

GUIDELINES

FOR EFFECTIVE

COURT ADMINISTRATION



USAID
FROM THE AMERICAN PEOPLE

Rule of Law Institutional
Strengthening Program (ROLISP)



Guidelines

for Effective Court

Administration



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Table of Contents

Introduction.....	9
Purpose.....	9
Authors and Acknowledgments	10
Chapter 1. Organizations and Authorities.....	11
1.1. Introduction.....	11
1.2. Superior Council of Magistracy.....	11
1.3. Judicial Inspection.....	12
1.4. Ministry of Justice.....	12
1.5. Department of Judicial Administration (DJA).....	12
1.6. National Institute of Justice.....	13
1.6.1. Initial Training Programs	13
1.6.2. Continuing Education Program.....	13
1.6.3. Training of Trainer Programs.....	14
1.6.4. Training of judges and prosecutors.....	14
1.6.5. NIJ Training Curricula and Materials	14
1.6.6. NIJ Training Magazine – Revista	14
Chapter 2. Management and Leadership.....	15
2.1. Introduction.....	15
2.2. Leaders and Managers – What’s the difference?	15
2.3. Building an Effective Personal Leadership and Management Style.....	16
2.4. The Struggle to Apportion Management Responsibilities Between Court Presidents and Chiefs of Court Secretariat.....	17
2.5. Court President’s Management Responsibilities.....	18
2.5.1. Court President’s Management Responsibilities for “operating the court”.....	18
2.5.2. Court President’s Management Responsibilities for “justice delivery”.....	23
2.6. Chief of Court Secretariat’s Management Responsibilities	26
2.7. Ten Essential Qualities of an Effective Chief of Court Secretariat.....	31
Tab 2.1: Supreme Council of Magistracy’s Authority and Directive to Court Presidents to Delegate First Signing Financial Authorities to Chiefs of Court Secretariat.....	33
Chapter 3. Caseflow Management.....	43
3.1. Introduction.....	43
3.2. Principles of Effective Caseflow Management.....	44

3.3.	How a Typical Case Moves Through the Court System	44
3.4.	Pending Case Lists	45
Tab 3.1:	Civil Caseflow	47
Tab 3.2:	Criminal Caseflow	49
Tab 3.3:	Contraventional Caseflow	51

Chapter 4. Integrated Case Management System53

4.2.	Introduction.....	53
4.2.	Purpose.....	54
4.3.	Technical Description of ICMS	55
4.4.	Court Infrastructure Requirements to Support ICMS	56
4.4.1.	Network Operating Environment.....	56
4.4.2.	Electrical Utilities	56
4.4.3.	ICMS Server Rooms, Equipment and Security Requirements	57
4.4.4.	Local Area Networks	58
4.5.	Maintaining ICMS Systems and Equipment.....	58
4.6.	Requests to Repair or Maintain ICMS and Automation Equipment.....	62
4.7.	Managing ICMS “Software Bugs” or Request Software Improvements.....	62
4.8.	Managing User Names, Passwords and ICMS Access Levels.....	63
4.9.	Managing Data Backup and Recovery Operations	64
4.9.1.	Definition	64
4.9.2.	Data Backup Technologies.....	65
4.10.	Internet Connectivity.....	66
4.10.1.	Developing court funded Internet service contracts	66
4.10.2.	Monitoring Internet systems performance and “down-time”	67
4.11.	Court Internet and Equipment Use Policy	68
Tab 4.1:	Court Technology and Equipment Repair Form.....	69
Tab 4.2:	ICMS Username, Password and Access Level Request.....	71
Tab 4.3:	ICMS Software Bug Alert Form	73
Tab 4.4:	Request for ICMS Software Modification.....	75
Tab 4.5:	Court Internet and Equipment Use Policy.....	77

Chapter 5. Court Performance Dashboard: An Automated Decision Support and Management Information System81

5.1.	Introduction.....	81
5.2.	Background	81
5.3.	What is the Court Performance Dashboard?.....	82
5.4.	Why Performance Dashboards Are Critical Management Tools?	82
5.5.	Why Chiefs of Court Secretariat Must Learn and Master the Court Performance Dashboard?	83
5.6.	Analyzing Court Performance Measures with the Dashboard.....	83

5.7.	Understanding How the Dashboard Displays Data.....	84
5.8.	Features and Functions of the Dashboard	85
5.9.	Dashboard Expansion Plans	87
5.9.1.	Additional Court Performance Measures.....	87
5.10.	Case Clearance Rate.....	88
5.10.1.	Responsibilities to Support Case Clearance Rates.....	88
5.11.	Age of Active Pending Cases	89
5.11.1.	Responsibilities for Supporting Age of Active Pending Case Reports	90
5.12.	Case Disposition Time Standards.....	92
5.12.1.	Responsibilities to Support Case Disposition Time Standards	92
5.13.	Requirements to Successfully Implement the Dashboard and Court Performance Measures	94
5.14.	Change in Culture	97
Chapter 6. Court Records Management.....		99
6.1.	Introduction	99
6.2.	Court Records Management Responsibilities	99
6.3.	Establishing Quality Assurance Controls for Records Management	100
6.4.	Limitations for SEALED or limited access court records	103
6.5.	Measuring the Reliability and Integrity of Case Files	104
Chapter 7. Financial Management and Control Systems		119
7.1.	Introduction	119
7.2.	Legal Framework for Budget and Financial Operations in the Courts	120
7.3.	First Signing Financial Authority.....	121
7.4.	Assuming First Signing Financial Authority.....	121
7.5.	Oversight and Management of Court Financial Operations	122
7.6.	Establishing Internal Audit Controls.....	123
Chapter 8. Budget Management		127
8.1.	Introduction	127
8.2.	Purpose.....	128
8.3.	Training Programs and Relevant Laws	128
8.4.	Management of Court Resources, Budgets and Finance Operations.....	128
8.5.	Court Purposes and Vision	129
8.6.	Fundamentals	129
8.7.	Court Leadership and Interpersonal Effectiveness.....	130
8.8.	Problem Diagnosis and Change Management	131
8.9.	Technology	131
8.10.	Budget Controls and Performance Monitoring	131
8.11.	Separation of Powers and the National Budget.....	132
8.12.	The Role of the Judiciary in the National Budget Process.....	132

8.13.	Realities of the Judiciary’s Budget Cycle and Conflict of Authorities.....	132
8.13.1.	Constitutional Foundation for Budgeting	132
8.13.2.	Budget Challenges in Moldova.....	132
8.13.3.	Dual Authorities Leads to Duplication of Work and Effort	133
8.14.	Percentage Versus Performance Based Budgeting.....	133
8.14.1.	Percentage Based Budgeting.....	133
8.14.2.	Performance Based Budgeting.....	134
8.15.	Moldova’s Transition to Performance Base Budgeting	134
8.16.	Moldova’s Budget Cycle.....	135
8.17.	Managing the Court’s Budget Cycle and Submissions	137

Chapter 9. Human Resource Management..... 145

9.1.	Introduction	145
9.2.	Human Resource Management (HRM) Laws and Directives.....	146
9.3.	Appointment of Judges by the SCM	146
9.4.	Appointment of Court Staff by the Court President.....	146
9.5.	Establish Baseline Staffing Requirements	147
9.6.	Qualifications for Applying for Public Office.....	147
9.7.	Recruiting Court Staff.....	148
9.8.	Competition Phase to Test, Evaluate, Interview and Select Employees	150
9.9.	Developing Successful Court Performance Teams	153
9.10.	Linking Job Descriptions with Actual Work Place Requirements	154
9.11.	Developing and Funding Staff Training Programs	154
9.12.	Building Successful Monitoring and Mentoring Practices	155
9.13.	Personnel Motivation – A practical guidebook of challenges and solutions for civil service managers	155
9.14.	Performance Evaluations	156
9.15.	Discipline	158
9.15.1.	Disciplinary Proceedings Generally	159
9.15.2.	Disciplinary Offenses.....	159
9.15.3.	Reporting Disciplinary Offenses.....	159
9.15.4.	Conducting Disciplinary Proceedings.....	159
9.16.	Leave for Judges and Court Staff.....	160
9.16.1.	Annual leave for judges and court staff	160
9.16.2.	Sick leave for judges and staff.....	162
9.16.3.	Maternity leave for judges and staff	162
9.16.4.	Paternity leave for judges and staff.....	163
9.16.5.	Unpaid leave for judges and staff	164
9.16.6.	Official Holidays	164
9.16.7.	Replacement.....	164
Annex 9.1:	Application File Checklist (to be completed by the court’s HR staff).....	165
Annex 9.2:	Competition Committee’s Confidentiality and Non-disclosure Agreement ..	167
Tab 9.3:	Request for Authorization to Initiate a Recruiting Action for Employment	169

Tab 9.4: Performance Evaluation Form.....	171
Tab 9.5: Model Court Secretariat’s Position Description.....	177
Tab 9.6: Court User Satisfaction Survey.....	181
Tab 9.7: Application for Employment.....	185
Chapter 10. Equipment Inventory and Replacement Schedules.....	191
10.1. Introduction.....	191
10.2. Purpose.....	191
10.3. Equipment and Furniture Inventories.....	192
10.4. Equipment and Furniture Identification Labels.....	192
10.5. Equipment and Furniture Condition Status Codes.....	193
10.6. Inventory Lists of Equipment and Furniture.....	193
10.7. Conduct 10% Random Monthly Inventories.....	193
10.8. Identifying Items for Repair or Replacement.....	194
10.8.1. Automation Equipment.....	194
10.8.2. Other Court Equipment and Furniture.....	194
10.9. Life-Cycle Equipment Maintenance and Replacement Schedules.....	195
10.9.1. Life Cycle Equipment Maintenance Logs.....	195
10.9.2. Cost or Safety Criteria to Consider Replacing Equipment.....	196
10.9.3. Budgeting Planning for Equipment Replacement.....	196
Tab 10.1: Equipment Inventory Status Codes.....	199
Tab 10.2: Automation Equipment Inventory Template.....	201
Chapter 11. Website Administration.....	203
11.1. Introduction.....	203
11.2. Website Audiences and Beneficiaries.....	204
11.3. Overview of AdmSidebar Website Administration Software.....	204
11.4. Basic Functionality of the Website.....	205
11.4.1. Menu and Static Pages.....	205
11.4.2. Downloading Documents from the Website.....	205
Chapter 12. Managing Court Facilities.....	207
12.1. Introduction.....	207
12.2. Managing Court Infrastructure and Facilities.....	207
12.3. Developing a life-cycle operations and maintenance plan for major courthouse infrastructure, equipment and systems.....	208
12.4. Using the Courthouse Facility Checklists to manage facilities, operations and infrastructure.....	211
12.5. How to estimate new space requirements?.....	212
12.6. How to manage public, judicial and detainee circulation requirements.....	212
12.7. Coordinating with SCM and DJA to monitor renovation and construction projects.....	213

12.8. How to conduct a preconstruction meeting with the contractor?.....	213
12.9. Security vetting and identification badges for contractor employees	214
12.10. Coordinate site access of contractor deliveries, vehicles and equipment	214
12.11. Inspections of the construction site and materials storage areas.....	214
12.12. Coordinate staff, security, automation, telecommunications, furniture layouts, and move planning	215
Court Facilities Checklist # 1 – Court Building and Grounds.....	216
Court Facilities Checklist # 2 – Administrative Office and Storage Areas	221
Court Facilities Checklist # 3 – Courtrooms and Judicial Offices	223
Court Facilities Checklist # 4 – Security and Emergency Planning.....	226
Court Facilities Checklist # 5 – Building Operating Systems.....	228
Chapter 13. Emergency Action Planning and Security	231
13.1. Introduction.....	231
13.2. Establish an Emergency Action Planning Committee	232
13.3. Emergency First Responders Contact List.....	234
13.4. Identify and Prioritize Threats and Risks.....	234
13.5. Link Threat and Risk Assessments to Emergency First Responder Capabilities and Timelines	235
13.6. Develop an Emergency Action Plan.....	237
13.7. Continuity of Operations Planning (COOP)	237
13.8. Security	238
13.8.1. Security Screening	238
13.8.2. Circulation of Court Security Staff.....	239
13.9. Emergency Action Plan Training	239
Tab 13.1: Emergency First Responder Contact List.....	241
Tab 13.2: Emergency Action Plan (Template).....	245
Tab 13.3: Bomb or Threat Caller Checklist.....	257
Tab 13.4: Threat and Responder Capabilities Matrix (template)	261
Bibliography.....	263

Introduction

These Guidelines for the Effective Court Administration were developed and published by and with funding of the U.S. Agency for International Development Rule of Law Institutional Strengthening Program (USAID ROLISP). USAID has supported the establishment and strengthening of an independent judiciary and the implementation of modern court administration practices in Moldova for more than 10 years.

These Guidelines provide general recommendations, describe applicable policies, and answer the most common questions on court management and operating procedures. The Guidelines are a reference for court presidents and chiefs of court secretariats and are not substitute for any Moldovan law, regulation or other secondary legislation regulating the issues discussed herein.

The goal of USAID ROLISP is to consolidate the institutional capacity, transparency and responsibility of key justice-sector institutions to guarantee their independence and to increase the efficiency and professionalism of the judiciary.

The USAID ROLISP assists the Republic of Moldova to implement its Judicial Reform Strategy and cooperates with its partners to implement new initiatives in the judiciary, such as consolidating the capacity and increasing the transparency of the judiciary self-administration authorities, increasing the efficiency of court administration, improving budgeting procedures, implementing judicial information system, etc.

Reforms are needed to establish more objective, transparent and accountable budgeting processes and to ensure that court staff are properly trained in financial management, financial reporting, auditing and procurement.

Rethink Moldova – Priorities for Medium Term Development (24 March 2010)

Purpose

Slightly more than a year ago now, the Moldovan judiciary embarked upon a bold step to establish and empower Chiefs of Court Secretariat to join with and support local Court Presidents as part of a modern court management leadership team.

Moldova's new laws articulate performance expectations and management skills requirements for the new Chiefs of Court Secretariat that compliment emerging law and court reform efforts designed to support European Union accession objectives and international best practices.

Law on Amending and Supplementing Some Legislative Acts No. 153 of July 5, 2012 (Official Gazette 185/620 of August 31, 2012) established the position of Chief of Court Secretariat and allocated the burdens and responsibilities for court administration between the Court President and **the Chief of Court Secretariat**.

In his April 30, 2013 letter (No. 378/15) to the Superior Council of Magistracy, Chief Justice Mihai Poalelungi sought to clarify how court leadership and management duties were intended

“Inspiring leadership and proactive management are crucial for court success and excellence. This is true for all levels in the organization.

They are an essential foundation for moving beyond the status quo by valuing and promoting the benefit of improving quality, effectiveness, and efficiency of services. Indeed, strong leadership ensures the court is not operating in isolation from the broader community and external partners.”

International Framework for Court Excellence, 2nd Edition – 2013

to be allocated in accordance with the new law. In that letter he declared that in accordance with the Law No. 153 of July 5, 2012:

- The organizational and administrative work in courts will be assigned to chiefs of Chiefs of Court Secretariat, leaving to the court president only the duty of conducting the justice administration;
- Court presidents continue to be the chiefs of courts but, since administrative duties are not suitable for persons dispensing justice and organizing this process, these duties are excluded from their competence; and that
- The transfer of the administrative duties from court president to the chief of secretariat is a necessary requirement of judicial reform and is provided for in the Activity Program of the Government of the Republic of Moldova “European Integration: Freedom, Democracy, Welfare” (2011–2014) and the Justice Sector Reform Strategy approved through Law No. 152 of November 25, 2011.

As a result of this law, Chiefs of Court Secretariat must now be prepared to lead a modern-day business transformation of trial and appellate court operations in collaboration with local Court Presidents – and this transformation effort must be accomplished within the constraints of limited national funding for judiciary operations – yet with full expectations of maintaining the transparency, timeliness and quality of justice delivery.

This is not an impossible task, even in an era of having to do more with less, **and** these *Guidelines for Effective Court Administration* can help in the process.

The theory and best practice recommendations contained within these guidelines are intended to augment, not replace, initial and continuing professional education programs offered by the National Institute for Justice and on-the-job mentoring by local Court Presidents and Chiefs of Court Secretariat from other courts.

As designed, the various guideline chapters are intended to present an operational framework for each subject area. Within the body of each chapter are expandable Microsoft Word™ tables and template tabs that can be adapted to local court situations.

The subjects presented in the guidelines represent the typical array of aspects, challenges and problems to be faced and resolved by Chiefs of Court Secretariat. It is hoped that the guidelines can be further developed and amended to integrate court best practices and innovations.

Authors and Acknowledgments

The Guidelines were developed by Donald Cinnamond, an American expert with over 30 years of experience in the SES Level III executive federal court management with the US District Courts in Oregon, Florida, and California. Ms. Cristina Malai, USAID ROLISP Deputy Chief of Party and Ms. Natalia Vilcu, USAID ROLISP Court Management Specialist assisted Donald Cinnamond in developing these Guidelines.

Records of relevant authorities and a confidential list of individuals interviewed are on file with USAID ROLISP, which is extremely grateful for the time and assistance given by those who agreed to be interviewed for this project.



Chapter 1.

Organizations and Authorities

1.1. Introduction

Chiefs of Court Secretariat do not operate in a vacuum of their own court. Instead, they (and their courts) engage with a variety of other public sector ministries and departments – each with their own unique set of competencies and expectations. To be an effective court administrator, Chiefs of Court Secretariat need to understand the driving rationale for each of these organizations.

1.2. Superior Council of Magistracy (SCM)¹

The Superior Council of Magistracy (SCM) was created to serve as the principal policy making body concerned with the administration of the judiciary and courts in Moldova.

The Law on the SCM No. 947-XIII from 19.07. 1996 (Monitorul Oficial of the Republic of Moldova, 22.01.2013, No. 15–17), defines the duties, roles and responsibilities of the SCM.

The SCM is an independent judicial self-administration body created to support the organization and functioning of the judicial system, and is the guarantor of the judicial authority's independence (Article 1, para. 1).

The organization and activity of the SCM are regulated by the Constitution, the laws on the organization of judiciary, the laws on the status of judges, by this law and other normative acts (Article 2).

Note to Chiefs of Court Secretariat: The Judicial Inspection has provided excerpts from their Judicial Inspection Department's Audit Guidelines – so you will know in advance what they are authorized and intend to investigate in your court.

¹ Superior Council of Magistracy website, available at <http://www.csm.md>

The SCM has the competency and responsibility in the following areas: managing careers of judges, initial and continuing training of judges, discipline and ethics of judges, administration of courts.

1.3. Judicial Inspection

Although a subordinate department within the SCM, Chiefs of Court Secretariat need to understand how the SCM's Judicial Inspection² operates and engages with local trial and appellate courts. The Inspection consists of a Chief Judge-Inspector and four Judges-Inspectors.

In accordance with Article 71 of the *Law on the SCM* the provisions of the SCM Regulation on the Organization, Competence and Functioning of Judicial Inspection, and the provisions of the SCM Regulation on the Volume, Methods, Grounds and Procedure of Verification of the Organizational Activity of Courts, the SCM's Judicial Inspection has responsibilities to inspect the activity and the records in the courts.

1.4. Ministry of Justice³

The main tasks of the Ministry of Justice (relevant to Court Administration and Chiefs of Court Secretariat) include:

- Ensuring appropriate financing, staffing, material support and operational conditions for the courts.
- Organizing and analyzing judicial workload statistics and preparing reports.
- Coordinating judicial and legal reform efforts and ensuring implementation of state policy in the field of justice.
- Lead the National Judicial Reform Strategy (2011–2016).
- Licensing and management of the legal profession and legal aid programs.
- Protecting the legitimate rights and interests of individuals.
- Drafting laws and government decisions on justice.
- Ensuring the enforcement of court decisions, criminal sanctions and probation work.
- Systemizing, codifying and maintaining the State Register of Legal Acts of the Republic of Moldova.
- Operating correctional and detention facilities.

The Ministry of Justice's current website currently posts an organizational chart of the various MOJ departments and sub-directorates (see www.justice.gov.md).

1.5. Department of Judicial Administration (DJA)⁴

Department of Judicial Administration is the administrative authority under the Ministry of Justice and provides organizational activity, administrative and financial district courts and courts of appeal (hereinafter – the courts). The basic tasks of the Department include:

- Evaluate the organizational work of the courts and develop proposals for improvement.

2 Superior Council of Magistracy website, Jurisdiction of the Judicial Inspection, available at http://www.csm.md/index.php?option=com_content&view=article&id=116&Itemid=156&lang=ro

3 Ministry of Justice website, available at <http://www.justice.gov.md/#dc=150&>

4 Department of Judicial Administration website, available at <http://daj.justice.md>

- Establish budget expenditure ceilings; build, verify and monitor court budgets; consolidate and support judiciary budget presentations to the Ministry of Justice and the Superior Council of Magistracy for analysis and approval.
- Records keeping and analysis of judicial statistics.
- Standardize forms for records keeping and submission of judicial statistics of the Ministry of Justice.
- Develop and submit quarterly and annual reports on judicial statistics to relevant institutions, and publish statistics on the MOJ website.
- Monitor court work performance and accomplishments.
- Monitor, and support development of the office of Chiefs of Court Secretariat.
- Collaborate with the SCM and NIJ to develop and support judicial and staff training programs.
- Support court records filing and archival systems.
- Support expansion and operation of judicial information system, and the contract for automation support services provided by the Center for Special Telecommunications (CST).
- Establish and maintain relations with other public authorities, institutions and organizations, including those from abroad, to improve the organization of courts and increase efficiencies within the Department.

1.6. National Institute of Justice⁵

The National Institute of Justice (NIJ) was inaugurated on November 9, 2007. According to the Law No. 152 on the National Institute of Justice, adopted by the Parliament on June 8, 2006, NIJ is a public institution that has its own patrimony, administrative, scientific and pedagogical autonomy.

NIJ is a modern facility for training and continuous training of candidates for the positions of judges and prosecutors, the in-service training of judges and prosecutors in office, and others who contribute to the administration of justice. It was designed as a valuable factor in promoting the rule of law in Moldova. NIJ advocates independence, transparency and effectiveness of national justice.

1.6.1. Initial Training Programs: Initial training provided by NIJ focuses on priority areas set out in policy documents and the dynamics of the legislative process. In the study, it insists on a thorough knowledge of national law, European and international documents to which Moldova is a party, to the case law of the courts and the Constitutional Court, the European Court of Human Rights and the Court of Justice of the European Communities comparative law. So it is very important to obtain thorough legal knowledge of the national and international level and procedure, without repeating the study from law school.

1.6.2. Continuing Education Program⁶: NIJ organizes and conducts continuing professional education training programs for judges, prosecutors, bailiffs, clerks, lawyers, notaries, and other contributors to justice on a contract basis with the relevant ministry, department and/or agency.

Continuous training is done taking into account the need for specialty trainees, the dynamics of the legislative process and consists mainly in depth knowledge of

⁵ The National Institute for Justice website, available at <http://inj.md>

⁶ National Institute for Justice website and their Continuing Education link, available at <http://en.inj.md/node/17>

national law, European and international documents to which Moldova is a party to the case law of the courts and the Constitutional Court , the European Court of Human Rights and the Court of Justice of the European Communities, comparative law, ethical rules regarding the profession of judge or prosecutor, the clerk or bailiff, etc.

1.6.3. Training of Trainer Programs: Training of Trainer (ToT) training and certification courses can be developed and conducted for judges, prosecutors, court clerks and bailiffs, legal education teaching staff of accredited national, and foreign specialists; and upon returning to their home court, these ToT training specialists can help develop local in-house training programs to meet the specific needs of local courts.

1.6.4. Training of judges and prosecutors: The person who passed the admission exam is a candidate for the position of a judge or a prosecutor. The training period for both the judges and prosecutors is of 18 months.

Enrolled candidates for the position of judge and prosecutor receive a monthly scholarship worth 50% of the salary of the judge's function in court.

1.6.5. NIJ Training Curricula and Materials: <http://www.inj.md/node/148>

1.6.6. NIJ Training Magazine – Revista: See <http://www.inj.md/node/125>



Chapter 2.

Management and Leadership

2.1. Introduction

Court leaders will spend a lifetime mastering the art of leading and managing people and organizations. Indeed, university programs around the world are devoted to the academic rigor and training of future leaders and managers, and the NIJ has recently created new initial training courses and curricula on these subjects for Chiefs of Court Secretariat.

Consequently, the purpose of this chapter is not to replace those training programs, but instead to present an overview for Chiefs of Court Secretariat of some of the important principles and distinctions between leadership and management, and to then identify some of the most important management responsibilities for Court Presidents and Chiefs of Court Secretariat.

2.2. Leaders and Managers – What’s the difference?

Leaders and managers obviously have one thing in common – they lead or manage teams, but, as their titles suggests there are differences. Although the difference may appear subtle at times, in his book *On Becoming a Leader*⁷, Warren Bennis identified some of the essential distinctions between managers and leaders:

- The manager has his or her eye always on the bottom line; the leader’s eye is on the horizon.
- The manager accepts the status quo; the leader challenges it.
- The manager focuses on systems and structure; the leader focuses on people.
- The manager does things right; the leader does the right thing.
- The manager relies on control; the leader inspires trust.

⁷ *On Becoming a Leader*, Warren Bennis (copyright 2009) and published by Basic Books ISBN: 978-0-465-01408-8; 0-7382-0817-5.

- The manager maintains; the leader develops.
- The manager administers; the leader innovates.
- The manager is the classic good soldier; the leader is his or her own person.

Both are systems of action and both are required for effective court administration.

For **Chiefs of Court Secretariat** trying to determine whether to operate as a leader or manager can often seem like an esoteric exercise, and in reality the press of daily business will often blur the lines between the two. There are however some practical distinctions that have application in the court workplace.

- **Leaders** use the authority of their office to **influence the thoughts and actions** of subordinate court staff. Leaders define an organization's mission, establish a vision for the future, and seek to identify and exploit opportunities by empowering, enabling, and continuously engaging the staff to join in collaborative efforts to produce useful change.
- **Managers** are **problem solvers**, operating within the world of business processes like planning, budgeting, caseload management, human resources, performance measurement and other tools to maintain predictability, coordination and control over court operations.

As leaders, Chiefs of Court Secretariat join with Court Presidents to build and communicate a vision for court excellence that is linked to a clear and public declaration of the court's purpose and operating principles. This vision should also explain how the court's leadership team will organize, resource and manage the judges and court staff to achieve excellence in justice and public service delivery. Chiefs of Court Secretariat then lead staff efforts to refine, tailor and adapt the leadership vision into departmental operating performance measures and work plans.

As managers, Chiefs of Court Secretariat are responsible for organizing, managing, supervising, directing and monitoring the administrative, documentary and technical work of the court (See Section 2.6. below for more information).

2.3. Building an Effective Personal Leadership and Management Style

Chiefs of Court Secretariat, department managers and first line supervisors cannot lead or manage by executive fiat, e-mail or written directives.

Effective leaders and managers achieve success through personal (not personnel) engagement and communication. In contrast, leaders and managers who believe they can remove themselves and manage operations and the staff by sending e-mails and publishing directives are destined to fail – and so too will the organization.

In this modern day, most would agree that Steve Jobs, the former president of Apple, was an extraordinary business developer and organizational leader. During his tenure he led Apple, and their product line, to become one of the world's most successful companies – and he did so by radically changing the way Apple managers and staff interacted within the company. In doing so, Steve Jobs brought back an old concept of "*management by wandering around (MBWA)*"⁸, explaining that successful leaders have to invest their time to learn about the organization and its people – and that can only be accomplished through firsthand experience.

Chiefs of Court Secretariat, department managers and first line supervisors need to learn how to integrate a similar MBWA approach to monitoring and mentoring court operations and staff work performance built around Steve Jobs' six basic principles for personal engagement:

1. **Make MBWA part of your routine.** Dropping in on employees' workspaces for an informal chat is most effective if you don't do it on any fixed schedule, since you'll realize

⁸ Joe McKendrick, *How Steve Jobs earned his MBWA degree (Management By Walking Around)*, available at <http://www.smartplanet.com/blog/business-brains/how-steve-jobs-earned-his-mbwa-degree-management-by-walking-around/20157> (November 23, 2011).

the greatest returns by seeing what is going on when people aren't prepared for you – but do plan for a bit of MBWA on your own calendar every day, if you possibly can, even if it's only for half an hour – The more often you do it, the more beneficial it is.

2. **Don't bring an entourage.** MBWA works best as a continual stream of one-on-one conversations with individual employees. Bringing aides or assistants with you will probably just inhibit the discussion by making people more self-conscious or, worse, make them feel you're ganging up on them.
3. **Visit everybody.** As anyone might guess who's familiar with how office rumor mills get spinning, dropping in on some folks more often than others is likely to create the wrong kind of buzz. Try to spend roughly the same amount of time – not necessarily all in the same day or even the same week, but over the long run – with each person who reports to you.
4. **Ask for suggestions, and recognize good ideas.** “Ask each employee for his or her thoughts about how to improve products, processes, sales, or service,” Stevens says. Then, if someone's idea leads to a positive result, make it known whose suggestion it was and show you're ready to give credit where it's due.
5. **Follow up with answers.** If you can't answer an employee's question off the top of your head, don't forget to get back to him or her with an answer later, Stevens suggests. Besides being common courtesy, it builds trust.
6. **Don't criticize.** Remember, you're on a fact-finding mission, with the secondary purpose of building rapport. To avoid undermining those aims, Stevens says, “If you find that an employee isn't performing his or her job correctly, don't attempt to change the behavior on the spot. Instead, make a note of it and address the problem at another time and in another setting.”

2.4. The Struggle to Apportion Management Responsibilities Between Court Presidents and Chiefs of Court Secretariat

It may surprise some to learn that the challenges being experienced now in Moldova of how best to apportion court management responsibility between Court Presidents and Chiefs of Court Secretariat are exactly the same issues that are being daily addressed in courts from other countries around the world.

It may also be helpful to understand that since the late 1970's, even in the United States where the concept to create professional court managers originated, there has been no one clear or easy path to resolving “the optimum allocation” of court management responsibilities between chief judge and court administrators.

Instead, the process has proven to be evolutionary in character, requiring national direction and policy guidance (in this case from SCM and DJA), and a personal commitment from Court Presidents to regularly meet with, evaluate, and mentor the Chief of Court Secretariat in order to gain confidence in their technical and professional competencies. Over time, this process will translate into expanding delegations of authority and management responsibilities to Chiefs of Court Secretariat. In the meantime, here are some guidelines to consider when developing the relationship between Court President and Chiefs of Court Secretariat.

Building Effective Relationships Between Court Presidents and Chiefs of Court Secretariats

1. Court Presidents are ultimately responsible for everything in the court.

Building Effective Relationships Between Court Presidents and Chiefs of Court Secretariats	
2.	Although an executive level position within the structure of civil service laws, Chiefs of Court Secretariat are still hired by, and continue to work for the court and the Court President.
3.	Both Court Presidents and Chiefs of Court Secretariat derive their authorities from prevailing law and regulation, and although recent amendments to the Law on the Organization of the Judiciary are a good start, Chiefs of Court Secretariat will still likely need a formal delegation of authorities from the Court President in order to effectively establish the correct foundation for leading and managing administrative and operations staff.
4.	Chiefs of Court Secretariat must understand that the process of establishing this position will occur over time – this is not a sprint race. Chiefs of Court Secretariat need to daily embrace patience, persistence and a long-term strategic vision in order to be successful.
5.	Establish a Chiefs of Court Secretariat Coordinating Committee to work with SCM, DJA and NIJ to develop training and professional certification programs – some of which should be jointly attended with Court Presidents.
6.	Dialogue with other Chiefs of Court Secretariat is often the best source of information to learn how other courts are adapting and evolving position competencies.

2.5. Court President’s Management Responsibilities

The Law on the Organization of the Judiciary, SCM directives, and international best practices vest ultimate responsibility for court operations and judicial delivery with the Court President – and, in his or her absence, the Court Vice President performs these duties.

2.5.1. Court President’s Management Responsibilities for “operating the court”

2.5.1. Court President’s management responsibilities for operating the court	
1. Courts shall be operated by the Court President	
Available Support and Resources <ul style="list-style-type: none"> • Court Vice President • Court Secretariat (<i>See</i> 2.6. below) • SCM and DJA • SCM’s Judicial Inspection 	Recommendations for Court Presidents: <ul style="list-style-type: none"> • Publish an order delegating duties, authorities and management responsibilities of the Chief of Court Secretariat. • Distribute the order to the Court Vice President, judges and judicial staff, and other non-judicial offices and personnel.
2. Establish court management policies for the court, e.g., hours of operation, code of ethics and standards for professional conduct, non-discrimination, etc.	
Available Support and Resources <ul style="list-style-type: none"> • Court Vice President • Court Secretariat • SCM and DJA 	Recommendations for Court Presidents and Chiefs of Court Secretariat: <ul style="list-style-type: none"> • Develop, publish, and provide training on operational workplace policies. • Ethical standards for civil servants are established by law. • SCM approved the Code of Ethics for judges.

2.5.1. Court President's management responsibilities for operating the court	
	<ul style="list-style-type: none"> • Court President must enter an order adopting ethical standards for the court.
3. Facilitate cooperation among judges, court staff and other justice sector stakeholders	
Available Support and Resources <ul style="list-style-type: none"> • Court Vice President (as requested) • Court Secretariat • Court Press Officer (if appointed) • SCM and DJA 	Recommendation for the Court President: <ul style="list-style-type: none"> • Conduct and evaluate annual court user and employee satisfaction surveys. • Review the results with the Court Secretariat and adjust programs or policies as needed.
4. Represent the court in relations with the mass media and public authorities.	
Available Support and Resources <ul style="list-style-type: none"> • Court Vice President (as requested) • Court Secretariat • Court Public Relations Specialist 	Recommendations for the Court President: <ul style="list-style-type: none"> • Schedule media and press communications training for the public relations specialists.
5a. Appoint civil servants; change, suspend, and cancel work relations with them in accordance with law; hire, change, suspend, and cancel work relations with the contracted staff of the court.	
5b. Apply disciplinary actions and incentives for the staff of the court secretariat.	
Available Support and Resources <ul style="list-style-type: none"> • Court Vice President (as requested) • Court Secretariat • Court HR department 	Recommendations for the Court President: <ul style="list-style-type: none"> • To reduce the administrative burdens of personnel administration, Court Presidents should consider delegating at least the following human resources (HR) responsibilities to the Chief of Court Secretariat: <ul style="list-style-type: none"> - Direct heads of administrative offices or units to submit requests, proposed position descriptions, and justifications for staffing allocation or temporary assistance to the Chief of Court Secretariat. Develop proposed position descriptions and recommended pay classification. - Develop staff organization and allocation recommendations. - Recruit, interview, rank and recommend candidates for non-judicial staff positions. - Process staff complaints or grievances through court approved processes.
6. Appoint the Chief Court Secretariat	
Available Support and Resources <ul style="list-style-type: none"> • Court Vice President (as requested) • Court HR department 	Recommendations for the Court President <ul style="list-style-type: none"> • Review and approve management, legal, interpersonal and professional skill competency requirements in the position description.

2.5.1. Court President's management responsibilities for operating the court	
<ul style="list-style-type: none"> • SCM and DJA. 	<ul style="list-style-type: none"> • Participate in the selection interview process.
7. Delegate management authority to the Chief of Court Secretariat	
Available Support and Resources <ul style="list-style-type: none"> • Court Vice President (as requested) • Chief of Court Secretariat • SCM and DJA. 	Recommendations for the Court President <ul style="list-style-type: none"> • Develop and distribute, to the judges and court staff, a delegation of authority for the Chief of Court Secretariat to manage the administrative operations and staff of the documentation division, finance, random case assignment, courthouse facilities and equipment maintenance, mail operations, bailiff services, security, etc. • Schedule a meeting with the Chief of Court Secretariat, judges and court administrative department managers, supervisors and staff to announce the scope and intent of the Chief of Court Secretariat delegated management responsibilities.
8. Monitor and evaluate the Chief of Court Secretariat	
Available Support and Resources <ul style="list-style-type: none"> • Court Vice President (as requested) • Court judges and staff • Court HR department • SCM and DJA 	Recommendations for the Court President: <ul style="list-style-type: none"> • The Law on Civil Servants requires an annual evaluation of performance for all court staff. • Meet 30-days prior to the start of the rating period (if possible) to develop a work plan and measurable performance objectives for the Chief Court Secretariat. • Meet with the Chief of Court Secretariat to define departmental goals and objectives. • Regularly monitor, mentor and evaluate (at least quarterly) the work performance of the Chief of Court Secretariat. • Direct the HR Department to conduct an annual court user and employee satisfaction survey. • Conduct an annual performance appraisal of the Court Secretariat.
9. In cooperation with the Chief of Court Secretariat, participate in annual performance appraisals for the Chief of the Record and Documentation Division, Chief Finance Officer, and other key secretariat department managers.	
Available Support and Resources <ul style="list-style-type: none"> • Chief of Court Secretariat 	Recommendations for the Court Secretariat <ul style="list-style-type: none"> • The Law on Civil Servants requires an annual evaluation of performance for all civil servants working in the court. • Prepare annual performance appraisals for administrative and operations key staff. • Review the proposed appraisal, and recommended work performance adjustments (if any), with the Court President. Incorporate recommendations as necessary.

2.5.1. Court President’s management responsibilities for operating the court	
10. Schedule a daily 10–15 minutes update brief with the Chief of Court Secretariat	
<p>Available Support and Resources</p> <ul style="list-style-type: none"> • Court Vice President (as requested) • Chief of Court Secretariat 	<p>Recommendations for the meeting:</p> <ul style="list-style-type: none"> • Chief of Court Secretariat prepares and circulates a proposed meeting agenda at least 2-work days prior to the meeting. • Review current operations and staffing within the documentation division, finance, mail, facilities management, security and other administrative offices. • Identify and resolve pending HR, leave, or other related issues. • Identify and resolve judicial requests or potential courtroom scheduling conflicts. • Receive an update on ICMS, Internet connectivity and other automation related issues. • Receive an update on the random case assignment system. • At the conclusion of the meeting, the Court Presidents provides direction or requests for additional management support as needed.
11. Schedule monthly and quarterly court management meetings with the Court Vice President and the Chief of Court Secretariat.	
<p>Available Support and Resources</p> <ul style="list-style-type: none"> • Court Vice President • Chief of Court Secretariat. • Court HR department (as needed). 	<p>Recommendations for the meeting</p> <ul style="list-style-type: none"> • Assess the Chief of Court Secretariat’s management of non-judicial administrative offices, staff and program operations. • Review compliance with departmental work plans. • Review judicial caseflow management statistics and court performance measures. • Review pending construction projects. • Review court security operations. • Discuss ways to improve website administration. • Discuss ways to improve public communication and public outreach. • Review staffing, leave and HR related issues (as needed). • Review the current operating and capital expenditure budgets. Prioritize procurements as needed. • Review the status of ICMS, Internet connectivity, and other IT and automation related issues. • Carry-over items from previous meetings.
12. Approve the strategic work plan of the court	

2.5.1. Court President's management responsibilities for operating the court

<p>Available Support and Resources</p> <ul style="list-style-type: none"> • Court Vice President (as required) • Chief of Court Secretariat • SCM and DJA. 	<p>Recommendations for Court Presidents:</p> <ul style="list-style-type: none"> • Confer with SCM, DJA, Court Vice President, judges and the Chief of Court Secretariat to define judicial and administrative performance objectives for the next year. • Publish policy guidance for department work plans. • Define any projected reallocation of judicial resources or programs to improve justice delivery operations. • Recommendations for Chiefs of Court Secretariat: • Law on the Organization of the Judiciary requires Chiefs of Court Secretariat to develop and submit for approval, by the Court President, court activity strategic plans. • Coordinate to confirm annual budget submission deadlines and schedules. • Synchronize department work plans to the court's annual budget cycle. • Review previous year work plans with the Court President to secure policy guidance and objectives for the next work year. • Publish policy guidance and outcome based performance requirements to be incorporated in department's work plans. • Lead the development of department work plans to ensure uniformity and consistency with directives. • Work with the Court Finance Officer and the Chief of the Record and Documentation Division to compile statistics, expenditure estimates, and other budget related requirements. • Prepare a consolidated draft work plan for final review and approval by the Court President.
<p>13. Submit the Chief of Court Secretariat's Proposed Organization and Staffing Plan to the SCM for Approval</p>	
<p>Available Support and Resources</p> <ul style="list-style-type: none"> • Court Vice President • Chief of Court Secretariat 	<p>Recommendations for Court Presidents and Chiefs of Court Secretariat:</p> <ul style="list-style-type: none"> • Review authorized budget, staffing authorities, and current court performance measures. • Review the most recent court user and employee satisfaction surveys. • Incorporate Court President's recommendations for judicial and staff realignment as needed. • Court President submits the organization and staffing plan to the SCM for approval.

2.5.1. Court President's management responsibilities for operating the court

14. Authority over Court Finance Matters	
Available Support and Resources <ul style="list-style-type: none"> • See Tab 2.1. – SCM's directive to court presidents to delegate first signing authority for finance matters to the Chiefs of Court Secretariat • Chiefs of Court Secretariat • Court Finance Officer 	Recommendations for Court Presidents and Chiefs of Court Secretariat: <ul style="list-style-type: none"> • Review current laws, directives, audit and procedural requirements prior to delegating signing authority. • Publish and disseminate the delegation order to the finance office and local banking authorities.

2.5.2. Court President's Management Responsibilities for "justice delivery"

2.5.2. Court President's Management Responsibilities for „Justice Delivery”	
1. Approve the composition of judicial divisions and coordinate their work	
Available Support and Resources <ul style="list-style-type: none"> • Court Vice President (as required) • Chief of Court Secretariat (as required) 	Recommendations: <ul style="list-style-type: none"> • Assigned judges and judicial staff comply with Court President directions and requirements. • Chief of Court Secretariat monitors the composition of judicial panel membership for „term limits” and cross-checks availability against approved leave schedules; verifies space, security, staffing and other support requirements. • Chief of Court Secretariat makes sure that the panel membership is introduced into ICMS.
2. Coordinate judges' work to ensure cases are tried within a reasonable time; assign tasks to judges	
Available Support and Resources <ul style="list-style-type: none"> • Court Vice President (as required) • Court judges and judicial staff • Chief of Court Secretariat 	Recommendations for the Court President: <ul style="list-style-type: none"> • Develop Court Performance Standards and other caseflow management metrics to measure timely disposition of court cases. • Assigned judges and judicial staff comply with Court President directions and requirements. Recommendations for the Chief of Court Secretariat: <ul style="list-style-type: none"> • Regularly compile and publish ICMS Case Clearance, Time from Filing to Disposition, and Age of Pending Reports for the court and individual judges. • Analyze ICMS & caseflow management statistics. • Research international best practices to identify potential caseflow management and court performance standards and metrics.

2.5.2. Court President's Management Responsibilities for „Justice Delivery”	
	<ul style="list-style-type: none"> • Verify requirements for court space, security, staffing and other support requirements as needed.
3. Ensure the professional specialization and development of court judges, judicial staff and clerks	
Available Support and Resources <ul style="list-style-type: none"> • Court Vice President (as required) • Court judges and judicial staff • Chief of Court Secretariat • SCM, DJA and NIJ 	Recommendations for Court Presidents: <ul style="list-style-type: none"> • Direct the Court Secretariat to conduct judge and judicial staff training needs assessments. • Develop an annual judicial and judicial staff training calendar. • Notify the Chief of Court Secretariat of judicial training dates. • Court judges ensure there are no scheduling conflicts between court calendars and training dates.
4. Check the process of randomly assigning cases received in the court	
Available Support and Resources <ul style="list-style-type: none"> • Court Vice President (as required) • Court judges and judicial staff • Chief of Court Secretariat • SCM and Judicial Inspection 	Recommendations: <ul style="list-style-type: none"> • Court Presidents: Notify the Chief of Court Secretariat in writing whenever a judge on leave should be removed from the random case assignment system – and for how long. Chiefs of Court Secretariat: <ul style="list-style-type: none"> • Verify compliance of the court's ICMS random case assignment procedures with the provisions of the Civil and Criminal Procedure Codes and the SCM Regulation on Random Case Assignment. • Conduct weekly audits of the ICMS random case assignment system. • Use ICMS to prepare weekly random case assignment reports for the Court President, and other judges as directed.
5. Control that the preparation and posting of information on cases scheduled for trial (including their subject matter) is within time limits established by procedural norms	
Available Support and Resources <ul style="list-style-type: none"> • Court Vice President (as required) • Court judges and judicial staff • Chief of Court Secretariat 	Recommendations for the Court Secretariat <ul style="list-style-type: none"> • Ensure publishing and posting the required trial calendars on court information directory boards in the main lobby and on every court floor, and on the court website.
6. Monitor and analyze judicial statistics and caseload management reports and data. Present information to the court and SCM; and any analysis of judicial statistics to DJA	
Available Support and Resources <ul style="list-style-type: none"> • Court Vice President (as required) • Court judges and judicial staff 	Recommendation for Court Presidents <ul style="list-style-type: none"> • Identify high performing judges, document and extend their successful practices through in-service court training.

2.5.2. Court President's Management Responsibilities for „Justice Delivery”	
<ul style="list-style-type: none"> • Chief of Court Secretariat • SCM and DJA • ICMS caseflow management reports 	<p>Recommendations for the Chiefs of Court Secretariat</p> <ul style="list-style-type: none"> • Confirm SCM & DJA reporting requirements, format and caseflow management suspense dates. • Regularly publish ICMS caseflow management data and statistics. • Cross-check and verify ICMS and court record data sources. • Compile and analyze SCM and DJA required statistics and reports. Present the findings to the Court President. • Schedule final report generation and analysis to ensure timely delivery to SCM and DJA (as required).
7. Examine petitions in accordance with the law, except for those that relate to judges' actions of delivering justice and their conduct	
<p>Available Support and Resources</p> <ul style="list-style-type: none"> • Court Vice President (as required) • Chief of Court Secretariat 	<p>Recommendations for the Court Secretariat</p> <ul style="list-style-type: none"> • Coordinate with the court's Record and Documentation Division to ensure petitions are promptly registered and transmitted to the Court President for assignment.
8. Approve and inform the SCM about the schedule of judges' annual vacation leaves, grant judges annual vacation leaves and recall them as needed	
<p>Available Support and Resources</p> <ul style="list-style-type: none"> • Court Vice President (as required) • Chief of Court Secretariat • Judges and judicial staff • Court HR Department 	<p>Recommendations for the Chiefs of Court Secretariat</p> <ul style="list-style-type: none"> • Coordinate with the court's HR Department to ensure leave records for judges and judicial staff are accurately and timely maintained. • Notify the Court President of leave balance discrepancies or other potential problems. • Compile and report judicial and judicial staff leave balances to the Court President on a monthly basis. • Cross-check approved leave forms to de-conflict court schedules and calendars. • Notify court security of judicial leave schedules.
9. Decide on the need for judicial panels to examine cases regarding certain subjects or categories of individuals	
<p>Available Support and Resources</p> <ul style="list-style-type: none"> • Court Vice President (as required). • Chief of Court Secretariat. 	<p>Recommendations for the Chief of Court Secretariat</p> <ul style="list-style-type: none"> • Verify court space, security, staffing and other support requirements as needed.

2.5.2. Court President’s Management Responsibilities for „Justice Delivery”	
	<ul style="list-style-type: none"> • Coordinate with judicial security to resolve potential security challenges relating to these extraordinary panel activities.

2.6. Chief of Court Secretariat’s Management Responsibilities

Article 45 (Court Administration) of the Law on the Organization of the Judiciary declares that the organizational and administrative work in a court shall be ensured by the Court Secretariat led by a chief appointed by the Court President according to the Law on the Civil Servants.

In his April 1, 2013 letter⁹ (No. 51–92/2013) to the Minister of Justice, Minister of Finance, President of the Court of Accounts, Supreme Court of Justice President, Mihai Poalelungi, explained that the new law was designed to eliminate administrative duties from the competency of Court Presidents; refocus the effort of the Court Presidents into organizing and managing court judges and the justice delivery processes; and to establish and empower the office of the Chief of Court Secretariat to organize and manage the administrative operations and departments of the court.

Law No. 153 of 7 May, 2012, “On Amending and Supplementing Some Legislative Acts” (Official Gazette 185/620 of August 31, 2012) introduced a number of important amendments to the Law on the Judicial Organization.

After this law was enacted, the organizational and administrative work in courts will be carried out by Chiefs of Court Secretariat, leaving to court presidents more time to conduct justice delivery.”

Mr. Mihai Poalelungi
President, Supreme Court of Justice

Although the language used in Article 45 is less clear than one might have hoped for in terms of its delegation of management authorities, the intent of the law (certainly as expressed by Chief Justice Poalelungi and articulated in international best practices) is that Chiefs of Court Secretariat have the following management responsibilities.

Chiefs of Court Secretariat can easily fall into the trap of thinking they have to do everything themselves.

Best Practice Recommendation: Remember, you were hired as an executive manager and are being asked to do the work with, and through other administrative managers and supervisors to establish a management process with clearly defined performance measures and accountability checks to ensure the work gets done.

2.6. Chief of Court Secretariat’s Management Responsibilities	
1. Manage the organizational and administrative work in the court	
Available Support and Resources <ul style="list-style-type: none"> • Court President • Court judges and judicial staff • Non-judicial managers, supervisors and staff 	Recommendations for Chiefs of Court Secretariat: <ul style="list-style-type: none"> • Article 45’s uncertain language provides only limited authority to „organize and coordinate” the administrative work of the staff. What is needed is a clear delegation of mana-

9 See Tab 2.1. in this Chapter.

2.6. Chief of Court Secretariat's Management Responsibilities	
<ul style="list-style-type: none"> • SCM and DJA 	<p>gement authorities from the Court President.</p> <ul style="list-style-type: none"> • Work with the Court President to develop a clear definition of position responsibilities and management authorities using words like „authority to manage and direct”. • Coordinate a meeting with the Court President, judges and judicial staff, and court administrative department managers, supervisors and staff to announce the scope and intent of the Court Secretariat's delegated management responsibilities.
2. Organize the staff's work of preparing and posting the trials schedule, including the subject matter of cases, within the time limit established by procedural norms	
<p>Available Support and Resources</p> <ul style="list-style-type: none"> • Court President • Court judge and judicial staff • Managers, supervisors and staff 	<p>Recommendations for Chiefs of Court Secretariat:</p> <ul style="list-style-type: none"> • See Court President justice delivery responsibilities in 2.5.2. • Inform the Court President of compliance with the requirements and any discrepancies. • Use the SCM Regulation on Organization of Secretarial Activity in District Courts and Courts of Appeals to determine who you will delegate to handle this assignment, and define alternate procedures in the event of that person's absence. • Communicate to the designated person how you want to be notified daily of compliance with these requirements.
3. Organize the work of the staff in charge of randomly assigning cases received in the court	
<p>Available Support and Resources</p> <ul style="list-style-type: none"> • Court President • Court judge and judicial staff • Chief of the Record and Documentation Division • ICMS' random case assignment system • SCM Regulation on Random Case Assignment 	<p>Recommendations for Chiefs of Court Secretariat:</p> <ul style="list-style-type: none"> • PRIORITY #1: <i>Ensuring the integrity of the random case assignment system is the most important task for a Chief Court Secretariat.</i> • You cannot avoid judges becoming disgruntled by an automated process they do not fully understand, but you can save your job (and the jobs of your staff) by ensuring that the process is meticulously accurate and impartial. • Confirm that the court's ICMS random case assignment processes are in compliance with the provisions of the Civil and Criminal Procedure Code, the Regulation of SCM on Random Case Assignment, and the Regulation of SCM on the Judicial Panels.

2.6. Chief of Court Secretariat’s Management Responsibilities	
	<ul style="list-style-type: none"> • Verify weekly ICMS random case assignments. • Compile and publish ICMS pending cases by judge reports. • Accept only written directions from the Court President to adjust the random case assignment process; or to reassign a case to another judge. • Remember: The Court President is the only one authorized to adjust judicial caseloads, the random case assignment process, and to direct the Chief of Court Secretariat to withdraw a judge from the random case assignment process (typically for periods of leave or approved extended court absence). Do nothing on your own, even if you think it’s the right thing to do. Get the Court President’s written authorization first!
4. Manage funds allocated to the court – See also Chapter 8 for more information on managing court budgets)	
<p>Available Support and Resources</p> <ul style="list-style-type: none"> • Court President • Court Vice President (as required) • Chief Finance Officer • DJA 	<p>Recommendations for Chiefs of Court Secretariat:</p> <ul style="list-style-type: none"> • PRIORITY #1: <i>Ensuring that allotted court funds are accurately projected, received, dispensed, and accounted for is the most important task for a Chief of Court Secretariat. Calling this another „PRIORITY #1” is not a mistake. Both are important, but this one has potential criminal penalties that attach to mismanagement or misappropriation of government funds.</i> • Consult with the Court President to determine how s/he wants to be kept informed about court accounts and funds. Publish reports as requested. • Look to Chapter 8 for details on budget management and audit controls. • Conduct and document random and unannounced cash audits at least monthly. Report the results to the Court President. • Conduct and document random property inventory audits (especially of automation equipment and office supplies) at least monthly. Unless you have reason to suspect otherwise, these audits can focus on random offices, supply rooms, equipment types, etc. Report the results to the Court President.

2.6. Chief of Court Secretariat’s Management Responsibilities	
	<ul style="list-style-type: none"> • On a monthly basis, coordinate with the Chief Finance Officer to compare actual monthly expenditures against planned expenditures. • Identify accounts whose levels are at 40% of estimated annual expenditures. • Review reoccurring expenses, planned purchases, court operational expenses and other capital outlays. • Estimate whether particular accounts are at risk of being depleted before the end of the fiscal year. • Recommend fund transfers as needed (subject to the authorities and limitations of the law – See Chapter 8).
5. Coordinate and check the work of the secretariat’s subdivisions; ensure the best administration and use of financial, material, intellectual, and informational resources in implementing the strategic work plans of the court	
Available Resources and Support <ul style="list-style-type: none"> • Non-judicial managers, supervisors and staff • DJA • Other court secretariats. 	Recommendations for Chiefs of Court Secretariat <ul style="list-style-type: none"> • Understand and daily display the court’s leadership vision and strategy for organizing judges and justice delivery services in the court. • Get out of your office! • Work daily to master the leadership skills explained in Section 2.3. (above) and 2.7. (below).
6. Develop and submit strategic work plans of the court to the court president	
Available Support and Resources <ul style="list-style-type: none"> • Court President • Court Vice President (as required) • Non-judicial managers, supervisors and staff • DJA • Other court secretariats. 	Recommendations for Court Presidents: <ul style="list-style-type: none"> • Develop the court’s leadership vision and strategy for organizing judges and justice delivery services in the court. • Provide guidance on judiciary polices that may impact work plans. • Develop and publish court performance measures to be incorporated into department work plans. • Establish dates for submitting „proposed” and „final” strategic work plans. • Communicate the strategic work plans to court judge and judicial staff, and SCM and DJA, and the public as required. • Consider how to incorporate strategic objectives into the court’s website. Recommendations for Chiefs of Court Secretariat:

2.6. Chief of Court Secretariat's Management Responsibilities

	<ul style="list-style-type: none"> • Codify Court President guidance into a Strategic Plan Guidance Directive for non-judicial department managers and supervisors. • Confer with SCM and DJA and other court secretariats to determine the best model for structuring strategic work plans. • Develop and publish departmental performance metrics and standards to be integrated in work plans. • Require quarterly performance objectives to be included in department work plans. This will allow sufficient time to adjust and realign staff resources to ensure that departments meet or exceed work plan requirements. • Provide incentive recognition for superior performance. • Establish department work plan submission dates for „proposed” and „final” work plans. • Review strategic work plans with the Court President, incorporate recommendations as needed. • Publish the final work plans and review them with department managers, supervisors and staff. • Conduct meetings with judges, judicial staff and court staff to communicate the plans.
7. Approve the regulations on the organization and functioning of the court secretariat, in coordination with the court president	
Available Support and Resources <ul style="list-style-type: none"> • Court President • Court Vice President (as required) • Non-judicial managers, supervisors and staff • DJA 	Recommendations for Chiefs of Court Secretariat <ul style="list-style-type: none"> • Develop a regulation providing for the operation of the court secretariat, which by law includes court secretaries, judicial assistants, translators, interpreters, judicial statistics generalization division, documentation division, and administrative service (art. 46 (1–3) of the Law on Organization of the Judiciary). • Submit the proposed regulation to the Court President for review and approval.
8. Other duties established under the law or delegated by the court president	
Available Support and Resources <ul style="list-style-type: none"> • Court President • Court Vice President (as required) 	Recommendations for Chiefs of Court Secretariat: <ul style="list-style-type: none"> • Talk honestly with the Court President about the „volume of work” and your availability to take on more management related activities.

2.6. Chief of Court Secretariat's Management Responsibilities	
<ul style="list-style-type: none"> • Non-judicial managers, supervisors and staff • DJA • Other court secretariats 	<ul style="list-style-type: none"> • Be careful that you're not volunteering to provide more services or support than you can provide. • Remember – Chiefs of Court Secretariat have a team to help them with the work. Be careful not to over burden the staff – but at the same time, don't shy away from engaging them in the important business of the court. • Remember also – whatever you commit to doing for the Court President has to be done to professional standards <i>and</i> delivered on time – otherwise your credibility will be questioned!

2.7. Ten Essential Qualities of an Effective Chief of Court Secretariat

Although a list of essential qualities can go on forever, Chiefs of Court Secretariat should consider integrating at least the following essential leadership qualities into their daily routine and interactions with the Court President, judges and staff.

2.7. Ten Essential Leadership Qualities of an Effective Chief of Court Secretariat
<p>1. Personal integrity: Your personal integrity is your most valuable possession. Remember, court staff will positively respond to a leader who does the right thing every time. Do nothing to give others the opportunity to question your integrity, because once lost or questioned it can be very difficult (if not impossible) to recover.</p>
<p>2. Be genuine and respectful: Great leaders are those who are strong and decisive but also humble and respectful of others. This doesn't mean that you're weak or unsure of yourself. It means that you have the self-confidence and self-awareness to recognize the value of others without feeling threatened. It means that you are willing to admit you could be wrong, that you recognize you may not have all the answers. And it means that you give credit where credit is due.¹⁰</p>
<p>3. Demonstrate a work ethic: Daily display the kind of work ethic you expect from others. Whether you know it or not, you are being observed by others and your staff will rise or fall to the level of work performance that you demonstrate on a daily basis.</p>
<p>4. Learn how to manage essential priorities: Manage first what counts! Don't get trapped in projects or activities that may be „easy to handle” but insignificant in the eyes of the Court President. Find out what counts and do that first with excellence!</p>
<p>5. Develop and convey your strategic vision: Great leaders have vision. They can see into the future with a clear idea of where they are going and how they want to build capacity in others to help them achieve that success.</p>

¹⁰ Brian Tracy, *The Seven Leadership Qualities of Great Leaders*, available at <http://www.briantracy.com/blog/leadership-success/the-seven-leadership-qualities-of-great-leaders-strategic-planning/>

2.7. Ten Essential Leadership Qualities of an Effective Chief of Court Secretariat

6. **Promise what you can deliver:** Sometimes this will be difficult, especially as the Court President begins to turn to you for more and more help. Ultimately, the best course of action is always to discuss competing priorities or projects with the Court President to secure their guidance and direction.
7. **Deliver what you promise!** Once you make a commitment, you need to deliver on-time and if you're going to come up short on your ability to deliver on a commitment, be the first one to that person's doorstep to explain the situation and work toward a resolution schedule that can be completed on-time.
8. **Accountability:** Effective leaders hold themselves and others accountable to the high standards of conduct required by law, judiciary policy and the court's leadership vision. To be effective here, Chiefs of Court Secretariat need to identify and publish the standards and commit to training the staff. Don't assume that staff know what is expected of them, or that they are aware of the consequences that will follow for non-compliance.
9. **Engage others in the process!** Leaders are not an island unto themselves. Sound management practice encourages others to contribute to problem solving and issue resolution. Experience has shown that staff who are engaged in the process by leaders are personally committed and vested with the success of a solution.
10. **Don't play favorites with the staff!** The quickest way to destroy your credibility is to be seen as a person who cannot be trusted. Treat everyone with dignity and respect. – always being clear to communicate your expectations **and** your vision for how each person or department can succeed. Remember, as a leader, your job is to create the vision and to help others succeed at their jobs.

Guidelines for Effective Court Administration

Chapter 2. Court Leadership and Management

Tab 2.1: Supreme Council of Magistracy's Authority and Directive to Court Presidents to Delegate First Signing Financial Authorities to Chiefs of Court Secretariat

SUPERIOR COUNCIL OF MAGISTRACY

2009, 70 Kogalniceanu Str., Chisinau
www.csm.md; email: aparatul@csm.md
tel.: 22-30-76; fax: 22-38-40

DECISION

On the appeal of Chief Justice Mihai Poalelungi on the competence of the financial-economic administration in courts

April 30, 2013
No. 378/15

Chisinau

Having examined the appeal of the Chief Justice Mihai Poalelungi on the financial-economic administration in courts, the Superior Council of Magistracy

FOUND:

Chief Justice Mihai Poalelungi has informed the Superior Council of Magistracy that, according to the amendments and addenda enacted through Law No. 153 of July 5, 2012, in the Law on the Judicial Organization, the organizational and administrative work in courts will be assigned to Chiefs of Court Secretariat, leaving to the court president only the duty of conducting the justice administration. Consequently, court presidents continue to be the chiefs of courts but, since administrative duties are not suitable for persons dispensing justice and organizing this process, these duties are excluded from their competence. The transfer of the administrative duties from court president to the chief of secretariat is a necessary requirement of the judicial reform and is provided for in the Activity Program of the Government of the Republic of Moldova “European Integration: Freedom, Democracy, Welfare” (2011–2014) and the Justice Sector Reform Strategy approved through Law No. 152 of November 25, 2011.

However, Mr. M. Poalelungi says that, so far, territorial treasuries do not accept that chiefs of secretariats authorize the spending of funds. Treasuries accept only payment documents signed by court presidents. In addition, since the court president does not have the authority to manage court funds any more, the chief of secretariat has not been granted the signing authority through an order of the court president.

Therefore, the Council considers that court presidents should issue an administrative act assigning chiefs of secretariats financial-economic duties and granting them the first signing authority. According to Article 45 (2), the organizational and administrative work in a court is carried out by the court secretariat conducted by a chief appointed by the court president in accordance with Law No. 158-XVI of July 4, 2008, “On the Public Office and the Status of the Civil Servant” and one of the duties of a civil servant is managing court funds.

Given the aforementioned, the Superior Council of Magistracy, guided by Articles 4, 17, and 24 of the Law on the Superior Council of Magistracy,

DECIDES

1. To propose court presidents to issue an administrative act assigning the chiefs of secretariats financial-economic duties and granting them the first signing authority.

2. Court presidents shall inform the Superior Council of Magistracy about measures taken by July 1, 2013.
3. To send this decision to all courts of law.

President
of the Superior Council of Magistracy

/signature/

Nichifor Corochii

**SUPREME COURT OF JUSTICE
OF THE REPUBLIC OF MOLDOVA**

70 M. Kogalniceanu Str., Chisinau, Republic of Moldova, MD-2009,
tel./fax: (+373 22) 22 52 27, 22 15 47

April 1, 2013, No. 51–92/2013

To: Serafim Urechean
President of the Court of Accounts
Veaceslav Negruta
Minister of Finance
Oleg Efrim
Minister of Justice

Dear Sirs,

Law No. 153 of 7 May, 2012, “On Amending and Supplementing Some Legislative Acts” (Official Gazette 185/620 of August 31, 2012) introduced a number of important amendments to the Law on the Judicial Organization. After this law is enacted, the organizational and administrative work in courts will be carried out by chiefs of secretariats, leaving to court presidents only the duties of conducting justice delivery.

Before these amendments, the legal provisions on managing court funds were as follows:

“Article 27. Court President.

“(1) The court president:

“n) Shall be the party authorizing the spending of the court funds and shall organize their efficient use.”

Currently, the duties of the court president are described in Article 16/1 of the Law on the Judicial Organization, which mentions nothing about managing court funds.

Similarly, the legislature made distinct provisions on the court’s work of delivering justice and those on organizing the work of and administering courts.

Thus, Article 45 “Court Administration” of the Law on the Judicial Organization reads:

“(1) The justice delivery shall be conducted by the court president.

“(2) The organizational and administrative work in a court shall be carried out by the court secretariat conducted by a chief appointed by the court president in accordance with Law No. 158-XVI of July 4, 2008, ‘On the Public Office and the Status of the Civil Servant.’

“(3) The chief of court shall have the following duties:

“a) Organize the staff’s work of preparing and posting the trials schedule, including the subject matter of cases, within the time limit established by procedural norms;

“b) Organize the work of the staff in charge of randomly assigning cases received in the court;

“c) Manage the funds allocated to the court;

“d) Coordinate and check the work of the secretariat’s subdivisions; ensure the best administration and use of financial, material, intellectual, and informational resources in implementing the strategic work plans of the court;

“e) Develop and submit strategic work plans of the court to the court president for approval;

“f) Organize and coordinate the development and implementation of the strategic work plans of the court;

“g) Approve the regulations on the organization and functioning of the court secretariat, in coordination with the court president;

“h) Other duties established under the law or delegated by the court president.

“(4) In the absence of the chief of the court secretariat, the court president shall delegate his duties or part of them to one of the chiefs of the secretariat subdivisions.”

In the explanatory note to the draft version of the aforementioned law, the Ministry of Justice stated that the draft version complies with, and had been developed in order to fulfill, the Activity Program of the Government of the Republic of Moldova “European Integration: Freedom, Democracy, Welfare” (2011–2014) and the Justice Sector Reform Strategy approved through Law No. 152 of November 25, 2011.

The authors explained that the elimination of the administrative duties from the competence of court presidents and vice presidents was a necessary requirement of the judicial reform and was provided for in the Activity Program of the Government for 2011–2014 and the Justice Sector Reform Strategy. Consequently, court presidents, assisted by vice presidents, continue to be the chiefs of courts but, since administrative duties are not suitable for persons in charge of delivering justice and organizing this process, these duties were excluded from their competence.

The authors mentioned in respect to the new version of Article 45 that relieving court presidents and vice presidents from administrative duties implied new amendments to the legislation that would establish the position of court administrator. This position exists in other countries, such as Estonia, Finland, Egypt, and Russian Federation. According to authors, **the court administrator shall undertake all responsibilities for organizing the administrative work in the court.** Thus, the administrator will conduct the administrative service of the court and will have such duties as coordinating the work in the subdivisions of the administrative service, ensuring the best use and management of financial, material, intellectual and informational resources in implementing the strategic work plans of the court, etc.

However, so far, treasuries do not accept that chiefs of secretariats authorize the spending of funds and continue accepting only payment documents signed by court presidents. In some cases, the treasuries request that court presidents issue an order delegating their chiefs of secretariats the first signing authority in financial documents.

The Supreme Court of Justice considers that court presidents do not have the right to manage court funds any more. Court presidents may not delegate the spending authority to chiefs of secretariat because, under Articles 161 and 45 (1) of the Law on the Judicial Organization, they themselves do not have financial management duties.

The argument that, under the Law on the Public Internal Financial Control, court presidents are managers of a public entity and chiefs of secretariats are operating managers is untenable for the following reasons:

According to Article 6 of the Law on the Public Internal Financial Control, the manager of a public entity organizes the financial management and control system to ensure that the goals of the public entity are achieved through:

- a) Efficacy and efficiency of operations;
- b) Compliance with the regulatory framework and internal regulations;
- c) Security and the best management of assets and liabilities;
- d) Security and integrity of information.

The court president cannot and should not be considered the manager of a public entity because, under Articles 16/1 and 45, they have only duties related to legal work, which do not allow them to deal with:

- The financial management system;
- Security and the best management of the accounts receivable
- Security and integrity of information.

Moreover, assigning financial management duties to court presidents and, implicitly, making them responsible for managing funds poses the risk of undesirable interferences in court presidents' dispensing justice. Such interference may occur through supervisory bodies subordinated or otherwise controlled by the executive or the legislature.

Given the aforementioned reasons, I kindly request you to examine this appeal and take a joint decision on this issue as soon as possible.

Sincerely yours,
President of the Supreme Court of Justice

/signature/

Mihai Poalelungi

COURT OF ACCOUNTS OF THE REPUBLIC OF MOLDOVA

2001 Chisinau, 69 Stefan cel Mare Blvd., tel.: 23-25-79, fax: 23-30-20, email: cdc@ccrm.gov.md

April 16, 2013

No. 01/2-498

Response to: No. 51-92/2013 of April 1, 2013

To Mihai POALELUNGI
Chief Justice

Dear Chief Justice,

The Court of Accounts has examined the appeal of the Supreme Court of Justice on the financial management in the judicial system and considers that the problem should be solved in light of Articles 161 and 45 (2) of Law No. 514-XIII of July 6, 1995, "On the Judicial Organization."

Since court presidents are the only persons that have the legal authority to appoint chiefs of secretariat, they should grant the latter the first signing authority in financial documents through an order.

In addition, in case of an amendment to Law No. 229 of September 23, 2010, "On the Public Internal Financial Control," it is necessary to include a specification about exceptions from the general rule on the managerial responsibility in order to eliminate contradictory interpretations of the legislation.

Sincerely,

Serafim URECHEAN
/signature/
President of the Court of Accounts

Ex.: R. Bogatiret

Tel.: 266-115

Stamp: Supreme Court of Justice; April 17, 2013: Ref. 709

**MINISTRY OF FINANCE
OF THE REPUBLIC OF MOLDOVA**
*MD-2005, Chisinau, 7 Cosmonautilor Str.,
tel.: (373 22) 26-25-24, fax: (373 22) 26-25-17,
web: www.minfin.md*

May 14, 2013, No. 09–04/186

To the Supreme Court of Justice

The Ministry of Finance has examined Appeal No. 51–92/2013 of April 1, 2013, and, within the limits of its competence, provides the following information.

According to Law No. 229 of September 23, 2010, “On the Public Internal Financial Control,” Article 3, “the manager of a public entity shall be the highest ranking chief in that entity,” and “the operating manager shall be the chief responsible for managing an organizational unit at each hierarchic level of the public entity, except for the manager of the public entity.”

According to Article 14 of the same law, the financial management and control system is organized, among other means, through “delegating decision-making, control and implementation responsibilities.”

According to Law No. 514 of July 6, 1995 “On the Judicial Organization,” with further amendments and addenda, Article 161, “The court president shall [...] (n) represent the court in relations with public authorities and mass media; (o) appoint civil servants; change, suspend, and cancel work relations with them in accordance with law; hire, change, suspend, and cancel work relations with the contracted staff of the court secretariat; (p) apply disciplinary actions and incentives for the staff of the court secretariat; (q) carry out other duties in accordance with the law.”

According to Article 45 of the same law, “The chief of court shall have [...] (h) other duties established under the law or delegated by the court president.”

Given the aforementioned, the chief of court secretariat, appointed by the court president, carries out organizational and administrative tasks in the court on behalf of the court president. Although, the law delegates these tasks to the chief of secretariat, the court president is the primary person accountable for court’s work on the whole.

According to Article 19 (12) of Law No. 113-XVI of April 27, 2007, “On Accounting,” cash documents, bank documents, disbursement documents, and financial, commercial, and calculated debts may be signed either solely by the chief of the entity or by two persons with signing authority – the first signatory shall be the chief or other empowered person and the second one shall be the chief accountant or other empowered person.

According to point 1.3.1. of the Order No. 98 of November 28, 2005, “On the Approval of the Methodological Norms for Cash Execution of the National Public Budget through the Treasury System of the Ministry of Finance,” for a public entity to be served through the treasury system, it has to accompany its request for service submitted to a territorial treasury office with the decision on appointing the chief of the entity, the chief accountant or persons authorized to perform the corresponding duties and a card with specimen signatures and round stamp impressions that legalizes the signatures of the persons authorized to carry out the corresponding duties.

In this context, to comply with the aforementioned legislative and regulatory acts, courts should submit the order on appointing their chief of secretariat with a reference about his first

signing authority for banking documents and a card with specimen signatures and round stamp impressions complying with the established norms to their territorial treasury offices.

Vice minister
/signature/
Maria Caraus

Ex.: Natalia Caraus
Tel.: (022) 26 27 31



Chapter 3.

Caseflow Management

3.1. Introduction

Caseflow management is the process by which courts move cases from filing to closure. This includes all pre-trial phases, trials, and increasingly, events that follow disposition to ensure the integrity of court orders and timely completion of post-disposition case activity.

Caseflow management is the process by which courts convert their “inputs” (cases) into “outputs” (dispositions). This conversion process, caseflow management, determines how well courts achieve their most fundamental and substantive objectives and purposes. Properly understood, caseflow management is the absolute heart of court management.

ICMS Reporting Software Automates Caseflow Management Reports

Timely and accurate entry of case opening and closing information allows users of the Court’s Integrated Case Management System to automate the caseflow management process and compile and evaluate all of the following caseflow management reports.

Caseflow Management means how a court manages the flow of a case from filing to disposition. This includes all the processes prior to trial, the trial and the means of appeal (if there is disagreement with the judgment of the first instance court) and actions that follow after closing the case to ensure observance of judicial orders and timely execution of activities following case closure. An efficient caseflow management system enables trial participants to enjoy a fair trial and equal protection under the law.

Balti Court of Appeals Chief Judge, Alexandru Gheorghies

Effective caseflow management makes justice possible not only in individual cases but also across judicial systems and courts, both trial and appellate, and helps ensure that every litigant receives procedural due process and equal protection – and ultimately, the quality of justice is enhanced when judicial administration is organized around the requirements of effective caseflow and trial management. (*National Association for Court Management*¹¹)

At the May 2013 National Institute for Justice’s *Caseflow Management for Chiefs of Court Secretariat* seminar, NACM’s definition was reaffirmed for Moldova trial and appellate courts.

3.2. Principles of Effective Caseflow Management

The following principles of effective caseflow management apply in every court around the world:

Principle	Description
1	Caseflow management is a judicial responsibility.
2	Court Presidents are responsible for oversight and management of court judges and for ensuring the court delivers an effective judicial case management process that guarantees timely, accurate and publicly accountable justice and due process and legal rights to the litigants and Citizens of Moldova. Note: <i>This is an affirmative duty imposed upon all Court Presidents by law.</i>
3	Court performance standards should be established and monitored to ensure that cases are timely progressing through the system from filing to disposition.
4	Chiefs of Court Secretariat are responsible for organizing and managing court operations, staff support and management information systems to support judges and the caseflow management process.
5	Courts must maintain, distribute and regularly evaluate caseflow management statistics and information. Note: Chiefs of Court Secretariat are responsible for: <ul style="list-style-type: none"> • Training, organizing and managing administrative and judicial support staff on the use of ICMS, caseflow and records management procedures. • Ensuring timely and accurate caseflow management data and information is entered into the Integrated Case Management System (ICMS). • Using ICMS reporting software to develop, analyze and distribute caseflow management reports and statistics to the Court President, and to assigned judges upon request.

3.3. How a Typical Case Moves Through the Court System

- Tab 3.1. – Civil Caseflow
- Tab 3.2. – Criminal Caseflow
- Tab 3.3. – Contraventional Caseflow

11 *National Association for Court Management – Caseflow Management Core Competencies*, available at https://nacmnet.org/CCCG/cccg_3_corecompetency_cfm.html

3.4. Pending Case Lists

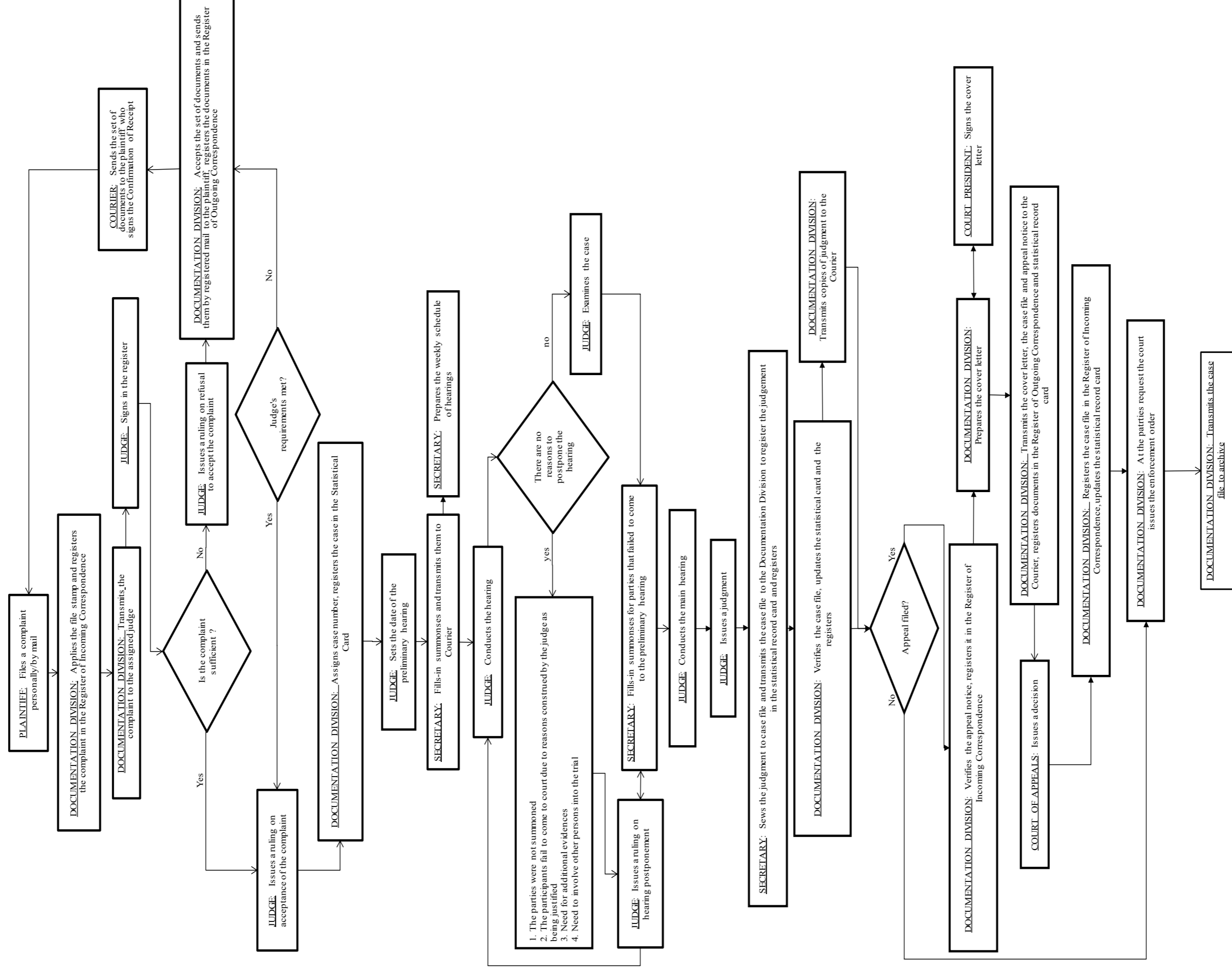
Using the capabilities of ICMS and the Performance Dashboard reporting software, judges and the Chiefs of Court Secretariat can sort a pending case load report by judge in a myriad number of ways. The most common forms of this inventory report include:

Typical Reporting Options for Pending Case Lists	
Sort by judge and age of active pending cases.	Displays all the judge's assigned and active cases – typically in descending order (oldest case first to the newest filing).
Sort by judge, type of case and then age of active pending cases by case type.	Sorts active pending cases by case type, then displays active cases in descending order (oldest case first to the newest filing within each case type).
Sort by judge for active cases where a court imposed deadline has expired with no apparent action by one or more of the parties.	This is a case management report judges use to proactively monitor and manage cases that may have fallen off the normal adjudication track. Where necessary, judge will often schedule a status conference to receive an update from the parties.
Sorted by judge (or for the court as a whole) and compared to previous reporting periods.	Read in conjunction with Clearance Rate Reports a report that shows trends in active pending cases over time will show how well a judge (or the court) is keeping up with their active caseload assignments.

Guidelines for Effective Court Administration

Chapter 3. Caseflow Management

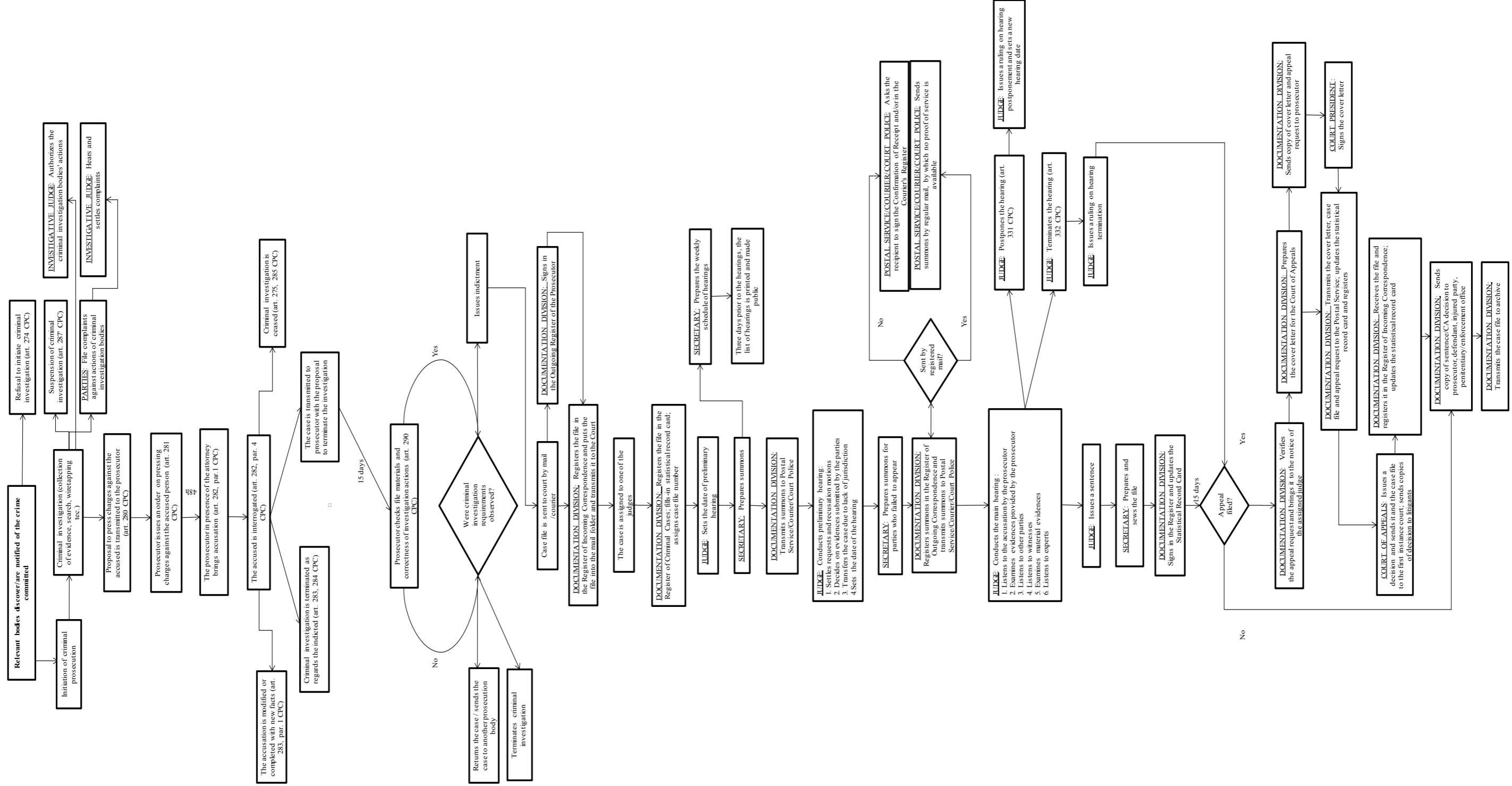
Tab 3.1: Civil Caseflow



Guidelines for Effective Court Administration

Chapter 3. Caseflow Management

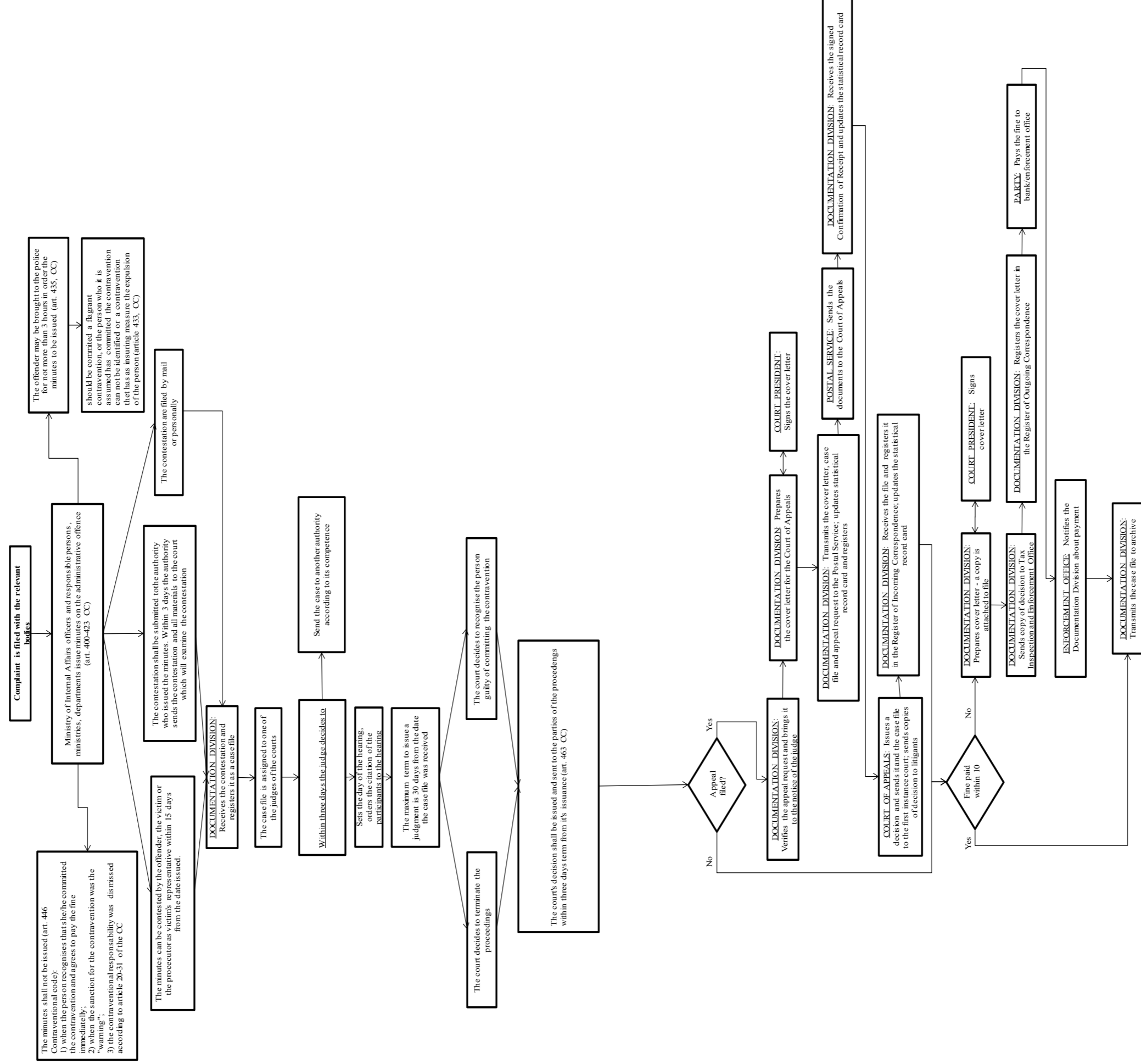
Tab 3.2: Criminal Caseflow



Guidelines for Effective Court Administration

Chapter 3. Caseflow Management

Tab 3.3: Contraventional Caseflow





Chapter 4.

Integrated Case Management System

4.1. Introduction

The ICMS is the very heart and soul of the court's caseload management system – providing for a completely electronic case record available in 'real time' to judges and court staff, and an integrated business management information system with the capability to sort and analyze case statistical data and produce required statistical reports. Modules within the ICMS system allow courts to:

- Automate the registry of new cases.
- Automatically assign case numbers.
- Randomly assign judges (and reassign judges at the express written direction of the Court President)
- Scan all filings, court orders, schedules and other case papers.
- Convert scanned documents into *.pdf files and integrate them into an on-line and computer accessible case file available to every judge and the judicial and administrative staff.
- Link all courtroom audio records directly into the ICMS case record.
- Schedule and produce required court calendars.
- Analyze court and judicial caseloads and produce reports to improve caseload management and court statistical performance.

The Court President and Chief of Court Secretariat are responsible for developing the court's leadership vision, performance expectations, and the required automation and professional training programs to fully implement and integrate ICMS capabilities at every level of the justice delivery and court administration process.

ICMS is now installed in every court, however, some courts are unable to effectively use all ICMS features because of Internet connectivity and bandwidth challenges, building electrical problems, and other technical equipment problems.

In addition, some courts have had less success with ICMS implementation because of lack of court leadership and an institutional reluctance to change historically functioning paper-based procedures with modern automation alternatives. Ultimately, this kind of initial structural and organizational rigidity should not have been unexpected, however, it cannot be allowed to continue if Moldova is to achieve the objectives set forth in the Activity Program of the Government of the Republic of Moldova “European Integration: Freedom, Democracy, Welfare” (2011–2014) and the Justice Sector Reform Strategy approved through Law No. 152 of November 25, 2011.

4.2. Purpose

This is an overview chapter and Chiefs of Court Secretariat are not expected to become masters of the day-to-day operational requirements of ICMS. Instead, this overview is intended to provide insight into some of ICMS’ most essential system capabilities and operational environment requirements at the local courthouse level.

This chapter also introduces some of the more important “technical” and “systems” terms that Chiefs of Court Secretariat will need to become familiar with in order to communicate with, and provide support to, the ICMS user community of judges and judicial and administrative staff.

4.3. Technical Description of ICMS¹²

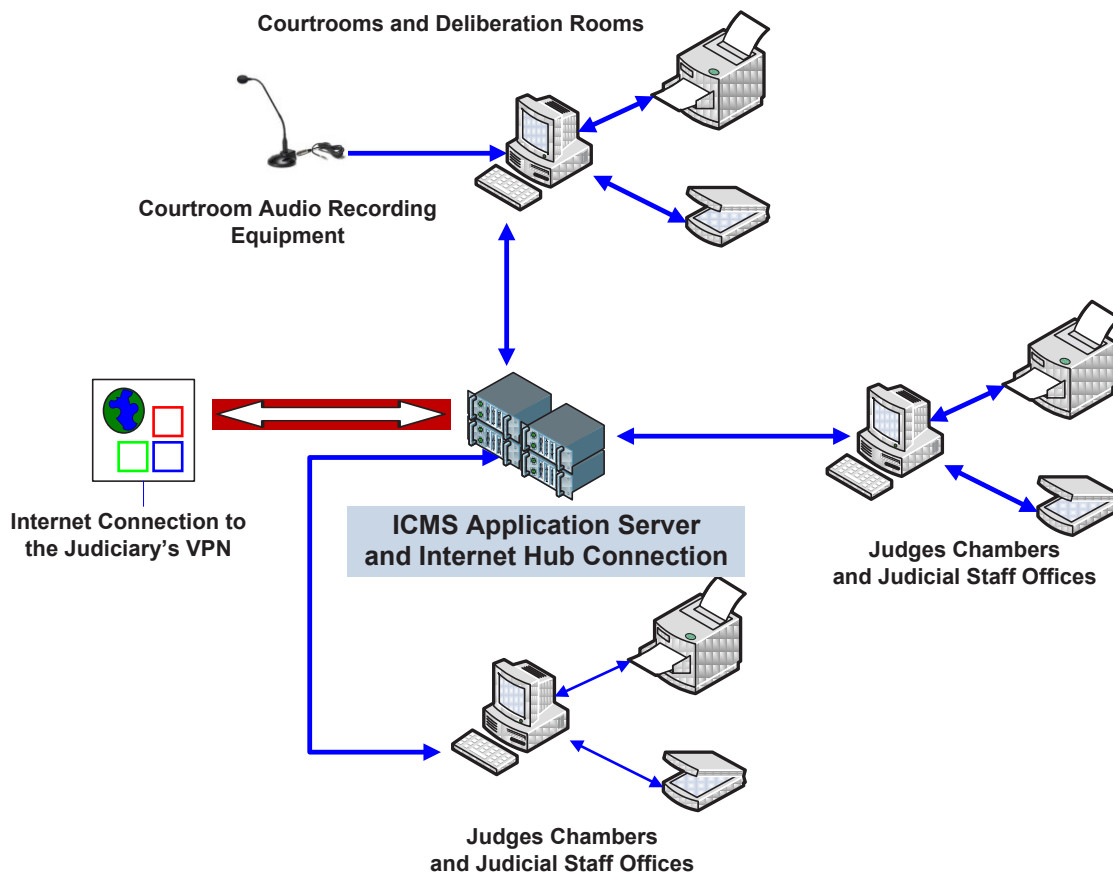
The ICMS is a client-server based database software application. It was custom-designed and developed using open-source software to automate the Moldovan paper-based court procedures in accordance with Moldovan law.

- It registers and administers all types of cases – civil, criminal, and contraventional, and tracks and manages a case through its entire life cycle, from filing in the first instance court through first instance decision and beyond to appeal and/or cassation at higher level courts like the Courts of Appeal and the Supreme Court of Justice.
- The ICMS allows court personnel to enter data in various fields on the computer screen and, once the fields are completed, the data is stored in the database, where it can then be used by the various functions of the system like the performance dashboard, uploading information on the courts’ websites about the schedule of hearings, judicial decisions, etc.
- The ICMS automatically assigns cases to judges on a random basis. It includes a detailed court calendaring/docket system. It has a user-friendly, intuitive interface in the State language, with some templates and forms in both the State language and Russian. The system was specifically designed for ease of use by non-technical court personnel.
- The ICMS is also a major step toward business intelligence for court presidents and senior level managers within the judiciary. The court performance dashboard works within the hardware, software, databases, network, and security systems of the ICMS. It is accessible on the opening screen of the ICMS via a sign-in and password menu.

12 USAID/Moldova’s Governance Threshold Country Program, *Roadmap of Court Automation in Moldova*, implemented by Millennium/IP3 Partners, September 11, 2009, page 3.

4.4. Court Infrastructure Requirements to Support ICMS¹³

4.4.1. Network Operating Environment: Recently the ICMS has been moved from the local server in each court (except two: Ialoveni district court and the Bender Court of Appeals) and is currently located on the central server at the CST. The court staff access ICMS using a username and password by opening a link saved in browser and using an Internet connection secured by VPN connection points. Numerous court employees can access the server-based ICMS simultaneously from their desktop workstations. The audio recording system in courtrooms is linked to the local court server and must communicate with the server to function properly. All audio recordings are saved on the courts' local servers.



In order for this type of system to work, the infrastructure in the court must meet certain standards. All parties involved in operating and maintaining the system must understand these infrastructure requirements if court automation is to be sustained and continue to provide the intended benefits to Moldova.

4.4.2. Electrical Utilities: One obvious infrastructure requirement is that the court must have a continuous, reliable source of electrical power. The power must be consistent from the standpoint that the volts and amps remain within acceptable tolerance standards of modern computer equipment. All courts have been provided with emergency power back-up units for servers and workstations to prevent data loss in case of sudden power fluctuation or failure. However, these units only allow an orderly shut-down without loss of data for a few minutes after power loss.

13 *Roadmap for Automation in Moldova Courts*, supra.

4.4.2. ICMS Electrical Power Requirements	
City provided „In-coming” electrical supply to the courthouse	<ul style="list-style-type: none"> • The power coming into the courthouse must be consistent from the standpoint that the volts and amps remain within acceptable tolerance standards of modern computer equipment. • Request from MOJ or DJA, or hire an electrical engineer to develop a baseline inventory and verification of the electrical power requirements for all of the court’s electrical operating equipment, e.g., lights, heating, computers, scanners, copiers, servers, courtroom audio equipment, etc. • This electrical power assessment represents the minimum incoming electrical power requirements that needs to be continuously delivered to the courthouse on a daily basis – with some surge capacity for anticipated additional equipment or seasonal heating/air conditioning issues. • Chiefs of Court Secretariat should review courthouse facility management records to determine the frequency outages or power shortages (brownouts) of the city’s delivered electrical power coming into the courthouse circuits. • Build a record of power outages and brownouts, and if court operations are frequently or seriously interrupted or degraded, meet with city power officials to upgrade electrical power delivery to the courthouse. • Coordinate a life-cycle electrical power upgrade strategy with the city.
Courthouse internal wiring systems, junction boxes, electrical breakers and power outlets	<ul style="list-style-type: none"> • Request MOJ or DJA, or hire an electrical engineer to conduct an inventory and inspection of the courthouse electrical wiring systems, electrical junction panel boxes and breakers, and power outlets. Recommend upgrades and improvements as needed. • Note: It is not enough to have sufficient „incoming power” from the city – courthouses must also have upgraded electrical, data and telecommunications wiring, junction boxes, outlets and connections to handle the „through-put of electricity” to equipment operating requirements. • Only an electrical engineer can properly inventory and evaluate the „internal courthouse” wiring systems to ensure they are sufficient to support ICMS and other courthouse requirements. • Develop a life-cycle budget plan to continuously upgrade and modernize courthouse wiring systems and electrical junctions boxes and breaker switches into the court’s operating and capital budget cycles. • Develop emergency notification protocols and continuity of operations plans to anticipate a major or extended interruption of city provided electrical power.
Emergency power backup units	<ul style="list-style-type: none"> • As part of the ICMS initial installation, courts were provided emergency power back-up units for servers and workstations to prevent data loss in case of sudden power fluctuation or failure.

4.4.2. ICMS Electrical Power Requirements

	<ul style="list-style-type: none"> • Chiefs of Court Secretariat need to inventory and verify that emergency power backup units are operating and connected to ICMS servers, and to every computer, scanner, copier and network printer. Note: It is an electrical hazard to connect multiple pieces of equipment to a single power backup unit. • Conduct monthly „operational tests” of each power backup unit and record the results. • Confer with MOJ or DJA, or the electrical engineer hired to conduct the previous assessments, to establish the realistic operational life of each power backup unit – and build a life-cycle replacement plan integrated into the court’s annual operating budget. • Develop a life-cycle budget plan to continuously upgrade and modernize emergency power backup units into the court’s operating budget cycles.
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4.4.3. ICMS Server Rooms, Equipment and Security Requirements: Servers must be placed in locations with adequate ventilation and temperature and humidity controls. Server locations must be secure to prevent tampering by unauthorized personnel or outsiders. Preferably, they should be kept in locked rooms, with limited access controlled by the Chief of Court Secretariat.

4.4.3. ICMS Electrical Power Requirements

<p>Server room, equipment and security</p>	<ul style="list-style-type: none"> • Servers (and associated Internet connection hub equipment) must be stored in a secured and climate controlled room. • Install heating and air conditioning units to ensure minimum climate control standards. • If the server and other Internet servers and Internet connections are not currently stored in a climate controlled and secured room – immediately notify the SCM, MOJ, DJA and CST (the MOJ entity contracted by the judiciary to provide ICMS, Internet and automation equipment support). • Chiefs of Court Secretariat need to limit access to the server room to essential IT support staff, security and a limited number of others designated in writing. • Chapter 7 – Financial Management and Control System explains that the Chief of Court Secretariat and Court President have „managerial liability” for the safe and secure operations of court equipment facilities. • Allowing servers to be unsecured is a serious liability issue – and the only way to be legally released from that liability is to put the court’s space and security requirements into writing and forward that demand to the SCM, MOJ, DJA and CST. • Develop emergency notification protocols and continuity of operations plans to anticipate a fire, flooding, or other major structural or equipment damage to the server rooms and equipment.
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4.4.3. ICMS Electrical Power Requirements

- Develop a life-cycle budget plan to continuously upgrade and modernize ICMS application and Internet servers and other electrical equipment into the court's operating and capital budget cycles.

4.4.4. Local Area Networks: The ICMS is a sophisticated database program, designed to allow multiple court workers to input case data that can be sorted and filtered for creation of reports and other administrative tools. At the time of installation in each court, all court personnel were provided with unique usernames and passwords so that each entry recording a step in the life of a court case can be properly documented and accounted for.

ICMS is a case management system that had initially been developed as a software operating in a local area network (LAN) and accessed from the court's local server. In order to enhance the efficiency of ICMS operation, the application and the database were migrated to the servers of the CST. The ICMS users access via secured Internet connection (VPN) the ICMS link. The ICMS located on the CST servers interact with the Ministry of Justice central server, in particular, in order to transfer information and court judgments to the courts' websites, to generate electronic statistical reports and provide data for the Performance Dashboard.

The ICMS is also designed to connect courts, and for the courts to be connected to higher level users at central institutions, through an Internet-based "intranet." The intranet environment allows remote maintenance and update of the ICMS from a central location and provision of court case data from individual courts to national level managers. On appeal, the system allows case files to be transferred electronically to the next level of court and from there to the Supreme Court of Justice.

To take advantage of the remote maintenance and case data transfer capabilities, a reliable LAN intranet must exist, using the public Internet, but protected from access by unauthorized persons; and since 2009, local area networks (LANs) have now been installed in every trial and appellate court in the country.

Configured with state-of-the-art computer servers, software and power backup units, the LANs seamlessly integrate courtroom audio recording equipment, ICMS applications, court email applications and routine desktop production software with court scanners and network printers.

4.5. Maintaining ICMS Systems and Equipment

Concurrent with the implementation of ICMS, and the introduction of other court automation technologies, the judiciary recognized that it currently lacked the technical expertise and skilled personnel to manage, administer and maintain court automation systems and technologies in trial and appellate courts around the country.

Accordingly, the Ministry of Justice entered into an annual contract for services on behalf of the judiciary with the CST – a State Enterprise, that requires CST to “*constantly ensure the full functionality, maintenance and security of all IT systems, IT equipment and IT infrastructure in the Courts of Moldova*”.

Under the terms of this contact, Chiefs of Court Secretariat are required to utilize the services of CST to manage, repair, maintain and upgrade the ICMS software, applications and data

Note to Chiefs of Court Secretariats: In coordination with DJA, Chiefs of Court Secretariat must become familiar with CST contract requirements in order to invoke the contract's requirements to ensure timely and responsive ICMS equipment repair services and software modifications.

backup technologies; court websites; desktop production software; user names and passwords; and the array of court computers, scanners, courtroom audio technologies, printers; network wiring and switches; server rooms; Internet connections; and all other automation related technologies and applications.

4.5. CST Contract Requirements to Provide Automation Support and Repair Services

Technology and equipment support requirements

CST is required to:

- Administer and monitor the judiciary's IT system.
- Maintain and ensure the operational efficiency of the system in each of the courts.
- Ensuring the Internet connectivity and transmittal of data from every court.
- Maintenance of the full functionality of servers and IT equipment in every district court.
- Performing onsite visits to eliminate the deficiencies of the system, if necessary.
- Ensuring the protection of data transmitted from the courts.
- Maintain the operational efficiency of audio recording system for court hearings.
- Ensure the functionality of digital telephone stations in the courts, where they have been installed.
- Co-working with the Internet provider and ensuring a stable and permanent nexus between the courts and the Ministry of Justice, as well as between the courts and other institutions.
- Provide preventive maintenance of informational systems and equipment installed in the courts.
- Ensuring a backup copy on the servers installed in the courts.
- Presenting recommendations on any needs of improvement, faults found and any other feedback from the users in the Judiciary.
- Prepare all computer equipment in the Courts and to otherwise ensure all necessary conditions to ensure its use, including but not limited to undertaking the services set forth in Annex 1. The sequence of implementation shall be determined by the DJA.
- Be fully capable of maintaining and enhancing the system.
- Devote sufficient time and personnel to accomplish the ICMS tasks and transition.
- Make no programming changes of any kind to ICMS, without the advance written authorization of the Beneficiary, which shall consult the Superior Council of Magistrates. This shall include both system wide changes and changes to the system to accommodate the requests of individual courts.
- CST has now ownership rights to ICMS software or data.
- Protection of ICMS data. CST agrees that it shall not alter, delete, manipulate, review, disclose, create unauthorized passwords or access rights to, copy, transmit or otherwise utilize any such data for any reason whatsoever. This shall include any disclosure of data to any third party, whether public or private.

4.5. CST Contract Requirements to Provide Automation Support and Repair Services

- **CST mandatory reaction time – within a maximum of 24 hours**
CST is required to restore the normal functioning of software programs, technical equipment and operational systems (including courtroom audio recording system).
- **Warranty of services and equipment:** The warranty periods for quality of the performed works are established for every type of services separately, in the work completion certificate, and result from the date indicated in the invoice; and should the works be detected with any deficiency or fault affecting the quality of services, the warranty period shall commence from the date, when the last warranty work was performed.
- **Not less than once per quarter** CST is required to ensure the functioning of the technical equipment and operational systems by performing current reparation and preventive maintenance works.

Implications for the Chief of Court Secretariat

- Maintain a log of ICMS, Internet connectivity and IT equipment problems.
- Chiefs of Court Secretariat must develop and implement an „IT Technology and Automation Equipment Service Request Form” to consolidate and coordinate court service requests to CST.
- Affirmative duty to undertake all necessary means for ensuring the timely receipt of services in compliance with the requirements of the Contract.
- CST shall make no programming changes of any kind to ICMS, without the advance written authorization of the Beneficiary. This shall include both system wide changes and changes to the system to accommodate the requests of individual courts.
- Facilitate access to the courthouses during working hours for providing services (**Note:** for security reasons, CST contractors must always be subject to current security directives, escort provisions, and contractor identification badge requirements (*See Also* Chapter 12 – Managing Court Facilities)).
- Chiefs of Court Secretariat need to coordinate with DJA and CST to schedule the mandatory preventative maintenance services; and if CST misses a contractually required maintenance, notify DJA and Court President in writing.
- Prior to any schedule, or emergency maintenance visit from CST, Chiefs of Court Secretariat should poll the judges and judicial and administrative staff for repair or maintenance needs.
- Coordinate with CST to establish a life-cycle replace program for all court automation technologies, software and equipment **and** incorporate the projected costs into the court’s operating budget cycle.

4.5. CST Contract Requirements to Provide Automation Support and Repair Services

ICMS and other software support requirements

CST is required to:

- Ensure the maintenance and improvement of ICMS and other software used in the judiciary, taking into consideration changes in legislation, regulations and administrative procedures.
- Ensure the functionality of the software products and of the digital networks installed in every court.
- At the request of DJA, develop a schedule of „bug fixes” and ICMS software upgrades for distribution through DJA to the courts.
- Adjust installed software products, modification and adjustment of software products according to the needs of courts and of the MOJ.
- Ensure the functionality of anti-virus systems in every court).
- Enhance the software programs installed on the courts servers, if necessary.
- Be fully capable of maintaining and enhancing the ICMS system.
- Devote sufficient time and personnel to accomplish ICMS and software related tasks.
- **DJA and CST must ensure that each one of the trial and appellate courts are operating with the most current version of ICMS.**
- DJA and CST should publish a list of software „service pack” installation update requirements.
- CST should include an audit of software licenses and service pack requirements during their required quarterly maintenance visits.

Implications for Chiefs of Court Secretariat

- Where courts are not currently operating with the most current version of ICMS, or other required software and service packs, the Chief of Court Secretariat must notify the DJA and CST of the deficiencies and require that CST develop a schedule to upgrading local court technologies as required.
- DJA should provide a list by computer (and other automation equipment) of installed software and license numbers.
- Verify that court all court automation equipment is operating with currently valid software licenses and service pack installations. Report the findings to the Court President.
- Develop an „ICMS Software Bug List and/or Suggested Improvement Form” and consolidate and forward the forms to DJA for prioritization and processing.
- Keep judges and court staff informed about the status of bug fixes and requested ICMS program modifications. Facilitate access to the courthouses during working hours for providing services (**Note:** for security reasons, CST contractors must always be subject to current security directives, escort provisions, and contractor identification badge requirements).
- **Not less than once per quarter** CST is required to ensure the functioning of the technical equipment and operational systems by performing current reparation and preventive maintenance works.

4.6. Requests to Repair or Maintain ICMS and Automation Equipment

Chiefs of Court Secretariat should implement a standard form (similar to the one presented in **Tab 4.1. – Court Technology and Equipment Repair Form**) to compile and forward to DJA and CST court equipment repair or maintenance requests from judges, and judicial and administrative support staff. Chiefs of Court Secretariat should also:

- Maintain a log of all equipment repair requests forwarded to DJA and CST;
- Track completion of all requested services;
- Notify the Court President and DJA whenever CST does not complete a required service **within a maximum of 24 hours**.
- Verify with the requesting employee, and department heads or direct first line supervisors, that CST has solved the problem.
- Periodically review the maintenance request log to identify items of equipment with reoccurring problems. Schedule these items for more intensive CST required quarterly preventative maintenance services.

4.7. Managing ICMS “Software Bugs”¹⁴ or Request Software Improvements

Unlike the relative simple process of requesting, tracking and verifying equipment and technology fixes, the challenge of identifying, prioritizing and approving requests to DJA and CST to fix ICMS software bugs, or to improve the overall software to meet the needs of individual courts is a much bigger challenge for Chiefs of Court Secretariat.

The first step to getting a handle on these problems is to understand that ICMS is a judiciary-wide application and cannot be subject to finicky or eccentric requests from individual court users, including judges.

As strange as it may sound, Chiefs of Court Secretariat will receive “cosmetic requests” from judges and staff to “*change the color on my ICMS screens ... redesign ICMS screens and data input fields to work the way I want them to ... change the format of ICMS and the Dashboard’s statistical and caseflow management reports and graphs to look the way I want them to...*” and the list goes on.

However, pursuant to the contract between MOJ and CST only DJA can direct CST to undertake programming changes to ICMS – and because any approve change will be installed across the entire judiciary, all requests have to be carefully analyzed, prioritized, tested and validated, and then approved for release in a version controlled update to the ICMS software. As one might expect, this is a time consuming process at the national level – however, Chiefs of Court Secretariat can help advocate for their court’s requirements by following some of the guidelines set forth below.

¹⁴ A **software bug** is an error, flaw, failure, or fault in a computer program or system that produces an incorrect or unexpected result, or causes it to behave in unintended ways. Most bugs arise from mistakes and errors made by people in either a program’s source code or its design, and a few are caused by software compilers producing incorrect code. Bugs trigger errors that can in turn have a wide variety of ripple effects, with varying levels of inconvenience to the user of the program – while more serious bugs may cause the program to crash or freeze. Others qualify as security bugs and might for example enable a malicious user to bypass access controls in order to obtain unauthorized privileges. Wikipedia Software Bug definition available at http://en.wikipedia.org/wiki/Software_bug

4.7. Guidelines to fix ICMS „software bugs” or manage software improvements
<ul style="list-style-type: none"> • Train judges and staff to submit an ICMS Software Bug Alert Form to the Court Secretariat (<i>See</i> Tab 4.3).
<ul style="list-style-type: none"> • Train judges and staff to submit an ICMS Software Modification Request Form to the Court Secretariat (<i>See</i> Tab 4.4).
<ul style="list-style-type: none"> • Establish an ICMS Process Review Committee of judges and court staff to review, approve and prioritize „bug fix” and „requests for improvement” forms. The Court Secretariat consolidates the committee’s findings and forwards approved recommendations to DJA for action.
<ul style="list-style-type: none"> • Maintain a log of all submitted ICMS related requests to DJA. Confer with DJA (at least monthly) to follow up on the status of the court’s pending requests. Notify the Court President and staff accordingly.
<ul style="list-style-type: none"> • If approved for processing by DJA, volunteer your court to work directly with CST to design the required changes. Remember, DJA receives hundreds of ICMS bug fix alerts and requests for software modification, and unless your court remains personally engaged with DJA and CST, there is a likelihood that your specific request will be „merged” with some other court’s requirements – and the results may not meet the needs of your court.
<ul style="list-style-type: none"> • Develop, document and train judges and court staff on approved ICMS „workarounds” pending DJA’s resolution of software bugs or requested improvements.

4.8. Managing User Names, Passwords and ICMS Access Levels¹⁵

For security purposes, the ICMS was designed with numerous different users in mind. Each user level corresponds to a functional position, or job type, within the hierarchy of court users.

The highest level users are system managers, who, by definition, have complete administration rights to the system, including all usernames, passwords and system code, in order to conduct system maintenance, manage users, create and assign roles, view and monitor audit trails, and backup and restore data from the servers.

Other roles in the ICMS include (from higher to lower level user access): court presidents and vice presidents, chiefs of court secretariat, other judges, documentation division officers, court secretaries, archivists.

Employees at one court cannot access information at other courts.

Employees at the MOJ cannot access information at any court unless the information is sent to the MOJ server via the intranet.

While ICMS was being designed, USAID’s Moldova Governance Threshold Country Program (MGTCP) staff, worked with the SCM and MOJ to define the specific access and use rights for each type of user – and with judges and court personnel to analyze who would have rights to take specific actions with respect to court cases, including rights to open or initiate a case file, rights to assign cases to judges, rights to change fields/records within a file, rights to delete files, and rights to view sealed information.

Based on this analysis, and the security needs of the system, ICMS computer programmers and legal specialists developed the system to ensure that each user receives only the level of access necessary to perform his or her job.

For added security, the system creates an audit trail of each user’s activity in the system based on username and password. From the standpoint of detecting and preventing corruption,

¹⁵ *Roadmap for Automation in the Courts of Moldova, supra.*

audit trails should be carefully protected, and the number of persons able to delete or modify audit trails should be minimized.

4.8. Managing user names, passwords and ICMS access levels

Considerations for Chiefs of Court Secretariat

Levels of authorization	<ul style="list-style-type: none"> • ICMS access levels and user permissions were established back in 2009 when ICMS was created – and hopefully re-validated when ICMS systems and equipment were installed in each court. • Obtain a current summary of ICMS system’s access levels from DJA and CST. • Obtain a list of the court’s authorized users and their approved access levels from DJA and CST and update the list as needed. • Notify DJA and CST in writing of required changes. • Integrate an ICMS user name, password and access level review as part of all personnel actions, e.g. promotions, appointment to supervisor positions, new hires, terminations, retirements, etc.
User names and passwords	<ul style="list-style-type: none"> • Obtain a report of employees and the date they last changed their password. It is a common problem for employees to leave their passwords on notes posted or near their computer – leading to the problem of password theft or misappropriation. • Coordinate with CST to periodically replace passwords for all employees and publish instruction for safeguarding passwords.
Request for changes to access levels, passwords or user names	<ul style="list-style-type: none"> • Use the form at Tab 4.4. – Request for ICMS Software Modification to transmit requested changes to DJA and CST. • Develop a simple *.xls tracking system to keep track of requests to, and responses from CST. REMEMBER: Pursuant to the MOJ/CST contract, CST has a not more than a 24-hour response time requirement. Notify DJA of any incident of non-compliance.

4.9. Managing Data Backup and Recovery Operations¹⁶

4.9.1. Definition¹⁷: In information technology, a backup, or the process of backing up, refers to the copying and archiving of computer data so it may be used to restore the original after a data loss event. **Backups have two distinct purposes:**

- The primary purpose is to recover data after its loss, be it by data deletion or corruption. Data loss can be a common experience of computer users.
- The secondary purpose is to recover data from an earlier time, according to a user-defined data retention policy, typically configured within a backup application for how long copies of data are required.

Though backups popularly represent a simple form of disaster recovery, and should be part of a disaster recovery plan, by themselves, backups should not alone be considered disaster recovery. One reason for this is that not all backup systems or backup applications are able to reconstitute a computer system or other complex configurations such as a computer cluster, active directory servers, or a database server, by restoring only data from a backup.

¹⁶ *Roadmap of Court Automation in Moldova*, supra.

¹⁷ Wikipedia definition of data backup, available at <http://en.wikipedia.org/wiki/Backup>

Since a backup system contains at least one copy of all data worth saving, the data storage requirements can be significant. Organizing this storage space and managing the backup process can be complicated undertaking. A data repository model can be used to provide structure to the storage. Nowadays, there are many different types of data storage devices that are useful for making backups. There are also many different ways in which these devices can be arranged to provide geographic redundancy, data security, and portability.

4.9.2. Data Backup Technologies: Local servers are designed with multiple data back-up technologies to recover audio recordings in case of a system’s failure.

- **First**, the servers running the system in the courts operate with dual hard drives, the second of which basically mirrors the first. If one hard drive is damaged or corrupted, data may be recoverable from the other drive. It generally requires more technical expertise than the other two methods, described below.
- **Second**, each server is connected at the rack to an external hard drive, to which the server automatically backs up all data on the server on a daily basis. This back-up process does not involve the Internet. No IT expertise or employee involvement is necessary for onsite back-up to occur. Back-up typically occurs after the court has closed for the day. In the event of a data loss event, the onsite back-up system can be used by CST to recover the lost audio recordings and restore them .
- **Third**, local servers operate with a remote back-up system, and using open-source software the data at each court location is overnight . The data are sent to the central server at the Ministry of Justice, where it is saved. . Off-site back-up is highly recommended under best practices in case of destruction by fire or natural disaster of the primary location. The remote back-up system meets the need for an off-site data location. It should be noted, however, that it requires reliable Internet connectivity.
- **Fourth**, the ICMS had been moved to the servers of the CST and new backup system will be developed by CST as soon as possible.

In addition to the local servers back-up activity, court paper filing systems and archives will continue to operate as they did prior to the automation of court case management. In accordance with Moldovan law and practice, paper files for each case will continue to be prepared, used during the time the case is under review, and held in court archives after a decision is rendered. At some point in the future, after automation of case management has had time to take root, the judiciary may want to examine the need for changes to archiving rules, to streamline the process and possibly reduce or eliminate paper files.

4.9. Managing ICMS data backup and recovery operations	
Considerations for Chiefs of Court Secretariat	
Backup systems generally	<ul style="list-style-type: none"> • Do not assume that redundant backup systems are operating as required. • Verify with CST that backup systems are 100% operational; properly synchronized and scheduled; and operate with valid licenses and current versions of required software. • Court IT staff must daily verify completion of each backup systems’ required tasks and immediately notify DJA and CST of data backup errors or equipment problems using Tab 4.1. – Court Technology and Equipment Repair Form.

4.9. Managing ICMS data backup and recovery operations

Considerations for Chiefs of Court Secretariat

- Maintain a log of repair requests and responses from CST. **REMEMBER:** Pursuant to the MOJ/CST contract, CST has only 24-hour response time requirement. Notify DJA of any incident of non-compliance.
- Coordinate with CST to provide regular quarterly preventative maintenance and service of all data backup systems, software and equipment.
- Coordinate with CST to establish a life-cycle replace program for all data backup systems, software and equipment **and** incorporate the projected costs into the court's operating budget cycle.

4.10. Internet Connectivity¹⁸

Without access to the Internet, courts cannot use ICMS to share data with the MOJ and the SCM, or relay case files on appeal and central judiciary authorities cannot use it to gather statistics or monitor court performance. Many of ICMS's benefits depend directly on the speed of data transfer (Internet connection quality and bandwidth speed).

4.10.1. Developing court funded Internet service contracts: If ICMS is to provide all its intended benefits, judicial and court administration authorities need to guarantee continuous and reliable Internet access to the courts, considering both current bandwidth requirements and future needs, and develop a plan to meet these needs. Currently local trial and appellate courts have all entered into Internet service contracts with a variety of local providers, and only two of those courts have Internet connection and/or bandwidth capacity issues.

4.10.1. Developing court funded Internet service contracts

Considerations for Chiefs of Court Secretariat

Internet connections generally

- **MOJ and DJA** are responsible for recommending standards for Internet connection requirements, data transfer speeds, data security and other requirements to connect the court's ICMS local area network (LAN) to the Internet.
- Internet service contract pricing is typically based on at least the following requirements:
 - 24/7 access requirements.
 - Number of authorized (required) Internet users.
 - Data transfer requirements (incoming and outgoing), e.g., data transfer speeds, bandwidth, file size, errors, etc.
 - Permissible rate of data transfer errors or „lost packets”
 - Requirements to restore Internet service – generally expressed in terms of the maximum number of permissible hours of down time.
 - Security of court data.
 - Penalties for failure to provide required Internet service.

¹⁸ Roadmap to Court Automation in Moldova, supra.

4.10.1. Developing court funded Internet service contracts	
Considerations for Chiefs of Court Secretariat	
	<ul style="list-style-type: none"> • Local courts (Chiefs of Court Secretariat) are required to follow government procurement regulations to negotiate, develop, contract, and fund Internet service agreements with local Internet service providers. • Local courts (Chiefs of Court Secretariat) must submit proposed Internet service contracts to DJA for review and approval. • Local courts (Chiefs of Court Secretariat) must budget for and fund Internet service contracts out of local court operating budgets. • CST is responsible for configuring and monitoring the court's secured virtual private network (VPN) connection between the court's local area network (LAN) and the Ministry of Justice. • CST should provide regular monitoring reports to verify the status of the Internet connections and data transfers between the court and the MOJ. • Maintain a log of repair requests and responses from CST. REMEMBER: Pursuant to the MOJ/CST contract, CST has only 24-hour response time requirement. Notify DJA of any incident of non-compliance. • Coordinate with CST to provide regular quarterly preventative maintenance and service of all Internet server room software and equipment. • Coordinate with DJA and CST to periodically review the court's Internet service contract and delivered services; update the contract as required.
Determine who needs access to the Internet	<ul style="list-style-type: none"> • Every court user (judge and judicial support and administrative staff) needs access to ICMS through secured Internet.

4.10.2. Monitoring Internet systems performance and “down-time”: Chiefs of Court Secretariat are responsible for monitoring the status of court funded Internet connections, and for coordinating with DJA to ensure that both CST and the Internet service provider comply with the terms of their contracts.

4.10.2. Ensuring continuity of Internet connections	
Considerations for Chiefs of Court Secretariat	
CST contract compliance requirements relating to monitoring and maintaining Internet services.	<p>CST is responsible to:</p> <ul style="list-style-type: none"> • Work with the court approved Internet service provider to ensure a stable and permanent nexus between the courts and the Ministry of Justice, as well as between the courts and other institutions. • Ensure the protection of data transmitted from the courts.

4.10.2. Ensuring continuity of Internet connections

Considerations for Chiefs of Court Secretariat

- In case of malfunctions (with local court, judiciary or MOJ equipment or software) restore within maximum 24 hours the normal functioning of the software program set, of the technical equipment and operational systems.
- CST should provide regular monitoring reports to verify the status of the Internet connections and data transfers between the court and the MOJ.
- Maintain a log of repair requests and responses from CST. **REMEMBER:** Pursuant to the MOJ/CST contract, CST has only 24-hour response time requirement. Notify DJA of any incident of non-compliance.
- Develop continuity of operation plans to anticipate Internet down times, or service provider equipment failures (e.g., send backup copies of ICMS data to MOJ and DJA by disk or flash drive, etc.).

4.11. Court Internet and Equipment Use Policy

Chiefs of Court Secretariat need to work with Court Presidents to review and improve local Internet service contracts; decide who needs to have access to the Internet (as distinguished to connecting through the court LAN to the ICMS system); and Internet use policies to establish guidelines for the appropriate use of court funded Internet connections.

Presently, there is a split of authority in the business literature as to whether allowing employees access to the Internet (with the capability to “surf the web”) improves or degrades overall work productivity. Some studies suggest that uncontrolled access to “surfing the web” can lead to as much as 2–4 hours of lost productivity per day. However, more recent studies suggest that where effectively managed, “...*Web browsing can actually refresh tired workers and enhance their productivity, compared to other activities such as making personal calls, texts or emails, let alone working straight through with no rest at all. The researchers found that the Web-surfers were significantly more productive and effective at the tasks than those in the other two groups and reported lower levels of mental exhaustion, boredom and higher levels of engagement.*”¹⁹

Ultimately, however the court decides to resolve the Internet access question, it is imperative that the court **and** court users agree on policies prohibiting the improper, or inappropriate use of the Internet and other court equipment.

Referred to as an *internet and equipment use policy* this kind of agreement defines the rules and guidelines to govern the appropriate use of court equipment, network and Internet access; requires employees to understand and acknowledge that browsing certain sites or downloading inappropriate files is prohibited – and that the policy must be adhered to or there could be serious repercussions; and ultimately protects the court and judiciary by leading to fewer security risks (or chances for public embarrassment) as a result of employee negligence.

The Internet Usage Policy is an important document that must be signed by all employees upon starting work (See **Tab 4.5. – Court Internet and Equipment Use Policy**).

¹⁹ Don J.Q. Chen and Vivien K.G Lim of the National University of Singapore, *The Impact of Cyberloafing on Psychological Engagement* and reported in the August 22, 2011 edition of the Wall Street Journal, available at <http://online.wsj.com/article/SB10001424053111904070604576518261775512294.html>

Guidelines for Effective Court Administration

Chapter 4. Integrated Case Management System (ICMS)

Tab 4.1: Court Technology and Equipment Repair Form

Court Technology and Equipment Repair Form

To: Department of Judicial Administration and the Center for Special Telecommunications

From: _____, Court Secretariat

Subject: Request for ICMS User Name, Password and/or Access Level Support

On behalf of the court I am writing to request that CST provide the following ICMS support:

Court Technology and Equipment Repair Form

Date submitted				
Name of person making the request, phone number and office location				
Department				
Names of other employees affected by this issue				
Department head or direct line supervisor name and contact information	Name:			
	Have you made your supervisor aware of the problem?	Check one below		
		Yes		No
Description of the problem and „error message” (if any)				
Equipment type, room location and serial number (if any)				
** Actions by Chief of Court Secretariat				
Received Date				
Date forwarded to CST				
Date of CST service				
Date repairs verified and user and direct supervisor notified				
Date notice of service confirmation to DJA				

Guidelines for Effective Court Administration

Chapter 4. Integrated Case Management System (ICMS)

Tab 4.2: ICMS Username, Password and Access Level Request

ICMS User Name, Password and/or Access Level Support

Date:

To: Department of Judicial Administration
and the Center for Special Telecommunications

From: _____, Court Secretariat

Subject: Request for ICMS User Name, Password and/or Access Level Support

On behalf of the court I am writing to request that CST provide the following ICMS support:

ICMS User Name, Password and/or Access Level Support					
User name or password support.	<input type="checkbox"/> Issue a new user name and password. <input type="checkbox"/> Recover a previously issued user name and/or password. <input type="checkbox"/> Change a previously issued password.				
Access level support.	<input type="checkbox"/> Change ICMS access level authorization.				
Other:	<input type="checkbox"/> Explain:				
Name of Employee and Justification					
Name of employee					
Department and location					
Employee's current status	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> <input type="checkbox"/> Court President or Vice President <input type="checkbox"/> Court Secretariat <input type="checkbox"/> Judge </td> <td style="width: 50%; border: none; vertical-align: top;"> <input type="checkbox"/> Judicial and courtroom support staff <input type="checkbox"/> Manager or supervisor <input type="checkbox"/> Administrative staff </td> </tr> <tr> <td colspan="2" style="border: none; padding-top: 5px;"><input type="checkbox"/> Other:</td> </tr> </table>	<input type="checkbox"/> Court President or Vice President <input type="checkbox"/> Court Secretariat <input type="checkbox"/> Judge	<input type="checkbox"/> Judicial and courtroom support staff <input type="checkbox"/> Manager or supervisor <input type="checkbox"/> Administrative staff	<input type="checkbox"/> Other:	
<input type="checkbox"/> Court President or Vice President <input type="checkbox"/> Court Secretariat <input type="checkbox"/> Judge	<input type="checkbox"/> Judicial and courtroom support staff <input type="checkbox"/> Manager or supervisor <input type="checkbox"/> Administrative staff				
<input type="checkbox"/> Other:					
User name or password issue to be resolved	<input type="checkbox"/> Explain:				
User access level change required	<input type="checkbox"/> Explain:				
Date	** Actions by the Chief of Court Secretariat **				
Sent to DJA and CST					
Support received from CST					
Solution verified with the employee					
Other	<input type="checkbox"/> Explain:				

Guidelines for Effective Court Administration

Chapter 4. Integrated Case Management System (ICMS)

Tab 4.3: ICMS Software Bug Alert Form

ICMS „Software Bug Alert” Form

To: Department of Judicial Administration and the Center for Special Telecommunications

From: _____, Court Secretariat

Subject: ICMS Software Bug Alert

On behalf of the court I am writing to request that CST provide the following ICMS support:

ICMS „Software Bug Alert” Form

Date submitted				
Name of person making the request, phone number and office location				
Department				
Names of other employees affected by this issue				
Department head or direct line supervisor name and contact information	Name:			
	Have you made your supervisor aware of the problem?	Check one below		
		Yes		No
ICMS module or input screen's name				
Date and time of the „bug” event and description of an error message or other screen information (if possible)				
Dates	** Actions by Chief of Court Secretariat **			
Received from employee				
Tested and verified as a reproducible error				
Transmitted to DJA				
Expected action date from DAJ				
Updates to court staff				

Guidelines for Effective Court Administration

Chapter 4. Integrated Case Management System (ICMS)

Tab 4.4: Request for ICMS Software Modification

Request for ICMS Software Modification

Request for ICMS Software Modification

Date submitted					
Name of person making the request, phone number and office location					
Department					
Names of other employees affected by this issue					
Department head or direct line supervisor name and contact information	Name:				
	Have you made your supervisor aware of the problem?	Check one below			
		Yes		No	
ICMS module, input screen's name and/or report name					
Request for improvement:					
Dates	** Actions by Chief of Court Secretariat **				
Received from employee					
Tested and verified as a reproducible error					
Transmitted to DJA					
Expected action date from DAJ					
Updates to court staff					

Guidelines for Effective Court Administration

Chapter 4. Integrated Case Management System (ICMS)

Tab 4.5: Court Internet and Equipment Use Policy

Court Internet and Equipment Use Policy

The following Court Internet and Equipment Use Policy provides judges, judicial support staff, administrative staff, and other court employees with rules and guidelines to govern and regulate the appropriate use of court equipment, and network and Internet access. **This Court Internet and Equipment Usage Policy is an important document that must be signed by all employees upon starting work.**

Below is a Sample Internet Usage Policy that covers the main points of contention that typically arise when attempting to manage Internet access and court equipment use. The policy can then be tailored to the requirements of the specific organization.

Internet usage policy

- This Court Internet Usage Policy applies to all employees who have access to computers and the Internet in the performance of their work.
- Use of the Internet by employees is permitted and encouraged where such use supports the goals and objectives of the business. However, access to the Internet through court computers is a privilege and all employees must adhere to the policies concerning Computer, Email and Internet usage.
- Employees may also be held personally liable for damages caused by any violations of this policy. Violation of these policies could result in disciplinary and/or legal action leading up to and including termination of employment.

Computer, email and internet and equipment usage

- Company employees are expected to use the Internet, and court equipment responsibly and productively. Internet access, and use of court equipment, is limited to job-related activities only and personal use is not permitted.
- Job-related activities include research and educational tasks that may be found via the Internet that would help in an employee's role.
- All Internet data that is composed, transmitted and/or received by the court's computer systems is considered to part of the court's official data, and may therefore not be shared with, or disclosed to any unauthorized third party person.
- The court's equipment, services and technology used to access the Internet are the property of the court, and the court reserves the right to monitor Internet traffic and the data that is composed, sent or received through its online connections.
- Emails sent via the company email system should not contain content that is deemed to be offensive. This includes, though is not restricted to, the use of vulgar or harassing language/images.
- Employees are prohibited to attempting to access, accessing and/or downloading files from pornographic, or other on-line music or commercial website.
- The court reserves the right to monitor and/or blocked on-line website access if they are deemed to be harmful and/or not productive to business.
- The installation of software such as instant messaging technology is strictly prohibited.
- Employees must receive approval from a direct supervisor prior to attempting to install a recordable media device, e.g. personal flash drives, CDs, or other external hard drive.

Unacceptable use of the internet by employees includes, but is not limited to:

- Access to sites that contain obscene, hateful, pornographic, unlawful, violent or otherwise illegal material.
- Sending or posting discriminatory, harassing, or threatening messages or images on the Internet or via the court's email service.
- Using computers to perpetrate any form of fraud, and/or software, film or music piracy.
- Stealing, using, or disclosing someone else's password without authorization.
- Downloading, copying or pirating software and electronic files that are copyrighted or without authorization.
- Sharing confidential material, trade secrets, or proprietary information outside of the organization.
- Hacking into unauthorized websites.
- Sending or posting information that is defamatory to the company, its products/services, colleagues and/or customers.
- Introducing malicious software onto the company network and/or jeopardizing the security of the organization's electronic communications systems.
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities.
- Passing off personal views as representing those of the organization.
- If an employee is unsure about what constituted acceptable Internet our court equipment usage, then they must ask their supervisor for further guidance and clarification.
- All terms and conditions as stated in this document are applicable to all users of the court's computers, equipment, network, and Internet connections.
- All terms and conditions as stated in this document reflect an agreement of all parties and should be governed and interpreted in accordance with the policies and procedures mentioned above. Any user violating these policies is subject to disciplinary actions as deemed appropriate by court.

User Acknowledgement

I understand and will abide by this Court Internet and Equipment Usage Policy. I further understand that should I commit any violation of this policy, my access privileges may be revoked and disciplinary and/or appropriate legal action may be taken.

Acknowledgement of the employee's agreement to abide by the rules of the Court Internet and Equipment Use Policy.		
Printed Name	Signature	Date
Employee		
HR Director		
Chief of Court Secretariat		



Chapter 5.

Court Performance Dashboard: An Automated Decision Support and Management Information System

5.1. Introduction²⁰

In 2009, the MGTCP²¹ in collaboration with the SCM and the MOJ, developed and implemented a Court Performance *Dashboard* management information system (MIS) to compile, extract, analyze and report data from Moldova's ICMS.

The purpose of the Dashboard is to empower all authorized users with the right court information, at the right time, using the right technology for better decision making.

The Moldova Court Performance Dashboard Description

5.2. Background

Historically, Courts have collected and stored case and court performance data (information) in hundreds of thousands of paper case files, and then duplicated essential information by hand in

²⁰ Information presented in this chapter is adapted extensively from the USAID/Moldova Governance Threshold Country Program, *The Moldova Court Performance Dashboard: An automated system for monitoring, analyzing and managing the performance of courts in Moldova (September 1, 2009)*.

²¹ MGTCP was a project funded by the Millennium Challenge Corporation, administered by the United States Agency for International Development, and executed by Millennium/IP3 Partners.

a variety of other registry books, reports and filing systems. As the volume of paper and recorded sources of information continued to expand, it became very difficult and time consuming to extract, report and analyze management information from that labyrinth of paper – enter the age of computers.

5.3. What is the Court Performance Dashboard?

From the perspective of a user judge or court staff, the Moldova's Court Performance *Dashboard* is first and foremost a visual display of critical performance information on a computer screen. Just as the dashboard in a car provides critical information needed to operate the car, the *Dashboard* serves a similar purpose for the court system by helping guide Chiefs of Court Secretariat, judges and staff to:

- Identify filing and court performance trends and patterns in real-time;
- Identify problems and opportunities quickly as they happen;
- Discover ways to improve programs and services;
- Helps inform and guide effective decisions; and
- Provides a “line of sight” between judicial and court performance measures and the court’s ultimate goal of providing timely, accurate and publicly accountable justice delivery to the litigants and Citizens of Moldova.

The information on the Dashboard is consolidated and arranged in a combination of text and graphics screen snapshots that busy judges, Chiefs of Court Secretariat, managers and staff can easily monitor and analyze.

The display is dynamic, allowing users to navigate rapidly across and through layers of strategic, operational and tactical performance data as they choose, whenever they choose, as data is updated on a real-time basis from ICMS.

The Moldova Court Performance Dashboard Description

5.4. Why Performance Dashboards Are Critical Management Tools?

Because courts traditionally have a greater degree of freedom from public oversight and scrutiny, they learn to balance their independence with regular and continuous performance measurement and public reporting to ensure transparency and accountability of judicial activities and expenditures.

High performing court systems rely on court performance measurement and management information systems to continuously collect, compile, analyze, report, and make timely decision in time to react to judicial performance and case filing trends and potential problems. Policy makers in Moldova agree that a productive judiciary needs an effective court performance measurement system to:

- Facilitate better strategic planning;
- Manage human, capital and other material resources;
- Improve public accountability of judicial programs, activities and expenditures;
- Energize and improve innovations, efficiencies and continuous improvement efforts to guarantee an independent judicial system;
- Guarantee meaningful access to justice and due process under the law;

Courts have a critical part to play in Moldova upholding the law, resolving disputes, determining consequences for unlawful behavior, enforcing penalties and obligations, safeguarding legal rights, and upholding public trust and confidence in Moldova’s judicial system.

The Moldova Court Performance Dashboard Description

- Ensure timeliness and efficiency of court administration and justice delivery activities; and
- Ensure judicial professionalism and prevent corruption.

5.5. Why Chiefs of Court Secretariat Must Learn and Master the Court Performance Dashboard?

Unlike other chapters where Chiefs of Court Secretariat were told they didn't have to learn the *day-to-day operational details* of some individual activities, such is not the case with the Court Performance Dashboard system.

Instead, it is precisely because *Chiefs of Court Secretariat are personally responsible for managing and administering court programs and activities* that they must become the court's most competent user of the *Dashboard* decision support and management information software.

Without the *Dashboard's* real time access to caseflow and court performance information, and the necessary tools to evaluate and report essential court information, Chiefs of Court Secretariat will not be able to keep pace with court activities – and as a consequence will be unable to make timely and accurate decisions needed to keep court programs and activities “on-target” and “on-budget”.

Representing one of the world's most advanced decision support systems (DSS), Moldova's Court Performance Dashboard is much more than a just a visual display with performance information and fancy graphics and reports. *Instead, it is the tool that can be used by managers without help from computer specialists to identify and evaluate the necessary information to make informed decisions.*

5.6. Analyzing Court Performance Measures with the Dashboard

Policy makers in Moldova agree that a productive judiciary needs an effective court performance measurement system for better strategic planning, resource management (especially the management of the court system's most critical human resource of judges and staff), improved accountability, innovation and continuous improvement in order to guarantee an independent judicial system, to ensure transparency and accountability, to improve quality, to enhance efficiency, to guarantee meaningful access to justice, to ensure timeliness and efficiency of court administration, to strengthen the business environment, and to ensure judicial professionalism and prevent corruption.

How is the achievement of these broad goals measured? Well conceived performance measures serve to align court's efforts with its values and the achievement of its mission. Effective public organizations count what counts and mea

Used together, the three performance measures on the current version of the *Dashboard – Case Clearance Rate, On-Time Case Processing, and Age of Cases* – are indicators of the courts' efficiency and effectiveness in processing the legal disputes that come before

The court performance measures accessible on the Dashboard can help guide the courts in accomplishing their aims by answering the question “How are the courts and judges performing?”

The Moldova Court Performance Dashboard Description

Ultimately, it is the willingness of Chiefs of Court Secretariat, judges and other court staff to address these questions on a continuous and regular basis that forms the hallmarks of a high-performing court.

The Moldova Court Performance Dashboard Description

them²². Used together, they are fundamental management tools for continuous improvement. They can warn of possible imbalances between the demands for judicial services and the courts' capacities to meet those demands.

These three performance measures are consistent with the Moldova Judiciary's fundamental values and obligations to:

- Prudently manage its resources;
- Treat the public respectfully and to gain its confidence and trust;
- Produce quality and timely work; and
- Vigilantly protect and enhance every Moldovan's access to justice.

Ultimately the *Dashboard* provides Chiefs of Court Secretariat with the essential court administration decision making and management information systems to easily, and effectively monitor, analyze and manage court systems on a regular basis to ensure continuous improvement, accountability and transparency.

As the *Dashboard* is implemented and used, it is important to keep in mind that performance measurement uses numbers but it is ultimately not about numbers. It is about perception, understanding and insight. It is not the measure itself that is important but rather the questions it compels Chiefs of Court Secretariat and court users to confront.

- How is the court performing?
- Where are we today? What is the current performance level compared to established upper and lower controls (e.g., performance targets)?
- How are we doing over time (trends)? Is our performance better, worse or flat? How much variability is there? Is there a pattern?
- Why is this happening (analysis and problem diagnosis)? What happened to make performance decline, improve or stay the same. What are some credible explanations?
- What are we doing to improve or to maintain (planning)?
- What actions and strategies should we start, continue or stop as a result of the measure (strategy)?
- What should be done to improve poor performance, reverse a declining trend, or recognize good performance?

5.7. Understanding How the Dashboard Displays Data

The *Dashboard* is accessible on the opening screen of the ICMS, and, once admitted, it allows users to navigate through *three layers of court performance information* centered around **Case Clearance Rates**, **On-time Case Processing**, and **Age of Case** information.

The three layers, or views of information, allows *Dashboard* users to “drill down” through increasingly more comprehensive data information without having to be statisticians or analysts by profession. The hierarchy of data layers can be sorted by case type, judges, court locations, time frame (month, quarter, year) etc., and includes:

- A high level summary of the data, that can further;
- A more detailed view with expansion of several dimensions of the performance data; and finally,

22 In April 2009, representatives of the Superior Council of the Magistracy (SMC) approved the recommendation to develop these three core measures of court performance immediately. See Superior Council of the Magistracy. *Final Report: Design of a Court Performance Measurement and Management System and Approach for the Judicial Workforce Assessment in Moldova*. (Superior Council of the Magistracy, April 28, 2009). “In the short-term, in order to capitalize on the significant ongoing development work of the MGTCP, including the specifications of court performance measures and their incorporation as part of the Integrated Case Management System (ICMS), the Working Group of the SCM should immediately review, adapt and adopt the following three measures of court performance” (Recommendation 1, pp. 19 – 20).

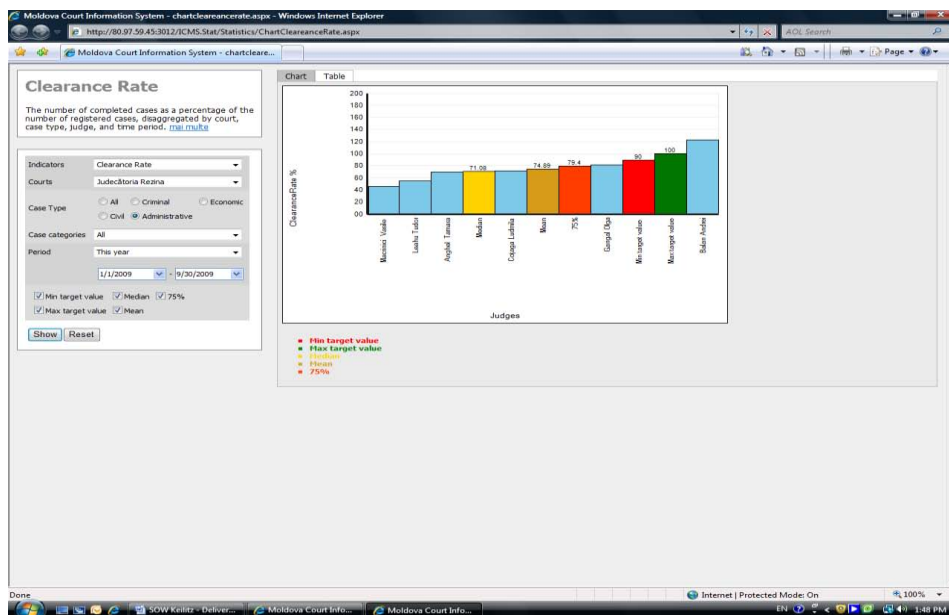
- A very detailed view that allows Chiefs of Court Secretariat, judges and other court users to extend their analysis to investigate further details to identify possible causes and potential remedies.

The three performance measures can be easily viewed and monitored via two menu boxes on the upper left of the screen by clicking on the menu item “Measures” which appears below the item “Definition” that brings this screen into view. The top box describes the performance measure including its definition, data elements and calculation.

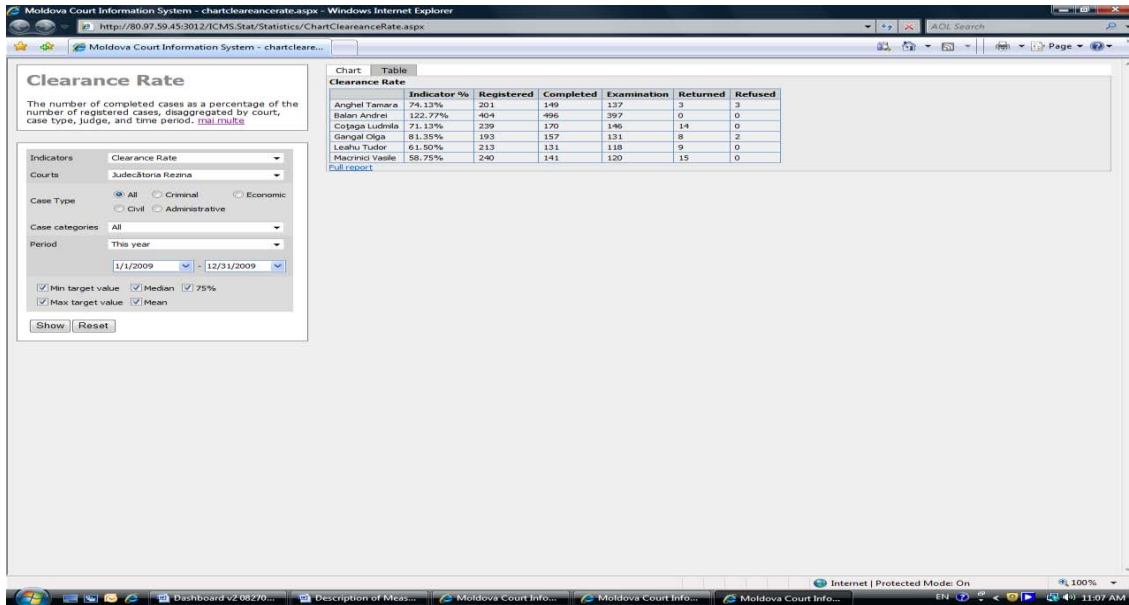
5.8. Features and Functions of the Dashboard

The arrangement and display of the performance measures *Dashboard* generally conform to the natural way most users want to view the information. First, they want to monitor the three performance measures for exceptions, outliers (e.g., a court or judge that is underperforming) and general patterns. Then they might want to dig deeper into the data and explore and analyze more detailed data that may inform them about the exceptions (e.g., reveal a trend over time). Finally, they want to examine further detail to identify possible causes and possible remedies. As users first open the *Dashboard*, the main view displays a high level summary in the form of chart in the center and two menu boxes to the left of the chart.

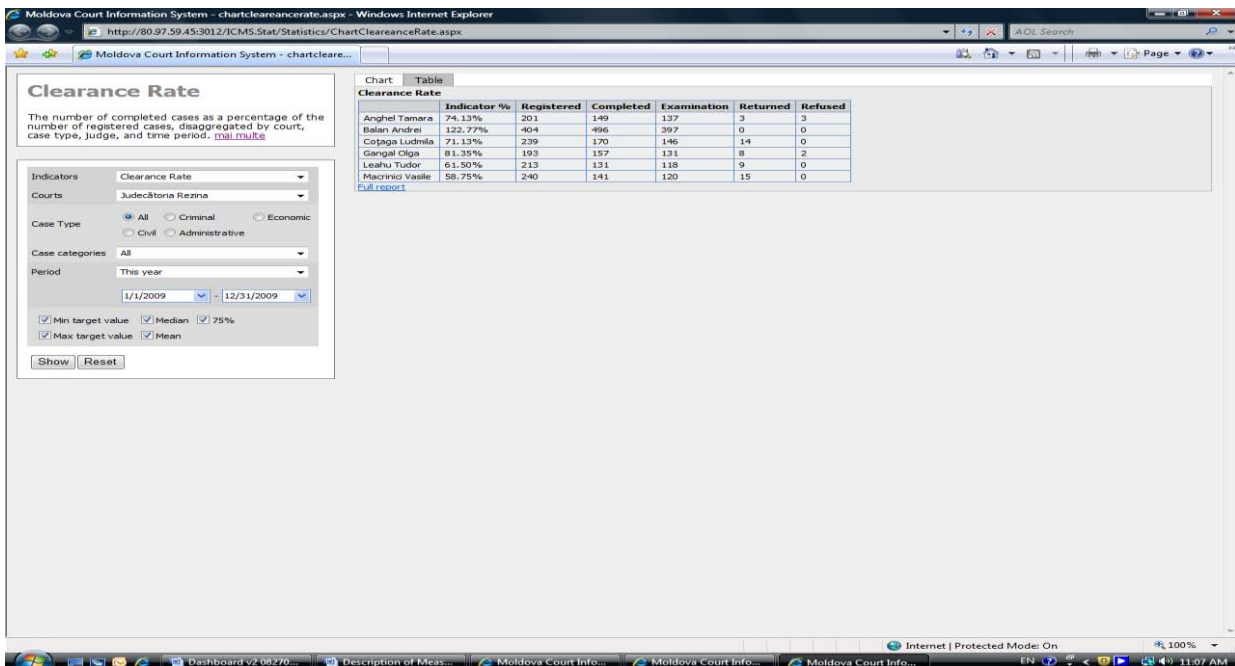
The lower menu box is the centerpiece of the *Court Performance Dashboard*. It provides selections that give users the option of viewing three performance measures and the supporting data by court, judge, case type and category, time frame (e.g., month, quarter, year or as defined by the user), and statistics including mean, median, 75th percentile, and minimum and maximum target values.



This main view is gateway to the functions and features of the *Dashboard*. It is the place where users start to look at the performance information about the courts. The chart converts to tabular form by clicking on the tab above the chart. Figure 2 (below) is a screenshot of the same information as in Figure 1 above displayed in tabular form with additional data elements of the performance measure.



Clicking on the link “Full Report” at the bottom of the table “drills down” and reveals more detailed information about the performance measure and its data elements (see Figure 3). Even more detailed information in this view is accessible by clicking the (+) button “expanders.” The graph below shows administrative cases “expanded” to show the categories of these cases that have been registered.



Menu categories and items include the following:

- **Indicators.** Choices in this first menu category are the three measures: *Case Clearance Rate*, *On-Time Case Processing*, and *Age of Pending Cases*. Clicking on one of the measures displays the data for the measure.
- **Courts.** Selecting “All” will display all courts arrayed in a chart in ascending order from left to right. Selecting one of the individual courts will display judges by name and performance arrayed in ascending order (see Figure 1). Hovering the cursor over the bars reveals the values of the measure for the bar representing a court or a judge. Selecting the

table view by clicking the tab on top of the chart will display a tabular representation of the performance measure (e.g., 74% *Case Clearance Rate*) as well as the data elements that make up the measure (e.g., the number of cases registered, completed, examined, returned and refused).

- **Case Type.** Choices include criminal, civil, contraventional, economic and “All.”
- **Case Categories.** When one of the specific case types (e.g., criminal) is selected (i.e., not the “All” type), this menu item allows users to display all the categories of cases of this case type that have been registered.
- **Time Period.** There are three small menu boxes for this category. The upper one allows users to display data for set time periods: this year, the previous year (only data from the Rezina District Court are loaded into the system for the previous year), this quarter, this month and the previous month. Alternatively, the user can set any time period he or she chooses in the data boxes on the menu.
- **Statistics.** By clicking one of the buttons, users can choose to view performance for any of the three measures against any or all of the following statistics and benchmarks:
 - **Mean:** The mean is the most commonly used indicator of central tendency or average of a set of numbers. It is the sum of the scores in the set of numbers divided by the number of scores. For example, the mean of the five numbers 40, 50, 70, 20, and 10 is the sum of these scores divided by 5 scores, i.e., $190/5 = 38.00$.
 - **Median:** The median is another indicator of central tendency or average. It is the middle score in a set of numbers. For example, the median of the same six numbers 40, 50, 70, 20, and 10 is 40, the middle score. Medians are less sensitive to extreme scores than means of scores especially when the set of numbers is relatively small.
 - **75th Percentile:** A percentile is the value of a variable below which a certain percent of scores falls. The 75th percentile can be defined as the score that is greater than or equal to 75% of the scores in the data set. Performance at the 75th percentile is better than the mean or median performance.
 - **Minimum and Maximum Value:** The minimum and maximum values are pre-defined scores that establish the lower and upper controls for all three performance measures. They define the performance range below which (i.e., the minimum) corrective actions may need to be taken and above which (i.e., the maximum) the performance is acceptable or exemplary.

5.9. Dashboard Expansion Plans

This section highlights three future court performance measures currently under development and expected to be integrated in to the *Dashboard* within the next 12–18 months; and a discussion of major software improvements and enhancements that will dramatically expand court administration and management capabilities.

5.9.1. Additional Court Performance Measures: Over the long term, efforts are underway to expand *Dashboard* court performance measures to include:

- Rate of postponed hearings – percentage of postponed hearings of the total number of hearings.
- Trial date certainty – percentage and number of cases closed in one hearing.
- **Average cost per case** – the cost of processing a single case by type.
- Staff commitment – perception by the court staff of the working environment and the relations between the staff and court management.
- Average number of court staff per judge – the number of administrative staff per judge.

5.10. Case Clearance Rate²³

Definition: Case Clearance Rate is defined as the number of outgoing cases as a percentage of the number of incoming cases. It is not intended to measure the quality of justice delivered.

Purpose: Case Clearance Rates measures whether the court is keeping up with its incoming caseload. If cases are not disposed in a timely manner, a backlog of cases will grow.

Method: Computing a Case Clearance Rate requires the court to count the number of incoming and outgoing cases during a given period (e.g., year, quarter, or month).

5.10.1. Responsibilities to Support Case Clearance Rates

a. Court Presidents: With support from the **Court Secretariat**, compile data from the court's Performance Dashboard to:

- Monitor the Court's case clearance rate on a monthly basis, and where necessary realign judicial and staff resources to increase the case clearance rates to at least 100% by the end of the quarter.
- Identify non-complying cases and confer with the assigned judge to resolve each case; and
- At least quarterly, compile and evaluate case clearance rates for individual court judges. Using the data, identify "high performing" judges to identify and incorporate their best practices **and** increase monitoring and oversight of judges with a pattern of less successful caseload management practices.
- Direct the **Chief of Court Secretariat** to compile and publish caseload management reports on the court's website and courthouse directory and information boards.

b. Assigned Judges: With support from the **Chief of Court Secretariat**, analyze data from the court's Performance Dashboard to:

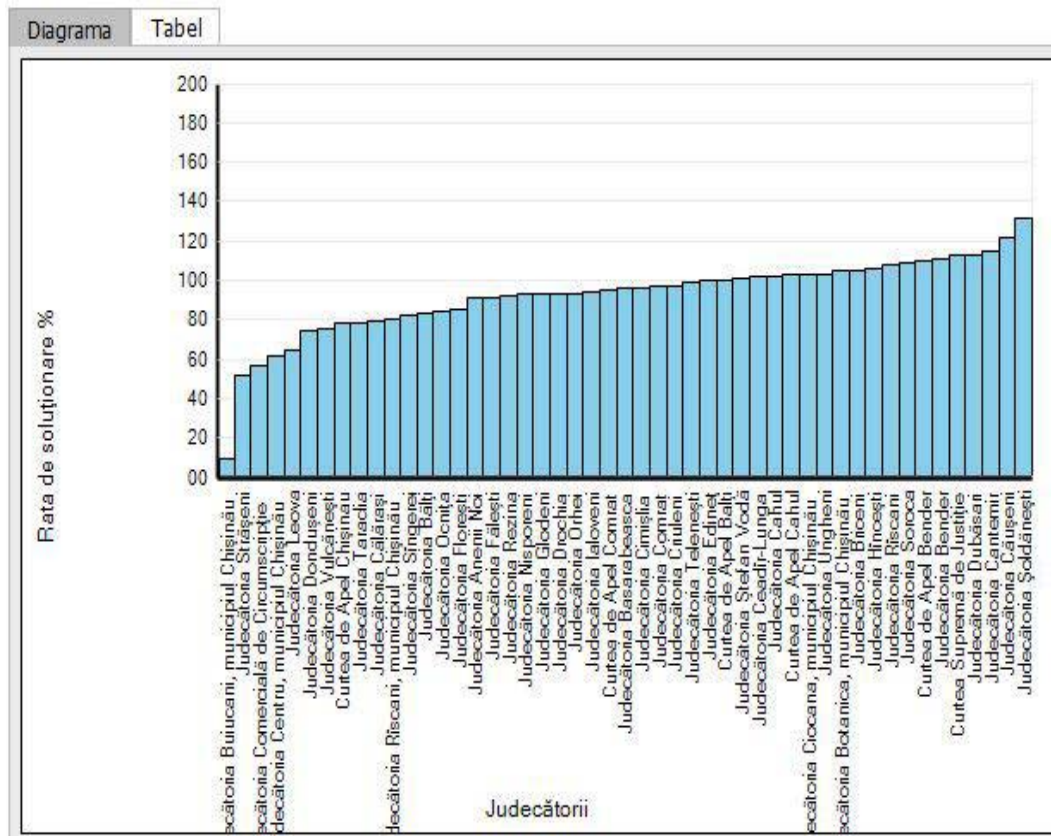
- Monitor the judge's personal case clearance rates on a monthly basis; and where necessary redirect judicial staff caseload management practices to achieve the court's goal of 100% case clearance rates – at least on a quarterly basis.
- Ensure judicial staff are entering into ICMS all court orders, minutes, audio recordings, and other case related matters **and** 100% of all final examination and judgments orders within 3-working days.

c. Chief of Court Secretariat:

- Coordinate with the Court President, and other assigned judges and judicial staff to support ICMS and caseload management practices and training; reorganize administrative staff and procedures as needed.
- **New Case Filing Data:** Verify weekly with the Record and Documentation Division to ensure that 100% of all "case openings" are concurrently posted to the registry books **and** ICMS.
- **Case Closing Data:** Conduct periodic audits of court records to verify that final examination and judgment orders are being entered into ICMS. Notify the Court President of deficiencies.

²³ National Center for State Courts – Case Clearance Rate available at: http://www.courtools.org/~media/Microsites/Files/CourTools/courtools_Trial_measure2_Clearance_Rates.ashx

Performance Dashboard Case Clearance Rate Report for All Courts



5.11. Age of Active Pending Cases²⁴

Definition: The age of the active cases that are pending before the court, measured as the number of days from filing until the time of measurement.

To use this measure accurately, a court must be able to identify and count cases that have been placed on inactive status. These are cases that have ceased movement toward a disposition as the result of events beyond the court's control (e.g., a defendant who absconds, the initiation of bankruptcy proceedings, etc.). The ability of a court to track its pending cases will also allow the court to return an inactive case to active status if the case has been reactivated.

At the time of measurement, the court should remove inactive cases from the pending inventory because these cases are not directly comparable to active cases and will exaggerate the age of the pending caseload.

Purpose: Cases filed but not yet disposed make up the court's pending caseload. Having a complete and accurate inventory of active pending cases as well as tracking their number and age is important because this pool of cases potentially requires court action.

²⁴ National Center for State Courts, CourTools – Age of Pending Cases, available at http://www.courtools.org/~media/Microsites/Files/CourTools/courtools_Trial_measure4_Age_Of_Active_Pending_Caseload.ashx

Examining the age of pending cases makes clear, for example, the number and type of cases drawing near or about to surpass the court's case processing time standards. Once the age spectrum of cases is determined, the court can focus attention on what is required to ensure cases are brought to completion within reasonable timeframes.

5.11.1. Responsibilities for Supporting Age of Active Pending Case Reports

a. Court Presidents: With support from the **Chief of Court Secretariat**, compile data from the court's Performance Dashboard to:

- **On a monthly basis**, monitor the age of the Court's active pending caseload, and where necessary reallocate judicial and staff resources to increase the case clearance rates to at least 100% by the end of the quarter.
- Identify age groups of cases that exceed any reasonable timeframes and confer with the assigned judge to resolve each case; and
- **On a quarterly basis**, compile and evaluate case clearance rates for individual court judges. Using the data, identify "high performing" judges and incorporate their best practices and increase monitoring and oversight of judges with a pattern of less successful caseload management practices.

b. Assigned Judges: With support from the **Court Secretariat**, compile and analyze data from the court's Performance Dashboard to:

- Monitor the aging of a judge's caseload to identify and resolve cases that have, or are about to exceed case disposition time standards. Refocus judicial staff efforts to ensure that cases meet or exceed court performance standards (e.g., clearance rates, case disposition time standards, and age of pending cases).
- Ensure judicial staff are entering into ICMS all court orders, minutes, audio recordings, and other case related matters **and** 100% of all final examination and judgments orders within 3-working days.

c. Chief of Court Secretariat: Coordinate with the Court President, and other assigned judges and judicial staff to support ICMS and caseload management practices and training; reorganize administrative staff and procedures as needed.

- **New Case Filings:** Verify weekly with the Record and Documentation Division to ensure that 100% of all "case openings" are concurrently posted to the registry books **and** ICMS.
- **Case Closing Data:** Conduct periodic audits of court records to verify that final examination and judgment orders are being entered into ICMS. Notify the Court President of deficiencies.
- **Generate ICMS Age of Pending Cases Reports:** Use the Performance Dashboard's report generating software to produce caseload management reports. An example of a Performance Dashboard generated Age of Pending Cases Report for the Balti Court of Appeals is presented below.

[Înapoi](#)

Durata dosarelor pe rol

The age of the active cases pending before the District Court by case type or category expressed in terms of the number of elapsed calendar days between the date of filing or start of processing of the case and the current date. [mai multe](#)

Indicatori: Durata dosarelor pe rol

Judecătorii: Toate

Judecători: Toate

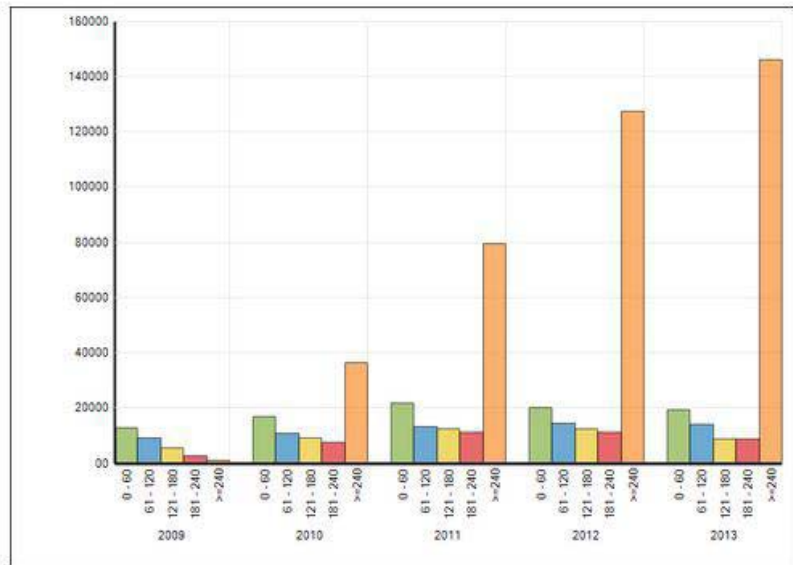
Tipul dosarelor: Toate Penal Economice

Civile Contravențional

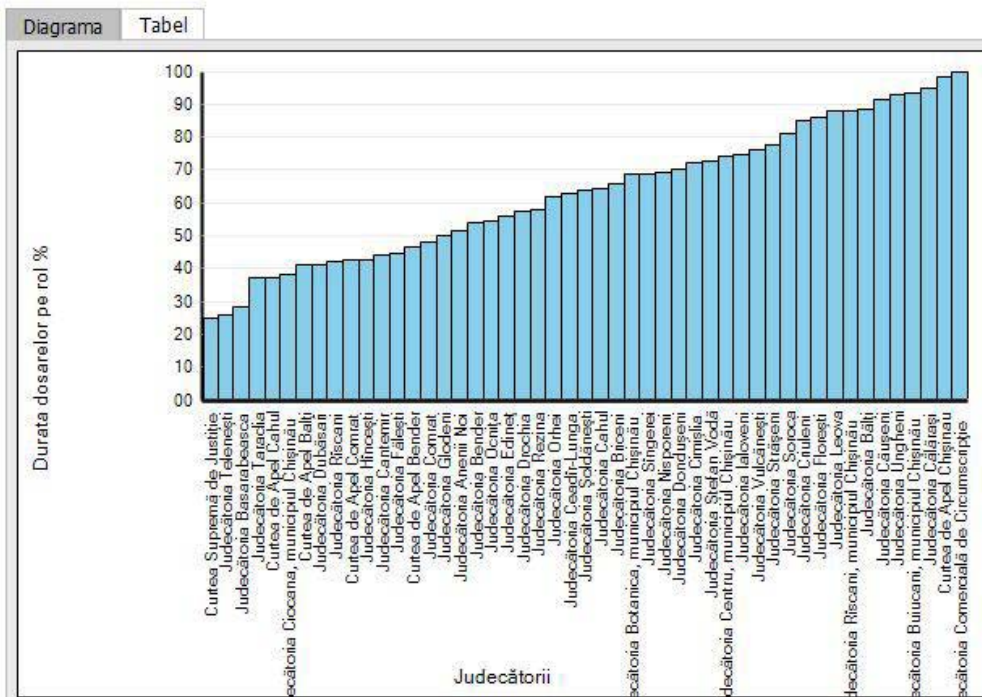
Categoria dosarelor: Toate

Vizualizare: După an După trimestru

Anul: 2007 2008 2009 2010 2011 2012 2013



Cadru temporal	0 - 60	61 - 120	121 - 180	181 - 240	>=240
2009 number	13076	9506	5880	2768	1370
2009 %	40	29	18	8	4
2009 cumulative %	40	69	87	95	99
2010 number	17150	11091	9391	7688	36544
2010 %	21	14	11	9	45
2010 cumulative %	21	35	46	55	100
2011 number	21754	13226	12463	11472	79652
2011 %	16	10	9	8	57
2011 cumulative %	16	26	35	43	100
2012 number	20331	14714	12584	11251	127673
2012 %	11	8	7	6	68
2012 cumulative %	11	19	26	32	100
2013 number	19523	14142	8811	8812	146310
2013 %	10	7	4	4	74
2013 cumulative %	10	17	21	25	99



5.12. Case Disposition Time Standards

Definition: Case Disposition Time Standards are developed in coordination with relevant constitutional and law guarantees to define the court’s estimate of the amount of time a case should normally require to process from filing to disposition.

Purpose: Case Disposition Time Standards are used in conjunction with the Case Clearance Rates and Age of Active Pending Caseload reports to measure whether court judges are delivering timely justice to the litigants.

Responsibility:

Court Presidents are responsible for managing the judicial business of the court, and in absence of time standard directive, the SCM needs to develop objective case disposition time standards to measure the timeliness of the judicial delivery process.

5.12.1. Responsibilities to Support Case Disposition Time Standards

a. Court Presidents: With support from the **Chief of Court Secretariat**, compile data from the court’s Performance Dashboard to:

- **On a monthly basis** – monitor the case clearance, age of pending cases and case disposition time standards; and where necessary reallocate judicial and staff resources to bring the court’s time standards into alignment. Identify non-complying cases and confer with the assigned judge to resolve each case; and
- **On a quarterly basis** – compile and evaluate case disposition time standards by judge, and by case type, to identify trends or other systemic problems; identify “high performing” judges to identify and incorporate their best practices; and increase monitoring and oversight of judges with a pattern of less successful caseload management statistics. Coordinate with the **Court Secretariat** to compile and publish caseload management reports on the court’s website and courthouse directory and information boards.

b. Assigned Judges: With support from the **Chief of Court Secretariat**, analyze data from the court’s Performance Dashboard to:

- Monitor the judge’s case disposition time standards on a monthly basis; identify non-complying cases and take immediate action to resolve each case within the time standards.
- Redirect judicial staff and chamber’s caseload management practices to achieve the court’s disposition time standards at least on a quarterly basis.
- Ensure judicial staff are entering into ICMS all court orders, minutes, audio recordings, and other case related matters **and** 100% of all final examination and judgments.

c. Chief of Court Secretariat:

- Coordinate with the Court President, and other assigned judges and judicial staff to support ICMS and caseload management practices and training; reorganize administrative staff and procedures as needed.
- **Verify Case Closing Data:** Conduct periodic audits of court records, registry books, and ICMS records to verify that final examination and judgment are being entered into ICMS. Notify the Court President of deficiencies.
- **Generate Case Disposition Time Reports:** Use the Performance Dashboard’s report generating software to produce caseload management reports. An example of a Performance Dashboard generated Case Disposition Time Report for the Balti Court of Appeals is presented below.

Examinarea în termen a dosarelor

Rata dosarelor soluționate în perioada de timp stabilită - în decurs de 30 de zile de la înregistrare - pentru cauzele administrative, 100 de zile - pentru cauzele penale și 200 de zile - pentru cauze mai multe

Indicatori: Examinarea în termen a doselor

Judecătoria: Toate

Tipul dosarelor: Toate Penal Economice

Categoriile dosarelor: Toate

Perioada: Anul curent

01.01.2013 - 31.12.2013

Valoarea minimă Valoarea mediană 75%
 Valoarea maximă Valoarea medie

Diagrama Tabel

Examinarea în termen a dosarelor

	Indicador %	Soluționate în termen	Nesoluționate în termen
Curtea de Apel Bałți	72,89%	855	318
Curtea de Apel Bender	54,55%	204	170
Curtea de Apel Cahul	46,13%	161	188
Curtea de Apel Chișinău	58,03%	3385	2448
Curtea de Apel Comrat	64,61%	157	86
Curtea Supremă de Justiție	84,91%	4073	724
Judecătoria Anenii Noi	76,91%	533	160
Judecătoria Bălți	77,93%	1490	422
Judecătoria Basarabesca	95,40%	892	43
Judecătoria Bender	91,88%	215	19
Judecătoria Botanica, municipiul Chișinău	82,30%	3614	777
Judecătoria Briceci	71,62%	313	124
Judecătoria Bulucani, municipiul Chișinău	47,06%	16	18
Judecătoria Cahul	55,91%	577	455
Judecătoria Călărași	57,14%	120	90
Judecătoria Cantemir	69,32%	305	135
Judecătoria Căușeni	61,20%	429	272
Judecătoria Ceadăr-Lunga	63,05%	186	109
Judecătoria Centru, municipiul Chișinău	63,18%	3052	1779
Judecătoria Cimigalia	81,30%	300	69
Judecătoria Ciocana, municipiul Chișinău	78,61%	2481	675
Judecătoria Comercială de Circumscripție	90,0%	9	1
Judecătoria Comrat	82,86%	469	97
Judecătoria Criuleni	54,43%	295	247
Judecătoria Dandujeni	79,37%	200	52
Judecătoria Dracovia	69,50%	335	147
Judecătoria Dubăsari	88,27%	301	40
Judecătoria Edineț	86,64%	266	41
Judecătoria Fălești	94,44%	357	21
Judecătoria Florești	81,43%	478	109
Judecătoria Glodeni	93,82%	349	23
Judecătoria Hîncești	81,98%	728	160
Judecătoria Ialoveni	63,81%	499	283
Judecătoria Leova	91,33%	158	15
Judecătoria Nisporeni	75,00%	216	72
Judecătoria Ocnița	87,91%	160	22
Judecătoria Orhei	81,22%	813	188
Judecătoria Rezina	95,23%	539	27
Judecătoria Rîșeni	84,73%	383	69
Judecătoria Rîșeni, municipiul Chișinău	28,90%	322	792
Judecătoria Singerei	84,03%	384	73
Judecătoria Săldănești	84,69%	365	66
Judecătoria Soraoca	77,86%	559	159
Judecătoria Strășeni	84,57%	526	96

[Înapoi](#)

Examinarea în termen a dosarelor

The percentage of cases disposed or otherwise resolved within established time frames disaggregated by court, case type and subtype. *mai multe*

Indicatori: Examinarea în termen a doselor

Judecătoria: Toate

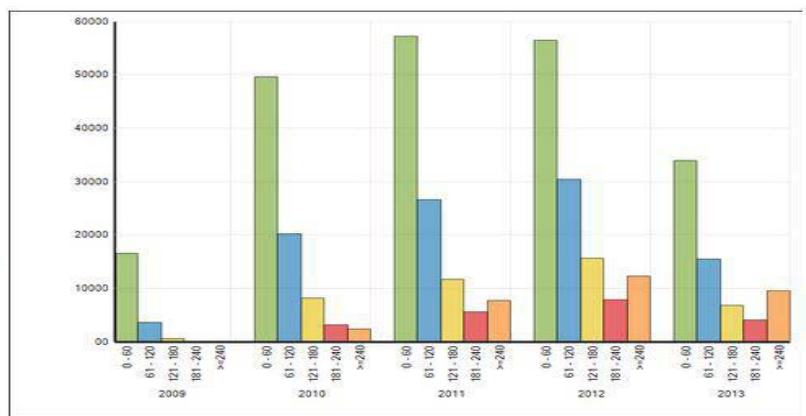
Tipul dosarelor: Toate Penal Economice

Categoriile dosarelor: Toate

Vizualizare: După an După trimestru

2007 2008 2009 2010 2011 2012 2013

Anul



Cadru temporal	0 - 60	61 - 120	121 - 180	181 - 240	>=240
2009 number	16661	3604	626	113	147
2009 %	79	17	3	1	1
2009 cumulative %	79	96	99	100	101
2010 number	49588	20227	8176	3197	2364
2010 %	59	24	10	4	3
2010 cumulative %	59	83	93	97	100
2011 number	57332	26689	11735	5681	7700
2011 %	53	24	11	5	7
2011 cumulative %	53	77	88	93	100
2012 number	56465	30488	15622	7859	12401
2012 %	46	25	13	6	10
2012 cumulative %	46	71	84	90	100
2013 number	33950	15458	6824	4106	9593
2013 %	49	22	10	6	14
2013 cumulative %	49	71	81	87	101

5.13. Requirements to Successfully Implement the *Dashboard* and Court Performance Measures

At this juncture, common sense and the knowledge of “how things work around here” may be the best and only guides for knowing which of the strategies will ensure that performance measurement and drives success in the courts of Moldova. Over time, experiences with these strategies and lessons learned (below) will help identify which of these ten strategies work better than others.

5.13. Keys to Successfully Implementing the *Dashboard*'s and Court Performance Measures

Implications for Chiefs of Court Secretariat

1. Make judges and staff personally accountable for their own court's performance objectives.

- **Court Presidents**, assisted by Chiefs of Court Secretariat and the *Dashboard* analysis and reporting capabilities, monitor both the court and individual judge performance on a monthly, quarterly, semiannual and annual basis – making adjustments to judicial caseloads, random assignments, and work procedures as required.
- **Chiefs of Court Secretariat**, as part of the annual budget cycle, establish departmental court performance standards and objectives for court staff and integrate them into staff monitoring and performance management systems (*See Chapter 9 – Human Resources Management*).
- **Chiefs of Court Secretariat**, and designated *Dashboard* staff experts, must compile, analyze, and publish court performance management reports of court and judicial activity on at least a monthly, quarterly, semiannual and annual basis).
- **Recommendation:** Court Presidents should distribute *Dashboard* reports and analyses to ensure that judges and judicial staff „get the message”, focus on the reports, and adjust activities as needed.

2. Make job specific assignments for performance measurement and performance management.

- Court Presidents are responsible for developing and publishing annual court and judicial performance measures and caseload management objectives.
- Chiefs of Court Secretariat are responsible for developing and implementing operational tools, techniques, practices and procedures; **AND** for assigning specific court staff to be responsible for monitoring, analyzing, and managing the *Dashboard*'s information and reporting systems.
- Chiefs of Court Secretariat need to recognize that managing the *Dashboard* decision and management information system requires a personal year-round commitment – not just at the time of regular reports. Chiefs of Court Secretariat need to be able to spot trends and potential problems immediately, and to bring them promptly to the attention of the Court President.

3. Create organizational infrastructure to support performance measurement.

- Chiefs of Court Secretariat need to resource, staff and budget activities to support court performance activities as part of normal court operations – and not as a „special exception” assignment around regular reporting times.

5.13. Keys to Successfully Implementing the Dashboard's and Court Performance Measures

Implications for Chiefs of Court Secretariat

- Consider developing a Management Analyst or Specialist position description, and making a dedicated staff assignment, to be co-located within the office of the Chief of Court Secretariat. **Recommendation:** Successful court performance will be directly tied to the annual budget cycle – therefore, it will be imperative to keep this person close at hand to ensure that court performance measurement remains a top priority.

4. Emphasize both the internal and external uses of performance measurement.

- There are many uses for performance measurement that can be divided roughly into two overlapping categories: (1) those responsive primarily to external stakeholders' demands for accountability and transparency (e.g., support of budget requests and communications with the public); and (2) those focused on internal needs for continuous improvement of court processes, programs and services.
- For various understandable reasons (e.g., sensitivity to the link between institutional integrity and judicial independence, and vocal demands for accountability for performance), court leaders tend to emphasize the external uses of performance measurement.
- Responding to demands for accountability and transparency is a very important use of performance measures, but more important is its constant use for continuous internal improvements that would not have been possible otherwise.
- As part of a broad strategy, courts should ensure that the fundamental purpose of performance measurement for making improvements is not neglected and overshadowed by its use for accountability and transparency to external stakeholders.

5. Create a transparent “open book” performance measurement system that gives every judge, court manager, and judicial and secretariat staff member access to the Dashboard in order to track, analyze and act upon performance data.

- Far too often, court systems have concentrated too much authority for continuous improvement of programs and service at the top.
- The performance data in the *Dashboard* is not just information that is needed by the leaders and top executives of the Moldova Judiciary; it can be information that is needed by anyone who has the court system's or an individual court's goals and objectives to meet.
- An „open book” system seeks to tap into the massive parallel processing power of all court employees to track and analyze performance data and to offer devise solutions to problems.

6. Ensure that individual courts use the Dashboard and management information systems.

- The Dashboard is a means to an end, a solution for the imperatives of accountability, transparency, and continuous improvement.
- To succeed, performance measurement needs to be directed and motivated by the leaders of the Judiciary, but driven and practiced by the individual courts.
- Eventually, the responsibility for the success of the Dashboard and the process of performance measurement needs to migrate away from the SCM and the MJ to individual courts.

5.13. Keys to Successfully Implementing the Dashboard's and Court Performance Measures

Implications for Chiefs of Court Secretariat

- Absent this migration, the SCM or the MJ will take too much responsibility for driving the initiative, allowing judges, court managers and staff to remain uninvolved observers instead of participants.

7. Conduct extensive training on performance measurement and performance management.

- Training and education of judges and staff on the *Dashboard*, and court performance measures in general, are critical to their everyday use.
- Chiefs of Court Secretariat are responsible for developing and conducting training programs.
- Chiefs of Court Secretariat should also include a discussion of some aspects of ICMS, the Dashboard, or court performance measures as part of every staff meeting.
- Chiefs of Court Secretariat should coordinate with NIJ to train, and certify selected judges and court staff as Dashboard instructors.

8. Institutionalize Court Performance and Measurement Meetings and Dialogues.

- Experts agree that performance measures without meetings among managers and staff to review the results and discuss ways to improve performance are useless.
- At a minimum, Court Presidents should assemble court judges and the Chief of Court Secretariat to review court and judicial performance on a quarterly basis – and to make adjustments as necessary.
- Chiefs of Court Secretariat should review Dashboard and other court performance data on a monthly basis to in order to identify trends; and provide staff update briefs at least on a quarterly basis.

9. Continually Prove the Trustworthiness and Reliability of the Performance Data.

- No matter how good the Dashboard looks and performs, if users do not trust the data it produces, judges and court staff will not use it.
- Validating the accuracy and trustworthiness of the performance data displayed by the Dashboard is likely to be a painstaking and continuous strategy that will, however, pay great dividends.
- The leadership of the Judiciary and, especially, the presiding judges and court managers of the courts will need to work hard to convince the other judges, managers and staff that the performance data are accurate and trustworthy. For example, it is important to emphasize that deficiencies or difficulties with the data are not necessarily flaws in the Dashboard, but instead may be due to problems with data entry into the ICMS.
- Court Presidents and Secretariats needs to be especially vigilant to prevent the blaming and abandonment of the Dashboard because of such problems. It needs to reinforce the fact that the use of Dashboard uncovered such deficiencies is a significant benefit and not a flaw of the Dashboard.

10. Integrate performance measurement with court governance and key management processes.

- Rigorous performance measurement and performance management can fundamentally change the way the courts do business. However, for this to happen, performance measures and performance management must be integrated with the key business processes and day-to-day management and operations throughout the Judiciary.

5.13. Keys to Successfully Implementing the Dashboard's and Court Performance Measures

Implications for Chiefs of Court Secretariat

- Until the performance measures are actually used in the leadership, governance, and key management processes, they will never begin to work as tools to improve performance.
- Worse, an idle Dashboard will alienate the judicial workforce by burdening it with yet another management initiative that suffers from no apparent follow-through.

5.14. Change in Culture

The purpose of performance measurement is the most important determinant of people's reaction to it – positive or negative. The highest and the most appropriate purposes of performance measurement are to learn and to improve. Performance measurement tends to be much more positively accepted if it is used to assist in learning and improvement. International experience indicates that if performance measurement is used to control, to justify, to audit and to identify *who* went wrong, rather than *what* went wrong, it will fail.

People don't like being judged and graded. For many, the word "performance" conjures up beliefs and fears about tests and races, about zero-sum games, about "beating" others or "beating" a standard. All but one is a "winner" in these games, the rest are "losers" or "sub-standard." It is not something most judges and court staff like to contemplate. Acceptance and effective use of performance measurement depend on the context, on how performance measurement is pitched and experienced. Is it presented and experienced as a steering tool, or as a grading tool?



Chapter 6.

Court Records Management

6.1. Introduction

Although automation is increasingly being used in courts today, it is important to pay attention to traditional records management principles that offer many opportunities to streamline and improve case processing procedures, improve the basic design of forms, develop better filing systems, and help in the development and implementation of workable records-retention schedules²⁵.

Every step in the life of a court record results in a record keeping activity – either the creation of a record or file, the maintenance (updating, retrieval, or review) of a record, or the disposition of a record.

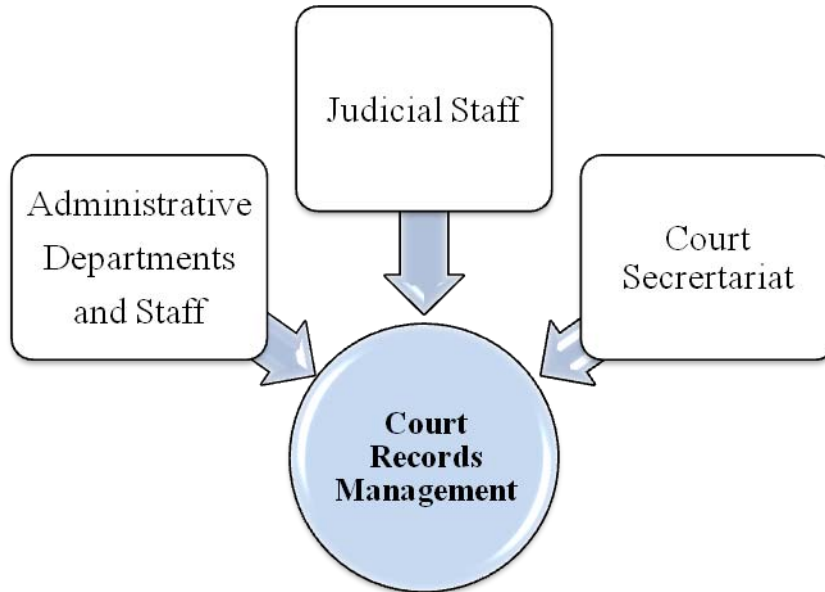
Thomas Dibble

A Guide to Court Records Management

6.2. Court Records Management Responsibilities

Every member of the Court family has a part to play in the process of effectively managing and securing court records.

²⁵ Adapted from **Thomas G. Dibble's**, *A Guide to Court Records Management*, published by the National Center for State Courts (copyright 1986) and available at <http://www.ncsc.org/Topics/Technology/Records-Document-Management/Resource-Guide.aspx>



Responsibilities for Quality Assurance and Control of Court Records

However, before Chiefs of Court Secretariat can begin to evaluate and monitor the accuracy and physical integrity of court records and files there is a need to first establish accountable records management standards for all of the court staff. A good example is set forth in The National Association for Court Management’s Canons of Ethical Conduct 2.5.²⁶

A court professional shall not inappropriately destroy, alter, falsify, mutilate, backdate or fail to make required entries on any records within the court’s control.

Canons of Professional Ethics 2.5.

National Association for Court Management from the United States

Then, using the caseflow diagrams presented in Chapter 3, Chiefs of Court Secretariat should meet with judges and the staff to understand:

- How a typical civil, criminal, juvenile or administrative case progresses through the court system; and
- What kinds of records and papers are routinely received, generated, processed and/or stored in case files, ICMS records, registry books and court records storage areas.

6.3. Establishing Quality Assurance Controls for Records Management

Next – in consultation with the Court President, judges, and department heads and first line supervisors, Chiefs of Court Secretariat should identify, publish and train judicial support and administrative staff on court records management quality assurance and quality control (QA/QC) standards using a table similar to the one below:

6.3. Court Records Quality Assurance and Control for Records Management	
Case initiation procedures	Suggested Quality Control Time Standards

²⁶ National Association for Court Management, *Canon 2.5: Properly Maintain Records*, available at <https://nacmnet.org/canon-25-properly-maintain-records.html>

6.3. Court Records Quality Assurance and Control for Records Management	
<ul style="list-style-type: none"> Case file papers reviewed and accepted for filing. 	<ul style="list-style-type: none"> Concurrent with the filing.
<ul style="list-style-type: none"> Case number and random judge assigned using ICMS – notice sent the Court President. 	<ul style="list-style-type: none"> Concurrent with the filing. Copy of the ICMS random case assignment extract is printed and filed in the paper case file.
<ul style="list-style-type: none"> Complaint and other case papers scanned and docketed into ICMS. 	<ul style="list-style-type: none"> Not later than the close of business the same day.
<ul style="list-style-type: none"> Register case and party information in court registry books and cross-check to ensure identical entries have been posted into ICMS. 	<ul style="list-style-type: none"> Not later than close of business the same day.
Court proceedings	
<ul style="list-style-type: none"> Court calendars posted and updated on the court's information board and on each court floor. 	<ul style="list-style-type: none"> At least 3-days prior to a scheduled hearing (including rescheduled hearings). Deliver a copy to the Chief of Court Secretariat.
<ul style="list-style-type: none"> Court minutes completed, posted into ICMS, and included in the case file folder. 	<ul style="list-style-type: none"> Criminal Cases: Not later than 48-hours after a court hearing. Civil Cases: Not later than 5-days after a court hearing. Notation about the associated audio recording (and disc location) posted to the minutes.
<ul style="list-style-type: none"> Court audio recording completed for every court proceeding, hearing and/or trial. 	<ul style="list-style-type: none"> All court proceedings are recorded using the court's audio recording equipment. Audio recordings are linked into ICMS Audio recording data is posted in the court minutes.
<ul style="list-style-type: none"> Requests for court audio proceeding records 	<ul style="list-style-type: none"> Recommended Standard: Discs duplicated and delivered to the requesting party within 3-work days after payment of all required fees (if any).
<ul style="list-style-type: none"> Case papers filed by the parties 	<ul style="list-style-type: none"> Entered into ICMS and filed in the case file not later than the close of the next business day.
Maintenance of Active Cases	
<ul style="list-style-type: none"> Conduct periodic case file audits of case files to compare ICMS records with the case file, registry books, and case register of actions Tab 6.1. – Criminal Case Audit Checklist 	<ul style="list-style-type: none"> Discrepancies noted and corrected within two business days. Report of the case file audits sent to the Court Secretariat for review with the Court President.

6.3. Court Records Quality Assurance and Control for Records Management	
<ul style="list-style-type: none"> • Tab 6.2. – Civil Case Audit Checklist • Tab 6.3. – Contravention Case Audit Checklist • Tab 6.4. – SEALED CASE Audits Checklist 	<ul style="list-style-type: none"> • Random selection of at least 25 cases per week are audited.
<ul style="list-style-type: none"> • Publish and distribute ICMS and Dashboard case clearance, age of pending cases, and case inventories 	<ul style="list-style-type: none"> • As directed by the Court President • To individual judges not later than 5 working days after the end of the month
Case Dispositions/Closings	
<ul style="list-style-type: none"> • Court orders, dispositions, final judgments and final examination orders entered into ICMS, filed in the case file, and entered into court registry books. 	<ul style="list-style-type: none"> • Entered into ICMS, case files and registry books not later than three (3) working days after the final order is signed by the judge.
<ul style="list-style-type: none"> • Case files inventoried and transferred to the court's record and document division. 	<ul style="list-style-type: none"> • Case files are inventoried and transferred to the records and document division when the sentence and judgment is written and signed. • Criminal Cases: A judge has 30-days to issue a motivated sentence. • Civil Cases: A judge should not take more than 30-days from the date of the dispositive part of the judgment was pronounced in the hearing.
Post Adjudication Activities	
<ul style="list-style-type: none"> • Appeals filed, processed and entered into ICMS and court registry books – and the appeal request and case file are sent to the court of appeals. 	<ul style="list-style-type: none"> • Criminal Cases: Case files are sent to the court of appeals from the district court within 5-days after expiration of the 15-day appeal term. • Civil Cases: Case files are sent to the court of appeals from the district court after expiration of the 30-day appeal term.
<ul style="list-style-type: none"> • Case file and ICMS are audited for accuracy and content; audio recordings are properly linked into the ICMS record; and the case file is prepared for transmission to the court of appeals. 	<ul style="list-style-type: none"> • Court staff audit and prepare the case file for transmission to the court of appeal not later than two (2) business days prior to the sending date. • First line supervisors and/or department managers review the case file and ICMS record to ensure that they are ready to be transmitted. • Case file is transmitted not later than the required date.

6.4. Limitations for SEALED or limited access court records

Quite possibly one of the very worst things that can happen in a court is for a member of the administrative staff to inappropriately release to the public information from any SEALED or limited access court records or proceedings.

In consultation with the Court President, Chiefs of Court Secretariat need to develop procedures, secured filing systems, and training programs for judicial support and administrative staff to ensure that SEALED or limited access court records are never inappropriately released. As part of this process, Chiefs of Court Secretariat should codify the law requirements and restriction in a table similar to the example presented below:

6.4. SEALED or Limited Access Court Records and/or Proceedings²⁷	
<ul style="list-style-type: none"> • Juvenile Records 	<ul style="list-style-type: none"> • Records should be placed in a SEALED case file and stored separately from normal active court records. • Typically access to court proceedings are restricted, and access to the case file is limited to the parties and their attorneys or their authorized representative, or as otherwise provided by written court order.
<ul style="list-style-type: none"> • Paternity matters 	<ul style="list-style-type: none"> • Records should be placed in a SEALED case file, stored separately from normal active court records, and access limited to the parties and their attorneys or their authorized representative, or as otherwise provided by written court order. • Access to court proceedings is established by law or court order.
<ul style="list-style-type: none"> • Psychiatric and psychological reports 	<ul style="list-style-type: none"> • Ordinarily, these reports (even if submitted in non-confidential court proceedings) are not to be included in the public case file. • The information is often so sensitive that access to the information (even by a party or their legal representative) should be authorized and limited by written court order.
<ul style="list-style-type: none"> • Materials examined by an investigative judge 	<ul style="list-style-type: none"> • Subject to the requirements of the law, search and/or asset seizure warrants in a criminal case should be issued with all practical secrecy and the compliant, affidavit and application should not be made public until the search warrant has been executed.

²⁷ Adapted from **Dibble**, *A Guide to Court Records Management*, *ibidem*. page 28.

6.4. SEALED or Limited Access Court Records and/or Proceedings²⁷	
<ul style="list-style-type: none"> • State secrets 	<ul style="list-style-type: none"> • Chiefs of Court Secretariat should immediately notify the Court President of any case involving State secrets.
<ul style="list-style-type: none"> • Trade secrets 	<ul style="list-style-type: none"> • Chiefs of Court Secretariat should immediately notify the assigned judge of any case involving alleged trade secrets.

6.5. Measuring the Reliability and Integrity of Case Files

In accordance with Article 45(1)d of the Law on Organization of the Judiciary, Chiefs of Court Secretariat are responsible for coordination and verification of the activities of the subdivisions of the Court Secretariat; and as part of this process, Chiefs of Court Secretariat need to implement a standardized methodology for verifying the accuracy, reliability and integrity of court case files and electronic records.

One of the most effective methods is to schedule random **and** frequent case file audits (at least weekly) throughout the court. The key to success is to not make a big deal of these audits – but instead to let the staff know that case records management is important and that you will be making this a regular and routine practice. Department heads and direct line supervisors should also employ case file audit checklist to improve operations within their sections. Chiefs of Court Secretariat should design their records management audit process

to inspect at least 25 case files per week – and done in conjunction with department heads and direct line supervisors this is not an insurmountable task.

The purpose of these case file audits is to gain “an order of magnitude” assessment to determine how well and accurately court records are being maintained by judicial and administrative staff, and when the results demonstrate an inattention to records management accuracy, the audits can form the basis for on-going staff training programs.

The attached case file audit checklists are not intended to be “all inclusive” – rather they focus on some of the more essential documents and “linkages” between the paper case file and the ICMS electronic case record. Chiefs of Court Secretariat can adapt or expand the audit checklists as needed.

- Tab 6.1. – Criminal Case Audit Checklist
- Tab 6.2. – Civil Case File Audit Checklist
- Tab 6.3. – Contravention Case Audit Checklist
- Tab 6.4. – SEALED Case Audit Checklist (this particular checklist focuses on SEALED case file locations and access limitations) – so each SEALED case should also be audited using the appropriate criminal, civil or contravention case checklist.

A reliable and accurate case file system is fundamental to the effectiveness of day-to-day court operations and fairness of judicial decisions. The maintenance of case records directly affects the timeliness and integrity of case processing.

**National Center for State Court from the
United States
CourTools™ #6 – Reliability and Integrity of
Case Files**

Guidelines for Effective Court Administration

Chapter 6. Court Records Management

Tab 6.1. – Criminal Case Audit Checklist

Tab 6.1: Criminal Case File Audit Checklist

Court		Assigned Judge					
Date		Location of records					
Tab 6.1. – Criminal Case File Audit Checklist							
#	Requirements (noted for ICMS, paper case file and court website)	Case #		Case #		Case #	
		ICMS	Case File	ICMS	Case File	ICMS	Case File
1	Case randomly assigned/reassigned by ICMS and paper extract of the random case assignment and reassignment order included in the paper case file.						
2	Ruling on case acceptance.						
3	Proof of service.						
4	Minutes signed by participants present at the hearing.						
5	Audio recording CD attached to the case file and linked into the ICMS electronic case record.						
6	Judge’s decision filed in the case file and linked into ICMS.						
7	Verify the case file docket sheet versus all documents contained in a case and the ICMS electronic case record.						
8	Website Only: Verify judge’s decision posted on court website.						
9	Paper Case Only: Other procedural acts issued by the court.						

Tab 6.1: Criminal Case File Audit Checklist									
Court		Assigned Judge							
Date		Location of records							
Tab 6.1. – Criminal Case File Audit Checklist									
#	Requirements (noted for ICMS, pa-per case file and court website)	Case #		Case #		Case #		Case #	
		ICMS	Case File	ICMS	Case File	ICMS	Case File	ICMS	Case File
10	Paper Case Only: Verify if all pages in a case file are numbered and sewn.								
Corrective Action Required:									
Signature of Auditor:									

Guidelines for Effective Court Administration

Chapter 6. Court Records Management

Tab 6.2. – Civil Case File Audit Checklist

Tab 6.2: Civil Case Audit Checklist									
Court		Assigned Judge			Case #				
Date		Location of records			Case #				
Tab 6.2. – CIVIL Case Audit Checklist									
#	Requirements (noted for ICMS, paper case file and court website)	Case #		Case #		Case #		Case #	
		ICMS	Case File	ICMS	Case File	ICMS	Case File	ICMS	Case File
1	Case randomly assigned/reassigned by ICMS and paper extract of the random case assignment and reassignment order included in the paper case file.								
2	Ruling on case acceptance/refusal/rejection/return.								
3	Proof of state fee payment.								
4	Proof of service.								
5	Minutes signed by participants present at the hearing.								
6	Audio recording CDs are included in case file and linked into the ICMS electronic case record.								
7	Judge’s decision filed in the case file and linked into ICMS.								
8	Verify the case file docket sheet versus all documents contained in a case and the ICMS electronic case record.								
9	Website Only: Verify judge’s decision posted on court website.								

Tab 6.2: Civil Case Audit Checklist											
Court		Assigned Judge									
Date		Location of records									
Tab 6.2. – CIVIL Case Audit Checklist											
#	Requirements (noted for ICMS, paper case file and court website)	Case #		Case #		Case #		Case #		Case #	
		ICMS	Case File	ICMS	Case File	ICMS	Case File	ICMS	Case File	ICMS	Case File
10	Paper Case Only: Other procedural acts issued by the court.										
11	Paper Case Only: Verify if all pages in a case file are numbered and sewn.										
Corrective Action Required:											
Signature of Auditor:											

Guidelines for Effective Court Administration

Chapter 6. Court Records Management

Tab 6.3. – Contravention Case Audit Checklist

Tab 6.3: Contravention Case Audit Checklist

Court		Assigned Judge					
Date		Location of records					
		Case #		Case #		Case #	
		ICMS	Case File	ICMS	Case File	ICMS	Case File
Tab 6.3. – CONTRAVENTION Case Audit Checklist							
#	Requirements (noted for ICMS, paper case file and court website)						
1	Case randomly assigned/reassigned by ICMS and paper extract of the random case assignment and reassignment order included in the paper case file.						
2	Contraventional minutes.						
3	Proof of service.						
4	Minutes signed by participants present at the hearing						
5	Audio recording CDs are included in case file and linked into the ICMS electronic case record.						
6	Judge's decision filed in the case file and linked into ICMS.						
7	Verify the case file docket sheet versus all documents contained in a case and the ICMS electronic case record.						

Tab 6.3: Contravention Case Audit Checklist											
Court	Assigned Judge					Location of records					
Date	Location of records					Case #		Case #		Case #	
Tab 6.3. – CONTRAVENTION Case Audit Checklist											
#	Requirements (noted for ICMS, paper case file and court website)	ICMS	Case File	ICMS	Case File	ICMS	Case File	ICMS	Case File	ICMS	Case File
8	Website Only: Verify judge's decision posted on court website.										
9	Paper Case Only: Other procedural acts issued by the court.										
10	Paper Case Only: Verify if all pages in a case file are numbered and sewn.										
Corrective Action Required:											
Signature of Auditor:											

Guidelines for Effective Court Administration

Chapter 6. Court Records Management

Tab 6.4. – SEALED Case Audit Checklist (this particular checklist focuses on SEALED case file locations and access limitations) – so each SEALED case should also be audited using the appropriate criminal, civil or contravention case checklist.

Tab 6.4: SEALED Case Audit Checklist									
Court					Assigned Judge				
Date					Location of records				
Tab 6.4. – SEALED Case Audit Checklist									
#		Case #		Case #		Case #		Case #	
		Yes	No	Yes	No	Yes	No	Yes	No
1	Requirements (noted for ICMS, paper case file and court website)								
2	Order of court SEALING the case is included in the case file and linked into the ICMS electronic case record as a SEALED case.								
3	Case file is removed from public access storage areas.								
4	Judicial and court staff authorized to have access to the SEALED CASE understand the court's SEALING ORDER and limitations on public and party/litigant access.								
5	Court and trial schedule of SEALED CASE proceedings are not posted on the public information board or calendar areas around courtrooms?								
6	Court security notified confidentially of any scheduled SEALED CASE proceedings or trials?								
6	Website Only: Is sealed case information removed from the court's website?								
Corrective Action Required:									
Signature of Auditor:									



Chapter 7.

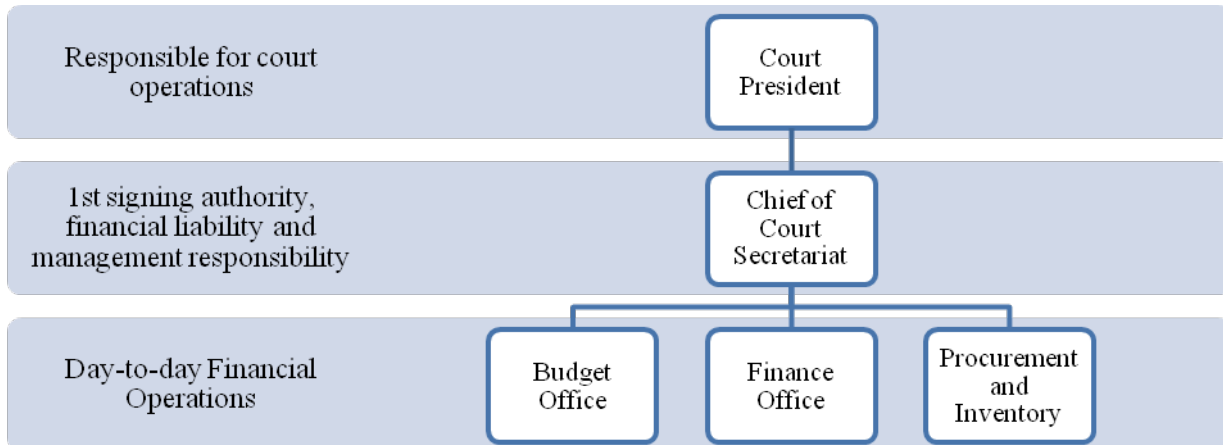
Financial Management and Control Systems

7.1. Introduction

In accordance with Article 14 of the Law Organizing the Financial Management and Control System (No. 229/2010), the official responsible for managing a public entity is also responsible for establishing and managing the Financial Management and Control Systems (FMCS) within the Court, and under the provision of Article 16 of the Law on the Organization of the Judiciary – that “*responsible person*” is the Court President until he or she delegates their “first signing authority” to their Court Secretariat (See Section 7.3. below).

Article 3 of the same law defines the **managerial responsibilities** of a responsible person as their liability for “...*awareness and responsibility of the manager of a public entity for actions, decisions and promoted policies, including for maximizing results by optimizing the use of resources in accordance with good governance principles, and his obligation to report about the goals and results achieved.*” (Article 3 of Law No. 229)

Until 2013, the “responsible person” with a court had always and exclusively been the Court President; however, under the provisions of the same recent amendments to the Law on the Organization of the Judiciary, Article 161 refocused Court President responsibilities into the area of justice delivery; and delegated responsibility for organizing and administering court operations to newly appointed Chiefs of Court Secretariat (Article 45) appointed by the Court President.



Hierarchy of Financial Management Responsibilities in the Court

7.2. Legal Framework for Budget and Financial Operations in the Courts

During the recent National Institute for Justice’s Training Program for Chiefs of Court Secretariat, the senior auditor from the Court of Accounts offered this list of essential laws and directives that Chiefs of Court Secretariat need to become familiar with as they assume managerial responsibility for court financial operations.

7.2. Legal framework for budget and financial operations in the courts
• Law No. 229/2010, Organizing the Financial Management and Control System – Article 14
• Law No. 514/1995 “On the Judicial Organization”
• Law No. 544/1995 “On the Status of the Judge”
• Law No. 113/2007 “On Accounting”
• Law No. 847/1996 “On the Budget System and the Budgeting Process”
• Law No. 229/2010 “On the Public Internal Financial Control”
• Annual Budget Law
• PD No. 38/2010 “On the Concept of Funding the Judiciary”
• PD No. 670/2007 “On Establishing the DJA” and GD No. 1202/2007 “On the Regulations of the DJA”
• Ministry of Finance Order No. 32/2011 “On the Budget Classification”
• Ministry of Finance Order No. 93/2010 “Guidelines on Keeping Accounts in Public Entities”
• Ministry of Finance Order No. 154/2010 “On Distributing Revenue, Spending and Funds Sources in the State Budget by Months”
• Ministry of Finance Order No. 94 of December 31, 2004, “On the Regulations for Managing Special Funds of the Public Entities Financed from the Budget”

7.3. First Signing Financial Authority

Citing the most recent amendments to the Law on the Organization of the Judiciary²⁸, Chief Justice Mihai Poalelungi in his April 30, 2013 letter (No. 378/15) to the Superior Council of Magistracy explained how the new law sought to apportion the administrative burdens of leadership and management between Court Presidents and Chiefs of Court Secretariat. In that letter he declared that:

- The organizational and administrative work in courts will be assigned to Chiefs of Court Secretariat, leaving to the court president only the duty of conducting the justice administration;
- Court presidents continue to be the chiefs of courts but, since administrative duties are not suitable for persons dispensing justice and organizing this process, these duties are excluded from their competence; and that
- The transfer of the administrative duties from court president to the chief of secretariat is a necessary requirement of judicial reform and is provided for in the Activity Program of the Government of the Republic of Moldova “European Integration: Freedom, Democracy, Welfare” (2011–2014) and the Justice Sector Reform Strategy approved through Law No. 152 of November 25, 2011.

On April 30, 2013, the Superior Council of Magistracy agreed with the conclusions of the Supreme Court, Court of Accounts and Minister of Justice and proposed that *court presidents issue an administrative act assigning the chiefs of secretariats financial-economic duties and granting them the first signing authority* (See Tab 2.1) and directed Court Presidents to notify the SCM of that action not later than July 1, 2013.

Once completed, this delegation of first signing authority will effectively transfer managerial responsibilities and managerial liabilities to the Chiefs of Court Secretariat for the day-to-day court financial operations.

7.4. Assuming First Signing Financial Authority

There are consequences and liabilities associated with assuming responsibility for first signing authority of court financial transactions. If possible, prior to accepting that delegation Chiefs of Court Secretariat should confer with their Court President (and budget and financial staff) to review at least the following:

7.4. Recommended activities prior to accepting first signing authority
<ul style="list-style-type: none"> • Review audit finding from recent financial audits and confirm that corrections and procedural improvements have been completed. If there has been no financial audit within the past 12-months, request one. • Note: Chiefs of Court Secretariat need to be assured that what they are accepting meets all audit requirements.
<ul style="list-style-type: none"> • Review relevant laws and directives to understand the scope and intent of a first signing authority.
<ul style="list-style-type: none"> • Identify all required SCM, DJA, MOF, Court of Accounts and other ministry reporting requirements and forms. Make sure you know how they need to be prepared and when they need to be submitted. • Note: Do not miss a reporting deadline for any financial reporting requirement.

²⁸ Law No. 153 “On Amending and Supplementing Some Legislative Acts” (Official Gazette 185/620 of August 31, 2012 amending the Law on the Judicial Organization Law (No. 153 of July 5, 2012).

7.4. Recommended activities prior to accepting first signing authority

- Review administrative procedures to ensure you understand how the administrative paperwork for deposits, disbursements, procurements and other financial transactions is being processed.
- Review procurement, receiving and inventory processes are being managed and controlled.
- Meet with the court’s local depository bank to explain and coordinate the transition.
- On procurement actions, review the competition process, bids and paperwork.
- Remember, you have a managerial responsibility to “...*maximize results by optimizing the use of resources in accordance with good governance principles, and your obligation to report about the goals and results achieved.*” (Article 3 of Law No. 229).
- Confirm with the Court President how they want to be kept informed about court financial transactions? Is there a procurement limit that the Court President wants to personally approve (e.g., anything over equivalent in Moldovan Lei of \$1,000 dollars, etc.).
- Determine what kinds of procurement actions the Court President wants to personally approve, e.g., computers.
- Don’t assume you know the answer – remember, this is a delegated authority from the Court President and they have been doing the work for some time before you inherited the responsibility.
- If in doubt, ask for guidance and document their approval.

7.5. Oversight and Management of Court Financial Operations

Depending on the size of the court, the duties and functions of the court’s Finance Office typically include responsibilities for general accounting; cash receipting and depositing; procurement, payments and disbursements; budgeting; and other administrative duties.

7.5. Typical responsibilities of the Court Finance Office

General accounting, cash receipting and depositing, and maintaining financial records.

- Collect court filing fees, deposits, bail bonds and other payment of fines received over the counter (or by mail) from litigants and parties in cases pending before the court.
- Issue receipts to record all deposits and fine payments.
- Posting cash and fine payments to the appropriate ICMS case record and other court financial register books as required.
- Securely store cash and money deposits while in the custody of the court.
- Daily verifying and deposit into a court-approved depository bank the fees, deposits, bail bonds, fines and other payments received or deposited from litigants or parties.
- Submit financial reports to the Court Secretariat, Court President and other ministry authorities as required.

Disbursements and court ordered payments (NOTE: Written court orders should be required in order to disburse court ordered payments to the parties and litigants)

- Duties related to depositing and distributing funds designated by court order to be held in the Registry of the Court.
- Refunding bonds or other court ordered deposits.
- Completing statements of costs for court fees and fines in criminal cases.
- Completing collection procedures for delinquent accounts

7.5. Typical responsibilities of the Court Finance Office

- Distributing amounts collected for fines and bond forfeitures to appropriate entities.
- Maintaining accounting and disbursement records as required by law and regulation.

Procurement and inventory controls and management

- Review requests for office supplies, furniture and/or equipment from judges and court staff. Compare the request against the status of the court's current fiscal year operating budget and current inventories.
- In accordance with court and judiciary approved procedures, initiate procurement and purchasing actions as required.
- Inspect vendor deliveries for compliance against approved purchase orders. Approve or reject the delivery as required.
- Review invoices for payment from vendors and suppliers and prepare approved court disbursement document for signature by the Court Secretariat approved signature/disbursing authority.
- Maintain inventories of office supplies, furniture and equipment in secured storage locations and regulate the distribution of office supplies, furniture and equipment in accordance with court policy.
- Maintaining office supplies, furniture and equipment inventory records.
- Maintaining purchase and disbursement records tacking actual expenditures incurred during the fiscal year.
- Supporting Court Secretariat efforts to prepare the annual budget request.

7.6. Establishing Internal Audit Controls

Internal control is a major part of managing an organization. It comprises the plans, methods, and procedures used to meet missions, goals, and objectives and, in doing so, supports performance-based management.

Internal control also serves as the first line of defense in safeguarding assets and preventing and detecting errors and fraud. In short, internal control, which is synonymous with management control, helps government program managers achieve desired results through effective stewardship of public resources²⁹.

Although the set of laws and directives presented in Section 7.2. can provide the regulatory framework for financial internal controls, the list below represents some common sense (but often forgotten) best practice tips for effectively managing court financial operations.

7.6. Establishing Internal Audit Controls

Definition of Internal Controls

Internal Controls: An integral component of an organization's management that provides reasonable assurance that the following objectives are being achieved:

- Effectiveness and efficiency of operations;
- Reliability of financial reporting, and
- Compliance with applicable laws and regulations.

Sign only what you understand and can visually inspect

²⁹ General Accounting Office (USA), *Standards for Internal Control in the Federal Government (1999)* available at <http://www.gao.gov/assets/80/76455.pdf>

7.6. Establishing Internal Audit Controls

- Don't sign anything without a proper explanation and required documentation
- Don't be pressured by the staff to sign something because they say "...well the Court President always did it this way".
- Remember, you are personally liable for finance, procurement and budget documents you now sign for.

Segregation and separation of financial duties

- A basic internal control that prevents or detects errors and irregularities by assigning to separate individuals the responsibility for initiating and recording transactions and for the custody of assets.
- A person with multiple functional roles has the opportunity to abuse those powers. Even in the smallest courts it is imperative to separate duties to ensure that no one person has complete control over the processes of receiving, receipting, accounting, and disbursing money. The pattern to minimize risk is:
 1. Start with a function that is indispensable, but potentially subject to abuse.
 2. Divide the function into separate steps, each necessary for the function to work or for the power that enables that function to be abused.
 3. Assign each step to a different person or organization.

Review procurement competition and price comparisons before signing

- Remember – before a procurement voucher comes to you for signing it has gone through a process to ensure a fair and reasonable market price (either open source competition or government procurement).
- Periodically ask to review the procurement file of lesser valued purchases to ensure fairness in the process.
- Verify current year operational budget funding before signing anything. Remember, you may be held criminally liable for authorizing unfunded purchases or other court financial commitments.

Conduct period audits of cash deposits, deliveries and inventories

- Conduct random audits and inspection of cash deposition (at least monthly).
- Conduct random inspections of vendor deliveries. Check the quantities and products against the purchase order.
- Conduct random inspections of court office supplies and equipment by verification against inventory lists, vendor deliveries and regular issuance receipts from the Finance Office.
- Require that all court property with a value over \$300 have a serial numbered sticker prominently displayed on its surface, and that each item of equipment be listed in an inventory of court property.
- Periodically ask to review the procurement file of lesser valued purchases to ensure fairness in the process.

Double signature requirements to minimize opportunities for neglect or corruption

- Require all vendor deliveries be reviewed, inventories, approved and signed for by at least two persons approved by the Court Secretariat.
- Require that court deposits and disbursements be signed by the Court Finance Officer and Court Secretariat.
- Petty cash disbursements be signed by the Court Finance Officer and Court Secretariat.

7.6. Establishing Internal Audit Controls

Time and attendance accounting

- Department managers and direct line supervisors are responsible for ensuring employees arrive on time and that they work the required number of hours.
- Chiefs of Court Secretariat should randomly stop by and welcome staff arriving in the morning, and randomly observe departures at the close of the business day. Over time you will discern a pattern in individual offices that you will need to discuss with the department managers and direct line supervisors.
- Periodically conduct unannounced audits of staff availability, and where absences are noted, cross-check against employee leave records.



Chapter 8.

Budget Management

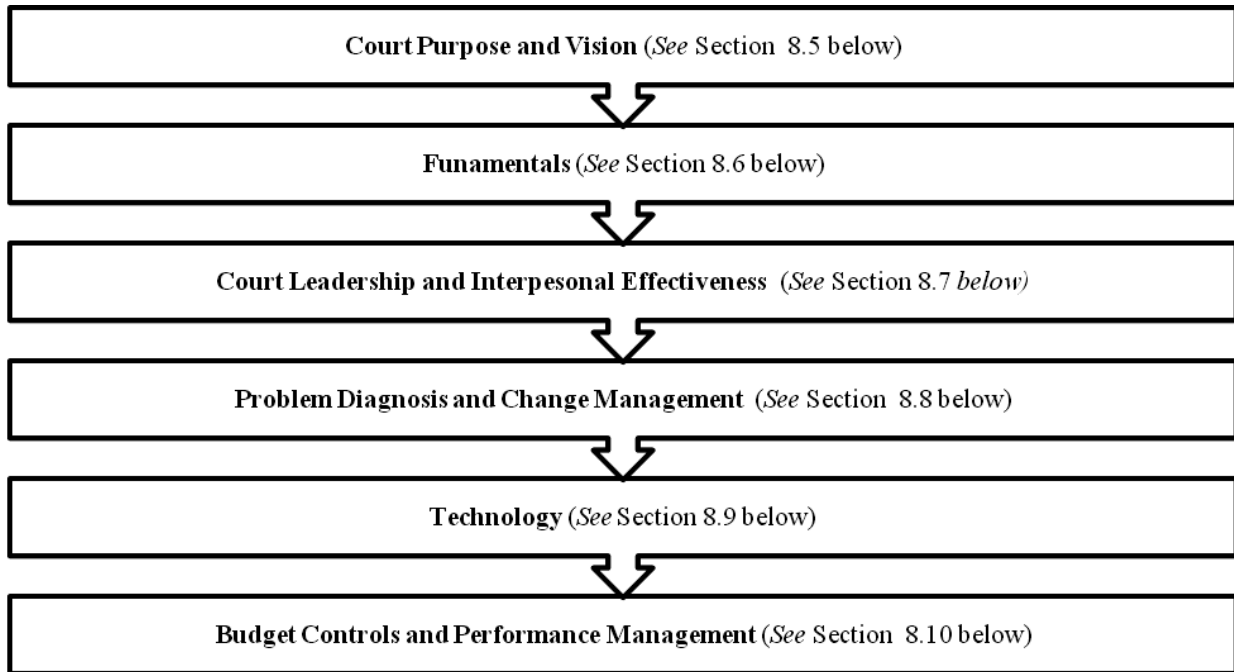
Section I: *Overview of Court Budgeting Core Competencies*

8.1. Introduction³⁰

The allocation, acquisition, and management of the court's budget impacts every court operation and, arguably, determines how well, and even whether, courts achieve their mission.

The United States National Association for Court Management (NACM) advocates the following six international best practice guidelines for judiciary leaders (Court Presidents and Chiefs of Court Secretariat) to effectively allocate, acquire, and manage court financial resources in concert with executive and legislative branch leaders and their staffs. The six independent **and** integrated guidelines, and associated knowledge, skills, and ability requirements, include:

³⁰ Section 8.1. through 8.10. are adapted almost exclusively from the **Nation Association for Court Management's Core Competency – Court Resources, Budget and Finance**, available in the public domain at <https://nacmnet.org/CCCG/finance.html>



8.2. Purpose

The purpose of this chapter is to provide Chiefs of Court Secretariat with an **overview of management core competencies** needed to organize and direct court resource, budget and financial operations (Section 8.2. through 8.10) **and** to extend those theories into **practical day-to-day budget planning and management activities** (Section 8.11. through 8.17).

8.3. Training Programs and Relevant Laws

As part of its initial training programs for Chiefs of Court Secretariat, the NIJ has developed a comprehensive program to explain operational details and law requirements behind the judiciary's financial and budget management programs. Copies of the training curriculum can be obtained from the NIJ.

In addition, the SCM, MOJ and DJA recently conducted a 3-day workshop (June 2013) to educate Chiefs of Court Secretariat about the judiciary's transition to performance based budgeting – scheduled to start in January 2014.

As part of that seminar, the Senior Auditor from the Court of Accounts identified a number of key laws and policy directives that Chiefs of Court Secretariat should become familiar with (See Section 7.2. of this manual).

8.4. Management of Court Resources, Budgets and Finance Operations³¹

Chiefs of Court Secretariat need to also understand that resources are rarely sufficient to fund everything the court might want to do, and that spending in one area necessarily precludes expenditure in others. Consequently, Chiefs of Court Secretariat must make careful and publicly accountable resource acquisition and allocation decisions that improve overall court performance and build and maintain public trust and confidence. To ensure effective court performance, Chiefs of Court Secretariat learn and understand that:

³¹ *Ibid.*

- Finance and budget operations must command their attention over the course of the entire year and not just when the court budget is being prepared or presented.
- Budgeting and financial management decisions must be connected to the court’s fundamental purpose, leadership vision, program priorities and the court’s operational performance.
- Court leaders must be prepared to adjust court priorities, staffing levels and programs in response to unanticipated directives from external funding authorities and limitations from projected funding and revenue sources.
- Advocating for court budgets requires accurate and reliable ICMS based data and reports – coupled with a compelling oral and written advocacy style that can clearly link national judiciary priorities to local court proposed programs and activities.

8.5. Court Purposes and Vision

Chiefs of Court Secretariat must have a clear understanding of the court’s purpose and leadership vision in order to accurately measure court performance, develop legitimate criterion for budget requests, and to then link allocated resources to required court programs and activities.



Effective court leaders articulate a long-term vision based on an understanding of court purposes and priorities and environmental trends and they connect that vision to long-term financial plans through adjusting to the environment and multi-year budget planning. Allocation of resources must consistently support the court’s purpose, vision, and priorities.

8.6. Fundamentals³²


Chiefs of Court Secretariat must develop an understanding of budgeting and financial control systems and of court organizations and available funding sources. They also need to know how to use the following budget tools and techniques to assemble reliable and accurate financial data in order to generate and analyze cost-benefit alternatives for court programs and resource allocation decisions:

- Cost accounting;
- Cost benefit analysis;
- Work measurement and weighted caseload analysis;
- Problem diagnosis;
- Resource and performance auditing; and
- Computer software for planning, analyzing spending, modeling alternatives, accounting, and reporting.

While Chiefs of Court Secretariat need not become technically competent in every budget tool or analytical method listed above, they must work to learn, understand and apply the following management skills.

 General Management Skills	 Practical Management Skills
<ul style="list-style-type: none"> • Understanding the purpose, methods and uses of expenditure monitoring and cost controls. • Understanding differing approaches to funding and organizing trial and appellate courts. 	<ul style="list-style-type: none"> • SCM, MOJ and DJA budget cycles, deadlines, and related technical and format requirements. • Relevant budgetary and financial laws, and associated SCM/MOJ/DJA directives.

32 Ibid., at https://nacmnet.org/CCCG/cccg_7_corecompetency_resources_cg2.html

 General Management Skills	 Practical Management Skills
<ul style="list-style-type: none"> • Understanding alternative court budget planning formats – and their advantages and disadvantages, and information, data and analytical requirements. • Understanding how funding decisions impact court performance and justice delivery. • Ability to manage cost-benefit analysis, work measurement, weighted caseload analysis; and bench-marking of court costs, outputs, and outcomes to support budget planning and resource allocation decisions. • Ability to establish support for the court’s strategic vision and plan – and then practical knowledge to develop and implement an action plan that links the court’s vision and purposes to realistic short-term and long-term financial plans and projections. • Ability to manage resource allocations and acquisitions to preserve judicial independence and comply with financial internal audit requirements. • Knowledge of the ethical principles and legal requirements to protect courts against fraud, theft, and embezzlement of cash and other assets. • Awareness of political and public sentiment perceptions about the court and the implications for court funding and the ability to educate the public about court purposes, accomplishments, practices, and needs. 	<ul style="list-style-type: none"> • Knowledge of court revenue sources and their legal uses and limitations. • Knowledge of the information and analytical reports required to support budget allocation, planning, and decision making; • Ability to plan and implement budget reductions that are consistent with the court’s role, mission, and vision, as well as economic conditions, with changes in business practices to reduce costs. • Knowledge of financial record keeping, public sector accounting and audit controls of court expenditures. • Knowledge of how to translate court space and program requirements into court facility renovation and construction programs. • Skill in negotiating and managing court contracts with vendors and service providers. • Ability to select, train and lead the court’s fiscal staff through the preparation and presentation of budgets, financial reports, and cost-benefit analyses.

8.7. Court Leadership and Interpersonal Effectiveness³³

Expert court budgeting requires expert leadership and management of the court, its budget and finance staff, and available resources.

More often than not, the ability to be persuasive when presenting court needs and budgets depends in large part on the personal credibility of the court leaders and their demonstrated commitment to court performance and fiscal responsibility.

Court budgeting is not a technical or once-a-year bookkeeping exercise. Instead it requires a year-round personal commitment and investment of time from court leaders and the staff.

³³ *Ibid.*, at https://nacmnet.org/CCCG/cccg_7_corecompetency_resources_cg3.html

In managing court resources, budgets and financial operations, Chiefs of Court Secretariat need to understand that:

- Leadership of the court, its resources, and budget staff and processes requires personal direction and interpersonal skills.
- Court staff need to be aligned with the court's purpose and leadership vision; understand the required tools, techniques and procedural requirements of the job; and are dedicated to producing technically sound and reliable data and reports.
- Leaders forge consensus, create effective judicial teamwork, and maintain accountability and partnerships based on results, trust, honesty, and a desired positive managerial reputation.
- Leadership and negotiations skills are required in working with judges, court staff, and the executive and legislative officials.

8.8. Problem Diagnosis and Change Management³⁴

Problem diagnosis requires Chiefs of Court Secretariat to keep current with wider societal trends and their implications for courts and budgets. They must also be able to anticipate, identify and diagnose court problems, and differentiate the problems with financial roots or causes from those having other origins.

During the problem analysis process, Chiefs of Court Secretariat must ensure that resulting changes are consistently linked to the court's fundamental purpose and leadership vision.

8.9. Technology³⁵

When properly applied and managed, information technology supports and improves budget and financial planning, decisions, and management.

Chiefs of Court Secretariat must master the use of personal computers and spreadsheets, and become familiar with judiciary ICMS database and other financial management software. They must also develop technical and professional staff development programs to ensure that similar tools are used by qualified and well-managed staff responsible for inputting, gathering, analyzing and presenting meaningful budget information.

Ultimately, the statistics, workload and outcome measures, and cost accounting information made possible through the effective use of technology must be readily available and responsive to the judiciary and its leadership, other branches of government, and the public to help ensure judicial accountability within and outside the courts.

8.10. Budget Controls and Performance Monitoring³⁶

Courts must account for their use of public funds. But accounting for public expenditures extends past accounting to measuring the outcomes and outputs produced with the court's budget and resources. Court leaders must know, and then report whether or not established program objectives were met.

Monitoring and evaluation programs enable courts and others to understand court expenditures and performance, to improve the allocation of available resources, and, very importantly, to support requests for continued and new funding.

34 *Ibid.*, at https://nacmnet.org/CCCG/cccg_7_corecompetency_resources_cg4.html

35 *Ibid.*, at https://nacmnet.org/CCCG/cccg_7_corecompetency_resources_cg5.html

36 *Ibid.*, at https://nacmnet.org/CCCG/cccg_7_corecompetency_resources_cg6.html

Reliable and timely budget controls, when coupled with well-executed and clearly presented performance monitoring, increase the court's internal and external accountability and build public trust and confidence in the judiciary.

SECTION II:

Managing judiciary Budget Programs

8.11. Separation of Powers and the National Budget

Article 6 of the Constitution provides that *“In the Republic of Moldova the legislature, the executive and the judiciary shall be separate and cooperate in the exercise of the assigned prerogatives pursuant to the provisions of the Constitution.”*

For the independence of the judiciary as an institution, and the independence of judges as individuals, it is not enough to draw only on the constitutional declaration. Their independence must be protected by a framework of guarantees created to stimulate the judiciary's independence and the key guarantee in particular is the material independence, and an autonomous court budget is the financial precondition for independence.³⁷

8.12. The Role of the Judiciary in the National Budget Process

In accordance with Article 22, of the Law on Judicial Structure (no. 514-XIII, adopted on July 6, 1995) financial resources for the normal functioning of courts shall be approved by the Parliament, at the proposal of the Superior Council of Magistrates, and shall be included in the State budget.

The Constitution is clear – the SCM is responsible for preparing and submitting the judiciary's proposed budget to the Parliament (legislative branch of government) – and the courts (including the Supreme Court and appellate and trial courts) are subordinate to the SCM for management purposes.

8.13. Realities of the Judiciary's Budget Cycle and Conflict of Authorities

8.13.1. Constitutional Foundation for Budgeting: As with most countries, Moldova's budget cycle affirms a separation of powers process where the judicial branch (represented by the Superior Council of Magistrates) develops and presents their annual budget requirements to the legislative branch (represented by Parliament), who then reviews State budget revenue projections (and the budget requests of all other government entities and ministries), and after “give-and-take” negotiations with the judiciary includes a final judiciary budget as part of the overall State budget.

This process of “give-and-take negotiations” between the judiciary and legislature is a familiar pattern in all modern governments, and reflects the challenges that funding authorities (legislature) face when attempting to resolve tensions and constraints caused by increasing social demands for more (and more efficient) government services and finite government resources.

8.13.2. Budget Challenges in Moldova: Unfortunately, the very same laws that established and empowered the SCM to control and manage the judiciary also failed to provide management

³⁷ Dragana Lukic, *Court's Budget Practices in the Republic of Moldova*, a report prepared for the Superior Council of Magistracy and The World Bank (2010) at page 6.

and administrative staff to support the SCM's budget development and preparation process; and as a result, the judiciary's budget has historically been compiled and presented by the Ministry of Justice's Department of Judicial Administration (**Note:** In 2008, the SCM prepared and submitted the judiciary's budget to the Parliament, but as late as 2010, the judiciary's budget has been prepared and submitted by the DJA to Ministry of Finance, sometimes without prior review and/or approval by the SCM).

8.13.3. Dual Authorities Leads to Duplication of Work and Effort: Although there are on-going discussions to move DJA personnel and their budgeting competencies to the SCM, until that happens Chiefs of Court Secretariat will have what amounts to dual masters in the annual budget preparation and funding allocation process; and in responding to these dual budgeting masters, Chiefs of Court Secretariat can expect to receive duplicate (and potentially competing) annual budget policy objectives; instructions; different data and reporting formats; and budget submission timelines.

8.14. Percentage Versus Performance Based Budgeting

8.14.1. Percentage Based Budgeting: Currently Moldova employs a percentage (or incremental) budgeting process that allocates current year funds based upon last year's total allotments plus a percentage or incremental increase – often tied to the current rate of inflation or other economic factors.

Although the government is working with the World Bank, European Union and other donor countries to restructure the national budgeting process to performance base budgeting (*See below*) – until that happens, Chiefs of Court Secretariat need to understand the rationale, and some of the challenges for percentage or incremental based budgeting systems.

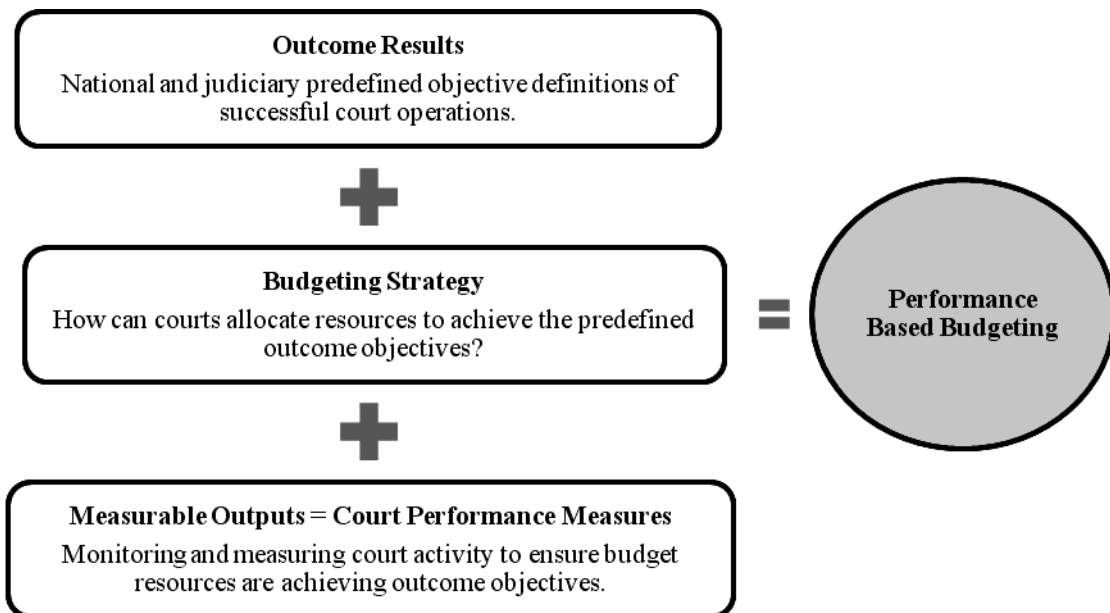
Advantages and Disadvantages of Percentage (or Incremental) Budgeting ³⁸	
Advantages	Disadvantages
<ul style="list-style-type: none"> • Simplicity: The primary advantage is the simplicity of incremental budgeting, being based on either recent financial results or a recent budget that can be readily verified. • Operational Certainty: This approach ensures that departments are operated at approximately the same levels over long periods of time. • Minimizes Conflicts Between Ministries and Agencies: No entity benefits more in the new year than they did in past years. Everyone's incremental share of the new budget remains the same as last year. 	<ul style="list-style-type: none"> • Incremental in nature. It assumes only minor changes from the preceding period, even if major structural changes in government or social priorities, case law, or other demographic shifts call for more significant budget changes. • Fosters a culture of overspending. Next year's budget is entirely based on how much you spend this year – so „use it or lose it” becomes the operative culture within government entities. • No budget reviews. When budgets are carried forward with only inflation based changes, there is no incentive to seriously review the budget – so inefficiencies are automatically carried forward into new budget years.

38 Accounting Tools®, *What is Incremental Budgeting?*, available in the public domain at <http://www.accountingtools.com/questions-and-answers/what-is-incremental-budgeting.html>

Advantages and Disadvantages of Percentage (or Incremental) Budgeting ³⁸	
Advantages	Disadvantages
	<ul style="list-style-type: none"> • Perpetuates resource allocations. Funds allocated to a specific governmental entity in a prior budget guarantee funding in the future – even if it no longer a needs as much funding, or if other areas require more funding. • Prohibits innovations. Incremental budgeting tends to foster a conservative maintenance of the status quo and does not encourage risk taking or new ideas.

8.14.2. Performance Based Budgeting (Conversion and starting January 2014): Performance budgets use statements of missions, goals and objectives to explain why the money is being spent. It is a way to allocate resources to achieve specific objectives based on program goals and measured results. The key to understanding performance-based budgeting lies beneath the word “**results**”³⁹.

In this method, the entire planning and budgeting framework is result oriented and inextricably linked to predefined performance measures and linking the achievement of these performance measure to subsequent resource allocation decisions. In simplest terms, performance based budgeting is anchored on three elements:



8.15. Moldova’s Transition to Performance Base Budgeting

Starting in the 2014 budget year, Moldova and the Judiciary will begin a gradual transition to the national performance based budgeting system – starting in five pilot courts, and the annual budget cycle will look something like the schedule of activities listed below:

39 K. Carter, “The Performance Budget Revisited: A Report on State Budget Reform,” Legislative Finance Paper #91, Denver, National Conference of State Legislatures, pp. 2–3.

Moldova's 2014 Performance Based Budgeting Formula	
The 2014 budgeting process will be workload based and a departure from previous years where budgets were automatically renewed with some incremental additions based on the rate of inflation.	
Component #1	Total number of new case filings (case assumptions) in the court (Note: Presumably this data will be extracted directly from ICMS data and reports).
Component #2	Pattern, or trend analysis of a court's annual new case filings (case assumptions) between 2010 and 2013.
Equity adjustment options during the transition period	During the estimated 3–5 year transition period courts whose formula calculations provide less money in 2014 will remain at the 2013 budget allotment level – while the rest of the courts will increase by 5%.
<p>Implications for Chiefs of Court Secretariat: The 2014 version of the performance based budgeting model starts with the most readily available data in all courts – new case filings (case assumptions).</p> <p>However, this workload equity based allocation system will certainly evolve over time to include other key ICMS based court performance measures including: case clearance rates, weighted caseload analyses, time from filing to disposition, cost of litigation, etc.</p> <p>Accurate ICMS data is the key to future funding success: Chiefs of Court Secretariat must take steps to ensure the accuracy and validity of ICMS generated data because the future of individual court allotments will be based on ICMS generated data.</p>	

8.16. Moldova's Budget Cycle

The *optimum national budget cycle* below is based on law required actions by a date certain, and a number of other planning assumptions and actions that have been developed and integrated to “fit” between the national-level statutory dates. Chiefs of Court Secretariat will need to adjust the time available for local court budget work around the actual dates of particular ministry or department level actions.

Optimum National Budget Cycle	
Not later than	Activity, cooperation and end-product
May 20th (law required date)	<ul style="list-style-type: none"> • Date Ministry of Finance (MOF) is required to issue next year's budget planning notes, guidance and request for budget proposals to government ministries and other departments. • Superior Council of Magistracy and Ministry of Justice receive MOF budget notes, guidance and request for budget proposals.
	<p>Potential Source of Conflict, Budget Confusion and/or Duplication of Local Court Effort:</p> <ul style="list-style-type: none"> • At this point, SCM, MOJ and the DJA should meet and confer about next year's budget priorities and directions to be issued through SCM and the Department of Judicial Administration (DJA) to the local courts.

Optimum National Budget Cycle	
Not later than	Activity, cooperation and end-product
	<ul style="list-style-type: none"> Unfortunately, however, communications protocols between SCM, MOJ and DJA are not optimum and appear unlikely to be resolved during the 2014 budget cycle.
May 27th (estimated date)	<ul style="list-style-type: none"> If SCM, MOJ and DJA have been coordinating during the current cycle, and have anticipated the next year's budget potentials and limitations – then 7-days should be sufficient time for the SCM and DJA to have resolved and issued next year's budget instructions to the courts. SCM and DJA issue „unified” and/or „consolidated” budget planning notes, guidance and request to proposal for next year's budget to the courts. In the optimum world, local courts only receive one budget planning directive. Courts initiate the budget development and justification process. <p>Potential Source of Conflict, Budget Confusion and/or Duplication of Local Court Effort:</p> <ul style="list-style-type: none"> Unless SCM and DJA can agree on a „unified” and/or „consolidated” set of instructions for the request for budget proposals, courts will be faced with potentially conflicting – and certainly duplicative budget development and justification efforts.
June 11th (estimated date)	<ul style="list-style-type: none"> Local courts compile next year's budget proposal, position and program justifications, and major capital construction/renovation cost estimates and requirements. Chiefs of Court Secretariat submit the budget proposal to the Court President for review, approval and submission to SCM and DJA. The remaining time – between June 11th and June 30th – is used by SCM and DJA to review, request clarification, and compile local court budgets into an SCM and MOJ approved judiciary budget.
July 1st (law required date)	<ul style="list-style-type: none"> SCM and MOJ submit the judiciary's budget to MOF
September 1st (law required date)	<ul style="list-style-type: none"> Ministry of Finance, SCM and MOJ finalize budget negotiations and compile the final form of the judiciary's budget to be included in the national budget.
September 15th (law required date)	<ul style="list-style-type: none"> Ministry of Finance presents the national budget to the Government.
Implications for Chiefs of Court Secretariat:	
<ul style="list-style-type: none"> Follow the budget reconciliation and planning guidance set forth below in Section 8.17. Remember: Managing the court's budget requires a year round personal commitment and focus. If you wait until receipt of the budget request proposal (estimated to be around May 27th) you will fail! In the new world of performance based budgeting, timely, accurate and totally reliable ICMS, court performance and other financial data is essential. 	

Optimum National Budget Cycle	
Not later than	Activity, cooperation and end-product
	<ul style="list-style-type: none"> MOST IMPORTANT – If you court’s numbers or data are ever called into question (and proven to be wrong through error, neglect or negligence) you will not get a second chance in the future to advocate effectively for your court!

8.17. Managing the Court’s Budget Cycle and Submissions

Suggested Activities to Support the Court’s Annual Budget Cycle	
Requirements for the Court Secretariat (12-month budget management cycle)	
January	Conduct monthly budget reconciliation <i>and</i> review last year’s budget activities and accounts.
	<ul style="list-style-type: none"> The first two months start a busy cycle for the Chiefs of Court Secretariat to ensure that budgets, staff, programs, performance measures and ICMS data recording and reporting are properly aligned for the upcoming year. For purposes of this timeline table, the presumption is that courts start their budget year with 100% of whatever funding allotments that SMC, MOJ and DJA approve. Chiefs of Court Secretariat will need to adjust various activities to correctly align with budget allotments when the monies are actually received. Verify the accuracy of ICMS data and reports (Remember: This is a monthly requirement! Next year’s performance based budgets will be based on accurate ICMS and other financial reporting data. If the data is not accurate now – fix the problem. Courts cannot afford to enter a performance based budgeting cycle with inaccurate or incomplete data). Identify Ministry of Finance payment delays from the previous year and work with the Court President and DJA to resolve „past due payments”. Review last year’s budget request, MOJ allotments, and Court Performance Measures. Identify funding shortfalls and assess the impact on last year’s court operations and programs (Note: What you’re looking for here is the historical impact of budget shortfalls on positions, programs and activities. You’ll need this historical perspective as you move into the current year’s budget 12-month cycle). Review this year’s budget request and any associated policy guidance from SCM, MOJ and DJA. Determine whether this year’s budget request sought to resolve any previous years’ budgeting shortfalls? If so how – and do these proposed adjustments align with the court’s fundamental purpose and court leadership vision. Establish a reporting schedule with your staff, and aligned with SCM, MOJ and DJA reporting requirements, to review performance measures, ICMS data and reports, and other financial and budget report requirements. (Remember: SMC, MOJ and/or DJA reporting dates and formats are non-negotiable so you’ll need to back up your review by a day or so to ensure that accurate and reliable reports are delivered on time.) Meet with the Court President to review last year’s data, this year’s budget and allotments, and to confirm their budget guidance for this year. Meet with department heads and first line supervisors to review last year’s budget activities, court performance measures, ICMS data validity, this year’s budget guidance from the Court President. Establish operational outcome objectives and performance measures for each department projected on a quarterly basis.

Suggested Activities to Support the Court's Annual Budget Cycle	
Requirements for the Court Secretariat (12-month budget management cycle)	
<ul style="list-style-type: none"> • With the permission of the Court President, schedule a budget brief with court judges and their judicial staff. The goal is to get judges and staff on the same sheet of music! • In cooperation with the Court President and Public Relations Officer, develop a community education and public outreach plan and schedule of monthly programs and articles to explain the court's fundamental purpose and justice delivery program (Remember: By law, Court Presidents are the court representative authorized to engage with the local community so it is only possible to execute community education and public outreach programs through a delegation of authority from the Court President). 	
February	Conduct monthly budget reconciliation <i>and</i> start planning to receive next year's budget notes, instructions, and requests for budget proposals from SMC and DJA in May (90-days away).
<p>Monthly Budget Reconciliation Activities.</p> <ul style="list-style-type: none"> • Review data validity and accuracy of ICMS, court performance measures, and other finance and budget reports. • Review the previous month's expenses and compare the totals to the estimated spending plan – adjust activities as required. • Identify Ministry of Finance payment delays and work with the Court President and DJA to resolve the problems. • Meet with and update the Court President, and then other department heads and first line supervisors. • Conduct monthly community education and public outreach programs and post the results to the court's website. <p>Next Year's Budget Planning Activities: Start organizing and planning to receive SCM and DJA annual budget notes, guidance instructions letters and the formal request for budget proposals in May (60-days away).</p> <ul style="list-style-type: none"> • Designate a Budget Preparation and Review Committee and begin an orientation process and regular meetings to: <ul style="list-style-type: none"> • Explain the normal budget review and preparation process. • Review last year's budget call requirements and the final budget submission. • Continuously review ICMS data and other court and department performance measures. • Draft an anticipated schedule and responsibilities for the budget preparation process. • Check personal leave schedules to ensure that key personnel are available for the budgeting process. • Meet with and update the Court President, and then other department heads and first line supervisors. • Update the Court President, and then other department heads and first line supervisors. 	
March	Conduct quarter's budget reconciliation <i>and</i> prepare to receive next year's budget proposal requests from the SCM and DJA (60-days away).
<p>Quarterly Budget Reconciliation Activities.</p> <ul style="list-style-type: none"> • Review quarterly ICMS data and court performance measures. Compare data to annual budget projections. Are there discernible trends that require an adjustment to budget and spending plans? • Review the quarterly expenses and compare the totals to the estimated spending plan – adjust activities as required. 	

Suggested Activities to Support the Court’s Annual Budget Cycle	
Requirements for the Court Secretariat (12-month budget management cycle)	
<ul style="list-style-type: none"> • Meet with the Court President to discuss options to realign judicial and administrative activities to performance based budgeting outcome objectives (if needed). • Identify Ministry of Finance payment delays and work with Court President and DJA to resolve the problems. • Review quarterly data with department heads and first line supervisors – and then the staff (Best Practice Recommendation: Effective court leaders keep judges and staff informed about the progress of the budget over the course of the year and engage them in efforts to continuously improve court performance). • Conduct monthly community education and public outreach programs and post the results to the court’s website. • Review quarterly community education and public outreach efforts and programs for the next three months and post the results to the court’s website. <p>Next Year’s Budget Planning Activities: Continue to organize and prepare to receive NEXT MONTH’S request for budget proposal notes and guidance instructions from SCM and DJA (60-days away).</p> <ul style="list-style-type: none"> • Meet with the Court President to discuss on-going national budget issues, receive policy guidance and directives, and update him or her on the activities taken to prepare for the upcoming request for next year’s budget proposal and justification process. • Update the Budget Preparation and Review Committee, confirm anticipated data collection and report writing assignments, and verify personal leaves schedules to ensure that key personnel are available. • Identify any new position and/or activity requirements; work with HR to develop position description and salary cost estimates; and start writing the justification requirements now. Update the Court President for confirmation and support. • Define next year’s court and department performance objectives on a quarterly basis. 	
April	Conduct monthly budget reconciliation and continue next year’s budget preparation activities (30-days away).
<p>Monthly Budget Reconciliation Activities.</p> <ul style="list-style-type: none"> • Review data validity and accuracy of ICMS, court performance measures, and other finance and budget reports. Meet with the Court President to recommend staffing and programs adjustments as necessary. • Review the previous month’s expenses and compare the totals to the estimated spending plan – adjust activities as required. • Identify Ministry of Finance payment delays and work with Court President and DJA to resolve the problems. • Meet with and update the Court President, and then other department heads and first line supervisors. • Conduct monthly community education and public outreach programs and post the results to the court’s website. <p>Next Year’s Budget Planning Activities: Prepare for <i>NEXT MONTH’S</i> anticipated court’s budget request proposal from the SCM and DJA (30 days away).</p> <ul style="list-style-type: none"> • Meet with the Court President to discuss on-going national budget update issues, receive policy guidance and directives, and update him or her on the activities taken to prepare for the upcoming request for next year’s budget proposal and justification process. 	

Suggested Activities to Support the Court's Annual Budget Cycle	
Requirements for the Court Secretariat (12-month budget management cycle)	
<ul style="list-style-type: none"> • Finalize position description, cost estimates, and position and/or activity justifications to be included in the court's next year's budget proposal. • Finalize court and department performance objective definitions and measurement tools. • Update the Budget Preparation and Review Committee, confirm anticipated data collection and report writing assignments, and verify personal leaves schedules to ensure that key personnel are available. Explain how the committee's activities will be organized around the One-third Time Allocation Rule (See explanation in the May activities). • Conduct final reviews and validations of required data and reports for the budget process. 	
May	<p>Conduct monthly budget reconciliation <i>and</i> receive the budget notes and guidance instructions from the SCM and DJA <i>and</i> start budget drafting activities</p>
<p>Monthly Budget Reconciliation Activities.</p> <ul style="list-style-type: none"> • Review data validity and accuracy of ICMS, court performance measures, and other finance and budget reports. Meet with the Court President to recommend staffing and programs adjustments as necessary. • Review the previous month's expenses and compare the totals to the estimated spending plan – adjust activities as required. • Identify Ministry of Finance payment delays and work with the Court President and DJA to resolve the problems. • Meet with and update the Court President, and then other department heads and first line supervisors. • Conduct monthly community education and public outreach programs and post the results to the court's website. <p>Next Year's Budget Planning Activities (assuming that the budget call instructions came out in May and an estimated 30-day process to develop, justify and finalize local court budget submission – otherwise, adjust the remaining month activities accordingly).</p> <ul style="list-style-type: none"> • Use the One-Third Time Allocation Rule to Develop a Budget Preparation Timeline: Confirm budget submission deadlines with SMC and DAJ – and then develop a planning and budget preparation timeline organized around the following activities: <ul style="list-style-type: none"> • The first third of the remaining time should be devoted to reviewing the budget data calls with the Court President; receiving his or her budget and program planning requirements for the next year; reviewing budget call instructions and guidance with the Budget Review Committee; and ICMS, court performance measures, and financial data compilation and validation. • The second third of the remaining time should be devoted to developing: (1) justifications for any new programs outlined by the Court President; (2) additional staffing requirements; (3) recommended performance based budgeting outcome objectives and court performance measures for next year; and (4) a draft budget proposal for review and comments by the Court President. • The final third of the remaining time must be devoted to validating the data to be included in the report and preparing a final budget submission for review, approval and submission by the Court President. • Present the final budget for review and approval to the Court President – incorporate comments and suggestions as required. • Court President submits the local court budget and justifications not later than the date directed by SCM and DJA. 	

Suggested Activities to Support the Court's Annual Budget Cycle	
Requirements for the Court Secretariat (12-month budget management cycle)	
June	Conduct semiannual budget reconciliation <i>and</i> responding to SCM and DJA questions and comments about the local court's budget submission and justifications.
<p>Semiannual Budget Reconciliation Activities.</p> <ul style="list-style-type: none"> • Assemble Budget Planning and Review Committee: <ul style="list-style-type: none"> • Analyze 6-month spending versus projections – adjust planned spending activities for months 7–12 as required. • Review and verify semiannual ICMS data and court performance measures. Compare the data to the annual budget projections. • Discuss options to realign judicial and administrative activities to meet or exceed performance based budgeting outcome objectives (if needed). • Provide semiannual program and spending updates to the Court President. • Identify Ministry of Finance payment delays and work with the Court President and DJA to resolve the problems. • Conduct monthly community education and public outreach programs and post the results to the court's website. <p>Next Year's Budget Planning Activities:</p> <ul style="list-style-type: none"> • Respond to inquiries from SCM and DJA about the court's budget proposal, proposed court performance objectives and justifications for new positions and/or program activities. • Review SCM and/or DJA inquiries with the Budget Planning and Review Committee. • Adjust and resubmit the final local court budget plans, court performance objectives and justifications for next year as required. • Provide an update briefing on the court's next year's budget submission to the judges and court staff (Explaining that nothing is final until the judiciary's budget is reconciled with DJA, MOJ and MOF, and submitted as part of the national budget to Parliament). 	
July	Conduct monthly budget reconciliation.
<p>Monthly Budget Reconciliation Activities.</p> <ul style="list-style-type: none"> • Review data validity and accuracy of ICMS, court performance measures, and other finance and budget reports. Meet with the Court President to recommend staffing and programs adjustments as necessary. • Review the previous month's expenses and compare the totals to the estimated spending plan – adjust activities as required. • Identify Ministry of Finance payment delays and work with the Court President and DJA to resolve the problems. • Update the Court President, and then other department heads and first line supervisors. • Conduct monthly community education and public outreach programs and post the results to the court's website. 	
August	Conduct monthly budget reconciliation.
<p>Monthly Budget Reconciliation Activities.</p> <ul style="list-style-type: none"> • Review data validity and accuracy of ICMS, court performance measures, and other finance and budget reports. Meet with the Court President to recommend staffing and programs adjustments as necessary. • Review the previous month's expenses and compare the totals to the estimated spending plan – adjust activities as required. 	

Suggested Activities to Support the Court's Annual Budget Cycle	
Requirements for the Court Secretariat (12-month budget management cycle)	
<ul style="list-style-type: none"> • Identify Ministry of Finance payment delays and work with the Court President and DJA to resolve the problems. • Meet with and update the Court President, and then other department heads and first line supervisors. • Conduct monthly community education and public outreach programs and post the results to the court's website. 	
September	Conduct quarterly budget reconciliation <i>and</i> start planning to execute next year's budget.
<p>Monthly and Quarterly Budget Reconciliation Activities.</p> <ul style="list-style-type: none"> • Review quarterly ICMS data and court performance measures. Compare data to annual budget projections. Are there discernible trends that require an adjustment to budget and spending plans? • Review the quarterly expenses and compare the totals to the estimated spending plan – adjust activities as required. • Identify Ministry of Finance payment delays and work with the Court President and DJA to resolve the problems. • Meet with and update the Court President, and then other department heads and first line supervisors. • Conduct monthly community education and public outreach programs and post the results to the court's website. <p>Convene the Budget Planning and Review Committee:</p> <ul style="list-style-type: none"> • Analyze quarterly spending versus projections – adjust planned spending activities for months 7–12 as required. • Review and verify semiannual ICMS data and court performance measures. Compare the data to the annual budget projections. • Discuss options to realign judicial and administrative activities to meet or exceed performance based budgeting outcome objectives (if needed). • Provide 9-month program and spending updates to the Court President. • Identify Ministry of Finance payment delays and work with the Court President and DJA to resolve the problems. • Conduct monthly community education and public outreach programs and post the results to the court's website. 	
October and November	Conduct monthly budget reconciliation <i>and</i> receive SCM and DJA funding allotment and staffing guidance for next year's operations and staffing.
<p>Monthly budget activities.</p> <ul style="list-style-type: none"> • Review data validity and accuracy of ICMS, court performance measures, and other finance and budget reports. Meet with the Court President to recommend staffing and programs adjustments as necessary. • Review the previous month's expenses and compare the totals to the estimated spending plan – adjust activities as required. • Identify Ministry of Finance payment delays and work with the Court President and DJA to resolve the problems. • Meet with and update the Court President, and then other department heads and first line supervisors. 	

Suggested Activities to Support the Court's Annual Budget Cycle

Requirements for the Court Secretariat (12-month budget management cycle)

- Conduct monthly community education and public outreach programs and post the results to the court's website.
- Identify potential funding shortfalls. Meet with the Court President to realign funds between accounts (if authorized) or petition DJA for additional funding.

Planning for next year's budget allocations and staffing authorizations.

- Somewhere in the October-November timeframe it is likely that the judiciary's budget will be approved and SCM and DJA will coordinate decision about the allocation of next year's operating budgets for local courts.
- When the allocations are made, or there is sufficient information to warrant advance planning for next year, assemble the Budget Planning and Review Committee to discuss the impact of next year's budget allocations; adjust to decision about court requested positions or program changes; and start planning for conducting operations next year – starting on January 1st.
- Confirm next year's spending priorities, court performance objectives and court and program activities and staffing levels.
- Conduct an update briefing about next year's spending priorities to court judges and staff.

December

Conduct year end budget reconciliation *and* continue organizing for next year's operations (starting January 1st).

Year-end budget reconciliation activities.

- Review data validity and accuracy of ICMS, court performance measures, and other finance and budget reports.
- Review the previous month's expenses and compare the totals to the estimated spending plan – how close did the court come to their target? Are there discernible trends or activities that may impact next year's planning assumptions.
- Identify Ministry of Finance payment delays and work with the Court President and DJA to resolve the problems.
- Meet with and update the Court President, and then other department heads and first line supervisors.
- Conduct a year-end update briefing to court judges and staff.
- Evaluate the year's community education and public outreach program, develop a plan for next year, and post the results to the court's website.

Plan to implement next year's budget and staffing authorizations.

- **Assemble the Budget Planning and Review Committee:**
 - **Analyze annual spending versus projections** – execute fund reallocations (if permitted) to cover projected shortfalls.
 - **Review and analyze the current year's ICMS data and court performance measures.** Compare the data to the annual budget projections.
 - Analyze discernible trend in spending projections, and/or ICMS data or court performance objectives that need to be factored into next year's planning assumptions?
 - Discuss options to realign judicial and administrative activities to meet or exceed performance based budgeting outcome objectives (if needed).
 - Provide semiannual program and spending updates to the Court President.
 - Identify Ministry of Finance payment delays and work with Court President and DJA to resolve the problems.



Chapter 9.

Human Resource Management

9.1. Introduction

Human resource management (HRM) deals with how organizations handle position classification, compensation, leave administration, recruiting, hiring, performance evaluations, and employee grievances and disciplinary matters. HRM is also a strategic and comprehensive approach to managing people and the workplace culture and environment.⁴⁰

„Courts need good people, people who are competent, up-to-date, professional, ethical, and committed. High-performing courts get the very best from their judges and employees no matter what their particular assignment or job.

As courts carry out recruitment, selection, employee relations, job analysis, job evaluation, and position classification; the administration of pay and benefits; and performance management, they demonstrate what the court believes in, its values, and its standards.

The aim is not good Human Resources Management in an otherwise mediocre court. It is a high-performance court.”

National Association for Court Management’s Core Competencies

⁴⁰ National Association for Court Management, *Core Competencies – Human Resource Management*, available at https://nacmnet.org/CCCG/cccg_CoreCompetencies.html

9.2. Human Resource Management (HRM) Laws and Directives

9.2. Relevant Laws and Directives for Chiefs of Court Secretariat
• Labor Code No. 154 of March 28, 2003
• Law on Organization of the Judiciary No. 154 of July 6, 1995.
• Law on the Public Office and Status of the Civil Servant, No. 158 (July 4, 2008).
• Code of Conduct for Civil Servants approved by the Parliament Law No. 25 of February 22, 2008.
• SCM approved Norms of Conduct for Court Employees by its Decision nr. 95/5 from March 20 martie 2008;
• Law on the verification of the named public servants and the candidates to the public positions, No. 271 (18 December, 2008).
• The Government Decision No. 201 (March 11, 2009) on the implementation of the Law on Public Office and Status of the Civil Servant, No. 158-XVI from July 4, 2008 ⁴¹
• Civil Service Policies Department, <i>Guidebook – A practical guidebook of challenges and solutions for civil service managers</i> (See Section 9.15. below).

9.3. Appointment of Judges by the SCM

The SCM is the highest judicial body in the country and in accordance with Article 4(a) – Competency of the Superior Council of Magistracy⁴² submits proposals on appointment, promotion to a hierarchically superior court, transfer to a similar court or at an inferior court, appointment as a president or vice-president of a court or dismissal of judges, presidents and deputy presidents of the courts to the President of the Republic of Moldova or to the Parliament.

9.4. Appointment of Court Staff by the Court President

Although recent amendments to Article 45(2) of the Law on Judiciary Organizations⁴³ established the office of Chiefs of Court Secretariat to “*carry out the organizational and administrative work in a court*” the law did not provide management authorities to hire, promote, discipline and/or discharge non-judicial employees employed pursuant to current civil service labor laws.

For reasons that are not clear, the drafters of the law chose to retain HRM authorities with Court Presidents under Article 161(o) to “*appoint civil servants; change, suspend and cancel work relations with them in accordance with the law; hire, change, suspend and cancel work relations with the contracted staff of the court secretariat.*”

41 By this Decision, a range of regulations regarding the procedure of employment and the activity of public servants were approved: The Rules on the employment in public office; The rules on the probation period for debutant public servants; The structure of the job description and the Methodology of the elaboration, coordination and the approval of job description; The form of the staff structure and the Methodology of the fill in and approval of staff structure; The way of issuance of the written arrangement of the public servant regarding the activity in public office after the graduation of the professional development courses; The Regulation on the Commission for discipline; The regulation on evaluation of the professional performances of the public servants, The framework regulations of the public authority human resources division, The regulation on the professional development of public servants

42 Article 4(a) of the Law on the Superior Council of Magistracy, No. 947-XIII of 19.07.1996.

43 Law on the Judicial Organization, No. 153 of July 5, 2012.

Some may argue that it is incongruous to require Chiefs of Court Secretariat to manage court organizations and administrative work without also providing the necessary HRM tools to effectively manage the staff.

Meanwhile, Chiefs of Court Secretariat to help standardize and improve recruiting, performance evaluation, leave administration, retention and employee grievance and disciplinary programs.

9.5. Establish Baseline Staffing Requirements

9.5. Establish Baseline Staffing Requirements	
Step	Activity or Outcome Requirements
1	<ul style="list-style-type: none"> Meet with the HR department to confirm current position vacancies and anticipated staff retirements within the next 6-months (if known).
2	<ul style="list-style-type: none"> Meet with department managers and supervisors to evaluate current staff assignments against individual position descriptions.
3	<ul style="list-style-type: none"> Evaluate each department's workload, work plan and organization charts.
4.	<ul style="list-style-type: none"> Confirm new or temporary staffing requirements with managers and supervisors (either to be funded from this year's appropriations, or included in the next fiscal year's budget cycle request).
5.	<ul style="list-style-type: none"> Confirm the status of the court's current operating budget to determine whether there are sufficient monies to recommend hiring new or temporary positions.
6.	<ul style="list-style-type: none"> Evaluate potential innovations or work place improvements that could improve court operations and/or mitigate the need for additional staff – and if there are no realistic alternatives, proceed to the next step.
7.	<ul style="list-style-type: none"> Develop proposed position descriptions and pay classification recommendations for proposed new or temporary hire positions to be recommended to the Court President.
8.	<ul style="list-style-type: none"> Develop a proposed recruiting strategy and timelines for presentation to the Court President.
9.	<ul style="list-style-type: none"> Discuss the workload analyses (Step 6); and present the proposed position descriptions, salary compensation and recruiting strategies to the Court President for review and approval (Steps 7 and 8). Incorporate recommendations or changes as required and if authorized proceed to the recruiting phase (9.7. below).

9.6. Qualifications for Applying for Public Office

9.6. Qualifications for Applying for Public Office	
#	Requirements
1.	<p>Article 27(1) of the Law on Public Office and the Status of Civil Servants, No. 158 (July 4, 2008) establishes the minimum conditions for applying for a public office position in the courts:</p> <ul style="list-style-type: none"> a) Be a citizen of the Republic of Moldova. b) Know Moldovan language and the official languages for interethnic communication spoken in the corresponding area within legal limits.

9.6. Qualifications for Applying for Public Office	
#	Requirements
	<ul style="list-style-type: none"> c) Have full legal competence. d) Have not reached the age of retirement. e) Be capable, in terms of health, to serve in the public office and have a corresponding medical certificate from an authorized healthcare facility if special health requirements apply to this office. f) Have the necessary education. g) Have not been fired from a public office in the past 3 years under Article 64 (1) letter a) and b) or have not had his individual employment agreement rescinded due to disciplinary reasons. h) Does not have criminal record for deliberate crimes that has not been served. i) Is not deprived of the right to fill certain offices or to carry out certain activities as a basic or complementary punishment through a final court judgment.
2.	Article 27(2) provides that to fill a public office in public authorities, the applicant shall have finished higher education with a license or equivalent diploma, except for executive public offices from first level local governments, which can hire individuals with finished secondary education, if necessary.
3.	<p>Article 27(3) provides that the applicant to a public office shall meet minimal specific requirements for the respective office, established in the Single Classifier of Civil Service Positions, approved through Law No. 155 of July 21, 2011.</p> <ul style="list-style-type: none"> • The public authority may also establish other specific requirements, such as the specialty of the education, knowledge, professional skills and attitudes/conduct necessary to exercise the corresponding public office efficiently. <i>These requirements shall be written in the job description for the corresponding public office (emphasis added).</i>

9.7. Recruiting Court Staff

Activities required during this phase are mandated by Article 28 (Filling the Public Office) of the Law on Public Office and the Status of Civil Servants, Law No. 158 (July 4, 2008) and include provisions for filling the office by one of five approved methods⁴⁴:

- Competitive basis;
- Promotion;
- Transfer;
- Detachment ; or
- Interim appointment for an executive public office.

9.7. Recruiting Phase	
Step	Activity or Outcome Requirements
1.	Determine which of the five approved methods will be used for filling the position.
2.	Develop a competition plan and identify all locations and periodicals where notice will be posted.
3.	Develop a brief announcement of the position in a periodical at 20-calendar days before the competition. At a minimum, this announcement will include:

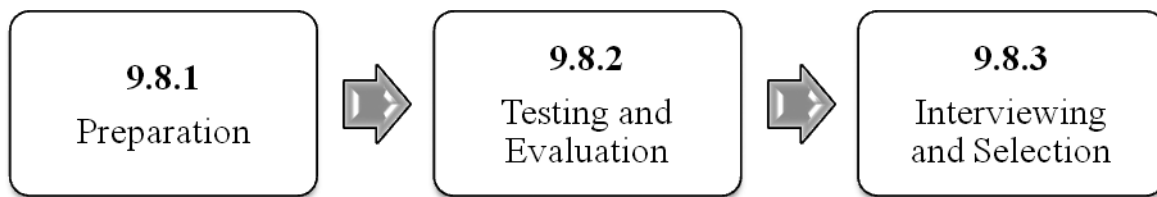
⁴⁴ **Note:** Court best practice recommendations are also included, along with suggested forms (where appropriate) as attachments to this chapter.

9.7. Recruiting Phase	
Step	Activity or Outcome Requirements
	<ul style="list-style-type: none"> • Name of the court. • Vacancy announcement and description of the position. • Source where more information about the position and competition process can be obtained (Recommend this be the Court Secretariat or HR Department).
4.	<p>Establish the conditions of the competition. At a minimum, the description of the conditions must include:</p> <ol style="list-style-type: none"> a) Name and the headquarters of the court organizing the competition. b) Title of the vacant position. c) Purpose and basic tasks of the vacant position in accordance with the job description. d) Conditions for participating in the competition. e) Documents to be submitted. f) Bibliography for the competition: Article 28(15) further defines bibliography as the list of regulatory acts and other information sources that are relevant for the vacant public office and that will serve as the basis for the written test and the interview. g) Deadline for submitting documents. h) Manner for submitting documents. i) Telephone number, email, post address, contact point for information and receiving documents.
5.	<p>In addition to the announcement in the periodical, the court will:</p> <ul style="list-style-type: none"> • Publish the information about the conditions of the competition on its Web site and in a visible place on the information board in its central office (court information and directory boards); • If the public authority does not have a Web site, it may publish this information in a widely circulated newspaper; and • If the public authority considers it necessary, it ensures the dissemination of this information by other advertisement means.
6.	<p>The application process requires applicants to apply in person or through mail/email before the deadline mentioned in the conditions of the competition. Applications shall include:</p> <ol style="list-style-type: none"> a) Participation form included in the Annex to these Regulations (<i>See</i> Tab 9.7 – Application for Employment). b) Copy of the identity card c) Copy of the diploma of higher education and of the certificates on the professional development or specialization courses. d) Copy of the employment record book. e) Medical certificate, if applicable. f) Criminal record. g) Copies of the submitted documents may be legalized with a notary or may be submitted with the originals for checking their authenticity.

9.7. Recruiting Phase	
Step	Activity or Outcome Requirements
7.	See Tab 9.1: Update Application File Checklist: All applications, and related documents, should be received and confidentially stored in individual applicant files in the Secretariat or HR Department Office. Court HR staff shall review applicant files for completion and organize them for submission to the Competition Evaluation Committee (See 9.8. below).

9.8. Competition Phase to Test, Evaluate, Interview and Select Employees

Chiefs of Court Secretariat need to prepare for the three phases of the competition phase:



9.8. Competition Phase to Test, Evaluate, Interview and Select Employees	
Step	Activity or Outcome Requirements
9.8.1.	Preparation
1.	Establish the Competition Committee: Unless otherwise directed by the Court President, the Chief of Court Secretariat should establish a committee of 3–5 court staff members who hold position of senior grade to the grade of the advertised position. Gender and ethnic balance on the committee is essential. Members of the panel should include: <ul style="list-style-type: none"> • One person from the department or office where the appointee will work. • One person from another department or office. This person should be familiar with the duties and skills required for the position. • One HR staff representative.
2.	Brief the Competition Committee: Before the start of deliberations, the Chief of Court Secretariat should meet with the committee to outline recruiting actions to date; define expectations, timelines and outcomes from the committee’s work; and require each member to sign a confidentiality and non-disclosure agreement (See Tab 9.2. – Competition Committee Confidentiality and Non-disclosure Agreement).
3.	Develop three versions of a written test and interview questions: The law is specific on the structure, content and testing process. <ul style="list-style-type: none"> • Multiple choice questions with 4–6 subjects, 2–3 of which should be from the specific areas of the vacant position, and 2–3 from the regulatory framework. • 2–3 practical exercises for senior and executive public offices preparing a memo or decision draft; 2–3 practical tasks for executing public office (e.g., preparing and editing letters, memos, draft reports, decisions, etc.). • Each test shall have an evaluation grid.
9.8.2.	Testing and Evaluation

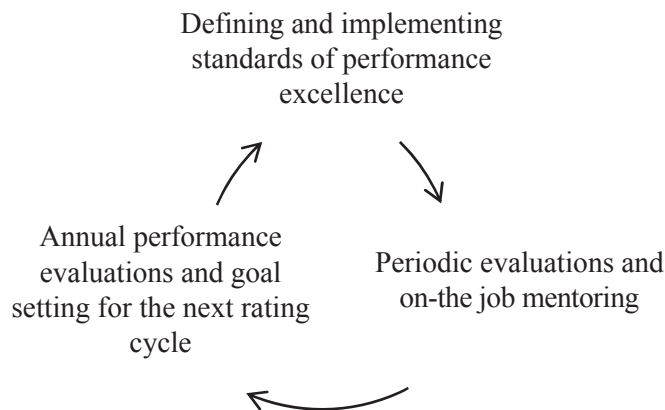
9.8. Competition Phase to Test, Evaluate, Interview and Select Employees	
Step	Activity or Outcome Requirements
1.	Examine and Approve or Deny Applications: Not later than 3-days after the deadline for submitting applications the committee will review all of the applications and decide on admitting selected applicants into the testing process.
2.	Notify Applicants: The secretary of the competition committee shall post the list of the admitted applicants on the information board in the central office of the public authority, on its Website, and shall inform the rejected applicants about the reason for their rejection.
3.	The committee defines the duration of the test. The committee limits access and bars access to resources and cell phones.
4.	All applicants for the same position will take the same version of the test. Note: Chiefs of Court Secretariat need to ensure adequate space and equipment (including computers if used) for the test.
5.	Applicants will take the written test in the presence of the Committee.
6.	Issue Standardized Paper for the Tests: <ul style="list-style-type: none"> • Papers shall be written only on special sheets given by the public authority organizing the competition. • At the beginning of the written test, the paper shall be marked in the right corner of the first page with the applicant's surname and name. • After the inscription is covered and glued to preclude from identifying the written data, the papers shall be encoded and stamped with the stamp of the public authority organizing the competition. • When the time for written test is over, applicants shall submit their papers to the secretariat of the competition committee and sign in a special list.
7.	Evaluating the Test: <ul style="list-style-type: none"> • Written papers shall be checked in the encoded form and shall be decoded only after they are evaluated. • The evaluation of the written papers shall be carried out on a scale of 1 to 10, by each member of the competition committee separately, and the results shall be recorded in the committee's minutes. The final mark for the written paper shall be calculated as the arithmetic mean of the total number of points given by the members in the competition committee. • Applicants who obtained a mark below 6 in the written test shall be excluded from the competition. • If only one applicant passes the written test, the competition shall continue.
9.8.3.	Interviewing and Selecting
1.	Interviews and Notice to Successful Applicants: <ul style="list-style-type: none"> • The interview shall take place within 3 work days of the written test. • The list of applicants admitted for the interview, and the date and the time of the interview, shall be posted on the Web site of the public authority and on the information board in the central office of the public authority. • In addition, applicants shall be informed in person about the date, the time, and the place of the interview by email, telephone and/or certified mail.
2.	Interview Questions and Process: <ul style="list-style-type: none"> • The duration of the interview and the list of basic questions are established by the competition committee.

9.8. Competition Phase to Test, Evaluate, Interview and Select Employees	
Step	Activity or Outcome Requirements
	<ul style="list-style-type: none"> • The basic questions help to find out the information about: • Professional and personal qualities related to the position. • Factors that motivate and de-motivate applicants. • How a client will likely behave in various situations, including in critical ones. • Questions for senior and executive public offices shall refer to management styles, motivation of subordinates, team work, etc. • During the interview, the members of the competition committee shall ask the same basic questions to each applicant for the same vacancy. Measures shall be taken so that none of the applicants can hear the questions addressed to his predecessors.
3.	<p>Limitations on Questions: Questions about political, religious or ethnic affiliation or those about financial state, social background or gender-related discriminatory questions may not be asked.</p>
4.	<p>Evaluating the results of the interviews:</p> <ul style="list-style-type: none"> • Each member in the competition committee shall evaluate answers individually, on a rating scale from 1 to 10, and the results shall be recorded in minutes. The final mark for the interview shall be the arithmetic mean of the points given by each member in the competition committee. Applicants whose final mark is lower than 6 shall be disqualified. • The arithmetic mean of the final mark for the written test and that for the interview shall be the applicant's final mark in the competition. • The competition committee shall prepare a list of applicants who qualified in the competition in the descending order of their final marks. • The winning applicant shall be the one who obtains the highest final mark; and if more applicants have the same best final mark, the competition committee shall decide on the winner depending on the level of his/her meeting the conditions of the competition and his/her application documents.
5.	<p>Recording the Committee's Recommendations and Actions:</p> <ul style="list-style-type: none"> • The results of the competition shall be recorded in minutes that shall be sent to the person/body with the legal authority to make appointments within 2 working days after qualification. • The members of the competition committee shall sign the minutes and other documents on the work of the committee. Each member shall have the right to append his separate opinion to the minutes. • The meeting of the competition committee shall be deliberative if at least 2/3 of its members are attending. • The results of the competition shall be posted on the Web site of the public authority and on the information board in its central office within 3 working days from the competition. In addition, applicants shall be informed about the results of the competition by email/telephone/certified mail.
6.	<p>Appointing the winning applicant:</p> <ul style="list-style-type: none"> • The Court Secretariat shall present the Competition Committee's recommendations to the Court President for review and approval. • The person/body with the legal authority to make appointments shall appoint, through an order, the winning applicant for the corresponding public office.

9.8. Competition Phase to Test, Evaluate, Interview and Select Employees	
Step	Activity or Outcome Requirements
	<ul style="list-style-type: none"> If the winning applicant does not appear for the appointment procedure without a justified reason, or if he/she refuses in writing to be appointed, the person/body with the legal authority to make appointments shall appoint the next applicant on the list of qualified applicants.
7.	<p>Rescheduling the Competition Process (if needed): At the direction of the Court President, the Chief of Court Secretariat shall reschedule all, or part of the competition if:</p> <ul style="list-style-type: none"> Applications are not filed within the established term; Only one application is filed; After considering the applications, it is found that only one can be admitted; or None of the applicants received the minimal qualifying mark. <p>The rescheduled deadline for applying shall be included in the information on participating in the competition, without posting a repeated announcement in a periodical. If after rescheduling the competition deadline, only one application is submitted again, the competition shall be carried out in accordance with the procedure established in these Regulations.</p>

9.9. Developing Successful Court Performance Teams

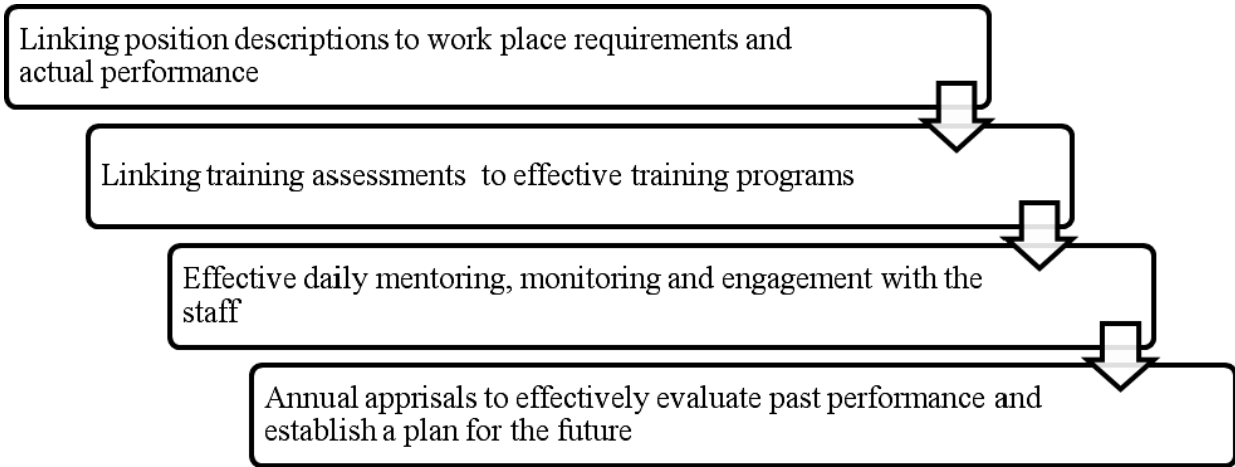
Successful teams do not just appear around the time of employees’ annual performance evaluations. Instead, they are developed around a year-long process where managers, first line supervisors and staff commit to open and honest communication and the cycle of developing and sustaining performance excellence.



Court managers and staff need to understand that work place performance must “MEET” or “EXCEED” required standards. A few will be outstanding in their work, but no one can be allowed to languish for long in the category of “NEEDS IMPROVEMENT” or “UNSATISFACTORY”.

All too often, managers and first line supervisors chose to avoid the challenges of the latter two categories – arguing the path to success is either too difficult, or they simply don’t have time to take on the burden of working with underperforming staff. However, where this kind of leadership inertia exists, underperforming staff effectively transfer their work to other more responsible employees and all employees learn to disrespect and ignore management directives.

This cycle of building work place excellence is also tied to these essential management activities:



9.10. Linking Job Descriptions with Actual Work Place Requirements

All too often, job descriptions are simply a paper tool used in the recruiting and hiring process and bears little resemblance to the actual work performed by employees on a daily basis; and when this is allowed to happen, managers often just look to the position description requirements while preparing the annual performance evaluation and rate accordingly – while employees feel betrayed that their “real contributions” are being overlooked.

To fix this problem, managers, first line supervisors and employees need to periodically compare the duties required in the position description against the work that is actually being performed. It may be necessary to realign the position description, employee compensation and workplace activities as needed.

Ultimately, undertaking this kind of periodic reassessment helps managers, first line supervisors and employees remain focused on the details of what an employee is being asked (and compensated) to do on a daily basis. From that point, it is possible to develop a realistic training and performance plan for the future development of the employee.

9.11. Developing and Funding Staff Training Programs

In the current environment of limited judiciary funding, it is imperative for Chiefs of Court Secretariat to plan and budget staff training programs on a priority basis. To do that, Chiefs of Court Secretariat have to understand what training is needed, and compare that to what is being requested by managers, first line supervisors and court staff. They are not necessarily the same thing. Ultimately there are two kinds of in-service staff training programs available to Chiefs of Court Secretariat:

- “In-house” programs locally developed and instructed by court judges or staff; and
- “External” training programs offered by the NIJ, SCM or DJA.

9.11. Developing and funding staff training programs.
1. Confer with the Court President to determine his/her thoughts about staff training requirements – and consult with other judges and judicial staff as appropriate.
2. Evaluate current employee and court user satisfactions surveys (if any).

9.11. Developing and funding staff training programs.

3. Confer with department managers, first line supervisors and staff to determine their perception and requirements for department and personal training needs. Determine whether local judges or court staff are qualified to design and conduct requested training („in-house” training).
4. Compile and prioritize list of „training needs” and the individuals who need training.
5. Contact NIJ and DJA to determine their list and schedule of offered training programs. Determine which ones are taught by NIJ or DJA (and the cost implications) and those that can be exported to the local court.
6. Confer with other Chiefs of Court Secretariat to determine if they have developed „in-house” training programs that can be exported to your court.
7. Investigate „no” or „low cost” training solutions through local universities and law schools.
8. Confirm the available training budget for this fiscal year – or whether other funds that are not likely to be expended can be reallocated to support training programs.
9. Prioritize a „fundable training program” and present the recommendations to the Court President for review and approval.
10. Build „next year” training requirements to be included in the next budget cycle.

Once Chiefs of Court Secretariat have developed a “fundable training program”, they need to communicate the training plan and funding strategy to department managers, first line supervisors and the staff. They should also work with NIJ and/or DJA to develop, instruct and certify local court “Training of Trainers” (ToT) Instructors who in the future can be called upon to develop and conduct local programs for the staff.

9.12. Building Successful Monitoring and Mentoring Practices

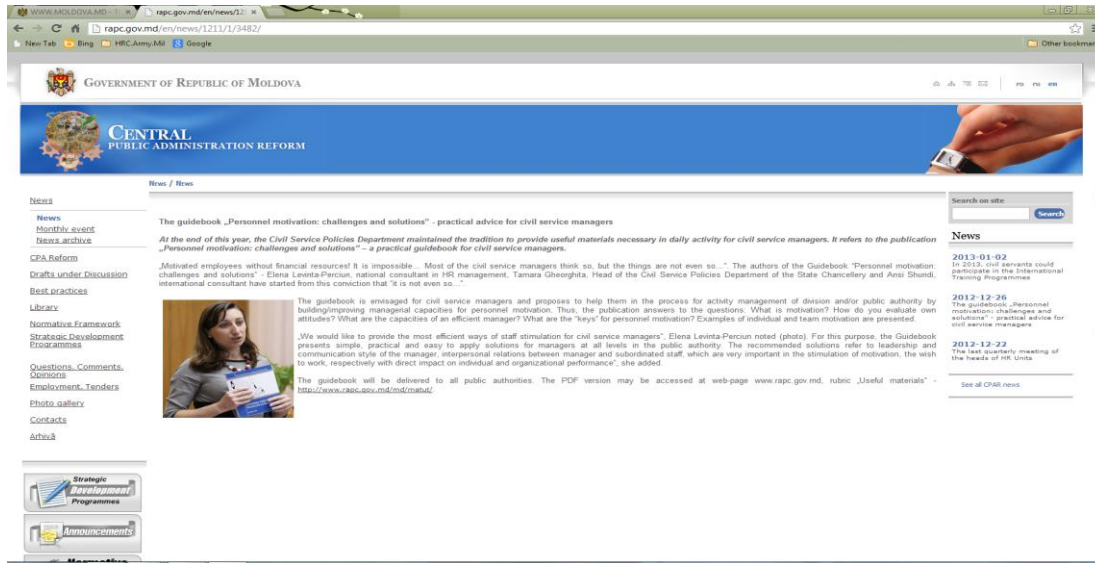
Chiefs of Court Secretariat, department managers and first line supervisors cannot lead or manage by executive fiat or e-mails. Effective leaders and managers achieve success through personal (not personnel) engagement and communication. In contrast, leaders and managers who believe they can remove themselves and manage operations and the staff by publishing e-mails and directives are destined to fail – and so too will the organization.

In Chapter 3.4. – Building an Effective Leadership and Management Style, Chiefs of Court Secretariat, department managers and first line supervisors were encouraged to develop a personal (not personnel) engagement style of leadership building around the concept developed by Steve Jobs, the former president of Apple.

9.13. Personnel Motivation – A practical guidebook of challenges and solutions for civil service managers

As part of Moldova’s strategic development program, the Civil Services Policies Department recently published a guidebook entitled *Personnel motivation: challenges and solutions – practical advice for civil service managers*⁴⁵.

45 Moldova’s Civil Service Policies Department, *Guidebook of Challenges and Solutions – a practical guidebook for civil service managers*, available in English and local languages at <http://rapc.gov.md/en/news/1211/1/3482/>



The authors of the Guidebook, Elena Levinta-Percium (National consultant in HR management), Tamara Gheorghita (Head of the Civil Service Policies Department of the State Chancellery) and Ansi Shundi (International Consultant), explained that the guidebook is intended to help civil service managers to more effectively manage their offices by building and improving managerial capacities for personnel motivation. The guidebook address the following questions and issues:

- What is motivation?
- How do you as a manager or supervisor evaluate your own attitudes?
- What are the capacities of an efficient manager?
- What are the “keys” for successful personnel motivation?
- Examples of individual and team motivation are presented.

According to Elena Levinta-Percium⁴⁶, “we would like to provide the most efficient ways of staff stimulation for civil service managers.” To accomplish this objective, the Guidebook presents simple, practical, and easy to apply solutions for managers at all levels in the public authority. The recommended solutions investigate both the leadership and communication style of the manager **and** the interpersonal relations between manager **and** subordinated staff.

9.14. Performance Evaluations

Developing careful, thoughtful and accurate annual work performance appraisals, and developing a work plan for the future, requires time, effort and personal commitment on the part of

Excerpt from the USAID/Kosovo’s Model Court Program’s Manual for Court Administration

- Every court employee is tasked with specific duties and responsibilities outlined in his job description.
- Performance evaluations should be based on continuous, open, clear and objective feedback over the course of the rating period.
- Performance evaluations should provide an opportunity to discuss employee expectations and job performance with their supervisor.
- Performance evaluations are geared towards continuous professional development and take into account deliverables, duty fulfillment, and work habits.

⁴⁶ The guidebook is scheduled to be delivered to all public authorities. In the meantime, a *.pdf version may be accessed at web-page www.rapc.gov.md, rubric “Useful materials” – <http://www.rapc.gov.md/md/matut/>

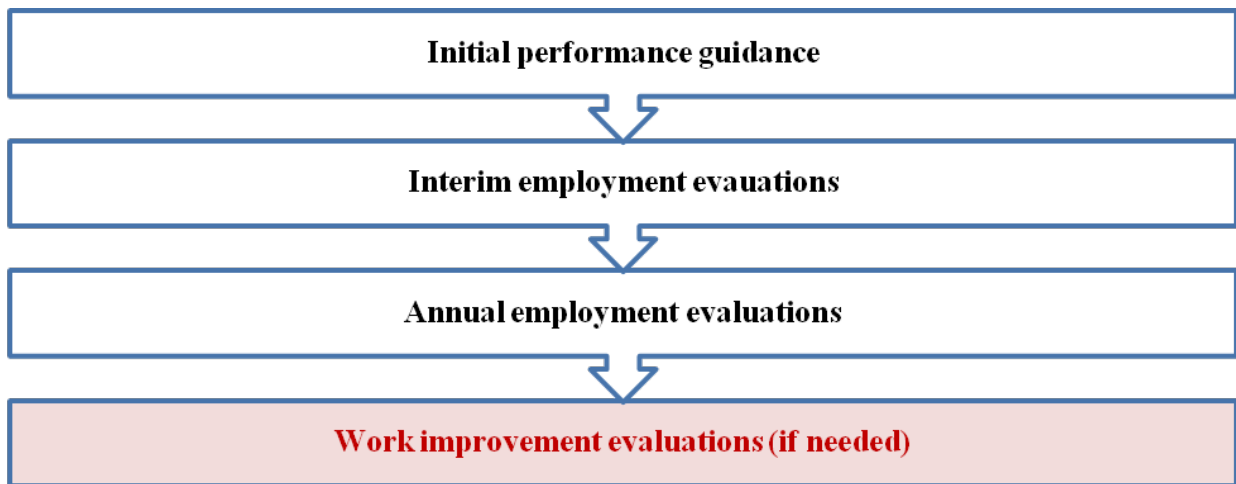
the Court Secretariat, department managers and first line supervisors and the staff. Each has a part to play in this annual review process.

Performance evaluations are required to be conducted and documented annually and are generally linked to pay and compensation issues and decisions.

Unless required by law, directive, or instructions from the Court President, Chiefs of Court Secretariat should consider:

- Spreading the performance evaluation process out over the course of the work year based on employment anniversary dates. This will ensure that there is adequate time to focus on the evaluation process – instead of being forced to conduct all evaluations at the end of a fiscal year.
- Revising and implementing the actual form for court performance evaluations along the lines of the one set forth in **Tab 9.4. – Performance Evaluation Form.**

As a general rule, the typical employee evaluation cycle follows a path similar to the one outlined below:



Guidelines for the Initial Performance Guidance Meeting

1. Not later than 3-working days after an employee starts work in the court, department managers and first line supervisors will schedule an orientation and initial guidance meeting to review:
 - Standards of conduct.
 - Confirm key tasks to be performed.
 - Provide instructions and guidance on how these tasks are to be performed.
 - Discuss the employee’s attitude, abilities and approach to work.
 - Discuss the criteria for monitoring of performance throughout the year.
 - Establish a professional development strategy for the employee.
2. Define the probationary period for this position and the schedule for interim performance evaluations.
3. Minutes of the meeting are maintained and confidentially kept in the employee’s personnel file.

Guidelines for the Interim and Annual Performance Evaluation Meetings

1. Employees enter into their positions in a probationary or evaluation status.
2. Interim performance evaluations are scheduled for the first two quarters of employment to review the employee’s progress and are private and confidential.

- | |
|--|
| 3. Employees should be notified at least 3-working days prior to the performance evaluation meetings. |
| 4. At least 10-working days prior to the meeting, HR staff should provide the employee with a blank copy of the performance evaluation form and asked to conduct their own self-assessment prior to the meeting. |
| 5. Minutes of the meeting (and a copy of the employee's self-assessment) are maintained and confidentially kept in the employee's personnel file. |

Guidelines for Work Improvement Meetings (Adverse Personnel Actions)

- | |
|--|
| 1. Department managers and first line supervisors meet and agree on the need and reasons for a work improvement program; review prior mentoring discussions; and identify specific incidents of unsuccessful work performance. |
| 2. Outline the measureable work performance requirements of the work improvement program and determine how department managers and first line supervisors will monitor and measure compliance. |
| 3. Establish the period of performance for the work improvement plan. |
| 4. Formalize the work improvement plan and counseling statement in writing before the meeting. |
| 5. Employees should be notified of the date and time of the work improvement meeting. Advance notice is not required in this situation because this is an adverse personnel action. |
| 6. Department managers and first line supervisors attend the meeting along with the employee. Honest, candid and productive discussions are expected from all participants. Remember, the goal here is to address and resolve work place performance; identify employee work performance and supervision commitments; and to ultimately improve communications between the parties. |
| 7. Participants sign the work performance plan and counseling statement. |
| 8. Minutes of the meeting (and a copy of the employee's self assessment) are maintained and confidentially kept in the employee's personnel file. |

9.15. Discipline⁴⁷

According to the provisions of Labor Code, the labor discipline is the obligation of all employees to follow certain rules of conduct established in the Labor Code, other normative acts, collective conventions, collective and individual labor contracts.

All new court employees receive the Civil Service Code of Conduct and the SCM-approved Norms of Conduct for Court Employees when they sign their employment contract and are required to read the Code and familiarize themselves with its contents. The Chief of Court Secretariat is encouraged to discuss the Code with each employee.

The Court President and Chief of Court Secretariat are expected to lead by example and maintain high standards of ethics and discipline in the workplace. They are also responsible for ensuring that all employees have the Code of Ethics and understand it. They should refuse to ignore, tolerate or condone bad behavior on the part of individual staff members and take all necessary corrective actions when such behavior occurs.

⁴⁷ Extracted and adapted from the USAID/Kosovo's Model Court Programs *Manual on Court Management and Standard Operating Procedures, Chapter II (Human Resources), Section 5* (implemented by the National Center for State Courts).

9.15.1. Disciplinary Proceedings Generally: Disciplinary proceedings are administrative proceedings which can lead to sanctions as serious as suspension or dismissal from work as a result of an infraction which may or may not constitute a punishable offense under criminal law. Not all lapses in behavior or errors will lead to formal disciplinary proceedings. Occasional minor errors may be addressed in day-to-day management through informal admonishments, guidance, or corrective instructions.

9.15.2. Disciplinary Offenses: The following offenses constitute the basis for disciplinary action against a violating employee:

9.15.2. Disciplinary Offenses That Require Action by Management

- Breach of Civil Service Code of Conduct and governing principles.
- Discrimination against or harassment of another civil servant or of a member of the public on the grounds of gender, age, race, religion, ethnicity, etc.
- Neglect of duty.
- Failure to obey a reasonable order or insubordination.
- Unauthorized absence from work.
- Fraud, theft or intentional damage to court property or equipment.
- Deliberate falsification of records.
- Violent behavior in the workplace.
- Behavior outside the workplace that is incompatible with status as a civil servant and may bring the civil service into disrepute.
- Failure to declare or false declaration of conflict of interest.
- Violation of the requirements on keeping the state secret or confidentiality of information.
- Conducting political activities during working hours.
- Violation of the rules on organizing and conducting employment competitions and evaluating the performance of civil servants.

9.15.3. Reporting Disciplinary Offenses

Step	9.15.3. Reporting Allegation of Disciplinary Violation(s)
1.	An employee who observes or becomes aware that a disciplinary offense is or has been committed in the court must immediately report it to the Chief of Court Secretariat by filling out the <i>Report of Suspected Violation of a Disciplinary Offense</i> . The employee should include a brief description of the disciplinary offense. The report can also be done verbally, however, a written report will ensure a more timely and accurate processing of the complaint.
2.	The Chief of Court Secretariat records the report and initiates a confidential disciplinary file.
3.	The Chief of the Court Secretariat notifies the Court President of the disciplinary violation.

9.15.4. Conducting Disciplinary Proceedings: Unless otherwise directed by the Court President, the following steps are usually taken to resolve allegations of a disciplinary violation.

Step	9.15.4. Procedural Steps for Major or Serious Disciplinary Proceedings
1.	The Chief of Court Secretariat upon receipt of the <i>Report of Suspected Violation of a Disciplinary Offense</i> is obliged to notify the Court President.

Step	9.15.4. Procedural Steps for Major or Serious Disciplinary Proceedings
2.	The Court President sets up a Disciplinary Commission, which will examine the materials related to the disciplinary violation. Members of the Disciplinary Commission are representatives of the trade union, or, if the trade union is not representative or the civil servants do not have a trade union, a representative appointed by the vote of the majority of the civil servants for whom the Disciplinary Commission is created.
3.	If the act committed by the civil servant has elements of a disciplinary violation and of a crime, the procedure of investigation by the Disciplinary Commission shall be suspended until the criminal investigation is terminated, or the person is discharged of accusations or until the court orders person's acquittal or dismissal of the criminal case.
4.	The Disciplinary Commission must ask from the civil servant a written explanation of the committed act.
5.	After the preliminary investigation, the Disciplinary Commission recommends the following sanctions to be applied to the guilty civil servant: <ul style="list-style-type: none"> • Warning • Reprimand • Severe reprimand • Suspension for one year of the right to be promoted • Suspension for two years of the right to salary increase • Termination of employment.
6.	The administrative act on the disciplinary sanction shall be presented against signature to the civil servant within 5 days from the date of issuance. The refusal of the civil servant to appear before the Disciplinary Commission, to present arguments and to sign the administrative act on the disciplinary sanction shall be mentioned in the minutes.

9.16. Leave for Judges and Court Staff

The labor relationships are ruled in the case of different employees by different regulations. The general framework for labor relationships is established by the Labor Code. The provisions of the Labor Code are available for all the employers and employees but it has provisions that establish the possibility of other regulations to provide specific provisions on a specific category of employees. In the case of judges the special law is the Law on the Status of Judges that establishes specific provisions on their labor rights. The Law on the Civil Servants and the Status of Civil Servants establishes specific rights and obligation for civil servants. According to those regulations all employees are entitled to annual leave.

9.16.1. Annual leave for judges and court staff

9.16. Leave for judges and court staff	
9.16.1. Annual Leave – According to the Labor Code ⁴⁸ the annual leave is guaranteed to all employees.	
Judges	<ul style="list-style-type: none"> • The amount of the annual leave for judges is established by the Law on the status of judges⁴⁹ and it consists of 30 days.⁵⁰ • For judges who have at least 5 years of work experience in public service, the annual leave is increased with 2 more working days.

48 Article 112, 113 of the Labor Code approved by Law No. 154-XV of 28.03.03.

49 Law No. 544 – XIII of 20.07.1995 on the status of judges amended and republished on 22.01.2013.

50 Article 29 of the Law on the status of judges.

9.16. Leave for judges and court staff	
	<ul style="list-style-type: none"> If the judge has from 5 to 10 years of work experience in public service, the annual leave shall be increased with 5 working days; from 10–15 years by 10-working days; and more than 15-years by 15-working days
Civil servants	<ul style="list-style-type: none"> The amount of the annual leave for civil servants is 35 days.⁵¹ The annual leave shall be increased with 3, 5 and 7 days in case the work experience of the public servant is longer than 5, 10 and 15 years respectively.
Administrative staff (not civil servants)	<ul style="list-style-type: none"> For workers who do not have the status of a civil servant, the annual leave consists of at least 28 days, according to the Labor Code⁵².
Request for use of annual leave:	<ul style="list-style-type: none"> Annual leave is planned at the end of the current year for the next year.⁵³ The schedule is established by negotiation with employees. Usually the employee writes a request for the period of the year when he/she wants to use the annual leave and this period is included in the schedule.
Approval of use of annual leave and designation of authorizing official.	
Judges	<ul style="list-style-type: none"> For the judges of trial courts, the schedule of the annual leave is approved by the president of the court, for the presidents and deputy presidents of the trial courts and courts of appeals by the Superior Council of Magistracy and for the judges of the Supreme Court of Justice by its Plenum.⁵⁴ The employees shall be informed in written form about the schedule of the annual leave approved by the employer⁵⁵.
Civil servants and administrative staff (not civil servants)	<ul style="list-style-type: none"> The annual leaves are scheduled in coordination with first line supervisors, department heads and the Chief of Court Secretariat and employees. The schedule of the annual leave is approved by the president of the court at the end of the current year for the next one. The employees shall be informed in written form about the schedule of the annual leave approved by the employer⁵⁶.
Additional Guidance Relating to the use of annual leave by judges and staff.	
<ul style="list-style-type: none"> Delay of the annual leave and the recall from leave: In the annual leave adversely impacts the activity of the court, the leave can be delayed for the next year with the consent of the employee. When delayed until the next year the employee will use a double leave. Limits on taking annual leave: Annual leave may not be used within the first six months of employment⁵⁷. 	

51 Article 43 of the Law on the public servant position and status of the public servant.

52 Article 113 of the Labor Code.

53 Article 116 of the Labor Code.

54 Article 29 of the Law on the status of judges.

55 *Ibidem*.

56 *Ibidem*.

57 Article 115 of the Labor Code.

9.16. Leave for judges and court staff

- **Using unused leave from the previous year:** During the activity as an employee, the unused annual leaves can be attached to the current annual leave in use.⁵⁸
- **Unused leave at the end of a contract, or suspension of activity as a judge:** At the end of the labor contract or in case of suspension of the activity as a judge, the person has the right to compensation for the unused leave.⁵⁹

9.16.2. Sick leave for judges and staff: All employees are entitled to sick leave if they are unable to attend work due to illness or accident.

9.16. Leave for judges and court staff

9.16.2. Sick leave

Allowance	All the employees have the right to paid seek leave. ⁶⁰
Request for use	<ul style="list-style-type: none"> • The employee must inform the Court Administrator or direct supervisor as soon as possible about their seek leave. • In order to use a seek leave, the employee shall submit to the employer the medical certificate that proves the fact that he/she has been seek for the period he/she was absent from work.⁶¹
Approval of use	In case the employee fails to provide a medical certificate the absence is considered as unauthorized.
Limits on use	Sick leave may only be used for the purpose for which it is intended.
Prohibition against carrying over leave	Employees are not entitled to carry over unused sick leave. All unused sick leave is forfeited.
Prohibition against compensating employees for unused leave	The employee is not entitled to compensation of unused sick leave upon leaving the court.
Authorization to use sick leave to care for sick family members	Unpaid seek leaves can be awarded to civil servants for up tot of one year in case they have an ill relative to take care of. In this case the labor relationships shall be suspended. ⁶²

9.16.3. Maternity leave for judges and staff

9.16. Leave for judges and court staff

9.16.3. Maternity leave for judges and staff.

Allowance	<ul style="list-style-type: none"> • 70 days before the birth of the child and 56 days after the birth. • In case the birth has been medically recognized as a complicated one or two or more babies have been given birth 70 days are allowed for post birth leave.⁶³
------------------	---

58 Article 119 Labor Code.

59 *Ibidem*.

60 Article 123 of the Labor Code.

61 There are no special regulations regarding the procedure for paid sick leave for the court presidents and deputy presidents.

62 Article 54 of the Law on the public servant position and status of the public servant.

63 There are no special regulations on judges.

9.16. Leave for judges and court staff	
9.16.3. Maternity leave for judges and staff.	
Request for use	The employee must inform the Court Administrator or direct supervisor and to present the certificate that proves the pregnancy.
Approval of use	<ul style="list-style-type: none"> • The Court Secretariat, or in his or her absence the direct supervisor, will issue a decree on the grant of the leave. • The maternity leave shall start 70 days before the birth.
Limits on use	Maternity leave may only be used for the purpose for which it is intended.
Anticipated use of leave	Maternity leave may not be provided before 70 days prior to the expected date of delivery.
Return to work	The employee is entitled to return to her previous post or an equivalent post at the same rate of pay. Maternity leave does not affect seniority.
Additional Guidance for the use of maternity leave for judges and staff.	
	<ul style="list-style-type: none"> • After the maternity leave, the employee may request a maximum 3 year partially paid child care leave. The child care leave can be used integrally or partially at any moment until the child is 3 years old. During the child care leave the employee keeps the work place and this term is included into the general work experience. • Employees have the right to supplementary unpaid child care leave until the child is 6 years old⁶⁴. • These rules also apply to employees that had adopted new born children or are the tutors of new born children.

9.16.4. Paternity leave for judges and staff

9.16. Leave for judges and court staff	
9.16.4. Paternity leave for judges and staff	
Allowance	The father of a new born child can request an extraordinary unpaid leave for personal reasons for up to 60 days ⁶⁵ . The father can also request the partially paid leave for child care for up to 3 years and unpaid child care leave from the moment the child is 3 years old until the age of 6 years.
Request for use	The employee must request paternity leave from the Court Administrator or direct supervisor.
Approval of use	The Court Secretariat, or in his or her absence the direct supervisor will issue a decree on the grant of the leave.
Limits on use	Paternity leave must be used for the intended purpose.
Prohibition against compensation for unused leave	The employee is not entitled to compensation for any part of the unused paternity leave.
Return to work	The employee is entitled to return to his previous post or an equivalent post at the same rate of pay. Paternity leave does not affect seniority.

⁶⁴ Articles 124 and 126 of the Labor Code.

⁶⁵ Article 120 of the Labor Code.

9.16.5. Unpaid leave for judges and staff

9.16. Leave for judges and court staff	
9.16.5. Unpaid leave (extraordinary leave) for judges and staff.	
Allowance	Maximum of 60 days during the work year.
Request for use	The employee must base his request on personal or familial issues.
Approval of use	The Court Secretariat, or in his or her absence the direct supervisor will issue a decree on the grant of the leave.
Limits on use	As approved by the Court Secretariat.
Prohibition against compensation of unused leave	The employee is not entitled to compensation for any unused unpaid leave.
Return to work	The employee is entitled to return to his previous post or an equivalent post at the same rate of pay.

9.16.6. Official Holidays: The Labor Code establishes around 12 holiday days. The Government by its decision may add non-working days to the holidays in order to ensure the good functioning of the state and other state financed institutions.

9.16.7. Replacement: When an employee is on annual leave, a replacement may be assigned to cover his functions, except for the judges that are not replaced. The supervisor and/or the Chief of Court Secretariat must identify a person who shall replace and perform the duties of the requesting employee during his/her annual leave. In cases of longer leave (maternity, sick or unpaid leave) or as a result of other unforeseen circumstances (suspension) short-term recruitment may be initiated.

Guidelines for Effective Court Administration

Chapter 9. Human Resources Management

Tab 9.1: Application File Checklist (to be completed by the court's HR staff)



Date: _____

To: _____, Chief of Court Secretariat

From: _____, HR Specialist

Applicant's Name: _____

Applicant's File Checklist of Required Documents		
How was the application submitted:	<input type="checkbox"/> In person <input type="checkbox"/> By mail <input type="checkbox"/> By e-mail	
Participation form included in the Civil Service law	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Copy of the applicant's identity card	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Copy of the diploma of higher education and of the certificates on the professional development or specialization courses.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Copy of the employment record book.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Medical certificate, if applicable.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Criminal record, or applicant's separately submitted statement.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other documentation presented by the applicant:		
Issues or problems with the documentation:		

Guidelines for Effective Court Administration

Chapter 9. Human Resources Management

**Tab 9.2: Competition Committee's Confidentiality
and Non-disclosure Agreement**



Date: _____
To: _____, (Name of Competition Committee Member)
From: _____, Chief of Court Secretariat
Subject: Competition Committee Member's Confidentiality and Non-disclosure Agreement

I, _____, understand that I have been asked, and I agree to serve as a member of the Court's Competition Committee.

As a member of this committee, I understand that I will be reviewing employment applications and other potentially sensitive personal information from citizens applying for work in this court; and that until released by the Court President or Chief of Court Secretariat to do so, I may not disclose, discuss, or otherwise communicate any of the information contained in the applicant files to judges, court staff, lawyers or any member of the public.

I agree to hold confidential the information contained in the applicant files, and the deliberations and decisions of the Court's Competition Committee.

Finally, I acknowledge that knowing and/or willful violation of this agreement on my part may subject me to adverse punitive disciplinary action.

 Printed and Signed Name

 Date Signed

** For Court Secretariat Action **

I have discussed the scope and purpose of the Competition Committee responsibilities with the above signed committee member and I accept this agreement and as confirmation of my knowledge of the duties and responsibilities associated with the work of the committee.

 Chief of Court Secretariat's Printed and Signed Name

 Date Signed

Guidelines for Effective Court Administration

Chapter 9. Human Resources Management

**Tab 9.3: Request for Authorization to Initiate a
Recruiting Action for Employment**



Date: _____
To: _____, **Court President**
From: _____, **Chief of Court Secretariat**
Subject: Request to Initiate Recruiting Action for Employment

Request to Initiate Recruiting Action for Employment		
Title of the proposed new positions.		
Is the proposed job description attached?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Name of the unit, department or office where the position will be located.		
Monthly salary.		
If this is a „part-time” position, specify the work days and time requirements?		
Is the position authorized under the current year staffing and funding authorizations?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are there sufficient budget funds to cover the cost of the position?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Proposed dates for starting and completing the recruiting action:	Start:	End:
Justification for this recruiting action:		

**** For Court President Action ****

- Approved
- Approved with the following amendments: _____

- Rejected for the reasons outlined below: _____

_____, **Court President**
(Signature of Court President)

Guidelines for Effective Court Administration

Chapter 9. Human Resources Management

Tab 9.4: Performance Evaluation Form

PERFORMANCE EVALUATION FORM
Management Level Civil Servant

1. General Information

Evaluated civil servant		
Position		
Subdivision		
Public authority		
Evaluated period	From:	Until:
Date of evaluation interview		
Major activities the civil servant took part in (topics)		

2. Evaluation of achievement of individual activity objectives

No.	Individual activity objectives	Performance indicators	Degree of achievement, %	Comments	Number of points ¹⁾
1.					
2.					
3.					
4.					
5.					
				Average:	

3. Assessment of the degree the evaluation criteria were displayed

No.	Evaluation criteria	Points	Comments
1.	Management competence		
2.	Professional competence		
3.	Activism and initiative		
4.	Efficiency		
5.	Creativity		
6.	Communication and representation		
		Average:	
Final points calculated based on the average points obtained for the achievement of objectives (point 2 of the annex) and the average points obtained for the degree the 6 evaluation criteria were displayed (point 3 of this annex) divided by two			

4. Evaluation mark

--

5. Comments of the evaluator on the results of the evaluation of the civil servant

--

6. Need for professional training of the evaluated civil servant

Knowledge	Professional skills	Behavior and attitude

7. Comments of the evaluated civil servant

--

Evaluator (name, position, signature)		Date:
Signature of the evaluated civil servant		Date:

8. Comments of the counter-signatory

--

Date of completion		
Decision of the counter-signatory	Accepted ____	Repeat the evaluation procedure ____
Counter-signatory (name, position, signature)		

Evaluation form presented to the evaluated civil servant

Date presented	
Signature of the evaluated civil servant	

¹⁾ The evaluator decides on the points considering the degree of achievement of individual activity objectives, the effort undertaken by the evaluated civil servant, the objective and subjective factors influencing their achievement described in section "Comments".

PERFORMANCE EVALUATION FORM
Execution Level Civil Servant

1. General Information

Evaluated civil servant		
Position		
Subdivision		
Public authority		
Evaluated period	From:	Until:
Date of evaluation interview		
Major activities the civil servant took part in (topics)		

2. Evaluation of achievement of individual activity objectives

No.	Individual activity objectives	Performance indicators	Degree of achievement, %	Comments	Number of points ¹⁾
1.					
2.					
3.					
4.					
5.					
				Average:	

3. Assessment of the degree the evaluation criteria were displayed

No.	Evaluation criteria	Points	Comments
1.	Professional competence		
2.	Activism and initiative		
3.	Efficiency		
4.	Labor quality		
5.	Team work		
6.	Communication and representation		
		Average:	
Final points calculated based on the average points obtained for the achievement of objectives (point 2 of the annex) and the average points obtained for the degree the 6 evaluation criteria were displayed (point 3 of this annex) divided by two			

4. Evaluation mark

--

5. Comments of the evaluator on the results of the evaluation of the civil servant

--

6. Need for professional training of the evaluated civil servant

Knowledge	Professional skills	Behavior and attitude

7. Comments of the evaluated civil servant

Evaluator (name, position, signature)		Date:
Signature of the evaluated civil servant		Date:

8. Comments of the counter-signatory

Date of completion		
Decision of the counter-signatory	Accepted ___	Repeat the evaluation procedure ___
Counter-signatory (name, position, signature)		

Evaluation form presented to the evaluated civil servant

Date presented	
Signature of the evaluated civil servant	

¹⁾ The evaluator decides on the points considering the degree of achievement of individual activity objectives, the effort undertaken by the evaluated civil servant, the objective and subjective factors influencing their achievement described in section "Comments."

Guidelines for Effective Court Administration

Chapter 9. Human Resources Management

Tab 9.5: Model Court Secretariat's Position Description

APPROVED
Court President
Date and Stamp

JOB DESCRIPTION

Chapter I.

General Provisions

Public entity: Name of the court

Division: Secretariat

Address:

Position: Chief of Court Secretariat

Level of the position: Executive Public Position

Salary level: ... in accordance with Government Decision No. 331 of May 28, 2012

Chapter II.

Description of the position

General purpose of the position

Under the court president's supervision, the chief of secretariat shall plan, organize, and direct the administrative work in the court. He/She shall conduct and guide the work in all administrative areas, with the focus on developing and implementing efficient and coercive administration processes.

Basic tasks

1. Manage and organize the work of the secretarial staff.
2. Manage the funds allocated to the court.
3. Ensure the development and implementation of the strategic work plans of the court.
4. Approve the regulation on the organization and functioning of the court secretariat.
5. Coordinate the human resource procedures.

Duties

- 1. Manage and organize the work of the secretarial staff.**
 - a. Plan, organize, and direct the work of the court to ensure that the court provides its services in accordance with the legislation in force.
 - b. Ensure the development and implementation of the methods to improve services.
- 2. Manage the funds allocated to the court.**
 - a. Prepare tender documents for purchasing goods and services and submit them to the Procurement Commission.

- b. Develop the draft agreement for purchasing goods and services.
 - c. Ensure the registration of the purchase agreement with the Public Procurement Department.
 - d. Supervise the work of the economic-financial service related to the implementation of the court's budget for the current period.
 - e. Provide information necessary to prepare quarterly and annual financial reports.
 - f. Check whether the financial reports reflect the real situation.
- 3. Ensure the development and implementation of the strategic work plans of the court.**
- a. Assess the needs of the court and establish strategic development objectives.

The stand-in:

In the temporary absence of the chief of the secretariat, another specialist from the same court may perform his duties on the basis of a decision of the court president.

Internal cooperation

- With the president, vice president and judges
- With the court staff
- With the Department of Judicial Administration
- With local and international consultants

External cooperation

- With various international projects and programs relevant for his area of competence

Work tools and equipment used

- Official Gazette of the Republic of Moldova, collections of regulatory acts
- Computer, printer, fax, telephone
- Internet
- Relevant periodicals, etc.

Work conditions

- Work time: 40 hours a week, 8 hours a day
- Work schedule: Monday-Friday, from 8 a.m. to 5 p.m., lunch break from 1 p.m. to 2 p.m.

Chapter III.**Requirements for the staff****Education: legal, economic or managerial****Work experience: 3 years in relevant areas****Knowledge**

- Legislation of the Republic of Moldova
- State language, one international language (level B2)
- Computer: Word, Excel, Power Point, Internet
- The functioning manner of the judicial system

Skills: working with information, organizing, developing documents, presenting, training, motivating, mobilizing oneself, solving issues, settling conflicts, communicating efficiently

Attitudes/behavior: respect for people, initiative, diplomacy, resourcefulness, flexibility, discipline, accountability, stress-resistance, inclination for ongoing professional development

Prepared by:

Surname, name:

Executive public position:

Chief of the Human Resources Service

Signature:

Date:

Read by the holder of the position:

Surname, name:

Signature:

Date:

Guidelines for Effective Court Administration

Chapter 9. Human Resources Management

Tab 9.6: Court User Satisfaction Survey

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

Questions about your experience in the courthouse today?	Yes	No
1. It was easy to find the courthouse.		
2. It was easy to find where I needed to go inside the courthouse.		
3. I felt safe in the courthouse.		
4. I was able to get the information I needed at the courthouse.		
5. I was treated with courtesy and respect.		
6. My needs and concerns were considered		
7. The way my case was handled was fair.		
8. I was able to do my court business in a reasonable amount of time.		
9. I was treated equally. My ethnic background, gender, economic status, or age made no difference.		
10. My court experience gave me the confidence and trust in the Court.		
Additional Comments (if needed):		

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

Personal information questions.	Response
A. What is your gender	<input type="checkbox"/> Male <input type="checkbox"/> Female
B. How often are you in the courthouse or one of the court facilities (please check ONE only)?	<input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Several times a year <input type="checkbox"/> Once a year or less <input type="checkbox"/> First time
C. Which court are you visiting today (please check ALL that apply)?	<input type="checkbox"/> District court <input type="checkbox"/> Appellate court

Personal information questions.	Response
D. What type of case or matter brought you to the court today? (check ALL that apply)	<input type="checkbox"/> Major crime <input type="checkbox"/> Minor crime <input type="checkbox"/> Traffic offense <input type="checkbox"/> Juvenile case <input type="checkbox"/> Civil case <input type="checkbox"/> Enforcement of judgment <input type="checkbox"/> Commercial case <input type="checkbox"/> Family law case (divorce, adoption, etc.) <input type="checkbox"/> Payment of fines or fees <input type="checkbox"/> Other: <input type="checkbox"/> Wills and inheritance
E. What was your role or how were you involved in the matter or business that you had with the court today? (please check ONE only)	<input type="checkbox"/> Attorney <input type="checkbox"/> Litigant (party to a legal matter) <input type="checkbox"/> Friend or family member <input type="checkbox"/> Victim <input type="checkbox"/> Witness <input type="checkbox"/> To request information or court documents <input type="checkbox"/> Delivery <input type="checkbox"/> Other: _____ <input type="checkbox"/> _____ Friend or Family Member

Guidelines for Effective Court Administration

Chapter 9. Human Resources Management

Tab 9.7: Application for Employment

FORMULAR
de participare la concursul pentru ocuparea
funcției publice vacante
APPLICATION FORM
for participation in the contest
for vacant public office position

Autoritatea publică / public authority _____

Funcția publică solicitată / public office position requested _____

I. Date generale / General information

Nume / Surname		Prenume / Name	
Data nașterii / Birth date		Domiciliu / Domicile	
Cetățenia (inclusiv a altor state) / Citizenship (inclusively of other state)			
Telefon / telephone number	serv. / work – domic. / home – mobil / cell –	E-mail	
		Adresa poștală / postal address	

II. Educație / Education

Studii de bază / Main studies:

Nr. crt.	Perioada / Period	Instituția, localizarea, facultatea / institution, location, faculty	Specialitatea obținută. Diplomă/certificate / Obtained specialty, diploma, certificate

Studii postuniversitare/universitare (ciclul II) / Post university studies (second cycle):

Nr. crt.	Perioada / Period	Instituția, localizarea, facultatea / institution, location, faculty	Specialitatea obținută. Diplomă/certificate / Obtained specialty, diploma, certificate

Cursuri de perfecționare/specializare în ultimii 4 ani / Training/ Specialization courses for the last 4 years:

Nr. crt.	Perioada / Period	Instituția, localizarea, facultatea / institution, location	Diplomă/certificate / Obtained diploma, certificate

Titluri științifice / Scientific grades	
Lucrări științifice, brevete de invenție, publicații etc. / Scientific works, patented work, publications	

III. Experiența de muncă / Work experience

Vechimea în serviciul public / Work experience in public office	
Vechimea în domeniul aferent funcției publice solicitate / Work experience related to public office field	

Experiența de muncă aferentă funcției publice solicitate (începând cu cea recentă) / Work experience related to requested public office position:

Perioada / period	Organizația, adresa. Postul deținut / organization, address, entitled position	Atribuțiile și responsabilitățile de bază / Work responsibilities

Perioada / period	Organizația, adresa. Postul deținut / organization, address, entitled position	Atribuțiile și responsabilitățile de bază / Work responsibilities

Perioada / period	Organizația, adresa. Postul deținut / organization, address, entitled position	Atribuțiile și responsabilitățile de bază / Work responsibilities

IV. Calități profesionale (autoevaluare) / Professional qualities (self-evaluation)

Calități / Qualities	Nivel de dezvoltare și manifestare / Level of development and manifestation	
	Înalt / high	Mediu / medium

V. Calități personale (autoevaluare) / Personal qualities (self-evaluation)

Calități / Qualities	Nivel de dezvoltare și manifestare / Level of development and manifestation	
	Înalt / high	Mediu / medium

VI. Nivel de cunoaștere a limbilor / Level of speaking foreign languages

Denumirea limbii / Language	Calificativ de cunoaștere / knowledge level		
	Cunoștințe de bază / basic knowledges	Bine / good	Foarte bine / very good

VII. Abilități de operare pe calculator / Abilities of using PC

Programe / Programs	Nivel de utilizare / Level

VIII. Relații de rudenie / Family relationships

Relații de rudenie cu funcționarii autorităților publice organizatoare a concursului / Family relationships with civil servants working for the authorities organizing the contest	

IX. Recomandări / Recommendations

Nr.	Nume, prenume / Name, surname	Organizația, postul deținut / organization, position held	Tel., e-mail / tel, e mail
1.			
2.			
3.			

Declar, pe propria răspundere, că datele înscrise în acest formular sînt veridice. Accept dreptul autorității publice de a verifica datele din formular și din documentele prezentate. / I declare on my behalf that the data inserted in this application are true. I accept the right of the public authority to verify the information from this application and from the supplied documents.

Data completării formularului / Date of filling in		Semnătura / Signature	
---	--	----------------------------------	--



Chapter 10.

Equipment Inventory and Replacement Schedules

10.1. Introduction

Chiefs of Court Secretariat begin their jobs in local courts with a collection of automation and non-automation equipment and furniture – some of which is serviceable and some of which is not; and although every item has a history, it is unlikely that there is any organized system or collections of data that link each item’s acquisition history and costs to relevant service records, inventory numbers and locations, and life-cycle maintenance and replacement budgeting schedules.

Notwithstanding these challenges, the role of Chiefs of Court Secretariat is to move beyond the status of current systems to develop a unified methodology to inventory, maintain and periodically replace court equipment and furniture.

10.2. Purpose

This is an overview chapter that extends some of the automation equipment repair and maintenance discussions from *Chapter 4 – Integrated Case Management System* to include recommendations for furniture and equipment inventories; security and accountability; and life-cycle maintenance, replacement and budgeting systems.

Ultimately, the key to developing a successful court equipment inventory program is to understand that much like the “year round” commitments required in *Chapter 8 – Managing Court Budgets*, similar commitments are required to maintain operational court furniture and equipment, because without it courts cannot function properly.

By way of background, Chiefs of Court Secretariat should review the following sections previously presented in Chapter 4 to understand the day-to-day process for managing, maintaining and repairing court automation equipment and systems.

Chapter 4. ICMS Automation Equipment and Systems Requirements	
Section	Discussion
4.4.	Court Infrastructure Requirements to Support ICMS (and court automation related equipment).
4.4.1.	Network operating environment.
4.4.2.	Electrical utilities.
4.4.3.	ICMS server rooms, equipment and security requirements.
4.4.4.	Local area networks (LANs).
4.5.	Maintaining ICMS (Automation) Systems and Equipment.
4.5. (Table)	Center for Special Telecommunication (CST) contract requirements to install, repair, maintain and support court automation programs, software, Internet connectivity, and other requirements.
4.6.	Request to repair or maintain court automation equipment.
4.7.	ICMS „software bugs” and software improvement requests.
4.8.	Managing user names, passwords and access levels.
4.9.	Data backup and recovery systems.
4.10.	Internet connectivity.
4.10.1.	Developing local court Internet service contracts.
4.10.2.	Monitoring Internet system’s performance and „down-time”.
Tab 4.1.	Court technology and equipment repair form.

10.3. Equipment and Furniture Inventories

For Chiefs of Court Secretariat the question is where do you begin if: **1)** the information is not already collected and maintained; and **2)** the collection of equipment and furniture includes new, used, pending repair, and unserviceable items?

One answer is to prioritize inventory activities, starting with the court’s most important equipment systems first – and that will most likely involve all of the automation, courtroom audio recording, and ICMS server room equipment – and then develop the following:

10.4. Equipment and Furniture Identification Labels

If not already provided by the DJA or other government agency, Chiefs of Court Secretariat should design bar code labels that can be permanently affixed to individual furniture and equipment items.

The advantage of bar code labels is that it is a simple process to conduct periodic equipment inventories using a hand-held bar code scanner – however, these items can be expensive.

Ultimately the key to any inventory label system is that it identifies the court, has a unique serial number, and can be permanently attached to equipment and furniture; **and** is listed on an inventory of court equipment and furniture.

10.5. Equipment and Furniture Condition Status Codes

Every item included in a court inventory of equipment and furniture needs a “usability or serviceability” evaluation using simplified equipment status codes similar to the ones presented in *Tab 10.1. – Court Equipment and Furniture Status Codes*. Ultimately, the equipment status codes will be included on the inventory list to form an important link to the life-cycle equipment and budgeting plans of the court (*See Section 10.6. below*).

10.6. Inventory Lists of Equipment and Furniture

It is recommended that Chiefs of Court Secretariat, or their designee, physically inventory equipment and furniture with an initial acquisition cost value (check to see if there are other inventory instructions or valuation determinations from the Court of Accounts or DJA).

The intent in establishing an “inventory valuation threshold” is to concentrate inventory and labeling efforts on the most significantly valued items first. **Note:** Chiefs of Court Secretariat will need to develop separate monitoring controls, and random inspection guidelines, to track the routine issue and use of consumable supplies and other minor cost items like staplers, hole punches or other miscellaneous equipment.

Court inventories need to be able to identify each piece of inventoried equipment or furniture; link the time to their initial acquisition documents and costs; confirm location and ownership of the equipment; and project a serviceable life cycle and replacement schedule. Successful court administrators understand that every item of equipment and furniture has a projected useful serviceable life, and they plan for replacements as part of the court’s regular budgeting cycle.

A sample court inventory template is provided at *Tab 10.2. – Court Inventory Template*. Chiefs of Court Secretariat should consider converting this Microsoft Word *.docx template into an Microsoft Excel Worksheet *.xls format – and using the Pivot Table functions in Excel to develop room inventory lists.

The objective of the “Description” column on the inventory list is provide sufficient room to adequately identify the item of equipment or furniture with sufficient clarity and specification to allow procurement staff to purchase a similar, or better item when necessary. One easy way to acquire this information is to review the original purchase or procurement documents.

10.7. Conduct 10% Random Monthly Inventories

It is often said that “*government property has feet of their own*”, and unless Chiefs of Court Secretariat develop regular equipment and furniture inventory programs, they can be assured that some government property will end up “missing” – and more important, that the auditors will likely assess personal liability against Chiefs of Court Secretariat for any lost government property.

To avoid this problem, Chiefs of Court Secretariat should build into their work schedules time to conduct random monthly inventories of 10% of the court equipment and furniture. This 10% monthly inspection process ensures that 100% of the court’s furniture and equipment will be inventoried at least annually.

Results of the 10% monthly inventories should be reported to the Court President, and results shared with the secretariat’s management staff.

10.8. Identifying Items for Repair or Replacement

10.8.1. Automation Equipment: The CST holds the service and repair contract with the MOJ to repair and maintain court ICMS and automation equipment and systems in the courts.



Chiefs of Court Secretariat should review *Chapter 4, Section 4.5. – Maintaining ICMS and Automation Equipment* of the MOJ’s contract with the CST to understand CST’s contractual equipment service and repair obligations – and take special note of the requirement that “**Not less than once per quarter** CST is required to ensure the functioning of the technical equipment and operational systems by performing current reparation and preventive maintenance works.”

In order to confirm that this quarterly service is completed, Chiefs of Court Secretariat need to compile the inventory of all ICMS and automation equipment, and then in coordination with CST, build a quarterly maintenance and service schedule for every piece of equipment.

Chapter 4, Section 4.6. – Requests to Repair or Maintain ICMS and Automation Equipment, and Tab 4.1. – Court technology and equipment repair form set forth forms and procedures to request CST provide “as needed” repair and maintenance service.

10.8.2. Other Court Equipment and Furniture: Chiefs of Court Secretariat need to establish regular maintenance and service schedules for every item of non-automation equipment and furniture. Examples of the kinds of “regularly scheduled maintenance” might include:

Examples of Regular Maintenance and Service Schedules for Non-Automation Equipment and Furniture	
Category	Recommend Services
Copiers	<ul style="list-style-type: none"> Meet with the copier vendor to review the copier service manual and build a calendar of required maintenance and services. Court staff conduct weekly inspections of toner cartridges and paper paths. Vacuum interior parts as needed. Court staff maintains a log of the number of copies made (this data will be used as part of the life-cycle replacement planning processing in the next section) – verify the totals with the copier’s internal copy counter. Finance staff maintain logs of all service calls and repair costs for each item of equipment (this data will be used as part of the life-cycle replacement planning processing in the next section). Vendors conducts monthly and quarterly inspections to clean interior parts, paper path, toner cartridge areas, glass platen, and other required services.
Leather Chairs	<ul style="list-style-type: none"> Cleaning dusty chairs daily and washes them with factory approved leather cleaner/conditioner at least monthly. Court maintenance staff inspect chair springs, screws and other connectors at least weekly – adjust as necessary.
Desks	<ul style="list-style-type: none"> Cleaning clean desk surfaces daily. Court maintenance staff inspect drawers and pedestal legs monthly – adjusting as necessary.
Door locks	<ul style="list-style-type: none"> Court staff lock office doors at the end of every day – reporting any problems with the door locks to the court maintenance staff. Court maintenance staff verify the operation of door locks at least monthly – service and repair as needed. Not later than five days after the end of a month, court maintenance staff need to submit a report of door lock operations to court security staff and the Court Secretariat.

Examples of Regular Maintenance and Service Schedules for Non-Automation Equipment and Furniture	
Category	Recommend Services
	<ul style="list-style-type: none"> • Chiefs of Court Secretariat establish door key accountability, and whenever a key is lost, or not returned at the end of an employee’s contract, determines whether to re-key the door and reissue keys as needed. • Remove standard „key access” locks leading into the courthouse, and secured judicial areas and courtrooms, and install mechanical and security grade keyless locks. Restrict knowledge of the mechanical security code numbers to essential court and security personnel.
Safes and lockable cabinets	<ul style="list-style-type: none"> • Confirm the last date the combination to these secured storage units was changed – and if more than 12-months change the combination. Limit access to the combination to essential court personnel only. • Whenever a staff member moves to another office, or terminates their employment contract with the court, change the combination to financial safes, sealed document storage units,
	

10.9. Life-Cycle Equipment Maintenance and Replacement Schedules⁶⁶

Determining when a piece of equipment has reached the end of its useful life cycle can often be difficult if not looked at in the proper perspective. This is especially true in courts where limited annual budgets force Chiefs of Court Secretariat to constantly strive to reduce court operating budgets; and one way to do that is to delay the purchase of new or replacement equipment and furniture – hoping that the item will “limp along for a while without hurting someone, or general court operations...”

Buying new equipment may be the quick choice (if funding is available) but it may not be the right, or possible choice. So how do we know when equipment has actually reached, or is approaching, the end of its useful life cycle?

10.9.1. Life Cycle Equipment Maintenance Logs: Chiefs of Court Secretariat need to develop and maintain equipment maintenance and service record files for every major automation, and non-automation item of equipment (these items will be the ones with realistic life-cycle replacement estimates). A typical equipment service record file will include:

Contents of a Typical Equipment Maintenance and Service Record
Implications for the Chief of Court Secretariat
<ul style="list-style-type: none"> • Equipment acquisition specifications, costs, and purchase date.
<ul style="list-style-type: none"> • Records of scheduled and „emergency/on-call” repair and maintenance service calls. • Records of all replacement parts or major equipment overhauls. • Running tally of equipment repair costs.
<ul style="list-style-type: none"> • Manufacturer’s estimated <i>normal wear and tear service life</i> (typically expressed in number of months); or if it’s ICMS, Internet or automation equipment, then DJA and CST’s estimated replacement schedule.

⁶⁶ Ron Hughes, *The Reason to Replace Equipment*, available on-line at the MaintenanceResources.com website at <http://www.maintenanceresources.com/referencelibrary/ezine/reasons2replace.htm>

Contents of a Typical Equipment Maintenance and Service Record	
Implications for the Chief of Court Secretariat	
	<ul style="list-style-type: none"> Estimated budget cycle replacement year – this serves as the „outside estimate” for when an item’s replacement must be properly submitted through procurement channels and included in the court’s final operating budget proposal.

10.9.2. Cost or Safety Criteria to Consider Replacing Equipment: Replacement is always an option when an item of equipment presents a safety hazard, or risk to personnel.

As a general rule, it is no longer cost effective to continue to repair an item of equipment when the cost to repair exceeds 50% of the original acquisition costs.

Chiefs of Court Secretariat need to have financial staff run monthly reports on all equipment service calls, breaking down the maintenance and replacement part costs by item of equipment.

The reports should also identify every item of equipment that is nearing the 30% repair cost threshold; and for each such item, court managers should meet with staff equipment operators to review basic equipment operations and preventative maintenance requirements; and with vendors and CST (in the case of ICMS, Internet and automation equipment) to determine how to reduce future costs or losses of service.

10.9.3. Budgeting Planning for Equipment Replacement: The key to success in this process is to begin evaluating each item of equipment and furniture at least one year prior to the estimated replacement date; and include the replacement costs in the following replacement year’s operating budget proposal. An example of this process might look like this:

Budget Planning for Equipment Replacement (Example)	
Implications for the Chief of Court Secretariat	
Copier #123 (located in Room 24 – Court Record and Documentation Division Office)	
Assumption #1	As a result of regular equipment service records and reports, court staff confirms that the copier was delivered and installed on 1 July 2011, and that the manufacturers <i>recommended normal service life is 5 years (60-months) from installation, e.g. 1 August 2015.</i>
Assumption #2	The copier has been regularly serviced and maintained by the vendor; the number of copies made is within the manufacturer’s approved range; costs of services to date have been approximately 10% of the original acquisitions costs; and that the equipment continues to function properly, with minimal or no down time.
Replacement Planning Activities	<ul style="list-style-type: none"> The Chief of Court Secretariat will schedule an equipment serviceability, and continuing appropriate use discussion for this item of equipment during the 2014 budget planning cycle – one year ahead of the 2015 operating budget cycle. Staff will confirm that toner replacement cartridges remain available through procurement channels; that the vendor continues to service the item; and that equipment is needed for the court to perform essential services. The Chief of Court Secretariat may then elect to either: <ul style="list-style-type: none"> Defer another equipment serviceability and continuing use evaluation until the next year’s budget planning cycle (effectively deferring replacement in 2015); or Initiate public procurement estimates to be included in the 2015 budget year planning cycle.

Budget Planning for Equipment Replacement (Example)

Implications for the Chief of Court Secretariat

- The key to this process is to start the equipment evaluation and assessment process at least one year ahead of the anticipated requirement.
- This one-year advance planning principle ensures that replacement costs are routinely planned for, and included in annual court operating budget estimates – and not taken out of current year limited budgets because courts forgot to plan correctly.

Guidelines for Effective Court Administration

Chapter 10. Managing Automation Systems and Equipment

Tab 10.1: Equipment Inventory Status Codes

Condition Codes for Court Automation Equipment			
Code #	Description	Condition	Explanation
1	Unused	Excellent	Unused property that is usable without repairs and identical or interchangeable with new items from normal supply sources.
2	Used	Good	Used property that is usable without repairs and most of its useful life remains.
3	Used	Fair	Used property that is usable without repairs, but is seriously worn or deteriorated and may soon require repairs.
4	Used	Poor	Used property that may be used without repairs, but is considerably worn or deteriorated to the degree that remaining utility is limited or major repairs will soon be required.
5	Minor Repairs Required	Good	Required repairs are minor and should not exceed <15% of original acquisition cost.
6	Major Repairs Required	Fair	Required repairs are considerable and are estimated to range from 30% to 50% of original acquisition cost.
X	Salvage Or Scrap	Salvage	Equipment has no value except for disposal, recycling or sale as unusable parts.

Guidelines for Effective Court Administration

Chapter 10. Managing Automation Systems and Equipment

Tab 10.2: Automation Equipment Inventory Template



Chapter 11.

Website Administration

11.1. Introduction

Court websites provide an on-line entry to access Moldova's government, judiciary and local court operational information.

A screenshot of a web browser displaying the official website of the Curtea de Apel Bălți. The browser's address bar shows the URL 'cab.justice.md/?menu=35&lang=en'. The website header features the 'JUSTICE.md' logo and a search bar. Below the header is a dark red banner with the text 'Curtea de Apel Bălți' and 'pagina oficială'. The main content area is divided into two columns. The left column is titled 'Menu' and contains a list of links: 'Message of the Court President', 'Presentation', 'Competence', 'Legal Framework', 'Public Relations', 'Press Releases', 'News', 'Archive', 'Organization Chart', 'List of Hearings', 'List of Cases', 'Decisions Database', 'Statistical Information', and 'Public Interest Information'. The right column is titled 'Competence of the Balti Court of Appeal' and contains two paragraphs of text describing the court's jurisdiction. Below the text is a table titled 'Localities referring to the territorial competence of the Balti Court of Appeal:'.

BALTI		Bălți
	Bălți	Bălți
	Ericeni	Ericeni

In order to accomplish the objectives of an effective government website, and to improve transparency and public accountability of court operations, local court website should at a minimum include the following information:

Content and Website Administration Objectives
<ul style="list-style-type: none"> Clearly explain the court's fundamental purpose, mission statement and court leadership vision.
<ul style="list-style-type: none"> Provide a description of the court, departments, personnel, and relevant on-line and office contact information.
<ul style="list-style-type: none"> Provide timely and accurate information about cases, trials and other hearings.
<ul style="list-style-type: none"> Provide information about essential court services, schedules of fees, hours of operation, other location and direction information, etc.
<ul style="list-style-type: none"> Provide judicial and court performance statistical data and reports.
<ul style="list-style-type: none"> Links to other online government information centers, ministries, agencies and departments.
<ul style="list-style-type: none"> Provide different ways to find online government information.
<ul style="list-style-type: none"> Provide access to non-government websites with information relevant to court operations, e.g., defense lawyers, law schools, etc.
<ul style="list-style-type: none"> Provide an electronic method for the public to file allegations of misconduct, or other malfeasance, against a judge or other member of the court staff.
<ul style="list-style-type: none"> Contribute to participative governance and civic engagement.

11.2. Website Audiences and Beneficiaries

The target audience of the local court websites are:

- Legal community of Moldova (judges, lawyers, prosecutors, etc.)
- Local court judicial support and administrative staff
- Litigants and the public
- Moldovan Government entities
- Mass media
- NGOs
- International organizations
- Moldovan and foreign researchers, development specialists, etc.

11.3. Overview of *AdmSidebar* Website Administration Software

This section explains how *AdmSidebar* software can be used to manage website information at the local court level.

- The CST is responsible for updating the judiciary's website administration software – *AdmSidebar*.
- To access *AdmSidebar*, there is no need to install additional software on the administrator's computer because it is ensured through the website interface. For that purpose, the administrator can use *Firefox*, *Internet Explorer*, or *Opera*.
- The courts' websites contain a comprehensive description of court's work. The beneficiaries of the administration system *AdmSidebar* are the staff of Moldovan courts, who will use this system to administer the websites of their courts.
- The Web site will be accessible in Romanian, Russian, and English.

11.4. Basic Functionality of the Website

11.4.1. Menu and Static Pages: Includes:

- *AdmSidebar* provides the ability to create menus with multiple levels and categories of information. The number of categories that can be added is limited only by the service capacity. The categories of menu can be internal or external (sending a visitor to an external resource).
- A word processor for adding information on the Web site (*FCKEditor*). The processor is similar to Microsoft Word or Open Office Writer and allows changing the font size, color, margins, etc. The word processor allows adding images.
- *AdmSidebar* provides a content administration system to allow adding, changing and deleting categories within a menu. The administrator can chose whether a category will or will not be visible on the website page.

11.4.2. Downloading Documents from the Website: Includes:

- Documents can be uploaded onto the website so visitors can download them in the same format.
- Additional fields (within the trust function) that will facilitate the search in the database.
- Website navigation tools to allow users to view and navigate within the website and associated databases.
- News
- *AdmSidebar* allows adding, changing and deleting news items. The administrator can choose whether a news item will be visible on the website or not.



Chapter 12.

Managing Court Facilities

12.1. Introduction

Courthouses in the Republic of Moldova generally fall into two categories – old buildings built according to soviet design standards from the 1970's, or buildings that were not designed as courthouses but were instead later converted for that purpose.

Typically, the infrastructure in many courthouses is in such poor condition, and their design cannot be adapted to separate judicial, staff, detainee and public spaces and circulation requirements. In addition, there are typically insufficient numbers of courtrooms to allow judges to publicly conduct the business of the court – forcing many trials and proceedings to be examined in a judge's private office. Under such circumstances, the judicial and staff working environment, the work of the courts, and indeed the entire process of dispensing justice are negatively affected.⁶⁷

The design and infrastructure of a courthouse can either contribute to the goals and objectives of the court or can hinder their achievement, and the poor condition of courthouse interiors degrades the image of justice.

Assessment Report of the Courts of Law in the Republic of Moldova (May 2012)

12.2. Managing Court Infrastructure and Facilities

Court Presidents are responsible for ensuring that courts operate and serve the public. **Chiefs of Court Secretariat** are responsible for planning, budgeting, organizing and employing the

⁶⁷ USAID/Moldova's Rule of Law Institutional Strengthening Program (ROLISP), in partnership with the Superior Council of Magistracy and the Department of Judicial Administration of the Ministry of Justice, *Assessment Report of the Courts of Law in the Republic of Moldova*.

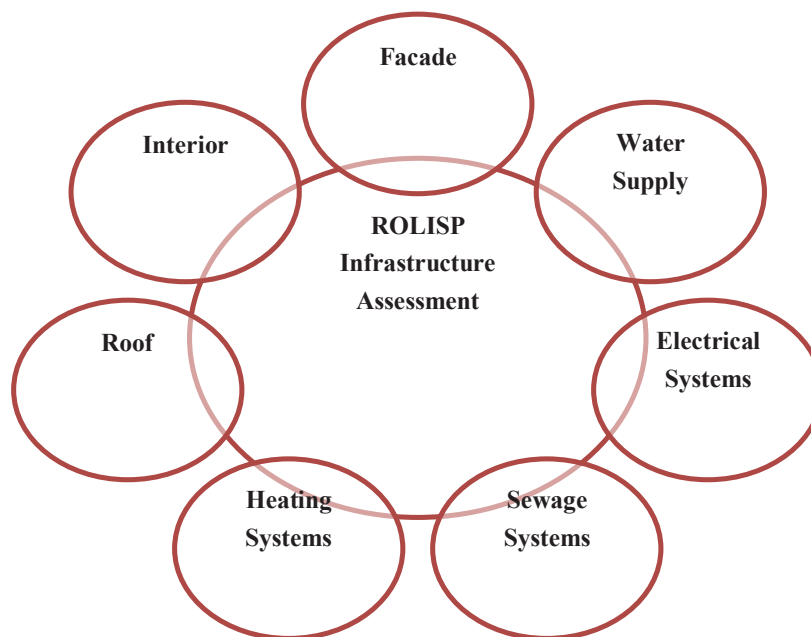
court's limited staff and financial resources to maintain court facilities and equipment. To be effective, Chiefs of Court Secretariat should be able to:

- Use standardized “checklists” to monitor and assess the operational environment and working conditions of courthouse infrastructure, equipment and building systems;
- Coordinate repair and maintenance services within the context of government public procurement regulations and the court's current fiscal year “operations” and “capital improvement” budget (*See Chapter 8: Budget Management*);
- Plan and budget for courthouse infrastructure and facility renovation projects; and
- Manage courthouse construction and renovation projects.

12.3. Developing a life-cycle operations and maintenance plan for major courthouse infrastructure, equipment and systems

Chiefs of Court Secretariat do not have to become civil engineers to develop a life-cycle maintenance and renovation plan for courthouse infrastructure. Indeed, much of the assessment work has already been completed and reported in the May 2012 courthouse infrastructure assessment that is available to help Court Presidents and **Chiefs of Court Secretariat** justify their operating and capital expense budgets.

The assessment evaluated seven building infrastructure components and operating systems (*See chart below*), and represents the collaborative efforts of the Superior Council of Magistracy (SCM), Ministry of Justice Department of Judicial Administration (DJA), and USAID/Moldova's ROLISP program.



The purpose of the assessment process was not to identify specific solutions or cost estimates – instead the 1–5 numerical ranking process was designed to provide the SCM and DJA with a snapshot of the condition of courthouse infrastructure across the country, and to provide the SCM and DJA with a rationale for prioritizing and funding capital improvement projects over time.

For local Court Presidents and **Chiefs of Court Secretariat** responsible for completing minor day-to-day maintenance and repairs, the question remains – “*How do local courts convert the assessment's 1–5 ranking system into a realistic court maintenance and budgeting plan?*”

To begin with, it is important to understand that a *life cycle organizational maintenance and renovation plan* is different from estimating routine minor courthouse repair costs.

Instead, a *life cycle organizational maintenance and renovation plan* requires **Chiefs of Court Secretariat**, in coordination with the Court President, SCM and DJA, to develop a long-term strategic plan to manage, maintain, and when necessary budget for renovations, repairs and/or major system replacements.

Using the 1–5 ranking system in the infrastructure assessment report, **Chiefs of Court Secretariat** should consider developing a *life cycle organizational maintenance and renovation plan* and strategic vision along the lines set forth in the table below:

Sample of a Court's Life Cycle Infrastructure Maintenance and Budgeting Plan	
1 = Very good condition	
<ul style="list-style-type: none"> ✓ No current budget actions required. ✓ Periodic Assessments: Conduct at least quarterly assessments using the Facility Checklists (below). Upgrade the system's status (and budget planning) as required. ✓ Regular Maintenance: Complete all required equipment maintenance in accordance with the manufacturer's recommended maintenance schedule. Note: <i>If you miss a schedule maintenance, a system can break and immediately become an Unsatisfactory (5).</i> ✓ Minor Repairs: Execute minor repairs from the current operating and capital operation budgets. Note: If not already budgeted for – anticipate the need to realign other programs or personnel assignments. ✓ Major Repairs: Anticipate major repairs, replacements, upgrades or renovations in 7–10 years. Start developing cost estimates and budget proposals at least 3-years prior to an anticipated major repair. ✓ Budgeting Capital Improvement Expenses: Develop and integrate major, and future estimated minor costs into the court's capital operating budget – get away from always having to pay for repairs from the operating budget. 	
2 = Good condition	
<ul style="list-style-type: none"> ✓ No current budget actions required. ✓ Periodic Assessments: Conduct quarterly assessments using the Facility Checklists (below). Upgrade the system's status (and budget planning) as required. ✓ Regular Maintenance: Complete all required equipment maintenance in accordance with the manufacturer's recommended maintenance schedule. ✓ Minor Repairs: Execute minor repairs from the current operating and capital budgets. ✓ Major Repairs: Anticipate major repairs, upgrades or renovations in 5–7 years. Start developing cost estimates and budget proposals at least 3 years prior to an anticipated major repair. ✓ Budgeting Capital Improvement Expenses: Develop and integrate major, and future estimated minor costs into the court's capital operating budget – get away from always having to pay for repairs from the operating budget. 	
3 = Average condition	
<ul style="list-style-type: none"> ✓ No current budget actions required. ✓ Periodic Assessments: Conduct at least quarterly assessments using the Facility Checklists (below). Upgrade the system's status (and budget planning) as required. ✓ Regular Maintenance: Complete all required equipment maintenance in accordance with the manufacturer's recommended maintenance schedule. 	

Sample of a Court's Life Cycle Infrastructure Maintenance and Budgeting Plan

- ✓ **Minor Repairs:** Execute minor repairs from the current operating and capital operation budgets. If not already budgeted for – anticipate the need to realign other programs or personnel assignments.
- ✓ **Major Repairs:** Anticipate major repairs, upgrades or renovations in 3–5 years. Start developing cost estimates and budget proposals at least 3 years prior to an anticipated major repair.
- ✓ **Budgeting Capital Improvement Expenses:** Develop and integrate major, and future estimated minor costs into the court's capital operating budget – get away from always having to pay for repairs from the operating budget.

4 = Seriously degraded court performance or public safety – system needs to be replaced, repaired and/or renovated

- ✓ **Immediate budget action is required.** The Court President and Secretariat should notify the SCM and DJA about the infrastructure crisis and seek help to develop „short-term” and „long-term” solutions.
- ✓ **Emergency Contingency Planning:** The Court Secretariat should establish a court working group to develop contingency plans in the event of a particular infrastructure system's failure (moving to a 5=UNSATISFACTORY rating)
- ✓ **Periodic Assessments:** Conduct at least bi-weekly assessments using the Facility Checklists (below). Upgrade the system's status (and budget planning) as required.
- ✓ **Regular Maintenance:** Complete all required equipment maintenance in accordance with the manufacturer's recommended maintenance schedule.
- ✓ **Minor Repairs:** Execute minor repairs from the current operating and capital operation budgets.
- ✓ **Major Repairs:** Anticipate major repairs, upgrades or renovation requirements in less than 12 months. Start developing cost estimates and budget proposals for next year's budget cycle.
- ✓ **Budgeting Capital Improvement Expenses:** Develop and integrate major, and future estimated minor costs into the court's capital operating budget – get away from always having to pay for repairs from the operating budget.

5 = Unsatisfactory – adversely impacts court operations and/or public safety

- ✓ **Immediate replacement, repair and/or renovation is required.** Determine the risk of the system's failure continuing court operations and consult with the Court President & DJA for immediate funding.
- ✓ **Emergency Contingency Planning:** The Court Secretariat should establish a court working group to develop contingency plans to prepare for the worst case system failure scenario.
- ✓ **Periodic Assessments:** Conduct at least bi-weekly assessments using the Facility Checklists (below). Keep the Court President informed of the operation of the infrastructure component, and any plans to continue court operations in the event of a systems failure.
- ✓ **Regular Maintenance:** Complete all required equipment maintenance in accordance with the manufacturer's recommended maintenance schedule.
- ✓ **Minor Repairs:** Execute minor repairs from the current operating and capital operation budgets.
- ✓ **Major Repairs:** *Immediate system upgrades or replacement is required*, and absent SCM and/or DJA immediate funding and resolution of the problem, Chiefs of Court Secretariat must start immediate cost estimates and prepare proposals for next year's budget cycle.

Sample of a Court's Life Cycle Infrastructure Maintenance and Budgeting Plan

- ✓ **Budgeting Capital Improvement Expenses:** Develop and integrate major, and future estimated minor costs into the court's capital operating budget – get away from always having to pay for repairs from the operating budget.

12.4. Using the Courthouse Facility Checklists to manage facilities, operations and infrastructure

Again, it is important to remember that neither Court Presidents, nor **Chiefs of Court Secretariat** are called to become civil engineers or building mechanics. However, it is the responsibility of the Court's leadership team to ensure that the court's operating environment continues to function as efficiently as possible.

Ultimately, in the absence of a dedicated court staff employee qualified to perform both functions (and few courts can afford the luxury of an assigned building engineer/mechanic), the **Court Secretariat** is responsible for organizing, monitoring, and managing court maintenance and facility management programs.

Regular use of standardized *Courthouse Facility Checklists (CFC)* is one way for **Chiefs of Court Secretariat** to become familiar with their building's unique operational requirements. They can also be used to help **Chiefs of Court Secretariat** organize and manage their building's maintenance programs, and the inspection results can be integrated into the court's annual operating and capital operations budgets. Examples of standardized checklists are provided as attachments to this chapter and include:

Courthouse Facility Checklists		
#	Title	Activities inspected
1	Exterior buildings and grounds	Building structure; windows and glazing; perimeter sidewalks, stairs and walkways; building identification and directory systems; entrances, elevators and interior stairways; exterior lighting; exterior grounds and landscape; public transportation; and pedestrian drop-off locations. (<i>See Checklist 1 – Court Buildings and Grounds</i>).
2	Administrative offices and storage areas	Administrative offices; windows and glazing; and storage areas and file rooms (<i>See Checklist 2 – Administrative Offices and Storage Rooms</i>).
3	Courtrooms and judicial offices	Courtrooms and judicial offices; secured building entrances and parking; and limiting non-public access to judicial areas (<i>See Checklist 3 – Courtrooms and Judicial Offices</i>).
4	Security	Public entrance security and screening control station; emergency response planning; secured building entrances and parking; and limiting non-public access to judicial spaces (<i>See Checklist 4 – Security and Emergency Planning</i>).
5	Building operating and engineering systems	Electricity; toilets and sewer systems; and heating systems (<i>See Checklist 5 – Building Operating Systems</i>).

12.5. How to estimate new space requirements?

Unless the SCM or DJA have established a “per person” space allotment formula for courthouse design, **Chiefs of Court Secretariat** and court space planners may wish to consider using the following *guidelines to estimate space requirements*. For quick estimating purposes, the *General Rule of Thumb* of 11.6 to 20 m² per person (excluding large conference rooms) has proven to be generally sufficient to cover work space, circulation, and other office amenities in a general use office⁶⁸.

Guidelines for Estimating Office Space Requirements	
General Rule of Thumb for Office and Conference Room Space = 11.6 to 20 m ² per person	
Typical Executive's Office = 8.5 to 14 m ²	
Partitioned Open Space: Clerical Supervisor or Manager = 7.5 to 9 m ²	
Open Space: Clerical or Secretary. = 6 to 14 m ²	
Conference Rooms: 1.4 m ² per person = theater style and 2.5 m ² per person for conference style rooms.	
Mail Room: Length depends upon amount of usage, typically 2.7 meters wide with .8 meter wide counters.	
Reception Area: Receptionist + 2–4 people = 11.6 to 18.6 m ² ; Receptionist + 6–8 people 18.6 to 27.9 m ² .	
File Rooms: Typically .65 sq meters per file cabinet with 1 meter aisle width.	

12.6. How to manage public, judicial and detainee circulation requirements

Modern court design guidelines require separation of courthouse circulation pathways for judges, detainees, and the public⁶⁹.

Recommended Courthouse Circulation Pathways	
Public	The circulation pathway that includes public building entrance and passage through the court's security screening stations; and access to public hallways and stairways leading to court administrative office areas and courtrooms.
Restricted	A restricted pathway that leads from a restricted judge parking area, through restricted judicial and staff building entrances, and then along restricted hallways and stairways leading directly to judge chambers and judicial staff offices. The objective is to prevent unauthorized contact between judges and the lawyers and litigants.
Secured	A secured pathway through which a prisoner is delivered into courthouse custodial facilities, and then moved (as needed) into courtrooms or hearing rooms as required. The imperative is that prisoners must have no access to, or interactions with the public or lawyers while in court custody.

Absent a new courthouse with appropriate circulation pathways, **Chiefs of Court Secretariat** must work within the limitations of their existing courthouse to:

- Review the courthouse's current circulation pathways;
- Identify where adjustments can be made to improve public access to essential services and courtrooms – while improving security for judicial and detainee circulation;

68 Office Finder, available at <http://www.officefinder.com/how.html#sthash.9PKdlyjL.dpbs>

69 U.S. Courts Design Guidelines (2007 Edition), available at http://www.gsa.gov/graphics/pbs/Courts_Design_Guide_07.pdf

- Use current year operations funds to design and construct building modifications; and/or
- Consider moving administrative and non-court offices to separate the three circulation pathways.

Ultimately, major structural changes to improve public, restricted and secured circulation pathways will likely require the **Chief of Court Secretariat** to work with the Court President, SCM and DJA to design, cost estimate, and budget for the necessary changes.

12.7. Coordinating with SCM and DJA to monitor renovation and construction projects

In coordination with the Court President, **Chiefs of Court Secretariat** should schedule regular meetings with the DJA officials responsible for processing court requests for renovation design, funding and contracting projects. The simple fact is that the DJA has more work than they can reasonably handle, and unless the Chief of Court Secretariat routinely monitors **and** remains personally engaged with appropriate DJA officials, it is unlikely the court's project will receive the timely attention it deserves.

Chief of Court Secretariat do not have to become architects or civil engineers, but they do need to remain engaged over the entire life cycle of a project. With the help of their staff, they are in the best position to evaluate how well a proposed design matches their court's operational and organizational requirements. And once construction begins, Chiefs of Court Secretariat are uniquely positioned to coordinate the contractor's on-site mobilization and daily work activities.

12.8. How to conduct a preconstruction meeting with the contractor?

Contractors, and their employees are in essence invited guests with permission to work on court property to perform the limited construction work required by the contract. Their activities need to be managed to integrate with essential court operations. ***They cannot be allowed unlimited access to the courthouse if the court is to continue to perform its constitutional responsibilities of providing justice services to the Citizens and litigants before the court.***

Chiefs of Court Secretariat should coordinate with the Court President and DJA to schedule a preconstruction meeting with contractor and their essential construction supervisors. The purpose of the meeting should be to:

Principle of Construction Management # 1

Contractors and their employees must be managed – and the best way to do that is to establish the correct relationship with the contractor at a preconstruction meeting prior to the start of the first day of construction.

Principle of Construction Management # 2

Designate the Court Secretariat as the court's authorized representative and „single point of contact” for the project. A single point of contact minimizes contractor confusion, establishes the court's job site supervision authorities and expectations, and prevents unauthorized attempts by other judges and staff to have the contractor „do something different.”

Principle of Construction Management # 3

The Court defines construction worksite conditions – to include security requirements for contractor staff; hours for operations; site conditions and cleanliness; and contractor mobilization areas to store equipment and supplies.

Principle of Construction Management # 4

The Court has a public safety responsibility to vet, approve, badge and limit circulation of construction workers authorized to work on the job site.

- Introduce the court leadership and security team to the contractor and their essential site supervisor(s) and construction managers.
- Review the contract documents, design drawings, and construction time schedules and deadlines.
- Confirm the Chief of **Court Secretariat** as the court's authority and point of contact for construction related issues.
- Conduct a "walk-through" of the designated construction areas;
- Define "court" and "construction" hours of operation and construction noise abatement requirements to minimize the impact on court operations;
- Identify court approved areas for the contractor to mobilize and secure personnel, equipment and construction materials.
- Confirm court requirements for 24-hour advance notice prior to the contractor's delivery of equipment or materials.

12.9. Security vetting and identification badges for contractor employees

Chiefs of Court Secretariat need to coordinate with court security staff and the contractor to properly vet proposed contractor employees before allowing them access onto the job site. **At a minimum**, contractors should provide certification that individual employees are not now pending, or have previously been convicted of a felony criminal charge, domestic violence, or have a history of drug or alcohol abuse. Court security staff may wish to review, and with the **Court Secretariat's** authority, propose additional security vetting requirements.

Ultimately, contractor staff must be issued and be required to visibly display, court approved photo identification badges. Consider "color coding" the badges to designate and limit areas where individual contractor employees are authorized to work.

12.10. Coordinate site access of contractor deliveries, vehicles and equipment

Contractors should provide at 24-hour advance notice of any scheduled vehicle delivery of construction materials or equipment. This will allow sufficient time for court security staff to review the request, and for the **Chief of Court Secretariat** to coordinate delivery, offloading, storage and security requirements (exceptions to the 24-hour notice should be approved by the Chief of Court Secretariat).

12.11. Inspections of the construction site and materials storage areas

As part of the pre-construction and daily construction meetings, the Court should require that the jobsite be swept and cleaned daily; be free of hazardous or safety problems; that materials and equipment be kept under locks; and that construction staff wear required protective clothing (e.g., hard hats, ear protection, safety shoes, etc.).

The Chief of Court Secretariat should also conduct daily jobsite inspections, not as an inspector general seeking to catch errors or potential fraud, but rather with an eye to the court's oversight responsibility for ensuring the job is progressing as planned, and that the contractor is maintaining a clean and safe work environment.

12.12. Coordinate staff, security, automation, telecommunications, furniture layouts, and move planning

Once completed, the contractor will deliver the space with electrical and data wiring, lighting, and heating systems. It is the responsibility of the Chief of **Court Secretariat** to organize a staff planning effort to organize, furnish, and ultimately move into the new space.

Even though **Chiefs of Court Secretariat** are not expected to become interior designers, they are responsible for moving court staff into renovated space; and to facilitate that objective, it is strongly recommended that **Chiefs of Court Secretariat** review the design drawings with the impacted staff; periodically conduct a “walk-through” of the construction site (during non-construction hours); and assemble a space planning team to help with furniture and circulation design layout options.

Experience has proven that the staff often knows better how things should work in their office and their recommendations often save time, money, and the all too often need to spend limited court funds on post-construction modifications to fix original design failures or construction mistakes.

When it comes to the actual move process, **Chiefs of Court Secretariat** coordinate with the Court President to minimize the impact on scheduled court proceedings and administrative office operations.

Principle of Construction Management # 5

Space planning and move coordination is a team effort – so engage the impacted judges and staff early in the construction process! Experience has shown that judicial and staff acceptance of new space is often dependent on how effectively that have been engaged by court leadership during the design and construction process.

Court Facilities Checklist # 1 – Court Building and Grounds

(Rating System:

1 = Excellent; 2 = Very Good; 3 = Acceptable; 4 = Poor; and 5 = Unacceptable)

Court Name:		Date			
Office Name:		Office #			

Description	1	2	3	4	5
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1. Building structure

Standards:

Yes	No	Description
		Building is appropriately designed for court operations?
		Exterior building cladding is uniform with no broken or missing tiles, major spalling on the wall surfaces, or other hazardous conditions?
		Overall exterior is clean and painted within the past 4-years (if appropriate)?
		Known structural deficiencies or hazardous conditions are identified and have been reported to SCM and DJA (or the private building owner) for correction?
		Other?

Repair Requirements:

2. Exterior windows and glazing

Standards:

Yes	No	Description
		Broken or cracked windows are identified and repaired?
		Windows are uniformly glazed to prevent leaking and water damage?
		Windows are cleaned at least twice yearly?
		Other?

Repair Requirements:

3. Perimeter sidewalks, stairs and walkways		
Standards:		
Yes	No	Description
		Courthouse sidewalks, stairs and walkways are routinely swept, cleaned, and repaired as necessary – with no potholes or other hazardous conditions?
		City owned sidewalks are routinely swept, cleaned, and repaired as necessary – with no potholes or other hazardous conditions?
		Trash containers and smoking receptacles are available and emptied and cleaned daily?
		Other:
Repair Requirements:		
4. Courthouse identification and directory signs		
Standards:		
Yes	No	Description
		City's street and direction signs lead pedestrians and drivers to the court entrance?
		Access to the courthouse clearly identifiable from the streets – building identification prominently displaced with SCM and Court specific identification?
		Public information board with court calendars, schedule of fees, and directory information at the public entrance?
		Court website indicates the location of the courthouse (identifying key crossroads and instructions on how to get to the courthouse)?
		Other:
Repair Requirements:		

5. Entrances, elevators and stairways		
Standards:		
Yes	No	Description
		Stairs are uniform in construction and with no broken lips or other dangerous conditions, and a non-slip surface or tape is applied to prevent accidents?
		Handrails are available and in good condition?
		Wheel chair ramps or electrical lifts are available for handicap citizens?
		Elevators (where they exist) are operational and have had a safety inspection within the past 12-months?
		Rest areas/seating is provided in the entrance and on the landings of every other floor?
		Stairs and walkways are swept daily and washed at least monthly?
		Stairs and walkways are salted and de-iced during winter, and snow is removed as required?
		Appropriate drainage prevents water from pooling on the stairs and walkways?
		Other:
Repair Requirements:		
6. Exterior Lighting		
Standards:		
Yes	No	Description
		Courthouse perimeter lighting is adequate to ensure public circulation and safety.
		Light fixtures operate correctly and broken bulbs are fixed daily?
		Emergency lighting is available in the event of a power failure?
		Other:
Repair Requirements:		

7. Exterior Grounds and Landscape		
Standards:		
Yes	No	Description
		Gardeners and other cleaning staff are employed and conduct twice daily cleaning of the courthouse grounds?
		Landscape, trees and other planting are maintained in good condition and replaced when necessary?
		Court has a master gardening/landscape plan and an operations budget to improve the grounds and public spaces?
		Other:
Repair Requirements:		
8. Ensure access to available public transportation		
Standards:		
Yes	No	Description
		Public transportation (if any) stops within two blocks of the courthouse (if not, discuss re-routing options to improve public access to the courthouse)?
		Surface streets from public transportation drop-off locations are safe, with no major potholes or other safety hazards? Note: In this case, the Secretariat needs to coordinate directly with the City to coordinate corrections and regular maintenance plans.
		Taxi service is available?
		Other:
		otherwise taxi is available.
Repair Requirements:		

9. Establish safe pedestrian drop-off locations		
Standards:		
Yes	No	Description
		Convenient vehicle “drop-off” locations are coordinated with the City and established within one-block of the courthouse? Note: Drop-off locations should not disrupt traffic or cause unsafe conditions for traffic, the vehicle and passengers.
		Court hours of operation are designed to minimize traffic congestion caused by simultaneous arrivals and departures of court staff? Note: Consider staggering hours of operation for court staff to minimize congestions during peak traffic times.
		Other:
Repair Requirements:		
Record of Actions Taken by Court Secretariat		
Date Received		

Action Taken/Completed:

Court Facilities Checklist # 2 – Administrative Office and Storage Areas

(Rating System:

1 = Excellent; 2 = Very Good; 3 = Acceptable; 4 = Poor; and 5 = Unacceptable)

Court Name:		Date			
Office Name:		Office #			

Description		1	2	3	4	5
1. Administrative offices						
Standards:						
Yes	No	Description				
		Office identification signs are located in the hallway entrance to each office?				
		Door locks are functional and key control measures are in place to prevent unauthorized access?				
		Secured and lockable file cabinets or rooms are available for sealed cases and financial records?				
		Furniture is uniform and functional. Broken furniture and equipment are repaired and no hazardous conditions exist?				
		Office organization and furniture floor plan provides for adequate and safe staff circulation?				
		Office furniture and equipment are regularly inventoried and missing items are reported?				
		Files, registry books and other documents are neatly organized and properly stored and secured at the end of the day?				
		Offices are cleaned and trash removed daily?				
		Electrical, telephone and data outlet connections are adequate and computers, printers and scanners are connected to a single outlet. Outlets are not overloaded excessive equipment or plugs?				
		Electrical surge protectors are connected to every computer, printer, copier, scanner and other essential electrical equipment?				
		Offices have adequate lighting with no broken bulbs or fixtures. Broken bulbs are repaired daily?				
		Emergency lighting is available in the office and hallway areas in the case of emergency?				
		Emergency evacuation routes are posted in the offices and hallways?				
Repair Requirements:						

2. Windows and glazing		
Standards:		
Yes	No	Description
<input type="checkbox"/>	<input type="checkbox"/>	Broken or cracked windows are identified and repaired?
<input type="checkbox"/>	<input type="checkbox"/>	Windows are uniformly glazed to prevent leaking and water damage?
<input type="checkbox"/>	<input type="checkbox"/>	Windows are cleaned at least twice yearly?
Repair Requirements:		
3. Storage areas and file rooms		
Standards:		
Yes	No	Description
<input type="checkbox"/>	<input type="checkbox"/>	Office identification signs are located in the hallway entrance to each office?
<input type="checkbox"/>	<input type="checkbox"/>	Door locks are functional and key control measures are in place to prevent unauthorized access?
<input type="checkbox"/>	<input type="checkbox"/>	Secured and lockable file cabinets or rooms are available for sealed cases and financial records?
<input type="checkbox"/>	<input type="checkbox"/>	Office organization and furniture/shelving floor plan provides for adequate and safe staff circulation?
<input type="checkbox"/>	<input type="checkbox"/>	Supplies, files and equipment are inventoried and stored properly?
<input type="checkbox"/>	<input type="checkbox"/>	Excess furniture/equipment are processed for disposition and not left to accumulate in the storerooms?
<input type="checkbox"/>	<input type="checkbox"/>	Offices are cleaned and trash removed daily?
<input type="checkbox"/>	<input type="checkbox"/>	Offices have adequate lighting with no broken bulbs or fixtures. Broken bulbs are repaired daily?
Repair Requirements:		
Record of Actions Taken by Court Secretariat		
Date Received		

Action Taken/Completed:

Court Facilities Checklist # 3 – Courtrooms and Judicial Offices

(Rating System:

1 = Excellent; 2 = Very Good; 3 = Acceptable; 4 = Poor; and 5 = Unacceptable)

Court Name:		Date			
Office Name:		Office #			

Description	1	2	3	4	5
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1. Courtrooms and Judicial Offices

Standards:

Yes	No	Description
		Are there sufficient courtrooms for every judge?
		Does every judge and judicial staff have a computer (and access to printers) with Internet connections to the Integrated Case Management System (ICMS) and legal research tools?
		Do courtroom deliberation rooms have a computer (and access to printers) with Internet connections to the Integrated Case Management System (ICMS) and legal research tools?
		During court operations, records and files are neatly organized and at the end are returned to the appropriate office for storage?
		Courtroom and office identification signs are located in the hallway entrance?
		Door locks are functional and key control measures are in place to prevent unauthorized access?
		Secured and lockable file cabinets or rooms are available for sealed cases and financial records?
		Is there adequate space, furniture and equipment for judges, staff, litigants and the public?
		Court schedules and calendars are posted on directory boards adjacent to the courtroom?
		Courtrooms and judicial offices are cleaned and trash removed daily?
		Electrical and data outlet connections are adequate and outlets are not overloaded with excessive equipment or plugs. Electrical surge protectors are connected to every computer, printer, copier, scanner and other essential electrical equipment?
		Courtrooms and judicial offices have adequate lighting with no broken bulbs or fixtures. Broken bulbs are repaired daily?
		Emergency lighting is available and emergency evacuation instructions and routes are posted?
		Other:

Repair Requirements:

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2. Secured building entrances and parking		
Standards:		
Yes	No	Description
		Are there secured „non-public” entrances for judges and staff to enter the courthouse without having to interact with lawyers and the public?
		Is there a secured parking area for judges?
		Other:
Repair Requirements:		
3. Limiting non-public access to judicial spaces		
Standards:		
Yes	No	Description
		Are there sufficient security access control points, door locks, or other measures in place to prevent unauthorized public and lawyer access to judicial chambers and staff offices?
		Do chambers and judicial spaces have a way to immediately notify courthouse security in the event of an emergency? Note: Simple solutions might include emergency alarm buttons at the judge and secretary offices; routine security patrols of non-public judicial areas, and/or pre-programmed telephone speed dial options connecting judges and staff to courthouse security.
		Other:
Repair Requirements:		
Record of Actions Taken by Court Secretariat		
Date Received		

Action Taken/Completed:

Court Facilities Checklist # 4 – Security and Emergency Planning

(Rating System:

1 = Excellent; 2 = Very Good; 3 = Acceptable; 4 = Poor; and 5 = Unacceptable)

Court Name:		Date			
Office Name:		Office #			

Description		1	2	3	4	5
1. Public entrance security and screening control station						
Standards:						
Yes	No	Description				
		Is there a public entrance and screening station in the courthouse?				
		Are there adequate police and court security officers to operate the security screening station during court business hours?				
		Does the security control and screening station have an operational „walk-through” magnetometer or other electronic screening equipment?				
		Are the screen staff trained and certified to operate the electronic screening equipment?				
		Are perimeter and internal security cameras operational and being monitored?				
		Is there a Security Command and Control Center available to coordinate security operations?				
		Are security response plans in place (and routinely rehearsed) to respond to a physical breach of the security checkpoint? Note: Typical security plans include actions by the security team to:				
		Close the court’s public entrance and secure and take into custody the violating individual(s);				
		Immediately notify the Court President and Secretariat of the breach – who in turn will direct the closure of courtrooms and judicial/administrative office areas (as appropriate);				
		Alert local law enforcement agencies (as appropriate);				
		Remove all individuals who have not yet passed through the screening station back through the court entrance (outside);				
		Initiate procedures to account for judges and court personnel; and search efforts to locate unaccounted for personnel (anticipating a potential hostage situation);				
		Notify the Court President and Secretariat when the situation is under control, all personnel have been accounted for, and provide a recommendation for a time to announce an „ALL CLEAR” message throughout the courthouse. Note: Responsibility for making the „ALL CLEAR” determination should reside with the Court President and Secretariat.				
		Other:				
Repair Requirements:						

2. Emergency response planning		
Standards:		
Yes	No	Description
		Does the court have an Emergency Response Plan that anticipates how to operate in the event of a medical emergency; major courthouse infrastructure systems failure; fire; or natural disaster?
		Does the court have a personnel accountability plan to locate personnel in the event of a security event or other emergency?
		Has the court contacted, and held coordination meeting with community „first responders”, e.g., police, fire, ambulance and local medical treatment centers?
		Are basic medical kits available throughout the courthouse? Has basic first aid training been provided to judges and court staff?
		Has the HR Department developed a confidential questionnaire to allow staff to report potential life threatening medical conditions and/or critical medications they may be taking? Note: This is a potentially difficult issue to address with staff; however, if the court’s leadership and HR team knows about these issues, then they can timely inform first responders to ensure a more accurate medical diagnosis and treatment response. Examples of „major medical conditions” might include heart issues, diabetes, or other critical medications that an individual may be taking. See HR Resources Chapter for examples of medical disclosure questionnaires options.
		Has the court rehearsed their emergency response options?
		Has the court developed „continuing operational contingency plans” anticipating a major courthouse infrastructure systems failure, or other major natural disaster?
		Other:
Repair Requirements:		
3. Secured building entrances and parking		
Standards:		
Yes	No	Description
		Are there secured „non-public” entrances for judges and staff to facilitate their entry into the courthouse without having to interact with lawyers and the public?
		Is there a secured parking area for judges?
		Other:
Repair Requirements:		

4. Limiting non-public access to judicial spaces		
Standards:		
Yes	No	Description
		Are there sufficient security access control points, door locks, or other measures to prevent unauthorized public and lawyer access to judicial chambers and staff offices?
		Do chambers and judicial spaces have a way to immediately notify courthouse security in the event of an emergency? Note: Simple solutions might include emergency alarm buttons at the judge and secretary offices; routine security patrols of non-public judicial areas; and pre-programmed telephone speed dial options connecting judges and staff to courthouse security.
		Other:
Repair Requirements:		
Record of Actions Taken by Court Secretariat		
Date Received		

Action Taken/Completed:

Court Facilities Checklist # 5 – Building Operating Systems

(Rating System:

1 = Excellent; 2 = Very Good; 3 = Acceptable; 4 = Poor; and 5 = Unacceptable)

Court Name:		Date			
Office Name:		Office #			

Description	1	2	3	4	5
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1. Electricity

Standards:

Yes	No	Description
		Is the City’s provided electrical power reliable with minimal power surges, spikes or „brownouts”?
		Are there records or evidence of damage to court computers, printers, scanners or other electrical equipment caused by power surges or outages?
		Are there sufficient outlets throughout the courthouse to accommodate court technology and other electrical equipment?
		Has the court been „wired” for Internet connectivity – or does it rely on data access points and wireless connectivity?
		Are there pending wiring upgrade requests to SCM or DJA? If so, what is the timeline for delivery?
		Is a backup generator available for use during power outages? If so, is it regularly serviced, maintained and fueled? When was the last time it was tested?
		Are there electrical system upgrades planned in the future? If so – when, and how will those activities impact court operations?
		Other:

Repair Requirements:

2. Toilets and sewer systems		
Standards:		
Yes	No	Description
		Are there sufficient public, judicial and staff toilets in the courthouse?
		Is the courthouse connected to a central city sewer and waste treatment facility?
		Is the courthouse connected to a building septic system? If so, how often is the system emptied?
		Is there evidence of repeatedly clogged toilets, or inadequately designed sewer systems, e.g., backed up toilets, improper drainage, leaks in the sewer pipes and lines, excessive odors, etc.?
		Are there any sewer line or system upgrades planned in the future? If so – when, and how will those activities impact court operations?
		Are the toilets cleaned and restocked daily?
		Other:
Repair Requirements:		
3. Heating systems		
Standards:		
Yes	No	Description
		Is the courthouse connected to a city delivered „central heating” system?
		Are courtrooms and judicial and administrative offices adequately heated during the winter? Do the staff have to rely on personal space heaters during the winter?
		Are public hallways and stairways heated?
		Are there heating system upgrades planned in the future? If so – when, and how will those activities impact court operations?
		Other:
Repair Requirements:		
Record of Actions Taken by Court Secretariat		
Date Received		

Action Taken/Completed:



Chapter 13.

Emergency Action Planning and Security

13.1. Introduction

Court security is fundamental to our system of justice. People will conduct business or participate as litigants and witnesses only when they are confident that no harm will come to them as a result. Unfortunately, incidents of violence in courts, resulting in injury and death, undermine the public's confidence in the ability of courts to ensure the safety of their facilities. The potential for terrorist attacks has compounded everyone's concerns about vulnerabilities, and recent natural disasters have heightened our awareness that "business" as usual cannot be assumed⁷⁰.

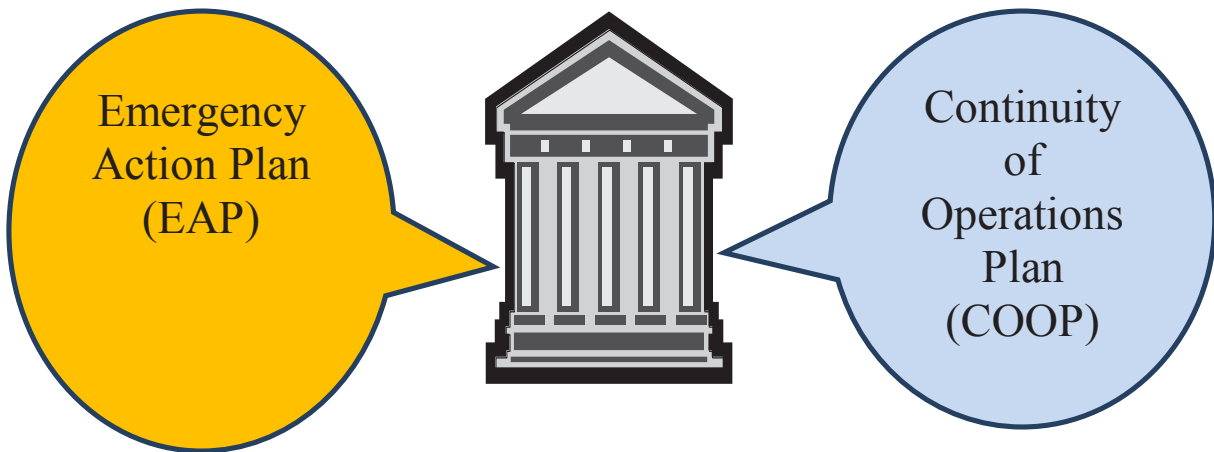
Court security is strengthened by recurring and open communications and mutual respect among judicial officers and staff, law enforcement officials, and all those involved in ensuring the safety of our courts. Absent such collaboration, court security efforts proceed in a fragmented manner, creating the possibility for duplicative or conflicting procedures and blurred responsibilities.⁷¹

"Courthouses belong to the public and have always been perceived as safe haven. We must preserve this confidence the public has long held in the courts – and we must continue our work to ensure that the perception that courthouses are safe havens is a reality."

**Remarks of Mary McQueen, President of
the National Center for State Courts at the
November 2005 Court Security Conference.**

⁷⁰ Pamela Casey, *A National Strategic Plan for Judicial Branch Security* (February 7, 2006), available in the public domain at http://www.securitymanagement.com/archive/library/natl_center_statecourt0806.pdf

⁷¹ *A National Strategic Plan for Judicial Branch Security*, supra.

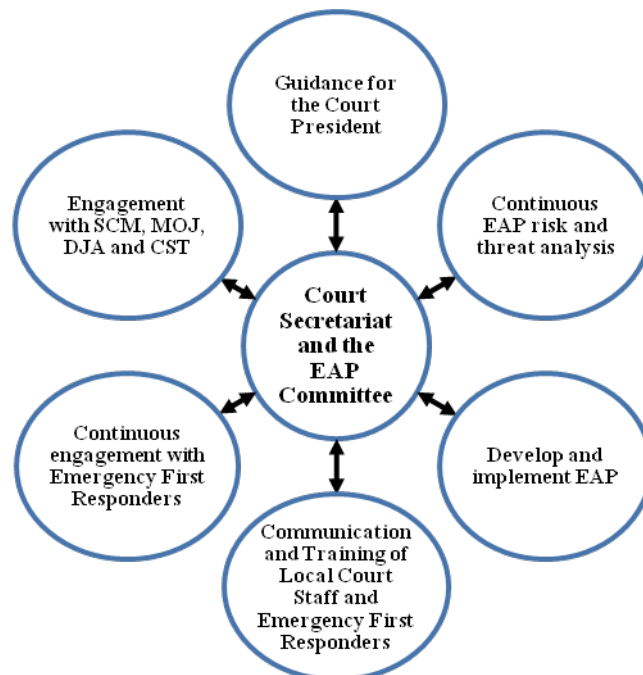


Courthouse Emergency Planning Requirements

13.2. Establish an Emergency Action Planning Committee

Chiefs of Court Secretariat need to understand that the responsibility for developing courthouse emergency action plans is a task that should not be undertaken lightly, or alone.

Chiefs of Court Secretariat also need to understand that if emergency action plan plans do not already exist at the local court level, then the process they need to undertake to design, develop, implement an effective emergency action plan requires both a long-term vision and an organizational commitment to invest the time and energy necessary to identify and prioritize potential threats and risks; confirm emergency first responder capabilities and timelines; develop and implement the emergency action plan; and too then continuously exercise, train, test and evaluate judges, court staff **and** emergency first responders in the application of the various modules of the plan.



Emergency Action Planning Cycle

Ideally, the Emergency Action Planning Committee will be chaired by the Chief of Court Secretariat, with the Court President and Vice President serving in a management oversight role; and representatives from the judges and judicial staff; documentary and administrative services departments; and juridical police and fire departments, hospitals, utility and water companies, relevant non-governmental agencies (NGOs), and the court's local Internet service provider (as needed).

Although explained later in further detail, the Emergency Action Planning Committee needs to understand and embrace the following emergency action plan guidelines and rules.

Emergency Action Planning Rules and Guidelines	
Implications for Chiefs of Court Secretariat	
Rule #1	Court Presidents, assisted by Chiefs of Court Secretariat are responsible under the law to ensure the safe, secure, and effective operation and administration of local courts.
Rule #2	Court Presidents and Chiefs of Court Secretariat who fail to develop and resource effective emergency action plans are <i>negligent per se</i> and may be subject to penalties under law or other disciplinary proceeding.
Rule #3	<ul style="list-style-type: none"> • Developing an effective emergency action plan requires dedication and time commitments from the Court President and Court Secretariat. • Best Practice Recommendation: Court Presidents and Chiefs of Court Secretariat cannot delegate responsibility for creating an emergency action plan to subordinate staff. Experience has demonstrated that developing an effective plan requires the personal commitment of key leaders.
Rule #4	<ul style="list-style-type: none"> • Emergency action plans require engagement with, and input from judges and judicial staff; court security; administrative and information technology (IT) staff; representatives from the SCM, MOJ, DJA and CST; and local community emergency first responders. • Best Practice Recommendation: Plans developed in isolation typically end up on the shelf gathering dust are little better than useless.
Rule #5	<ul style="list-style-type: none"> • There is a finite amount of time available to the EACP to develop and implement the emergency action plan. • Develop assessments, response plans, and resource commitments based on realistic or likely threats or risks first. • Best Practice Recommendation: Don't waste time on trying to anticipate and plan for esoteric or unlikely threats (e.g., the likelihood of a nuclear bomb explosion in the city, tornadoes, etc.).
Rule #6	<ul style="list-style-type: none"> • Emergency action plans need to be continuously tested, validated and rehearsed with judges judicial staff; court security; administrative and information technology (IT) staff; representatives from the SCM, MOJ, DJA and CST; and local community emergency first responders. • Best Practice Recommendation: <i>Exercise at least some part of the emergency action plan on a monthly basis.</i> This helps judges and staff understand the importance of the emergency action plan to successful court operations.
Rule #7	<ul style="list-style-type: none"> • Resourcing and funding emergency action plan and response commitments is imperative. • Emergency action plan planning updates and cost estimates need to be included in the court's annual budget cycle.

13.3. Emergency First Responders Contact List

The EACP needs to develop (and continuously update) an emergency contact list of local emergency first responders, response capabilities and timelines. Consider using a worksheet similar to the one provide **Tab 13.1. – Emergency First Responder Contact List**. Typically, these Emergency First Responders can provide the following resources and capabilities to help a court work through emergency situations.

- **Fire Departments:** Incident command and coordination; fire fighting; medical treatment; casualty evacuation; traffic management; tactical communications; crowd control; and building evacuation.
- **Police:** Incident command and coordination; tactical communications; crime scene security and investigation; arrest authority; armed response; prisoner detention and relocation; crowd control; traffic management; emergency medical treatment and patient stabilization; casualty evacuation; traffic management;; and crowd control.
- **Hospitals:** Emergency medical treatment and triage; and deployment of emergency medical teams to the courthouse in the event of an on-site disaster.
- **Ambulance Companies:** Emergency medical treatment and triage; casualty evacuation.
- **SCM, MOJ and DJA:** Program and budget coordination (in the event of a major emergency); and ministry and government level coordination for resources and emergency support.
- **MOJ and DJA:** Emergency IT systems shutdown and data recovery.
- **Local Excavation and Construction Companies:** Earthmovers and excavation equipment; building shoring systems; and construction materials.
- **Red Cross and other non-governmental (NGOs) and community service organizations (CSOs):** Medical, food, shelter, clothing and other emergency supplies.

13.4. Identify and Prioritize Threats and Risks

Courthouse Emergency Action Plans (emergency action plans) describe the actions that occupants should take to ensure their safety if a fire, medical or other emergency situation occurs. These plans reduce the threat to personnel, property, and other assets within the facility in the event of an incident inside or immediately surrounding a facility by providing facility-specific response procedures for occupants to follow for at least the following types of potential emergencies⁷².

- General medical emergencies, e.g., slip-and-falls, heart attack, etc.
- Pandemic medical emergencies, e.g., influenza, avian flu, etc.
- Civil disobedience or disorders.
- Workplace violence.
- Explosions or fire.
- Hazardous materials incident or spillage.
- Suspicious packages or mail.
- Suspicious or other unlawful activity on courthouse premises.
- Bomb or other threats.
- Elevator malfunction.
- Electrical power interruption.

72 Federal Protective Service, Occupant Emergency Plans – Development, Implementation, and Maintenance (November 2007), available in the public domain at http://www.gsa.gov/graphics/pbs/OEP_Guide.pdf

- Natural hazard or disaster, e.g. including Earthquakes, Landslides or Debris Flows, Severe Weather: Floods, Severe Thunder Storms, Tornadoes, Winter Storms; and Wildfires.
- Hostage situation.

13.5. Link Threat and Risk Assessments to Emergency First Responder Capabilities and Timelines

Chiefs of Court Secretariat should lead the Emergency Action Planning Committee through a matrix assessment of the prioritized potential threats and risks (*See* 13.4. above) and the internal (local court resources), *external* (emergency first responders), and *judiciary supported* (SCM, MOJ, DJA and/or CST) response capabilities and timelines. A sample of a risk assessment and response capabilities matrix is partially completed below.

Threat and Risk Assessments and Response Capabilities Matrix		
Priority 1. Major Medical Emergency		
Internal	Emergency First Responders	SCM, MOJ, DJA or CST
<ul style="list-style-type: none"> • Security staff move to secure the site and evacuate personnel (5 minutes). • First aid bags and supplies. • Staff previously trained in basic lifesaving and first aid skills deploy to the area with aid bags from other locations (5 minutes). • Security staff moves to meet and escort first responders (5 minutes). • Establish the emergency action plan command center to coordinate response activities (5 minutes). 	<ul style="list-style-type: none"> • Fire department <ul style="list-style-type: none"> • 20-minute response time with 1-paramedic. • Hazardous materials (HAZMAT) teams available to deploy if needed. Police department. <ul style="list-style-type: none"> • 10-minute response time. • 2 armed police officers with a car (10 minutes). • Ambulances (on-call if needed). • Hospitals (on-call if needed). • Hazardous materials (HAZMAT) teams available to deploy if needed. 	<ul style="list-style-type: none"> • None – unless catastrophic damage requires DJA to fund relocation of essential services (COOP).
Priority 2. Fire		
Internal	Emergency First Responders	SCM, MOJ, DJA or CST
<ul style="list-style-type: none"> • Fire extinguishers used by court staff in the fire area (immediate). • Security staff move to secure the site and evacuate personnel (5 minutes). 	<ul style="list-style-type: none"> • Fire department (20 minutes). <ul style="list-style-type: none"> • 20-minute response time. • 1 paramedic with aid bag. 	<ul style="list-style-type: none"> • None – unless catastrophic damage required DJA to fund relocation of essential services (COOP).

Threat and Risk Assessments and Response Capabilities Matrix		
<ul style="list-style-type: none"> • Security staff secures prisoners and prepares to transfer to secured detention facility. • Security staff moves to meet and escort first responders (5 minutes). Staff previously trained to fight small fires deploy to the area with fire extinguishers from other locations (5 minutes). • Staff previously trained in basic lifesaving and first aid skills deploy to the area with aid bags from other locations (5 minutes). • Establish the emergency action plan command center to coordinate response activities (5 minutes). 	<ul style="list-style-type: none"> • 1 tanker truck with 500 meters of hose – 15-minute fire suppression. • No ability to fight fires from the tanker truck above the ground floor. • Ability to connect to building fire fighting standpipes (if any). • Police department <ul style="list-style-type: none"> • 10 minute response time with 2-armed officers. • Traffic and crowd control available and on-call if needed. • Ambulances (on-call if needed). • Hospitals (on-call if needed). • HAZMAT teams (on-call if needed). • Electrical and water company teams (on-call if needed). 	<ul style="list-style-type: none"> • Fire in the server room will require CST to deploy, inspect and re-establish server room capabilities.
Other Priorities (in risk assessment order) – To be identified by the court’s Emergency Action Planning Committee		
Internal	Emergency First Responders	SCM, MOJ, DJA or CST
		

A working template of the matrix format is provided at **Tab 13.4. – Threat and Responder Capabilities Matrix.**

13.6. Develop an Emergency Action Plan

Using something similar to the *Emergency Action Plan Template* (See Tab 13.2) the Court Secretariat should lead the Emergency Action Planning Committee through the development and implementation of an emergency action plan. **Remember:** Time is limited so focus efforts on the most important threats and risks first.

13.7. Continuity of Operations Planning (COOP)⁷³

Continuity of Operations Plans (COOP) refers to the internal effort of an organization, to assure that the capability exists to **continue essential operations for up to 30-days in response to operational interruptions** including (but not limited to): routine building renovation or maintenance; mechanical failure of heating or other building systems; fire; medical emergencies; security situations; inclement weather or other acts of nature; and/or failure of information technology (IT) and telecommunications systems.

Continuity of operations planning (COOP) focuses on the preservation and restoration of essential court services, functions and operations that cannot be suspended for a 30-day period without adversely affecting operations.

Continuity of operations planning is a time consuming and resource intensive effort, and is not something a local court can likely do on their own.

Instead, what is needed is for the SCM, MOJ and DJA to lead a judiciary-wide effort to develop continuity of operations requirements and plans – and to allow the plans to then be uniquely adapted to meet local court requirements.

The objective of this COOP is to ensure the execution of essential Court functions during any crisis or emergency in which the court is threatened or inaccessible. COOP plan requirements and objectives include:

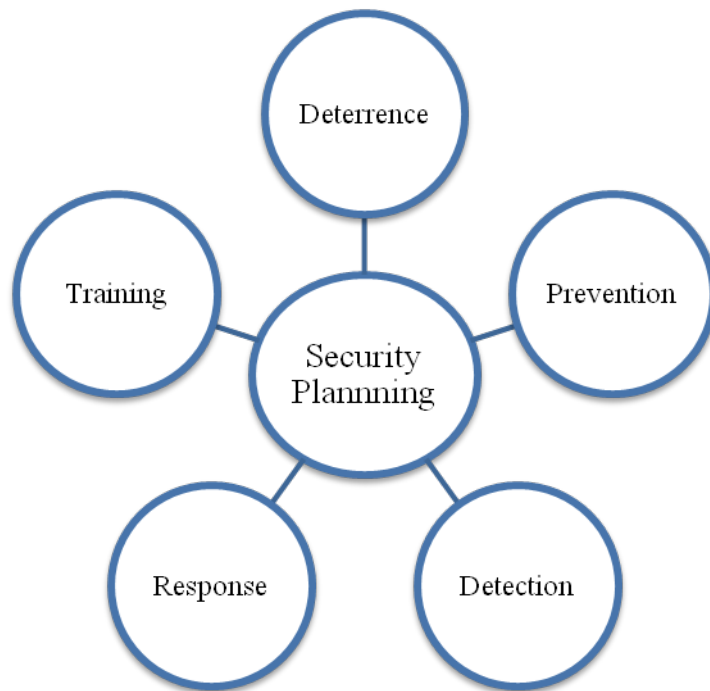
Continuity of Operations Plan (COOP) requirements and responsibilities	
Responsibilities of the Court Secretariat (in coordination with the Court President, DJA and court security).	
•	Ensure the continuous performance of a court's essential functions and operations during an emergency.
•	Develop an emergency alert, notification and command decision making process to activate the OEP when needed.
•	Facilitate decision-making during the execution of the OEP and subsequent conduct of operations.
•	Reduce or mitigate disruptions to court operations.
•	Reduce the loss of life and minimize damage and losses.
•	Identify key principals and support staff to be relocated (if needed).
•	Organize and achieve a timely and orderly recovery from the emergency and resumption of full services of court operations.
•	Train all key personnel responsible for the execution of the OEP plan.

⁷³ R. Eric Petersen, *Emergency Preparedness and Continuity of Operations (COOP) Planning in the Federal Judiciary*, published by the Congressional Research Service (August 8, 2003) and available at <http://www.au.af.mil/au/awc/awcgate/crs/rl31978.pdf>

Continuity of Operations Plan (COOP) requirements and responsibilities	
Responsibilities of the Court Secretariat (in coordination with the Court President, DJA and court security).	
•	Train all Court and security personnel on actions to be taken in the event the OPE plan is executed.
•	Conduct periodic exercises to test the various components of the plan and the plan in its entirety (at least quarterly).

13.8. Security

A fundamental consideration in the development of any court security program is the principle that all actions taken be designed with a stated objective of (1) Deterrence – includes limiting opportunities for acts to occur, (2) Prevention, and (3) Detection. These program areas should be supplemented with two additional areas of consideration – (4) Response, and (5) Training.



Cycle of Court Security Planning

Supporting one another, each of these significant elements represents an integral part of the recommended five-stage program of courthouse and judicial security.

Unlike traditional law enforcement, which can be classified as Re-active, court security should be considered a Pro-Active measure. This means the stated five-stage security program is driven by the elements of Deterring and Preventing criminal and/or prohibited incidents.

13.8.1. Security Screening: Although incorporating all aspects of a recommended five stage court security program (Deterrence, Prevention, Detection, Response, and Training), security screening systems are primarily considered deterrence systems. It is conservatively estimated

that a minimum of ten times the number of weapons and/or contraband actually detected at a screening system would have entered that facility if it had not established security screening.

In order to ensure uniform court security operations, equipment and staffing across the country, it is recommended that SCM, MOJ and DJA establish court screening standards; professional qualification and training requirements for court security officers; and a standardized court screening and security equipment package that includes at least:

- Walk-through metal detectors.
- X-ray machines to screen packages, papers, files and personal possessions.
- Hand-held metal detectors (as a backup in case the main system fails, and for follow-on inspections as needed).
- Explosive residue analyzers.
- Adjacent private search rooms to allow security officers to conduct more intensive personal screening as needed.

13.8.2. Circulation of Court Security Staff: Chiefs of Court Secretariat should coordinate with court security personnel to ensure that they are making regular **and** random inspections of courthouse grounds, parking areas, hallways, offices spaces and courtrooms. Copies of the circulation logs should be inspected weekly and schedules adjusted as need to accommodate court activities and trials.

13.9. Emergency Action Plan Training

Consider the needs of employees, contractors, security staff, visitors, managers, and those with an emergency response role identified in the OEP. General training for all occupants should address:

- The existence of an OEP.
- Individual roles and responsibilities.
- Information on how to prepare for (or prevent), respond to, and recover from a series of emergency situations.
- Notification, warning, and communications procedures.
- Means for locating family members in an emergency.
- Evacuation, shelter, and accountability procedures.
- Location and use of common emergency equipment.
- Emergency shutdown procedures.
- Procedures for persons with disabilities.
- Location and limitations of fire extinguishers.
- Occupants and employees must receive training in evacuation, shelter, and other safety procedures.

Chiefs of Court Secretariat should schedule emergency action plan training whenever:

- New employees are hired or transferred in from another court.
- Evacuation wardens, shelter managers, and others with special assignments are designated.
- New equipment, materials, or processes are introduced.
- Procedures are updated or revised.
- Exercises show that employee performance must be improved.

Contractors working within the building or on the grounds should be advised of the existence of the OEP, what to do in an emergency, assembly points, and general evacuation procedures. This information can be provided by the Contracting Officer's Technical Representative at the beginning of the contract or at the beginning of contractors' work within the building.

Guidelines for Effective Court Administration

Chapter 13. Courthouse Security and Emergency Planning

Tab 13.1: Emergency First Responder Contact List

Court					
Court President	Name		Court Secretariat	Name	
	Office phone			Office phone	
	Cell phone			Cell phone	

Emergency First Responder Contact List		
Organization	Contact Information, available resources and response times.	
Fire Department <ul style="list-style-type: none"> • Incident command authority • Fire fighting • Traffic management • Communications • Crowd control • Medical treatment • Casualty evacuation 	Name and address	
	Primary phone	
	Secondary phone	
	Contact person	
	Available resources and response time:	
Police department <ul style="list-style-type: none"> • Incident command authority • Crime scene investigation • Traffic management • Armed response • Hostage negotiations • Communications • Arrest authority • Prisoner custody and relocation • Crowd control • Medical treatment • Casualty evacuation 	Name and address	
	Primary phone	
	Secondary phone	
	Contact person	
	Resources and response time:	

Emergency First Responder Contact List	
Organization	Contact Information, available resources and response times.
Hospitals <ul style="list-style-type: none"> • Medical treatment • Casualty evacuation • Deployed mass casualty treatment teams 	Name and address
	Primary phone
	Secondary phone
	Contact person
	Resources and response time:
Ambulances <ul style="list-style-type: none"> • Medical treatment • Casualty evacuation 	Name and address
	Primary phone
	Secondary phone
	Contact person
	Resources and response time:
CST <ul style="list-style-type: none"> • Emergency IT systems shut-down • Data protection and recovery 	Name and address
	Primary phone
	Secondary phone
	Contact person
	Resources and response time:
Electrical utilities	Name and address
	Primary phone
	Secondary phone
	Contact person
	Resources and response time:
Water company	Name and address
	Primary phone
	Secondary phone
	Contact person
	Resources and response time:
Internet service provider	Name and address:
	Primary phone:
	Secondary phone:
	Contact person:
	Resources and response time:
Gas company (if applicable)	Name and address
	Primary phone
	Secondary phone
	Contact person
	Resources and response time:

Emergency First Responder Contact List		
Organization	Contact Information, available resources and response times.	
MOJ	Name and address	
	Primary phone	
	Secondary phone	
	Contact person	
	Resources and response time:	
DJA	Name and address	
	Primary phone	
	Secondary phone	
	Contact person	
	Resources and response time:	
Court of Appeals	Name and address	
	Primary phone	
	Secondary phone	
	Contact person	
	Resources and response time:	

Guidelines for Effective Court Administration

Chapter 13. Emergency Planning and Security

Tab 13.2: Emergency Action Plan (Template)

Court Name			
Location			
Emergency personnel names and contact information			
Court President		Office	
		Phone	
Court Secretariat		Office	
		Phone	
Chief of Security		Office	
		Phone	
Chief Clerk		Office	
		Phone	
Chief Finance Officer		Office	
		Phone	
IT staff lead		Office	
		Phone	
Date updated			

1.0 Evacuation Routes

The Court Secretariat is responsible for developing and posting evacuation route maps in each work area, courtroom and hallway of the courthouse. The following information should be marked on evacuation maps:

1. Location of emergency exits
2. Primary and secondary evacuation routes
3. Locations of fire extinguishers
4. Fire alarm pull stations' location
5. Assembly points.

Court Personnel are responsible to know and practice at least two evacuation routes.

2.0 Emergency Reporting Requirements

Types of emergencies to be reported by court personnel include (but are not limited to):

- General medical emergencies, e.g., slip-and-falls, heart attack, etc.
- Pandemic medical emergencies, e.g., influenza, avian flu, etc.
- Civil disobedience or disorders.
- Workplace violence.
- Explosions or fire.
- Hazardous materials incident or spillage.
- Suspicious packages or mail.
- Suspicious or other unlawful activity on courthouse premises.
- Bomb or other threats.
- Elevator malfunction.
- Electrical power interruption.
- Natural hazard or disaster, e.g. including Earthquakes, Landslides or Debris Flows, Severe Weather: Floods, Severe Thunder Storms, Tornadoes, Winter Storms; and Wildfires.

- Hostage situation.
- Any other situation where staff feel threatened or at risk.

3.0 Medical Emergencies

In the event of a medical emergency, take the following steps:

3.0 Life Threatening or Other Serious Medical Emergencies	
Advisory Note to Judges and Court Staff: If in doubt – consider the event a serious medical emergency and take the following steps.	
Implications for Chiefs of Court Secretariat:	
<ul style="list-style-type: none"> • Activate the emergency command center and establish communications with DJA, CST and emergency first responders as needed. • Provide a reception for first responding personnel. Explain any hazardous conditions at the injury site. • Develop special evacuation procedures and assistance for physically challenged individuals. • First aid bags, and automatic defibrillator units, must be purchased, periodically inventoried, and located in work areas and courtrooms. • Train staff in how and when to use the supplies in the aid bags and the automatic defibrillator units. • Personnel accountability will likely be difficult – so plan and rehearse protocols often. • EMERGENCY CALL numbers must be posted in every work area, courtroom and hallway. 	
Step 1	<p>Immediately call court security (1st) and the Court Secretariat (2nd) at the phone numbers listed above. Provide the following information about the medical emergency:</p> <ul style="list-style-type: none"> • Nature of the medical emergency. • Name of the injured person. • Location of the emergency (room number, hallway, courtroom, etc.). • Your contact information (name, phone number, location, actions being taken, etc.).
Step 2	<ol style="list-style-type: none"> 1. Quickly survey and assess the medical situation and the surrounding conditions. 2. Do not attempt a physical rescue or medical treatment if the situation is unsafe – and to do so could have the potential to make you a casualty also (e.g., collapsing building, exposed electrical wires, toxic waste spills, etc.). 3. Locate the nearest medical aid bag and supplies (if possible).
Step 3	Do not move the victim unless absolutely necessary.
Step 4	<p>Call the Chief of Court Secretariat (at the number above) and the following court personnel who have been trained in CPR or first aid. These individuals can provide medical assistance until trained professional help arrives.</p> <ol style="list-style-type: none"> 1. (insert the names of court staff trained in basic first aid). 2. (insert the names of court staff trained in basic first aid).
Step 5	Attempt to stop major bleeding by applying a pressure bandage – wear gloves and masks if available.
Step 6	In case of rendering assistance to personnel exposed to hazardous materials, consult the Material Safety Data Sheet (MSDS) and wear the appropriate personal protective equipment. Attempt first aid ONLY if trained and qualified.

3.0 Life Threatening or Other Serious Medical Emergencies

For all other non-life threatening illnesses, contact court security and the employee's department head or direct line supervisor.

Additional Information or Requirements:

4.0 Fire Emergencies

4.0 Fire or Other Explosive Incidents

Advisory Note to Judges and Court Staff: Your primary responsibility is to notify court security, Court Secretariat and the fire department; and then evacuate personnel from the surrounding area. Only attempt to extinguish the fire if it is small, you have been trained to do so, and you have a working fire extinguisher.

Implications for Chiefs of Court Secretariat:

- Activate the emergency command center and establish communications with DJA, CST and emergency first responders as needed.
- Provide a reception for first responding personnel. Explain any hazardous conditions at the injury site.
- If prisoners, or other detained individuals are in the courthouse, allow court security and police personnel to secure the prisoners and move them to a secured facility or location.
- Evacuation maps must be updated and prominently displayed in every work area, courtrooms and hallway.
- Personnel accountability will be difficult – so plan and train court staff on the locations of assembly areas and accountability procedures often.
- Develop special evacuation procedures and assistance for physically challenged individuals.
- First aid bags must be purchased, periodically inventoried, and located in work areas and courtrooms.
- Fire extinguishers must be readily available (and tested monthly and recharged annually) in every work area, courtroom and hallway.
- Staff must be trained on how and when to use fire extinguishers.
- EMERGENCY CALL numbers must be posted in every work area, courtroom and hallway.

Step 1

1. Activate the nearest fire alarm.
2. **Immediately call court security (1st)** and the Court Secretariat (2nd) at the phone numbers listed above. Provide the following information about the medical emergency:
 - Description of the fire event.
 - Location of the fire (room number, hallway, courtroom, etc.).
 - Names of persons evacuated from the area.
 - Names of prisoners (and security staff) evacuated from the area.
 - Your contact information (name, phone number, location, actions being taken, etc.).
3. Immediately evacuate personnel (both court staff and the public) along approved evacuation routes to the approved assembly area. Report to court authorities to ensure personnel accountability.

4.0 Fire or Other Explosive Incidents	
	4. If court detained prisoners are involved – allow court security officers to control the prisoners and evacuate them to appropriate security detention facilities.
Step 2	<ol style="list-style-type: none"> 1. Quickly survey and assess the situation and the surrounding conditions. 2. Do not attempt a physical rescue or medical treatment if the situation is unsafe – and to do so could have the potential to make you a casualty also (e.g., collapsing building, exposed electrical wires, toxic waste spills, out of control fire, etc.). 3. Do not attempt to fight the fire unless it is small, you have been trained to do so, and you have an operational fire extinguisher. 4. Disconnect utilities and equipment only if doing so does not jeopardize your safety. 5. Determine the location of the court’s nearest fire extinguisher and medical aid bag (if possible).
Step 3	Do not move injured victim unless absolutely necessary.
Step 4	<p>Call the Court Secretariat (at the number above) and the following court personnel who have been trained in CPR or first aid. These individuals can provide medical assistance until trained professional help arrives.</p> <ol style="list-style-type: none"> 1. (insert the name of court staff trained in first aid). 2. (insert the name of court staff trained in first aid).
Step 5	<p>Report to the designated assembly area and official to ensure personnel accountability.</p> <p>Return to the office only after the ALL CLEAR signal has been approved by the Chief of Court Secretariat or Court President.</p>
Step 6	In case of rendering assistance to personnel exposed to hazardous materials attempt first aid ONLY if trained and qualified.
Additional Information or Requirements:	

5. Pandemic Conditions⁷⁴

5.0 Pandemic Medical Emergency Declared by National Health Authorities
<p>Advisory Note to Judges and Court Staff: National health authorities are responsible for declaring a pandemic health emergency and establishing guidelines for working, public transportation and gatherings of crowds.</p>
<p>Implications for Chiefs of Court Secretariat:</p> <ul style="list-style-type: none"> • Activate the Emergency Action Plan Command Center (ECP) as needed. • Provide and deploy hand sanitizer lotions in work areas, courtrooms and hallways. • Ensure that bathrooms and faucets have hot water for hand washing. • Remind court staff to wash (or sanitize) their hands frequently • Encourage court staff to take sick leave rather than coming into work and possibly infecting others. • Be prepared to deploy court security staff to evaluate individuals (both court staff and the public) who are evidencing symptoms of the pandemic illness. Evacuate the individual from the building as needed.

⁷⁴ *Pandemic* – very widespread disease: a disease or condition that is found in a large part of a population.

5.0 Pandemic Medical Emergency Declared by National Health Authorities

- Evacuation maps must be updated and prominently displayed in every work area, courtrooms and hallway.
- Monitor sick leave rolls and coordinate with the Court President, and department heads and first line supervisors, to adjust court schedules, services and hours of operation as needed.
- EMERGENCY CALL numbers must be posted in every work area, courtroom and hallway.

Additional Information or Requirements:

6.0 Extended Power Loss

6.0 Activities During Extended Power Loss

Advisory Note to Judges and Court Staff: Your primary responsibility is to notify court security and the Court Secretariat – and then safely evacuate yourself and other personnel from the surrounding area.

Implications for Chiefs of Court Secretariat:

- Activate the emergency command center and establish communications with DJA, CST and emergency first responders as needed.
- Provide a reception and escort for electrical utility personnel to the impacted site. Explain any hazardous conditions.
- Evacuation maps must be updated and prominently displayed in every work area, courtrooms and hallway.
- Personnel accountability will be difficult – so plan and train court staff on the locations of assembly areas and accountability procedures often.
- Develop special evacuation procedures and assistance for physically challenged individuals.
- Flash lights need to be purchased (with sufficient stocks of batteries) and issued to work areas and courtrooms.
- First aid bags must be purchased, periodically inventoried, and located in work areas and courtrooms.
- If prisoners are in the courthouse, allow court security and/or police personnel to secure the prisoners and move them to a secured facility or location.
- EMERGENCY CALL numbers must be posted in every work area, courtroom and hallway.

6.0 Activities During Extended Power Loss	
Step 1	<ol style="list-style-type: none"> 1. Immediately call court security (1st) and the Court Secretariat (2nd) at the phone numbers listed above. 2. Provide the following information about the electrical emergency or power outage: <ul style="list-style-type: none"> • Nature of the medical electrical emergency or power outage. • Name of the injured person. • Location of the emergency (room number, hallway, courtroom, etc.). • Your contact information (name, phone number, location, actions being taken, etc.). 3. Immediately evacuate personnel (both court staff and the public) along approved evacuation routes. 4. If court detained prisoners are involved – allow court security officers to control the prisoners and evacuate them to appropriate security detention facilities. 5. At the direction of the Chief of Court Secretariat, our court security staff, evacuate personnel (both court staff and the public) along approved evacuation routes to the approved assembly area and report to the court authorities at that site to ensure personnel accountability.
Step 2	<p>Chief of Court Secretariat: In the event of extended power loss to a facility certain precautionary measures should be taken depending on the geographical location and environment of the facility:</p> <ol style="list-style-type: none"> 1. Unnecessary electrical equipment and appliances should be turned off in the event that power restoration would surge causing damage to electronics and effecting sensitive equipment. 2. Facilities with freezing temperatures should turn off and drain the following lines in the event of a long term power loss, including: fire sprinkler systems, standpipes, potable water lines, and toilets. 3. Add propylene-glycol to drains to prevent traps from freezing. 4. Equipment that contains fluids that may freeze due to long term exposure to freezing temperatures should be moved to heated areas, drained of liquids, or provided with auxiliary heat sources. 5. After restoration of heating and power: <ul style="list-style-type: none"> • Electronic equipment should be brought up to ambient temperatures before energizing to prevent condensate from forming on circuitry. • Fire and potable water piping should be checked for leaks from freeze damage after the heat has been restored to the facility and water turned back on.
Step 3	<p>Court Presidents and Chiefs of Court Secretariat must determine whether the extended power loss requires that the courthouse be closed for repairs; and if that is the decision, they need to coordinate with HR to evaluate the implications to staffing and pay compensation – and then issue an appropriate guidance letter to judges and judicial and administrative staff.</p>
Additional Information or Requirements:	

7.0 Chemical Spills

7.0 Activities During Chemical Spills	
Advisory Note to Judges and Court Staff: Your primary responsibility is to notify court security and the Chief of Court Secretariat and then evacuate yourself and other personnel from the surrounding area.	
Implications for Chiefs of Court Secretariat:	
<ul style="list-style-type: none"> • Activate the emergency command center and establish communications with DJA, CST and emergency first responders as needed. • Evacuation maps must be updated and prominently displayed in every work area, courtrooms and hallway. • Assembly areas and personnel accountability procedures must be established, published, and trained. • Provide a reception and escort for hazardous materials response teams to the impacted site. Explain any hazardous conditions. • Develop special evacuation procedures and assistance for physically challenged individuals. • Purchase chemical absorbent materials, pads and brooms and deploy them to strategic areas around the courthouse. • Purchase „personnel protective gear”, e.g., masks, latex gloves, booties, etc. • First aid bags must be purchased, periodically inventoried, and located in work areas and courtrooms. • If prisoners, or other detained individuals are in the courthouse, allow court security and police personnel to secure the prisoners and move them to a secured facility or location. • EMERGENCY CALL numbers must be posted in every work area, courtroom and hallway. 	
Step 1	<ol style="list-style-type: none"> 1. Immediately call court security (1st) and the Chief of Court Secretariat (2nd) at the phone numbers listed above. 2. Provide the following information about the chemical spill: <ul style="list-style-type: none"> • Nature of the chemical spill emergency. • Names and descriptions of any injured persons. • Location of the emergency (room number, hallway, courtroom, etc.). • Your contact information (name, phone number, location, actions being taken, etc.). 3. Immediately evacuate personnel (both court staff and the public) along approved evacuation routes. 4. If court detained prisoners are involved – allow court security officers to control the prisoners and evacuate them to appropriate security detention facilities. 5. At the direction of the Chief of Court Secretariat, our court security staff, evacuate personnel (both court staff and the public) along approved evacuation routes to the approved assembly area and report to the court authorities at that site to ensure personnel accountability.

7.0 Activities During Chemical Spills	
Step 2	<p>Chief of Court Secretariat:</p> <ol style="list-style-type: none"> 1. Immediately notify the appropriate police and/or fire departments for hazardous materials response units. 2. ONLY IF SAFE – Cordon off, and attempt to contain the spill area with the assistance of court security staff and court maintenance personnel. 3. Do not attempt to clean the spilled hazardous material. 4. Evacuate adjacent spaces, or the entire building if necessary. <p>Attempt to identify the spilled materials, e.g. overflowing sewage lines, transformer fluids, fuel oil, etc.</p>
Step 3	<p>Court Presidents and Chiefs of Court Secretariat must determine whether the hazardous waste spill requires that the courthouse be closed for repairs; and if that is the decision, they need to coordinate with HR to evaluate the implications to staffing and pay compensation – and then issue an appropriate guidance letter to judges and judicial and administrative staff.</p>
Additional Information or Requirements:	

8.0 Civil Disturbances or Riots: Refers to large scale public demonstrations, disturbances or riots that are actively being monitored and managed by local governments and law enforcement personnel.

8.0 Activities During Major Civil Disturbances or Riots	
Advisory Note to Judges and Court Staff: Your primary responsibility is to move to a secured office location and lock the door.	
<p>Implications for Chiefs of Court Secretariat:</p> <ul style="list-style-type: none"> • Secure and lock courthouse entrances and secured parking areas. • Extend court security personnel to the street to await the arrival of local police. • Activate the emergency command center and establish communications with DJA, CST and emergency first responders as needed. • Conduct a 100% court personnel accountability inventory – noting the office location of every judge and court staff. • Coordinate with court security staff to take custody and control of non-court personnel and move them to a safe area. • If prisoners, or other detained individuals are in the courthouse, allow court security and police personnel to secure the prisoners and move them to a secured facility or location. • Cellular telephone lines will be heavily overloaded – instruct court staff to switch off their cell phones until authorized to do so by security staff. • If it becomes necessary to evacuate the courthouse, ensure a 100% personnel evacuation inventory and report the final results to the emergency command center. • Develop special evacuation procedures and assistance for physically challenged individuals. • Establish protocols to have court staff report their safe arrival home to the emergency command center. • EMERGENCY CALL numbers must be posted in every work area, courtroom and hallway. 	

8.0 Activities During Major Civil Disturbances or Riots	
Step 1	<ol style="list-style-type: none"> 1. Notify judges and court staff of the current status of the event. 2. Instruct judges and court staff to close courtroom proceedings and return to their offices and lock the doors. Notify the emergency command center when all personnel have arrived in each office. 3. Court security staff will take custody of non-court personnel and move them to secured locations. 4. If prisoners are involved – allow court security officers to control the prisoners and evacuate them to appropriate security detention facilities. 5. Confirm a 100% accountability of all court personnel.
Step 2	<p>Chief of Court Secretariat:</p> <ol style="list-style-type: none"> 1. Immediately notify the appropriate police department and civilian authorities of the actions being taken within the courthouse; that court security staff have extended the security perimeter to the street; and that entrances to the courthouse are now secured and locked. 2. Court security staff establish roving patrols of the courthouse perimeter, and court interior hallways and public spaces. Verify that all office and courtroom doors are locked and personnel are safe and uninjured.
Step 3	<p>Court Presidents and Chiefs of Court Secretariat must determine whether the size and scope of the public demonstrations or riots warrant evacuating personnel and closing the courthouse – and then appropriate instructions to judges, staff and court security personnel.</p>
Additional Information or Requirements:	

9.0 Bombs or Other Threats of Violence

Rule #1 for identifying bombs or other suspicious packages...

DON'T TOUCH ANYTHING – CALL SECURITY!

Refers to suspicious letters or packages received through mail, delivered in person, or left abandoned in the courthouse and telephone threats received at the courthouse.

Given the variety of modern bomb making materials; the availability of bomb making instructions on the Internet; and the sophistication of today's bomb makers; the only certain thing court personnel can count on when it comes to trying to identify a potential bomb is that it will not look like this...



Chiefs of Court Secretariat, and Emergency Action Planning Committees, must rely on the DJA and other professional law enforcement agencies to publish comprehensive guidelines and instructions about how to identify, detect, report and process credible bomb threats against courts and personnel. Pending those instructions, and required training by DJA or other law enforcement agencies, the following minimal guidance should be followed within the local courts.

9.0 Bomb or Other Threats of Violence

Instruction for Judges and Court Staff:

- Remain calm and try to collect as much information about the person or caller.
- Use the check list provided in the guidelines at Tab 13.3. – Bomb or Threat Caller Checklist.
- Press local duress alarms to notify court security of a threat.
- Without causing harm to yourself, attempt to notify another employee of the situation and have them immediately notify security staff.
- Do not attempt to apprehend the person making the threat – that is the responsibility of court security and law enforcement personnel.
- If the threat appears to be an abandoned box, package or briefcase – DO NOT TOUCH, DO NOT INVESTIGATE, DO NOT ATTEMPT TO MOVE THE PACKAGE.
- If you feel secure enough, remove yourself from the immediate vicinity of the package – but still close enough to notify persons moving through the area to STOP and MOVE AWAY from the area.
- Once security teams arrive, provide an update briefing and leave the area – returning to your office.

Implications for the Court Secretariat.

- Train judges and court staff on how to interact with threatening individuals – remain calm, record as much information as possible without placing yourself at risk, remember personal characteristics, etc.
- Train judges and court personnel what to do when they spot suspicious mail, packages, briefcases or other unidentifiable items in the courthouse.
- Place Bomb Threat Checklists at every desk location in the courthouse.
- Secure and lock courthouse entrances and secured parking areas as needed.
- Extend court security personnel to the street to await the arrival of local police.
- Activate the emergency command center and establish communications with DJA, CST and emergency first responders as needed.
- Designate security staff to receive emergency first responders and to take them to the incident site. Explain any hazardous conditions as needed.
- Conduct a 100% court personnel accountability inventory – noting the office location of every judge and court staff.
- Coordinate with court security staff to take custody and control of non-court personnel and move them to a safe area.
- If prisoners, or other detained individuals are in the courthouse, allow court security and police personnel to secure the prisoners and move them to a secured facility or location.
- If possible, attempt to interview the person who received (or observed) the threat and attempt to initially evaluate the credibility of the threat. Remember: Not all bomb threats are real – but absent clear and compelling evidence to the contrary, bombs or other threats of violence are taken seriously until proven otherwise.
- Cellular telephone lines will be heavily overloaded – instruct court staff to switch off their cell phones until authorized to do so by security staff.
- Provide update briefings to the Court Presidents and together determine whether a threat should be deemed credible, and if it is necessary to close court operations and evacuate the courthouse.
- If it becomes necessary to evacuate the courthouse, ensure a 100% personnel evacuation inventory and report the final results to the emergency command center.
- Develop special evacuation procedures and assistance for physically challenged individuals.

9.0 Bomb or Other Threats of Violence

- Establish protocols to have court staff report their safe arrival home to the emergency command center.
- EMERGENCY CALL numbers must be posted in every work area, courtroom and hallway.

Additional Information or Requirements:

10. Work Place Violence: Refers to actual or potential threats of physical violence or intimidation by any member of the court or public.

10.0. Activities During Incidents of Work Place Violence

Advisory Note to Judges and Court Staff: *Your primary responsibility is to move to a secured office location and lock the door. Do not attempt to apprehend the suspect – that is the responsibility of court security and law enforcement personnel.*

Implications for Chiefs of Court Secretariat:

- Deploy court security personnel to cordon off the incident site and evacuate non-involved personnel to a secured area.
- Court security staff will take custody of the offending person and immediately remove him or her to court security offices for follow-on investigation.
- Prevent additional personnel from entering the courthouse through the main security entrance until an ALL CLEAR signal has been declared by the Court President, Court Secretariat or court security staff.
- Secure and lock courthouse entrances and secured parking areas if needed.
- Activate the emergency command center and establish communications with DJA, CST and emergency first responders as needed.
- Conduct a 100% court personnel accountability inventory – noting the office location of every judge and court staff.
- If prisoners, or other detained individuals are in the courthouse, allow court security and police personnel to secure the prisoners and move them to a secured facility or location.
- Provide first aid and casualty evacuation to the nearest hospital (if needed).
- Initiate an incident investigation and an adverse personnel disciplinary action (See Chapter 10, Section 10.15 – Discipline for additional information).
- EMERGENCY CALL numbers must be posted in every work area, courtroom and hallway.

Additional Information or Requirements:

Guidelines for Effective Court Administration

Chapter 13. Emergency Action Planning and Security

Tab 13.3: Bomb or Threat Caller Checklist

Telephone Bomb or Threat Checklist

INSTRUCTIONS: BE CALM – BE COURTEOUS – LISTEN – DO NOT INTERRUPT THE CALLER.

Your Name:

Time of the call

Date of the call

Information about the call and caller

Male	Other characteristics:
Female	
Juvenile	
Estimated age	

Voice Characteristics		Speech Qualities			Language		
Loud	Soft	Fast	Slow	Local	Foreign		
High pitch	Deep	Distinct	Distorted	Excellent	Good		
Raspy	Pleasant	Stutter	Nasal	Poor	Foul		
Intoxicated	Other	Slurred	Other				

Other Comments (explain):

Accent		Manner			Background noises		
Local	Not local	Calm	Angry	Factory	Train		
Foreign	Region	Rational	Irrational	Machines	Animals		
European	Arabic	Coherent	Incoherent	Music	Quiet		
Oriental	African	R i g h t - eous	Laughing	Machines	Office		
				Street	Party		
				Traffic	Other:		

Other Comments (explain):

Telephone Bomb or Threat Checklist (Page 2)

INSTRUCTIONS: BE CALM – BE COURTEOUS – LISTEN – DO NOT INTERRUPT THE CALLER.

Pretend difficulty hearing the caller – Keep the caller talking – if the caller seems agreeable to further conversation, ask (and record) questions like the ones below:

When will it go off?		Time	
Where is it located		Building or area	
What kind of a bomb is it?			
What kind of package or container is it in?			
What is your name?			
Where are you now?			
How do you know so much about the bomb?			
If the building is occupied, inform the caller that the explosion could harm, or kill others:			

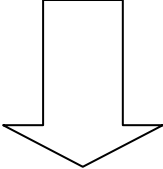
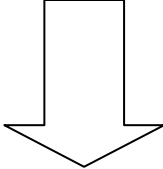
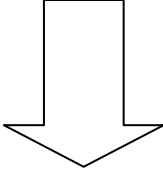
For the person receiving the call.

1. While listening, put the call on „MUTE” (if available) – or otherwise attempt to immediately notify a fellow staff member of the bomb threat (they in turn will notify the supervisor, Court Secretariat and court security).
2. After the caller hangs up, immediately write out as many details of the conversation as you can remember – even the smallest detail may be helpful to the authorities.

Guidelines for Effective Court Administration

Chapter 13. Emergency Action Planning and Security

Tab 13.4: Threat and Responder Capabilities Matrix (template)

Threat and Risk Assessments and Response Capabilities Matrix			
Priority 1.			
Internal	Emergency Responders	First	Re-
			SCM, MOJ, DJA or CST
•	•		•
Priority 2.			
Internal	Emergency Responders	First	Re-
			SCM, MOJ, DJA or CST
•	•		•
Other Priorities (in risk assessment order) – To be identified by the court’s Emergency Action Planning Committee			
Internal	Emergency Responders	First	Re-
			SCM, MOJ, DJA or CST
			

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