



USAID
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Strengthening Bulgaria's Judiciary 1999 – 2007



USAID promotes activities designed to achieve transparency, competence and efficiency in Bulgaria's judicial system.



Cover photo:

The Chair of the Bulgarian Supreme Court of Cassation (left), the United States Ambassador to Bulgaria (second from left) and the Chairs of the Plovdiv Courts at the launch of the new Information Center, November 2006 in the Plovdiv Palace of Justice.

JSI and the Work of the Courts

The USAID Judicial Strengthening Initiative mission supports the work of the courts to protect the Bulgarian people and the Constitution. Themis, seen in the stained glass of the Ministry of Justice, embodies the bedrock democratic principle uniquely guaranteed by working and efficient courts: fairness.

United States Agency for International Development work with Bulgaria's courts has involved over thirty staff members of the Judicial Strengthening Initiative and the Judicial Development Project, and has benefited from the leadership of several individuals.

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USAID Judicial Strengthening Initiative & Judicial Development Project

1999 – 2007

The United States Agency for International Development (USAID) has placed strengthening the judicial system as the centerpiece of its assistance to Bulgaria. The USAID Judicial Strengthening Initiative (JSI), and its forerunner the Judicial Development Project (JDP), have been the primary tools to improve the ability of the judicial system to deliver services in a more effective, transparent, accountable and predictable way. Implemented by the East-West Management Institute (EWMI), the initiatives have built on previous USAID achievements, and will leave behind a judiciary that functions with principles of modern court administration and case management, better qualified people, and increased public trust and confidence.

The USAID goal is an independent judiciary that protects the rights of individuals and private institutions, attracts foreign investment, guarantees the efficiency of the market system, and enforces the legal and regulatory environment necessary for sustainable economic growth.

The JSI and JDP have taken a comprehensive approach to their work involving all parts of the judiciary – both on the local and national level – and have built important USAID legacies, such as the National Institute of Justice and thirty Model Courts. Initiatives have been closely coordinated with the efforts of other donors such as the European Union, Open Society Foundation and World Bank.



National Magistrates Conference

Over 1,500 Bulgarian magistrates – judges, prosecutors and investigators – assembled in November 2006 for the first ever National Conference of Magistrates in Bulgaria. Opened by the Bulgarian President and U.S. Ambassador, the conference included leaders of each branch of the judiciary and representatives from the National Assembly and the Prime Minister’s Office. The conference included twenty working sessions to publicly address both the achievements of the judiciary and outstanding problems that still need to be resolved.

The National Magistrates Conference was modeled on the two National Conferences for Judges held in 2004 and 2005. The first was organized and funded by USAID, while the later conferences also relied on significant organizational partnerships with local judiciary institutions and shared financing through attendance fees and USAID funds.

A More Professional Judiciary

The USAID work to strengthen Bulgaria's judiciary is based on a wide network of partnerships with local courts, judiciary institutions, professional organizations, the executive and legislative branches, the press, and civil society groups. At the same time, these efforts with Bulgarian partners have been mirrored by other cooperative work with European Union institutions and other American agencies.

The primary goal of all project work has been to build a more professional judiciary – one that operates with modern systems of judicial administration and case management, is well-trained, and which takes an analytical approach to courthouse-wide reforms that lead to increased efficiency.

Modeling Success

A strategic approach of JSI and JDP has been to use modeling to promote excellence across Bulgaria's judiciary. Much work has centered on 32 Model Courts and Courts In Partnership, but also with the Supreme Judicial Council as a bridge from these courts to the rest of the judiciary. Other work has centered on the National Institute of Justice (NIJ) as the key provider of training. JSI projects also emphasize Local Training Plans where courts around the country can link to the NIJ through local magistrate and clerk trainers.



Five chairpersons of JSI Courts in Partnership deliver presentations to the 2005 National Judges Conference on their courts' ongoing work under their Court Improvement Plans.



Open, Transparent, Accountable

The democratic principles driving the JSI and the JDP have manifested in many different ways and in many areas of work. More open, transparent and accountable courts have been the result.

Methods of opening up the courts have included: improved working relationships with local bar councils and civil society groups, outreach programs with local schools, model hiring techniques which publicize employment opportunities and the processes of interviewing, and improved communications with the local press. Intensive media relations programs under the JSI and JDP have involved trainings for judges and reporters, years of regular work with court press attachés, and “journalist ride-alongs” – like this one in the Veliko Tarnovo courthouse, featuring an interview with the District Court Chairperson.

Better Bulgarian Courts

The bedrock of USAID judicial reform work has involved efforts to improve court administration. At the regional level, USAID develops court administration best practices through Model Courts and Courts in Partnership with a special focus on reducing case delay and fostering transparency. At the national level USAID works to strengthen the strategic and management capacity of the Supreme Judicial Council to operate as a national court administration office, placing it at the center of the efforts to reengineer the judicial system.



Intake clerks in the Veliko Tarnovo courthouse are now armed with modern computer case management systems, and also with training in customer service. The result: information is provided faster, more accurately, and more efficiently.



Years of Labor, Moment of Honor

The courts working with the JDP and JSI entered the program through an intensive process involving applications from courts across the country. After consultations and site visit interviews, 32 courts were selected in three waves beginning in 1999. Then began the years of work with Bulgarian and American lawyers, judges, and court administration specialists.

The work has required regular meetings on court improvement, monitoring visits, quarterly reports, and – most important – the transformation of courts into more modern, efficient, and transparent institutions. Pictured here, the chairpersons of Dobrich and Varna District and Regional Courts receive Model Court plaques to honor a job well done.

Model Courts and Courts In Partnership

The centerpiece of JSI and JDP work has been to improve court administration in selected courts across the country. Starting with the first Model Pilot Courts in August 2000, the JDP and JSI have worked as partners with 32 Model Courts and Courts In Partnership to improve court operations, improve the skills of the people working in the courts, improve transparency, and improve service to the public. The results of this program have been reduced case delay, better community relations, and better public confidence in the court.

At the national level, the JSI and JDP have supported the efforts of the Supreme Judicial Council to improve management capacity and evaluation and discipline of magistrates. In 2007 the Council has assisted with expanding the Courts In Partnership program and has worked directly with court reform in four courts.

The Court Improvement Plan

In 2003 the JDP shifted from its work with eleven Model Pilot Courts to an expanded new wave of Courts in Partnership – using the detailed template for court reform called the Court Improvement Plan. Designed to cover 26 key areas of work, the Plan allows courts to take an aggressive, analytical, long-term approach to key areas of court modernization.

The Court Improvement Plan covers a wide variety of work, from advanced electronic case management systems to improved bench-bar relations to better courthouse filing systems, signage, and court clerk trainings.



The original JDP Model Pilot Courts, like the Sofia Appellate Court, were a crucial first step toward the expanded Model Courts and Courts in Partnership Program. One lesson learned was the restructuring of disparate intake and registry offices into “One-Stop-Shops” to make courthouses more efficient.



Plugging In

A necessary step toward modernizing Bulgarian courts has been the assistance in information technology. Through the JDP and JSI, millions of dollars in hardware, software, and training has been provided to the judicial system by USAID. The IT programs have involved intensive trainings with over one thousand participants over the years, and regular “help desk” support from the JDP and JSI offices in Sofia.

Verbatim Audio Recording

The Verbatim experience began in eight pilot courtrooms, and later expanded to over fifty. Each court is provided complete hardware, including a PC work station and microphones for each party, and special multi-channel software designed specifically for courtroom and conference room recording. The software compresses the size of the audio files and allows notes to be inserted during the proceeding to identify exhibits or to index witness testimony. The result is a more accurate trial record, easier review of the record, and more professional proceedings.

The experience has been a positive one for the courts, the attorneys and the litigants, and there are improvements in the openness and transparency in these courts and in the accuracy of the court protocols. The use of computer digital audio recording technology provides a cost effective and sustainable means to improve the transparency, efficiency, and accuracy of court proceedings in the Bulgarian courts.

Information Technology

Several key areas of assistance have included: the electronic Case Management System (CMS) and servers to support it, computer work stations, court website development to assist public access, Verbatim Audio Recording equipment for more accurate records of court hearings, and evidence carts with multi-media equipment to assist in trial proceedings. The results have been more modern and efficient courts, clerks who have the tools to better serve the public, and judicial administrators better able to track the flow of cases and the delivery of justice.



USAID Judicial Strengthening Initiative staff (center and right) assist the Shumen District Court with installing the Verbatim Audio Recording system in a courtroom.



Graduation Day

Completing the intensive six-month mandatory training program at the National Institute of Justice is just the beginning for the hundreds of junior judges and junior prosecutors emerging from the Institute's halls. Next up: a year and a half of on-the-job training in their respective courts and prosecutors offices across the country. Only then will the "new generation of magistrates" become fully accredited sitting judges and prosecutors. The first class finally made that transition in April 2007 – to little fanfare, but with a sense of duty to face the challenges ahead. As one new prosecutor remarked, "There is a revolution going on in the prosecutors office, from the ground up."

National Institute of Justice

Through eight years of work with the JDP, the JSI, and European Union partners, the National Institute of Justice (NIJ) has become a fully sustainable Bulgarian institution. It is also the finest judicial training institution in Eastern Europe. This USAID legacy is statutorily-mandated, government-funded, and provides a required two year training program for all new judges and prosecutors. For the first six months each new judge or prosecutor must attend courses at the NIJ. Then, for one year and a half, these graduates sit as junior judges and junior prosecutors under the guidance of mentor magistrates, who themselves receive training and compensation from the NIJ.

In addition to this Initial Training Program, the NIJ also offers trainings to hundreds of judges, prosecutors, investigators, court clerks, and other judiciary professionals each year through its Continuing Training Program. Together, initial and continuing training covers a wide array of critical topics, from the new comprehensive 41 module Prosecutors Training manual, to court secretary skills, to introductory and advanced EU law. The results as of 2007: two buildings, well over 10,000 participants trained, a new Learning Center and Library building and a new local court training program to supplement existing local Correspondent Magistrate efforts.

The NIJ is an enormous success for a number of reasons. In the main, its sustainability rests on its attention to program and curriculum development, strategic planning, attention to adult learning theory, and an intensive outreach program keeping the NIJ in touch with the best and brightest minds in the Bulgarian judiciary.

Training at the NIJ covers a wide range of topics. Here court clerks learn PowerPoint presentation skills to improve their own training methodologies, a part of the “Training of Trainers” program.



Well-Trained Trainers

Producing thousands of more competent and professional judges, prosecutors, and court clerks is not the only mission of the Bulgarian National Institute of Justice. From the very beginning, the local architects of the NIJ have known that the Training of Trainers is the educational cornerstone of an effective and sustainable institution. The NIJ is committed – through its Strategic Plan, its Internal Regulations and Procedures, and the structure of its curriculum – to ensuring that trainers have mastered the principles of training.

To this end, the NIJ has graduated 590 participants in Training of Trainer Programs; created a cadre of judge, prosecutor, and court clerk “Master Trainers” who train other judiciary professionals to train; and established “Correspondent Magistrates” in most District Courts and Prosecutor Offices to institutionalize the reach of well-trained trainers.

Humble Beginnings

Bulgaria’s National Institute of Justice began as a local NGO in 1999 and was called the Magistrates Training Center. The MTC was located in the attic space in the President’s Office Building. The small room had a few desks, three computers, four staff, a copy machine, and no windows. Over the years, the MTC evolved into a government-mandated and government-funded institution with two buildings, over fifty staff, with trainings attended by over 10,000 judge, prosecutor, and court clerk participants.

Beyond funding, buildings, and staff, the greatest asset of the NIJ is its systematic approach to program development

and delivery. The NIJ is a sustainable USAID legacy both because of its government mandate and funding, but also because it has:

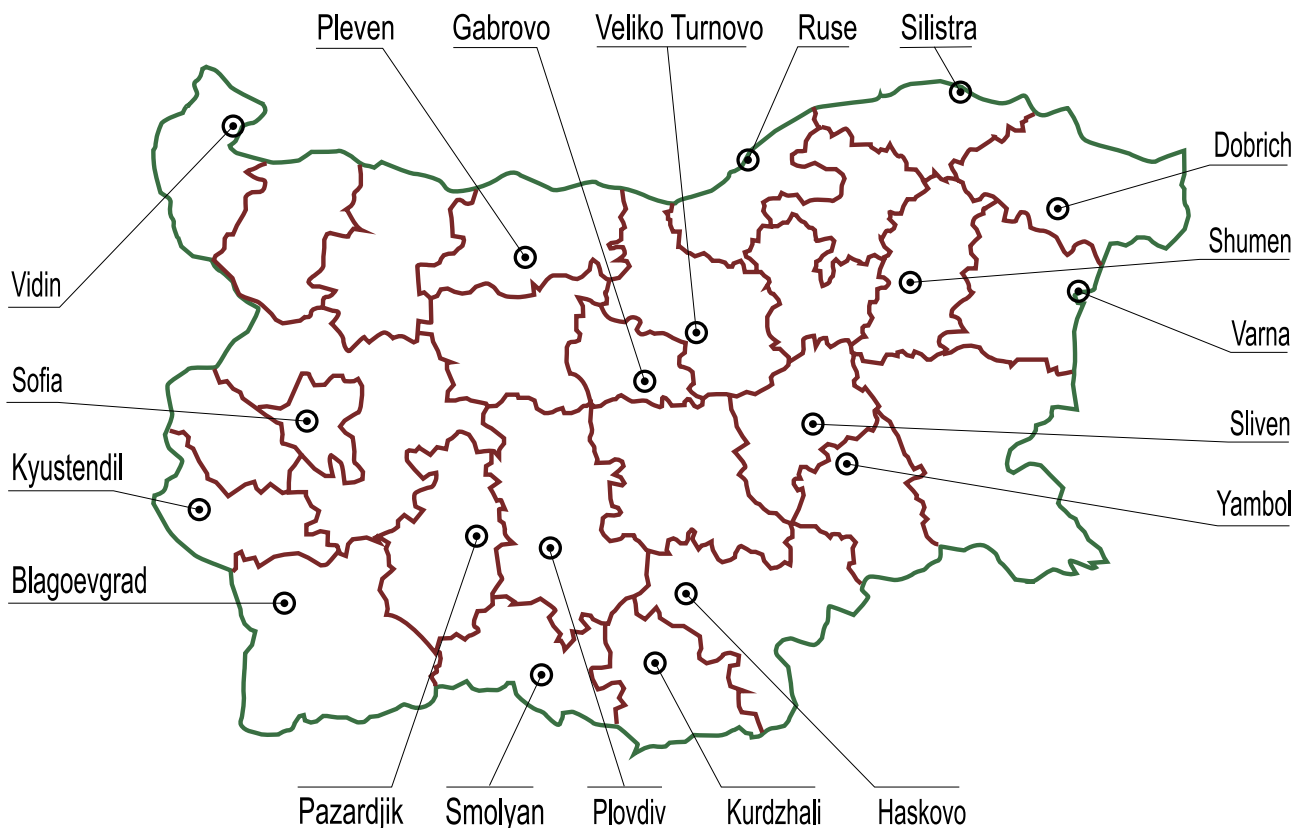
- Over five hundred trained faculty
- Regularly updated curriculum
- A comprehensive evaluation system
- Strategic planning mandated by law
- Adult learning theory incorporated into training.

What began as a humble initiative to improve the professional development of the judiciary has benefited from broad American, European Union, and Bulgarian partnerships. The NIJ has emerged as the premier judiciary training institution in all of Eastern Europe.



NIJ Funding

	USAID Direct Grants	USAID Judicial Development Project (JDP)	USAID Judicial Strengthening Initiative (JSI)	East-West Management Institute (EWMI)
Annual Funding				
1999	\$45,717			
2000	\$91,434	\$226,348		
2001	\$91,434	\$156,776		
2002	\$91,435	\$113,669		\$90,000
2003				\$75,000
→ Beginning period of Bulgarian government funding				
2004			\$230,000	
2005			\$112,000	
2006			\$60,000	
2007			\$178,000	
Totals	\$320,020	\$496,793	\$580,000	\$165,000
Grand Total 1999-2007: \$1,561,813				



Expanding the NIJ Reach

Through the Correspondent Magistrate program, the NIJ has implemented a system of training at the local and regional levels to supplement its Sofia-based programs. This delivery mechanism builds a stronger constituency by meeting local training needs. In 2007, the Institute further expanded this program by adopting the JSI Local Court Training Plans. As a result, in 2007 alone, the NIJ supported a new wave of locally-designed trainings in nineteen cities and towns in Bulgaria.

Local Court Trainings

Although the Sofia-based NIJ is home to the best practices of USAID, the EU, and local Bulgarian experts, a consistent theme of JDP and JSI assistance has been local trainings across the country. Whether through IT support trainings with court System Administrators, trainings of judges in media relations, or the national judges conferences, the JDP and JSI have pressed hard to offer judiciary trainings using the best adult learning methodologies. In the end, over 7000 participants have been trained through USAID judiciary programs – aside from those of the NIJ. The national judges and magistrates conferences have had over 3000 participants.

The JDP and JSI philosophy, from the beginning, has been to promote sustainability in training. Training itself, at its core, is a process of increasing sustainability. The JDP and JSI philosophy has been to work sustainability lessons and methods further into its curriculum development, including the basic three step philosophy which the programs try to follow: first, train local partners with future trainers watching; second, train again alongside those future trainers; and third, let those future trainers train – this time with the original trainer in the audience. The USAID result: over 200 individuals have been trained in training methodology, and are the future expert teachers of the judiciary.

Under its Local Court Training Plans, the JSI supported dozens of individualized trainings designed by courts to meet local needs. A main objective of these JSI trainings was to emphasize key criminal law issues, such as corruption, money laundering, and trafficking in persons. In this local training in Plovdiv in 2006, judges discussed the handling of organized crime cases. The NIJ Board later adopted the entire Local Court Training Program, including the requirement that some trainings must involve topics on complex criminal matters.





Safeguarding Judicial Independence

Intensive work with the Bulgarian courts and development of judicial training institutions only go so far if the laws guaranteeing judicial independence are not protected. A main mission of the JSI has been to build on and protect program successes by advocating for improvement in key laws governing the judiciary, such as the *Judicial System Act* and the Bulgarian Constitution. Pictured here, JSI Director Ken Stuart leads a forum on proposed amendments to the Constitution. The Constitutional Amendments forum was one of a series of national forums on issues ranging from the budget of the Supreme Judicial Council to proposed regulations on citizen access to information. The USAID-sponsored series was the first of its kind in Bulgaria, and brought together all three branches of government as well as a great deal of media attention on these critical issues for judicial independence.

Legislative Advocacy

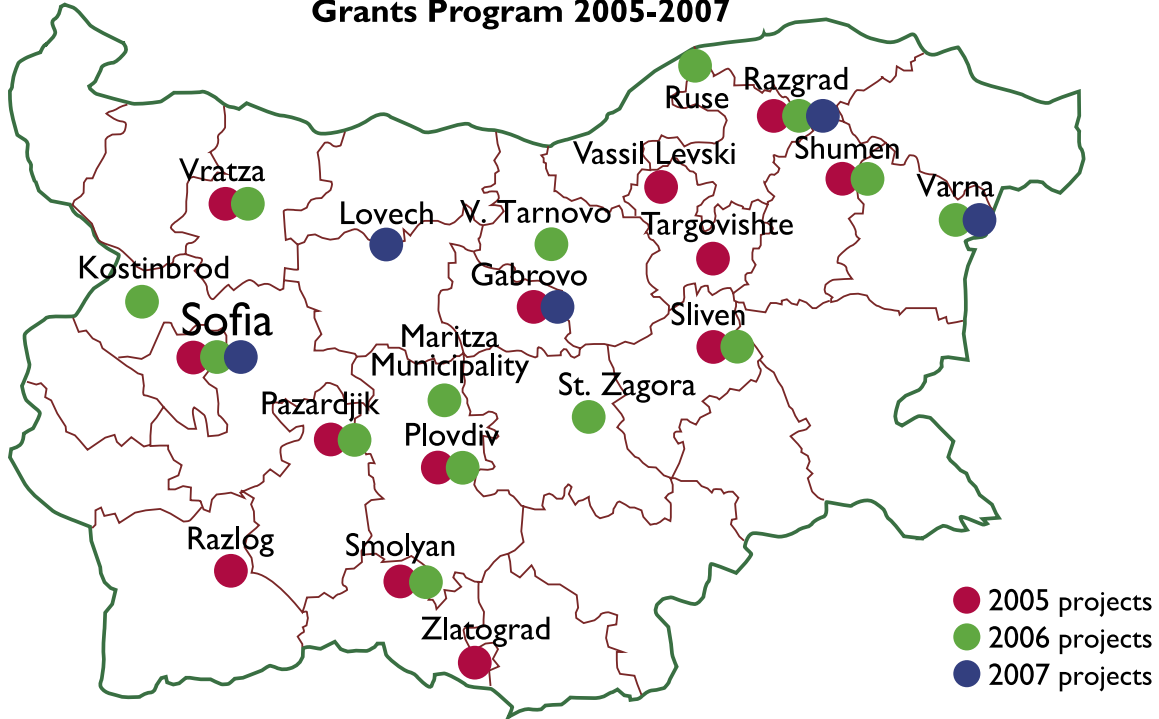
To ensure that the reach of judicial reform is maximized, an essential JSI activity has been involvement in the drafting and implementing of key laws and regulations. The JSI has supported the public and private sector stakeholder development of key laws and regulations in the areas of procedural and substantive judicial reform. Meaningful implementation of legislation informs and propels the overall rule of law development process. JSI has worked with key stakeholders in the branches of government, through grants to business, academia, associations, NGOs and think tanks to draft, advocate for, and implement laws, regulations and policies pertaining to the judiciary.



Former President of the Bulgarian Judges Association, Nelly Kutzkova, speaks at one of the legislative forums organized by the USAID Judicial Strengthening initiative in 2005.



Community Partners of Judicial Strengthening Initiative Grants Program 2005-2007



NGO Support Across Bulgaria

Through an intensive application and review process, the JSI Competitive Grants Program has supported the most creative and practical approaches toward sustainable NGO work with Bulgaria's courts. The areas that grants have covered include a wide spectrum, such as Court Watch programs, judicial training, legislative drafting, documentary films, student mock trials, and courthouse Information Centers. Nearly one hundred projects have been supported under the JDP and JSI, covering twenty different cities and towns across the country.

Competitive Grants Program

Effective short-term judicial reforms, and the long-term sustainability of those reforms, each requires an engaged civil society which can bridge the courts to the communities that they serve. In the long run, those in government come and go but a strong civil society sector provides the memory and expertise to inform and advocate for a well-functioning judiciary. A principal JSI investment has been in rule of law NGOs, and through the JSI Competitive Grants Program USAID has provided over 1.5 million USD to fifty-nine NGOs working in the justice sector.



Of the many recipients of the Competitive Grants Program have been NGOs working with the business community. It is essential that businesses understand the ongoing changes in the judiciary – and press for those changes that are lacking – in order to increase business development, and promote economic justice.



Meet the Press

For nations in transition, building trust in institutions remains an uphill battle – and there is no area more in need of trust than the relationship between the media and the courts. The JSI took this challenge head on with an aggressive public awareness and outreach program that included over a dozen media skills trainings for judges across the country. These trainings brought court chairpersons and their deputies face-to-face with journalists in a series of intensive three-day trainings which included communication theory, media skills, and the development of court media strategies. The trainings culminated in actual television interviews for participants, such as the talk show pictured here.

Public Awareness and Outreach

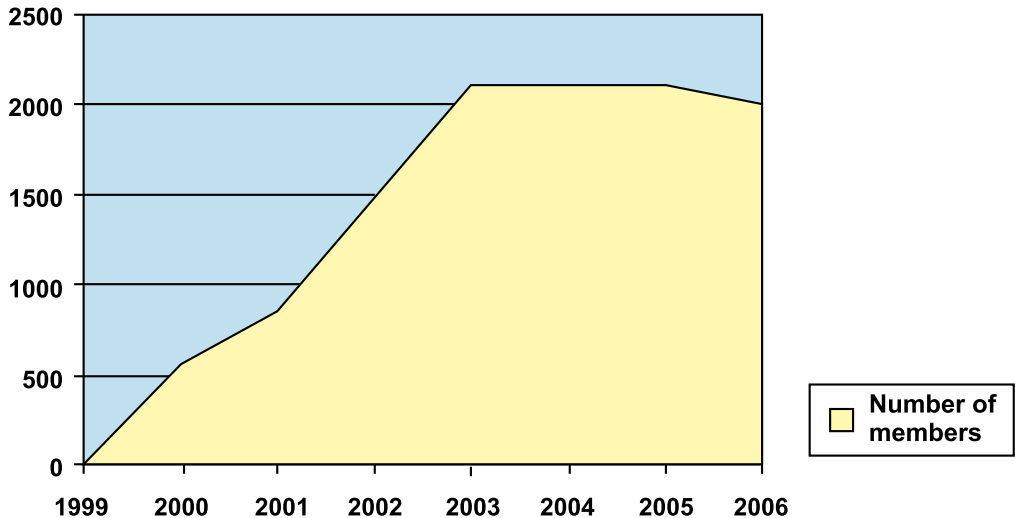
Improved public perception of the judiciary is a goal running through all components of JDP and JSI programs. The strength of the judiciary is sustained by public trust, and USAID has worked to increase public information and confidence in the work of the courts through a wide range of activities. Enhancements in court administration, the development of justice institutions such as the SJC and the NIJ, and policy and law formulation are all supported by efforts to increase public awareness and support for the judiciary. The JSI comprehensive public awareness and outreach campaign provides trainings for judicial spokespersons and the press, works with courts on building public trust and confidence, and supports media coverage of the work of partner courts and judicial institutions. In the end, the result has been a better informed public and a civil society more engaged in judicial reforms and the on-going development of the judiciary.



A reporter from TV Evropa interviews the Chair of the Supreme Court of Cassation after the opening press conference at the Second National Conference of Judges in November 2005.

Organization Highlight: National Association of Court Clerks (NACC)

Prior to receiving USAID support and encouragement, the Bulgarian National Association of Court Clerks did not exist. Then in 2000 with the assistance of the JDP, this professional organization began to grow and soon became one of the most active professional associations working in the judiciary. The NACC organizes trainings nationwide, advocates for labor rights, and recently published the first-ever Bulgarian Court Secretaries Manual. The NACC is a source of pride and identity for those laboring in the trenches of judicial reform.



Program Highlight: Mock Trials

The JSI media campaign has involved work with print and broadcast media partners, and also with “community media” – student mock trials, and forum theatre. The JSI remains aware that two important target audiences for public outreach are the younger generation, and the smaller towns in rural communities. To this end, outreach work has involved participatory media that help young people absorb more deeply the lessons of the work of the courts. One such tool is student mock trials, supported by the Competitive Grants Program in schools and courts across the country to raise youth understanding about the judicial system.

Top: After lengthy research and scriptwriting with judges, forum theatre performers enact a mock trial of a domestic violence case at the National Institute of Justice.

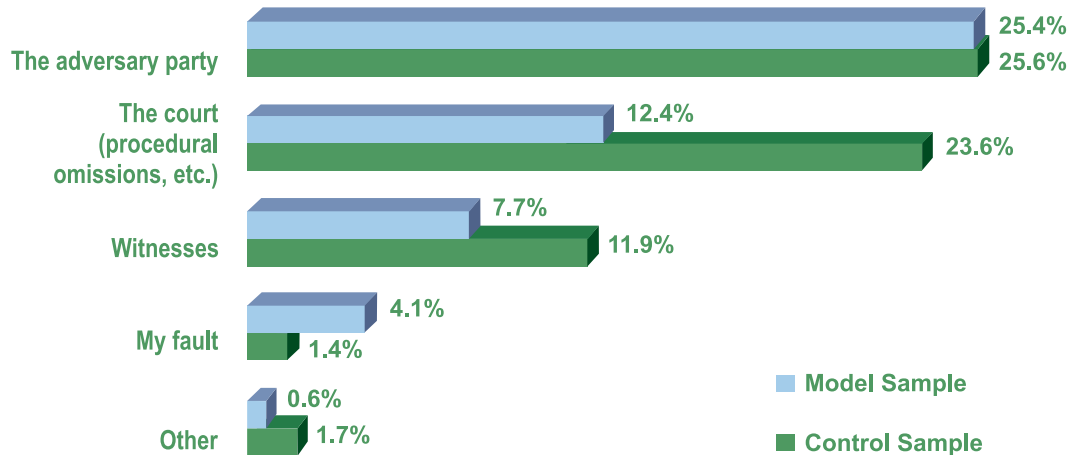
Middle: Two high school students serve as jurors with a District Court judge in a mock trial in Targovishte.

Bottom: Elementary school students participate in the case “Little Red Riding Hood” at the Sofia Palace of Justice, with the assistance of a Sofia Regional Court judge.





If there were delays, what was the reason?



Increased Public Understanding of the Courts

In 2006 the JSI commissioned the first national study of over 3000 members of the general public and ordinary court users on their awareness of specific court activities. One area covered by the Alpha Research study is the differences within the judiciary: the courts, the prosecution, and the investigation services. The above graph shows the opinion of court users concerning the causes of case delay. In the towns and cities not assisted by the USAID Model Courts and Courts in Partnership program (the “Control Sample”), citizens are twice as likely to blame the courts for delays. This difference in opinion demonstrates a greater understanding of the branches of the judiciary.

In other key reform areas, court users consistently rated USAID-assisted courts (the “Model Sample”) significantly higher: the efficiency of trial proceedings, delivery of administrative services, and access to information differences vastly exceeded statistical significance (5%).

Public Awareness of Court Activities:

“Are you aware of the court activities in your region?”

Model Sample: Yes 50% No 49%

Control Sample: Yes 31% No 58%

Model Sample awareness level 19% higher

Court Users Positive Assessments:

Efficiency of Trial Proceedings

Model Sample average: 14% higher

Delivery of Administrative Services

Model Sample average: 10% higher

Access to Information

Model Sample average: 15% higher

Partners

Bulgarian institutions working with the USAID Judicial Strengthening Initiative & Judicial Development Project, 1999 – 2007

Supreme Judicial Council
Supreme Court of Cassation
Supreme Administrative Court

National Assembly of the Republic of Bulgaria
Ministry of Justice
Prosecution of the Republic of Bulgaria
National Institute of Justice

Bulgarian Judges Association
National Association of Court Clerks

Model Courts and Courts in Partnership:

Blagoevgrad District Court
Blagoevgrad Regional Court
Burgas Regional Court
Chepelare Regional Court
Dobrich District Court
Dobrich Regional Court
Gabrovo District Court
Gabrovo Regional Court
Gotse Delchev Regional Court
Gorna Oryahovitsa Regional Court
Haskovo Regional Court
Kurdjali District Court
Kyustendil District Court

Montana District Court
Plovdiv Appellate Court
Plovdiv District Court
Plovdiv Regional Court
Sevlievo Regional Court
Shumen District Court
Shumen Regional Court
Smolyan District Court
Smolyan Regional Court
Sliven District Court
Sofia Appellate Court
Sofia District Court
Sofia Regional Court – Criminal Division
Sofia Regional Court – Family Division
Varna District Court
Varna Regional Court
Vratsa District Court
Veliko Tarnovo District Court
Yambol Regional Court

Supreme Judicial Council Courts in Partnership:

Lovech District Court
Sandanski Regional Court
Vratsa Regional Court
Yambol Administrative Court

Checchi and Company Consulting Inc. assisted the design of this brochure and directed the public awareness work of the USAID Judicial Strengthening Initiative.

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Sofia Palace of Justice