



# Macedonia Court Modernization Project



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## Newsletter

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### To Our Readers

We are pleased to report solid progress. The sounds of nails and hammers are now heard in five Basic Courts where construction projects are under way. In May the project completed its first such improvements in the Basic Court – Struga. Now work is ongoing in the Basic Courts in Tetovo, Kochani, Kriva Palanka, Shtip, and Prilep. The goal is to improve public access and modernizing administrative functions: public information and waiting areas, civil intake of cases, and court-rooms. The changes are not cosmetic, but are aimed at increased ability of the courts to serve the public.

We can also report that the winds of change are blowing in at least one vital area of legislation-enforcement of judgments. A Ministry of Justice Working Group has moved toward establishing a system of independent bailiffs to enforce court and other judgments. The Project has supported the Working Group with a team of experts from the Netherlands with considerable experience in establishing such bailiff organizations. Although the drafting process may well continue for another six or nine months, there are reasons to hope for eventual dramatic improvement in enforcement of judgments in Macedonia.

The Project also completed a Feasibility Study on the future of judicial branch education in Macedonia. The study was conducted by three outstanding, impartial international experts. The area is important and it is hoped that the study will find a ready audience and play a constructive role.

Work continues! We look forward to an increased pace of progress in the months ahead.

### Administrative Progress at the Court Budget Council

The Macedonian Court Modernization Project continues to work with the Court Budget Council (CBC) and its Administrative Office (AO) to refine the judicial branch budgeting process.

The Macedonian judiciary made great strides by establishing the legal framework for judicial independence through the Court Budget Act. Unlike court systems in some other countries, by creating a budget council with broad representation from the courts, the judiciary has ensured a stable basis for instituting significant budgetary and financial reforms.

The CBC, Administrative Office and MCMP are now developing the underlying structures to promote effective judicial branch budgeting and responsible fiscal management. In January, the CBC requested and received approval for 14 staff members for the Administrative Office and has hired the Director, an Auditor and an Accountant. In the first quarter of 2004, the CBC and the Administrative Office addressed increasing the amount of funding available to the judiciary, developing an automated financial system for the Administrative Office, and allocating funding in centralized areas such as capital planning, computerization, and education for judges and staff, among other issues.



*Ms. Tina Breclj, County Court Ljubljana*

In March 2004, the MCMP organized a three-day study tour to Slovenia and a two day strategic planning workshop for members of the CBC, the Director of the Administrative Office, and selected Presidents of the Basic Courts. The MCMP was assisted in this effort by Kate Harrison, a Court Budget and Management expert and Richard Hoffman, a specialist in Strategic Planning and Court Administration, both from the United States.

Strategic planning can help the judiciary to identify and link budget requests to strategic priorities. The CBC, AO and MCMP are also hard at work addressing significant fiscal issues, including managing past debt incurred when the courts were under the Ministry of Justice, distribution of court revenues, the level of spending flexibility to be allowed to the judiciary, and training of court financial staff.

In early July, Ms. Tina Breclj from Slovenia, District Court Ljubljana traveled to Macedonia under the auspices of MCMP to assist the CBC and AO with planning for the 2005 fiscal year. The CBC will be issuing its budget circular to the courts shortly, providing direction for next year's budget, including linkage to broad strategic goals. With the MCMP's assistance, the CBC is also considering developing performance standards to evaluate how efficiently, quickly and effectively cases are adjudicated.

## Basic Court Struga Completes Modern Facility Improvements

In May 2004, the Macedonian Court Modernization Project participated in a cooperative effort with the Basic Court Struga, the Administrative Office of the Court Budget Council and the Ministry of Justice to modernize the court facilities in Struga.

The project included upgrading 12 courtrooms. Renovations included the installation of new benches for the judges, an ergonomically designed court typist desk, a witness desk and new public seating. The "Criminal Courtroom" was designed to be a model courtroom. Many new design standards were incorporated to increase the functionality of the courtroom including, a debate area that is separated from the public seating by a wooden rail.



Before.....  
..... and after:

The court now has a new central intake center. The criminal, civil, execution, and misdemeanor department intake areas were combined with the courts registry office and active file archive center. This new consolidated point will help the court operate more efficiently. A new passive records and archive file center was also added. The court lobby was furnished with new public seating areas and new chamber furniture was provided.

The Macedonian Court Modernization Project will continue to work in cooperation with the Basic Courts, the Court Budget Council and Ministry of Justice to provide the needed court facility improvements in five additional pilot courts.

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## Law on the Courts: Swiss Consultant

MCMP welcomed to Skopje Professor Regina Kiener of the Law Faculty of the University of Berne, Switzerland for a three day consultation on June 16-18, 2004. Professor Kiener was invited by the Ministry of Justice and supported by MCMP to collaborate with the Working Group on the Law on the Courts. The draft of that law is still in its early stages. Affecting as it does the number, organization, and territorial jurisdiction of the courts, as well as questions concerning the legal status and prerogatives of judges, the law is both sensitive and important.

Professor Kiener held working meetings with the Chair of the working Group, selected members, and a plenary

session of the Working Group itself. She was also briefed by Nena Ivanovska, Legal Coordinator of MCMP and a non-voting member of the Working Group. The briefing included working sessions on the text of the law.

Professor Kiener's limited time was preliminary to further visits and consultations in the subject matter area of the law. Prior to her visit she had furnished written comments on EU standards and best practices on selected topics propounded by the Working Group regarding the status of judges. Her future consultations are expected to center on court organization and structure.

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## Dutch Enforcement Experts Visit Macedonia

In June, the Macedonia Court Modernization Project and the Ministry of Justice hosted two Dutch experts on the law governing the enforcement of judgments: Ton Jongbloed, Professor of Law at University of Utrecht, and Jos Uitdehaag, Civil Law Bailiff.

During their visit to Skopje, the Dutch experts met and talked with enforcement judges, representatives of financial organizations, and notaries about their involve-



*Representatives from the Supreme Court, Ministry of Justice, MCMP, and consultants from Macedonia and Netherlands at the round table held on 24th June 2004.*

ment in the enforcement procedure and the difficulties they face. In collaboration with the working group formed by the Ministry of Justice in February 2004 and tasked with drafting the revisions to the current Law on Enforcement Procedure, the experts prepared comments and suggestions for improving the draft version and amendments. Under the new revision, the position of "Enforcement Agent" (similar to a civil law bailiff) is established and the responsibility for enforcement is transferred out of the court's jurisdiction.

In light of the extensive changes to the Law, the Ministry of Justice and the Macedonia Court Modernization Project organized a round table discussion on June 24, 2004. The round table was attended by fifty representatives from the Judiciary, the Ministry of Justice, and other legal professionals. The new provisions and proposed changes to the Law were presented by members of the working group including, Radica Lazareska-Gerovska, president and representative of the Ministry of Justice, Vladimir Babunski, Supreme Court Justice, Antonio Koshtanov, attorney at law, Nikola Stojmenovic, public notary and Katica Labacevska, head of the legal

department at Stopanska Banka. Justice Babunski discussed the changing role of judges under the revised Law while Mr. Koshtanov discussed the new role that enforcement agents would play in improving the success of enforcements. Mr. Stojmenovic talked about enforcement against a debtor's estate and Mrs. Labacevska discussed enforcement against a debtor's monetary claim.



Round Table discussion, June 24, 2004 at Holiday Inn, Skopje



From left to right: the "Enforcement Group"; Vladimir Babunski, Supreme Court Justice; Jos Uitdehaag, consultant from Netherlands; Tatjana Altanatieva, Deputy Minister of Justice; Ana Angelovska, MCMP; Nevenka Ivanovska, MCMP; Prof. Ton Jongbloed, consultant from Netherlands; Radica Lazarevska Gerovska, Ministry of Justice.

Ton Jongbloed, Law School Faculty at Utrecht University, commented on the proposed revisions to the Law and gave an overview of the Council of Europe's best practices regarding enforcement proceedings. Jos Uitdehaag, Civil Law Bailiff, talked about the role of the enforcement agent, various procedures used to carry out enforcements and the best EU practices in this area.

The experts' presentations were followed by an open discussion with the enforcement judges. The judges welcomed the legal creation of the "Enforcement Agent" as a public authority responsible for enforcement of judgments. The group discussed the revisions and suggestions for improvement were offered for several specific sections. These written and oral suggestions will be considered by the working group and the experts and will be incorporated into the final proposal. The Proposal for enactment of Law on Enforcement and Securing entered the government procedure at the beginning of July 2004.

The experts will continue to play an important role in the second phase of passing the law. Their knowledge and expertise will be utilized to assist with the drafting of the law governing enforcement agents and the needed sub regulations. In light of the one-year delay in implementation of the law, the experts will have a chance to work with the Ministry of Justice to draft a program description, examination, and training curriculum for the future enforcement agents.

## Macedonia Pilot Courts: "Best Practices" Show Good Results

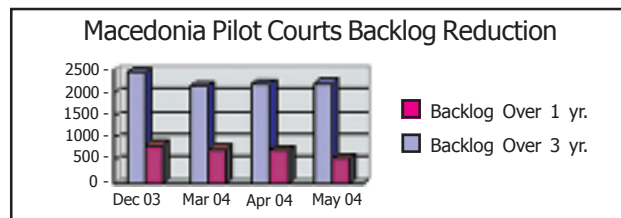
In September of 2003, the Macedonia Court Modernization Project introduced a court modernization strategy known as a "Pilot Court Implementation." Seven Basic Courts are participating in this initial phase including, Tetovo, Bitola, Prilep, Struga, Stip, Kocani and Kriva Palanka. This approach has been used successfully to strengthen court practices in other parts of the world. The pilot court approach introduces "model" court improvements in four key areas all aimed at improving court performance:

- Improved case management and records management procedures;
- Upgraded court design and facility improvements;
- Enhanced use of automation and other court technologies to improve efficiency;
- Improvements in the quality of service to the public.

The program resources are focused on improving the courts ability to provide better access to the public, to reduce case backlog and eliminate unnecessary delays. The seven pilot courts have been working very hard and are delivering positive results. Here are some of the results to date:

**Public user satisfaction.** As measured by public response to onsite surveys (commonly known as Q-10) in each pilot court, public user satisfaction has improved from 55% of users expressing satisfaction in the October 2003 survey to 64% in May 2004.

**New Goals for Reducing Backlog.** The pilot Courts have established new standards and goals for reducing



civil backlog and delay. Short-term results show a reduction of civil cases over 1 year by 10% and reduction in cases pending over 3 years by 33%. Courts have set up planning and control methods to identify and review delayed cases on a regular basis and the Court Coordinators have developed backlog tracking and aging reports to keep the court informed on performance.

**Court Case Management/ Backlog Committees.** Under the leadership of the President Judge, the pilot courts are forming committees to address case management and backlog. The committees will adopt improvement plans for 2004-2005.

**Court Facility Improvements.** Improvements to court facilities are underway and include redesigning public intake areas in four courts, security enhancements in ten courts, and the renovation of the records area and courtrooms in six courts.

MCMP remains optimistic that the leadership and best practices developed by the pilot courts will be a positive force in moving court modernization forward in Macedonia.

# Busy Season

In a period of eight weeks from May 10 to July 1, 2004, the Legal Training Component of the project held eleven trainings in five training areas with over 225 participants.

## Faculty Development (Photos 1, 2, 13, 16)

5 classes 60 students

Working in small groups of approximately 12 students, Tom Langhorne taught a series of three programs in Faculty Development. The course presented to these self selected individuals was designed to emphasize interactive, applied skills learning opportunities.

Two additional Faculty Development workshops were presented by William Brunson, Academic Director of the National Judicial College and Kelly Tait, who serves as Faculty at the National Judicial College. In total sixty students, judges as well as other individuals were trained to design and deliver programs for future Macedonia Judicial Branch Education programs. This educational effort provides a cadre of trained individuals in a number of courts to assist the Center for Continuing Education (CCE) in future educational efforts.

## New Judges Orientation (Photos 5, 6, 7)

1 class 14 students

In a program dedicated to the newest Macedonian Judges appointed to the bench, Mr. Langhorne, Judge Vera Koco, President of CCE, and Judge Agim Miftari, President of the MJA team taught this course from May 27-29. Among the six learning objectives were included issues regarding independence, accountability and reliability within the Judicial Branch; the transition to their new roles and the ethical and professional responsibilities that go with this transition; their need to communicate effectively and courteously with all members of the judicial community; the need to improve public confidence in the judiciary by adhering to the highest ethical standards; and their responsibility to continuously improve their decision making process through education.

## Drug Courts (Photos 3, 8, 10, 11, 12)

2 Classes 60 students

Under the guidance of Judge Susan P. Finlay (Ret.) of the California Superior Court and Mary Ashworth and Gillian Oghene of Scotland the Project sponsored an introduction to the concept of Drug Courts. Though targeted primarily at the Judiciary, a number of individuals from the health and social work communities took part in the program. Among those individuals were Dr. Stavre Gramov and Dr. Gjorgji Hadzi-Angelkovski who provided an overview of the Drug situation in Macedonia.

## Leadership Institute (Photos 4, 9, 14, 15)

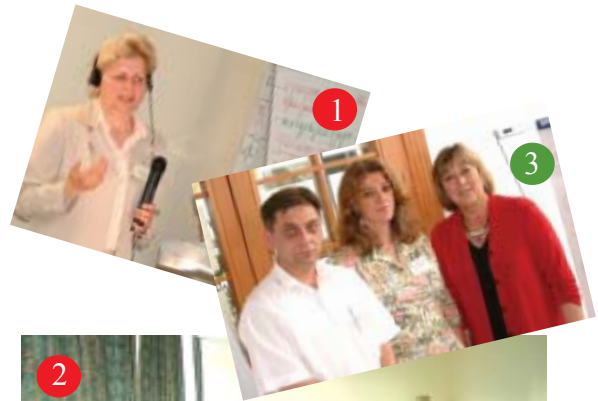
2 Classes 30 students

Dr. Patricia Murrell, Director of the Leadership Institute in Judicial Education (LIJE) provided two educational offerings to President Judges, leaders in judicial education, and other professionals from June 21-24 and from June 28-July 1.

The Institute works with leaders in Judicial Branch Education (JBE) to plan and implement more effective continuing professional education for judges and other court personnel.

The program is based on the thesis that "the desired outcome of judicial branch education is outstanding, high developed people, which will result in highly developed judges and other court personnel."

Two of the most important goals of the program is the introduction learning styles and the use of the experiential learning cycle to design JBE programs and to provide the opportunity to explore a variety of models of development: learning styles, life cycle and cognitive development.





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*“Excellent, concrete and highly professional.”*



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*Judicial officers and staff members should recognize education as part of their official duties.*



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*“Great presentations, with a sense for the need of the listeners.”*

*“The seminar was well organized.”*

*“I learned how to select a theme for education.”*

*“I think that Macedonian judges need this kind of education, because it will improve their knowledge about themselves and will help them in their work.”*

*“This enables us to continue to educate ourselves, and to educate others about their needs.”*



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## Pilot Court Presidents Visit USA

From April 17<sup>th</sup> to April 29<sup>th</sup> a group of 8 President Judges from Macedonia's Trial Courts and three observers from the Macedonia Court Modernization Project participated in a unique study tour in the USA for the "Development of the Management Capacity of Macedonia Judges."

The first destination was Williamsburg Virginia. Williamsburg is a historic city preserved much as it was at the beginning of the 18<sup>th</sup> century when it served as the capital of the colony of Virginia. Williamsburg is also home to the National Center for State Courts (NCSC).

The study tour participants spent a week at the Center learning about court management skills and court performance standards. Other participants included judges and court administrators from the USA, Canada and Germany. The curriculum included case studies and open and friendly discussion regarding the participants' experiences with court management.

The second stop on the tour was Minneapolis, Minnesota. Here the group visited the Hennepin County Courthouse, headed by Judge Kevin Burke. Justice Burke and his staff members demonstrated how they had implemented the court performance standards the group had been introduced to at NCSC in Williamsburg. The judges were impressed with the smooth and efficient operation of the Hennepin County Court and will be able to draw on this example as they begin to implement the court performance standards here in Macedonia.

The third destination was the grand city of Washington D.C. The city was designed by a talented architect and was chosen as the capital of a new nation by George Washington. With its many monuments and museums it is truly a world capital. While in Washington, the group visited the Supreme Court of the USA and the D.C. Superior Court Multi-Door Dispute Resolution Center. In addition, the group members visited the JF Kennedy Memorial, Franklin D. Roosevelt Memorial and the Smithsonian Museum. The group also visited Courtroom 21. Courtroom 21 is a model technology courtroom used to showcase and test new court technology. Here the group participated in presentations on caseload management and the impact of technology on court organization.

The tour provided the participants with valuable insight and knowledge. They will be able to build upon this experience as they continue their work to improve and modernize the Macedonian Court System. Many thanks to USAID funded project - World Learning who organized the tour and to the wonderful interpreters who were a great resource to the group throughout the tour.



*Participants are dwarfed by U.S. Supreme Court building.*



*Judge Stefan Karamandi during the presentation of "Manual and e-archive center" at the National Center for State Courts.*



*Judge Angelco Videski exchanging gifts with Mary Sammon, National Center for State Courts.*



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