

Durrës District Court

Justice Without Delays Initiative

ACTION PLAN

Drafted in the Working Meeting held on 10-11 June 2016, in Vlora

Measures proposed for criminal cases	Measures proposed for civil cases
Measures taken by the court	Measures taken by the court
<p>Requests for disqualification:</p> <ul style="list-style-type: none"> • The judge adjudicating a request for disqualification of a trial judge should be provided with, and should review, the case file before proceeding to a disqualification hearing. • Hearings for disqualification of judges should be held as soon as possible. The decision must be given within a reasonable period of time <p>Abbreviated trial:</p> <ul style="list-style-type: none"> • Efforts should be made to ensure that the prosecutor and defence lawyer make their arguments, and the court decision is given in the same hearing or, if not, during a second hearing on the same day. <p>Notifications:</p> <ul style="list-style-type: none"> • The power of attorney should specify the contact details of the representative and should confirm that the defendant has consented to receive notifications via his/her representative. • When possible, the judge adjudicating on the security measures hearing should confirm the defendant’s address to ensure that the chair of the substantive hearing can properly notify the defendant 	<p>Preparatory hearings:</p> <ul style="list-style-type: none"> • Before a preparatory hearing, all potential issues should be considered, including whether the judge should resign from the case (due to conflict of interest etc) • Preparatory hearings should clarify the issues to be litigated, identify the relevant witnesses and whether there is a need for experts and should confirm to the parties that they must comply with all deadlines. The claim form must be carefully reviewed and any substantive or formal errors identified so that they can be corrected early. <p>Requests for disqualification:</p> <ul style="list-style-type: none"> • Requests for disqualification to be examined in chambers; • Fines should be applied against the relevant parties in cases when there is no evidence to support requests made for disqualification. • Judges should be required to give detailed reasons for interim decisions, and should act impartially outside the courtroom in order to reduce the likelihood of requests for disqualification

<ul style="list-style-type: none"> • When possible, the judge adjudicating on the security measures should specify the defendant’s address to ensure that the chair of the hearing can properly notify the defendant • Several forms of notification should be used to summons the defendant including police summons, court summons and public announcement <p>Other:</p> <ul style="list-style-type: none"> • The judge should make orders to cancel and reschedule a hearing immediately on receipt of information that it cannot be held • The judge should facilitate better cooperation and communication between the parties and the court to mitigate the risk of hearing cancellations/unproductive hearings. • The wording of witness and defendant summons should include the consequences of a failure to appear and the need to bring identification documents to a hearing. • The judge should ensure that irrelevant evidence is excluded. • In retrial cases, the appellate court should ensure that the district court judge has the case file before the first hearing of the retrial case. 	<p>Notifications:</p> <ul style="list-style-type: none"> • Several forms of notification should be used to summons the defendant including police summons, court summons and public announcement • Where possible, parties should be notified by email or phone. <p>Other:</p> <ul style="list-style-type: none"> • Parties should be encouraged to come to court properly prepared and with all of the evidence • The judge should make orders to cancel and reschedule a hearing immediately on receipt of information that it cannot be held • The judge should carefully examine the file at the beginning of the trial to ensure that it is complete and accurate to avoid issues later in the trial. • The summons should specify that an identification document must be brought to court, make clear the consequences of failing to appear and state what evidence will be required • The date of the next hearing should be scheduled in consultation with the parties • The judge should ensure that irrelevant evidence is excluded. • In retrials, the appellate court should ensure that the district court judge has the case file before the first hearing of the retrial. • To improve the accountability of parties and judges in planning and efficiency of hearings.
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	<p>Family proceedings</p> <ul style="list-style-type: none"> • Standard forms should be provided to the parties during family proceedings, eg for changes in property ownership/assets • The court should encourage the parties to settle disputes without further hearings • Psychologists’ reports should be made available to the parties before hearings.
<p>Measures taken in relation to the institutions (prosecutor’s office, chamber of advocates, probation service, forensics institute)</p>	<p>Measures taken regarding institutions (prosecutor’s office, chamber of advocates, probation service, forensics institute)</p>
<p>Appearance of parties /Notifications:</p> <ul style="list-style-type: none"> • The Chambers of Advocates should be asked to provide a database containing the accurate contact details for all lawyers; • To ensure that Judicial Police Officers (JPOs) and prosecutors record accurate contact details, a contact form should be made available to them • Upon release of the defendant on unconditional bail pending trial, detention institutions should record the address of the defendant (using the contacts form) and should obtain the consent of the defendant to receive notification at that address; <p>Other:</p> <ul style="list-style-type: none"> • Lawyers should be required to provide their closing arguments at least three days before the hearing; • Judges should exclude irrelevant evidence (including witness evidence) from the case • Probation service officers should submit their reports to the court prior to the hearing so that they can be reviewed beforehand 	<p>Appearance of parties /Notifications:</p> <ul style="list-style-type: none"> • The Chambers of Advocates should be asked to provide a database containing the accurate contact details for all lawyers; • Lawyers should be provided with a contacts form and should fill it in and submit it together with the claim. They should also confirm consent of the party to receive notifications at that address; • Notaries should include within the power of attorney the full and accurate address of the party, and the consent of the party to receiving the notification at that address. • Notaries should specify that the notification of the lawyer has the same effect as notifying the party; • That where there is a request for postponement of a hearing due to the absence of a party, decision No. 7/2011 of the High Court should be applied. This allows judgments to be made in the absence of a defendant. • Experts should exchange phone numbers with parties and provide them with a copy of their expert report 5 days before the hearing;

	<ul style="list-style-type: none"> The list of experts should be updated to exclude experts who obstruct the work of the court <p>Other:</p> <ul style="list-style-type: none"> To organise meetings with local institutions including institutions such as the Border Directorate (regarding TIMS data), Postal Directorate, etc; To increase awareness of authorities of the central and national level about the application of the Justice Without Delays Initiative by the Durrës District Court; To consider the possibility of notifications through prepaid postal service.
Indicators from the first data:	Indicators from the first data:
Criminal cases: Average 52,9 days and 3,4 hearings	Civil Cases: Average 85,7 days and 4 hearings
Objective of the Court	Objective of the Court
Criminal cases: Average 3 hearings	Civil Cases: Average 3,5 hearings

Other issues that require legal regulation or measures outside the ambit of the Justice Without Delays initiative:

- Evidence should be collected about the costs incurred when postponing trials (This requires a special study)
- Obliging parties to make payment beforehand (requires legal regulations)
- Improving the address system (requires supporting infrastructure by local government bodies and the Ministry of Interior (Register of Addresses))

- Enlarging the court's staff structure and relevant budget to enable increase in number of court clerks;
- Enlarging the court's staff structure and relevant budget to enable the court to provide assistance to illiterate and unrepresented plaintiffs to fill out their contact details;
- General improvement of the court's infrastructure, particularly in relation to the provision of adequate numbers of courtrooms.