

FINAL RESEARCH PAPER

COURT REFORM IN THE REPUBLIC OF ARMENIA

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Executive Summary

The judicial administration function in Armenia can be described as lacking a centralized and strong body that will be empowered to speak for the judiciary and provide professional and policy guidance to courts in the areas of finance and budgeting, strategic planning, human resources, case management, court performance and judicial ethics.

The judicial administration body is considered to be the Council of Court Chairman, which is represented by the chairmen of all courts in the Republic. The Council, however, does not appear to have been given by law, nor has it exercised major managerial responsibilities over the non-judicial functions of the courts. It is the Ministry of Justice that has a key role in the court administration and management.

The major issue impeding effective court administration is the lack of a legal framework regulating judicial branch employment and compensation. These and other issues are outlined and addressed in this report, and proposals to be considered for implementation in a short- and long-term period are incorporated as well.

Aims and Methods

The primary objective of this research was to assess the current situation of the judicial service with an emphasis on the court administration and management in Armenia and to provide specific policy recommendations in these areas based on the research findings.

The research has primarily focused on the courts' personnel management, including structural arrangements, staffing, selection and appointment, performance evaluation, training and promotion procedures, status of court employees, as well as judicial planning and budgeting processes.

Concurrently, the study also aimed at measuring the degree of satisfaction with the courts' ease of accessibility and performance through conducting a survey among court users.

The study methodology included an extensive legislation (relevant laws, sub-legislation, instructions and directives, charters and internal rules) and situation review. The desk research was combined with personal observations and consultations with stakeholders. As a result, discrepancies and gaps in the existing legal acts were identified, and actual court practices revealed.

Further, a thorough research on court administration best practices of selected countries (Bulgaria, Estonia, Russia, Czech Republic, Macedonia, USA, and UK) was initiated for the purposes of comparative analysis, benchmarking, and for supporting final recommendations. The relevant information has been obtained primarily from online resources, including legal databases, and reports of donor organizations. The Appendices of the research paper contain a section on the court administration principles and a summary comparative chart, which provides succinct and targeted information on the international experience.

The public survey among court users has been conducted in the courts of various jurisdictions through a customized questionnaire. Information and data obtained have been analyzed using MS Excel application. If used regularly by courts, this survey can potentially serve as a tool to measure the performance of courts and identify measures to be taken for administrative improvements such as enhancing the court management, user-friendliness and service provision from the lessons of those who have experienced the courts in action.

Research findings have resulted in the development of policy recommendations in the major areas of court administration. Some of the recommendations are general in nature, some are very specific, while others call for several options. The recommendations serve as a foundation for introducing new legislation on judicial service in Armenia.

The Road Ahead

The paper is organized into four parts. The first, called “The Court Environment”, is descriptive and introduces the reader with the Armenian court system and its evolution, it looks at the jurisdiction and general structure of courts. It certainly contains a narrative about the judicial administration body, its structure and functions.

The next section of this paper, “Court Administration Issues: Assessing the Legal Framework”, is about the innards of the research. It discusses the findings from the research, including both

the document analyses and interviews, from the point of judicial employment (human resources issues), judicial administration body (structure, functions, authorities), as well as judicial budgeting and compensation.

The third section illustrates the analysis of the court user satisfaction survey. And finally, the “Recommendations” part of the research paper outlines both general and more specific policy recommendations for regulating the judicial employment and court administration. Some of these will require significant amendments to the existing laws or drafting new legislation, by-laws or rules. Recommendations also are divided into major areas of judicial administration. Specifically, they provide conceptual provisions for regulating judicial employment, budgeting, compensation, and strengthening the centralized body responsible for judicial administration.

The Court Environment

For more than seventy years, the courts of Armenia functioned under the “Soviet system” for courts. The Supreme Court acted as both an appeals court and a court of first instance: as a first instance court, if the hearing the criminal cases subject to it, and as an appeals court, when the first instance court decisions on the civil and criminal cases were appealed. The Supreme Court judges and regional court judges heard cases with two, publicly-elected individuals representing major worker’s groups.

In 1991, the Republic of Armenia (RA) declared independence from the Soviet Union. However, the reform of the court system and its correspondence to the contemporary conditions and to the principles of democracy, rule of law and superiority of human rights, occurred later. In July 1995 the first constitution of the independent RA was adopted by referendum. Towards the implementation of the constitutional provisions, the Law on the Constitutional Court was adopted in 1995 and the Constitutional Court was created. It predetermined the need for fundamental restructuring of the court system and provided the legal grounds for the organization and operation of the Armenian judiciary. It should be noted that the new court system is not the legal successor of the Soviet one. A three-tier system was introduced with the institute of review, which had not been present during the Soviet times.

Since then, the normative [legal] base for judicial reforms has been initiated. In 1998 several laws were adopted, in particular, the Civil and Criminal Procedure Codes and the Law on Judiciary, which provided the foundation for creation and operation of the Armenian new judicial system. Article 10 of the Law on Judiciary prescribes the structure and order of formation of courts of general jurisdiction. Accordingly, the following courts currently operate in the republic:

1. Courts of First Instance
2. Courts of Appeals
3. Economic Court
4. Court of Cassation

Another major change enforced with the adoption of the Law on Judiciary was the establishment of the judicial administration body – the Council of Court Chairmen (CCC). According to the statistics obtained from the judicial administration body, there was 1020 judicial and non-judicial staff in the courts of the Republic in 2005. Of this number 841 comprised the courts’ non-judicial staff, with a total of 179 judges in the country.

The most recent structural change in the Armenian court system occurred in year 2001 when the Economic court was established to examine and re-examine all economic disputes in the country. Prior to that, the economic court was acting only in the form of the appeals court (Court of Appeals on Economic Cases) and the powers to resolve all economic disputes initially were vested to the courts of first instance.

The most significant legal development affecting the Armenian judiciary was the Constitutional Referendum in November 2005. Under the new Constitution, the Court of Cassation is the highest court in Armenia. One of its first priorities as the high court is to introduce the use of precedent authority, or case law, in the courts. There are amendments in the composition of the Council of Justice, aimed at minimizing the influence of the President on the judicial power and ensuring judiciary's independence.

Courts of First Instance

Jurisdiction

In total, there are seventeen courts of first instance currently operating in Armenia. There is one court of first instance operating in each region¹, the judicial territory of which is the administrative territory of the given region. There are seven courts of first instance operating in Yerevan, the judicial territory of each corresponding to the administrative territory of the given community. The seats of a court of first instance are situated in the administrative territory of the corresponding region or community.

By law, a court of first instance is a court which shall consider all the cases on civil (with an exception of the cases reserved to the economic court), criminal, military and administrative offenses, as well as resolves problems connected with taking into custody, with permission for search in apartments, as well as with the restriction of the right for secrecy of correspondence, telephone conversations, postal, telegraphic and other means of communication in the order established by law.

Article 44 of the Criminal Procedure Code states the criminal cases subject to the jurisdiction of the first instance courts. According to the mentioned Article, the first instance courts consider cases on all crimes. A court of first instance shall have jurisdiction over cases involving offenses committed in the territory of the judicial district of the respective court of first instance.

Economic Court

Jurisdiction

The main office of the Economic Court is the city of Yerevan; there are six regional seats which are administered and managed centrally, through a single Court Chairman. In addition to the Chairman, there are in total 21 judges, 6 of which examine bankruptcy cases.

The Economic Court considers all economic cases, as well as other cases reserved by the Civil Procedure Code and other RA laws. The Civil Procedure Code states that the Economic Court has jurisdiction over disputes originating in the entrepreneurial sphere between commercial organizations, individual entrepreneurs. Disputes and other cases concerning citizens [who do not have a status of individual entrepreneurs] and participants of an entity [that is not a commercial enterprise] also fall under its jurisdiction.

All economic disputes are considered for the first time by a single judge. Economic cases that have been overturned by a decision of the Cassation Court (with an exception of bankruptcy cases and other cases envisaged by the law), are considered in the Economic Court by a panel of judges.

Courts of Appeals

Jurisdiction

There are two courts of appeals, one on Criminal and Military cases comprised of a Chairman and 15 judges, and another on Civil cases comprised of a Chairman and 9 judges. The seat of both appellate courts is the capital city.

¹ There are in total 10 regions in the country plus the capital city, Yerevan.

The courts of appeals consider anew cases heard in a court of first instance on the basis of an appeal for rehearing. By law, it is not be constrained by the argumentations of the appeal for rehearing and considers the case in full (*de novo*).

Verdicts in all criminal and military cases by first instance courts, which have been appealed and have not come into effect, are under the jurisdiction of the respective court of appeals.

Council of the Court Chairmen

The 1998 Law on the Judiciary created the Council of Court Chairmen (CCC), which is considered a management and administrative body for basic activities within the Republic's courts.

The Chairman of the court of cassation is the Chair of CCC, and members are the Chairmen of all courts. The CCC activities are conducted through quarterly meetings. Extraordinary sessions may be invited by the Chairman or by the requirement of 1/3 of the Council members. The CCC meetings are considered valid when two third of council members are present at the meeting.

The CCC does not have a status of legal entity, and its staff of 24 operates as a separate structural entity within the staff of the Court of Cassation. The Law on Judiciary provides that "For the purposes of assisting the CCC activities, a separate structural entity, which performs the responsibilities of the CCC staff, is established within the court of cassation staff". The staff is managed by the Head of Staff, who reports to the CCC Chairman and participates in the sessions with the consultative voice.

The staff is organized into the following departments:

- Legislation and Codification, which comments on pending legislation to the government; reviews recently passed legislation, notifies judges and courts of requirements, and codifies forms to implement laws. It should be mentioned that the courts do not participate in the elaboration of legislation by the Government.
- Summarization Division reviews practice issues identified by the CCC and analyses and summarizes cases from the courts of First Instance. The CCC is seeking to build up a body of practice for the courts to rely on. The CCC also collects information highlighting issues of delay in and non-disposition of civil cases.
- Judicial Education Center (JEC) for judges and non-judicial staff. A single clause in the law requires the CCC to "organize professional studies and re-training of judges." The JEC was established by a Charter and regulation of the CCC.
- Personnel Division collects information about court employees and informs the JEC of the number of staff to facilitate training.
- International Division insures that requirements of international laws and treaties are being met.

Budget issues for the courts are handled by the cassation court Head of Staff, its economist and accountant. Given that the CCC is not a separate legal entity, its budget is included in the budget of the cassation court and the property also belongs to the court. The CCC itself is located in the building of the cassation court. Its offices are small, not renovated and not properly equipped.

The CCC authorities stated in the Law on Judiciary are provided in Appendix 3. Obviously, the CCC lacks authority to provide direction to the judicial branch over such areas as automation, budgeting, personnel, communication with the media and the public and formalization of best practices. The Ministry of Justice currently has the responsibility for most of these functions.

In 1997, the World Bank mission posited that “... the court system needs to function as a unified administrative and management system ... especially in the courts of first instance, there is not sufficient capacity to be able to take on the planning, management and budgetary authority ...”. The 1998 report *Armenia: Challenges for Judicial Reform/Judicial Assessment Report* further called for the development of an administrative body staffed with persons specifically trained in management.

Court Administration Issues: Assessing the Legal Framework

Judicial Branch Employment. Human Resources Issues

According to the statistics obtained from the CCC, at present there is 1020 judicial and non-judicial staff in the courts of the Republic. Of this number 841 comprises the courts' non-judicial staff, with a total of 179 judges in the country (Appendix 4 provides the distribution of personnel by each court).

The status of courts staff is extremely unsatisfactory, including the lack of transparency and clear criteria for appointment, absence of any criteria and mechanism for evaluation of their work and for promotion, insufficient training, etc.

The recent change of the Chairman of the Cassation Court and the resultant significant replacements in the staff of the Cassation Court do prove the absence of any processes for selection and appointment, thus leaving everything to the discretion of court chairmen. In July 2005, the Chairman of the Economic Court has been appointed as the Chairman of the Cassation Court and, as it was observed, many of the existing staff members at the Cassation were immediately replaced by the candidates of the new chairman appointment.

Court employees are outside the broad umbrella of the State Service, which includes the Civil Service, the Police, the Custom Service, the Diplomatic Service, the National Assembly and Emergency Services. There is no legislative framework for court employment that provides for employee status, criteria for admission to and withdrawal from service or salary setting as was established for State Service employees within the framework of recent public administration reforms. There are no job descriptions or similar documents that would define roles and functions of each position, no performance evaluation standards or criteria that would be taken into account while awarding bonuses to court employees. More than a year ago, the CCC in cooperation with the representatives of various courts and ABA/CEELI, initiated the process of drafting job descriptions for use and application by courts of all jurisdictions. These drafts were envisaged to be elaborated further; however, up to date no progress has been made in this regard.

Unlike the judicial branch, political, discretionary and support positions were clearly separated in the executive branch, and equality based criteria for admission to and withdrawal from civil service and job descriptions established.

Moreover, several issues emerge in relation to the appointment of court staff. There is a contradiction in the existing Law on Judiciary (1998), Law on Judges' Status (1998) and the Law on Public Administration Institutions (2001). Under the Law on Judiciary, the court staff is appointed and dismissed by the Chairman of the respective court within the limits of staff size and salary fund established by the Government. Appointment and dismissal decisions for judge assistants and court session secretaries are made upon recommendation of the respective judge. The Law on PAIs envisages that the founder of the institution appoints and dismisses the Head of Staff as well as other employees of the institution in the cases specified by the Charter. However, the charter does not specify, at least directly, the mentioned rule.

There are further inconsistencies between the laws and the internal charters of the first instance courts. Specifically, the charters provide that the founder of the staff is the chairman of the court. Under Article 7.1 of the Law on PAIs the founder of the institution is the Republic of Armenia. In the name of the Republic, the founder for the courts is the chairman of the Court of Cassation.

Subsequently, the chairman of the first instance court exercises the governance of the staff according to point 13 of its charter. In contradiction to this provision, Article 10.1 of the Law on PAIs determines that the governance of the institution shall be carried out by the founder. Hence, all authorities granted to the chairman by point 14 of the charter belong to the chairman of the court of cassation according to the Article 11 of the Law.

It is believed that there are unreasonable and unjustified powers and rights vested with the chairman of the court of cassation with regard to organizational and personnel management of all courts (art. 11, Law on Public Administration Institutions). The courts chairmen should have some of the authorities, which are mentioned in their internal charters, however, appropriate changes in the Law on PAIs have to be done.

The scope of responsibilities and authorities of the Head of Staff provided in the internal charters is mainly compliant with the provisions of the Law on PAIs. There is some overlapping between the latter and the Law on Judiciary. In particular, Article 16.7 of the Law on Judiciary prescribes that the court chairman shall manage the financial means of the court, but according to Article 14.1b of the Law on PAIs, that authority belongs to the Head of Staff.

In sum, on the human resources side, key issues to be addressed include the following:

- Defining the structure and status of the court staff. This should be brought in line with the Law on Public Administration Institutions or the Law on Civil Service or in a separate new act that would regulate the service and labor relations of non-judiciary personnel.
- Depending on the status (whether or not court employees can be considered civil servants), development of a unified competition-based system with clear criteria for selection, appointment, accountability (reporting arrangements), appraisals, incentives and disciplinary procedures, dismissal, etc.;
- Restructuring, optimization of the structure and staff list;
- Clear distribution and optimization of functions in line with the overall re-structuring;
- Development of detailed job descriptions with the minimum qualification requirements for each position to avoid overlap of functions/activities and improve the reporting and accountability mechanisms. It should be ensured that similar position holders in the same-level courts have similar duties, responsibilities and powers provided in the internal regulations or sub-legislation rather than depending on the discretion of the court chairman, respective judge or head of staff.
- Introduction of the performance appraisal criteria and procedure with the provision of a possibility for career advancement/promotion of non-judiciary staff
- Defining a consistent training policy not only for staff but also for judges. Particular emphasis should be given to improvement of the managerial capacity and leadership in courts so that they become initiators of organizational changes and obtain internal capacity to operate effectively.
- Automation of human resources functions and design/maintenance of a database.

Judicial Administration Body

Because the CCC is considered a collegial body under Armenian law, its directives and regulations are advisory only.

The legal-organizational status of the CCC should be determined and defined in the Law on Judiciary. Article 28 of the Law provides that the CCC shall operate on the basis of the Code of Rules approved by the CCC. While article 3 of the CCC Code of Rules refers to the CCC as a **judicial administration body**, the grounds for such a statement are not provided in the Law. Moreover, Article 27 of the Law delegates certain policy/procedure development powers and authority to the CCC leaving out the issue of enforcement and supervision of these policies/procedures.

Concurrently, Article 30/7 of the RA Law on Judge's Status under chapter "Grounds for Termination of a Judge's Powers" provides that "...judge's powers can be terminated if he/she committed an action, which is a ground for termination of powers according to the "Code of Judge's Conduct". Therefore, it can be assumed from this statement that the Code of Conduct/Code of Ethics adopted by the CCC has an enforcement power, which contradicts to the "advisory body" character of the CCC.

Budgeting and Salary Setting Issues

The budget process begins in June with a Prime Ministerial decree and presentation by the Ministry of Finance and Economy of a fiscal framework for the next three years, including total amounts for each budget user (each court is considered a budget user). In the fall, the Ministry sends methodological instructions to budget users. After compilation by the government, the draft budget is forwarded to the National Assembly. The legislature is a weak participant in the budget process, having no staff and operating under a requirement that it vote on government budget proposals within 24 hours. Any objection to the budget constitutes a "no-confidence" vote in the government and carries serious consequences.

The CCC's role in the budget process is limited to receiving the government's budget instructions, meeting with the courts to discuss them, compiling and signing the budgets and mid-year projections from the courts and serving as the contact point for questions from the Ministry. The CCC does not alter amounts requested by the courts. Funding norms are applied by the government to some categories of expenditures, including electricity, automobile fuel and expenses, sanitary supplies, telephones and the number of janitorial staff. Nonetheless, if the CCC receives a budget with requests outside these norms, it does not adjust the request or contact the court to discuss it.

Each court is treated as a separate budget user, with annual and monthly financial expenditure reports and transfer requests by the courts submitted directly to the Ministry of Finance, not to the CCC. Courts may transfer funds between categories only with permission of the government in June of each year. Debts incurred by the courts, primarily in the areas of communications and utilities, are transferred from one year to the next unless the government can absorb them, with no changes in the formulas to reflect actual expenditures.

Given the existing salary setting mechanism, the courts do not have an opportunity to review the salary schedule for court staff during the mid-year projections. Specifically, the Government

decree² establishes the minimum official salary rates for staff and technical support personnel of courts of the first instance, Appeals Court, Economic Court and Court of Cassation. Subsequently, in accordance with the Law on Judiciary, the Court Chairmen determine the actual salary rates within the limits of the salary fund established by the Government.

Not only that the courts cannot provide for salary adjustments, but, in fact, minimum salary rates can be reduced by the Government decree, providing no protection to staff from disparate treatment.

In contrast, compensation levels of executive branch employees are established in accordance with the RA Law on Civil Servants Pay adopted in 2002. The civil service pay system is based on the classification grades of civil service posts and envisages a separate salary scale for each group and sub-group of civil service posts. Salary raise mechanisms, bonuses and other allowances are also defined in the Law on Civil Servants Pay.

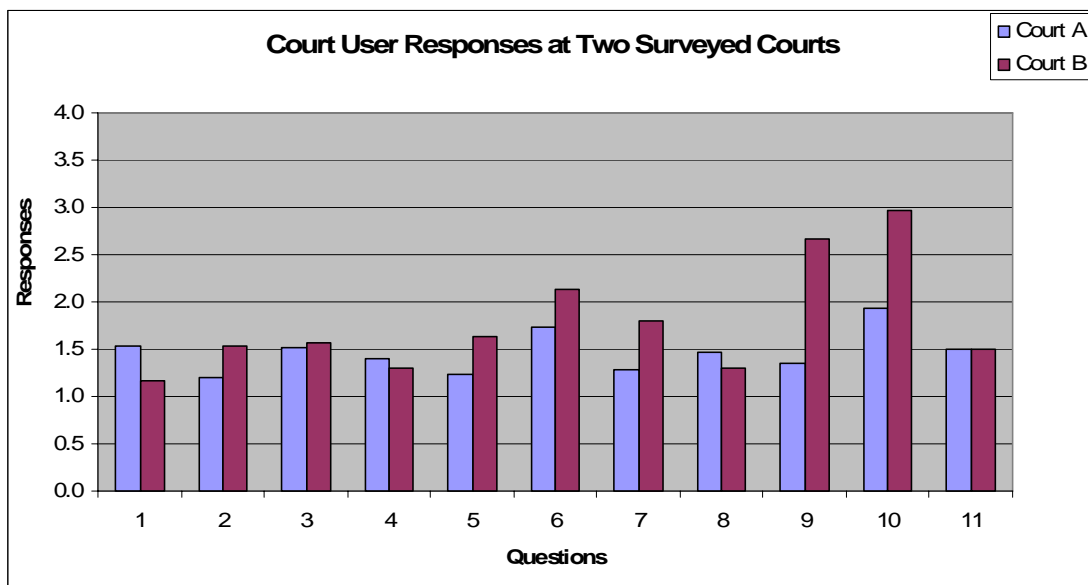
Finally, there is also no forum for courts to discuss their budget requests with the CCC, the Government or the National Assembly. The CCC also plays no advocacy role on behalf of the courts' budgets; it presents the budgets to the Government.

² RA Government Decision N914-N of the “On official salary rates of the staff and technical staff of the RA Court of Cassation, Court of Appeals, Economic Court and First Instance Court” dated 23 July 2003.

Assessment of Court Performance: Court User Satisfaction Survey

Within the framework of the research project, a public impression survey about access to and treatment was created and administered in the courts of different instances (see Appendix 13 for the survey questionnaire). Results from the survey were shared by the court leadership and will form the basis of continual program to improve service to the courts’ “customers”.

It was determined from the outset that the results of the survey would be shared only with senior court staff. Therefore, for the purposes of confidentiality, the names of courts are not revealed in this report but rather are marked as court A and B. There were 30 people surveyed in each court. It was the first time that such a device was used in the Armenian courts. A major benefit of the exercise, in addition to understanding public attitudes toward the judiciary, is to encourage senior staff to become comfortable with the process and to continue and expand it.



Responses to the below questions were evaluated according to the scale Yes (1), Partially (2), No (3) and Not Applicable (4).

	Yes	Partially	No	Not Applicable
1. Getting to the courthouse was easy.				
2. Finding where I need to go in the courthouse was easy and convenient.				
3. It was easy to get the information I needed when I came to the courthouse.				
4. Court personnel treated me with courtesy and respect.				
5. I understand the instructions of the court employees and what I need to do next.				
6. The case or other matters I dealt with in the court have received an efficient solution.				
7. I spent little time waiting to be served.				
8. I was treated equally.				
9. My gender, economic status, age or political beliefs made difference in how I was treated by the court.				
10. The governmental taxes I paid were affordable for me.				

11. Overall, I think the court performed effectively.				
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Responses in both courts reveal that the state taxes to be paid were high and not affordable to the public. Although the courthouse building was easy to access, finding the actual place where the court user needed to go in the courthouse was not simple and convenient. Interestingly, regardless of the fact the courts users in both courts indicated that in general the court performed effectively, there is a clear signal in questions #6 and 7 that courts need improvement in their processes and services. In general, the age group of 25-35 was slightly more happier with the courts as compared to those falling under 35-55 group, whereas people above 55 had considerably more negative impression from the court treatment.

Table 1. *Tabulated Survey Results for the Court A*

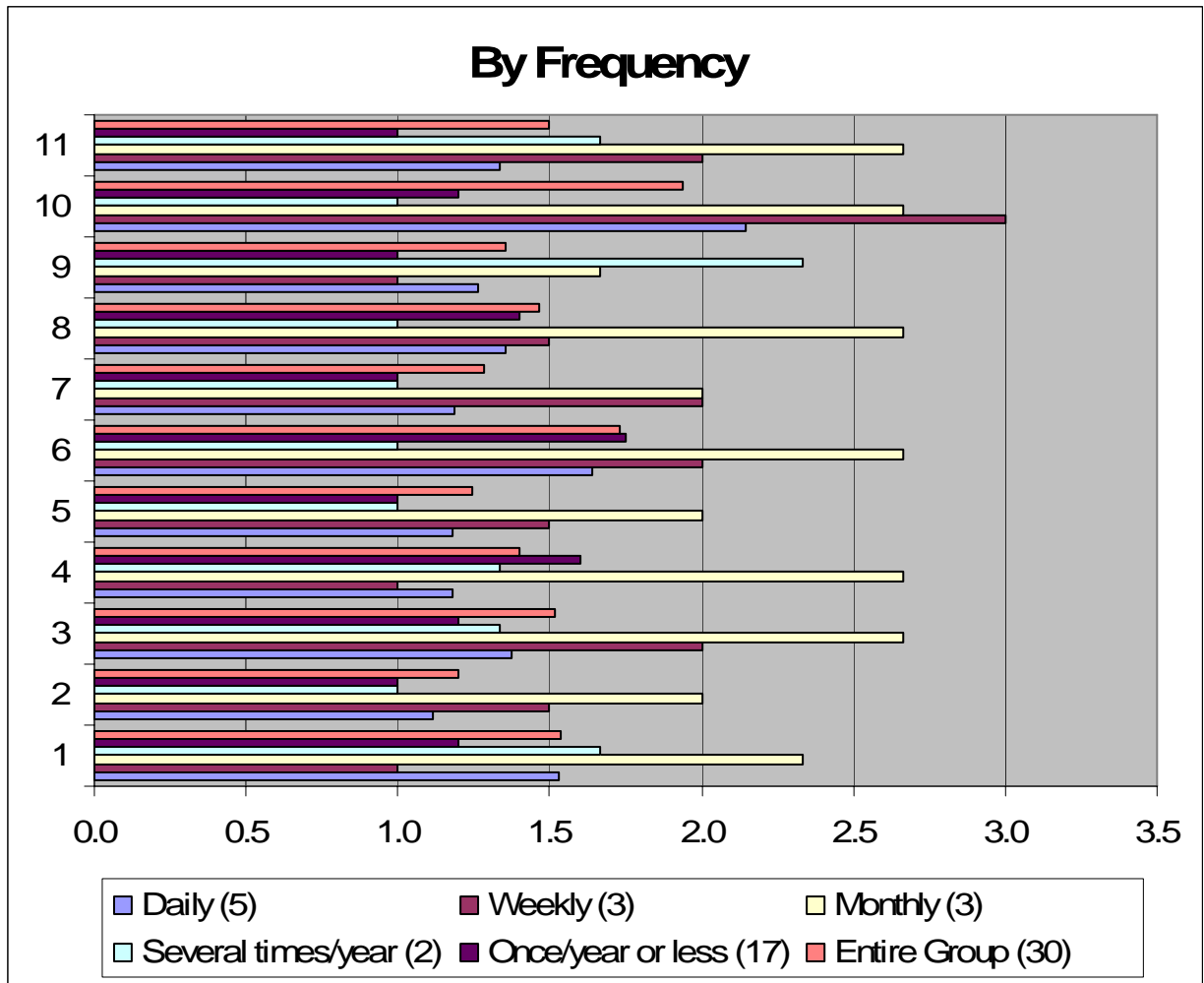
Person	Frequency	Case Type	Role	Education	Gender	Age	Questions 1-11										
							Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11
1	5	10	8	2	2	4	1	1	3	2	1	3		3	2	3	2
2	2	1	5	3	1	3	3	1	2	2		1	1	1	3	1	2
3	5	1	8	2	2	2	3	1	1	1	1	2	1	1	1	1	1
4	1	2	2	4	1	4	1	1	1	1	1	2	1	1	1	1	1
5	2	4	6	4		3	1	1	1	1	1	1		1	3		1
6	5	8	7	3	2	3	1	1	1	1	2	2	1	1	1		2
7	1	10	7	4	1	2	1	1	2	2	1	2	1	1	1	1	1
8	1	9	6	4	1	2	1	1	1	3	1		1	1	1	1	1
9	5	2	6	4	1	2	3	1	1	1	1	2	1	1	1	2	1
10	1	9	2	4	1	2	2	1	1	1	1	2	1	1	1	2	1
11	3	10	6	3	2	4	2	2	2	2	2	2	2	2	1	2	2
12	5	10	7	6	1	5	1	1	1	1	1	1	1	1	1		2
13	5	10	7	3	2	2	1	2	2	1	1	1	1	1	1		2
14	2	6	2	4	1	3	1	1	1	1	1	1	1	1	1		2
15	4	3	8	3	2	3	1	2	2	1	2	2	3	1	1		2
16	5	10	8	5	2	4	2	2	2	2	2		1	1	3		2
17	1	1 and 2	1,2,3	4	2	3	1	1	1	1	1	1	1	3	1	1	1
18	3	2	4	3	1	3	2	1	3	3	1	3	1	3	1	3	3
19	3	1	4	4	1	5	3	3	3	3	3	3	3	3	3	3	3
20	5	2	2	4	1	2	3	1	1	1	2	1	1	2	1		1
21	5	7	3A	2	2	4	1	1	1	1	1	1	1	1	1	1	1
22	5	7	6	3	2	4	1	1	1	1	1	1	2	1	2	3	1
23	4	1	4	2	1	3	1	1	2	1	1	2	1	2	1	3	2
24	5	2	4	4	2	2	1	1	2	1	1	2	1	1			1
25	5	9	8	4	2	3	1	1	1	1	1	2	1	1	1		1
26	5	7	8	3	1	2	1	1	2	2	1	1	3	2	1	3	1
27	5	2	6	4	2	2	3	1	1	1	1	2	1	2	1		1
28	5	4	8	2	1	3	1	1		1	1		1	1	1		1
29	5	2	6	4	2	4	1	1	1	1	1		1	1			
30	5	2	3B	3	1	3	1	1	1	1	1	2	1	2	1	2	

Feedback of 30 respondents on the question “How often are you in the courthouse or one of the court facilities?” has been analyzed by sorting responses according to frequency options (daily, weekly, etc.) and then averaging the responses on above-mentioned 11 questions for each category of visitors by frequency (see Table 2 below). Those who attend the courthouse on a daily basis are primarily attorneys, whereas the majority of surveyed attends the court once a year or less, primarily as citizens seeking information or documents.

Table 2. Survey Results Sorted by the Frequency of Visits

								Questions 1-11										
Court	Person #	Frequency	Case Type	Role	Education	Gender	Age	1	2	3	4	5	6	7	8	9	10	11
A	4	1	2	2	4	1	4	1	1	1	1	1	2	1	1	1	1	1
A	7	1	10	7	4	1	2	1	1	2	2	1	2	1	1	1	1	1
A	8	1	9	6	4	1	2	1	1	1	3	1		1	1	1	1	1
A	10	1	9	2	4	1	2	2	1	1	1	1	2	1	1	1	2	1
A	17	1	1 and 2	1,2,3	4	2	3	1	1	1	1	1	1	1	3	1	1	1
Ave for 1								1.2	1	1.2	1.6	1	2	1	1	1	1	1
A	2	2	1	5	3	1	3	3	1	2	2		1	1	1	3	1	2
A	5	2	4	6	4		3	1	1	1	1	1	1		1	3		1
A	14	2	6	2	4	1	3	1	1	1	1	1	1	1	1	1		2
Ave for 2								1.7	1	1.3	1.3	1	1	1	1	2	1	2
A	11	3	10	6	3	2	4	2	2	2	2	2	2	2	2	1	2	2
A	18	3	2	4	3	1	3	2	1	3	3	1	3	1	3	1	3	3
A	19	3	1	4	4	1	5	3	3	3	3	3	3	3	3	3	3	3
Ave for 3								2.3	2	2.7	2.7	2	3	2	3	2	3	3
A	15	4	3	8	3	2	3	1	2	2	1	2	2	3	1	1		2
A	23	4	1	4	2	1	3	1	1	2	1	1	2	1	2	1	3	2
Ave for 4								1	1.5	2	1	1.5	2	2	1.5	1	3	2
A	1	5	10	8	2	2	4	1	1	3	2	1	3		3	2	3	2
A	3	5	1	8	2	2	2	3	1	1	1	1	2	1	1	1	1	1
A	6	5	8	7	3	2	3	1	1	1	1	2	2	1	1	1		2
A	9	5	2	6	4	1	2	3	1	1	1	1	2	1	1	1	2	1
A	12	5	10	7	6	1	5	1	1	1	1	1	1	1	1			2
A	13	5	10	7	3	2	2	1	2	2	1	1	1	1	1			2
A	16	5	10	8	5	2	4	2	2	2	2	2		1	1	3		2
A	20	5	2	2	4	1	2	3	1	1	1	2	1	1	2	1		1
A	21	5	7	3A	2	2	4	1	1	1	1	1	1	1	1	1	1	1
A	22	5	7	6	3	2	4	1	1	1	1	1	1	2	1	2	3	1
A	24	5	2	4	4	2	2	1	1	2	1	1	2	1	1			1
A	25	5	9	8	4	2	3	1	1	1	1	1	2	1	1	1		1
A	26	5	7	8	3	1	2	1	1	2	2	1	1	3	2	1	3	1
A	27	5	2	6	4	2	2	3	1	1	1	1	2	1	2	1		1
A	28	5	4	8	2	1	3	1	1		1	1		1	1	1		1
A	29	5	2	6	4	2	4	1	1	1	1	1		1	1			
A	30	5	2	3B	3	1	3	1	1	1	1	1	2	1	2	1	2	
Ave for 5								1.5	1	1.4	1.2	1	2	1	1	1	2	1

Figure 1. *Frequency of Court Visits in the Court A*

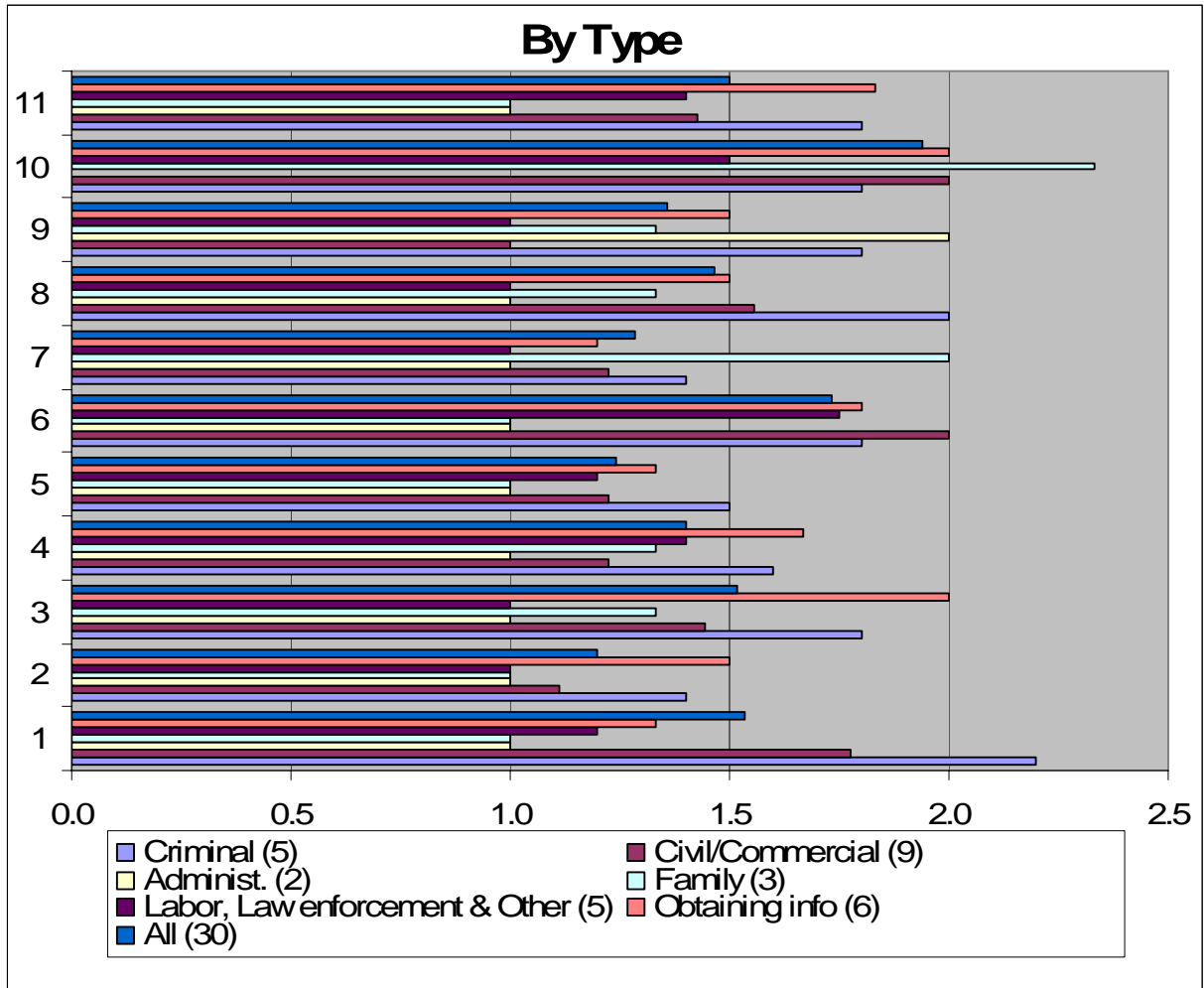


Daily (5)	1.5	1.1	1.4	1.2	1.2	1.6	1.2	1.4	1.3	2.1	1.3
Weekly (3)	1.0	1.5	2.0	1.0	1.5	2.0	2.0	1.5	1.0	3.0	2.0
Monthly (3)	2.3	2.0	2.7	2.7	2.0	2.7	2.0	2.7	1.7	2.7	2.7
Several times/year (2)	1.7	1.0	1.3	1.3	1.0	1.0	1.0	1.0	2.3	1.0	1.7
Once/year or less (17)	1.2	1.0	1.2	1.6	1.0	1.8	1.0	1.4	1.0	1.2	1.0
Entire Group (30)	1.5	1.2	1.5	1.4	1.2	1.7	1.3	1.5	1.4	1.9	1.5

Similarly, the data collected is analyzed by the type of case or matter that brought the surveyed users to the court (Figure 2), the type of involvement or their role in the court matter (Figure 3), by their formal education (Figure 4), gender (Figure 5) and age (Figure 6).

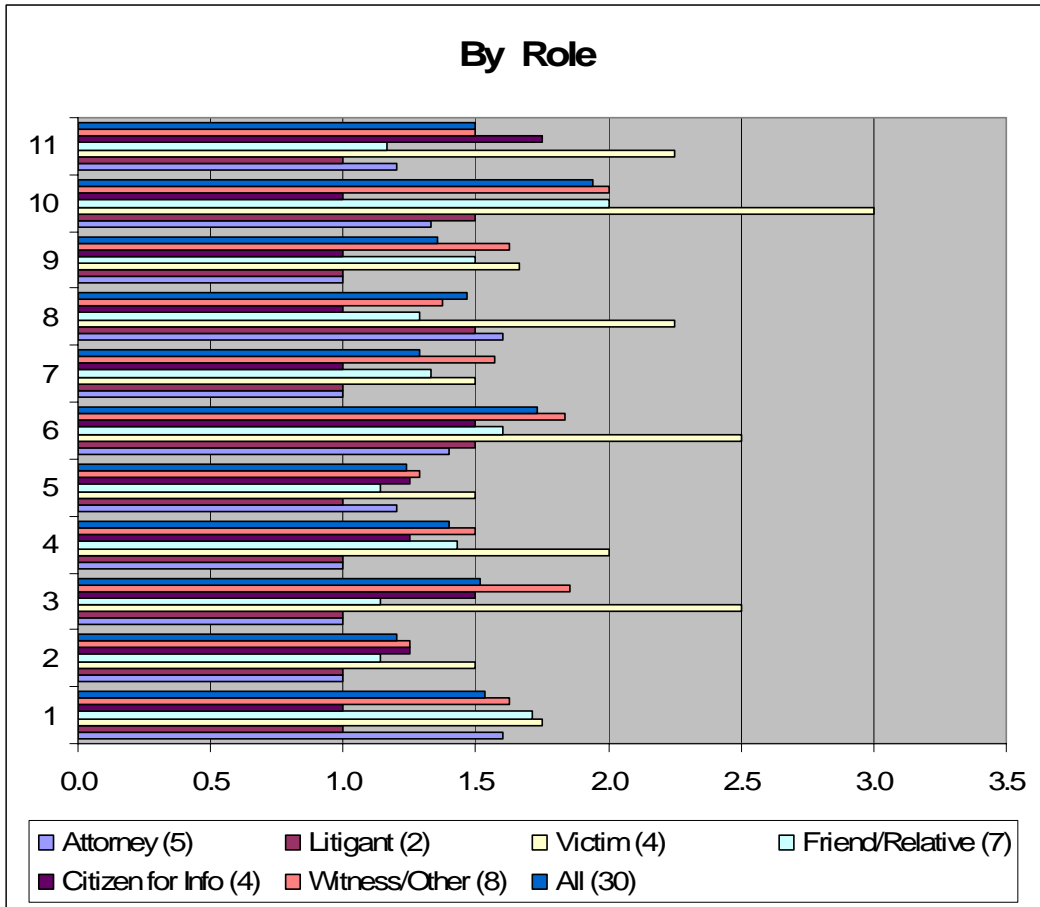
Figure 2. Type of Case or Matter of Visits to the Court A

Given that the Court A is one of the seventeen first-instance courts in Armenia and by its jurisdiction it hears civil, criminal, administrative and military matters, the responses by the court users provided a variety of the case types or matters which brought them to the particular court.



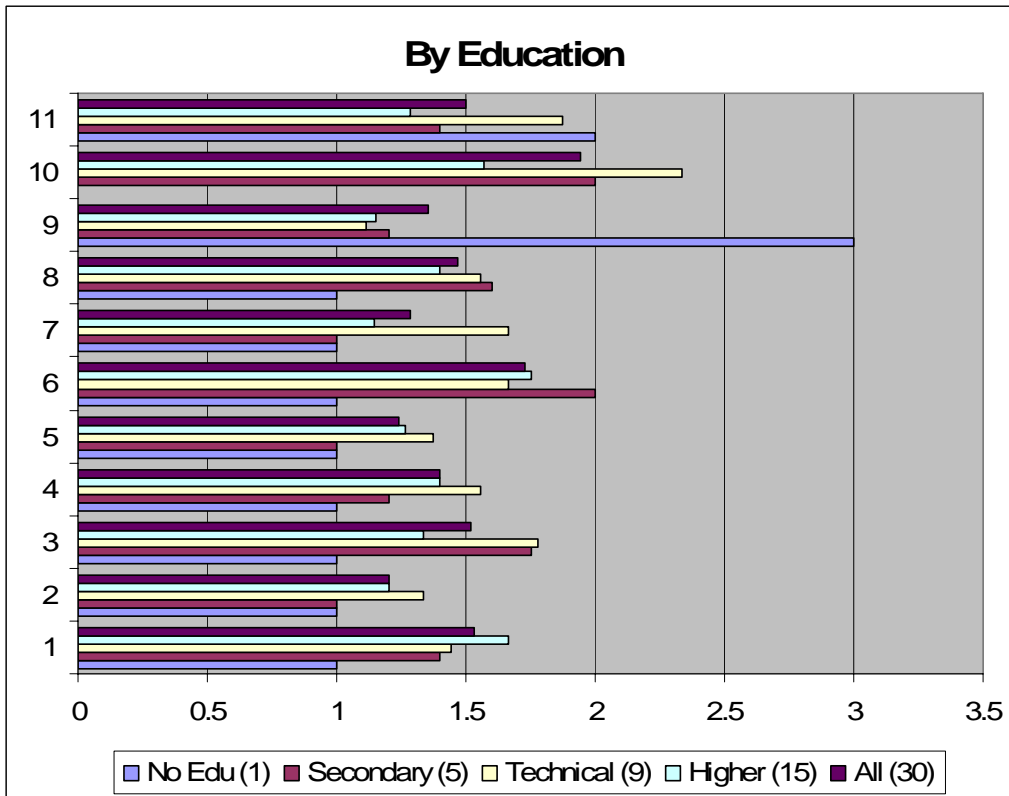
Criminal (5)	2.2	1.4	1.8	1.6	1.5	1.8	1.4	2.0	1.8	1.8	1.8
Civil/Commercial (9)	1.8	1.1	1.4	1.2	1.2	2.0	1.2	1.6	1.0	2.0	1.4
Administ. (2)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	2.0	2.0	1.0
Family (3)	1.0	1.0	1.3	1.3	1.0	1.0	2.0	1.3	1.3	2.3	1.0
Labor, Law enforcement & Other (5)	1.2	1.0	1.0	1.4	1.2	1.8	1.0	1.0	1.0	1.5	1.4
Obtaining info (6)	1.3	1.5	2.0	1.7	1.3	1.8	1.2	1.5	1.5	2.0	1.8
All (30)	1.5	1.2	1.5	1.4	1.2	1.7	1.3	1.5	1.4	1.9	1.5

Figure 3. *By the Involvement Type or Role of Visitors in the Court A*



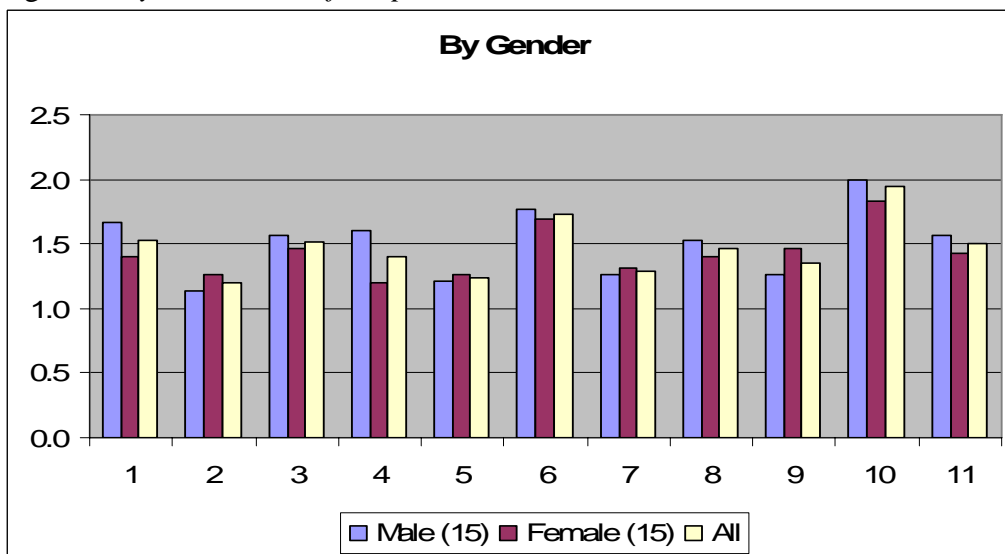
Criminal (5)	2.2	1.4	1.8	1.6	1.5	1.8	1.4	2.0	1.8	1.8	1.8
Civil/Commercial (9)	1.8	1.1	1.4	1.2	1.2	2.0	1.2	1.6	1.0	2.0	1.4
Administ. (2)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	2.0		1.0
Family (3)	1.0	1.0	1.3	1.3	1.0	1.0	2.0	1.3	1.3	2.3	1.0
Labor, Law enforcement & Other (5)	1.2	1.0	1.0	1.4	1.2	1.8	1.0	1.0	1.0	1.5	1.4
Obtaining info (6)	1.3	1.5	2.0	1.7	1.3	1.8	1.2	1.5	1.5	2.0	1.8
All (30)	1.5	1.2	1.5	1.4	1.2	1.7	1.3	1.5	1.4	1.9	1.5

Figure 4. *By the Formal Education of Visitors*



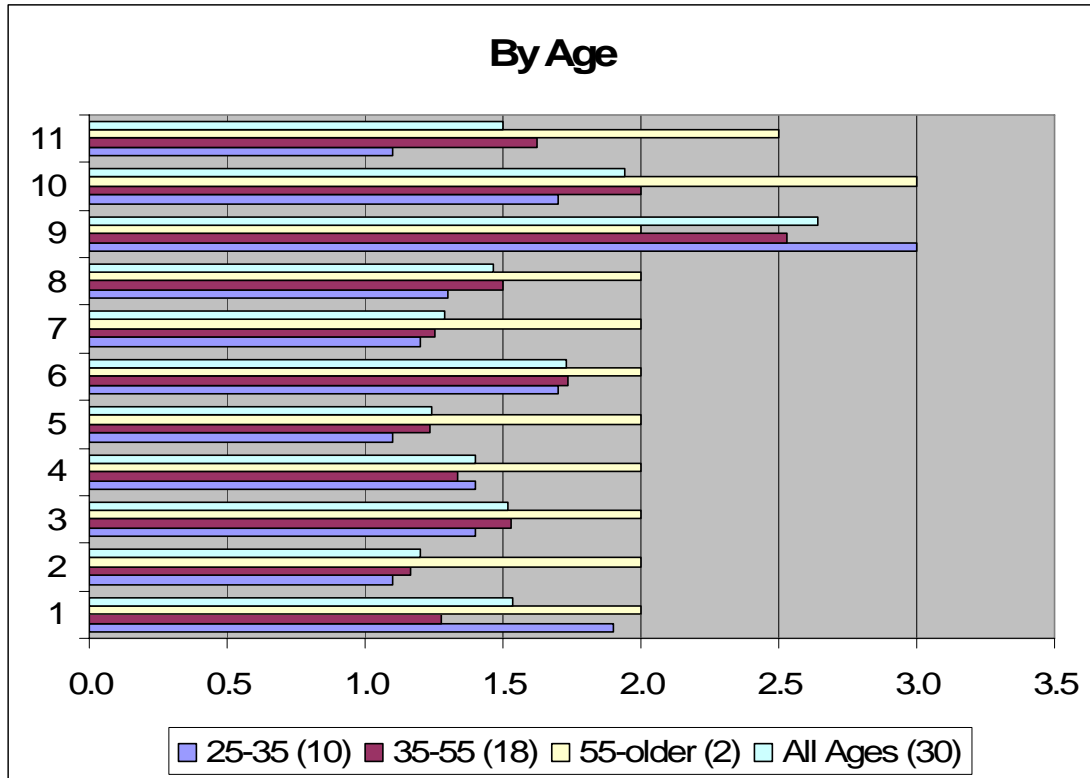
No Edu (1)	1	1	1	1	1	1	1	1	3	2	
Secondary (5)	1.4	1.0	1.8	1.2	1.0	2.0	1.0	1.6	1.2	2.0	1.4
Technical (9)	1.4	1.3	1.8	1.6	1.4	1.7	1.7	1.6	1.1	2.3	1.9
Higher (15)	1.7	1.2	1.3	1.4	1.3	1.8	1.1	1.4	1.2	1.6	1.3
All (30)	1.5	1.2	1.5	1.4	1.2	1.7	1.3	1.5	1.4	1.9	1.5

Figure 5. *By the Gender of Respondents*



Question	1	2	3	4	5	6	7	8	9	10	11
Male (15)	1.7	1.1	1.6	1.6	1.2	1.8	1.3	1.5	1.3	2.0	1.6
Female (15)	1.4	1.3	1.5	1.2	1.3	1.7	1.3	1.4	1.5	1.8	1.4
All	1.5	1.2	1.5	1.4	1.2	1.7	1.3	1.5	1.4	1.9	1.5

Figure 6. *By the Age Group of Respondents*



Question	1	2	3	4	5	6	7	8	9	10	11
25-35	1.9	1.1	1.4	1.4	1.1	1.7	1.2	1.3	3.0	1.7	1.1
35-55	1.3	1.2	1.5	1.3	1.2	1.7	1.3	1.5	2.5	2.0	1.6
55-older	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	3.0	2.5
All Ages	1.5	1.2	1.5	1.4	1.2	1.7	1.3	1.5	2.6	1.9	1.5

Data collected from the Court B survey demonstrated similar results, apart from the case types (limited to commercial and civil claims), which is accounted for by the specific jurisdiction of the Court B. The data analysis for Court B is presented in Appendix 14 of the present report.

SPECIFIC RECOMMENDATIONS AND IMPLICATIONS FOR POLICY

1 A STATUTORY AND POLICY FRAMEWORK FOR JUDICIAL BRANCH EMPLOYMENT

This recommendation generally covers the judiciary's human resources management and development and aims at establishing uniform policies and procedures analogous to and in some cases improving on those in the Executive Branch including:

- Uniform recruitment and selection procedures
- Uniform performance appraisal and disciplinary procedures
- Job descriptions for all pilot court and AOC staff that also clarify reporting relationships.

1.1 IMPLEMENTATION TO DATE

1.1.1 Statutory Framework

The policy paper (See Appendix 15) developed as a result of the research provides the relevant authorities with a concept paper on Armenian judicial branch employment and models of judicial service from Estonia, the Russian Federation, Bulgaria, Macedonia, and the State of California in the United States. The models are complemented with the legal acts adopted in these countries for benchmarking purposes (Estonia, Courts Act, 2002; Bulgaria, Judicial System Act, 2002; Russian Federation, Federal constitutional law on Judicial System, 1996; Macedonia, Federal Constitution, The Law of the Court Budget, 2004; California, USA, Article VI, Section, State Constitution Directive on Court Budget, 1997; Directive on protection and administration of Judicial Employees.

The legal framework for judicial service employment has been drafted by the Ministry of Justice and the Court of Cassation. Comments on the draft and proposals have been provided before submission to the National Assembly.

1.1.2 Uniform Recruitment and Selection Procedures

The research paper discussed the lack of formal procedures and statutory protection for court employees in the area of recruitment and selection. The policy proposals on judicial employment provided a specific procedure for recruitment, selection, and appointment common for all judicial servants across all courts. The procedure is aimed at enabling transparent personnel selection, countering nepotism, ensuring that the most qualified individuals are appointed, and protecting them from arbitrary dismissal. The recommended approach is based on the principles of open competition and selection based on merit in accordance with the minimum Knowledge, Skills and Abilities (KSA) requirements set forth in job passports.

The proposed recruitment and selection procedures have been submitted and discussed with the relevant stakeholders.

The draft law on judicial service submitted to the National Assembly reflects some of the recommendations on recruitment and selection. In particular, it provides for competition- and merit-based recruitment based on job passports. It is envisaged that candidates for junior posts will be selected as a result of open competition, whereas candidates for leading and chief posts shall be recruited through a closed competition, restricted to existing staff of the judiciary from the roster of all judicial servants. Competition will be conducted in two stages: a written instrument and an interview, with a few exceptions (e.g., junior staff may not be subject to an interview).

1.1.3 Uniform Performance Appraisal

The policy recommendations on the judicial branch employment also included a procedure for performance appraisal or attestation. Prior to that, there were no performance evaluation standards or forms for courts. Court Chairmen provided equal bonuses to the staff if there were savings in the salary fund, with no distinctions made based on performance review.

Introduction of regular, annual performance reviews by the immediate supervisor and linkage of performance to pay increases were novel concepts for the court system and were embraced by the court officials. The approach suggested differs from the attestation procedure applied in the civil service which is conducted once every three years under a formal process with a committee and does not link performance with pay. The proposed uniform procedure for judicial servants defines and provides measures for standards of performance, identifies criteria for recognizing and rewarding achievement and, importantly, provides linkages to staff recruitment, classification, compensation, and training. Special forms for performance reviews, separately for judicial servants with managerial responsibilities, for those with financial responsibilities, and for regular servants, have also been developed and suggested for implementation (See Appendix 11).

1.1.4 Job Descriptions

The court administration research revealed a lack of job descriptions for court employees and judicial administration body personnel. This resulted in a substantial overlap of functions or drifting away from the charter-based functions, as well as vague reporting relationships and undefined criteria for hiring, minimum performance, and training.

In consultation with the relevant stakeholders and courts, model job descriptions were drafted for the critical positions of Judge Assistant, Court Session Secretary, Office Manager, and Office Secretary (See Appendices 10). The job descriptions clearly define the reporting relationship for these position-holders, their distinct job features, and the overall scope of work, duties and responsibilities. Importantly, the job passports contain separate sections for the Knowledge, Skills and Abilities (KSAs) required of employees in the classification, divided into the minimum and desirable qualities. As such, the draft job descriptions provide guidance for determining the grade and pay of the mentioned positions, and for hiring, promotion, and training decisions.

Under this system, courts would be allowed to create job descriptions more specific to their positions (e.g., Head of Staff of the Economic Court, Office Manager of Malatsia-Sebastia first instance court) as long as they are approved by the Chairman of the respective court, fall within the scope of the broader description, and are in the format approved by the judicial administration body.

1.2 OPTIONS FOR FUTURE IMPLEMENTATION

The first step toward implementation is the adoption of the draft law on judicial service by the National Assembly. Additional steps that can be taken without the addition of significant new resources include:

- The Founder (the Chair of the Court of Cassation³) should
 - adopt a rule concerning establishing local court Selection Committees, as prescribed in the draft law;
 - approve the three performance evaluation forms for use by courts; and
 - adopt the four model job passports.

- The judicial administration body should develop:
 - scoring and ranking sheets for use by courts in selecting staff that ranks candidates according to the KSAs for the position;
 - written instructions for appraisers; and
 - model internal rules for discipline and discharge of court employees on the basis of general requirements prescribed in the draft law, Labor Code and other relevant legal acts.

- The Judicial Training Center should conduct a series of trainings on:
 - the new recruitment and selection procedures, specifically for the personnel specialists and Heads of Staff of all courts and the judicial administration body;
 - performance appraisal for both judicial and non-judicial personnel in all courts; and
 - the promulgated job passports.

Further implementation of human resource reforms will require:

- Model job passports to be drafted for all other judicial service positions by the judicial administration body with input from the courts. This first requires performing a job analysis and then developing job descriptions for all remaining positions. Model job descriptions subsequently drafted should be approved by the Founder.
- Development of test questions, a format for written tests, and a database for test questions from which the computer will randomly select the questions and which will track examination results. Ideally, the judicial administration body would analyze whether test questions were providing an adequate number of qualified candidates after several test administrations.
- Ongoing, instead of one-time, training in the human resource reforms to identify and correct practices that might generate legal liability.

³ The Chair of the Court of Cassation serves as the Chairman of the Council of Court Chairmen. If the draft law is not adopted in the near future, the Founder can adopt the procedure on performance appraisal/attestation, relevant appraisal forms, the four model job passports and the model internal rules for discipline by its decisions.

1.3 RESOURCE REQUIREMENTS

At present, the judicial administration body (CCC) has a Personnel Division with only one staff member (a consultant). The immediate steps will require the addition or transfer from another function of one staff member and external technical assistance for the organization of training sessions.

Importantly, the salary funds from the state budget and the pay scheme should be revised and approved in a timely manner to allow for effective implementation of results of the first performance evaluation of judicial servants. In this regard, external consultancy will be required to establish base salaries and ranges.

More complete and effective implementation of all personnel functions, including job analysis and passports, recruitment, attestation, database management, would require that the existing structure of the judicial administration body be substantially strengthened both in terms of staffing and technical capacity. It will be necessary to enhance the core group of consultants in the Personnel Division and equip them with computers connected via LAN, e-mail, internet access and printers. Staff with the specific responsibility for human resources training should also be added to the Judicial Training Center. In addition, large courts should establish a separate Human Resources Management unit within their organizational structure, with the Head of the unit reporting directly to the Head of Staff. Smaller first instance courts do not require an independent unit, but rather allocation among and implementation of personnel functions with the present staffing resources.

Further implementation of human resource reforms also envisages substantial external assistance for the preparation of tests and the design/installation of the relevant computer database. It also requires external consultancy to assist in job analysis and review and comment on the final job descriptions to be promulgated by the Founder.

2 TRAINING PROGRAMS FOR NEW AND CONTINUING STAFF

Training for the employees of the Armenian judiciary is required in all areas of court operations and management. Since its establishment in 1999, the Judicial Training Center has focused on provision of courses to judges. Ongoing assessment of training needs and delivery of trainings for court staff has, however, been impeded by budgetary restrictions.

2.1 IMPLEMENTATION TO DATE

The draft law on judicial service includes a separate section on training, which provides for a mandatory training of all judicial servants at least once in three years. However, the language of the training procedure does not differentiate between pre-service and in-service training, moreover, it does not define the type of training (seminar, study-tour, workshop) and the minimum duration of the training that should be counted as mandatory for judicial servants. It is the responsibility of the Council of Court Chairmen to further develop specific procedures for judicial servants' training.

2.2 OPTIONS FOR FUTURE IMPLEMENTATION

The management and automation changes envisioned in the court system will heighten the need for intensive staff training. Therefore, the first action is to conduct a Training Needs Assessment (TNA) in all courts. The TNA should follow the adoption of job descriptions for judicial service positions and should be performed by the lead of the Judicial Training Center with active cooperation of Heads of Staff. Based on the TNA results, professional development programs for new and existing personnel should be established together with a timetable for implementation. For greater efficiency, these programs should be separately designed for executive managers, senior level managers, and specialists.

Professional development activities should be aimed at achieving greater efficiency in the administration of justice through innovations in management and administration. They should be planned and evaluated during annual performance review meetings.

As a second priority action, a procedure for pre-service and in-service training of judicial servants should be introduced and adopted by the judicial administration body. The Judicial Training Center should then design training curricula for judicial servants and judges.

Training needs should be included as a part of the yearly budget submissions with long-term goals projected. It is understood that these initiatives are always subject to available resources. However, planning specific programs with a detailed curriculum in the budget process will provide funding authorities with a specific request to evaluate.

2.3 RESOURCE REQUIREMENTS

For the implementation of training actions, substantial external consultancy and financial resources are required. A consultant should be engaged both in the evaluation of the TNA results and the development of training curricula and modules. It will also be necessary to provide sample training materials and procedures on pre- and in-service judicial and non-judicial training used in other countries as a benchmark.

3 A STATUTORY BASIS FOR SALARY SETTING AND JUDICIAL BRANCH COMPENSATION CONSISTENT WITH THE EXECUTIVE BRANCH AND ACROSS THE COURTS

Court employees lack statutory protection for their compensation levels. The minimum official salary rates for the professional and technical staff in courts of the first instance, the Court of Appeals, the Economic Court and the Court of Cassation are established each year by the Government of Armenia by Government Decree. Judicial branch salaries can also be reduced by a Government Decree, providing no protection to judicial servants from disparate treatment.

Using the minimum salary rates as a starting point, the Court Chairmen in respective courts determine the actual monthly salary for the staff within the limits of the salary fund established by the Government. Judicial branch salaries may be increased and bonuses may be provided at discretion of the Court Chairmen only if there are sufficient resources in the salary fund.

3.1 IMPLEMENTATION TO DATE

To address the compensation issues, the policy paper drafted as a result of research work has recommended that the salary setting and salary raise mechanisms in the judicial branch be clearly defined in a relevant statute to eliminate arbitrary actions, allow for pay for performance, and be competitive with like positions in other branches of Government (See Appendix 15 for the Policy Paper).

Considering the limited number of positions and classification grades, it is recommended that the steps used in the civil service pay scheme be accelerated. Moreover, the annual minimum base rate for judicial servants cannot be less than that for civil servants.

3.2 OPTIONS FOR FUTURE IMPLEMENTATION

Provided that the draft law on judicial service is adopted by the National Assembly, the provision on regulating judicial service compensation in accordance with the civil service compensation system will be enforced. The key implementation requirement is to perform a salary survey with a group of local and foreign professional consultants to:

- Compare judicial branch current compensation levels with like positions in the executive branch
- Compare current compensation levels of judicial servants across the courts
- Consult with the Ministry of Finance and Economy, the Treasury, and judicial administration body on the findings and recommendations deriving from the salary survey.

Based on survey results, consultants should review the pay scheme (salary scales and levels for each classification grade and sub-grade) in the civil service and make recommendations on the applying it to the judicial service.

3.3 RESOURCE REQUIREMENTS

Engagement of external consultants throughout the survey and the development of recommendations to the pay scheme will be required and relevant adjustments to the judiciary's salary appropriations in the state budget made.

4 STRENGTHENING THE JUDICIAL ADMINISTRATION BODY

The strategic planning and oversight required for the Armenian judiciary envisions the following strategies:

- Make legal changes to strengthen the independence of the judiciary in financial matters, including clarifying the manner in which the budget is submitted to and reviewed by the executive and legislative branches, ensuring that the judiciary is represented at legislative budget hearings, and providing that, once allocated to the judiciary, funds for a particular year cannot be reduced except in an emergency.
- Enhance the role of the judicial management body for strategic planning, budget management and planning and expenditure monitoring.
- Enhance the judiciary's advocacy and educational capacity.
- Develop a strategic plan and set of budgetary priorities for each court and the judiciary.
- Link budget requests to the number of case filings and court performance.

4.1 IMPLEMENTATION TO DATE

Strengthening the Judiciary's Independence

International best practices research on the structural budgeting mechanisms, including Bulgaria, Russia, and Estonia, and several states in the United States directed at protecting the independence of the judiciary and enhancing the relationship between the branches of government. Most critically, this review highlighted the practice in these countries and in approximately 15 U.S. States of direct submission of the budget to the legislative branch after discussion with the executive branch. In addition, other processes furthering judicial independence were identified, including providing that 1) the judicial branch be directly represented in discussions of its budget at legislative hearings (as opposed to being represented solely by the Ministry of Justice), 2) the Executive Branch provide a written response to the judiciary's budget request; and 3) the judicial branch budget be protected from reductions by the Executive Branch once approved by the legislative branch.

Using these concepts, a draft Budget Concept Paper was prepared (See Appendix 12). The Concept Paper should form the basis of legislation dealing with judicial branch budgeting and financial management as well as providing recommendations for improving the internal operations of the judicial management body.

Enhancing the Judicial Management Body

The judiciary needs strengthened management structures and processes, particularly:

- Have a strong command of operational and budgetary issues in the courts
- Assist courts in developing their budget requests
- Prepare and present the budget in a consistent and understandable way
- Develop positive relationships with the executive branch and National Assembly leaders and staff, the public and the media

The judiciary needs to create a budget process that includes:

- Policies for budget development and budget discussions;
- A format for a narrative describing the benefits of budget requests;
- CCC to have the authority to make allocation adjustments throughout the year based on expenditure monitoring.

4.2 RESOURCE REQUIREMENTS

Requirements and timelines for reporting expenditures to the judicial administration body should be developed.

Job descriptions for auditors and accountants that reflect needed Knowledge, Skills and Abilities should be created.

Addition of the staff and infrastructure in the judicial administration body, including automation (computers, printers, scanners, copiers, related supplies and internet access) and professional translators and interpreters to translate international resources, coordinate study tours, and cooperate with international aid agencies, will be needed. Developing a strategic plan and performance measures will also require professional consulting assistance.

The Human Resources Division needs to be strengthened to provide oversight of human resource functions and direct assistance for smaller courts for which adding a human resources division would not be cost effective.

Funds will be needed for training new and existing staff, as well as Heads of Staff and budget staff at the individual court level. Courses for financial staff should be developed by the Judicial Training Center and renewed as legal changes are implemented. A train-the-trainer approach should be used for efficiency's sake.

Appendix 1 – Staffing Structure, Scope of Responsibilities and Functions of Selected Staff in a First Instance Court

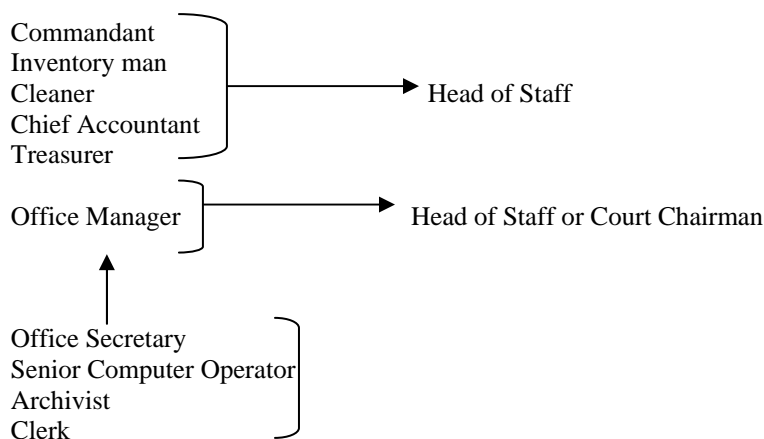
The courts are considered as public administration institutions and as such, are governed by the provisions of the RA Law on “Public Administration Institutions”. Under its requirements, the charter and structure of courts are approved by the decision of the Founder, which in the case of judicial branch, is the Chairman of the Court of Cassation. Hence, all target first instance courts that were examined have internal charters and structures approved by the Cassation Chairman.

Generally, there are no formal structural subdivisions in the first instance courts. The types of staff positions⁴ at place in all courts include:

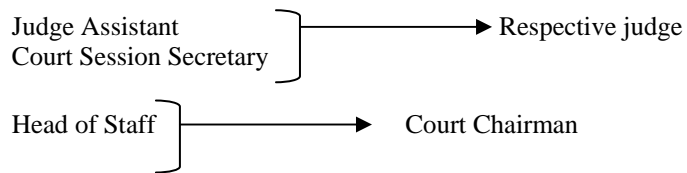
Table 1. Positions in First Instance Courts

Position	Quantity
Head of Staff	1
Office Manager	1
Office Secretary-operator	Varies
Judge Assistants	one for each judge
Court Session Secretary	one for each judge
Chief Accountant	1
Internal Auditor	1
Senior Computer Operator	1
Archivist	1
Commandant	1
Inventory man	1
Treasurer	1 (can be part-time as well)
Clerk	Varies
Cleaner	Varies
Driver	Varies

Since formally there are no separate internal structural subdivisions and no job descriptions for court employees, the reporting relationship and accountability of staff is formed on the basis of their functional peculiarities only. Exception is the reporting of judge assistants and court session secretaries that are stated by law as positions attached to the respective judge. Head of staff works under direct subordination of the court chairman, whereas the actual subordination of the office manager varies from court to court: either to court chairman or head of staff.



⁴ Provided are non-judicial staff positions (which does not include the court chairman and judge posts).



Examination of functions and roles currently implemented by selected staff positions has been considered important to serve as a basis for recommendations on restructuring, distribution of functions and reporting relationships, as appropriate. A comparison of functions and authorities for the first instance court positions prescribed in relevant laws, internal charters and the actually performed functions is presented in the table below.

Responsibilities and functions under the law	Responsibilities and functions under the court Charter ⁵	Actually performed responsibilities and functions
Head of Staff		
<p>A. Acts in the name of the Republic of Armenia without authorization letter and present its interests, signs transactions</p> <p>B. Manages the state property, including financial means stated by the law, other legal acts and the charter of the institution</p> <p>C. Provides authorization letters to act in the name of the Republic of Armenia, including the right of re-authorization</p> <p>D. In the framework of his/her liabilities envisaged by the law, other legal acts or charter of the institution, defines responsibilities of structural subdivisions, appoints and dismisses the heads (<i>The Head of Staff of the executive body does not implement the authority envisaged by this Clause, unless otherwise is presumed by the law</i>)</p> <p>E. In the framework of his/her liabilities, gives orders and instructions of mandatory nature.</p> <p>F. In the framework of his/her liabilities, appoints and dismisses employees of the institution, applies incentives and disciplinary fines against them.</p> <p>G. Submits for the approval of the Founder the annual report and annual balance of the institution (<i>The Head of Staff of the executive authority body presents the report and balance to the head of the corresponding state body</i>)</p> <p>H. Submits recommendations to the Founder and the head of the state body regarding the main directions of</p>	<p>1. Administers current activities of the Staff in the framework of the authorities reserved to the him/her by the law, other legal acts, orders and instructions of the Court Chairman and the Charter.</p> <p>Basis Charter, Clause 15</p> <p>2. in the framework of his/her authorities, without an authorization letter acts on behalf of the Republic of Armenia and presents its interests.</p> <p>Basis Charter, Clause 19 (a)</p> <p>3. in the framework of his/her authorities, acts as a plaintiff or respondent in the Court.</p> <p>Basis Charter, Clause 19 (a)</p> <p>4. provides authorization letters for the trials and other court proceedings</p> <p>Basis Charter, Clause 19 (a)</p> <p>5. manages the property, including financial means provided to the Staff of the Court by the law, other legal acts, Founder and Charter</p> <p>Basis Charter, Clause 19 (b)</p>	<p>1. Administers current activities of the staff not to the full extend. Only the disciplinary measures, equipment, technical supply, as well as activities of some staff (chief accountant, treasurer, inventory man and technical staff).</p> <p>Basis Charter, Clause 19 (d) verbal assignment of the Court Chairman</p> <p>2. Implements completely</p> <p>3. Implements completely</p> <p>4. Implements completely</p> <p>5. Actually, the financial means of the court staff are managed not only by the Head of Staff , but also by the Court Chairman (the first signature in the treasury system belongs to the Chairman and Head of Staff).</p>

⁵ Approved by the decision N 11 of the Chairman of the RA Court of Cassation, March 2003

<p>the activities of the institution.</p> <p>I. Exercises other powers provided by law, other legal acts and charter of the institution.</p> <p>Basis RA Law on “Public Administration Institutions” Article 14.</p>	<p>6. in the framework of the authorities envisaged by the law and the Charter appoints and dismisses the technical staff of the Court, applies incentives and disciplinary measures against them.</p> <p>Basis Charter, Clause 19 (d)</p> <p>7. in the framework of his/her liabilities provides authorization letters, including authorization letters with re-authorization right to act on behalf of the Republic of Armenia.</p> <p>Basis Charter, Clause 19 (c)</p> <p>8. in the framework of the authorities stated by the law and this Charter gives orders and instructions of mandatory nature.</p> <p>Basis Charter, Clause 19 (e)</p> <p>9. submits for the approval of the Court Chairman the annual report and balance, cost estimation of the annual maintenance expenses, its performance, annual financial reports.</p> <p>Basis Charter, Clause 19 (f)</p> <p>10. ensures preparation composition and submission of financial reports, undertakes measures for elimination of financial violations disclosed as a result of audits.</p> <p>Basis Charter, Clause 19 (f)</p>	<p>6. Appoints and dismisses only the technical staff (inventory man, commandant, cleaners), the incentives and disciplinary measures are applied only against technical support employees.</p> <p>7. Implements completely</p> <p>8. Only to the technical staff</p> <p>9. Implements completely</p> <p>10. Implements completely</p>
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	<p>11. submits recommendations to the Court Chairman on the main directions of activities of the staff</p> <p>Basis Charter, Clause 19 (g)</p> <p>12. organizes the preparatory works of budget drafting and ensures implementation of the expenses through budget means</p> <p>Basis Charter, Clause 19 (h)</p> <p>13. organizes meetings</p> <p>Basis Charter, Clause 19 (i)</p> <p>14. supervises implementation of staff activities within the stated deadlines.</p> <p>Basis Charter, Clause 19 (j)</p> <p>15. submits the post to the Court Chairman.</p> <p>Basis Charter, Clause 19 (k)</p> <p>16. reception of citizens</p> <p>Basis Charter, Clause 19 (l)</p> <p>17. Organizes</p> <ul style="list-style-type: none"> - case management - technical service 	<p>11. Implements completely</p> <p>12. Implements completely</p> <p>13. Implements completely</p> <p>14. Only in the field of financial-accounting and economic issues.</p> <p>15. This function is implemented by the Office Manager.</p> <p>16. There is no special day for citizens reception. It is carried out on a daily basis.</p> <p>17.1. Case management is organized by the Office Manager.</p> <p>17.2 Implements completely.</p>
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	<p>Basis Charter, Clause 19 (m)</p>	<p>18. Ensures the implementation of the requirements of the Law “On Procurement” and is responsible for that.</p> <p>Basis Order N36 dated 17.12.2001 issued by the Chairman of Malatia-Sebastia First Instance Court</p>
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Office Manager		
	Reports to the Head of Staff	<ol style="list-style-type: none"> 1. implements the “submission of daily post” to the Court Chairman, which is reserved to the Head of Staff by the Charter. 2. organizes the “administrative works of the staff” reserved to the Head of Staff by the Charter. 3. conducts the circulation of documents. 4. ensures the movement of the criminal cases (entry, completion of the cards, registration in journal, registration of evidences), submission to the Court Chairman, hand over to the corresponding judge, etc. 5. calculation of deadlines of ongoing cases; 6. any type of interferences (custody, search, post delivery). 7. composition of statistical reports on criminal and administrative cases, and on interferences; submission to the Court Chairman.
Judge Assistant		
	Reports to the corresponding judge	<ol style="list-style-type: none"> 1. Implements the assignments of the corresponding judge. 2. Upon assignment of the judge, drafts verdicts (depends on professional capabilities)
Office Secretary		
	Reports to the Office Manager	<ol style="list-style-type: none"> 1. Ensures the movement of civil cases (entry, completion of the card, registration in the journal, registration of the evidences, submission to the

		Chairman, hand over to the corresponding judge, acceptance of the case after the verdict) 2. Composition of statistical report on the civil cases.
Court Session Secretary		
	Reports to the Office Manager	1. Files the cases 2. Takes minutes 3. Completes the notifications

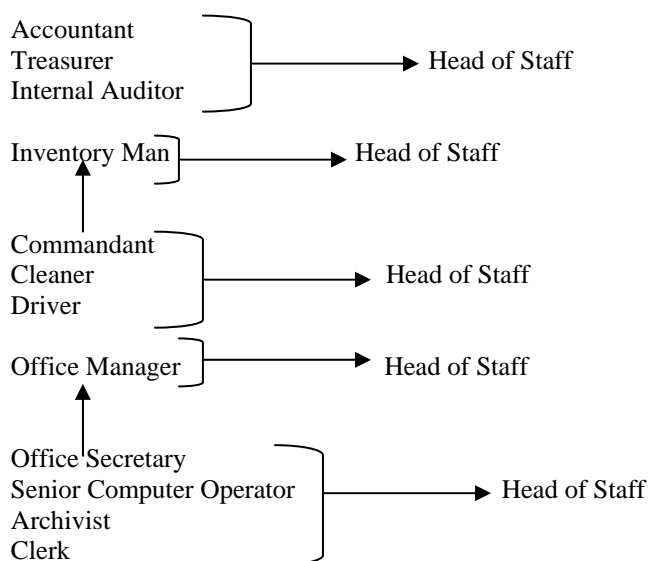
Appendix 2 – Staffing Structure, Scope of Responsibilities and Functions of Selected Staff in the Economic Court

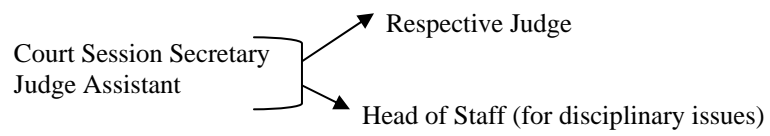
Similar to the first instance courts, there are no job descriptions that provide for duties, scope of responsibilities and qualifications required for the staff positions. Similarly, there are no internal structural subdivisions and the subordination of employees is based on the actual functions performed. The table below presents the overall staff list of the Economic Court (including staff in its regional seats). Similar to the first instance courts, there is one position of a session secretary and one assistant stipulated for each judge.

Table 2. Staff Positions in the Economic Court

Position	Quantity
Head of Staff	1
Office Manager	1
Assistant to the Court Chairman	3
Judge Assistant	21
Accountant	1
Treasurer	1
Auditor	1
Court Session Secretary	22
Office Secretary	1
Archivist	1
Office Secretary – Operator	8
Senior Computer Operator	1
Clerk	7
Commandant	7
Inventory man	1
Driver	1
Cleaner	7
Total	85

There are certain differences in the reporting relationships in the Economic Court as compared to the first instance and appellate courts. It is particularly noted that the Head of Staff in the Economic Court has more management and oversight responsibilities than in other courts. Virtually all professional and technical support staff is reporting to the Head of Staff, even the judge assistants.





The comparative table for prescribed and actual functions of key court staff positions at the Economic Court is presented in the table below.

Responsibilities and functions under the law	Responsibilities and functions under the court Charter	Actually performed responsibilities and functions
Head of Staff		
<p>J. Acts in the name of the Republic of Armenia without authorization letter and present its interests, signs transactions</p>	<p>Acts as a Chief Financial Officer, since the staff does not have the position of a Chief Accountant.</p>	
<p>K. Manages the state property, including financial means stated by the law, other legal acts and the charter of the institution</p>	<p>1. Administers current activities of the Staff in the framework of the authorities reserved to the him/her by the law, other legal acts, orders and CCC decisions.</p>	<p>1. Implements completely</p>
<p>L. Provides authorization letters to act in the name of the Republic of Armenia, including the right of re-authorization</p>	<p>Basis Charter, Clause 15</p>	
<p>M. In the framework of his/her liabilities envisaged by the law, other legal acts or charter of the institution, defines responsibilities of structural subdivisions, appoints and dismisses the heads (<i>The Head of Staff of the executive body does not implement the authority envisaged by this Clause, unless otherwise is presumed by the law</i>)</p>	<p>2. Within the framework of his/her authorities, without an authorization letter acts on behalf of the Republic of Armenia and presents its interests.</p> <p>Basis Charter, Clause 18, (a)</p>	<p>2. Implements fully</p>
<p>N. In the framework of his/her liabilities, gives orders and instructions of mandatory nature.</p>	<p>3. Within the framework of his/her authorities, acts as a plaintiff or respondent in the court.</p> <p>Basis Charter, Clause 18, (a)</p>	<p>3. Implements completely</p>
<p>O. In the framework of his/her liabilities, appoints and dismisses employees of the institution, applies incentives and disciplinary fines against them.</p>	<p>4. Provides authorization letters for the trials and other court proceedings.</p>	<p>4. Implements completely</p>
<p>P. Submits for the approval of the Founder the annual report and annual balance of the institution (<i>The Head of Staff of the executive authority body presents the report and balance to the head of the corresponding state body</i>)</p>	<p>Basis Charter, Clause 18, (a)</p>	
<p>Q. Submits recommendations to the Founder and the head of the state body regarding the main directions of the activities of the institution.</p>	<p>5. Manages the property, including financial means provided to the staff of the court by the law, other legal acts, founder and Charter.</p> <p>Basis</p>	<p>5. Implements completely, but the financial means of the court staff are managed not only by the Head of Staff, but also by the Court Chairman (the first signature in the treasury system belongs to the Chairman and Head of Staff).</p>

<p>R. Exercises other powers provided by law, other legal acts and charter of the institution.</p> <p>Basis RA Law on “Public Administration Institutions” Article 14.</p>	<p>Charter, Clause 18 (b)</p> <p>6. Within the framework of the authorities, appoints and dismisses the technical staff of the Court, applies incentives and disciplinary fine measures towards them</p> <p>Basis Charter, Clause 18 (d)</p> <p>7. Within the framework of his/her authorities, provides authorization letters, including authorization letters with re-authorization right to act on behalf of the Republic of Armenia.</p> <p>Basis Charter, Clause 18 (c)</p> <p>8. Within the framework of his/her authorities, gives orders and instructions of mandatory nature.</p> <p>Charter, Clause 18 (e)</p> <p>9. Submits for the approval of the Court Chairman the annual report and balance, cost estimation of the annual maintenance expenses, annual financial reports.</p> <p>Basis Charter, Clause 18 (f)</p> <p>10. Ensures accounting, composition and submission of financial reports, undertakes measures for elimination of financial violations disclosed as a result of audit.</p> <p>Basis Charter, Clause 18 (f)</p> <p>11. Submits recommendations to the Court Chairman on the main directions of activities of the staff.</p>	<p>6. Does not implement, this function is completely implemented by the Court Chairman. One of the reasons is that there is no clear definition for the technical staff.</p> <p>7. Implements completely</p> <p>8. Gives instructions to everyone, including judge assistants and court session secretaries. Does not give orders.</p> <p>9. Implements completely</p> <p>10. Implements completely</p> <p>11. Implements completely</p>
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	<p>Basis Charter, Clause 18 (g)</p> <p>12. Organizes the preparatory works for the draft budget; ensures implementation of the expenses through budget means.</p> <p>Basis Charter, Clause 18 (h)</p> <p>13. Organizes meetings</p> <p>Basis Charter, Clause 18 (i)</p> <p>14. Supervises the implementation of activities of the Staff within the set deadlines.</p> <p>Basis Charter, Clause 18 (j)</p> <p>15. Submits the post to the Court Chairman</p> <p>Basis Charter, Clause 18 (k)</p> <p>16. Reception of citizens.</p> <p>Basis Charter, Clause 18 (l)</p> <p>17. Organizes</p> <ul style="list-style-type: none"> - case management - technical service <p>Basis</p>	<p>12. Implements completely</p> <p>13. Implements completely</p> <p>14. Against everyone, as well as judge assistants and court session secretaries (particularly in terms of reports submission and other responsibilities)</p> <p>Basis Decision of CCC</p> <p>15. This function is implemented by the Office Manager after the prior review by the Head of Staff.</p> <p>16. Implemented on a daily basis. No specific day for citizen reception.</p> <p>17.1. Administrative works of the court are organized by the Head of Staff in a centralized way, but the works related to the case administration are implemented by the Office manager in Yerevan, and by the judge assistants and office secretaries in regional sears.</p>
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	Charter, Clause 18 (m)	<p>17.2. Technical service is implemented by the inventory man.</p> <p>18. Ensures the implementation of the requirements of the Law “On Procurement” and is responsible for that.</p>
Office Manager		
	Works under direct subordination of the Court Chairman (reports to the Court Chairman)	<ol style="list-style-type: none"> 1. Actually implements the “submission of daily post” to the Court Chairman, which is reserved to the Head of Staff by the Charter. 2. Actually organizes administrative works in Yerevan seat. 3. Conducts the circulation of the documents. 4. Ensures the movement of the criminal cases (entry, completion of the cards, registration in journal, registration of evidences), submission to the Court Chairman, hand over to the corresponding judge. 5. Any type of intermediations.
Judge Assistant		
	According to the type of authorities’ reports to the corresponding judge and Head of Staff.	<ol style="list-style-type: none"> 1. Implements the assignments of the corresponding judge. 2. Upon the assignment of the judge, drafts verdicts (the latter directly depends to the professional capabilities) 3. Other job responsibilities by the assignment of the Court Chairman and Head of Staff. 4. Judge assistants in regional seats have additional functions related to the implementation of administrative works typical for that seat.
Office Secretary		
	Reports to the Office Manager	<ol style="list-style-type: none"> 1. Ensures the movement of civil cases (entry, completion of the card, registration in the journal, registration of the evidences). 2. Other responsibilities by the assignment of the Office Manager and Head of Staff.

Court Session Secretary

Reports to the Office Manager

- 1. Composition of court session protocols.
- 2. Files the cases
- 3. In some cases completes the notifications and sends them to the office
- 4. Submits report on the date and time of court session.

Appendix 3 – General Staffing Structure in the Appeals Courts of the Republic of Armenia

Internal charters of the Appeals Court on Civil Cases, and the Appeals Court on Criminal and Military Cases have been approved by the chairman of court of cassation in March 2003.

The size of court staff in the appeals courts differ, which is primarily accounted for by the number of judges in each court. Unlike the first instance courts and the Economic court, where each judge has one assistant and one court session secretary, in the courts of appeals one court session secretary is allocated to each three judges. The total staff size for any court is approved by the Government Decree.

Table 1. Staff Positions in the Court of Appeals on Civil Cases

Position	Quantity
Head of Staff	1
Office Manager	1
Chief Accountant	1
Archivist	1
Auditor	1
Judge assistant	10
Court session secretary	3
Office secretary	3
Senior computer operator	1
Treasurer	0.5
Inventory man	1
Commandant	1
Driver	1
Clerk	1
Cleaner	2
Total	28,5

Table 2. Staff Positions in the Court of Appeals on Criminal and Military Cases

Position	Quantity
Head of Staff	1
Office Manager	1
Chief Accountant	1
Archivist	1
Auditor	1
Judge assistant	16
Court session secretary	5
Office secretary	5
Senior operator	1
Treasurer	0.5
Inventory man	1
Commandant	1
Driver	1
Clerk	1
Cleaner	5.5
Total	42

Appendix 4 – Authorities of the Council of Court Chairmen

Under the Article 27 of the RA Law on Judiciary, authorities of the Council of Court Chairmen are:

- shall consider issues related to ensuring regular operation of the courts of first instance, appellate courts, economic court and the court of cassation,
- shall summarize the judicial practice and make consultative interpretations on the application of laws on its basis,
- shall make proposals to the authorized state bodies on improving laws and other legal acts,
- in cases stipulated by law, shall address the RA President for mediation to apply to the Constitutional Court on the issues of compliance of laws, National Assembly decisions, Presidential decrees, Government decrees and decisions with the Constitution,
- shall develop and approve the procedures of case of distribution in the courts of first instance courts; of composition of presiding judges in the courts of appeals and the order of appointment of chair judges in those; of substituting judges or the court chairman in case of judge rejection, self-rejection, vacation or illness,
- shall develop and approve the Code of Conduct of Judges
- shall draw up and in the established order submit to the Government the applications for budget financing for each court
- shall approve the staff list of the personnel of the Council of Court Chairmen
- shall appoint and dismiss the Head of Staff of the Council of Court Chairmen
- shall establish the scope of official duties of the staff of the Council of Court Chairmen and the staff of courts, as well as the instruction on case management in courts,
- shall organize professional studies and re-training of judges
- shall exercise other powers provided by law.

Appendix 5 – Judicial Statistics for Year 2005

##	Court Name	Number of Judges	Number of Staff	Total
1	Court of Cassation	13	102	115
2	Economic Court	22	85	107
3	Court of Appeals on Criminal and Military Cases	16	42	58
4	Court of Appeals on Civil Cases	10	28.5	38.5
5	Center and Nork Marash Community Court, Yerevan	9	30.5	39.5
6	Avan and Nor Nork Community Court, Yerevan	6	34.5	40.5
7	Ajapnyak and Davidashen Community Court, Yerevan	4	25.5	29.5
8	Malatsia-Sebastia Community Court, Yerevan	6	27.5	33.5
9	Shengavit Community Court, Yerevan	6	26.5	32.5
10	Arabkir and Qanaqer-Zeytun Community Court, Yerevan	6	24	30
11	Erebuni and Nubarashen Community Court, Yerevan	7	28.5	35.5
12	Kotayq region (Marz)	8	40.5	48.5
13	Armavir region	7	33.5	40.5
14	Aragatsotn region	5	35.5	40.5
15	Ararat region	7	33.5	40.5
16	Shirak region	12	50	62
17	Gegharkunik region	8	43	51
18	Lori region	12	54	66
19	Vayots Dzor region	2	19.5	21.5
20	Tavush region	5	33.5	38.5
21	Syunik region	8	43	51
TOTAL		179	840.5	1019.5

Appendix 6 - Year 2004 Training Program

Council of the Court Chairmen Judicial Education Center

General Description

The annual training program is drafted taking into account the fact that the Armenian legislation is currently in the process of development along with the legal and judicial system reforms. All proposed topics are developed considering the training and scientific needs of the judges as well as their court practice; whereas the groups are formed considering the judges' specialization.

Judges, judge assistants and session secretaries are divided into four groups with 30-35 members in each group. Judges specialization also is taken into consideration while formulating the groups.

Training Session for Judges

1. Civil law and the Civil Procedure law (3 days/4 groups)
2. Criminal law and the Criminal Procedure law (12 days/4 groups)
3. International Law (Human rights law, European Court, International agreements, approximation to international standards, application in interstate legislation (4 days/4 group)
4. Bankruptcy recognition (2 days/4 group)
5. Administrative legislation (2 days/4 group)
6. Code of Conduct for Judges (2 days/4 group)
7. Judiciary and Mass Media (2 days/4 group)
8. Computer skills and Internet (10 days/6 group)

Training Session for Judge Assistants

1. Constitutional law, Courts in the state system (1 day/4 groups)
2. The Civil law and Civil Procedure law (3 days/4 groups)
3. The Criminal law and Criminal Procedure law (4days/4 groups)
4. International Law (Human rights law, European Court, International agreements, approximation to international standards, application in interstate legislation (3 days/4 group)
5. Bankruptcy recognition (2 days/4 group)
6. Administrative legislation (2 days/4 group)
7. Tax legislation (2 days/4 group)
8. Rights and responsibilities of the judge assistants, organization of citizens' reception, case administration rules (2 days/4 group)
9. Judicial psychology (2 days/4 group)

10. Judiciary and Mass Media (relations, cooperation) (2 days/4 group)
11. Computer Skills and Internet (10 days/6 group)

Training Session for the Heads of Staff and Office Managers

1. Constitutional law, Courts in the state system (1 day/1 group)
2. International Law (Human rights law, European Court, International agreements, approximation to international standards, application in interstate legislation) (2days/1 group)
3. Court Administration (2 days/ 1 group)
4. Rights and responsibilities of the Chiefs of Staff and Office Managers, organization of citizens reception (2 days/1 group)
5. Case management rules and practice (2 days/ 1 group)
6. Judiciary and Mass Media (relations, cooperation) (2 days/1 group)
7. Computer Skills and Internet (10 days/2 group)

Training Session for Court Session Secretaries

1. Constitutional law, Courts in the state system (1 day/4 group)
2. International Law (Human rights law, European Court, International agreements, approximation to international standards, application in interstate legislation) (2 days/4 group)
3. Rights and responsibilities of Session Secretaries, organization of citizens reception, case management rules (2 days/4 group)
4. Computer Skills and Internet (10 days/2 group)

Training Session for Accountants

1. Tax legislation, preparation and presentation of reports (2 days/1 group)
2. Drafting and presentation of budgets. Functions of treasury system (2 days/1 group)
3. Application of the “Law on Procurement” (2 days/1 group)

Appendix 7 - Court Administration Principles in Bulgaria, Russian Federation, Czech Republic and Estonia

Bulgaria

In Bulgaria, provisions on court administration are provided in the Law on Judicial System, which was significantly amended in July 2002 after the adoption of the Strategy on the Reform of the Bulgarian Judicial System in October 2001 and the approval of an Action Plan for implementation of the strategy in March 2002.

In particular, Chapter 15 of the Law entirely regulates the “Administration of the Organs of the Judiciary”. Under the Law, employees of the judicial bodies’ administration are referred to as Judicial Clerks (art.187/3). The appointment of clerks is a contest-based. However, no contest is envisaged when judicial clerks are reappointed (art.188a). Judicial clerks have ranks, which demonstrate their level of professional qualification. The ranks start from the 5th to the 1st, with the initially appointed judicial clerks obtaining the 5th rank (art.188I). Specific terms and conditions relevant to the acquisition of a higher rank are governed by a separate regulation. It is important to note that regulations/statutes governing the organization of the judicial administration, the functions of different services attached to the regional, district, military and appellate courts, and the status of judicial clerks are issued by the Minister of Justice in coordination with the Supreme Judicial Council⁶.

Thus, judicial clerks in Bulgaria do not enjoy a status of civil servants and their service/labor relations are regulated by the Law on Judicial System; in cases not provided for under the Law, such relations are governed by the Labor Code.

In exercising their powers, the judiciary bodies are assisted by an administration, which comprise of the administration of the Supreme Judicial Council, administration of the Supreme Court of Cassation and Supreme Administrative Court, and the administration of the courts (art.187). As per the provisions of the Law, the Presidents of the Supreme Court of Cassation and the Supreme Administrative Court prepare statutes determining the appointing bodies, units of the administration, their functional characteristics, organization of work of the administration of the judicial bodies, position listings, judicial clerks’ job descriptions as well as the judicial bodies to be assisted by information offices. The Supreme Judicial Council approves those statutes with a decision. Separately, art.188q of the law prescribes that there shall be **judicial administrators** (Court Administrators) attached to the courts who are responsible for the management of the court’s administrative activity, planning, organizing and directing judicial clerks, resolving issues related to long-term planning, budgetary policy, finance, automation and procurement. (Regulation for appointment of judicial administrators is developed by the Presidents of the Supreme Court of Cassation and the Supreme Administrative Court).

⁶ The Supreme Judicial Council is vested with significant powers, specifically, under the requirements of the Law, the Council shall appoint, promote, demote, move, and dismiss the judges, set the remuneration of the judges, etc.

Chapter 18 of the Law on Judicial System provides the provisions on the Judiciary's Budget. In this area, the July 2002 amendments to the Law introduced significant changes. The procedure for adoption of the budget of the judiciary was amended where the Council of Ministers is no longer entitled to amend the budget, but only to express an opinion on it when it comes before Parliament. Thus, the Supreme Judicial Council draws up a draft annual budget, which is submitted to the Council of Ministers for incorporation into the Draft State Budget Act for the respective year. The Council of Ministers may not amend the draft budget. Also, every year the Council of Ministers submits to the Parliament, together with the report on the execution of the republican budget, the report on the execution of the judiciary's budget proposed by the Supreme Judicial Council along with detailed explanatory notes.

Russian Federation

The Federal Constitutional Law on Judicial System of the Russian Federation, adopted by the State Duma in October 1996, is comprised of five chapters: General Provisions, Basis of the Judges' Status, Courts (providing the procedure of establishment and abolishment of courts, types of courts and their scope, etc.), the **Conclusive Provisions** (prescribing provisions on court administration, maintenance of court activities, financing) and Order of Enforcement of the Law.

According to Section 30 of the Law, maintenance of activities of the Constitutional Court, Supreme Court and Supreme Court of Arbitration is performed by the machinery of these courts. Whereas maintenance of activities of other courts of general jurisdiction and other courts of arbitration are carried out by the Judicial Department attached to the Supreme Court and by the Supreme Court of Arbitration, accordingly. It should be noted that the Head of the Judicial Dept is appointed to and removed from the position by the Chairman of the Supreme Court with the consent of the Council of Judges. Employees of the Judicial Dept as well as the administrative staff of courts are state officials and receive ranks and special titles in accordance with the relevant legislation. The Law states that the court personnel maintain the court work and are subordinate to the Chairman of the respective court.

Czech Republic

As part of the judicial reform in Czech Republic, a new Act on Courts and Judges was adopted in 2001 and came into force since April 2002 (superseding Act on Courts and Judges as of 1991). The new Act created new judicial institutions such as the advisory judicial councils to be formed at all courts, except small district courts with less than 11 judges, which act as advisory bodies to the court presidents with 3-5 members serving five-year terms.

The Ministry of Justice has a primary responsibility for governance and administration of the judiciary, and exercises indirect authority through its power to appoint court presidents. The Ministry is both the policy-making and administrative body in charge for

the operation of the judiciary. It determines the organizational, financial, educational and personnel needs of courts, it drafts the judiciary's budget with input from courts, allocates funding, defines the numbers of judges and administrative staff as well as the caseload standards for each court.

With such a mechanisms set for the governance and administration of the Judicial branch, this new Act on Courts and Judges indicates a regress, rather than a development, though reports indicate that the Act introduced a first step towards self-government of the judiciary by the creation of judicial councils. The Act also established new procedures for the selection, training and evaluation⁷ of judges to promote greater professionalism of the judiciary. Given the controversy of the provisions, the Act was referred to the Constitutional Court by the President, as a result of which some provisions related to mandatory evaluation and training of judges and state administration of courts were invalidated by the CC as violating the principle of judicial independence. The Act was amended in 2003 to consider objections of the CC; accordingly, a judge may be recalled on the basis of disciplinary proceedings initiated due to a breach of discipline. The amendment also provides for the compatibility of the profession of a judge with the exercise of an office within the state courts administration.

Estonia

The creation of courts with specific jurisdiction⁸ is provided in Chapter 13, § 149 of the Estonian Constitution. The Constitution also prescribes that the rules of court administration and rules of court procedure shall be established by law. Accordingly, the (new) Courts Act, which is effective since July 2002, establishes the legal bases for courts administration and court service.

As mentioned in the EU monitoring report on Estonia, the Courts Act has reinforced the statutory independence of judges by organizing a mechanism of partial self-administration of courts, whereby the Court Administration Council and the Ministry of Justice share the responsibility for reorganization of the administration of courts.

The Ministry of Justice is only responsible for organization and management of the courts of the first and second instance. The Supreme Court is both legally and financially independent.

The Estonian Public Service Act (1996) applies to judges and court officers in cases

⁷ Court presidents shall perform performance evaluation of district and regional court judges after three years, and thereafter every five years. The presidents shall rate judge's competence as excellent, satisfactory, or non-satisfactory, the latter case leading to judge's recall, which violates the principle of life tenure appointment. Interestingly, the criteria for evaluation are vague and are not directly related to the adjudicative function- e.g. knowledge of laws, ability to apply this knowledge in the judicial decision-making process, ability to participate and organize work of the judicial department, as well as publications and pedagogical activities.

⁸ County and city courts, and administrative courts are courts of first instance.

Circuit courts are appellate courts. The Supreme Court is the highest court in the state and reviews court judgments by way of cassation proceedings. The Supreme Court is also the court of constitutional review.

which are not prescribed in the Courts Act. The latter defines court service as an employment in a judicial institution. Judges and court officers are in court service.

There are the following **categories of court officials** to be found in the Act:

- justice's clerk– official with a completed accredited law curriculum, employed by the Supreme Court who generalizes judicial practice and participates in the preparation of cases for proceedings (duties of clerks are defined in the internal rules of the Supreme Court).
- assistant judge - court official, who is independent in performing duties, but complies with the instructions of a judge to the extent prescribed by law.
- court security guards – official, whose duty is to maintain order in the court, serve notices and summons to persons and perform other duties related to the functions of a court security guard determined by the internal rules of the court.

Duties of other court officials (such as a clerk of a court session) not specified in the Act, duties of judges and the chairman, duties of support staff as well as operations procedure are determined in the internal rules of a court.

Internal rules of courts of the first instance and courts of appeal are established by the chairman of the respective court with the approval of the full court⁹ (§42) and the internal rules of the Supreme Court are established as per the Public Service Act and approved by the Supreme Court *en banc*¹⁰ (§33).

The below-described bodies responsible for decision-making and/or administration of courts operate in the Estonian judiciary:

Council for Administration of Courts – Courts of the first instance and courts of appeal are administered in co-operation between the Council for Administration of Courts and the Ministry of Justice. The Minister of Justice may transfer the court administration duties within the scope of his competence to a respective court.

The Council is comprised of the Chairman of Supreme Court (who is also the Council Chair), 5 judges elected by the Court *en banc*¹¹ for three years, 2 members of Parliament, advocate appointed by the Bar Association, Chief Public Prosecutor or a public prosecutor appointed by him, Legal Chancellor or his representative, Minister of Justice or a representative who participates in the Council with a right to speak.

The Council grants approval for:

- determination of the territorial jurisdiction of courts
- determination of courts structure
- determination of the exact location of courts
- determination of the number of judges in courts

⁹ A full court is comprised of all the judges of the respective court.

¹⁰ The Supreme Court *en banc* is comprised of all justices of the Supreme Court. The Supreme Court *en banc* is chaired by the Chief Justice of the Supreme Court.

¹¹ Court *en banc* is comprised of all Estonian judges. The Court *en banc* is chaired by the Chief Justice of the Supreme Court.

- appointment to office and premature release of chairmen of courts
- determination of internal rules of courts
- determination of the number of candidates for judicial office
- appointment to office of candidates for judicial office
- payment of special additional remuneration to judges
- provide an opinion on the candidates for a vacant position of a judge of the Supreme Court
- provide an opinion on the release of a judge
- deliberate the review to be presented to the Parliament by the Chairman of Supreme Court concerning courts administration, administration of justice and the uniform application of law

Director of Administration must have a higher education (legal degree not required) and is appointed by the Minister of Justice for the first instance court and courts of appeal. The Minister can decide that several courts have one Director of Administration. Functions of the Director as prescribed in the Act include:

- organize the administration of courts;
- organize the use of assets;
- prepare the draft budget and submit to the Minister of Justice (with prior approval of the court Chairman);
- control budgetary funds;
- organize accounting;
- appoint and release court officers;
- other duties as per internal rules.

Moreover, the Minister of Justice may give directives to organize issues within the scope of work of Directors.

Court en banc – comprised of all Estonian judges and chaired by the Chairman of the Supreme Court - is convened once every year to:

- hear reports of the Minister of Justice and Chairman of the Supreme Court;
- elect members of the Council for Administration of Courts (who are judges);
- elect members of the judge's examination committee who are judges;
- elect members of the assistant judge's examination committee who are judges;
- elect members of training council who are judges;
- elect 5 judges of first instance and 5 judges of courts of appeals for the Disciplinary Chamber of the Supreme Court;
- approve the code of ethics of judges.

Other bodies established in Estonia, that are of particular importance for this research, are:

Judge's examination committee - formed for 5 years, consists of 10 members: 2 judges of the first instance court (elected by Court en banc), 2 judges of courts of appeal, 2 judges of the Supreme Court, one jurist designated by the Council of Law faculty of State University, representative of the Ministry of Justice, advocate designated by the Bar Association and a public prosecutor designated by the Chief Public Prosecutor.

For the purposes of this memo, the procedure for appointing¹² judges is not covered here. However, recapped below is the appointment and term of service of court chairmen, which was of interest:

Chairman of county or city court is appointed for five years from among the judges of the court by the Minister of Justice after obtaining opinion of the respective full court. Chairman of an administrative court is appointed for five years in a similar manner. Whereas the **chairman of a circuit court (court of appeal)** is designated for seven years by the same approach. The chief justice (**Chairman**) of the **Supreme Court** is appointed for nine years by the Parliament of Estonia on the proposal of the President. Important to note that once a year the Chairman presents to the Parliament a review on courts administration, administration of justice and the uniform application of law (Courts Act, §27). No one is appointed as chairman for two consecutive terms.

Assistant Judge's examination committee – formed for 5 years, consists of 7 members; 2 judges of the first instance court, 1 judge of the court of appeal elected by the Court en banc, 2 assistant judges, a representative of the Ministry of Justice and a lecturer designated by the rector of the institution.

The legal status, requirements, duties, remuneration, etc. for Assistant Judges are provided in Chapter 14 of the Courts Act. Assistant Judges are appointed by a public competition after they underwent assistant judge's preparatory service and passed an assistant judge's examination. The preparatory service is for one year, but can be extended for up to 3 months for taking a re-examination, in case a candidate has failed the exam. However, it is not allowed to retake a re-examination. Assistant Judges are appointed by the Minister of Justice on the proposal of assistant judge's examination committee.

The Training Council is responsible for the training of judges, comprised of 2 judges each of the first instance court, courts of appeal, Supreme Court, one representative each from the Prosecutor's Office, Ministry of Justice and University of Tartu. The term of all members is three years. The Council annually determines a part of the training program, the completion of which to the extent determined by the Training Council is **mandatory** to judges. Funds for the preparation of training programs and training organization are allocated in the budget of the Supreme Court.

Disciplinary Chamber of the Supreme Court, established for the adjudication of disciplinary matters of judges, is comprised of 5 judges each from the Supreme Court, courts of appeal and courts of the first instance. The procedure and persons authorized to commence disciplinary proceedings against judges are provided in Chapter 11. It is

¹² The appointment of Estonian judges is very comprehensive, including special requirements for the position of a candidate for judicial office, a two-year preparatory service, judge's examination (oral and written) and finally the selection/appointment (Chapters 7,8 of the Courts Act).

important to note that the Minister of Justice has no right of command or disciplinary authority over the judges.

Appendix 8 - Summary of International Experience

Entity	Governing Legal Act	Bodies for Court Administration	Composition and Authorities of the Court Administration Body	Judicial Branch Budgeting	Direct Submission of Judiciary Budget to Parliament	Selection, Appointment of Court Employees	Establishment of Court Salaries
Estonia	Courts Act, 2002: Public Service Act, 1996	Council for Administration of Courts (CAC), MOJ and Director of Administration (DA).	The CAC is comprised of the Chairman of Supreme Court (who is also the Council Chair), 5 judges elected by the Court en banc ¹³ for three years, 2 members of Parliament, advocate appointed by the Bar Association, Chief Public Prosecutor or a public prosecutor appointed by him, Legal Chancellor or his representative, Minister of Justice or a representative who participates in the Council but does not have a vote. The 1st and 2nd instance courts are administered by CAC and MOJ. MOJ may transfer court admin duties	The CAC provides a preliminary opinion on the principles of formation and amendment of annual budgets of courts. The MOJ approves the budgets for 1st and 2nd instance courts within 2 weeks of the state budget being passed, considering the CAC opinion. During the year, the MOJ may amend the budget of a court after considering the opinion of the court chairman and according to the principles formulated by CAC. For the 1st and 2nd	No	Director of Administration for the 1st and 2nd instance courts is appointed by Minister of Justice. Several courts can have one DA by MOJ decision. DA appoints and releases other court officers.	Salaries of Supreme Court (SC) employees, the procedure for paying bonuses, benefits and additional remuneration is defined by the Chief Justice (Chairman) of the SC within the limits of SC budget. Information about salary setting for staff of 1st instance courts is not available.

¹³ All judges of Estonia are in the composition of “En banc” court. Chairman of the Supreme Court is the Chairman of the “En banc” Court.

Entity	Governing Legal Act	Bodies for Court Administration	Composition and Authorities of the Court Administration Body	Judicial Branch Budgeting	Direct Submission of Judiciary Budget to Parliament	Selection, Appointment of Court Employees	Establishment of Court Salaries
			to a respective court. The Supreme Court is both legally and financially independent.	instance courts, the DA prepares and submits the draft budget to MOJ with prior approval of respective court Chairman. Each full court ¹⁴ makes recommendations to court chairman on the preparation of the draft budget and use of budget funds. During the year, the MOJ may amend the budget of a court after considering the opinion of the court chairman and according to the principles formulated by CAC.			
Bulgaria	Law on Judicial System, 2002	Supreme Judicial Council (SJC), Court Administrators attached to courts	The Chairman of the Supreme Court of Cassation, Chairman of the Supreme Administrative	The SJC draws up a draft annual budget, which is submitted to the Council of	Yes. The Council of Ministers is not entitled to amend the budget, but only	Regulation for appointment of the Court Administrator is developed by	The SJC issues a Unified Classifier of Positions dealing with the positions'

¹⁴ Each court has a full court, comprised of all of the judges.

Entity	Governing Legal Act	Bodies for Court Administration	Composition and Authorities of the Court Administration Body	Judicial Branch Budgeting	Direct Submission of Judiciary Budget to Parliament	Selection, Appointment of Court Employees	Establishment of Court Salaries
			<p>Court, and Chief Prosecutor are members of the SJC ex officio. The National Assembly appoints eleven of the SJC members. The judges elect six members, the prosecutors three members, and the investigators two members to the SJC, each out of their own ranks.</p> <p>The administration of the Judiciary comprises the administration of the SJC, administration of the Supreme Court of Cassation and Supreme Administrative Court, and administration of the courts. Court Administrators are responsible for management of court's administrative activity, planning, organizing, directing judicial clerks, resolving</p>	<p>Ministers for incorporation into the draft State Budget Act. The Council of Ministers submits to the Parliament, together with the report on the execution of the republican budget, the report on the execution of the judiciary's budget proposed by the SJC along with detailed explanatory notes. The SJC determine the number of the judges and court clerks in all courts.</p>	<p>express an opinion on it when it comes before Parliament.</p>	<p>Chairman of Supreme Court of Cassation and Chairman of Supreme Administrative Court. Chairmen of the 1st instance courts and Chairman of the Supreme Court of Cassation appoint and dismiss the staff of respective courts. The appointment of judicial clerks is contest-based. The Chairman of the Supreme Court of Cassation and Chairman of the Supreme Administrative Court prepare statutes determining the appointing bodies,</p>	<p>denominations, minimal education requirements and other requirements relevant to any particular position, the salary corresponding to any particular position and the remuneration corresponding to any particular rank. Judicial clerks are paid additional remuneration (for work on weekends and holidays) as determined by the SJC.</p>

Entity	Governing Legal Act	Bodies for Court Administration	Composition and Authorities of the Court Administration Body	Judicial Branch Budgeting	Direct Submission of Judiciary Budget to Parliament	Selection, Appointment of Court Employees	Establishment of Court Salaries
			issues related to budgetary policy, finance, automation and procurement.			units of administration, their functional characteristics, position listings, judicial clerk's job descriptions, etc. The SJC approves these statues.	
Russia	Federal Constitutional Law on Judicial System, 1996	Maintenance of activities of the Constitutional Court, Supreme Court and Supreme Court of Arbitration is performed by these courts. Maintenance of activities of other courts of general jurisdiction are carried out by the Judicial Department attached to the Supreme Court. Maintenance of	The Supreme Court carries out supervision over activities of the courts of general jurisdiction. Within its competence, it exercises cassational review as a court of second instance, exercises supervisory powers and acts upon newly discovered evidence, and in certain cases, handles cases as a trial court. The Supreme Court is a direct higher judicial instance for supreme courts, regional courts, city courts of federal	Courts have separate lines in the federal budget. The Government develops the court budget as part of the draft law on federal budget in cooperation with the chairmen of the Constitutional Court, the Supreme Court, the Supreme Court of Arbitration, the head of the Judicial Department attached to the Supreme Court and the Council	Yes. Any reductions in court financing for current year or next fiscal year can be done only with the consent of All-Russian Congress of Judges or the Council of Judges.	Head of the Judicial Dept is appointed to and removed from the position by the Chairman of the Supreme Court with the consent of the Council of Judges. The Law does not provide for the appointment and dismissal of court personnel; it only states that the personnel is subordinate to the	Information not available.

Entity	Governing Legal Act	Bodies for Court Administration	Composition and Authorities of the Court Administration Body	Judicial Branch Budgeting	Direct Submission of Judiciary Budget to Parliament	Selection, Appointment of Court Employees	Establishment of Court Salaries
		activities of other courts of arbitration are carried out by the Supreme Court of Arbitration.	importance, autonomous region and autonomous circuits courts, military courts of military circuits, flotillas and formations of troops.	of Judges. If any disagreement exists, the Government attaches the proposals of the appropriate courts, as well as proposals of the Judicial Department attached to the Supreme Court and the Council of Judges to the draft law on federal budget along with its resolution. Representatives of Constitutional Court, Supreme Court, Supreme Court of Arbitration, Council of Judges and Head of Judicial Dept can participate in discussions on federal budget at the Federal Assembly.		Chairman of the respective court.	
Macedonia	Federal Constitution,	The Court Budget	The CBC is composed the	The CBC sets the	No	Employees are	Salaries are set

Entity	Governing Legal Act	Bodies for Court Administration	Composition and Authorities of the Court Administration Body	Judicial Branch Budgeting	Direct Submission of Judiciary Budget to Parliament	Selection, Appointment of Court Employees	Establishment of Court Salaries
	Law on the Court Budget, 2004.	Council (CBC) and Supreme Court share administrative authority over the courts. The Administrative Office of the Courts (AO), with 24 staff, serves as staff to the CBC.	President of the Supreme Court and eight other members. The members are: President of the Republic Judicial Council; Minister of Justice; Presidents of 3 Appellate Courts, three presidents of Basic courts, of which two presidents are from the courts with extended jurisdiction. A representative of the Ministry of Finance participates in the CBC without a right to vote.	criteria and methodology for developing the Court Budget, determines the allocation of funds to courts, approves funds for new employments, appoints the internal auditor, enacts internal rules, prepares annual report of the Court Budget, makes changes of the purpose of judiciary funds. The CBC develops and sends to courts a circular memo re guidelines for drafting financial plans of courts. The courts submit required data and a narrative part by June 1 of the current year to the CBC. The CBC submits the Court		selected and appointed by the courts.	through the budget process and the systematization and cannot be altered by the courts.

Entity	Governing Legal Act	Bodies for Court Administration	Composition and Authorities of the Court Administration Body	Judicial Branch Budgeting	Direct Submission of Judiciary Budget to Parliament	Selection, Appointment of Court Employees	Establishment of Court Salaries
				<p>Budget Proposal and a narrative explanation to the Ministry of Finance. If agreement is not reached, the Ministry of Finance prepares and delivers a report to the Government. The President of the CBC presents the request for funds at the Government session, when the Proposal for the Budget is adopted, before all working legislative bodies, and at the session of the Assembly when the Budget is adopted. The funds are allocated to courts by the CBC on a line-item basis. Adjustments to the budgets once allocated must be approved by</p>			

Entity	Governing Legal Act	Bodies for Court Administration	Composition and Authorities of the Court Administration Body	Judicial Branch Budgeting	Direct Submission of Judiciary Budget to Parliament	Selection, Appointment of Court Employees	Establishment of Court Salaries
				MOF.			
California, USA	Article VI, Section , State Constitution; Trial Court Budget Act of 1997; Trial Court Employee Protection and Governance Act	The Judicial Council and its administrative arm, the AOC.	The Judicial Council is comprised of 27 members, including 14 judges appointed by the Chief Justice, four attorneys appointed by the State Bar, a member of the California Legislature, six advisory members (which may include court administrators) and the Director of the AOC. The Chief Justice chairs the Council. The Council's primary authorities are to adopt rules of court guiding court administration, practice and automation; approve the budget and recommendations for proposed legislation for submission to the Governor and Legislature; and direct	The Judicial Council sets budget policy for the courts, in line with state requirements and workload and performance standards. The AOC analyzes requests by the courts, collates them into program requests and recommends amounts to the Council. The trial court budget is submitted as an integrated budget; requests are made to the Governor and Legislature on the basis of programs (e.g., interpreters) rather than for individual courts. Representation of the judiciary to the	Yes	Staff is selected by the county trial court in which they will work.	Salary setting is primarily done through negotiations between labor organizations and county courts, with some oversight by the state. The salaries of some staff, such as commissioners, are set in statute.

Entity	Governing Legal Act	Bodies for Court Administration	Composition and Authorities of the Court Administration Body	Judicial Branch Budgeting	Direct Submission of Judiciary Budget to Parliament	Selection, Appointment of Court Employees	Establishment of Court Salaries
			court policy.	government and Legislature is performed by the Council and AOC. The Judicial Council has the authority to allocate and reallocate funds.			

APPENDIX 9

Job Descriptions

1. POSITION TITLE: JUDGE ASSISTANT

Effective Date:

Classification Grade:

DISTINGUISHING FEATURES OF WORK:

The Judge Assistant is responsible for researching and analyzing legal issues and questions and for providing other assistance to an individual judge or judges. The Judge Assistant is appointed and dismissed by the Court Chairman's order upon the recommendation and agreement of the respective judge. The Judge Assistant in the court staff reports to the judge and to the Head of Staff on administrative matters.

JOB RESPONSIBILITIES:

- Within the framework of the judge proceedings, acts in the name of the Court Staff
- Researches and analyzes legal issues and prepares proposals
- Drafts the court sessions and other documents
- Arranges judge's calendar and schedules meetings and other events
- Notifies litigants and other parties to legal action about the session time and location
- Sends court acts
- Reviews the claims, all submitted documents, evidences and the legal acts applicable against them, reports about the latter to the judge
- Conducts meetings with citizens to address applications received on cases in the judge's proceeding, reports results to the judge
- In case of difficulties or a large scope of work related to the judge's tasks, upon the assignment of the Head of Staff involves other employees for the task implementation; distributes the work among themselves
- Within the framework of cases examined or being examined by the court, carries out the maintenance of the statistical records done by the court staff
- Composes reports and is responsible for their completeness, information reliability and accuracy
- Exercises other responsibilities provided by the RA legal acts
- Performs other duties assigned by the judge.

QUALIFICATION:

- High degree diploma in legal (law) field
- At least two years professional experience

KNOWLEDGE:

- Basic and Court Law Code
- Knowledge of trial and hearing procedures
- Fluency in Armenian
- Knowledge of Russian and other foreign language is desirable

SKILLS:

- Legal writing skills and techniques

- Legal research/investigation and analysis skills
- Analyzing legal acts
- Strong communication and organizational skills
- Basic computer skills, Internet and e-mail communication

ABILITIES:

- Ability to collect, organize and analyze factual and legal data
- Ability to handle matters on a confidential basis
- Ability to work as a team/being a team player
- Ability to meet deadlines
- Ability to flexibly switch between assignments
- Ability to work independently

2. POSITION TITLE: COURT SESSION SECRETARY

Effective Date:

Classification Grade:

DISTINGUISHING FEATURES OF WORK:

The Court Session Secretary is primarily responsible for preparation of session protocols, reports, and necessary correspondence, ensuring and following fixed deadlines related to his/her duties, including filing documentation. The Court Session Secretary is appointed to and dismissed from the post by the Court Chairman order upon the recommendation of the Head of Staff and, in case of the first instance courts, upon the agreement of the Judge. The Court Session Secretary reports to the Office Manager. The Court Session Secretary of the first instance court has a dual reporting relation: to the respective judge and Office Manager.

JOB RESPONSIBILITIES:

- Composes court session protocols
- Files disposed cases and duly submits these
- Within the framework of his powers, composes reports and is responsible for their completeness, reliability and accuracy
- Exercises other responsibilities prescribed by the RA legal acts
- Performs other duties assigned by the panel chairman or Head of Staff

QUALIFICATION

- Higher education
- At least two years' working experience

KNOWLEDGE:

- Knowledge of legal terminology
- Knowledge of trial and hearing procedures
- Excellent knowledge of the Armenian language

SKILLS:

- Typing and editing, writing reports, letters, minutes, and other official documentation
- Proficiency with computers, other support systems and office equipment
- Team player/Team work

ABILITIES:

- Ability to handle matters on a confidential basis
- Ability to finish the work, meeting the deadlines
- Ability to multitask

3. POSITION TITLE: OFFICE MANAGER**Effective Date:****Classification Grade:****DISTINGUISHING FEATURES OF WORK:**

The Office Manager is primarily responsible for the proper organization of the case administration in the court, supervision of and allocation of work to the Office staff. The Office Manager is appointed to and dismissed from the post by the Court Chairman upon recommendation of the Head of Staff. The Office Manager reports to the Court Chairman and Head of Staff.

JOB RESPONSIBILITIES:

- Organizes case administration, ensures the proper movement and maintenance of cases
- Distributes work among the Office employees and supervises implementation of their duties
- Organizes and monitors implementation of instructions and orders of the Court Chairman and Head of Staff
- Conducts reception of citizens at the office
- Responsible for the submission of daily post to the Court Chairman
- Prepares relevant reports, and is responsible for the completeness, information reliability and accuracy of reports as well as statistical calculations performed by the Office staff
- Responsible for any kind of information provided by the office
- Exercises other responsibilities prescribed by RA legal acts

QUALIFICATION:

- Higher legal/law education
- At least three years of professional work experience in a judicial service or five years experience in public service

KNOWLEDGE:

- Solid knowledge of the laws and rules, legal terminology and elaborated document forms
- Case administration processes and procedures
- Knowledge of trial and hearing procedures
- Fluency in Armenian

SKILLS:

- Strong communication, management and organizational skills
- Technical skills, including proficiency with computers and support systems
- Time Management and decision-making skills
- Conflict Management, problem solving and service delivery skills

ABILITIES:

- Ability to handle matters on a confidential basis
- Ability to meet deadlines
- Ability to multitask

4. POSITION TITLE: COURT OFFICE SECRETARY

Effective Date:

Classification Grade:

DISTINGUISHING FEATURES OF WORK:

Court Office Secretary is appointed to and released from the position by the Head of Staff upon the recommendation of the Office Manager and the agreement of the Head of Staff. The Office Secretary directly reports to the Office Manager.

JOB RESPONSIBILITIES:

- Keeping track of the cases and documents, Drafting relevant statistical reports within -the framework of her job and submits to the Office Manager for review
- Serving the citizens
- Filing, maintaining the office journals and archiving as stated
- Other tasks assigned by the Office Manager

QUALIFICATION:

- Specialization in law field is desirable

KNOWLEDGE:

- Knowledge of the legal terminology
- Familiarity with the documentation flow and paperwork procedures in courts
- Awareness of Internal policies and procedures
- Excellent knowledge of Armenian language

SKILLS:

- Reports drafting
- Basic computer and other office equipment knowledge
- Strong communication and customer service skills

ABILITIES:

- Ability to handle matters on a confidential basis
- Ability to listen, understand and respond effectively in all interactions
- Ability to learn, share and seek information
- Ability to interact effectively with colleagues, staff and senior management

APPENDIX 10

Attestation or Performance Appraisal Procedure

1. Performance of the Judicial Servants should be evaluated once per year by their direct supervisor and in case of the judicial servants attached to the judge, by the judge.
2. Performance evaluation is mandatory after the completion of the probation period.
3. Extraordinary evaluations can be conducted if the judicial servant has expressed a wish. Extraordinary evaluations are conducted based on the general rules of evaluation.
4. The performance evaluation criteria of judicial servants are unified for all judicial servants. The performance evaluation of judicial servants should be objective, clear and include all requirements envisaged for the position of judicial servant, particularly involving the evaluation of functions and responsibilities envisaged by the position, work qualification, creativeness, willingness to implement his/her responsibilities, skills and abilities, independence and other decisive criteria of judicial servant position.
5. Performance evaluation is conducted in two phases:
 - 1) Documentary evaluation
 - 2) Interview

The procedure and documentary forms of the judicial servants' attestation are developed and approved by the judicial administration body.

6. At least one week prior to the interview the immediate manager and the judge, in case of the judicial servant attached to the judge, presents to the judicial servant and the Head of Staff the relevant service description and the documentary evaluation of the work. The Head of Staff has a right to attach his/her private opinion to the evaluation. The judicial servant has a right to accept or object the documentary evaluation as well as the private opinion of the Head of Staff in writing. If no written objection has been received from the judicial servant, the documentary evaluation is considered accepted.

The interview is conducted by the immediate supervisor, Head of Staff and by the judge in case of the judicial servant attached to the judge.

7. As a result of the two-phase performance evaluation, one of the following decisions is adopted:
 - a) grant a higher classification grade
 - b) conforms to the position occupied
 - c) conforms to the position occupied, on the condition of undergoing training and receiving a positive grade as the result of the training after undergoing training
 - d) does not conform to the position occupied
 - e) apply one of the incentives envisaged by law.
8. If the immediate supervisor of the judicial servant has been released from job within the period between the evaluations on the grounds of non-conformity to the position occupied, then the conclusion provided by the latter has no legal force. If the

conclusions given by the supervisor include more than two thirds of the period between evaluations, then service description on the judicial servant is not provided.

Non-provision of the service description envisaged by this Article cannot have a negative influence on the results of performance evaluation of the judicial servant.

9. The following persons shall not be subject to evaluation:
 - a) the judicial servants occupying the given position for less than one year, if they have not expressed such a wish;
 - b) the judicial servants on pregnancy leave or on leave for care of a child under age 3, if they have not expressed such a wish.
 - c) the judicial servants returned from the mandatory military service, for less than one year, if they have not expressed such a wish.

The judicial servants on pregnancy leave or on leave for child care shall be subject to attestation no sooner than six months after coming back from the leave of absence, if they have not expressed a wish for an earlier attestation.

The judicial servants subject to evaluation but on leave, on secondment, as well as temporarily unable to work, are subject to evaluation within one month after coming back to work.

10. The evaluation results are submitted to the official authorized to appoint the judicial servant to the position, who adopts one of the following decisions on:
 - a) granting a higher classification grade
 - b) training of the judicial servant
 - c) releasing the judicial servant from the position occupied.
 - d) application of one of the incentives envisaged by law.

APPENDIX 11

Performance Review Form for Senior Judicial Servants 2005

Servant _____ Subdivision _____

Title _____ Immediate Manager _____

MANAGEMENT AND LEADERSHIP SKILLS

O¹⁵ G S I U

Presents for recruitment people corresponding to the position	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Implements training of the servants	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Tasks are effective; results are due to the effective staff work.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Results are due to the personnel, direct work	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Work distribution	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Leads using cross-functional employees/teams	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Overall Management and Leadership Skills Rating	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Comments

COMMUNICATION SKILLS

¹⁵ Legend Outstanding, Good, Satisfactory, Improvement Need, Unsatisfactory.

Outstanding: Performance consistently surpasses specified criteria and job responsibilities.

Good: Performance meets envisaged criteria and job responsibilities.

Satisfactory: Performance almost meets envisaged criteria and job responsibilities

Needs Improvement: Performance meets minimal criteria and job responsibilities. Improvement is needed.

Unsatisfactory: Performance does not meet minimal criteria and job responsibilities. Improvement must be made within specified time frame.

O G S I U

Language skills <ul style="list-style-type: none"> ○ writing ○ verbal 	<table border="1" style="margin: auto;"> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>												
Negotiating skills	<table border="1" style="margin: auto;"> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>												
Good listening and feedback skills	<table border="1" style="margin: auto;"> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>												
Logical, concise and understandable instructions	<table border="1" style="margin: auto;"> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>												
Servants encouraging skills	<table border="1" style="margin: auto;"> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>												
Reporting and presentation skills	<table border="1" style="margin: auto;"> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>												
Overall Communication Skills Rating	<table border="1" style="margin: auto;"> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>												

Comments

TECHNICAL COMPETENCE

O G S I U

Displays competence within the particular field	<table border="1" style="margin: auto;"> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>						
Renews, develops and maintains industry/field knowledge, job knowledge and skill	<table border="1" style="margin: auto;"> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>						
Applies knowledge for implementation of corresponding job function	<table border="1" style="margin: auto;"> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>						
Overall Technical Competence Rating	<table border="1" style="margin: auto;"> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>						

Comments

PERFORMANCE MANAGEMENT

Performance to budget; financial accountability; resource management, identifying and implementing cost-effective measures

A) FINANCIAL PLAN TO BUDGET

O G S I U

Ability to plan and project finances	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Willingness to work within budgetary constraints	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Strategic planning, management and monitoring	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Presentation of financial statements	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Overall Financial Plan to Budget Rating	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

Comments

B) RESOURCE MANAGEMENT

Displays cost-efficiency towards the reasonable utilization of following resources.

O G S I U

Human	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Financial	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Technical	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Informative	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Overall Resource Management Rating	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

Comments

C) PROCESS MANAGEMENT

O G S I U

Identifies and develops procedures and processes to streamline job functions	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Recommends options/ways for the solutions of work problems.	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

Encourages and supports creative ideas and efforts implementation	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Focuses energies to meet set project goals and objectives	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Overall Process Management Rating	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Comments

COACHING POINTS

Continue

[Enter text here] _____

Start

[Enter text here] _____

Refrain

[Enter text here] _____

GOALS FOR 2006

- 1.
- 2.
- 3.

CONCLUSION

- Grant a higher classification grade
- Application of one of the incentives envisaged by Law
- Conforms to the position occupied
- Conforms to the position occupied provided that will undergo training and receive positive mark
- Does not conform to the position occupied

Evaluator

First name, Last name

Signature

Date

Comments

Servant

First name, Last name

Signature

Date

Comments

APPROVAL OF EVALUATION RESULTS

DECISION

- Grant a higher classification grade
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- Conforms to the position occupied
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- Does not conform to the position occupied

Approved by _____

First name, Last name

Title

Signature

Date

Comments

**Performance Review Form for Judicial Servants
2005**

Servant _____ Subdivision _____
 Title _____ Immediate Manager _____

JOB EFFICIENCY

O G S I U

Demonstrates a thorough understanding of the duties and responsibilities of the position	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Maintains the requisite knowledge to perform the job at a high level of competence	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Works to keep informed on new developments and trends referring to the work	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Performs work properly, accurately and thoroughly within the stated periods	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Computer skills	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Team work	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Accountability	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Knowledge of Armenian Language	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Knowledge of foreign languages	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
o Russian	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
o English	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
o Other	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Overall Job Efficiency Rating	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Comments

BEHAVIOR & DEPENDABILITY

O G S I U

Follows and respects the Code of Rules	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Accepts responsibility for his or her own actions	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Interacts with peers, supervisors, citizens and others in a positive manner	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Is receptive to constructive criticism and feedback and shows the ability to use such feedback to improve his or her performance	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Working discipline	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Can be relied upon in performing tasks and keeping information confidential	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Overall Behavior & Dependability Rating	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

Comments

INNOVATION

O G S I U

Demonstrates the ability to develop new and/or innovative solutions	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Able to recognize existing problems and works to generate new ideas, approaches and solutions to these problems	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Creative thinking	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Overall Innovation Rating	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

Comments

INITIATIVE

O G S I U

Accepts new responsibility with ease	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Works independently, diligently and consistently	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

Displays self-motivation and regularly completes projects/assignments with limited management oversight	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Is initiative and implements expected work without additional instructions	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Strives to achieve personal career goals	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Embraces any self-development or learning opportunities	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Exhibits leadership abilities	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Overall Initiative Rating	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Comments

COACHING POINTS

Continue

[Enter text here] _____

Start

[Enter text here] _____

Refrain

[Enter text here] _____

GOALS FOR 2006

- 1.
- 2.
- 3.

CONCLUSION

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Evaluator

First name, Last name

Signature

Date

Comments

Servant

First name, Last name

Signature

Date

Comments

APPROVAL OF EVALUATION RESULTS

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- Does not conform to the position occupied

Approved by _____

First name, Last name

Title

Signature

Date

Comments

APPENDIX 12

Develop an Integrated Budget for the Judiciary

One of the options to improve planning and create a stronger bargaining position for the judiciary vis-à-vis the government is to redefine the judiciary as a single budget user and develop and submit a single judicial branch budget to the government. This approach would also imply granting more authority for the judicial branch to approve movement of funds across courts as needed and perhaps approval of funds for new positions in the courts. Below suggested are specific concepts and mechanisms through which the integrated judicial branch budgeting process can be implemented.

- ⇒ Each court as a budget institution submits a draft annual budget with a narrative in accordance with the RA Law “On RA Budgeting System”.
- ⇒ Judicial Department elaborates annual consolidated budget of the judicial system for separate courts. In case of reducing financial means appropriate justification is attached to the budget.
- ⇒ Judicial Department submits the annual consolidated budget of the Judicial System to the approval of the Council in compliance with the periods stated in the RA Law “On Budgeting System”.
- ⇒ Judicial Department provides the draft budget subject to discussion and approval to the members of the Council and the authorized body of the RA Government --- days prior.
- ⇒ The authorized body of the RA Government sends its opinion on budget changes to the Judicial Department ----- days prior to the session.
- ⇒ The opinion of the authorized body is immediately provided to the members of the Council.
- ⇒ The representative of the authorized body of the RA Government participates in the draft budget approval session of the Council without having a voting right.
- ⇒ As a result of the Council session discussion the Council adopts a decision about the approval or assigning the Judicial Department to update the budget (based on one of the provided opinions).
- ⇒ The draft annual budget updated by the Judicial Department is approved by corresponding decision of the Council session (Session invitation and voting order is established in the Council regulation approved by the Judges Conference).
- ⇒ The annual budget request approved by the Council of Judicial System is composed and correspondingly submitted to the RA Government by the Judicial Department aiming to be incorporated in the RA draft state budget. The request is included in the RA draft state budget without any changes. The RA Government is not authorized to make any changes in the draft budget and can only express an opinion about the latter in the National Assembly.
- ⇒ If to the opinion of the RA Government less expense should be envisaged in the RA state budget than presented in the Budget request, the RA Government should submit its proposal on those expenses and reduction justification to the National Assembly while discussing the draft state budget.

- ⇒ The Council representative together with the representatives of the RA Government can be present in the NA during the state budget discussion. The Judicial system budget is presented in the Session of the National Assembly by the Government in accordance to the procedure stated for the presentation and discussion of the RA draft law “On State Budget” in the NA regulation (Article 81).
- ⇒ The draft report on budget execution is composed according to the general mechanism stated for draft budget composition and is approved by the Council.
- ⇒ The draft report on budget execution approved by the Council is submitted to the authorized body of the RA Government.
- ⇒ RA Government together with the report on the budget execution submits to the NA also a report on budget execution of the Judicial System in accordance with the procedure stated by the RA legislation (See RA Government decree N---, appropriate normative acts of the RA Ministry of Finance and Economy).
- ⇒ Within the current fiscal year any changes in the budget of the judicial system can be made only with an agreement of the Judges Conference or Council.
- ⇒ Possession of the financial means by Courts is supervised by the Judicial Department through internal and external audits.
- ⇒ The sample of internal audit results by each court is submitted to the Authorized body of the RA Government and the Judicial Department.
- ⇒ The authorized body of the RA Government has a right to propose the Judicial Department to implement special purpose external audit the results of which also are send to the authorized body.
- ⇒ The studies stated by the RA Government and NA Chamber of Control are implemented in the Judicial Department.
- ⇒ Working relations of other branches are conducted through the Judicial Department.

APPENDIX 13

ARMENIA COURT PERFORMANCE CITIZEN/USER SATISFACTION SURVEY

Please take a few minutes to complete this very brief survey. Your responses will help the court evaluate and improve its services. All responses are confidential – we do not need to know your name. Thank you for your help.

Directions: Please respond to the statements below based on your experience in the courthouse. For each statement below, circle the option that best describes your opinion. Check only one option (✓) for each statement. If the statement does not apply to you, please check the last column.

	Yes	Partially	No	Not Applicable
1. Getting to the courthouse was easy.				
2. Finding where I need to go in the courthouse was easy and convenient.				
3. It was easy to get the information I needed when I came to the courthouse.				
4. Court personnel treated me with courtesy and respect.				
5. I understand the instructions of the court employees and what I need to do next.				
6. The case or other matters I dealt with in the court have received an efficient solution.				
7. I spent little time waiting to be served.				
8. I was treated equally.				
9. My gender, economic status, age or political beliefs made difference in how I was treated by the court.				
10. The governmental taxes I paid were affordable for me.				
11. Overall, I think the court performed effectively.				

1. Please add any other comments you would like to make about your experience in court:

2. Please provide the court with some additional information about yourself and what brought you to the court. Your answers will help the court understand results of the survey. Remember, that your responses are confidential.

A. How often are you in the courthouse or one of the court facilities? (Please check ONE only)

- Daily
- Weekly
- Monthly
- Several times a year
- Once a year or less

B. What type of case or matter brought you to the court today? (Check ALL that apply)

- Criminal
- Civil
- Commercial/Business Claim
- Administrative Legal
- Military
- Labor relations
- Family (e.g. divorce, adoption)
- Law enforcement
- Other dispute or Legal Claim
- Obtaining information

C. How were you involved in the matter or business that you had with the court?

- Law enforcement officer
- Attorney
- Documents
- Litigant (party to a legal matter)
- With representation
- Without representation
- Victim
- Witness
- Friend or Family Member
- Citizen Seeking Information,
- Other

D. What is your formal education? (Please check ONE only)

- Elementary
- Secondary School
- Technical College
- University
- Post-Graduate
- No education

E. What is your gender?

- Male
- Female

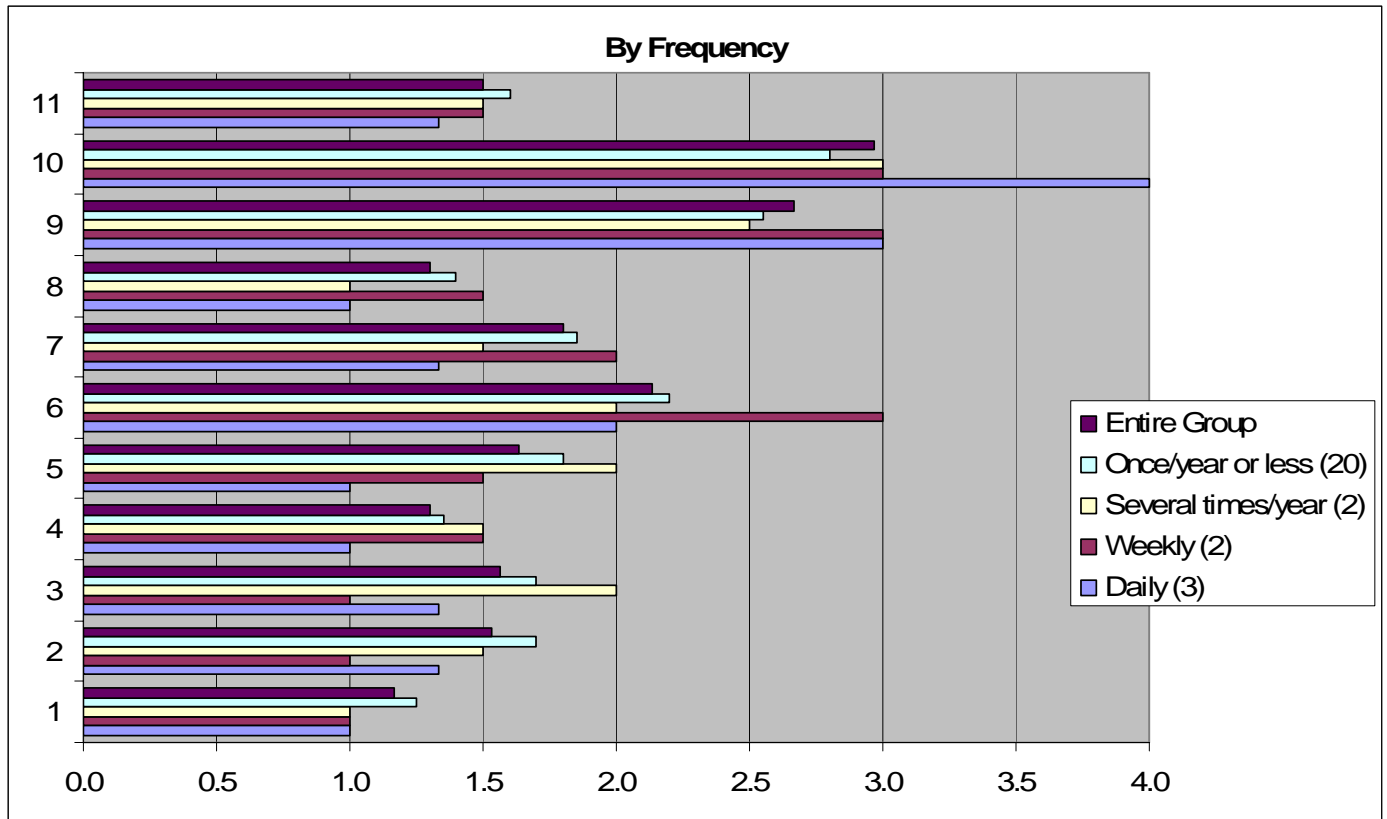
F. Your age

_____ 18-25
_____ 25-35

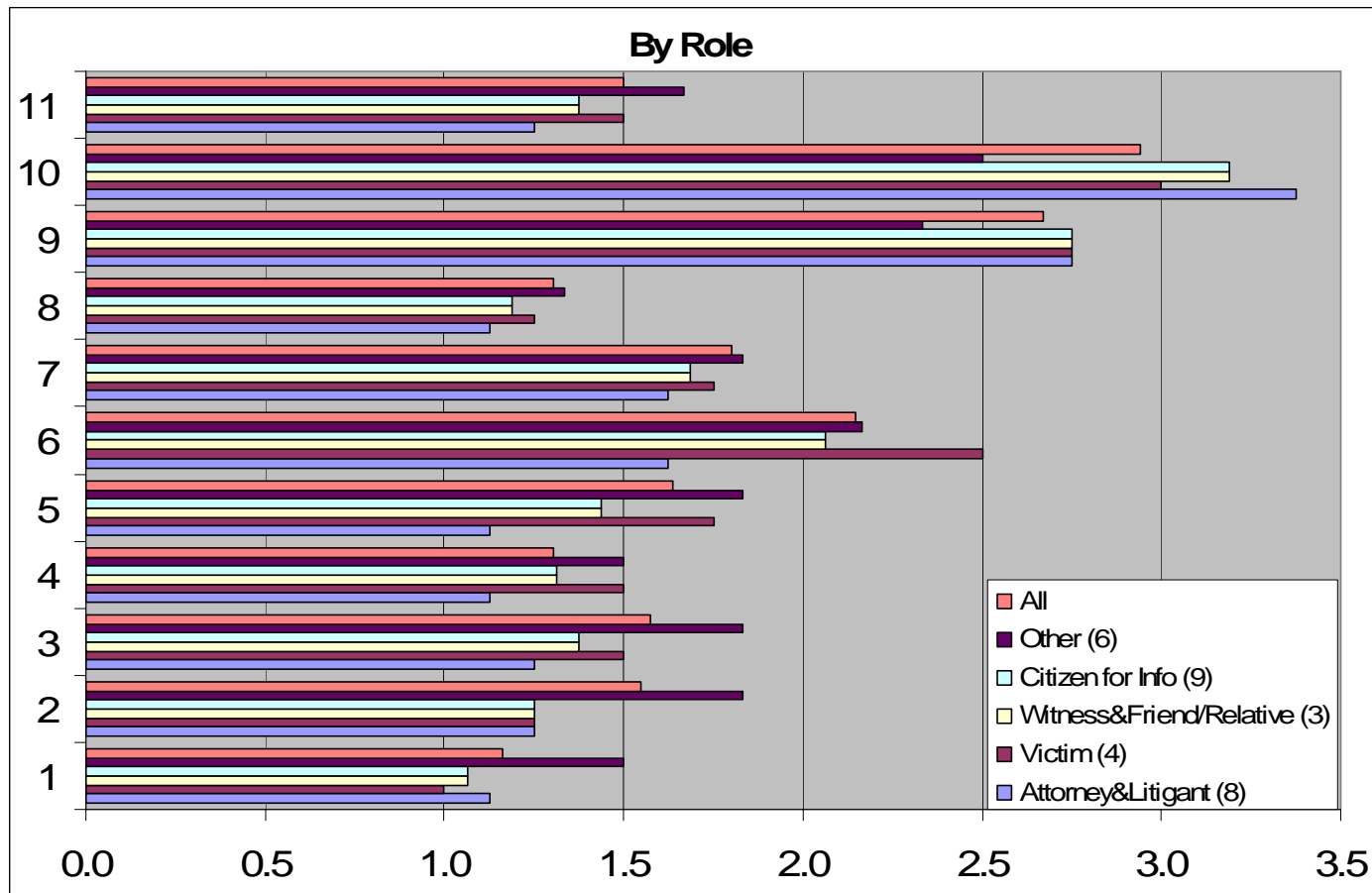
_____ 45-55
_____ 55-older

Appendix 14 Court User Survey Results (Court B)

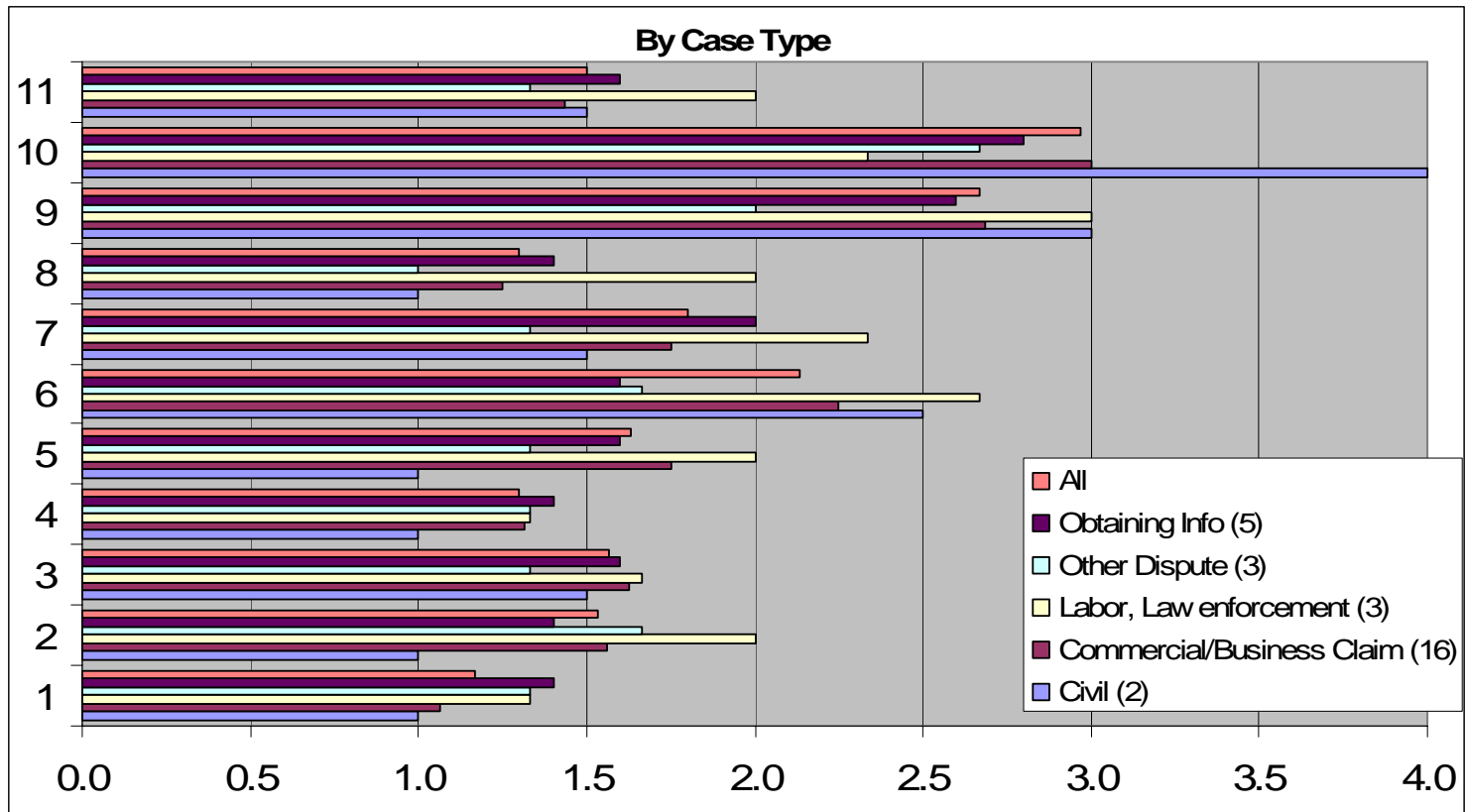
Court	Person #	Frequency	Case Type	Role	Education	Gender	Age	QUESTIONS										
								Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11
B	1	5	6	3A	2	2	5	1	1	2	1	1	4	2	1	3	4	2
B	2	2	3	3A	4	1	2	1	1	1	1	1	1	1	1	3	4	1
B	3	4	9	8	3	1	4	1	2	1	1	1	1	1	1	3	4	1
B	4	5	6	7	2	2	4	1	1	1	1	1	4	2	1	3	4	1
B	5	no info	2	4	4	1	5	1	1	1	2	2	2	2	2	3	2	2
B	6	5	9	8	3	1	3	1	1	2	1	2	2	1	1	3	4	1
B	7	4	3	7	5	2	3	1	2	2	2	2	2	2	1	2	2	2
B	8	5	3	4	3	2	5	1	3	2	1	2	3	2	1	3	2	1
B	9	5	3	7	3	1	5	1	2	1	2	1	2	3	2	3	2	1
B	10	5	3	3B	2	1	3	1	2	3	1	2	3	1	2	3	1	2
B	11	no info	3	5	5	1	3	1	2	2	1	4	4	2	1	3	4	2
B	12	5	8	7	4	1	4	1	2	1	1	2	2	2	1	2	4	2
B	13	1	no info	8	4	2	2	1	1	2	1	1	1	1	1	1	4	1
B	14	1	2	8	4	1	2	1	1	1	1	1	1	2	1	3	4	1
B	15	5	10	7	3	2	4	1	1	2	1	2	3	2	2	2	4	1
B	16	5	3	3	4	1	3	1	2	1	2	3	2	2	1	3	2	2
B	17	5	10	7	4	2	4	2	1	3	2	1	3	2	1	3	4	2
B	18	5	3	3	5	1	4	1	1	1	1	1	1	1	1	3	1	1
B	19	5	3	4	3	2	4	1	2	1	1	2	3	3	3	4	3	3
B	20	5	3	3B	4	1	3	2	2	2	2	2	2	2	2	2	2	2
B	21	5	3	4	3	1	4	1	2	2	1	2	3	2	1	3	2	1
B	22	5	10	7	4	2	3	2	3	2	2	2	3	2	1	2	4	2
B	23	5	3	5	4	2	5	1	1	1	1	1	1	1	1	1	2	1
B	24	5	3	3A	3	1	3	1	1	1	1	1	1	1	1	3	2	1
B	25	5	10	7	6	1	4	2	2	3	2	3	3	3	2	3	3	3
B	26	no info	3	6	3	2	2	2	2	2	2	2	2	2	2	2	2	2
B	27	5	10	7	3	2	3	1	1	1	1	1	1	1	1	2	4	1
B	28	1	3	8	4	1	2	1	1	1	1	1	1	2	1	3	4	1
B	29	2	3	2	4	2	3	1	1	1	1	1	1	2	1	3	1	1
B	30	5	9	8	no info	2	1	1	1	1	1	1	2	2	1	3	4	1
								AVERAGES FOR QUESTIONS										
								1.2	1.5	1.6	1.3	1.6	2.1	1.8	1.3	2.7	3.0	1.5



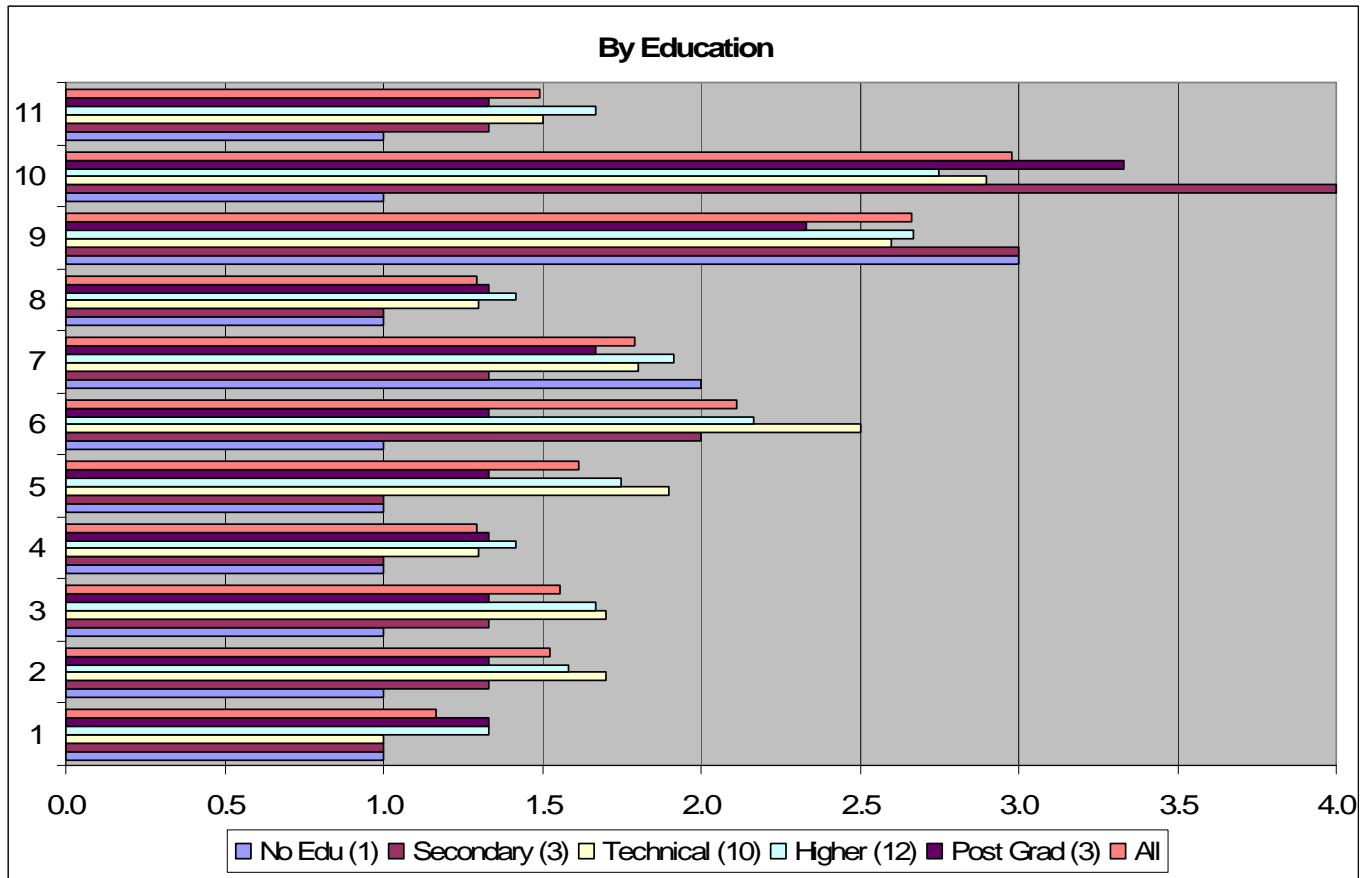
Daily (3)	1.0	1.3	1.3	1.0	1.0	2.0	1.3	1.0	3.0	4.0	1.3
Weekly (2)	1	1	1	1.5	1.5	3	2	1.5	3	3	1.5
Several times/year (2)	1	1.5	2	1.5	2	2	1.5	1	2.5	3	1.5
Once/year or less (20)	1.3	1.7	1.7	1.4	1.8	2.2	1.9	1.4	2.6	2.8	1.6
Entire Group	1.2	1.5	1.6	1.3	1.6	2.1	1.8	1.3	2.7	3.0	1.5



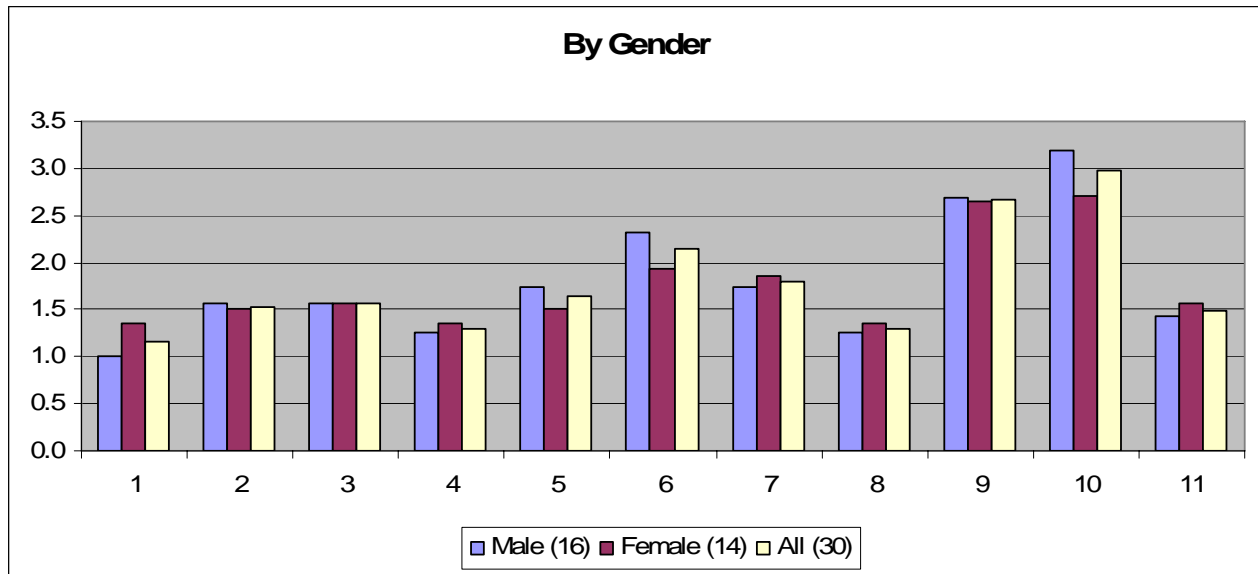
Attorney and Litigant (8)	1.1	1.3	1.3	1.1	1.1	1.6	1.6	1.1	2.8	3.4	1.25
Victim (4)	1.0	1.3	1.5	1.5	1.8	2.5	1.8	1.3	2.8	3.0	1.5
Witness & Friend/Relative (3)	1.1	1.3	1.4	1.3	1.4	2.1	1.7	1.2	2.8	3.2	1.4
Citizen for Info (9)	1.1	1.3	1.4	1.3	1.4	2.1	1.7	1.2	2.8	3.2	1.4
Other (6)	1.5	1.8	1.8	1.5	1.8	2.2	1.8	1.3	2.3	2.5	1.7
All	1.2	1.5	1.6	1.3	1.6	2.1	1.8	1.3	2.7	2.9	1.5



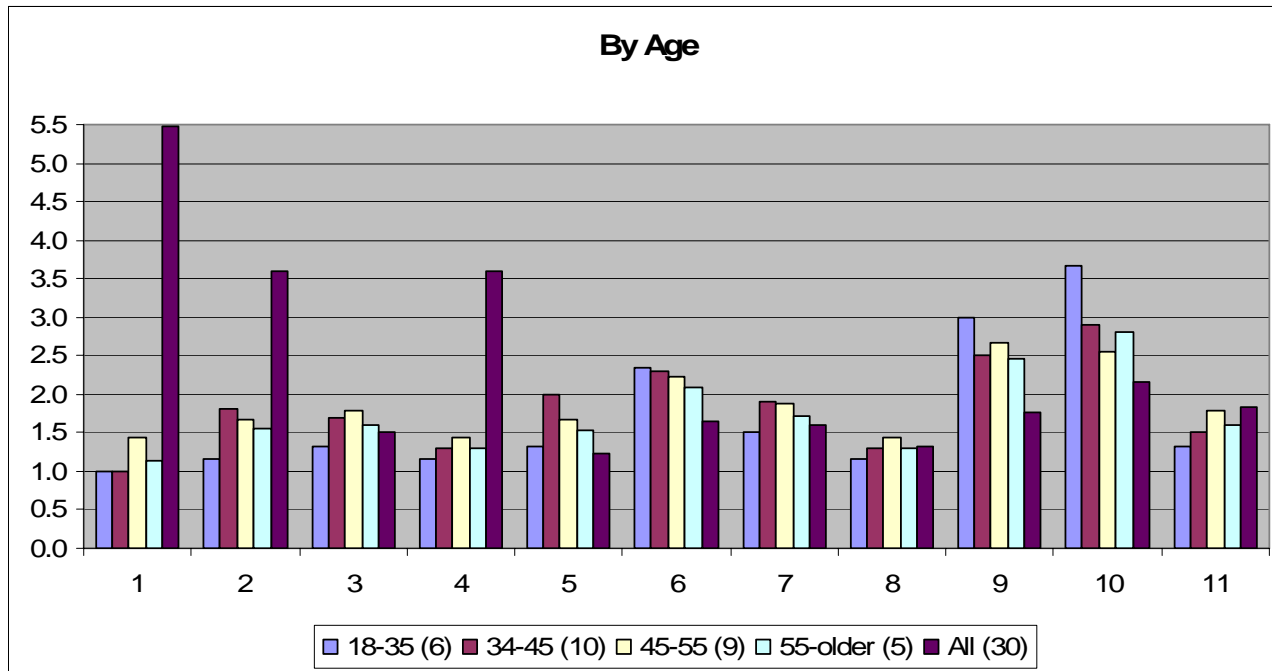
Civil (2)	1.0	1.0	1.5	1.0	1.0	2.5	1.5	1.0	3.0	4.0	1.5
Commercial/Business Claim (16)	1.1	1.6	1.6	1.3	1.8	2.3	1.8	1.3	2.7	3.0	1.4
Labor, Law enforcement (3)	1.3	2.0	1.7	1.3	2.0	2.7	2.3	2.0	3.0	2.3	2.0
Other Dispute (3)	1.3	1.7	1.3	1.3	1.3	1.7	1.3	1.0	2.0	2.7	1.3
Obtaining info (5)	1.4	1.4	1.6	1.4	1.6	1.6	2.0	1.4	2.6	2.8	1.6
All (30)	1.2	1.5	1.6	1.3	1.6	2.1	1.8	1.3	2.7	3.0	1.5



No Edu (1)	1.0	1.0	1.0	1.0	1.0	1.0	2.0	1.0	3.0	1.0	1.0	
Secondary (3)	1.0	1.3	1.3	1.0	1.0	2.0	1.3	1.0	3.0	4.0	1.3	
Technical (10)	1.0	1.7	1.7	1.3	1.9	2.5	1.8	1.3	2.6	2.9	1.5	
Higher (12)	1.3	1.6	1.7	1.4	1.8	2.2	1.9	1.4	2.7	2.8	1.7	
Post Grad (3)	1.3	1.3	1.3	1.3	1.3	1.3	1.7	1.3	2.3	3.3	1.3	
All		1.2	1.5	1.6	1.3	1.6	2.1	1.8	1.3	2.7	3.0	1.5



Male (16)	1.0	1.6	1.6	1.3	1.8	2.3	1.8	1.3	2.7	3.2	1.4
Female (14)	1.4	1.5	1.6	1.4	1.5	1.9	1.9	1.4	2.6	2.7	1.6
All (30)	1.2	1.5	1.6	1.3	1.6	2.1	1.8	1.3	2.7	3.0	1.5



18-35 (6)	1.0	1.2	1.3	1.2	1.3	2.3	1.5	1.2	3.0	3.7	1.3
34-45 (10)	1.0	1.8	1.7	1.3	2.0	2.3	1.9	1.3	2.5	2.9	1.5
45-55 (9)	1.4	1.7	1.8	1.4	1.7	2.2	1.9	1.4	2.7	2.6	1.8
55-older (5)	1.1	1.5	1.6	1.3	1.5	2.1	1.7	1.3	2.5	2.8	1.6
All (30)	5.5	3.6	1.5	3.6	1.2	1.6	1.6	1.3	1.8	2.2	1.8

**POLICY PROPOSALS FOR THE ARMENIAN COURT
ADMINISTRATION REFORMS**

POLICY PAPER

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

The existing system of court administration in Armenia is recognized by many involved in the justice system as in need of substantial changes. The latter is particularly acute at the present stage of public administration reforms, where significant accomplishments have been registered in reforming the executive and legislative branches of Government, yet leaving out the judiciary. The lack of transparent and unified court administration structure and policies and uncertain status of court employees potentially give grounds for nepotism, arbitrary actions and intensify the decline in trust and confidence in courts administration system.

In general, the judicial administration function in Armenia can be described as lacking a centralized and strong body that will be empowered to speak for the judiciary and provide professional and policy guidance to courts in the areas of finance and budgeting, strategic planning, human resources, case management, court performance and judicial ethics.

At present, the judicial administration body is considered to be the Council of Court Chairman, which is represented by the chairmen of all courts in the Republic. The Council, however, does not appear to have been given by law, nor has it exercised major managerial responsibilities over the non-judicial functions of the courts. It is the executive branch - Ministry of Justice - that has a key role in the court administration and management.

Key factors and the potential, needed for restructuring the court administration towards more effectiveness and efficiency, are present. This paper presents specific policy recommendations and measures that will guide the implementation of judicial reforms. These include:

- ⇒ Drafting a separate legislation on judicial service,
- ⇒ Defining the structure and status of the court staff,
- ⇒ Establishing a unified competition-based system with clear criteria for selection, appointment, appraisal of the court staff,
- ⇒ Performing optimization of staff functions in line with the overall re-structuring efforts,
- ⇒ Developing job descriptions for each judicial service position,
- ⇒ Introducing performance appraisal criteria and procedure with the provision of a possibility for career advancement/promotion of staff,
- ⇒ Defining a consistent training policy for staff. Particular emphasis should be given to improvement of the service delivery, managerial capacity and leadership in courts.
- ⇒ Considering the Civil Service Pay scheme for regulating the remuneration of court staff,
- ⇒ Establishing the formal enhanced mandate of the judicial administration body in the law to strengthen its status and authorities de-jure,
- ⇒ Restructuring the judicial administration body in terms of staffing, operations, and technical capacities,
- ⇒ Strengthening the advocacy, strategic planning, management and oversight capacity of the staff of the central body through special training courses,
- ⇒ Considering the development of an integrated budget for the judiciary and promoting this proposal in the Ministry of Finance.

1. THE COURT ENVIRONMENT: BACKGROUND

Issue

The comprehensive research into the Armenian judicial administration practices has revealed problem areas that are the core of all other developing challenges, and include (i) the lack of a centralized and strong body that will be empowered to speak for the judiciary and provide professional and policy guidance to the courts; (ii) the major and substantial involvement of the executive branch in the court administration, which is a result of having a weak administration body; and (iii) absence of any legal/procedural framework regulating judicial branch employment and compensation.

Background

For more than seventy years, the courts of Armenia functioned under the “Soviet system” for courts. The Supreme Court acted as both an appeals court and a court of first instance. The Supreme Court judges and regional court judges heard cases with two, publicly-elected individuals representing major worker’s groups.

In 1991, the Republic of Armenia (RA) declared independence from the Soviet Union. However, the reform of the court system and its correspondence to the contemporary conditions and to the principles of democracy, rule of law and superiority of human rights, occurred later. In July 1995 the first constitution of the independent RA was adopted by referendum. Towards the implementation of the constitutional provisions, the Law on the Constitutional Court was adopted in 1995 and the Constitutional Court was created. It predetermined the need for fundamental restructuring of the court system and provided the legal grounds for the organization and operation of the Armenian judiciary. It should be noted that the new court system is not the legal successor of the Soviet one. A three-tier system was introduced with the institute of review, which had not been present during the Soviet times.

Since then, the normative [legal] base for judicial reforms has been initiated. In 1998 several laws were adopted, in particular, the Civil and Criminal Procedure Codes and the Law on Judiciary, which provided the foundation for creation and operation of the Armenian new judicial system. Article 10 of the Law on Judiciary prescribes the structure and order of formation of courts of general jurisdiction. Accordingly, the following courts currently operate in the republic:

- ⇒ Courts of First Instance
- ⇒ Courts of Appeals
- ⇒ Economic Court
- ⇒ Court of Cassation

Another major change enforced with the adoption of the Law on Judiciary was the establishment of the judicial administration body – the Council of Court Chairmen (CCC). According to the statistics obtained from the judicial administration body, there was 1020 judicial and non-judicial staff in the courts of the Republic in 2005. Of this number 841 comprised the courts’ non-judicial staff, with a total of 179 judges in the country.

The most recent structural change in the Armenian court system occurred in year 2001 when the Economic court was established to examine and re-examine all economic disputes in the country. Prior to that, the economic court was acting only in the form of the appeals court (Court of Appeals on Economic Cases) and the powers to resolve all economic disputes initially were vested to the courts of first instance.

The most significant legal development affecting the Armenian judiciary was the Constitutional Referendum in November 2005. Under the new Constitution, the Court of Cassation is the highest court in Armenia. One of its first priorities as the high court is to introduce the use of precedential authority, or case law, in the courts. There are amendments in the composition of the Council of Justice, aimed at minimizing the influence of the President on the judicial power and ensuring judiciary's independence.

Areas of Concern

The existing system of court management and administration is recognized by many involved in the justice as in need of substantial changes. The current court administration system with the present position of the CCC impedes the overall court administration rather than facilitates it. The CCC does not appear to have been given by law, nor has it exercised major managerial responsibilities over the non-judicial functions of the courts, as revealed in the research.

The factors that foster conflicting, negligent and unmotivated working environments and potentially give grounds for nepotism, arbitrary actions and intensify the decline in trust and confidence in the courts administration system appear to be

- the lack of transparent and unified court administration structure and policies,
- uncertain status of court employees,
- ambiguous reporting relations, and
- budgetary constraints.

Further, the lack of information about courts and how they may be accessed to best serve people needs acts as an important barrier to access. In fact, the public is highly critical of some of the aspects of the justice system and these perceptions have eroded confidence in courts. Such perception of courts comes from lack of civility from a few overworked or under-trained staff, from regular delays in the procedures, from the fear of processes and lack of knowledge about it. Clearly, the issues here relate to the overall management and administration of justice.

Therefore, the statutory framework for the judicial employment, development of uniform personnel management procedures and code of conduct, regular job-related and civility/quality service trainings, publication of court guides and informational booklets, creation of user-friendly websites are types of measures that could facilitate tackling the existing issues.

2. CRITIQUE OF THE CURRENT POLICY APPROACH

2.1 Assessing the Legal Environment

The status of courts staff is extremely unsatisfactory, including the lack of transparency and clear criteria for appointment, absence of any criteria and mechanism for evaluation of their work and for promotion, insufficient training, etc.

The recent change of the Chairman of the Cassation Court and the resultant significant replacements in the staff of the Cassation Court do prove the absence of any processes for selection and appointment, thus leaving everything to the discretion of court chairmen. In July 2005, the Chairman of the Economic Court has been appointed as the Chairman of the Cassation Court and, as it was observed, many of the existing staff members at the Cassation were immediately replaced by the candidates of the new chairman appointment.

Court employees are outside the broad umbrella of the State Service, which includes the Civil Service, the Police, the Custom Service, the Diplomatic Service, the National Assembly and Emergency Services. There is no legislative framework for court employment that provides for employee status, criteria for admission to and withdrawal from service or salary setting as was established for State Service employees within the framework of recent public administration reforms. There are no job descriptions or similar documents that would define roles and functions of each position, no performance evaluation standards or criteria that would be taken into account while awarding bonuses to court employees. Unlike the judicial branch, political, discretionary and support positions were clearly separated in the executive branch, and equality based criteria for admission to and withdrawal from civil service and job descriptions established.

Since the establishment of the Judicial Education Center (2001), only two training sessions for court staff, focused on case management and organization of court sessions, was conducted in cooperation with a donor project in 2001. Problems include: a lack of funding; lack of a clear mission, strategic vision and an explicit training policy and procedure. Provided that no actions are taken to formalize the training requirement, the situation will deteriorate and judicial and non-judicial training will depend only on donor support, within the narrow subject areas that are of donors' interest only.

Moreover, several legal issues emerge in relation to the appointment of court staff. There is a contradiction in the existing Law on Judiciary (1998), Law on Judges' Status (1998) and the Law on Public Administration Institutions (2001). Under the Law on Judiciary, the court staff is appointed and dismissed by the Chairman of the respective court within the limits of staff size and salary fund established by the Government. Appointment and dismissal decisions for judge assistants and court session secretaries are made upon recommendation of the respective judge. The Law on PAIs envisages that the founder of the institution appoints and dismisses the Head of Staff as well as other employees of the institution in the cases specified by the Charter. However, the charter does not specify, at least directly, the mentioned rule.

There are further inconsistencies between the laws and the internal charters of the first instance courts. Specifically, the charters provide that the founder of the staff is the chairman of the court. Under Article 7.1 of the Law on PAIs the founder of the institution is the Republic of Armenia. In the name of the Republic, the founder for the courts is the chairman of the Court of Cassation.

Subsequently, the chairman of the first instance court exercises the governance of the staff according to point 13 of its charter. In contradiction to this provision, Article 10.1 of the Law on PAIs determines that the governance of the institution shall be carried out by the founder. Hence, all authorities granted to the chairman by point 14 of the charter belong to the chairman of the court of cassation according to the Article 11 of the Law.

It is believed that there are unreasonable and unjustified powers and rights vested with the chairman of the court of cassation with regard to organizational and personnel management of all courts (art. 11, Law on Public Administration Institutions). The courts chairmen should have some of the authorities, which are mentioned in their internal charters, however, appropriate changes in the Law on PAIs have to be done.

2.2 Judicial Budgeting

The budget process begins in June with the Prime Minister's Decree and presentation by the Ministry of Finance and Economy of a fiscal framework for the next three years, including total amounts for each budget entity. In the fall, the Ministry sends methodological instructions to budget users. After compilation by the government, the draft budget is forwarded to the National Assembly. The legislature is a weak participant in the budget process, having no staff and operating under a requirement that it vote on government budget proposals within 24 hours. Any objection to the budget constitutes a "no-confidence" vote in the government and carries serious consequences.

Because the first instance, economic and appeal courts are budget users with their own accounts and budget requests are made by each court, the Government distributes funds to individual courts on a quarterly basis. The requests to transfer funding between budget items at an individual court can be made only with the prior approval of the Ministry of Finance or the Government.

The CCC's role in the judicial branch budgeting process is limited to receiving the government's budget instructions, meeting with the courts to discuss those, compiling and signing the budgets and mid-year projections from the courts and serving as the contact point for questions from the Ministry of Finance and Economy. The CCC does not alter amounts requested by the courts. Funding norms are applied by the Government to some categories of expenditures, including electricity, automobile fuel and expenses, sanitary supplies, telephones and the number of janitorial staff. Nonetheless, if the CCC receives a budget with requests outside these norms, it does not adjust the request or contact the court to discuss it.

Debts incurred by the courts, primarily in the areas of communications and utilities, are transferred from one year to the next unless the government can absorb them, with no changes in the formulas to reflect actual expenditures. A court's debt could continue to grow as a result of fixed funding formulas, for example, if the amount allocated for electricity is not changed and debt is moved forward into that category.

Performance data are not considered in the budget requests; there is no linkage with requests and filings or dispositions; there are no narratives presented with the budget.

The CCC and the courts themselves participate very little in the formulation of the final mid-term (three-year) fiscal figures. The mid-year figures only reflect the already-approved legal changes, e.g. the addition of an auditor for each court. There is no process for requesting funds for improving existing operations; the courts are not provided with an opportunity to review the salary schedule for staff.

There is no forum for the courts to discuss their budget requests with the CCC, the Government or the Parliament. The CCC also plays no advocacy role on behalf of the courts' budgets. The ABA/CEELI has also reported that the judiciary has a limited ability to influence decisions concerning its funding.

2.3 Judicial Compensation

The current compensation levels for like positions in the judicial and executive branches vary significantly, with the judicial branch salaries being lower. It is understood that salary rates for like positions in different courts do fluctuate, as a result of the current salary setting procedure and mechanisms. Therefore, it is becoming problematic to secure engagement of qualified staff, encouraging high performance and continuous improvement of employee's professional qualifications.

Given the existing salary setting mechanism, the courts do not have an opportunity to review the salary schedule for court staff during the mid-year projections. Specifically, the Government decree establishes the minimum official salary rates for staff and technical support personnel of courts of the first instance, Appeals Court, Economic Court and Court of Cassation. Subsequently, in accordance with the Law on Judiciary, the Court Chairmen determine the actual salary rates within the limits of the salary fund established by the Government.

Not only that the courts cannot provide for salary adjustments, but, in fact, minimum salary rates can be reduced by the Government decree, providing no protection to staff from disparate treatment.

In contrast, compensation levels of executive branch employees are established in accordance with the RA Law on Civil Servants Pay adopted in 2002. The civil service pay system is based on the classification grades of civil service posts and envisages a separate salary scale for each group and sub-group of civil service posts. Salary raise mechanisms, bonuses and other allowances are also defined in the Law on Civil Servants Pay.

2.4 Judicial Administration Body

There is a discrepancy between the provisions on the CCC mandate stated in the Law on Judiciary and the Charter of the CCC with a resultant ambiguity in its authorities. Because the CCC is considered a collegial body under Armenian law, its directives and regulations are advisory only.

Article 28 of the Law provides that the CCC shall operate on the basis of the Code of Rules approved by the CCC. While article 3 of the CCC Code of Rules refers to the CCC as a judicial administration body, the grounds for such a statement are not provided in the Law. Moreover, Article 27 of the Law delegates certain policy/procedure development powers and authority to the CCC leaving out the issue of enforcement and supervision of these policies/procedures.

Concurrently, Article 30/7 of the RA Law on Judge's Status under chapter "Grounds for Termination of a Judge's Powers" provides that "...judge's powers can be terminated if he/she committed an action, which is a ground for termination of powers according to the "Code of Judge's Conduct". Therefore, it can be assumed from this statement that the Code of Conduct/Code of Ethics adopted by the CCC has an enforcement power, which contradicts to the "advisory body" character of the CCC.

This section of the paper provided with a more detailed illustration of the most problematic areas in the current policy approach from the perspective of judicial administration structure, legal framework, and budgeting and remuneration processes. The next section proposes policy reform options and specific measures, which attempt to address the issues under discussion.

3. POLICY OPTIONS AND SPECIFIC RECOMMENDATIONS

3.1 Develop Legislative Framework for Judicial Employment

The status and working relations of judicial employees, the rights and authorities thereof should be regulated by a separate law on Judicial Service, rather than amending the existing legislative and statutory framework. The key elements of the new legislation providing sufficient professionalism of and protection for court employees should include competitive selection procedures, regular attestation (performance evaluation), training, discipline, provision of benefits, and protection from arbitrary actions.

3.1.1 Uniform Selection and Grading of Judicial Servants

The principles of open competition and selection based on merit should be introduced. This implies application of mandatory announcement of vacant positions in newspapers, establishing selection committees, selecting employees according to objective hiring criteria that may include passage of a position-specific examination (test, interview).

There should be a clear distinction between the professional staff and technical staff in the courts. The term “judicial service” and, accordingly, “judicial servants” is proposed for usage, since the RA Law on Civil Service already provides that *the Judicial Service, together with other special services, is considered as a State Service [National Assembly, Diplomatic, National Security, Internal Affairs, Tax, etc.]*.

Any judicial service post is proposed to be filled through a two-stage competition (written examination and a personal interview). Candidates should be selected based on qualifications called for in the job descriptions. Successful candidates would be required to possess the minimum requirements and then be ranked according to the strength of their qualifications. Examination of candidates should focus not only on the knowledge required by court staff but also the necessary skills and abilities.

A probation period for up to 6 months after a candidate is selected and appointed should be envisaged.

For the development of the new classification scheme for judicial service positions, the framework and principles set forth in the Law on Civil Service are taken as a basis. This approach would enable and ensure appropriate transfers between jobs in the state service in terms of the work experience, classification grades, pay schemes and other considerations.

Both the Law on Civil Service and the Law on Public Service in the Staff of National Assembly identify 4 classification groups: (a) highest, (b) chief, (c) leading, and (d) junior. The highest group is divided into 2 sub-groups, whereas the other classification groups have 3 sub-groups, with the 1st subgroup being considered as the highest.

Considering the peculiarity of the judicial service with a limited number of position categories/titles, the following options on the classification are proposed. Certainly, allocation of the existing position categories into the new classification groups should be based on the evaluation of the job functions, however, preliminary classification scenarios can be made.

Classification A

It suggests distribution of positions into the same 4 classification groups as in the Civil Service: (a) highest, (b) chief, (c) leading, and (d) junior. However, the sub-groups will be limited to 1 in the highest group, and 3 subgroups in the chief and 2 subgroups in the leading and junior groups.

Highest		Chief		Leading		Junior	
		1 st	Head of Staff	1 st	Accountant, IT	1 st	Archivist, Cashier, Inventory, commandant
		2 nd	Office Manager, Internal auditor	2 nd	Office Secretary, Session Secretary	2 nd	Clerk
3 rd	Head of Staff of judicial admin body	3 rd	Judge Assistant				

Classification B

It envisages distribution of positions into 3 classification groups: (a) chief, (b) leading, and (c) junior with 3 subgroups in the chief and leading groups and 2 subgroups in the junior group.

Chief		Leading		Junior	
1 st	Head of Staff of judicial admin. Body	1 st	Judge Assistant	1 st	Archivist, Cashier, Inventory, Commandant
2 nd	Head of court staff	2 nd	Accountant, IT	2 nd	Clerk
3 rd	Office Manager, Internal Auditor	3 rd	Office Secretary, Session Secretary		

Classification C

This suggests distribution of positions into 3 classification groups: (a) chief, (b) leading, and (c) junior with 2 subgroups in the chief group, and 3 subgroups in the leading and junior groups.

Chief		Leading		Junior	
		1 st	Judge Assistant	1 st	Office Secretary
1 st	Head of Staff	2 nd	Accountant, Internal auditor	2 nd	Cashier
2 nd	Office Manager	3 rd	Specialist, Court session Secretary, Archivist	3 rd	Clerk

3.1.2 Job Descriptions

The practice of job descriptions is to be introduced to allow avoiding overlap of functions, defining reporting relationships and ensuring that similar position holders in the same-jurisdiction courts have similar rights, duties and responsibilities. It is recommended that model job descriptions be created for judicial service positions by the judicial administration body with the input from courts. The courts should be allowed to create job descriptions more specific to their positions as long as these fall within the scope of the broader model description and in a format approved by the central judicial management body.

To serve as a tool that provides guidance for hiring, promoting and determining pay, job descriptions should:

- clarify the reporting relationships,
- outline the scope of work,
- define the specific duties of the position,
- define the minimum required and desirable qualifications.

3.1.3 Attestation or Performance Appraisal

Regular, annual performance reviews by the immediate supervisor needs to be introduced in the new legislation on judicial service. This is a novel concept for the court system. Moreover, the proposed mechanism differs considerably from the attestation procedure applied in the civil service, which is conducted once every three years through a formal committee evaluation, does not link performance with pay, and has proved inefficient so far.

It is suggested that performance of judicial servants be evaluated in a two-stage process: first, providing a written evaluation in accordance with special forms; then, discussing the past performance, accomplishments and shortcomings as well as the future targets in an informal face-to-face interview.

Probationary employees will be evaluated at the end of the probationary period in order to assess satisfactory performance for the purpose of attaining permanent job status.

In evaluating an employee's performance, the supervisor should consider the fulfillment by the employee of the tasks laid out in the job description and the employee's attainment of previously set objectives and goals. Other factors that are to be considered include, but not limited to, knowledge of the job, creativity, flexibility, quantity and quality of work, promptness in completing assignments and comprehension of training provided in the previous period. It is essential that the evaluation criteria be objective; job-related; relate to specific functions, not global assessments, and be within the control of the evaluator, i.e. be measurable.

The performance will be documented on a separate evaluation form developed and approved by the judicial administration body. Upon completion of the performance appraisal, the supervisor should share the data with employee for his comments. An employee may submit a rebuttal to the performance evaluation, which shall become a part of the evaluation. He or she may also request a review by the higher authority, whose decision on the matter will be final.

To ensure unbiased, objective and constructive evaluations, the policy implementation will require that evaluation procedures:

- be standardized and uniform for all employees;
- be formally communicated to employees, i.e. employees should be provided with an oral interview and a written statement of their appraisal, as well as the opportunity to acknowledge in writing receipt or review of the appraisal;
- provide notice of performance deficiencies, and opportunities to correct them;
- provide access for employees to review appraisal results;
- provide formal appeal mechanisms that allow for employee input;
- provide unbiased rating mechanisms
- allow for multiple reviewers when the employee has a dual reporting relationship;

- provide written instructions and training for appraisers to identify and correct practices that might generate legal liability.

Moreover, at present the judicial branch supervisors lack the necessary skills as well as the authority for conducting performance reviews. It is also apparent that there is a "culture of sensitivity" toward criticizing others. For that reason, supervisors should be properly trained to give both sides of an employee's work performance and constant communication with court employees should be assured for consistency and fairness in evaluations.

3.1.4 Training

The training requirements of non-judicial staff in the courts should be stipulated in the new legislation on judicial service. The law should provide for the minimum in-service training requirements and a minimal level of funding to be guaranteed for training purposes.

The Law on Civil Service requires a mandatory in-service training every three years, without specifying the types of measures that are considered as training and counted towards this requirement. Instead, in the judicial legislation it is suggested to specify the number of minimum training hours that any judicial servant should undertake within a specified time-period. The consequences of non-attendance or obtaining "fail" result at the end of the training course should be clearly stated in the law. It is important to outline the type of training activity that is regarded as mandatory as well as the training institutions that can provide trainings to judicial servants. While the more detailed methodological and organizational procedures will then be developed and approved by the judicial administration body.

3.2 Judicial Budgeting

3.2.1 Set Budgetary Priorities

To begin with, each court should determine its priority needs in the areas of 1) current expenses (types of procurement, equipment maintenance, areas of debt), 2) workload growth and 3) new initiatives (e.g. automation, establishment of resource center). These would help in developing the budget requests and mid-term projections in a more effective and accurate manner. This would also guide the judicial administration body in strategic planning and priority setting for the judiciary as a whole.

3.2.2 Create Instructions for Budget Drafting and Budget Forecasting

In order to strengthen the budget submission of the courts, explicit procedures and instructions for the budget development are needed. Budget requests are to be linked to filings and other workload data. These will measure the inputs in the budget process. The policies and instructions should be issued by the judicial management body and be discussed each year with the financial persons from all courts.

3.2.3 Provide Budget Narratives with the Budget Requests

Submitting budget narratives should be a required part of the budget request. The narrative should focus not only on how the costs are derived, but importantly on the operational justifications and benefits of proposals. The specific format for the courts to follow may be developed and put into practice by the judicial administration body.

3.2.4 Develop an Integrated Budget for the Judiciary

One of the options to improve planning and create a stronger bargaining position for the judiciary vis-à-vis the government is to redefine the judiciary as a single budget user and develop and submit a single judicial branch budget to the government. This approach would also imply

granting more authority for the judicial branch to approve movement of funds across courts as needed and perhaps approval of funds for new positions in the courts.

The judicial branch budgeting process, overall, is proposed for implementation through the following mechanism: individual courts should submit the draft annual budget with a narrative to the Judicial Administration Council (see the structure below). The Budgeting division of the Council should have authority to elaborate and consolidate the budget of the judicial system, which will be subject to approval by the Judicial Administration Council. The budget request for the judiciary should be incorporated in the draft state budget without any changes by the Government. The Government can only express an opinion about the budget and present justifications for its suggestions during the discussions in the Parliament. Possession of the financial means by courts should be supervised by the Judicial Administration Council (Audit division) through internal and external audits.

3.3 Provide a Statutory Basis for Judicial Remuneration

It has been already three years since the introduction of a new remuneration structure in the public sector. The Law on Civil Service Pay (2002) regulates the compensation mechanism of civil servants as well as public servants of the Parliament.

According to this model, the salary of a public servant is formed from the main and supplementary pay. The main salary is related to and calculated for each subgroup of positions and is presented by a scale of minimum and maximum amounts. This scale is being calculated on the basis of the base rate established annually in the state budget. The supplementary pay is envisaged in case of special working conditions, extra pay for classification grades, etc.

It is without doubt that the judicial compensation should be governed by a law, rather than leaving this area to the Government's discretion expressed in a form of Government Decrees. Towards this end, the civil service remuneration model can be approximated for the regulation of remuneration of the judicial servants, since it meets the main objectives of the compensation system –fair, adequate, and similar pay for analogous positions. It is proposed to use the same principles and coefficients and further elaborate the scheme by envisaging performance bonuses under the supplementary pay.

3.4 Strengthen the Judicial Administration Body

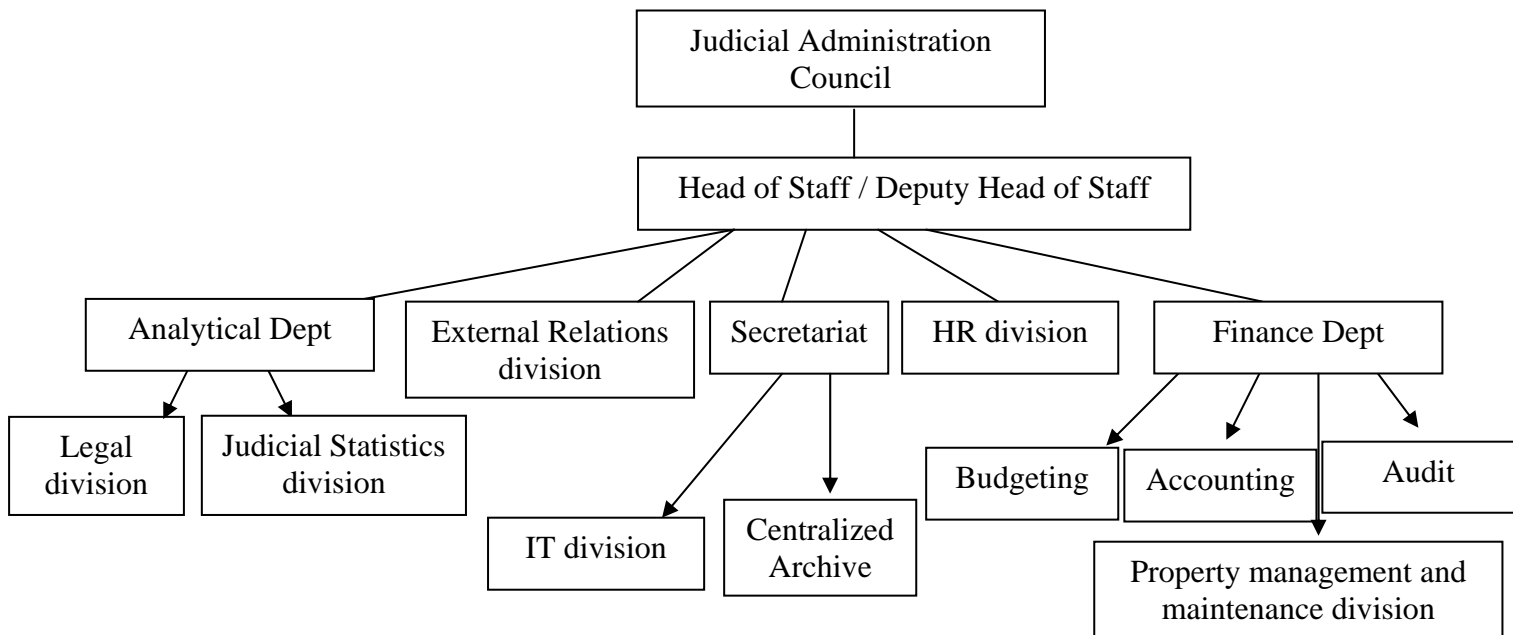
First, the formal mandate of the judicial management body should be defined in the law. The role of the body for strategic planning, budget management, and expenditure monitoring needs to be substantially enhanced. This can be done either within the present institution or through the creation of a new one. Most of stakeholders expressed the opinion that the judiciary should have its own strong central authority. The structure and authorities of the judicial administration body should be stipulated in the Law on Judiciary. In particular, the administrative body should have the following powers:

- Creating common personnel policies for the courts
- Establishing and enforcing case management procedures
- Conducting external audits of the courts
- Introducing policies for developing budgets and linking those to filings and other workload data
- Preparing the budgetary request for the whole judiciary based on the requests received from the courts and presenting it to the executive and legislature
- Pursue strategic goals on a single front for all of the courts of the Republic.

- Developing judicial and non-judicial trainings
- Managing international relations
- Representing the judiciary in relations with the executive branch and legislature
- Statistical reporting from the courts and providing analysis and review of court practice based on the statistical data and reports received from the courts.

De jure strengthening of the judicial administration would indisputably require improvements in staffing and technical capacity. It will be necessary to create new positions and equip the staff with computers connected via LAN, e-mail, internet access and printers. Trainings on strategic planning, personnel management functions, expenditure monitoring and forecasting, budget preparation and drafting budget narratives for the existing and new staff of the administration body need to be conducted.

For the formation of an entity to provide policy and management direction to the courts, a Judicial Administration Council (JAC) can be established within the existing Council of Court Chairmen. The Council will have a Head of Staff and Deputy Head of Staff or Secretary of the Council, who will coordinate the activities of relevant departments at the JAC. The following structure is proposed:



SUMMARY

The Armenian court administration and management is executed on an ad-hoc basis and its principles and procedures vary from court to court, with the resultant low level of public trust in the courts system. The court administration area, as a whole, lacks the necessary legislative framework which would set forth the uniform principles and practices across all courts in the Republic. Importantly, the system is in need of a strong, powerful centralized administration body that would be empowered to act and speak for the judiciary. A complex and multi-tiered structure for planning and administering the courts is needed.

This requires implementation of a set of practical recommendations aimed at reforming and modernizing the judiciary. These steps are intended to achieve elimination of the major gaps in the Armenian judicial administration, as revealed during the research. These gaps include (i) the lack of a centralized and strong body that will be empowered to speak for the judiciary and provide professional and policy guidance to the courts; (ii) the major and substantial involvement of the executive branch in the court administration, which is a result of having a weak administration body; and (iii) absence of any legal/procedural framework regulating judicial branch employment and compensation.

The policy actions recommended in this paper will result in the (i) improvement of the court administration function, establishment of good governance through improving the principles and mechanisms of governance, (ii) improvement of the administrative efficiency and inculcating a sense of courts as institutions providing service to public rather than a purely bureaucratic system of control, (iii) functioning of a strong centralized judicial administration body, responsible for unified court management system, (iv) increasing the courts' operating efficiency and transparency, (v) speeding up the delivery of justice, and ultimately (vi) improvement of public satisfaction with the courts.

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