



# Macedonia Court Modernization Project



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## Newsletter

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### To Our Readers from the COP

Our "Newsletter" reflects the work of our Project, the dedication of our hardworking staff, and the achievements we are able to attain with the support of our counterparts and USAID. But any reader who is willing to take a fresh, unjaundiced look will realize that the day to day work of the project, however familiar or even commonplace -seminars, workshops-training, procurement, legal drafting takes place on a larger historical background. That background is the modernization of a nation's legal and judicial system. This process throughout the formerly socialist nations of Eastern Europe is one of the defining moments in the history of law and legal systems. From it we learn many things. We learn that institutional reform is incremental and, despite the best efforts of theoreticians, based on trial and error. We learn that institutional reform depends to a surprisingly large degree, on the efforts of institutions themselves, be they donor or counterpart. We learn in that context, that individual efforts continue to make a difference. Nothing aids reform more than individuals who share the vision of a modern judiciary and are willing to commit their personal and institutional standing to strive for worthy goals. In its short life since January 2003 the Macedonia Court Modernization Project has been a part of this larger historical process. This Newsletter is a faithful witness of the efforts being made every day.

## Training Conference for Improving Public Trust and Access to Justice

The Macedonia Court Modernization Project recently partnered with the Ministry of Justice, the Center for Continuing Education of the Macedonia Judges Association and the pilot courts of Tetovo, Kocani, Stip, Prilep, Bitola, Kriva Palanka and Struga on a three day training conference on the topic of Court Improvement Strategies in Access to Justice which was attended by forty-two judges and court professionals at the Granit Hotel in Ohrid on September 25-27, 2003. This USAID funded training event focused on development of modern court management strategies to strengthen access, public trust and confidence in the Macedonia Basic Courts. The training agenda brought President Judges, Court Secretaries, Intake Directors and Court Coordinators together for the first time as a management team from seven pilot courts to participate in discussion on a wide range of court management topics including:

- A preliminary review of the 2002 closed case study of time to disposition, level of case backlog and trial certainty in the civil litigation process;
- Strategies for improving public access and customer service in the courts;
- Managing for Results: Strategies for Improved Public Satisfaction with the courts;
- Modern Courthouse Design and reengineering to address citizen access;
- Role of Staff Education for Improving Access to Justice.



*From left to right: Martha V. Kilbourn, MCMP Consultant, Dimitar Zoglev, Enforcement Judge, Basic Court Bitola, Tome Kuzovski, Chief of Intake Office, Basic Court Bitola, Jasmina Siskovska, MCMP Court Coordinator, Margaret L. Cimino Consultant, MCMP, Stefan Karamandi L.L.M, President of the Basic Court Bitola.*

The conference was successful in generating a vision among the participants and a range of practical strategies and initiatives for improving access. Notable highlights of the training conference were:

1. An assessment presented on staff training needs related to improved public service,
2. Presentation of a strategy for measurement of court user satisfaction that will be tested in one pilot court on September 30, 2003, and
3. Demonstration of a model court intake center layout.



*Douglas M. Myers, Chief of Party, MCMP, opening the event.*



*Richard Callanan, MCMP, presents information on Closed Case Survey.*



*Robert Page, MCMP, during his presentation "Modern Courthouse Design and Access."*

## Leadership Conference

MCMP teamed with its educational partner, the Center for Continuing Education to present a Leadership Conference for members of the boards of the Macedonia Judges Association, the Center for Continuing Education, and CCE staff members. The conference was held at the Millennium Hotel at Lake Ohrid from September 17-20. The featured presenters were Dr. Maureen Conner and Mr. Thomas N. Langhorne, Esq. Dr. Conner is the Executive Director of the Judicial Education Reference, Information and Technical Transfer Project (JERITT) and an



*The city of Ohrid.*

assistant professor in the School of Criminal Justice at Michigan State University. Mr. Langhorne is the former Director of Judicial Education for the state of Virginia and immediate past president of the National Association for State Judicial Educators in the United States. The program was developed at the suggestion of and with the assistance of the CCE and was focused on increasing the capacity of the board

members and staff to fulfill their respective missions. The first two days were focused on Strategic Planning for the MJA and for the Center for Continuing Education. The third day dealt with the Roles and Responsibilities of Board Members, while the final day focused on Team Building among the CCE staff and the CCE Board. Among the many important results from the meetings was the development of a strategic plan for each organization, a better understanding of what is expected from board members, and a closer relationship between CCE staff and the CCE Board. Perhaps

the result with the most potential for the future was the series of commitments entered into between the CCE staff and the CCE Board concerning the manner of dealing with each other in their working relationship. At the conclusion of the training the CCE staff has been involved in twelve days of in-service training for the year 2003. *Judicial officers and staff members should recognize education as part of their official duties.*



*Thomas Langhorne  
MCMP Consultant  
during the Team  
Building exercise.*



*Tatjana Temelkoska-  
Milenkovic, CCE,  
presents information  
during Leadership  
Conference.*

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## Visit of the Hon. Bert Maan

From September 13-18, 2003, the Macedonia Court Modernization Project (USAID/DPK) sponsored the consultancy in Macedonia of the Hon. Bert Maan, President of the District Court of Zwolle-Lelystad in The Netherlands. Judge Maan, a specialist in court budgets and administration, as well as a frequent representative of the Council of Europe, consulted with MCMP in connection with implementation of the Court Budget Law recently passed by parliament. In that regard, Judge Maan met twice with Justices of the Supreme Court and other judges active in the passage of the Law, as well as with representatives of the Ministry of Justice and the Ministry of Finance. The Law creates a Court Budget Council which will prepare the budget of the judicial branch and an Administrative Office which will carry out the directives of the Council. These institutions must be constituted and functioning by January 1, 2004. Both the Council and the Administrative Office are firsts in the history of the judiciary of Macedonia. These two institutions represent a significant step toward an independent judiciary founded on modern principles of administration. Judge Maan's primary recommendation was to form a select Task Force charged with working full time to plan and carry out the transition by January 1<sup>st</sup>. MCMP

expects to cooperate with the Supreme Court and the MOJ to help build these necessary and valuable judicial institutions.



## Other Consultants and Training Events in September

The Macedonian Court Modernization Project and its partner the Center for Continuing Legal Education of the Macedonian Judges Association organized three training events with the CCE staff and US training experts Tom Langhorne, Maggie Cimino and Martha Kilbourn during September. The training agendas were focused on short term and long term Curriculum Development and Evaluation Methods for Judicial Education, identification and development of appropriate curricula for staff education, and Design, delivery and evaluation of judicial education. September educational events prepared CCE staff and courts to better serve their customers educational needs, and facilitate their collaborative relationship to build educational opportunities relevant to the courts and judicial system needs in Macedonia.

## Public Satisfaction Survey in Tetovo Basic Court

In a comprehensive citizen-court user survey conducted on September 30, 2003, seven out ten people believed that the Tetovo Basic Court performs effectively. Macedonians and Albanians were almost identical in their opinions with 68% of Macedonians and 71% of Albanians strongly agreeing that the Tetovo Basic Court does its job well. These are part of the results of a project launched by the President Judge of the Basic Court Tetovo to obtain the input of every person who enter and exit the Tetovo courthouse on a typical day. Lawyers, litigants and other courthouse visitors were asked to complete a ten question survey to obtain people's personal perceptions of how they were treated by the court system and whether the court system treated them fairly. "The perceptions and opinions of citizens who use the courts services are important to the court" said President Judge Dzemali Arifi. "We want to know how well we are serving citizens and how court services can be improved." The Tetovo Court public user survey asked citizens to answer ten questions which ranged from "Finding where I needed to go in the courthouse was easy" to questions focused on how users felt they were treated by judges and court staff. The results of the survey responses from citizens were collected by a private research polling firm, SMMRI located in Skopje, and entered and analyzed on the spot by the President Judge and court administrators in Tetovo.

The purpose of this project is to obtain citizen feedback and respond immediately by identifying ways to improve the services provided by the court. Tetovo is the first court in the country and possibly in the region to experiment with such a project to survey and attempt to improve public perceptions and satisfaction with court services. Assistance in the survey design and methodology was provided by USAID through the Macedonia Court Modernization Project, located in Skopje. The Tetovo Court is one of seven Macedonia pilot courts participating in a three year court improvement and modernization effort which was launched in 2003.



*Courthouse visitors completing a ten question survey in the Tetovo Basic Court.*

## Project Advisory Committee

On September 11, 2003 the Project Advisory Committee of the MCMP convened for its second meeting of 2003. The Committee was formed and first met in June, 2003 for the purpose of bringing together those persons and institutions with whom the project most closely cooperates, to review the project's activities and to consult about future action. The meeting was dominated by the impending adoption of the Court Budget Law, which creates a Court Budget Council which will prepare the budget of the judicial branch and an Administrative Office which will carry out the directives of the Council. Judges and representatives of the Ministry of Justice discussed the necessary steps to be taken and the

need to find a unified approach so as to overcome the many problems of transition. The role of MCMP in that transition was mentioned favorably as a subject for immediate future discussion. Judges also spoke of the need for the judiciary to participate in drafting legislation concerning vital judicial interests, but in ways such that the participation does not compromise judicial independence. Several President Judges of Pilot Courts are members of the Project Advisory Committee. Their participation provided a useful exchange of information and formed a bridge to the meeting of Pilot Court President Judges later in the same day.



*Project Advisory Committee members consider Court Budget Council.*



*Pilot Court Presidents review proposals.*

## Legislative Framework: Law on Enforcement of Judgments

The Government of the RM/ Ministry of Justice sets legislative priorities in terms of changing court procedural laws. DPK Consulting offered its assistance in preparing an analysis of the current Law on Enforcement of Civil Judgments and also reference materials from EU countries. Ms. Angana Shah, a lawyer from the United States, and Mr. Antonio Koshtanov, a lawyer from Macedonia, worked together to identify bottlenecks that cause delays in this procedure and generate a huge backlog of cases in all courts of the country. A sound enforcement procedure contributes to the overall work of the judicial system and makes it efficient. In the



*From left to right: Angana R. Shah and Antonio Koshtanov, Consultants, MCMP, authors of: "Enforcement of Civil Judgments in Macedonia" Legislative study.*

process of their assessment they met with various representatives of the Government, courts and practitioners: lawyers, judges, notaries and bailiffs. The Consultants produced a report, "Enforcement of Judgments in Macedonia: Problems and Solutions with a Comparative Perspective", and made a Power Point presentation of their findings to the legal community on August 14, 2003 at the Holiday Inn.

These materials will help the Ministry of Justice's legislative group in preparing changes to the current law.

## Civil and Commercial Case Data Collection

In order to achieve the purpose of the closed and pending civil and commercial case survey two teams of legal interns were sent to seven Macedonian pilot courts. For two months they have worked in the courts and collected needed data elements. Their visits to every pilot court started with an essential preparatory visit. The preparatory visit purpose was: to determine the total number of civil and commercial cases, so that after it will be easy to list a representative sample of 200-250 randomly chosen cases or 10% of the total number of civil and commercial still pending by June 30, 2003 or cases closed by 31 of December, 2002. The teams used survey design that required entry of 14 data elements for each civil or com-



*From left to right: Mare Marinkovska and Mladjan Mitovski, Basic Court Kriva Palanka, Jasminka Blazeva and Gordana Stojanova, MCMP, during selection of civil cases.*

mercial closed case. They collected detailed data such as: court case number, date case filed, whether the parties are represented by counsel, is the claim for money, were there more than two parties, when was the first trial scheduled, what happened on every trial date, the date trial court decision filed, disposition type, etc. From the original documents found in the files, cases were selected as a systematic sample on the preparatory visit conducted in every pilot court. This data for every randomly selected case were taken from the courts registers. Two legal interns, Gordana Stojanova and Jasminka Blazeva, from the MCMP staff conducted the process of data entry. The overall results show the problem areas related to court delay. Based on these results the MCMP staff members, helped by new Court Coordinators of each Pilot Court, will work on further improvement of the case management process.



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