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PROPERTY RIGHTS PROGRAM (PRP)

CASEFLOW MANAGEMENT FOR PROPERTY RIGHTS CASES IN THE BASIC COURTS

DECEMBER 2015

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ACRONYMS AND ABBREVIATIONS

CoM	Court of Merit
CMO	Case Management Office
DCM	Differentiated Case Management
DCS	Data Collection Surveyors
EROL	Effective Rule of Law Project
JRS	Judicial Reform Specialist
KJC	Kosovo Judicial Council
NTS	National Time Standard
PRP	Property Rights Program
STARR	Strengthening Tenure and Resource Rights
USAID	United States Agency for International Development

1.0 EXECUTIVE SUMMARY

This Report presents the findings from the research conducted by the USAID/Kosovo Property Rights Program (PRP) in four pilot courts (Courts of Merit – CoM) in Kosovo. That research has been directed at identifying case flow and case management bottlenecks arising in the adjudication of property cases, with the ultimate aim of designing and introducing improvements to courts' internal processes and to procedural law in order to enable courts to adjudicate property claims more efficiently.

PRP designed and applied a methodology of Differentiated Case Management (DCM) to develop substantive and procedural data elements with which to disaggregate and analyze court procedures to process and resolve property cases, in order to formulate recommendations to improve efficiency and court performance. PRP applied this analysis to a total of 1,829 property rights cases that were disposed within a 30-month period (2013-2015).

PRP has found that on average these cases were disposed over a considerable length of time that far exceeds international standards. PRP has also found that the courts are not using comprehensive case management techniques for managing their caseload.

Based on these findings, PRP has identified the Next Steps to be undertaken – to introduce basic case management techniques and methods within the CoM, which will then make it possible to apply a more refined DCM analysis to the courts' caseload and to develop further specific recommendations for improving the efficiency of the CoM in adjudicating property cases.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Finding: Civil Cases Typically Involve Very Extensive Delays

- The average time to disposition of the property cases analyzed is over three years (1,123 days); and the median time is 2.5 years (903 days). This far exceeds international practice. (In the US, for example, the most difficult cases are decided within 1.5 years.)
- The average time to disposition appears to apply equally to all the property cases analyzed. There were no discernable elements or characteristics that cause differences in the disposition time. Factors such as case types, number of parties, number of attorneys, number of parties living outside of Kosovo, types of dispositions, and the bases of dispositions have no discernible impact on time to disposition. The analysis has not identified any caseload patterns that would make possible more refined Differential Case Management.
- The problems surrounding case management apply equally to ALL civil cases, and not only to property cases.

Finding: Cases Referred to Mediation are Resolved Successfully

- Although only a few cases were sent to mediation (26 out of 1,829), all of those sent to mediation were successfully disposed through the mediation process.

Finding: Courts of Merit Generally Are Not Applying Caseload Management

- The CoM do not appear to have processes to support modern caseload management, i.e., easy access to key dates such as assignment to a judge, schedules for future actions and appearances, and the elapsed amount of time from registration to the current date. Judges in the three largest CoM

have independently developed some form of caseflow management -- some judges maintain their own "registry" of assigned cases; other judges maintain merely organized piles of case folders.

- Judges often wait at least 2 years before sending the notice to the defendant.
- A judge typically has one secretary. All pending cases are currently stored in each assigned judge's chamber. This practice conflicts with the Regulation on Internal Organization of the Courts (KJC 4 January 2012), which contemplates that a Case Management Office (CMO) will perform a lot of the caseflow management tasks.

Finding: The Current Legal Framework Governing Judicial Performance and Case Management Does Not Support Good Case Management

- The lengthy delays in time to disposition may be an unintended result of policies reflected in three documents: (a) The Regulation on Defining the Norms of the Work of Judges (KJC 14 SEPT. 2011), which requires each judge responsible for civil cases to dispose of 30 civil cases per month, with no reference to the age of cases; (b) The Regulation on the Evaluation of Performance of Judges (KJC) 2 Dec. 2012); and (c) The National Backlog Reduction Strategy (August 2013), which has contributed to the buildup of aging cases from more recent filings by concentrating on pending cases filed on or prior to December 31, 2011.
- The policies and rules in place for managing judicial performance and caseflow are contradictory and are not applied in practice. (These include a regulation on case weighting (2010); a Manual on Court Management; a regulation on Judicial Performance Evaluation (2012); and a regulation on Internal Court Operations (2013).

Recommendation: Maintain and Update Key Information for Each Case

- Key information should be developed and maintained for each case. (Note: this can be done either electronically or manually.) Such information would record the milestones in the process of each case. Detailed recommendations on the information to be provided can be found in Section 4.0, "Next Steps and Action Plan."

Recommendation: Institute Rules and Guidelines for Judges to Refer Appropriate Cases to Mediation

- Review the cases referred to mediation; identify the common features of those cases; and develop guidelines and rules for judges to apply so that appropriate cases are referred to mediation.

Recommendation: Develop Action Plan for Introducing Basic Caseflow Management

- Two forms should be introduced and used (shown in Appendix 3): (a) the Kosovo Judiciary Case Processing Status Sheet, which should be initiated for each case at the time the case is registered with the court; and (b) the Kosovo Judiciary Case Inventory Sheet, which is maintained by the assigned judge. The forms should be updated as the case is processed. The forms can be used to compile an inventory of property cases and to develop action plans to dispose of the cases, oldest case first. Recommendations on the specifics that each action plan should address are detailed in the Section 4.0, "Next Steps and Action Plan."

Recommendation: Adopt a Legal Framework that Supports Efficient Caseflow Management

- Amend rules governing the performance of judges to create a unified and harmonious framework that creates incentives for the expeditious disposition of all cases; and incorporate the rules in the Manual on Court Management.
- Amend the Regulation on Defining the Norms of the Work of Judges to direct due attention to disposing of aged cases.

- Develop a list of interim deadlines authorizing judicial actions for processing cases, which would ultimately be incorporated into the Law on Contested Procedure. Detailed recommendations on the interim deadlines are found in Section 4.0, “Next Steps and Action Plan.”
- Develop recommendations on National Time Standards.

Recommendation: Increase Courts’ Institutional Capacity for Efficient Caseflow Management

- Review staffing of the CMO in each of the CoM to determine if sufficient staff is available for implementing the caseflow management system and forms presented in this Report.
- Train judges/staff, and implement the manual caseflow management system for ALL civil cases.
- To the extent feasible, modify and adapt the computer-based case registration system currently in use in the CoM to enable the system to be used to track DCM activities within the CoM; and resolve any issues with connectivity to the central storage facility in the KJC are resolved.

Recommendation: Review Data from Case Processing after Above Measures Have Been Implemented

- The assessment should be undertaken one year after the courts have adopted the measures listed above.
- Determine if it is possible to establish DCM for all Civil Cases.

2.0 INTRODUCTION

The USAID/Kosovo Property Rights Program supports the Kosovo Judicial Council (KJC) to develop improved court processes to more efficiently and effectively resolve property claims and disputes. The PRP assisted the KJC to identify and establish four Courts of Merit (CoM) where specific procedures to improve court performance will be developed, piloted and tested before being replicated in all courts in Kosovo.

PRP developed a Differentiated Case Management methodology to conduct systemic and comprehensive closed case review of 1,829 property cases in the four CoM to identify specific caseload and case management bottlenecks and constraints that impede the efficient resolution of property claims and disputes. Caseload management is generally recognized as the most fundamental component of court management. Effective caseload management controls the progress of cases from filing to disposition, which is the primary function of a court.

The objective of DCM is to categorize cases by “tracks” based on substantive legal and procedural characteristics of the cases that have been shown to affect the amount of time required to dispose of cases. Each track has a National Time Standard (NTS) within which it is expected that each case in that track will be disposed.

In Phase 1 of the DCM analysis, Consultant and the PRP Judicial Reform Specialist held consultative meetings with judges and registry office managers in the four CoM to identify issues affecting the processing and disposition of property rights cases. This led to the development of three areas of data elements to be collected: Categories of Property Rights Cases, Disposition Times, and Caseload Management Components (please see Appendix 1 for a detailed definitions of these data elements). PRP then analyzed the data elements to produce statistical reports that informed development of preliminary recommendations for reforms and an implementation plan. In Phase 2 of the assignment, data collection from all closed cases was completed and analyzed, a draft implementation plan has been finalized for the steps necessary to implement proposed reforms.

This report is divided into the following sections: Findings, Next Steps and Action Plan, Methodology, and Detailed Findings and Analyses.

3.0 FINDINGS

1. The closed case analysis of 1,829 property rights cases in the four CoM demonstrates that the mean (average) time from registration to the judge's issuing a final written decision to dispose the case is 1,123 days; and that the median time for these cases is 903 days. The KJC designates as a "backlog" case any case that has been in process for over 2 years. Of the cases reviewed, 1,125, or 61.5 percent, constitute backlog cases. Note that the KJC standard of two years substantially exceeds the standard applied to the most difficult civil cases in the US NTS, which is usually in the range of 1.25 to 1.5 years.
2. Although only a few cases were sent to mediation (26 out of 1,829), all of those sent to mediation were successfully disposed through the mediation process.
3. This closed case analysis of 1,829 property rights cases has not identified any characteristics that suggest a development of case tracks. Stated another way, there does not appear to be significant differences in time to disposition related to the case characteristics and data elements analyzed.

As noted, the analysis of examined case characteristics and data elements focuses on those that have typically affected disposition times and have informed the development of DCM/NTS throughout the world. Nonetheless, all cases analyzed in the CoM -- regardless of case types, number of parties, number of attorneys, number of parties living outside of Kosovo, types of dispositions, and the bases of dispositions -- have been disposed within approximately the same time range.

4. The courts did not appear to have a structure or processes to support modern caseflow management. Data was not captured and displayed to make key dates in processing cases easily available, such as assignment to a judge, schedules for future actions and appearances, and the elapsed amount of time from registration to the current date.
5. Analysis to date has not identified and defined any specific caseflow patterns that would inform development of a coherent DCM/NTS. Therefore, the development of the DCM/NTS for the CoM required as a first step analyzing the current status of caseflow management in the courts.
6. PRP conducted a review of case management techniques in use in Gjilan/Gnjilane, Pejë/Peć and Ferizaj. This was conducted by observing case management techniques in three judges' chambers in Pejë/Peć, and two each in Gjilan/Gnjilane and Ferizaj. Discussions were held and demonstrations were observed with each of the judges and their support staff. The review showed the following:
 - All judges in all three courts have independently developed some form of caseflow management. Case folders are filed by either stage of case processing (e.g., waiting for expert report, waiting for defendant response to notice of complaint), or by scheduled appearance date.
 - Some judges maintain their own "registry" of assigned cases, with information they deem appropriate. Two judges have used MS-Word. The entire court in Ferizaj/Uroševac is using a "home-grown" Excel spread sheet with case information, including filing date, date assigned to judge, and disposition date.
 - Some judges don't have a "registry." When asked how they find the status of a case when queried, they have to look through every pile/file of case folders to find the case and answer the questions.
 - The court is responsible for sending the notice of complaint to the defendant. In and of itself, this is not a problem. In all seven judges' chambers, however, we discovered that the judges

wait at least 2 years before sending the notice to the defendant. Some go as long as 2 1/2 years. This would explain the long time from registration to defendant response.

- The long times from filing to disposition, including the delay in sending out notices to the defendants, may be an unintended result of three documents:
 - a) The REGULATION ON DEFINING THE NORMS OF THE WORK OF JUDGES (KJC 14 SEPT. 2011). This Regulation requires each judge responsible for civil cases to dispose of 30 civil cases per month, with no reference to the age of the cases. A possible conclusion is that judges are “cherry picking” the new cases that are easier to bring to disposition than the older cases. This is upheld by the Phase 1 study, which shows an extreme average age of old disposed cases, but a positive clearance rate for judges in the CoM (more dispositions than filings).
 - b) The importance of this Regulation is further emphasized by the specific inclusion of meeting the NORMS in the REGULATION ON THE EVALUATION OF PERFORMANCE OF JUDGES (KJC) 2 DEC. 2012).
 - c) In addition, it is possible that the NATIONAL BACKLOG REDUCTION STRATEGY (August 2013) has contributed to the buildup of aging cases from new filings by concentrating on disposing of all pending cases filed through 31 December 2011.
- A judge typically has one secretary. All pending cases are currently stored in each assigned judge’s chamber. When shown forms that would create a caseflow management system, the responses were that the judges and secretaries did not have the time to enter information contemplated in such a system.

Interestingly, the distribution of work in case management is not in accordance with REGULATION ON INTERNAL ORGANISATIONS OF THE COURTS (KJC 4 January 2012). This Regulation contemplates a significant amount of caseflow management to be performed by a Case Management Office (CMO). The CMO is to support all aspects of handling, processing and monitoring the flow of cases for all judges. This includes storing case files unless they are actively being used by judges, issuing notices and documents as ordered by the judge, and monitoring the progress of cases.

If the CMO is fully implemented, it could certainly perform the tasks of caseflow management, and alert judges to impending deadlines. In addition, while additional staff may be required, centralizing these functions could result in economies of scale, as contrasted with additional staffing for each judge’s office.

- It is not clear whether, absent specific statutory authority or mandated actions, the judges would take actions to force compliance with good caseflow management practices.
- After some investigation and review, we tentatively believe that the case registration system developed by the USAID EROL Project could be adapted for use by the Courts for caseflow management. The case registration system currently has the capacity to accommodate most of the data used in this analysis, and to produce reports displaying the status of case processing. USAID has expressed support for this approach, and PRP is seeking to determine the feasibility of adapting the case registration system. At the same time, it is not clear how many courts are actively using this system. The system requires an internet connection with servers located in the KJC, and maintaining the connection has been problematic. Consequently, before the courts will be able to use this system for caseflow management, it needs to be modified, and reliable internet access will need to be secured.
- **Finally, in viewing the court operations for the civil cases, there is NO difference in the processing and treatment of property rights cases vs. all other civil cases. This indicates that there are less than optimal practices in civil case management generally.**

7. In recent years the KJC adopted various policies and rules aimed at regulating caseflow in the courts: a regulation on case weighting (2010); a Manual on Court Management; a regulation on Judicial Performance Evaluation (2012); and a regulation on Internal Court Operations (2013). While these acts are technically in force, they are not applied in practice. Moreover, they are not mutually consistent and do not create a harmonious and unified framework for managing judicial performance and caseflow.

4.0 NEXT STEPS AND ACTION PLAN

The Consultant visited the CoM during the week of September 21, 2015 to review and determine the extent to which the basic components of caseload management are being used by the courts.

These basic components consist of general caseload management systems, augmented by additional components that have been found to be of relevance to the processing of property rights cases in the Kosovo Judiciary. The effective use of these components will both improve caseload management and continue to provide the data necessary for the development of DCM and time standards:

1. Judges and participants in cases must clearly understand that once a case is filed with a court and assigned to a judge, the assigned judge has the authority and responsibility for the timely processing and disposition of the case.
2. A case must be controlled upon filing with a court. This requires the receiving court to promptly register the case and assign the case to a judge by entering case identification information into a case management system, either manual or automated. Thereafter, it is the responsibility of the assigned judge and staff to actively monitor and control the processing of the case from filing to disposition, including the timely scheduling of preliminary hearings and main hearings. The following information should be developed and maintained for each case:
 - a. The assignment of a unique court control number (registration number)
 - b. The date the case was registered (filed with the court)
 - c. A code for the category of the case
 - d. The name of the assigned judge
 - e. The date the case was assigned to the judge
 - f. A history of changes in the assigned judge
 - g. If the case is a retrial because of the return of a case from the appellate courts, the former case numbers
 - h. The name of each party to a case, the attorney name for each party, and whether the party resides outside of Kosovo
 - i. The date of the appointment of a defendant representative or a temporary representative.
 - j. A history of notices issued to establish jurisdiction and ensure compliance with court orders
 - k. A history of scheduled events, and the outcome of those events, including rescheduling.
NOTE: EVERY PENDING CASE MUST HAVE A FUTURE SCHEDULED DATE FOR AN APPEARANCE OR SUBMISSION OF DOCUMENTS
 - l. A history of the judicial documents that disposed of a case

Three possible findings were considered during this review:

- The CoM lack a coherent caseload management system;

- A rudimentary caseload management system is in place, but may not provide the standard elements of caseload management;
- A caseload management system exists, but is not in use.

It was determined that there was no standard sufficient caseload management system or practices in place. Therefore, the following Action Plan should be implemented immediately to institute a system to introduce basic, standard elements of caseload management in the CoM:

ACTION PLAN TO INSTITUTE A CASEFLOW MANAGEMENT SYSTEM

The system is based on two forms (contained in Appendix 3). The first form is entitled KOSOVO JUDICIARY CASE PROCESSING STATUS SHEET. This form should be initiated for each case at the time the case is registered with the court. The form is to be attached to the case folder that is created at registration, and remains with the folder. Data is entered as the case is processed.

NOTE: THE CASE CATEGORIES SHOWN IN THE INSTRUCTIONS FOR THE CASE PROCESSING STATUS SHEET ARE FOR PROPERTY RIGHTS CASES ONLY. CASE CATEGORIES FOR EACH TYPE OF CIVIL CASE WILL HAVE TO BE DEVELOPED BEFORE USE.

The second form is titled KOSOVO JUDICIARY CASE INVENTORY SHEET (also contained in Appendix 3). This form is maintained by the assigned judge. Data is entered as received. The column NEXT SCHEDULED DATE is changed to keep current with the processing of the case. This form is suitable for use in a word processing program to facilitate updating the scheduled date and the date disposed. This updated form should be sent at the end of each week to the President of the Court.

The two forms also capture the data used in the analysis during this consultancy, which will enable an assessment of the effect of using a caseload management system.

Steps in the process:

1. Install and train judges and staff in the use of the CASE PROCESSING STATUS SHEET and the CASE INVENTORY SHEET. Consider adapting and using the EROL case registration for collecting the items listed in the basic component of caseload management described above. If appropriate, develop a plan to accomplish this.
2. Conduct an inventory of all pending property rights cases, using the CASE PROCESSING STATUS SHEET and the CASE INVENTORY SHEET.
3. With the KJC and the President Judges of the CoM, and using the data from the caseload management sheets, develop an action plan for an intensive effort to dispose of the cases, oldest case first. Although the action plans may vary, items for consideration could include:
 - a. Clearly assign to a specific individual the responsibility for the maintenance of the file system and the cross-referencing.
 - b. Ensure that each newly registered case is assigned to a judge no later than 5 working days after it is registered. It is essential that that a specific judge receive responsibility for each case as soon as possible.
 - c. Require the assigned judge to review the case within 5 working days of receipt from the Case Management Office, and take the necessary action, e.g., determine competency of the court, return the claim to the plaintiff for correction, or if the case can proceed, send the notice of claim to the defendant.

- d. On an ongoing basis for all cases, determine the status of service to the defendant. If it has been more than 60 days from the sending of the notice to defendant with no response, schedule the appointment of a temporary representative for the defendant within 10 days.
- e. Schedule a Preliminary Hearing for 30 days from the appointment of the temporary representative, or 30 days from the day of review of the case, if a temporary appointment is not necessary. Send the notice of the Preliminary Hearing to all parties, which must clearly state that all pleadings and all evidence must be brought to the court, and that the possibility of using mediation will be determined.
- f. At the conclusion of the Preliminary Hearing, the Main Hearing should be scheduled for no later than 30 days in the future. All parties should be advised that except for extraordinary reasons, a decision will be rendered at the conclusion of the Main Hearing, based on the evidence available.
- g. If it is necessary to reschedule a session, the reason for rescheduling and the date of the new session must be stated in court and recorded on the STATUS SHEET.
- h. EVERY PENDING CASE MUST HAVE A FUTURE SCHEDULED EVENT. File the cases by future scheduled event, and then by date registered.
- i. A weekly status report of all civil cases disposed.

In addition to the steps listed above, the following steps should be taken for the management of ALL civil cases, as follows:

1. Draft amendment to the REGULATION ON DEFINING THE NORMS OF THE WORK OF JUDGES to incorporate due consideration for disposing of aged cases.
2. Draft legislation to mandate the list of the interim deadlines itemized in point 3, above, including authorized judicial actions for noncompliance.
3. Review staffing of the CMO in each of the CoM to determine if sufficient staff is available for implementing the caseload management system presented in the Phase 1 report, and attached in Appendix 3 at the end of this document.
4. Develop guidelines and rules for judges to apply for the referral of appropriate cases to mediation.
5. Train judges/staff, and implement the caseload management system. This would be implemented using either the EROL system or a manual system. This should include ALL civil cases, not just Property Rights Cases.
6. After implementing the steps listed above, and one year of operation, conduct an assessment of case times to disposition.
7. Develop recommendations on National Time Standards. Draft a new regulation on caseload management and judicial performance to replace the inconsistent regulations currently in place; incorporate the requirements under the new regulation in the Manual on Court Management; and support training for court staff on the Manual.
8. Modify and adapt the computer-based caseload systems currently in use in the CoM to enable them to track DCM activities within the CoM.

5.0 METHODOLOGY

CLOSED CASE ANALYSIS

A closed case data analysis methodology was employed in the CoM. The CoM were selected by the PRP in close consultation with the KJC, applying criteria agreed with the KJC. The CoM serve as agents of change where improved procedures, reforms, and “ways of doing business” will be developed, tested, piloted and then replicated in other courts.

The Courts of Merit are:

- Pejë/Peć Basic Court
- Gjilan/Gnjilane Basic Court
- Ferizaj/Uroševac Basic Court
- Shtërpçë/Štrpce, a branch of the Ferizaj/Uroševac Basic Court

The closed case analysis was limited to cases that were closed during the period January 28, 2013 to July 31, 2015. To determine the age of cases at disposition, the starting date was the date the case was entered into the CoM Court Registry. The end date was defined as the date of the last written document issued by the judge to dispose of the case. This will be referred to as the Time to Disposition throughout this report.

DEFINITION OF DATA ELEMENTS

The statutes governing property rights cases were reviewed by the Consultant and PRP Judicial Reform Specialist (JRS). Consultative meetings were then held with judges and registry office managers in the four CoM to identify issues affecting the processing and disposition of property rights cases. This led to the development of three areas of data elements to be collected: Categories of Property Rights Cases, Disposition Times, and Caseflow Management Components (please see Appendix 1 for a detailed definition of these data elements).

The Categories of Property Rights Cases were determined by the substantive legal issues involved in the case. Dispositions that end a case have been categorized as follows:

- Decision to dismiss on procedural grounds (Decision)
- Judicial agreement (Agreement)
- Judgment based on the substantive merits of the case (Judgment)

Caseflow Management Components are related to specific events in a case along the process to disposition.

A number of sub-categories under each data element were developed to help identify case processing patterns that would inform development of DCM tracks and NTS. Sub-categories include: appointment of temporary representatives, parties residing outside Kosovo, number of attorneys, number and ethnicity of parties, number of days between hearings, number of days to serve process, among others.

These sub-categories were then utilized in “queries” that analyzed the effect of these and other variables had on times to disposition. Statistics generated by these queries are discussed below in Section 5, Detailed Findings and Analyses.

COLLECTION AND PRESENTATION OF DATA

PRP contracted five Data Collection Surveyors (DCS) to obtain and capture data from CoM case registers, case folders and judicial assignment notebooks.

The case register contains the case number and registration date, information on the substance of the case (such as a brief description of the complaint, in a civil proceeding), the names of individuals, and the outcome of the case. Attached separately to this report is a copy of a compendium of spread sheets containing the specifics of registers used in the CoM. The title of the compendium is “Civil Case Registers Used in Basic Courts.”

The case folder contains a narrative history of the case, from the filing of a claim with a court to final disposition and receipt of judgment by the parties to the case. The case folder also indicates whether the case was reviewed and returned from the Court of Appeals or the Supreme Court for retrial. Retrials are recorded at the Basic Court as a new case, with reference to the case number of the earlier trial.

Content of the case folder: Pre-printed areas for writing information about the case.

The cover page includes:

- Case number - consecutive number of case and year e.g. 222/15 (222 /2015)
- Court
- Judge (Name)
- Plaintiff
- Defendant
- Type of dispute
- Archive date
- Retention period
- Hearing table

The edge of file folder also contains the case number.

The inside of the folder on both sides include:

- Consecutive number of action (written decision, minutes, expert document)
- Date of action
- Short description of the action
- Number of annexes
- Number of pages
- Remarks

Data captured by the DCS and used to produce the statistical analysis and findings provided below are compiled and maintained in a master spreadsheet (an Excel Workbook titled “KOSOVO CLOSED CASE ANALYSIS FINAL ALL CASES 2015-10-02”).

Each DCS used a template of the spread sheet on a laptop. The data entered by the DCS was transmitted to the Consultant and PRP JRS on a daily basis, where it is consolidated into the master project spread sheet. Instructions for entering data into the spread sheet and transmitting the spread sheet are contained in Appendix 2 of this report.

It should be noted that the file folders do not have areas for recording all case processing dates, such as registry date, date assigned to judge, and disposition date. This has constrained efficient data collection because long narratives from decisions had to be read by the DCS to obtain basic data related to caseload management such as hearing dates. The effect of this constraint is described in more detail in the analysis, findings and recommendations below.

6.0 DETAILED FINDINGS AND ANALYSES

The table below titled Table 1 below lists Times to Disposition times for all cases, by category and court. Caution is needed in interpreting the measurements in categories 5, 6 and 7, because of the low number of cases. (Please refer to Appendix 1 for a description of the case categories.)

Table 1: Times to Disposition

TIMES TO DISPOSITION IN DAYS									
CATEGORIES									
	ALL	1	2	3	4	5	6	7	8
FERIZAJ / UROŠEVAC									
Mean	1,509	1,434	1,998	957	1,968	3,383	0	236	317
Median	1,585	1,583	2,074	542	2,079	3,383	0	80	66
Minimum	1	44	28	5	279	3,383	0	1	8
Maximum	4,035	4,007	3,645	3,851	4,035	3,383	0	1,342	1,854
Number of Cases	291	35	149	44	17	1	0	23	22
SHTËRPECË / ŠTRPCE									
Mean	625	621	708	555	262	896	1,291	6	77
Median	196	192	350	152	175	896	1,291	6	77
Minimum	3	21	3	6	3	387	1,291	6	77
Maximum	4,100	4,100	2,954	2,720	585	1,404	1,291	6	77
Number of Cases	81	12	41	17	6	2	1	1	1
GJILAN / GNJILANE									
Mean	1,134	1,516	1,162	1,031	1,016	481	0	892	138
Median	1,125	1,354	1,162	1,133	901	229	0	786	202
Minimum	0	298	0	1	72	200	0	22	8
Maximum	5,087	3,872	5,087	4,937	2,417	1,015	0	1,985	203
Number of Cases	478	15	369	57	17	3	0	14	3
PEJË / PEĆ									
Mean	1,123	1,148	1,131	632	1,288	1,112	1,572	1,868	1,868
Median	903	914	924	443	940	881	1,572	1,233	1,233
Minimum	3	5	3	28	4	56	413	396	396
Maximum	5,143	4,193	5,143	3,430	4,361	2,822	2,731	4,972	4,972
Number of Cases	979	140	659	60	70	15	2	15	15

TOTAL ALL REPORTED CASES									
Mean	1,165	1,194	1,233	832	1,295	1,109	1,478	867	419
Median	962	980	1,044	511	940	881	1,291	608	190
Minimum	0	5	0	1	3	56	413	1	8
Maximum	5,143	4,193	5,143	4,937	4,361	3,383	2,731	4,972	1,955
Number of Cases	1,829	202	1,218	178	110	21	3	53	38

NOTE: THE NUMBER OF CASES INCLUDED IN "CATEGORIES" IN PEJË/PEĆ AND "TOTAL ALL REPORTED CASES" EXCLUDE MULTI-CATEGORY CASES

In Ferizaj/Uroševac, Gjilan/Gnjilane and Pejë/Peć, the Overall Times to Disposition are Extraordinarily Long

This finding is especially pertinent in case categories 1 through 4, which constitute 96% of the cases. The mean and the median are reasonably close, meaning that the mean is a relatively fair and accurate measure of the time to disposition.

As a point of comparison, the American Bar Association has a standard for Time to Disposition of civil cases as of 90% within three months, 98% within six months, and 100% within 12 months. The National Center for State Courts has a standard of 75% within 180 days, 90% within 365 days, and 98% within 540 days. (Model Time Standards for the State Trial Courts, National Center for State Courts, August 2011).

There are 1,748 closed cases in the Ferizaj/Uroševac, Gjilan/Gnjilane, and Pejë/Peć data collection. Setting the standard at 540 days, 1,251 cases – or 72% of the closed cases would be in excess of this standard. Even using the 730 day standard (two years, over which is considered to be “in backlog” in Kosovo), 1,100 cases – or 63% of the cases would be in “backlog”, or over the standard.

In Shtërpçë/Štrpce, the Times to Disposition are of Concern

This finding is especially pertinent in case categories 1 through 4, which constitute 94% of the cases. The mean and the median are reasonably close, meaning that the mean is a relatively fair and accurate measure of the time to disposition.

While the times to disposition are considerably less than those in Ferizaj/Uroševac, they are still of concern. There are 81 closed cases in the Shtërpçë/Štrpce data collection. Setting the standard at 540 days, 29 cases – or 36% of the closed cases would be in excess of this standard. Even using the 730 day standard (two years, over which is considered to be “in backlog” in Kosovo), 24 cases – or 30% of the cases would be in “backlog”, or over the standard.

There is a Marked Difference in the Mean Time to Disposition in Shtërpçë/Štrpce, compared with Ferizaj/Uroševac, Gjilan/Gnjilane and Pejë/Peć

In Shtërpçë/Štrpce, the times to disposition are about half of the times to disposition in the other courts. Although the numbers of cases in Shtërpçë/Štrpce are low, this warrants monitoring. A careful comparative examination of caseload practices between the four Courts of Merit may be warranted. This may lead to identification of “best practices” in caseload management.

In Spite of the Significant Delays in Disposition of Property Cases, the CoM Appear to be Keeping Current in Processing All Civil Cases

The table below shows that the number of pending cases has decreased in the period beginning of 2014 through June 2015. The “clearance rate” is positive, meaning that more cases were disposed than were filed in that period. This table was based on data provided by the courts and the KJC.

However, a positive clearance rate is not the only measure of an efficient and effective court system. It has been observed in other countries that when attention is paid to the newly filed cases, courts keep current with inflow, and even reduce the overall pending caseload, but at the same time allow previous pending cases to become increasingly older. Consequently, judges may believe that the judiciary is improving overall. This may partially explain the extreme age of the property rights cases identified in this report.

Therefore, for the purposes of implementing next steps, it is important to conduct an inventory of all pending property rights cases.

The data presented in this table can also be used to calculate the ratio of new filings per assigned judge. This is an approximate measure of the amount of work per judge for processing new cases. The ratio is the New filings within 2014, divided by the Judges assigned in 2015. The year 2015 was chosen because Ferizaj/Uroševac gained 2 assigned judges, from 3 in 2014 to 5 in 2015.

The ratios are as follows:

Gjilan/Gnjilane – 191 new cases per year per judge

Pejë/Peć – 173 new cases per year per judge

Ferizaj/Uroševac – 165 new cases per year per judge (with a total of 5 assigned judges)

Shtërpcë/Štrpce – 76 new cases per year per judge (only one judge, in a subsidiary court)

Note that if the judges are meeting the “quota” of 30 cases per month as established in the REGULATION ON DEFINING THE NORMS OF THE WORK OF JUDGES (KJC 14 SEPT. 2011) each judge should be disposing of 360 cases per year. Put another way, IF this quota is valid, in 2014, Gjilan/Gnjilane should have disposed of 1,800 cases in 2014, Pejë/Peć – 2,520, Ferizaj/Uroševac – 1,080. Looking at it another way, the **actual** 2014 monthly ratios are Gjilan/Gnjilane – 18.25, Pejë/Peć – 14.4, Ferizaj/Uroševac – 29.8. Therefore, Ferizaj/Uroševac with 3 assigned judges in 2014 was the only court meeting the quota.

Table 2: All Civil Cases in CoM -- 2014 through June 2015

ALL CIVIL CASES IN CoM - 2014 THROUGH JUNE 2015								
Court	Transferred from previous years	New filings within 2014	Disposed within 2014	New filings within 2015- January	Disposed within 2015- June	Total pending July 1.2015	Judges assigned in 2014	Judges assigned in 2015
		Pending	Disposed	Pending	Disposed			
Gjilan / Gnjilane	2,649	959	1,095	374	562	1,886	5	5
Pejë / Peć	2,967	1,211	2,292	1,886	576	1,774	7	7
Ferizaj / Uroševac	2,523	827	1,073	367	353	2,334	3	5
Shtërpcë / Štrpce	118	76	120	68	26	63	1	1

Remarks: Judges report working on both contested and non-contested claims simultaneously.

The Need to Appoint a Temporary Representative Does Not Affect Time to Disposition

Anecdotally, this is a particularly difficult type of case. The judge must appoint a Temporary Representative to act in the absent party’s stead. However, the data does not support this assumption. A total of 158 such cases were identified in the 1,829 closed cases. These cases had an average time from

registration to the last written document of 1,134 days. This compares with the average of all 1,829 cases of 1,165 days to final disposition.

Table 3: The Number of Parties from Both Plaintiffs and Defendants Do Not Have an Observable Consistent Effect on the Time to Disposition

	1 PARTY	2 PARTIES (Ps)	3 Ps	4 Ps	5 Ps	6 Ps	7 Ps	8 Ps	9 Ps		
Mean	1,319	1,152	1,127	964	1,178	1,338	1,117	1,259	1,636		
Median	1,405	957	1,012	793	937	1,045	972	1,032	1,585		
Minimum	21	0	0	0	1	2	17	15	235		
Maximum	2,972	5,087	4,371	4,930	4,860	4,972	4,105	3,011	3,645		
Count	8	902	385	176	121	81	33	24	19		
	10 Ps	11 Ps	12 Ps	13 Ps	14 Ps	15 Ps	16 Ps	17 Ps	18 Ps		
Mean	1,523	1,650	1,727	581	927	3,813	1,935	2,464	2,411		
Median	1,285	740	1,844	578	717	4,187	1,574	1,478	2,510		
Minimum	129	6	85	138	713	2,874	317	1,292	1,280		
Maximum	4,100	5,143	3,974	1,267	1,350	4,378	3,014	4,623	3,345		
Count	26	14	9	5	3	3	3	3	4		
	19 Ps	20 Ps	21 Ps	23 Ps	24 Ps	43 Ps					
Mean	804	804	1,169	1,881	815	1,079					
Median	804	344	1,169	1,881	815	1,079					
Minimum	804	79	1,169	993	815	1,079					
Maximum	804	2,448	1,169	2,769	815	1,079					
Count	1	4	1	2	1	1					

Table 3 calculates the statistics for cases of all categories, sorted by the number of parties reported in the case file. It is clear that the number of parties does not establish a consistent pattern that affects the time to disposition.

The Number of Parties Residing Outside Kosovo Does Not Have an Observable Consistent Effect on the Time to Disposition

The table below shows the measures of time to disposition for the cases with at least one party residing outside Kosovo.

Table 4: The Number of Parties Residing Outside Kosovo Does Not Have an Observable Consistent Effect on the Time to Disposition

	1 P	2 Ps	3 Ps	4 Ps	5 Ps	6 Ps	7 Ps	8 Ps	9 Ps	10 Ps	11 Ps	22 Ps
Mean	1,230	1,288	1,155	1,174	1,193	1,182	1,310	2,268	1,737	6	85	993
Median	1,031	1,079	922	1,027	1,970	745	1,310	1,622	1,724	6	85	993
Minimum	3	27	15	15	191	20	1,310	686	624	6	85	993
Maximum	4,326	4,496	4,930	4,623	4,100	3,219	1,310	5,143	2,874	6	85	993
# of Cases	273	65	36	19	9	4	1	4	3	1	1	1

The mean of the 273 cases with one party overseas is 1,123, which is virtually identical to the overall mean of 1,165 for all cases. The mean is relatively constant for cases with 2, 3 and 4 parties. The number of cases with five or more parties is too small to develop a meaningful finding.

The Number of Attorneys Does Not Appear to Have a Consistent Effect on the Time to Disposition

Table 5: The Number of Attorneys Appears to Have an Inconsistent Effect on the Time to Disposition

	0	1	2	3	4	8
Mean	1,231	1,067	1,298	1,755	2,467	1,479
Median	1,134	881	997	1,115	2,214	1,479
Minimum	1	0	5	50	1,310	1,479
Maximum	4,972	5,087	5,143	3,914	3,877	1,479
# of Cases	701	888	224	12	3	1

While the mean of the cases without an attorney is somewhat higher than the overall mean, cases with one attorney is lower than the overall mean of all cases, and higher again with two attorneys.

The Ethnicity of Plaintiffs or Defendants Does not have an Observable Effect on the Time to Disposition

In the 1,829 cases, there were 2,721 plaintiffs and 3,714 defendants, for a total of 6,435. Virtually all of the ethnicities reported were Albanians and Serbs. There were 254 cases with Serbian plaintiffs and 52 cases with other ethnicities. There were 464 cases with Serbian defendants and 90 cases with other ethnicities. Sorting cases by ethnicity for either plaintiffs or defendants showed no difference in the time to disposition.

The Type of Property Ownership Does not have a Meaningful Effect on the Time to Disposition

Four types of ownership were reported: Private (1,750) Time to Disposition 1,158, Social Property (72) Time to Disposition 1,290, Social Property Permanent Use (1) and Social Property Temporary Use (3). Although the time to disposition for Social Property is 11 percent higher than the mean for all cases, there are only 72 of these types of cases. The mean Time to Disposition for all cases in the four CoM is 1,165 days.

The Type of Property does not have a Significant Effect on the Time to Disposition

The analysis is as follows:

Table 6: The Type of Property does not have a Significant Effect on the Time to Disposition

Type of Property	Mean Time to Disposition (Mean for All Case Types – 1,165)
1 – House	1,242
2 – Flat/Apartment	1,407
3 – Shop	1,506
4 – Agricultural Land	1,120
5 – Urban Land	1,032
6 – Forest	1,115

FINDINGS REGARDING DISPOSITIONS

These findings are based on analysis of the data regarding the types and substance of dispositions recorded from the closed case files.

Mediation, While Infrequently Used, Appears to be Effective

Of the 1,829 cases, 26 were sent to Mediation, and 32 positive agreements were reported. No negative agreements were reported. All but one of the cases sent to mediation were in Categories 1 and 2, the other case being a Category 4.

There are two possibilities accounting for the discrepancy of the number of positive agreements and the number of cases sent to mediation. First, case file records could have been incomplete, failing to note the date sent to mediation. Second, the parties could have gone to a mediator on their own after the registration of a case, reached an agreement, and reported the agreement to the judge.

The Mean Time for Decisions to Dismiss on Procedural Grounds is Unusual

The data on the types of dispositions is as follows:

Table 7: Dispositions by Type

DISPOSITIONS BY TYPE			
	Decision	Agreement	Judgement
# of Dispositions	1,237	59	543
% of Total Dispositions	68	3	30
Mean Time to Disposition	1,272	893	947

The mean time to disposition for decisions to dismiss on procedural grounds is greater than the mean time for all types of dispositions. It is also approximately the same for all types of cases. Why judges did not identify grounds for dismissal earlier in the proceedings warrants further investigation. Additionally, while it is not unusual for dispositions by agreement to be shorter than dispositions by judgment, the mean times for both of these types of dispositions are excessive.

The Majority of Decisions to Dismiss are for Withdrawing a Suit, Failure to Appear, Failure to Pay a Fee, or Failure to Correct a Defect

A total of 796 dismissals were based on these reasons, or 64% of all dismissals. It is important to note that the mean time to disposition for these 796 cases is 1,338 days, compared with the time to disposition of all cases of 1,165 days. This indicates that conditions that led to dismissal were not detected until well into the pendency of a case.

The underlying reasons need to be determined for why such conditions were not detected until years after the registration of a case. This may be a result of the failure to use caseflow management processes to secure the presence of the parties at scheduled sessions.

It is interesting to note that 50 cases were “dismissed” because the plaintiffs and defendants reached an agreement outside of court. It is not clear why the decisions in these cases were announced by the court in a Decision, rather than an Agreement.

Finally, although we received anecdotal information that there is a problem with missing Cadastral records, only three cases were dismissed for this reason.

FINDINGS REGARDING CASEFLOW MANAGEMENT - THE COURTS DO NOT APPEAR TO HAVE A STRUCTURE OR PROCESSES TO SUPPORT MODERN CASEFLOW MANAGEMENT TECHNIQUES

These findings are based on observation of the information entered into the case registers and case file folders, analysis of data from the closed case review, and visits to seven judges' offices in the Basic Courts of Ferizaj/Uroševac, Gjilan/Gnjilane and Pejë/Peć to observe case management practices. Both the case registers and the file folders have areas for entering the substance of a case (plaintiff, defendant, claim, orders). However, they do not appear to have a structure for recording all scheduled and completed case processing components. For example, the DCS had to read the text of minutes and orders to determine if and when the assignment to a judge took place, when sessions of Preliminary Hearings and Main Hearings took place, the outcome of each hearing, and the reason for rescheduling a session.

Once a case is assigned to a judge, the file folder is in the possession of the judge until the final written case closing document is delivered to the parties to a case. It is only then that the file folder is returned to the Case Management Office. That practice is relatively normal.

In furtherance of the Next Steps, PRP conducted a review of case management techniques in use in Gjilan/Gnjilane, Pejë/Peć and Ferizaj/Uroševac. This was conducted by observing case management techniques in three judges' chambers in Pejë/Peć, and two each in Gjilan/Gnjilane and Ferizaj/Uroševac. Discussions were held and demonstrations were observed with each of the judges and their support staff.

- All judges in all three courts have independently developed some form of caseflow management. Case folders are filed by either stage of case processing (e.g., waiting for expert report, waiting for defendant response to notice of complaint), or by scheduled appearance date.
- Some judges maintain their own "registry" of assigned cases, with information they deem appropriate. Two judges have used MS-Word. The entire court in Ferizaj/Uroševac is using a "home-grown" Excel spread sheet with case information, including filing date, date assigned to judge, and disposition date.
- Some judges don't have a "registry". When asked how they find the status of a case when queried, they have to look through every pile/file of case folders to find the case and answer the questions.
- The court is responsible for sending the notice of complaint to the defendant. In and of itself, this is not a problem. However, in all seven judges' chambers, we discovered that the judges wait at least 2 years before sending the notice to the defendant. Some go as long as 2 1/2 years. This would explain the long time from registration to defendant response.
- The long times from filing to disposition, including the delay in sending out notices to the defendants, may be an unintended result of three documents:
 - The REGULATION ON DEFINING THE NORMS OF THE WORK OF JUDGES (KJC 14 SEPT. 2011). This REGULATION requires each judge responsible for civil cases dispose of 30 civil cases per month, with no reference to the age of cases. A possible conclusion is that judges are "cherry picking" new cases that are easier to bring to disposition than the older cases. This is upheld by the Phase 1 study, which shows an extreme average age of old disposed cases, but a positive clearance rate for judges in the CoM (i.e., more dispositions than filings).
 - The importance of this Regulation is further emphasized by the specific inclusion of reaching the NORMS in the REGULATION ON THE EVALUATION OF PERFORMANCE OF JUDGES (KJC) 2 DEC. 2012).

- In addition, it is possible that the NATIONAL BACKLOG REDUCTION STRATEGY (August 2013) contributed to the buildup of aging cases from new filings by concentrating on disposing of all pending cases filed through 31 December 2011.
- A judge typically has one secretary. All pending cases are currently stored in each assigned judge's chamber. When shown examples of a full caseflow management system, the responses were that the judges and secretaries did not have the time to enter information contemplated in such a system.

Interestingly, the distribution of work in case management is not in accordance with REGULATION ON INTERNAL ORGANISATIONS OF THE COURTS (KJC 4 January 2012). This Regulation contemplates a significant amount of caseflow management to be performed by a Case Management Office (CMO). The CMO is to support all aspects of handling, processing and monitoring the flow of cases for all judges. This includes storage of case files unless actively being used by judges, issuing notices and documents as ordered by the judge, and monitoring the progress of cases.

If the CMO is made fully operational, it could certainly perform the tasks of caseflow management, and alert judges to impending deadlines. In addition, while additional staff may be required, centralizing these functions could result in economies of scale, as contrasted with providing additional staffing for each judge's office.

- It is not clear that, absent specific statutory authority, the judges would take actions to force compliance with good caseflow management practices.

As discussed in 3.0 – Findings, we believe that EROL case registration system can be adapted for use as a viable caseflow management system. It currently can accommodate most of the data used in this analysis, and to produce reports displaying the status of case processing. USAID has expressed support for this approach, and PRP is seeking to determine the feasibility of adapting the case registration system. It is not clear, however, how many courts are actively using the case registration system. It requires an internet connection with servers located in the KJC, and maintaining the connection has been problematic. Consequently, before the courts will be able to use this system for caseflow management, it needs to be modified, and reliable internet access will need to be secured.

- **Finally, in viewing the court operations for the civil cases, there is NO difference in the processing and treatment of property rights cases as compared with all other civil cases. This indicates that there are less than optimal practices in civil case management generally.**

Data was not consistently available for the date that a case was assigned to a judge.

There are 272 cases in which the assignment date could not be determined. Also, there are instances where the number of days from registration to assignment is over 2,000. This data, however, may be incomplete and inaccurate. We learned that cases were assigned, and then reassigned, as a result of a process of reappointing judges and recruiting new judges. Tracking that information was very difficult because these assignment actions are recorded in internal notebooks.

The lack of prompt and consistent assignment of judges is troublesome. A key component of effective caseflow management is the early assignment of responsibility for a case to a judge.

Data was not consistently available for the date on which a defendant received a copy of the complaint, as reported to the court.

Only 554 entries were made out of the 1,829 cases analyzed. The average number of days from registration to when the court was notified was 621. As with other data availability, it is not clear whether information about the date of the defendant notification was complete.

Data on notices sent to participants was relatively complete.

A total of 17,498 notices were sent in processing 1,829 cases, for an average of 9.6 notices per case. Court messengers served 11,462, of which 606 failed, or approximately 5 percent. The Post Office was used to send 5,000 notices, of which 1,161 failed, or 23 percent.

Further inquiries need to be made regarding the indicated lack of success in notices to defendants, as well as the number of notices required by legislation.

There are an unacceptable number of days from registration to the first session.

There is an average of 579 days from registering a case to the first session. The maximum number of days was 4,237. This is somewhat alleviated by the median wait of 260 days.

The number of Preliminary Hearing Sessions and Main Hearing Sessions appears to be reasonable. However, there are some enormous spans of time between the first and last sessions.

There were 1,015 sessions of Preliminary Hearings, less than one per case. This is explainable by some cases moving directly to a Main Hearing, or parties reaching an agreement before the first session. The longest span from the first to the last preliminary session was 3,730 days.

Of the 1,015 preliminary hearing sessions, 887 were rescheduled sessions. The most common reasons were:

Absence of a defendant:	236
Appointment of an expert	106
Property examination	96
Correction of claim	82
Appointment of a Temporary Rep	81
Absence of a plaintiff	74
Non-notification of Defendant	50

It is important to note that on 360 occasions, a case had to be rescheduled because of the absence of a plaintiff or defendant, or the lack of notification of the death of a defendant. This is 41 percent of the total reported reasons for rescheduling, which is a significant proportion. Further investigation of the circumstances leading to the need for rescheduling is warranted. For example, is there a fault or problem in sending notices for scheduled appearances?

There were 3,382 sessions of Main Hearings, or about 1.8 sessions per case. The longest span was 4,912 days.

Of the 3,382 main hearing sessions, 2,687 were rescheduled sessions. The most common reasons were:

Absence of a defendant:	516
Property examination	335
Appointment of an expert	327
Collection of new evidence	272
Absence of the plaintiff	227
Proposal for a hearing witness	214
Correction of claim	185
Absence of attorney	144
App't of a Temp. Rep.	144

It is important to note that on 887 occasions, a case had to be rescheduled because of the absence of a plaintiff, defendant, or attorney. This is 33 percent of the total reported reasons for rescheduling. Further investigation of this is warranted to determine if stronger sanctions are needed to ensure the parties to the case, especially lawyers, appear before the court and do not capriciously delay the proceedings. Further investigation of the correction of claims is also indicated, to determine if this can be accomplished in a more efficient manner and earlier in the proceedings.

7.0 APPENDICES

APPENDIX 1: CASE CATEGORIES, DISPOSITIONS, AND CASEFLOW MANAGEMENT COMPONENTS

Categories of Property Rights Cases

1. Acquisition of rights on property based on inheritance law

This occurs when one of the heirs was not recognized as the legal heir and did not inherit any property. This category also includes cases in which the property of the deceased is currently in ownership of a third party based on contract on sale, but at the time of death the heirs were not aware of the transaction. In addition, a few disputes are related to the portion of the inheritance property based on the amount of contribution by heirs for maintaining the property during the time where the deceased was alive and had family property or joint ownership.

2. Acquisition of rights on property based in contracts

This includes issues of contract on sale, contract on gifts, contract on life custody, and adverse possession.

3. Interruption of possession

This includes access to the property, property boundaries (e.g., as a result of non-definition of land borders), and parties interrupting each other's free use and possession of the property.

4. Illegal occupation or possession of the property

This is related to parties that have possession of the property without any legal basis. The claimants (the legal owners) ask the court to issue a judgment to obligate the defendant to return the property to the legal owner and also compensate the cost of repairing any damage resulting from the illegal occupation.

5. Constitution of Servitudes rights (Easements)

Claimants are asking the court to allow parties for different pathways across two or more pieces of property or allowing an individual that is not an owner temporary or permanent use of property.

6. Reimbursement of expropriated property

This includes a claim that a municipality or the national government is using property for the general interest of society and failed to compensate the owner for the use, or did not properly evaluate the value of the property.

7. Temporary measures/security measures included in claim

8. Temporary measures/security measures without another claim

Temporary Measures are the most frequent cases, in which a party with that has an interest in a specific property asks the court to issue an order to forbid and/or freeze the property from any transaction or use by anyone until a dispute related to that property is resolved.

When a temporary measure/security measure is included within a broader claim, it results in recording an “additional” Case under Category 7. When a temporary measure/security measure is filed by itself an additional Case is recorded under Category 8.

Dispositions

- Mediation
 - Number of cases sent to mediation
 - Number of agreements

- RCodes for Decisions and Judgments
 - Act-decision (procedural dismissing decision)
 - 1. Aktvendim mbi terheqjen e padise nga paditesi-t/ Act-decision based on plaintiffs withdraw from the suit
 - 2. Aktevendim per mos rregullimin e padise apo kerkese padites nga paditesi/ Act-decision for non-correction of the suit or claim requests
 - 3. Aktevendim per mospjesmartje te paditesit ne shqyrtim gjyqsore/ Act-decision based on attendance of the plaintiff on hearing
 - 4. Aktvendim per mos pagesen e takses gjyqsore/ Act-decision as result of non-payment of court fee
 - 5. Aktvendim mbi zgjidhjen jashtegjyqsore te kontestit nga ana e paditesit / Act-decision based on plaintiffs dispute resolution outside of the court

Aktgjykimin/ Judgment

1. Aktgjykimi i pjeseshëm / Partial Judgment
2. Aktgjykimi ne baze te pohimit / Judgment based on affirmation of the defendant related to the plaintiffs claim
3. Aktgjykimi ne baze te heqjes dore nga kërkesëpadia / Judgment based on plaintiffs withdraw from the requests on claim
4. aktgjykimi për shkak të padëgjueshmerisë / mosbindjes/ judgment based on disobedience of parties
5. Aktgjykimi për shkak të mungesës/ Judgment based on absence of the parties
6. aktgjykimi pa shqyrtim kryesor te çështjes/ Judgment without review of the main hearing subject matters

Case Processing Components

- Time from Case Registration to Assignment of Judge
- Whether a case was appealed
- Property identification (are there multiple cases concerning one property)
- Ownership of property
 1. Private Property
 2. Social Property
 3. Social Property Permanent Use
 4. Social Property Temporary Use
- Type of Property
 1. House
 2. Flat/Apartment
 3. Shop
 4. Agricultural Land
 5. Urban Land
 6. Forest

- Plaintiffs
 - Number
 - Number of males
 - Number of females
 - Number outside of Kosovo
 - Ethnicity
 1. Albanian
 2. Serbian
 3. Turkish
 4. RAE
 5. Other
 6. Multiple
 - Number of attorneys
 - Number of Plaintiff Representatives
 - Number of Legal Entities
- Defendants
 - Number
 - Number of males
 - Number of females
 - Number outside of Kosovo
 - Ethnicity
 1. Albanian
 2. Serbian
 3. Turkish
 4. RAE
 5. Other
 6. Multiple
 - Number of attorneys
 - Number of Defendant Representatives
 - Temporary Representative
 - Number of Legal Entities
- Notices
 - Number of cases of no indication of defendant receiving notice of complaint
 - Number of days between Registration to Receipt of Notice by Defendant
 - Number of notices sent by court messenger
 - Number of failures of notices by court messenger
 - Number of notices sent by post service
 - Number of failures of notices by post service
- Session Information
 - Elapsed time from registration to first session
 - Number of sessions
 - Initial reasons for rescheduling for both preliminary and main hearing sessions
 - Dismissed on Procedural Grounds
 - For Plaintiff
 - For Defendant
 - Reasons for rescheduling for both preliminary and main hearing sessions
 1. Përmirësimi – plotësimi i padisë/ correction of claim
 2. Njoftim i parregullt/mosnjoftim i të paditurit për padinë/ non notification of defendant with suit
 3. Paditësi nuk ka ardhur në séance/ absence of the plaintiff in hearing
 4. I padituri nuk ka ardhur në séance/ absence defendant in hearing
 5. Caktimi i përfaqësuesit të përkohshëm/ appointment of the Legal Temporary Representative
 6. Vendshikim/ property examination- filed work

7. Caktimi i ekspertit/ appointment of expert
8. Mbledhja dhe prezentimi i provave të reja/ collection and presentation of new evidences
9. Propozimi për dëgjim të dëshmitarëve/ proposal for hearing witnesses
10. Dëshmitari nuk ka ardhur/ absence of witness
11. Dërguar për ndërmjetësim / case send to mediation
12. Kërkesa e të dy palëve për të diskutuar marrëveshjen / proposal by plaintiff and defendant for discussing the possible agreement
13. Avokati mungon / Absence of the Attorney
14. Gjyqtari mungon / absence of Judge
15. Eksperti nuk ka ardhur ose nuk e ka dorëzuar raportin/ absence of Expert or non-delivery of the expert report
16. Zyra e kadastrit nuk ka ardhur ose nuk e ka dorëzuar dokumentin e kërkuar / Absence of Cadaster Office Representative or non-delivery of the required information
17. Zyra e regjistrat civil nuk ka ardhur ose nuk e ka dorëzuar dokumentin e kërkuar / Absence of the Civil Status Office Representative or non-delivery of the required information
18. Kërkesë për përjashtim të gjyqtarit/ request for dismissal of the judge from the case
19. Kërkesë për përjashtim të gjykatës/ request for dismissal of the court on proceeding with the case
20. Ndërprerja e seancës për 180 ditë kur i padituri është person juridik / hold of the hearing on 180 days in cases where the defendant is state agency
21. Vdekja e palës-udhëzim për përfundimin e trashëgimisë/ death of the party and advise for determination the legal hear for continuation of the preceding
22. Per shkak te festave/ because of official holidays (the hearing was scheduled on holiday time)
23. Per pagesen e takses gjyqesore-ekspertit per ekspertize/non -payment of the experts fee
24. Autorizimi per perfaqesim I vertetuar ne gjykatën paralele ne Serbi / lack of power of attorney (some attorneys has the power of attorney certified in Serbia which is not recognized by Kosovo)
25. Paditesi/I padituri është I semure / due the sickness of parties
26. Me kerkese te dy paleve: paditesit dhe te paditurit per shtyerje/ request by plaintiff and defendant for postponement

APPENDIX 2: INSTRUCTIONS FOR ENTERING DATA INTO SPREADSHEETS

KOSOVO PROPERTY RIGHTS PROGRAM

INSTRUCTIONS FOR PREPARING AND E-MAILING CASE PROCESSING DATA COLLECTION EXCEL SPREAD SHEETS

REVISED 23 JUNE 2015

1. On your computer, find and open KOSOVO CLOSED CASE ANALYSIS – TEMPLATE. This file will open in Excel.
2. When the TEMPLATE is opened, click on **File**.
3. Click on **Save As**.
4. Delete the word **TEMPLATE**. Replace with your last name and today's date in yyyy-mm-dd format. For example, if Enver is opening and preparing a file for work on 19 June 2015, the opened file will appear as:

KOSOVO CLOSED CASE ANALYSIS-TEMPLATE REVISED 01-08-2015

Enver would rename the TEMPLATE file, and the **Saved As** file name would be:

KOSOVO CLOSED CASE ANALYSIS REVISED 01-08-2015 – FEJZULLAHI 2015-06-19

5. Enter the data from the case files directly into the spread sheet.
6. Save the file.
7. At the end of each day, attach the file to an e-mail and send to three people:
 - a. Enver Fejzullahi: Enver.Fejzullahi@prpkos.com
 - b. Ronald Stout: ronstout@optimum.net
 - c. Fadil Sadiku: fadil.sadiku@prpkos.com
8. **DO NOT delete any daily file unless directed to do so by Enver.**
9. Repeat from Step One for the next day's work.

KOSOVO PRP CASE PROCESSING DATA COLLECTION DEFINITIONS, CODING INSTRUCTIONS, AND DATA ENTRY INTO SPREAD SHEET

PURPOSE OF THIS DOCUMENT: Standardize the entry of information into the KOSOVO PRP CLOSED CASE ANALYSIS spread sheet.

CASE IDENTIFICATION

NAME OF COURT – Example: FERIZAJ BC

CASE NUMBER – Assigned by court

CATEGORIES OF CASE – Enter the number code only

1. **Acquisition of rights on property based on inheritance law**

This occurs when one of the heirs wasn't recognized as the legal heir and didn't inherit any property. This sub-category also includes cases in which the property of the deceased is currently in ownership of a third party based on contract on sale, but at the time of death the heirs were not aware of the transaction. In addition, a few disputes are related to the portion of the inheritance property based on the amount of contribution by heirs for maintaining the property during the time where the deceased was alive and had family property or joint ownership.

2. **Acquisition of rights on property based in contracts**

This sub-category includes contract on sale, contract on gifts, contract on life custody, adverse possession, etc.

3. **Interruption of possession**

These types of disputes between parties are mainly concerning access to the property, disputes over property boundaries (e.g., as a result of non-definition of land borders), and parties interrupting each other's free use and possession of the property.

4. **Illegal occupation or possession of the property**

These cases are related to parties that have possession of the property without any legal basis. The claimants (the legal owner) ask the court to issue a judgment to obligate the defendant to return the property to the legal owner and also compensate the cost of repairing any damage resulting from the illegal occupation.

5. **Constitution of Servitudes rights (Easements)**

Claimants are asking the court to allow parties for different pathways across two or more pieces of property or allowing an individual that is not an owner temporary or permanent use of property.

6. **Reimbursement of expropriated property**

Cases in which the claim is that a municipality or the national government is using property for the general interest of society and failed to compensate the owner for the use, or did not properly evaluate the value of the property.

7. **Temporary measures/security measures included in claim**

8. **Temporary measures/security measures without another claim**

Temporary Measures are the most frequent cases, in which a party, regardless if is an owner or third party that has an interest in a specific property, asks the court to issue an order to forbid and freeze the property from any transaction or use by anyone until a dispute related to that property is resolved.

When a temporary measure/security measure is included within a broader claim, create an additional Case Processing Form and enter Category 7. When a temporary measure/security measure is filed by itself create an additional Case Processing Form and enter Category 8.

GROUND FROM CLAIM – Enter short description from the claim

DATE REGISTERED – enter date that case was registered in the intake office

DATE ASSIGNED TO JUDGE – enter date that case was assigned to a judge

RETRIAL FROM APPELLATE COURT CASE #'S – If the case has been appealed and returned to the Basic Court for retrial, the case will be assigned a new case number. Enter the original case numbers of the Basic Court.

PROPERTY INFORMATION

NAME OF LOCATION OF PROPERTY – Enter the name of the village and municipality in which the property is located.

PROPERTY # - Enter the lot number of the property from the Cadaster Office

OWNERSHIP OF PROPERTY – Enter the number code only.

1. Private Property
2. Social Property
3. Social Property Permanent Use
4. Social Property Temporary Use

TYPE OF PROPERTY – Enter the number code only.

1. House
2. Flat/Apartment
3. Shop
4. Agricultural Land
5. Urban Land
6. Forest

PLAINTIFFS AND DEFENDANTS

PLAINTIFFS AND DEFENDANTS column headings:

PLAINTIFFS:

MALE – enter number

FEMALE – enter number

PLAINTIFFS OUTSIDE KOSOVO - If the plaintiff lives in a foreign country, enter the number of the plaintiffs.

ETHNICITY – Enter the number code only.

1. Albanian

2. Serbian
3. Turkish
4. RAE
5. Other
6. Multiple

PLAINTIFF ATTORNEYS - Enter number of attorneys

PLAINTIFF REPRESENTATIVE – enter number

LEGAL ENTITY – if a legal entity, enter the number.

DEFENDANTS:

MALE – enter number

FEMALE – enter number

DEFENDANTS OUTSIDE KOSOVO - If the plaintiff lives in a foreign country, enter the number of the plaintiffs.

ETHNICITY – Enter the number code only.

1. Albanian
2. Serbian
3. Turkish
4. RAE
5. Other
6. Multiple

DEFENDANT ATTORNEYS - Enter number of attorneys

DEFENDANT REPRESENTATIVE – enter number

LEGAL ENTITY – if a legal entity, enter the number.

TEMPORARY REPRESENTATIVE – If the defendant is absent, the judge appoints a legal representative - Y/N

NOTICES

DATE COMPLAINT RECEIVED BY DEFENDANT AS REPORTED TO COURT

ALL OTHER NOTICES – Enter

- Total number of notices,
- Number served by Court Messenger
- Number not answered
- Number served by Post Office
- Number not answered

TOTAL # OF EXPERTS – Enter the total number of all expert witnesses called during the case.

MEDIATION

DATE SENT TO MEDIATION – enter the date that the judge ordered the case to mediation

DATE RETURNED FROM MEDIATION – enter the date that the court received the decision of the mediation.

MEDIATION AGREEMENT – Y/N

BASIC COURT DECISION – JUDICIAL AGREEMENT – JUDGMENT

DECISION DATE

DECISION – enter the code number

1. Aktvendim mbi terheqjen e padise nga paditesi-t/ Act-decision based on plaintiffs withdraw from the suit
2. Aktevendim per mos rregullimin e padise apo kerkese padites nga paditesi/ Act-decision for non-correction of the suit or claim requests
3. Aktevendim per mospjesmarrje te paditesit ne shqyrtim gjyqsore/ Act-decision based on attendance of the plaintiff on hearing
4. Aktvendim per mos pagesen e takses gjyqsore/ Act-decision as result of non-payment of court fee
5. Aktvendim mbi zgjidhjen jashtegjyqsore te kontestit nga ana e paditesit / Act-decision based on plaintiffs dispute resolution outside of the court
6. Aktvendim - Nderprehet procedura per shkak te vdekjes se paditesit/te paditurit/ Decision – Interruption of the trial due to the death of one of the parties
7. Aktvendim - Aprovohet padia/kerkesepadia (per rastet e pengim posedimit)/Decision – The Claim is approved (also for cases of Interruption of Possession)
8. Aktvendim -Refuzohet padia/kerkesepadia (per rastet e pengim posedimit)/ The Claim is not approved (also for cases of Interruption of Possession)
9. Aktvendim – Nderprehet seanca per shkak te gjyqvaresise/ The proceeding is interrupted due to litispence
10. Aktvendim- Gjykata shpallet inkompetente/ Decision – The court is declared incompetent
11. Aktvendim- padia hidhet poshte - si e parregullt / e pasafatshme/ Decision – the claim is rejected as being irregular/untimely
12. Gje e Gjykuar - Res Judicata
13. Mungon Historiati Kadastral- Librat jane ne Serbi/ Cadastre records missing, Cadastre Registry Books are in Serbia
14. Nderpritet procedura sipas Nenit 278 / Proceeding is interrupted pursuant to Article 278
15. Aktvendim –Lejohet/Aprovohet Masa e Sigurise/e Perkohshme/ Decision – Security/Temporary Measure is approved
16. Aktvendim – Refuzohet Masa e Sigurise/ e Perkohshme/ Decision – Security/Temporary Measure is refused
17. Aktvendim – Nderpritet Procedura me kerkesen e paleve/ The proceeding is interrupted upon the request of the parties

WRITTEN DECISION DATE

JUDICIAL AGREEMENT DATE

WRITTEN JUDICIAL AGREEMENT DATE

JUDGMENT DATE

JUDGMENT – enter code

1. Aktgjykimi i pjeseshëm / Partial Judgment
2. Aktgjykimi ne baze te pohimit / Judgment based on affirmation of the defendant related to the plaintiffs claim
3. Aktgjykimi ne baze te heqjes dore nga kërkesëpadia / Judgment based on plaintiffs withdraw from the requests on claim
4. aktgjykimi për shkak të padëgjueshmerisë / mosbindjes/ judgment based on disobedience of parties
5. Aktgjykimi për shkak të mungesës/ Judgment based on absence of the parties
6. aktgjykimi pa shqyrtim kryesor te çështjes/ Judgment without review of the main hearing subject matters
7. Aktgjykim- aprovohet padia/kerkesepadia/ Judgment – the claim is approved
8. Aktgjykim-refuzohet padia/kerkesepadia/ Judgment – the claim is not approved (refused)

PRELIMINARY HEARING SESSION

DATE THE FIRST SESSION WAS STARTED

DATE THE LAST SESSION WAS ENDED

NUMBER OF SESSIONS – enter the number of sessions

RESCHEDULE REASON CODE – FOR BOTH PRELIMINARY AND MAIN SESSIONS – Enter the number of times each code was used, as follows:

1. Përmirësimi – plotësimi i padisë/ correction of claim
2. Njoftim i parregullt/mosnjoftim i të paditurit për padinë/ non notification of defendant with suit
3. Paditësi nuk ka ardhur në séance/ absence of the plaintiff in hearing
4. I padituri nuk ka ardhur në séance/ absence defendant in hearing
5. Caktimi i përfaqësuesit të përkohshëm/ appointment of the Legal Temporary Representative
6. Vendshikim/ property examination- filed work
7. Caktimi i ekspertit/ appointment of expert
8. Mbledhja dhe prezentimi i provave të reja/ collection and presentation of new evidences
9. Propozimi për dëgjim të dëshmitarëve/ proposal for hearing witnesses
10. Dëshmitari nuk ka ardhur/ absence of witness
11. Dërguar për ndërmjetësim / case send to mediation
12. Kërkesa e të dy palëve për të diskutuar marrëveshjen / proposal by plaintiff and defendant for discussing the possible agreement
13. Avokati mungon / Absence of the Attorney
14. Gjyqtari mungon / absence of Judge
15. Eksperti nuk ka ardhur ose nuk e ka dorëzuar raportin/ absence of Expert or non-delivery of the expert report
16. Zyra e kadastrit nuk ka ardhur ose nuk e ka dorëzuar dokumentin e kërkuar / Absence of Cadaster Office Representative or non-delivery of the required information
17. Zyra e regjistrimit civil nuk ka ardhur ose nuk e ka dorëzuar dokumentin e kërkuar / Absence of the Civil Status Office Representative or non-delivery of the required information
18. Kërkesë për përjashtim të gjyqtarit/ request for dismissal of the judge from the case
19. Kërkesë për përjashtim të gjykatës/ request for dismissal of the court on proceeding with the case
20. Ndërpërja e seancës për 180 ditë kur i padituri është person juridik / hold of the hearing on 180 days in cases where the defendant is state agency
21. Vdekja e palës-udhëzim për përfundimin e trashëgimisë/ death of the party and advise for determination the legal hear for continuation of the preceding
22. Per shkak te festave/ because of official holidays (the hearing was scheduled on holiday time)

23. Per pagesen e takses gjyqesore-ekspertit per ekspertize/non -payment of the experts fee
24. Autorizimi per perfaqesim I vertetuar ne gjykatën paralele ne Serbi / lack of power of attorney (some attorneys has the power of attorney certified in Serbia which is not recognized by Kosovo)
25. Paditesi/I padituri është I semure / due the sickness of parties
26. Me kerkese te dy paleve: paditesit dhe te paditurit per shtyerje/ request by plaintiff and defendant for postponement
27. Per shkak te kushteve atmosferike-vendngjarje/ Due to weather condition on-site inspection
28. Pengim I procedures nga pjesemarresit/ Impediment of the proceeding by other participants

MAIN HEARING SESSIONS

DATE THE FIRST SESSION WAS STARTED

DATE THE LAST SESSION WAS ENDED

NUMBER OF SESSIONS – enter the number of sessions

RESCHEDULE REASON CODE – Enter the number of times each code was used. Select from list for PRELIMINARY HEARING SESSIONS, above.

APPENDIX 3: KOSOVO JUDICIARY CASEFLOW MANAGEMENT SHEETS

INSTRUCTIONS FOR USE

KOSOVO JUDICIARY CASE PROCESSING STATUS SHEET AND KOSOVO JUDICIARY CASE INVENTORY SHEET KOSOVO JUDICIARY CASE PROCESSING STATUS SHEET

CASE IDENTIFICATION

NAME OF COURT – Example: FERIZAJ BC
CASE # – Registry number assigned by court
DATE REGISTERED: Date registered in court

NOTE: THE CASE CATEGORIES SHOWN BELOW ARE FOR PROPERTY RIGHTS CASES ONLY. CASE CATEGORIES FOR EACH TYPE OF CIVIL CASE WILL HAVE TO BE DEVELOPED BEFORE USE.

CASE CATEGORY – Enter the number code only from list below

1. **Acquisition of rights on property based on inheritance law**
This occurs when one of the heirs wasn't recognized as the legal heir and didn't inherit any property. This sub-category also includes cases in which the property of the deceased is currently in ownership of a third party based on contract on sale, but at the time of death the heirs were not aware of the transaction. In addition, a few disputes are related to the portion of the inheritance property based on the amount of contribution by heirs for maintaining the property during the time where the deceased was alive and had family property or joint ownership.
2. **Acquisition of rights on property based in contracts**
This sub-category includes contract on sale, contract on gifts, contract on life custody, adverse possession, etc.
3. **Interruption of possession**
These types of disputes between parties are mainly concerning access to the property, disputes over property boundaries (e.g., as a result of non-definition of land borders), and parties interrupting each other's free use and possession of the property.
4. **Illegal occupation or possession of the property**
These cases are related to parties that have possession of the property without any legal basis. The claimants (the legal owner) ask the court to issue a judgment to obligate the defendant to return the property to the legal owner and also compensate the cost of repairing any damage resulting from the illegal occupation.
5. **Constitution of Servitudes rights (Easements)**
Claimants are asking the court to allow parties for different pathways across two or more pieces of property or allowing an individual that is not an owner temporary or permanent use of property.
6. **Reimbursement of expropriated property**
Cases in which the claim is that a municipality or the national government is using property for the general interest of society and failed to compensate the owner for the use, or did not properly evaluate the value of the property.
7. **Temporary measures/security measures included in claim**
8. **Temporary measures/security measures without another claim**

Temporary Measures are the most frequent cases, in which a party, regardless if is an owner or third party that has an interest in a specific property, asks the court to issue an order to forbid and freeze the property from any transaction or use by anyone until a dispute related to that property is resolved.

When a temporary measure/security measure is included within a broader claim, create an additional Case Processing Form and enter Category 7. When a temporary measure/security measure is filed by itself create an additional Case Processing Form and enter Category 8.

ASSIGNED JUDGE HISTORY

NAME OF JUDGE: Judge assigned to the case

DATE ASSIGNED TO JUDGE – enter date that case was assigned to the judge

NOTE: If the case is reassigned, retain the STATUS SHEET with the file folder, and enter the NAME OF JUDGE and DATE ASSIGNED of the reassignment

RETRIAL FROM APPELLATE COURT CASE #'S – If the case has been appealed and returned to the Basic Court for retrial, the case will be assigned a new case number. Enter the original case numbers of the Basic Court.

PROPERTY INFORMATION

NAME OF LOCATION OF PROPERTY – Enter the name of the village and municipality in which the property is located.

PROPERTY # - Enter the lot number of the property from the Cadaster Office

OWNERSHIP OF PROPERTY – Enter the number code only.

1. Private Property
2. Social Property
3. Social Property Permanent Use
4. Social Property Temporary Use

TYPE OF PROPERTY – Enter the number code only.

1. House
2. Flat/Apartment
3. Shop
4. Agricultural Land
5. Urban Land
6. Forest

PLAINTIFFS AND DEFENDANTS

P/D – enter P for Plaintiff, D for Defendant

PLAINTIFF/DEFENDANT NAME – enter name of plaintiff or defendant

ATTORNEY NAME – enter name of attorney, if any

M/F – enter M for male plaintiff/defendant, F for female plaintiff/defendant

OUTSIDE KOSOVO? - If the plaintiff or defendant lives in a foreign country, enter Y for yes

ETHNICITY – Enter the number code only.

1. Albanian
2. Serbian
3. Turkish
4. RAE
5. Other
6. Multiple

APPOINTMENT OF DEFENDANT OR TEMPORARY REPRESENTATIVE

DEF REP APPOINTED DATE – if a defendant representative is appointed, enter date of appointment

TEMPORARY REP APPOINTED DATE – if a temporary representative for the defendant is appointed, enter date of appointment

NOTICES

(NEED TO DEVELOP CODES FOR TYPE OF NOTICE – E.G., C FOR COMPLAINT, E FOR EXPERT, ER FOR EXPERT REPORT, P FOR PRELIMINARY HEARING, M FOR MAIN HEARING)

NAME - enter name of person or organization

METHOD - C FOR COURT MESSENGER, M FOR MAIL

DATE ORDERED – Date ordered by court

DATE ANSWERED – Date answer received by court. If not answered, leave blank

SCHEDULED EVENTS

DATE – date of scheduled event

PURPOSE – Needs review by judges – could include MEDIATION, PRELIMINARY HEARING, MAIN HEARING, EXPERT REPORT DUE

OUTCOME – Needs review by judges – could include DECISION, JUDICIAL AGREEMENT, JUDGMENT, OR RESCHEDULE REASON CODES, shown below:

RESCHEDULE REASON CODE – FOR BOTH PRELIMINARY AND MAIN SESSIONS

1. Përmirësimi – plotësimi i padisë/ correction of claim
2. Njoftim i parregullt/mosnjoftim i të paditurit për padinë/ non notification of defendant with suit
3. Paditësi nuk ka ardhur në séance/ absence of the plaintiff in hearing
4. I padituri nuk ka ardhur në séance/ absence defendant in hearing
5. Caktimi i përfaqësuesit të përkohshëm/ appointment of the Legal Temporary Representative
6. Vendshikim/ property examination- filed work
7. Caktimi i ekspertit/ appointment of expert
8. Mbledhja dhe prezentimi i provave të reja/ collection and presentation of new evidences
9. Propozimi për dëgjim të dëshmitarëve/ proposal for hearing witnesses
10. Dëshmitari nuk ka ardhur/ absence of witness
11. Dërguar për ndërmjetësim / case send to mediation
12. Kërkesa e të dy palëve për të diskutuar marrëveshjen / proposal by plaintiff and defendant for discussing the possible agreement
13. Avokati mungon / Absence of the Attorney
14. Gjyqtari mungon / absence of Judge
15. Eksperti nuk ka ardhur ose nuk e ka dorëzuar raportin/ absence of Expert or non-delivery of the expert report
16. Zyra e kadastrit nuk ka ardhur ose nuk e ka dorëzuar dokumentin e kërkuar / Absence of Cadaster Office Representative or non-delivery of the required information
17. Zyra e regjistrisë civile nuk ka ardhur ose nuk e ka dorëzuar dokumentin e kërkuar / Absence of the Civil Registry Office Representative or non-delivery of the required information
18. Kërkesë për përjashtim të gjyqtarit/ request for dismissal of the judge from the case
19. Kërkesë për përjashtim të gjykatës/ request for dismissal of the court on proceeding with the case
20. Ndërprerja e seancës për 180 ditë kur i padituri është person juridik / hold of the hearing on 180 days in cases where the defendant is state agency
21. Vdekja e palës-udhëzim për përfundimin e trashëgimisë/ death of the party and advise for determination the legal hear for continuation of the preceding
22. Per shkak te festave/ because of official holidays (the hearing was scheduled on holiday time)
23. Per pagesen e takses gjyqesore-ekspertit per ekspertize/non -payment of the experts fee
24. Autorizimi per perfaqesim I vertetuar ne gjykatën paralele ne Serbi / lack of power of attorney (some attorneys has the power of attorney certified in Serbia which is not recognized by Kosovo)
25. Paditësi/I padituri është I semure / due the sickness of parties
26. Me kerkese te dy paleve: paditesit dhe te paditurit per shtyerje/ request by plaintiff and defendant for postponement
27. Per shkak te kushteve atmosferike-vendngjarje/ Due to weather condition on site inspection

28. Pengim I procedures nga pjesemarresit/ Impediment of the proceeding by other participants

BASIC COURT DECISION – JUDICIAL AGREEMENT – JUDGMENT

TYPE – enter D for Decision, A for Agreement, J for Judgment

CODE – enter the code for the Decision or Judgment from the lists shown below:

DECISION CODES:

1. Aktvendim mbi terheqjen e padise nga paditesi-t/ Act-decision based on plaintiffs withdraw from the suit
2. Aktevendim per mos rregullimin e padise apo kerkese padites nga paditesi/ Act-decision for non-correction of the suit or claim requests
3. Aktevendim per mospjesmartje te paditesit ne shqyrtim gjyqsore/ Act-decision based on attendance of the plaintiff on hearing
4. Aktvendim per mos pagesen e takses gjyqsore/ Act-decision as result of non-payment of court fee
5. Aktvendim mbi zgjidhjen jashtegjyqsore te kontestit nga ana e paditesit / Act-decision based on plaintiffs dispute resolution outside of the court
6. Aktvendim - Nderprehet procedura per shkak te vdekjes se paditesit/te paditurit/ Decision – Interruption of the trial due to the death of one of the parties
7. Aktvendim - Aprovohet padia/kerkesepadia (per rastet e pengim posedimit)/Decision – The Claim is approved (also for cases of Interruption of Possession)
8. Aktvendim -Refuzohet padia/kerkesepadia (per rastet e pengim posedimit)/ The Claim is not approved (also for cases of Interruption of Possession)
9. Aktvendim – Nderprehet seanca per shkak te gjyqvaresise/ The proceeding is interrupted due to litispence
10. Aktvendim- Gjykata shpallet inkompetente/ Decision – The court is declared incompetent
11. Aktvendim- padia hidhet poshte - si e parregullt / e pasafatshme/ Decision – the claim is rejected as being irregular/untimely
12. Gje e Gjykuar - Res Judicata
13. Mungon Historiati Kadastral- Librat jane ne Serbi/ Cadastre records missing, Cadastre Registry Books are in Serbia
14. Nderpritet procedura sipas Nenit 278 / Proceeding is interrupted pursuant to Article 278
15. Aktvendim –Lejohet/Aprovohet Masa e Sigurise/e Perkohshme/ Decision – Security/Temporary Measure is approved
16. Aktvendim – Refuzohet Masa e Sigurise/ e Perkohshme/ Decision – Security/Temporary Measure is refused
17. Aktvendim – Nderpritet Procedura me kerkesen e paleve/ The proceeding is interrupted upon the request of the parties

JUDGMENT CODES

1. Aktgjykimi i pjeseshëm / Partial Judgment
2. Aktgjykimi ne baze te pohimit / Judgment based on affirmation of the defendant related to the plaintiffs claim
3. Aktgjykimi ne baze te heqjes dore nga kërkesëpadia / Judgment based on plaintiffs withdraw from the requests on claim
4. aktgjykimi për shkak të padëgjueshmerisë / mosbindjes/ judgment based on disobedience of parties
5. Aktgjykimi për shkak të mungesës/ Judgment based on absence of the parties
6. aktgjykimi pa shqyrtim kryesor te çështjes/ Judgment without review of the main hearing subject matters
7. Aktgjykim- aprovohet padia/kerkesepadia/ Judgment – the claim is approved
8. Aktgjykim-refuzohet padia/kerkesepadia/ Judgment – the claim is not approved (refused)

KOSOVO JUDICIARY CASE PROCESSING STATUS SHEET
 _____ **BASIC COURT**

CASE #: _____ DATE REGISTERED: ___/___/___ CASE CATEGORY: _____

ASSIGNED JUDGE HISTORY			
NAME OF JUDGE	DATE ASSIGNED	NAME OF JUDGE	DATE ASSIGNED

(TABLE CAN BE EXPANDED OR USE CONTINUATION TABLES AS EXPERIENCE DICTATES)

1ST RETRIAL #: _____ 2ND RETRIAL #: _____ 3RD RETRIAL #: _____

PROPERTY INFORMATION

NAME OF LOCATION OF PROPERTY	PROPERTY #	OWNERSHIP	TYPE OF PROPERTY

PLAINTIFFS AND DEFENDANTS

P/D	PLAINTIFF/DEFENDANT NAME	ATTORNEY NAME	M/F	OUTSIDE KOSOVO?	ETHNICITY

(TABLE CAN BE EXPANDED OR USE CONTINUATION TABLES AS EXPERIENCE DICTATES)

DEF REP APPOINTED DATE: ___/___/___ TEMPORARY REP APPOINTED DATE ___/___/___

NOTICES

TYPE OF NOTICE	NAME	METHOD (C OR M)	DATE ORDERED	DATE ANSWERED

(TABLE CAN BE EXPANDED OR USE CONTINUATION TABLES AS EXPERIENCE DICTATES)

SCHEDULED EVENTS								
DATE	PURPOSE	OUTCOME	DATE	PURPOSE	OUTCOME	DATE	PURPOSE	OUTCOME

(TABLE CAN BE EXPANDED OR USE CONTINUATION TABLES AS EXPERIENCE DICTATES)

BASIC COURT DECISION-JUDICIAL AGREEMENT-JUDGMENT							
TYPE	CODE	DATE	DATE DELIVERED	TYPE	DECISION CODE	DATE	DATE DELIVERED

(THIS CAN BE EXPANDED AS EXPERIENCE DICTATES)

KOSOVO JUDICIARY CASE INVENTORY SHEET

Each case as received by a judge should be entered into the CASE INVENTORY SHEET. This sheet should also be used when conducting an inventory of all pending cases in each judge's office. Each case on this sheet should be updated with the NEXT SCHEDULED EVENT DATE and the PURPOSE OF NEXT EVENT.

This SHEET can also be used when an inventory of every civil case is conducted.

JUDGE – Name of Judge

_____BASIC COURT – Example: FERIZAJ BC

CASE # – Registry number assigned by court

DATE REGISTERED: Date registered in court

CASE CATEGORY: the case categories for **each** type of civil case will have to be developed before use.

DATE ASSIGNED TO JUDGE – enter date that case was assigned to the judge

NEXT SCHEDULED EVENT DATE – enter the date that the next event will take place, or the date that a report or other action is due

PURPOSE OF NEXT EVENT - Needs development by judges – could include MEDIATION, PRELIMINARY HEARING, MAIN HEARING, EXPERT REPORT DUE,

DATE DISPOSED – Date that the final document closing the case (Decision, Agreement or Judgment) is delivered.

This sheet can be in either a word processing table or a spreadsheet. If it is maintained in a spreadsheet, the cases can be easily sorted by DATE REGISTERED, NEXT SCHEDULED EVENT DATE, or any of the other fields.

KOSOVO JUDICIARY CASE INVENTORY SHEET
_____ BASIC COURT

JUDGE _____

CASE #	DATE REGISTERED	CASE CATEGORY	DATE ASSIGNED	NEXT SCHEDULED EVENT DATE	PURPOSE OF NEXT EVENT	DATE DISPOSED

NOTE: THIS SHEET CAN BE MAINTAINED IN A WORD PROCESSING DOCUMENT OR SPREADSHEET. THE NEXT SCHEDULED EVENT DATE AND PURPOSE OF NEXT EVENT CAN BE OVERWRITTEN AS NEEDED.

U.S. Agency for International Development Kosovo

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