked to help the MOJ Working Group in drafting amendments and changes to the Law on Civil Procedure.



Professor Jan Vranken

Mr. Vranken has a long career as a law school faculty member and practicing lawyer. He worked as assistant professor at the University of Nijmegen, as a lawyer in a private law firm in the Hague and advocate general at the Supreme Court in the Hague. Since 1983 he has worked as a professor of Civil Law and Civil Procedure and Methodology of Civil Law at University of Nijmegen and University of Tilburg.

During his stay in Macedonia (December 16-19, 2003), Professor Vranken met with the representatives of the Ministry of Justice, the Supreme Court, presidents and civil judges from the trial courts Skopje 1 and 2 and visited the Pilot Court in Shtip. On December 17, 2003 Professor Vranken made a presentation, "Features of Austrian and German Civil Procedure Laws in a Comparative Perspective", for 30 lawyers and judges. Mr. Vranken identified in his report

the areas where the current Macedonian Law on Civil Procedure has inadequacies, with suggestions for improvements. The Working Group sent the first draft of the proposed changes and questions to Mr. Vranken for further comments. Mr. Vranken's visit will help the Working Group to finalize the first draft of the Law.



Professor Vranken during the presentation, with judges, and representatives of the Ministry of Justice and USAID.



From left to right: Ms. Biljana Kocavska, Ms. Radica Gerovska, Ms. Nada Penova, MOJ, Ms. Kathy Stermer, USAID, Mr Paul Scott, USAID, Ms. Antoaneta Shkartova, USAID at Professor Vrankens presentation.



From left to right: SC Justices, Vladimir Babunski, Ajat Mehmeti, and Zirap Limani at the presentation, "Austrian and German Civil Procedure Laws in Comparative Perspective."

Eight to the USA

On Saturday, February 14, 2004 eight members of the Judicial Branch left for a study tour centered on the California Administrative Office of the Courts. The participants included Judge Vera Koco of the Supreme Court and President of the Center for Continuing Education (CCE) Board, Judge Olga Angelova of the Basic Court Skopje, Judge Veli Vedat of the Appellate Court in Skopje, Judge Ljubin Aleksievski of the Basic Court in Ohrid, Valentina Shaurek of the Ministry of the Justice, Sasho Patovski, the Court Secretary from Prilep, Natasha Dimitrova of the CCE staff and Pilot Court Manager Gordana Stojanovska of MCMP.

This activity supports the implementation of a more effective judiciary in which the members are asked to identify best practices to assist in developing future plans for the Macedonia Judicial Branch. Different members of the group attended programs on new judge orientation, computer classes, new staff orientation and the California Judicial Administration Conference (CJA), which gathers the entire leadership of the California court system. In addition there were meetings with counterparts and administrative programs on becoming a leader and creating a motivating environment. Finally, the group attended a Judicial Council meeting and worked with counterparts in the fields of education and the development of an effective Administrative Office of the Courts.

Accompanying the group were Nikola Lazarov and Judge Ernest Borunda of the MCMP as well as Antoaneta Skartova of USAID.

Program with the Slovenia Supreme Court

The MCMP in cooperation with the Slovenia Supreme Court organized an educational event regarding development of a unified court budgeting process for the Macedonian inter-governmental team. The Study Tour team was comprised of key members of the Macedonia Supreme Court, Ministry of Finance, Ministry of Justice, Appellate and Basic Court President Judges. This educational event took place at the Grand Union Hotel in Ljubljana, Slovenia and at the Slovenia Supreme Court from March 10-13, 2004. The activities included a round-table presented by the Slovenia delegation and on site tour and meetings with representatives of the Ministry of Justice,

Supreme Court of Slovenia, Supreme Court Secretary, Ljubljana Trial Court, Ministry of Finance, and the Supreme Court Finance and Information Services Office.



Mr. Nikola Lazarov LL.M, MCMP (left) and Mr. Gregor Strain, LL.M. Counselor in the Slovenian Supreme Court. (right)

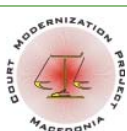
The program focused on specific court budget topics such as: critical issues and procedures involved in developing a uniform court budget, establishing the independent court budget process and developing strong administrative office support functions. The specific skills, methodology, and experience of the Slovenia Supreme Court will be beneficial to the Macedonia Supreme Court intergovernmental transition team.

Court Coordinators at Work

In October MCMP welcomed seven new members to its team. They work at each Macedonian pilot court location. They contribute in the area of backlog reduction, i.e. increasing the case disposition rate and reducing delay; improving public access and court facility design; and information technology and modern management skills. Court coordinators also participate in the development of standard facility signage, (which assist court users navigating through the courts) and they work on civil caseflow and forms analysis. Each local coordinator is working on a description and analysis of civil processing steps and forms in use, with an eye toward standardization. These changes, implementing modern court management practices, are already showing good results.



MCMP Pilot Court Coordinators at the: "Caseflow Management Seminar" - Shtip. From left to right: Mr. Metodi Bojadziski, Basic Court Kochani, Mr. Filip Pashoski, Basic Court Prilep, Ms. Jasminka Shishkoska, Basic Court Bitola, Ms. Emilija Paparova, Basic Court Shtip, Mr. Srechko Mitevski, Basic Court Kriva Palanka, Ms. Gordana Labovska, Basic Court Struga, Mr. Vulnet Pachuku, Basic Court Tetovo.



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